



Andy Mowery &lt;pohoaandy@gmail.com&gt;

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## Special Meeting 1/25/2023 Agenda

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**Andy Mowery** <pohoaandy@gmail.com>

Wed, Jan 18, 2023 at 4:03 PM

To: pohoajohn@gmail.com

Cc: Poudre Overlook HOA at FtC &lt;atftcpoudreoverlook@gmail.com&gt;, Clay Jones &lt;joneswv66@gmail.com&gt;, "Walker G. Flanary" &lt;wgflanary@gmail.com&gt;, Lora B 4POHOA &lt;lb4pohoa@gmail.com&gt;

Lora,

I've searched for support of the notion that the Board is merely a pass-through entity with strict restrictions regarding the agenda, or the rules in general. I'm not finding support for this notion, and, in fact, the Board or Officers have specific roles or duties that arise, such as verifying the signatures on the Petition prior to sending out notice. If the Petition is not valid, the Board would not simply schedule the meeting anyways. The process would end or be sent back for remedial action. Only by untimely inaction do Petitioners gain powers or authorities to schedule the meeting without Board action or approval.

Similarly, there are certain type of actions that may not be legal, even if 9 petitioners have valid signatures. For instance, if 9 homeowners signed a petition to change the CCRs or Bylaws to give homeowners the right to bypass the Board and Courts, and to physically remove a dog from a locked home, the Board would likely have a role in verifying if such a measure would be enforceable if enacted prior to scheduling a vote. There's a reason some actions are reserved for Court injunction to be physically handled by certain writs executed by Sheriff's Deputies. We can't just vote to give ourselves such powers reserved for governmental authorities.

I would then agree with John that deliberations are necessary. We received a notice that stated enumerated purposes, not a proposed agenda, and certainly not amendment language. We had a role to communicate and clarify the objectives of the petitioners, which includes whether the sequence affects the desired outcome. This raises the point about both Board deliberation and voting action. It appears that the decision was made unilaterally prior to sending out notices without any deliberation or any vote. There was no AWAM, and the only one that was proposed during our term never received a response (and is arguably in queue for first response).

Finally, at the last CRS 7-128-108 Special Meeting on 10/20/22, you announced "ground rules" at the beginning of the meeting, which, again, were made up by you individually without deliberation or a vote by the Board, but were presented to attending members under color of Board authority. It is also noteworthy that one speaker did not honor the ground rules, but rather than having his presentation halted, you allowed him to "make his point", which took over 8 minutes. If you are aware of powers arising from any statute or documents (Including Robert's Rules), I am kindly asking that you cite the section that gives you such powers. This is a relevant Point of Order.

Selective enforcement of ground rules on top of how such ground rules are formed without Board deliberation and vote are reasonable questions to raise in advance of this meeting. If the same ground rules were to apply, the participants in the meeting would only have the period of 12/14 to 12/18 for relevant facts supporting removal. Discussing how Petitioners plan to support their motions within these grounds rules seems important and relevant, unless the ground rules are going to change this time around.

I'd like these topics deliberated and am requesting a vote in advance of the meeting to make actual Board decisions on these matters. This is my formal request for such deliberations leading to a vote. My preference is email, but would participate in an in-person meeting if scheduled per the Bylaws.

Sincerely,

Andy

PS Can you please confirm that your personal email address is accessible and working? It appears you have avoided use of that email address for several exchanges.

On Wed, Jan 18, 2023 at 9:58 AM <pohoajohn@gmail.com> wrote:

Hi Lora,

Thanks for the reply. I really do think the Board needs to discuss how to manage the special meeting before it starts. There is a potential flaw in the agenda, and we will get caught off guard if it surfaces.

If the intention of the petitioners is to remove Andy and Walker and ban them for three years, the agenda will not work. As it stands, they would be removed under the existing Bylaws and not be subject to the new amendment. Changing the order of the motions or rewording them would solve this issue.

I am available for an in-person or virtual meeting to discuss this any time between now and the 25th.

Regards,

John

From: Poudre Overlook HOA at FtC <atftcpoudreoverlook@gmail.com>  
Sent: Friday, January 13, 2023 4:31 PM  
To: pohoajohn@gmail.com  
Cc: Clay Jones <joneswv66@gmail.com>; Andy Mowery <pohoaandy@gmail.com>; Walker G. Flanary <wgflanary@gmail.com>  
Subject: Re: Special Meeting 1/25/2023 Agenda

Hi John - I hear what you are saying but the Board cannot alter the agenda of the special meeting as it is the petition and petitioners that set that agenda. We have no choice but to address it at the meeting. Lora

On Fri, Jan 13, 2023 at 3:34 PM <pohoajohn@gmail.com  
<mailto:pohoajohn@gmail.com> > wrote:

Hi All,

Item 3 in the petition for the special meeting calls for a vote on amending the Bylaws to prevent directors that have been removed from running again for three years. I fully agree that an amendment on this subject is needed,

but I think there are too many questions to be addressed in one meeting at short notice. I also believe we should check with an attorney that any amendment we make is legal. I suggest a 2-step approach:

1. On 1/25/2023 introduce the subject, debate the issues, and discuss alternative amendments
2. At a later date hold a meeting, or mail-in ballot, on the wording of an amendment that has been checked by an attorney

The questions about this subject I have include:

1. Will it be retrospective? Bear in mind that Directors volunteer to run only with knowledge of the Bylaws at the time.
2. Does the ban apply to the individual or all members of their household?
3. Should we also raise the level of the required quorum to remove a director?
4. Would it be better to have a range of time penalties based on the reason for removal?

Please share your thoughts on this subject.

Regards,

John