



**POLICIES & PROCEDURES
MANUAL**

for the

Blackhawk Ranch

Property Owners Association

Revised 2013

Blackhawk Ranch Property Owners Association Policies & Procedures Manual

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Introduction

INTRODUCTION

MISSION STATEMENT

The mission of the Blackhawk Property Owners Association (POA) Board of Directors (Board) is to protect and enhance the value, desirability, and attractiveness of the Blackhawk Ranch (Ranch). As referenced in the AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS For BLACKHAWK RANCH, Section I, Intent.

INTENT OF THE POLICIES & PROCEDURES MANUAL

This Manual is intended to satisfy the requirements of the State of Colorado.

Colorado Revised Statutes (C.R.S.)

Title 38 Real Property

Article 33.3 Colorado Common Interest Ownership Act (CCIOA)

FINDING YOUR WAY AROUND

Throughout this manual the *CCIOA Section numbers are noted in bold italics and the text in regular italics* when used to support information in our Policies & Procedures Manual. Occasionally some of the text will follow the section numbers with directions to go to the website to see more.

The entire text of C.R.S. Title 38 (known informally as CCIOA) may be found on this website:

<http://www.lexisnexis.com/hottopics/colorado/>

- For more information about an Article listed in our Policies & Procedures Manual, go to the website above
- Click on “I Agree”
- Click on the Colorado Revised Statutes folder on the left toolbar.
- Enter the number of the section you are curious about in the Search box on the top right side of the screen. For instance, enter **38-33.3-101** to see the first section called “Short Title”.

Also, once you get to the web page and click on Colorado Revised Statutes you can see the entire document if you:

- Click the plus sign to the left of Title 38. PROPERTY – REAL AND PERSONAL
- Click the plus sign to the left of REAL PROPERTY
- Click the plus sign to the left of ARTICLE 33.3. COLORADO COMMON INTEREST OWNERSHIP ACT
- Then you can click through the sub Articles and Parts to see it in its entirety.

MANUAL REVIEW

The Policies & Procedures Manual shall be reviewed as requested by the Board or POA Members or as required by State Law.

If there are any discrepancies between the *Colorado Revised Statutes Title 38 Article 33.3 (CCIOA)* and the Blackhawk Ranch Policies & Procedures Manual, CCIOA will be the governing document.

Any changes to the Policies & Procedures Manual shall result in the archiving of the old manual and the publication of a new one. All changes will be noted with a publication date and the new version will be published on the website.

Introduction

ADMINISTRATIVE POLICY

All administrative duties of the Blackhawk Ranch POA Board of Directors shall be carried out in a professional and timely manner. Every reasonable effort shall be made by the Board to keep the Property Owners informed of the activities of the Board and activities on the Ranch, and to heighten Property Owners' understanding and awareness of their Rights and Responsibilities.

ADMINISTRATIVE

1.1 Documents

<http://www.lexisnexis.com/hottopics/colorado/>

C.R.S. Title 38 Real Property Article 33.3 CCIOA

38-33.3-209.4. Public disclosures required - identity of association - agent - manager: contact information

38-33.3-317. Association records

1.1.1 Association Records

- (1) *In addition to any records specifically defined in the association's declaration or bylaws or expressly required by section 38-33.3-209.4*
- (2) *The association must maintain the following, all of which shall be deemed to be the sole records of the association for purposes of document retention and production to owners....(the entire text of 38-33.3-317 can be found online)*

1.1.2 Access and Availability of Records

- (2) (a) *Subject to subsections (3), (3.5), and (4) of this section, all records maintained by the association must be available for examination and copying by a unit owner or the owner's authorized agent....(the entire text of 38-33.3-317 can be found online)*

1.2 Notices

1.2.1 Scheduling and notification of all meetings will be pursuant to the Bylaws.

1.2.2 Annual Disclosures

In December of every year, in conjunction with the Annual Dues notice, the current contact information for the POA's Management Office shall be provided to each Property Owner. Additionally, the Property Owner shall be informed that the following information can be found on the website:

- Current financial information, including the operating budget, profit and loss statement, insurance policies, and applicable assessments;
- Minutes of all meetings held during the year; and
- Copies of the Articles of Incorporation, Protective Covenants, Bylaws, and Policies & Procedures.

The notice will include the address of the website (bhrpoa.com) and an offer to send hard copies of any of the above listed items (for a reasonable cost).

Notice of the Annual Meeting will also include a call for member input.

Section 100 Administrative

1.3 Ranch Policies

38-33.3-106.5 Prohibitions Contrary to public policy: patriotic and political expression: emergency vehicles: fire prevention: renewable energy generation devices - affordable housing - definitions.

(I) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

1.3.1 Fire Mitigation

(e) The removal by a unit owner of trees, shrubs, or other vegetation to create defensible space around a dwelling for fire mitigation purposes, so long as such removal complies with a written defensible space plan created for the property by the Colorado state forest service, an individual or company certified by a local governmental entity to create such a plan, or the fire chief, fire marshal, or fire protection district within whose jurisdiction the unit is located, and is no more extensive than necessary to comply with such plan.

1.3.2 Patriotic and Political Expression

Section (c) (I) through (III)

(the entire text of 38-33.3-106.5 Section (c) (I) through (III) can be found online)

Power poles are the property of San Isabel, any attachments or remnants of attachments could be hazardous to linemen ascending or descending the poles. No flags, signs, posters, etc., shall be attached to any power pole.

1.4 Insurance

38-33.3-302 Powers of unit owners' association

(m) provide for the indemnification of its officers and executive Board and maintain directors' and officers' liability insurance; (the entire text can be found online)

The Managing Agent or the Treasurer of the Board will manage and maintain the Directors' & Officers' Liability Insurance Policy and a Fidelity Bond for the Management Company. A copy of the D&O policy declaration page shall be posted on the website.

Section 200 Meetings

MEETINGS

2.1 Annual Meetings

2.1.1 Agenda: The Annual Meeting Agenda will be sent to Property Owners with the “Notice of Meeting” as noted in Article II Section 5 of the By-Laws. A request to add owner input to the agenda must be received by the Management Company no later than five (5) days prior to the Annual Meeting date. The request must include a topic and estimated time for presentation. Property Owner presentations must be scheduled to ensure that time is allotted on the agenda. The Board may place a time limit on Property Owner input and on the number of Property Owners granted an opportunity to present. The members may select, in writing, a representative speaker to present for all members on a given topic. A time for “Owner Input” will be included on the Agenda.

