

Buckskin Heights Road Association
Special Meeting Minutes • Buckhorn Church
December 13, 2019 • 6:30pm

Attendance:

Board Present: David Gaudio, Glenn Heeney, Luke McOmie, Pam Robinson, Sue Weber

Community Members: A total of 17 properties were represented

Call to Order: The special meeting was called to order at 6:30pm by President David Gaudio, who declared a quorum was present. The call for the meeting is attached.

Agenda: Paul Hesson moved to approve the agenda as distributed. The motion was seconded and approved.

Introduction of Guests: President David Gaudio introduced Lola Fehr, a registered professional parliamentarian and member of the National Association of Parliamentarians, and guest of Sue Weber, Pam Robinson and Paul Hesson, among others.

Presentation/Q&A by Petitioners: Rick Stahl estimated that he would need about 35-45min for his presentation. He distributed a handout “Email Rebuttal to Sue Weber” (attached). He explained that petitioners requested this special meeting of the Association to “argue the validity/methodology/transparency of the bylaws change, Article V, Dues (April 13, 2018).” He asserted that:

- Agendas for three open board meetings at which proposed amendment was discussed were not published ahead of time. No open discussion or special meeting about the proposed bylaws amendment was held. *BigTent* and email announcements were inadequate. The use of the term “mail poll” for the actual mail ballot was incorrect.
- The wording of the proposed 2018 dues change bylaws amendment was intentionally misleading – the ballot highlighted the “mail poll” aspect of the proposed bylaws change, but not the change from 2/3 vote to majority vote. Furthermore, a “poll” usually refers to a general preference, not a vote. He believes the change allowed fewer members to have control of dues changes. Live discussion, which did not happen in this case, is necessary to be sure that the rights of all members are protected.

Jennifer Appelman expressed a red flag concern that there was no discussion in the minutes of board meetings about the change from 2/3 vote to majority; she stated that we need to be sure Robert’s Rules are being followed. John Appelman stated that this is a “podunk” road association; the discussion/process for Bylaws amendments should not be so confusing.

Airn Hartwig stated that past president Darin Johnson thought a mail ballot should be required. She agreed to the proposal, but she felt that some board members at the time the amendment was proposed had a political agenda. She agrees with the mail ballot, but favors a 2/3 vote. The amendment adoption process was very misleading; the board was not up front and honest.

Greg Nelson thought the whole process was misleading and rushed.

Rick Stahl pointed out that technology to describe changes in a document has changed. The process used in the recent major changes to the bylaws (2013-2015) – bubble comments, side-by-side presentation – was better and clearer.

In answer to a question by Paul Hesson about whether he (Hesson) deliberately intended to mislead the community, Rich Stahl stated that he believes that Hesson did not clarify the 2018 dues amendment as done in the past.

Stahl remains concerned that non-resident property owners aren't being fairly represented by the board and are seen differently from resident members. All members should have equal weight. He asserted that 2/3 vote on all issues including dues changes has been the norm since the establishment of the Association. He believes that a committee should be used to draft changes to Bylaws, not individuals; there should have been a special meeting to vote on the proposed bylaws amendment.

David Gaudio pointed out that any change in the Bylaws has always, and still does, requires a 2/3 vote, and that the 2/3 vote process required by the Bylaws was used to adopt the 2018 dues change bylaws amendment.

Eric Dolph inquired if those attending the last August 2019 annual meeting who voted to recommend the dues increase were represented in the vote to increase the dues. David Gaudio pointed out that if those attending and voting at the 2019 annual meeting returned a ballot in the subsequent mail poll, their votes were counted in the majority vote results (61% yes/39% no of those responding).

Presentation/Q&A by Board: Sue Weber distributed a handout “Summary of Materials Prepared for the Special Meeting of the Association” (attached). Weber asserted that:

- The phrase “mail poll” questioned by Stahl is the exact phrase used in our Bylaws to indicate a vote by mail; thus, there was no “intention to mislead” by using the word “poll” instead of “vote” or “ballot” to adopt the dues change amendment. Weber further noted that Parliamentarian Lola Fehr recommended that we change “mail poll” to “mail ballot” in our Bylaws to clarify the language.
- A 2/3 vote for dues changes has not always been the standard of the Association, e.g., from 1997-2008 the Bylaws required a majority vote to rescind dues increase determined by the board. There is nothing in Robert’s Rules to suggest that financial decisions require a 2/3 vote.
- The intent of having a professional parliamentarian review the entire process of adopting the dues change amendment was to determine if any of the boards’ actions were in violation of our Bylaws or Robert’s Rules of Order. The parliamentarian’s objective opinion was that the board followed all the requirements of our current Bylaws and Robert’s Rules in adopting the dues change amendment. In any case, the parliamentarian pointed out that the time to raise methodology concerns over the vote was actually 1½ years ago, not today.

Sue Weber then reviewed the background for the 2018 bylaws dues amendment:

- At the 2018 annual meeting, the then-existing method of dues change at an annual meeting was criticized as unfair, in that as few as 7 people out of a quorum of 10 could change the

dues. A bylaws amendment proposed at that meeting by John Appelman would have required a mail ballot with a 2/3 vote; it failed decisively (5 yes/11 no) due to the opposite concern, that the majority could be unfairly “held hostage” by as few as 23 non-residents members (out of 68 total property owners) – or as few as 15 responding in a typical mail poll – who do not know the state of the road or how it affects property values.

- Members of the board at that time responded to the dissatisfaction with both methods by proposing a 2-step process that (1) gathers the recommendation of mostly residents who know the road and attend an annual meeting; followed by (2) giving all members –residents and non-residents – equal voice in a mail “poll” (i.e., “vote”) of the entire membership.
- Advanced notice of this proposed bylaws change was given through three open board meetings with public; postings on BigTent and email with exact wording of the proposed amendment requesting comments; and a ballot and information sheet with the exact wording of the proposed amendment sent to all members with a 30-day opportunity for consideration. (It was also discussed at a fourth executive meeting with public minutes posted.) The results were reported on BigTent, the BHRA website and in the June 2019 Board minutes.
- Sue Weber re-capped the methodology used to vote on the subsequent dues increase after the 2019 annual meeting; 90% of the responding ballots were in favor of the change.

Greg Nelson questioned if there was adequate opportunity for dissent in this mail poll process. Sue Weber pointed out that if you voted “no” on the mail ballot, you have had your say. David Gaudio also pointed out that speaking out on *BigTent* (now *GroupsIO*) is another way to reach out and speak your mind. Weber suggested that that perhaps some of these concerns could be addressed by having the cons of a Bylaws change summarized as well as the pros.

Jennifer Appelman asked whether there had been consideration of a separate mail vote to change from a 2/3 to a majority vote. Sue Weber showed her the actual Bylaws amendment ballots where the “2/3 vote” language was crossed out and the replacement “majority vote” language was stated 6 times on the ballot and justification. The dues change vote was a separate vote the following year.

Rick Stahl pointed out 90% response of ballots returned for the dues change vote is not 90% of the total membership. He further asserted that several people didn’t get their ballots in time, indicating that 30 days is not enough time and recommended that the Bylaws be amended to 60 days to respond.

Rick Stahl correctly pointed out that the first mention of a “mail(ing) poll” in the Bylaws was in 1991-96, not 1974 as previously stated by Sue Weber.

Greg Nelson questioned if there was a quorum for mail votes in the Bylaws; there is not and there should be since you cannot force people to vote.

Sue Weber pointed out that the agenda is not usually included in minutes; the agenda topics become the headings in the minutes.

Rick Stahl moved to take a short recess. The motion was seconded. It was not approved.

Parliamentary Questions:

Parliamentarian Lola Fehr congratulated the groups for their good humor and asserted that our issues are solvable. The terminology “poll” is unusual, but you can do almost anything under Robert’s Rules. However, Robert’s Rules guarantee three things: (1) the right to attend meetings with advance notice; (2) the right to run for office; and (3) the right to debate. Anything that threatens these principles must have a 2/3 vote to protect the rights of the minority to participate. Traditionally, bylaws amendments take a 2/3 vote. You cannot compel members to vote, so a “mail poll quorum” is not possible; the vote count is always based on those present and voting. Minutes should only contain decisions, but most organizations include discussion; you do not repeat agenda in the minutes.

Rick Stahl raised the issue of whether the membership got adequate opportunity to debate the 2018 dues change bylaws amendment. Fehr pointed out that this concern is out of order, because it is too late to raise this issue. However, the requirement could be added to our Bylaws for future mail votes. Weber pointed out that the 2018 dues change amendment process followed all the current Bylaws and Robert’s Rules. Robert’s Rules allow bylaws changes to be done by mail vote without a meeting for debate, but Fehr’s opinion is that this is a bad idea. Fehr also pointed out that a board meeting is not the best opportunity to provide time for debate. Fehr recommended that we form a bylaws committee; 4-6 people are enough. Fehr is willing to help us; she is paid for her services. Sue Weber volunteered for a new bylaws committee and Rick Stahl agreed to serve as well.

