

Gallup Road Maintenance Association Policy

Version 1.0

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Article 1—Definitions

“Gallup Road”—Gallup Road is a paved, private road with a 60-foot easement intersecting Big Woods Road (S.R. 1716) between Rock Hill Drive and The Glades in Chatham County, NC.

“GRMA”—Gallup Road Maintenance Association. (Also referred to as “Big Woods Homeowners Association” and “Big Woods Maintenance Fund in various Declaration of Restrictions and Easements documents). The association is responsible for the maintenance of Gallup Road and its easement from the intersection with Big Woods Road to the western border of Chatham County parcel number 65742. The GRMA is a volunteer, non-incorporated association.

“GREG”—Gallup Road Easement Grant and subsequent documents registered with the Chatham County Register of Deeds in Book 452, Page 363; Book 492 Page 161; and Book 600, Page 836.

“Simple Majority”—50% of votes plus 1 vote of members in good standing.

“Sinking Fund”—a fund for emergency repair and long-range improvement of subdivision roads.

“Member in Good Standing”—a GRMA member whose assessment payments are up to date.

“Big Woods Property Owners Information Website”— <http://bwha.weebly.com>.

Article 2—Purpose

1980 Chatham County Subdivision Regulations, Section 6.2 D. (2) b. 4. require the following:

- A legally constituted association of subdivision homeowners with specified authority to set and collect fees from members for road maintenance purposes. [GRMA]
- A sinking fund for emergency repair and long-range improvement of subdivision roads. [Described in Article 7]
- An association decision-making process. [Described in Article 5]
- An association road maintenance policy with related standards. [Described in Article 10]

The GRMA satisfies the county requirement for an association of subdivision homeowners with specified authority to set and collect fees from members for road maintenance purposes. The GRMA shall manage all Gallup Road maintenance issues and address any other issues as may arise related to providing a safe and properly maintained roadway easement for ingress and egress.

The only responsibility of the GRMA is the maintenance of Gallup Road. Owners on the adjoining roads (Bush Creek Lane, Hawthorne Place, “Upper” Windy Ridge Road (914 Windy Ridge Road to intersection with Gallup road), David Miller Court, Tanager Lane, Cross Creek Court, Deep Roots Road, and “Upper” Gallup Road (Chatham County parcel numbers 70748, 73297, 74981, 93039, 19339, 70747, 73298, 94355, 94356) are responsible for maintenance of their roads; however, in addition, all owners on these adjoining roads must contribute to the maintenance of Gallup Road. If at any time additional properties access Gallup Road, owners of those properties automatically become members of the GRMA and are responsible for the maintenance of Gallup Road.

Article 3—Membership

Any owner of a tract or tracts of land accessing Gallup Road, directly or indirectly through an adjoining road, is responsible for its maintenance and is a member of the GRMA. Members are responsible for attending meetings of the GRMA, responding to ballots, and paying assessments in a timely manner.

Article 4—Meetings

4.1 Annual and Special Meetings

Members shall meet at least once annually. Additional special meetings can be convened as deemed necessary by the GRMA officers. Meetings via electronic means for discussion of issues are permissible, but not required, when in-person meetings cannot be held. Voting, however, must still be done in a separate process via either electronic means or paper ballot (Section 5.4). Officers shall establish an agenda for the meeting, but additional items can be requested by members at the meeting.

4.2 Notice of the Meeting

Members shall be notified of the annual meeting by email or U.S. mail at least 15 days prior to the meeting. In the case of danger of physical harm to people or property or imminent legal jeopardy, notice of as little as 1 day for an emergency meeting shall be deemed sufficient.

4.3 Minutes of Meetings

Minutes of a meeting shall be taken by a person volunteering for that purpose and shall be made available to any member upon request by either written or electronic means.

Article 5—Voting and Ballots

5.1 Voting Privileges

GRMA members in good standing are entitled to vote on road maintenance issues brought before them by the GRMA officers. Each member shall be entitled to one vote per tract of land owned by him/her.

