

Minutes of 2013 Annual Meeting—to be approved at the 2014 annual meeting

Held at Marcelin's garage 7/13/2013

The Board of Directors present were: Schatzie Farley, Ed Moore, Tom Casale, Henry Marcelin,
Rosie Endean

1) President Schatzie Farley, called the meeting to order shortly after 10:00 AM.

A) A quorum of 91 voting members was determined by members present or by proxies.

B) President stated the meeting would be governed by version 11 of Roberts Rules in conjunction with the summary from the Westside Toastmasters Website. The rules were to be modified to allow two minutes per person of discussion to expedite the meeting.

2) Approval of 2012 Annual Meeting Minutes.

A motion was made and seconded to accept the minutes. The vote was unanimous to accept the minutes of 2012 Annual Meeting.

3) President's Report

The Board worked on several issues this year and they will be discussed later in the meeting. The issues include: covenant violations, By law changes, water issues and a long range plan for road work.

4) Secretary Report, Building permits: Steven Wolf lot #68 Garage 7-27-12, Jennifer White Lot # 103- Ext renovation siding and asphalt roof 8-6-12, Rick Mohr lot #98 Barn 8-30-12, George McWilliams lot #43, 2 bunk houses.

5) Treasurer Report: the 2012-2013 budget expenditures were explained.

6) 2012 Road Report

The road work accomplished during August of 2012 is mostly attributed to the increase in the dues from the Road Improvement Vote. The total spent on the roads was \$15,200. \$9,400 came from the road fund and \$5,800 was used from the general fund.

The roads that were improved were N. Golden Eagle 1 mile of gravel and grading and raking, from beginning to Hoe's lot. Red Tail Hawk 0.7 miles of grading and raking the entire length. Bald Eagle ½ mile of gravel and 1.8 miles of grading and raking the entire length. Nutcracker graded the entire length 0.2 miles graded and raked. Meadowlark entire length of 1.4 miles graded and raked.

7) Old Business

A) Water Information

Al Verbanac presented a report on the progress made on water issues. He stated that water commissioner Claude Mulholland was appointed by the district court to oversee the water usage, mainly during low water levels, and that his cost would be \$65 per day. The cost will be paid for by water users only. Claude informed Al that a weir must be installed on Nugget ditch to gauge the water flow. Repairs are needed on existing head gate at North meadow Creek and that eventually all water users will have to have a measuring device installed. No SMWOA funds were expended when working on these water issues.

Volunteers were asked to come forward to become liaisons with the Commissioner. Raul Luciani volunteered to be the contact for the water commissioner and look into forming a water group.

B) Covenant Violations

The BOD followed up on previous BOD actions and filed a suit against lot #73 Mike Donahue metal roof. Mike Donahue has offered a settlement and the BOD cannot comment on the settlement due to the ongoing lawsuit.

8) New Business

A) Bylaw 34 Voting

A motion was made and seconded to accept the revised bylaw 34. "Except where otherwise required by law or the provisions herein, a majority of the votes entitled to be cast on a matter to be voted upon by the members present or represented by proxy at a meeting at which a quorum is present shall be necessary for the adoption thereof. A member entitled to vote may vote in person or may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy is valid after ten months from the date of its execution unless otherwise provided in the proxy. All members of the Corporation shall be entitled to the number of votes as provided in paragraph 35 below. **"Cumulative voting for Directors shall not be allowed."** The election of Directors may be conducted by mail."

The motion was adopted with 1 no vote after debate.

B) Bylaw 38 Assessment

A motion was made and seconded to accept the revised bylaw 38 assessments. "The Board of Directors shall give notice of the assessment due to each Association member and Shining Mountains West parcel owner. The notices will be mailed by January 31, due by February 28th **"of each year. Assessments will be delinquent if not paid by March 1 of that year. Delinquent assessments will be charged a late fee of \$20. Notice of delinquency and late fee will be mailed April 1st. The second delinquency will be mailed on or before May 15. Delinquent assessments will draw interest at the rate of 10% per annum starting June 1. The second delinquency notice will advise the member/parcel owner that a lien will be filed within 30 days of the date of the second notice."**

The motion was adopted unanimously after debate.

C) Bylaw 38C

A motion was made seconded to accept the revised bylaw 38C.. **"The tracts or parcels in SMWOA shall be determined by how they are platted and recorded in the records of the Madison County Clerk and Recorder in Virginia City, Mt. and therefore subject to SMWOA annual assessments."** A ballot vote was called for. The result is as follows.

