

© 2014 Buckskin Heights Road Association
2013 Annual Meeting Minutes
Buckskin Heights Road Association
August 18, 2013
4:00 pm at the Rice's Garage 13644 Otter Rd.

Board Members:

Present: Dan Glanz, Eric Warrington, Sue Weber, John Appelman, Terry Schuyler

Association Members: 14 lots were represented by end of meeting

Quorum present (min. 10 lots)? Yes

Proceedings

Meeting called to order at 4:05 p.m. by Dan Glanz, President

1. Welcome – Attendance and review Agenda

The Agenda was reviewed by Dan Glanz and roll was called by Terry Schuyler. Representatives from 14 lots were present by the end of the meeting.

2. Adoption of Minutes from the 2012 Meeting

The 2012 annual meeting minutes were reviewed by Eric Warrington and Dan Glanz called for a vote and all agreed to accept them as written.

M-S-C (Penny Pettee 1st and Paul Hesson 2nd) Vote to approve - passed the minutes as presented.

3. Treasurer's Report

Sue Weber handed out and reviewed the BHRA Treasurer's Report. It consisted of 1) the audited 2012 expenditures/income report details by Paul Hesson and Dan Glanz, and 2) the Board-approved 2013 budget and updated actual expenditures/income. Sue reviewed the line items on the 2013 budget update and balance sheet.

It was noted that although we projected a negative balance of \$2,260, the Board had agreed to spend down the previous year's surplus. It was noted that we continue to maintain a savings account with a \$5031 balance for emergency expenditures.

Sue Weber called for a vote and all agreed to accept the Treasurer's report as written.

M-S-C (Paul Hesson 1st and Peter Weber 2nd) Approved the Treasurer's report as presented.

4. Road Grading & Road Conditions

Eric Warrington presented the road report.

- Put down 46 loads all on Otter Rd, 3 above and 43 below gate.
- Seems like the road is wearing faster this year- did not get the rain or the big washouts
- Defer rest of road report to Steve Bucknum

Steve Bucknum gave the following report: Feels road is doing well. Recycled asphalt road base has to go down thicker – minimum of 3 inches in order to cover and stick. A few spots do unravel, he maintains. Interior roads get graded only as necessary. Moisture this year has helped a lot.

Warning – observation from another community road “Speed Kills our Road”. Good comment and all agreed that is the case.

Steve gets out as much as possible- his price will continue to stay the same.

Culverts are good- he did extend culvert on meadow curve- seemed to help

Dan commented that road seems in better condition, and that the speed issue is a big element of keeping the road in better shape. Dan complimented Steve on the current condition and work over the year.

5. Gate Report

Eric Warrington gave the gate report:

Gate was damaged presumably by being struck by a vehicle, and fixed twice this year. Not sure what the specific causes have been – possibly getting caught on trailer.

Gate is working and fixed right now- but the gate has weakened and may need welding next time it gets hit.

Batteries seem to be holding up. But will check out this year before the cold of winter sets in.

Paul Hesson questioned the source of the three locks on the big gate. No additional sources were identified.

Dan Glanz noted that the gate code is changing Sept. 1. Combos are changing but the remotes will still operate as usual.

6. Update on Community Wildfire Protection Plan (CWPP)

Dan Glanz stated there was lots of good tree clearing this year. Had some shared chipping and contracted with Summit Forestry for 2-3 days. Some individual members are chipping on their own as well.

Had to switch spraying contractors this year – contracted with Fine Tree Service this year- good participation. Ed Croteau mentioned that they stated that cutting green trees before fall (not dead) is not advised when beetles are flying. Noted that there is now believed to be two life cycles for the beetles in a single year, likely increasing the amount of tree kill - but it seems it there is a reduced amount of flying beetles this year.

One raised issue is the large groups of trees on absentee owners land. No remedies proposed.

Thinning reduces infestation- since the beetles tend towards clusters. Thinning is encouraged.

Had a CWPP meeting last fall with Tony Simons to discuss further defensible actions. Dan commented also about Sue and Pete Weber's efforts to wrap their home during remodel with fire preventative materials.

Competition for grants has increased significantly.

Dan reminded us about the importance of clearing around homes of any low level ladder fuel sources.

