

**RUSTIC HILLS IMPROVEMENT & SERVICE DISTRICT
REGULAR MEETING
MINUTES
Thursday, October 21, 2021, 4:00 p.m.
400 South Gillette Avenue, Suite 106 (Office of Cathey Consulting, LLC)**

Board Members Present: Jane Datisman, Pat Ranum, Ron Schabot
Others Present: Helenanne Cathey, Brittany Senko, Robert Senko

Ron Schabot called the meeting to order at 4:00 p.m.

- I. Minutes Approval** – Ron Schabot moved to approve the July 6, 2021, budget hearing and regular meeting minutes as presented. Jane Datisman seconded. Motion carried unanimously. The September 29th and October 13th meetings were cancelled.
- II. Treasurer’s Report Acceptance / Bills** – The Treasurer’s Report was reviewed. Pat Ranum moved to accept the Treasurer’s Report and pay bills as presented including two bills from Cathey Consulting received after the agenda had been printed for the meeting that was originally scheduled for September 29th. Jane Datisman seconded. Motion carried with Jane Datisman and Pat Ranum voting aye. Ron Schabot abstained. The checks and bills are listed below.

Checking Account Balance at the end of the last meeting:	\$23,096.06
09/1021 Deposit – Assessments	\$857.20
Checking Account Balance Prior to Meeting:	\$23,953.26

BILLS PAID AT CURRENT MEETING:

<u>Ck#</u>	<u>Vendor</u>	<u>Purpose</u>	<u>Amount</u>
1527	Cathey Consulting, LLC	Inv. 6137 – July Adm./Books/Mailing	\$232.40
		Inv. 6183 – Aug. Adm./Books	\$210.00
		Inv. 6197 – By-laws proposed changes	\$116.00
1528	C N A Surety	Bond / board	\$126.00
1529	Kuhbacher Trucking Inc.	Inv. 12255 – Haul 3 loads of road base & spread	\$1,827.41
1530	Quality Agg & Construction	Inv. 45753 – 13 hrs. belly dump & tractor/ 164.8 W-Base	\$4,484.85
1531	Ron Schabot	Reimburse equipment rental/tree trimming	\$100.00
1532	Terrance Masteller	Inv. 605821 – 6/3/21 Blade Rustic Hills	\$2,250.00
		Inv. 605824 – 7/14/21 Blade roads	\$810.00
		Inv. 605825 – 8/21-8/24 Blade road/lay gravel	\$1,035.00
1533	Cathey Consulting	Inv. 6229 – Sept. Adm./Books	\$210.00
		Inv. 6241 – Director election mailing	\$96.66
TOTAL:			\$9,653.32
Bank Balance After Bills:			\$14,299.94
Receivables Balance: \$28,700 (Assessments)			

III. Unfinished Business

- a. By-Laws and Rules** – Draft by-laws were mailed and e-mailed in March, 2021. After the July meeting, a landowner, Ken Fox, made some recommendations to include in the by-laws. One option he recommended was adding a purpose that said: “Purpose: To maintain, repair and/or improve the Rustic Hills Roads.” The original petition forming the District includes the following purpose:

The purpose of the district and description of the improvements and services to be provided by the district are as follows:

To provide, by acquisition or construction, or both, for the opening, widening, extending, straightening and surfacing in whole or in part of any street and snow removal or clearance for the same or other roads or streets and for the construction and improvement of bridges, culverts, curbs, gutters, drains and works incidental to any street improvement.

To provide for any other service or project as may be deemed reasonable and necessary by the board of directors of said district as empowered by W.S. 18-12-12 (1977 as amended).

Another option was to remove several paragraphs from the by-laws pertaining to assessments and foreclosing a lien for a property if assessments are not paid. Because the District utilizes the County assessment process, it is actually the County that would take action if an assessment is not paid. An attorney drew up these by-laws, and Helenanne Cathey recommended that the Board consult an attorney before making any significant modifications to these by-laws as those statements may be what is needed in order to back up action taken by the County.

The consensus is to consider the proposals for a bit longer and hopefully adopt by-laws at the next meeting.

