

**Bannockburn Homeowner's Association**  
**2020 Annual Meeting Agenda**  
**Saturday October 17, 2020**  
**Zoom meeting 11am**

- 1. Greetings and Quorum Determinations**
  - **Introductions – Board**
  - **Introductions - Residents**
- 2. Remarks: Jack Shuler, President**
- 3. Treasurer's Report: Lani Don**
- 4. Environmental Committee Report: Mike Bertsch**
- 5. Social Committee Report: Renee Grimes**
- 6. Governing Documents Committee Update: Kaye Wilcox**
- 7. Proposed budget 2021: Lani Don**
- 8. Questions from Residents**
- 9. Board of Directors nominations for the term 2021-2022**
  - A. Open Positions:**
    - 1. Member at Large**
  - B. Nominations Submitted Prior to Meeting**
  - C. Nominations from the floor**
  - D. Voting on open positions**
- 9. Meeting Adjournment**

BANNOCKBURN HOMEOWNERS ASSOCIATION  
P.O. BOX 211 FRANKTOWN, CO 80116

**OCTOBER 2020 ANNUAL BOARD MEETING MINUTES**

Date: October 17, 2020

Location: Meeting Conducted Via Zoom

Board Attendees: Jack Shuler, Mike Bertsch, Michelle Rozeboom, Renee Grimes, Tammy Edwards, James Rogers

A Quorum of HOA Board members was present

Residents Attending: Heather Kelly, Steve Shkilevich, Malcolm Bedell, Tim Rozeboom

A Quorum of Residents was not present

Meeting was called to order by Jack Shuler at 11:09 am

Jack Shuler opened the meeting by introducing the board members present and welcoming residents in attendance. He also presented a summary of the year (attached).

**Environmental Report** was presented by Mike Bertsch (attached).

**Social Committee Chairman** Renee Grimes: “As you all know it has been a difficult year to be social with friends, neighbors and family. The Easter egg hunt, summer barbeque and the adult barn party were all canceled because of COVID. When it came to the events, I was going off of what Douglas county school district was doing. Now that school is back in session and elementary kids are going back to school fulltime, we are not going to cancel the Hayride for the kids this year. The hayride is going to be on October 31st at 11 am in the open space.

This year we also had two neighborhood libraries installed. One is at our house on frontier lane and another one is on the corner of Deerpath Rd and Deerpath Trail. Thank you Gard family for your library box!”

**Governing Documents** report (attached) was presented by Jack Shuler, providing the progress in bringing the Bannockburn Covenants up to date and in compliance with CCIOA prior to July 1<sup>st</sup>, 1992 requirements as they apply to Bannockburn.

The new Documents will be posted on the website for residents to review prior to ballots being mailed out to the community for voting. There will be a community meeting, likely virtual, for residents' comments and feedback, to be announced.

**Budget 2021 Ratification** (attached) Mike and Jim discussed that current methods the board uses for storing data and records is outdated and out of compliance with CCIOA requirements (personal laptops, boxes, etc.). Various products are being reviewed where all data, documentation, communications, etc. can be stored in one location, provide needed security, efficiency, and collaboration tools, all which would eliminate manual effort and streamline a more automated process via use of online tools. Jack has inquired with other HOA's as to what records retention tools are being used.

Income and expenses for 2021 was explained and noted that there are three areas driving the increase in costs: Covenant preparation and communication to residents, legal fees to finalize the new Covenants after residents input, and new data/documents requirements set forth in CCIOA.

A question was raised by Jim Rogers whether or not the board is authorized to ratify the yearly budget without a quorum of residents present. Jack read a direct response from the HOA attorney explicitly defining that voting on the budget is the one exception regarding the ability to conduct business at the annual HOA meeting. Budget ratification is completed by the residents who are in attendance at the annual meeting; a majority of "yay" or "nay" votes determines the outcome.

There were no dissents, therefore the 2021 Budget was ratified.

A concern was raised from the residents regarding trash dumping and tracks created in the open space.

**Member at Large** There was one board vacancy for a Member at Large. Steve Shkilevich was nominated, accepted, and appointed to fill that board seat.

