

Snowcrest Condominium Unit Owner Association, Inc.
January 6, 2020

**ELECTRONIC BOARD MEETING
AGENDA**

ITEMS OF DISCUSSION:

1.0 CALL TO ORDER

2.0 NEW BUSINESS

2.1 RULE REGARDING PERSONS BANNED FROM SNOWSHOE MOUNTAIN

2.2 SECURITY CAMERA POLICY

3.0 ADJOURN

ELECTRONIC BOARD MEETING

MINUTES

NOTE: The following is the writer's interpretation of the discussions and actions occurring at the referenced meeting. Any corrections, additions, or deletions should be noted to the writer within 10 days of the distribution date. Appropriate handouts and documents are available on the website. Copies of all handouts and documents are available upon request.

DISTRIBUTION: Owners via email and website.

ATTENDEES:

Board Members: David Roach, Lisa Dandelet, Kandy Ramos, Gregg Reed, Cris Trout, David Tickner, Dale Kohlrieser, Richard Kuhn, Lora Graves, and Bryan Dye. Proxy received from George Hurley

Homeowners: Randy Thomas, Stacie Cogar, Barry Barqzzzone, Bill Brookhart, David Sayre, Louise and Terry Henry, Laurie Newsome, Dale Ramsey, James Shafer, Zofia Kasim, and John Wyrst

1.0 CALL TO ORDER

David Roach called the meeting to order at 9:52 AM on January 6, 2020. He stated that a quorum was present and welcomed the attending Homeowners. He then reviewed the procedures for the Electronic Meeting.

2.0 NEW BUSINESS

2.1 RULE REGARDING PERSONS BANNED FROM SNOWSHOE MOUNTAIN

David Roach stated that there have been several incidents on the mountain that have resulted in Snowshoe banning certain individuals from the mountain. Two of these individuals were sighted at Snowcrest. They are no longer at Snowcrest and left without incident, but Snowshoe Security informed us that they cannot remove these individuals from Snowcrest unless we have a written policy regarding this situation. He consulted with Robert Chenoweth, our attorney who recommended the following Rule for adoption by the Board:

“25. No individual may reside or occupy Snowcrest Property on a temporary, or permanent basis if said individual is also banned from residing or occupying any property located on Snowshoe Mountain.”

David Roach stated that he would entertain a motion to adopt the proposed rule. Kandy Ramos so moved. David Tickner seconded. Discussion ensued.

Cris Whitaker questioned how we would deal with homeowners who are banned from the mountain and suggested that we obtain a legal opinion regarding this issue. David Roach contacted Robert Chenoweth who indicated in theory, he would expect that this rule will be very difficult to enforce without the assistance of law enforcement. If a person is in violation of the rule, and refuses to leave, he doubts that local law enforcement will be inclined to enforce a rule adopted by Snowcrest. The most likely course is that Snowcrest would file a civil action for an injunction against the person to have them removed under the Rule. So in his mind this rule is more so setting up a scenario where Snowcrest would need to seek an order from the Court to have someone removed for violating the rule. The rule would be more easily enforced against guests. He recommended an alternative version to address our concern.

"No individual may reside or occupy Snowcrest Property on a temporary, or permanent basis if said individual is also banned from residing or occupying any property located on Snowshoe Mountain. **This Rule does not apply to Unit Owners.**"

Kandy Ramos commented that for Silver Creek, whenever someone is banned from Snowshoe, Snowshoe sends them a picture and the barred letter.

David Roach stated that based upon this information, he would entertain a motion to amend the proposed Rule to state:

"No individual may reside or occupy Snowcrest Property on a temporary, or permanent basis if said individual is also banned from residing or occupying any property located on Snowshoe Mountain. This Rule does not apply to Unit Owners."

Bryan Dye moved to approve the amended rule. Kandy Ramos seconded. Discussion ensued.

Zophia Kasim asked what it means to be "banned by Snowshoe," and how that would affect those persons on private property. She expressed concern about the legal issues that could arise, and questioned whether the rule was needed.

David Roach responded, stating that banned by Snowshoe means that they are banned from all property owned by Snowshoe. People who have been banned by Snowshoe have engaged in behavior that he doesn't believe we want on our property. This rule would prevent them from doing anything on our property. He further stated that this rule has been recommended by our attorney and he believes that we definitely need this rule.

The amended motion carried.

2.2 SECURITY CAMERA POLICY

David Roach stated that at the November 16, 2019 Executive Board Meeting it was determined that a video surveillance policy was needed, and he was authorized to contact our attorney, Robert Chenoweth to review our video surveillance procedures and develop a written policy which will be referenced in the Rules and Regulations. The proposed policy has been provided to Board Members and attending Homeowners.

He stated that he would entertain a motion to approve the Security Camera Policy. Cris Trout so moved. Kandy Ramos seconded. Discussion ensued.

Zofia Kasim stated that she was concerned that the proposed policy goes against the previous legal determination that the HOA security cams must be operated/supervised/recorded 24/7 (in other words, three full time jobs and a long-term accessible storage). She believed that this was part of the basis of the \$2.5 M ruling against some HOA for not only a lack of proper fencing but also for not having a footage of the parking lot killing. She was concerned that while the HOA has the right to operate the cams, it also has to have the footage, if something bad happens.

David Roach responded that he believed that the case she was referring to hinged on the fact that they did not address the frequency of monitoring that was done. He pointed out that the proposed policy does address this. He cited "Section V.3 Security Camera Monitoring and Review 1. The Executive Board and/or the Resident Manager may monitor and review security camera feeds and recordings as needed to support investigations, to enhance public safety and to promote the purposes of this policy as set forth in Section I. It is not intended or expected that security cameras will be routinely monitored in real time."

He noted that our cameras will only allow for 30 days of storage. Our attorney, Robert Chenoweth has indicated that there is no specific timeline for storage of data. He expressed confidence that this policy will protect us from liability as much as any policy can.

Further discussion ensued. Motion carried

3.0ADJOURN

David Roach stated that as the purpose of this meeting was to address the above agenda items, the meeting was adjourned at 3:05 PM on January 10, 2020 He thanked Board Members and attending Homeowners for their participation.

Respectfully Submitted,



David Roach, President