

Montrose Master Association  
Board of Directors Meeting Minutes

6:20pm on July 6th, 2023 @ Red Lion Inn



Montrose Master Association  
Board of Directors Meeting  
July 6, 2023 at 6:20pm at the Red Lion Inn

The meeting was called to order at 6:20pm with 4 Directors present:

Jen Barbieri  
Lacy Smay  
Gene Niederkleine  
Dennis Robertson  
Absent: Matthew Kifer

Also present was Gil Pierce of Rockwood Property Management as well as 25+ homeowners.

**Enumeration of Officers**

The Directors appointed officer positions as follows:

President: Jennifer Barbieri  
Vice President: Lacy Smay  
Treasurer: Gene Niederkleine  
Secretary: Lacy Smay  
Member at Large: Dennis Robertson & Matthew Kifer

The Board unanimously approved the Board Meeting Minutes of 6-07-23, which will be posted to the website.

Board Hearing regarding Kyle Shearers contesting Architectural application denials. Kyle presented to the Board his opinion as to why his applications should be approved. He also provided examples from around the community and a letter from his attorney. The board will review information provided by Kyle and discuss it as a group later. A decision from the Board will not be made at this meeting. The Board also discussed reaching out to the ACC who is still under the control of the Declarant for information on why certain decisions are made on applications for better understating.

**Executive Meeting Summary to the Members**

Board discussed attorneys' response about enforcement of the Governing Documents on property use. Discussions about distributing the attorney response and all other relevant data was proposed to distribute to the members after attorney and Board approval.

**Old Business**

Board reported back to the Membership the response from the attorney that in short explained the following:

Question 1: Can an Idaho property owner operate a rehabilitation center for alcoholics and recovering addicts when the property is subject to a restrictive covenant (CC&Rs) that prohibits commercial use?

Short Answer 1: Yes, an Idaho property owner operate a rehabilitation center for alcoholics and recovering addicts when the property is subject to a restrictive covenant that prohibits commercial use. Under Federal and State law, the operation of a rehabilitation center is often deemed "residential use" 1. Even if use of the operation of a rehabilitation center on the property is deemed to be "commercial use" and is therefore is a violation of the covenant, the Fair Housing Act ("FHA") prohibits the enforcement of a restrictive covenant that discriminates or has the effect of discriminating against former addicts who are either in rehabilitation, or currently in a drug treatment program. 2 The FHA requires the owners' association to make "reasonable accommodations" to the property owner, which in this case, will include granting a variance for the commercial use instead of enforcing the restrictive covenants.

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Full explanation will be sent and posted online for all Members to review.

**New Business**

Jennifer presented the idea of reviewing a code of ethics that can be adopted by the Board. In general a code of ethics is a guide for Board members to follow on what is and what is not acceptable when serving a community HOA. A code of ethic draft will be sent to all Board members for review and discussion at the next meeting. The code of ethics comes straight from the Community Association Institute.

**Homeowner Forum**

The Members present expressed concerns based on the inability of the HOA to enforce its CC&Rs for property use regarding rehabilitation centers for alcoholics and recovering addicts due to state and federal regulations as described by the attorney.

With no other business rightfully brought before the Board, the meeting was adjourned at 7:35pm.

Respectfully submitted,  
Gil Pierce  
Rockwood PM