

BLACKHAWK RANCH POA
BOARD OF DIRECTORS MEETING
Minutes

March 28, 2009, 5:00 pm at the Schoolhouse

Board of Directors: James McPhearson, Lisa Cala, Cheryl Hunt, Jenny Halstead

The public/owners are invited to participate in Blackhawk Ranch POA Board Meetings during the PUBLIC /OWNER INPUT item on the agenda; a total of 15 minutes will be allotted for public/owner input. Any individual wishing to be placed on the agenda as a general order of business for future meetings must give five (5) days notice to the Business Office (719) 738-2475 or e-mail cmseverance@scw-inc.com

- I. CALL TO ORDER- 5:06 PM
- II. PROOF OF NOTICE- Front Gate, Website, Newsletter
- III. INTRODUCTION & ROLL CALL- James McPhearson, Lisa Cala, Jenny Halstead, Eric Winslow and Cheryl Hunt (by phone) for the board.
Tom & Cissy Severance for SCW
Red McPhearson, POA member

Announcement of Eric Winslow's resignation from the BOD

Eric Winslow came to the board meeting and explained that he had not written a letter to the board regarding his resignation because he wanted to personally tell the board his reasons.

Eric gave these reasons for his resignation. He was upset about the e-mail exchange he was copied on after the last board meeting. He felt that the board members and other participants in the exchange were rude to each other. As board members, neighbors and friends, we should have more respect for each other. When he joined the board he thought he would be able to add positive input. He and his wife were upset that people would be so harsh with each other over what amounted to \$110.00 and he offered to give the board the money if it would cause the trouble to end. He and his wife moved here because they love the area and want this to be their sanctuary. He wants to be able to look each person on the ranch in the eye and be able to call him or her 'neighbor' without any trouble. He wants to be a neighbor and share with others. He doesn't feel being on the board helps with this.

He has recently started back to work driving long distance and won't be here to participate on the board. He felt that trying to connect long distance to attend board meetings while on the road would be a problem and he would not be able to participate in other board work. Eric closed by saying that he will be more than happy to help out and be neighbors. Let him know if he and his wife can help in any way.

Eric left the meeting at this point.

Lisa asked to comment on the e-mail that Eric referred to in his resignation.

Tom pointed out that Eric's first reason for resigning was e-mail etiquette and since this issue is on the agenda, we should hold that discussion until we get to that agenda item.

IV. DETERMINATION OF QUORUM Yes with 4 of 4

V. PUBLIC/OWNER INPUT- none

VI. APPROVAL OF THE MINUTES OF THE LAST MEETING James and Lisa Approved by e-mail
– Jenny approves -

VII. APPROVAL OF MONTHLY FINANCIALS

Lisa Cala, Treasurer –

Copies of February Financials were distributed to the Board.

Lisa reviewed the financials earlier in the week and found that there is not much activity.

Tom mentioned that we've had several payments in the last few days.

Budget vs Actuals – so far actuals are in line with the budget and the balance sheet shows
168,000 in assets

Aging – money has come in since that report was printed.

Lisa motions to approve – Jenny seconds – all in favor

VIII. COMMITTEE REPORTS-

ROADS – James and Lisa just approved snow plow bill for yesterday's snow.

James has received 2 of the 5 estimates he needs from Mike. Mike estimated that it will cost
around \$1,500 to fix the upper pond and we also need an estimate on lower pond work.

Mike is still working on bids for the other three requested items. If we can do it and we have
any money we'll see if we can work it in for this year but if not we'll put it off to next year

We've got to see where the money is regarding whether Mike supplies road base or buys it.
Mike told James he is working on road base and crushing. Mike wants Gerald to start
working on grading. James told Mike to schedule Gerald as he sees fit.

WEEDS – too cold and wet to deal with them now

COMPLIANCE – need to replace compliance officer

SECURITY/EMERGENCY

911 Addressing Plan and letter

Steve Channel was not able to attend this meeting. Tom is waiting for Steve's final word that
Huerfano County has an agreement with Las Animas to allow Huerfano to have the word on
addressing. Should be ready for next board meeting

BEAUTIFICATION – several volunteers have signed up for the dumpster project – we need
to schedule a date. Tom suggested we schedule the work for the Saturday after the Friday the
dumpsters have been emptied. The dumpsters will next be emptied on April 10th and then
again on May 8th. We will need two Saturdays so April 11th and May 9th should work.

We need to do the first day's work after the dumpsters are empty and wait until the next
month to see how Mountain Disposal handles the change before putting up the fence. If all is
okay, then schedule the fence building after they are emptied.

WEBSITE – no report from Mark

NEWSLETTER – This newsletter Cissy wants to survey to see who's coming to annual meeting.

April will be the last monthly newsletter; Cissy will go to quarterly newsletters because there has not been much input.

IX. SCW REPORT TO THE BOARD

Tom put the sand spreader on Craig's List for \$1,200.00. So far, there has not been any interest. This is a 90 day listing and then he can put it back at a lower price (board's decision).

Collections are moving forward. There is a proposed agreement in place with McCarty. They will pay in full, through attorneys. This should resolve in April according to Dennis Malone. Attorney could never locate Nowak to serve them so there has been a summons by publication in the newspaper.

X. OLD BUSINESS/PENDING ITEMS

- a. Grazing Lease - review of new lease, BHR BOD concerns and letter from Kings.
James signed a grazing lease with Charles and Jeannette King on March 10th and notified the board via e-mail on March 11th. (See James' e-mail to the board.)

Since James had asked the Kings to attend the next board meeting to address board concerns, Tom notified them as the board meeting was rescheduled. The second time the meeting was rescheduled, Charles and Jeannette were not sure they would be available. They thought they might be out of town to look at a new bull. Tom offered to meet with them to give them the board's draft copy of the lease for their review.

The day prior to the meeting scheduled with the Kings, James delivered to SCW the lease he had signed with the Kings. (See grazing lease agreement.)

Tom met with the Kings to give them the draft copy of the board's lease agreement and Jeannette offered to write a letter to the board addressing the board's concerns. (See draft copy of board's lease agreement and letter from the Kings)

Lisa asked why Dean Oatman's recommendations were not included in the signed lease. James explained that the time spent with Dean was mostly education for the board. The Kings were not included in tour with Dean and consequently some of the water sources on the ranch were not included in Dean's evaluation. The Kings feel that if Dean had been aware of all the ponds he would not have any issue with expanding the heard.

The length of the lease was increased so that the Kings can qualify for grant money to improve water sources on the ranch. This was discussed at the January board meeting

James explained that the signed lease was tentative and could be changed if necessary but he and the Kings felt the board had already approved in the meeting in January. James and Charles will evaluate the ponds and tanks to see what can be improved.

Jenny Halstead said she would like to know where all the ponds and tanks are located.

Lisa mentioned concern that this board is locking future boards into something they have no option to change. James explained that in order to make the lease long term it can't contain

and option to cancel every year. After the first five years of the lease, either party can give notice to cancel the lease in five years.

James sees the ranch doubling or tripling the number of residents over the term of the lease but he does not think residents will choose to fence the cattle out because of the ag. tax rate and the cost of fence.

Lisa thought the board would be able to have input and but now it has a signed contract. James said we may change the wording after he signed it.

b. Policies and Procedures

Sections have been updated with changes already approved but Cissy had a concern about Section 400 – Review section. E-mail correspondence with Carol Ryan suggests removing or re-wording this section. (See Carol Ryan e-mail.)

After discussion of the review section, Jenny motioned to remove the section. Lisa seconded. All were in favor.

Cissy suggests having another review session before reprinting the P&P. We will plan to meet on the final draft of the P&P when Cheryl is next on the ranch: May 7th – 13th to finish revisions and have a pot luck dinner.

