

**BYLAWS OF THE ELK CREEK HIGHLANDS**  
**PROPERTY OWNERS ASSOCIATION**

*Approved April 4, 2024*

**ARTICLE I**

**NAME AND OBJECTS OF CORPORATION**

Section 1: NAME: This corporation shall be known as the Elk Creek Highlands Property Association (hereafter called the “Association”).

Section 2: OBJECTS OR PURPOSE. The objects or purpose of the Association shall be: to furnish for its members facilities for meetings, social gathering, fishing, boarding of horses and outdoors sports and to promote for the mutual assistance, enjoyment and entertainment of all owners of real property who are also members located in Elk Meadows, Filing Numbers 1 and 2 and Elk Creek Highlands, Filing Numbers 3,4,5,6,7 and 8, Park County, State of Colorado (hereafter referred to as the “subdivision”).

**ARTICLE II**

**MEMBERSHIP**

Section 1: MEMBERSHIP. Every person or entity who is a record owner of a fee or undivided fee interest in a parcel of real property located in one or more of the subdivisions may become a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for an obligation. No owner of property in the aforesaid subdivisions shall have more than one membership. Renters may apply for membership with the understanding they have no voting rights.

Section 2: SUSPENSION OF MEMBERSHIP During a period in which a member shall be in default in payment of any annual fee or special assessment required by the Association, the membership of such member may be suspended by the Board of Directors until such dues or assessment and late fees have been paid in full. Membership may also be suspended for violation of any rules and regulations established by the Board of Directors governing the use of the Association’s facilities. However, before a member can be suspended, a member must be given notice at their last known address and allowed a hearing before the Board of Directors.

Section 3: MEMBERSHIP NON-ASSIGNABLE. The membership and rights and privileges of a member shall not be assignable. A member may assign, in writing, subject to the approval of the board of directors, the rights and privileges of membership. For example, a senior owner may assign rights to a family member who is able to actively participate or a member may assign

rights to a long term tenant subject to approval by the board of directors. In no case, shall any owner have more than one vote as a member.

Section 4: VOTE Each member (excluding renter members) shall have only one vote at a meeting of members. Each property is entitled to one vote.

### **ARTICLE III** **GOVERNING BOARD**

Section 1: BOARD OF DIRECTORS The general management of the affairs of the association shall be vested in the Board of Directors, who shall be elected as provided in Section 1 Article V of these By-laws. The number of directors shall be seven (7) and may be reduced to not less than three (3) by amendment of these By-Laws.

Section 2: OFFICERS The officers of the Association shall consist of a President, a Vice-President, a Secretary, and a Treasurer, selected from the Board of Directors as provided in Section 3 Article V of these By-Laws. The Secretary and Treasurer may be one person.

Section 3: TERMS OF BOARD MEMBERS AND OFFICERS: Terms are for one year and subject to annual vote. From time to time, to ensure continuity, the Board of Directors may request that the members approve two year classes for the Board of Directors and approve the Board Members for terms of two years.

Section 4: CLASSES OF BOARD MEMBERS: The Board of Directors may assign Board Members to a class to ensure continuity of the work. In the event classes are assigned, Board Member terms will then be for two years, with annual election of officers. For example, class 1 would be elected in odd years and class two would be elected in even years.

### **ARTICLE IV** **MEETINGS**

Section 1: REGULAR MEETINGS OF MEMBERS The meetings of members of the Association shall be held the first Wednesday of the announced month; meetings must be held at least four times per year and may be held monthly or as often as required to perform the work of the Board. Notice of time and place may be amended by the Board of Directors provided this information is otherwise conveyed through electronic or written communication to members with 5 (five) days notice.

Section 2: SPECIAL MEETINGS OF MEMBERS Special meetings of members may be called by the President at any time or by the President or Secretary upon written request of majority of the Board. A written request may be delivered in electronic form.

Section 3: REQUIREMENTS FOR MEMBERS' MEETINGS At all meetings of the Association, either regular or special, a simple majority of the Board of Directors must be in attendance provided the simple majority encompasses a minimum of two (2) members.

Section 4: LACK OF QUORUM If a quorum is not present, the meeting may be adjourned to a day and hour fixed by the presiding officer subject to a five (5) day notice to the members.

Section 5: ORDER OF BUSINESS At all meetings of the Association, the order of business shall be as follows:

- a. Reading of minutes of the previous meeting for information and approval.
- b. Reports of officers/committees
- c. Unfinished business
- d. New business.

Section 6: MEETING OF BOARD OF DIRECTORS Meetings of the Board of Directors shall be called by the President whenever ~~his~~ their judgment may be deemed necessary or by the Secretary upon request of any two members of the Board of Directors. Five (5) days notice of meetings of the Board shall be sent to members.

Section 7: QUORUM FOR BOARD OF DIRECTORS MEETINGS A simple majority of the Board of Directors shall constitute a quorum.

## **ARTICLE V** **ELECTION OF DIRECTORS AND OFFICERS**

Section 1: ELECTION OF DIRECTORS The directors of the Association shall be elected annually.

Section 2: ELECTION OF OFFICERS The Board of Directors shall elect from their number a President, a Vice-President, a Secretary and a Treasurer. The meeting of the Board of Directors to elect officers shall be held within one month following their election to the Board.

