



**Big Elk Meadows Association
Saturday August 20, 2022
Board of Directors Meeting Minutes
Board meeting held at Firehouse and Online**

Board Action outside of Regular Board Meeting:

E-mail voting Campie motions: As Social Committee chair: I am requesting a \$2000 budget for food, beverages, paper goods, etc. for the Member Appreciation Labor Day Picnic. In the past we have hosted 150-200 members and we would prefer not to ask for donations. On 8-11-22 the vote result: 10 for, 2 abstains, motion passes.

09:00 Call to Order by President

- Quorum verification: Battaglini, Campie, Clevenger, Cyphers, Evertson, Isenhart, Mason, McCutchen, McDaniel, Saylor, Sorenson.
- Board Members not in attendance: (Excused Absence) Sommers
- Members in Attendance: C. Loomis, J. Boshinski, D. Wray, E. Murphy, C. Isenhart, L. MacLeod, C. Paddock, L. McCutchen, W. Tolle, A. Andrews, K. Davis, J. Murphy.
- Staff in Attendance: P. Flanagan
- No request for Executive Meeting
- Approval of Agenda: Board discussion that Agenda is not clear and precise. Cyphers requested and Board agreed:
 - Committee Reports are presented on Friday to Google Docs.
 - Draft Agenda will be out for Board approval on Monday.
 - Corrections to Agenda in by Wed. noon. Agenda and committee reports out for publishing to the Members.Motion made by McDaniel, seconded by Mason. Cyphers calls for vote, 7 ayes, 3 abstains, motion passed.
Secretary position requires access to add committee reports and minutes on the web page.
- Approval of July 18, 2022 Meeting Minutes- Cyphers supplied the name of 'last gentleman' as Brian Knottt, to complete the Minutes. Motion to approve Minutes made by Saylor, seconded by Mason. Cyphers called for a vote. All in favor.

09:25 Member Communication

- D. Wray stated the agenda should be on the website prior to meeting, roads in good shape and likes the set-up of the venue of meeting.

- E. Murphy stated Board Meetings should be held in the Conference Room at Office. Board expressed that it will still have September's Board Meeting in the Fire Station. Isenhart will check the cost of smaller tables for the conference room.
- C. Isenhart presented for VFD, working on getting the firehouse painted. A Member donated the new floor coating surfacing in one of the bays.

09:40 Discussion being on the Board of Directors and Committees. Sorenson raised concern about Google Docs. and doesn't understand the Google system, with agreement from some of the Board. Campie volunteered to hold a training session for the use of Google Doc. Secretary to add committee reports and minutes to the website. Repository for archives for each committee should be on Google's Docs.

09:47 Master Calendar- all scheduled items on time for completion.

09:53 Communication Report- presented by Cyphers, calendar items to be put on the website, recycling of old computers will be done. X-Bar has no schedule for completion.

09:58 Social Committee - Campie presented the report, Member Appreciation Labor Day Picnic. Operations set-up Thursday and Friday for the tables in the pavilion. Board Members schedule for the picnic: Board arrives at 9am on Sunday the 4th of Sept. to help with day-of-setup, get food ready to serve by 11:30. The rolls of pennies will be unwrapped by Isenhart and Clevenger for pool games.

10:09 Operation Committee Sorenson presented the report, survey of Hickory Drive's erosion and a recommendation by Sept. Board Meeting. CR47 Project is going forward, with delays on delivery of asphalt material. Guard rails, drainage, shoulder and seeding approximate completion Sept. 15. Christenson and Battaglini cleared the trees from the south shoreline of Mirror Lake, Op and Lake Health stated the trees underwater are good for fish habitat.. Upper steel tank had a small leak that was fixed, the lower tank reviewed and awaiting video to consider CIP, Mirror intake line under contract for completion soon, pool heater to remain through labor day, then consideration for replacement before next year opening..

10:35 Common Area Group- Battaglini presented report, motioned Common Area Committee Charter: Under the authority and guidance of the BEMA Board of Directors, serve our members as focal point and contact to handle requests, requirements and planning for protection and wellbeing of our common areas and provide BEMA Board with recommendations for addressing issues, ideas and matters affecting common areas. Battaglini amended the motion, Board to approve the Common Area Draft Charter and formal Committee designation. Seconded by Isenhart. Discussion, Cyphers called for vote. All in favor. Isenhart motions Battaglini as Common Area Committee Chair, seconded by Mason. Cyphers calls for votes. All in Favor. Battaglini motions members to Common Area Committee as, Evertson, Isenhart, McDaniel, Mason, C. Loomis, Sayler, Clevenger, seconded by Campie. Discussion, Cyphers calls for vote. All in favor.