XI. NEW BUSINESS

- a. Mark Sutter E-mail to the board regarding his request for maintenance and improvements on Lost Spur. (See Mark Sutter E-mail)
James is waiting for a price from Mike.
Cheryl mentioned that in Mark's e-mail he asked us to re-consider our decision. When was it considered? What was the decision?
Mark's request was considered at the February BOD meeting. The only decision made at that time was to submit a request to Mike for pricing on the work. Once the cost is determined, the board will have to decide if it can be budgeted for this year or if the work will have to wait until next year.
James had measured and asked Mike for a bid on Lost Spur. James told Mark that the budget of 9 projects were pre-set for 2009 and was approved. So we are waiting for Mike to get a price and the board will either decide to add it on for this year or do it next year.
- b. Land Stewardship Associates Proposal
Jim Webb submitted a proposal for a Community Wildfire Protection Plan and a Forrest Health Restoration Plan via e-mail. (See proposal)
Jim was going to attend the BOD meeting this month but ran into scheduling conflicts when we rescheduled the BOD meeting.
The CWFPP is the first step necessary to apply for matching grants for fire mitigation work. Jim worked on the plan for Santa Fe Trails Ranch and they were able to get matching and in-kind grants for their fire mitigation effort. He has some before and after pictures of the work done there.
Jenny definitely wants Jim to come to a board meeting.
James asked if it would be good to have a bigger meeting than just the board to get more input. What about the annual meeting? Tom would like to see some talk in advance of the

Annual Meeting. James feels that a larger meeting would help gather more opinions and get more people involved. More is better for this type of meeting.

Jenny said it would be good to have Jim Webb at a meeting and then again at the annual meeting, Tom said that there is also a non-profit group of volunteers who are very knowledgeable who can work with us in conjunction with Jim Webb to help locate grant money.

James pointed out that we need a large number of members to get involved in this. If only 5 or 10 members want to participate it will be a waste of time and money.

Tom agrees but thinks we need to get started in order to have something to bring to the membership.

Tom will contact Webb to see when he can come and then invite POA members to be involved in the discussion.

James asked if we can pick a location large enough for all who want to participate. We might be able to use the meeting room at HCCC.

c. E-mail – Jenny Halstead

Jenny wants the board to think about limiting the use of e-mail to conduct board business between meetings. E-mail has done nothing but hurt the board in what we are trying to accomplish in trying to form an upstanding board. E-mail during the month may save time at meetings, but Jenny would be willing to give that up if we can meet in mutual respect. The last series of board e-mails can best be described as combative, condescending, antagonistic, sarcastic, abusive and disrespectful. By not using e-mail we can avoid all the miscommunication and hurt feelings.

Board members are not commenting with respect. If someone sends the president an email, there is a question about whether the answer comes back from the president. People are becoming involved who don't know what is transpiring at board meetings and making comments about things they are not aware of. No one should be treated this way.

Lisa asks if we should switch to phone calls instead of emails, but generally it is thought that the board should just wait for a meeting to discuss business. It is too chancy to use email right now because of example of last month.

Cheryl agrees with Jenny's points but thinks that a month might be too long in some cases. Jenny agrees and says that the longer time frame might dilute some issue or cause things to fall by the way side. It might take longer to get a project accomplished, but she would rather see that happen than risk the possibility that this type of banter happen again.

This really sheds a negative light on the board. We are trying to change the members' perception of the board. BHR POA members have spoken to Jenny about board behavior in the past and some have said that they are sorry they live here now that they see how things happen. Some say that if they had known, they would not have purchased here. This perception was perpetuated by past boards and is continuing with this board.

Jenny appreciates what the board does. But the conduct of people who should not have gotten involved in this last email series creates an unacceptable situation. The only way to stop it is to stop having forums by email outside the meeting.

Tom says that as a tool for communicating with the board, SCW needs to be able to use email.

Lisa thinks the board needs to use email because James works and has no cell phone. She hoped he would reply directly and she was only asking a question in order to follow through on an item that we said we'd do, so we can accomplish what we said we would do, because in the past people have talked about things and not done them.

Jenny says that email is a great tool but is being misused.

Tom says that when using email people are not looking someone in the face so they don't know if the communication is sarcasm or irony. He pointed out that CAPS LOCK is a bad, bad thing for email communication; it indicates shouting.

Cissy passed out a Hindman Sanchez document that warns boards of the dangers of email communication gone bad.

Tom points out that same thing happened on the website forum and Mark had to clamp down on what members were putting on the web forum for similar reasons.

James thinks we need to keep email for official board business.

d. Board Vacancy

James asked if the board should continue to operate with just four members or if it should seek a replacement for Eric. The consensus was that anyone who volunteers for the board now would just have to stand for election at the annual meeting and there is no time to bring anyone up to speed before the annual meeting anyway.

Committee chairs need to be made aware when board members resign.

e. Annual Meeting Plans

James, as president is in charge of the meeting

James wants to have a presentation on the CWFPP and perhaps have Jim Conley speak.

Tom said that one part of the meeting should be membership education (CCIOA compliance)

Lisa suggested that we should have a fire department representative speak.

James will find out if Pasternak's meadow is available for the picnic / pot luck or elsewhere or at the HCCC.

Tom and Cissy have to leave to go to Denver right after the meeting and will not be able to attend the afternoon picnic.

James really liked the hamburgers last year but Tom and Cissy can't do it.

So we'd need to figure out what to serve and who will do the cooking.

Jenny suggests that BHR provide the burgers and fill in with pot luck and desserts. James asked who is going to cook? Why not have several grills? Jenny asked if BHR can rent Tom's and Cissy's commercial grill. Tom and Cissy can make the tents, grill, big coolers and tables and chairs available but the board will need volunteers to do the setup, cooking, clean up, tear down and put away.

What other presentations? Pine Beetle / forest health /drought

Cissy mentions that IF we get CK Morey to talk about the CWFPP, he is also knowledgeable about the forest health issues.

Schedule for Saturday

9 AM to set up at HCCC. 10 AM until 1 or 2PM at HCCC then move to picnic to relax.

Lisa will need to do the Treasurers report.

Board selection and introduction of new board.

Register people – see if there is a quorum / see if there is a Motion from the floor

Cissy mentions that meeting minutes from previous annual meetings are on the website and SCW has files from previous years if you need ideas for June 28 meeting.

Who will contact speakers? Tom and Cissy are in touch with Diana & Dave / Jim Webb / CK Morey on other matters and Tom will contact them for their help with the annual meeting.

We won't need Conley this year.

Typical Agenda

1. Introduction
2. Board Presentation
3. Committee Presentations
4. CWFPP / Pine Beetles / Fire fighters
5. Introduce new board

Purchase ice and hamburger stuff and water, reserve and pick up port-a-potty. We only need one. Find out how much to have picked up and delivered.

Set up Friday

Meeting on Saturday

Set up food cooking at picnic site

Will discuss at April board meeting

At May Meeting we can schedule early in May to see if we need a second meeting

James will talk to the Pasternaks about using their meadow again this year.

We want to have the P&P done and posted on website before the annual meeting.

XII. DATE OF NEXT MEETING: Thursday April 16th – 5 PM

XIII. ADJOURNMENT: 7:17 pm Jenny motions to adjourn, Lisa seconds, all in favor

From: rebecca mcpherson [mailto:redpeck46@hotmail.com]

Sent: Wednesday, March 11, 2009 7:18 PM

To: Tom Severance; cheryl hunt; Cissy Severance; jenny; ewinslow94@yahoo.com; lisa cala

Subject: RE: Minutes from February 13th for your approval

Tom, I couldn't download PDF of minutes. It said the document was damaged. Rebecca

Kings called and I went by to sign the lease contract. Even though it was approved by the Board for a long-term lease, I asked them attend the next Board meeting. They feel left out of the decision-making pertaining to their interests. Informed them the Board has the right to look over the contract even though it was pre-approved. Also asked them to work on the pond situation. Charlie wants to get together and work on a list of what needs to be done. They mentioned fixing some water tanks would probably be at their expense, and they will go with a county subsidy program for this year, since they will have the longer-term contract now with BHR. Program only covers part of the cost. We need to see what kind of money and specific issues with property owners where water is located. JAMES

March 10, 2009

Counties: Huerfano, Las Animas

State: Colorado

Grazing Lease Agreement for the Blackhawk Ranch

This Agreement between Blackhawk Ranch Property Owners Association (Lessor) And Charles R. and Jeannette R. King (Lessee) is for purpose of grazing rights on the Lessor's property. Property includes Tracts (fillings) 1 through 10 of the Blackhawk Ranch as known on the Plat Maps recorded in the records of Huerfano and Las Animas Counties, Colorado. The lease will include filings 1 through 10 and all parcels therein.