Due to density of Ponderosa, Tony Simmons suggested we are in reasonable shape for a low intensity fire but still vulnerable to high crowning wind driven fires.

Colorado State has put together a task form for wild land urban interface building. Colorado.gov- Wildfire task force – should provide other information.

Terry Schuyler mentioned Colorado offers a tax credit for wildfire mitigation – up to 50% credit for all associated costs of mitigation – three years in arrears, including estimates for in-kind labor.

7. Proposed By law revisions

Dan noted that the board has previously approved the suggested by law revisions. Sue Weber began to go through the sorted list of the suggested changes sorted by type. Sue asked for a sense of those who care deeply about any specific change.

Max McGowan questioned his concerns on the issue on 6b Delinquent dues and the scaling of the fines – rationale. Paul Hesson explained that his research around Usury Laws (excessive or unjustifiable) and how that our guidelines are careful to not violate those boundaries. He discussed the balance between motivation to pay accidentally missed dues and demotivation on paying chronic delinquency in the first versus subsequent years. After lively discussion Max stated being satisfied with the proposed change language.

Helen Hunt asked if there was a way to get notifications for all BHRA info by mail versus emails. Discussion ensued about the value of this idea and the intent to resurrect the electronic communication as primary. This issue led to discussion about the new BHRA web site which will be one of the primary new means of full information transfer to all members. The new website will also allow connection to the Board Members by outside entities as well as access to all for such things as recent Board Meeting minutes, annual meeting minutes, etc.

M-S-C (Peter Weber 1st and Ed Crotreau 2nd) Voted unanimously to approve all the by law amendments as proposed, see below.

8. Open Floor for Road Association Related Items

- Paul introduced his new book on the History of Buckskin Heights and discussed how to obtain them.
- Sue moved to authorize the Board to approve the current 2013 meeting minutes according to provisions in Robert's Rules of Order. Sue explained the dysfunction of having the last year's annual meeting minutes not approved for a full year. For example, realtors call for copies and end up getting outdated versions. This change would take it off the plate of the next Annual Meeting. Max questioned if they could be posted for review prior to Board approval. Paul mentioned that the approved minutes could still be amended at the next annual meeting. It was discussed that this policy be adopted for all subsequent years but that was denied- 2013 only. The Board will send out the 2103 minutes to all members present for approval

M-S-C (Dan Glanz 1st and Ed Corteau 2nd) Vote to approve - passed the minutes as presented.

- Kathy reminded everyone about the pending consequences of the Pro Cycle Challenge race coming through Masonville on Aug. 24th.

9. Nominations for BHRA Board

Three positions needed to be filled for the next year. Sue Weber, John Applemann, and Tom Carroll, Nominations were made to re-elect each. Paul motioned that nominations end.

Vote was held and passed with all three current members being re-elected for 2013.

10. Next Meeting:

The 2014 Annual meeting will be held on Sunday, Aug. 17, 2014 at 4:00 pm. Location TBD.

M-S-C (Max 1st and Chuck Pettee 2nd) All agreed to adjourned the meeting at 5:30 pm.

Buckskin Heights Road Association 2013 Annual Meeting Budget Update

EXPENSE/INCOME SUMMARY

NOTES

A	B	C	D	F	G
Category	2012 Actual Expenses & Income	2013 Approved Budget	2013 Actual Expenses & Income 1/1/13 to 8/18/13	2013 Projected Expenses & Income 8/18/13 to 12/31/13	2013 Projected Total Expense & Income
Bank Fees	\$6	\$5	\$28	\$0	\$28
Gate Maintenance	\$155	\$200	\$28	\$172	\$200
Grader Operator	\$10,165	\$9,300	\$6,250	\$3,200	\$9,450
Grant Expense	\$0	\$0	\$0	\$0	\$0
Insurance	\$1,091	\$1,150	\$0	\$1,150	\$1,150
Legal/Financial	\$398	\$100	\$45	\$0	\$45
Mailings	\$171	\$150	\$216	\$0	\$216
Miscellaneous	\$0	\$0	\$0	\$0	\$0
Road Base	\$14,025	\$13,430	\$12,650	\$550	\$13,200
Homeowner Road Base	\$0	\$0	\$1,100	\$0	\$1,100
Signs & Culverts	\$0	\$0	\$0	\$0	\$0
Supplies	\$33	\$50	\$0	\$0	\$0
Expense Subtotal	\$26,044	\$24,385	\$20,316	\$5,072	\$25,388
Dues & Late Fees	\$23,952	\$22,400	\$22,010	\$0	\$22,010
Interest	\$5	\$5	\$2	\$1	\$3
Grant Income	\$0	\$0	\$0	\$0	\$0
Remote Control Sales	\$90	\$0	\$16	\$0	\$16
Homeowner Road Base	\$0	\$0	\$1,100	\$0	\$1,100
Other	\$0	\$0	\$0	\$0	\$0
Income Subtotal	\$24,047	\$22,405	\$23,128	\$1	\$23,129
Cash Flow Balance	(\$1,997)	(\$1,980)	\$2,811		(\$2,260)