2.1.2 Member Education:

<http://www.lexisnexis.com/hottopics/colorado/>

C.R.S. Title 38 Real Property Article 33.3 CCIOA

38-33.3-209.7. Owner education.

(1) The association shall provide, or cause to be provided, education to owners at no cost on at least an annual basis as to the general operations of the association and the rights and responsibilities of owners, the association, and its executive Board under Colorado law.

Property Owner education is provided at the Annual Meeting, through e-mail communication and on the website. The criteria for compliance with this section shall be determined by the Board.

2.2 Special Meetings

Special Meetings shall be conducted as pursuant to the Bylaws.

2.3 Regular Board Meetings

2.3.1 Date and Location: Board meetings are scheduled by the Board to occur as often as the Board deems necessary in order to adequately address current POA issues. At each Board meeting, the Board will determine the date, time and location of the next meeting. This decision shall be recorded in the meeting minutes and posted on the website and at the front gate at least one week prior to the next scheduled meeting.

2.3.2 Agenda: An agenda for a Board meeting shall be generated from the minutes of the previous Board meeting, listing action items, discussion topics, and committee reports. Non-Board members who want to speak on a specific subject must contact the Management Office at least eight days prior to the next meeting to ensure time is allocated.

2.3.3 Non-Board Member Attendees:

38-33.3-308. Meetings.

(2.5) (a) Notwithstanding any provision in the declaration, bylaws, or other documents to the contrary, all meetings of the association and Board of directors are open to every unit owner of the association, or to any person designated by a unit owner in writing as the unit owner's representative.

(b) At an appropriate time determined by the Board, but before the Board votes on an issue under discussion, unit owners or their designated representatives shall be permitted to speak regarding that issue. The Board may place reasonable time restrictions on persons

Section 200 Meetings

speaking during the meeting. If more than one person desires to address an issue and there are opposing views, the Board shall provide for a reasonable number of persons to speak on each side of the issue.

The Board shall set limits regarding how long and how many times members can speak about an issue, and how many will be allowed to express their opinions about an item when there are opposing viewpoints.

2.3.4 Executive Sessions:

38-33.3-308. Meetings.

(3) The members of the executive Board or any committee thereof may hold an executive or closed door session and may restrict attendance to executive Board members and such other persons requested by the executive Board during a regular or specially announced meeting or a part thereof. The matters to be discussed at such an executive session shall include only matters enumerated in paragraphs (a) to (e) of subsection (4) of this section. Also see (4) through (7).

2.4 Meeting Standards

2.4.1 Votes: Votes will only be accepted from Property Owners in good standing (current in all dues and assessments and not in violation of any restrictive covenants). Votes by proxy will only be accepted if dated, signed, and instructions are clearly stated. Votes by proxy will only be accepted if received by the Management Office (Secretary) 24 hours prior to convening the meeting. Telephone votes will only be accepted at Regular Board meetings.

2.4.2 Vote Allocation: Each parcel on the Ranch is allocated one vote. Multiple owners of one parcel have one collective vote. An owner of multiple parcels has as many votes as parcels owned. There are 185 total vote allocations in the Blackhawk Ranch POA. Since only members in good standing have the right to vote, the number of votes possible could be less than 185.

2.4.3 Secret Ballot:

38-33.3-310. Voting - proxies

(B) At the discretion of the Board or upon the request of twenty percent of the unit owners who are present at the meeting or represented by proxy, if a quorum has been achieved, a vote on any matter affecting the common interest community on which all unit owners are entitled to vote shall be by secret ballot.

2.4.4 Order: The president of the Board presides at all meetings. In the absence of the president, the vice president shall preside. No formal rules of order have been adopted, but the president shall insist that an atmosphere of common courtesy prevails at all times.

Section 300 Board Members

BOARD MEMBERS

3.1 Board Members

3.1.1 Qualification of Board Members: A Board member may be any member in good standing at least 18 years of age; he/she must be a “natural person” (not a corporation) and the legal owner of a parcel on the Ranch. A majority of Board members should reside within 200 miles of Blackhawk Ranch.

3.1.2 Tenure of Board Members: Board members are elected by the Property Owners each year at the Annual POA Meeting. Each Board member shall serve a twenty-seven (27) month term (See 3.1.4 Transition of Board Members); the rotation of members shall be staggered.

Approximately half of the Board members shall be elected in even years and the other half in odd years. Each Board member is expected to stay in office until a successor has been elected.

3.1.3 Election of Board Members: The Board of Directors shall be elected at the Annual Meeting. If there is a quorum of members (either present or by proxy), the Board will be elected by a secret ballot. If there is no quorum of members but there is a quorum of Board members, the existing Board will vote to elect the new Board from the list of existing candidates. In lieu of the existing Board electing the new Board, it may move to accept the vote taken at the Annual Meeting.

The Annual Meeting Packet sent to each Property Owner prior to the meeting shall contain personal statements by each Board candidate and a proxy form containing all the candidates' names and any other ballot issues to be voted on at the Annual Meeting. Property Owners who are unable to attend the annual meeting will be instructed to mail their signed proxies to the Management Office prior to the meeting so that votes can be validated and tabulated. This is a secret ballot and voter identification will not be released from the Management Office.

3.1.4 Transition of Board Members: In order to facilitate a seamless transition, newly elected Board members will serve alongside their counterparts (as voting members) for three meetings prior to the outgoing Board members' retirement. The Board membership will grow from five (5) to seven or eight during the three month transition period. The outgoing Board members shall brief the new Board members on the status of any unfinished business and assigned tasks. This will allow the new Board members to have an active voice in developing the budget and road plan, which they will implement the following year, and for Board member education.

3.1.5 Election of Board Officers: Each year, approximately half of the Board members start their first year term and half start their second year term. Those Board members starting their second year term, who were officers for their first year term, will not necessarily continue in those positions in their second year term. At the conclusion of the annual meeting, or by phone shortly thereafter, the newly elected members of the Board shall meet with the current members of the Board in a Special Meeting to elect Officers and Committee Chairs and to establish the time and place for the next Regular Board meeting.