Lease term shall be for ten years, January 1, 2009 thru January 1, 2019. In the 5th year, 2013, Lessee will have the option of extending the lease for an additional ten years. Lessee will give the acceptance of this option in writing.

Lease shall have five-year termination notice, starting in the last five years of the lease. The lease will be renewed automatically every October unless either party gives the five-year termination notice.

Lessee agrees to attend a board meeting each year to discuss the lease and give updates to the board.

Lessee will pay the Lessor the sum of one thousand five hundred (1,500) dollars. Money is payable April 15 each year.

Lease is for 50 cow calf units and the number of bulls necessary to service the heard.

Lessee agrees to remove any deceased cattle from Blackhawk Ranch..

Lessee:

Charles R. King

Signature:

Charles R King Date: 3-10-09

Jeannette R. King

Signature:

Jeannette R King Date: 03-10-09

Lessor:

Blackhawk Ranch, POA

James McPherson, President: Signature:

James McPherson Date: 3/10/2009

Grazing Lease Agreement

Black Hawk Ranch

Counties: Huerfano, Las Animas
State: Colorado

This Agreement between **Black Hawk Ranch Property Owners Association (LESSOR)** and **Charles R. and Jeanette R. King (LESSEE)** is for the purpose of grazing rights on the Lessor's property. Property includes Filings One (1) through Ten (10) as shown on the Plat Maps recorded with Huerfano and Las Animas Counties, Colorado.

The term of this lease shall be for a period of Fifteen (15) **years** commencing February 2009 and expiring December 2024.

LESSEE agrees to pay the **LESSOR** the sum of one thousand five hundred (**\$1,500.00**) dollars annually, payable April 1 of each year, for the above noted grazing seasons and other considerations and services which will be agreed upon at the meetings held once a year, or by other communications. In lieu of additional fees, The Kings will repair water tanks and ponds in order to increase water on hand for grazing cattle and fire mitigation.

LESSEE intends to graze up to fifty (50) cow-calf units plus bulls necessary to service the herd on the leased property and maintain all range improvements in a reasonable condition and to graze the land in a prudent manner.

The grazing period will be from May 15th until January 1st of the following year. From January 1st until May 15th, the cattle will be off Blackhawk Ranch.

Filing One, properties 1-9 will be separated from the main grazing area with a cattle grate and gate at Four Mile Canyon and CR 312, at the Lessor's expense. The Filing One grazing area will be used to relieve pressure on the main grazing area in late summer after the July / August rains. After 2-3 weeks, the cattle can be returned to the main grazing area.

In the event of severe drought, it may be necessary to stop grazing on either area and allow the ground to lie fallow for up to a year for the grazing to recover. If it becomes necessary to stop grazing due to drought, the lease will remain in force but the annual lease fee will be suspended.

LESSEE also has permission to use existing stock tanks on Lot # 5, Lot # 10, and Lot A, and will pump or haul water as needed.

Either party may terminate this lease with a 1 year written notice to the other party.

IN WITNESS THEREOF, the parties hereto have set their hands the day and year so stated,

LESSEE:

Charles King Signature: _____ Date: _____

Jeanette King Signature: _____ Date: _____

LESSOR:

Black Hawk Ranch, POA
James McPhearson, President Signature: _____ Date: _____

March 27, 2009

Dear Board Members,

This letter is to address concerns among a small number of people who have concerns regarding the cattle lease on the Ranch.

Charles and I have been leasing Blackhawk for many years. We have demonstrated to be good Stewards of the land. Mr. Oatman gave us a good report and we have received many compliments from property owners. The ranch is not overgrazed.

Putting specific dates in the lease does not work because we have to go by what Mother Nature provides.

We remove the cattle from the lease in late fall and we usually put cattle on the lease in late spring. This year we put cattle on the lease earlier. Before we decided to move the cattle, we analyzed the grass situation and found that there was a sufficient amount of grass left on the ranch since last fall. The benefit to ranch is that the cattle are grazing dried grass and is lowering the risk of that grass catching on fire. The sign reads "high fire danger".

As you well know, having the cattle on the ranch keeps the grass eaten so that there is less risk for grass fires, especially in drought years.

Separating Lots 1-9 is not feasible at this time because there is not a water source for the cattle.

Sincerely,

Jeannette King

----- Original Message -----

From: "Cissy Severance" <cmseverance@scw-inc.com>

To: "Raymond J. & Carol A. Ryan" <ryanthree@comcast.net>

Cc: "Cheryl Hunt" <cj_in_tx@earthlink.net>, "Cissy Severance" <cmseverance@scw-inc.com>, "Edward S. & Jennifer Halstead" <jtreacy_lvt@yahoo.com>, "James McPhearson" <redpeck46@hotmail.com>, "Phil & Lisa Cala" <lisaycala@hotmail.com>, "Tom Severance" <tcseverance@scw-inc.com>

Sent: Thursday, March 26, 2009 2:05:59 PM GMT -07:00 US/Canada Mountain

Subject: BHR Audit

Hi Carol,

The policies and procedures manual says:

4.6.2 Reviews

The financial books and records of the POA must be reviewed, using statements on standards for accounting and review services, at least once every two years. Within the first quarter of every odd numbered year, a review of the financial books for the previous even numbered year shall be conducted. The Board will select a qualified financial reviewer and the review will be conducted at the management office, supervised by the management agent, and witnessed by the Treasurer of the Board.

I don't guess the board has contacted you about this, have they? I am in the process of updating the P&P Manual and wondered if it wouldn't make sense to have this done in the second quarter since most accounting people are swamped in the first quarter. What is your opinion?

Would you be willing to do the audit?

Do you know when you are going to be at BHR again? (Probably not this weekend, ha ha)

Cissy

From: ryanthree@comcast.net [mailto:ryanthree@comcast.net]

Sent: Friday, March 27, 2009 8:16 AM

To: Cissy Severance

Subject: Re: BHR Audit

Cissy,

Do you know if Colorado requires an "audit"? What is required? I will also try to look into this issue. I wasn't involved in this portion of the manual when it was revised by the Board.

Yes, lots of snow here. Snow in Blackhawk? Miss so much being there.

Luckily, I can work from home today via the VPN--as I do so much during tax season.

Carol

----- Original Message -----

From: "Cissy Severance" <cmseverance@scw-inc.com>

To: ryanthree@comcast.net

Sent: Friday, March 27, 2009 11:41:53 AM GMT -07:00 US/Canada Mountain

Subject: CCIOA and Audits

Hi Carol,

I did a search on the word audit and found a bunch of stuff. Maybe it will mean more to you than it does to me... ha ha. It doesn't look like we are REQUIRED to have an audit unless we spend more than \$250,000 per year or an audit is requested by 2/3 of members. Is that what you read?

But our P&P does say a "review" not an "audit". And it does not have to be done by a CPA.

I'd love to have your opinion on this.

Thanks for checking on this.

Cissy

From: ryanthree@comcast.net [mailto:ryanthree@comcast.net]

Sent: Friday, March 27, 2009 7:14 PM

To: Cissy Severance

Subject: Re: CCIOA and Audits

Hi Cissy,

You are correct. I don't see where an audit or review is required by Colorado law for Blackhawk. Thank goodness. I'll also verify that we a friend or two who work at or have HOA mgt companies. Now, the problem is that in the Procedures manual it states that a "review" is required. The language is such that it would cost Blackhawk money to have this done. An audit is the highest level of service that a CPA performs on financial statements. A "review" is the second highest level of service. Both would also entail putting together the POA's financial statements in a manner in accordance with GAAP and having financial statement notes. I do not feel that Blackhawk needs that and the related expense.

I have two ideas for change.

1. Remove this entirely from the procedures manual without any replacement. My thinking here is that the Board Treasurer (and other members) should be scrutinizing the accounting on a monthly basis and any problems should be brought up during the year during their review.
2. You could replace this paragraph in the manual and state that annually the accounting should be reviewed by a person outside of the Board, along with a Board member. This review would **not** be by a CPA firm but a qualified volunteer POA member (like me). I would be happy to do this annually (not charging--just volunteering). You could state in the manual that it needs to be done before the annual board meeting. This is similiar to what I have had our school's PTCO's do (where I have been the treasurer--except no one ever gets around to reviewing my work :)). I can develop a little checklist for what should be looked at annually. The checklist would state such things as "review bank reconciliation, select any checks payable to you or board members and trace to the supporting documentation, look at all checks over a certain \$ amount, etc.

