

Villas at the Country Club
Agenda and Information packet for the 2024 Annual Meeting
9 April 2024 – 6:30 pm in the VCC Clubhouse

Conducted by Scott Houston, acting chairman of the Management Committee

- 1- Minutes of the 2023 Annual Meeting were presented and approved.
- 2- Management Committee election. Responding to some questions from the floor, there was some discussion about whether an individual who is “suing” the HOA was eligible to serve on the Management Committee. Mr. Houston explained that the individual in question was not actually suing the HOA but had brought a complaint against the HOA under federal and state fair housing and anti-discrimination laws. The complaint is being investigated by the respective agencies and the HOA is committed to comply with laws that may supersede our CCR’s. The individual is not delinquent in his assessments, and therefore not disqualified from standing for election. After two solicitations, there were a total of 4 applicants for 4 open committee seats. All 4 candidates were elected.
 - Ken White
 - Scott Houston
 - Ben Young
 - Gordon Smith
- 3- Rich Wells of TPM, our Property Manager, presented his report on operations and financial results for 2023 compared to budget. (attached). He then presented the operating budget for 2024 that was approved at 27 March 2024 board meeting.
 - Regular Operating Budget Assessment for 2024 is \$550 per unit per month with a line item for contributions to the Reserve Account of \$90 per unit per month. The new HOA fee is effective May 1, 2024.
- 5- 2024 Reserve Study & Proposed projects for 2024: Mr. Houston led a discussion to around the lack of reserves held by the HOA, despite 2 reserve studies in 2020 and 2024 respectively, recommending that the HOA begin accumulating a reserve at least equal to the projected rate of depreciation or “consumption” of building elements (an additional \$175 per unit per month). In addition, he advocated for a special assessment in 2024 to pay for the cost of projects due for renovation or replacement in 2024 (proposed \$5,000 per unit). The 2024 Reserve Study concludes that the HOA’s reserves are currently underfunded by about \$ 1.1 million). There followed a lively discussion about the tension between maintaining the property as an upscale community and preventing deterioration versus the escalating costs of ownership putting extreme pressure on some home owners. This matter will be taken up by the new management committee at its first meeting.
- 6- There was a brief report on legal matters, including reference to the amendment to the HOA rules to comply with anti-discrimination laws and the recent adoption of an Anti-Discrimination policy. There was also a discussion about the accommodations granted for

units 204-S and 305-N under fair housing laws for hard flooring instead of carpeting to accommodate disabled persons. The federal laws supersede the CC&Rs. However, it was noted that the applicant still has the responsibility to cover the cost of the changes as well as the responsibility to mitigate anything that may cause another homeowner to be disadvantaged by the change. All have the right to peacefully enjoyment of their property. The homeowners agreed to work together to try to resolve the noise problem that is at issue.

7- Mr. Houston solicited volunteers to serve on a Design Committee to help with the following projects:

- South Building Update in late 2024**
- Recreation/Tennis Court redesign for replacement in 2025**

8- Meeting Adjourned

ATTACHMENT #1

Minutes of the 2023 Annual Meeting to be presented for approval

ATTACHMENT #3

**Property Manager's Report on operations and financial results for 2023 Actual Expenditures
Compared to Budget**

ATTACHMENT #4

**2024 HOA Operating Budget approved at 27 March 2024 board meeting.
Regular Operating Budget Assessment for 2024
Regular Reserve Account Line Item Assessment for 2024**

ATTACHMENT #5

2024 Reserve Study & Proposed projects

In 2020, the HOA board commissioned a “Reserve Study” in order to comply with a change in state law regulating Home Owners Associations. The purpose of the study was to inform members of the HOA (the homeowners) of the projected costs to replace and/or maintain the common area components of the property as they reached the end of their useful life. The 2020 study found that our reserves were inadequate to provide for such replacement/major maintenance projects without special assessments. The study found that our reserve account was under-funded by about \$750,000. It was further recommended that we adopt a regular reserve account assessment of \$254 per unit per month to maintain our reserves for capital improvement and major maintenance projects. No action was taken at that time to implement a monthly assessment for the reserve account. Instead, non-critical capital and maintenance projects were further deferred in an effort to economize.

To address certain critical projects, the HOA has had to impose special assessments of \$3,000 per unit to complete those projects, including the re-roofing of the south building. Most other regularly scheduled replacements/improvements were deferred due to lack of funds. With the south building being now 20 years old and the North building reaching 15 years old, deferred capital and maintenance projects will continued to pile up and are taking a visible toll on the property. In order to finally address the matter of building up a proper reserve account, the Board updated its reserve study in January 2024. A copy of that reserve study has been posted to the Association webpage at <http://tpmhoa.com> and a copy is included here as well. The 2024 Reserve Study highlights the projects that the board plans to fund and complete in each of 2024 and 2025.

According to the 2024 Reserve Study, using the low end of the estimated cost ranges, we will need to be contributing to our reserves at the rate of \$255 per unit per month in order to keep up with the current year’s accrual for projected reserve projects. Because we have not regularly contributed to our reserve account over the past many years, our reserve account is now underfunded by at least \$1.1 million, which is about \$27,500 per unit.

