

**TAMARISK MEADOWS DELEGATE AREA
ANNUAL MEETING OF THE MEMBERS
OCTOBER 24, 2013**

Approved 10/5/16

Call

The meeting was called to order at 7:02 pm by Greg Davidson, Tamarisk Meadows Delegate.

Notice

Amie Martin established the notice of the meeting was sent out in compliance with the Association Documents.

Attendance

In attendance were Tamarisk Meadows Delegate and Board Member Greg Davidson, Association Manager Steve Rippy and Association Administrative Assistant Amie Martin.

The following properties were represented by community members in attendance:

Greg Davidson	Garry & Bettie Evenson
Severin Harmeyer	Jay & Mary Haygood
Yebi Hill	Frank Kilian
Amie Martin	Donald Morton
Evelyn "Cookie" Schaller	Robert & Elaine Tellschow

Quorum

There were 10 lots represented in person and 17 lots represented by proxy, for a total of 27 lots represented; therefore, with 27 lots represented a quorum was established.

Minutes

A motion was made by Jay Haygood and seconded by Elaine Tellschow to accept the October 19, 2011 minutes as presented. The motion carried unanimously.

A motion was made by Robert Tellschow and seconded by Frank Kilian to accept the October 24, 2012 minutes as presented. The motion carried unanimously.

Financial Report

Steve Rippy presented the financial reports from January 1, 2013 through August 31, 2013.

Jay Haygood stated that he feels Stone Quarry Road needs to be swept more than two to three times per year. The oil & gas industry should pay to have it swept.

Mr. Rippy stated that Stone Quarry Road is swept by Garfield County not the BMSA or the industry.

Mr. Haygood asked why the property at 8935 County Road 301 was purchased and what does BMSA plan on doing with the property.

Mr. Rippy explained that the property was purchased because the BMSA Board of Directors felt it was the gateway to Battlement Mesa and the property has a lot of potential to improve the aesthetics to the entry of the community. The Board has not made any decisions regarding the future use of the property.

Garry Evenson asked if BMSA is going to purchase other properties along County Road 301 because they are eye sores.

Mr. Rippy stated that the Board has not discussed purchasing any other properties.

Mary Haygood stated that she feels the I-70 interchange is more of an eye sore than the property was. With all the truck traffic there is a lot of road debris lying on the overpass.

Tax Resolution

A motion was made by Evelyn “Cookie” Schaller and seconded by Elaine Tellschow to approve the Tax Resolution as presented. The motion carried unanimously.

Capital Contributions Resolution

A motion was made by Evelyn “Cookie” Schaller and seconded by Elaine Tellschow to approve the Capital Contributions Resolution as presented. The motion carried unanimously.

Election of Delegate

Mr. Evenson stated he was challenging the validity of the meeting and asked Mr. Rippy to explain the reason behind the challenge. He also stated that any proxies assigned to Mr. Davidson are invalid.

Mr. Rippy explained that Mr. Evenson and some others in the community feel that Mr. Davidson is not eligible to be the Tamarisk Meadows Delegate because he does not live in the subdivision. Mr. Rippy stated he has received legal opinion from BMSA attorneys concerning the By-Laws that an owner of property in the village is eligible to serve as delegate whether that person lives in Tamarisk Meadows or not. Based upon that opinion, which is also supported by the Board of Directors, Mr. Davidson is considered eligible to serve as the delegate for Tamarisk Meadows.

Mr. Evenson read part of Section 5.3 of the By-Laws. Mr. Evenson read, “If a Delegate conveys or transfers title to his or her Privately Owned Site or Ceases to reside in the Delegate Area, or if a Delegate who is an authorized agent of an Owner which is not a natural Person ceases to be such authorized agent, or if the entity of which a Delegate is an agent transfers title to its Privately Owned Site, such Delegate’s term as Delegate shall immediately terminate and a new Delegate shall be elected as promptly as possible to take such Delegate’s place.”

Mr. Evenson again stated that he is challenging the validity of the meeting due to Mr. Davidson’s participation.

Mr. Haygood stated that someone could purchase property in every subdivision in Battlement Mesa and also be elected to the Board of Directors from every village; therefore, that person would be the only person on the Board of Directors.

Mr. Rippy stated that in every village the property owners have the right to either vote for a delegate or not. The power of choosing the delegate belongs solely to the owners as they control who serves as their delegate and the Board of Directors has no authority to remove or appoint a delegate.

Mr. Haygood asked Mr. Davidson if he would like to be the Delegate for Tamarisk Meadows.

Mr. Davidson stated that he does want to be the Delegate for Tamarisk Meadows. Mr. Davidson stated that he would like to continue serving on BMSA committees and also volunteering for projects in Battlement Mesa.

Mr. Evenson restated that Mr. Davidson is ineligible to be the Tamarisk Meadows Delegate because he is a non-resident.

Donald Morton stated that the people present at the meeting have the power to vote on a delegate, let's vote.

Call for Nominations

A nomination was made by Jay Haygood and seconded by Bettie Evenson to nominate Mary Haygood as the Delegate for Tamarisk Meadows.