Airn Hartwig asked if 6 members is enough on the Board; Fehr indicated that 6 was adequate for the size of our association. Andrew Michler asked how conflicts can be best resolved. Fehr suggests that when you have a conflict, go to the person first, not to others; she added that email is not a good way to resolve conflicts.

Adjournment: Paul Hesson moved to adjourn the meeting at 8:27pm. The motion was seconded and approved.

Respectfully submitted,

Luke McOmie, Secretary



*BUCKSKIN HEIGHTS
ROAD ASSOCIATION
PO Box 352
MASONVILLE CO 80541*

November 12, 2019

NOTICE OF SPECIAL MEETING

A special meeting of the Buckskin Heights Road Association membership has been requested in writing by 5 memberships in good standing – Jennifer/John Appelman, Richard Dixon, Airn Hartwig, Greg Nelson and Rick Stahl – in accordance with the BHRA Bylaws, Article VI, Section 2 (<http://buckskinheights.org/BHRA-Bylaws-Aug19-Copyright.pdf>).

The meeting will take place as follows:

DATE: Friday, December 13, 2019

TIME: 6:30pm

LOCATION: Buckhorn Church
8762 N County Rd 27, Masonville, CO

BAD WEATHER ALTERNATIVE: If the weather is bad on Friday December 13, a notice will be posted by 3pm on the BHRA website buckskinheights.org to move the meeting to a location on the mountain.

PURPOSE OF THE MEETING AS STATED BY THE REQUESTORS: "Arguing the validity/methodology/transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018".

We hope that all members who can attend, will attend.

David Gaudio, President
Buckskin Heights Road Association

EMAIL REBUTTAL to Sue Weber

We have attached a document which summarizes, in chronological order, all the actions of the Board regarding the “**validity/methodology/transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018.**” This summary is taken directly from BHRA meeting minutes from August 2017 when the amendment was first proposed, through June 2018, when the results of the membership vote on the amendment were officially reported. All of these minutes and attachments have been posted for well over a year at buckskinheights.org/documents.html.

VALIDITY

You will note that this summary shows that the amendment:

- Was first proposed at the August 2017 annual meeting by John Appelmann, who moved “a change to the Bylaws that would require a mail-in ballot for any dues increase, and also requiring a 2/3 majority of those responding to pass.” The motion failed (5 in favor/11 opposed).
 1. **REBUTTAL: This has NO BEARING with the exception of the BOARDS desire to change the Bylaws to weigh the vote to SPECIFIC MEMBERS**
 2. **REBUTTAL: According to Roberts Rules, In amending a previously adopted bylaw, make sure that the rights of all members continue to be protected. *The surest way to provide this protection is to prevent bylaws from being changed without first giving every member an opportunity to weigh in on a change.***
- The revised amendment – featuring a two-step process requiring a majority vote at both steps to pass – was subsequently passed by the membership in April 2018 by a 2/3rds majority mail poll of the membership (41 in favor/5 opposed), using the following steps:
 - Discussed at four public meetings with minutes posted online in a timely fashion (9/12/17, 10/24/17, 1/23/18 and 3/27/18);
 1. **REBUTTAL:** It is the BOARDS RESPONSIBILITY to publicize and keep public records of agendas and announcements. There is no record of said announcement on the OFFICIAL BHRA website.
 2. **REBUTTAL: 9/12/17 Board meeting,** The meeting minutes show NO AGENDA published, just a comment , “Agenda: The agenda for the meeting was approved as revised to move the election of officers for 2017-18 to the end of the meeting.” At the same meeting there were 12 properties present (7 board, 5 membership) NO QUORUM of MEMBERSHIP to vote. At the previous Board Meeting (July 10,2017) there was no mention of a discussion / committee formation to “refine” the ideas.
 3. **REBUTTAL: 10/24/2017, CLOSED / Executive meeting,** 5 board members. As it was a CLOSED meeting, membership was not involved. The authors, along with the remaining board members DECIDED on which of 3 possible options was the best “solution” (Sue) Weber, board member and author, stated “will inform the membership about this option on BigTent, and invite comments and participation in a planned discussion at the next open board meeting, probably in early January.” BIG TENT was never meant to be used for comments or participation of Bylaws changes (It was initialized as an EMERGENCY communications option. It does not meet the definition of open discussion or special meeting as described in Roberts Rules. There was NEVER a PLANNED DISCUSSION at the 1/23/2018 Board meeting in the agenda or at the meeting.
 4. **REBUTTAL: 1/23/18,** (5 Board members 2 memberships)There was NO mention of a PLANNED DISCUSSION for the purpose of input from the community, review or approval at the 1/23/2018 Board meeting (or after that meeting) in the agenda or at the meeting. The BOARD PRESIDENT made a motion “to send the proposed amendment (attached) out as a **mail poll** to the membership this spring. The motion was seconded and approved. This was done without community input, discussion or forums (or vote) other than the final approval or rejection.
 5. **Rebuttal: 3/27/18,**(6 Board members * 5 present-1 phone, 2 memberships) No mention of Bylaws change in agenda. Secretary’s report states” Notice of this meeting was posted on BigTent, the BHRA website and on the gate” although Big Tent records no

longer exist and there is no written or archived notice of this meeting on the website , this cannot be verified.

6. **Rebuttal: 6,5,18**, ***date was originally wrong changed from 6,23,18 (6 board, 5 memberships) No mention of Bylaws information in the agenda. There was a report that the Bylaws AMENDMENT was approved, It included a MUCH CLEARER document showing the changes to of the amended Bylaw with statistics.
 - o Publicized as a Board-recommended proposal on *BigTent* and by email to membership (10/27/17), soliciting input from the membership 4 months before the **mail poll** of the entire membership;
 - 7. **Rebuttal:** See number 3 above. **TRANSPARENCY DEFINITION poll vs vote. Poll is just to get an idea of what the general preference is. No action will be taken, it's just for interest. Vote means that an action will be taken as a result of the preference shown in the vote.**
 - o Conducted a mail poll of the entire membership in accordance with our *Bylaws* amendment procedures (Article VII) in April 2018; and
 - 8. REBUTTAL: Robert, Henry M.; et al. (2011). *Robert's Rules of Order Newly Revised* (11th ed.). Philadelphia, PA: Da Capo Press. p. 429. [ISBN 978-0-306-82020-5](https://www.amazon.com/Robert-Rules-Order-Newly-Revised-11th-edition/dp/0306820205). **A motion to take an informal straw poll to "test the water" is not in order because it neither adopts nor rejects a measure and hence is meaningless and dilatory.**
 - o Reported that the amendment passed as described above on *BigTent* and officially in the June 2018 BHRA minutes. **As there was only a POLL, not a vote, and there was never a formal discussion, forum or special meeting allowing the membership (at least 2/3rds) to openly discuss, input opinions or suggestions the Bylaw amendment is NULL AND VOID.**

TRANSPARENCY (see ballot)

Without too much detail, the wording was intentionally misleading,

1. Changed more than one item in the Bylaw and slanted the vote to favor full time residents and discriminated against others.
2. In the English language pole and vote have two separate and different outcomes and meanings.
3. Proposers name were not exposed.
4. **After the motion is made, the entire document is handled seriatim (taking one subject after another in regular order; point by point.). See Robert's Rules of Order Newly Revised, page 273, and 576. Each article is read in its entirety by the bylaws chairman. He then explains all the changes that were made in that article and the reasons for the changes. He then sits down, and the presiding officer asks: "Is there any discussion on Article I?" Members can ask questions, discuss or amend Article I. In presiding, the chair must remember that Article I is part of the main motion being considered which is the bylaws revision. Members can amend Article I by primary and secondary amendments. Only one set of primary and secondary amendments can be pending at one time. AMENDMENTS to Article I (to the entire revision) are adopted by a majority vote. After everyone is finished discussing and amending Article I, the chair goes on to Article II. ARTICLE I is NOT ADOPTED. <https://www.parli.com/newsletter/how-to-get-a-bylaws-revision-accepted-by-the-members>**
5. The "BALLOT" Highlighted and BOLDED " TO ALLOW DUES CHANGE BY MAIAL IN BALLOT" But did not explain in detail (in a discussion, special meeting or Annual meeting) the changes and effects of
 - (b) Change from long standing 2/3rds to simple majority
 - (b) Removed the parliamentary procedure of motions to recommends. (recommends a vote)
 - (b,i.) "Conduct a mailing poll" A poll is an idea of general preference not a VOTE
 - (b,iii) If a simple majority (more than half) of all the valid mail ballots received (POLL) by the deadline are cast in the affirmative, the change in dues shall be approved.(No voting involved)
 - STEP 1: Translates to goes from RECOMMENDED to VOTE (although the board calls it a poll)

- **STEP 1:** not approved, just recommended – by the majority of members attending (usually) the annual meeting- Meaning memberships who DONOT attend (Business and family obligations, out of state or property owners who don't have a home built) USUALLY don't have a say in a discussion / special meeting.
- **STEP 2:** the Board would conduct a mailing poll of every membership based on this recommendation. Everyone would get a chance to vote,..OBVIOUSLY a play on words as this statement means giving your opinion (Poll) will convert to a DECISION (VOTE) WHICH IS IT a POLL or a VOTE? They are NOT INTERCHANGABLE.

