

# SMWOA ANNUAL MEETING

JULY 9, 2011

MINUTES

The meeting was called to order and immediately a motion was made by John Tallant that the present Board of Directors be removed. Tom Browne read the procedure to follow to take such action. The proper notification to the membership and the Board had not taken place. Thus, such a vote was not possible. It was also determined that the discussion of removal of the Board should take place under New Business. Mr. Tallant was asked to bring the topic up under New Business. The meeting moved on with the established agenda.

1. President's Welcome: by Tom Browne We are here as a group to solve problems and to improve our ability to do it in harmony. The majority of the membership determines the direction of the Board. NOT THE BOARD
2. Establish the Quorum: 87 lots were present or represented via Proxy. This is the largest number of owners ever represented at an Annual Meeting.
3. Roberts Rules of Order: Dale Brownscombe was to see that the meeting followed Roberts Rules of order. The membership was reminded that SMWOA allows for a 3 minute limit per person for discussion.
4. Approval of 2010 Annual Meeting Minutes: by Tom Browne Motion to accept and approve the Minutes of the 2010 meeting was made by Shatze Farley.  
Seconded by David Mann  
Unanimous approval
5. President's Report: by Tom Browne

## A. ROOFS

1. The present legal action to resolve a new noncompliant metal roof: Through Court order mediation a resolution has been established. At the time of the Annual Meeting the steps to finalize the issue were in place. (AS of 8/1/11 the issue has been resolved) SMWOA recovered our legal fees.
2. A noncompliant metal roof was installed over the past year. The approved building permit stated that brown composition shingles were to be used and a noncompliant metal roof was installed. The Association has been assured the roof will be modified to meet the required guidelines.
3. Three individuals with noncompliant metal roofs have agreed to correct the issue.

AT this time there are 3 noncompliant metal roofs where a resolution has not been obtained. It is the hope of SMWOA to resolve these issues without any additional legal action. **At the request of the membership SMWOA has established a desire and ability to correct Noncompliant metal roofs.**

B. WATER CASE: The court ruling has been challenged for numerous reasons by a large number of people. The final outcome maybe years in coming. There are a few things that are clear.

1. The state of Montana will establish the location of historically irrigated land. Thus, the state of Montana will determine if one has historically irrigated land and the amount within a given lot.
2. The owner of a lot that is perceived to have or where the state of Montana has established the presents of historically irrigated land is responsible for the legal representation of the water in relationship to the actions of the state of Montana.
3. The cost of maintaining ones water as deeded by the state of Montana falls to the owner of the land. These expenses include, but are not limited to the maintance of the system that delivers water to you, the maintance of the delivery system on ones own land, the measuring of such water and any legal fees that are required to determine legal equitable distribution of water via ditch rider or courts.
4. SMWOA is responsible for overseeing equitable distribution of the water.

In Plan Language “You own it. You are responsible.”

AND if you have land with historical rights it would make sense to **start a water district** or sub district relevant to you.

The extensive legal expenses acquired by SMWOA relevant to water should be at an end. They now fall to the owners of lots with historical irrigated land.

6. Secretary’s Report: by Tom Browne The following people have requested and completed a building permit that was approved, lot 33 Laizza house, lot 99 Mann additions, Lot 102 McDonalds 2 permits roof and siding, lots 16,17,18 Swanson hay barn, lot 31 Williams green house.

7. Treasurer’s Report: by Al Verbanac Expense report for the 2010/11 year was presented. Motion was made by Gary Fuis to accept the report.

Ron Green seconded

By voice the motion was approved.

There was one no vote

8. Road Report: by Al Vebanac

A. 2011 Road work: The road work of 2011 was explained. Al reviewed the problems that occurred. Work was done that was not approved. The work was not over seen by a representative of SMWOA at all times. There was a great deal of miscommunication between the Board and between the Board and the contactor.

