

**COLORADO LEGISLATIVE ACTION COMMITTEE (CLAC)**

**Minutes-April 16, 2010**

**Denver Chamber of Commerce  
1445 Market Street, Denver, CO**

**Call to order – 1:34 PM**-Chair Gary Debus

**Attendance-Members/Delegates:**

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

**Guests:**

Redfern, Amy; Aponte & Busam Public Affairs	Steve Conklin, Exec. Dir., Rocky Mtn Chapter
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**Call to order:** Chair Gary Debus called the meeting to order at 1:34 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.

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

**Lobbyist report:** Amy Redfern gave this report. The legislative matrix was distributed by Amy. Several bills were discussed at greater length and various positions were taken:

**HB 1278:** Creation of an HOA Information and Resource Office-Rep. Ryden/Sen. M. Carroll: There was discussion over this bill and Chris Pacetti and Molly Foley-Healy (part of the envoy group) reported on the favorable results of their efforts. Sen. Carroll appears receptive to our suggested amendments particularly those concerning the bill title. There will be an elimination of the specifics regarding the qualities to be possessed by the director of the new office in favor of a more general descriptor and all HOA complaints will be 'tracked'. This bill has been amended to create an entity to function as an information clearing house and this office will create a registry of HOA's. The bill contains the authority for 2.0 FTE's and has a fiscal note of about \$200,000 which remains unchanged after the bill passed the House. The CLAC position is to support the bill as amended and it will be monitored closely.

**Transfer fee bill: Transfer fee/proposed conveyance fee:** Amy reported on the potential bill to limit transfer fees on the sales of a property originally being pursued by the RE section of CO Bar. It does **not** appear that this bill will be introduced this session due to the strong opposition of CLAC and others. CLAC (Jerry Orten) had submitted comments and concerns several times. There was extensive discussion on this potential bill and concerns over fees charged by HOA's and their management companies **not** founded in the Declarations. There were indications that there would be some further discussions on this issue with the proponents over the summer and the interim. An envoy group of management company representatives of Jeff Kutzer, Walt Lukasik and Jim Cowell was designated for summer work on this bill.

**HB 1403: Secretary of State HOA renewals via Email-A. Kerr:** Amy briefly reported on a bill supported by the Secretary of State to allow HOA's to renew their corporate registration by Email rather than postcard. The CLAC position will be to monitor the bill.

**SB 45 HOA Protection Act-Senator Morse: SB 45:** Homeowner Protection Act-Sen. Morse/A Kerr: Amy reported that the results of the strategy meetings on the bill appear to be that Senator Morse will run the bill. CLAC will monitor the bill.

**Medical marijuana bills:** Amy reported that there are still medical marijuana bills involved in the legislative process and that the sponsors feel that HOA's have adequate protections in the legislation as it currently exists. Ruth/Amy will continue to monitor these bills.

**SB 93:** Lien Rights During Foreclosure-Sen K Lundberg: This bill had previously been PI'ed (Postponed Indefinitely) in the Local Government Committee on a 10-1 vote.

**Other issues:**

**HB 1278-Does CLAC have a role in implementation:** Kevin Moore initiated a discussion over the potential CLAC role in the implementation of HB 1278. The discussion surrounded CLAC's role or potential role in regulation drafting and the hiring of the Director of the new office. It was suggested that perhaps we should involve the Chapter Presidents and invite Erin Toll to the CLAC June/July meeting. Amy, Chris and Molly reported that Erin Toll (R.E. Commission) had been open thus far and was expected to continue and that the regulatory drafting process was fairly transparent. It was decided to re-visit this issue in May to see if CLAC had a role.

**Manager Credentialing:** Chris Pacetti reported that the Manager Credentialing Group was now under new leadership, Tim Larson due to Dee Tyler-Wolf 'stepping back a bit.' Chris reported that the group intends to take a straw poll at the spring showcase and determine, in light of the recent/current regulatory moves at the legislature regarding HOA's if there continues to be interest among the membership in pursuing manager credentialing. The results of those surveys will be provided to the chapter Boards who will then decide whether to forward the issue to CLAC or to change or drop the issue.