The MEMBERS of the BHRA follow a constitution and Bylaws that are regulated under ROBERTS RULES. The changes to manipulate the Bylaws to allow FEWER members to have control over the association is NOT what Roberts Rules were designed to do.

2/3 Vote vs Majority Vote statement from Roberts Rules: As a compromise between the rights of the individual and the rights of the assembly, a 2/3 vote is necessary.

The assembly is not limited to adopting or rejecting the amendment just as it is proposed, but no amendment is in order that increases the modification of the rule to be amended, as otherwise advantage could be taken of this by submitting a very slight change that would not attract attention and then moving the serious modification as an amendment to the amendment.

In amending a previously adopted bylaw, make sure that the rights of all members continue to be protected.

The surest way to provide this protection is to prevent bylaws from being changed without first giving every member an opportunity to weigh in on a change through live discussion.

Buckskin Heights Road Association

Summary of Materials Prepared for the Special Meeting of the Association

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Consultation with a Professional Parliamentarian

BHRA Board representatives consulted with Ms Lola Fehr, a registered professional parliamentarian. Ms Fehr is a member of the Colorado Association of Parliamentarians (www.coloradoparliamentarians.org). She is certified as an association executive and has worked with numerous national membership organizations, serving as parliamentarian for business meetings with up to 1,000 delegates. She also serves as parliamentarian for the Colorado State University Faculty Council during the academic school year.

The parliamentarian reviewed the following documents related to the way our *Bylaws Article V Dues, Section 1* had been amended in 2017-18, as well documents related to the vote to increase road dues in 2019:

- BHRA *Bylaws* from 1974-present;
- Publicly-posted minutes from public Board and Association meetings from August 2017-present;
- Public notices about the proposed *2018 Bylaws Dues Amendment* and *2019 Vote to Increase Dues*;
- Ballots, mailing inserts and results from the *2018 Bylaws Dues Amendment* and *2019 Vote to Increase Dues*;
- Emails and other documents from the five BHRA members requesting the special meeting on December 13, 2019; and
- The public notice mailed to all BHRA members about the special meeting on December 13, 2019.

All of these documents, or key excerpts from them, are available in this document.

MAJOR FINDINGS OF THE PARLIAMENTARIAN:

A bylaws amendment – by definition – changes the wording of the *Bylaws*; it always requires a 2/3 vote.

The vote on the BHRA 2018 *Bylaws Dues Amendment* was properly publicized, conducted and approved by the required 2/3 majority.

- The title and wording of the bylaws amendment on the ballot and its explanation were accurate and appropriate.
- Dues changes, or financial assessments in general, do NOT require a 2/3 vote for approval. [RONR, pg. 401; Table VI, pgs. t44-t45]
- Our *Bylaws* have not always required a 2/3 vote for dues changes in the past (p. 15).

Brief Chronology of the 2018 *Bylaws Dues Amendment*:

- Many members attending the 2017 annual meeting liked the idea of a mail ballot of the entire membership for dues approval, but a proposed bylaw amendment requiring a 2/3 vote was defeated (5 in favor, 11 opposed; p. 8). Concern was that this proposal did not provide a fair balance between resident and non-resident property owners. [At this meeting, a dues increase was approved with 13 in favor, 4 opposed.]
- From September 2017-March 2018, the Board held 4 public board meetings where the new 2-step majority vote mail poll amendment was discussed (pp. 8-9, 11); publicly posted meeting minutes on the BHRA website; posted the new proposed amendment on *BigTent* and email for public input (p. 10); and sent an information sheet with the mail ballot to every member explaining the *2018 Bylaws Dues Amendment* in detail (pp. 12-13). The “majority vote” change was repeated 12 times in these public notices; the 2-step process change was referenced 8 times.
- The amendment was overwhelmingly approved by 41 of 46 property owners voting (89%). The results were publicly posted on *BigTent* and the BHRA website on April 30, 2018 (p. 14).

The 2-step 2019 *Vote to Increase Dues* from \$400 to \$450 in August-October 2019 was properly publicized, conducted and approved by the required majority at each step.

- The *2019 Vote to Increase Dues* did NOT change the wording of our current *Bylaws*; therefore, it was NOT a bylaws amendment and did NOT require a 2/3 vote.
- Dues changes, or financial assessments in general, do NOT require a 2/3 vote for approval. [RONR, pg. 401; Table VI, pgs. t44-t45]

Brief Chronology of the 2019 *Vote to Increase Dues*:

- A substantial majority of the members attending the 2019 annual meeting voted to recommend an increase in the dues from \$400 to \$450 (p. 16).
- In September 2019, the Board followed the *Bylaws* to conduct a mail poll of the membership about the recommended dues increase. The ballot was accompanied by an information sheet justifying the increase and explaining the voting process required by the *Bylaws* (p. 17-18).
- 28 (61%) of the 46 memberships voting approved the dues increase. Results of the mail poll were reported on the BHRA website, the gate sign, and on *GroupsIO* in October 2019 (p. 19).

BOTTOM LINE: Public BHRA documents demonstrate that the entire 2-year process of approving the 2018 *Bylaws Dues Amendment* and taking the 2019 *Vote to Increase Dues* was done transparently, using valid methods described in the *Bylaws* and in accordance with *Robert’s Rules of Order*.

Lola M. Fehr, RN, MS, CAE, PRP, FAAN
4902 W. 29th Street, # 8C
Greeley, CO 80634

December 11, 2019

Suzanne Weber
PO Box 194
Masonville, CO 80542

Dear Suzanne:

This letter will confirm the meeting at which I was engaged to evaluate actions take by the Board of the Buckskin Heights Road Association in relation to the purpose of a special meeting called at the request of five members of the Association. I met with Suzanne Weber and Pam Robinson on November 21.

Based on the documents presented to me and the conversation with the two members of the Association I believe the 2018 vote to approve a bylaws amendment changing the required vote for a dues increase from a two-thirds to a majority vote was appropriately conducted. I reviewed the bylaws requirement for amending the document and the minutes of membership and board meetings where the discussion took place over more than a year. The mail ballot of 2018 asking for approval of the amendment was properly conducted with a vote that exceeded the two-thirds majority vote for adoption.

Therefore, the 2019 question of a dues increase effective in 2020 based on the bylaws as amended in 2018 was properly conducted through a discussion at a meeting of the members where the proposal was on the agenda and the follow-up required mail vote.

Please contact me if you have any questions.

Lola M. Fehr, PRP

970-590-0325

Buckskin Heights Road Association
Materials Prepared for the Special Meeting of the Association
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REQUEST FOR A SPECIAL MEETING

From: Richard Stahl <rick_stahl@msn.com>
Sent: Monday, November 4, 2019 9:17 AM
To: Sue Weber <sueweber47@gmail.com>
Subject: Request for special meeting

As specified in the Buckskinheights bylaws, " *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."

The following (5) memberships in good standing request a special meeting for the purpose of arguing the validity / methodology / transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018. Stahl, Appelman, Hartwig, Dixon, Nelson. (Additional petitioners available)

The above mentioned petitioners also request anonymity in any publications posted or discussed by any / all board members.

ADDITIONAL INFORMATION ABOUT THE PURPOSE FOR THE MEETING POSTED ON RICK STAHL'S WEBSITE

<https://drive.google.com/file/d/1qwsVr9KHLQvThdayVIqX0x-hIA6EMe9i/view>

The "Dues" By Laws were deceiving and should be nullified – November 2019

First and foremost, I am not against the decision* made by the residents of Buckskin Heights to vote for a dues increase.

I realize that this is going to get NEGATIVE feedback from board members (I have been rebuked by two already) but this is still America and we have a right to point out items that seem below board.

Let me start here: Our (BHRA) By Laws (1974) stipulate that the Constitution, By Laws and meetings are to be run under the principles of Roberts Rules of Order (to be referred to here on as RRO). As a layman, I didn't have a grasp of how RRO until my tenure on the board as president. There are a few members of the association that are near experts and others who really have very little idea of these procedures. I, for one,

have since become fairly good at researching RRO and have found some interesting procedures that I believe were intentionally used to mislead our vote on the "Dues By Law" change.

Historically, the original writers of BHRA's Constitution and By Laws used some *standard definitions for voting* concerning important changes to and voting on the By Laws. Examples from our 1974 through 2018 Constitution and By-laws follow:

ARTICLE III-Validation and amendments

Section 1. Validation. This constitution shall become effective upon ratification of a **two-thirds (2/3) majority vote** by 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 members in good standing.