New Board members shall be directed to the website (www.bhrpoa.com) to access the Policies & Procedures Manual, the Bylaws and the Protective Covenants. They will be instructed to familiarize themselves with all these Corporate Documents (including other documents applicable to the POA, such as the Colorado Revised Statutes, Colorado Common Interest Ownership Act, and the Blackhawk Ranch Articles of Incorporation).

Section 300 Board Members

3.2 Committees

3.2.1 Background: Committees are established as necessary to administer on-going tasks, or to conduct research to provide the Board sufficient information to make decisions. Committees can be perpetual, such as the Road Committee – which is a permanent Board responsibility; or provisional, such as a Gated Entry Committee – which would be a feasibility study.

Committee members shall familiarize themselves with the applicable Committee Notebooks.

3.2.2 Perpetual Committees: Committee Chairs will be elected by the Board and will usually be a Board member. The Committee Chair shall recruit as many volunteers from the POA as necessary to efficiently carry out the goals of the committee.

Committee working sessions will be held as frequently as needed or as requested by committee members. Committee Chairs will provide a report at regular Board meetings. The committee report will be incorporated in the Board meeting minutes.

Road Committee: Since the maintenance of the roads is the most demanding job the Board has, the Road Committee Chair should be a Board Member and resident of the Ranch. The Road Chair shall manage the Road Contractor in accordance with the Road Chair Notebook and the current Road Contract (if a Road Contract exists).

The Road Chair may, at his/her discretion and within the constraints of the budget, create work orders for Road Maintenance and Improvements and schedule snow removal. All completed work orders must be inspected and approved by the Road Chair prior to the contractor's invoice being paid.

If the Road Chair needs to create a Work Order whose scope and cost are outside the approved Road Budget, the Work Order must be approved by the Board.

The Road Chair shall report to the Board at every regular Board meeting, but urgent matters shall be reported to the Board immediately.

Weed Committee: The Weed Committee Chair shall operate in accordance with the Weeds Notebook and be responsible for rental of the weed spraying equipment to Property Owners and for ensuring that all weed spraying equipment is maintained in proper working condition.

The Weed Chair shall work with the Weed Committee to schedule spring and fall weed spraying in the road easements.

Emergency Management: The Emergency Management Committee (EMC) shall facilitate emergency management procedures as directed by the Board and in accordance with the Emergency Management Notebook. The EMC Chair shall report to the Board on all emergency matters. The EMC shall be responsible for coordinating with local officials on Ranch emergency matters. The committee should also investigate and coordinate emergency training for Property Owners.

Compliance Committee: Due to the sensitive nature of the tasks performed by the Compliance Committee, the Compliance Committee Chair shall be a Board Member. The Compliance Chair shall follow the procedures in Section 800 of the Policies & Procedures Manual and investigate any reports of covenant violations; report to the Board so that letters can be written to POA members who are in violation of the covenants; coordinate with local officials on violations of County or State regulations; review Compliance Forms for new driveways and home starts, and present all Requests For Waiver to the Board for review.

Section 300 Board Members

Communications Committee: The Communications Committee is responsible for the website www.bhrpoa.com. The Communications Chair shall follow the procedures in Section 900 of the Policies & Procedures Manual.

Temporary Committees: can be created from time to time as needed.

Individual Committees: Property Owners may form committees for various interests and do not need approval from the Board, though notification of the existence of the committee is appreciated.

3.3 Miscellaneous

3.3.1 Expenses and Stipends: Board and Committee members may claim reimbursement for actual expenses incurred in association with assigned tasks. This could include such items as fuel costs for POA activities, POA project materials, POA equipment maintenance and repair costs.

3.3.2 Conflicts of Interest: If any contract, decision, or other action taken by the Board would benefit, financially or by goods or services, any member of the Board, or any person related to a member of the Board, that Board member shall declare a Conflict of Interest for that issue. The member shall declare the conflict in an open meeting, prior to any discussion or action on that issue. After making such declaration, the member may participate in the discussion but shall not vote on that issue.

Any contract entered into that is found to be a Conflict of Interest, shall be void and unenforceable.

For more detail, see <http://www.lexisnexis.com/hottopics/colorado/>

Colorado Revised Statutes 7-128-501. Conflicting interest transaction

3.3.3 Attorney-Client Privilege: Upon the final resolution of any matter for which the Board received legal advice that concerns pending or contemplated litigation, the Board may elect to preserve the attorney-client privilege in any appropriate manner, or it may elect to disclose such information, as it deems appropriate, about such matter in an open meeting. If a Board member, representing the Board, receives legal counsel, that Board member has a duty to share the contents of that legal counsel with all other Board members.

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FINANCE POLICY

The Board of Directors for the Blackhawk Ranch Property Owners Association shall be studious custodians of the finances of the POA. All financial activities shall be documented and conducted in a manner that will facilitate an audit or review.

FINANCE

4.1 Bank Accounts

A Money Market Savings Account and a Checking Account must be established with a reputable, federally insured (FDIC) bank.

Signature cards must be registered with the bank. Signatories shall be the Managing Agent(s) and the Treasurer of the Board of Directors.

As of June 2012, the FDIC will FULLY insure non-interest bearing accounts and will insure Money Market accounts up to \$250,000.00. These limits change from time to time and banks post information on their websites and on bank statements when the changes occur.

4.1.1 Money Market/Savings Account(s): Funds in the Money Market Savings Account should not exceed \$250,000.00 as this is the maximum amount federally insured. If the funds exceed that amount, those excess funds should be moved to an online Money Market Account or deposited in another bank using the same criteria as above.

All funds received for the POA by the Management Office will be deposited into the Money Market Savings Account. Transfers from the Money Market Savings Account to the Checking Account should be held to the monthly or quarterly minimum established by the bank to minimize service charges.

4.1.2 Checking Account: Accounts Payable shall be paid out of the Checking Account. Monthly or quarterly transfers shall be made from the Money Market Savings Account to the Checking Account to maintain sufficient operating expenses and not incur service charges.