Budgeted & Projected Grading Expenditure...

...reflects grader operator contract valid through September 2014; plus \$250 snow removal in 2013.

Budgeted & Projected Road Base Expenditure...

...is 48 loads of recycled asphalt @\$275/load (2013 to date=46, 2012=51, 2011=33, 2010=43, 2009=55, 2008=52). Homeowners have purchased 4 additional loads in 2013 to date.

Budgeted & Actual Dues Income

Budget assumed 64 of 66 properties pay \$350 annual dues (2 chronic delinquencies; no foreclosure delinquencies). Actually, 3 properties are currently delinquent in 2013 (liens filed).

Projected Cash Flow Loss...

...for 2013 (\$2,260) is offset by 2012 checking ending balance (\$3,633; see asset summary below).

ASSET SUMMARY

A	B	C	D	D	E
Category	2012 Actual Ending Balance	2013 Budgeted Ending Balance	2013 Actual Balance On 8/18/13		2013 Projected Ending Balance
Checking Balance	\$3,633	\$1,650	\$6,443		\$1,374
Savings Balance	\$5,029	\$5,034	\$5,031		\$5,034
Total Assets	\$8,663	\$6,684	\$11,474		\$6,408

Projected Checking Ending Balance...

...for 2013 (\$1,374) is the 2012 ending balance (\$3,633) minus the current net projected 2013 cash flow loss (\$2,260). It includes \$750 for January grader operator contract; \$100 for January mailings; \$300 to avoid bank fees; and \$274 margin of error.

Buckskin Heights Road Association Treasurer's Report for FY2012

With Approved 2013 Budget

January 30, 2013

EXPENSE/INCOME SUMMARY

NOTES

A	B	C	D	E	F
Category	2011 Actual	Approved 2012 Budget	2012 Actual	2012 Difference (Actual-Budget)	Approved 2013 Budget
Bank Fees	\$3	\$10	\$6	(\$4)	\$5
Gate Maintenance	\$236	\$100	\$155	\$55	\$200
Grader Operator	\$11,559	\$9,200	\$10,165	\$965	\$9,300
Grant Expense	\$0	\$0	\$0	\$0	\$0
Insurance	\$979	\$1,000	\$1,091	\$91	\$1,150
Legal/Financial	\$131	\$450	\$398	(\$52)	\$100
Mailings	\$89	\$75	\$171	\$96	\$150
Miscellaneous	\$0	\$100	\$0	(\$100)	\$0
Road Base	\$5,578	\$14,000	\$14,025	\$25	\$13,430
Homeowner Road Base	\$1,680	\$0	\$0	\$0	\$0
Signs & Culverts	\$0	\$0	\$0	\$0	\$0
Supplies	\$87	\$100	\$33	(\$67)	\$50
Expense Subtotal	\$20,342	\$25,035	\$26,044	\$1,009	\$24,385
Dues & Late Fees	\$20,032	\$22,400	\$23,952	\$1,552	\$22,400
Interest	\$7	\$7	\$5	(\$2)	\$5
Grant Income	\$0	\$0	\$0	\$0	\$0
Remote Control Sales	\$21	\$0	\$90	\$90	\$0
Homeowner Road Base	\$1,680	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0
Income Subtotal	\$21,740	\$22,407	\$24,047	\$1,640	\$22,405
Cash Flow Balance	\$1,398	(\$2,628)	(\$1,997)	\$631	(\$1,980)

Budgeted Grader Operator Expenditure

Reflects grader operator contract valid through September 2014.

