BANNOCKBURN HOMEOWNERS ASSOCIATION

P. O. Box 211, Franktown, CO 80116

August 2019 BOARD MEETING MINUTES

Date: August 14, 2019

Location: Franktown Fire Department

Board Attendees: Jack Shuler, Becky Realsen, Cynthia Goetz, and Tammy Edwards, & Jim Rogers via phone.

Document Committee Attendees: Kaye Wilcox, Document Committee Chair via phone, John Edwards & Susan Passmore

Residents Attending: Lee White, Jim & Isabell Benjamin, Rick Realsen, Jewell Miller, Meredith Bond, Jeremy Root, Neal LaFon, Brad & Miki Hamill, Mike Bertsch, Ben & Renee Grimes, Glenn Mann, Michelle Rozeboom, Hannah Golden, Tim Krug, Gayle & Joe Vrablik, & Art Trouville.

Meeting was called to order by Pres. Jack Shuler at 7:03 PM

Quorum was obtained with 5 Board members present.

All visitors were welcomed, and introductions were made. Due to the large number of visitors, the business part of the meeting was tabled until later in the evening after the visitors' comments & concerns were heard by the Board. President Jack asked to read a statement prior to hearing from the visitors. In Jack's statement he outlines several points:

1. Purpose was to provide the results of the proposed Covenant updates mailed on June 26th.
2. 5 Board members & 8 non-Board resident members met to count on Aug. 12th and record all the ballots received using the postal date stamp to identity when ballot was returned. The 8 residents opened, sorted, verified and counted all ballots returned. Ballots were kept with the returned envelope.
3. A total of 176 ballots were mailed out of the 187 lots in Bannockburn. Six residents are not in good standing for not paying HOA dues. Five residents own more than one lot.
4. Based on ballots received (50; by July 17), proposed covenants failed to be approved.
5. Originally residents were to return ballots by July 31 per ballot instruction. Discussions with legal counsel permitted an extension to Aug. 12th. The dates (July 31 & Aug. 12) were challenged by resident/Board input, and legal counsel reversed its decision based on specific language in current covenants. Article X requires ballots/votes received within 21 days of mailing or July 17th. Only those ballots received by July17 are valid.
6. Ballots were separated into three date groups:
   1. Received by July 17 = 50 or 28.4 % of 176
   2. Received by July 31 = 68 or 38.6% of 176
   3. After July 31 = 8
7. Total of 126 ballots were returned during the voting period to Aug. 12th.

For Voting Category 3:

Changes recommended by VF Law included 105 Yes votes or 83.3%, No votes totaled 20 or 15.9%, one ballot was returned blank.

For Category 1 questions:

Question 1 - 82% Yes; 18% No

Question 2 - 94% Yes; 6% No

Question 3 - 90% Yes; 10% No

Question 4 - 92% Yes; 8% No

Question 5 92% Yes; 8%

For Category 2 questions,

                 Question 1 - 88% Yes; 12% No (Internet voting)

Question 2 - 46% Yes; 54% No (Outside management of the Covenants)

Question 3 - 81.6% Yes; No or N/A 18.4% (Board latitude in approving certain materials)

   Overall, there was overwhelming support for all categories of proposed changes. Unfortunately, the voting period used precluded using all ballots.

1. Given the results, the ballot measure failed to have the number of votes necessary to meet the requirement of 66 2/3 % of the residents or in this case 118 vote to change the Covenants. Note:  participation is key as even with 118 ballots returned, all 118 would have had to vote yes for proposed changes to the Covenants to be incorporated.
2. The Board will meet to consider the options available to bring the Covenants to present day legal standards. A discussion will occur to consider options in the Covenants, associated costs and provide information to residents as we progress. This information will be posted to the BB website.
3. The Board thanks all residents who returned a ballot and will seek other solutions to find a way to encourage more residents to participate.
4. The Board received very valuable information outline below from the visitors at the Aug. meeting. If you were unable to attend, you can contact the Board via email at hoaboard@bannockburnhoa.com. The Board encourages participation and input.

Board received several beneficial recommendations from visitors and several questions that need investigation before re-balloting:

1. Is Bannockburn supposed to follow CCIOA? (Colorado Common Interest Ownership Act). Answer: only certain provisions of CCIOA Law applies to Bannockburn, less than 50% but there are changes to CCIOA almost every year that Bannockburn may not be subject to given Bannockburn was incorporated in 1974 prior to CCIOA law.
2. Document Committed & Board agreed to align proposed Covenants with CCIOA that applies to Bannockburn.
3. Resident member stated that insurance 313 CCIOA is needed to protect Board & social event but Bannockburn should decide not legislation.
4. Resident member wanted to know what are the consequences if CCIOA laws are not align with Bannockburn's Covenants? Answer: CCIOA has no enforcement mechanism, however, no enforcement does NOT mean it isn't the law.
5. Is Bannockburn registered as Colorado Non-profit? Yes
6. Is there protection for the Board under Colorado Non-Profit? Jim Rogers volunteered to research the answer.
7. Resident visitors expressed questions about legal counsel. There concerns included that they are "Big City Lawyers" and residents are desiring a more neighbor to neighbor approach for Bannockburn.
8. Resident visitors asked if Bannockburn could use pre-1992 CCIOA statutes? What part of the CCIOA applies to Bannockburn? This will be researched.
9. Concerns were raised regarding 'Bureaucrats' running our community imposing CCIOA Laws on HOA communities.
10. Balloting gave the Board great information by adding comments to ballot and by voting. Residents present with their concerns and comments also provided valuable information for the Board to use to rewrite the proposed covenants.
11. Statements for dues should include an option that allows residents to contribute more than the required $25 dues if they desire to.
12. Due to costs of mailings, electronic voting was discussed but a comment included concerns for residents who are not comfortable using all computer technology. Note: If electronic communication was approved by residents, both paper/pencil and electronic methods would be an option.

**Board is thankful for all the comments from the residents attending the meeting and from the residents who sent comments in with their ballots. All will be considered to rewrite the proposed covenants. Board wanted residents to know that input provided was very positive and will help to improve the work already done on the proposed covenants. The board will be requesting input from residents once again before the re-vote.**

**Reports:**

The July **Secretary's Report** was reviewed. Motion by Tammy to approve. Motion carried.

**Treasure's Report** was reviewed. Motion by Cynthia to approve. Motion carried.

**Social Committee Report:** Renee Grimes was and is interested in the Social Chairman position. After she presented her interest and qualifications, she left the meeting for Board to discuss her qualifications. Moved by Cynthia to approve Renee Grimes as Social Chairman, motion passed. Renee returned to meeting, was welcome as new Social Chair and she volunteered to accept the duties of the Welcome Committee Chair as part of the social committee duties.

**Old Business:**

Annual Picnic is **Aug. 24, 2019 starting at 11:30** at the Bannockburn Open Space. Hickory House is catering the pulled pork and beef. Buns, water, utensils are provided. Each resident attending is asked to bring a dish to share. Set up will being at 8:30-9:00. Volunteers are invited to help with setup. Renee will invite the firemen and several yard games will be set up. All residents in Bannockburn are invited to attend.

**New Business:**

The date for the **Annual Bannockburn HOA Meeting** was discussed. No action taken at the Aug. meeting.

There are 3 residents who expressed interested in joining the Board. Mike Bertsch volunteered fill either Treasurer or Vice President position. Michelle Rozeboom volunteered to fill the Secretary position. Ilana Don is interested in the Treasurer's position. Board will be following up and talking to all interested.

**Adjourned at 9:58**