

# Colorado Legislative Action Committee (CLAC)

Minutes - January 21, 2011

1660 Lincoln Street, 2<sup>nd</sup> Floor Conference Room, Denver, CO

Call to order - 1:37 PM - Vice Chair Jerry Orten

## Attendance - Members/Delegates

Foley-Healy, Molly Goff, Pam Hoehn, Robert	Jordan, Lynn Kutzer, Jeff Leff, Suzanne	Orten, Jerry Pacetti, Chris Taylor, Carol	Tobey, Gary Wilderotter, Pat Witt, Jesse
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## Guests

Adair, Amelia: HindmanSanchez  
Hall, Scott: Executive Director, CAI—Rocky Mountain Chapter  
Redfern, Amy: Aponte & Busam Public Affairs

**Call to order:** Vice Chair Jerry Orten called the meeting to order at 1:37 PM and asked if any member had a conflict of interest with items on the agenda, or in general regarding the other affairs of the LAC, which he or she needs to disclose. There were no such disclosures.

**Introductions:** Introductions were made to identify participants & guests. Excused absences were announced.

**ITEMS OF BUSINESS:** Several items as enumerated on the agenda were discussed:

**CLAC SECRETARY POSITION:** Suzanne Leff was nominated to fill the Secretary position. No other nominations were made. Those present approved Suzanne to serve as Secretary by acclamation.

**LEGISLATIVE UPDATE:** Amy Redfern led the presentations in this portion of the meeting.

**Legislative status matrix.** Amy distributed the most recent matrix of bills that may affect community associations. She reminded CLAC members to use the matrix throughout the session for live links to the most up-to-date versions of bills.

**HOA and Metro District conflicts of interest.** Rep. Williams plans to introduce a bill by the February 2, 2011, deadline that will prohibit board members from serving jointly on HOA and Metro District boards with overlapping boundaries and may address disclosures of financial interests and recusal from voting for HOA board members. This bill arises, in part, from a past situation in Green Valley Ranch. Jeff Kutzer, Suzanne Leff, and Chris Pacetti have served as the envoy team and have given Rep. Williams preliminary input on proposed language. The Special District Association and homebuilders have also participated in discussions with Rep. Williams.

**Confidentiality of CLAC discussions during legislative session.** Chris Pacetti reminded CLAC members and guests of the importance of keeping legislative strategy discussions, including email exchanges, between CLAC delegates, lobbyists, legislators and other public officials confidential. Molly Foley-Healy asked that CLAC participants refrain from discussing or writing/blogging about pending bills until after they are introduced and posted to the General Assembly's website. Chris committed to checking with CAI National to determine what, if any, operational guidelines apply in this situation.

**Transfer fees.** Jim Cowell, Gary Debus, David Graf, Jeff Kutzer, Walt Lukasik, and Jerry Orten have served as the envoy team in ongoing discussions about a Colorado version of transfer fee legislation. Sen. Jahn will sponsor the bill and has received late bill status. The large group of stakeholders continues to work towards consensus and is preparing technical amendments. Eighteen other states have already adopted transfer fee legislation, and, at the federal level, FHFA issued guidance last Fall that addresses transfer fees as well.

**Foreclosure bill.** Tom Hill, lobbyist for the Public Trustee association, is convening a stakeholder meeting on Tuesday, January 25, 2011, to discuss a foreclosure bill. No other details are available at this time.

**Junior lienor redemption rights.** Sen. Lundberg plans to introduce a bill similar to SB10-93 that may affect the redemption rights of HOAs as junior lienholders. Molly Foley-Healy met with Sen. Lundberg and a stakeholder group prior to the end of 2010. CLAC members discussed the importance of protecting the redemption rights of community associations and cited the ruling in *US Bank v. Ibanez*, which issued on January 11, 2011, that may support the CLAC's position.

