



**POLICIES and PROCEDURES  
MANUAL**

*for the*

**Blackhawk Ranch POA Board of Directors**

# Introduction

Intro  
4/01/06

Rev-A  
5/28/2009

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## **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).

The mission statement shall act as a litmus test for assessing priorities for all Board activities and decisions. Activities and decisions can fall outside the purview of the mission statement, but may be assigned a low priority.

## **INTENT OF THE POLICY AND PROCEDURE MANUAL**

The intent of the Board of Directors Policy and Procedure Manual (Manual) is to help create consistency and repeatability in the performance of general POA business. To this end, the process for conducting recurring business shall be documented in this manual and shall be referred to in the conduct of that business. This Manual is also intended to satisfy the requirements of State Bill 05-100 (Common Interest Ownership Act – Title 38); keeping property owners more informed of Board activities.

The Policy and Procedure Manual is intended to be a living document. Writing a Policy or a Procedure merely defines a point of departure from which improvements can be made. This Manual is not a collection of well meaning words, but is intended to be an accurate reflection of the way the Board conducts the routine business of the POA. When a general policy, or a specific process, for which business is conducted changes, for any reason, it is intended that the affected policy or procedure shall be modified to reflect the change as soon as practical.

## **MANUAL REVIEW**

As a living document, the Policy and Procedure Manual shall be reviewed, at a minimum, each year as new Board members are elected to the board. During the course of the year each policy or procedure shall be reviewed, as used, for continued applicability. At any time that the need for change is identified, the change shall be documented as soon as practical. Changes to the Manual require the majority consent of the Board members.

The Manual shall be posted on the website and therefore may draw interest, concerns, comments, or suggested changes from the members of the POA. The Board shall review all POA member input for validity and applicability and acknowledge findings to the members. Member input approved by the Board, shall be documented in the appropriate policy or procedure as soon as practical.

## **MANUAL CHANGE PROCESS**

Approved changes shall be incorporated into the master Manual by a combination of change pages and revisions. Each change shall be marked with the appropriate change identification. The Manual posted on the website shall be changed, with the same change identification, as soon as practical after the incorporation of a change in the master Manual.

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**Change Pages:** Change pages are used when typographical corrections or small changes are made that are not massive enough to warrant changing the entire policy or procedure. Those areas changed shall be identified by double strikethrough of deletions and color italic for additions. **Upon implementation of a succeeding change to the same policy or procedure the format changes shall be removed.** The first Change to a Policy or a Procedure shall be identified as Change 1, with each page affected by the Change identified with Ch-1 in the top right-hand corner of the affected page. The second approved Change to the same Policy or Procedure shall be identified as Ch-2, with each page affected by the Change identified as Ch-2, etc. Change pages shall replace Original or previously changed pages and the List of Effective pages shall accurately indicate the change level of each page of the Manual. Once a Policy or Procedure has had five changes incorporated, a Revision is required for the next change. The Revision will incorporate all previous changes and be numbered consecutively beginning with Revision A.

**Revisions:** Revisions are to be used for major changes, or the incorporation of five Changes with a sixth Change. Revisions will replace all pages of a Policy or Procedure and will be identified with the Revision letter in the top right-hand corner of the page, e.g. Rev. A. The List of Effective pages shall reflect the revision level of all pages.

**Residue:** Superseded Changes or Revisions shall be maintained for three years. The actual residue, in paper form, may be maintained or the complete superseded iteration maintained in electronic form.

## MANUAL ORGANIZATION

**Sections:** The Manual is organized into sections dedicated to a grouping of common activities. Each section contains a policy statement(s) that embodies the Board's position on that group of activities and as many procedures as needed to adequately document the processes involved in fulfilling the intent of the associated policy statement.

Sections are numbered sequentially, starting with the number 1 followed by two zeros. For example, the first Section is numbered 100, the second Section numbered 200, the tenth Section numbered 1000, and so on.

**Procedures:** Each section addresses at least one activity, and more likely several activities, required to satisfy the policy statement for that section. The process that the Board follows in the performance of these activities is called a procedure. The procedures are identified by a whole number, corresponding to the associated section number, followed by a sequential decimal number. The first procedure in section 100, for example, is numbered 1.1, the second procedure numbered 1.2, etc. Actions within each procedure are numbered in a decimal hierarchy down from the procedure number. If there are five actions required to perform procedure 1.1 they would be numbered 1.1.1, 1.1.2, 1.1.3, 1.1.4, and 1.1.5. If action 1.1.2 requires three actions to be performed, related only to action 1.1.2, they would be numbered 1.1.2.1, 1.1.2.2, and 1.1.2.3.

**Steps:** If action 1.1.2.1, in the above example, needed to identify a number of steps to be conducted, they would be numbered alphabetically in lower case, e.g., a., b., etc. Further breakdown of steps would become alphanumeric, e.g., a1, a2, etc. Use your imagination from there.

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## PAGE IDENTIFICATION

**Headers:** At the top of every page, the section number and title is typed with initial caps and is displayed in bold type. Under the section identification, on the left-hand side of the page, the policy or procedure number is displayed, with the original approval date underneath. On the right-hand side of the page, the change identification is displayed, with the change date underneath.

**Footer:** The page number is located at the bottom middle of the page. The page number is preceded by the policy number or procedure number and a dash. Under the page number and left justified is the copyright statement.

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### **ADMINISTRATIVE POLICY**

All administrative duties of the Blackhawk Ranch POA Board of Directors shall be carried out in a professional and timely manner. All official documents and business documentation shall be retained with all updates incorporated into master documents. All financial transactions shall be documented and filed in a manner that will facilitate an audit or review. Board activities shall also be documented and posted on the website for access by the POA members. Minutes shall be recorded at all general, special and annual meetings and posted on the website for access by the POA members. Every reasonable effort shall be made by the Board to keep the POA members informed of the activities of the Board and the activities on the Ranch, and to heighten the POA members' understanding and awareness of their rights and responsibilities.

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## ADMINISTRATIVE PROCEDURES

### 1.1 DOCUMENTS

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board.

**Purpose:** The purpose of this procedure is to ensure that all business documents for the Blackhawk Ranch POA are properly handled and disseminated, and that there is adequate accessibility by the members of the POA.

#### 1.1.1 Articles of Incorporation

**Approved Copy:** The approved copy of the Articles of Incorporation was executed on 1 March, 1996 and recorded 03/27/96.

**Proper Storage:** The master copy of the Articles of Incorporation shall be filed in the Blackhawk Ranch Corporate Records Notebook at the Property Management Company. A copy of the Articles of Incorporation shall also be posted on the Blackhawk Ranch website.

**Change Requirements:** The Articles of Incorporation is a perpetual document in the state of Colorado. To make changes to that document requires Legal council.

**Availability:** The Articles of Incorporation shall be made available to all members of the POA. The Articles of Incorporation shall also be posted on the website for review and downloading. The Property Management Company shall provide copies, upon request, to any POA member for a nominal copying fee.

#### 1.1.2 Declaration of Protective Covenants

**Approved Copy:** The Declaration of Protective Covenants has been recorded in both Huerfano and Las Animas Counties. The approved copy of the Declaration of Protective Covenants for Huerfano County was recorded on 03/28/96 & 11/04/96 (amendments). A corrected copy was recorded in December 2008. The approved copy of the Declaration of Protective Covenants for Las Animas County was recorded on 03/28/96 & 11/04/96 (amendments). A corrected copy was recorded in December 2008.

**Proper Storage:** Both approved copies of the Declaration of Protective Covenants shall be filed in the Blackhawk Ranch Corporate Records Notebook at the Property Management Company. Additionally, an exact copy of an approved Declaration of Protective Covenants shall be posted on the Blackhawk Ranch website.

**Change Requirements:** The Declaration of Protective Covenants can be changed, in whole or part, by an instrument signed in the affirmative by no less than two-thirds majority of the land owners of the parcels.

**Availability:** The Declaration of Protective Covenants shall be made available to all members of the POA. The Declaration of Protective Covenants shall also be posted on the website for

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review and downloading. The Property Management Company shall provide copies, upon request, to any POA member for a nominal copying fee.

### 1.1.3 By-Laws

**Approved Copy:** The By-Laws have been recorded in both Huerfano and Las Animas Counties. The approved & latest amended copy of the By-Laws for Huerfano County was recorded on 02/01/2005. A revised version was recorded in December 2008. The approved & latest amended copy of the By-Laws for Las Animas County was recorded on 01/31/2005. A corrected version was recorded in December 2008.

**Proper Storage:** Both approved copies of the By-Laws shall be filed in the Blackhawk Ranch Corporate Records Notebook at the Property Management Company. Additionally, an exact copy of the approved By-Laws shall be posted on the Blackhawk Ranch website.

**Change Requirements:** The By-Laws may be altered, amended, or repealed and new By-Laws may be adopted by the Board at any regular or special meeting of the Board, subject to the rights of members to repeal or amend By-Laws as provided by law.

**Availability:** The By-Laws shall be made available to all members of the POA. The By-Laws shall also be posted on the website for review and downloading. The Property Management Company shall provide copies, upon request, to any POA member for a nominal copying fee.

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## 1.2 RECORDS

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board.

**Purpose:** The purpose of this procedure is to ensure that all business records for the Blackhawk Ranch POA are properly handled and disseminated, and that there is adequate accessibility by the members of the POA.

### 1.2.1 Meeting Minutes

Minutes shall be recorded at all general, special, and annual meetings. The minutes shall record all action items taken by or assigned to any member, committee reports, and a record of all waivers of notice. These minutes shall be reviewed by the Board of Directors for approval. Approved meeting minutes shall be filed at the Property Management Company and posted on the Blackhawk Ranch website.

### 1.2.2 Member List

A list of all property owners shall be maintained at the Property Management Company. The member list shall include the following information for each parcel: Parcel Number; Owner's name, address, phone number, e-mail address; Billing name and address; . The member list shall be kept current as feasibly possible.

The member list shall be treated with confidentiality. A copy of the list may not be provided to any non-member of the POA without the approval of the Board. The member list shall not be used for any solicitations not directly related to the general business of the POA.

### 1.2.3 Financial Records

All financial activity for the Blackhawk Ranch shall be recorded according to standard accounting practices and in sufficient detail as to satisfy the scrutiny of an audit or review. The financial records shall be filed in a chronological sequence and in an order that easily produces a paper trail from the beginning of the financial activity to the end of the activity. All financial records shall be maintained at the Property Management Company and monthly financial statements shall be posted on the website. . The Property Management Company shall provide copies, upon request, to any POA member for a nominal copying fee.

### 1.2.4 Legal Records

A record of property owners shall be maintained listing the property owner's name, number of entitled votes, designated proxies for each vote. , and member in good standing status. Other legal documents, such as, but not limited to, property liens and judgments shall be filed under the property owner's name and parcel number.

Although not necessarily considered a legal document, all written communications (including e-mail and FAX) from the Board to individual property owners and from property owners to the

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Board shall be filed in separate property owner identified files. All property owner / Board letters shall be maintained.

### **1.2.5 Contracts / Agreements**

Contracts and/or Agreements entered into legally by the Board of Directors or its agent shall be maintained at the Property Management Company. Members may review all contracts and/or agreements upon request. Copies of contracts containing proprietary cost of business information shall not be provided to any member without specific authorization from the Board of Directors. No contract information, other than the contract award recipient, shall be provided to non property members.

### **1.2.6 Access and Availability of Records**

All records that are not posted on the website shall be made reasonably available for examination to the members of the POA. Reasonably Available means available during normal business hours, upon notice of five business days; the request describing with reasonable particularity the records sought; the request is for a proper purpose; and the records are relevant to that purpose. Members requesting copies of records will be charged a copying fee, identical to the copying fee charged to the association.



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## 1.3 NOTICES

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board.

**Purpose:** The purpose of this procedure is to ensure that members of the POA are adequately notified of all business meetings, and receive proper notification of proposed changes to the Declaration of Protective Covenants.

### 1.3.1 Meetings

**Board Meetings:** Notice of the time, date, and location of the next Board meeting shall be included in the most recent meeting minutes. Meetings shall be scheduled and conducted in a manner that is conducive to non-resident board member participation.

The minutes shall be approved by the Board and posted on the website within two weeks after each meeting. If a Board member does not respond within the two week period, their approval will be assumed.

**Special Meetings:** Notice for a Special meeting shall be a special mailing to each property owner at least fifteen days prior to the date of the meeting. Included in the notice will be the purpose of the meeting and the time, date, and location.

**Annual Meetings:** Notice of the Annual Meeting shall be announced in the newsletter at least two months prior to the meeting. This announcement will include the time, date, and location. Members who would like to speak at the Annual Meeting will be invited to contact the Property Management Company prior to 45 days before the meeting. Thirty days before the Annual meeting, a meeting package will be mailed to all property owners. The meeting package will contain the meeting agenda, the financial report, a list of Board member candidates/ballot, a blank proxy, and any other pertinent information pertaining to the meeting.

### 1.3.2 Unit Sale Disclosures-

When a Blackhawk Ranch property owner sells a Blackhawk Ranch parcel, the property owner (seller) must disclose to the buyer, on or before the title deadline, copies of the following documents: Articles of Incorporation, Declaration of Protective Covenants, By-Laws, most recent Annual Meeting Minutes, last six months of Board Meeting Minutes, POA Operating Budget, and current Profit and Loss Statement as listed in the most recent available version of the contract to buy and sell real estate promulgated by the Real Estate Commission as of the date of the contract. These documents are available from the website, but the seller may call upon the Property Management Company for help in obtaining the documents. The seller is encouraged to read Senate Bill 05-100 section 38-33.3-317 and Senate Bill 06-089 section 38-35.7-102 for precise wording of seller responsibilities. The Board's responsibility is simply to provide, or make accessible, the requested documents to the seller. A copy of Senate Bills 05-100 and 06-089 are is maintained at the Property Management Company and can be reviewed at the Property Management Company office. These are Colorado State documents and can be downloaded from the internet.

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Senate Bill 06-089 specifically places the responsibility on the seller for providing the following disclosure to the buyer. The disclosure statement must be in bold-face type in substantially the following form:

**THE PROPERTY IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION FOR SUCH COMMUNITY. THE OWNER OF THE PROPERTY WILL BE REQUIRED TO BE A MEMBER OF THE OWNER'S ASSOCIATION FOR THE COMMUNITY AND WILL BE SUBJECT TO THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION. THE DECLARATION, BYLAWS, AND RULES AND REGULATIONS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE PROPERTY, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS OF THE ASSOCIATION. IF THE OWNER DOES NOT PAY THESE ASSESSMENTS, THE ASSOCIATION COULD PLACE A LIEN ON THE PROPERTY AND POSSIBLY SELL IT TO PAY THE DEBT. THE DECLARATION, BYLAWS, AND RULES AND REGULATIONS OF THE COMMUNITY MAY PROHIBIT THE OWNER FROM MAKING CHANGES TO THE PROPERTY WITHOUT AN ARCHITECTURAL REVIEW BY THE ASSOCIATION (OR A COMMITTEE OF THE ASSOCIATION) AND THE APPROVAL OF THE ASSOCIATION. PURCHASERS OF PROPERTY WITHIN THE COMMON INTEREST COMMUNITY SHOULD INVESTIGATE THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION. PURCHASERS SHOULD CAREFULLY READ THE DECLARATION FOR THE COMMUNITY AND THE BYLAWS AND RULES AND REGULATIONS FOR THE ASSOCIATION.**

In the event that the seller fails to provide the disclosure to the buyer, the buyer can claim relief against the seller for actual damages directly and proximately caused by such failure, plus court costs.

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## **1.3.3 Amendment of Declarations (Covenants)**

A written notice of any proposed amendment to the Declaration of Protective Covenants, along with the copy of the proposed amendment and a ballot, shall be mailed to each POA member with instructions for completing and returning the ballot. A voting deadline shall also be included.

Reference CCIOA Section 38-33.3-217: Amendment of Declaration subparagraph B I

## **1.3.4 Annual Disclosures**

In December of every year, in conjunction with the mailing of, or a part of, the annual dues notice, the current contact information for the management office for the POA 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, list of all insurance policies, and a list of all applicable assessments;
- Minutes of all meetings held during the year; and
- Copies of the Articles of Incorporation, Protective Covenants, By-Laws, and Policies & Procedures.

The notice will also provide instructions for accessing the website and an offer to send hard copies of any of the above listed items if they do not have access to the Internet.

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## 1.4 RANCH POLICIES

**Scope:** The following procedures shall be followed by the Board and observed by all members of the POA.

**Purpose:** The purpose of this procedure is to ensure that the Board is aware of rights provided by the State to members of the POA in the management of their property and their patriotic and political expression.

### 1.4.1 Water Conservation & Drought Mitigation

Although all water on the Ranch is either well water or water trucked in, water is still a major concern in Colorado. Therefore, water conservation and drought mitigation programs, such as xeriscape and drought-tolerant vegetation that do not increase the potential for fire, are acceptable practices on the Blackhawk Ranch. All such programs, within the laws of the state of Colorado may be executed by the property owner without permission by the Board.

### 1.4.2 Fire Mitigation

Fire is an ongoing threat that cannot be prevented. If a range fire sweeps through the Blackhawk Ranch, personal safety can be improved and property damage reduced by property owners creating a defensible area around their dwellings, refer to Section 7.2.3. Property owners are encouraged to remove trees, shrubs, and vegetation, in compliance with a defensible area plan authorized by their Fire Protection District. Permission does not need to be obtained from the Board for such activity, but the Board should be informed.