5.2 Loss of Voting Privileges

A member shall be considered not in good standing after failure to pay a road maintenance assessment in a timely manner and shall have voting privileges suspended until such assessment is paid (Section 8.2).

5.3 Ballot Issues

Ballot issues shall be discussed at either an annual or special meeting when possible. When not possible, issues shall be presented via email or paper letter. An issue shall be considered resolved when enough votes have been tabulated to constitute a simple majority of members in good standing.

5.4 Distribution of Ballots

Ballot issues shall be distributed via electronic means or by paper ballot to all voting-eligible GRMA members.

5.5 Return of Ballots

Electronic and/or paper ballots shall be returned to the GRMA officers within 15 days of receipt of the ballot. The votes shall be tabulated, recorded, and the original ballots archived. Archived ballots shall pass to the possession of successive officers.

Article 6—Officers and Committees

6.1 Officers Defined

GRMA volunteer officers are a president and a treasurer elected by a simple majority vote. Officers shall receive no compensation, monetary or otherwise, for services rendered. The candidates for officers must be in good standing and not delinquent on their road maintenance assessment(s). These officers have the authority, and are required, to co-sign disbursements of road maintenance funds. The two concurrent officers cannot be related by blood or marriage. (See the Appendix for the specified duties of officers.)

6.2 Election of Officers

Officer candidates are nominated at the annual meeting and must be approved through a ballot vote by a simple majority of members in good standing. Officers are not required to be re-elected annually. Officers can serve until they choose to retire from office or until other candidates challenge them for office by being nominated at an annual meeting.

6.3 Liability of Officers

No officer of the GRMA shall have personal liability arising from action taken or from inaction that was believed to be in the best interest of the GRMA.

6.4 Secretary

The president can appoint a secretary from among volunteer GRMA members in good standing. The secretary shall be responsible for the following:

- Recording and producing the minutes of any meeting of the GRMA or the road committee. Minutes are to be made available to any GRMA member in good standing upon demand.
- Maintaining a master directory of GRMA members that includes all homeowner names, addresses, phone numbers, Chatham County tax parcel numbers, and local/absentee status.
- Maintaining the Big Woods Property Owners Information Website either directly or with the assistance of other volunteers.

The president is ultimately accountable for the accuracy of recorded minutes and the Big Woods Property Owners Information Website. The treasurer is ultimately accountable for the accuracy of the GRMA directory. See the Appendix for a description of officer duties.

6.5 Committees

The president shall establish a road maintenance committee. The committee shall consist of the president and other volunteer property owners appointed by the president. The committee shall make recommendations to the property owners at large concerning assessments, Gallup Road maintenance, and easement safety and signage issues. The president can also establish other committees or subcommittees to help with specific projects on an ad hoc basis.

6.6 Vacancies

Vacancy of an office for whatever reason must be filled within 90 days of the effective date of the vacancy. The remaining officer shall call for new candidates to be nominated and elected through the normal election process. Should both offices become vacant simultaneously, any member in good standing can call and direct a meeting for the purpose of electing new officers. Under normal circumstances, funds cannot be disbursed until a second officer is elected.

In a situation requiring disbursement of funds during a vacancy, the remaining officer can disburse the funds up to the miscellaneous expenses limit with a single signature. If the situation requires funds beyond the normal miscellaneous expenses limit, the remaining officer can disburse the funds with a single signature with approval by a simple majority vote of members in good standing.

Article 7—Sinking Fund and Other Assessments

7.1 Gallup Road Sinking Fund Annual Assessment

The county-required sinking fund shall provide monies for maintenance, emergency repair, and long-range improvement of Gallup Road. Each member shall pay into this fund annually, such amount to be determined by the officers and approved by a simple majority vote of members in good standing. This amount shall be paid for each tract of land owned. The dollar-value of this amount shall be reviewed periodically relative to projected inflation rates and increased maintenance costs. The dollar-value of this amount shall be listed on the Big Woods Property Owners Information website.

