

**MINUTES**  
**COVENANT COMPLIANCE POLICY UPDATE TASK FORCE**  
**JUNE MEETING**

**DATE & TIME:** June 19, 2023 – 10:00 am – 12:00 am

**LOCATION:** ECIA Community Center conference room and Via Zoom Videoconference

1. Participants. Board Vice President Amelia Adair, Architecture and Covenant Compliance Coordinator Mark Young, Architecture Committee Co-Chairs Katherine Mortimer and John McDermon, Architecture Committee member Gary Moran, Facilities and Grounds Committee member Taylor Ward. Katherine Mortimer served as note-taker.
2. Agenda & Minutes. The members approved the June Agenda and May Minutes
3. Board liaison update. The Board hasn't officially appointed a liaison to this committee. Amelia has been acting as the liaison. Amelia will raise it with the Board tomorrow.
4. Work to develop initial draft Compliance Policy.
  - a. Amelia shared a draft Compliance Policy, noting in yellow highlights the changes made from the model we are using.
    - i. We added a "whereas" statement enumerating the authority given to ECIA to enforce this policy in the New Mexico HOA Act.
    - ii. We added a "Whereas" statement making it clear that the enforcement policy is not intended to initiate or inflame neighbor-to-neighbor disputes.
    - iii. Need to make it clear that just because something has existing for some number of months/years, is not a justification for the violation to continue. (Adding "NO WAIVER" clause.)
  - b. Homework Report: Everyone was supposed to review enforcement steps and suggest which violations should follow a normal or accelerated process and the list of violations and categories.
    - i. Intention of homework, to establish categories that ensure like for like enforcement actions.
    - ii. Items that affect health and safety or, for example, when construction that is not permitted or as approved, should have a fast response requirement.
    - iii. Repeat offenders should have a faster escalation timeframe.
    - iv. Violations of use of amenities should have a different process than other violations.
    - v. Violations that are transient like semi-trucks on their lot or not complying with the RV screening rules should have a fast process.
    - vi. Three types of responses to violations emerged: Standard response, Fast response, and escalating from standard to fast for repeat violators.
    - vii. Amenity use is a little different. Differences include:
      1. Each amenity needs their own rules posted and periodically updated.
      2. Each rule posting should include information on how to report violations.
      3. Each property is entitled to 2 cards to access amenities. It is the responsibility of the property owner to ensure compliance with amenity rules.
    - viii. The general process for addressing violations should follow the following steps:
      1. Notice
      2. Right to be heard
      3. If violation continues after being deemed appropriate, consequence assigned (fine, temporary ban on use of amenity, or other action). Note: Repeat offenders have a faster time period.
    - ix. Need "Emergency" actions like when someone brings glass into the pool area.
    - x. To determine which violations follow which enforcement process/timeframe shall be determined by a checklist of qualities of each violation type.
    - xi. Repeat offenders will be addressed for every violation type.
  - c. Discussion of processes:

- i. First notice shall be a courtesy notification. The second notice shall start the process towards consequences such as fines or temporary bans on using amenities.
    - ii. The group worked on the standard process, updating from what we've been doing.
    - iii. Amenity suspension could be used for long term architectural violations.
    - iv. Need to be clear that paying the fine does not mean that you don't have to stop the violation.
  - d. Homework assignments:
    - i. Amelia will clarify the difference between requesting a hearing and filing and appeal.
    - ii. Kat will create the checklist to put different violations into different enforcement processes.
    - iii. John will outline the different processes for the different violation categories.
- 5. Open Forum. (Public Comment)
  - a. [No one from the public attended]
- 6. Next meeting: July 20<sup>th</sup> from 10 am to noon