6 - Anti-Discrimination Policy

THE HOME OWNERS ASSOCIATION OF THE VILLAS AT THE COUNTRY CLUB

Proposed Policy Resolution 2024-01 (Anti-Discrimination Policy and Requests for Reasonable Modifications and Accommodations)

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, (42 U.S.C. 3601 et seq.) (Fair Housing Act or Act) prohibits harassment in housing and housing-related transactions because of race, color, religion, sex, national origin, disability and familial status; and

WHEREAS, the case law interpreting the Fair Housing Act, state, and county fair housing statutes has declared that handicapped parties who reside in community associations have the right to: a) receive reasonable accommodations in connection with the association's rules, policies, practices, or services, and b) make reasonable modifications to their dwelling or common areas at their own expense if those modifications are necessary to afford the handicapped party full enjoyment of his or her dwelling; and

WHEREAS, the Fair Housing Act and its implementing federal regulations, define "quid pro quo harassment" and "hostile environment harassment" as conduct prohibited under the Fair Housing Act, and specify the standards to be used to evaluate whether particular conduct creates a quid pro quo or hostile environment in violation of the Act; and

WHEREAS, Board has concluded that it would be in the best interest of the Association to: 1) confirm its long-standing informal policy against discrimination of residents and employees/agents of the Association, as prohibited by the federal and Utah State fair housing acts, and 2) adopt certain procedures related to the receipt and processing of reasonable accommodation and modification requests made by protected classes of persons to the Association;

NOW, THEREFORE, the Board adopts the following policy:

1. Definitions: The following definitions are applicable to this Policy:

A. Handicap – The law does not provide a singular definition for this term; therefore, the term generally means significant physical or mental impairments which substantially limit one or more of the person's major life activities. Any person who wishes to qualify as handicapped may be required to submit documentation to the Association from a third party which reasonably establishes the handicap and the nexus between the requested accommodation/modification and the handicap, if the handicap is not readily apparent or already known to the Association. Not all physical or mental impairments are recognized as handicaps under the applicable law. For example, the applicable law states that common allergies are not handicaps. In cases where the staff of the Association is not certain about any aspect of a request for handicapped status, the staff will check with the Association's counsel.

B. Reasonable Accommodation – This term generally means creating the narrowest exemption from a rule, policy, procedure or practice for a handicapped person in situations where the handicapped person cannot comply with the rule, policy, procedure or practice because of the handicap.

C. Reasonable Modification – This term generally means the most minimal addition, alteration or improvement to an existing dwelling, occupied or to be occupied by a handicapped person, and/or the common areas necessary to afford the handicapped person the same rights to enjoy his dwelling as non-handicapped persons enjoy.

D. The definitions described in this Section 1, as well as any other terms stated within this Policy, shall be subordinate to and have the same meaning as all definitions described in the applicable federal or Utah State fair housing acts and/or any implementing regulations thereof (hereinafter referred to as “Fair Housing Act Laws”)

2. Anti-Discrimination Policy. It is hereby acknowledged that the Association has a firm and emphatic antidiscrimination policy regarding the treatment of all residents, employees, staff, agents, committee members, directors, officers and guests of the Association. The Association hereby pronounces its commitment to adherence to all applicable Fair Housing Act Laws which relate to the operations and affairs of the Association. The Association desires to foster an inclusionary environment for all residents, employees, staff, agents, committee members, directors, officers and guests, and its governing body, the Board of Directors, shall take appropriate and required steps to remedy violations of Fair Housing Act Laws that the Board is notified of or reasonably should know of. Information is critical to aid the Board in enforcement of this policy and therefore the Board encourages reporting of perceived discriminatory acts against protected persons under the Fair Housing Act Laws.

3. Requests for Reasonable Accommodations and Reasonable Modifications:

A. Persons who want to qualify for handicap status and exercise their legal rights related to making a reasonable modification or accommodation request are encouraged, but not required, to make their request in writing and deliver it to the Association’s on-site management office.

B. Contents of Requests –Requests should include the following information at a minimum:

(1) The name of requesting party.

(2) The address or future address of the requesting party, as well telephone number and email address.

(3) The reasonable details related to the requested accommodation and modification, including, an explanation as to how the accommodation or modification assists the owner in obtaining equal use and enjoyment of the Common Areas.

(4) If the request is for an exemption from a particular rule or policy of the Association, the applicant should cite the specific rule or policy in question.

(5) Any other information the applicant deems relevant or reasonable to assist the Board in making its decision on the request. The Association reserves the right to request additional and permitted information under the Fair Housing Act Laws, if it is necessary to respond to the request. Such requests shall be processed in a prompt matter, even if the response of the Board of Directors requires additional information from the applicant.

C. Review and Decision: Once the Board of Directors has sufficient information to process a reasonable accommodation or modification request, it will do so in a prompt manner and pursuant to the Fair Housing Act Laws. All decisions of the Board of Directors shall be issued to the applicant in writing. All discussions pertaining to a reasonable modification or accommodation request shall occur in executive sessions of the Board's meetings.

This Resolution was duly adopted by the Board of Directors this ____ day of February, 2024.

President of the Board of Directors of
the Villas at the Country Club HOA

