

**Burland Homeowners' Association, Inc.**  
Board of Directors Meeting October 9, 2023. 7:00pm  
**Agenda**

**Start time:** 7:00 pm

**Attendees:**

**Board:**

Beth Fisher, President  
Debra Stephen Vice President  
William Beggs, Secretary  
Nick Miller, Treasurer  
Sherrie Urban, Director

**Members:**

Jack Roberts, Tim Peterson, Patrick Urban, Angie Baker, Jeff Baker, Ande Butler,  
Heather Wilt, Tim Wilt, Maryann Kunkel, Linda Murillo, Tom Ingwalson, Mike Fisher,  
Ella Jeffers, Tim Peterson

**Non-Member Residents:**

None

**Guests:**

None

**Call to Order**

**Review & Approval of Prior Minutes:** June 2023 and August 2023 – Approved

Vote on Expulsion of Ella Jeffers from Membership

Nick proposed a motion to discuss Ella's expulsion, Bill seconded the motion.

Beth read from a prepared statement regarding the rationale for expulsion

Wed Oct 4<sup>th</sup> a Zoom meeting was made so that Ella could speak to the board.

Bill, Debra, Sherrie, Nick, and Beth spoke about difficulties with Ella.

Options: Does the Board expel or postpone vote to determine what the extent of the damage to the HOA actually is?

There was a motion to postpone the vote on the expulsion and it was approved.

**Officer Reports:**

Beth Fisher, President

Beth read from a prepared paper discussing member posts on social media, messages to the Burland HOA. She also spoke about Pickleball and what will be posted to the website. New concerns should be brought to the board.

Bill Beggs, Secretary

Donations to outside agencies. Motion to postpone to the November meeting. Approved: 4 to 1. A short discussion on awarding scholarships was made and whether or not it is good practice to give scholarships to students outside of Burland.

Nick Miller, Treasurer

Report, \$7,884 in - \$2,771 expenses, (New bookkeeper, Quickbooks, etc.) Nick and Beth mentioned that we should meet with the investment advisor to discuss what we might be able to change in our investment portfolio in order to not lose as much when the markets are the way they are now.

### **Committee Reports:**

Firewise:

Team Rubicon – Bill reported that TR mitigate multiple properties around KZ Ranch, Elk Creek Highlands, and Bailey Estates and did two properties in Burland Ranchettes. Bill also reported that TR is planning to come back next June and focus primarily on Burland. Bill also read from a more detailed list of what had been covered in previous member meetings as well as what the mission is for Firewise and that it is primarily used for education and events like Saws & Slaws, TR and one-off mitigations are a bonus and not a requirement.

Events: None

Debra spoke as to why no new events. Spoke directly to Halloween. No time to plan due to other issues that were going on over the past few months and would like to see Burland residents step up to organize these types of events. Beth and Sherrie are more than willing to advise and help where they can but putting the entire thing on is a huge effort.

Park:

New sign – Patrick Urban is building a new sign. The kiosk is complete. For the sign it should say “Weakland-Fawks Park” and then under that have “Burland Homeowners’ Association open from Sunrise to Sunset” for wording. It was also noted that upwards of 200+ Dead aspens were removed from the park.

### **Old Business:**

Sign damage & Insurance Claim – The claim has been paid out to the HOA Green signs – PCFPD – Got with Tom Ingwalson for doing the signs for Firewise. I mentioned that we were wanting to have the Fire Department to do them since we

didn't have to manage who paid and the exchange of email. Tom explained that he currently has a dozen or so signs and is still willing to do it.

Reimbursements

Annual Picnic

Noxious weed talk

New tabs on website, easier to find info

Welcome packet is now a welcome email.

### **New Business:**

- 1) Nov 8<sup>th</sup> Wednesday is the next meeting – Update the website

### **Open Forum:**

- 2) Pat Urban – Asked about insurance for people reserving the pavilion.
- 3) Jack Roberts – Has the Firewise committee been dissolved. No. It's been strictly a function of time.
- 4) Linda – Pickleball. Possibly create a committee. .
- 5) Angie Baker – Is there a sign use at your own risk. How do you create the committees? Send an email to start the process.
- 6) Heather Wilt – Taxes. Was an extension filed. Nick said that the CPA is working on it. Periodic filings with the state of Colorado - \$250 so far. Roads repaired and signs for slow down.

