

*Lake Limerick C.C.*



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LAKE LIMERICK COUNTRY CLUB

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LLCC Community Compliance Committee Meeting (HYBRID)

Wednesday September 6, 2023 @ 10:00AM

**Meeting I.D.: 843 3883 2950 Passcode: 733716**

#### Meeting Agenda

**Call to Order:** Brian Smith – Chair, K. Summers –Vice Chair, B. Bakken, (excused), S. Smart, E. Stember, J. Ingemi,

**Previous Minutes:** August 7, 2023

#### **Chair's Intro:**

As new Chair, Brian led a general discussion of what has been working well in the compliance arena, what hasn't, and what might improve the latter. What is Working—using the attorney in resolving tough cases, and the threat of foreclosure where appropriate. What isn't working—threat of liens because the penalty is rarely an immediate action stimulating a change in behavior on the part of members not complying with the rules; getting letters out timely (which also led to a discussion of form letters and clerical assistance.) There were several follow up motions.

There was discussion on the register on both old and new cases, as well as resolved cases. B. Smith would like to revise the current register and have it openly posted each month. The reasons for making the register more readily visible are several-fold: it shows the LLCCC community that the HOA cares and is seeking to correct instances of non-compliance that impact neighborhood quality of life; it shows that the HOA doesn't play favorites and seeks to correct all problems in all divisions; and it can provide a chilling effect to those members who think they can flout the HOA rules with impunity and therefore acts to discourage bad behavior before it starts. There was further discussion on this and the Committee members present agreed to provide the BOD meetings with a version without member names.

#### **Old Business:**

Fine listing from QuickBooks – J. Ingemi stated that he will provide this for each meeting for the Committee.

A Committee member brought up the issue of Short -Term Rentals (e.g., Airbnb, Vrbo, etc.). There is currently one property on the Compliance Register where the short term tenants have used the lake in apparent violation of the LLCC HOA By-Laws, and in fact the owner/member not only advertises that he has kayaks available for use, but that short term renter can bring their own boats (no specification of type). **The Compliance Committee needs BOD policy guidance and direction with regard to complaints about STRs.**

#### **Register Review: New Number of cases by Division**

Division 01 = 1, Division 02 = 3, Division 03 = 3, Division 04 = 6, Division 05 = 7, Division 2R = 0

#### **New Business:**

Membership Roster updates – J. Ingemi will ask the office for regular updates to the list.

***A motion was made by S. Smart and seconded by E. Stember to request the BOD provide a paid secretary or provide administrative support from the HOA for the Compliance Committee – due to the type of work that is done (correspondence and record-keeping that must often support serious legal actions. Motion passed with one abstention.***

A number of long-term compliance cases have “gone to Legal.” Some particularly problematic cases (e.g., Clonakilty) have yet to be resolved even after involving the HOA’s attorney and court filings. There is a clear need to ensure the Committee’s actions and recommendations to the BOD will support the most effective legal actions if required. One member noted that this ability to confer with Counsel was spelled out in the original Architectural Committee Resolution when that committee had both permitting and compliance responsibilities.

***A motion was made by J. Ingemi and seconded by S. Smart to allow the Chairperson of the Compliance Committee to have reasonable access to the HOA attorney, preferably with a BOD member/CAM also present to discuss and prepare effective compliance case strategies. Motion passed unanimously.***

The Clonakilty issue is still ongoing, and it is unclear where we are and what our next steps should be in resolving the debacle. Members present agreed we should issue another maximum fine letter for the black plastic fence, and another for the new “tower” of trash adjacent to Mason Lake Road. The CAM has been asked for current legal status

#### **Open Discussion:**

Should we do follow-up letters on pending fines? Members “not” in good standing. J. Ingemi brought up the issue of sending letters to members who have not paid their fines or have not bothered to set up a payment plan for them. The letter will state that we will put a lien on the property and that would entail a \$500.00 fee for putting a lien on the account and \$500.00 for

removal of the lien. We are hoping that these letters will remind these members that fines are considered assessments.

The issue of who is responsible for keeping track of compliance fines levied, and particularly the payment, or non-payment of fines was discussed—currently the Compliance Committee is keeping track of fines, and keeping cases on the compliance register that are technically resolved except for the payment of fines. On the one hand, there has been a concern voiced that the HOA admin office has not viewed keeping track of fines as a priority.

A counter-argument can be made that any fines are levied by the BOD, not the committee. Therefore, they represent an assessment no different from other assessments like dues, water bills, permit fees, etc. levied by the BOD on members and it should be the HOA's administrative responsibility to keep clear records of what is owed, and collect the compliance fines with the same due diligence applied to any member's assessments in arrears. This deserves further discussion with the BOD.

#### **Adjournment:**

John Ingemi moved to adjourn; seconded by Susan and passed unanimously.

#### **MOTIONS TO THE BOD:**

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