**RMC Ambassador's Committee-Paul Menningen:** This item was deferred to the May meeting.

**Administrative portion- minutes, financials:**

**Minutes:** It was announced that the minutes, as previously electronically transmitted for the March 19, 2010 meeting were approved by E-vote on 3/22/10 and posted on the websites & entered into the record. These corrections were made to the 3/19 minutes:

<b>Person Requesting</b>	<b>Section</b>	<b>Correction</b>
Bob Hoehn	Attendance	Add Robert Hoehn name

**Financial reports:** Lynn Jordan presented a financial summary of CLAC dated March 31, 2010. She also presented a LAC financial responsibilities document relating to tax reporting as justification why no balance sheets had been presented. There was discussion over the applicability of the latter document and the financial summary was entered into the record.

***New business:***

**HB 1394:** Jesse Witt reported on a decision of the Court of Appeals relating to Insurance coverage had prompted the introduction of a bill, HB 1394. Jesse explained the provisions of the bill and the CLAC position was to support the bill, Jesse Witt will testify if needed.

**Recycling:** Amy reported that Sen. Linda Newell (D-Arapahoe/Jefferson) had reached out to CAI concerning 'best practices' in recycling. A group of Chris Pacetti and Amy Redfern volunteered to meet with Senator Newell.

**Update to Rocky Mountain Chapter:** Chris reported that he and Amy will be making a presentation to the Rocky Mountain Chapter on the 2010 legislative session on 6/9/10.

**Legislative Outreach:** It was decided that CLAC, with Amy's assistance will continue to pursue its legislative outreach program this interim period.

**District Court decision on redemptions:** Gary Tobey reported that there had been a recent favorable District Court (unpublished) decision that Associations do not necessarily have to take what is offered in redemptions. Bob Hoehn reported that there were other (unpublished) decisions going the contrary direction and all seemed to agree. It is expected this issue will arise again upon the resurrection of SB 93 in the future. The CLAC sub-group of attorneys met afterward to determine what if any role CLAC should take regarding this decision and/or appeals.

**Next meeting:** The date and time for the next meeting will be Friday, May 21, 2010 @ 1:30 PM. The meeting place will be determined by the chair/leadership of CLAC and announced.

**Adjournment:** There being no further business to come before the committee, Gary Debus adjourned the meeting at 2:50 PM, Friday, April 16, 2010.

Respectfully submitted,

J. Kevin Moore, Secretary

**CLAC MEMBER/DELEGATE ATTENDANCE RECORD:**

<b>Member/Meeting:</b>	<b>9.29.09</b>	<b>11.3.09</b>	<b>12.3.09</b>	<b>1.29.10</b>	<b>2.19.10</b>	<b>3.19.10</b>	<b>4.16.10</b>	<b>5.21.10</b>
Bobb, Andrea		X	X	X	X	X	X	
Cowell, Jim	X	X			X	X	X	
Debus, Gary	X	X	X	Exc	X	Exc	X	
DeLisio, Carmine	X	X	X	Exc	X	Exc	Exc	
Foley-Healy, Molly	X	X	X	Exc	X	X	X	
Goff, Pam	X	X	X	Exc	X	X	X	
Graf, David	Exc	X	X	Exc	X	X	X	
Hoehn, Robert	X	Exc	Exc	X	X	X	X	
Jordan, Lynn	X	X	Exc	X	X	Exc	X	
Krohlow, Kenton		Exc	Exc	X				
Kutzer, Jeff	X	X	X	X	X	X	X	
Leff, Suzanne	X	X	X	X	X	Exc	X	
Lukasik, Walt		X	X	X	X	Exc	X	
McIntyre, Jason	X	X	X	X	X	X	X	
Moore, Kevin	X	X	X	X	X	X	X	
Orten, Jerry	X	X	X	X	X	X	X	
Pacetti, Chris	X	X	X	X	Exc	X	X	
Tobey, Gary	X	X	X	X		X	X	
Wilderotter, Pat	X	X	X	X	X	Exc	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.