

# COUNTRYSIDE CONDOS HOA

c/o GREENBRIAR MANAGEMENT CO.

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COUNTRYSIDE CONDOMINIUMS HOA

OPERATIONAL & PROCEDURAL POLICIES

POLICY #1  
ADOPTION & AMENDMENT OF POLICIES, PROCEDURES & RULES

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain certain written policies & procedures, then be it

RESOLVED that the procedure which will be followed in order to review, adopt, repeal or amend such policies, procedures, or rules shall be as follows:

Any member of the Association may propose adoption, amendment, or repeal of a policy, by submitting a written copy of that proposal to the Association's Board of Directors at any scheduled meeting of the Board. Discussion and consideration of the proposal will be placed on the agenda for the next meeting of the Board and the Secretary will cause a copy of the proposal to be presented to each member of the Board (either in person or by regular US Mail) at least ten (10) days before the next meeting along with notice that the proposal will be considered at that meeting.

Once the notice requirements have been fulfilled, policies may be adopted, amended or repealed only at a scheduled meeting of the Board of Directors and upon a majority vote of all Board members. Board members may vote on policy issues either in person at the meeting or by written proxy ballot presented to another Board member ahead of the meeting provided that the written proxy ballot must state the issue which is being voted on, instruct the proxy how to cast the ballot, be signed & dated by the Board member casting the ballot, and be valid only at the next scheduled meeting following the date on which the proxy ballot was signed.

If adopted by the Board of Directors, notice of the new, amended or repealed policy will be mailed to each member of the Association within 90 days of the date of adoption.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President

POLICY #2  
RETENTION, EXAMINATION, INSPECTION & COPYING OF  
ASSOCIATION RECORDS

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to retention, examination, inspection and copying of Association records, then be it

**RESOLVED**

that the Association will retain its records in written form, or another form capable of conversion into written form within a reasonable time,

that the Association will make available to any member of the Association for inspection and copying, the following records:

Permanent Records:

- Declaration of Covenants, Conditions & Restrictions
- Articles of Incorporation
- By Laws
- Listing of all current Owners
- Listing of all current members of the Board of Directors
- Listing of all current members of any Committees appointed by the Board
- Resolutions, Policies or Rules adopted by the Board of Directors
- Minutes of all Owner or Board of Directors meetings
- Minutes of all meetings of Committees acting on behalf of the Association
- Records of actions taken by Owners or Board by written ballot or consent in lieu of a meeting
- Record of any waiver of notice of Owner, Board or Committee meeting

Records to be retained for at least seven (7) years:

- All financial reports, paid invoices & bank records

Records to be retained for at least three (3) years:

- All written communication with Owners
- Reports of financial audits or reviews of Association records

that any member of the Association may review the records of the Association at its principal office during regular business hours and within 5 business days after submitting a written request to review the records, provided:

- that such request states the name and address of the member making the request
- that the request, with reasonable accuracy, describes the records sought & the purpose of the request
- that the request is made in good faith and for proper purpose
- that the records sought are relevant to the purpose of the request

that the member of the Association making the request provide the Association the assurance that, during the review of the records, those records will not in any way be removed, damaged, altered or destroyed  
that the member of the Association making the request, sign the request

that, during such review of the Association's records, the member may copy those records provided that such person will reimburse the Association for the cost of any copies in an amount not to exceed the Association's actual cost of copying including personnel and equipment used for the search, retrieval and copying of the records.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President

POLICY #3  
CONDUCT OF OWNER & BOARD MEETINGS

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to the conduct of meetings of the Owners or Board of Directors, then be it

RESOLVED

that meetings of the Owners or Board of Directors will be scheduled in accordance with the terms of the By Laws of the Association,  
that notice of such meetings will be provided in accordance with terms of the By Laws,  
that, where feasible, notice of any Owner's meeting will be posted in a conspicuous location on the property of the Association,  
that Association members who contact the Association's management company requesting the time and location of the next meeting will be provided that information by the management company by either e-mail, phone mail, or US mail as soon as possible after the meeting date has been established,

that proxy ballots will be provided by the Association along with the notice of any Owner's meeting,

that proxy ballots will provide an opportunity for a member to instruct his proxy how to vote any significant issue to come before the meeting,

that, in order to be valid, proxy ballots must be dated and signed by the member casting the proxy ballot, be assigned to a current member of the Association in good standing and be presented to the Secretary before the meeting is officially convened,

that a proxy ballot will be declared invalid if the member who signed the ballot is in attendance at the meeting,

that, unless clearly marked otherwise on the ballot by the person casting the ballot, proxy ballots will be considered as giving the proxy the right to vote any issue on the published agenda for the meeting or any adjournment of that meeting,

that proxy ballots will not be valid for any vote on any issue not on the published agenda of the meeting, introduced for the first time at the meeting, or of which the member casting the ballot may not be aware,

that Board members not in attendance at a Board meeting may vote on issues to come before that meeting by written proxy ballot presented to another Board member ahead of the meeting provided that the written proxy ballot must state the issue which is being voted on, instruct the proxy how to cast the ballot, be signed & dated by the Board member casting the ballot, and be valid only at the Board meeting immediately following the date on which the proxy ballot was signed.

that the agenda for Owner's meetings will include a time to allow any member to speak, that the agenda for meetings of the Board of Directors will include an opportunity for any member of the Association to speak with the provision that the Board may limit the time available to each member and may insist that a member leave the meeting if his conduct becomes disruptive of the meeting,

that any vote which involves election of a member to the Board of Directors will be handled by secret, written ballot,  
that, upon request of at least one Owner, any vote on any issue will be handled by secret, written ballot.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President

