

COLORADO LEGISLATIVE ACTION COMMITTEE (CLAC)

Minutes-November 12, 2010

**HCRA Westridge Recreation Center
9650 Foothills Canyon Blvd., Highlands Ranch, CO**

Call to order – 1:36 PM-Chair Gary Debus

Attendance-Members/Delegates:

Bobb, Andrea	Graf, David	Lukasik, Walt	Tobey, Gary
Cowell, Jim	Hoehn, Robert	Moore, Kevin	Webster, Shedd
Debus, Gary	Jordan, Lynn	Pacetti, Chris	Wilderotter, Pat
Goff, Pam	Kutzer, Jeff	Taylor, Carol	Witt, Jesse
	Leff, Suzanne		

Guests:

Redfern, Amy; Aponte & Busam Public Affairs	
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Call to order: Chair Gary Debus called the meeting to order at 1:36 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.

Announcement: Gary Debus announced that members/delegates need to complete and submit their 'conflict of interest' disclosure forms to CAI national.

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

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

LEGISLATIVE UPDATE: Amy Redfern largely presented this portion of the meeting.

Political climate discussions: Amy reviewed that the November elections have made the Republican majority in the House very close due to a couple of races that the Democrats are indicating may still be somewhat undecided. The Democrats in the House are currently refusing to acknowledge the Republican majority in the House. This is causing problems addressing the \$715 Million budget shortfall because of the JBC appointments that have not yet been finalized. Also, some members of Governor-elect Hickenlooper's staff have now been announced.

Meeting with Sen. Morgan Carroll: A 1.5 hour meeting was held with Sen. Carroll on November 10, 2010 but Rep. Andy Kerr or his representative were unable to attend the meeting (see below). Chris, Amy, Jerry Orten, Gary Tobey, Molly Foley-Healy, Suzanne Leff, Jeff Kutzer, Jim Cowell Lynn Jordan and Pat Wilderotter attended the meeting and reported on various aspects, some of which are included below. In general, Sen. Carroll seemed agreeable, willing and thankful of CLAC's effort to reach out to her. She was generally unaware of the national issue surrounding transfer fees and the CLAC representatives so informed her. Sen.

Carroll may have some issues with Special Districts and disclosures where she may seek CLAC's assistance. She expounded on several other topics which are enumerated below.

Meeting with Rep. Andy Kerr: Although Rep. Kerr was unable to attend or send a representative to the 11/10 meeting with Sen. Carroll, he assured CLAC that he will meet with CLAC in early December 2010.

Transfer fee bill: Transfer fee/proposed conveyance fee: The transfer fee issue was extensively discussed in the meeting with Sen. Carroll and the discussion seemed to educate and enlighten Sen. Carroll as to the importance of these fees to the HOA's. Sen. Carroll initially seemed to be suggestive to the ideas of set dollar amount transfer fees (and was actually considering her own bill on this topic) but later saw the problems with that concept. Further discussion took place at the meeting. It appears that the Bar and CAI have arrived at similar positions while the Realtors and the Homebuilders have not. With the wide variety of uses that 'transfer fees' seem to have, there may be some desirability of seeking other more specific names. Jerry Orten, David Graf, Walt Lukasik and Jim Cowell have been serving as the envoys in this transfer fee effort where some legislation is expected in 2011.

Payoff of Junior Liens (or certificates) During Foreclosure: This issue, in a bill similar to SB 2010-93 will return again during the 2011 session with Sen. Lundberg as the primary sponsor. In the meeting with Sen. Carroll this issue was briefly discussed. There have been meetings of the stakeholders (Molly Foley-Healy and Amy Redfern attended) and the issue is still being led by the Public Trustees who desire that all Junior Liens are within their sphere. The group that has been meeting is in the stage of developing some 'draft goals and talking points.' The envoy group of Suzanne Leff, Andrea Bobb and Molly Foley-Healy will continue and will monitor the progress. There are expected to be further meetings during the interim. An early 'first draft' of the bill is expected shortly but the draft is expected to contain problems.

Update on HOA Information and Resource Office (Clearinghouse): Sen. Carroll also discussed the Information and Resource Office. She indicated that she would be engaging with Marcia Waters the Director of the Division of Real Estate. Sen. Carroll was concerned over the 'roll out' time for the new office and the timeliness of HOA registrations. She also appeared more 'enlightened' over the role of the office and the CLAC interaction.