- b. Road Work –
 - 1) The cattleguard will be addressed in the spring.
 - 2) Gravel was applied to the roads. Branches were trimmed.
- c. Director Election November 2, 2021 (Ranum – 4 year term) – Ballots were mailed. The following legal ad ran in the News-Record October 19th:

NOTICE OF DIRECTOR ELECTION
RUSTIC HILLS IMPROVEMENT & SERVICE DISTRICT
CAMPBELL COUNTY, WYOMING

Public Notice is hereby given that ballots have been mailed to all qualified electors / landowners within the Rustic Hills Improvement & Service District for the purpose of electing one (1) director to the Board of Directors to serve a four (4)-year term. There are no candidates on the ballot. Replacement ballots may be obtained from Cathey Consulting, LLC at 400 South Gillette Avenue, Suite 106, Gillette, Wyoming, or by calling Helenanne Cathey at 307-685-8235. An “Elector Affidavit” form will need to be completed in order to receive a replacement ballot. All mail ballots must be received by Rustic Hills Improvement & Service District by mail at Rustic Hills ISD, c/o Cathey Consulting, PO Box 471, Gillette, WY 82717, by 5:00 p.m. on Tuesday, November 2, 2021, or at the office of Cathey Consulting by 5:00 p.m. on Tuesday, November 2, 2021, to be valid. A polling place will be available at Cathey Consulting, 400 South Gillette Avenue, Suite 106, Gillette, on Tuesday, November 2, 2021, between 9:00 a.m. and 2:00 p.m.

Jane Datisman, Secretary / Filing Officer
Rustic Hills Improvement & Service District

Pat Ranum, Jane Datisman and Helenanne Cathey will canvass ballots on Friday, November 5th at 8:30 a.m.

IV. New Business

- a. Board members signed the Local Government Annual Report Summary for fiscal year ending 6/30/2021. It will be submitted to the Department of Audit as required.

V. The next regular meeting is scheduled for Tuesday, January 18, 2022, 4:00 p.m. (Regular Meeting) at the office of Cathey Consulting, 400 South Gillette Avenue, Suite 106, Gillette (City Hall Mall / K2 Technologies building – entrance is on 4th Street across from Arrow Printing).

VI. Adjourn – Ron Schabot adjourned the meeting at 4:37 p.m.

Respectfully Submitted,
Helenanne Cathey, Assistant to the Board

Ron Schabot, President / 307-680-2459 / Date

Pat Ranum, Vice President / 307-680-2565 / Date

Jane Datisman, Secretary/Treasurer / 307-686-0353 / Date

Document # 3 Revisions are written in.

**BY-LAWS
OF
RUSTIC HILLS IMPROVEMENT AND SERVICE DISTRICT**
Revised March 17, 2021

**ARTICLE I
NAME AND ADDRESS OF DISTRICT**

The name of the District is Rustic Hills Improvement and Service District, hereinafter referred to as the "District". The principal office and mailing address for the District shall be located in Campbell County, Wyoming. Until otherwise notified, the office of the District and its related records shall be located at the office of Cathey Consulting, whose address is Cathey Consulting, 400 S Gillette Avenue, Suite 106, Gillette, Wyoming.

**ARTICLE II
DEFINITIONS AND IDENTIFICATIONS**

Section 1. "District" shall mean and refer to Rustic Hills Improvement and Service District, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Rustic Hills Improvement and Service District, formed pursuant to W.S. § 18-12-101, et seq., and such additions thereto as may hereafter be brought within the jurisdiction of the District.

Section 3. "Lot" or parcel shall mean and refer to any plot of land shown upon the recorded plot of the properties within the District.

Section 4. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of any obligation.

section 5: "Purpose" To maintain, repair and/or improve Rustic Hills Roads.

**ARTICLE III
MEETING OF THE BOARD OF DIRECTORS**

Section 1. Annual Meeting. Annual meetings shall be held each July or at a date established by the Board of Directors.

Section 2. Special Meetings. Special meetings of the Board of Directors may be called at any time by the chairman or any two directors.

Section 3. Budget Hearing/Meeting. The budget hearing/meeting shall be held not later than the third Thursday in July as provided in W.S. §16-12-406. The Board of Directors may conduct other business as well as approval of the budget.

Section 4. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the quorum of the directors shall be regarded as the act of the Board.

Section 5. Notice of Meetings. Notice of each meeting of the Board of Directors shall be given pursuant to W.S. § 16-4-404.

Section 6. Place of Meetings. Meetings of the Board Directors may be held at such places within Campbell County, Wyoming, as may be designated by the Board of Directors.

Section 7. Public Meetings. Meetings of the Board of Directors are public meetings and subject to the Wyoming Public Meetings Act (W.S. §16-4-401 et. seq.)

**ARTICLE IV
BOARD OF DIRECTORS: SELECTION & TERM OF OFFICE**

Section 1. Number. The affairs of this District shall be managed by at least a three (3) member Board of Directors.

Section 2. Term of Office. The original Board of Directors and their successors shall hold terms as prescribed by W.S. §18-12-113.

Section 3. Replacement of Directors. In the event of a vacancy of a Director, a new Director shall be selected as provided by statute.

Section 4. Compensation. No director shall receive compensation for any service he may render to the District. However, any director may be reimbursed for actual expenses, including, but not limited to, postage and office supplies, which may be incurred in the

performance of his or her duties. Use of road equipment may be reimbursed based on the average hourly cost of equivalent rental equipment in Gillette – such cost must be pre-approved by the Board.