### 1.4.3 Patriotic and Political Expression

The display of political signs, such as political office or ballot issues, and flags, such as the American flag, military service flags, or religious flags, on a property owner's property are at the discretion of the property owner. Political signs must comply with county regulations for size and quantity. Flags should be displayed in a manner consistent with the Federal Flag Code. No political signs or flags, however, shall be displayed on common areas. This includes road and utility easements. No flags, signs, poster, etc., shall be attached to any power pole. Any attachments or remnants of attachments could be hazardous to linemen ascending or descending the poles. The power poles are the property of San Isabel.

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## 1.5 INSURANCE

**Scope:** The following procedure shall be followed by the Board and any agent acting for the Board.

**Purpose:** The purpose of this procedure is to define the conditions of liability faced by the POA and set standards for insurance coverage to be retained by the POA.

### 1.5.1 Definitions

**Fiduciary Duty** - Through the very nature of the officer's or director's (the Board) relations to the association, which are created by law and provide not only an opportunity, but an obligation in most cases to exercise a controlling influence over the rights, interests, and property of others, he or she is in a position of trust and confidence in respect to the other association members. As a consequence the individuals who serve on the Board are held to a high standard of conduct, the breach of which may well subject each of them or all of them to individual liability, notwithstanding the fact that each acts on behalf of the association. This high standard of conduct is the duty of the fiduciary. Directors and officers of a property owners association owe a duty of good faith to the property owners, and they must also act reasonably in all actions affecting property owners as part and parcel of their fiduciary duty.

**Liability of the Board for Breach of Fiduciary Duty** - Where the Board fails to act "reasonably" with regard to property owners. The directors of a property owners association must act reasonably toward property owners and with due regard to the language of the declaration and by-laws governing the association. They must not act in an arbitrary and capricious manner.

**Liability of the Board as to Financial Matters** – The Board of Directors owe a fiduciary duty to property owners with regard to the financial health and integrity of the association. As to financial matters, the fiduciary duty consists of the duty to use ordinary care and prudence in handling the financial affairs of the association. An association's income cannot be used for purposes unrelated to the community welfare or to provide services in a discriminatory fashion.

**Liability for Personal Injury** - Normally, the Association has the duty and responsibility to keep common areas in a state of repair and maintenance. The Association is, for all intents and purposes, the owner of the common areas. This ownership can give rise to premises liability if one is injured or killed as a result of the condition of the common areas. When the Association fails to take adequate care of the common areas and a person lawfully on or about the common area is injured, the Association is open to lawsuits.

**Liability of the Association for Property Damage** - Legal actions can be brought against the Association for property damages arising from the assertion that the Association failed to maintain and repair the common areas properly, causing damage to private units.

**The Board can be sued for failing to keep Common Areas in a State of Repair** - If the Board fails to keep the common areas in a state of repair, subject to adequate funding provided by the property owners, property owners can bring suit for specific performance in an attempt to secure a judicial decree ordering the Association to make necessary repairs.

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**Liability of Individual Association Directors and Officers** - POA directors and officers have a fiduciary responsibility to exercise ordinary care in performing their duties. Aggrieved unit owners may name them individually as defendants in lawsuits. If evidence of bad faith or improper motive demonstrates that the board member breached a fiduciary duty owed to the plaintiff, then individual board members could be liable.

### 1.5.2 Policy Coverage and Limits

Insurance policies for the POA should include general liability and property damage coverage, as well as Directors and Officers liability coverage or endorsement. Coverage limits should be what is considered customary at the time according to industry standards and appropriate for the exposure to the association and its holdings. (Also consult with current insurance agent/carrier)

### 1.5.3 Claim Procedures

Claim procedures will vary from policy to policy. For the proper claim procedure, if a claim is submitted, consult with current insurance agent/carrier. By law, however, a property owner may file a claim against the POA policy to the same extent, and with the same effect, as if the property owner were a named insured, if the following conditions are met:

1. The property owner has contacted the Board in writing regarding the subject matter of the claim;
2. The property owner has given the Board at least fifteen days to respond in writing, and, if so requested, has given the association's agent a reasonable opportunity to inspect the damage; and
3. The subject matter of the claim falls within the association's insurance responsibilities.

By law, the insurer, when determining premiums to be charged to the association, shall not take into account any request by a property owner for a clarification of coverage.

### 1.5.4 Accessibility

The members of the POA shall be made aware of the insurance policy held by the association. The policy shall be identified on the website along with the policy number and agent/carrier.

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### 1.6 PUBLIC DISCLOSURES

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board.

**Purpose:** The purpose of this procedure is to ensure that members of the POA are aware of the location of the association's business office and how to access the association's business documents and records.

The Board shall provide a written notice to every property owner at least once a year containing the following information:

- The name, address, and phone number of the management office utilized by the Board.
- Instructions for obtaining pertinent POA information located on the Blackhawk Web Page. Pertinent information shall include, but not be limited to, Articles of Incorporation, Declaration of Protective Covenants, Association By-Laws, Annual Budget, Current Assessments, Financial Statement, Insurance Policy issuer, and regular Board meeting minutes.

This notice shall be mailed to every member each year with the annual dues notice. If changes occur during the year, an amended notice will be mailed to every property owner within 90 days after the change.

All documentation provided on the website is also maintained at the management office and is available for review by the members of the POA..

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## 1.7 DISPUTE RESOLUTION

**Scope:** The following procedures are primarily for those members of the POA involved in a dispute with the members of the Board of Directors. This procedure, however, applies to all members of the POA.

**Purpose:** The purpose of this procedure is to set forth a mechanism for resolving differences between members of the POA.

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.

### 1.7.1 General Policy

In the event of any dispute between the Association 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 Association and property owner(s) involved in the dispute shall work to resolve the dispute 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.

### 1.7.2 Procedures for Resolving Disputes

**1.7.2.1 Request for Resolution** The Association or any Owner wishing to resolve a dispute (“Initiating Party”) will provide each other Party to the dispute with a written request (“Request for Resolution”) 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.

#### 1.7.2.2 Negotiation

The parties are encouraged to make reasonable efforts to communicate directly with each other in an attempt to reach an agreement that serves the interests of all parties prior to initiating any other dispute resolution procedures.

#### 1.7.2.3 Mediation

- Beginning the process. Unless otherwise agreed, 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 begin efforts to schedule a mediation session with a trained, neutral mediator to assist them in



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reaching their own solution. The mediator will facilitate the process but will not make decisions for the parties. The parties shall meet with the mediator within 60 days of the date of receipt of the "Request for Resolution".

- Selecting a mediator. Unless otherwise agreed, the parties shall select a mutually acceptable mediator within thirty (30) business days of the date of receipt of the "Request for Resolution". Each party will provide the other(s) with the name of at least one acceptable mediator. If the parties cannot reach agreement on who to select as a mediator, the services of \_\_\_\_\_ will be utilized. The parties will work with the mediator to establish the date for the mediation meeting. The cost of mediation will be shared equally among the parties unless they agree otherwise.
- Documentation of mediation. The mediator shall provide the parties (and the Association if the Association is not a party) with documentation noting who attended and that the mediation occurred.

### 1.7.2.4 Arbitration

- Beginning the process. If the parties do not resolve the dispute through mediation, any party may begin efforts to schedule a 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 agree to accept the decision of the arbitrator as final and binding on them to the fullest extent permitted under the laws of Colorado. Judgment may be enforced in any court having jurisdiction.
- Selecting an arbitrator. The parties shall mutually agree on an arbitrator. The cost of arbitration will be shared equally among the parties unless they agree otherwise. Unless otherwise agreed, the parties shall select a mutually acceptable arbitrator within thirty (30) business days of the completion of mediation. Each party will provide the other(s) with the name of at least one acceptable arbitrator. If the parties cannot reach agreement on who to select as arbitrator, the services of \_\_\_\_\_ will be utilized. The parties will work with the arbitrator to establish the date(s) for arbitration. The arbitrator shall have authority to require 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.
- Arbitration Award. The Arbitrator shall provide the parties (and the Association if the Association is not a party) with an award including findings of fact and conclusions.

### 1.7.3 Failure to comply with Agreement or Award

If the parties resolve any dispute through mediation, or arbitration, and a party or parties fails to abide by the terms of the agreement or award, the other party may initiate legal proceedings to enforce the agreement or award without need to comply with the provisions of this Policy. Additionally, the party taking action to enforce the agreement or award shall, if that party prevails, be entitled to recover from the non-complying party all costs incurred in enforcing the agreement or award, including without limitation, attorney fees and costs.

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### **1.7.4 Amendment**

This policy may be amended from time to time by the Board of Directors.

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### **MEETING POLICY**

The Blackhawk Ranch Property Owners Association Board of Directors shall use meetings as the primary process of conducting routine business for the association. Meetings shall be open to all members of the POA and minutes shall be recorded for each meeting. The Board shall also host annual meetings to inform members of ongoing POA business and to provide a means for member discussions.

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## MEETING PROCEDURES

### 2.1 ANNUAL MEETINGS

**Scope:** Annual meetings are hosted by the Board and meeting announcements are sent to each member of the POA. Annual meetings encompass business activities covering the one year period since the last annual meeting.

**Purpose:** To provide an annual business update to the members of the POA, elect new directors to the Board, and provide an opportunity for member input into the business activities of the Board.

#### 2.1.1 Date and Location

Typically, Annual Meetings shall be held in June, on a Saturday, beginning at 10:00 am. The Board, however, may decide on a different date and time to accommodate unforeseen circumstances.

The location shall be physically convenient to the Ranch and be able to accommodate membership attendance. The choice of the location shall also consider prevailing weather conditions in Colorado so that the members will not be subjected to undue physical hardships.

#### 2.1.2 Agenda

The annual meeting will be conducted in accordance with an agenda distributed to the members of the POA at least 30 days prior to the meeting. Board presentations will constitute the majority of the meeting time, but member input is encouraged. When the annual meeting is first announced, a call for member input will be made. All member presentations must be scheduled on the agenda to ensure time is allotted. The Board may place a time limit on the member input and the number of members provided an opportunity to present. The members may select, in writing, a representative speaker to present for all members. Only agenda items shall be given meeting time unless time permits a departure from the published agenda.

#### 2.1.3 Voting and Proxies

Votes for members of the Board shall be by secret ballot. Upon the request of any member, any other vote may be by secret ballot. Secret ballot votes shall be written on Blackhawk Ranch pre printed ballot forms and shall be counted by a third party. The results of a secret ballot vote shall be reported without reference to name, address, or any other identifying information.

Any member of the POA may vote by proxy. A proxy terminates eleven months after its date, unless it provides otherwise. A proxy shall not be valid if obtained through fraud or misrepresentation and is void if it is not dated or purports to be revocable without notice.

The Board is entitled to reject a written ballot or proxy if the person authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the unit owner. The Board or agent acting for the Board, who accepts or rejects a written ballot or proxy, is not liable in damages for the

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consequences of the acceptance or rejection. Any action of the association based on the acceptance or rejection of a vote, written ballot, or proxy is valid unless a court of competent jurisdiction determines otherwise.

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## 2.2 SPECIAL MEETINGS

**Scope:** Special meetings are non-scheduled meetings for all members of the POA called by members of the Board or members of the POA through the president of the Board. Special meetings may be called for any purpose dealing with the POA.

**Purpose:** To provide a means to address business or activity issues within the POA not conducive to an annual or regular business meeting.

### 2.2.1 The Call For a Special Meeting

A special meeting of the members of the POA may be called for by the President of the Board or any two members of the Board, or by the President of the Board at the request of not less than twenty percent of the members of the POA. A special meeting may be called for any purpose or purposes relating to the Blackhawk Ranch.

A member in good standing of the POA who wishes to call a special meeting, other than a Board member, must solicit the POA membership for at least 36 additional votes of members in good standing, for a special meeting. Each of the 37 collaborating votes must contact the business office with a request for the special meeting and the purpose of the meeting. The president of the Board shall then send out a call for a special meeting to all members of the POA, not less than 10 days and not more than fifty days in advance of the meeting. A notice of the Special meeting shall be posted on the bulletin board at the entrance to the Ranch and on the website. The notice shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or by-laws, any budget changes, and any proposal to remove an officer or member of the Board.

### 2.2.2 Date and Location

Special Meetings called by the Board shall be held at a date, time and location determined by the Board. Special meetings called by members of the POA shall be held at a date, time and location determined by the POA members calling for the special meeting. Special meetings may be held within or without the state of Colorado unless otherwise prescribed by statute.

### 2.2.3 Agenda

The need for an agenda for a special meeting is at the discretion of the president of the Board of Directors. Special meetings are held to discuss a specific topic or issue and therefore do not necessarily need an agenda. If there are scheduled speakers or more than one topic or issue to discuss, an agenda may provide some order to the meeting that otherwise may not be achieved.

### 2.2.4 Voting and Proxies

Votes to remove or replace a member of the Board shall be by secret ballot. Upon the request of any member, any other vote may be by secret ballot. Secret ballot votes shall be written on Blackhawk Ranch pre printed ballot forms and shall be counted by a third party. The results of a secret ballot vote shall be reported without reference to name, address, or any other identifying information.

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Any member of the POA may vote by proxy. A proxy terminates eleven months after its date, unless it provides otherwise. A proxy shall not be valid if obtained through fraud or misrepresentation and is void if it is not dated or purports to be revocable without notice.

The Board is entitled to reject a written ballot or proxy if the person authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the unit owner. The Board or agent acting for the Board, who accepts or rejects a written ballot or proxy, are not liable in damages for the consequences of the acceptance or rejection. Any action of the association based on the acceptance or rejection of a vote, written ballot, or proxy is valid unless a court of competent jurisdiction determines otherwise.

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## 2.3 BOARD MEETINGS

**Scope:** Board meetings are scheduled meetings by the Board of Directors for the conduct of regular POA business. Members of the POA may attend the Board meetings, but may partake in discussions only if previously agreed to by the Board.

**Purpose:** To provide a means for the Board of Directors to attend to routine POA business in a forum that allows POA members to witness the activities of the Board.

### 2.3.1 Date and Location

Board meetings shall be 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 within 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 that want to speak on a specific subject at a Board meeting must contact the management office at least five days prior to the next meeting to ensure time is allocated. Late notifications will be entertained, but may have to be scheduled for a later meeting.

### 2.3.3 Quorum

A quorum for convening a Board meeting shall be a majority of the Board members. A quorum for voting shall be a majority of Board members present. All items voted by the majority of the Board shall represent unanimous assent unless dissenting votes are requested to be so recorded in the minutes.

### 2.3.4 Non-Board Member Attendees

POA members are welcome to attend Board meetings, but may not be given the opportunity to partake in the board discussions. Prior to the meeting, the Board may agree to allow members to speak or not. The Board may also decide to limit the number of people who can speak on one topic and for how long. These decisions will be announced at the beginning of the meeting to attending guests.

During Board discussions on issues which the Board feels are of a sensitive nature, the Board can exclude the guests from the discussions. The Board will make every effort to schedule these issues for the end of the meeting so that guests can be asked to leave without inconveniencing the guests. If sensitive discussions arise during the normal course of the meeting, the Board can ask the guests to leave the meeting with or without the possibility of returning for the remainder of the meeting.



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### **2.3.5 Voting and Proxies**

Voting at a Board meeting will usually be by show of hands, or ayes and nays. Any member of the Board, however, may request a secret ballot vote. Secret ballots shall be by any means that does not disclose the identities of the voters. Secret ballot votes shall be tabulated by the acting secretary.

Any member of the Board may vote by proxy. A duly signed and dated proxy must be presented to the Board on or before the Board meeting is convened. A proxy must state whether it is valid for the entire meeting or for a specified vote(s).

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## 2.4 MEETING STANDARDS

Scope: These standards apply to all meetings.

Purpose: To provide guidelines for the conduct of meetings and to ensure fairness and accuracy.

### 2.4.1 Accepted Votes

Votes will only be accepted from members 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 clearly stated. Votes by proxy will only be accepted if received at or prior to convening the meeting. Telephone votes will only be accepted at Board meetings.

### 2.4.2 Vote Allocation

Each parcel on the Blackhawk 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 possible votes could be less than the total 185 allocated.

### 2.4.3 Secret Ballot

At the discretion of the Board or upon the request of 20% of the owners present at that meeting, if a quorum has been achieved, voting on matters affecting the POA on which all property owners are entitled to vote shall be by secret ballot.

Secret ballots shall be counted by a neutral third party or by a committee of at least three property owner volunteers selected in a fair manner by the person presiding over the meeting. The selected volunteers shall not be Board members nor shall they be Board candidates in the case of a contested election for a Board of Directors position.

The results of a vote by secret ballot shall be reported without reference to the names, addresses, or any other identifying information of the property owner participating in the vote.

### 2.4.4 Head Count

Each parcel on the Blackhawk Ranch is allocated one representative. Multiple owners of one parcel have one collective representation. An owner of multiple parcels has as many representations as parcels owned. There are 185 total representations in the Blackhawk Ranch POA. Since only members in good standing have the right to vote, the number of possible representations could be less than the total 185 allocated. Total and possible representations must also be considered when quorums and majorities are being determined. The physical count must be compared to the possible count, not to the total allocation. For example, if there are two POA members that are not current with their dues, and one owns one parcel and the other owns three parcels, the total possible count is 181. A majority under this scenario would be 91 (181 divided by 2), as apposed to 93 (185 divided by 2) if all members were in good standing.

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### **2.4.4 Quorum**

For annual and special meetings, the majority number of parcels represented by members in good standing, whether in person or by proxy shall constitute a quorum.

