



Andrew Mowery <andrew.p.mowery@gmail.com>

URGENT: Process for Adding Items to the Agenda of a Meeting

Andrew Mowery <andrew.p.mowery@gmail.com>

Thu, May 30, 2019 at 11:01 AM

To: Maryann Goyn <goynm@outlook.com>, Buck Hammond <buck.hammond@gmail.com>, walker flanary <wgflanary@gmail.com>, Clay & Gloria Jones <joneswv@gmail.com>
Bcc: matt clark <wmattclark@hotmail.com>

Maryann,

The purpose of this email is to add items to the Board and ACC agendas, and the process by which we do these things. I believe it requires urgent action without a meeting.

In November of 2018, Heather requested that the Board put an item on the agenda for the next meeting. Buck stated what appears to be a policy, which is in compliance with Robert's Rules of Order. See his comments below.

"there can be an addition to the agenda **24 hours prior to the meeting**"

According to Robert's Rules of Order:

<http://www.robertsrules.com/faq.html#14>

Question 14:

How can I get an item on the agenda for a meeting?

Answer:

For a proposed agenda to become the official agenda for a meeting, **it must be adopted by the assembly at the outset of the meeting**. At the time that an agenda is presented for adoption, it **is in order for any member to move to amend the proposed agenda** by adding any item that the member ***desires to add***, or by proposing any other change.

It is wrong to assume, as many do, that the president "sets the agenda." It is common for the president to prepare a proposed agenda, but that becomes binding only if it is adopted by the full assembly, perhaps after amendments as just described. [RONR (11th ed.), p. 372, ll. 24-35; see also p. 16 of *RONR In Brief*.]

Last night, I asked the ACC Chair (who is not acting as a Board member or Officer) to add an item to the agenda for the next meeting, and instead, the Chair and one member began debating the merits of the topic. Ultimately, they made a unilateral decision to dismiss the topic altogether, with the member stating "You can submit a request to the ACC for approval."

The problem is, I'm not advocating any changes to our personal fences (we don't actually own any of them). I'm advocating that the ACC, which is the body we've agreed authors the Guidelines, consider and vote upon an amendment to the Section on Fences due to new information indicating that the Guideline limiting height actually has a negative effect on home values. Since this is repeated prerogative of the ACC and Board, it appears prudent to consider the topic in good faith. The actions of the Chair of the ACC appear to block the ability for anyone else to add an item to that agenda, and the proposal that a "request" be submitted is absurd, in the legal sense.

A second problem is, again, per Robert's Rules, it would require a 2/3 vote of the body to end discussion on a topic. The chair doesn't have the right to simply sweep aside any topic that they disagree with. No vote occurred at last night's meeting, and one of the members moved to adjourn while the discussion was literally mid-sentence. That is out of order as well. And, had we considered a Code of Conduct (see prior request for a vote on this topic), this would have been outside those boundaries as well.

My question is about our PROCESS going forward regarding adding items to the agenda. This should be an open process, not only to members of the Board or Committee, but also to Owners, who have a right to have their issues considered by the bodies that *serve* them. We have a history (see below) of being responsive to Owners who would like to have their concerns added to the agenda of meetings, and we should be consistent in our approach vs. the appearance of favoritism or bias when the Chair has a personal opinion about the topic at hand.

It is a duty to perform impartial fact-finding prior to making any decision about an agenda item, and it would appear the chair and one member have already made up their minds, and are dismissive of any information that is contrary to their opinions - literally textbook bias. We should be responsive to Owners with an institutional process that is neutral, even if we personally disagree with their topic, issue, or premise. This isn't just about last night, but a pattern that has persisted since the beginning of 2018, and is ripe for action.

In order to fully define the process, we should publicly state in the next newsletter precisely what is our process so that it is clear to all owners how they will be heard at our meetings:

1. What is the means by which an Owner/Member must submit an item to the agenda? (email, letter, verbal, etc)
2. Who shall the Owner/Member submit the agenda item to? Is it the chair of the meeting (President, ACC Chair), to the main inbox or PO Box, to all members of the board/committee in a broadcast email?
3. When is the time limit for submitting an item to the agenda? Is it the 24 hours prior to a meeting that Buck stated in the email below? Shall we value "consistency", or are we giving each President and Chair the ability to subjectively decide this at their whim?
4. Will you please add to each agenda (going forward), for the Board and ACC, ***the act of approving the agenda (as required by RROO)***, and allowing members (at the very least, if not also Owners) to amend the agenda prior to the vote to approve the agenda at that meeting?
5. Will you allow Owners to submit requests for adding agenda items, even if they do not attend the meeting, but wish to know the Board or ACC's disposition via a vote on any matter?