Yes vote to approve 60 and No vote to disapprove 26. Abstain votes 5 The motion to change bylaw 38C was not adopted after debate. (75% of quorum was needed to pass, which is 67 votes.)

A motion was made and seconded "to call for a" test vote" for 2001 to be the cut off date for existing lots that were already split. The motion was adopted after debate. The Board will work on this issue and bring it back for a vote.

D) Proposed road work for 2013 -The overall philosophy for the road plan was that every member in this Association matters and every road matters. The Board looked at the roadwork done or not done since 2009 when the road fund was passed. A chart of the roadwork was displayed. 2 main factors were considered when determining which roads would be done in 2013. These factors were 1) roads that had not been worked on since before 2009 and 2) the condition of the road. Member requests were also considered when finalizing the roadwork for 2013. The work to be done: Gravel and grading on South Golden Eagle, Redtail Hawk and the west end of Partridge. All other roads except Falcon and Magpie will be graded.

E) SMWOA budget 2013-2014

A motion was made and seconded to accept the 2013-2014 SMW budget. The motion was adopted unanimously after debate.

A motion was made and seconded to “allow the board of directors discretion to pull the road fund budget from the next year’s budget , to include weed spraying”. The motion was adopted unanimously after debate.

F) New Business

A motion was made and seconded to “ Revise our proxy bylaws so that an individual can hold no more than three persons’ proxies. The Board will consult the attorney on the legality of this revision” The motion was seconded. The motion was adopted, (2 votes opposed) after debate.

A motion was made and seconded “that the board will solicit the membership for input on a 4 year road plan”. The motion was adopted unanimously after debate.

Directors:

Tom Casale and Henry Marcelin were nominated for directors. A motion was made and seconded to close the nominations. The motion was adopted (1 no vote.) Casale and Marcelin were elected to the Board.

Roadwork 2009-2012 and proposed 2013 roadwork

	Bald Eagle	Barn Owl	Falcon	Meadow-lark	Mag-pie	Nut-cracker	N Golden eagle	Partridge	Redtail Hawk	S Golden Eagle	Screech Owl	Amount spent
2009				Graded, GRAVEL			graded					\$1389 balance spent in 2010
2010	Graded, GRAVEL	Graded, GRAVEL	Graded				graded, GRAVEL				Graded, GRAVEL	\$11,015
2011	Graded, GRAVEL south end		west half Graded	Graded, GRAVEL		Graded	Graded, GRAVEL		Graded			\$11,050
2012	Graded entire road, GRAVEL west half #28-30			Graded entire length		Graded entire length	Graded 57-46, GRAVEL from beginning to #46		Graded entire length			\$15,315
2013	Grade	Grade from county road to lot 115	Grade east end lot 94-lot 83	Grade		Grade	Grade to lot 46	west section lots 53-66 Grade, GRAVEL	Grade GRAVEL entire road	Grade, GRAVEL from bald eagle to redtail	Grade	\$22,080

The SMWOA 2012-2013 and 2013-2014 budgets

Budgets				
ASSETS as of July 1, 2013				
General fundChecking	\$18,880			
Road Improvement Savings	\$14,021			
TOTAL \$\$ in Bank	\$32,901			
Total available for 2013-2014	\$32,901			
Dues for 2014	\$200			
	2012-2013	2012-2013	2012-2013	2013-2014
EXPENSES --July 14, 2012-June 30, 2013	Budgeted (\$)	Spent	under/(over)	Approved
Advertising	0	0	0	0
Annual Meeting	200	98	102	200
FMVB Safety Deposit	20	20	0	20
Bookkeeping	400	0	400	400
Corp. Fees	15	30	-15	15
Insurance- BOD Liability	2190	1458	732	2500
Office Supplies	150	161	-11	150
Copies	200	34	166	196
Postage	275	117	158	275
lien release	30	16.5	13.5	30
Lien Filing	35	5.5	29.5	35
Legal expenses	5000	4054	946	5000
Road Expense Engineering/ Maintenance	15315	15528	-213	22080
weed control	1500	1478	22	500
Mowing	1500	0	1500	1500
Total Expenses 2012-2013	\$ 26,830	\$ 23,000	\$ 3,830	\$ 32,901