

RIVERVIEW ORCHARD LANDOWNERS' ASSOCIATION, INC
P.O. BOX 313, FLORENCE, MONTANA 59833
Monthly Meeting - Thursday, September 26, 2024, 6:30 pm
The Bears Lair II, Florence, MT

Meeting called to order: 6:35pm

Attendance: ("x" indicates in attendance)

Board Members

Todd McCollum – President	X	Joe Bauer	
Casey Polly – Vice-President	X	Allie Wheeler	X
Kim Bauer – Treasurer	X	Maddie Hayward	X
Donene Dillow - Secretary	X	Bob Owen	X
		John Snell	X

ROLA Members

Rob Hayward – Architectural Committee	X	Shawn Garrison	X
Paul Moore – Roads Committee			
Steve Hall – Roads Committee			
Rodney Pollette	X		
Brenda Polly			

Guests

Name	Affiliation
Ann Bethea	Allie Wheeler's mother

Board Housekeeping:

- Board Participation – Todd McCollum, Board Officers
 - Printed handout – see p.7
 - All board members please read, if any, questions and comments will be discussed at the October meeting

Any comments or issues from General Members

- Members will be allowed up to 10 minutes to make their comments that are **NOT** on the regular agenda. Each member will have the floor to speak, but there will not be any comments made by any Board member nor any Association Member at this time. No discussions at all please. Please hold your comments to 10 minutes.
- The Board, under New Business, will address these issues and comments.
 - NONE

Meeting Minutes

- August 2024 Meeting Minutes approved via email: 9/10/24
 - Approval vote: 6-Yea, 3-no vote cast
 - Minutes posted to Facebook page: 9/10/24

Treasurer's Report

- Report see p.5
 - The -\$20,107.15 showing on accounts receivable is still a remnant from the Quickbooks conversion/set up. Kim continues to research ways to remedy this issue.
 - Bank account and total values are correct as listed.
- Motion to pass August 2024 Treasurer's Report
 - Motioned by: Bob Owen
 - Seconded by: Maddie Hayward
 - Vote result: Yea-unanimous

Correspondence

Todd McCollum - I have had a few phone visits with members and neighbors with respect to hunting in the association. I have referenced the handbook whereby stating the restrictions as written. All visits were cordial. Discussions covered the positive and negative aspects of the current restrictions. I mentioned during each visit that the FWP will not step in to assist beyond what they currently do until the association makes changes to allow hunting in HOA properties.

- Todd McCollum reiterated that there are no plans at this time to modify the restrictive covenants

Old Business

1. Fall newsletter – Maddie Hayward
 - a. Maddie Hayward presented a draft of the Fall newsletter. Corrections/comments can be directed to either Maddie or Donene by 12:00pm Monday 9/30/24.
 - b. Kim Bauer indicated she liked the “Covenants Corner” idea and in a future edition we may want to call for a member/board committee to look at updates/retyping etc.
 - i. Donene Dillow indicated she would start a running Newsletter idea list for future editions.
 - c. Donene Dillow volunteered to fold and mail the newsletter.
2. ROLA Broad Liability Insurance discussion – Todd McCollum
 - a. Annual policy – highlights
 - i. Different carrier than the HOA D&O policy
 - ii. Carrier is Non-Admitted in MT
 - iii. Does come with a 10% broker fee
 - iv. Annual cost \$2113.57 with Broker fee \$2324.93
 - b. Per event policy
 - i. Todd McCollum has been unable to speak with our HUB agent concerning details on how this type policy will work. Should have update by October meeting.
3. Covenants Summary document revisions – Todd McCollum/Allie Bethea
 - a. Review Covenants Summary see p.6
 - b. Donene Dillow asked if the plan was to have two summary documents – general and architectural or just the single document.
 - i. Todd McCollum indicated that a single summary document was adequate along with the Architectural Review request form (still pending development)
 - c. Donene Dillow recommended
 - Adding bullets summarizing the no hunting and the no shipping container restrictions.