**Meeting Adjourned:** 12:31 pm

BB annual meeting  
President's remarks  
10/17/2020

- Welcome to the BB HOA annual meeting for 2020.
- I want to thank those residents in attendance for your participation and to those on the Board and Governing Document committee – thank you – your volunteering time and contributions are much appreciated.
- We are pleased to be able to present various committee reports to the residents focusing on Financials, Environmental committee updates, social plans and events, and the work of the Governing Doc committee who have completed an update of the current Covenants which will be shared with all residents for input and comment prior to a legal review & vote by the residents in the coming few months. This committee is Kaye Wilcox, John Edwards and Susan Passmore and their time, thought and contributions to the task are greatly appreciated. Had the HOA turned this update task completely over to our Legal partner it would have cost the HOA an estimated \$10k.
- Despite the Covid-19 issues, we have completed meetings each month; 3 meetings in person but from April it has been via Zoom with Mike Berstch, our VP, contributing his account for that purpose; once again saving extra costs for the community.
- Here's a review of what I consider your HOA's contributions this year:

- Adopted a BB Facebook page, to improve communication channels like Nexdoor and our BB website.
- Improved our website, adding meeting notices and various postings thank to Steve Nickerson who continues to provide a much needed tech support for our on line presence. Please go to [www.bannockburnhoa.com](http://www.bannockburnhoa.com) for your community's news and past records.
- Gathered many more email addresses to help reduce mailing costs & update contact records.
- Produced a new resident Welcome Letter to add more community information and helpful hints for our new residents.
- Communicated the HOA's position on new communities around BB with Douglas County, especially the Sundown development which, when approved, will be adjacent to BB and may impact access routes into and out of BB via Bibles Hill rd.
- Provided access to help for any BB resident impacted by Covid-19 and secured resident volunteers if needed.
- Provided input and support to residents seeking information on building, adding on, inquiring about possible violations to the Covenants and issues that affect our neighborhood.

- Selected a new law firm - Orten Cavanagh Holmes & Hunt in Denver. A Colorado HOA specialty law firm, suggested by a long-term legal professional and resident within Bannockburn.
- Arranged for Douglas county contacts to both confirm & schedule the mowing and dead tree removal on BB county property. We want to encourage residents to eliminate any dead trees to help control brush and beetle infestations and fix fences in disrepair so our neighborhood remains a very desirable place to live, raise family and enjoy.
- Strengthened our collections and lien policies, which will clarify the dues requirement & help offset losses from a few residents who did not or have not paid their dues. Our new collections and lien policies, and assistance from our legal collections partners, will help collect funds for Bannockburn & give notice to a few delinquent owners that dues are a contractual agreement upon moving into Bannockburn.
- Added a transfer fee for buyers, consistent with many other neighborhoods, adding revenue without impacting existing residents.
- Proposed a budget for 2021, which will allow for required expenses, to fund limited social activities, preserve a healthy HOA balance and to possibly fund our required document retention requirements in a centralized place.

Thank you Board, Governing documents committee and resident members for your ideas, contributions and

personal time - for contacting your HOA or volunteering your time on the Bannockburn HOA or Governing docs committee to help Bannockburn remain a very desirable place to live.

- Speaking of contributions – I'd like to thank the 83 residents (about half of the community) that responded to our request for additional contributions in 2020. Their contributions ranged from an extra \$5 to \$200; over the required \$25. The total collected exceeded \$3,300! These extra funds will help cover expenses for Covenant updates, legal questions, review of Governing documents, mailing of notices to residents, etc.  
In addition, a Board member has helped with our mailing process and costs by using a UPS account, saving the HOA members expense and other volunteer's time.
- As you know our dues at \$25 per year & are likely the lowest HOA dues for a Covenant controlled community in Colorado. These dues have not changed since 1971, and adjusted for inflation would be approximately now be \$150 per year; still a bargain! While the voluntary contributions help greatly, our plans will continue to request your help in providing contributions that will meet our commitments, until an adjustment to the dues structure is approved by the residents to equally share the HOA's costs. To be clear, the Board is a volunteer organization, we will continue our periodic training to benefit the HOA, but we receive no compensation, trips, paid outings or any other benefits at the expense to the residents of the Association.

Again, thank you for your attendance, participation. Lets us continue with our meeting and items on the agenda.

**Bannockburn Homeowner's Association**  
**2020 Annual Meeting**  
**Environmental Committee Report**  
**Saturday October 17, 2020**  
**Zoom meeting 11am**

**1. Improvements to Neighborhood**

- **Propane Tanks added and buried**
- **4 new decks**
- **1 Storage container removed**
- **5 new fences**
- **2 new siding & paint**
- **1 full property remodel (barn, siding/paint, new fencing)**
- **1 Variance Request – metal siding barn**

**2. Complaints:**

- **2 Rooster Complaints**
- **ATV Complaints – these are up to the concerned resident to notify the county as the county has rules and regulations regarding this matter on personal property in Douglas County. The covenants have no language since this is a county matter.**
- **Revegetation – this also is a county matter and is being managed by Douglas County**

**3. Developments External to Bannockburn**

- **Arrowpoint**
- **Sundown**

October 16 - Document Committee Update: Here is the current status of the Covenants update, the work that has been done by the Governing Documents Committee and the Board of Directors since the July 2019 ballot process, and the next steps.