7.2 Special Assessments

In emergency circumstances (e.g., a failed culvert, failing sections of road) where sinking fund monies are insufficient, a special, one-time assessment shall be made to address the situation. Each member shall pay into this one-time assessment.

7.3 Transfer Fees

In the case of restricted properties that specify collection of a transfer fee for road maintenance upon sale of the property to a buyer, these fees shall be deposited into the sinking fund.

7.4 Uses of the Fund

Monies in the sinking fund shall be approved and used for the purposes specified in Article 10. In addition, monies in the fund can be used for routine administrative costs up to the miscellaneous expenses limit (Section 7.7). Officers are not expected to bear any personal expense related to GRMA business. The treasurer shall maintain records of any such expenses as part of the annual financial report. Officers are to be reimbursed, upon presentation of proper receipts, for any personal funds spent in connection with GMRA business.

7.5 Approval of Assessments

The total amount of the annual assessment for the sinking fund or of special assessments must be approved by a simple majority vote of members in good standing. Annual assessment amounts remain in effect from year to year until changed by a majority vote.

7.6 Approval of Expenditures

A major expenditure of funds directly related to the maintenance or repair of Gallup Road, i.e., anything other than administrative costs and minor maintenance costs, must be approved by a simple majority vote of members in good standing.

7.7 Miscellaneous Expenses

Officers shall have discretion within the overall approved annual assessment budget to authorize line item expenses up to the miscellaneous expenses limit without an additional approval vote. The dollar-value of this limit shall be approved by a simple majority vote of members in good standing and be listed on the Big Woods Property Owners Information website. Miscellaneous expenses include, but are not limited to: postage for GRMA mailings; expenses related to collecting GRMA assessments; expenses related to archiving GRMA documents; and maintenance of common areas and signage. A majority of members of the road committee shall first approve the miscellaneous expenses disbursements.

7.8 Disbursement of Funds

All disbursement checks must be co-signed by the president and treasurer.

Article 8—Collection and Enforcement of Assessments

8.1 Collection

Invoices for sinking fund annual assessments shall be sent by the treasurer by 1 March, with a due date of 31 March. For special assessments, invoices shall be sent as soon as possible with a due date 30 days later.

8.2 Enforcement

The accounts of members who have not paid assessments by the due date shall be considered delinquent if not paid within 90 days from the due date of the invoice unless other arrangements have been made. Delinquent members are not eligible to vote until their accounts are paid in full (Section 5.2). The GREG specifies the obligation of landowners using Gallup Road for ingress and egress to pay for its maintenance. The GRMA can pursue legal remedies for collection of past due accounts. If repeated attempts to collect an assessment from a member are unsuccessful, a lien can be filed at any time against the delinquent member with a simple majority vote of members in good standing approving. Liens must be approved and filed against accounts that have been delinquent for three years.

If a property with unpaid assessments is listed for sale, the president shall contact closing attorneys and realtors and advise them that the assessment amount must be deducted from the sellers proceeds at closing and forwarded to the GRMA. If this is not done, the new owner is liable for the assessments.

Article 9—Uses of the Easement

Gallup Road is a private road with public access for the ingress and egress of motor vehicle traffic. Although a private road, the Chatham County Sheriff's Department may intervene in cases of negligent and reckless driving, including excessive speeding. Pedestrians, bicyclists, and horse riders are entitled to use the easement, but have a mutual responsibility with motorists to exercise caution and good judgment. Non-vehicle users shall remain on the shoulders well out of the way of oncoming traffic. Motorists shall obey neighborhood speed limits, watch for pedestrians and other users, and use caution when approaching blind curves and other areas of low visibility.

No individual landowner or group of landowners shall unreasonably encroach on the easement either by placing physical impediments in the easement or by contributing to deterioration of the roadway, shoulder, or ditch and erosion control systems.