Budgeted Road Base Expenditure

About 48 loads of recycled asphalt @ \$275/load (2012=51, 2011=33, 2010=43, 2009=55, 2008=52)

Budgeted Dues Income

Assumes 64 of 66 properties pay \$350 annual dues (2 chronic delinquencies; no foreclosure delinquencies)

Budgeted Cash Flow Loss...

...for 2013 (\$1,980) is offset by 2012 checking ending balance (\$3,633; see asset summary below).

ASSET SUMMARY

A	B	C	D	E	F
Category	2011 Ending Balance	Budgeted 2012 Ending Balance	2012 Actual Ending Balance	2012 Difference (Actual-Budgeted)	Budgeted 2013 Ending Balance
Checking Balance	\$5,635	\$3,007	\$3,633	\$626	\$1,650
Savings Balance	\$5,024	\$5,031	\$5,029	(\$2)	\$5,034
Total Assets	\$10,659	\$8,038	\$8,663	\$625	\$6,684

Budgeted Checking Ending Balance...

...for 2013 (\$1,650) is the 2012 ending balance (\$3,633) minus the net budgeted 2013 cash flow loss (\$1,980). It includes \$750 for January grader operator contract; \$100 for January mailings; \$300 to avoid bank fees; and \$500 margin of error.

Fiscal Year 2012 Data Respectfully Submitted for Audit by:

Suzanne Weber

Suzanne Weber, Treasurer August 2011 - December 2012

February 15, 2013

Date

Reviewed and Approved by:

Paul Hesson

BHRA Member

[Signature]

BHRA Member

3/27/13

Date



July 16, 2013

Dear Neighbor,

Earlier this year, the BHRA Board appointed a committee – Paul Hesson, Chuck Pettee and Sue Weber – to review our Bylaws. On the next pages, you will find the result of their work: a group of proposed revisions that streamline, update, and clarify our Bylaws to make them easier to understand and use.

The proposed changes are summarized at right. In addition, each specific change on the Bylaws document has a numbered explanation beside it.

After careful review and discussion, the Board has endorsed all these changes. **We will vote on these bylaw revisions at our annual meeting on Sunday August 18.** Please bring your copy of the Bylaws to the meeting.

If you have any questions about these proposed changes, please contact one of the committee members for more information.

Daniel Glanz,

BHRA President

All bylaws amendments summarized at right and shown in the document below were unanimously approved at the BHRA annual meeting on 8/18/13.

Bylaws Review Committee:

Paul Hesson (970-282-0848,
sigmanu1959@gmail.com)

Chuck Pettee (970-377-1035,
chuckandpenny@lpbroadband.net)

Sue Weber (970-225-1830,
suweber47@gmail.com)

Summary of Proposed Bylaws Revisions:

- 1A. Gather all the information about the Directors' conditions of service into Article I, with some clarifications. See comments #1, 3-8 and 10.
- 1B. Explain how to elect Directors under *Robert's Rules of Order* when there are more nominations than positions open. See comment #2.
- 1C. Complete the list of Directors' duties by adding compliance with legal requirements and insurance coverage. See comment #9.
- 1D. Delete or update a series of outdated sections involving the old grader (comment #12); Larimer County's process for combining lots (comment #21); gate location (comment #24); sign location (comment #26); gate locks (comment #27); and fences that no longer exist (comment #30).
- 1E. Renumber and reformat sections to maintain organization after some or all of the changes proposed have been approved. See comments #11, 20, and 22-23, 25, 29 and 31.

2. Explain how officers are elected by, and serve with the consent of, the Board of Directors in accordance with *Robert's Rules of Order*. See comments #13-15.

- 3A. Delete the dollar amount of annual dues from the Bylaws to avoid county filing fees (\$51) when the amount changes. See comment #16.
- 3B. Change the timing and reduce the amount of late fees charged for delinquent dues to encourage payment and comply with usury guidelines. See comments #17-19.

