

changes since minutes were mailed

The Annual Meeting of the Big Country Homeowners Association was held on Sunday, September 18, 2011 at the home of Ruth Intlekofer. The meeting was called to order at 5:06 p.m. by Ruth Intlekofer.

***** **REGULAR BUSINESS** *****

Attendance: The following homeowners were present: Sue Bennett, Ruthie Hall, Roger & Wanda Madry, Kevin Powell, Don & Sue Brown, Bill Craft, Reneta Roe, Scott & Michelle Hoffman, Gary Pearia, Doug & Robin Barton, Henry Miller, Ruth Intlekofer, Jill Lord, Darrin Smith, Paul Stern. Special Proxies were received for: Neubauer (2 lots), Rattini, Browning, Staszczuk, Stevenson, Helsel, Buchheit, Luedecke, Fargo, Clampitt, Gilley, **Franzi** for a total of 13 lots by proxy. For the items listed on the proxy form, **90%** of lot owners were represented, so there was a quorum for those items. For any items *not* on the proxy form, 6 lots also assigned a general proxy vote to another owner. Those present and general proxies represented only 67% of owners, so there was not a quorum for passing any new motions. New motions will be presented by mail ballot.

Approval of Minutes: Motion made by Robin Barton to approve minutes from the 2/12/11, 3/13/11 and 9/10/11 Special Meetings, seconded by Sue Brown. A correction to the 9/10/11 minutes was requested by Ruthie Hall to change "*Multiple* owners expressed concern that this amount might be too much of a decrease considering the potential expenses that could arise." to "*Two* owners..." (there were three people but only two owners). Ruthie Hall motioned to accept the minutes as corrected, Sue Brown seconded and all minutes were approved (25 Yes, 0 No).

Treasurer's Report: A financial report consisting of a) 12 Month projection for 2011 b) Bank Balances and Due From Lot Owners and c) Budget for 2012 was distributed. Bill Craft motioned, Kevin Powell seconded and all approved to accept the financial report.

Lake Committee Report: No committee members were present, but Robin Barton reported that Tim Roe repaired the pipe inside the dam and thanked him for his hard work in the heat. Also, the lowered spillway seems to be adequate to handle heavy rainfall. There are still beaver issues with the drain at the west end and the culvert at the east end, but it has not been as bad while the water levels were low during the summer. It was reiterated that nuisance animals may be killed at anytime but only used in season. Roger Madry asked whether the owners of lots adjacent to the lake culvert would be open to others entering their property to pursue a nuisance animal. Sue Brown volunteered to draft a document that those owners could use to grant such permission if they choose.

***** **OLD BUSINESS** *****

Fishing Regulations: Updated fishing regulations from the Lake Committee were distributed. Henry Miller mentioned that he spoke with a park ranger, who suggested that we keep all fish under 14" and those over 20" should be catch & release.

Winter Road Maintenance: We have road salt from last year at the Bartons', Intlekofer's and one bag in the pump house. It should adequately get us through a snowstorm or two. Ron Buchheit and Tom Rattini are heading up the salting efforts.

***** **NEW BUSINESS** *****

Crime Report & Security Measures: Robin Barton stressed the need to be able to notify homeowners in case of emergencies. A sheet was passed around for specifying one's preferred method of communication for emergencies. If you were not present, please give your contact information to Robin Barton (332-9960). She will work on a phone tree, text message list and email list.

Another owner's vehicle has been tampered with since the recent robbery arrest. If you are the victim of a crime, you are encouraged to call 911, then a trustee as well as other neighbors so that they be aware and also not be alarmed if law enforcement is patrolling. Many security measures were discussed, including an entrance gate, security cameras, personal home security systems (and the potential for a bulk discount), Neighborhood Watch programs, guard houses, lighting and signage. Such measures will be discussed at length at a Special Meeting, called for 6:30 pm. on Wednesday, October 12th at the subdivision entrance. A special notice will be mailed regarding that meeting. Meanwhile, a number of owners will gather more information regarding possible crime deterrents; Sue Brown will research motion sensors and security cameras, Paul Stern will contact ADT (home security), Henry Miller will get information on the Neighborhood Watch program. Roger Madry and Bill Craft are working on a proposal for an entrance gate, which would likely run around \$15,000 and would require a special assessment (which will not be voted on at the 10/12 meeting because it requires advance notification). Other ideas of ways that we can protect ourselves are welcome. Residents were encouraged to keep a close eye on visitors to our subdivision and even to question anyone you think should not be here.

Article III-G (Removal of Trustees): Robin Barton reported that while reviewing the CCR, she noticed that it did not contain a clause for removal of a trustee like many other organizations do. Apparently it was part of the original CCR drawn up by the developer but omitted when the association was turned over to the homeowners. She gave a hypothetical example, saying that if she were caught embezzling funds, there would be no way to officially remove her from office. The following motion was made by Robin and seconded by Reneta Roe:

Change CCR Article III, Section G to the following (changes/additions are bold):

Election of Trustee. At each annual meeting, the successor to the elected Trustee whose term has expired shall be elected by the lot owners at the annual meeting.... In the event that any Trustee elected hereunder shall die or cease to reside in the land subject to this instrument, or become unable for any reason **including recall of that officer**, to discharge the duties...

