

BY LAWS OF THE ELK CREEK RANCHES
PROPERTY OWNERS' ASSOCIATION

ARTICLE I – NAME

The name of the organization is the Elk Creek Ranches Property Owners' Association, hereafter referred to as the "Association."

ARTICLE II- PURPOSE

The Association shall operate as a non-profit organization for the following purposes:

1. To provide a forum to support lot owners and the Architectural Control Committee (ACC) in the enforcement of the protective covenants, to provide input to the ACC in the exercise of its powers and duties, and to organize and promote lot owner votes as necessary or desirable in making changes to the covenants or other matters requiring a vote by all lot owners,
2. To present Association positions to local government officials/agencies on various issues that might arise, and
3. To foster a neighborhood spirit.

ARTICLE III - RELATION TO THE COVENANTS

The Elk Ranches development has protective covenants on file with El Paso County. These covenants establish an Architectural Control Committee (ACC) and grant it powers of enforcement. The covenants also give lot owners control over the ACC. The Association has as one of its purposes as support of the covenants. One means of exercising this support will be through input to the ACC.

ARTICLE IV - MEMBERSHIP

Membership in the Association is voluntary. Membership is established by the payment of dues as specified in Article X of these By Laws. All lot owners are entitled to membership. Lot owners are defined as those who own a lot(s) within the Elk Creek Ranches Filing I Subdivision.

ARTICLE V - OFFICERS

The Association shall be governed by a Board of Directors elected by the members. The Board has responsibility for day-to-day operation of the organization and will consist of the following officers:

- President
- Vice-President
- Secretary
- Treasurer
- Member at Large

The Board may appoint special committees as it sees fit.

All Board members will serve two-year terms. Board members are limited to two consecutive terms in the same position.

The President has overall responsibility for management of the Association and presides over all meetings of the Board and of the Association.

The Vice-President assists the President in overall management of the Association, presides over meetings in the President's absence, and arranges the times, dates, and places of all meetings.

The Secretary keeps minutes of all meetings, keeps all non-financial records of the Association, and publishes information to the membership and the Secretary is responsible for mailing or delivering the membership renewal notices, along with the annual meeting minutes after the annual meeting. Additionally, the Secretary shall notify all Association members of the time, date, place, and agenda for all Board, Association, and Special meetings. The method of notification is left to the discretion of the Secretary.

The Treasurer retains custody of all Association funds, handles disbursements approved by the Board, keeps records of all receipts and disbursements, and reports financial status at each Board and Association meeting. The Treasurer is subject to an annual review as determined by the Board. All checks disbursed for an amount greater than \$100.00 shall be countersigned by one additional Board member.

The Member at Large performs Association duties as requested by the President.

ARTICLE VI- MEETINGS

All meetings will be open to the public other than an executive session to discuss legal matters.

Member proposed agenda items must be submitted to the Secretary no later than 10 days before a scheduled meeting.

Meetings will run no longer than 2 hours unless a successful motion is made at the meeting to extend the time.

A valid Board of Directors meeting requires 3 of the 5 officers to be present. The Board will meet twice each year, and in August of each year will publish its meeting schedule for the following twelve months.

The Association will meet annually. The Board will meet one hour prior to the Association meeting. To validly conduct business, an Association meeting requires 3 of the 5 Board members and 10% of the members to be present.

The Board is authorized to call Special Association meetings as necessary. Individual members may also petition the Board for such a meeting. The Board has final authority on whether to grant such a request.

ARTICLE VII- ELECTION OF THE BOARD OF DIRECTORS

The Board shall be elected at the annual Association meeting. Nominations will be made at any time. At the annual meeting votes of those members present at the meeting will be counted.

Officers may be removed by a majority vote of members present at any Association meeting. All members will be notified at least 30 days in advance of any intent to remove an officer.

If a board member is unable to complete the term of office, a new member will be appointed by the Board to serve until the next scheduled or special election.

ARTICLE VIII- VOTING

A majority vote will prevail at all meetings.

Voting at Board meetings is limited to the Board of Directors. Voting at Association meetings is limited to members. Votes on day-to-day issues raised at meetings will be conducted by those members present at the meeting. On issues the Board decides are more substantive, all members will be notified in advance and absentee ballots will be distributed. When the vote is taken at a subsequent meeting, both absentee and in person votes will be recorded. To be counted, absentee ballots must be received before the vote is taken.

Members may cast only one vote per household regardless of how many lots they own. In the case where joint owners cannot agree on a vote, no vote will be recorded.

Votes on changes to the covenants require a majority vote of all lot owners. Procedures for collecting such votes will be developed as required.

ARTICLE IX - MEETING FORMAT

Order and fairness will be maintained at all meetings using Robert's Rules of Order as the final authority for procedural disputes. The order of business will be:

1. Call to Order
2. Secretary's Report
3. Treasurer's Report
4. ACC Report
5. Old Business
6. New Business
7. Adjournment

ARTICLE X - DUES

Annual dues shall be set each year by the membership at the annual meeting. Membership renewal notices will be sent out following the annual meeting by the Secretary. Payment of these dues is a condition of membership in the Association.

ARTICLE XI- APPROVAL AND CHANGES

All lot owners were notified of the intent to form a Property Owners' Association and establish By Laws for its operation. They were all offered the opportunity to join the Association. By choosing to join the Association, all members have accepted these By Laws.

Any changes to these By Laws will be proposed and distributed at least 30 days in advance and then voted on by members of the Association at an Association meeting. A majority will carry the change. Absentee ballots will also be counted.