Super lien legislation: Jerry Orten had made a previous report on this subject and had previously distributed a brief memorandum from a subcommittee of attorneys with recommended changes. CLAC members had been asked to comment on any proposed changes and there were no comments. Further discussion on this item was tabled until the December meeting. David Graf and Jerry Orten will continue to monitor. It appears that Myra Lansky is the strongest proponent of changes (she may choose to attempt her own bill) and Lynn Jordan will call and discuss it with her and report back.

Assemblage of potential issues with CCIOA: There was some discussion about assembling a list of various issues with CCIOA where CLAC may have concerns. Chris Pacetti volunteered to be the collector of this information and it should be forwarded (via Email) to him.

Potential reception/lunch for new legislators: Amy pointed out that there are 26 new legislators who will be seated this January and Aponte Busam is currently researching these

new legislator's positions on various issues. Amendment 41 does not appear to be much of an issue or barrier to these educational lunches. A group of Lynn Jordan and David Graf volunteered to explore the possibility of this sort of gathering and report back.

Other possible legislation: There was some discussion over other potential legislation in the 2011 session including the possibility of seeing a bill to exempt small HOA's from CCIOA.

OTHER BUSINESS:

CLAC Policy Manual Discussion and Adoption: Kevin Moore presented a policy manual which he and Chris Pacetti had developed which would serve as a collection point for the various CLAC policies. There was a motion by Lynn Jordan to add the phrase 'with blocked out account number' to the Financial Statement inclusions policy which passed. The policy manual (with a grammatical correction) was approved and accepted into the record.

Status of Lobbyist Contract: Chris Pacetti announced that he was able to negotiate a two-year contract with Aponte and Busam for lobbying services. The contract contains a fixed statement of work.

Status of Frequently Asked Questions booklet: Chris Pacetti indicated that he had available a 'proof copy' of the 4th edition of the FAQ booklet which was about to be printed.

Minutes: It was announced that the minutes, as previously electronically transmitted for the October 15, 2010 meeting had been approved by E-vote 10/19/10 and posted on the websites & 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 7/1/10 through 10/31/10 which included a copy of the most recent bank statement along with a draft of the duties of the Treasurer of CLAC. On motion of Kevin Moore, seconded by Shedd Webster the report was voted received and entered into the record. Additionally the description of the treasurer's duties was approved.

Fundraising: Kevin Moore indicated that he had been in discussions with the Rocky Mountain Chapter regarding fundraising for CLAC. The RMC had volunteered to staff a 'prize drawing' (which would reportedly not require a license) at the spring showcase. Pat Wilderotter questioned the absence of a license indicating that the RMC had stopped her previously because of the requirement of a lottery license. Kevin Moore volunteered to check with the RMC.

Next meetings: The next meeting is scheduled to be a conference call on Friday, 12/10/10, 1:30, by Telephone conference if necessary. Gary will notify everyone via Email.

Adjournment: There being no further business to come before the committee, Gary Debus adjourned the meeting at 2:49 PM, Friday, November 12, 2010.

Respectfully submitted,

J. Kevin Moore, Secretary

CLAC MEMBER/DELEGATE ATTENDANCE RECORD:

Member/Meeting:	12.3.09	1.29.10	2.19.10	3.19.10	4.16.10	6.11.10	9.16.10	10.15.10	11.12.10
Bobb, Andrea	X	X	X	X	X	Exc	X	X	X
Cowell, Jim			X	X	X	X		X	X
Debus, Gary	X	Exc	X	Exc	X	X	X	X	X
Foley-Healy, Molly	X	Exc	X	X	X	Exc	X	Exc	Exc
Goff, Pam	X	Exc	X	X	X	X	X	X	X
Graf, David	X	Exc	X	X	X	X		X	X
Hoehn, Robert	Exc	X	X	X	X	X	X	Exc	X
Jordan, Lynn	Exc	X	X	Exc	X	Exc	X	X	X
Kutzer, Jeff	X	X	X	X	X	Exc	X	X	X
Leff, Suzanne	X	X	X	Exc	X	X	X	X	X
Lukasik, Walt	X	X	X	Exc	X		X	Exc	X
Moore, Kevin	X	X	X	X	X	X	X	X	X
Orten, Jerry	X	X	X	X	X	X	X	X	Exc
Pacetti, Chris	X	X	Exc	X	X	X	X	X	X
Taylor, Carol							NA	X	X
Tobey, Gary	X	X		X	X	X	X	X	X
Webster, Shedd							NA	X	X
Wilderotter, Pat	X	X	X	Exc	X	X		X	X
Witt, Jesse	X	X	X	X	X			Exc	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.