4.1.3 Records and Reporting: The Management Company will prepare Financial Reports and present them to the Treasurer, along with bank statements and reconciliation reports, on a monthly basis.

The Management Company will work with a CPA for consulting purposes and tax preparation.

All income & expenses shall be recorded in a computerized accounting program, such as QuickBooks. The books and records for the POA shall be kept on the accrual basis method of accounting for tax purposes, but reports to the Board shall be produced on a Cash Basis for clarity and ease of evaluating actual income received and expenses paid on a monthly basis. Any unusual or unexpected activity shall be investigated and the findings reported to the Board immediately.

4.2 Income

4.2.1 Dues

4.2.1.1 Payments: As of 1 January 2005, the POA's annual dues are \$370.00, and are payable by 31 January each year. A Bounced Check Fee of \$50.00 will be charged on all checks that are returned to the bank for insufficient funds.

4.2.1.2 Delinquent Dues: Dues not paid by their due date are considered delinquent. A monthly interest penalty equal to 18% per annum will be charged on the unpaid balance. Delinquencies are listed in an Accounts Receivable Summary Report which is reviewed at each Board meeting and posted on the website in the Monthly Financial Statement.

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4.2.1.3 Invoices: In late December, a Dues Invoice shall be mailed to each Property Owner. The invoice states the amount of the Annual Dues, that dues are due on receipt of invoice, the delinquent policy (4.2.1.2) and the Bounced Check Fee policy. If the member owes any back dues, interest or fees, an itemized Statement showing the total amount due will be included in the Dues Packet.

4.2.1.4 Liens: If dues have not been paid by 30 June, a collection letter (Year One) shall be sent to the Property Owner in July stating that a lien will be placed on the property if the dues, and all late fees, are not received by 31 July. During the month of August, a lien shall be filed with the county(s) in which the property is located. The amount of the lien shall include the annual dues, listed assessments, late fees, and a \$100.00 administrative fee. A notice shall be sent to the Property Owner advising that a lien has been placed on the property. A report will be filed at a Board meeting on all liens filed.

4.2.1.5 Late Payments: After receiving a collection letter, a property owner may make a request to the board for a payment plan of six months to nine months. If approved, payments against unpaid charges will be applied first to Filing Fees, then Interest (oldest first) and then outstanding Dues (oldest first).

4.2.2 Foreclosure: The board of directors must individually consider and vote on foreclosure with each board member's vote being recorded. This is in an attempt to ensure that no matter what the debt; the association is considering the impact of the foreclosure. The potential foreclosure will be addressed at a board meeting and the board must vote to go forward or not.

After approval by the board, if dues have not been paid for two consecutive years, a collection letter (Year Two) shall be sent to the Property Owner in July warning of the seriousness of the delinquency and that stating that foreclosure proceedings will begin if all outstanding amounts are not paid by July 31.

If the Property Owner does not pay by July 31, an attorney will be consulted during the month of August, and legal action will commence in order to recover all amounts due, plus legal fees, filing fees and court costs. The attorney will write a letter advising that foreclosure proceedings will begin if all outstanding dues, late fees, filing fees and attorney fees are not received (by date specified by the attorney).

4.2.3 Miscellaneous Income

4.2.3.1 Grazing Lease: Agricultural Property Tax status for the Ranch is maintained by having a cattle grazing lease. The grazing lease is typically \$1,500 per year for 50 pair (cow/calf units) and is due in April.

4.2.3.2 Equipment Rental: Weed Spraying Equipment owned by the POA may be rented to Property Owners.

EQUIPMENT	RENTAL FEE
Weed Sprayer Backpacks (3)	\$15 w/ Solution, \$5 w/o Solution
'Scorpion' Weed Sprayer mounted on Trailer	

4.3 Disbursements

4.3.1 Authorization: The Board has appointed a Property Management Company to make all disbursements for the POA, but authorization for any disbursement over \$500 must be approved by the Treasurer. These disbursements are reported to the Board in monthly financial

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reports. One signature is required on a check. Authorized signatories for the Blackhawk Ranch POA bank accounts include the Managing Agent(s) and the POA Board Treasurer.

4.3.2 Timetable: Invoices shall always be paid by the due date. Invoices without a due date shall be paid as soon as practical, but should be paid within two weeks of receipt of the invoice.

4.3.3 Petty Cash: There shall be no Petty Cash for the Blackhawk Ranch POA.

4.4 Budget

The Treasurer, working with the Management Office, shall start preparing the budget in October and submit a proposed budget to the Board for review at the regular Board meeting in November. If there is no scheduled meeting in November, the Treasurer shall submit the proposed budget to each member of the Board by the 15th of November. The Board shall review the proposed budget and have prepared comments for the regular meeting in December. If there is no regular meeting scheduled for December, the budget shall be considered at the January meeting. The budget should be approved no later than January.

The Budget shall be tracked in the accounting program (currently QuickBooks).

Once approved by the Board, the approved budget shall be posted on the website. A financial report, including a Year-to-Date, Budget vs. Actual report, shall be presented at each monthly Board meeting and posted on the website.

4.5 Audits or Review

<http://www.lexisnexis.com/hottopics/colorado/>

C.R.S. Title 38 Real Property Article 33.3 CCIOA

38-33.3-303. Executive Board members and officers.

(b) (II) An audit shall be required under this paragraph (b) only with both of the following conditions are met:

(A) The association has annual revenues or expenditures of at least two hundred fifty thousand dollars; AND

(B) An audit is requested by the owners of at least one-third of the units represented by the association.

The annual income for the Blackhawk Ranch POA is below the \$250,000 threshold that requires an audit of the POA financial records by a CPA.

4.6 Grazing Lease

The POA has had grazing leases with a variety of local ranchers since its inception. The grazing lease is typically for a two year period at \$1,500 per year for 25 to 50 pair (cow/calf units) depending on conditions. The current lease is for a ten year period ending December 31, 2019. A copy of the grazing lease is maintained at the Management Office. A grazing lease is very important to Property Owners because it is a factor in the Ranch meeting the requirements for an agricultural status for tax purposes. Without the agricultural status, Property Owners' property taxes would rise. NOTE: Fencing more than one acre on any parcel will negate the agricultural status for the portion of the parcel that is fenced. . When you build a house on your property, you lose agricultural status on one acre surrounding your home whether you fence it or not.