### **Action Items**

- 1) Beth and Nick will meet with the insurance broker regarding our coverages and any needed updates.
- 2) Beth will consult the Association attorney regarding various questions related to unlawful distributions of HOA assets and other matters.
- 3) Nick will set up a meeting with the Board and our investment advisor.
- 4) Nick will confirm the status of the taxes.
- 5) Bill speak with Team Rubicon regarding liability coverage.
- 6) Bill will furnish the current "hold harmless" agreement for Saws & Slaws to Beth for review.
- 7) Sherrie will interface with our volunteer artist who is donating her talents for our new park sign.

### **Adjournment**

**End time:** 8:55 pm

### **Executive Session:**

No Executive Session

----- Forwarded Message -----

**From:** Stuart Rhodes

**To:** carriemarsh carriem.com

**Cc:** Bill Beggs ; <david.vazquez>; Timothy Peterson ; Jack Roberts; Burland HOA <burlandhoa@yahoo.com>; Beth Burland ; baileydstephen; david sitko; Debe Whitford ; pat white ; Keith

Doubleday; CHARLOTTE WYTIAS; Thomas Ingwalson ; jimglenn; suziglenn; Roxanne Turnbull ; Sharon Tush; Ed Hayslett

**Sent:** Wednesday, October 27, 2021, 08:49:41 PM MDT

**Subject:** Re: Proposed by-laws and other

Dear Carrie,

Thank you for voicing your concerns in written format. I am disappointed to learn you found our conversation this last week unproductive. To be fair, we did not discuss everything you mentioned in your emails, thus appreciate your follow-up.

***To your points in this email:***

Board Numbers, Districts, Officers & Payment:

- We were advised it may be efficient to have a smaller board, but acquire volunteers from the community (and board members) to lead up and drive smaller committees depending on events/efforts in order to engage the community. Members of the Burland Community, advisers, and those with extensive experience with non-profit and volunteer organizations have noted that this helps those willing to commit time to our cause and can do so in manageable ways. This is a work in progress.
- Based on the previous bylaws, all directors serve at large and there was no requirement to assign directors to eight different districts.
- No officer is getting paid as we determined this to be a voluntary organization and board with primary objectives of maintaining property values and the quality of life in Burland Ranchettes and the adjacent communities, continuing support of the Burland Firewise Committee, and maintaining Weakland-Fawks Park. Now that the Bylaws committee understands that Firewise is an official committee under the care and oversight of the Board, we will be changing the wording back to specific Firewise language.
- In replacing the previous President, it is taking time to establish the long-standing relationships with the organizations you mentioned that the previous president established over a 4-year term. Non-profits have life cycles and will go through transition phases – we are working hard to bring good changes that are sensitive to the needs of the many new residents in Burland, as well as long-standing residents.
- The full inventory of the park and stored HOA equipment in the unit has been taken. To my knowledge, there hasn't been a thorough inventory of the entire storage unit taken as the list is extensive. This has been completed and will be maintained appropriately moving forward for records and insurance purposes.

- o We greatly thank all members of our community which are willing to provide any donations, any shape or form, to our community for the greater good. As a matter of record keeping, I cannot locate anything in the by-laws that indicate donations are required to be recorded within this domain. Further, as a 501(c)(4), donations to Burland Homeowner's Association can be accepted, but they are not tax deductible to the donor, so we are unsure as to the reason you might have for including them in the inventory? Please do reply with the specific location and language of the by-law that requires this if you believe I have misinterpreted the language.

#### Bylaw Revisions & General Meeting Quorum:

- Regarding the lack of a general member quorum on voting to approve the new bylaws at the September meeting, this was an oversight as we did have a quorum of directors (5). It was not our intent to push bylaw changes through unethically. As soon as this was brought to our attention, we were aware and are working to arrange the best way to vote on the revised bylaws at the upcoming meeting in November; in the meantime, we are still working under the previous bylaws. It should be noted that no one that attended the meeting in person on September 11<sup>th</sup>, including a previous board member, pointed out that there was not a quorum.
- The proposed revisions to the bylaws were distributed at least 10 days in advance, which involved acquiring comments (via email and in person at the September Meeting). We appreciate the comment you provided via email and all comments were read at the public meeting.

