

Subject: Re: OOHA Governance update
From: Webster Cash <webstercash2@gmail.com>
Date: 9/27/23, 9:11 AM
To: 'Howdy Pierce' <howdyp@gmail.com>

Dear Howdy,

Unfortunately, your email of Monday does not solve the problem. It amounts to a reassertion of the same statement from the cover letter -- again without explanation. Until such time as we (the neighborhood) get a list of which bylaws are in conflict with which government regulations, we will not understand why you are saying there is a legal need to make changes. I am beginning to believe that lack of evidence is evidence of lack.

I still think your best move is to recognize the vote as invalid and withdraw it. Then restart a discussion of the issues, one by one, creating a consensus among the stakeholders.

I still think your worst outcome would be for it to pass. If it does pass, and the board were to file the new set of laws that are on the ballot, you will certainly get sued and have to produce the requested legal conflicts in court.

Good luck,
Web

From: Orange Orchard <hoa@oohaboulder.org>
Date: Monday, September 25, 2023 at 5:22 PM
To: webstercash2@gmail.com <webstercash2@gmail.com>
Subject: OOHA Governance update

Thanks to everyone who came to one of our two forums to discuss the new governance documents. The recording for last Tuesday's forum, which was hosted on Zoom, is available [here](#). There is no recording of the in-person forum.

Also, at the first forum and then again in email, some neighbors raised a question about language in the cover letter that said the changes in these documents are "legally required". We promised to report back to the entire neighborhood about this. To clarify: If we do not change the documents, it is not the case that OOHA would be fined or invalidated in the eyes of the state of Colorado.

Instead, the issue is a bit more nuanced. State law has changed, and it supersedes many of the rules and procedures that are spelled out in our current documents. There is considerable likelihood of confusion as a result. For instance, if we did not change our Bylaws, and we continued to simply follow the voting procedures in the existing Bylaws, then our votes will not have been conducted in compliance with state law. As a result, anything we vote on could be subject to challenge.

In the Board's view, homeowners will naturally look to our Declaration and Bylaws to find the

guiding rules for how we run our neighborhood, but in fact only some of the clauses in the existing documents are in force, with others having been supplanted by the state law. And so that is the sense in which these proposed changes are “legally required” — they bring our rules and procedures into harmony with state law.

Hope this clarifies matters.

Finally, just a reminder for those who have not yet voted: You can download a replacement ballot [here](#), and you can view a webpage with lots of information about the vote [here](#). Completed ballots or questions and comments can be mailed to governance@oohaboulder.org. Ballots are due by 5 pm on October 23.

—Howdy Pierce
President, OOHA Board