**ARTICLE V
ELECTION OF DIRECTORS**

Election to the Board of Directors shall be in accordance with the Special District Elections Act pursuant to W.S. § 22-29-101, et seq., and W.S. § 18-12-101, et seq.

**ARTICLE VI
POWERS AND DUTIES OF THE BOARD OF DIRECTORS**

Section 1. Powers. The Board of Directors shall have the power to:

- a) adopt and publish rules, regulations and procedures for the District governing use of the District facilities and improvements;
- b) exercise for the District all power, duties and authority vested in or delegated to the District by any provision of these By-Laws and Wyoming statute;
- c) declare the office of a member of the Board of Directors to be vacant in the event each such director shall be absent from three (3) consecutive regular meetings of the Board of Directors as provided in W.S. §22-29-201;
- d) employ a manager, an independent contractor, or such other employee as they deem necessary, and to prescribe their duties;
- e) exercise such powers as provided for in the Covenants as they may be amended from time to time; and,
- f) exercise such other powers as provided for by W.S. § 18-12-101, et seq.

Section 2. Duties. It shall be the duty of the Board of Directors to:

- a) cause to be kept a complete record of all its acts and corporate affairs;
- b) supervise all officers, agents and employees of the District, and to see that their duties are properly performed;
- c) exercise such powers as more fully provided by the Improvement and Service District Act, W.S. § 18-12-101, et seq., to include but not be limited to the following:
 - 1) fix the amount of the annual assessment against each Lot;
 - 2) if the Board so chooses, submit to the County Assessor a

resolution indicating the amount of assessment for each Lot Owner and a request that all assessments be collected through the Assessor. Any such assessments shall be submitted to the Campbell County Assessor on or before July 31st of each year; or, send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period, if the assessment is not submitted to the County Assessor;

3) foreclose the lien against any property for which assessments are not paid and/or to bring an action at law against the Owner personally obligated to pay the same, if, in the judgment of the District, it is necessary;

d) issue, or to cause an appropriate officer to issue, upon demand of any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board before the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

e) procure and maintain adequate liability and hazard insurance on the property owned by the District, as the Board of Directors deems appropriate;

f) cause all officers or employees having fiscal responsibilities to be bonded, as the Board may deem appropriate;

g) cause the District facilities and improvements to be maintained;

h) propose and present special assessments when deemed necessary by the Board of directors.

ARTICLE VII OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of the District shall be a President, Vice President, a Secretary/Treasurer, and such other officers and their duties as the Board, by resolution, creates. Offices may be combined if the Board of Directors so elects. The officers shall at all times be Members of the Board of Directors.

Section 2. Election of Officers. The election of officers shall take place annually.

Section 3. Term. The officers of the District shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, be removed, or otherwise

be disqualified to serve.

Section 4. Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve until the next annual meeting.

Section 6. Duties. The duties of the officers are as follows:

PRESIDENT

a) The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments, shall co-sign all checks and promissory notes, and shall exercise and discharge such other duties as may be required of him by the Board.

VICE PRESIDENT

b) The Vice President shall act in the place and stead of the President in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.

SECRETARY

c) The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board Members; serve notice of meetings of the Board of Directors; keep appropriate records showing the Owners of the District, together with their addresses; and exercise and discharge such other duties as required by the Board. The secretary may file all minutes and records if required by statute with the Campbell County Clerk.

TREASURER

d) The Treasurer shall receive and deposit in appropriate bank accounts all monies of the District and shall disburse such funds as directed by resolution of the Board of Directors; shall co-sign all checks and promissory notes of the District; keep proper books of account, cause a report of the District's books to be made at the completion of each fiscal

year, shall prepare a statement of income and expenditures, to be presented at its annual meeting. Also, the treasurer shall exercise and discharge such other duties as required by the Board.

Section 7. Additional Services. The Board may employ the services of an accountant, service providers, or other professionals to assist in the preparation and completion of any of these duties.

ARTICLE VIII COMMITTEES

The Board of Directors, by resolution adopted by a majority of the entire Board, may, from time to time, designate from among the Owners in the District an executive committee, Architectural Control Committee (as provided for in the Covenants), or such other committees, and alternative Owners thereof, as they deem desirable, each consisting of three (3) or more Owners with at least one director on the committee, with such powers and authority (to the extent permitted by law) as may be provided in such resolution. Each such committee shall serve at the pleasure of the Board. All committee members must be Owners of Lots located in the District.

ARTICLE IX BOOKS AND RECORDS

The books, records and papers of the District shall at all times, during reasonable business hours, be subject to inspection by an Owner. These By-Laws and any rules or regulations of the District shall be available to any Owner at the office of the Campbell County Clerk in accordance with W.S. § 16-12-101. This District may charge a reasonable fee for the assembling and copying of any records requested.