#### Weakland-Fawks Park:

- The board did collect the required number of bids on the fencing project, and we are aware the winning bid was a spouse. This is not illegal as we accepted the lowest bid and the best contract for the HOA.
- o We put a significant amount of time and effort into researching the best options for installing a new parking lot at the park for the safety of regular users. The fact that the originally proposed gate size was unacceptable to the fire department is exactly the kind of knowledge that we greatly benefit from previous members & Jack's expertise. This issue has been addressed.
- The park bench has been fixed thanks to a new committed board member, Bill Beggs, and will not pose a threat moving forward. We will discuss replacement options after the winter weather. It should be noted that this bench has been broken for many years previous to the current board, but we are glad it is now taken care of.
- You did address two concerns of vandalism at the park in a separate email communication; someone that had drawn in chalk underneath the pavilion, and someone that allegedly hit a concrete bench with a sledgehammer. To address the first concern: as discussed, it is reasonable to assume chalk art was drawn by a child. Whether or not this is the case, chalk dissipates, and thus I do not feel this is

an act of vandalism. Of course, parents should be more responsible with how they clean up after utilizing the park.

### General Meetings:

- Based on the feedback we have received from members at the September meeting and conversations outside of that, having Zoom as an option for attending general meetings will be utilized moving forward to the best of our ability technology and venues allow. We certainly do NOT want seniors taking safety risks to attend meetings, even if they are on a Saturday. The past year or so has certainly demonstrated the value of zoom for increasing attendance overall for those that may not be able to attend in person.
- If the broader group wishes to continue the original meeting time and frequency (monthly Saturday mornings), we can certainly reinstate this. The goal of less frequent, evening meetings during the week was to encourage members of all ages (including those with families) to attend. I would like to assert that at our September general meeting, we agreed we would be happy to revert to the original scheduling if this posed concern. I would be happy to provide the recording of this meeting to support this good intention, documented as such.

### Community Contacts:

- We understand why residents are contacting you given your extensive involvement and commitment to the community over the years. Undoubtedly, the Burland and broader Bailey community has observed, respects, and appreciates the work you have done. Any knowledge that you or fellow community members possess is invaluable and critical to our success as an impactful HOA. For this reason, I would like to propose we meet on a regular basis, as an open forum and sub-committee, to review historical HOA decisions and events that may provide relevant context to making appropriate current decisions. Unfortunately, life for all of us is limited, and thus we consistently rely upon our predecessors to contribute & inform the best decisions possible with the limited time we have. Please consider my firm assertion that there is no malintent here. Kindly remember that as passionate as your views are, there are always parties as passionate on the opposing side. Our job is to create compromise that best serves the community as a whole.

### ***To address other issues you have presented:***

#### Firewise:

- The board is well aware of Firewise. There is no embarrassment to ask questions whatsoever, as we

have done in recent weeks. We adamantly support all safety actions for our community. If you feel a safety concern has arisen related to Firewise, please provide the specific concern at your earliest convenience so we may rectify this immediately. I myself have volunteered for HOA projects such as Firewise in the past. Unfortunately, this year has presented some health challenges for a number of board members. (I regrettably could not participate in cleanup as I had broken my leg).

#### Christmas donations, food pantry, animal shelter, Boys & Girls Clubs:

- These are social and community initiatives and are fundamentally based upon voluntary contributions - we support such initiatives and community-positive efforts wholeheartedly. We have a full list of organizations the BHOA has supported in the past and plan to continue support where feasible.

#### Surveillance tapes:

- I agree with you Carrie, it is less than ideal that our surveillance for the park is limited to only certain individuals to access. We are working on an alternative to the current surveillance approach so that a number of board members have access to the video footage when needed.

#### Ballot Issue 1A:

- As we discussed at length via phone, we are unable to support political statements, parties, or affiliations. For this very simple reason, we were not able to provide an address list of HOA members for the purpose of disseminating political views. Per the by-laws we do not use the HOA to push political agendas and felt this could be a violation. Reference Bylaws: ["No part of the activities of the Association may be for political purposes, except by approval of the board." [p1, By-laws of the Burland HOA, Inc., 2019], more recently followed by board reinforcement ["No funds of the association may be for political purposes." [p1, By-laws of the Burland HOA, Inc., 2021.] Further, we consider the furnishing of a member list to outside organizations a violation of our members' privacy, which we take seriously. As a kind reminder, releasing the email list of HOA members to the broader community for political messaging could be reasonably associated with an intended political action. The issue is not reimbursement for the cost - as you have suggested - but rather undue political influence on the community which is in direct violation of our commitment to the community as an HOA. Furthermore, I do not believe your suggestion to pursue this under minimal legal risk trumps the cost of ethical conduct in this regard.

