

**BANNOCKBURN HOMEOWNER'S ASSOCIATION**  
**P.O. BOX 2011 FRANKTOWN, CO 80116**  
**August 2021 BOARD MEETING MINUTES**

Date: August 11, 2021

Location: Meeting held at Franktown Fire Station

Board Attendees: Jack Shuler, Mike Bertsch, Renee Grimes (via phone), Steve Shkilevich, James Rogers

A Quorum was present

Residents attending: Documents Committee Member Kaye Wilcox

Meeting was called to order by Jack Shuler at 7:04pm

**Reports:**

**Secretary's Report:** Renee advised that she is working on the July minutes and will be forwarding it for review and approval. Mike is working on the minutes for the additional meeting held in July.

**Treasurer's Report:** Comparative Balance Sheets and comparative P&L's (current month and year to date) were reviewed. There are currently no outstanding bills but there is a bill expected for the domain registry. Current cash balances total \$21,187.46. Discussion regarding members in arrears. Three (3) members make up most of the outstanding balance. These are the three members that have been submitted for collections.

Motion to approve the financials was made by Jack Shuler, 2<sup>nd</sup> by James Rogers; all in favor.

**Social Committee Chair:** The Annual Picnic is set for this Saturday at the open space. A homeowner has volunteered to cut the field prior to the event. Tents, chairs, and a port-o-potty will be delivered and set up.

**Environmental Committee Chair** Building items:

- Two (2) fences were approved
  - Hopfer at 2105 Meadow Green Circle
  - Bailey at 2220 Meadow Green Circle
- Change in Trim product was approved for Chenoweth at 1435 Ward

- New roofing product and siding project – Lowry 1410 Deerpath Trail - looks OK but details under review
- New Deck to be built - 10808 Holden Circle - Shuler – details to be reviewed.
- Large home rebuild project – 1658 Columbine Drive - Delgado – initial review of design was good, meeting with homeowner raised no issues, need materials details.

#### Complaint Items

- Larson – debris pile still there
- Home at Meadow Green still has consistent truck violations
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**Document Committee:** Dates were set for mailing out new proposed materials based on the schedule that was discussed at the special board meeting last month. Renee will print and load envelopes for the initial proposed covenant mailing and cover letter. Steve will take mailing to the post office on September 7<sup>th</sup>. Jim recommended a watermark on the materials as proposed. Kaye Wilcox to add watermark as Proposed or Draft to Covenants. Materials were reviewed and approved with no material changes except a typo.

Key dates:

Sept 7 - Owner letter and draft Covenants mailed

Sept 20 - Ballots mailed to resident owners

Oct 11 - Final day to submit completed ballot to BHOA Secretary

Oct 12 - Ballot results tallied by ballot Counting Committee

Oct 13 - BHOA monthly meeting to confirm results

Oct 16 - BHOA meeting & announcement of ballot results

**Old Business:** Forgery and conspiracy contention raised by James Rogers based on an email sent by James to the board members on 7/31/21 contending that based on Colorado Law (he feels) the 2012 covenants are a forgery and that if the Board does not perform the following actions, they are conspiring to commit forgery.

- Correct the 2012 Covenants by removing the improperly made changes
- Remove the forged and invalid copy from the Bannockburn website
- Post the corrected 2012 Covenants on the Bannockburn website
- Notify all Bannockburn Members of the problem and the resolution

- Make changes to the proposed 2021 Covenant ballot to allow votes on the items improperly added to the 2012 Covenants – including a separate ballot item to allow grandfathering of exceptions

~~His assertion is that the 2012 covenants were incorrectly passed by the board at that time because the vote count incorrectly excluded members who were not in good standing.~~

His assertion, backed up by 2012 Bannockburn HOA documents and Douglas County ownership and tax records, is that the 2012 covenants were incorrectly passed by the board at that time because a) some items were not approved by 66-2/3% of the Resident Owners as required by the Covenants in effect at the time of the vote, b) one entire paragraph was changed without a vote, and c) the 2012 Covenants were filed with Douglas County Clerk and Recorder with a notarized document falsely certifying that ALL 2012 amendments were approved by 66-2/3% of the Resident Owners.

This same matter had been raised in the Board Meeting in May 2020 by Mr. Rogers, where the matter was discussed and voted upon by the board with input from legal counsel that the 2012 covenants were enforceable and the Association should not seek to revoke/repudiate the 2012 Covenant amendments or any portion thereof, from 9+ years ago, leaving in place any and all changes to the Covenants voted on by the residents at that time. As was documented in the May 2020 meeting Board members voted to retain the 2012 covenants in that meeting and James Rogers voted against.

After some discussion in this Board meeting on the same subject from 2020, absent the new forgery and conspiracy commentary, Jack Shuler responded that he took the email Mr. Rogers had prepared to legal counsel and they reiterated that the 2012 covenants were valid, enforceable and that there is no reason to withdraw any portion of the 2012 covenants or discuss further. In addition, threats or input claiming forgery or conspiracy are entirely misplaced and without merit. The HOA should proceed with having the resident owners vote on the proposed Covenants.

Jim Responded that there is a coalition in the neighborhood (no numbers or names would be divulged) whom he is representing, and they intend to oppose this upcoming covenant vote unless the above points are agreed to by the board. He then requested to make a motion for the Board to follow the Coalition's requests.

There was no second on the motion, motion failed, and Board went on to discuss other business.

**New Business:** The upcoming annual meeting was discussed and there are several items to approve for the meeting including but not limited to:

- Draft 10-day letter was distributed for review
- Draft Agenda was distributed for review
- Need to have a resident list ready for the Annual Meeting which indicates
  - Members in Good Standing
  - Resident Owners
  - All owners
- A proposed 2022 budget needs to be ready for Board approval and distribution by the September meeting