The goal of the Covenants update is to bring the Bannockburn Homeowners Association (BHA) into compliance with the Colorado Common Interest Ownership Act (“CCIOA”) and the Colorado Revised Nonprofit Corporation Act, add definitions and clarify provisions to improve interpretation and governance consistency, and add protections for BHA homeowners, board of directors, and committee members with updated indemnifications and insurance requirements.

- CCIOA was reviewed and the provisions applicable to common interest communities created before July 1, 1992 were noted. [The BHA was incorporated in 1974 and therefore only pre-July 1, 1992 CCIOA provisions are applicable to the BHA.]
- The draft Covenants were then reviewed to determine which updates are applicable to pre-July 1, 1992 communities and which are not.
- Updates applicable to post-July 1, 1992 provisions were discussed and removed if they had no applicability or benefit to the Bannockburn community.
- A second opinion of whether you must be a Member in Good Standing (current on dues) in order to vote on Covenant related matters was obtained from Orten Cavanagh Holmes & Hunt. Their opinion was that an owner of a lot in Bannockburn is a Member and is entitled to vote on Covenant related matters.
- Key changes made throughout the draft covenants:
  - The Recitals were updated to explicitly state that the CCIOA pre-July 1, 1992 provisions are applicable and the post-July 1, 1992 provisions are NOT adopted.
  - Significant parts of CCIOA include provisions related to “Common Elements”. These are typically real estate, parks, buildings, roads, parking areas, etc. owned by the community. Bannockburn has none of these and so text related to “Common Elements” was removed or reworded to make it applicable to “Common Property” (e.g. the Bannockburn entry signs and the “sandwich boards” used to advertise community events).
  - Two separate sections were created, one for Membership and Voting and one for Dues, to make it clear that being current on dues is not a requirement to be able to vote on affairs related to the Covenants.
  - Indemnifications and Waivers were updated to make them applicable to Bannockburn functions and activities instead of Common Elements.
  - A “Fees, Fines, Penalties, Late Charges and Interest” provision was added to state the reasons when fees, fines, etc. can be collected and that a written policy, pursuant to homeowner notification and comment, is required to be adopted and followed in order to impose fees, fines, etc.
- Next steps:
  - BHA board to post draft Covenants for a 30-day review and comment period by homeowners.
  - BHA board to invite homeowners to a community meeting (if possible) to ask questions and provide feedback. Date and time TBD. Or provide a summary of comments and inputs.
  - Governing Documents Committee and BHA board to review and disposition homeowner comments.
  - BHA board to obtain legal review of the draft Covenants by Orten Cavanagh Holmes & Hunt.
  - Governing Documents Committee and BHA board to review the legal comments and update draft Covenants as appropriate.
  - BHA board to mail out updated covenants and ballot items to be voted on.

## Governing Documents Committee Update on Covenant Balloting

October 17, 2020 (11:00 AM) – Zoom Conference

### ➤ Ballot results from last failed Ballot

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)

### ➤ Overwhelming support for all Ballot items was received except for the use of an outside management firm, however the Ballot failed due to homeowners not getting ballots returned in time (within 21 day timeframe as required by existing Covenants).

### ➤ HOA conducted a Homeowners Informational Meeting to address certain Homeowner concerns with the current draft of the ballot in order make the next one better. The major elements of this discussion are as follows:

Concerns that the current draft included stipulation to adopt all CCIOA provisions instead of only those for pre-1992 Communities – GDC/Board agreed, changes made. New draft specifically adopts only the pre-1992 CCIOA