### **2.4.5 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.

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### **BOARD MEMBER POLICY**

The members of the Board of Directors for the Blackhawk Ranch Property Owners Association shall be qualified and elected by the members of the POA. Officers of the Board shall be elected and trained by the members of the Board. The Board shall have the authority to remove a member of the Board and fill vacant positions on the Board.

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## BOARD MEMBER PROCEDURES

### 3.1 BOARD MEMBERS

Scope: The following procedures shall be followed by the members of the Board as prescribed by Blackhawk Ranch Property Owners Association By-Laws.

Purpose: The purpose of this procedure is to ensure that the Board of Directors is established in accordance with the requirements of the By-Laws.

#### 3.1.1 Number of Board Members

The number of board members shall be no less than three and no more than ten. At least one member of the Board should reside in the local ~~vacinity~~vicinity. During a typical year on the Ranch, five board members are recommended. Five members can comfortably handle all the activities of doing business for the POA. In the event that a member of the board must resign or cannot serve for an extended period of time, the remaining four members can still function adequately. During periods of high activity, as when the Board was trying to keep the gas companies from drilling on the Blackhawk Ranch, more members are recommended.

#### 3.1.2 Tenure of Board Members

Board members are elected by the members of the POA each year at the Annual POA Meeting. Each member shall serve a two-year term to begin at the October Board Meeting and end at the October Board Meeting two years hence. 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. - To provide continuity from year to year, the rotation of members shall be staggered. A portion, approximately half, of the board members shall be elected in even years and the other half elected in odd years. Each board member shall hold office until a successor has been elected. Before the outgoing member leaves office, the member shall brief the Board on the status of any unfinished business and assigned tasks.

#### 3.1.3 Qualification of Board Members

Any member in good standing, willing to donate personal time and energy to help run the affairs of the Property Owners Association is deemed qualified if the member is a natural person, the legal owner of a parcel on the Ranch, and 18 years of age. Board members can be full-time residents or reside elsewhere. Members that serve on the Board need not be career politicians, professional accountants, seasoned road technicians, legal advisors, or personal servants.

#### 3.1.4 Duties of Board Members

**3.1.4.1 President** The President shall be the principal executive officer of the association. The President shall have the authority for the proper conduct of the Board, but does not have a higher voting power than each member of the Board. In general, the President shall supervise and control all of the business and affairs of the association in accordance with the consensus of the Board. The President may delegate tasks to other Board members or committee personnel as necessary. The President shall preside at all Board meetings, Special meetings, and the Annual

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meetings. The President may sign any deeds, mortgages, bonds, contracts, or other instruments which the Board has authorized.

**3.1.4.2 Vice-President** In the absence of the President the Vice-President shall perform the duties and assume the responsibilities of the President. When acting as the President, the Vice-President shall have all the authority, responsibly, and accountability subject to the position of the President. When acting as President is to be long term, the Vice President may delegate previously assigned task as required to properly perform the duties of the President. The Vice-President shall stay informed of all Board activities in the event that assuming the position of President is on short notice.

**3.1.4.3 Secretary** The Secretary shall be a member of the Board or an agent assigned by the Board to perform the duties of the Secretary. The Secretary shall perform the following tasks:

- Record the minutes of all meetings and provide a smooth copy of the minutes to the Board for review. Upon Board approval, the Secretary shall provide the approved minutes to the Webmaster for posting.
- Ensure that all notices are duly given in accordance with the provisions of the By-Laws and these Policies and Procedures.
- Be custodian of all association records and of the seal of the association. The Secretary shall ensure that the seal of the association is affixed to all authorized documents.
- Keep a register of the mailing address of each member of the association referenced to their parcel number.
- In general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or by the Board of Directors.

**3.1.4.4 Treasurer** All financial transactions for the POA shall be conducted by the Management Company hired by the Board of Directors. In general, the Treasurer shall oversee the activities of the Management Company in the performance of the financial transaction for the Blackhawk Ranch Property Owners Association as directed by the Board of Directors. The Treasurer shall is responsible for all funds and securities of the association and to that end shall perform the following specific tasks:

- Approve all invoices for payment over \$500 and initial all invoices.
- Review the monthly detailed accounts receivable listings for payment, late fees, interest, and other changes
- Review the bank statements for all checking and savings accounts.
- Review bank reconciliation prepared by the Management Company.
- Review the general ledger transaction postings.
- Generate a draft budget for Board review and approval.
- Inventory equipment owned by the Association at least annually.
- Present financial statements and status of current budget at the annual meeting.
- Aid the Management Company in the preparation of the POA annual income tax return.
- Witness Audits/Reviews.

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### 3.1.5 Committees

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

**3.1.5.2 Members** Each committee shall be lead by a Committee Chairperson. The committee chairperson may be a board member, but could be a non-board member. The committee chairperson shall recruit as many members as necessary to efficiently carry out the goal of the committee. The committee chairperson shall report to the Board at regular Board meetings, unless otherwise directed or required.

#### 3.1.5.3 Perpetual Committees:

- Committee chairs will be elected by the committee members. Committee membership will consist of volunteers from the POA.
- Committee meetings will be held as frequently as needed or requested by committee members. Minutes will be kept and presented, along with updates on existing or future projects, at Board of Directors meetings.
- Committee chairs will keep a notebook containing project information and specifications. This notebook will be present at each committee meeting and passed on to subsequent committee chairs.

**Road Committee** – Since the maintenance of the roads is the most demanding job the Board has, ideally the Road Committee Chairperson should be a Board Member. The Road Committee Chairperson shall manage the Road Contractor as directed by the Board and in accordance with Section 5 and the current Road Contract. The Road Committee Chairperson shall monitor the progress of on-going work, generate Road Project Authorization Forms for new work as directed by the Board, and inspect completed work for performance monitoring and invoice authorization. The Road Committee Chairperson shall prepare Road Project Authorization Forms for the following calendar year, in accordance with Section 5, to help the Board determine budgetary requirements. The Road Committee Chairperson shall report to the Board at every regular Board meeting. Urgent matters shall be reported to the Board immediately.

The Road Chair is responsible for inspection of power lines while riding the roads. Overhanging tree branches or stressed trees that could fall on power lines shall be marked and reported to San Isabel and reported to the Board at regular Board Meetings.

**Weed Committee** –. The Weed Committee Chairperson shall be responsible for the rental of the weed spraying equipment to the members of the POA and for ensuring that all weed spaying equipment is maintained in a proper working condition. The Weed Committee Chairperson shall report to the Road Committee Chairperson on all weed matters and obtain authorization for all expenditures.

The Weed Committee Chairperson shall also inspect all parcels in spring and again in fall, from Ranch Roads. Weed infestations shall be noted and upon approval by the Board, letters sent to property owners informing them of the need for attention to those infestations.

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**Emergency Management/Security Committee** – The Emergency Management (EM) Committee shall facilitate emergency management procedures as directed by the Board and in accordance with Section 7. The EM Committee Chairperson shall report to the Board on all emergency matters. The EM Committee shall be responsible for coordinating with local officials on Ranch emergency matters. The committee should also investigate and coordinate emergency training available for POA members.

**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 Committee shall follow the procedures in Section 6 and investigate any reports of covenant violations, report to the board for letters to be written to POA members in violation of the covenants, coordinate with local officials on violations of County or State regulations review Compliance Forms for new home starts, and present all Request For Waiver Forms to the Board for review. The Compliance Committee Chairperson shall report to the Board at every regular Board meeting.

**Communications Committee** – The Communications Committee has three major areas of responsibility: the website, the newsletter and the phone tree. The Communications Committee Chair is responsible for coordinating input, instructions, and reviews between the Board and the Webmaster and the Newsletter Editor.

**The Utilities Committee is dissolved.**

Responsibility for inspection of power lines moves to the Road Chair who will inspect the power lines while riding the roads. Overhanging tree branches or stressed trees that could fall on power lines shall be marked and reported to San Isabel and reported to the Board at regular Board Meetings.

The Dumpster Service oversight becomes the responsibility of a volunteer.

The phone service committee is dissolved.

**The Security Committee is dissolved.**

Responsibility for Security falls under the Emergency Management Committee

**Beautification Committee is dissolved.**

~~The purpose of the Beautification Committee is to provide upkeep for common areas of the ranch in keeping with the Mission Statement, which is to enhance the value, desirability, and attractiveness of Blackhawk Ranch. Projects will be funded by donations or special fund raisers.~~



# Section 300 Board Members

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## 3.2 ELECTIONS

**Scope:** The following procedures shall apply to the members of the Blackhawk Ranch Property Owners Association and the Board of Directors.

**Purpose:** The purpose of this procedure is to ensure that the members and officers of the Board of Directors are elected in accordance with the requirements of the Blackhawk Ranch Property Owners Association By-Laws and follow a fair and just process.

### 3.2.1 Election of Board Members

Members to the Board of Directors shall be elected by mail-in vote each year, with the results being announced at the annual meeting. Contained within the annual meeting package, sent to each property owner prior to the meeting, there shall be personal statements by each Board candidate and a ballot listing of all the candidate's names. Since the number of vacancies on the Board varies each year, instructions shall be include in the package as to how many candidates members shall vote for. All members shall also be instructed to mail their signed ballots 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.

### 3.2.2 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 to establish the time and place for the October Board meeting. At this time, the new Board members shall be directed to the website for the Policies and Procedures Manual, the By-Laws and the Protective Covenants. They will be instructed to familiarize themselves with all these Corporate Documents. At the October Board meeting, the current Board President shall conduct the election of officers and committee chairpersons. Once the officers and chairpersons have been identified, current committee chairpersons will provide their committee reports to bring the Board up to date. With the election and committee reports completed, the goal for this meeting shall be to assign responsibilities for generating a Road Contract, Road Plan, and Annual Budget for the following year. By the end of the year, the Road Contract must be signed by the Road Chair and the Road Contractor, and the Road Plan and the Annual Budget must be approved by the Board. As soon as conveniently feasible after the October Board meeting, the names of the elected officers and committee chairpersons will be posted to the Website.

~~Ideally, at election time each year 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 at a special meeting shortly thereafter, the newly elected members of the Board shall meet with the remaining members of the Board to elect new officers. At that meeting, they will also establish the time and place for their first~~

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~~Board meeting. The election of officers, however, shall be done as soon as conveniently feasible after the annual meeting. The names of the elected officers and committee chairpersons will be posted on the website and in the next newsletter.~~

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## 3.3 REMOVALS AND VACANCIES

Scope: The following procedures shall apply to the members of the Board of Directors.

Purpose: The purpose of this procedure is to provide processes for removing a member of the Board, when in the best interest of the POA, and for filling vacancies on the Board.

### 3.3.1 Removal of Board Members

It is infeasible to quantify all justifications for the act of removing a member from the Board, except that it must be in the best interest of the POA. Justification for the removal of a Board member could include, but not be limited to, fraudulent actions, illegal activities, loss of 'member in good standing' status, and conflicts of interest. If the Board suspects that there is justification to remove one of the members, Table 3-1 provides some guidelines to get from suspicion to removal. The Table does not purport to address all possible chain of events, but rather intends to stimulate a thought process for the Board.

**TABLE 3-1 BOARD MEMBER REMOVAL PROCESS**

Subject to the By-Laws:

SECTION 13. Removal. Removal of any Blackhawk Ranch Director must be in compliance with subsection 7-128-108 of the Colorado Revised Statutes "**The Colorado Revised Non-Profit Act**".

| STEP | ACTION                              | ACTIVITY   |
|------|-------------------------------------|--|
| 1    | Call a special board meeting        | The member or members of the board having information that could justify the removal of a member of the Board shall call a special meeting of the Board. The special meeting shall include all the board members except the member in question and shall be for the purpose of presenting justification for the removal. If a non board member has pertinent information, that person may also be invited to attend. Minutes shall be recorded and filed with any proof or written testimonies presented at the meeting. |
| 2    | Verify the justification            | The justification presented at the special meeting could include proof, but if it does not, the Board shall assign action to a Board member or members to verify the validity of the information. Every effort must be made to verify the removal justification.   |
| 3    | Reconvene the special board meeting | At the end of the verification process, the Board shall reconvene to evaluate the findings. If the justification can be verified, the Board shall vote to proceed with the removal process. If the matter appears to require legal counsel, the Board may consider that action. Minutes shall be recorded and filed with any physical findings of the Board.   |

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**TABLE 3-1 BOARD MEMBER REMOVAL PROCESS (Cont.)**

| <b>STEP</b> | <b>ACTION</b>             | <b>ACTIVITY</b>   |
|-------------|---------------------------|---|
| 4           | Confront the Board member | <p>If the removal process proceeds, another special board meeting shall be called, to include the member in question, for the purpose of presenting the findings of the Board. The proper course of action will depend on many variables, but the overall consideration is that the action be in the Best Interest Of The POA.</p> <p>a) If the removal justification was verified, the verification shall be presented to the member and the member given the opportunity to explain the situation. The Board can then vote for removal. Removal must be by unanimous decision.</p> <p>b) If the removal justification cannot be verified, the accusations shall be presented to the member and the member given the opportunity to explain the situation. The Board can then vote on the best course of action to follow.</p> <p>Minutes shall be recorded and filed.</p> |
| 5           | Follow Up                 | <p>The Board must consider any follow up activities, such as assessing liabilities, making restitution or apologies, reporting illegal activities to the proper authorities, or making an announcement to the POA in general.</p>   |
| 6           | Record and File           | <p>The Board shall ensure that all actions and findings have been recorded. All documentation related to this process shall be considered sensitive and filed in a separate location from general POA activities. Access to this information shall be provided on a 'need to know' basis only. This file may be destroyed after three years.</p>  |

### 3.3.2 Board Member Vacancies

A vacancy on the Board may be filled by the majority approval of the Board members. The new Board member will fill the unexpired portion of the vacancy but may or may not be asked to fill the office or committee chair of the vacancy. If an increase in the number of Board members is the basis for appointing a new Board member, the duration of the position shall be to the next annual meeting and the election of new Board members.

If a vacancy is to be filled, the Board members will suggest qualified candidates for the position and list them in order of most wanted. The president of the Board will then contact the first candidate on the list and offer the position. Any special tasks that are attached to the position, the duration of the position, and any unusual conditions currently existing will be made clear to the candidate at this first contact. The candidate will also be asked to respond by a specified time. If the candidate declines the offer, the next person on the list shall be contacted.

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Typically the new Board member will be briefed at the next Board meeting. Additionally, the new Board member will be tasked to review at least the minutes of the last Board meeting, either from the website or hard copy. If the situation requires an immediate briefing or a briefing beyond the limits of a regular Board meeting, the president shall ensure that a special briefing is provided at the earliest convenience of the new member.

# Section 300 Board Members

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## 3.4 MISCELLANEOUS

Scope: The following procedures shall apply to the members of the Board of Directors.

Purpose: The purpose of this procedure is to provide additional Board information that is not covered elsewhere in the Policy and Procedure Manual.

### 3.4.1 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.

From the By-Laws:

SECTION 9. Salaries. The salaries of the officers shall be fixed from time to time by the Board of Directors and no officer shall be prevented from receiving such salary by reason of the fact that he is also a director of the association.

### 3.4.2 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 member of the Board 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 in violation of this conflict of interest, shall be void and unenforceable.

### 3.4.3 Attorney-Client Privilege

Upon the final resolution of any matter for which the board received legal advice or that concerned 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. On the other hand, if a Board member receives legal counsel as an individual, whether the cause is related to the POA or not, that Board member is entitled to the attorney-client privilege.

## Section 400 Finance

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5/06/06

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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. The Board shall establish a savings account for the bulk of POA funds and a checking account through which all disbursements are made. The Board shall establish a budget each fiscal year and make every effort to conduct all business within that budget. All financial activities shall be documented and conducted in a manner that will facilitate an audit or review.

# Section 400 Finance

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## FINANCE PROCEDURES

### 4.1 BANK ACCOUNTS

Scope: The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to income and disbursements managed by the Board in the course of regular business.

Purpose: The purpose of this procedure is to ensure that income and disbursements managed by the Board are handled in the most efficient manner reasonably possible.

#### 4.1.1 Savings Account

The Blackhawk Ranch Property Owners Association receives income from a variety of sources. All income received by the association shall be deposited into ~~a~~the money market savings account. The money market savings account should be established with a reputable, federally insured (FDIC) bank. A signature card shall be registered with the bank containing the signatures of the Blackhawk Ranch representative(s) at the management office, and the Treasurer.

Funds received by the management office will be deposited into the money market savings account within one week of receipt. This may not always be practical, but every effort should be made not to exceed one week. This will optimize interest earnings, reduce the risks of a deposit getting overlooked, and aid the originator's bookkeeping.

Withdrawals from the money market savings account should be held to the monthly or quarterly minimum established by the bank for the least amount of charges.

#### 4.1.2 Checking Account

A checking account should be established with a reputable, federally insured (FDIC) bank. A signature card shall be registered with the bank containing the signatures of the Blackhawk Ranch representative at the management office, and the Treasurer.

All invoices shall be paid out of the checking account. Invoices shall always be paid by the due date. Invoices without a due date shall be paid as soon as practical, but no longer than two weeks. Independent contractors shall be paid, when possible, upon presentation of an authorized invoice.

Monthly or quarterly transfers shall be made from the savings account to the checking account to maintain sufficient operating expenses and not incur service charges.

#### 4.1.3 Money Market/Savings Account(s)

The ~~combined~~ funds in the ~~savings-money market savings and checking~~ accounts should not exceed \$~~100,000~~250,000.00 as this is the maximum amount federally insured. ~~If~~When the funds exceed that amount, those excess funds should be moved to ~~the a~~ POA online money market account or deposited in another bank. ~~The A~~ money market account should be established



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separately with a different bank or other financial institution to assure the FDIC ~~federal insurance~~ guarantee ~~(FDIC)~~ of funds up to \$~~100,000~~250,000.00.