If you want, you can call me this weekend and we can discuss. 303-766-7458 home.

Thanks! I just love working with you Cissy. You are so on top of it!

Carol

From: Mark Sutter [mailto:msutter@starband.net]
Sent: Saturday, February 28, 2009 2:23 PM
To: fzlfdsdi@yahoo.com; cheryl_hunt@earthlink.net; Lisa Cala; Jennifer Halstead; James & Rebecca McPhearson
Cc: Cissy Severance
Subject: Lost Spur Road Maintenance Request
Importance: High

February 28, 2009

Board of Directors
Blackhawk Ranch Property Owners Association

Ladies and Gentlemen:

I have been informed this morning of your decision regarding my recent request for much needed maintenance and improvement of Lost Spur road. Let me explain why I find your scheduling of this work for the year 2010 as UNACCEPTABLE.

Having resided on BHR for going on 6 years now, and serving 3 years of that period on the Board of Directors, I have knowledge of road maintenance and improvements being done that involved equal or less urgency than the work I have requested. Examples include –

1) The Warner's had their portion of Spanish Peaks reworked and resurfaced a few years back. That section of road is considerably longer than Lost Spur and benefits only one permanent resident. Now Bob Warner being on the Board of Directors, and serving as Chair of the Road Committee, may have expedited that work. But I do not intend this statement to be construed as an accusation of wrong doing, I am sure the work was probably needed, as is mine.

2) North Mountain has recently been reworked and resurfaced. Again, this section of road is much longer than Lost Spur and required much more work and material than what my request will involve.

3) West Ridge is either currently being reworked or is slated to be. This work is being done for the Cala's before they even have their dwelling completed. Again, this is a section of road much longer than Lost Spur.

4) I understand that there is a work request scheduled for Canyon View spur. This section of road is approximately the same length as Lost Spur, but as far as I have knowledge this work will not provide any benefit to any current resident of BHR. Why can't this job be postponed until 2010 and place the Lost Spur request in it's place for this year?

Having served this association faithfully, assisted in multiple clean-up and beautification projects, and donated time and resources few others can equal, I am asking the Board of Directors to reconsider their decision. Step up and do what is right here and place the work requested for Lost Spur on schedule for this Spring or Summer. Or at least consider completing the maintenance portion of the request by reworking the drainage system. If we see any type of storm event this Spring or Summer that deposits a considerable amount of precipitation on this road I can promise you it will get washed out and then I will be confronting the Board for emergency work that will likely entail greater time and expense to correct.

Thank you for your reconsideration of this matter.

Respectfully,
Mark Sutter
29891 Lost Spur / Parcel 162
Walsenburg, CO 81089

PRODUCTS TO BE DELIVERED AND SERVICES TO BE PROVIDED

Two copies of a “Community Wildfire Protection Plan” and “Forest Health Assessment & Restoration Plan” with maps for the Black Hawk Ranch and CD with all plan contents will be provided at both draft and final stages.

COMMUNITY WILDFIRE PROTECTION PLAN Contents

1. COMMUNITY IDENTIFICATION AND DESCRIPTION

- Identification of Community and Surrounding Area:
Includes a base map for the community and surrounding area using any available map of the area with an appropriate scale.
- Community Description:
Using either map symbols or written narrative we will show or describe basic community information, including legal description and/or geographic location, approximate number of structures, and critical community infrastructure information.

2. COMMUNITY ASSESSMENT

Assessment of the overall risk to the community from wildland fire by evaluating the relative risk associated with the following factors. Appropriate adjective rating (such as high, medium, or low) that best represents the risk associated with each factor will be used.

A. Fuel Hazards

- The vegetative fuels on federal and non-federal land within the identified wildland urban interface (WUI) and into adjacent watersheds where appropriate will be evaluated. Specific areas where the composition, type, arrangement and/or condition of vegetative fuels is such that if ignited would pose a significant threat to the community or community infrastructure will be identified. How the local topography (such as slope, aspect, and elevation) may affect potential fire behavior will be considered.
- Each area of identified hazardous fuels will be rated and shown on the base map as a high, medium, or low threat to the community. This rating will be subjective, based on the judgment and experience of LSA.

B. Risk of Ignition and Wildfire Occurrence

- Using historic data, or the knowledge of local fire officials and land managers, we will determine the common causes and relative frequency of wildfires in the vicinity of the community that could have the potential to threaten the community. Consider past fire events, including critical fire weather events and their frequency, trends in human and natural ignition, and any local conditions that may contribute to the probability of fire ignitions and or extreme fire behavior.

C. Community Values at Risk

- The vulnerability of structures within the community to ignition from firebrands, radiation and convection will be assessed. The areas of concern, including roof types, building materials, and the lack of adequate defensible space around buildings will be documented.
- Specific human improvements within or adjacent to the community, such as homes, businesses, infrastructure (water systems, utilities, transportation systems, critical care facilities, schools, manufacturing or industrial sites, etc.), and areas of historical, cultural, and spiritual significance that would be adversely or severely impacted by wildfire will be identified.
- Other areas of community importance, such as municipal watersheds and critical wildlife habitat that would benefit from treatment to reduce wildfire risks will be identified.
- Areas needing protection will be identified and categorized using the three relative ratings of high, medium, or low and show on the base map. Again, as above, this will be a subjective rating based on local community knowledge and values.

D. Local Preparedness and Protection Capability

The level of the community's emergency preparedness, including evacuation planning, safety zones, and fire assistance agreements, and the response capability of community and cooperator fire protection forces will be assessed. Areas in need of improvement using the knowledge and experience of local officials will be identified.

3. COMMUNITY MITIGATION PLAN

Mitigation needs in terms of fuel reduction will be prioritized, wildfire prevention, and protection capability and strategies will be developed to meet those needs.

A. Fuel Hazard Reduction

- Areas with high wildfire hazard that can be reasonably mitigated with fuel treatments will be prioritized, and recommendations will be made with respect to the method of treatment or management.

B. Wildfire Prevention and Fire Loss Mitigation

- Prevention strategies to address identified human ignition risks will be developed where appropriate.
- Within the community, recommendations to reduce structural ignitability through the development of defensible space, the use of fire-resistant building materials, emphasis on pre-development mitigation and other “Firewise” techniques will be listed.

C. Infrastructure improvement

- Recommendations will be listed with respect to the need to widen road segments, widen turns, install turnarounds, replace or reinforce bridges, etc.
- Recommendations will be listed with respect to signage and an address system.

D. Improved Protection Capability

- Strategies to improve the community’s emergency preparedness and fire response capability will be developed if appropriate. Particular consideration will be given to multi-agency organization and planning, fire assistance agreements, qualifications and availability of firefighting personnel, training and equipment, and systems and infrastructure.
- Recommendations for evacuation planning will be described.

E. Monitoring

- Recommendations will be made with respect to monitoring, where appropriate.

Forest Health Assessment & Restoration Plan

Land Stewardship Associates will conduct an extensive review and assessment of forest health on the Black Mountain Ranch. This will include broad forest stand species composition, density, presence or absence of insects, disease or other pathogens. Recommendations will be developed to improve overall forest health and resilience. If treatments are recommended they will be mapped and specific standards for treatment will be developed.

Costs: The following is the total cost for providing the above listed products and services.

Community Wildfire Protection Plan	\$10,000
Forest Health Assessment and Restoration Plan	5,000

Additional Options to Consider with the above:

The following services and costs are not included in the primary proposal above.

- A. LSA will provide a written specific FireWise home evaluation with recommendations for each homeowner. The evaluation will include a general rating of high, medium, or low risk and vulnerability with recommendations to the homeowner on ways to improve the survivability of the structures.

Cost= \$200 for each individual home site.

- B. LSA conducts one defensible space workshop. This workshop will use existing home sites to demonstrate both survivable and non-survivable structures. Methods for rating each building and ameliorating hazards will be discussed.

Costs= \$2,000 for each workshop.

Proponents Experience with Similar Projects

The following are the fire management projects including fire hazard assessment and mitigation projects **LSA** has completed. Some are in conjunction with other resource projects not involving fire and fuel hazard mitigation planning.

