



Gilpin - Clear Creek Home & Landowners Association, Inc.

P.O. Box 237 - Idaho Springs, CO 80452

www.YorkGulch.com

Special Meeting to discuss adding a 'Declaration' of Covenants, Conditions and Restrictions
(CC&R) to our website

September 19, 2024

7:15pm at Judy and Dave Gallaher's

Approved by the HOA board

Meeting link

meet.google.com/qnq-iqps-ven

All board members present except Nicole on Zoom:

Board Members Present:

Laurie Beckel (President)

Melissa Pierce (Vice President)

Heather Huntoon (Secretary)

Curtis and Tina DePoyster (Treasurer)

Courtney Donovan

Judy Gallaher (and Dave)

Kim Graham

Megan Heine

Michelle and Chad Tyler

Nicole Savage (on Zoom)

Sergio Panelo

7:23 Meeting called to order by Laurie Beckel, President

New business related to contract with our HOA property owners:

Board was presented with a document with important, historical documentation related to the HOA. Of note:

- April 26th, 1978 noting the Gilpin-Clear Creek Home and Landowners formed and by-laws submitted to the Colorado Secretary of State after the Clear Creek Mauzy Joint Venture Company obtained and resold combined properties.
- November 8th, 1983 noting that the by-laws reaffirmed and stated as follows
“Non-payment of assessments - (a) It is clear that the Board has a duty to take action to collect past due assessments, plus 12% interest, costs and attorney's fees. (b) It is also clear that these provisions are binding on each member and are specifically agreed to by each member, and that sale of the property does not release the owner of assessments due prior to the sale, nor is the buyer relieved of the assessments due after purchase.”

- August 6th, 1992: GCCHLA, Inc by-laws refiled with the Colorado Secretary of State. The GCCLA Corporation “continues as is without interruption, the activities of the Corporation of the same name (GCCHLA) as incorporated on April 26th, 1978.
- The York Gulch (GCCHLA, Inc.) is defined in State Statute as a Common Interest Community. As such, we are covered and continue to be granted authority to enforce governances and by-laws of the Corporation as further defined in House Bill 09-1359 (“The Governance of Common Interest Communities”) as it relates to the Title 38 of the Colorado Revised Statutes.

Whereas, it has come to the attention of the HOA that while the assessments by the HOA have existed in the by-laws of the Association since the beginning, a formal CC&R should be created and filed with the state due to updated CO HOA regulation. This document is the Covenants, Conditions and Restriction document known as a CC&R.

Discussion of CC&R and why this is needed:

- HOA boundaries are established and non negotiable. This covenant is needed to state that York Gulch HOA require mandatory dues (as has also been stated in the by-laws);
- CC&R’s are frequently used to require more of HOA members than just assessments (our only requirement of property owners) which is why this was not done previously;
- This is not a new requirement being made of landowners, it is just formalizing the assessment into another document in addition to the by-laws;

Motion made by Judy to create a CC & R and have a lawyer review and make recommendations

Second: Courtney

No further discussion

Vote unanimous (11 yes; 0 no)

Next steps:

1. A team will draft a CC & R document for review. Chad will supply examples, Melissa will create a google doc for the board to review.
2. Dave will contact a lawyer to discuss our process and then the document to make sure our process is within the existing law.
3. Following the creation of the CC&R, the Board will write an implementation policy to make sure all property owners are treated the same when it comes to collecting the assessments.

Motion made by Sergio to allow the HOA to spend up to \$1,000 for a lawyer to provide consultation and review the CC & R.

Second: Melissa

No further discussion

Unanimously approved

Next meeting: November 19th, at the Pierce residence time TBD

Motion to adjourn: Sergio

Second: Melissa

Unanimously approved