As of June 2012, the FDIC will FULLY insure non-interest bearing accounts and will insure Money Market accounts up to \$250,000. These limits change from time to time and the account holder will be informed by the bank when the changes occur.

### 4.1.4 Treasurer Review

The Treasurer shall review the bank statements for all checking and savings accounts on a monthly basis. Any unusual or unexpected activity shall be reported to the Board at the next regular Board meeting.

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### 4.2 INCOME

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to the collection and management of income.

**Purpose:** The purpose of this procedure is to ensure that income is properly collected and managed, and all income is recorded in a professional manner that would facilitate a review or an audit.

#### 4.2.1 Dues

**4.2.1.1 Payments** – As of 1 January 2005, the Blackhawk Ranch Property Owners Association dues are \$370.00. POA dues are due by 31 January

Dues shall be recorded in the ledger under Ordinary Income /Annual Dues.

**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. Members whose dues are delinquent shall be listed, by member's name and parcel number(s), in the Aging Summary. The Aging Summary shall be reviewed by the Board at each Board meeting and it shall also be posted on the website.

Late fees collected shall be recorded in the ledger under Ordinary Income / Late Fees.

**4.2.1.3 Invoice** – In December, a Dues Invoice shall be mailed to each property owner. The invoice shall state the amount of the annual dues, the due date, and the delinquent policy. If the member owes any back dues, payments, or fees, there shall be an itemized Statement attached, showing the total amount due.

**4.2.1.4 Liens** – If a dues payment has not been paid by 30 June, a notice shall be sent to the property owner within the first week of July stating that a lien will be placed on the property if the dues and all late fees are not received by 31 July. At the close of business on the first business day in August, if dues have not been received, a lien shall be filed with the county in which the property is located. The amount of the lien shall include the annual dues, listed assessments, late fees, and a \$50 administrative fee. A notice shall be sent to the property owner advising the owner that a lien has been placed on the property.

If the lien has not been cured by 31 July of the following year, an additional \$50 administrative fee, the current assessment, plus accrued late fees shall be added to the lien. The Board may seek legal alternatives, such as foreclosure.

Properties with liens shall be reported to the Board at the next business meeting following the time the lien was placed.

The cost of filing a lien shall be recorded under Ordinary Expenses under Filing Fees. Fees collected shall be recorded under Ordinary Income / Late Fees.

#### 4.2.2 Assessments

When property was initially sold on the Ranch, there was an initial assessment of \$3,500 for each parcel. This was termed the electrical fund. Some buyers paid cash at the time of purchase and

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others elected to make payments. This income shall be recorded under Ordinary Income under Electrical Rebate. Delinquent payments shall be processed the same as delinquent dues payments.

Future assessments will probably be a one time action and of an amount that would be paid in a single, or possibly quarterly, payment. This income shall be recorded under Ordinary Income under the title of the assessment, e.g., Road Improvement Assessment. Delinquent payments shall be processed the same as delinquent dues payments

### 4.2.3 Miscellaneous Income

**4.2.3.1 Grazing Lease** – Part of maintaining an agriculture status for the Ranch, for tax purposes, is having cattle graze the Ranch. The Ranch has entered into contractual agreements with local ranchers to graze their cattle on the Ranch. The grazing lease has typically been for a two year period at \$1,500 per year for 50 pair. A copy of the grazing lease is maintained at our management office.

Funds from the grazing lease shall be recorded as Ordinary Income under Grazing Lease.

**4.2.3.2 Equipment Rental** – Equipment owned by the POA may be rented to property owners. The rental cost is very reasonable for the property owner and would help the POA defray the cost of the equipment. A list of equipment owned by the POA can be found in Appendix A. The equipment that can be rented by owners shall be indicated by an associated rental fee.

Equipment Rental shall be recorded in the ledger under Income/Weed Sprayer Rental.

### 4.2.4 Records and Reporting

All income shall be recorded in an accepted electronic accounting application, such as QuickBooks. Income shall be categorized under as many titles as necessary to provide clarity to the Board, but no more than necessary in an effort to avoid confusion and undue labor. The accounting application used must also be flexible enough to display the income data in various levels of detail. 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 are produced on a Cash Basis for clarity and ease of evaluating actual income received and expenses paid on a monthly basis.

The Treasurer shall review the detailed accounts receivable listings for payments, late fees, interest, and other changes monthly. The Treasurer shall make a financial report to the Board at each regular Board meeting. Any unexpected deposits shall be explained along with the absence of expected deposits.

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### 4.3 DISBURSEMENTS

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to the disbursement of funds.

**Purpose:** The purpose of this procedure is to ensure that authorized funds are properly disbursed and recorded in a professional manner that would facilitate a review or an audit.

#### 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 at regular board meetings.

Other costs, such as special purchases, contractor fees, or equipment rental, are authorized by the Board as they are needed or occur. Contractor fees, for example, may be a recurring cost, but each contractor invoice is for a specific project and must be inspected before authorization to release funds can be given.

There are two authorized signatories for the Blackhawk Ranch POA bank accounts. They are The Property Management Company and the POA Board Treasurer.

#### 4.3.2 Timetable

All bills presented to the Property Management Company shall be paid by the due date to ensure that the POA incurs no late fees. Bills with no due date shall be considered due upon receipt and paid as soon as reasonably feasible. Contractors presenting themselves at the management office with an authorized bill shall be paid as soon as feasible.

#### 4.3.3 Records and Reporting

All disbursements shall be recorded in an accepted electronic accounting application, such as Quick Books. Disbursements shall be categorized under as many titles as necessary to provide clarity to the Board, but no more than necessary in an effort to avoid confusion and undue labor. The accounting application used must also be flexible enough to display the disbursement data in various levels of detail. 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 are produced on a Cash Basis for clarity and ease of evaluating actual income received and expenses paid on a monthly basis.

A financial report shall be made to the Board at each regular Board meeting. Any disbursements out of the norm shall be explained.

#### 4.3.4 Petty Cash

There shall be no Petty Cash for the Blackhawk Ranch POA. All disbursements shall be by check.

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### 4.4 BUDGET

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to funds spent each year by the Board in managing the affairs of the POA.

**Purpose:** The purpose of this procedure is to strive to ensure that funds spent through the year do not exceed the annual income and that expenditures are spent according to a plan.

#### 4.4.1 Budget Development

The Treasurer shall submit a proposed budget to the Board for review no later than 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 15<sup>th</sup> 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 President shall schedule a special meeting for the purpose of approving a budget. The Budget for the following fiscal year must be approved prior to the end of the current fiscal year.

The budget shall provide enough itemization that tracking budgetary items is meaningful and end-of-year reviews aid the development of consecutive budgets.

The Budget shall be tracked by an accepted electronic accounting application, such as Quick Books, that can accommodate tracking of multiple categories, display running totals in any specified category, and present summaries from the very basic to the most detailed. The Treasurer shall report budget status to the Board at each regular Board meeting.

#### 4.4.2 Availability

The approved budget shall be posted on the website, within two weeks after the first regular Board meeting of the year, listing the categories incomes and expenditures with dollar figures associated with each category. The financial report presented at each Board meeting will also be posted on the website, providing the current budget tracking status.

#### 4.4.3 Balanced Spending

The Board shall strive to achieve a balanced budget by the end of the fiscal year. Since new members are elected to the Board halfway through the fiscal year, however, the Board will strive to maintain a constant spend rate during the year. This will reduce unrestrained spending in the first half of the year and prevent undue budgetary restraints on new Board members in the second half of the year. Understandably some budget items are seasonal, but an effort has to be made in order to prevent a 'feast or famine' mode of operation.

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### 4.5 AUDITS

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to funds spent each year by the Board in managing the affairs of the POA.

**Purpose:** The purpose of this procedure is to strive to ensure that funds spent through the year do not exceed the annual income and that expenditures are spent according to a plan.

#### 4.5.1 Audits

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. Members of the POA, representing at least one-third of the properties, may request an audit. The request must be presented in writing to the Board, signed by the owners of one-third of the properties, with a statement of the reason for the request. In an effort to avoid unbudgeted costs, and to reduce the disruption of business at the management office, the Board will request an opportunity to answer the POA member's questions and avoid the audit. If that is not acceptable, or does not stave off the desire for the audit, the Board will make arrangements with the management office. The audit will be conducted at the management office. The management office will supply all requested records and hire a qualified CPA to perform the audit. A member of the POA may observe the audit and a Board member shall observe the audit. At the completion of the audit a written report of findings shall be provided to the Board and to the POA members. After reviewing the report, the Board shall meet with the POA members to discuss the findings.

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### 4.6 GRAZING LEASE

Scope: The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to the acquisition of a grazing lease.

Purpose: The purpose of this procedure is to provide guidance for acquiring a grazing lease.

#### 4.6.1 Background

The Blackhawk Ranch Property Owners Association has had grazing leases with a variety of local ranchers since the POA's inception. The leases have run for two year periods and have been for approximately a \$1,500 per year value. Past leases have been obtained by word of mouth and there is no expectation that this method will discontinue to work. But the Board must be prepared in the event we loose a grazing lease and another one is not on the horizon.

A grazing lease is very important to the members of the Ranch because it is a factor in the Ranch falling under an agricultural status for tax purposes. Without the agricultural status, member's property taxes will rise dramatically.

#### 4.6.2 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 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. If a property owner on the Ranch has fenced in his property, that information must be divulged to the lease holder.

NOTE: Fencing more than one acre on any parcel will negate the agricultural status for that portion of the parcel that is fenced.

The Ranch has no responsibility for providing water and feed for the lease holder's cattle. It could be an attractive feature to a potential lease holder, however, if water is available on the Ranch that could be used by the lease holder.

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### ~~4.7 TRASH COLLECTION SERVICES~~

~~Scope:—The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to the funds collected and disbursed for the Trash Collection Service and to the subscribers to that service.~~

~~Purpose:—The purpose of this procedure is to establish controls and safeguards to ensure that the Trash Collection Service is stable and totally self-supporting.~~

#### ~~4.7.1 Background~~

~~Las Animas County maintains a landfill facility that may be used for refuse disposal by Blackhawk Ranch property owners whose properties reside in Las Animas County. Huerfano County has a Waste Transfer Station for refuse disposal. As a convenience to Blackhawk Ranch property owners, the POA Board of Directors has established a subscription based Trash Collection Service.~~

#### ~~4.7.2 Funding~~

~~The Trash Collection Service shall be strictly subscriber funded and will not rely on any funds from the POA budget. Subscription and use of the service is completely voluntary.~~

~~4.7.2.1 Payments—Subscribers shall be invoiced quarterly, in advance, and payments shall be due in full on receipt of invoice. Subscription invoicing shall continue to be sent to subscribers unless written notice is given to the Property Management Company 30 days in advance of the next quarterly billing.~~

~~Delinquent subscribers will lose access to the trash bins until all delinquent payments are made.~~

~~Trash Collection Service payments and fees shall be recorded in the ledger under Other Income/Trash Collection.~~

~~4.7.2.2 Expenses—Payment in full shall disburse to the trash collection agency within 30 days of invoice, or as required by the agency. Any other expense related to the Trash Collection Service shall be paid as soon as practical.~~

~~Trash Collection Service disbursements shall be recorded in the ledger under Other Expenses/Dumpster Services.~~



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~~4.7.2.3 Income/Expense Balance—It is not necessary to establish a separate account for the Trash Collection Service, but the income and expenses for this service must be tracked with enough detail to enable the Board to make rapid adjustments that will ensure financial balance. If expenses exceed income, fees must be raised or additional subscribers obtained in order to achieve balance. If income exceeds expenses, that excess must be tracked to ensure that it is reinvested into Trash Collection and not the general fund.~~

### ~~4.7.3 Administration~~

~~The Trash Collection Service shall be administered by the POA's Property Management Company.. The Property Management Company shall mail invoices to subscribers and collect and deposit payments. The Property Management Company shall also maintain a registry of current subscribers, register new subscribers, make trash bin assignments, provide lock combinations to new subscribers, and provide lock combination changes to all applicable subscribers.~~

### ~~4.7.4 Use~~

~~Home and outbuilding construction will be an ongoing effort on the Ranch. The trash bins are not adequate for construction trash and are therefore only intended for household trash. Property owners shall not deposit construction trash in the trash bins, nor give the lock combination to their contactors or any other non subscriber. Empty containers should be broken down flat or filled with trash. No trash shall be deposited outside of the trash bins. If a trash bin is full, the Board or the Property Management Company should be notified. Violation of the trash bin use will be grounds for subscription termination without refund.~~

### ~~4.9.5 Controls~~

~~The combination on the locks will be changed when there is evidence of abuse. Subscribers will have to call the Property Management Company to get the new combination. This will give the Board a tool for controlling the use of the bins.~~

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## ROAD POLICY

Maintaining and improving the condition of the roads on the Blackhawk Ranch (Ranch) is the most important responsibility of the Board of Directors (Board) for the Blackhawk Ranch Property Owners Association (POA). Within budget constraints and the limiting effects of weather, the common roads on the Ranch shall be maintained in a safe and drivable condition. Main arteries shall receive the highest priority followed by secondary arteries. Branch roads, where residents live, will receive the same priority as secondary arteries. Every effort shall be made to provide sufficient attention to all common roads to prevent degradation and to keep abreast of future population growth.

A copy of *Section 500 Roads*, with the exception of *subsection 5.7 Noxious Weeds*, shall be maintained in the Road Chair Notebook

### Acknowledgements:

Most of the information found in Section 5.1.1 is a summary of “*Gravel Roads Maintenance and Design Manual*” funded by the U.S. Department of Transportation, Federal Highway Administration and produced by the South Dakota Local Transportation Assistance Program (SD LTAP), dated November 2000.

*As recommended by the Huerfano County Road Department since Colorado does not publish a similar manual.*

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## ROAD PROCEDURES

### 5.1 ROAD MAINTENANCE PLAN:

**Scope:** The Road Maintenance Plan shall be executed by the Board and implemented by the road contractor. This plan applies to all common roads on the Blackhawk Ranch with the following exceptions: 1) Howards Draw. This road is kept relatively drivable so as to be used as an emergency exit from the Ranch. 2) The road that connects North Mountain Drive and Lower Mine Road. This road was not meant to be maintained and is marked as “Not Maintained” at the two ends of the road. This procedure does not intend to cover all conditions unique to the Blackhawk Ranch, nor supersede common sense and good judgment.

**Purpose:** To set standards and guidelines for the proper maintenance of the common roads on the Blackhawk Ranch and to provide methods for ensuring that proper maintenance is conducted in an effort to keep the roads in a safe and drivable condition.

#### 5.1.1 Road Construction

Gravel road maintenance has traditionally been more of an art than a science and very few formal standards exist. For the Board to manage the activities of the road contractor, and plan for road maintenance and improvements, the Board must understand how gravel roads should be constructed and maintained. There are very few roads on the Ranch that are flat and consequently it is very difficult to provide all inclusive guidelines. Therefore, the goal of this Section is to provide the Board with some general standards and information in an effort to enable the board to give knowledgeable direction to the road contractor and to be able to measure the road contractor’s performance.

**5.1.1.1 Shape** The shape of the road is vitally important to the life of a gravel road. The road must have a crowned driving surface, a shoulder area that slopes directly away from the edge of the driving surface, and drainage to carry off the water runoff from the road. The shoulder and ditch may be minimal in narrow road areas, but the basic shape must be developed or the road will not perform well, even under very low traffic. Figure 5-1 shows a typical cross section of a gravel road.

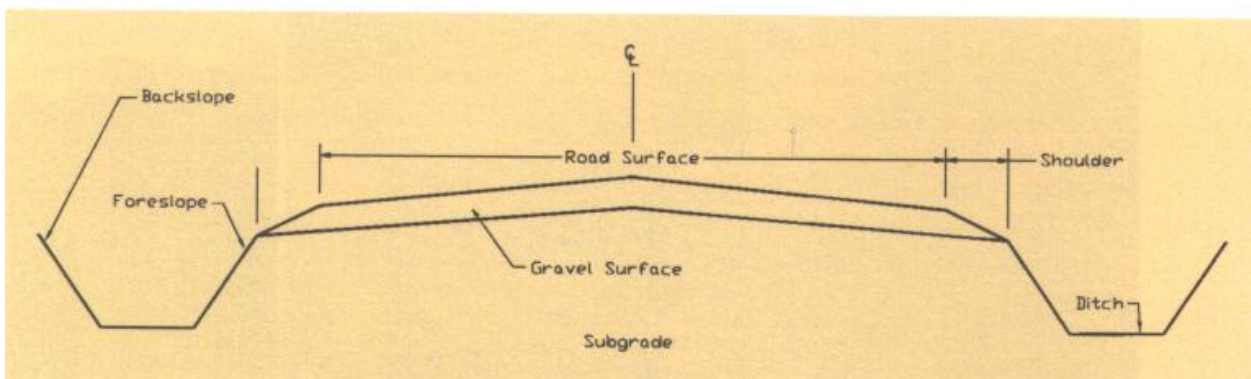


Figure 5-1. Roadway Cross Section

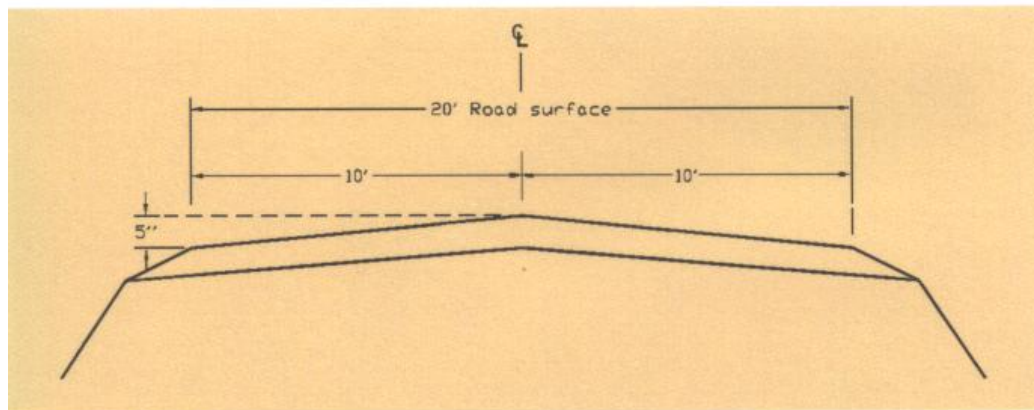
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**Crown:** When a gravel road has no crown, water will quickly collect on the road surface during wet weather and soften the crust. This will lead to ruts and potholes. An excessive crown, however, can be dangerous for drivers, especially during wet weather. The ideal crown is  $\frac{1}{2}$  inch slant per foot (approximately 4%) away from the center of the road to the shoulder. The crown should be a straight line from the center of the road to the shoulder, as opposed to a rounded crown over the center of the road. This will reduce the potential for standing water and help preserve the road. Figure 5-2 shows a proper crown for a 20-foot wide road.