- Santa Fe Trail Ranch Community Wildfire Protection Plan has significantly improved the ability of the ranch to compete for wildfire hazard mitigation funds.
- San Luis Valley CWPPs for the twelve fire protection districts in the San Luis Valley covering an area of over 8,262 square miles.
- Wildfire assessment and mitigation plan for the community of Story, WY. This work was focused on a six thousand acre area of ponderosa pine forest encompassing the community of Story. LSA conducted a fuel hazard assessment; a sub-division hazard assessment of 35 sub-divisions; and mapped the vulnerability rating for the area. The Assessment identified neighborhood fire hazards, access issues, fuels hazards, evacuation process and volunteer fire department needs. The Mitigation Plan addressed the Assessment issues, recommending a number of actions to treat fuel loading, improve defensible space, improve roads and bridges and energize the volunteer fire department. Over 60 strategic and tactical actions were identified and prioritized for Story to reduce their vulnerability and improve their fire prevention and suppression effectiveness. *Over \$250,000 of grant funds have been provided to Story for employing a coordinator and for completing a Fuel break system and for implementing other recommendations by LSA. Plus a new bridge on a main road for \$750,000.*
- Wildland fire and fuel management plan on 750,000 acre Phase II area for Moffat County, CO. This involved making contact with over 220 landowners to discuss their preferences with regard to suppression strategies and fuel hazard reduction along with the development of strategies to coordinate among property owners and between private property owners and public land agencies. *Proposals currently being used for seeking grant funds and partnerships necessary for implementation and wildfire suppression decisions.*
- Wildfire, fuels and insect assessment with mitigation plan for a 20,000 forested acre ranch near Wheatland, WY. Based on fuel load and terrain the entire ranch was broadly rated and mapped with regard to fire hazard and insect susceptibility. The client received recommendations from LSA for mitigation including the acquisition of special equipment, guidelines for treatment, and priorities.
- Fuel and wildfire plan for Jackson County, CO with over 1,000,000 acres and 15 wildland-urban interface developments. LSA coordinated with the federal and state agencies to complete a fire and fuel hazard plan primarily

Black Hawk ranch CWPP & Forest Health Restoration Proposal

for the wildland-urban interface and high value areas within the county. Proposals specific to each area were developed along with over 20 prioritized countywide proposals including fuel treatment, inter-agency coordination, and equipment acquisition. In addition a firefighters guide was provided along with numerous treatment guidelines applying to the wildland-urban interface. *Proposals currently being used for seeking grant funds and partnerships necessary for implementation.*

- Fuel and wildfire plan for Chadron and Crawford VFD in NW Nebraska on the Pine Ridge Fire Planning Area #1 which is 106,000 acres and includes 6 subdivisions and eight forested drainages with each having a widespread pattern of current and increasing home site development. LSA coordinated with the federal and state agencies to complete a fire and fuel hazard plan primarily for the wildland-urban interface as well as the home site wildland interface in the forested drainages. Proposals specific to each drainage were developed along with over 19 prioritized planning area wide actions including fuel treatment and inter-agency coordination. In addition a firefighters response guide with GPS coordinates for every home site or home site group was provided along with a few specific treatment guidelines applying to the wildland-urban interface. *The fire districts are applying for grants to conduct their planning and implement the proposed mitigation work for each of their communities.*
- Provided professional and technical services including a power point program, a brochure, and consultation at fire planning meetings to NW Colorado Council of Government (NWCCOG) communities. LSA met with steering committees in Aspen, Vail, and Breckenridge, Colorado. *These communities are applying for grants to conduct their planning and implement the proposed mitigation work for each of their communities.*
- Million fire community recovery assessment for San Luis Valley Resource Conservation and Development Council. This project included an assessment, with recommendations, for restoration on over 1,200 deeded acres with 368 residents located within the 10,000 acre burn that occurred in 2002. It also included a comprehensive monitoring plan for the area.
- Stand and Condition and Fire Effects assessment for past management projects implemented within the past 80 years in the area burned over by the 77,000 acre Missionary Ridge Fire in 2002. This project was completed for the Four Corners Sustainability Project, Office of Community Services, Fort Lewis College, and Center for Southwest Studies for the Stand Conditions Fire Effects. *A brochure of over 20 pages is being developed for public use and information.*
- Assess wildfire hazard and vulnerability and provide mitigation design for a few home sites within the Ruby Ranch Community near Silverthorn, Colorado.
- Completed a project design and layout for lodgepole pine fuel reduction within Staunton State Park in Colorado.

Black Hawk ranch CWPP & Forest Health Restoration Proposal

Story Wildfire Assessment and Mitigation Plan—Story Wyoming Volunteer Fire District: John Lunbeck, Board Member P.O. Box 302, Story, Wyoming 82842
Phone: 307-683-2733

Wildfire and Fuels Management Plan (Phase II)—Moffat County: Jeff Comstock, County Planner, Moffat County Phone: 970-826-3400

Wildfire and Fuels Management Plan—Jackson County: Kent Crowder, County Administrator, Jackson County
Phone: 970-723-4660

Reforestation, Post fire rehabilitation, Mitigation for fire hazard and forest insect and disease build up --Notch Peak Ranches: Jack and Racheal Gaby, Ranch Manager, 2612 Palmer Canyon Road, Wheatland, Wyoming 82201, 307-241-0034 e-mail: JRGaby@starband.net or 307-322-1933.

Post-Fire Timber Salvage Assessment—Cheesman Reservoir Area
Chuck Dennis, Forester, Colorado State Forest Service, Broomfield Office, 9769 West 119th Drive, Suite 12, Broomfield, CO 80021. Phone: 303-465-9043

Wildfire and Fuels Management Plan (being completed)—Pine Ridge Fire Planning Area #1: Pat Gould, Deputy State Fire Marshal, Chadron, Nebraska. Phone: 308-432-2251

Million Fire Community Recovery Assessment—San Luis Valley RC&D Council: Jim Mietz, Coordinator, Phone 719-589-3907-extension 123.

Fire Hazard Assessment and Mitigation Plan --- Mueller State Park
Rob Billerbeck Resource Stewardship Manager, Colorado State Parks Department, 1313 Sherman Street, Room 618 Denver, Colorado 80203
e-mail: rob.billerbeck@state.co.us. Phone: 303-866 3203 ext. 341

Albany County Fire Hazard and Risk Assessment and Mitigation Plan----Albany County Firefighters, Brad Klingman, County Fire Warden, County Courthouse, Grande Avenue, Laramie, Wyoming 82073, Phone: 307-742-2534, © 307-760-2431

- Completed a plan for fire hazard mitigation and enhancement of esthetics for the 5,000 acre Mueller State Park in Colorado. Products for this project included the following: an assessment of vulnerability with regard to adjacent forest lands where there are numerous subdivisions; a fire features report with map; an evacuation plan; a fuel and fire hazard management plan including the location key fuelbreaks and proposed fuel hazard reduction projects with priorities; an assessment of overall forest health with recommendations for improving forest health.
- Completed Wildfire Hazard and Risk Assessment with Mitigation Plan for Albany County, WY involving over 2,700,000 acres and 45 wildland-urban interface developments. LSA is coordinating with the federal and state agencies to complete a fire hazard and risk assessment with mitigation plan primarily for the wildland-urban interface and high value areas within the county. Community Wildfire Protection Plans, which include proposed actions specific to each area are being developed along with several prioritized countywide proposals including fuel treatment, inter-agency coordination, and equipment acquisition.
- Completed County wide Community Wildfire Protection Plan for Natrona County in Wyoming that included 18 diversified communities spread throughout the county.
- Currently on call to assist Colorado state Forest Service with CWPP efforts throughout the State of Colorado. You have a copy of the Trumbull CWPP and we have assisted with others across the state. *Work is being completed on adjacent federal and Denver Waters properties to minimize threats to many communities we have worked with.*

LSA Projects with References:

San Luis Valley Fire Protection Districts CWPPs – San Luis Valley Resource Conservation & Development Council: 12 FPD within the confines of the San Luis Valley covering over 8,262 square miles , Jim Mietz – Coordinator. Phone: (719) 589-3907 ext. 124. E-mail = james.mietz@co.usda.gov

Santa Fe Trail Ranch Community Wildfire Protection Plan, Trinidad Colorado, David Skogberg or Diana Novacek, 33247 Squirrel lane, Trinidad, Colorado 81082. Phone (719) 846-9090. E-mail= ddnovacek@yahoo.com

Qualifications of Land Stewardship Associates LLC:

All four members of Land Stewardship Associates LLC have participated and made significant contributions to fire risk and hazard assessment projects; the designs for recommended mitigation actions; and the plan development work required for the Company accomplishments. Every one of the members has served as the project leader for one or more of these projects.