Since Buck's decision was never voted upon by the full Board, it would appear to be the voice of an Officer, not the Board itself. After a review of all prior meeting minutes and the governing documents, I do not see a clear process defined that answers the questions above.

If a Board vote is necessary, we should vote by email without delay, as there are several items that have been proposed over the past 2 weeks, and there's been no response to the request to vote without a meeting, nor has their been a confirmation that it will be added to the next agenda?

I appreciate your prompt response to this question. Our meetings must be run by persons who are neutral to the issues raised, and we must vote upon matters vs. dismissing them without full discussion that includes the opportunity to fully inform voting members prior to their vote.

As for the issue of amending the guidelines that I raised at the ACC meeting last night, I would like to know when that specific issue will be added to the Board agenda, since the ACC has rejected the topic out of hand. If it is to be considered by the ACC at their next scheduled meeting, please let me know how to properly have it added.

I believe THE PROCESS needs to be defined for both bodies, either way - and this should be done well in advance of the June 11, 2019 Board meeting, so that any Owners who wish to have their issues heard may have at least 7 days to contemplate and submit their requests. I think 7 days is fair and reasonable, and should also be a target for

publishing the intended agenda. Owners need time to consider whether they wish to participate (based on what the agenda is and/or what agenda items they think are missing) as well as prepare to come to the meeting informed should any votes occur.

This is about the process, not specifically about fences or any other specific topic. I do not intend to initiate or have an email debate about the merits of that proposal at this time. It was merely an example, and frankly a test, to see if the Chair would add something to the agenda in the future, and the answer was clear - the Chair of the ACC is acting as if he has veto power over proposed agenda items, and no such power is given by our governing documents or Robert's Rules of Order. We must follow our rules.

As a reminder, this Board only has 5 remaining meetings in it's term, so we do not have time to delay this, as many other topics have.

Sincerely,

Andy

----- Forwarded message -----

From: **Buck Hammond** <buck.hammond@gmail.com>

Date: Tue, Nov 6, 2018 at 7:07 AM

Subject: Re: Agenda Item Addition Request

To: Andrew Mowery <andrew.p.mowery@gmail.com>, Keith Knight <send.keith@gmail.com>, Maryann Goyn <goynm@outlook.com>, Paul Janov <pauljanov1@gmail.com>, walker flanary <wgflanary@gmail.com>, Irve Denenberg <ibdpo4hoa@gmail.com>, Clay & Gloria Jones <joneswv@gmail.com>

Andy:

I have been thinking of this anyway and ***there can be an addition to the agenda 24 hours prior to the meeting, so I will add it as a discussion***. We do not have time to get quotes etc but it can be a discussion point. What concerns me more is why Heather would think this? I feel we have been pretty consistent. Feel free to speak with her and get her side of the story.

Buck

----- Forwarded message -----

From: **Poudre Overlook HOA of Fort Collins** <poudreoverlookhoa@gmail.com>

Date: Mon, Nov 5, 2018 at 6:56 PM

Subject: Fwd: Agenda Item Addition Request

To: Buck Hammond <buck.hammond@gmail.com>

Cc: Walker Flanary <wgflanary@gmail.com>, <pauljanov1@gmail.com>, Maryann Goyn <goynm@outlook.com>, Irve Denenberg <ibdpo4hoa@gmail.com>, Gloria & Clay Jones <joneswv@gmail.com>, Andrew Mowery <andrew.p.mowery@gmail.com>

Begin forwarded message:

From: Phillips Family <tldhphillips@yahoo.com>
Date: November 5, 2018 at 6:49:18 PM MST
To: poudreoverlookhoa@gmail.com
Subject: Agenda Item Addition Request

Dear Board Members,

I would like to request that an item be added to the agenda for the upcoming HOA Meeting.

Item 3 of the Agenda allows for additions/deletions to the agenda. Could you please add a discussion of the options for using a management company. I know that the prices and services of several companies have been researched and I feel that they need to be presented to the community for discussion and a vote to at least determine what the majority feel should be the way forward. This can be a vote about whether to pursue a management company option at this time or not. It does not have to be a specific decision about which company as your current quotes are likely out of date. If you can get current quotes and present them at the meeting that would be ideal but I realize that time is short.

Quite a few people are very upset because the board appears to be enforcing covenants at its own discretion and without consistency across all covenants and all neighbors.

The hiring of a management company would remove this responsibility and put it back into the hands of a neutral third party. I'd be happy to discuss these observations with you in person so that you can understand what I hear and see and why it is a problem.

Sincerely,
Heather Phillips

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Ciao,
Buck