



Jeff Atkins Responded to HSVPOA Board – October 20, 2021 Meeting

Description

At the conclusion of the HSVPOA Board Meetings, the audience is given a chance to express their thoughts.

Former Board Member, Jeff Atkins, stressed the need for the Board to rely on legal counsel and also that it should always be 7 Board Members. (This is in reference to the supermajority discussion.)

He also addressed some of the fees in the 2022 Fee Schedule.

Thirdly, he addressed the fact that he was not given an opportunity to address this new Buy-In Fee prior to the Board Vote.

Note: Property Owners are no longer allowed to comment during the Board meetings, prior to the Board's vote on motions. This critical commenting period was taken away from Property Owners during the Cindi Erickson-led Board when the meeting was shut down early. [Here](#) is a link to an article that Karen Daigle Lundberg wrote about the sanctions stemming from that meeting. [Here](#) is a link to a partial video taken by a Property Owner at the end of that meeting.

The following is a transcription of Mr. Atkins's comments and the Board's responses at the October 2021 Board Meeting.

Atkins: On your discussion, I wasn't planning on commenting on this because I didn't know there would be the discussion. But when you are talking about 5 out of 6 and 6 out of 7, it's always out of 7. [This is in reference to the [Supermajority](#).] And I think you really need to take this back to your legal counsel. It doesn't matter that you only have 6 currently on the Board. It is always out of 7. So whatever your calculation is, it should always be out of 7.

Atkins: When I joined the Board in 2007, for my first year, I had the advantage of having four long-term Board Members there and 2 really good new Board Members. Even though we had all that experience there, we still had legal counsel. And you guys don't have legal counsel. They could have helped you through some of these issues today.

Atkins: Now maybe it wasn't critical to get it done today, but this is an important issue to the Village. I mean, I had Mike Misch, he was a lawyer. Dick Breckon, I think he had been there 3 or 4 years, already. Bob Shoemaker, Bill Linam. These were all experienced people, but we still had legal counsel. And then we had 2 great new Board Members, Teri Jackson and I think, Paul Day. So, I really recommend that.

Atkins: But definitely, you need to look at, it is always out of 7. Because there are 7 Board Members. I'd also recommend that you fill that 7th spot. But anyway...

Atkins: That wasn't what I was planning on talking to you [about] today. I was planning on being here for the whole thing and commenting before you voted on the fees, so I was trying to watch it online. Did you approve the fees? I was interrupted. I couldn't tell, did you approve the fee schedule?

Several Board Members: Yes.

Atkins: I think I heard Tucker say that there were no increases over the CPI?

Board Vice-Chair, Tucker Omohundro: No basic fee structures went up over the CPI – that was my question.

Controller and Board Treasurer, Coreena Fetterhoff: Other than the things that were new, and covered material costs.

Omohundro: Yeah, other than new things.

Atkins: But we increased the Deed Transfer Fee 20% and we increased the Assignment Fee 60%. So those don't jive, to me.

Omohundro: Well, I just asked a question.

Board Director, Gary Belair: Those are not commodity-based fees. Those are...

Atkins: They are service fees.

Belair: For lack of a better word, they are administrative fees. They take up staff time.

Fetterhoff: And it is my correction – they are more than the 5.8%. But those have not increased since prior to 2015.

Atkins: Okay. But they are already way over the cost of providing the service. Way over.

Atkins: Let me give you an example. The Deed Transfer Fee was implemented in the early 2000's because of a man named, 'Jim Fulker.' I am sure John [GM Paul], you remember hearing about Jim Felker. It was an \$8 or \$10 fee. It is now going to \$150. The service has not changed. It still doesn't cost more than a few dollars of employee time to do it, but it's gone to \$150.

Atkins: And when you process a new deed, you get a new paying Property Owner. So you are punishing that. I think it was really a mistake to implement these new Buyer Fees. Y'all have received an email from me. I know you've read it.

Atkins: There were a lot of reasons I listed why it's a bad fee. But worse than that, you did it without any discussion. When the draft of the Fee Schedule was published on Monday, 48 hours later you're voting on it and there was no comment allowed before it was voted on here in public.

Omohundro: This has been discussed for about 6 or 7 months, with the FRATF committee and in public meetings for months, now. So to say that, is incorrect.

Atkins: But it wasn't on the Board Agenda. It wasn't on a Board Agenda until – It wasn't on a Fee Schedule until Monday.

Omohundro: That is the way it works.

Atkins: That is the way it works? We don't get any comment on a new \$1,500 fee?

Corry: It was, Jeff, on the FRATF Options and I think everybody knew that that was kind of an inclusive thing, when we chose the option we did.

Atkins: It wasn't stated like that. There was a question asked and I believe Tucker, you corrected a speaker because they said they thanked you for not considering it any longer. And Tucker, you corrected them saying, 'yeah, we're still considering it.' I heard that.

Omohundro: Yes. I did. [Indecipherable]

Atkins: I listened to that. But it just disappeared after that, as far as I can tell. And then here we are, voting on it today with no public comment.

Omohundro: Well, we typically don't have public comment on any of our fees that we do. I mean, they are done in the budget every year. We update the budget and so forth. I mean, do we discuss every little fee that's going on?

Fetterhoff: When we have the public meeting, that takes place before it get's voted on.

Omohundro: Yeah, committee meetings and stuff like that.

Fetterhoff: Well, the committee meetings and then going over the budget with the Board prior to voting, which was the last meeting.

Omohundro: Yeah, we went over that last...

Atkins: Well, you've adopted the fee. I know that Boards have adopted fees before. There was a Board – I think it was for the 2013 Budget, that the 2012 Board adopted a Budget for 2013 that included a \$15,000 Road Extension Fee. That fee was removed by the Board in January of 2013 because they realized that it would result in all kinds of legal issues. I would ask you to take back this Buy-In Fee to your legal counsel and ask them to compare it to the Commercial Fee that was shut down by a court in

the early 2000s. That was a fee that was implemented by the Board in the early 2000s. I don't remember how much it was. It was challenged legally. The POA lost. You need to compare this fee to that fee and ask your legal counsel because I think you are about to get the POA in a bunch of trouble here.

Omohundro: They have been obviously – they've been asked on 99%, if not all of the things that we have done.

Atkins: I understand. But they may not know about that one particular...

Omohundro: I make it very clear – I was involved in that lawsuit.

Atkins: Okay.

Omohundro: And I was one of the ones that won.

Atkins: Oh, congratulations.

Omohundro: Yeah.

Atkins: All right. Thank you.

Transcribed by Cheryl Dowden, November 2, 2021

Update on November 5, 2021: Subsequent to this article being published, Randy Cantrell and Dennis Simpson of HSV Inside Out interviewed Jeff Atkins. See the video below.

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