Jerry Schmidt is the project leader for the LSA responsibilities for the Steamboat Springs Wildland Fire Hazard Mapping Project proposal. Schmidt began his career as a Forest Service smokejumper fighting wildfires in the Pacific Northwest. Since then he has gained extensive and diversified experience developing and implementing plans and strategies for our Nation's National Forests and has a track record of innovation and creativity with approaches and solutions to complex or unique problems. He is recognized for his integrity, fairness, perseverance and ability to get things done. For over fourteen years as a Forest Supervisor Schmidt dealt with chief executive responsibilities on approximately three million acres of National Forest and National Grassland public land in Wyoming and Colorado. Prior to serving as a Forest Supervisor Schmidt had a wide variety of responsibilities and experiences, including leadership in fuel and fire management programs. Some of his most significant accomplishments include the following:

- For two separate National Forests, the Santa Fe NF in New Mexico and the Wenatchee NF in Washington, launched an aggressive effort to expand the use of prescribed fire and fuel hazard reduction techniques. He also directed the development and organization of a disciplined fire organization that included an expansion of interagency and community coordination as well as new technologies and approaches to more effectively prevent, detect, and suppress wildfire. This included the planning and development of extensive fuel hazard reduction programs;
- During the 1970s and first half of the 1980s served in various capacities on Type I fire suppression interagency overhead teams attaining the position of Type I Line Boss (Operations Section Chief) and Type I Plans Chief (Planning Section Chief) and Type II Fire Boss (Incident Commander);
- From 1989 until 1994 served as a FEMA advisor for active wildfire threats to private property and communities;

- Served as LSA project leader for county fire hazard assessments and mitigation plans in four Wyoming Counties, and two counties within Nebraska and Colorado.

Mr. Schmidt, a co-manager for Land Stewardship Associates, has a BS in Recreation and Forest Management from Colorado State University. His breadth and land stewardship wisdom has been enriched by his experiences working on nine National Forests in six western states and in the national headquarters for the US Forest Service.

Jim Webb has extensive background in wildfire and prescribed fire management. As president of Forest Stewardship Concepts, Ltd. he has completed Wildfire Assessments and Mitigation Plans for numerous developments in Colorado. He has also developed prescribed fire management programs for large ranches and Colorado Division of Wildlife Refuges. He has done forest restoration plans for Colorado State Land Board, Denver Water Board and several large ranches.

Webb's wildland fire qualifications include twenty-five years on a National Interagency Incident Management Teams where he reached Incident Commander I level. He was also rated as an Area Commander. He was one of the principle investigators of the fourteen fire fatalities on the South Canyon Fire in 1994. Jim is an instructor at the National Interagency Prescribed Fire Center in Tallahassee, Florida. He has been recognized nationally for his contributions in both wildland fire suppression and prescribed fire management.

Prior to forming Forest Stewardship Concepts, Ltd and joining Land Stewardship Associates, LLC Jim was a Forest Supervisor on the San Juan/Rio Grande Forests. He retired from the US Forest Service as the interim Forest Supervisor on the Tongass National Forest in Alaska. Jim is a Certified Forester ® in the Society of American Foresters. He is a member of the Forest Stewards Guild. He has a B.S. in Forestry from Northern Arizona University.

David A. (Dave) Anderson has a wealth of experience across the country. Over a 37-year period, his work ranged from on-the-ground field projects in forest and watershed management, to developing national policy. Most recently, he served in the Rockies as Director of Renewable Resources for the US Forest Service, and was responsible for all forestry, range, wildlife, fisheries, and insect and disease control activities on 22 million acres of National Forests and Grasslands. Prior to this, he held leadership positions at the regional and local levels that guided development of land management plans, environmental

studies and analyses and projects for National Forests in the Pacific Northwest and Central Rockies.

Most recently, and in response to the wildfires of 2002, Dave was LSA project leader for several post-wildfire assessments that resulted in recommendations for watershed, stream and pond restoration and rehabilitation. These assessments involved both private and public lands in Colorado and Wyoming

After receiving his BS (Forest Management) and MS (Hydrology) degrees from the University of Minnesota, he was an Instructor of Hydrology and Forest Climatology/Meteorology. He has held membership in the Society of American Foresters, Soil Conservation Society of America, American Forestry Association and American Geophysical Union. He has received numerous awards and meritorious citations for his work in natural resources. Having traveled to the Scandinavian countries, New Zealand, interior Mexico and Canada, he has become a student of land management practices throughout the world.

Donnie Sparks is a Certified Professional in Rangeland Management. He has experience managing large tracts of public land in the western United States and owns/operates a private ranch in New Mexico. Experience includes assignments as District Manager, national Rangelands Staff, and Area Manager for the Bureau of Land Management (BLM). He was responsible for the fire management and suppression program on the Canon City District in Colorado and participated in fire planning and training for managers. His fire qualifications and fire experience were as Crew Liaison Officer, Sector Boss and Crew Boss.

Most recently, and in response to the wildfires of 2002, Donnie was LSA project leader for a complex post-wildfire assessment that resulted in recommendations for watershed, stream and road restoration and rehabilitation and vegetative restoration. This assessment involved both private and public lands in Colorado.

Donnie has been a leader in developing good working relationships with communities, public-private partnerships and instituting a collaborative working relationship between federal and state agencies, county government and private land owners. He received national recognition for promoting collaboration between levels of government and with the private sector. He has extensive experience in management of natural resources with exposure to range management, riparian areas, fire management, wildlife, minerals and forestry. Other functions include conflict resolution and land use planning. He has worked with a wide variety of landforms and ecosystems in New Mexico, Colorado, and Alaska.

Sparks has a Bachelor of Science with major in Range Management from New Mexico State University in 1965 and earned a Master of Science with major in Range Science from Colorado State University in 1967.



Land Stewardship Associates

L.L.C.

TO: Tom Severance
Date: February 26, 2009

LSA will provide the wildfire and forest health consultation services described in the attached “PRODUCTS TO BE DELIVERED AND SERVICES TO BE PROVIDED” for the Black Hawk Ranch dated 2/26/2009 for a total fee of \$15,000.

The draft and final Black Hawk Ranch Community Wildfire Protection Plan (CWPP) and Forest Health Assessment will contain GIS Base Maps showing:

- ✓ Wildfire hazard
- ✓ Primary structure locations with Survivable/Non-survivable triage
- ✓ Driveway connections to main roads
- ✓ Strategic fire hazard mitigation recommendations
- ✓ Fire control features such as water sources, safety zones, staging areas; etcetera.
- ✓ Forest health assessment and restoration plan.

LSA will also conduct a meeting to brief property owners on the contents of the draft CWPP.

Jim Webb will be the project leader for this planning effort. He can be reached via phone at 719-852-2690 and via the internet fsc@amigo.net.

If this proposal is acceptable we will provide a “Consulting Agreement” that contains specific deliverables, time frames, and a payment schedule for your signature.

We are looking forward to helping the Black Hawk Ranch in its quest to reduce wildland fire hazards, improve structure survivability and improve forest health.

Sincerely;

/s/ Jim Webb
Project Leader
Certified Forester® #1173



From: lisaycala@hotmail.com

To: redpeck46@hotmail.com

CC: cj_in_tx@earthlink.net; jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com; cmseverance@scw-inc.com; rainbowone@hughes.net

Subject: Werner's posts

Date: Sun, 1 Mar 2009 17:44:05 -0700

Hello James,

Cc: Cheryl Hunt, Jenny Halstead, Eric Winslow, Tom and Cissy Severance and Werner Reichenberger

Hope you all had a great weekend. Just to follow up on Werner's red posts, Tom mentioned that Mark Sutter said they were at his house. Could you please get them from Mark, I'll be happy to get them from you and return them to Werner.