ARTICLE X ASSESSMENTS AND REMEDIES FOR NONPAYMENT

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A. Every Owner is obligated to pay to the District annual and special assessments determined by the Directors. Assessments shall be secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid within thirty (30) days after the due date shall bear interest from the date of delinquency at eighteen percent (18%) per annum. The District may bring an action at law against the Owner personally obligated to pay the same and/or may foreclose the lien against the property. In the event the District takes legal action

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or assigns the past due assessment for collection the Lot Owner shall be liable for past due interest, collection expenses, costs and reasonable attorney's fees. Said costs shall be part of the assessment and any related lien. No Owner may waive or otherwise escape liability for the assessment provided for herein by non-use of the District facilities or by abandonment of his Lot.

**ARTICLE XI
AMENDMENTS**

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

**ARTICLE XII
FISCAL YEAR**

The fiscal year of the District shall begin on the 1st day of July and end on the 30th day of June of every year.

IN WITNESS WHEREOF, the Board of Directors of Rustic Hills Improvement and Service District has caused these By-Laws to be executed this _____ day of _____, 2021.

**Rustic Hills Improvement and
Service District Board of Directors**

President

Vice President

Secretary/Treasurer

STATE OF WYOMING

)
ss.

County of Campbell

)

IN THE MATTER OF THE
ORGANIZATION OF RUSTIC HILLS
IMPROVEMENT AND SERVICE
DISTRICT,

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PETITION

TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CAMPBELL, STATE OF WYOMING:

We, the undersigned, constituting more than sixty percent (60%) of the persons owning land within the territory proposed to be included in the district hereinafter described, whose land in the proposed district present this petition for the organization of an improvement and service district, pursuant to and in accordance with the Improvement and Service District Act (W.S. 18-12-101 et seq. 1977 as amended) and in support of said petition state:

1. The proposed name for the district is Rustic Hills Improvement and Service District, Campbell County, Wyoming.

2. The purpose of the district and description of the improvements and services to be provided by the district are as follows:

A. To provide, by acquisition or construction, or both, for the opening, widening, extending, straightening and surfacing in whole or in part of any street and snow removal or clearance for the same or other roads or streets and for the construction and improvement of bridges, culverts, curbs, gutters, drains and works incidental to any street improvement.

B. To provide for any other service or project as may be deemed reasonable and necessary by the board of directors of said district as empowered by W.S. 18-12-112 (1977 as amended).

3. The area of the proposed district does not overlap any land presently within any other improvement and service district, nor does it include any lands within a city or town.

4. The proposed district is located within Campbell County, Wyoming, consisting of the D.P. Subdivision, Sanders Subdivision and other property and is more particularly

described as:

**TOWNSHIP 50 NORTH, RANGE 70 WEST, 6th P.M.
CAMPBELL COUNTY, WYOMING**

Section 4: SW/4SE/4

Section 9: S/2, NE/4, E/2NW/4, SW/4NW/4

Section 10: W/2, W/2E/2

Sec 14
15
23

and that portion of the Rustic Hills Roads as shown on the Center Line Survey recorded on September 12, 1986 in Book 5 of Plats, page 8 of the Campbell County records which runs from the P.O.B., which is a cattle guard in the middle of the Svalina County Road with said P.O.B. being S 73° 56' 06" W 5,146.50 feet from the NE corner of Section 23, Township 50 North, Range 70 West, 6th P.M., Campbell County, Wyoming and running in a northwesterly direction to the southern boundary of Section 10, Township 50 North, Range 70 West, 6th P.M., Campbell County, Wyoming

5. The Board of Directors of the proposed district, if the district is organized, shall finance the proposed improvements or services by the submission to the qualified voters with the district at an election duly called and held for that purpose the proposition of issuing bonds, pursuant to the Improvement and Service District Act or by the establishment of an assessment, pursuant to the provisions of W.S. 18-12-120 (1977 as amended) and 18-12-116 (1977 as amended).

6. The petitioners hereby request that the Board of County Commissioners in its resolution calling for an organizational election for formation of the district provide for appropriate election procedures for the initial board of directors of the district. The petitioners further hereby nominate Floyd Donaldson, Leon Wandler and Tom Mashak to fulfill if elected the initial terms as members of the Board of Directors.

7. Petitioners also hereby accompany this petition with a filing fee of \$200.00.

8. Each of the undersigned petitioners does hereby consent to the inclusion within said district of any and all lands owned by him or her located within the proposed district, except as the same may be specifically excluded therefrom as a part of the description hereinbefore set forth.

WHEREFORE PETITIONERS PRAY that the Honorable Board will enter such orders and decrees as may be necessary or proper for the organization of the district in accordance with law.