A rounded crown is generally created by improper grading, but center wear of the cutting edge of the moldboard will also cause the crown to be arched. Once a proper crown is created, traffic will tend to wear down the center peak, pushing gravel to the shoulder of the road. This gravel must be pushed back up onto the road periodically and is a prime example for the need of proper maintenance.



*Figure 5-2. Ideal Crown Cross Section*

**Shoulder:** The shoulder serves several functions. It's there to support the edge of the traveled portion of the roadway, provide a safety area for drivers to regain control of vehicles if forced to leave the road surface, and to carry water further away from the road surface to the ditch. It is important that the shoulder meets the edge of the road surface, no higher or lower than the edge of the road. If the shoulder is higher than the edge of the road (a berm) it creates a secondary ditch. On a flat road this holds water on the road, softening the sides of the roads. On hilly roads, the water in the secondary ditch will flow down-hill eroding the edge of the road. If the shoulder is lower than the edge of the road it creates a drop-off that could be hazardous to drivers.

A secondary ditch can be caused by improper grading, but is generally caused by high-speed traffic or heavy loads, moving loose gravel from the center of the road which tends to build up along the shoulder. Whatever the cause, secondary ditches must be eliminated from the shoulders of the road through regular routine maintenance.

**Drainage:** The three most important things to understand in building and maintaining gravel roads are drainage, drainage, and drainage! When water can be drained off of the road surface and out of the roadbed soils, the road will invariably become easier to maintain.

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The road crown is the first line of defense for good drainage, but that just gets the water off the road surface. As water runs off the road surface the roadside ditch provides a drainage system to haul the water away from the roadbed soils. The ditch also prevents the runoff from adjacent hillsides from running onto the road. The majority of the routine maintenance budget could easily be spent cleaning ditches of erosion material and debris. Shallow ditches must be attended to more often than deep ditches.

The ditch, however, must respect the law of gravity; water will only flow down hill. In an area of rolling hills, water will collect in low areas unless additional relief is provided to maintain the natural flow of water. The most common drainage structure to relieve the low standing water to the down-hill side of the road is a culvert buried under the road. The inlet side of the culvert must be buried about 12 inches under the road with the outlet side deeper, extend sufficiently beyond the road at the outlet to prevent erosion of the road, and placed at the most efficient angle to the flow of water. In cases where the outlet spills 12 inches or more, rip rap should be placed under the outlet to reduce erosion. No culvert less than 24 inches in diameter shall be installed on the Ranch roads. Culverts also require periodic cleaning of erosion material and debris, although typically not as often as ditches.

**5.1.1.2 Banked Curves:** One of the biggest challenges in gravel road design is the banked curve. In the curve, the outer edge of the roadway must be higher than the inside edge and the road surface is shaped straight from the upper to the lower side. Entering the curve, the road surface must transition from the normal crown to the super-elevated straight surface and back to the normal crown exiting the curve. Figure 5-3 illustrates the transition from a normal crown to the super-elevated shape needed in a curve.

The amount of bank is dependent on the sharpness of the curve and the speed of traffic. Too much bank can cause the driver to increase speed, which has a detrimental effect on the road. But, worse, the driver could maintain speed and slide to the inside of the curve. Too little bank and the driver is forced to slow down. This could reduce wear on the road, but there is a stronger potential that the driver would not slow sufficiently and slide to the outside of the road.

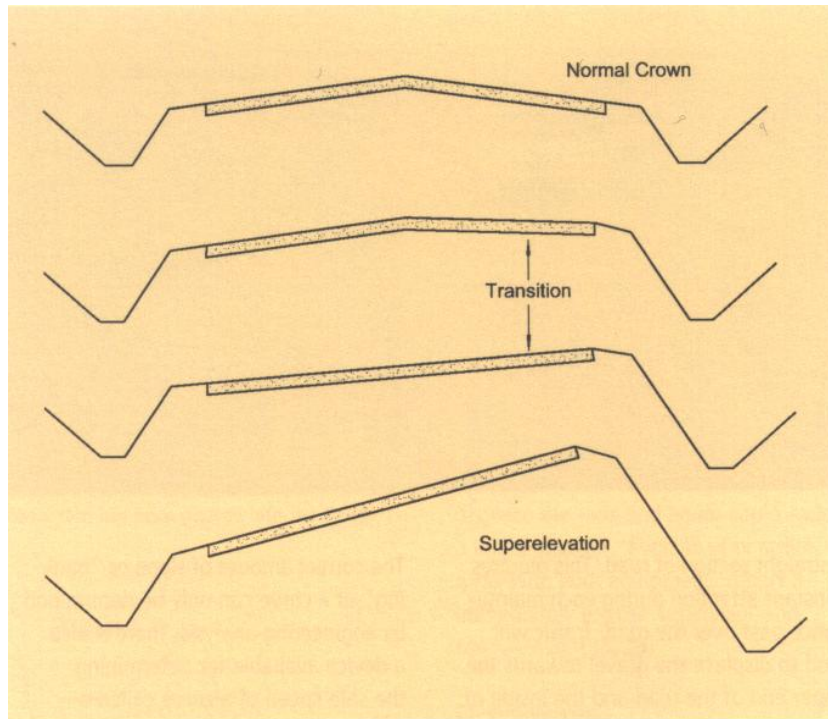
Overall, traffic will tend to displace the gravel towards the upper end of the road and the inside of the curve will become lower. Curves can very easily go out of proper shape. Unfortunately, the amount of bank required for a curve can only be determined by an engineering analysis.

**5.1.1.3 Intersections:** There are three types of intersections on the Blackhawk Ranch: intersecting common roads, road surfaces joining concrete Arizona crossings, and driveways intersecting with common roads.

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*Figure 5-3. Cross Sections of Transition Stages*

**Intersecting Common Roads:** When possible, all common road intersections shall have the crown gradually eliminated from both roads beginning approximately 100 feet on each side of the intersection. The intersection itself becomes virtually flat, allowing vehicles to pass through without feeling a noticeable hump or dip from any direction. It is important that the intersection be at the same level as the road surface so that water will not collect in the flat area. Refer to figure 5-4. Drainage must be under intersecting roads; not over the intersections.

**Road Surfaces Joining Concrete Arizona Crossings:** Begin to eliminate the crown on the gravel road approximately 100 feet from the edge of the concrete. At the intersecting point, the gravel must match the level of the concrete surface. If the intersection of the gravel is lower than the concrete, water will collect creating potholes. If gravel is pushed onto the concrete, a dangerous loss of skid resistance on the concrete will exist.

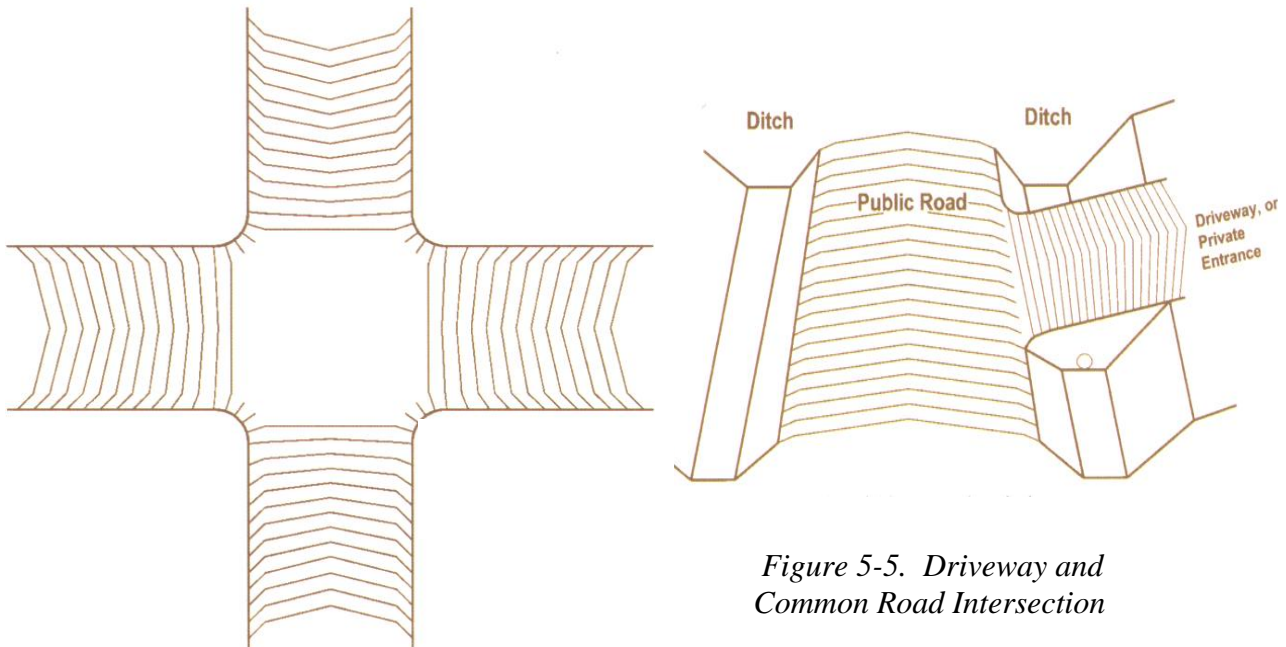
**Driveways Intersecting With Common Roads:** The common road shall always retain its crown while passing driveways. The crown on the driveway shall gradually flatten and join the common road at the same level as the edge of the road surface. No water runoff from the driveway shall spill onto the common road. The most difficult driveway intersection is when the driveway meets the common road from a steep down-hill slope. To keep water from spilling onto the road from the driveway, the driveway may have to be leveled out several feet back from the intersection point of the road. Figure 5-5 illustrates a driveway intersecting with a common road.



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*Figure 5-4. Shape of Intersecting  
Common Roads*

*Figure 5-5. Driveway and  
Common Road Intersection*

## 5.1.2 Routine Maintenance

Routine maintenance consists of the road grading, bar-ditch cleaning, and culvert cleaning, performed by the road contractor, as scheduled by the Board. The Road Chair shall generate a Work Order (provided in Appendix D) for each maintenance project. Projects shall be based on findings during physical inspections of the roads, culverts, and bar-ditches. Preferably, the Road Chair will be accompanied by the road contractor, and any available member of the road committee, but it is the responsibility of the Road Chair to ensure that the inspections are made and Work Orders generated.

The Road Chair will review each Work Order with the Contractor to ensure the completeness and correctness of the project description. The Contractor shall then provide an estimated cost for the project. This should be accomplished in December so that the Board can authorize the work to begin, predicated on budget constraints, in January. To develop a road maintenance history, the Work Orders shall be filed in the Road File. A copy will also be provided to the Contractor.

Progress will be monitored by the Road Chair and a status report shall be provided at each regular meeting.

**5.1.2.1 Road Grading** – All main arteries on the Blackhawk Ranch shall be graded at least once a year, as scheduled by the Road Chair, but typically in the spring. Grading is conducted to retrieve road base material from the shoulder that has been plowed off during snow removal,

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remove acceleration bumps found generally on hills and curves, and restore road contours and widths. Additional grading can be scheduled, as required, due to road damage from equipment, weather, or any other factors that may affect the roads that do not constitute an emergency.

**5.1.2.2 Bar-Ditch Cleaning** – Bar-ditches shall be cleaned of erosion material and debris as needs dictate. Bar-ditches shall be inspected by the Road Chair, with considerations to inputs from the road committee and the road contractor, at least semi-annually and after significant storms. When a bar-ditch will not contain water from a typical run-off, causing a hazardous condition or potential road damage, the bar-ditch should be cleaned. Unless there is an emergency condition, bar-ditches that require cleaning shall be itemized in the Work Order covering that section of the roads.

**5.1.2.3 Culvert Cleaning** – The area directly in front of the inlet end of each culvert and the adjacent up-hill side of the culvert shall be cleaned of any blockage as needs dictate. The developer had placed cinder blocks near the entrances to culverts in an effort to reduce erosion. These blocks have typically done more harm than good by floating into the culverts. As culverts are cleaned, any remaining blocks must be removed. This area should have a visible bed of gravel or rock to slow the flow of water to the culvert and reduce the buildup of erosion material. The area directly under and around the outlet end of each culvert should be clear of debris or mud and silt buildup. The spillway under the effluent end of the culvert should have enough gravel or rock to prevent erosion of the spillway and the road. The passage through the culvert should be clear of sediment and debris, allowing unrestricted flow of water. The culverts shall be inspected by the Road Chair, with considerations to inputs from the road committee and the road contractor, at least semi-annually and after significant storms. When a culvert will not allow unrestricted water flow, causing a hazardous condition or potential road damage, the culvert should be cleaned. Unless there is an emergency condition, culverts that require cleaning shall be itemized in the Work Order covering that section of the roads.

### 5.1.3 Emergency Maintenance

Emergency maintenance is required whenever the condition of the road presents a hazard to vehicular traffic. This could include, but is not limited to, grading debris off the road, cleaning the bar-ditch or culvert to adequately direct run-off from the road, filling in road wash-outs, or removal of fallen trees or boulders from the road. The Road Chair will inspect the condition of the roads after any major storm, but it is the responsibility of the Board to ensure the safety of the roads. All road safety issues shall be dealt with as soon as feasibly possible. Budget constraints must be considered, but whether it is a fix or a work-around, all safety issues must be resolved.

Emergency maintenance is also required whenever circumstances presents an immediate threat to the condition of the roads. This could include, but is not limited to, clearing culverts and bar-ditches to prevent erosion of the roads, maintaining retention pond spillways to prevent erosion into the road or overflow onto the road, or sanding or filling mud holes to prevent escalation. Emergency maintenance to protect the condition of the roads should be done as soon as possible. Budget constraints must be weighed against the cost of repairing the probable damage to the road.



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### 5.1.4 Inspections and Reports

The Road Chair shall make periodic and final inspections for all road maintenance projects. Periodic inspections shall be primarily for progress assessment and adherence to the contract. Deviations from contractual requirements shall be addressed with the contractor at the earliest possible time for resolution. The results of all periodic inspections shall be summarized to the Board at each regular board meeting. Final inspections shall check that all tasks have been completed as stated in the contract. If there are contested contract performance discrepancies, the Road Chair shall provide details to the Board and to the contractor. If the final inspection results are positive, the Road Chair shall report the results to the Board as soon as feasible for final payment authorization.

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## 5.2 ROAD IMPROVEMENT PLAN

**Scope:** The Road Improvement Plan shall be executed by the Board and implemented by the road contractor. The scope of the road improvement plan exceeds the intent of the road maintenance plan, but could be conducted in conjunction with road maintenance. This plan applies to all common roads on the Blackhawk Ranch with the exception of Howards Draw and the “Not Maintained” road connecting North Mountain Drive and Lower Mine Road.

**Purpose:** The purpose of this plan is to achieve a steady process of road improvements over the 32 miles of Blackhawk Ranch roads, and to raise awareness to the inevitable deterioration of gravel roads.

### 5.2.1 Background

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 is also a contributor, but tends to take its toll more slowly. When you team wet weather and traffic, however, the results can be devastating. The bottom line is that gravel roads will not last forever.

Combating the effects of traffic and weather on the BHR roads must be an ongoing effort. Annual maintenance such as grading and bar ditch / culvert cleaning must be performed. Annual improvements to our drainage system, e.g., adding culverts or redirecting natural runoffs must also be conducted. Although the Ranch has established a 20 mph speed limit, only a few abide by it. Snow must also be plowed to get the moisture off the roads, but there has to be a compromise between getting all the snow off the road and leaving the road base intact. All of these efforts, unfortunately, are predicated on available funds.

