

Colorado Legislative Action Committee (CLAC)
Minutes-November 3, 2009

*Eastridge Recreation Center-Highlands Ranch
 9568 University Blvd, Highlands Ranch, CO*

Call to order – 1:39 PM-Chair Gary Debus

Attendance-Members/Delegates:

Bobb, Andrea	Goff, Pam	Lukasik, Walt	Pacetti, Chris
Cowell, Jim	Graf, David	McIntyre, Jason	Tobey, Gary
Debus, Gary	Jordan, Lynn	Moore, Kevin	Wilderotter, Pat
DeLisio, Carmine	Kutzer, Jeff	Orten, Jerry	Witt, Jesse
Foley-Healy, Molly	Leff, Suzanne		

Guests:

Aponte, Ruth; Aponte & Busam Public Affairs Conklin, Steve; E.D.-Rocky Mtn Chapter	Redfern, Amy; Aponte & Busam Public Affairs
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Conflict of Interest Disclosure: Chair Gary Debus called the meeting to order at 1:39 PM and asked if any member had a conflict of interest with items on the agenda, or in general regarding the business of the LAC, which he or she needs to disclose. There were no such disclosures.

Meeting protocol: Chair Gary Debus announced the intention to both begin and end CLAC meetings on time and asked members to be on time henceforth.

Introductions: Attendees introduced themselves.

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

Legislator fundraising requests: Chris Pacetti reported that Ruth and Amy periodically forward fundraising requests from various legislators. CLAC itself (and CAI) are unable to respond to these requests and it is encouraged that if you live or office in a legislators district and attend one of these fundraising functions, you will have to decide for your self how much to donate.

Memo regarding CLAC Legislative Protocols:

Ruth, Amy and Chris presented a memo that Aponte and Busam had drafted outlining the protocols and processes used by CLAC. They were seeking approval for this memo to be inserted into the RM chapter newsletter. Chris indicated he would coordinate it with the recent 'what is CLAC' article. There was some discussion and a unanimous motion the insertion in the newsletter be approved. Chris also reminded everyone that although CLAC is a committee of CAI national, we receive about ½ of our money from the chapters and we need to be cognizant of that.

Presentation-Amicus brief-Fairway Pines: Jerry Orten made a presentation and frequently referenced a previously distributed handout dated October 19, 2009 requesting CLAC endorsement/participation in an amicus brief in the case of Fairway Pines Estates. Jerry indicated that he would be seeking the approval of CLAC and the two chapters to petition CAI national to file an amicus brief in this case. He disclosed that CAI national charges a \$500 processing fee which may apply to this brief. There was some question as to whether the \$500 fee would be assessed.

Jerry explained that the issues raised in the case had significant impact on other CIC's which was endorsed by other attorneys present. Jerry explained that he, Candyce Cavanaugh, Jesse Witt and Brian Martin (HindmanSanchez) would prepare the brief and authorization and/or endorsement of the amicus brief will also be sought from the Rocky Mountain and Southern Colorado chapters.

A motion unanimously passed to indicate CLAC's authorization of filing of an amicus brief and payment if necessary of the \$500 processing fee from CLAC funds.

Good Samaritan legislation-Rep Acree:

A meeting with Rep. Cindy Acree revealed that she is still interested in this concept for the 2010 session. The results of the meeting disclosed that this is a much more complex situation than Rep. Acree first thought. Several 'stakeholders' attended the meeting along with Chris Pacetti and our lobbyists. Duane Gall (Legislative Legal Services), who is familiar with CCIOA, is the designated drafter and CLAC will be given an opportunity for input to and review of the redrafted proposed bill.

Lobbyist report: This report was rendered by a combination of Ruth, Amy and Chris.

Lender-Superlien issues:

Ruth and Amy reported that a series of meetings had been occurring with Larry Castle (who represents a large number of lenders), some lenders, their lobbyists and individuals from the RE section of the Bar. Jerry Orten, Chris, Ruth, Amy and Jim Cowell had largely been representing CLAC at these meetings. There appears to be a desire by the lenders (primarily Larry Castle) to clarify a fair and accurate depiction of the superlien. Some participation and concerns was also reported from various individuals in the Public Trustee sector. CLAC has been assured that they will continue to have a 'seat at the table' for these discussions. Jerry Orten made the remainder of this presentation. The latest issues seem to surround the questions and concepts relative to recording on the lenders side of the transaction. One reported advantage to these discussions is that members of the CO Bar Association seem to have gotten a better understanding of the superlien and issues surrounding it.