4.6.1 Grazing Requirements: Colorado is an "Open Range" state, thus it is not the responsibility of the cattle owner to fence in his livestock. If a neighboring landowner does not want cattle on their property, it is up to them to fence the cattle out. For the Ranch, this means that

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if the lease holder wants to keep his cattle contained to the Ranch it is the lease holder's responsibility to ensure that the integrity of the fencing around the Ranch is adequate.

Lease holders should understand "Carrying Capacity" and therefore have the responsibility to know how many cattle can be adequately grazed on the Ranch. This also means that the lease holder must have free access to all areas of the Ranch to move or maintain livestock.

Section 500 Roads

ROADS

Section 500 Roads as presented in this Policies & Procedures Manual has been revised to include only that information that directly addresses the Property Owners' Rights and Responsibilities as related to common roads and easements.

The original **Section 500 Roads** shall be maintained as the Road Chair Notebook.

Maintaining and improving the condition of the roads on the Ranch is the most important responsibility of the Board.

5.1 Road Maintenance

5.1.1 Routine Maintenance: Routine maintenance consists of road grading, bar-ditch cleaning and culvert cleaning performed by the road contractor, as scheduled by the Road Chair.

5.1.1.1 Road Grading: Most Ranch roads shall be graded at least once a year, as scheduled by the Road Chair, but typically in the spring. Additional grading can be scheduled as required.

5.1.1.2 Bar-Ditch Cleaning: Bar-ditches shall be cleaned of erosion material and debris as needs dictate.

5.1.1.3 Culvert Cleaning: Culverts on Ranch roads shall be cleaned of any blockage as needs dictate. The cleaning of owners' driveway culverts, where their driveways connect with the common road, is the responsibility of the Property Owner.

5.1.2 Emergency Maintenance: Emergency maintenance is required whenever the condition of the road presents a hazard to vehicular traffic or when circumstances present an immediate threat to the condition of the roads. Emergency maintenance should be done as soon as possible.

It is incumbent upon all Property Owners to alert the Road Chair or any Board member when a road hazard or obvious maintenance issue exists.

5.2 Road Improvements

Road Improvements over the 32 miles of Ranch roads consist of re-sloping or re-configuring any existing roads and installing new road base. These improvements are carried out at the discretion of the Road Chair and Road Committee based on need and budgetary considerations.

The biggest contributor to the degradation of a gravel road is traffic. Two wheel drive vehicles have the greatest impact, followed closely by speed. Combined, they take a toll on gravel roads. Weather, delivery vehicles and construction traffic are also contributors.

The Ranch has a **20 mph** speed limit. Property Owners should direct all visitors, contractors and delivery people to adhere to the speed limit and advise them when road conditions are not conducive to the health of our roads or well-suited to vehicular traffic.

5.3 Snow Removal

5.3.1 Routine Snow Removal: The goal of snow removal is to maintain a condition that would allow a properly equipped vehicle (for example: 4-wheel drive and adequate tires) to safely drive on the Ranch. Conditions can change quickly and the responsibility for safe travel rests with the vehicle operator.

5.3.2 When to Remove Snow: Snow removal will normally be done only during daylight hours. Weekend, holiday, and night time snow removal will be at the discretion of the Road Chair and based on the availability of the contractor.

Section 500 Roads

Generally, snow removal on main arteries shall begin when the snow level reaches four inches, but prevailing conditions; moisture content, wind and weather forecasts are taken into account prior to snow removal.

Additionally, snow does not fall evenly on the Ranch so several Property Owners, residing in different areas of the Ranch, should be consulted to help make the decision for plowing.

5.3.3 Extreme Snow Storms: During extreme snow storms, equipment may be necessary that is beyond the capability of the snow removal contractor; therefore it is the responsibility of the Property Owner to monitor weather conditions for storms and snowfall amounts and to take appropriate action regarding their own needs.

5.4 Driveways and Easements

5.4.1 Driveways Intersecting With Common Roads: It is the Property Owner's responsibility to connect to the common road without interrupting the normal drainage flow or causing degradation to the road. Runoff from the driveway shall not spill onto the common road nor interrupt the flow of traffic.

Prior to building a driveway, the Property Owner shall complete a Compliance Form (Appendix A) which will alert the Board of the proposed driveway construction. The Board will then notify the Road Chair so an inspection can be conducted to ensure the driveway will conform to proper construction.

5.4.2 Road Easement: It is the POA's responsibility to maintain the common road easement. Property Owners are responsible for driveway easements.

5.4.3 Road Easement Weed Control: In conjunction with road maintenance the Board has assumed responsibility for noxious weeds in the road easement. See Section 600 Weeds for further information.

5.4.4 Power Lines: All Property Owners are responsible for inspection of power lines while traversing the roads. Overhanging tree branches or stressed trees that could fall on power lines shall be marked and reported to San Isabel and to the Board immediately.

Section 600 Weeds

NOXIOUS WEEDS

The original **Section 500 Subsection 5.5 Noxious Weeds** shall be maintained as the Weed Chair Notebook.

The Weeds Section in this Policies & Procedures Manual has been moved from **Section 500 Roads** to **Section 600 Weeds**.

The management of noxious weeds on the Blackhawk Ranch is the responsibility of all Property Owners and is enforced by the Colorado Noxious Weed Act. Each Property Owner is responsible for the inspection and control of noxious weeds on their property. In conjunction with road maintenance the Board has assumed responsibility for eradicating noxious weeds in the road easement.

<http://www.lexisnexis.com/hottopics/colorado/>

C.R.S. Title 35 Agriculture Pest and Weed Control

Section 35 Article 5.5. COLORADO NOXIOUS WEED ACT

Note: for more information go to the Colorado Extension Service Website on Noxious Weeds:

<http://www.ext.colostate.edu/ptlk/2103.html>

You can also find information on the Ranch website http://bhrpoa.com/bhr_weeds!!!!!!.htm

6.1 Noxious Weeds

The objective of the Board is to achieve suppression with an effort to achieving eradication. Driving ATVs, riding horses, or even walking through areas with noxious weed populations will likely aid in the spread of weeds.

