



# The Bent Tree Log

The Bent Tree Property  
Owners' Association  
Newsletter

November/December 2003

Volume 14 Number 2

## The Annual Meeting

BY Jerry Wagner, Secretary, BTPOA

The Bent Tree Property Owners Association's (BTPOA) Annual Meeting was held Saturday, September 13, 2003 at the Woodmoor Improvement Association "Barn". The Meeting was called to order at 2:00 pm as John Heiser, President of the BTPOA Board of Directors, welcomed the group. The Board Directors present and the property owners in attendance introduced themselves.

**Protocol** - A call for proxies and for any rescissions of proxies was made. As a result, it was established that a quorum was present and the meeting could proceed. John summarized Robert's Rules of Order and its' application in the conduct of the meeting. A motion to adopt Robert's Rules of Order was approved. Ron Britt and Bob Hostetler were nominated to act as election judges/tellers in all matters requiring balloting. Motions to accept the "tellers" and to approve the meeting agenda, previously submitted to all property owners, passed by unanimous consent.

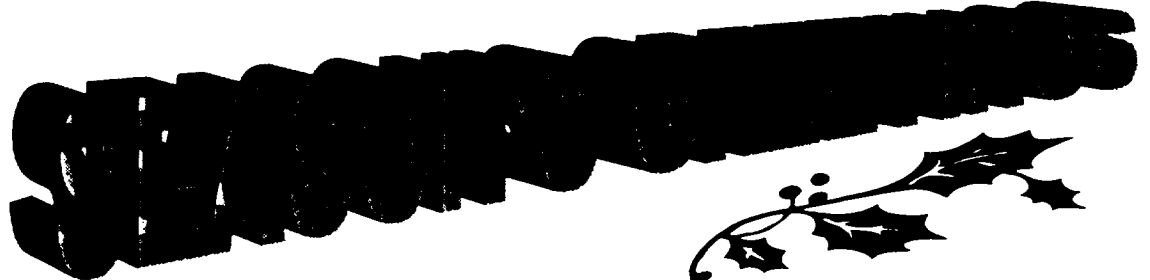
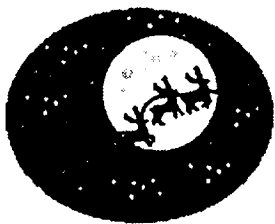
**Approval of Minutes** - The minutes of the September 26, 2002 BTPOA Annual Meeting were accepted.

**Architectural Control Committee (ACC)** - One 3-year position on the ACC was open for election. John Heiser described the ACC position responsibilities and Joyce Blutt, ACC chairperson, amplified on the ACC's functions. No nominations for the position were received prior to the meeting, Brian Roos was nominated from the floor, there were no further nominations and Brian was elected by acclamation.

**Board Vacancies** - Three positions on the Board of Directors were up for election; two positions were for three years and one position for one year (unfulfilled term). Nominations of John Heiser and Corinne Warren were received prior to the meeting. Stephanie Lewis was nominated from the floor for the one-year term. No further nominations were received. John, Corinne and Stephanie were elected by acclamation.

**Treasurer's Report** - Ken Blutt presented the Bent Tree financial report. (The report is reprinted on page 2/3 of this newsletter.) Discussion followed and question arose as to the possibility that our reported income could be placing our non-profit status in jeopardy. Keith Figgins suggested that the Association's asset accumulation could be used for projects such as road improvement in the community. Another suggestion would be for upkeep and maintenance of the entrances and common properties. John indicated that landscapers have been sought for entrance and community beautification needs but are not returning our calls. The County has finally addressed the weed control issue along our roads and we have contracted some of the other Bent Tree upkeep needs. The matter of surplus funds has been addressed by the Board, with respect to CIOWA 38-33.3-314 and the Board has adopted a resolution that the BTPOA's retained earnings are reasonable, given potential expenditures for water augmentation. This will be revisited on a recurring basis in the future. Motion to accept the Treasurer's report was passed.

