



HSVPOA Meeting May 15, 2019

Description

POA Meeting 5-15-19

The Hot Springs Village Property Owners' Association (HSVPOA) Meeting on May 15, 2019 was chaotic. Upon arriving, it was noted that the back door to the meeting room was locked. This door is the closest door to the handicapped parking. Handicapped people were forced to walk out of their way in order to enter the building. We were told by personnel that the order from management was to keep the door locked from the outside.

The full board of directors (Cindi Erickson, Chairperson, Tormey Campagna, Vice Chairperson, Diana Podawiltz, Dick Garrison, Nancy Luehring, Buddy Dixon and Mike Medica) were present as were regular management attendees. There was a sizable crowd in the audience.

Due to a lot going on, the audio recording of the meeting is not complete and the first few minutes are missing. I apologize for this.

This is what transpired at the beginning of the meeting: The meeting was called to order. The pledge of allegiance was said and then the prayer was said by Luehring.

Erickson asked if there were any guests in attendance. A lady from the back, a Villager, asked if that meant she was a guest and said she and several others with her wanted to make comments. Erickson explained that guests meant "dignitaries" and explains when the appropriate time would be for her to make comments.

Podawiltz made a motion to amend the Agenda by adding Finance Committee discussion in New Business to follow number 12 in New Business and this motion to be voted on by roll call. The motion was voted on by roll call with a tie vote. Podawiltz, Garrison and Campagna voted in favor with the other 3 voting against. Erickson broke the tie with a no.

This is where the [audio](#) begins:

Erickson said, "Please review the rules of decorum for proceedings. Thank you."

HSVPOA Board Meeting Decorum Rules

[Board-Meeting-Decorum](#)

Erickson: "A vote on the original motion then. A call for vote on the original motion. Those in favor say yes. Those opposed? (4 yes and 2 abstentions from Podawiltz and Garrison. Abstentions are recorded as a no.)

Erickson: "The order of business as it currently stands on the agenda remains. At this point I'd like to call for a motion to accept the consent agenda which includes" (copied from agenda and not quoted from Erickson):

7. Consent Agenda a. Ratify 04-17-19 Regular Meeting Minutes; 04-17-19, 05-07-19 Executive Sessions (legal/personnel matters); b. Standing Committee Minutes – ACC 04-18-19; Administrative Fines Appeals 03-20-19; Audit 03-13- 19; Golf 4-19-19; GAC 04-5-19; Governance 04-16-19; Lakes 04-10-19; Public Services 04-18-19; Recreation 04-08-19; Trails 03-22-19 c. Re-appointment of Committee Chairs- Larry Griffin, Administrative Fines Appeals; John Froning, ACC; Rhonda Haynes, Golf; Murray Claassen, Public Services; Donna Aylward, Recreation d. Appointment of Ralph Turpin to the Golf Committee e. Appointment of Bob Cunningham to the Public Services Committee f. Appointment of Laura Allworth to Ad Hoc 50th Anniversary Committee g. Appointment of Jeanette Sherman and Deanne Tolliver to Ad Hoc Community History Committee

Erickson: "May I have such a motion? (Motion and second)

Erickson: "Is there anybody that wants to move these items from the consent agenda into new or current business?"

Erickson: "So all in favor of the consent agenda as it stands raise your right hand."

"Aye"

Erickson: "Motion carries."

Erickson: “Okay, at this point I would like to call for questions and comments from the audience concerning the agenda items. So, it’s very limited topics. We’ll be talking about agenda items 9, 10,11 and 12. Before we do, I want to point out a couple of things. In order for the community to better understand how the community can engage the board in these meetings, we’re using a reference called **‘Jurassic Parliament’**, which is a company that provides resources to help run effective and fair meetings in the public sector. They have a publication called, “Guidelines for Public Comment in Local Government” and it’s from those guidelines that we have drawn this ‘Meeting Protocol and Rules of Decorum’, which we’re using as a pilot, as a practice at this point to see if it works for you as our community and see if it works for us as a board and we’ll adjust them as it makes sense to do so. This is kind of an experiment, so to speak. But we’ll operate under these meeting protocols today and see how it goes. At this point, now is the time to hear from our public. We welcome your comments, which are very important to us. Note that all comments are limited to 3 minutes, which is an expansion from last year, which was 2.”

Guidelines for Public Comment in Local Government (Jurassic Parliament)

[Roberts-Rules-Guidelines-for-Public-Comment](#)

Erickson: “As a reminder, please go to the podium to comment. It is helpful for the board if you will give us your name and address. Please address your remarks to the chair. Note that we will not be entering into dialogue at this time. The purpose of this agenda item is for you, the public, to inform us, the board, about your views. If members of the public have actual questions, staff will be glad to address them. Please speak to the Executive Assistant, which is Ella, sitting far to my left and she’ll be able to help you get answers to any staff questions. So (indecipherable). Three minutes and we’re going to allow about 10 minutes in the agenda for this agenda item.”

Kirk Denger: “Madam Chairwoman, if I may, I would like to comment upon the minutes of the last board meeting, April 17, 2019. It was touted as an annual board member meeting. However, the annual board meetings, must notify all members 30 days in advance of the meeting. Since this was not done, then the meeting does not qualify as a members’ meeting.

“Hot Springs Village POA Bylaws, Article 14 states that Robert’s Rules of Order shall govern in all cases. The purpose of Robert’s Rules of Order is to ensure that majority rules and to protect the right of the minority, in order to ensure democracy and end the aristocracy that is ruling Hot Springs Village POA.

