

BEAR CREEK LAND  OWNERS' ASSOCIATION

82 East Coach Drive, Antonito, Colorado, 81120

**Policy & Procedure Regarding Suspension of Right to
Vote in Bear Creek Elections.**

BCLOA Policy 2017-8

Purpose: The BCLOA Board shall comply with this Policy and Procedure when exercising the Association's rights under Article IV, Section 2(A) of the Declaration of Covenants to suspend a member's voting rights in an upcoming election, and providing Notice to the Member whose right to vote is being suspended.

Policy: The Association recognizes the importance of a Members right to vote on matters submitted to the Membership under the Bylaws and the Declaration of Covenants. Members also have a duty to provide a current address to the association, to pay all assessments when due, and to participate, to the extent they are able, in elections and votes related to issues of importance to the governance of the Association.

Procedure: The following procedure shall be used to determine a Member's eligibility to cast a vote for each lot which the Member owns.

1. Not less than forty-five days prior to an election or a meeting at which members shall be entitled to vote on matters submitted to the membership, the Treasurer of the Association shall provide the Secretary with a list of names of Members who have unpaid assessments against their lot(s).
 - a. Upon receipt of the names, the Secretary shall send, by either email or the U.S. postal service at the address of record provided to the Association by the Member, a Notice that states that because of unpaid assessments, the Board may suspend the right of the Member to vote in person, in person by proxy, or by ballot in the upcoming election.
 - b. The Notice shall provide the date on which the assessments must be paid in order for the Member to be included on the Eligible Member List.
 - c. The Association shall not be required to send Notices to email addresses or postal addresses other than the last address contained in the Association records.
 - i. The provisions of this section shall not apply when (i) The Board has agreed to and entered into an installment payment plat pursuant to the BCLOA Collection Policy & Procedure then in effect, and (ii) the Member is in compliance with the terms of the agreement.
2. Not less than thirty days prior to an election, the Association shall comply with the provisions of Section 7-127-106 of the Colorado Revised Nonprofit Corporation Act and certify a list of members who are eligible to vote (Eligible Member List) on matters being presented to the members for their vote, and the Lot numbers for which each Member is entitled to cast a vote.

- a. In the course of preparing the Eligible Member List, the Association shall use the records from the Conejos County Assessor to confirm that each Member, or an entity clearly associated with the Member, is the fee simple owner of the Lot.
 - b. When the ownership is not clearly evident, the Secretary shall write to the Owner listed in the Conejos County Assessor records and ask them to verify in writing that they are the owner entitled to cast a vote for the lot in question. This request shall be made by sending an email or using letter to the U.S. Postal address provided by the Member to the Association. If verification is not provided, the Lot in question shall not be entitled to cast a vote.
3. While under Article IV, Section 2(A) of the Declaration of Covenants the Association can suspend a Members right to vote for a period not to exceed 60 days for any infraction of its published Rules and Regulations, the BCLOA Board shall not, except as stated in subsection a, declare a Member ineligible to vote because of a member's infraction of the BCLOA rules and regulations.
 - a. However, if a Member has refused to pay a Fine imposed by the Association pursuant to its Procedure for Enforcing Covenants, Rules, and Fines and the fine has been reduced to an assessment against the lot, the Association may suspend a member's right to vote for any period in which the assessment remains unpaid.
 - b. The procedure set forth in Section 1 shall be used to give notice of unpaid fines that have been reduced to an assessment. Within 15 days of receipt of a notice of intention to suspend, a member may either pay the assessments in full, including interest, fees and costs, or submit a response in writing opposing the suspension, which shall be considered by the Board before making a decision to suspend voting rights.
4. If any unpaid assessment is not paid by the deadline provided to the Member, the member shall not be eligible to vote, the Member's name shall not be included in the List of Eligible Members, and the Lots the Member owns shall not be considered in determining a quorum under the Bylaws or for the purpose of determining the number of Owners of Lots required to amend the Declaration of Covenants under Article X, Section 3 of the Declaration of Covenants.
5. All interest, fees and other costs shall continue to accrue against the assessments until they are paid in full, and the Member shall remain liable to the Association.

SECRETARY'S CERTIFICATION: The undersigned, Secretary of Bear Creek Landowners' Association, a Colorado non-profit corporation, certifies that the foregoing Policy Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the board on June 17, 2017. In witness, the undersigned has subscribed his name.

Bear Creek Landowners Association

John A. Bannerman

John Bannerman