

Colorado Legislative Action Committee (CLAC)  
**Minutes-March 20, 2009**

Offices of: Aponte & Busam Public Affairs  
303 E 17<sup>th</sup> Ave. #502, Denver, CO

Call to order – 1:40 PM-Chair Chris Pacetti

**Attendance-Members/Delegates:**

Bobb, Andrea	Karpuk, Deb	Orten, Jerry
Cowell, Jim	Krohlow, Kent	Pacetti, Chris
Graf, David	Leff, Suzanne	Tobey, Gary
Hoehn, Robert	Moore, Kevin	Wilderotter, Pat
		Witt, Jesse

**Guests:**

Aponte, Ruth

Redfern, Amy

Archuleta, Alaina

**Introductions:** Attendees introduced themselves & CLAC members made donations to CLAC.

**Conflict of Interest Disclosure:** Chair Chris Pacetti called the meeting to order at 1:40 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.

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

**Legislative Report by Lobbyists:** The presentation was made by Amy Redfern.

A legislative matrix was distributed by the lobbyists showing 21 bills (including the below) including titles, sponsors, short titles, summaries and status. The matrix is available at: <http://www.statebillinfo.com/sbi/index.cfm?fuseaction=Public.Dossier&id=11948&pk=64&f=word>

This matrix is updated daily. These bills were of general interest to the CLAC.

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Several bills were reviewed in addition to their inclusion in the matrix, detailed at greater length and issues of concern were discussed as identified below; various strategies were developed for these and subgroups were identified where necessary.

**SB249:** This bill to extend certain provisions of CCIOA to include small communities was discussed. It was the determination that CLAC should actively support this bill, including testifying if possible. It was also noted that we should inform one of the sponsors that the small communities of concern may be 'pre CCIOA communities' and the bill may not achieve the remedy sought. CLAC will testify in support and the bill is calendared 3/24/09.

SB246: This bill was discussed at some length including the opposition of the home builders. It was determined that the appointment of an 'subgroup' would be desirable to work with the stakeholders on the bill and Jesse Witt and Chris Pacetti were appointed.

HB1235: This bill had been 'Postponed Indefinitely' largely on the recommendation of the Banking community who had liability concerns. This bill provided for 'good Samaritan' immunity for local volunteers who provide services on nuisance properties. Rep. Acree expressed a desire to work with CLAC for a bill next year and it was determined that we will attempt to work with Rep. Acree in the interim to achieve a workable solution.

HB1227: Relates to public nuisance notification and equity skimming. A subgroup of Jerry Orten and Suzanne Leff had been designated to monitor this bill and had met with the sponsors. This subgroup was reviewing a potential amendment and had 'mixed' feelings on the future of the bill.

A Kerr House Bill: Rep Kerr is still discussing and advocating an 'omnibus bill on HOA's'. This was of major concern to the CLAC members and lobbyists. A lengthy discussion on this proposed legislation took place. Rep. Kerr wishes to address Capital Reserves, Board Membership, Composition, Officer Composition, Openness of proceedings, Association employees and many other facets of HOA operations. Some CLAC members had met with Rep. Kerr and 'the ladies' (the group who are residents of an unknown southwest HOA [working with lobbyist Beth Minihan]) who seem to be 'influencing' Rep. Kerr. A multifaceted strategy was developed:

- To continue to meet with Representative A. Kerr (meeting scheduled Tues., 3/24)
- Work with Rep. A. Kerr as he is the speaker at the CAI Spring Showcase
- Attempt to meet with 'the ladies' with or without Kerr (the group influencing A. Kerr) to explore if a solution short of new legislation can be achieved [working within existing statutes and their governing documents] to resolve their issues (making sure to inform A. Kerr). A subgroup of Deb Karpuk, Kevin Moore and Molly Foley-Healy was designated for this meeting.
- Take a CLAC position that a proper legislative solution targeting only the problems surrounding Association Capital Reserves (as discussed in a prior meeting) may be one that CLAC could support this legislative session. Given the lateness of the legislative term, the non-emergency nature of the issues, CLAC believes that discussion and formulation of any solution for the remaining issues during the interim would be best and most prudent. CLAC could not support and would likely oppose legislation addressing anything except Capital Reserves during this session.