## **ARTICLE VI** **VACANCIES IN OFFICE**

If a vacancy occurs among the officers or in the Board of Directors, the vacancy shall be filled for the unexpired term by the Board of Directors.

## **ARTICLE VII**

### **DUTIES OF OFFICERS**

Section 1: PRESIDENT The President shall preside at all meetings of the Association, prepare and distribute agendas, and shall appoint such committees as they or the Association shall consider expedient or necessary.

Section 2: VICE- PRESIDENT In the absence of the President, the Vice-President shall perform his duties, and in the absence of both the President and Vice-President, the Treasurer shall preside and assume the duties of the President.

Section 3: SECRETARY The Secretary shall keep the minutes of all meetings of the Association and the Board of Directors shall mail out or through electronic means communicate all necessary notices for the Association or the Board of Directors. The Secretary shall keep an accurate account of and collect all fees, due and charges due from members and perform such other duties and may be required by the By-Laws, and President of the Board of Directors.

Section 4: TREASURER The Treasures shall have charge of all receipts and monies of the Association, deposit them in the name of the Association in a bank approved by the Board of Directors and disburse funds as ordered or authorized by the Board of Directors. The Treasurer shall keep regular accounts of receipt and disbursements, submit that record when requested and give an itemized statement at regular meetings of the Association. The Treasurer shall prepare an annual budget for the Association for approval by the Board of Directors no later than December 31 of each year for the upcoming year. The Treasurer or the Secretary in coordination with the Treasurer shall sign all checks and withdrawal slips on behalf of the Association upon any and all of its bank accounts and the same shall be honored upon their signature. Reporting to the Board of Directors by the Treasurer may substitute for a second signature for payment of bills up to the amount of \$2,999.00 (two thousand, nine hundred and ninety-nine dollars). In no case may the Treasurer or the Secretary sign checks to themselves.

Section 5: EXECUTION OF INSTRUMENTS The President, Secretary or the Treasurer shall, on being so directed by the Board, sign all leases, contracts or other instruments in written or electronic documents.

## **ARTICLE VIII**

### **DUTIES AND POWERS OF THE BOARD OF DIRECTORS**

Section 1: MANAGEMENT OF ASSOCIATION The Board of Directors shall have general charge and management of the affairs, funds, and property of the Association. The Board shall have full power, and it shall be the Board's duty to carry out the purposes of the Association according to its Articles of Incorporation and By-Laws; to determine whether the conduct of a member is detrimental to the welfare of the Association; and to fix the penalty for such misconduct or any violation of the Bylaws or Rules.

Section 2: RULE-MAKING The Board of Directors may make rules for the conduct of the members and the use of the Association property and facilities and define the privileges of the members and their guests, not inconsistent, however, with anything set forth in these By-Laws.

Section 3: APPOINTMENT OF COMMITTEES The Board of Directors may appoint such committees as it deems necessary.

Section 4: FINANCIAL AND BUSINESS RESPONSIBILITIES: The Board of Directors may establish and monitor the annual budget, set the amounts for dues and special assessments, vote the expenditure of moneys as it deems necessary or advisable; it may contract for the lease or purchase in the name of the Association of properties or facilities for the use of members and take action to ensure that the object/purpose of the association is achieved to the best of their abilities .

## **ARTICLE IX**

### **COMPENSATION OF DIRECTORS AND OFFICERS**

No member, or member of the Board of Directors, shall receive or shall be lawfully entitled to receive a salary of compensation; provided, however, always (1) that reasonable compensation may be paid to any officer or director while acting as an agent or employee of the Association for services rendered in effecting one or more of the purposes of the Association, and (2) that any officer or director may from time to time, be reimbursed for his the actual reasonable expense incurred in connection with administration of the affairs of the Association.

## **ARTICLE X**

### **FEES AND DUES**

Section 1: ANNUAL DUES The annual dues of the members for each calendar year shall be determined and assessed by the Board of Directors. Said dues are to be used for the maintenance and upkeep of the Association's facilities and to achieve the object/purpose of the association.

Section 2: TIME FOR PAYMENT OF DUES The time for payment of the above mentioned dues shall be set by the Board of Directors.

**ARTICLE XI**  
**RULES AND REGULATIONS FOR MEMBERS AND GUESTS**

Section 1: RIGHTS OF GUESTS TO USE FACILITIES No person except a member of the Association, and the family of such member and/or their guests, shall use any waters, properties, or facilities owned, leased or contracted for the Association for any purpose whatsoever. When utilizing facilities, proof of membership is required.

Section 2: 3: DEFINITION OF GUEST Within the meaning of the foregoing, the term guest of a member shall include only persons actually visiting with a member.

Section 3-4: UPON WHOM BINDING Each and every member of the Association, family and guests and the subsequent owners or occupants of any real property located in the aforesaid subdivisions, shall be bound and abide by these By-Laws, Rules and Regulations,

**ARTICLE XII**  
**NOTICES**

All notices to members shall be emailed, electronically communicated with, or mailed to the addresses as given on the books of the Association, and such shall constitute service thereof.

**ARTICLE XIII**  
**AMENDMENTS**

These By-Laws may be amended by a majority vote of the Board of Directors at a regular or special meeting of said Board.