Discussion of the Common Area Committee is for projects now to 3 year projects, LTP is 4-5 years' projects.

Higgins request for Disc Golf, discussion, tabled till Sept for Board to receive more information.

Andrews shoreline wall project tabled until Sept. for Ops to analysis.

11:09 Long Term Planning- C. Loomis presented the report, the focus from West court to East court is cost and condition. Clevenger made a motion to return east court to its original playable condition of 43.6 court utilizing asphalt and disposition of west court will be determined on the basis of survey results of the community, seconded Battaglini. Reason to change from the original west court project to east court is cost and condition. The two contracts signed for the west court have been canceled , with the exception of 200' of fencing cyclone mesh which can be used on the east court. Clevenger amended to move from LTP to Common Area to examine the final cost of extending the east court to 48' and 60' of concrete and asphalt, cost analysis and send it to the Board. Cypher calls for vote. All in favor, except Mason abstain, motion passed.

Forest Service permit for easement on BEM road access beyond CR47. Clevenger motions to submit FS 299 form, seconded by Sorenson. Annual permit fee of approximate cost \$45 a year will increase to an approximate cost of \$170 a year. Additionally, there will be a one time up-front fee for an onsite review/inventory by the USFS of approximately \$1400. LTP and Operations to work on Reserve Budget. Cyphers called for a vote. All in favor..

11:52 Finance- Evertson and McCutchen present. McCutchen motions that we resolve to appoint Paul Cyphers, President and Roy McCutchen, Treasurer, both are currently signers on the Association accounts to enter into a cash management agreement with Bank of the West to obtain a check scanning capabilities in the BEMA office for making bank deposits, seconded by Evertson. Discussion, Cyphers calls for vote. All in favor except Battaglini (stepped away) abstained. Motion passes.

Polar Gas Contract tabled for bids per Policy and Procedures.

Hartford Insurance on individual limited volunteers coverage was raised to \$30k from \$15k, cost increased by \$235 a year to \$575.

Sale of machinery was about net \$22,000 which will go to Reserves.

12:11 HR Committee- Isenhart presented the report, asking Committee Chairs to develop duties and responsibility for Committee Chairs and their Committees. Isenhart will create a template as a guideline for the Chairs.

12:19 ARC Committee Mason presented the report, new arc@bigelkmeadows.org , forming a sub-committee for potential guidelines for new construction. On-line Google forms being worked on. Saylor motion to remove Lot Maintenance from the Arc Committee and move it to Incident Management, seconded by Campie. Cyphers called for a vote. All in favor. Defining, clarifying and education of ARC guidelines needed.

12:34 Incident Management- Cyphers presented report, McDaniel will write, V. Darling will post certified letter to 1023 Aspen owner, give 72 hours to respond on safety issues. Office incident of a non-member male making threats to employees, Sheriff report made.

12:54 Governance Committee Clevenger and Battaglini presented the report, the August 12, edition of the Employee Handbook presented to the Board for review. Board will then vote at the Sept meeting on motion to pass the handbook. Add the last paragraph back in Commitment to BEMA's Policy.

Changes to governing documents involved with HB22-1137 there are three changes to file to State:

- Covenant 6.2 Personal Liability for Assessments pg. 29
- Covenant 6.7 Assessment Liens – no longer turn off water pay assessments pg. 30
- By-law Section 2.2 Assessment pg.45

Document review of HB-1137 see Amendment A.

Clevenger motion to accept changes of documentation changed by HB-1137, seconded by McCutchen.

Cyphers called for a vote. All in favor.

Battaglini presented the subject of STRs, Our primary governing doc *defines "guest" to mean any person who is not a member of BEMA and who is invited by a member to use their residence and/or community facilities at BEM without payment of a fee to the Member.*

Definitions for lodging by Boulder and Larimer county:

- Boulder county overnight accommodations for transient guests.
- Larimer county dwelling rented to transient guests for a short term.

The response for inquiries to the office about rentals should be "For Big Elk Meadows Association, our Declaration of Covenants does not allow members to have non-member guests pay a fee to use their residence and/or community facilities."

McCutchen motioned to change the language in Email Voting paragraph f, to say the actual vote on the motion should be sent directly to the Secretary and to the entire Board, via "Reply All" A director, vote "For", "Against", or "Abstain", or demand in writing that action not be taken without a meeting. Also remove g, "The Secretary will send a confirmation back to each voter that their vote has been received" be stricken from language, seconded by Campie. Cyphers calls for a vote. All in favor except Sorenson abstained (stepped away from meeting).