HB1220: This bill was discussed briefly. We are awaiting some additions and information that may clarify the definitions of housing related to this bill. (*Immediately following the meeting Amy received a pre-amended copy of HB 1220 which she distributed to CLAC members.*)

General Legislative Outreach: Chris reported that the program is continuing with a strong attempt to make an in depth contact with one key legislator each month. The program appears to be successful thus far.

Meeting with Sen. Morgan Carroll: Chris Pacetti reported that a meeting had taken place with Sen. Carroll as part of our 'legislative outreach' program where she indicated that she still has an interest in the HOA issue and does not consider her 'work' there complete. Chris reported that she appears willing to listen and allowed substantially more time than was allotted for the meeting.

HB1276: This bill, concerning delays in foreclosure proceedings for residential property was discussed briefly by Chairman Pacetti.

**COMMITTEE/SUB-COMMITTEE/TASK FORCE REPORTS:**

- **Fundraising**: Deb Karpuk reported that various fund raising alternatives were being explored by her and Pat Wilderotter and detailed several of those alternatives.
- **Public Relations**: No report was provided.
- **RMC Board Activities**: Pat Wilderotter reported that she had successfully moved at the RMC Board meeting that the tax and audit costs formerly attributable to CLAC will be absorbed in the future by the Rocky Mountain Chapter. Pat also noted that the CLAC minutes are now routinely included in the RMC Board packets.
- **Manager Certification**: Chris Pacetti reported that little else had occurred with this task force since his last report in February 2009.

**Minutes**: The minutes, as previously electronically transmitted for the February 20, 2009 meeting were approved unanimously and entered into the record.

**Financial reports**: The financial report for the period ended 2/28/09, as previously electronically transmitted to the members was accepted and entered into the record. The committee expressed its appreciation for the improvement in the financial statement presentation as requested.

**Communications Policy Discussion**: Chris Pacetti indicated that this topic was largely tabled until later except that members should be thinking about the CAI policy and potential methods for CLAC to improve the communication of its legislative endeavors, activities and legislative happenings to more of the CAI membership; through use of both Chapters websites and/or other means. These topics are of great importance to the CAI members at large. Some discussion of various alternatives ensued and Chris indicated the subject would be brought up again for further resolution.

**Next meeting**: The date and time for the next meeting was announced as April 17, 2009 @ 1:30 PM at the offices of Aponte & Busam Public Affairs.

**Adjournment**: There being no further business to come before the committee, Chris Pacetti adjourned the meeting at 2:58 PM, March 20, 2009.

Respectfully submitted,

J. Kevin Moore, Secretary

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**CLAC MEMBER/DELEGATE ATTENDANCE RECORD:**

<b>Member/Meeting:</b>	<b>Apr</b>	<b>May</b>	<b>Jul</b>	<b>Oct</b>	<b>1.16.09</b>	<b>2.20.09</b>	<b>3.20.09</b>	<b>7.28.09</b>
Bobb, Andrea				na	X		X	
Cowell, Jim	X	X	X	X	X	X	X	
Debus, Gary	X		X	X	X	X		
DeLisio, Carmine			na	X	X	X		
Foley-Healy, Molly	X			X		X		
Graf, David	X		X	X	X		X	
Hoehn, Robert	X	X	X	X	X	X	X	
Jordan, Lynn	X	X		X	X	X		
Karpuk, Deb		na	X	X	X		X	
Krohlow, Kent	X	X			X		X	
Leff, Suzanne	X	X	X		X	X	X	
Lukasik, Walt				na	X	X		
Moore, Kevin	X	X	X	X	X	X	X	
Orten, Jerry	X		X		X	X	X	
Pacetti, Chris	X	X	X	X	X	X	X	
Tobey, Gary		X		X	X		X	
Wilderotter, Pat			X	X	X	X	X	
Witt, Jesse	X	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.