6.2 Area Inspection

The Weed Committee Chair (and Committee Members) shall inspect the road easements in early spring to determine the level of noxious weed infestation.

During the roadside inspection, visual inspections of properties adjacent to the road will also be conducted. This inspection does not call for entering the boundaries of members' properties. Weed infestations shall be reported to the Board, to include the parcel number, the level of infestation sighted, and the type of noxious weed present.

6.3 Notification of Noxious Weed Violations

The Board shall send a notice to Property Owners whose parcels have communities of noxious weeds. The notice shall provide suggested action to be taken by the owner. The owner will also be reminded that controlling noxious weeds on the Ranch is beneficial to all and that it is mandated by the State.

If the owner fails to take action to manage the noxious weeds, the Board may inform the county noxious weed management authority. The County Noxious Weed Manager may send a notice to the Property Owner advising of the steps to be taken to ensure that the noxious weed problem is addressed. If the owner does not respond, the county has the authority to enter the property, spray the weeds and charge the owner for labor and materials.

6.4 Notification of Noxious Weed Spraying

The Board shall notify resident (full or part-time) Property Owners when spraying will be conducted along the road adjacent to their property. This will give the Property Owner advance

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notice in case they want to keep pets or livestock away from the roadway while spraying is being done. This notification will be accomplished via e-mail or telephone calls to residents who do not have an e-mail address. If the Property Owner refuses to allow spraying on their easement, it becomes the responsibility of the Property Owner to control weeds in the easement.

6.5 Noxious Weed Control

The Weed Committee Chair shall initiate noxious weed spraying on the road easements when the plants are actively growing. Fall and spring are generally the best time to apply herbicides. It is desirable to kill weeds prior to seed production. Consistent efforts, year to year, will pay big dividends in reducing weed infestation.

6.6 Weed Spraying Equipment

The POA owns three 4-gallon backpack sprayers. They can be rented from the Weed Committee Chair. An empty backpack can be rented for \$5 and a backpack full of solution can be rented for \$15.

Section 700 Emergency Management

EMERGENCY MANAGEMENT

The Board, through the Emergency Management Committee, shall encourage emergency preparedness among the Property Owners of the POA and facilitate the needs of emergency service personnel where possible. Per mutual agreement with Huerfano and Las Animas Emergency Response Agencies, all initial emergency response will be delivered by Huerfano County.

7.1 Medical Emergency

7.1.1 Board Responsibilities: The Board shall ensure that property locations are available to EMS vehicles. A Ranch road map shall be posted at the entrance to the Ranch. In addition, the Board will furnish laminated maps for EMS vehicles on an annual basis.

7.1.2 Property Owner Responsibilities: Residents of the Ranch whether full-time or part-time, must keep the Board apprised of their current Ranch address and phone number. Property owners that are in the process of building should also provide this information to the Board.

Residents of the Ranch must post their property address at the head of their driveway, or on their house if it is near the driveway, so that it is clearly visible to EMS vehicles.

When calling 911 or medical emergency personnel, residents should ensure that they provide good directions to the location of the emergency. They should also determine whether EMS vehicles need to be met at a location (i.e. Front Gate or Exit 42) to escort the vehicles to the house.

In the event of a medical emergency, the resident with the emergency is urged to call another resident on the Ranch to inform them of the emergency and to ask for any assistance that may be needed.

7.2 Security / Road Safety Emergency

7.2.1 Security: The Board is not a law enforcement body and has no authority to enforce civil laws. In emergency situations where the security of property, real or personal, is threatened, the property owner should call 911. If it is not an emergency situation, the property owner should call the local sheriff.

In all cases where a property owner's security has been violated, the Board should be informed. The Board must be aware of all security violations so that if preventive measures can be taken, the Board can set the action in motion.

7.2.2 Road Safety: The Board shall make every effort to identify safety hazards on the Ranch roads. The Road Committee Chair shall ensure that any road hazard is corrected as soon as feasibly possible. It is incumbent upon all Property Owners to alert the Road Chair or any Board member when a road hazard or obvious maintenance issue exists.

The Board shall regularly inspect the road signs to ensure that they are visible and legible. Signs that are found to be down, missing, or illegible shall be corrected as soon as feasible.

7.2.3 Fire Mitigation / Community Wildfire Protection Plan / Individual Conservation Plan: The Board, through the Emergency Management Committee, has developed a Community Wildfire Protection Plan (CWPP). This plan is being implemented as time and funding become available. The entire plan is available on the BHR Website (www.bhrpoa.com).

Information about implementing an Individual Conservation Plan can also be found on the BHR Website. Another excellent source for homeowner safety information is <http://firewise.org>.

Section 700 Emergency Management

7.3 Emergency Evacuation

7.3.1 Evacuation Preparations

Each Property Owner who spends any time on the Ranch should create a Personal Evacuation Plan and Route in the event that it becomes necessary to evacuate the Ranch. Each family is different, so the extent of your personal evacuation plan will depend on your personal needs.

7.3.2 Evacuation Routes

The Board has attempted to locate and improve evacuation routes on the Ranch, but the best and most certain route is the one through the front gate. Additional evacuation routes and safety zones will be added as they are developed.

Howard's Draw is a suitable evacuation route during some seasons. It is not plowed in the winter and is muddy when wet with rain or snowmelt. It is marked by an Emergency Exit sign on Rugby Mine Road on the southeast side of the Ranch. There is a locked gate on the road at the Ranch boundary. The combination is 1-2-3-4. We have permission to use this exit **in emergencies only**.

Because locks can become stubborn and combinations can be forgotten, the Board recommends that you carry a large bolt cutter in your vehicle. If the lock cannot be removed, cut the link in the chain next to the lock.

7.3.3 Emergency Warnings

Blackhawk Ranch presents a number of problems with regard to emergency warnings. The biggest problem by far is the lack of reliable cell phone communication. The Ranch has varied terrain, the many hills and valleys produce cell phone shadows. Cell phone texting has proven to be of great value because it seems to reach into areas of the Ranch where voice communication is inconsistent or non-existent.

NOAA Weather Radio will broadcast emergency information for the counties and for weather events.

