

Colorado Legislative Action Committee (CLAC)

Minutes - March 11, 2011

1660 Lincoln Street, 2nd Floor Conference Room, Denver, CO

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

Attendance - Members/Delegates

Bobb, Andrea Cowell, Jim Debus, Gary Flippen, Jim	Goff, Pam Graff, David Hoehn, Robert Kutzer, Jeff	Leff, Suzanne Lukasik, Walt Orten, Jerry Pacetti, Chris	Tobey, Gary Wilderotter, Pat
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Guests

Adair, Amelia: HindmanSanchez
Aponte, Ruth: Aponte & Busam Public Affairs
Redfern, Amy: Aponte & Busam Public Affairs

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.

Introductions: Introductions were made to identify participants and guests. Excused absences for Molly Foley-Healy, Lynn Jordan, Carol Taylor and Shedd Webster were announced.

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

LEGISLATIVE UPDATE: Amy Redfern led the presentations in this portion of the meeting. Amy thanked CLAC delegates for their participation this legislative session. She expressed appreciation for the quick responses to email requests and attendance at meetings with legislators, often on short notice, and stressed how critical this involvement is during the session.

FAQs. The FAQ booklets were distributed to all legislators. Amy Redfern stated that legislators are coming to her with questions about HOAs. Amy recommended that the CLAC delegates consider defining our role as community association advocates and the ideal structure for carrying out that role.

HOA Clearinghouse updates. Sen. Carroll and Rep. Ryden have agreed to sponsor a HB10-1278 clean-up bill. Amy Redfern is scheduling a meeting with the sponsors for sometime next week. Draft clean-up language was circulated. The delegates engaged in extensive discussion about the merits of introducing legislation that attempts to extend registration requirements to pre-CCIOA communities. Delegates offered suggestions for clarifying proposed language. Suzanne Leff will revise the draft language, per the discussion, and circulate a new draft for envoy and delegate review.

Transfer fees. Envoy members met yesterday with the land title association and Colorado Bar Association to discuss the transfer fee bill that Senator Jahn plans to introduce after one more draft to address stakeholder concerns. Jerry Orten explained that many meetings concerning this bill have taken place over the past couple of years. The most recent version of the bill would only apply transfer fee restrictions to residential property once improvements have commenced. The recently revised FHFA regulations on transfer fees should serve to reduce the number of covenants that fall within the scope of any transfer fee bill. Chris Pacetti reminded attendees that the Colorado bill originated from high fees included in real estate closing costs, some of which evolved into financing mechanisms. The delegates generally support this bill but will need to see the latest draft before making a decision on the CLAC's position. The land title association has already requested that the CLAC assist with getting co-sponsors for the bill.

Review of matrix. Amy Redfern distributed the current legislation matrix, and CLAC members reviewed the status of bills on the matrix.

Residential Nonprofits Corporate Meetings (HB11-1110). This simple, HOA-friendly bill is moving through the legislative process. Molly Foley-Healy testified in support of the bill on behalf of CLAC.

HOA and Metro District conflicts of interest (HB11-1124). Sen. Carroll has delayed the Senate hearing on this bill due to concerns about the lack of parity for metro districts. The bill does not impose the same requirements on metro districts as it does on community associations. Envoy members provided Sen. Carroll with information about the existing metro district statutes that address her concerns. Molly Foley-Healy testified in support of the bill on behalf of CLAC in the House. The Senate hearing is scheduled for March 22, 2011.

Restorative Mediation (SB11-13). CLAC is monitoring this bill. It may die in committee.

Sunrise Process Notifications (HB11-1044). This bill was postponed indefinitely, so no changes to licensing procedures will occur.

HOA Lien Rights in Foreclosure (HB11-1197). This bill was postponed indefinitely, but may come back if stakeholders can reach consensus on the super lien provisions.

HD-7 TOWN HALL WITH REP. WILLIAMS: The town hall with Rep. Williams was rescheduled to March 26, 2011, from 10 to 11 AM. Jim Cowell, Lynn Jordan, Jeff Kutzer, and Suzanne Leff have volunteered to participate in a panel presentation.