1:43 Friends of Big Elk- Evertson presented a report, \$19,000 collected for Tennis court donations.

Approval from the Board to have artists display work in the community room with 25% of their sale will go to Friends of Big Elk. Another fundraiser will be BEM Calendars, made up of photographs submitted to the Committee of anything in BEM, no photos with people.

1:46 Firewise- Clevenger presented the report. Clevenger motioned the charter for Firewise: The Firewise Committee works in support of the community in helping to develop fire mitigation strategies for the community, as well as each individual homeowner in Big Elk Meadows, seconded by Mason. Cyphers calls for vote. All in favor.

Firewise to address insurance liability and mitigation.

Meeting with COSWAP (state funded work release program), starts April 2023. The first Q&A on COSWAP at 10am on Sept.4 at picnic.

Attended a meeting of St. Vrain Watershed Coalition, which BEM could apply for. They work with several agencies like forest management, and its program also works toward mitigation to the elderly. Buck fence in horse pasture, Operations to work on. Asking for a \$2,000 budget for Firewise in budgeting.

2:05 Lake Health- McDaniel presented the report, all lakes were flowing after last rain except Little Deer. Treatment for lakes done, lakes in good shape. Boat and watercraft licensing operations will start checking and issuing letters this week.

2:17 Water Rights- K. Davis presented the report, lakes are full, we released 2.25 of water down to Pinewood. The current update on our Diligent filing looks good to our water attorney and contract engineer so water rights is ready to file this with the commissioner.

2:20 Unfinished and New Business- Governance will look at septic systems spreadsheets for water usage to determine part time residents. To be used for a possible new time frame of pumping and inspection Regulation.

Clevenger will be absent for Firewise Work Day, Sorenson will step in to drive BIG RED.

Sayler asks the point of the Audit Committee, appropriate action on check and balances, work on tax filing as there have been no filing for 6 years. McCutchen stated at the end of month fully reconciled. Clevenger agreed to be on committee and there was an understanding to have the audit done by the end of 2022.

Request for Executive Meeting made by Campie for presenting Board Member Infraction.

2:30 Adjourn Meeting First motion to Adjourn by Campie seconded by Mason. J. Murphy policy needed on drone usage in Meadows. Cyphers request Operation to work with residents to improve their driveway, to help with erosion. Cyphers calls for vote. All in favor. Adjournment passed.

2:35 Executive Session, for presenting Board Member Infraction

Next Board Meeting September 17, 2022 at Firehouse

Devona Saylor
Secretary, BEMA Board

Amendment A

Meeting Minutes - August 5, 2022 - Reviewed 8/11/22

In attendance: Devona Saylor, Bobbie Heisterkamp, Meredith Campie and Bobby Clevenger
The Governance Committee reviewed and discussed all mentions of liens, fines, foreclosures, and notifications in our governing documents that could be affected by HB 1137 and have determined that the following changes should occur to those documents.

Covenants:

Section 4.8 Covenants on Parking, (h) & (i) Pg 22 – No change required (NCR)

Section 5.11 Enforcement Pg 28 - (NCR)

Section 6.2 Personal Liability for Assessments Lien Pg 29 – Remove sentence “Furthermore, in the event of failures to timely pay assessments to BEMA, the Board reserves the right to discontinue water service”

Section 6.5 Specific Special Assessments, (d) Pg 30 – (NCR)

Section 6.7 Assessment Liens Pg 30 – Remove sentence “Furthermore, in the event of failures to timely pay assessments to BEMA, the Board reserves the right to discontinue water service”

Section 6.9 Notice of Assessment of Lien Notice Pg 30 – (NCR)

Section 7.4 Maintenance of the Association, (e) Pg32 – (NCR)

Section 7.5 Failure to Maintain, (d) Pg 33 – (NCR)

Section 10.1 General (Authority and Enforcement (e) Pg 37 (NCR)

Section 10.2 Additional Enforcement Rights (c) Pg 38 (NCR)

By-Laws:

Section 2.2 Assessment Pg 45 – Replace with “Assessment” shall include all Common Expense assessments and any other assessments or special assessments levied on the lots pursuant under the Declaration or the Act. Removed - including late fees, attorney fees, fines, and costs.

Section 3.2 Suspension of Voting Rights Pg 47 – (NCR)

Policies and Procedures:

Policy Regarding Procedure for Collection of Unpaid Assessments 3, 5, 6, 7, 8, 10(b), 11, 14, 16, 17 Pg 69-74 – No changes required for sections 3, 5, 6, 8, 16 & 17. Section 7, 10(b), 11 & 14 need edits to reflect

changes to payment plans, delinquency, time frames and notifications.