Article V-Section 1. Dues.- c. The Board by their authority, shall set basic annual dues, per tract or lot, up to \$75.00. Any additional dues imposed shall be by a **two-thirds (2/3) majority** of those members in good standing to a mailing poll to all members by the President or Secretary. The life of such additional dues shall be clearly established and adhered to.

It is my belief that these By Laws worked as intended for the community since 1974 (48 yrs.) It is also my belief that the board intentionally understated the details and changes to the By Laws for the ballot "Increase in 2020 Dues"

I voiced my concerns with a board member and received a hodge podge of excerpts from meetings that, after reviewing all the documents reinforced my belief. In a future article I will place them in a presentable order

It WAS NOT an error or a simple oversight. This was an EXCLUSION of the fact that we were voting on TWO SEPARATE BY LAW CHANGES. The ONLY change that was defined in detail was "**regarding a change to the Bylaws to allow all to vote on dues changes by mail ballot**". There was no debate or detailed mention of "**Changing the way votes are tallied from 2/3rds to simple majority**" as will be proven.

The board (with the assistance of a person or people with knowledge of RRO) understood that a ~~strikeout~~ over text meant a change or deletion. Yes, the rewritten By Law showed the strikeout but there was no open discussion or debate on the proposed changes. Was there any public discussion of this change (no reference in any minutes or notes), According to RRO, ANY changes to By Laws have to be in an open forum and ALL changes MUST be made public and equal time will be dedicated to discussion of ALL CHANGES.

Not once have I seen a reference to a discussion about the change from 2/3rds to simple majority. On ALL documentation the wording has been "Changing the BHRA BY-LAWS to allow everyone to vote on DUES INCREASES", which in its self was misleading. We were NOT allowed the opportunity to have a LINE ITEM VETO in the wording of the amendment Just a YES OR NO vote on "Changing the BHRA BY-LAWS to allow everyone to vote on DUES INCREASES"

What this amounts to is a "Rider".

Here is what Wikipedia explains it as: In legislative procedure, a **rider** is an additional provision added to a bill or other measure under the consideration by a legislature, having little connection with the subject matter of the bill. Riders are usually created as a tactic to pass a controversial provision that would not pass as its own bill

Most constitutional bodies effectively ban riders

The legislatures of 43 of the 50 states have effectively banned riders by giving their governors the power of the line-item veto.

2/3 Vote vs Majority Vote statement from Roberts Rules: As a compromise between the rights of the individual and the rights of the assembly, a 2/3 vote is necessary.

AN EXCERPT FROM A GROUPSIO POST BY RICK STAHL ON NOVEMBER 7, 2017:

"... It will be proven that the board changed a rule that had been in place since the beginnings of Buckskinheights and WAS THERE FOR A SPECIFIC REASON. WHY [raise the issue] NOW, Discussions have been ongoing about this for over a month with a member of the board and longer with other residents. ... The Board has slipped through the last amendment with the provision (rider) that it is no longer a 2/3rds majority, just a simple majority on both counts. ... [I]t was done in the shadow (we have documentation) and It did NOT follow Roberts Rules."

* Public declaration of NO vote on dues increase by Rick Stahl (see below)
https://groups.io/g/buckskinheights/topic/road_dues_increase/34191812?p=,,20,0,0,0::recentpostdate%2Fsticky,,,20,2,20,34191812

Road dues increase #BoardBusiness #RoadCondition

Rick Stahl

Sep 18 #612

Just an FYI, Our road is never going to be a great road. With the exception of major snow storms or rare washout situations, our EXTERIOR road (Otter) has always been "passable".

It was never meant to be a "civilized" road, but a mountain road that allowed access to Buckskin Heights (see plat map) since 1974. The job of the BHRA is to MAINTAIN said road. After re-reading many times Appendix A in the minutes just published, it is a self defeating manifesto, in many areas contradicting the very conditions and environment. **I will be glad to explain this statement through individual emails or, if requested, at Groups.io**. The point is that for over 30 of its 45 plus years the BHRA primarily used road base yearly to smooth out the road and GRADED with much more regularity. In the early 2010's BHRA's supply of road base became more expensive and less available and we turned to recycled asphalt (RAP).

OK, now let's get to my point. We are just throwing good money after bad. How about we spend our present dues on TRUE MAINTENANCE:

- Grading more often, every 4 to 6 weeks when possible.
- Repairing the RAP areas that have developed pot holes through SPOT REPAIRS.
- Enforce speed controls on the road. (there are low tech methods)
- Stagger the usage of a blade grader with a box grader.
- Use the appropriate materials at the appropriate locations.

These suggestions can be done with the existing dues levels. I have contacted MULTIPLE SOURCES, as a resident and former officer of BHRA, and found that we still CAN get materials (RAP and road base) for 9.00 per yard and there are trucking firms as well as grading companies that can do the job competitively and in some cases less expensively.

Obviously, another \$50.00 increase will not affect the majority of our residents up here, but lets make better, more cost effective usage of our present dues before throwing GOOD MONEY AFTER BAD.

I VOTED NO

Rick Stahl
970-223-4044 Landline
303-910-4331 Cell



CONSULTATION WITH REGISTERED PROFESSIONAL PARLIAMENTARIAN (PRP)

The Colorado Association of Parliamentarians (CAP) offers Professional Registered Parliamentarians who can serve organizations with a wide variety of Parliamentary Law services. Services include: providing individuals and groups with study workshops and one-on-one training, assisting with bylaws revisions, organizing meetings and seminars, parliamentary services for meetings or conventions and offering parliamentary advice to presiding officers, governing boards and committees. CAP is a division of the National Association of Parliamentarians (NAP). The current edition of Robert's Rules of Order, Newly Revised (RONR) is the parliamentary authority for both NAP and CAP. <https://www.coloradoparliamentarians.org/>



Lola Fehr, PRP
Greeley
lolafehr@comcast.net
(970) 352-3347

Lola Fehr is certified as an association executive and has worked with numerous national membership organizations serving as parliamentarian for business meetings with up to 1,000 delegates. She also serves as parliamentarian for the Colorado State University Faculty Council during the academic school year and provides consultation to her local school district.

She has provided bylaws consultation for many groups and serves as a member of three volunteer boards. She has significant education experience, including teaching a one credit course for Colorado State University. She also has a background in health care and appreciates opportunities to work with health-related groups. Lola enjoys helping groups conduct business in a culture comfortable for them while using the resource of parliamentary authority to promote efficient and effective meetings.

Meeting with Ms Lola Fehr on November 21, 2019

Sue Weber and Pam Robinson met with Ms. Lola Fehr for 1½ hour. Ms. Fehr reviewed the following documents related to the way our *Bylaws Article V Dues, Section 1* had been amended in 2017-18, as well documents related to the vote to increase road dues in 2019:

- BHRA *Bylaws* from 1974-present;
- Publicly-posted minutes from public Board and Association meetings from August 2017-present;
- Public notices about the proposed *2018 Bylaws Dues Amendment* and *2019 Vote to Increase Dues*;
- Ballots, mailing inserts and results from the *2018 Bylaws Dues Amendment* and *2019 Vote to Increase Dues*;
- Emails and other documents from the five BHRA members requesting the special meeting on December 13, 2019; and
- The public notice mailed to all BHRA members about the special meeting on December 13, 2019.

MAJOR FINDINGS OF THE PARLIAMENTARIAN:

A bylaws amendment – by definition – changes the wording of the Bylaws; it always requires a 2/3 vote.

The vote on the BHRA 2018 Bylaws Dues Amendment was properly publicized, conducted and approved by the required 2/3 majority.

- The title and wording of the bylaws amendment on the ballot and its explanation were accurate and appropriate.
- Dues changes, or financial assessments in general, do NOT require a 2/3 vote for approval. [RONR, pg. 401; Table VI, pgs. t44-t45]

The 2-step 2019 Vote to Increase Dues from \$400 to \$450 in August-October 2019 was properly publicized, conducted and approved by the required majority at each step.

- The *2019 Vote to Increase Dues* did NOT change the wording of our current *Bylaws*; therefore, it was NOT a bylaws amendment and did NOT require a 2/3 vote.
- Dues changes, or financial assessments in general, do NOT require a 2/3 vote for approval. [RONR, pg. 401; Table VI, pgs. t44-t45]

CONSTITUTION OF BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC

... August 23, 2019

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.

Total Number of Properties = 68 Memberships
2/3 of Total Membership = 46 Votes to Approve a Constitutional Amendment

BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

... August 23, 2019

Article VI. Meetings

...

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.

...

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).

...

Quorum at all Association Meetings = 10 Memberships
2/3 of Memberships at an Association Meeting = 7 Votes to Approve a Bylaws Amendment

CHRONOLOGY: Key Board Actions in proposing, publicizing and conducting the vote on the 2018 Bylaws Dues Amendment:

FROM THE PUBLIC ANNUAL MEETING MINUTES 8/20/17

<http://buckskinheights.org/BHRA-2018-Annual-Meeting-Minutes&Budget-Copyright.pdf>

ATTENDANCE

Road Association Board Members: Paul Hesson, President; Airn Hartwig, Vice President; John Niesel, Secretary; Sue Weber, Treasurer; Allan Heese and Kevin Stewart, At Large
Road Association Members: 21 properties were represented.