Both Huerfano and Las Animas counties have reverse 911 systems. You must register your cell phone with the 911 system in the appropriate county. The registration procedure for each county is on the BHR Website (www.bhrpoa.com).

The Board will continue to seek better emergency notification capabilities.

Section 800 Compliance

COMPLIANCE POLICY

The Board shall enforce the articles of the Declaration of Protective Covenants adopted by the POA and filed with Las Animas and Huerfano Counties. Covenant compliance shall be overseen by the Compliance Committee Chair. Application for waiver of a covenant shall be presented to the entire Board for consideration. The Board may grant waivers at their discretion. The Board shall also provide a process for conflict resolution.

COMPLIANCE

8.1 Compliance

The purpose of this Policy is to ensure that all construction, improvements, and other activities by Property Owners adhere to the Declaration of Protective Covenants, Sections III through XII.

With the exception of overriding provisions set forth in:

<http://www.lexisnexis.com/hottopics/colorado/>

C.R.S. Title 38 Real Property Article 33.3 CCIOA

38-33.3-106.5 Prohibitions Contrary to public policy: patriotic and political expression: emergency vehicles: fire prevention: renewable energy generation devices - affordable housing - definitions.

8.1.1 Compliance Review: Property owners shall provide the Board with a completed Compliance Form (Appendix A) prior to the start of a building or driveway project. The Compliance Committee Chair is responsible for reviewing submitted forms for accuracy and shall report compliance activities to the Board at regular Board meetings.

See Huerfano County Section XI BUILDING PERMIT REGULATIONS:

<http://www.huerfano.us/uploads/Chapter%2011%20-%20Building%20Permit%20Regs.pdf>

See Building in Unincorporated Areas of Huerfano County:

<http://www.huerfano.us/buildingcounty.php>

Las Animas County Building Department:

http://trinidad.co.gov/pages/building_department/default.html

8.1.2 Request for Waiver: A Property Owner may petition the Board to waive a specific item of the covenants by submitting a completed Request for Waiver form to the Board (see Appendix B). Not all articles of the Declaration of Protective Covenants can be waived. The Board shall review the request at the next regular Board meeting unless an urgent reply is requested. The Board will provide a response as soon as possible, but may have to inspect the site or interview neighboring Property Owners. If the request is denied, the Board shall provide the Property Owner specific and detailed rationale for the denial.

8.1.3 Covenant Violations: Any apparent covenant violation should be reported to the Chair of the Compliance Committee or a member of the Board. The complainant must provide a written complaint and provide proof of the violation, e.g., photograph, documentation, etc. The complainant cannot be anonymous and must agree to be available for a court appearance if required.

The Compliance Committee shall review the complaint with the Board and provide a response to the complainant as to the validity of the complaint and the course of action that will be taken.

If the violation is determined valid and within the scope and intent of the Covenants, a letter shall be sent to the Property Owner, stating the violation, and requesting a written response within 21 days of the date of the letter. The letter shall inform the Property Owner of acceptable courses of action (see 8.1.4). If the Property Owner does not respond within twenty-one (21) days, another

Section 800 Compliance

letter shall be sent by certified mail stating that an inadequate response will result in activation of the Fine Policy.

8.1.4 Opportunity to be Heard: A Property Owner who has received notification of a violation will be given notice of his/her right to be heard by the Board. If a written request for hearing is received from the violator within twenty-one (21) days of the date of the violation notice, the Board shall schedule and hold, in executive session, a hearing affording the violator a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing. The Board may establish rules of conduct for such hearings, which may include limits on time and on the number of participants who may be present at one time.

8.2 Fine Policy

8.2.1 Notice: A Property Owner who is found to be in violation of the Protective Covenants and who has not responded to the Covenant Violation letter(s) will be notified in writing by the Board of the activation of the Fine Policy. The notice shall be sent via US Mail or shall be hand delivered and shall include the nature of the violation, the applicable fine for noncompliance and timeframe for compliance. The notice of violation shall provide a last opportunity for the Property Owner to correct the violation or to enter into a compliance agreement that is acceptable to the Board.

8.2.2 Fee Schedule: \$25.00 per incident per day for each continuing violation.

Any fine levied pursuant to this Fine Policy shall be considered an assessment against the Property Owner's parcel(s) and shall be collectible by the POA in the same manner as all other such assessments as provided in the Bylaws, Protective Covenants or other governing documents.

This policy does not preclude any other enforcement remedy the POA may possess at law or in equity with respect to any violation of the governing documents.

All legal, collection and other expenses incurred by the POA to obtain compliance with the Protective Covenants will be the obligation of the Property Owner.

8.3 Enforcement

8.3.1 Officials: When all efforts by the Board to resolve a covenant violation with a Property Owner have failed, the next step in enforcement will be in conjunction with local, county or state officials (if applicable). If there is any doubt whether a violation falls under the jurisdiction of an official, the appropriate office will be contacted to verify if they have jurisdiction or what alternative course of action may be taken.

8.3.2 Dispute Resolution: This Section was originally Section 1.7 of the Policies & Procedures *Section 33.3-124. Legislative declaration - alternative dispute resolution encouraged*

The cost, complexity, and delay inherent in court proceedings make litigation a particularly inefficient means of resolving neighborhood disputes. There may be situations where the severity or monetary value of the dispute would require resolution through the court system, but every effort should be made to resolve disputes through mediation or arbitration.

8.3.3 Resolution: In the event of any dispute between the POA and Property Owners (and disputes between individual Property Owners) in situations that do not involve an imminent threat to peace, health, or safety of the community, the parties involved in the dispute shall work toward resolution using the procedures set forth below prior to filing a complaint in court or otherwise initiating a legal proceeding. For each of the resolution processes, Colorado law governs the process and the parties do not waive their right to employ legal counsel at their own expense to assist them.

Section 800 Compliance

8.3.3.1 Request for Resolution: The POA or any Property Owner wishing to resolve a dispute will provide each Party to the dispute with a written request describing:

- the nature of the dispute, including the date, time, location, persons involved, and the other party's or parties' role in the dispute;
- a request for what the Initiating Party would like the other party or parties to do or not do to resolve the dispute; and
- times and dates that the Initiating Party may be available to communicate directly with the other party or parties to discuss in good faith ways to resolve the dispute.