Article 10—Road Maintenance

The GRMA shall be responsible for maintaining Gallup Road to Chatham County private road standards. The following pertinent standards, among others, are described in the 1980 Chatham County Subdivision Regulations, Section 6.2 D. (3):

- Shoulders shall not be less than four (4) feet in width.
- The ditch slope shall be established according to best management practices (BMPs) which deter erosion.
- Drainage and erosion control measures shall be equal to those required for public roads.
- Sight distance easements at the intersection of private roads with public state-maintained roads [Gallup Road at Big Woods Road] shall be equal to or greater than those required by the Division of Highways.

The GRMA shall be responsible for maintaining the integrity and safety of the roadway by all reasonable means, including, but not limited to:

- Periodically assessing roadway safety and addressing any issues.
- Patching potholes and repairing cracks and other damage to the paved roadway surface, including a paving overlay when necessary.
- Maintaining shoulders and ditches.
- Maintaining clear lines of sight at all intersections by ensuring that vegetation and other obscuring objects are cleared.
- Erecting and maintaining clearly visible signage and marking and maintaining speed control devices. Road names shall be clearly indicated by signage to assist emergency vehicle personnel.
- Meeting conditions required for access by emergency vehicles and other county vehicles, such as school buses.

Any member who damages the roadway, shoulders, ditches, or any part of the erosion control system shall be solely responsible for the cost of repairing said damage.

Individual members must respect the easement over their properties and are responsible for maintaining their portion of the easement to the specified standard. This includes keeping the shoulders clear and passable by removing problem vegetation and by not placing any impediments on the shoulders. If a safety issue is identified by the officers, the member shall be notified and requested to rectify the problem. If the problem continues, the officers can contract with a vendor to resolve the problem and assess the owner for those costs. Unresolved safety issues are considered a liability for all owners in the subdivision.

Article 11—Amendments to the GRMA Policy

Any proposed amendments to the GRMA Policy shall be presented and discussed at either an annual or special meeting. The Policy can be amended by a simple majority vote of members in good standing.

APPENDIX

Duties of the President

The duties of the president are as follows:

- Ensure that the directives of the GRMA road policy are followed.
- Ensure that the annual road assessment takes place according to adopted procedures.
- Pursue any legal remedies available to collect unpaid member assessments.
- Be the primary point of contact for members regarding road issues.
- Tabulate votes and archive the original ballots. Archived ballots shall pass to the possession of successive presidents.
- The president is accountable for the accuracy and archiving of written or electronic copies of meeting notices, agendas, minutes, and other official documents and letters, which shall pass to the possession of successive presidents. The president is also accountable for the accuracy of the Big Woods Property Owners Information Website. An appointed secretary can fulfill the duties of recording meeting minutes and monitoring the website, but ultimate accountability remains with the president.
- Co-sign, along with the treasurer, all checks drafted from the road maintenance account.

Duties of the Treasurer

The duties of the Treasurer are as follows:

- The treasurer is accountable for the accuracy and archiving of a master directory of GRMA members that includes all homeowner names, addresses, phone numbers, Chatham County tax parcel numbers, and local/absentee status. This directory shall pass to the possession of successive treasurers. An appointed secretary can fulfill the duty of maintaining the directory, but ultimate accountability remains with the treasurer.
- Maintain records of the paid/past due status of all members regarding assessments.
- Deliver annual individual member road assessment notices, receive payments, advise the president about any delinquent payments, and collect transfer fees (where applicable).
- Maintain the road maintenance bank account and review monthly statements in addition to other financial records. These records shall pass to the possession of successive treasurers.
- Provide a financial report, including all debits and credits, for the annual meeting and at any other time necessary.
- Co-sign, along with the president, all checks drafted from the road maintenance account.

Revisions

The following are revision summaries:

- V 1.0—Original version for neighborhood approval