NOTE: John Appelmann's verbal motion to amend the Bylaws was not announced prior to the annual meeting; the motion was out of order (RONR §57, p. 592).

DISCUSSION OF POSSIBLE DUES INCREASE

1. President Hesson presented the unanimous Board proposal to raise annual dues by \$50, effective for FY2018, which was sent to all members 30 days in advance of the annual meeting. Per the BHRA Bylaws, passage of a dues increase requires a 2/3 majority of property owners present at the annual meeting.

2. Resident John Appelmann motioned for a change to the Bylaws that would **require a mail-in ballot for any dues increase, and also requiring a 2/3 majority of those responding to pass.** The motion was seconded.

A. Comments in favor of the amendment: More property owners would have a say in a dues increase.

B. Comments not in favor of the amendment: In the past it was impossible to pass an increase in road dues because of many property owners who did not reside on the mountain, and did not care how poor the condition of the road was.

C. A standing-count vote on the motion was 5 in favor, 11 opposed. **The motion failed.**

B. A standing-count vote on the **main motion to increase dues \$50 to \$400 annually was 13 in favor, 4 opposed.** The main motion carried.

FROM THE PUBLIC 9/12/17 BOARD MEETING MINUTES:

<http://buckskinheights.org/BHRA-Board-Minutes-Sep17-Copyright.pdf>

Attendance:

Board Members: (2017-18) David Gaudio, Airn Hartwig, Paul Hesson, Darin Johnson, Sue Weber; (2016-17) Allan Heese, John Niesel.

Community Members: Matt Hartwig, Glen Heeney & Ann Dean, Kathy Hingtgen, Mary Ann Long, Jerry & Sarah May, Jon Miller

Dues: The pros and cons of changing the Bylaws to allow absentee mail ballots to vote for future dues increases were discussed by Board members and members of the community. **There was general agreement that it was desirable to encourage wider involvement of the membership while maintaining a fair balance between resident and non-resident property owner's interests.** Paul Hesson volunteered to refine the ideas expressed and report back to the Board at a future meeting

FROM THE PUBLIC 10/24/17 BOARD MEETING MINUTES:

<http://buckskinheights.org/BHRA-Board-Minutes-Oct17-Copyright.pdf>

Attendance: Board Members David Gaudio, Airn Hartwig, Paul Hesson, Darin Johnson, Sue Weber

Possible Bylaws Amendment: Paul Hesson and Sue Weber briefly presented drafts of three possible ways to amend the Bylaws to allow everyone to vote on every dues change (see attachment). There was general agreement that option #3 was the best solution. **Weber will inform the membership about this option on BigTent, and invite comments and participation in a planned discussion at the next open board meeting, probably in early January.**

ATTACHMENT:

Option #1: SOME REQUEST AN ABSENTEE BALLOT

ARTICLE V

Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When the Board by a simple majority, or a written request from five (5) memberships in good standing, recommends a vote to change the annual dues at the scheduled annual meeting or a special meeting called for that purpose, the Board shall: {Change approved by Mailing Poll (date)}
 - i. Provide written notification to the membership in good standing of the proposed dues change vote at least forty-five (45) days before the date of the annual or special meeting; provide a justification for the change; and provide the membership an opportunity to request a self-addressed, postage-paid, uniquely-identified* absentee ballot not less than twenty (20) days prior to the date of the meeting, either by phone/email to the Secretary of the Association or by mail to the Association.
 - ii. Absentee ballots must be received at least 24 hours prior to the start of the annual meeting, either by delivery to the Association's United States Postal Service mailing address or delivered in person to the Secretary or President of the Association.
 - iii. Valid absentee ballots will be counted with the in-person votes at the meeting. If a simple majority (more than half) of all the ballots are cast in the affirmative, the change in dues shall be approved.

Option #2: SEND A MULTIPURPOSE BALLOT TO ALL

ARTICLE V

Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When the Board by a simple majority, or a written request from five (5) memberships in good standing, recommends a vote to change the annual dues at the scheduled annual meeting or a special meeting called for that purpose, the Board shall: {Change approved by Mailing Poll (date)}
 - i. Provide written notification to the memberships in good standing of the proposed dues change vote at least thirty (30) days before the date of the annual/special meeting in accordance with Article VI, Sections 1 and 2; provide a justification for the change; and provide each membership with a self-addressed, uniquely-identified* ballot.
 - ii. To vote, each membership shall: (1) affix appropriate postage on the ballot and send it to the Association's United States Postal Service mailing address such that it arrives at least 24 hours prior to the annual/special meeting; or (2) deliver the ballot in person to the Secretary or the President of the Association prior to the annual/special meeting; or (3) use the ballot to vote in person at the annual/special meeting. If a ballot is lost, the Secretary may issue a replacement in person at the annual/special meeting.
 - iii. Valid absentee ballots will be counted with the in-person votes at the meeting. If a simple majority (more than half) of all the ballots are cast in the affirmative, the change in dues shall be approved.

Option #3: ALWAYS CONDUCT A MAIL POLL OF ALL

ARTICLE V

Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When a **simple majority** of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved by Mailing Poll (date)}
 - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified* ballot.
 - ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
 - iii. If a **simple majority (more than half) of all the valid mail ballots** received by the deadline are cast in the affirmative, the change in dues shall be approved.

*NOTE: *Robert's Rules*, Article VIII(46) Voting: "Voting by mail cannot be a secret ballot, as it is necessary for the tellers to know by whom each vote is cast."
<http://www.rulesonline.com/rror-08.htm#46>

BigTent news blast and discussion thread, and email sent to the membership on October 27, 2017:

Subject: Changing the BHRA Bylaws to Allow Everyone to Vote on Dues Changes

Back at our annual meeting in August, there was a lively discussion about changing our dues approval process to involve the entire membership, not just the folks who can attend a meeting. After considering several options, the Board has come up with what we think is a good 2-step solution to this issue, which will be discussed at our next public board meeting, probably in January:

- Step 1: Any dues change would first need to be *recommended* – not approved, just recommended – by the **majority** of members attending (usually) the annual meeting.
- Step 2: After the meeting, the Board would conduct a mailing poll of every membership based on this recommendation. Everyone would get a chance to vote, with the change approved (or not) by a simple **majority** of the valid ballots returned.

We think this is a good idea because:

- It preserves the value of the annual meeting for gathering the ideas of folks who know the condition of the road, and its impact on property values.
- It allows a representative sample of the membership to openly discuss and recommend the optimal amount of any possible dues change.
- It's fair. It allows everyone to have exactly the same opportunity to decide if and how much the dues should change.
- It's easy to understand and implement.

The only downside we could think of is that the results of the vote could be delayed by as much as 60 days after the annual meeting. But the outcome would still be known by the end of October at the very latest; any change in the dues would not go into effect until April 1 of the following year, 5 months later.

The actual proposed *Bylaws* language is below. The Board will notify everyone when the next meeting of the Board is scheduled so you can come and **let us know in person what you think about this possible new way to approve dues changes**. In the meantime, you can respond on *BigTent* or email the Board at bhra80541@gmail.com with your ideas.

PROPOSED AMENDMENT TO THE BHRA BYLAWS:

ARTICLE V

Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When a simple **majority** of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved by Mailing Poll (*insert date*)}
 - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified* ballot.
 - ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
 - iii. If a simple **majority** (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

* NOTE: Robert's Rules, Article VIII(46) Voting: "Voting by mail cannot be a secret ballot, as it is necessary for the tellers to know by whom each vote is cast."

[\[http://www.rulesonline.com/rror-08.htm#46\]](http://www.rulesonline.com/rror-08.htm#46)

FROM THE PUBLIC 1/23/18 BOARD MEETING MINUTES:

<http://buckskinheights.org/BHRA-Board-Minutes-JanFeb18-Copyright.pdf>

ATTENDANCE:

Board Present: David Gaudio, Airn Hartwig, Paul Hesson, Darin Johnson, Sue Weber

Board Absent: Kevin Stewart

Community Members: Jon Miller, Greg Heeney, Matt Hartwig

SECRETARY'S REPORT:

...

The text of the proposed amendment to the Bylaws requiring a mail poll to change the dues was posted on *BigTent* on October 27, 2017. SEE ABOVE

...

PROPOSED BYLAWS AMENDMENT – A motion was made by Darin Johnson to send the proposed amendment (attached) out as a mail poll to the membership this spring. The motion was seconded and approved.

FROM THE PUBLIC 3/27/18 BOARD MEETING MINUTES:

<http://buckskinheights.org/BHRA-Board-Minutes-Mar18-Copyright.pdf>

ATTENDANCE:

Board Members: David Gaudio, Airn Hartwig, Paul Hesson, Darin Johnson (by phone), Kevin Stewart, Sue Weber

Community Members: Matt Hartwig, Mark Metler, Jon Miller,

...