**HOA Clearinghouse updates.** Molly Foley-Healy, Suzanne Leff, and Chris Pacetti met with Aaron Acker, the new HOA Information Officer, in early January to discuss the status of the Clearinghouse. Mr. Acker is presently the only employee in the Clearinghouse office. He is working on developing the information resources for the website, fielding telephone calls from owners, and working out issues with the registration software. Mr. Acker will attend the CAI-RMC Wake Up Call meeting on January 28, 2011.

**Review of matrix.** CLAC members reviewed the current matrix and determined what position to take on each bill. Molly Foley-Healy requested that the matrix include HB11-1110, pertaining to "Residential Nonprofit Corporations." Molly, Jerry Orten, and Carol Taylor will serve as the envoy team for this bill.

**CLAC DELEGATE VACANCIES:** Jerry Orten presented information about the two CLAC delegate vacancies, one for the Southern Colorado chapter and the other At-Large. All Business Partner positions on the CLAC are currently full. One manager position remains available, and additional Community Association Volunteer Leaders (CAVL) may serve on the CLAC.

**Southern Colorado.** One CAVL and one manager have already expressed interest in the Southern Colorado position. Jerry stated that the chapter leadership plans to determine its nominee by February.

**At-Large.** Lynn Jordan made a motion to nominate Jim Flippen for the open At-Large seat, in the role of manager. Molly Foley-Healy seconded the motion. The delegates discussed Jim's

qualifications, including his past legislative work in Nevada, and his previously expressed interest to serve on the CLAC. The delegates approved Jim Flippen to serve on the CLAC by acclamation.

**MINUTES:** The minutes for the November 12, 2010, meeting, as transmitted electronically to the delegates, were previously approved by e-vote, posted on the website, and entered into the record.

**FINANCIAL REPORT:** Pam Goff presented a financial report including a statement of financial position and a statement of activity for the period of 7/1/2010 through 12/31/2010 which included a copy of the most recent bank statement. Pam indicated that she has corresponded with the Southern Colorado chapter about its contribution to CLAC. On motion of Chris Pacetti, seconded by Bob Hoehn, the report was voted received and entered into the record.

**FAQ BOOKLET:** The fourth edition of the CLAC Frequently Asked Questions book was distributed. The books are available for purchase for \$5.00 or downloadable online. Each legislator will receive a copy with an introductory letter from CAI-CLAC.

**Next meeting:** The next meeting is scheduled for Friday, February 11, 2011, at 1:30 PM in the second floor conference room at 1660 Lincoln Street, Denver.

**Adjournment:** There being no further business to come before the meeting, Jerry Orten adjourned the meeting at 3:00 PM, Friday, January 21, 2011.

Respectfully submitted,

Suzanne M. Leff, Secretary

### CLAC MEMBER/DELEGATE ATTENDANCE RECORDS

Member   Meeting	9.18.10	10.15.10	11.12.10	1.21.11
Bobb, Andrea	X	X	X	Exc
Cowell, Jim		X	X	Exc
Debus, Gary	X	X	X	Exc
Flippen, Jim	NA	NA	NA	NA
Foley-Healy, Molly	X	Exc	Exc	X
Goff, Pam	X	X	X	X
Graf, David		X	X	Exc
Hoehn, Robert	X	Exc	X	X
Jordan, Lynn	X	X	X	X
Kutzer, Jeff	X	X	X	X
Leff, Suzanne	X	X	X	X
Lukasik, Walt	X	Exc	X	Exc
Orten, Jerry	X	X	Exc	X
Pacetti, Chris	X	X	X	X
Taylor, Carol	NA	X	X	X
Tobey, Gary	X	X	X	X
Webster, Shedd	NA	X	X	Exc
Wilderotter, Pat		X	X	X
Witt, Jesse		Exc	X	X

Attendance Policy: A LAC delegate who has three consecutive unexcused absences (as determined by the LAC's officers) from LAC meetings may be removed by a majority vote of the LAC at a meeting where a quorum is present provided the LAC chair notified the delegate and his or her chapter, if applicable, in writing following the delegate's second excused absence that a third consecutive absence may result in the delegate's removal.