“The incomplete minutes that you have just ratified among other grievous errors does not even mention the members’ names who commented at the appropriate times in the minutes, let alone the gross representations of what was stated in their comments. The COO’s report that was accepted without discussion or a vote, including building a wooden bridge at the DeSoto Recreation area under Grounds Maintenance. It does not mention that a 48-year-old landmark arched stone bridge was demolished connecting the DeSoto Clubhouse Pool and the DeSoto Family Recreation Park, designed by Fay Jones, with a value of \$100,000. With every grand historic tree severely and permanently damaged by the POA backhoe driver. How much did the Pickleball Tournament cost us? How many lots were sold as a result?

“According to parliamentary procedure, I defer my remaining speaking time to [Brian Darst](#).”

Erickson: “Brian would you like to come up for 22 seconds?” (Pause) “Plus the 3 minutes that you would like to speak.”

Darst: “If I may, I am having a little bit of an issue today. So may I have a chair to be able to sit down to speak?”

(A chair is brought to Darst)

Darst: “Thank you very much.”

Darst: “My name is Brian Darst. I am a property owner of Hot Springs Village. According to parliamentary procedure, this meeting is not a public meeting. This is a closed meeting because this meeting is open to the property owners’ association, members in good standing. Those that are here that are not part or are not members in good standing need to leave now.

“Secondly, if the police are here and they are property owners, they are allowed to stay as property owners. They are not allowed to stay as police.

“Secondly (sic), any decorum or such as that, according to parliamentary procedure is handled by a Sergeant of Arms. You do not have one.

“Another thing, the members that are sitting at the table, according to parliamentary procedure that are not ex-officio members shall not be sitting at that table.” This is not Robert’s Rules of Order. This is parliamentary procedure.

“Parliamentary procedure also states that once the floor is relinquished to a speaker, that speaker is allowed to speak until that speaker relinquishes the floor back to the chair. So I am NOT limited to three minutes.

“Thirdly (sic), as of the ratifying of those minutes, there is no ratification for the meeting that took place after the regular meeting last time, the special meeting, including the three new board members on the board in their oath. According to parliamentary procedure, because those three were placed during that session. They are allowed to make motions at that session. And I do believe they were going to make a motion to immediately have another, to put that meeting on suspension and to have another special meeting, make the agenda and address it. That was not allowed. That is against parliamentary procedure.

“Also, locking that back door and not allowing people to enter is a discrimination against a protected class. I am a protected class. I am a veteran. I am disabled. I am native American and I am a property owner. That should never be locked. That is against fire code.

“Now, there needs to be an understanding. Ms. Nalley and Ms. Mathis are corporate secretary and corporate treasurer according to your agenda. The secretary for the Board is Ms. Scotty. She is allowed to sit at this table. Ms. Scotty takes the minutes and she types them up. Not Ms. Nalley. Ms. Nalley must be sitting over there. Ms. Mathis must be sitting over there.”

(Timer beeping, signifying 3 minutes, 22 seconds was up)

Erickson: "Mr. Darst"

Darst: "But also, because they are corporate board members, they cannot..."

Darst: "Wrong answer. I did not relinquish this table to the board."

Erickson: "Mr. Darst, until we can evaluate the comments that you have made, I'm going to stick with meeting protocol (indecipherable)."

Darst: "No, that is wrong. Parliamentary procedure rules. It has been stated in other, at last meeting and 'Let's Talk'. Robert's Rules of Order are guidelines. That we are proceeding by parliamentary procedure, which means your fiduciary responsibility..."

Erickson: "Mr. Darst, I am asking you politely..."

Darst: "Your fiduciary responsibility is to federal, state, local bylaws, declaration, articles of the corporation..."

Erickson: "Mr. Darst..."

Darst: "general policy and protective covenants. Again, you are discriminating against a protected class, my first amendment rights. If you wish to proceed, if you wish to proceed, I will bring a civil action against yourself, against Ms. Luehring, against Mr. Dixon, and Ms. Nalley for violation of my civil rights. I have a right to speak."

Darst: "I am not leaving. You cannot escort me from this building. You are not property owners. There is no Sergeant of Arms."

(The officer said he was a property owner)

Darst: "You are here as a property owner then, not as a police officer."

Erickson: (indecipherable)

Darst: "Nope."

(Someone mentions adjourning the meeting)

Erickson: "Is that what you would like? For me to adjourn the meeting right now? That is my option. I am entitled."

Darst: "Before you do that I request that a membership meeting of the property owners for 10 days prior to my meeting. And we are allowed to do that because of the bylaws.."

Erickson: "All right." (Gavel pounds)

Darst: "And she has nothing to say."

Erickson: "We stand adjourned."

Darst: "Nope. You're not adjourned. There was not a motion. There was no second. No vote. You are not adjourned."

(Clapping in the audience)

Luehring: "I move to adjourn this meeting."

Dixon: "I second."

Erickson: "All those in favor."

Board: "Aye"

Audience heard saying, "No"

(Clapping in audience)

Erickson: "It's a shame."

Darst: "No, it is not a shame. It's a shame with you because you, because you are not following parliamentary procedures."

Audience: "You have really taken over Tom's place."

"Ridiculous"

"Get a backbone"

"No transparency"

(Various other comments from the audience continued)

Erickson: "I didn't want this."

(Audience continues talking)

Medica: "Okay, we have heard enough. We have heard enough."

Karen Lundberg: "You are not going to scream at me."

(The audience continues talking amongst themselves and a number of people stayed after the adjournment to continue their conversation)

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HSVPOA Board Meeting 5-15-19 short video clip recorded near end of meeting

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Category

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Date Created

05/16/2019

Author

lynn