SECRETARY'S REPORT:

...

The mailing for the vote on the proposed amendment to the Bylaws (requiring a mail poll to change the dues) will be sent out by about Friday, March 30, 2018 [SEE BELOW]; the deadline for return of ballots will be about Monday, April 23, 2018. Mark Metler 225-0073 and Jon Miller 949-677-3908 volunteered to be the second person needed to count ballots if they are available.

FROM THE PUBLIC 6/5/18 BOARD MINUTES:

<http://buckskinheights.org/BHRA-Board-Minutes-Jun18-Copyright.pdf>

ATTENDANCE

Board Present: David Gaudio, Airn Hartwig, Paul Hesson, Darin Johnson, Kevin Stewart, Sue Weber

Community Members: Steve & Sherry Stinnett, MaryAnn Long, Rick Stahl, Matt Hartwig, Glen Heeney

...

SECRETARY'S REPORT:

...

The amendment to the BHRA Bylaws to require mailing poll for dues changes was approved by mail poll. The results are attached. SEE BELOW

BUCKSKIN HEIGHTS ROAD ASSOCIATION MAIL-IN BALLOT

Ballot #

I/we vote (clearly mark one): YES NO
on the following proposed amendment to the
Bylaws of the Buckskin Heights Road Association
(see buckskinheights.org/documents.html).

PROPOSED AMENDMENT TO THE BHRA BYLAWS: ARTICLE V DUES, Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved by Mailing Poll (insert date)}
 - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.
 - ii. Ballots must be returned to the Association’s United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
 - iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

BUCKSKIN HEIGHTS ROAD ASSOCIATION MAIL-IN BALLOT

Ballot #

I/we vote (clearly mark one): YES NO
on the following proposed amendment to the
Bylaws of the Buckskin Heights Road Association
(see buckskinheights.org/documents.html).

PROPOSED AMENDMENT TO THE BHRA BYLAWS: ARTICLE V DUES, Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved by Mailing Poll (insert date)}
 - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.
 - ii. Ballots must be returned to the Association’s United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
 - iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

Buckskin Heights Bylaws Amendment Vote to Allow Dues Change by Mail Ballot

- **The BHRA Board of Directors approved the mail-in vote** for this issue and the wording of the BHRA Bylaws amendment (over) at its January 23, 2018 board meeting.
- **Ballots must be received by Friday, April 27, 2018** to be tabulated in the results. Results of the vote will be published on *BigTent* and buckskinheights.org no later than May 1.
- **Your ballot will remain confidential.** Ballots are numbered for control purposes only. The BHRA Secretary and another association member will tabulate the vote. Only those authorized to tabulate the vote will be permitted to see the ballots.

**Buckskin Heights Road Association
PO Box 352
Masonville, Colorado 80541**

Buckskin Heights Bylaws Amendment Vote to Allow Dues Change by Mail Ballot

- **The BHRA Board of Directors approved the mail-in vote** for this issue and the wording of the BHRA Bylaws amendment (over) at its January 23, 2018 board meeting.
- **Ballots must be received by Friday, April 27, 2018** to be tabulated in the results. Results of the vote will be published on *BigTent* and buckskinheights.org no later than May 1.
- **Your ballot will remain confidential.** Ballots are numbered for control purposes only. The BHRA Secretary and another association member will tabulate the vote. Only those authorized to tabulate the vote will be permitted to see the ballots.

**Buckskin Heights Road Association
PO Box 352
Masonville, Colorado 80541**

VOTE ON BUCKSKIN HEIGHTS BYLAWS AMENDMENT TO ALLOW DUES CHANGE BY MAIL BALLOT

Enclosed you will find a self-addressed stamped ballot to vote on a proposed amendment to Article V Dues of the Bylaws of the Buckskin Heights Road Association (available linked from at buckskinheights.org/documents.html).

PROPOSED AMENDMENT TO THE BHRA BYLAWS:

ARTICLE V DUES, Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved by Mailing Poll (*insert date*)}
 - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.
 - ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
 - iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

**Please vote as soon as possible! Your ballot must be received
by Friday, April 27, 2018 to be tabulated in the results.**

Below is more information. If you have any questions, please do not hesitate to contact BHRA President Darin Johnson (801-440-8409, darinr.johnson83@gmail.com) or BHRA Secretary Sue Weber (970-225-1830, bhra80541@gmail.com).

Back at our annual meeting in August 2017, there was a lively discussion about changing our dues approval process to involve the entire membership, not just the folks who can attend a meeting. After considering several options, the Board has come up with what we think is a good 2-step solution to this issue. A draft of this proposal was posted on *BigTent* on October 27, 2017 and approved for a mail poll of the membership by the Board at our meeting on January 23, 2018. Here's how it would work:

- Step 1: Any dues change would first need to be *recommended* – not approved, just recommended – by the majority of members attending (usually) the annual meeting.
- Step 2: After the meeting, the Board would conduct a mailing poll of every membership based on this recommendation. Everyone would get a chance to vote, with the change approved (or not) by a simple majority of the valid ballots returned.

The BHRA Board thinks this is a good idea because:

- It preserves the value of the annual meeting for gathering the ideas of folks who know the condition of the road, and its impact on property values.
- It allows a representative sample of the membership to openly discuss and recommend the optimal amount of any possible dues change.
- It's fair. It allows everyone to have exactly the same opportunity to decide if and how much the dues should change.
- It's easy to understand and implement.

The only downside we could think of is that the results of the vote could be delayed by as much as 60 days after the annual meeting. But the outcome would still be known by the end of October at the very latest; any change in the dues would not go into effect until April 1 of the following year, 5 months later.

Buckskin Heights Road Association
**Results of *Bylaws* Amendment Ballot Regarding
Dues Changes by Mailing Poll**
[Publicly posted on BigTent & BHRA Website on April 30, 2018]

The results of the April 2018 mail-in ballot regarding a change to the Bylaws to allow all to vote on dues changes by mail ballot were tabulated by the Association Secretary and one non-Board Association member on April 30, 2018. The results are as follows:

- Total ballots received by April 30, 2018 from members entitled to vote: 46
- Ballots neither in favor of nor opposed to amending the Bylaws of the BHRA (blanks): 0
- Total votes cast, excluding blanks*: 46
- Votes necessary for amending the Bylaws (at least 2/3 of total votes cast, excluding blanks*): 31
- **Votes in favor of amending the Bylaws of the BHRA: 41 (89%)**
- Votes opposed to amending the Bylaws of the BHRA: 5 (11%)

The ballots in favor exceeded the two-thirds (2/3) majority vote of the membership in good standing participating in a mailing poll required by the *Bylaws*. Therefore, the following amendment is made to the *Bylaws* of Buckskin Heights Road Association:

ARTICLE V DUES, Section 1. Dues.

- a. Annual dues are payable by April 1st of each year. {Change approved 8/11/79}
- ~~b. 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.~~
- b. When a simple **majority** of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved by Mailing Poll April 30, 2018}
 - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.
 - ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
 - iii. If a simple **majority** (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

*Robert's Rules of Order (www.rulesonline.com/rror-08.htm#48)

HOW HAS BHRA VOTED ON DUES IN THE PAST?

Our *Bylaws* have not always required a 2/3 vote of the membership for dues changes.

CHRONOLOGY OF SAMPLE BYLAWS CHANGES

BHRA BYLAWS 1991

ARTICLE V

Section 1. Dues.

a. The Board, at its first meeting after the annual meeting of the members, or any meeting thereafter, shall establish dues for the ensuing year. Only persons who have paid all membership fees, assessments and dues in full shall be entitled to use any of the Association's facilities.

b. Dues shall be sufficient to provide for the necessary operating expenses of the Association, and the maintenance and improvement of its property, and such dues shall be payable by April 1st of each ensuing year, and are delinquent by May 1st.

c. The Board, by their authority, shall set the basic annual dues, per tract or lot, up to \$75.00. Any additional dues imposed shall be by a two-thirds (2/3) majority of those members in good standing responding to a mailing poll to all members by the President or secretary. The life of such additional dues shall be clearly established and adhered to.

d. No dues or part thereof shall be refunded in the event that any of the operation of facilities are suspended for any period.

BHRA BYLAWS 1997 – 2008

Article V
Dues

Section 1. Dues.

The Board, by their authority, shall set the basic annual dues, per tract or lot at \$240.00. Additional annual dues shall be imposed at the discretion of the Board not to exceed the cumulative increase in the Consumer Price Index (CPI) since the last increase, rounded to the nearest whole dollar, up to a maximum of \$175.00 in total annual dues. Dues for the following year shall be defined in the annual meeting announcement letter. Members in good standing shall have an opportunity to rescind the increase by secret ballot. Those members not present at the annual meeting shall have an opportunity to vote by mail to rescind the increase. Mail votes will require signatures for validation and must be received before the annual meeting. In all cases all mail votes will remain confidential with only a total count reported by the Secretary. A simple majority of votes cast shall determine if the increase shall be rescinded.