4. Revise a section about the width of the road that is not consistent with the legal documents that govern the width of the road. See comment #28.

5. Explain how the Association website will communicate with members; and with external entities regarding legal matters. See comment #32.

6. Explain the enforceable rules of the road. See comments #33-34.

**CONSTITUTION
OF
BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC**

December 12, 1974
Revised August 10, 1991
Revised September 14, 2009
Proposed Revisions August 18, 2013

**ARTICLE I
Name**

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

**ARTICLE II
Objects**

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

**ARTICLE III
Validation and amendments**

Section 1. Validation. This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

Section 2. Amendments. Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.

BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

Article I Government

Section 1. Management. The Association shall be managed by a Board of 6 (six) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

Section 2. Terms of Directors. The members shall elect from themselves for a term of two (2) years, the Directors whose terms of office have expired. Said Directors shall hold office until their successors are elected and qualified.

Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {?Section moved 8/18/13}

Section 3. Election of Directors. {?Section added 8/18/13}
When there are more nominations for Director than Board positions open, Directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected Director has received a majority of the votes cast.

Section 4. Removal or Resignation of Directors. After the annual meeting in 1975, any member of the Board of Directors may be removed from office the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these bylaws. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Director's resignation and appoint a member of the Association eligible under Article I, Section 2 in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {?Section moved/change approved 8/18/13}

Comment [#1]: Moving this section gathers all the conditions of service for Directors in Article 1. Same as comment #8.

Comment [#2]: This explanation is consistent with Robert's Rules of Order. If there are no contested positions, we can elect by acclamation as usual.

Comment [#3]: Moving this section gathers all the conditions of service for Directors into Article 1. Same as comment #10.

Comment [#4]: Clarifies that there is a difference between removing someone from the BOARD in this section; and removing someone on the board from an OFFICE defined in Article III, Section 1

Comment [#5]: Add apostrophe

Comment [#6]: Clarifies that the person appointed to fill a vacancy must be eligible to serve. See comment #7.

Article II Board of Directors

Section 1. Duties. Consistent with these bylaws, the Board of Directors shall:

- Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary and fix their duties and compensations.
- Fix, impose and collect penalties for violation of these bylaws and rules of the Association.

- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members ~~to serve until the next annual meeting~~ the active members in accordance with Article I, Section 4. {?Change approved 8/18/13}
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these bylaws.
- h. ~~Directors may not be elected to serve more than two (2) consecutive terms, (not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {?Moved to Article I, Section 2, 8/18/13}~~
- i. Insure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {?Section added 8/18/13}
- j. Insure that the liabilities and assets of the Association are properly protected with appropriate insurance policies. {?Section added 8/18/13}

Comment [#7]: Insures that this section of Article II is consistent with Article I. See comment #6.

Comment [#8]: Section moved to Article I to gather all the conditions of service into one place. Same as comment #1.

Comment [#9]: Describes current Board practice.

Section 2. Depository. The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

Section 3. Annual Audit. The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors. The fiscal year for BHRA shall be Jan 1 - Dec 31. {Change approved 8/18/02}

Section 4. Meetings. The board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

Section 5. Quorum. A majority of the Board shall constitute a quorum.

~~*Section 6. Removal or Resignation.* After the annual meeting in 1975, any member of the Board of Directors may be removed from office by a three fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these bylaws. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Directors resignation and appoint a member of the Association in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {?Moved to Article I, Section 4 on 8/18/13}~~

Comment [#10]: Section moved to Article I to gather all the conditions of service into one place. Same as comment #3.

~~Section 76. Expenditure of funds.~~ The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}

Comment [# 11]: Renumbered

Capital Expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners. The expenditure shall be approved if two thirds (2/3) of those *responding* vote for approval. {Change approved 11/17/96}

Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}

Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}

~~Steve Bucknum is the only community member authorized to operate the grader, per a change approved by mail in ballot (11/07).~~

Comment [# 12]: Outdated – we no longer own a grader.

Article III Officers

Section 1. Officers. The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by the Board of Directors **by a majority vote** from among its members and shall hold office until the end of the first meeting of the Board following the annual meeting. **An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors.** {?Change approved 8/18/13}

Comment [# 13]: "elected...by a majority" means that a Board member may be elected to office by a minimum vote of 3 Board members plus him/herself = 4 members.