In December told Werner we "as a board" would get his posts returned and now it's March. In advance, thanks for taking care of this.

Respectfully,

Lisa Cala

From: rebecca mcpherson [mailto:redpeck46@hotmail.com]

Sent: Sunday, March 01, 2009 6:16 PM

To: lisa cala

Cc: cheryl hunt; jenny; eric winslow; cissy severance; rainbowone@hughes.net

Subject: RE: Werner's posts

Let's not forget how the 'board' got the posts in the first place. Now there is this 'urgent' need?

Anyway, I can't get to this right away. If someone wants to go get the posts, go for it. I'm out of town for a few days. James

From: lisaycala@hotmail.com

To: redpeck46@hotmail.com

CC: cj_in_tx@earthlink.net; jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com; cmseverance@scw-inc.com; rainbowone@hughes.net

Subject: RE: Werner's posts

Date: Sun, 1 Mar 2009 22:43:34 -0700

Hello James,

Cc: all above mentioned

Just to set the record clear I was not on the board when the posts were taken and I was on the board when the letter of request from Werner to have the post returned was granted. Please correct me if I am wrong but the letter of request was presented at a board meeting and the decision was made to have the posts returned. I don't recall reading any minutes of previous meeting where authorization was given to take them in the first place. Regardless the later is to return the property to the owner!

I'll take this as an approval to contact Mark Sutter and get the posts and return them to the Reichenbergers'.

I was just trying to follow protocol but will be happy to handle it.

Thanks,

Lisa Cala

From: rebecca mcpherson [mailto:redpeck46@hotmail.com]

Sent: Monday, March 02, 2009 7:58 AM

To: lisa cala

Cc: cheryl hunt; jenny; eric winslow; Cissy Severance; rainbowone@hughes.net

Subject: RE: Werner's posts

Lisa,

James is out of town. Authorization to take the posts was through the sheriff. The POA spent time, effort, and money to remove them, after sufficient time and contact requesting them to be removed. Sheriff's deputy was present. Red

From: Lisa Cala [mailto:lisaycala@hotmail.com]

Sent: Monday, March 02, 2009 8:27 AM

To: Mark Sutter

Cc: James McPherson ; Cheryl Hunt ; Jenny Halstead ; Erice & Becca Winslow ; Cissy Severance

Subject: Red Posts

Hello Mark,

James as asked me to contact you to see if I could come pick up the red posts. Are you in town and do you think I could get them in my jeep or if I need to drive our little pick up truck?

Thanks,

Lisa

From: Mark Sutter [mailto:marksu@hotmail.com]

Sent: Monday, March 02, 2009 10:41 AM

To: Lisa Cala

Cc: James McPhearson ; Cheryl Hunt ; Jenny Halstead ; Erice & Becca Winslow ; Tom & Cissy Severance

Subject: Re: Red Posts

Lisa,

I do not understand why you would need to contact me for this purpose... as James was informed that these items are not / have never been in my possession. If you truly have spoken to James about recovering those posts then you should be aware of exactly where they are located and know that you have the ability to retrieve them at any time without my consent since they are located within a common area / road easement. If you have not actually discussed this with James then I believe you can get all your questions answered by doing so.

Mark Sutter

From: lisaycala@hotmail.com

To: redpeck46@hotmail.com

CC: cj_in_tx@earthlink.net; jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com; cmseverance@scw-inc.com

Subject: FW: Red Posts

Date: Mon, 2 Mar 2009 13:03:21 -0700

So James and Red,

You can see the attached message for Mark Sutter stating he doesn't have the red posts and that you know where they are. Just tell me where the red posts are please!

Thanks,

Lisa Cala

From: rebecca mcphearson [mailto:redpeck46@hotmail.com]

Sent: Monday, March 02, 2009 2:27 PM

To: lisa cala

Subject: RE: Red Posts

Lisa,

I was under the impression they were at Mark's. I will ask Jim when he calls. He sounded like he didn't know before he left. I'll get back to you. So maybe along the road?? I haven't seen them. Red

From: lisaycala@hotmail.com

To: cmseverance@scw-inc.com; cj_in_tx@earthlink.net; jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com

CC: redpeck46@hotmail.com; msutter@starband.net

Subject: FW: Red Posts

Date: Mon, 2 Mar 2009 18:30:48 -0700

Hello Cheryl, Jenny, Eric, Tom and Cissy,

Cc: James McPhearson, Rebecca McPhearson (Red) Mark Sutter

I would like it noted for the BHR record this email and the history correspondence as well as both emails to James McPhearson from Lisa Cala dated 3/1/09 subject line is Werner's Posts. Why did our BHR President James McPhearson during the February board meeting say again that he would get the red posts returned if he has no idea where they are? When he, his wife and our past BHR past President Mark Sutter who also was as per your story accompanied by a county sheriff have publicly stated they were the persons who took the posts.

Red, I don't understand why you got involved in BHR business when the initial email was addressed to James McPhearson our President. Since I took my position on the BHR board NEVER has there been any correspondence where any other members of the board's spouses have answered BHR business questions except you. Red, you should be very careful what you write on behalf of James regarding BHR business. As ALL CORRESPONDENCE is of official BHR business and held as record. This board handles BHR as the BUSINESS IT IS.

Minutes of our board meetings are also of record and available via the web. You can read for yourself the details of the discussion regarding Timber Drive and the RED POSTS and what was agreed.

I have not been contacted by the Reichenbergers' asking about the red posts, I merely have, as always notes from our board meetings on things we as a board say we will do and I slowly review and check my way down the list sometime before the next meeting to make sure I've done or started doing what was agreed. This was simply on the list of what we as a board stated we would do.

Respectfully,

Lisa Cala

From: Mark Sutter [mailto:marksu@hotmail.com]

Sent: Monday, March 02, 2009 9:55 PM

To: Rebecca & Jim McPhearson; Phil & Lisa Cala; Cissy Severance; jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com; Cheryl Hunt

Subject: Posts

To All Concerned,

How asinine and childish does this need to get?

I will resolve this for you right now!

As duly elected representatives of the Blackhawk Ranch Property Owners Association, and acting within the scope of our duties and authority, members of the Board of Directors removed posts placed by Werner Reichenberger into the road

along his property after following all necessary protocol and providing Werner Reichenberger ample time to remove them himself. Upon his failure to respond or act upon the directive issued by the Board of Directors, and necessitating the removal by representatives of the Association, the aforementioned posts became property of the Association and were disposed of.

If Werner Reichenberger wishes to recover what was no longer his property, or compensation equal to, he is free to pursue action in Civil Court against the Association to do so.

Respectfully,
Mark Sutter

From: rebecca mcpherson [mailto:redpeck46@hotmail.com]

Sent: Tuesday, March 03, 2009 7:46 AM

To: lisa cala

Subject: RE: Red Posts

Lisa,

We didn't take the posts. We left them beside the road by Werner's property. Jim asks me to keep tabs on the emails, which I give to him when he is home. As a board member for many years, I am privy to past information, such as minutes. I only send what he says.

In the vast world of really important issues, this one seems very petty. Red

From: Lisa Cala

To: James McPhearson

Cc: Cheryl Hunt ; Jenny Halstead ; Erice & Becca Winslow ; Tom & Cissy Severance ; Werner and Ursula Reichenberger ; Mark Sutter

Sent: Tuesday, March 03, 2009 9:23 AM

Subject: FW: Red Posts

Opps! I forgot to list McPhearson as a recipient on the message so I've forwarded it.

Sorry,

Lisa

Hello everyone,

I am forwarding the below message from Red McPhearson. Again I guess she refuses to understand that when BHR business is discussed we are to copy all board members in on the message.

I couldn't agree more that this has gotten ridiculous! I just got this email from Red saying the posts were left there and Mark sent an email earlier the posts were taken and disposed of. **Someone is lying.** Again now my big questions is WHY DID JAMES MCPHEARSON ACTING AS OUR PRESIDENT STATE THAT HE WOULD GET THE POSTS RETURNED IF HE HAD NO INTENSION??????????????? THIS WAS A DISCUSSION AND AGREED UPON AS A BOARD.

Mark, thanks for your candidness but the agreement was made by a board that you are no longer a part of. I specifically remember a board meeting when you were a board member and said you knew where the posts were.