BHRA BYLAWS 2009

**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}

BHRA BYLAWS 2013

**Article V
Dues**

Section 1. Dues.

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

b. 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.

BHRA BYLAWS 2018 – PRESENT

Article V. Dues

Section 1. Dues.

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

b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved 4/30/18}

i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.

ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.

iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

THE 2019 VOTE TO INCREASE DUES

The 2-step 2019 Vote to Increase Dues from \$400 to \$450 in August-October 2019 was properly publicized, conducted and approved by the required majority at each step.

- The 2019 Vote to Increase Dues did NOT change the wording of our current *Bylaws*; therefore, it was NOT a bylaws amendment and did NOT require a 2/3 vote.
- Dues changes, or financial assessments in general, do NOT require a 2/3 vote for approval. [RONR, pg. 401; Table VI, pgs. t44-t45]

CHRONOLOGY: Key Board and membership actions in proposing and conducting the vote to increase dues in 2019

FROM THE PUBLIC ANNUAL MEETING MINUTES 8/23/19

<http://buckskinheights.org/BHRA-2019-Annual-Meeting-Minutes&Budget-Copyright.pdf>

ATTENDANCE:

Road Association Board Members Present: David Gaudio, President; Luke McOmie, Secretary; Sue Weber, Treasurer; Glenn Heeney and Paul Hesson, Members at Large

Road Association Board Members Absent: Allan Heese, Vice President

Road Association Members Present: Owners of 25 properties were physically present.

...

BOARD RECOMMENDED DUES INCREASE: A motion was made by President David Gaudio to recommend to the entire membership that we increase the annual dues in 2020 by \$50 from \$400 to \$450/year. It was seconded, discussed and approved by a show of hands by a substantial majority of those present. As required by the *Bylaws*, Article V, Section 1, a mail poll of the entire membership will now be conducted within the next 60 days. If a simple majority of the membership responding to the mail poll approve the change, the dues increase will go into effect in 2020.

1. In discussion, David Gaudio explained the reasons behind the request for the dues increase:

- The cost of maintaining the road, both for materials and work, has increased;
- Additional work is required on the upper roads for reasons of safety and emergency access; without this dues increase, the condition of lower Otter Rd – which everyone uses and upon which our property values depend – will deteriorate.
- Maintaining acceptable road condition enhances our property values; reduces vehicle maintenance costs; and provides quicker access to emergency services;
- Our original \$75 annual dues in 1973 adjusted for inflation is now \$443.

MAIL BALLOT WITH EXPLANATION SENT TO MEMBERSHIP 9/4/19 – ATTACHED

BUCKSKIN HEIGHTS ROAD ASSOCIATION MAIL-IN BALLOT

Ballot #

I/we vote (clearly mark one): YES NO
on the following proposed annual dues increase, from \$400 to \$450 per year starting in 2020.

The majority of property owners in attendance at the BHRA annual meeting on August 23, 2019 voted to recommend to the entire BHRA membership that annual dues be increased from \$400 to \$450 per year starting in 2020 for the following reasons:

- The cost of maintaining the road, both for materials and work, has increased;
- Additional work is required on the upper roads for reasons of safety and emergency access; without this dues increase, the condition of lower Otter Rd – which everyone uses and upon which our property values depend – will deteriorate.
- Maintaining acceptable road condition enhances our property values; reduces vehicle maintenance costs; and provides quicker access to emergency services;
- Our original \$75 annual dues in 1973 adjusted for inflation is now \$443.

Our *Bylaws* require that any dues change must be recommended by the majority of those attending an annual meeting or a special meeting called for purpose of considering a dues change. Once such a recommendation is made, a mail poll of the entire membership must be taken to vote on the change. The change proposed here – increase the annual dues to \$450/year -- will go into effect if a majority of those responding to this mail poll approve the change. Please return your ballot to BHRA by Friday, October 4, 2019 to be tabulated.

Buckskin Heights Vote to Increase Dues to \$450/Year Starting in 2020

- **The majority of property owners** in attendance at the BHRA annual meeting on August 23, 2019 recommended to the entire BHRA membership that annual dues be increased from \$400 to \$450 per year starting in 2020.
- **Ballots must be received by Friday, October 4, 2019** to be tabulated in the results. Results of the vote will be published on *GroupsIO* and buckskinheights.org by October 11, 2019.
- **Your ballot will remain confidential.** Ballots are numbered for control purposes only. Two BHRA Board members will tabulate the vote. Only those authorized to tabulate the vote will be permitted to see the ballots.

**Buckskin Heights Road Association
PO Box 352
Masonville, Colorado 80541**

BUCKSKIN HEIGHTS ROAD ASSOCIATION MAIL-IN BALLOT

Ballot #

I/we vote (clearly mark one): YES NO
on the following proposed annual dues increase, from \$400 to \$450 per year starting in 2020.

The majority of property owners in attendance at the BHRA annual meeting on August 23, 2019 voted to recommend to the entire BHRA membership that annual dues be increased from \$400 to \$450 per year starting in 2020 for the following reasons:

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BUCKSKIN HEIGHTS ROAD ASSOCIATION MAIL-IN BALLOT

Buckskin Heights Vote to Increase Dues to \$450/Year in 2020

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- Maintaining acceptable road condition enhances our property values; reduces vehicle maintenance costs; and provides quicker access to emergency services;
- Our original \$75 annual dues in 1973 adjusted for inflation are now \$443.

Our *Bylaws* (Article V, Section 1; buckskinheights.org/documents.html) require that any dues change must be recommended by the majority of those attending an annual meeting or a special meeting called for purpose of considering a dues change. Once such a recommendation is made, a mail poll of the entire membership must be taken to vote on the change. The change proposed here – increase the annual dues to \$450/year – will go into effect if a majority of those responding to this mail poll approve the change.

To have your vote counted, your ballot(s) must be received by Friday, October 4, 2019. Results of the vote will be published on *GroupsIO* (groups.io) and buckskinheights.org by October 11, 2019.

Your ballot will remain confidential. Ballots are numbered for control purposes only. The BHRA Secretary and another association member will tabulate the vote. Only those authorized to tabulate the vote will be permitted to see the ballots.

ANY QUESTIONS? Please contact President David Gaudio (303-249-3340) or email the BHRA Board at bhra80541@gmail.com.
Thank you for your consideration of this proposal!

BUCKSKIN HEIGHTS ROAD ASSOCIATION MAIL-IN BALLOT

Buckskin Heights Vote to Increase Dues to \$450/Year in 2020

The majority of property owners in attendance at the BHRA annual meeting on August 23, 2019 voted to recommend to the entire BHRA membership that annual dues be increased from \$400 to \$450 per year starting in 2020 for the following reasons:

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ANY QUESTIONS? Please contact President David Gaudio (303-249-3340) or email the BHRA Board at bhra80541@gmail.com.
Thank you for your consideration of this proposal!

Buckskin Heights Road Association Results of Mail Poll Regarding *Increase in 2020 Annual Dues*

The results of the September 2019 mail-in ballot regarding an increase in annual dues to \$450/year starting April 1, 2020 were tabulated by two BHRA Board members on October 5, 2019.

The results are as follows:

- Total ballots received by October 4, 2019 from members entitled to vote: 46
- Ballots neither in favor of nor opposed to the dues change (blanks): 0
- Total votes cast, excluding blanks*: 46
- Votes necessary for approving the dues increase (simple majority of total votes cast, excluding blanks*): 24
- **Votes in favor of increasing annual dues to \$450/year starting in 2020: 28 (61%)**
- Votes opposed to increasing annual dues to \$450/years starting in 2020: **18 (39%)**

The ballots in favor of the dues increase exceeded the simple majority vote of the membership in good standing participating in a mailing poll as required by the *Bylaws* [Article V, Section 1(b)(iii)]. **Therefore, BHRA annual dues will be \$450/year starting April 1, 2020.**

Anyone who anticipates difficulty paying BHRA dues at any time should contact Sue Weber, BHRA Treasurer (970-225-1830, bhra80541@gmail.com), to arrange payment options.

*Robert’s Rules of Order (<http://www.rulesonline.com/rror-08.htm>)

PUBLIC ANNOUNCEMENT OF RESULTS ON GROUPSIO 10/9/19

buckskinheights@groups.io / Topic

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Results of Mail Poll Regarding Increase in 2020 Annual BHRA Dues Date ▾

Buckskin Heights Road Association
Results of Mail Poll Regarding
Increase in 2020 Annual Dues

Oct 9 #622

The results of the September 2019 mail-in ballot regarding an increase in annual dues to \$450/year starting April 1, 2020 were tabulated by two BHRA Board members on October 5, 2019. The results are as follows:

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- Ballots neither in favor of nor opposed to the dues change (blanks): 0
- Total votes cast, excluding blanks*: 46
- Votes necessary for approving the dues increase (simple majority of total votes cast, excluding blanks*): 24
- Votes in favor of increasing annual dues to \$450/year starting in 2020: **28 (61%)**
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The ballots in favor of the dues increase exceeded the simple majority vote of the membership in good standing participating in a mailing poll as required by the *Bylaws* [Article V, Section 1(b)(iii)]. **Therefore, BHRA annual dues will be \$450/year starting April 1, 2020.**

Anyone who anticipates difficulty paying BHRA dues at any time should contact Sue Weber, BHRA Treasurer (970-225-1830, bhra80541@gmail.com), to arrange payment options.