POLICY #4  
BOARD MEMBER CONFLICTS OF INTEREST

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to disclosure of potential Board member conflicts of interest & the criteria for determination of whether such a conflict exists, then be it

**RESOLVED**

that a conflict of interest will be deemed to exist at any time a member of the Board of Directors or the Management Company stands to gain personally in any manner as a result of a decision to come before the Board or has any family relationship, no matter how distant, with a person involved in that decision,  
that, at any time a member of the Association's Board of Directors or the Manager is aware of a potential conflict of interest, he must immediately disclose that conflict in an open meeting of the Board,  
that the remaining Board members may ask the person with the potential conflict to leave the meeting while they discuss and vote on whether an actual conflict of interest exists, whether it is material to the decision at hand, or whether to allow the person with the conflict to participate in the discussion of the decision,  
that, upon determination by the Board that a conflict of interest does exist, the person with the conflict may not vote on that issue.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President

POLICY #5  
INVESTMENT OF RESERVE FUNDS OF THE ASSOCIATION

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to the methodology & standards to be used by the Association's Board of Directors in deciding how to invest and manage Association reserve funds, then be it

**RESOLVED**

that, not less often than once each year, the Board of Directors will review the financial condition of the Association and the investment accounts in which funds of the Association are invested,  
that funds of the Association will not be co-mingled in accounts with any other legal entity,  
that funds will not be invested in any instrument not insured by an agency of the government of the United States of America,  
that funds of the Association will not be allowed to accumulate in any account or institution to an amount in excess of a limitation which would preclude the funds from being insured by an agency of the government of the United States of America,  
that the terms of the investments will be staggered so as to allow for maximum return on investment while still accommodating the cash flow needs of the Association.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President

POLICY #6  
LATE PAYMENT OF HOA FEES

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through it's Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy to be followed when collecting delinquent assessments, then be it

RESOLVED that assessments and utility charges are due upon receipt of a monthly invoice which will be mailed to each condo owner. Assessments are delinquent if not paid in full by the 20th day of the following month at which time the Manager will mail a reminder notice to the homeowner which states that the payment is delinquent and explains those actions the Association will take if payment is not received.

If payment is not received by the 20th of the following month, the Manager will send to the homeowner a delinquency notice which states that a late fee of \$10 has been added to the account and an additional \$10 late fee will be added on the 20th day of each subsequent month during which the account remains delinquent.

If payment of the HOA fee has not been received by the end of the second month following that during which it was due, the Manager will authorize the HOA's attorney to send a demand letter to the homeowner stating the amount due, requesting that it be paid immediately, and stating that a civil suit will be initiated in Boulder County Court if payment is not received within 15 days of the date of that letter. The attorney's letter will also state that all attorney's fees associated with the collection efforts will be charged to the homeowner.

If no response is received to the attorney's demand letter, the attorney will file the civil suit in county court and seek a judgment against the delinquent homeowner. If judgment is received from the court, the judgment will bear interest at the rate provided in the Covenants, the homeowner will be sent a copy of the judgment, and garnishments will be filed against assets of the homeowner.

Throughout this procedure, the Board reserves the right to file a lien on the delinquent property, to foreclose the lien, or to take any other legal action available to it under the terms of the Covenants.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President

POLICY #7  
ENFORCEMENT POLICY FOR FAILURE TO COMPLY WITH COVENANTS

WHEREAS the Declaration of Covenants, Conditions & Restrictions of the Association in Art. 7.6 & 7.8 give the Association, through it's Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

WHEREAS the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to the procedures to be followed in the event of a failure to comply with the Association's Covenants, Rules, etc. then be it,

RESOLVED that on those occasions in which residents fail to comply with the Rules and Regulations of the Association, the Board reserves the right to assess fines in accordance with the procedure outlined below:

- 14.1 In the event that a violation of the Rules is reported, the Manager will contact the resident, inform him/her of the Rule violation, provide a copy of these Rules and Regulations if required, and ask that the resident comply with the Rules.
- 14.2 In the event that the resident takes no action to comply with the Rules, the Manager will send a notice in writing to the resident asking that he/she comply within a specific time period.
- 14.3 In the event that the resident still fails to comply, the Manager will send a letter to the resident informing him/her that the Board of Directors will consider assessment of a fine at the next Board meeting. The letter will include the date and time of the next Board meeting and will ask that the resident respond in writing to the Board or appear at the meeting to explain their failure to comply.
- 14.4 If the explanation offered is not acceptable to the Board, a fine may be assessed. Fines will be in an amount deemed appropriate by the Board, but will generally occur in increments of \$25 up to a maximum of \$100. The resident will be notified of the fine within 10 days after the meeting and the fine will be added to the account of the condo owner.
- 14.5 Continued failure to comply with the Rules may result in additional fines levied at subsequent meetings.
- 14.6 As provided in the Covenants, fines will be added to the account of the condo's owner and may be collected in the same manner in which delinquent dues may be collected. Attorney's fees for collection activities will also be added to the owner's account.
- 14.7 Because condo owners are responsible for the behavior of their tenants, all fines and collection activities will be taken against the condo's owner and a copy of all communication with tenants will be sent to the condo's owner.

This Resolution is adopted this 16<sup>th</sup> day of November, 2005.

For the HOA Board of Directors

Shirley Jones  
President