*(Continued on page 2)*



(Annual Meeting—Continued from page 1)

**Water Augmentation Report** - See report on page 4.

**Proposed Revision to the Bylaws** - The BTPOA Bylaw and Covenant Committee was established to review the existing bylaws and covenants. The committee concluded that the issues with the covenants were not sufficient to justify the very large effort required to conduct a vote to revise them. Many of the issues raised regarding the covenants are addressed in the revised Bylaws. The proposed revised bylaws and a "Summary of Proposed Changes to the Bylaws", were mailed to each property owner, with the "Notice of the Annual Meeting" and were made available to all attendees. Initially, it was moved and seconded to accept the revised bylaws but re-instate proxies. To make the motion specific as to the wording under discussion, John Heiser distributed copies of the revised bylaws with wording changes reinstating proxies. With regard to paragraph 8.c, a motion was made to amend the original motion to revise the sentence beginning "The Association shall have a lien against all lots the owners of which are delinquent in payment of dues and assessments..." to read "The Association shall have the right to file a lien against

(Continued next column)



## Covenant Compliance

by Steve Fuhrmann

The people of Bent Tree offer a big "Thank You!" to Chuck Loeffler for serving as Chairperson of the Covenant Compliance Committee. He did a fine job of leading the neighborhood volunteers who deal with non-architectural covenant compliance. Steve Fuhrmann, 488-0544, is the new Chair of Covenant Compliance. Would you make that change on the back cover of the printed Bent Tree Family Directory? Committee members are Don Fichtel, John Decker, Chuck Loeffler, John Jones, David McIntosh, Lillie Saunders and Erik Pfanku. Please contact any of us if you have a concern or question. You may get copies of the protective covenants for your Bent Tree filing, as well as a condensed summary of non-architectural covenants, from the Bent Tree Web site.

Vehicle parking is still the leading issue. Folks, our covenants call for zero visible parking. Vehicles need to be garaged or appropriately screened from view. Appropriately screened from view usually entails ACC-approved privacy fencing. Your covenant compliance committee is certainly not "trigger happy" over vehicle parking violations. We allow ample violation time to pass to ascertain that the notices we send deal with habitual parking rather than visitors or a short-duration project.

### Bent Tree Property Owners Association

## Profit & Loss

1/1/2003 to 9/13/2003

#### INCOME

Annual Dues	18,378.00
Building Review Fees	700.00
Interest Income	284.27
Refunds	<u>132.65</u>

**TOTAL INCOME** \$ **19,494.92**

#### EXPENSES

Annual Meeting Expenses	125.00
Bank Charges	10.00
Beautification Committee	640.00
Covenant Compliance Expenses	61.00
Dues and Subscriptions	24.00
Flood Control	1,308.75
Forestry Committee Expenses	214.78
Insurance	885.00
Legal-Professional Fees	627.56
Newsletter/Directory/Office Supp.	1,084.57
Neighborhood Watch, Security	242.00
Taxes	75.00
Water Augmentation	12,214.00
Welcoming Committee Expenses	<u>363.90</u>

**TOTAL EXPENSES** \$ **17,875.56**

**NET INCOME** \$ **1,619.36**

(Annual Meeting—Continued from previous column)

all lots the owners of which are delinquent in payment of dues and assessments...". The amendment was approved by unanimous consent. Further discussion on the original motion led to a motion to change paragraph 7.e. to set the quorum for representation at a meeting of the Members at 20%. The amendment was approved by unanimous consent. More discussion ensued and a motion was made to eliminate proxies (restoring paragraphs 6.b., 7.e., 7.f. and 13 to match the version mailed to all Members and to amend paragraph 7.e. to set the quorum at 15%. Balloting on the amendment yielded 46 valid votes; 33 – Yes and 13 – No, the amendment passed. Following further discussion, the motion to accept the revised bylaws now amended to eliminate use of proxies, set the quorum for meetings of the Members to 15% and amend paragraph 8.c to read "The Association shall have the right to file a lien..." was balloted. Election teller, Ron Britt, announced the results: 40 – Yes and 6 – No; motion passed.

