

October 22, 2021 - Revised October 26, 2021

To: All Rosedale Community Council Members

Subject: Recap from committee meeting – 10/20/2021

*Please see additional comments provided after this document was published. Additions will be italicized.*

The meeting of the Rosedale Community Council was called to order by Chairman Mike Zinn. Due to continued covid concerns, the meeting was held via Zoom. 10 RCC members were in attendance, with 8 of the 14 HOA communities represented and 2 of the non-HOA communities represented. We also had 10 homeowners join our meeting. Joe and Kellie Miller of Miller Results continue to facilitate, assist with any technical issues, and conduct polling on proposals.

Mike reviewed the agenda, then affirmed we should be good until the end of the year financially. Mike confirmed that we had clubhouse space until the middle of 2022 at no charge. A poll was taken of all those in attendance to move to face-to-face meetings. Results were 65% in favor of face-to-face, 24% said no, and 12% were undecided. With that, we decided to have November's meeting at the clubhouse, but following additional discussion agreed to also retain Miller Results and utilize Zoom as well. Mike and Chuck to meet after the meeting with Miller to work out logistics.

Mike moved the open discussion portion of the meeting up so residents would have adequate time to voice any questions or concerns. The first subject discussed was the mandatory social membership situation for the Links residents and the steep increases CH6 (the golf club ownership) has initiated over the past several years.

Bob Scully from the Links thought it peculiar that the master board showed no interest to be involved in the discussion with the Links residents when the subject was brought up at the master board meeting last week. He believed this issue was no less significant than the CC&R issues the board went to court for around CH6 exceptions. He also was concerned with the statement Paul Meehan made at the master board meetings, stating the 2015 CC&R changes over-rode / dissolved the 2012 CC&R's. Bob believes the 2015 changes were specific amendment changes to specific areas of the CC&R's only, and felt this deserved more research to determine exact regulations. With that, it appears that the individual HOA's within the Links do have language requiring a minimum membership (social) at the golf club. However, the single family / non-HOA homes in the Links (approximately 70 homes) do not have any such mandate. Yet the single-family homes are being assessed and paying the social membership every year. Per comment from Paul at the master board meeting, Paul stated the local HOA's could amend their documents to remove this language and the master board would be supportive of such a move. However, it was unclear how the single-family homeowners would handle the situation.

Wayne Lieberman from the Links provided an update of what action has been taken by homeowners in the Links. A sub-committee of representatives from all 4 Links local HOA's and representatives from the single family / non-HOA homes in the Links has been formed. Wayne stated that what has driven this action is the substantial increases in the social membership fee that has been assessed. As Wayne stated, the increases over the past couple of years have been less impactful, yet once the Links was fully built up, the latest increase was much more substantial. Wayne stated that the fees increased 31% for 2022, and overall have increased by 62% over the past 3 years. Efforts to meet with CH6 to discuss have been futile – CH6 has shown no interest in discussion. Several options have been put forward

from Links owners, from a total elimination of the mandatory fee, or a special rate for Link's homeowners, or even a reasonable cap for increases every year. Wayne believes that an attorney needs to be hired to review our by-laws and documents to determine exactly what is and is not in the master documents, what can and cannot be done with the local documents as it relates to this matter.

*Per Chris Schaeffer, Managing Member of CH-6 – Rosedale: Chris states that he has not heard from anyone nor has the General Manager of the club regarding this issue. Chris stated that the General Manager has reached out to the Links Group on his behalf to let them know he would be more than willing to meet with them. The response received was the group was not prepared to meet.*

Paul Dain asked if membership language was in the deed or the sales contract of the single family / non-HOA homes in the Links. Bob responded that he had researched his and there was no such membership language in either his sales contract or his deed, but he could not speak for other homeowners within the non-HOA section of the Links. He also stated that he was one of original builders within this section of the Links; many of other homes have been added quickly and recently since the sale of the lots to Lennar in 2019.

Dave Kuchinski pulled up the Links 2 documents as posted on the website and confirmed that within Article 8 of the documents, there is language concerning required minimum membership for owners of lots within Links 2. He could not confirm if such language was also in the documents for Links 1, 3 and 4.

Wayne added that work on this initiative is just getting started and there are a lot of differing opinions within the Link's residents. There are other issues to consider, such as if membership is required, then CH6 must also provide financial documents to members, yet none have been given. There also appears to be inconsistency within the Links if the local HOA's had language requiring memberships but no such language existed for the non-HOA homes within the Links. The sub-committee is looking for the Link's HOA presidents to help coordinate this effort and move it forward.

Wayne concluded that the committee wanted to do a survey to determine resident's level of concern over this issue. As he stated, it would be nice to know if "it's just 40 homeowners concerned and nobody else cares". He felt it would be beneficial to get not only Link's homeowner's responses but also all of Rosedale responses, as we are a community.