Section 2. Duties of the President. The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

Comment [# 14]: This explanation is consistent with Robert's Rules of Order. It clarifies that officers are both elected by, and serve with the consent of, the remaining members of the Board of Directors. Note that removing a director from an OFFICE under this section does not remove him/her from the BOARD – a director removed from an office would continue to serve as an at-large Board member or could be elected to a different office.

Section 3. Duties of the Vice President. The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in his (or her) stead.

Comment [# 15]: "removed...by a 2/3 vote" means that a Board member may only be removed from office by a minimum vote of 4 Board members.

Section 4. Duties of the Secretary. The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the

correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

Section 5. Duties of the Treasurer. The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

Section 6. Duties of the Members at Large. No description of duties has been defined.

Article IV Membership

Section 1. Membership and membership defined. Membership shall be defined as the owners of lots as described below:

- All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
- All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
- All tracts adjacent to the access road to the Buckskin Heights first sub-division.

Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Records Office.

In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

Section 2. Requirements of Membership. In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described, and shall pay all annual dues and assessments.

Section 3. Use of the facilities of the Association. All valid memberships of the Association shall be accorded equal use of the roads of the Association. The gates on the access road to Buckskin Heights established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.

Association property, including gates, are to be used at the property owner’s complete responsibility and liability for damage caused by themselves and others coming to or from the property owner’s lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

**Article V
Dues**

Section 1. Dues. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}

Increases or decreases to dues shall be by two-thirds (2/3) majority of those memberships in good standing voting at an annual meeting or special meeting called for the purpose of changing dues.

~~Annual dues were set to \$300, by vote at the 2008 annual meeting. {Change approved 8/17/08}~~

Comment [#16]: Outdated and unnecessary. The dues amount for the next year is communicated to members every year at the annual meeting; in the dues invoices; and soon on the new website. If the dues amount is included in the bylaws, we are obligated to amend the bylaws every time it changes; and file an updated bylaws document with the County Clerk (\$51 for 9 pages).

Section 2. Delinquencies. Annual dues become delinquent May 1st of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
 - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member’s property.
 - ii. Suspend all privileges of membership, including road use privilege, ~~by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {?Change approved 8/18/13}~~
 - iii. Turn delinquent accounts over one year to a collection agency. {?Change approved 8/18/13}

Comment [#17]: The Board has worked out a process that could result in a restraining order if the Board chooses to go this route. Same wording about violations in Article 8(4) Rules of the Road – see comment #34.

~~Delinquent dues shall be subject to a late penalty of \$20 per month for each month of partial month that dues are delinquent. {Change approved 8/26/00}~~

Comment [#18]: The \$20 late fee in the first year serves as an effective deterrent against late payment during the first year. But it rapidly becomes a barrier to payment in subsequent years. In addition, the full annual 12-mo amount (\$240; 69% APR) is likely to be regarded as usurious/illegal by the courts (<http://www.cohoalaw.com/money-matters-collections-are-you-following-the-rules.html>)

b. Penalties for Delinquent Dues { ?Change approved 8/18/13 }

- i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
- ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
- iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.

- c.** Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President. { Change approved 8/29/04 }

Comment [#19]: The proposed revision continues the \$20/mo deterrent for 8 mo in year 1 but reduces the charge to \$5/mo (17% APR) over the long term. Easy to implement and understand, although somewhat complex to explain in bylaws language.
EXAMPLE: For someone with delinquent 2010, 2011 and 2012 dues, the amount owed with late fees and lien filing fees under our current scheme would be about \$2,200; under the proposed scheme, about \$1,650 would be owed. The gap between the two methods becomes wider each year dues remain unpaid. We have one property owner who has been delinquent for more than a decade.

Article VI Meetings

Section 1. Annual Meetings.

- a. The annual meeting of the Association shall be held between June 1st and August 31st of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

Section 2. Special Meetings. Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

Section 3. Notice. Whenever notice to the membership shall be required by the bylaws, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

Section 4. Voting at meetings (or in a mailing poll sent to all members).