8.3.3.2 Negotiation: Parties are encouraged to make reasonable efforts to communicate directly with each other in an attempt to reach an agreement.

8.3.3.3 Mediation and Arbitration:

- If the parties do not resolve the dispute within 20 business days of the date of receipt of the "Request for Resolution", the parties will schedule a mediation session with a trained, neutral mediator to assist them in reaching their own solution. If the parties do not resolve the dispute through mediation, any party may begin efforts to schedule binding arbitration with a trained, neutral arbitrator who will decide the outcome of the dispute based on evidence and testimony provided by the parties.
- The parties shall select a mutually acceptable mediator within thirty (30) business days of the date of receipt of the "Request for Resolution". The cost of mediation will be shared equally among the parties unless they agree otherwise. If necessary, the parties shall select an arbitrator. The cost of arbitration may be shared equally among the parties unless the arbitrator requires one party to pay all or a portion of the other party's legal fees to the extent such an award is permissible under law.

8.3.3.4 Failure to comply with Agreement or Award

Section 33.3-124 Legislative declaration - alternative dispute resolution encouraged

(c) If either party subsequently violates the stipulation, the other party may apply immediately to the Court for relief.

8.3.3.5 Legal Counsel: The cost, complexity, and delay inherent in court proceedings make litigation a particularly inefficient means of resolving neighborhood disputes. There may be situations where the severity or monetary value of the dispute would require resolution through the court system, but every effort should be made to resolve disputes through mediation or arbitration.

Once the Fines Policy is implemented, fines start accruing; a lien can be filed, and if there is no other encumbrance, legal proceedings may be started. If all other efforts to resolve the covenant violation dispute have failed, the Board shall contact legal counsel for advice. Only when the Board has exhausted all its efforts toward resolution shall they seek legal advice.

Section 900 Communications

COMMUNICATIONS

9.1 Communication from the Board to the POA

9.1.1 Blackhawk Ranch Website: The Blackhawk Ranch Website (<http://www.bhrpoa.com>), shall be the primary means of communication for the Board. Information, such as POA minutes, records and documents are accessible on the website for all POA members.

The Board shall provide the volunteer Webmaster with updates in a timely manner and the Webmaster shall keep the Website as current as possible.

9.1.2 Other: For urgent information that must get to all POA members, an e-mail can be sent to all for whom the Management Office has an e-mail address. A U.S. Post Office mailing will be sent to all other members.

9.2 Communication from the POA to the Board

9.2.1 Blackhawk Ranch Website: The Blackhawk Ranch Website provides a means for the members of the POA to communicate with the Board of Directors. Members can e-mail comments, ideas, or items of general interest to members of the Board, Committee Chairs, the Webmaster, or the Management Office from the Blackhawk Ranch Website.

9.2.2 Other: Mailing addresses, phone numbers, and e-mail addresses for Board members and Committee members shall be posted on the Blackhawk Ranch Website (<http://www.bhrpoa.com>), and be kept on file at the Property Management Company.

9.3 Communication between Board members

9.3.1 E-mail Communication: E-mail is the recommended form of communication between Board members. E-mail communication should be professional and courteous. All e-mail communications will be retained as required by C.R.S..... All Board members should be copied in each e-mail correspondence when Board related issues are being discussed. Each Board member should have a personal e-mail address.

9.4 Colorado Open Meetings “Sunshine Law”

The Open Meetings statute (C.R.S § 38-33.3-308) became law in July, 1995. One need only attend a board meeting or speak with a manager to observe the many interpretations of the statute. The following are intended to address and dispel many of the common myths surrounding the Open Meetings statute. For information see: <http://www.hindmansanchez.com/resources/article/open-meeting-statutes-myths-and-realities>

Section 1000 Education

EDUCATION

10.1 Education for Board Members

<http://www.lexisnexis.com/hottopics/colorado/>

C.R.S. Title 38 Real Property Article 33.3 CCIOA

33.3-209.6. Executive Board member education.

The Board may authorize, and account for as a common expense, reimbursement of Board members for their actual and necessary expenses incurred in attending educational meetings and seminars on responsible governance of property owners' associations. The course content of such educational meetings and seminars shall be specific to Colorado and shall make reference to applicable sections of this article.

The Board must be judicial in authorizing the reimbursement of this educational expense. No more than two Board members shall be allowed reimbursement for attending an educational event of the same content within a two-year period. The attending Board member(s) shall take notes or annotate handouts for the purpose of training the remaining Board members. These notes or handouts shall be transcribed to be used for the training of future Board members. Additionally, if a second qualifying educational event with different content becomes available, the attending Board member(s) should be different than those who attended the previous event.

10.2 Education for Members of the POA

33.3-209.7. Owner education.

(1) The association shall provide, or cause to be provided, education to owners at no cost on at least an annual basis as to the general operations of the association and the rights and responsibilities of owners, the association, and its executive Board under Colorado law.

10.3 General Operations of the Association

This Policies & Procedures Manual describes the details of the general operation of the POA by the Board of Directors and Committees. This manual can be downloaded or printed from the website (www.bhrpoa.com). The manual is also available for review at the Property Management Office. The manual is a living document and as such is subject to change. As soon as possible, approved changes to the manual will be posted on the website with a notice announcing the changes on the home page.

10.4 Rights and Responsibilities

10.4.1 Owners: The rights of owners are detailed in ***C.R.S. Title38 Section 33.3-209.7.*** Responsibilities of the owners are detailed in the Declaration of Protective Covenants and Bylaws. Each member should have received a copy of the Protective Covenants at the time of purchase.

10.4.2 The Association: As a non-profit corporation, the association has rights and responsibilities granted to it under its Articles of Incorporation and the Colorado Revised Statutes.

10.4.3 The Board: The rights and responsibilities of the Board of Directors are defined in ***C.R.S. Title38 Article 33.3*** (CCIOA) and in the By-Laws of the Blackhawk Ranch POA, Inc.

10.4.4 Reminders: All of the POA's Corporate Documents are posted on the website and are available at the Property Management Company.

All Property Owners will be reminded of their access to these documents in the Annual Meeting Packet and the Annual Dues Packet. See <http://www.bhrpoa.com>