Conclusion: a very good discussion and good input from those in attendance. Next steps:

1. Wayne will share rough draft of questions with RCC members to get input.
2. If a survey is sent out, need to figure out how to compile responses. This will be taken on by the sub-committee.
3. There is a need to review the 2012 CC&R's and the 2015 CC&R amendments as well as homeowner's sales contracts to look at any membership language that may be there.
4. Susanne Lee will share some legal contacts that may be able to provide more insights into this matter and assist in possible next steps.

From there we moved into the agenda items. First item was providing an update on the legal issues associated with the RMHA / CH6 mediation. Dave Kuchinski had brought up 4 legal issues at the master board meeting:

1. Resident's concern about the ability of CH6 to impact future changes to our CC&R's.

2. What is the impact on the mediation settlement concerning the exemptions given to CH6 on fences, hedges, trees, artificial vegetation, signs and ornaments, improvements and landscaping, and unimpeded access to the community? Will these sections be addressed with the board submits proposed revisions to the CC&R's?
3. What is the process for submitting CC&R changes to CH6 from approval? Will future budgets provide funding for possible mediation?
4. Will residents receive a copy of the proposed CC&R changes prior to the annual meeting?

While Paul reviewed the mediation settlement and process moving forward for CC&R changes and CH6's, and that residents should receive proposed changes prior to the annual meeting, he did not address the exemptions. Dave has sent information to Peter Ingraffia, who is heading up the team looking at CC&R revisions, and has asked them to review these areas. It was agreed that Mike would recap these areas of concerns as well and send to the team from the RCC, along with asking what the community can do to help or support the analysis on this project.

Next item on agenda was reviewing the status of past recommendations made to the RMHA.

- Suzanne Lee provided an update on compliance committee. Dave had sent Suzanne documents showing past compliance reporting measures. Suzanne has merged Dave's information with what she was working on and has sent to the compliance committee and Fred Booth for consideration. She also reported:
  - Compliance committee is working to address fines quicker.
  - As reported in the master board meeting, the committee surveyed all of the Links recently, with compliance letters issued. Most were for cleaning roofs; however, there were a few for house numbers missing.
  - On or about October 29<sup>th</sup>, the committee will be surveying the rest of Rosedale (Legacy and Highlands) for compliance issues, again focusing on roofs, parking / sidewalk access, and tree trimming. Committee is coordinating with local HOA presidents to ensure roof cleaning is not part of HOA funding or an upcoming maintenance event for the local HOA.

Bob Scully asked about the screening requirements initiated by the board earlier this year with a deadline of September 30<sup>th</sup>. Suzanne stated that to date, no surveys have been conducted yet. She felt the committee was waiting for the updated CC&R's.

Dave commented that the board had announced the disbanding of the appeals committee, which he believed to be contrary to both our by-laws and state laws. He stated he believed the appeals process and the website detailing the process needed updated, as current information there is incorrect. Suzanne will give feedback to Fred and the compliance committee.

- Mike provided an update on the ARC committee, as Rich Toscano was unable to attend today's meeting. Board has added two members to the committee, and ARC committee is now fully staffed at seven members.

- Dave reported on committee report availability. Committee reports were on the One Source website for October but not the agenda. In September, agenda was available but not the reports. Per discussion at the recent BoD meeting, RPM stated they would be posting both for all future meetings.
  - Bob stated that the reports were not dated nor signed; he felt they should be from a legal perspective. He also felt the reports should recap who from the committee attended the committee meetings.
  
- Chuck reviewed the budget recommendations sent to the board from the RCC. Basically, document stated RCC expected 2022 dues to increase, given the nature of discussions at this year's board meetings where needs came up as unbudgeted and items came up as costing more than what was planned in the budget. Given that, the recommendation was to send a survey out to Rosedale residents and get their input. It would give a brief overview of what the proposed budget would look like and what it would basically cover, but it then would ask if the residents were willing to spend more. Increased costs would outline what extra funding would be put to, such as sidewalk repairs/maintenance, road repairs, updated landscaping, etc. It would allow residents to understand what it takes to get Rosedale up to standards now verses waiting several years on projects. It would also ensure residents have some ownership on what does or doesn't get done.

Board did not address this recommendation at the recent board meeting, and Chuck asked the board and finance committee to strongly consider this tool. As a follow up from that discussion and this meeting, Chuck will work with Miller Results to work on survey question format, cost, timing and recap of results.

Mike adjourned the business meeting to move into any questions for open discussion. Paul Dain asked the other local HOA's if they had any issues or experience with homeowners making changes or additions to their homes without ARC approval. Bob and Dave encouraged Paul to get ARC committee involved with the situation. Bob stated that in the past, such actions were acted upon by the committee and they took steps to fine, or in some cases, removed what had been done. Mike and Dave asked if Paul's HOA had a fining mechanism / schedule in the by-laws. They both encouraged Paul to review and if not, get them added to their documents.

With no more comments, Mike adjourned the meeting.

Next RCC meeting will be Wednesday, November 17<sup>th</sup> at 1:30 PM. Meeting will be at the clubhouse, but will also be conducted via Zoom with the assistance of Miller Research. Next Board of Director's meeting is November 11<sup>th</sup> from 2-4, which is expected to be via Zoom.

Chuck Allen

RCC Secretary