Removal of Trustee. Any trustee may be recalled and removed from office, with or without cause, by a majority of votes plus one, out of the total of lot owners eligible to vote. Any normal quorum requirement does not apply to votes regarding recall of a trustee and any lot owners who fail to vote within the appointed time will be counted as a vote against the recall. Votes regarding recall of a trustee may be obtained in any way acceptable under normal voting procedures.

There was discussion about the words "with or without cause", which was explained as being standard wording for this type of procedure and not meaning that there would not be a reason, but rather so the cause would not have to be proven as long as there are enough votes to pass the recall. The difference in voting procedure was also questioned and Robin answered that it was modeled after another subdivision in an attempt to make it more difficult to recall a trustee than to pass other regular motions. She also clarified that it was her belief that any organization like BCA needs something like this clause, regardless of any particular situations. There seemed to still be discomfort with having different approval measures as well as the "without cause" phrase. Robin stated that neither of these restrictions were crucial to her and that, if necessary, she could simplify and include it again in some future meeting. In addition, there were some owners who felt that the ability to recall a trustee was implied in our existing declarations, making any revisions to the CCR unnecessary.

Motion FAILED with 13 Yes and 15 No.

Trustee Election: Henry Miller's term expires this year. Ruth Intlekofer asked if there were any volunteers for Treasurer. Seeing none, she offered that Henry is willing to serve for one more year. Discussion ensued about how to fill the remainder of the term and many comments were made about what a great job Henry has done. Henry agreed to take on the whole term, Sue Brown made the nomination with Jill Lord seconding and Henry was elected unanimously.

Article VIII-E (Debt Collection): Robin Barton asked for some general opinions about how aggressive owners want the trustees to be in pursuing the collection of delinquent accounts. She explained the options that are at the discretion of the trustees, from sending reminder letters to recording a lien to garnishing wages or doing a sheriff sale process on a home. She stated that balancing the financial needs of the subdivision as a whole against the economic situations of individuals is difficult for her with no

guidelines about when to go to the next level. Ruth Intlekofer introduced some prepared suggestions for formal guidelines within the CCR. A wide variety of opinions were expressed with some extended and heated debate over the appropriateness of certain actions that had already been taken. It was mentioned that any future agreements will be in writing and signed by all three trustees and the property owner.

Volunteer Recognition: Robin publically thanked the following individuals in particular, but also those the many who had volunteered in various ways over the past year with salting, trimming, research, etc.:

- Tom Rattini for bleaching and painting the inside of the pumphouse (in the heat)
- Tim Roe for repairing the pipe in the dam (in the heat)
- Kevin Powell for confronting strangers and noticing information that led to an arrest

Request for Recall of Ruth Intlekofer: Robin Barton motioned to recall Ruth Intlekofer as a trustee. Scott Hoffman seconded the motion. Robin stressed that, while Ruth made many valuable contributions over the past year, an action was taken that Robin felt was serious enough to be considered by the others as reason for removal. Robin made clear that whatever the homeowners decided to do about the situation was fine with her and that she was confident the current trustees could continue to work together if desired, but that she could not in good conscience let the matter go without bringing it to their attention. She explained that the trustees had decided unanimously to send a firm letter to those homeowners who were most delinquent on their accounts to ask for prompt payment of the debt or else legal action would be taken. During the time allowed for payment, Robin acquired additional information that led both she and Henry Miller to request, clearly and in writing, that any legal action be postponed until after the annual meeting, at which time the collection plan would be re-evaluated. When the deadline listed in the original letter had passed, Ruth contacted a lawyer, against the other trustees' wishes, and had a lien filed on one home and a letter sent to another, resulting in total attorney fees of \$375. (Robin cited another minor occasion where she thought Ruth had acted without approval from the other trustees, but Ruth pointed out the documentation concerning it and Robin agreed that it was her own mistake and apologized for describing it as a pattern.) Ruth defended her action of recording a lien, saying that all three trustees had agreed to send the initial letter, even though their names were not on it, which specified that legal action would be taken. Robin had never disputed this and pointed out that she and Henry had clearly changed their minds after the initial letter and had done so in writing, and were going to request a payment plan from the delinquent lot owners before filing a lien, yet Ruth went ahead and recorded a lien without their approval. Ruth asserted that trustees are only required to act with majority approval unless not specified in the CCR, but Robin read Article VI-K, which states "...may be executed and exercised by a majority of the Trustees, unless otherwise provided herein" and the only mention of a single trustee action [that she could find] is to call a Special Meeting. (No one disagreed with the fact that in an emergency, a single trustee may have to make a decision.) Ruth made a motion, seconded by Paul Stern:
Legal fees charged to the two delinquent accounts affected will be paid by Big Country Acres, including release of the lien upon full payment of the debt.

Since a quorum was not represented for new issues, the motion will be included in a mail ballot.

Lowering of Assessment: A ballot was mailed after the 9/10/11 meeting and was due at the annual meeting. The motion was restated since many owners present had not yet cast their vote.

Lower the assessment to \$500 annually per lot, including water and trash, effective 1/1/2012.

Robin pointed out since we were not changing the CCR and that that trustees are always authorized to lower the assessment a year at a time, if the motion did *not* pass the trustees could still lower the assessment for next year.

Motion PASSED with 17 Yes and 9 No.

7:38 p.m. Sue Bennett motioned to adjourn, seconded by Ruthie Hall and all approved.

Copies of Trash Guidelines and Lake Rules were also available and are on www.BigCountryAcres.info.

Respectfully submitted,
Robin Barton, Secretary