(Continued on page 3)

**Bent Tree Property Owners Association  
Balance Sheet  
As of 9/13/2003**

**ASSETS**

Current Assets

Cash and Bank Accounts	
Builders Covenant Compliance	3,898
CD 1	20,210
CD 2	30,329
Working Account	23,675
Builders Compliance	<u>4,500</u>

Total Current Assets 82,612

**TOTAL ASSETS \$ 82,612**

**LIABILITIES & EQUITY**

Current Liabilities

Builders Holding Account	<u>4,500</u>
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Total Current Liabilities 4,500

Total Liabilities 4,500

Equity

Opening Balance Equity	80,992
Retained Earnings	- 22,375
Net Income	<u>19,495</u>

Total Equity 78,112

**TOTAL LIABILITIES & EQUITY \$ 82,612**

*(Annual Meeting—Continued from page 2)*

To see the bylaws, as revised, visit our website (see article - next column).

**Other Business** – Property owner Al Thaut queried the possibility of research into “proxies” or “mail ballots” for out-of-state property owners; deferred for further study. *Article regarding “proxies” appears on page 4.* Attendees were polled as to preferences for Association meeting days – weekdays (evenings) or weekends (Saturdays); approximate 50-50 split. No further business, the meeting was adjourned.

**Bent Tree Garage Sale**

If you are interested in being a part of a Bent Tree-wide garage sale in the Spring, please contact Donna Wagner at [donnawagner@adelphia.net](mailto:donnawagner@adelphia.net) for more information.

**Bent Tree  Site**

[www.neighborhoodlink.com/elpasocounty/benttree-co](http://www.neighborhoodlink.com/elpasocounty/benttree-co)

The Bent Tree web site, provides another means to keep you informed. The Bent Tree Contacts page provides the names, phone numbers and email address of the Bent Tree Property Owners Association Board of Directors, Architectural Control Committee and other committee chairs. You may want to pencil the updates onto the back of your printed Bent Tree Family Directory. Speaking of the directory, the edition on the web, while not as “spiffy” as the printed directory, is updated every 2-3 months. Check it for current owners and telephone listings. The password for the directory will change from Woodberry to **monkey** effective with the mailing of this newsletter. The revised BTPOA bylaws may be found on our web site also.

Steve Fuhrmann, Webmaster

**STAYING HYDRATED**

Whether you are a long time resident or new to the area – the higher the altitude, the thinner the air! Thin air is also *dry air!* That means you should drink plenty of water.

Experts say you should consume a minimum of six to eight 8-ounce glasses of water per day, even when you’re not active, whether you live here or are just visiting. Drink more if you’re engaging in more strenuous activities.

Alcoholic beverages and caffeinated drinks don’t count toward that total. In fact, they can further dehydrate you.



If you get 30 percent dehydrated – that’s like sweating off a couple of pounds of water – it decreases your body’s efficiency and endurance by as much as 50 percent.

Signs of mild to moderate dehydration include thirst, naturally, but also dry lips, dry mouth, sunken eyes, very yellow urine, and skin that doesn’t bounce back quickly when pinched.

In more severe cases, the victim will exhibit all those signs, as well as cold hands and feet, rapid breathing, rapid pulse, blue lips, confusion and lethargy.

*(Continued on page 6)*

## Proxy Voting: Pros and Cons within a Homeowners Association

by Erik Pfanku, Lot 192

### Pros:

**Participation by members who cannot attend.** Proxies make it easy for someone who is unable to attend the homeowners meeting to still participate and influence the vote.

**Generally accepted procedure.** Proxy voting, especially in corporate government, is a generally accepted method of conducting an election.

### Cons:

**Inability to hear all sides of an issue.** The personal presence and participation by members in meetings is a fundamental principle in parliamentary procedure. The principle being that a member who comes to the meeting has the opportunity to hear all the discussion, participate in the debate, and make a reasonable decision from participating in the meeting. Members may come to a meeting with their mind already made up but after hearing the discussion may change their mind due to new information that they hadn't previously considered. The proxy holder doesn't have this opportunity. The proxy holder must vote anyway the proxy giver wishes.