*Robert’s Rules of Order (<http://www.rulesonline.com/rror-08.htm>)

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- Who is responsible for setting the time/place of a special meeting of the Association (see email below)?
- Who is responsible for presiding and setting the agenda at a special meeting of the Association?

BHRA Bylaws

Article I Government, Section 1 Management: The Association shall be managed by a Board of Directors.

Article III Officers, Section 2 President: The President shall preside at the meetings of the Association and of the Board.

Article VI Meetings, Section 1. Annual Meetings:

- The annual meeting of the Association shall be held between June 1st and August 31st at such time and place as the Board of Directors may determine.*
- 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.*

Article VI Meetings, 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.

In the absence of specific bylaws language to the contrary, the management of special meetings of the Association – time, place, agenda, presiding officer – should be conducted in the same manner as all other meetings of the Association.

- Are members who call a special meeting entitled to anonymity? **No.**
- Given the stated purpose for the special meeting called on December 13, 2019 – “arguing the validity/methodology/transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018 – are any motions or votes of substance regarding bylaws or dues in order at the special meeting?

No; the only motions or votes in order at the December 13, 2019 special meeting are those related to the conduct of the meeting (e.g., time limit for debate, adjourn).

The email chain on the next page documents that the Board:

- (1) Informed the group on November 10 that the stated purpose of the meeting would allow no votes of substance to be taken;
 - (2) Offered the group on November 11 (10:17am) an opportunity to change the stated purpose; and
 - (3) Received a response on November 11 (2:48pm) from Rick Stahl that the stated purpose remained unchanged.
- The special meeting notice that was mailed on Tuesday, November 12, 2019 is found on page 20.

From: Richard Stahl <rick_stahl@msn.com>

Date: November 19, 2019 at 12:03:17 PM MST

To: Buckskin Heights Road Association <bhra80541@gmail.com>

Subject: Formal complaint

I/we do formally put the BHRA Board members 2019, on notice of obstruction and interference in reference to 2 (two) items in reference to the upcoming Special meeting.

Location of the meeting: in an email (Nov.11.2019) from D. Gaudio (Pres. BHRA), in response to the requestors of the special meeting objections (location), erroneously referred to Articles and Sections of the BHRA Bylaws which did NOT apply:

1. ... this event is a special meeting of the Association (Bylaws Article VI, Section 2-3) : The Bylaws ONLY specifically stipulate that the board has the rights to pick the time and place of the ANNUAL MEETING, as referenced in (Article VI, Sec 1, A & B). In a separate section (Article VI, Sec.2) Special Meetings, There is no precedent that stipulates that the Board has the right to dictate the time or location of the meeting.
2. ...the Board is responsible for managing it (Bylaws Article I, Section 1) The actual wording of the Article is: "The Association shall be managed by a Board of six (6) Directors". There is a specific Article (Article VII) that specifies the powers of the board managing meetings which DOES NOT give the Board exclusive rights on the meeting location pertaining to special meetings.
3. ...consistent with Robert's Rules of Order; and the notice has been approved by the Board.

The majority of parliamentary experts uniformly agree that Robert's Rules doesn't have a provision for special meetings, so officially you can't call one unless the procedure is written into your bylaws. As our Bylaws DO have a specific procedure mentioned and does not give the Board special oversight on time and location, which was approved by the board, this lends itself to intentional obstruction by altering a standing, historical precedent of having ALL meetings [ON THE MOUNTAIN] (besides one fire committee meeting which involved outside participants).

From: Buckskin Heights Road Association <bhra80541@gmail.com>

Sent: Sunday, November 10, 2019 8:57 PM

To: 'Richard Stahl' <rick_stahl@msn.com>; 'Airn T' <airn.tolnay@gmail.com>; 'Appelmann, Jennifer/John' <sixappels@msn.com>; 'red-264@hotmail.com' <red-264@hotmail.com>; 'Nelson, Greg' <g_nelson@ix.netcom.com>

Cc: 'Gaudio, David' <david.gaudio@comcast.net>; 'Heese, Allan' <flyboy@gci.net>; 'Heeney, Glenn' <glenn@drylandstucco.com>; 'McOmie, Luke' <pyr0303@gmail.com>; 'Robinson, Pam' <buckhornmtnmom@aol.com>; Weber, Sue (suweeber47@gmail.com) <suweeber47@gmail.com>

Subject: RE: Scheduling the Requested BHRA Special Meeting

Thank you for your input. **Given the purpose you and your colleagues have specified for the special meeting – “arguing the validity/methodology/transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018” – no votes can be taken to change the results of either the recent dues increase, or the current Bylaws procedure for changing the dues.** Any action you wish to propose for a vote at this special meeting relative to the *Bylaws* or the dues must be specifically stated in the purpose for the meeting in the notice that goes out to the membership (*Robert’s Rules of Order*, Article VI Some Main and Unclassified Motions, 37 Rescind, Repeal or Annul <http://www.rulesonline.com/rror-06.htm#37>; see also *Robert’s Rules of Order for Dummies*, Special Meetings, pp. 54-58). [...]

Sent: Monday, November 11, 2019 10:17 AM

To: 'Richard Stahl' <rick_stahl@msn.com>; 'Airn T' <airn.tolnay@gmail.com>; 'Appelmann, Jennifer/John' <sixappels@msn.com>; red-264@hotmail.com <red-264@hotmail.com>; 'Nelson, Greg' <g_nelson@ix.netcom.com>

Cc: 'Gaudio, David' <david.gaudio@comcast.net>; 'Heese, Allan' <flyboy@gci.net>; 'Heeney, Glenn' <glenn@drylandstucco.com>; 'McOmie, Luke' <pyr0303@gmail.com>; 'Robinson, Pam' <buckhornmtnmom@aol.com>; Weber, Sue <suweeber47@gmail.com>

Subject: RE: Scheduling the Requested BHRA Special Meeting

It is possible to hold the special meeting you have requested on Fri December 13 at 6:30 pm **IF (1) you do not intend to change the stated purpose of this meeting, or (2) you get a confirmed revised purpose for the meeting to BHRA President David Gaudio at bhra80541@gmail.com by noon on Tuesday November 12 (tomorrow).** The notice of the meeting must be mailed Wednesday to the membership to comply with the required 30-day notice, and we must have time to prepare it. [...]

From: Richard Stahl <rick_stahl@msn.com>

Sent: Monday, November 11, 2019 2:48 PM

To: Buckskin Heights Road Association <bhra80541@gmail.com>; 'Airn T' <airn.tolnay@gmail.com>; 'Appelmann, Jennifer/John' <sixappels@msn.com>; red-264@hotmail.com <red-264@hotmail.com>; 'Nelson, Greg' <g_nelson@ix.netcom.com>

Cc: 'Gaudio, David' <david.gaudio@comcast.net>; 'Heese, Allan' <flyboy@gci.net>; 'Heeney, Glenn' <glenn@drylandstucco.com>; 'McOmie, Luke' <pyr0303@gmail.com>; 'Robinson, Pam' <buckhornmtnmom@aol.com>; Weber, Sue <suweeber47@gmail.com>

Subject: Re: Scheduling the Requested BHRA Special Meeting

Our purpose is the same “arguing the validity/methodology/transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018”. All memberships agree with the Dec. 13th 2019 meeting date.



*BUCKSKIN HEIGHTS
ROAD ASSOCIATION
PO Box 352
MASONVILLE CO 80541*

November 12, 2019

NOTICE OF SPECIAL MEETING

A special meeting of the Buckskin Heights Road Association membership has been requested in writing by 5 memberships in good standing – Jennifer/John Appelman, Richard Dixon, Airn Hartwig, Greg Nelson and Rick Stahl – in accordance with the BHRA Bylaws, Article VI, Section 2 (<http://buckskinheights.org/BHRA-Bylaws-Aug19-Copyright.pdf>).

The meeting will take place as follows:

DATE: Friday, December 13, 2019

TIME: 6:30pm

LOCATION: Buckhorn Church
8762 N County Rd 27, Masonville, CO

BAD WEATHER ALTERNATIVE: If the weather is bad on Friday December 13, a notice will be posted by 3pm on the BHRA website buckskinheights.org to move the meeting to a location on the mountain.

PURPOSE OF THE MEETING AS STATED BY THE REQUESTORS: "Arguing the validity/methodology/transparency used by the authors of the bylaw change: Article V, Dues 4/13/2018".

We hope that all members who can attend, will attend.

David Gaudio, President
Buckskin Heights Road Association