- Adding the citations so the summary can be brief sentences and members can go to the citations for details
- Adding the road easement set back requirements to either the Architectural Review request or in the summary since they are not easy to find on the county website.
- d. Todd McCollum indicated he would work with Allie Wheeler to combine the documents.
- 4. Street signs– Donene Dillow/Roads Committee
 - a. Signs for Meadowview Dr. Item put in the agenda “parking lot”. Sign mounting hardware needs to be acquired.
 - i. Donene Dillow will work with Kim Bauer to purchase the hardware.
 - ii. Once hardware attained Donene Dillow will ensure the signs get put up.
 - b. Mountain View Dr S. missing street sign. This sign is not on the ground by the post. Upon looking at the post the “Stop” sign is mounted in such a way that a street sign cannot be added to the post.
 - i. This will be investigated to ensure the Stop sign can be lowered and still meet county requirements.
- 5. Goat Covenant issues update – Board Officers
 - a. Officer findings from Lawyer
 - i. Todd McCollum indicated that David Steel does not do in person meetings but will do a Zoom meeting however his preference is to have the questions sent to him and he will answer via email.
 - 1. Casey Polly, Kim Bauer and Donene Dillow all indicated that they would prefer a Zoom anticipating answers from a question could lead to more questions or need for clarification.
 - 2. Post meeting Todd McCollum provided the following clarification: “David Steel does not do in person meetings but will do a Zoom meeting. His schedule did not allow for having the Zoom meeting before our board meeting. Todd told David we would submit our questions for him to address so when we have the zoom meeting he will have the answers addressed and ready for an efficient discussion. David would also need the four (officer) emails to send out the zoom meeting request.”
 - ii. Allie Wheeler said she had no problems getting a hold of him and she shared his guidance, from this discussion, via email with the Officers.
 - 1. The email received did not indicate Allie Wheeler had spoken with David Steel, indicated only a discussion with a lawyer.
 - 2. All officers expressed concern that Allie Wheeler had reached out of her own volition to the HOA lawyer. The concerns were in the following areas:
 - a. The attorney is not contracted by Allie Wheeler but rather the HOA.
 - b. His comments regarding the matter when presented by Allie, who has a conflict of interest in this matter, may contain bias.
 - c. There is no documentation of the actual conversation had between Allie Wheeler and David Steel.
 - d. Allie is standing in the weeds on the side of the road seeing something in black and white. No other board member sees things as clearly.
 - e. By Allie reaching out to the HOAs lawyer seeking legal advice for her own civil issue, it has compromised the HOA’s legal council. This puts the HOA in a difficult position.
 - f. It was inappropriate for Allie to reach out to the HOAs lawyer to seek her own resolution.

- g. The Bylaws concerning powers and duties were read (ver. adopted 2020, Article V, 5.1 and Article VII, 7.4.
- 3. Since this task had not been expressly assigned from the President, Kim Bauer informed Allie that any billing in relation to the mentioned phone call would not be paid by the HOA.
- b. Kim Bauer clarified that David Steel is not on retainer but performs HOA requests on an hourly basis.
- c. A lengthy discussion then proceeded concerning the ongoing neighbor situation.
 - i. Allie Wheeler spoke on the solution suggested by the attorney: Since the offending farm was never presented as a working business it is considered fraudulent and therefore any/all exemptions made to the offending party should be revoked and the covenants enforced. The officers had no comment on this solution; rather, stayed focused on reprimanding Allie.
 - ii. Officers continue to argue if screaming animals are a nuisance. Allie Wheeler said as a society it is generally agreed that caged screaming animals are considered a nuisance, to deny that shows a clear bias in this case.
 - iii. Donene Dillow explained that she felt Allie Wheeler was out of line contacting David Steel. She also went on to explain that her intent on the Board is not to solve the neighbor situation but look at the goat situation throughout the HOA and do what is in the best interest of the HOA membership.
 - iv. Donene Dillow requested the meeting be ended.
- d. Next steps

New Business – not discussed

- 1. Business Committee – Casey Polly
 - a. Members
 - b. Committee Process
- 2. Retaining a new lawyer for HOA needs? – Todd McCollum/Board Officers

Request for any other new business? Not discussed

Next Meeting:

Tuesday, October 29, 2024, at: 6:30pm
The Bears Lair II, Florence, MT.

Motion to Adjourn

Motion made by: Bob Owen – after Old Business item 5
Seconded by: Kim Bauer
Vote result: yes -5, nay-3
Adjournment at: 7:40pm

Parking Lot Items

Item Description	Responsible Party	Added to Parking lot (date)
Sapphire Valley Estates- updates	Todd McCollum	5/30/24

Newsletter publish dates 2024 – Apr, Jun, Nov/Dec. 2025 – Feb, May, Jul, Nov/Dec (Ongoing task)	Allie Bethea	6/18/24
Architectural request checklist	Architectural Comm.	6/27/24
Replacement of “No Outlet” and “Neighborhood Watch” signs on Meadowview	Donene Dillow	9/18/24

Riverview Orchard Landowner's Inc.