Al addressed the present condition of Bald Eagle. Grading was done to a part of Bald Eagle that was not authorized and then it rained for the better part of 2 days. The combination of the grading and rain left a part of Bald Eagle difficult to travel. Though there were statements made that the poor condition of the road made it impassable for Emergency Vehicles to use the road, the actual police report filed by Deputy Sheriff Dan Birdsell after a visited to John Tallant’s home doesn’t indicate this to be the situation. The lack on funds prevented SMWOA from addressing the problems on Bald Eagle until the 2011/12 budget was approved.

Dale Brownscombe made the following motion: The Board make the correction of Bald Eagle their highest priority. The road is returned to the standard that existed before the grading and rain during the spring of 2011. That special attention be taken to correct the ditches and culverts. \$2000.00 was set as the budget for the work.

John Tallant seconded the motion

Question was called by Gary Fuis Seconded by Shatize Farley

The motion passed with a unanimous approval vice vote

Gary Fuis made the following motion: 10% of the total bill to Gordy Matson, the road contractor, be with held until the culverts be corrected. Seconded by John Tallant Question called by Dale Brownscombe and seconded by Shatize Farley.

Motion approved unanimously via voice vote.

B. Goals for 2011/12 road work. To extend the role of a Road Committee to present a plan to the Board of Directors in the fall of the year to address the possible road work for the next spring. In the spring of the year the roads will be evaluated and the plan be modified to address new concerns as needed.

9. Old Business: Law Suites: The subject was covered in the Presidents report.

10. New Business:

A. 2011/12 Budget

John Tallant made the motion to accept the 2011/12 Budget Raul Luciani second

The question was called by Shatzie Farley seconded by Raul Luciani

Budget approved by voice vote 2 No votes

B. Vehicle to modified Covenants: Butch Dombrowsky asked if the membership was interested in the Board researching the in's and out's of modifying the covenants. The membership was not interested.

C. Vote to change penalties for non payment of dues. Montana law has changed since our by law was voted into place. The mail out vote was worded incorrectly and the vote will have to postponed till next year.

D. Possibility of Madison County taking over the upkeep of SMWOA roads. The membership was asked if they were interest in the Board investigating this possibility.

Meg Sammons made the following motion: The Board investigate the possibility of Madison County take over the up keep of SMWOA roads. John Tallant seconded Dan Spenser called for the question, It was seconded by Schatzie Farley

Approved via Unanimous voice vote

E. Modify the transcript of minutes to include discussion of topics.

Dale Brownscombe made the following Motion: Minutes be taken that provided the decision of topics. John Tallant Seconded. Gary Fuis called for question, Ed Moore Seconded.

Motion failed only one yes vote.

F. Christine Gromiller made the following motion: Allow brown composition to be interpreted as brown painted metal. Marti Castiglione seconded. Because this motion would require the modification of a Bylaw or Rule Reg a 30 day notice is required. This issue must be addressed at next years Annual Meeting.

G. Resend Action against Castiglione: Marti Castiglione made the following motion: Have the Board resend the Judgment against the Castiglione's and stop further action on Castiglione suit. Second by John Tallant  
Schatzie Farley called for the question Ron Green seconded.  
Ed Moore made the motion to table the original motion. Dale Brownscombe seconded. A verbal vote was taken to table the original motion. The motion to table seemed to pass. A count was taken to verify the voice vote. 51 votes to table original motion to 32 to vote on original motion. Original motion was tabled.

11. Election of Directors: 3 positions were to be filled. Nominations were taken from the floor: Marti Castiglione, Mark Croghan, Butch Dombrowsky, Mike Donahue, Christine Gromiller, Elizabeth Sinclair, John Tallant.  
Mike Donahue, Elizabeth Sinclair and John Tallant received the highest number of votes.

ADDED AS A FOOTNOTE:

DURING THE NEXT WEEK IT WAS POINTED OUT TO THE BOARD: One must be a member of the corporation to be a board member. Membership to the corporation requires ones name on the deed in Virginia City, MT. Miss Sinclair and Mr. Tallant's names do not appear on a deed. Thus are not eligible to be on the Board...

Mike Croghan was appointed to the Board. The 5th position has not been filled at this time.