Only memberships in good standing shall be entitled to vote at meetings of the Association (or in

a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

Section 5. Quorum. Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

Section 6. Board Meetings.

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

Section 7. Rules of Order. All meetings will be conducted according to *Robert's Rules of Order*.

Article VII Changes to Bylaws

Section 1. Changes and (or) amendments to the Bylaws shall require a two thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the Bylaws (or by a mailing poll to all members by the President or Secretary).

Article VIII Miscellaneous Changes/Amendments

Article VIII documents miscellaneous changes or amendments to the original bylaws that have been approved, but do not fit the categories of the other Articles above.

Comment [#20]: Unnecessary.

Section 1. Change of original Subdivision No. 2. Lots #27 (4.644 Acres) and #28 (2.294 Acres) of Subdivision #2 were combined into one property by Larimer County after owner constructed a permanent residence on the lot line dividing the two lots. A majority vote of the members present at the 1981 BHRA Annual meeting agreed with Larimer County to consider the two lots as one property, henceforth listed as Lot #27/28, Sub. #2.

Comment [#21]: Unnecessary. We are obligated to follow Larimer County's process and decisions on these matters.

Section 21. Culverts. Culverts for driveways to private property have to shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76} {Change approved 8/18/13}

Comment [#22]: Parallel formatting with the rest of the document.

Comment [#23]: Parallel language with the rest of the document.

3. Gate location. The Association gate shall be moved to the upper cattle guard. (The gate used to be located about a half a mile from the Buckhorn Canyon road.) {Annual Meeting 8/12/78}

Comment [#24]: Outdated.

Section 42. Private Road Sign. The road shall have a sign at the Association gate reading, "Private Road–No Trespassing". ~~{Annual Meeting 8/11/79}~~ {?Change approved 8/18/13}

Comment [#25]: Parallel formatting with rest of document.

Comment [#26]: Sign is not at the gate.

~~5. Locks: A key lock shall be installed on the gate along with the combination lock. {Annual Meeting 8/11/90}~~

Comment [#27]: We no longer maintain a key lock at the gate; and the specific type of lock need not be in the bylaws. [See Article IV, Section 3 for more information on the locked gate.]

Section 73. Width of the Road. Road Widening. ~~The road will not be widened from its present {August 26, 2001} boundaries without the express consent of the adjacent landowner. {August 26, 2001}~~ The width of the road is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 14, 1970 and February 10, 1971). As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {?Change approved 8/18/13}

Comment [#28]: Rewritten to reflect legal requirements and practical application.

Section 64. Fences. ~~{Annual Meeting 8/10/97}~~ {?Change approved 8/18/13}

Comment [#29]: Parallel formatting with the rest of the document.

- a. No fence shall be located so as to interfere with the right-of-way easement [thirty (30) feet in each direction perpendicular from the center line of all existing roads].
- b. Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads.
- ~~e. Existing fenced land that currently, as of August 10, 1997, contains livestock shall also be exempt from right of way interference of fences as described above.~~
- cd. Fences in violation of this provision shall be moved or removed at the owner's expense.

Comment [#30]: No longer applicable.

Comment [#31]: Renumber.

Section 5. Website {?Section added 8/18/13}

- a. The Association website shall be known as www.buckskinheights.org. It shall be maintained by a webmaster appointed by the Board of Directors.
- b. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include political or religious information, or commercial advertisement.

Comment [#32]: The website managed by the Association will enable the Board to communicate in a timely and cost-effective manner with members; and with external entities on required legal matters.

Section 6. Rules of the Road. {?Section added 8/18/13}

- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
 - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
 - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
- b. Violations of the Rules of the Road. {?Section added 8/18/13}
 - i. Reckless or careless driving that endangers persons or property shall be reported to the Larimer County Sheriff's Office.
 - ii. Documented violations of the rules of the road may result in the suspension of road usage privileges on the platted roads within the sub-division. Violation of a Board-authorized suspension of road usage may result in civil or criminal action.

Comment [#33]: Section 4(a) lists the rules of the road that we can actually enforce in Section 4(b).

Comment [#34]: The Board has worked out a process that could result in a restraining order if the Board chooses to go this route. Same wording about violations in Article 5(2) Dues – see comment #17.