All work on the BHR roads requires money; sometimes, a great deal of money. For example; gravel roads should be graded at least twice year. One grading and the cleaning of the bar ditches and culverts can take almost half of the annual road budget. Another cost example is that one mile of road base could take the entire annual road budget. If nothing else were done in one year but grading the BHR roads and cleaning the ditches and culverts once, and then resurfacing one half a mile of damaged road in that same year, the entire annual road budget could easily be expended. Sounds like a good plan, until you consider a few facts:

- During any given year, there are failures in the roads that will require repair that year.
- As new owners become full-time residents, the road maintenance costs go up.
- About 12% of the road budget goes to snow removal. In a heavy winter, that could double or even triple.
- A good gravel road should last about ten years with moderate traffic. That’s a flat road. The BHR roads, for the most part, are not flat.
- Even if the roads were flat and could last ten years, the Ranch has 32 miles of roads. It would be necessary to resurface 3.2 miles of roads a year to keep pace with wear and tear. At one half a mile a year, it would take 64 years to resurface all the roads on the Blackhawk Ranch.

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Generating a meaningful, realistic, and achievable plan is difficult at best. But a plan is necessary and an effort must be made.

## 5.2.2 Descriptions of Road Improvements

Improvements consist of, but are not limited to, the addition of new or replacing damaged or undersized culverts, altering the shape or contour of the road for better performance, eliminating plant life to improve visibility or sun exposure and to reduce the destructive effects of wild weeds, and adding road base to worn road surfaces.

## 5.2.3 Implementation of Road Improvements

**5.2.3.1 Identification of Improvements** - During the fall, the Road Committee shall inspect the roads to generate a list of any needed improvements. The improvements could be as small as rerouting a natural runoff for improved drainage, to resurfacing a section of road. The road improvement list shall be maintained by the Road Chair, but shall be available to all Board members. Each item on the list shall thoroughly describe the scope of the work required, potential materials required, and details of the location of the needed work. Each item shall be prioritized as the urgency of the needed improvement. Improvements that if left unattended could develop into a hazardous condition for traffic shall have the highest priority (A), and would include items such as erosions into the road, or vegetative growth that creates a blind curve. Improvements that would help the sustainability of the road, such as the installation of a culvert or the restructuring of a road to improve drainage; or resurfacing areas of the roads that have worn through the existing road base to the sub base, would receive a priority (B). Improvements that would make a road more user friendly, such as smoothing out a curve, or reducing the incline of a hill, would receive a priority (C).

**5.2.3.2 Scheduling Improvements** – The Road Committee shall review the list in October to select candidate improvements for implementation in the following fiscal year. Selection criteria shall be 1) Priorities, 2) budget constraints, and 3) greatest demographic benefits.

Each year, the priority A items shall be given the highest considerations. Not all priority A items must be fixed the following year, however. It may be determined that an A priority item may be able to go unattended for more than a year or two. Forgoing on those improvements may facilitate the implementation of a higher cost B priority item.

Although priority C items are of a long term nature, not all priority B items need be completed before selecting a priority C item. Given due consideration to each of the selection criteria, it may to the better good of the Ranch to select a priority C item over a priority B item.

**5.2.3.3 Getting Started** – Project descriptions must be generated, costs must be estimated, and board approval must be obtained.

**Work Orders** The Road Chair will generate a Work Order for each improvement project. The Work Orders shall be reviewed with the Contractor to ensure the completeness and correctness of the project description. The Contractor shall then provide an estimated cost for the project. This should be accomplished by December so that the Board can authorize the work to begin, predicated on budget constraints, in January.

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**Board Approval** The Board shall select the projects to be completed in the following year, based on the selection criteria above. The Board shall also take into strong consideration the recommendations by the Road Chair. Once the selections are made, the Road Chair shall sign the Work Orders and obtain the signature of the contractor. A copy will be filed with the contract, a copy will be provided to the contractor, and a copy will be held by the Road Chair.

**Scheduling Work** Road improvements shall be scheduled in joint efforts by the Road Chair and the contractor. Concurrent projects should be discouraged if there is a potential for work and access conflicts. Unless there are extenuating circumstances, a project for adding road base to any particular road shall only be scheduled after ALL maintenance projects to that road have been completed. At a minimum, this means that all bar-ditches and culverts that need to be cleaned have been cleaned, any new culverts that need to be added have been added, and the road graded as necessary.

### 5.2.4 Inspections and Reports

The Road Chair, with the aid of the Road Committee, shall make periodic and final inspections for all road improvement projects. Periodic inspections shall be primarily for progress assessment and adherence to the contract. Deviations from contractual requirements shall be addressed with the contractor at the earliest possible time for resolution. The results of all periodic inspections shall be summarized to the Board at each regular board meeting. Final inspections shall check that all tasks have been completed as stated in the Work Order. If there are contested contract performance discrepancies, the Road Chair shall provide details to the Board and to the contractor. If the final inspection results are positive, the Road Chair shall report the results to the Board as soon as feasible for final payment authorization.

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## 5.3 SNOW REMOVAL PLAN

**Scope:** The Snow Removal Plan shall be executed by the Board and implemented by the road contractor. This plan applies to all common roads on the Blackhawk Ranch with the exception of Howards Draw and the “Not Maintained” road connecting North Mountain Drive and Lower Mine Road.

**Purpose:** The purpose of this plan is to ensure, as reasonably as possible, that there is a traversable path for vehicular traffic to and from each resident’s property after a snow storm and when feasible, during a storm. This plan also provides consideration for the removal of snow to maintain the health of the roads.

### 5.3.1 Routine Snow Removal

In general, snow removal on the Blackhawk Ranch roads shall be to the extent that would allow a properly equipped vehicle (for example, 4-wheel drive and adequate tires) and a reasonably competent and responsible driver, to safely drive on the Ranch.

**5.4.1.1 When to Remove Snow** - Snow removal will normally be conducted by the contractor only during daylight hours and generally only between 0900 and 1600, Monday through Friday. Weekend, holiday, and nighttime snow removal will be conducted at the availability and discretion of the contractor.

Generally, snow removal on main arteries shall begin when the snow level reaches four inches, but several considerations should be taken into account prior to beginning. The guidelines listed below should be considered, but are not mandated. Also, keep in mind that snow does not fall evenly on the Ranch. Several areas on the Ranch should be queried to help make the decision for plowing.

- **Prevailing Conditions:** If the expected duration of the storm is over an extended period of time, beginning the removal process at two to three inches would be prudent. If the sky is clearing when the snow depth reaches two inches, the removal process could be delayed and most likely even forestalled
- **Snow Moisture Content:** Prevailing conditions considered, the snow removal process for a dry snow can be delayed until the depth of snow reaches four or five inches. The snow removal process for a wet snow, however, should begin as soon as the prevailing conditions suggest.
- **Ground Conditions:** If the snow storm was preceded by a week of very warm temperatures, causing the ground to be warm, or by a day of rain, causing the ground to be very wet, the snow removal process should begin when the snow level is at two inches, regardless of the prevailing conditions, to reduce the amount of water on the roads and overnight freezing.
- **Timing:** If the snow depth reaches two inches late in the afternoon, all above conditions considered, the snow removal process should be implemented on the main arteries. This will facilitate the snow removal process the following day. The timing for calling the contractor, however, should include one hour for travel to the Ranch by the road contractor and setup time.
- **Wind:** During strong winds, snow plowing is questionable. There are places on the Ranch where it does not take much wind to cause a ‘whiteout’ effect, making it dangerous to plow.

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Blowing snow also negates most plowing efforts. Therefore, during strong winds, it is not advisable to plow the roads on the Ranch.

When the Road Chair deems that the snow removal process should begin, he/she will contact the contractor to begin snow removal. If all the designated roads on the Ranch have not been cleared by dark, or if it continues to snow through the night, the contractor shall be directed to return the following day.

**5.3.1.2 Snow Removal Route** Snow removal is an hourly cost to the POA. In an effort to keep the cost of snow removal to a minimum, the route in which snow is removed should be a smooth progression through the Ranch. Snow removal will be dictated by conditions and the best judgment of the snow plow operator(s).

**5.3.1.3 Snow Removal Particulars** Roads shall be plowed to within about an inch of the road surface to protect the road base. On some inclines or curves, however, it may be necessary to plow to the road surface to provide traction for regular traffic and the plow vehicle. An alternative would be to spread sand on those inclines and curves.

When possible, the snow should be moved completely off the road and into the bar-ditch or beyond. This will keep the typical windrow of snow from melting back onto the road and keeping the road wet.

When the snow is at such a depth (probably three feet or more) that only one lane of traffic can be cleared on a road, pullouts shall be made into the snow bank about every quarter of a mile so that incoming and outgoing traffic has a place to pass one another.

Spurs that are left unplowed and that intersect the main roads from a position higher than the main road must be plowed to the first knoll or at least 100 feet back from the main road. Additionally, piles of snow must not be left in intersections, such as Fourmile Canyon Rd. & Lower Mine Rd., Fourmile Canyon Rd. & Timber, and Timber & Wapiti. These measures will keep the standing snow from melting onto the main road, keeping it wet for long periods of time.

### 5.3.2 Emergency Snow Removal

**5.3.2.1 Emergency Conditions** Emergency conditions exist whenever immediate action is required to prevent death or injury to human life. During an emergency, a direct path to the person requiring emergency attention, including the persons driveway, will be cleared prior to any other snow removal activities and as quickly as safety will allow. An emergency should be made known to the contractor, by any means possible, and the contractor shall immediately commence clearing the way to the emergency area. If an emergency vehicle approaches the plow vehicle, or any resident of the Ranch with an emergency condition, the contractor will ascertain the destination of the emergency and provide any assistance necessary to get the emergency vehicle or resident to and from the emergency.

**5.3.2.2 Extreme Snow Storms** During extreme snow storms, where the snow is wet and reaches depths of more than three feet, heavy-duty equipment beyond the contractor's inventory, may be required. The Road Chair may authorize the contractor to rent the required equipment

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and the contractor shall be reimbursed by the Board upon receipt of the rental bill. This is not intended to replace the contractor's standard equipment during periods of repair. It is the contractor's responsibility to keep his equipment operational.

**5.3.2.3 Contingency Plan** Typically, the Road Chair shall be the person to call the contractor for snow plowing. The Road Chair may designate an alternate as necessary. In cases where rapid turn-around decisions must be made, and the Road Chair or an alternate is unavailable, any member of the Board has the authority to make the required decisions. All Board members shall be familiar with this plan and the Road Chair shall keep the Board apprized of the status of all projects. In the event that no Board member is available, and in a situation that requires a timely decision, the road contractor may exercise his/her best judgment with the backing of the Board.

At any time that the Board deems necessary, the Board can suspend the policy of allowing the contractor to exercise his/her best judgment in the absence of Board members. This cannot, however, be retroactive to a decision that the contractor had made in the absence of Board members, leaving the contractor with the burden of that decision.

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## 5.4 DRIVEWAYS AND EASEMENTS

**Scope:** The interface of private roads with the common roads shall be governed by the Board and implemented by the joint cooperation of the Road Chair and the property owner. This procedure applies to all areas of the Blackhawk Ranch that make contact with the common roads. Howards Draw and the “Not Maintained” road connecting North Mountain Drive and Lower Mine Road are not considered as common roads.

**Purpose:** The purpose of this procedure is to delineate the responsibilities of the Board and the individual property owners in preserving the functionality, maintainability, and beauty of the junctions of common roads and private roads.

### 5.4.1 Driveway

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. Refer to Section 5.1.1.3 of this manual for details.

### 5.4.2 Road Easement

It is the Board’s responsibility to maintain the road easement. This includes keeping the ditches and culverts cleared and removal of storm debris, but does not include the owner’s installed culvert in the easement under the driveway. To facilitate this effort, the property owner must keep the easements clear of obstructions, e.g., mailboxes, address signs, driveway markers/lights, etc.

### 5.4.3 Existing Conflicts

The Board will contact each property owner with an existing driveway, as of 5/28/09, that is improperly constructed and recommend corrective action. The property owner shall then take the necessary action to ensure their driveway does not impact the common road. In cases where major construction is required, the Board shall work with the property owner, sharing some of the burden of the work involved in correcting the intersection of the driveway to the common road.

Conflicts that cannot be mutually resolved shall be resolved as described in Section 1.7 *Dispute Resolution*.



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## 5.5 ROAD COMMITTEE

**Scope:** The Board is responsible for the condition of roads, and that responsibility is managed by the Road Chair. The Road Chair is encouraged to seek input from many sources and this procedure authorizes the Road Chair to implement an advisory committee. Members of the committee serve in an advisory capacity, but may be called upon to perform some tasks that would relieve the overwhelming workload placed upon the Road Chair.

**Purpose:** The purpose of this procedure is to provide a means for the Road Chair to utilize no cost inputs from various sources regarding the care and upkeep of the roads.

### 5.5.1 Members

The members of the Road Committee shall be members of the POA in good standing. There is no requirement on the number of members, but membership should be held between four and eight for efficiency. No POA member shall be refused membership for any reason other than membership size.

### 5.5.2 Meetings

Meetings shall be scheduled by the Road Chair and posted on the website. Road Committee meetings shall be open to POA members and shall not conflict with regular Board meetings. At the discretion of the Road Chair, outside guests may be invited to the meetings to provide technical or detailed information.

### 5.5.3 Authority

Members of the Road Committee primarily serve in an advisory capacity. Members provide ideas, observations, recommendations, and information to the Road Chair. The Road Chair decides how those inputs will be used, but shall provide feedback to the committee on inputs not accepted. The Road Chair has the authority to act on any Road Committee suggestion as long as it is within the purview of the Road Chair position. The Road Chair may take any suggestion to the Board for approval.

In addition, Road Committee members may be asked to help on Road Committee action items. This could range from conducting research on a solution of a road problem, to the actual inspection of a specific portion of a road.

### 5.5.4 Reports

The Road Chair will ensure notes of each meeting are recorded and maintained. The Road Chair will brief the Board at regular meetings from those notes. No physical report is required.

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## 5.6 NOXIOUS WEEDS

**Scope:** 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. The Board has assumed that responsibility for the road setback, 20 feet from the center of the road, on each side of the road (approximately ten feet from the edges of the road) in conjunction with road maintenance. The Board will make roadside inspections of properties on the Ranch, but this does not relieve the property owner of weed management responsibilities for their property.

**Purpose:** To maintain the natural beauty and value of the Blackhawk Ranch and to fulfill the intent of the Colorado Noxious Weed Act.

A copy of *subsection 5.7 Noxious Weeds*, shall be maintained in the Weed management Notebook.

### 5.6.1 Noxious Weed Management Plan

The management objective that the Board shall achieve, with the noxious weeds on the Ranch is suppression with an effort to achieve eradication. The Board shall remind property owners that driving ATVs, riding horses, or even walking through areas with noxious weed populations will likely track seeds away from the infestations and aid the spread of the weed. Not only does this mean that weeds could be spread over the Ranch, but if property owners ride or camp in other areas of the state they could bring seeds with them to the Ranch.

**5.6.1.1 Area Inspection** Noxious Weeds grow predominately, but not exclusively, in areas where the ground has been disturbed, such as roadsides and building sites. Once a weed flowers, its seeds can be spread to other areas, sometimes to great distances. Noxious weeds seem to have invaded the Ranch from the east. Consequently, the presence of noxious weeds is far greater on the eastern side of the Ranch than on the western side.

The Weed Committee Chair (or Committee Members) shall inspect the road easements in early spring to determine the level of noxious weed infestation. The results of this inspection will determine the product best suited for the various areas of 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 member's properties. Weed infestations found during this inspection shall be reported to the Board, to include the parcel number, the level of infestation sighted, and the type of noxious weed present.

**5.6.1.2 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 notice in case they want to keep pets or livestock away from the roadway while spraying is being done. This notification can be accomplished via e-mail or telephone calls to residents who do not have an e-mail address.

**5.6.1.3 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

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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 also 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 the owner of the steps to be taken to ensure that the noxious weed problem on their property 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.

**5.6.1.4 Noxious Weed Control** In accordance with the Weed Management Book, the Weed Committee Chair shall initiate the noxious weed spraying process on the road easements when the plants are actively growing. This means that fall and spring are generally the best time to apply herbicides. Growing conditions are dependent on climatic conditions and therefore summer applications may also be valuable. It's typically desirable to kill weeds prior to them producing seed. However, since they have multi-year life cycles, it is not realistic to target only the immature plants. Consistent efforts, year to year, will pay big dividends in reducing the weed infestation.

For areas of high infestation, a vigorous, broad spectrum herbicide should be used. For areas with lighter infestations a cheaper and less vigorous herbicide may be used.

### 5.6.2 Weed Spraying Equipment

**Trailer Mounted Sprayer** The POA owns a Scorpion brand sprayer. The sprayer sets atop a utility trailer, has a 5.5 hp Briggs and Stratton engine that drives a Delavan pump with a 19.6 gpm flow. The tank holds 150 gallons and is self venting. The sprayer is equipped with the apparatus for rigging a boom. The use of the boom, however, would only be effective if a continuous population of noxious weeds existed along a long stretch of road.

**Backpack Sprayer** The POA owns three 4-gallon backpack sprayers. These can be used by the weed committee, but are primarily for the use of property owners. 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.

Money collected for backpack rental shall be entered into the ledger under Income Weed Sprayer Rental.

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

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

## Section 600 Compliance

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### **COMPLIANCE POLICY**

The Property Owners Association Board of Directors shall enforce the articles of the Declaration of Protective Covenants adopted by the Association and filed with the appropriate government entities. The Board may grant waivers as appropriate. The Board shall also provide a process for conflict resolution.

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## COMPLIANCE PROCEDURES

### 6.1 Compliance

**Scope:** Compliance with established association covenants shall be overseen by the Chairperson of the Compliance Committee as appointed by the Board or other person(s) as designated by the Board. Application for waiver of a covenant shall be presented to the entire Board for consideration.