I am serious about following through on what WE said we would do which is to return the property taken from the Reichenbergers!

I understand fully what was going on back when the red posts were taken ... there has been way to time and energy spent on this as both parties the board and Werner has admitted they did things to provoke each other. That issue has all been resolved and put to bed. The PROBLEM is the board has agreed to return them. I can't think of any circumstance where the BHR Board of Directors has the right to dispose of anyone's property!

DOES ANYONE REALLY BELIEVE THAT MEMBERS OF THIS POA WOULD AGREE THAT THE BOARD HAS A RIGHT TO DISPOSE OF A MEMBERS PROPERTY???????

Now I am giving James, Red and Mark one last chance to get the posts returned to the business office by the start of the next BHR board meeting on Thursday March 19 at 5:00 pm or I am filling a formal complaint with the board and will go through our WONDERFUL NEW FINES POLICY.

It's very simple: Posts presented at the BHR business office by the date then no problem. No posts and we have a bigger problem.

Respectfully,

Lisa Cala

From: Mark Sutter [mailto:webmaster@blackhawkkranch.org]

Sent: Tuesday, March 03, 2009 11:18 AM

To: Lisa Cala; James McPhearson

Cc: Cheryl Hunt ; Jenny Halstead ; Erice & Becca Winslow ; Cissy Severance

Subject: Re: Red Posts

Lisa,

This will be my last communication providing information on this matter.

How is it that you and the current Board of Directors could make a commitment to return items, duly seized by the Association for remedy to a public nuisance / trespass, when you were not in possession of said property? Regardless of what you think you heard, or know, that would appear to me to be foolish and unprofessional.

I believe that our Property Management folks have a letter from Werner Reichenberger filed that makes a claim for

compensation related to similar items (metal post) where the value assigned was approx. \$9.00.

My suggestion to you would be, if the Board has determined to reward Mr. Reichenberger for his past violation, to reimburse for the eleven (11) posts seized at that rate - 11 posts X \$9.00 = \$99.00.

Now you can make all the demands and threats you wish, but the fact remains, the Association and its representatives acted within the boundaries of their authority and common law. If you or anyone else wishes to challenge that assertion then I suggest the proper place to do that is in County Court / Small Claims. I do not believe an action against the Association by the Association is plausible as you suggest via our "Governing Documents".

And lastly, you can continue building fences among the members of this Association through your actions and words, but ultimately it will only serve to isolate you from others in the community and build animosity.

I think you should consider carefully who you choose to ally yourself with and the consequences of those alliances.

Respectfully,
Mark Sutter

From: lisaycala@hotmail.com

To: redpeck46@hotmail.com; cj_in_tx@earthlink.net; jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com

CC: cmseverance@scw-inc.com

Subject: Request from Werner Reichenberger regarding Red Posts

Date: Tue, 3 Mar 2009 17:52:22 -0700

Hello Everyone,

I just received a call from Werner Reichenberger telling me he had just read all the emails about his property (red posts) that was taken. Werner asked me to drop the requests to have the red posts returned. He said "it's just not worth fighting the board to do something they say they would do". "It has always been this way with follow up from the board". "The people who took the posts know what they did and they know it's not exactly true what Red said about the sheriff approving what they did".

I agreed to honor his request and told him that this is exactly what I wanted to change about the "status quo" of how the Board of Directors handles the BHR business. This is a great example if we as a board tell a member of the POA we are going to do something we damn well need to follow up and do it or members consent of their leaders will end up just like this.

How can we as a board of directors, leaders of our community ask members of the POA to make concessions if we can't stick with our part of an agreement and by the way this was an agreement!

Respectfully,
Lisa Cala

From: rebecca mcphearson [mailto:redpeck46@hotmail.com]

Sent: Wednesday, March 04, 2009 7:48 AM

To: lisa cala; cissy severance; cheryl hunt; jenny; eric winslow

Subject: RE: Request from Werner Reichenberger regarding Red Posts

Lisa,

Just another case of your believing one property owner and not representing the entire POA. Did you contact the sheriff's office? Did you ask THEM what transpired? I think not. Since I was on the Board at the time, and since myself and at least 3 others had to physically remove the posts which presented a safety hazard to say the least, and since the posts were left on said property, the property owner has no case. In addition, the property owner you so ardently advocate to the detriment of this Ranch, used the posts AGAIN, to obstruct a main road, and AGAIN, the posts had to be removed. And the sheriff sent a deputy to make sure we were not molested by the property owner, and to make sure all was LEGAL. Did your pet property owner tell you THAT? I think not. Our property management has all on record, including re-imbursing the members who had to remove the posts. You do not represent the entire POA and that is the mission of ALL Board Members, to protect the interests of ALL. You should rethink your continued seat on the Board. The Board has been under continual abuse by your pet property owner, and has been thorough in its transparency. Your accusations are detrimental to the welfare of us all. This ONE member has vowed to destroy the POA, and you are contributing to this goal. Speaking of transparency, why not open your emails to ALL the membership, rather than to just the one NON-Board member? These matters pertain to everyone. We have nothing to hide. I speak for myself as a property owner, and I have every right to do so. Please re-think where you are going with this. Rebecca

From: lisaycala@hotmail.com

To: redpeck46@hotmail.com; cmseverance@scw-inc.com; cj_in_tx@earthlink.net;

jtreacy_lvt@yahoo.com; fzlfdsdi@yahoo.com

Subject: RE: Request from Werner Reichenberger regarding Red Posts

Date: Wed, 4 Mar 2009 09:16:08 -0700

Rebecca or James,

I'm not sure who this message came from. If it was James then he would know **THIS ISN'T THE ISSUE!**

THAT IS A DEAD SUBJECT! IT HAS BEEN SINCE OCTOBER OF 2008! WAKE UP.

THE ISSUE I WAS WRITING ABOUT VERY CLEARLY IS THAT IN DECEMBER 2008 WHEN WE WERE GOING TO HAVE MIKE DO SOME WORK ON TIMBER DRIVE AND WE NOTIFIED WERNER AS A HEADS UP ON THE WORK. HE WAS THANKFUL AS WELL AS OFFERED WITHOUT THE BOARD ASKING TO REMOVE THE OTHER RED

POSTS ON TIMBER DRIVE. WHEN HE WROTE THE MESSAGE TO THE BOARD SAYING THANK YOU FOR THE NEEDED WORK ON TIMBER DRIVE, OFFERED TO TAKE UP THE POSTS ON TIMBER DRIVE AND ASKED NICELY IF HE COULD GET THE RED POSTS BACK THAT WERE TAKEN ON THE FOUR MILE CANYON ROAD AREA OF HIS PROPERTY. **JAMES SAID YES! HE WOULD GET THE POSTS BACK! JAMES SAID THIS TO THE BOARD IN A BOARD MEETING!!!!**

THIS IS WHAT THE REQUEST WAS ABOUT!

Rebecca, you have NO right getting involved in board business unless you want to come to the meetings and can speak under owner input unless you have an issue you would like to have put on the agenda. The meeting agenda is set 5 business days before the meeting by contacting the business office with your request as is the rule for all POA members. HINT; if you are relaying messages for James maybe it would help if you signed off on emails as James if you are going to speak in the first person, or relay the information in the second person and sign off as Rebecca for James. This is more in line with how business correspondence is handled.

Lisa

From: rebecca mcphearson [mailto:redpeck46@hotmail.com]

Sent: Wednesday, March 04, 2009 12:41 PM

To: lisa cala; Cissy Severance; cheryl hunt; jenny; eric winslow

Subject: RE: Request from Werner Reichenberger regarding Red Posts

Lisa,

So, emails involving Werner are okay? I have as much right to speak as anyone else, since I was involved with the initial issue! This is about being accused of wrong-doing and conspiracy. This has nothing to do with whatever was promised to whoever. If you continue to accuse past Board members and anyone else who has had the audacity to confront violations on this POA, then you will hear from those past Board members. Period. I do not speak for James, and made that PERFECTLY CLEAR. He is out of town, as I also have stated more than once. I can write any Board member at any time, and I can express my opinions and the FACTS about past issues. Period. Looking back on my emails, they ALL have MY name. What is wrong with you?? Why are you so intent on maintaining strife on this ranch? What is the objective?

Rebecca