The next meeting of the group is anticipated on 11/5/09 with likely further answers and developments to occur at that meeting. Some discussion and questions from CLAC occurred.

Construction defect legislation:

This issue will arise again in the 2010 session. Senator Morse and Homebuilders have both expressed interest in pursuing the issue. Ruth and Amy will continue to follow the details.

Rep Andy Kerr:

Some discussion had occurred with Rep. A. Kerr and it was determined that it would unlikely that he would seek any changes in 2010 to his energy legislation.

Recession vegetable gardens:

A rumor that had been heard by the lobbyists that some members of the current majority party had concerns over some HOA's not permitting owners to plant vegetable gardens to combat recessionary effects was explored and does not seem to have merit. No further action appears to be necessary.

Senator M. Carroll concerns over HOA collections:

Senator Carroll seems to still have some concerns in the HOA arena. The lobbyists will continue to attempt to define these. An envoy group had been previously designated to work with Morgan Carroll on this issue; Steve Conklin, Jim Cowell, Jerry Orten, and Chris Pacetti.

Representative C. Murray:

Representative Murray has expressed some concern particularly over some older communities in her district where infrastructure items (primarily older roads) are fully deteriorated with no funds to repair these. Municipalities have been involved but have declined to assume the task. There was some thought to forcing these communities to become HOA's. Much discussion took place and more information will be sent electronically and if individuals wish to join an envoy group the next meeting is 11/13/09.

Administrative portion- minutes, financials:

Minutes: It was announced that the minutes, as previously electronically transmitted for the September 29, 2009 meeting were approved unanimously by E-vote and entered into the record.

Financial reports: A revised budget for the year ending June 30, 2010 was presented by Lynn Jordan. Lynn explained that in this budget no tax liability was reflected as none was anticipated. After brief discussion the motion to adopt the revised budget for 2010 passed unanimously. No other financial reports were presented but Lynn Jordan did verbally provide a balance for the cash account.

Meeting timeliness & process: Gary Debus announced again the intention to both start and end the meetings on time and asked CLAC members to be considerate of this. Gary also announced that he would attempt to send draft agendas to the executive committee for comment and attempt to distribute the agendas to CLAC members about 1 week before the meeting. Gary advised members to be on the alert for Emails from his assistant, Rachel Campbell.

Next meeting: The date and time for the next meeting was announced as Thursday, December 3, 2009 @ 1:30 PM at a Highlands Ranch location to be announced.

Adjournment: There being no further business to come before the committee, Gary Debus adjourned the meeting at 2:48 PM, November 3, 2009.

Respectfully submitted,

J. Kevin Moore, Secretary

CLAC MEMBER/DELEGATE ATTENDANCE RECORD:

Member/Meeting:	Oct	1.16.09	2.20.09	3.20.09	7.28.09	9.29.09	11.3.09	12.3.09
Bobb, Andrea	na	X		X	X		X	
Cowell, Jim	X	X	X	X	X	X	X	
Debus, Gary	X	X	X		X	X	X	
DeLisio, Carmine	X	X	X			X	X	
Foley-Healy, Molly	X		X		X	X	X	
Goff, Pam						X	X	
Graf, David	X	X		X	X	Exc	X	
Hoehn, Robert	X	X	X	X	Exc	X	Exc	
Jordan, Lynn	X	X	X		X	X	X	
Karpuk, Deb	X	X		X	Exc	X		
Krohlow, Kent		X		X	Exc			
Kutzer, Jeff						X	X	
Leff, Suzanne		X	X	X	X	X	X	
Lukasik, Walt	na	X	X		Exc		X	
McIntyre, Jason						X	X	
Moore, Kevin	X	X	X	X	X	X	X	
Orten, Jerry		X	X	X	X	X	X	
Pacetti, Chris	X	X	X	X	X	X	X	
Tobey, Gary	X	X		X	X	X	X	
Wilderotter, Pat	X	X	X	X	X	X	X	
Witt, Jesse	X	X		X	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 delegates second unexcused absence that a third consecutive absence may result in the delegate's removal.