Ballot results

Bannockburn residents

August 24, 2019 (info shared at August 14, Board meeting)

The purpose of this communication is to provide the results of the proposed Covenant updates mailed on June 26th. More details are on line at www.bannockburnhoa.com.

* 8 non-Board resident members met to verify, count, record and sort all ballots received.
* 176 ballots were mailed out
* 126 ballots were received. (71.6%)
* Covenants and related documents require 66 2/3% affirmative vote of resident Members in Good Standing to ratify changes to the Covenants.
* Originally residents instructed to return ballots by July 31
* Discussions with legal counsel permitted voting to August 12
* July 31 & August 12 were challenged by resident/Board input
* Legal counsel reversed its decision based on specific language in current covenants
* Ballots received by July 17 (50)= valid. (21 days from date mailed)
* Given the voting count as of July 17, the ballot measures failed
* The ballots were separated into three date groups:
  + Received by July 17 = 50 (28.4% of 176)
  + Received by July 31 = 68 (38.6% of 176)
  + After July 31 = 8

Results of all votes received (126):

* For Category 1 questions:
  + Question 1 - 82% Yes; 18% No (Goats)
  + Question 2 - 94% Yes; 6% No (Metal Roofing Materials)
  + Question 3 - 90% Yes; 10% No (Composite Roofing Materials)
  + Question 4 - 92% Yes; 8% No (Siding Materials – residence)
  + Question 5 - 92% Yes; 8% No (Siding Materials - outbuildings
* For Category 2 questions,
  + Question 1 - 88% Yes; 12% No (Internet voting)
  + Question 2 - 46% Yes; 54% No (Outside management)
  + Question 3 - 81.6% Yes; No or N/A 18.4% (Board latitude in approving certain materials)
* For Category 3 question:
  + HOA statutory updates recommended by VF Law:
  + 83% Yes; 17% No or blank (1)
* Overall: Overwhelming support for all categories of proposed changes. Unfortunately, the voting period used precluded using all ballots.
* **Going Forward:** The Board and the Governing Documents Committee received much valuable input from residents during the balloting process, most of which was received after the Ballots went out. Going forward, the Governing Documents Committee will be taking all those comments received and will be redrafting certain portions of the proposed covenants to incorporate some of these suggestions.

As was the case during the last Ballot process, we will again publish the proposed Covenants on the website for a period of at least 30 days prior to the mailing of Ballots to provide for Resident input PRIOR to such mailing. Residents are encouraged to respond during this commenting period with their concerns so that we may address them before balloting begins.

The Board and Governing Documents Committee feels that during this process we received poor legal advice in two major categories. The first was the communication as to when ballots could be returned. Our Legal Counsel advised that we have up to 60 days after ballot mailing for ballot return, and then later reversed that opinion and stated that ballots returned after the 21 day period would be invalidated. Secondly, our Legal Counsel had us incorporate all components of the CCIOA (Colorado Common Interest Ownership Act), even though only certain portions were necessary for communities incorporated prior to 1992.

Accordingly, in addition to some of the other comments received, we will review all the provisions of the CCIOA. Any text that states we follow CCIOA in its entirety will be removed. Focus will be on adopting those portions of the Act that are applicable to HOAs created before 1992. Other portions of the CCIOA will be reviewed and considered for adoption if beneficial to the BHOA. This will still allow the Bannockburn HOA to be in compliance with Colorado Law, but will limit the extent of that compliance to be only the minimum required for our Association. Of course, future Ballot mailing and counting will be conducted strictly within the 21-day period identified in the current Covenants.

The Board and Governing Documents Committee sincerely apologizes for these failures as a result of inaccurate legal advice. We also sincerely thank everyone who took valuable time to read, review, evaluate and return the first ballot, and also thank in advance all residents for their future participation in the next (modified) ballot effort.

Please be patient as to the timing of the next Ballot effort. Significant effort will again be required on the part of the Governing Documents Committee to incorporate changes required as a result of Resident input as well as to identify and modify sections as a result of CCIOA changes as described above.

* Should you have questions or input The Board meetings are the second Wednesday of every month, 7pm at the Franktown fire station. You can also contact the Board via email at [hoaboard@bannockburnhoa.com](mailto:hoaboard@bannockburnhoa.com) or via mail at P.O. Box 211 Franktown, Co. 80116. We encourage participation and input.
* If you are interested in receiving further communication from the HOA via Email vs. regular US Mail, please indicate your preference by email or regular mail to the contact information listed above.
* **We are pleased to announce that we have at least 3 new residents joining the Board in the near future!**

Thank you,

Bannockburn Board of Directors &

Governing Documents Committee