7. Payment Plan – Any owner that becomes delinquent in payment of assessments and other charges, may enter a payment plan with the Association, which written plan would require the owner to repay the debt on monthly installments over eighteen (18) months, allowing the member to choose the payment size, but with a minimum payment of \$25, or such other term as may be approved by the Board of Directors. The member is required to review the plan and respond to the Association within thirty (30) days from the offer date. If the member declines the payment plan and fails to pay at least

three of the monthly installments with fifteen (15) days after the monthly installments were due and following proper notification and payment application requirements required by law, the Association may commence legal action including attorney collections and foreclosure.

10(b). Collection Process – After an installment of an annual assessment or other charges due the Association becomes sixty (60) days delinquent, a second written notice will be sent to the member by the Board of Directors of non-payment including an itemized list of past due dates including late fees and their accruals. If no payment or attempt is made to pay the delinquent amount, then after thirty (30) days, the member will receive a written notice of the Associations intent to file a lien on the property and request for immediate payment.

11. Collection Procedures/Time Frame –

Due Date (day payment is due) – 1 st day of the month

Past Due Date (date payment is late if not received by due date – Thirty (30) days after due date

First Notice (notice that late charges have accrued, required disclosures of the Association and the availability of a payment plan) – Thirty (30) days after due date

Second Notice (notice that late charges have accrued) – Sixty (60) days after due date

Lien Filed (Required demand notifications sent to the owner, account may be turned over for collections) – Ninety (90) days after due date.

14. Use of Certified Mail/Regular Mail – Change to: 14. Notification Process - If a delinquency to their account is provided to the Association by the owner, the Association will notify the owner by at least two methods; sending the notice by certified mail with return receipt requested and physically posting a copy of the notice of delinquency at the owner’s home address in Big Elk Meadows and an additional notice may be sent to the owner by one of the following means, First-class mail, Text message to cell phone on file with BEMA, or E-mail address if that has been provided to the Association.

Policies and Procedures for Covenant and Rule Enforcement, 4, 5, 11, 12, 14 Pg 83-85 – No changes required for sections 11, 12 & 14. Sections 4 and 5 should be changed to the following:

4. Violations that Threaten the Public Safety and Health – The association may make a “reasonable” determination whether a violation threatens the public safety or health. Written notice of violation shall be delivered to the owner in English and any Preferred Language.

a. The written notice should inform the owner that the owner has seventy-two (72) hours to cure the violation, or the association may fine the owner.

b. The association has the right to inspect the unit to determine if the violation has been cured

c. If the violation is not cured within seventy-two (72) hours, the association may:

1. Impose fines on the owner every other day; and

2. May take legal action against the owner for the violation.

4(b). Violations that DO NOT Threaten the Public Safety or Health.

a. Written notice of violation shall be delivered to the owner in English and any Preferred Language by certified mail, return receipt requested.

- b. The written notice will inform the owner that the owner has thirty (30) days to cure the violation, or the association may, after an inspection and determination that the owner has not cured the violation, fine the owner.
- c. Before taking legal action against the owner for the violation, the association shall grant the owner two (2) consecutive thirty (30) day periods to cure the violation.

5(a). Curing the violation by the homeowner:

- a. The owner may, within the period to cure, provide visual evidence that the violation has been cured. This could be a photograph or an onsite inspection.
- b. If the owner does not include visual evidence, the association shall inspect the property as soon as practicable to determine if the violation has been cured.
- c. If no notice from the owner that the violation has been cured is received by the association, the association shall inspect the property within seven (7) days after the expiration of the thirty (30) day cure period. If the association determines that the violation was not cured after inspection:
 - i. A second thirty (30) day period to cure commences if one thirty (30) day period to cure has elapsed.
 - ii. If two (2) thirty (30) day period to cure have elapsed, the association may take legal action.

5(b) Notification of Cure by Association:

- a. Once a violation has been cured, the association shall inform the owner in writing, both in English and any Preferred Language:
- b. That the owner will not be further fined for the violation, and
- c. That a final outstanding fine balance is still owed to the association, if any, and what that balance is.
- d. Thereafter, monthly, the association shall send by first-class mail, and by email if the association has a relevant email address, an itemized list of all assessments, fines, fees, and charges. The itemized list should be sent in English and any Preferred Language. The itemized list should be delivered to the owner.

Agreements and Forms:

Water User Agreement, 3G Pg 145 – (NCR) Common Interest Ownership Act.
Motor Vehicle Rules and Regulations, 10 Pg 154 (NCR)