**Purpose:** To ensure that all construction, improvements, and other activities by property owners adhere to the Declaration of Protective Covenants and their intent to protect and enhance the value and attractiveness of the property on Blackhawk Ranch.

#### 6.1.1 Excerpts From the Declaration of Protective Covenants

The following paragraphs have been extracted from the Declaration of Protective Covenants for ease of access for the Board and the Compliance Committee. The Board and the members of the POA must adhere to all covenants, but the following covenants are specifically enforced by the Compliance Committee (with the exception of overriding provisions set forth in Title 38 Section 33.3 (CCIOA)).

**6.1.1.1 Dwellings** – No dwelling shall be built on Blackhawk Ranch that is less than 1,000 square feet of living space. Any structure must be on permanent footing or foundation. No commercial activity shall be permitted unless approved by the Property Owners Association Board. Home Office usage is permitted providing that such business does not increase traffic in or out of Blackhawk Ranch. Such home office usage where clientele and/or customers would visit the home office shall be prohibited unless prior approval is given by the Board. Mobile homes shall not be permitted on any parcel within Blackhawk Ranch. Modular homes will be allowed on Blackhawk Ranch with the following specifications:

- The dwelling must be a minimum of 1,000 square feet of living space;
- The dwelling must be installed on a engineered permanent foundation;
- The dwelling must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides consistent, continuous façade from the bottom of the soffit (top of wall section), downward to top of the exposed perimeter wall, foundation, or to grade, whichever is applicable;
- The dwelling must have a pitched roof;
- The dwellings plans and construction must conform to the State of Colorado in accordance with the Uniform Building Code and related codes.

**6.1.1.2 Setbacks** – No structure may be erected within fifty (50) feet of the right-of-way line of any road within Blackhawk Ranch nor within twenty-five (25) feet of any side or rear line of any parcel unless approved by the Property Owners Association Board. See Figure 6-1.

**6.1.1.3 Trash and Rubbish** – Rubbish, garbage or other waste shall be kept and disposed of in a sanitary manner, and all containers shall be kept in a clean, sanitary condition so as not to endanger wildlife.

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**6.1.1.4 Utility Easements** – A twenty (20) foot utility easement is hereby set aside on each side of all side and common rear lot lines and a forty (40) foot utility easement is hereby set aside on the interior side of all exterior lot lines. Utility easements may be used for recreational purposes including, but not limited to, hiking, biking and horseback riding. Utility easements must be maintained in as natural a state as possible; therefore no tree cutting or fencing will be permitted on the utility easements without prior approval from the Property Owners Association Board. See Figure 6-1.

**6.1.1.5 Nuisance** – No owner shall cause or allow the origination of excessive odors or sounds from his parcel. No owner shall cause or allow any other nuisances of any kind whatsoever to exist on his parcel. In case of a dispute, at the request of an owner, the board shall make the final determination of what constitutes a nuisance.

**6.1.1.6 Animals** – Animals will be allowed on Blackhawk Ranch for the personal use of parcel owners. Any animals raised for commercial activity must be approved by the Property Owners Association Board. Commercial feed lots and swine shall be prohibited from Blackhawk Ranch.

**6.1.1.7 Motor Vehicles** – No motorized vehicle which is either non-operational or non-licensed shall be kept or stored on any parcel, unless said vehicle is kept or stored in a fully enclosed building.

**6.1.1.8 Temporary Residences** – No structure of temporary character, recreational vehicle, camper unit, trailer, basement, tent or accessory building shall be used on any parcel as a residence. Recreational vehicles, camper units and tents may be used for vacation camping for periods not to exceed ninety (90) consecutive days in any calendar year.

**6.1.1.9 Mobile Homes** – Mobile homes shall not be permitted on any parcel within Blackhawk Ranch.

**6.1.1.10 Land Use** – Commercial wood harvesting, mining (including the removal of soil, gravel or rock) and oil or gas production is prohibited. Further subdivision of less than thirty-five (35) acres is prohibited.

### 6.1.2 Compliance Inspections

Property owners shall be repeatedly reminded, through the website, the newsletter, etc., to provide the Board with a completed Compliance Form (see Appendix **DB**) prior to the start of a building project. The Compliance Committee Chair shall review received forms for completeness. The Compliance Committee Chair shall report compliance activities to the Board at regular Board meetings.

### 6.1.3 POA/Owner Partnership

When new restrictions or requirements are put into place, the burden to property owners for retrofitting shall be shared by the POA.

**Driveways** – In cases where major construction is required to conform to the Road Procedure, the Board shall work with the property owner, in correcting the intersection of the driveway to the common road.

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## 6.1.4 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 EC). Not all articles of the Declaration of Protective covenants, however, can be waived by the Board. 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, interview neighboring property owners, or review county or state regulations. If the request is denied, the Board shall provide the property owner specific and detailed rationale for the denial.

## 6.1.5 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 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. If the property owner does not respond within 21 days, another letter shall be sent by certified mail stating that an inadequate response will result in activation of the Fine Policy and the matter being referred to our attorney.

If the attorney becomes involved, his initial letter shall reaffirm the Board's intent to enforce the Covenants and outline the possibility of the property owner incurring substantial legal fees if the issue must be resolved in court. If this does not start an agreeable path toward resolving the issue, the attorney will take the appropriate steps that will eventually lead to court.

## 6.1.6 Fine Policy

The following Fine Policy shall be followed for the Blackhawk Ranch Property Owners Association.

### 6.1.6.1 First Notice

A member of the Association who is found to be in violation of the Protective Covenants or any other provision of the governing documents of Blackhawk Ranch POA will be notified in writing ~~either~~ by the Association's Board of Directors ~~or by the Association's managing agent~~. The notice shall be sent via US Mail or shall be hand delivered and shall include the nature of the violation and the applicable fine for noncompliance. The notice of violation shall provide that within a period of time (to be determined by the Board of Directors ~~or Association's managing agent~~), the member must either correct the violation or enter into a compliance agreement with the Association acceptable to the Board or Association's managing agent whereby the member agrees to rectify the violation.

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### **6.1.6.2 Opportunity to be Heard**

The member who has received notification of violation will be given notice of his or her right to be heard by the Board of Directors. If a written request for hearing is received from the violator within twenty-one (21) days of the date of the violation notice, then 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.

### **6.1.6.3 Fee Schedule**

\$25.00 per incident and per day for continuing violation.

Any fine levied pursuant to this Fine Policy shall be considered an assessment against the members' property and shall be collectible by the Association in the same manner as all other such assessments as provided in the Bylaws, Protective Covenants or Association governing documents.

This policy is not intended by the Board of Directors to preclude any other enforcement remedy the Association 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 Association to obtain compliance of a member with the Protective Covenants or other provisions of the governing documents will be the obligation of the member.



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## 6.2 ENFORCEMENT

**Scope:** The following procedures shall be followed by the Board and any agent acting for the Board. This procedure applies to the enforcement of the Declaration of Protective Covenants for the Blackhawk Ranch Property Owners Association. This procedure could require the intervention of appropriate County and State Officials.

**Purpose:** The purpose of this procedure is to provide a process and guidelines for enforcing the Declaration of Protective Covenants for the Blackhawk Ranch Property Owners Association

### 6.2.1 Notification of Violation

See Section 6.1.6.1

### 6.2.2 Local and County Officials

When all efforts by the Board fail to resolve a covenant violation with a property owner, the next level of enforcement could be local or county officials. This avenue of resolution will be a judgment call by the Board as not all of our covenants, or the way in which the violation occurs, will be within the jurisdiction of local or county officials. When in doubt, it would not hurt to contact the appropriate official and discuss the issue. If the violation does not fall within the jurisdiction of the official, he or she may provide a suggested course of action.

### 6.2.3 Legal Counsel

The highest level of enforcement would be to file a law suit against the property owner and have the issue resolved in the court system. This is the least desirable route and the most costly. Before this course of action is taken, the Board shall seek legal counsel for advice. A lawyer may be able to establish a dialogue between the Board and the property owner that would lead to an acceptable resolution. This could be as simple as a strong letter from a lawyer, or through mediation or arbitration. Only when the Board has exhausted all its efforts toward resolution, shall they seek legal advice. [See Section 1.7 Dispute Resolution.](#)

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## **EMERGENCY MANAGEMENT POLICY**

The Property Owners Association Board of Directors shall take necessary actions to reduce personal risks and property loss during emergency situations on the Blackhawk Ranch. The Board shall take proactive measures to facilitate the needs of emergency service personnel and to provide property owners with emergency and safety information.

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## EMERGENCY MANAGEMENT PROCEDURES

### 7.1 Medical Emergency

**Scope:** This procedure applies to medical emergencies for people on the Ranch and may involve local hospital, fire, or police emergency service personnel and equipment.

**Purpose:** To ensure that in the event of a medical emergency on the Ranch, EMS personnel can get to the emergency and perform their emergency services as smoothly as feasibly possible.

#### 7.1.1 Board Responsibilities

The Board shall ensure that property locations are available to EMS vehicles. A Blackhawk Ranch road map shall be posted at the entrance to the Ranch indicating the location of full time residents. Reduced copies shall also be available, but marked 'For Emergency Use Only'.

The Board shall provide Blackhawk Ranch road maps to the sheriffs and fire departments in both Huerfano and Las Animus counties.

The Board shall actively pursue acquiring current Blackhawk Ranch addresses and phone numbers in order to establish a phone tree for the residents of the Ranch.

The Board shall record the GPS location for the driveways of each residence on the Ranch.

The Board shall regularly inspect the Blackhawk Ranch 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.

#### 7.1.2 Property Owner Responsibilities

Residents of the Ranch, whether fulltime or part time, must keep the Board apprized of their current Blackhawk 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 home of the emergency. They should also determine if the EMS vehicles need to be met at a location to escort the vehicles to the house.

In the event of a medical emergency, the residence 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.

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## 7.2 Security / Safety Emergency

**Scope:** This procedure applies to emergency situations on the Ranch that involve the safety of personnel or the security of property. This procedure may involve local hospital, fire, or police emergency service personnel and equipment.

**Purpose:** To ensure that property owners are aware of the process for dealing with emergency security and safety situations.

### 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 measure can be taken, the Board can set the action in motion.

### 7.2.3 Safety

The Board shall make every effort to identify safety hazards on the Blackhawk Ranch roads. The Road Committee Chair shall ensure any road hazard is corrected as soon as feasibly possible. All residents are encouraged to report such hazards to the Board.

The Board shall maintain a constant effort to ensure a means of alerting all residents to any condition on the Ranch that poses a threat to their safety.

### 7.2.3 Fire Mitigation

**7.2.3.1 Background** – The Blackhawk Ranch lies in a wildfire hazard environment. As more homes are built on the Ranch, the hazards of a wildfire increase. Most of the homes are built without regard to this risk in that they sit on top or the side of a steep slope where the fires spread the fastest and are the hardest to combat.

If that's not a scary thought, multiply that risk by the lack of a rapid response fire fighting service. We are supported by a volunteer fire department that is not funded by taxes. Their training can be substantially less than a state funded fire department and often their equipment may even be inadequate.

So, protecting your home, and possibly your family, may be more up to you than anyone else. In protecting your home, there may be little you can do to fight the fire, but there is a lot you can do to reduce the potential risk for loss, and at the same time, help fire fighting personnel protect your home.

Fire fighters are trained to recognize hazardous and hopeless fire situations. If you have done nothing to protect your home, by the time fire fighting personnel arrive, your home will probably be a hopeless situation. And you can't expect them to risk their lives fighting a losing battle.

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**7.2.3.2 The Fire Environment** – The ‘fire environment’ is defined as the surrounding conditions, influences, and modifying forces that determine wildfire behavior. There are three components of the fire environment: weather, topography, and fuel. Together, these three components affect the likelihood of a fire start, speed and direction at which a wildfire will travel, intensity at which a wildfire burns, and the ability to control and extinguish a wildfire. And, of course, you must always consider the ‘human environment’; building materials, accessibility, and water supply.

**Weather:** Dry, hot and windy weather increases the likelihood of a major wildfire. These conditions make ignition easier, allow fuels to burn more rapidly, and increase fire intensity. High wind speed, in particular, can transform a small, easily controllable fire into a catastrophic event in a matter of minutes.

**Topography:** The steepness of slope is among the most influential on fire behavior. As the steepness of the slope increases, the faster a fire will spread. Other important topographic features include aspect (south and southwest slopes usually have more fires) and steep, narrow drainages (chimneys) which can significantly increase the rate of fire spread.

**Fuel:** Fuel is required for any fire to burn. In regards to wildfire, fuels almost always consist of living vegetation (trees, shrubs, grass, and wildflowers) and dead plant material (dead trees, dried grass, fallen branches, pine needles, etc.). Structures can also become fuel.

**The Human Environment:** When people are living in high hazard fire environments, the human built environment becomes an important factor in predicting the loss of life and property. Untreated wood shake and shingle roofs, narrow driveways, limited access, lack of fire-wise landscaping, and inadequate water supplies, are examples of increased risk to people living with the threat of wildfires.

Although weather and topography cannot be changed, the fuels and human environment can be modified. Consequently, many of our opportunities to reduce the wildfire threat lie in the proper management and manipulation of wildland vegetation, and the proper planning for integrating into the natural environment.

**7.2.3.3 Defensible Space** – The best fire protection that **you** can achieve is by creating a Defensible Space around your home. This is an area between you house and an oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and to provide an opportunity for firefighters to effectively defend the house.

An effective defensible space does not have to be bare ground. It is merely breaking up the continuity of fuels, both across the ground and from the ground to the tree crowns. So, you can keep that gorgeous tree next to your house, or those that screen your home, just don’t allow paths of continuous fuels leading up to your house. The following are six steps to creating an effective defensible space:

**Step One: Size** – Determine the size of your defensible space should be. The size of the defensible space is usually expressed as a distance extending outward from the sides of the house. This distance varies, however, by the type of wildland vegetation growing near the house and the steepness of the terrain. Refer to Table 7-1 to calculate the recommended defensible space around your house. Find the value of your slope across the top of the table and the type of

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vegetation down the side of the table. Read down from the slope and across from the vegetation and the number where those lines cross represents the distance from every side of your home that is considered your recommended defensible space. The guide in Figure 7-1 can be used to determine the slope of your property in the area of your home. Another method of determining slope would be to use a level and a ruler. Place the level on ground and lift the down-hill end until the bubble is centered. Measure the distance from the bottom of the raised end of the level to the ground. Be careful not to move the level and make sure the ruler is at a right angle to the end of the level; not to the ground. You will also need to know the length of the level. Divide the distance to the ground by the length of the level. For example, if the distance to the ground is 6 inches and the level is 24 inches, the slope is 25 %.

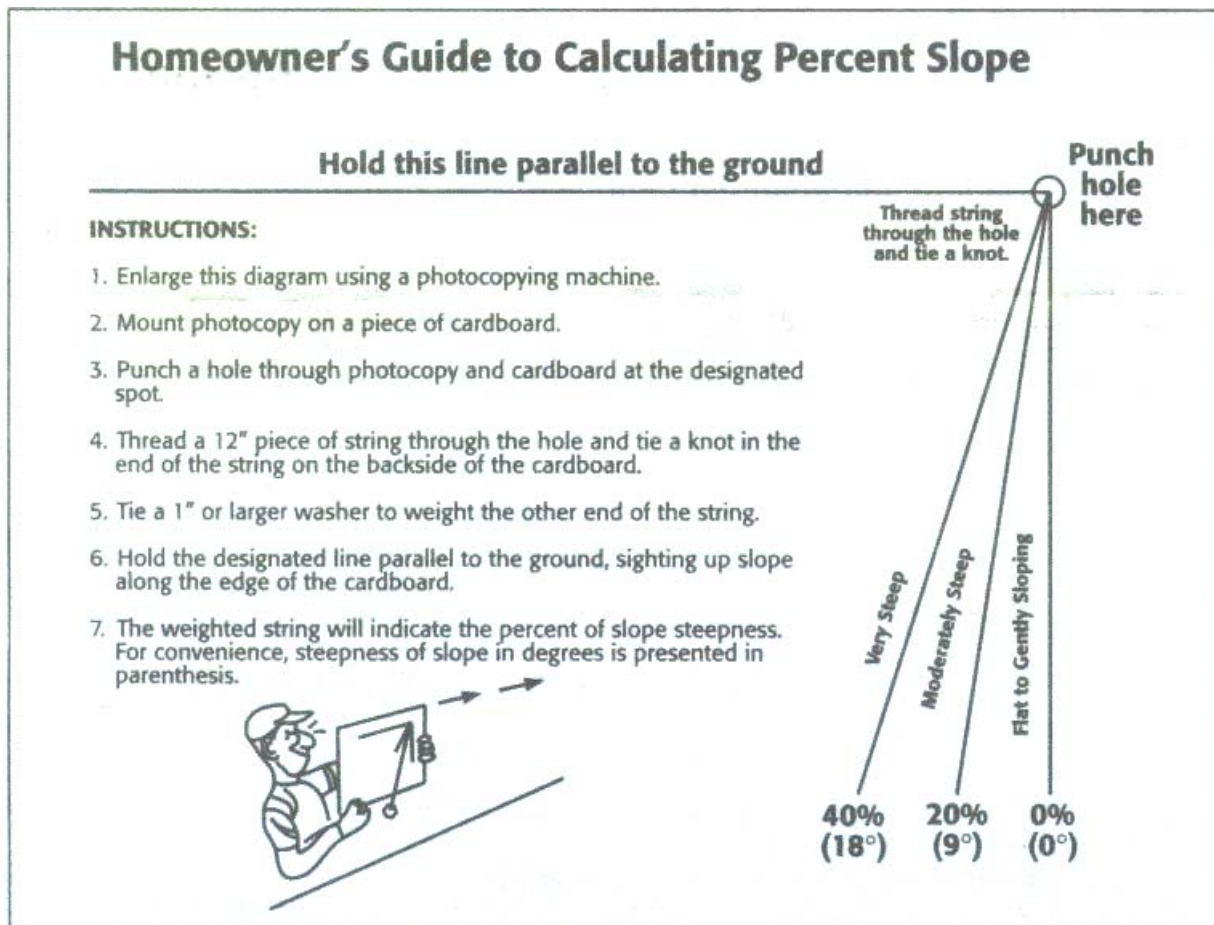
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*Table 7-1. Defensible Space*

| VEGETATON                           | SLOPE  |            |          |
|-------------------------------------|--|------------|----------|
|                                     | Recommended Distance Due to Slope and Vegetation |            |          |
|                                     | 0 to 20 %  | 21% to 40% | +40%     |
| Grass                               | 30 feet  | 50 feet    | 75 feet  |
| Shrubs                              | 100 feet   | 150 feet   | 200 feet |
| Trees                               | 150 feet   | 200 feet   | 300 feet |
| <b>TREE SPACING</b><br>Due to Slope | 10 feet  | 20 feet    | 30 feet  |



*Figure 7-1. Guide to Calculate Slope*

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**Step Two: Dead Vegetation** – Remove dead vegetation from the recommended defensible space. Dead vegetation includes dead trees and shrubs; dead branches lying on the ground or still attached to living plants; dried grass, flowers, and weeds; dropped leaves and needles; and firewood stacks. Cut dried grass and weeds to a height of 6” or less.