No current board member plans a departure in the timeframe you've mentioned to ensure all duties and HOA history are appropriately transitioned. Of course, there is always concern when such incredibly knowledgeable and valued members of the community and Firewise

programs depart. As stated above, the HOA is fully aware of Firewise, the address markers program, our evacuation project & insurance to the tower leases, etc. I would be more than happy to meet individually or as a broader group to understand any elements you feel we have failed to capture. We will always evaluate best options for back fills when the time comes.

Our goal is to evaluate the successes of the HOA over the years and improve on those moving forward. I firmly believe this review is essential to our success. It seems to me this perspective is quite similar to your assertion that we must learn from those with knowledge of the HOA history, so I am encouraged by this mutual goal and effort.

I look forward to working together in further capacity. With knowledge sharing, and the mutual assumption of good intention, I firmly believe we can all reach a diplomatic partnership.

Sincerely,

Stuart Rhodes

**Burland Homeowner's Association**

On Sun, Oct 24, 2021 at 7:35 PM carriemarsh [carriem.com](mailto:carriem.com)

<[carriemarsh@carriem.com](mailto:carriemarsh@carriem.com)> **From:** carriemarsh [carriem.com](mailto:carriem.com)

**To:** Stuart Rhodes; Bill Beggs; david.vazquez; Timothy Peterson; Jack Roberts; Burland HOA <[burlandhoa@yahoo.com](mailto:burlandhoa@yahoo.com)>; Beth Burland; baileydstephen>

**Cc:** david sitko; Debe Whitford; Pat White; ; Keith Doubleday; CHARLOTTE WYTIAS; Thomas Ingwalson ; jimglenn; suziglenn; Roxanne Turnbull; Sharon Tush; Ed Hayslett>

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Smaller board is OK with an explanation. What districts are you combining for representation?

I would also suggest that the Secretary and Treasurer be the only officers to get paid. The former President was paid because he was liaison with other non-profits and the schools, stored HOA equipment (like the riding lawn mower) in his garage, maintained our storage unit, etc. I have not seen any actions by the current president that indicates that level of time and responsibility.

I am also wondering, had not a former board member been in attendance to call out the board on not having a quorum (and voted anyway), whether you would have made that information public. If so, why take a vote you know was not legal? I'm sure you can see how unethical this appears to be.

One resident, who, evidently, made a bid on the parking lot fence, etc. and was not chosen, is asking to see submitted bids, believing he gave the board an "at cost bid" and expected to



do the work. What would you like me to tell them? (I did suggest he send a copy of the by-laws to his attorney to see if it is required for this info to be released, if requested. I do not know if he will follow up on that.) I now DO know who is doing the work, after the request. I am questioning the award to a board member's spouse, a business in which the board member is involved. Considering that this is a very questionable situation, it would behoove the board to be open regarding the other bids submitted.

I am assuming that the evening meetings will be available to members via Zoom, both from a safety standpoint, the fact that many of our seniors do not drive at night, and commuters may not be back up here in time to get home, eat dinner and go out to the meeting. With going off of Daylight Savings Time prior to the next meeting, it will be dark at 5:00 p.m. If you want higher attendance, make it available to members by any reasonable means. Zoom is still a necessity. Our Firewise meetings as an example, can be attended in person or via Zoom, and that is a committee only.

If you are moving annual meeting to January, I assume that, should the annual meeting be changed, that January will constitute the end of the first year on any board member's tenure. You need to clarify that.

You ask why residents are contacting me. It is because my email and phone number are widely known in the area. I have been here over 30 years, was a successful and respected business owner, am a former president of the Platte Canyon Chamber of Commerce, head of Bailey Day Committee, a G.R.A.C.I.E. Award winner, headed many projects (like Red, White and Bailey) and am an active member of several organizations in our community, including Seniors Alliance, a life member of the VFW and Platte Canyon Historical Society, to name a few. People know that, though they may not like what I tell them, that I will NEVER lie to them and am up-front in all my actions. I retired over five years ago and still hear from former clients, on an almost weekly basis, asking for guidance and information. The new board has not yet earned that trust.

Please respond in writing for documentation.

By the way, it was interesting to see the right-wing organization with a table set up at the Welcome to Burland sign promoting their right-wing agenda with the recall petitions. That was SO much more visible than stamps on envelopes...

Carrie Marsh