**Disproportionate control of the voting by a single individual.** One member could collect many proxies from other members who were easily swayed by a one-sided argument, apathetic about the issues at stake, or influenced by personal relationship. As a result, one member (and what should be one vote) becomes many votes and substantially more influential.

**Apathy voting.** To the extent that we allow a member to vote that can come to the meeting but chooses not to attend, we allow for ignorant voting which defeats the purpose of the vote itself. Not attending a meeting that takes place within a short distance of one's home and given ample notice of that same meeting represents an implied apathy that shouldn't merit a vote. Because corporations use proxies doesn't necessarily mean it's appropriate for a homeowners association with a very geographically concentrated membership.

**Encourages apathy and discourages attendance.** Proxy voting creates a sense that it's perfectly acceptable not to attend the homeowners meeting. That the purpose of attending the meeting is to simply cast one's vote regardless of the issues or arguments. That voting in and of itself represents responsible participation. It does not. We cannot maintain and certainly not improve the quality of our community without active and responsible participation from our members. We cannot have a government of and for the people if the people don't participate. Being aware of the issues, expressing oneself within parliamentary procedure, and voting intelligently are all part of responsible participation of which the homeowners meeting is a critical part.

## Water Augmentation Report

By Ken Blutt, Committee Chair

The Great Divide Water Company, our water provider, includes 24 Home Owner Associations (HOAs). The BTPOA is by far the largest HOA as a 47% Class A shareholder, generating the largest requirement for augmented water. Bent Tree does not own the water we use; instead, the water is owned by downstream users therefore, augmented for by a plan, using calculations based on established consumption rates for a standard household, written into law by the court system. For this reason, an annual report is required showing the number of improved lots in the community, the amount of irrigated sod in the development, and meters in Bent Tree IV. Last year the Great Divide Water Company established a capital expense reserve account to replace the deep wells should untimely costs be required to cover the replacement or major repair of the water augmentation wells. Bent Tree's prorated share in 2002 to the operation of the Great Divide and the reserve fund was \$12,240. By virtue of shares held, Bent Tree has the largest voice in the augmentation plan and has negotiated the cost of operations of the Great Divide Water Company be allocated by number of lots rather than number of class A shares.

## **HELP WANTED**

- *If you are a concerned community citizen,*
- *If you are interested in keeping Bent Tree a desirable place to live,*
- *If you believe in preserving a high quality and valued residential area,*

*Join us, in our effort, to maintain the attractive, beautiful and enjoyable community that we have come to value and appreciate. Many talents abound in the community. Please consider volunteering to help **your Board and your committees** in maintaining the standards and the qualities that drew all of us to the area. Contact any of the Board members or committee chairs. (Identified on page 6.)*

## Board Meeting Highlights

### *Board Meeting August 3*

Decision was made to defer an appointment to the existing vacant Board position since the Annual Meeting is only 6 weeks away. The vacancy will be an agenda item along with two expiring Board terms.

In deference to "CIOWA 38-33.3-314: Surplus Funds", it was moved, seconded and unanimously approved to adopt resolution that the BTPOA's "retained earnings" are "reasonable".

The Architectural Control Committee (ACC) reported that ten homes have been occupied, very close to occupation and/or nearing completion. The Beautification and Trails Committee has contracted the "trimming" of our trails, street corners and entries – watering relief is still needed; El Paso County mowed the road edges. Some vandalism has been found throughout the Trails; small trees "downed" or "uprooted" and signs/posts broken or pulled out and discarded.

The Forestry Committee mailed out "Flyers" and "Survey Cards", regarding forestry issues. A very good response was received with the following results: 15 reported having a "weed problem" (spraying may have to be addressed for next year), 3 reported beetle activity (all incidences addressed) and 11 responded with requests for "advice" – all were called and issues dealt with.

Ken Blutt will be meeting with the manager of The Great Divide Water Company to discuss several issues, specifically, BT's 47 % share vs. Kings Deer's 5%. Kings Deer has more than twice the properties of BT, yet their share is one-tenth of BT's. Since water augmentation is by "court order", any renegotiation may have to be brought before the court in order to change.

