



Memorandum

To: Board of Directors
From: Jack Seward, Operations Specialist
Date: August 18, 2020
Subject: Q3 Compliance Update

Dear Members of the Board,

I want to provide you an update on the Associations compliance efforts. The MCA is tasked with the enforcement of Community Maintenance Standards, Alley Policy, PCMD Parking Regulations and MCA Park Rules. I have the great fortune to lead these efforts as the Associations Compliance Coordinator and get to spend my days working with the team ensure the neighborhood is a great place to live, work and play.

Back in 2018 we launched the Community Maintenance Standards, a streamlined approach to covenant compliance. Acting under the authority of Section 7.5 and 7.6 of the Revised and Restated Community Declaration the Community Maintenance Standards are designed to create a baseline model for property maintenance. In the last few weeks we updated the Community Maintenance Standards to provide a more specific standard as it relates to trees and the city right-of-way.

City code requires that the abutting property maintain the city owned right-of-way land that extends from the property line to the curb. This portion of right-of-way generally is referred to as a tree lawn. While in general property owners understand they are responsible for watering, mowing and otherwise maintain the grass in the tree lawn we have found that there is much misunderstanding about the property owners' responsibility as it relates to the street trees. Because the trees are located in the tree lawn city code is quite clear that the abutting property is responsible for maintaining those trees. Section 7.6 requires property owners to keep "trees pruned and trimmed." The Community Maintenance Standards uses the same wording has city code when describing the responsibilities of owners as it relates to both private property and street trees.

In enforcing the Community Maintenance Standards, the MCA relies on the assistance of residence to report issues of concern. Upon receipt of a complaint I investigate the information and conduct the relevant property inspection. If the property is determined to be in violation of the Community Maintenance Standards, we send the property owner a letter outlining the violation and providing the property owner 14 days to remedy the violation or provide a plan to remedy the violation. If the violation still exists upon reinspection, we issue the property owner a fine consistent with the MCA fine schedule. In most instances we will vacate the fine issued against the property after they are found to be compliant. Property owners found in violation are provided the right to a hearing by the Compliance Committee to show the merit of the violation. A few weeks ago, we held such a hearing and I want to extend a special thank you to the members who participated in that.

So far this year the MCA has opened 36 compliance cases. Our most common issue has been non-maintained lawn areas. The Community Maintenance Standards require that the lawn be properly irrigated. Another common issue has been dead trees, I will touch more on that later in this memo. We have closed 15 cases with compliance and at the time of my writing of this memo 22 cases remained open. A vast majority of cases stem from a complaint but in some instances an MCA staff member identifies an issue and we open a case. Our goal is always to achieve voluntary compliance, we utilize a fine only when all other efforts have failed.

This summer has been especially hot with many days of temperatures over 90 degrees and very little rain. The weather presents a challenge in keeping the landscaping in line with the standard. We understand this and will work with a property owner to achieve reasonable compliance. We are not here to make anyone's life difficult but rather to ensure our community looks like the great place we know it to be.

Trees or rather dead trees have presented quite the challenge this year. We attribute this to a late winter freeze that occurred in April. Many trees were just beginning to bloom and then died as a result of the freeze. We have dedicated a significant amount of staff time to addressing trees in the neighborhood. Our policy is simply that if a tree is dead that it should not be standing, there is no requirement that it be replaced.

Trees are an extremely valuable resource that provides attractive landscapes and much-needed shade from the high-altitude sun while cleaning the air and replenishing oxygen in the atmosphere. By cooling homes and providing attractive landscapes, trees increase property values, create neighborhood character, improve water and air quality, and reduce temperatures through shading. Denver is one of the only U.S. cities with a designated City Forester. The MCA is working closely with the Office of the City Forester to address tree health issues in the neighborhood. The MCA through our contractor CTM employs a full-time team of arborists and we are hard at work tending to the needs of trees on property the MCA manages.

The MCA enforces the Alley Policy. This involves ensuring that our alleys are usable for both vehicular and pedestrian traffic. We prohibit alleys from being closed or encumbered in any way, in some rare occasions we will issue a variance to this requirement, that has only occurred once this year and it was for a construction project. At the time of the writing of this memo the MCA is in the midst of replacing concrete in many alleys across the community.

Another responsibility of the MCA is the enforcement of the PCMD parking regulations that the board of the PCMD adopted late last year. There are many roads in the neighborhood that are owned by the district and have not yet been turned over to the city. There have been many issues with vehicles parked on a PCMD streets, the City has dragged their feet in dealing with these issues and in the case of abandoned vehicles has refused to address the issue. We are working with our partners at the City of Denver to address these issues and in limited instances we will tow an abandoned vehicle. This is rare event and has only occurred twice this year.

Parks managed by the MCA use the MCA Park Rules. MCA parks are located on land owned by the PCMD, these parks from a legal perspective are private land and the MCA acting as an agent of the PCMD has granted a blanket consent to the public to use the property so long as the established park rules are followed. The MCA may at any time for any reason or no reason may withdraw consent for an individual to use the park and that individual would then be trespassing.

Effective May 1, 2020 the MCA adjusted a new park hours and parks are now closed from 11:00 PM to 5:00 AM. Any person using the park during those hours is trespassing. The MCA has entered into an agreement with the Denver Police Department and the police will cite and remove any person that is found in a park while it is closed. The MCA has the ability to issue a civil trespass order to an individual that we have determined is violating park rules. This civil order has the effect of banning the individual from the land, if they ignore the order they can be arrested for trespassing. We have issued a handful of these orders this year, all to juveniles.

We have experienced a lot of issues at Founders Green in the Town Center this year. We attribute this to lots of places that juveniles usually frequent being closed due to COVID-19. We have had issues with underage drinking, graffiti (lots of graffiti), property damage, arson and I was assaulted in one incident. Needless to say, there have been a lot of kids doing dumb things. To address these issues, we have closed portions of the park and erected fence, this seems to have calmed things down. On three separate instances fires were started at Founders Green, luckily there was minor property damage. We have open cases with the Denver Police Department and Denver Fire Department to address these issues. A lot of staff time has been dedicated to dealing with issues at Founders Green.

We take the safety of all those using our parks very seriously, it is our highest priority. Any situation in any park that threatens the public safety is an issue that we will prioritize and address very quickly. But the MCA is not law enforcement and there is a limit to what we can do. I cannot stress enough if you see unlawful behavior taking place, please call the police. For whatever reason people call the MCA office to report crimes, there is nothing we can do about those, criminal actions have to be addressed by the police. We have established strong relationships with the DPD District 5 command staff, and I have met with the Sector 1 Community Resource Officer and Lieutenant.

Our goal is now and has always been to ensure that this neighborhood is a great place to live, work and play. It is my pleasure to serve this community and am proud to work each day to achieve this goal. If you ever have any issue you would like me to look into, please do not hesitate to reach out to me.

Sincerely,

A handwritten signature in blue ink that reads "John Seward". The signature is stylized with a long horizontal stroke at the beginning and a flourish at the end.

Jack Seward
Operations Specialist