- provisions. Any language required by CCIOA Post 1992 communities was stricken, unless it was determined to be in the best interest of the community.
  - Concerns were raised that the Board was given some discretion to allow certain things that are not in the Covenants, without the Variance Process, for things considered non-material to the overall well-being of the neighborhood (non-materials related). Certain Homeowners objected to any variance from the language of the Covenants themselves, so that language was stricken in the new draft.
  - Specify difference between Common and Special Assessments – GDC/Board agreed, changes made.
  - Allow Board to increase charges for Variance requests as long as increases are justifiable – GDC/Board agreed, changes made.
  - Modify language for exterior paint choices. – GDC/Board agreed, changes made.
  - Strike Landscaping, Drainage, Vegetation, language from requiring HOA approval – GDC/Board agreed, changes made.
  - Modify language for Vehicle storage – GDC/Board agreed, changes made.
- Each Homeowner will receive a copy of the Covenants with “changes marked” (Red strikeout for deletions, and blue text for additions) to quickly highlight all changes made from the last Ballot draft to the current one. Each homeowner will also receive a clean copy for review without changes marked for those who wish to review in that manner.
  - As was the case during the last Ballot process, we will again publish the proposed Covenants (both marked up and clean) on the website for a period of at least 30 days to provide for Resident input. Residents are encouraged to respond during this commenting period with their concerns so that we may address them before balloting begins.
  - After website comments are received, and changes deemed by the GDC and the Board to be appropriate made, the draft will be sent for final Attorney review.
  - After Attorney comments are received and any required changes are made, the final Ballot will be presented to the Homeowners for Ballot vote.

- Note: Ballots not returned at all, or those returned after the 21day voting deadline, will result in an automatic “No” vote (in all categories). Homeowners are encouraged to return all Ballots (within the 21 day timeframe) with either “Yes” or “No” to all categories, so that even in the event this Ballot initiative fails, it will give the Board and the Governing Documents Committee valuable information as to which parts in particular are objectionable to our residents. Our goal is to receive a properly executed Ballot from ALL of our Homeowners BEFORE the 21day deadline.

6:39 PM  
09/09/20  
Cash Basis

Bannockburn Homeowners Association, Inc.  
**Balance Sheet**  
As of August 31, 2020

	<u>Aug 31, 20</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Wells Fargo Bank, Checking	7,417.67
Wells Fargo Bank, Savings	7,260.69
Total Checking/Savings	14,678.36
Accounts Receivable	
Accounts Receivable	-63.00
Total Accounts Receivable	-63.00
Other Current Assets	
Undeposited Funds	50.00
Total Other Current Assets	50.00
Total Current Assets	14,665.36
<b>TOTAL ASSETS</b>	<b><u>14,665.36</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Retained Earnings	8,791.88
Net Income	5,873.48
Total Equity	14,665.36
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>14,665.36</u></b>

## Bannockburn HOA Proposed Budget 2021

Draft 2021  
rev10/1/2020

<u>INCOME</u>	<u>2020 Budget</u>	<u>2021 Proposed Budget</u>	Notes
Homeowner dues and fees	\$4,800.00	\$4,425	1
Transfer Fee Income	\$0.00	\$750	2
Donations	\$0.00	\$1,000	3
	<u>\$4,800</u>	<u>\$6,175</u>	
<u>EXPENSES</u>			
Social	\$1,500.00	\$1,500	
Postage	\$500.00	\$500	
Insurance	\$1,050.00	\$1,100	4
Website maintenance	\$150.00	\$150	5
Office/ mailing supplies	\$300.00	\$450	6
Legal fees	\$1,000.00	\$2,200	7
Utilities	\$200.00	\$200	8
Covenant mailing	\$2,000.00	\$2,000	9
CCIOA Compliance	\$0.00	\$2,000	10
P.O. BOX	\$100.00	\$115	11
	<u>\$6,800.00</u>	<u>\$10,215</u>	
<u>NET</u>	<u>(\$2,000.00)</u>	<u>(\$4,040.00)</u>	
Fcstd YE 2019 checking balance	\$8,700.00		
Fcstd YE 2020 checking balance	\$6,700.00	\$6,800	
Fcstd YE 2021 checking balance		\$2,760	12
Plus savings balance Dec 2020		\$7,260	
Total HOA Fcstd balance Dec 2021		\$10,020	13

### 2021 Budget Assumptions

1. Income 187 lots, less 3 that are other lots owned, less 7 non paying residents . 177x\$25 = \$4425
2. plus 3 sales fee income = 3x\$250= \$750
3. plus contributions: \$1000
4. small Insurance increase
5. same website expense
6. general cost of business increase
7. General increase \$500 and \$700 increase for revised covenant review
8. Same utilities cost - check 2020
9. Anticipated costs for covenant review printing and mailing
10. \$288 quickbooks and Approx \$1,600 - \$1,800 for electronic document storage services
11. PO Box - small increase
12. \$6175+ \$6800-\$10,215
13. \$2,760+\$7,260