Balance Sheet

As of September 22, 2024

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
ROLA HOA GEN CHECKING (0828) - 2	2,222.35
ROLA HOA ROAD FUND (2700) - 2	1,460.06
ROLA HOA SAV CHECKING (5490) - 2	20,600.66
Total Bank Accounts	\$24,283.07
Accounts Receivable	\$ -20,107.15
Other Current Assets	
Undeposited Funds	0.00
Total Other Current Assets	\$0.00
Total Current Assets	\$4,175.92
TOTAL ASSETS	\$4,175.92
LIABILITIES AND EQUITY	\$4,175.92

Summary Of Key Points In Protective Covenants

The handbook of by-laws and covenants has a more detailed description of the requirements that must be met. This document is to be used as a quick reference and only states part of the requirements.

- **All lots shall be used for residential purposes only. No businesses, trade, manufacture or other commercial activity shall be conducted.**
- **Only normal family pets, 4-H project animals and cattle, horses and poultry are allowed. No swine or goats are allowed.**
- **No large scale agricultural operations such as feed lots, dairy herds or poultry farms are allowed. Such pets and animals that are allowed are not permitted to become a nuisance or annoyance to neighbors.**
- **No noxious or offensive activities are permitted on any lot; nor shall the property be used in any way which may endanger the health or safety or unreasonably disturb the neighborhood.**
- **All construction of new houses, additions, or outbuildings/barns as well as fences must be approved by architectural committee prior to construction. The submitted plans must address, lot boundaries and size, adjacent roads, size of the structures, property line setbacks, location of well and drain field, location of mercury light and fences.**
- **Duplexes are allowed if they are approved by the architectural committee.**
- **All sewage systems and water systems must be constructed per government regulations.**
- **All lots must be a minimum of 5 acres and cannot be divided into any less than 5 acres.**
- **Setback minimums are 15' from each side and back, and 75' from the roadway.**
- **New structures must be in harmony with existing structures.**
- **No outbuilding or pole barn type structure can be occupied or lived in.**
- **Dues are \$100/year. Road maintenance fees are \$75/year.**

The Board Officers would like to take a few moments to discuss the function of the Board and duties inherent in serving on this board or really, any board. Since it's impossible to do a job well if you don't know what the job is, we felt we must take the time to ensure that every board member fully understands what's expected and needed of them, and then hold ourselves and other board members accountable. It should be noted that the duties of the Officers are in addition to these board member duties and are more specifically outlined in the current Bylaws & Restrictive Covenants.

Every board member has fundamental legal duties which include:

- **Duty of Care** — Each board member has a legal responsibility to participate actively in making decisions on behalf of the HOA and to exercise their best judgment while doing so.
- **Duty of Loyalty** — Each board member must put the interests of the HOA before their personal and professional interests when acting on behalf of the HOA in a decision-making capacity. The HOA's needs come first.
- **Duty of Obedience** — Board members bear the legal responsibility of ensuring that the HOA complies with the applicable federal, state, and local laws and adheres to its mission.

Our current mission statement supports these legal duties. As a reminder the first paragraph of the mission statement reads:

"The Board of the Riverview Orchard Landowners Association exists for the mutual benefit of all Members of the Association as defined in the Restrictive Covenants of the Association, as amended."

However, the legal duties are just the starting point. Boards in general and this board specifically has duties that go beyond the three legal duties. These include

- Attend all board and committee meetings and functions, such as special events.
- Be informed about the HOA's mission and policies.
- Review agenda and supporting materials prior to board and committee meetings.
- Serve on committees and offer to take on special assignments.
- Ensure your dues are paid in a timely manner to the HOA.
- Inform others about the HOA, i.e. advocate for the board and the HOA.
- Suggest possible nominees to the board who can make significant contributions to the work of the board and the HOA.
- Keep up-to-date on developments and issues pertinent to the HOA, e.g. development in the area.
- Follow conflict of interest and confidentiality policies
- Assist the board in carrying out its fiduciary responsibilities such as reviewing the organization's financial statements.

Casey, Kim, Donene and I are bringing this up because we NEED, the help of every board member. We, feel strongly, that having an active, engaged, and transparent board goes a long way in ensuring that our neighborhood stays a clean, desirable and nice place to live.

<https://boardsource.org/fundamental-topics-of-nonprofit-board-service/roles-responsibilities/>
<https://www.boardeffect.com/blog/10-basic-responsibilities-board-members/>
<https://boardable.com/resources/board-member-responsibilities/>