Mary Haygood stated that she is a retired teacher and also a substitute teacher for the Grand Valley Schools. Mary Haygood stated that she is willing to alter her schedule so she will be able to attend all BMSA Board meetings.

A nomination was made by Amie Martin and seconded by Evelyn "Cookie" Schaller to nominate Greg Davidson as Delegate for Tamarisk Meadows.

With no other nominations, the call for nominations was closed.

Mr. Evenson again stated that he is in protest of the entire election. He stated he is also in protest of any proxies in Mr. Davidson's name.

An election by ballot was held for the Delegate for the Tamarisk Meadows subdivision. There were two candidates: Mary Haygood and Greg Davidson. The vote from the community members in attendance were (8) for Mary Haygood and (2) for Greg Davidson. There were 15 proxy votes cast; (1) for Mary Haygood and (14) for Greg Davidson. Total vote count was (9) for Mary Haygood and (16) for Greg Davidson. Greg Davidson was elected as the Tamarisk Meadows Delegate.

Mr. Morton asked if there is anyway that proxies can be eliminated and the voting only by limited to those owners present.

Mr. Rippy stated that it may be possible, but the By-Laws would need to be changed for the entire community.

General Discussion

Mr. Haygood asked Mr. Davidson why he wanted to be the Delegate for Tamarisk Meadows since he no longer lives here.

Mr. Davidson stated that he has a significant financial interest in the property he owns in Tamarisk Meadows and he wants to make sure that interest is protected and he has worked on some worthwhile projects while on the BMSA Board.

Mr. Evenson asked Mr. Davidson to explain to the group the amount of money he earns from a contract he has with BMSA. Mr. Davidson stated that it was none of Garry's business what he earns and that he has nearly 1300 accounts of which the BMSA is one of those accounts. Mr. Evenson stated it is our business to know how much you make from the BMSA. Mr. Rippy stated it is the \$15,000 amount under the "Weed Management" line item of the financials.

Mr. Haygood asked if BMSA is under the CCIOA rules and if BMSA is operating under the new laws that were passed this year.

Mr. Rippy explained that the new laws that were passed do not go into effect until January 2014. Mr. Rippy stated that BMSA is under many of the CCIOA rules but not all.

Yebi Hill asked if anyone is aware of the potential soil treatment facility to be built on the Metcalf property. Mrs. Hill stated that this facility could potentially have serious health consequences. Can we protest or voice our concerns. Mrs. Hill stated that the next meeting is being held in Glenwood Springs instead of in Battlement Mesa where we all live.

Mr. Haygood stated that Tamarisk Meadows Delegate should be corresponding with everyone in the subdivision with the particulars of the soil treatment facility.

Mrs. Hill stated she did not know anything about the soil treatment facility until she saw a flyer posted at the library. She stated that she was very shocked.

Mr. Evenson stated that he was informed that BMSA was notified of the soil treatment facility one week before their last Board meeting.

Mr. Haygood asked if Mr. Davidson approved of the soil treatment facility.

Bettie Evenson asked Mr. Davidson why he wants to be the Delegate for Tamarisk Meadows.

Mr. Davidson stated that he explained his reasons earlier in the meeting.

Mrs. Haygood asked how residents can get in touch with Mr. Davidson.

Mr. Davidson stated that they can send him an email through BMSA website.

Robert Tellschow asked what projects Mr. Davidson has worked on.

Mr. Davidson responded that he volunteered his time to install the three community bulletin boards and he is on the Public Works Committee at this time. Mr. Davidson stated that he has not failed any tasks the Board of Directors has asked him to complete.

Mrs. Hill asked how residents can let Garfield County know our concerns regarding the soil treatment facility. Mrs. Hill stated that this soil treatment facility reminds her of the compost plant in west Rifle. There was always a bad odor coming from that facility at all times.

Mr. Evenson stated that Mr. Davidson, as our delegate, and Mr. Rippy should be informing each resident in Tamarisk Meadows of the public meetings concerning the soil treatment facility.

Evelyn "Cookie" Schaller stated that her tenant installed a storage shed on her property. The shed was in violation of the Architectural Standards because it had a metal roof and was not painted the same color as the house. The tenant has since come into compliance. Ms. Schaller stated that Battlement Mesa Company properties look awful. How can they get away with allowing metal roofed shed and general maintenance of their properties?

Mrs. Hill stated that in the minutes from 2 years ago, there was a complaint of a car parked in the driveway on Mineral Springs Circle. The vehicle is unsightly, doesn't run and the plates expired in June 2013.

Mr. Davidson stated that he would inform the covenant officer of the issue.

Mrs. Hill asked Mr. Davidson what his opinion is of the soil treatment facility and will he be notifying the subdivision of the Planning Commission hearing.

Mr. Davidson stated that he did not know enough about the proposed project to form an opinion one way or the other. Mr. Davidson stated that his company uses many chemicals all the time so his opinion or concerns about the Metcalf Facility may be much different than those individuals less familiar with the use of chemicals.

Adjournment

With no further business to come before the members, the meeting adjourned at 8:26 pm.