The committee to review our bylaws, led by John Heiser, held several meetings over the past quarter and presented two versions for the Board's and the property owner's subsequent consideration at the Annual Meeting. One version allowed for "proxy" voting; the

second was without "proxy" vote. It was noted that only 13 BT homeowners are "out-of-state" (would not likely be attending meeting to vote, thereby justifying "proxy" vote). Both versions will be presented to the Association for vote.

The Tri-Lakes Fire Protection District has received numerous inquiries as to the status of Fire Station 2's expansion (at Roller Coaster and Highway 105). A petition was circulated and had gathered more than 3,000 signatures in an attempt to reverse the county commissioners' previous denial of the site. Assurances have indicated an "eastern" site; final determination is pending.

### *Board Meeting September 13*

Following the annual meeting, the Board of Directors held a short meeting.

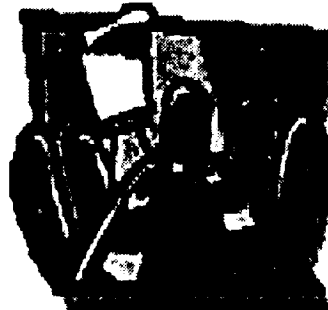
Ron Britt, BTPOA's Annual Meeting Election Teller, presented the Annual Meeting election ballots and proxies. Jerry Wagner, BTPOA Secretary, will keep the election documentation for one year.

Board Officer Elections. John Heiser, Ken Blutt and Jerry Wagner were re-elected president, treasurer and secretary, respectively by unanimous consensus. Stephanie Lewis was elected as vice-president.

With the changes in the Board members, committee liaisons were reviewed and established as follows:

- Architectural Control Committee (ACC) – Ken Blutt
- Beautification and Trails Committee – John Heiser
- Covenant Compliance Committee (CCC) – John Heiser
- Engineering Committee – Ken Blutt
- Forestry Committee – Corinne Warren
- Neighborhood Watch Committee – Jerry Wagner
- Newsletter – Jerry Wagner
- Directory – Stephanie Lewis
- Water Augmentation Committee – Ken Blutt
- Welcoming Committee – Stephanie Lewis

Future Board meetings will be set for the 3<sup>rd</sup> Saturday of each quarter, except 4<sup>th</sup> quarter where the BOD meeting following the Annual meeting will serve in lieu of. 2004 dates will be 1/17, 4/17 and 7/17, at 2:00pm, and following the Annual meeting 9/18; and/or as needed, for issues that arise. The Budget meeting date is set at 5/15 or 16/2004.



*(Staying Hydrated—continued from page 3)*

General dryness can also cause nosebleeds, chapped lips and dry skin. If these become serious and chronic problems, consult with your doctor.

Some tips when pursuing more strenuous activities at high altitude:

- Water is better than the popular athletic drinks because sugar in those drinks slows the liquid replacement process. They do, however, replace minerals and salts lost through sweat.
- Drink all the water you can an hour before strenuous activity.
- Take water along on any activity, and always carry more than you think you'll need.
- After strenuous exercise, drink water to replace lost liquids as soon as it's comfortable.

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**A Happy  
& New  
Year!**

# Meet Your BTPOA:

## Board of Directors

- John Heiser . . . . . President
- Stephanie Lewis . . . . . Vice-president
- Jerry Wagner . . . . . Secretary
- Ken Blutt . . . . . Treasurer
- Corrine Warren . . . . . At-Large

## Committee Chairs

- Architectural Control Committee . . . . . Joyce Blutt
- Beautification and Trails Committee . . . . . Francy Lingel
- Covenant Compliance Committee . . . . . Steve Fuhrmann
- Engineering Committee . . . . . Ken Blutt
- Forestry Committee . . . . . John Anderson
- Neighborhood Watch Committee . . . . . Jerry Wagner
- Newsletter . . . . . Jerry Wagner
- Directory . . . . . Stephanie Lewis
- Water Augmentation Committee . . . . . Ken Blutt
- Welcoming Committee . . . . . Robert Hostetler

*If you have questions or comments regarding this newsletter please contact Jerry Wagner, Editor, (719) 487-2898.  
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