

West Winds HOA Board Meeting Minutes

Date: 5/22/2025

Time: 1:30 PM

Location: Kitch Walker's Home Office

Meeting Type: Board Meeting

I. Call to Order

The session was called to order at 1:40 PM by Kitch Walker, President.

II. Roll Call

A. List of Board Directors Present:

Kitch Walker – President

Mandee Arnold – Secretary

Linda Racicot – Treasurer

B. List of Board Officers Present:

Dillon Fatouros – Assistant Secretary

C. List of Board Directors Absent:

None

D. List of Board Officers Absent:

John Stelly – Vice President

E. Others Present:

None

III. Reports of Officers

A. Treasurer's Report – Presented by:

No Treasurer's Report for this Board Meeting

IV. Agenda Items

A. Blaze Text Pro:

Subscribe to Text Blaze software program to assist with creating and using centralized “text snippets” or letter-length communication templates as a team on a day-to-day basis. \$6.99 - per user per month. \$251.64 – one year (three users).

Date of Motion: 5/22/2025

Motion by: Kitch Walker, President

Motion: Approve software subscription – Text Blaze for three users with the total yearly cost of \$251.64.

Seconded by: Linda Racicot, Treasurer

Vote: Unanimously approved

B. D&O Insurance:

Date of Motion: 5/22/2025

Motion by: Kitch Walker, President

Motion: To approve selection of new D&O insurance for policy year 2025-26 from Preferred Property for up to \$3,946 (budgeted \$6,500). Authorize Linda Racicot, Treasurer, to sign insurance documents. Approve payment of up to \$3,946 upon receipt of the Invoice.

Seconded by: Mande Arnold, Secretary

Vote: Unanimously approved

C. Violations Prioritization:

The Board discussed the need for a consistent, transparent, and efficient process for prioritizing covenant enforcement within the Association. Because West Winds is a large community managed entirely by volunteers, the Board noted that limited time and resources require that violations be addressed systematically and fairly. This prioritization policy ensures that enforcement actions are evaluated based on objective criteria and that all Owners are treated equally under the CC&Rs.

The Board emphasized that enforcement is not punitive; its purpose is to preserve property values, maintain community aesthetics, and uphold the integrity of the governing documents. This action is taken pursuant to **Article 5 of the Bylaws** (Board powers and duties), which authorizes the Board to manage the affairs of the Association and adopt governance and enforcement policies, and pursuant to the CC&Rs—including **§4.4 (Association Rules)**, **§4.10 (Rights of Enforcement)**, **§11.8 (ACC Enforcement)**, **Article 13 (Uses and Restrictions)**, and **§18.12 (Enforcement)**—which collectively authorize and obligate the Association to enforce compliance with the Declaration, Bylaws, and Association Rules.

Date of Motion: 5/22/2025

Motion by: Linda Racicot, Treasurer

Motion: The Association will implement a structured and transparent process for addressing covenant violations. Reported or observed violations will be documented and reviewed using objective factors, including health and safety risks, severity, visibility, recurrence, timing, and overall community impact. For efficiency and fairness, properties with multiple or more significant violations will generally be addressed first. All violations will be processed in due course, and enforcement will not be selective. The West Winds CC&Rs apply equally to all Owners, and all enforcement actions will follow the same documented, fair, and consistent procedures. Violations management will be reported, processed, prioritized, managed, documented, and resolved by the Board using ClickUp and other interrelated tools and technologies, as needed.

Photography and Documentation:

The Association, as a nonprofit mutual benefit corporation under **Montana Code Annotated Title 35, Chapter 2**, is both empowered and required to enforce its CC&Rs. Under **CC&Rs §§11.8 and 18.12**, the Board and the Architectural Control Committee (ACC) are authorized and obligated to enforce compliance with the governing documents and Montana law. **CC&Rs §4.10** further affirms the Association's right to enforce the Declaration, Bylaws, and Rules.

To support consistent and accurate enforcement, the Board affirms that photographs or videos may be taken by the Board, its volunteers, or authorized agents for the purpose of documenting potential CC&R violations. Such documentation:

1. **May only be taken from public or common areas**, including public streets, sidewalks, parks, and HOA-managed open spaces;
2. **Shall not be taken from private property without the Owner's consent**;
3. Must focus solely on visible site conditions relevant to compliance and **avoid capturing identifiable individuals** whenever reasonably possible; and
4. Must comply with **Montana privacy and trespass statutes**, including **MCA §§45-8-213 and 45-6-203 et seq.**, which provide that:
 - there is **no reasonable expectation of privacy** for conditions visible from a public place, and
 - it is **prohibited** to record or photograph within private spaces or through windows without consent.

Date-stamped photos may be included as supporting evidence in written violation notices, consistent with **CC&Rs §18.1 (Notices)** and accepted HOA industry standards for due process. Owners may also be required to provide the Association with photographic documentation demonstrating that a violation has been cured. Such documentation supports the Association's verification duties under **CC&Rs §18.12 (Enforcement)** and is consistent with standard HOA industry best practices for confirming compliance and closing enforcement actions.

These procedures ensure fairness, transparency, and due process for all Owners and support the Association's obligation to uphold **Article 13 of the CC&Rs** and other community standards. The Board reaffirms that covenant enforcement—while at times difficult—is essential to maintaining community appearance, property values, and the overall integrity of the West Winds community.

Seconded by: Mande Arnold, Secretary

Vote: Unanimously approved

V. Adjournment

Motion: Mande Arnold, Secretary, moved to adjourn the meeting.

Second: Linda Racicot, Treasurer

Vote: Unanimously approved

Meeting Adjourned: 2:10 PM