**Step Three: Continuous Dense Cover** – Break up any continuous dense cover of shrubs or trees within the recommended defensible space. Sometimes wildland plants can occur as an uninterrupted layer of vegetation as opposed to being patchy or widely spaced individual plants. The more continuous and dense the vegetation, the greater the wildfire threat. Refer to Table 7-1 to determine the recommended spacing between trees depending on the slope of the land.

**Step Four: Ladder Fuels** – Vegetation is often present in clusters at varying heights. Under these conditions, flames from fuels burning at ground level, such as a thick layer of pine needles, can be carried to shrubs, which can ignite still higher fuels like tree branches. Vegetation that allows a fire to move from lower growing plants to taller ones is referred to as ‘ladder fuels’. Within the defensible space area, a vertical separation of three times the lower fuel layer is recommended. For example, if a shrub growing adjacent to a large pine tree is three feet tall, the recommended separation between the top of the shrub and the lowest branch of the tree would be nine feet (that branch would be twelve feet off the ground). You can achieve this separation by cutting branches from the tree or by trimming the shrub. Of course you could also remove one or the other.

**Step Five: Lean, Clean, and Green** – The area directly adjacent to your house is particularly important in terms of an effective defensible space. Within an area extending at least 70 feet from the house, the vegetation should be kept lean, clean and green.

**Lean** – only small amounts of flammable vegetation

**Clean** – no accumulation of dead vegetation or other flammable debris, and

**Green** – plants are healthy and green during the fire season.

**Step Six: Maintenance** – Keeping your defensible space effective is a continual process. At least annually, review these defensible space steps and take action accordingly. An effective defensible space can be quickly diminished through neglect.

**7.2.3.4 Other Considerations** – The manner in which your house is designed, where you build it, the materials you use, and the access to your house all influence it’s survivability during a wildfire. Below are some recommendations extracted from the publication “How to Make Your Home Fire Safe” by the California Department of Forestry and Fire Protection.

**Roof** – A house can be threatened by a wildfire in three ways: direct exposure to the flames, radiated heat, and airborne firebrands. Of these, firebrands account for the majority of homes burned by wildfires. The most vulnerable part of a house to firebrands is the roof. Remove all dead branches overhanging your roof and remove any branches within 15 feet of your chimney. Clean all dead leaves and needles from your roof and gutters. Install a roof that is non-combustible and cover your chimney outlet and stovepipe with a nonflammable screen of ½ inch or smaller mesh.



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**Construction** – Build your home away from ridge tops, canyons, and areas between high point on a ridge. Use fire resistant building materials and enclose the underside of balconies and above ground decks with fire resistant materials. Limit the size and number of windows in your home that face large areas of vegetation. Consider sprinkler systems within the house.

**Yard** – Stack woodpiles at least 30 feet from all structures and clear away flammable vegetation within 10 feet of woodpiles and propane tanks. Remove all stacks of construction materials, pine needles, leaves and other debris from your yard. Obtain a burn permit before burning debris. When a burn barrel is used, clear flammable material from at least 10 feet around the barrel and cover the open top with a non-flammable screen with mesh no larger than ¼ inch.

**Emergency Water Supply** – Keep a minimum renewable storage supply of 2,500 gallons on your property. Clearly mark all emergency water sources and notify your local fire department of their existence. Create easy firefighter access to you closest emergency water source. If your water comes from a well, consider an emergency generator to operate the pump during a power failure.

**Access** – Construct driveways to allow large emergency equipment to reach your house. On long driveways, make sure you have turnaround areas wide enough for emergency vehicles. Clear vegetation at least 5 feet back from driveways and clear overhanging tree branches. Make sure that your address is clearly posted at your driveway or on your house if it is close to your driveway.

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## 7.3 Emergency Evacuation

**Scope:** This procedure applies to emergency situations on the Ranch that require the evacuation of personnel from the Ranch. This procedure is directed to all property owners who spend time on the Ranch and may involve local hospital, fire, or police emergency service personnel and equipment.

**Purpose:** To ensure that an organized plan is in place to safely evacuate residents of the Ranch in the event of a major emergency where the safety of the residents would be enhanced by leaving the Ranch.

### 7.3.1 Evacuation Preparations

Each property owner who spends any time on the Ranch should generate a personal evacuation plan 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. The topics listed below are provided as fruit for thought, but may help you to develop your plan.

|                                   |   |
|-----------------------------------|---|
| <b>Load List</b>                  | List all belongings that you consider to be irreplaceable, that in the event of a fire you would want to pack into the car to take with you. For example; precious photos, family bible, computer CPU or backup disks, jewelry, important documents, etc. If some of your items are packed away, you may want to indicate their location on the list. Keep the list in a convenient location known to the entire household. |
| <b>Take Pictures of Your Home</b> | Take interior and exterior pictures of you home for insurance purposes. Paper copies would do, but electronic storage would be best. Keep these pictures in a safe place away from your house, such as a safe deposit box or with a relative. As you make improvements to your home, update your photos.  |
| <b>Plan Your Evacuation Route</b> | Depending on which way a fire would come, know in advance which would be the best evacuation route to take.   |
| <b>Rendezvous/Contact Point</b>   | Some members of a family may not be on the Ranch when an evacuation becomes necessary. Consequently, each family should designate a rendezvous point for the family to meet and / or a phone number, such as a friend or relative, where separated family members can call to give or get information.  |

### 7.3.2 Emergency Warnings

NOAA radio, phone tree, walkie-talkie, sirens, door-to-door alerts. **Need input from the Focus Group.**

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## 7.3.3 Evacuation Routes

Howard's Draw (TBD)

Property 158 (TBD)

## 7.3.4 Evacuation Safety & Security

**Safety** – The Road Committee Chair shall ensure that evacuation routes can be safely traversed at all times. This will require an occasional inspection and maintenance when required. The Road Committee Chair shall also ensure that gates or fences across the emergency evacuation routes can be opened and provide a large enough opening for vehicular traffic.

**Security** - In an emergency situation, such as a wildfire, where the residents evacuate the Ranch for safety reasons, the Board shall station a guard at the main entrance to stop potential looters or sightseers from entering the Ranch. The guard shall stay at the entrance only as long as it is feasibly safe.

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## 7.4 Wildfire Protection Plan

Scope: This procedure applies to each property owner on the Ranch. This procedure may involve professional technical support and the employment of personnel and equipment.

Purpose: To ensure that the POA has evaluated wildfire protection options for the Ranch and has a format for implementing those agreed upon options.

### 7.4.1 Assessment (Need Focus Group Input)

### 7.4.2 Plan (Need Focus Group Input)

### 7.4.3 Implementation (Need Focus Group Input)

## **Section 800 Communications**

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### **COMMUNICATIONS POLICY**

The Property Owners Association Board of Directors shall communicate Board activities on a regular basis to the members of the POA and be available for periodic communications from the members of the POA.

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## COMMUNICATIONS PROCEDURES

### 8.1 Communications From the Board to the POA

**Scope:** This procedure applies to the methods used by the Board to communicate POA business to the members of the POA.

**Purpose:** To ensure that the business activities of the Board are adequately communicated to the members of the POA.

#### 8.1.1 Blackhawk Ranch Website

The Blackhawk Ranch Website, (<http://www.bhrpoa.com>), shall be the primary means of communicating the activities of the Board and information concerning the POA to members of the POA, such as minutes, records, documents, and newsletters.

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

#### 8.1.2 Newsletter

The newsletter shall be published by a volunteer about every four months as a periodic summary of activities on the Ranch. Although the information in the newsletter shall be predominately about Board activities, it may also contain other information about the Ranch that may be of interest to members of the POA.

An electronic copy of the newsletter shall be sent by e-mail, posted on the Blackhawk Ranch Website or a hard copy sent by regular mail to any member who has requested a paper copy. Even though the newsletter is a one-way form of communication, in each issue there shall be a request for member feedback.

#### 8.1.3 Special Communications

**8.1.3.1 Bulletins** – For urgent information that must get to all members of the POA, a bulletin shall be used. The bulletin should be held to a single topic of importance to all members of the POA and be time sensitive. A bulletin may be informational only or request action on the part of the member. A bulletin should be limited to a single double-sided page. The information shall be provided in a clear and concise form and if action is requested, all necessary information for the member to take action shall be provided.

An electronic copy of the bulletin shall be posted on the Blackhawk Ranch Website, sent by e-mail or a hard copy sent by regular mail to all members.

**8.1.3.2 Ballots** – For issues on which the members of the POA are being asked to vote, a ballot packet shall be utilized. All background information, issue descriptions, candidate names, voting and mailing instructions, and any other pertinent information shall be included in the packet.

The ballot issues shall be posted on the Blackhawk Ranch Website along with information on how to obtain a ballot packet. Votes shall not be collected from the Blackhawk Ranch Website.

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**8.1.3.3 Notices** – A notice shall be used to inform each property owner of the Annual POA Meeting, a Special Meeting called by the Board or a Special Meeting called by a minimum of 20% of the POA members. The notice shall be sent in sufficient time for the member to plan and to attend the event. The notice shall include the date and time, the location and the purpose of the event, a request for an RSVP and any other pertinent information.

Notice of regular monthly Board of Directors Meetings shall be posted at the Blackhawk Ranch front gate, and on the Blackhawk Ranch Website (<http://www.bhrpoa.com>).

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## **8.2 Communications From the POA to the Board**

Scope: This procedure applies to methods of communications to the Board from the members of the POA.

Purpose: To ensure that the members of the POA have an open communications channel to the Board.

### **8.2.1 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.

### **8.2.2 Other**

Members of the POA are encouraged to use the Blackhawk Ranch Website for communicating with members of the Board. Additionally, mailing addresses, phone numbers, and e-mail addresses shall be posted on the Blackhawk Ranch Website (<http://www.bhrpoa.com>), listed in the post-annual meeting issue of the newsletter, and kept on file at the Property Management Company.



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## 8.3 Communications Between Board members

- Scope: This procedure applies to the method used to communicate POA related business between Board members.
- Purpose: To ensure that the Board to Directors has a means of communicating POA business to each other effectively.

### 8.3.1 E-mail Communication

E-mail can be an acceptable form of communication between board members. E-mail communication should be professional and courteous. All e-mail communications will become part of the permanent records. 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 for his/her exclusive use.

# **Section 900 Education**

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## **EDUCATION POLICY**

Education in the duties of governing a POA shall be a consideration for members of the Board as long as the education is specific to Colorado Title38 Sections 33.3-209.6 and 33.3-209.7. The Board shall provide education in the general operations of the association to members of the POA.

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## EDUCATION PROCEDURES

### 9.1 Education for Board Members

**Scope:** This procedure applies to education that may be available to members of the Board for the responsible governance of the POA.

**Purpose:** To ensure that the request of a Board member to attend an educational event at the expense of the POA is an authorized POA expense.

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 unit owners' associations. The course content of such educational meetings and seminars shall be specific to Colorado, and shall make reference to applicable sections of Title 38 Section 33.3-209.6.

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. It shall be intended that the attending Board member(s) take copious notes or annotate handouts, for the purpose of training the remaining Board members. These notes or handouts shall be transcribed into a neat, legible, and unabbreviated condition to be used for the training of future Board members.

Additionally, if a second educational event of a different content becomes available, qualifying under this procedure, the attending Board member(s) should be different than had attended the previous event.

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## 9.2 Education for Members of the POA

**Scope:** This procedure applies to the responsibility of the Board to provide education to members of the POA on the general operation of the association under Colorado law.

**Purpose:** To ensure that training on the general operation of the association under Colorado law is available to the members of the POA.

The Board shall provide, or cause to be provided, education to property owners, at no cost to the owners, 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.

### 9.2.1 General Operations of the Association

This Policy and Procedure Manual describes the details of the general operation of the POA by the Board of directors. This manual is provided in whole on the website and can be downloaded to a personal file or to a printer. The manual is also available for review at the Property Management Company. Property owners shall be reminded of the availability of the manual in newsletters and at annual meetings. Changes to the manual will be posted on the website as soon after approval as reasonable. A notice will be displayed on the website to announce the change.

### 9.2.2 Rights and Responsibilities

**9.2.2.1 Owners** – The rights of owners are detailed in Title38 Section 33.3-209.7. The bill is available on-line at <http://www.hindmansanchez.com/lawyer-attorney-1083282.html> for downloading, and at the Property Management Company for review. Responsibilities of the owners are detailed in the Declaration of Protective Covenants. The covenants are posted on the website and each member should have received a copy at the time of purchase. The covenants are also available at the Property Management Company for review. The importance of becoming familiar with the both of these documents will be stressed in the newsletters and at annual meetings.

**9.2.2.2 The Association** – As a non-profit association, under the Articles of Incorporation, the association has rights and responsibilities. The Articles of Incorporation are posted on the website for downloading, and at the Property Management Company for review. The importance of becoming familiar with this document will be stressed in the newsletters and at annual meetings.

**9.2.2.3 The Board** – The rights and responsibilities of the Board of Directors is defined in Title38 Article 33.3 and in the By-Laws of the Blackhawk Ranch Property Owners Association, Inc. The By-Laws are posted on the website for downloading, and at the Property Management Company for review. The importance of becoming familiar with the both of these documents will be stressed in the newsletters and at annual meetings.

APPENDIX A



**EQUIPMENT OWNED**  
*by the*  
**Blackhawk Ranch**  
**Property Owners Association**

**EQUIPMENT**

**RENTAL FEE**

| EQUIPMENT                                  | RENTAL FEE                         |
|--|------------------------------------|
| Gravel Spreader                            |                                    |
| Weed Sprayer Backpacks (3)                 | \$15 w/ Solution, \$5 w/o Solution |
| 'Scorpion' Weed Sprayer mounted on Trailer |                                    |
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APPENDIX B



Blackhawk Ranch
Building Compliance Form

Owner(s): \_\_\_\_\_ Filing: \_\_\_\_\_ Parcel: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Please answer 'yes' or 'no' each of the following questions.
Use the back of this sheet or another page for explanations.

- 1. Will your structure be a minimum of 1000 square feet of living space?
2. Will your structure be erected or installed on a permanent footing and foundation?
3. Will your building meet the following requirements ...
A. Will the building site be at least 50 feet from the right-of-way of any road within the ranch?
B. Will the building site be at least 25 feet from side and rear property lines?
C. If either of these requirements will not be met, has an exception been approved by the Board of Directors?
4. Will your structure be a modular home?
If 'yes' ...
A. Will the dwelling have a brick, wood or cosmetically equivalent exterior siding on all exterior walls providing a consistent, continuous facade from the bottom of the foundation, or to the grade, whichever is applicable?
B. Will the dwelling have a pitched roof?
C. Will the dwelling's plans and construction conform to the State of Colorado in accordance with the Uniform Building Code and related codes?
5. Will your driveway comply with Section 5.6 of the Road Policy?

Please note: To the extent that the applicable County or other Governmental regulations, rules, codes, ordinances or laws are more restrictive in their allowable land utilization than the Blackhawk Ranch covenants, they shall supercede said covenants and govern at all times.

Approved By:
\_\_\_\_\_
For the Blackhawk Ranch Compliance Committee

Date Approved:
\_\_\_\_\_

APPENDIX C



REQUEST FOR WAIVER

*of the*

**Blackhawk Ranch Protective Covenants  
or Board of Directors Policies & Procedures**

I, \_\_\_\_\_ Owner / Representative of Parcel No \_\_\_\_\_,  
Print or Type

request a waiver of the following Blackhawk Ranch Protective Covenants or Board Policies:

\_\_\_\_\_

**This waiver is requested for the following reason(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requestor: \_\_\_\_\_  
Signature

Date \_\_\_\_\_

Approved: \_\_\_\_\_  
Signature

Date \_\_\_\_\_

Disapproved: \_\_\_\_\_  
Signature

Date \_\_\_\_\_

Approval\* / Disapproval\*\* Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Enter any approval stipulations  
\*\*Disapproval requires justification