

Snowmass Mountain Condominiums Home Owners Association

Board of Directors Newsletter

December 3, 2015

Dear SMC Owners:

With the flues/firebox project expected to draw to a successful close over the next week or so, the Board is turning its full attention to another major item on the agenda - the investigation of alternative property management companies for the complex. **The goal is to select a management company that meets our needs and aspirations at a competitive cost.** Mike Mitchell and Kirk Samsel have taken the lead on developing a Bid Package for companies interested in responding to our request for proposals to manage our property. Ads were placed in both Aspen newspapers during the fall, and responders to date have been offered an opportunity to tour the property. All responders (8 to date) will receive the Bid Package by December 11th, and have been asked to return their proposals by the end of January 2016. The Board will review proposals during February, select up to three companies for on-site interviews in March, and make a final choice of Property Manager by the end of April, with the selected company expected to transition with First Choice Properties (if First Choice is not selected to continue as Property Manager) over the summer months and begin a full management contract on October 1st, 2016.

Also this fall, the Board revised several sections of the **HOA Rules and Regulations**, and an updated copy is attached to this email for your information. Enforcement of our governing Rules and Regulations is a perennial issue at the HOA meetings, with Owners in attendance voicing strong opinions that enforcement should be a priority. Common issues are parking violations, violations of pet regulations, smoking violations on balconies, noise and spill-over of items from inside the units onto patios and balconies. Of concern is that renters especially seem uninformed about the governing Rules and Regulations. Owners need to be cognizant that Owners are not only responsible for ensuring that their renters are informed of our Rules and Regulations, but also that Owners are ultimately responsible for the actions of renters in their units (see below). The Board will also consider creating a simple summary of the rules and regs for the complex that Owners and/or their rental agents can provide to each renter.

There are several items in the Rules and Regulations the Board would like to call to your attention. First, attention is directed to **Section V governing Rental Unit Policies**. This is especially important for Owners who rent their units but all Owners should be aware of the rules in this section. **Rule V a.** holds that prior to allowing long-term (ie, more than 30 days) renters to occupy a unit, an Owner must provide a copy of the rental lease listing the name/s and ages of the lease holder and

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all occupants governed by the lease agreement. Why is this information asked for? The Board wants our Property Manager to know by name and unit number who and how many people are entitled to be on property, to use the amenity building, and to park in the one space assigned to the rental unit. This also allows management to communicate directly with an unit Owner in case of emergency or rule violations, such as having pets in the unit or allowing unsupervised underage children in the pool or spa areas. **Rules V. c and V. d** in this section govern maximum occupancy in units of different sizes. It is not uncommon for rental unit populations to grow over time, as friends and visitors begin to extend overnight stays indefinitely. Residents in neighboring units should not have to shoulder the burden of overcrowding and potential spillover in nearby rental units, and the occupancy rules are designed to address this issue.

What is the HOA procedure for handling complaints about rule violations? In compliance with CCIOA, when the Property Manager notices a rule violation or when a problem is brought to the attention of the Property Manager, regardless of whether the violation is by the Owner, a guest, or a renter of the Owner's unit, the rule violator will be informed of the violation (for example, a bicycle on the patio) and the necessary remediation (for example, move the bike inside or park it in the bike rack), and the Owner will also be notified immediately by email or phone. If the situation is not corrected within a reasonable time (usually within 24 hours if not immediately), or if the violation is repeated (e.g. continued smoking on the balcony), a second notice will be given to the violator and a fine will be levied against the Owner forthwith. Owners who rent their units through rental management companies are responsible for the actions of renters in their units. Any redress of damage or fines should be sought from the Unit Owner's management company, not from the HOA or the Property Manager of the SMC complex.

Owners are free to contract with any management company to rent and/or manage their unit. The Board has asked the Property Manager to compile a list of management companies managing individual units in our complex. Such information is helpful in several ways: for example, it allows Management to ensure that Rules and Regulations are shared with each management company with renters on site; it allows our Property Manager to contact the appropriate management company if there is a problem, such as a leaking shower, in a particular unit; it allows the identification of vehicles that may be in our parking area without a permit. Only two companies, Mighty Mouse and Ericksen, other than First Choice Properties have been identified thus far. Owners who have contracts with an outside management company are asked to inform Aaron Walker of their rental agent via email at awalker@fcprentals.com immediately so that the list can be completed and kept up to date.

Rule II a. governing the use of **balconies and patios** has been clarified. In addition to the patio table and two chairs plus a gas grill, owners may "...install up to 2

planters no larger than 18 inches in diameter, either standing or hanging and containing plants appropriate to the season, plus one hummingbird feeder. No other items, including sound-making devices such as wind chimes, may be hung or attached to balconies or patios." Around the winter holidays, it is to be expected that small Christmas trees may appear on balconies or patios. So long as these are within accepted containers and "appropriate to the season" they are permissible.

Two other sections of the Rules and Regulations were addressed: **Appendix B: Unit Remodel Guidelines** which elaborates Section VI of the Rules and Regulations for Owners who plan to remodel or upgrade their individual condo units. These guidelines were revised based on our experiences over the past six months with several owner-initiated renovations, and they give more specific direction on the Board notification and approval process. Appendix B is available as a separate section in MS Word format, so that Owners can download, fill out, and return the requisite forms directly online. **Appendix C: Board Travel Reimbursement Policy** was added to clarify reimbursement policies for Board members' travel to on-site Board meetings.

A final issue that was brought to the Board's attention in the past few months was the "right of first refusal" in our governing declarations. This clause gives Owners the privilege of purchasing any condo unit for sale ahead of the unit's potential buyer at the price agreed upon by the seller and buyer. It is a required component of the sale of any unit within our complex. The cost of compliance seemed exorbitant to some Owners wishing to sell, and the Board was asked to address this matter. After review, the Board reaffirmed the importance of the right, but also clarified the minimum actions necessary for compliance. Specifically, as already stated in the Association Declarations, Owners should inform their realtor and title company that sending the requisite documents by U.S. registered mail to all current owners and waiting 20 days for response is sufficient to address this requirement. There is no HOA requirement for these documents to be distributed by FedEx or UPS. It is up to the Owners to respond to the Title Company within 20 days of letters being mailed out if they wish to exercise this right.

The next meeting of your Board of Directors will be in the Conference Room of Building A at the complex on January 30, 2016, 9 am-5 pm. Board meetings are open to all Owners, and you are welcome to sit in. In the meantime, as always we welcome your comments and feedback.

With best wishes for a joyful holiday season and a happy new year!

On behalf of the Board of Directors -
Greer L Fox, Secretary