

Board Questions Regarding Reversion to Pre-2012 DCC&R's

Below are the questions provided, to both attorneys, by Board members for legal opinion(s).

1. How do we establish assessments going forward (same for all lots or varied like the DCC&Rs)? Do we need an advisory opinion from a judge?
2. During the period of the New DCC&Rs, RV parking spaces were designated and sheds and an extra garage were allowed to be built. What changes should be "grandfathered" and what should not? Please specify those grandfathered cases that are legally required and the consequences if the Board desires to grandfather more or less than those required?
3. What documentation must be created and maintained in the case of each grandfathered action?
4. What can we do about the recreational vehicle parking (RVs, boats, trailers, 4 wheelers etc.) and how does SVRA address the issue with a resolution (allow, provide a storage facility, by variance, grandfather, remove)? What is our legal obligation and does the Board have any latitude in this area? Some parking areas required a permit and variance from the Board and others were a matter of following the guidelines of the Policy published only.
5. How long do we have to wait before trying to change the DCC&Rs again? Do we need an advisory opinion from a judge?
6. Speak to the issue of allowing a grace period for implementing any changes.
7. What are the issues that the Board need be aware of that might promote addition legal challenges based upon their commitment to the enforcement of the DCC&Rs?
8. Any experience with a Plat representative group being used by an HOA? If so, pros and cons and any concerns that should be observed in forming such a group.
9. Would the Board's discussion of these issues with counsel be best served in a public forum or executive session?