PROPOSAL REGARDING SUPER LIEN: Jerry Orten proposed that the CLAC adopt a resolution to ask National CAI to pursue federal agency adoption of guidelines that permit a super lien of more than six months of assessments. Delegates discussed the following reasons for submitting such a request to National: (i) the length of time from start to finish for lender-initiated foreclosures is averaging between 18 and 24 months, (ii) the adoption of new super lien legislation at the state level, in Nevada and Florida and as contemplated in Colorado, and (iii) the fact that state legislation pertaining to super liens in excess of six months would only apply to non-federal loans. On motion by Jerry, with a second by Chris Pacetti, the delegates unanimously approved this resolution. Jerry will contact Andrew Fortin at National to discuss the resolution.

SUMMER ENVOYS AND LEGISLATIVE OUTREACH OVER SUMMER: The delegates and Amy Redfern acknowledged that the envoys are working well this session. Those in attendance discussed the need for better defining CLAC's role and the role of the envoy members and talking more about the role of community associations in Colorado when interacting with legislators. Delegates are supportive of more contact with legislators, including visits at the Capitol during the session and opportunities to participate individually in legislators' campaign events. A recommendation was made to resurrect the manager credentialing committee over the summer months.

CLAC CONFIDENTIALITY POLICY: A revised policy concerning CLAC confidentiality and communications was distributed. The policy is included with these minutes. On motion by Jim Cowell, with a second by Jeff Kutzer, the policy was approved as presented.

MINUTES: The minutes for the February 11, 2011, meeting, as transmitted electronically to the delegates, were previously approved by e-vote, posted on the website, and 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 July 2010 through February 2011. Pam announced that the CLAC received \$1,000 from the Southern Colorado chapter and that another \$1,000 should arrive soon. She distributed a handout showing advocacy support fees received from National and discussed the financial outlook for the CLAC. Pam recommended that the CLAC again sell string at the CAI golf tournament this summer as one way of funding CLAC. She is exploring other fundraising options and asked for ideas. On motion of Jeff Kutzer, seconded by Pat Wilderotter, the financial report was voted received and entered into the record.

Next meeting: The next meeting is scheduled for Friday, April 8, 2011, at 1:30 PM in the second floor conference room at 1660 Lincoln Street, Denver.

Adjournment: There being no further business to come before the meeting, Gary Debus adjourned the meeting at 2:59 PM, Friday, March 11, 2011.

Respectfully submitted,

Suzanne M. Leff, Secretary

CLAC MEMBER/DELEGATE ATTENDANCE RECORDS

Member Meeting	9.18.10	10.15.10	11.12.10	1.21.11	2.11.11	3.11.11
Bobb, Andrea	X	X	X	Exc	Exc	X
Cowell, Jim		X	X	Exc	X	X
Debus, Gary	X	X	X	Exc	X	X
Flippen, Jim	NA	NA	NA	NA	X	X
Foley-Healy, Molly	X	Exc	Exc	X	X	Exc
Goff, Pam	X	X	X	X	X	X
Graf, David		X	X	Exc	X	X
Hoehn, Robert	X	Exc	X	X	X	X
Jordan, Lynn	X	X	X	X	X	Exc
Kutzer, Jeff	X	X	X	X	Exc	X
Leff, Suzanne	X	X	X	X	X	X
Lukasik, Walt	X	Exc	X	Exc	X	X
Orten, Jerry	X	X	Exc	X	Exc	X
Pacetti, Chris	X	X	X	X	X	X
Taylor, Carol	NA	X	X	X	X	Exc
Tobey, Gary	X	X	X	X	X	X
Webster, Shedd	NA	X	X	Exc	Exc	Exc
Wilderotter, Pat		X	X	X	X	X
Witt, Jesse		Exc	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 delegate's second excused absence that a third consecutive absence may result in the delegate's removal.