

## Elk Springs Homeowners Association, Inc.

### Policy and Procedure for the Adoption and Amendment of Policies, Procedures and Rules

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Pursuant to the authority granted by Article 4.14 (A) of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elk Springs, Garfield County, (the “Declaration”) and as further authorized and required by the Colorado Common Interest Ownership Act, C. R. S. 38-33.3-209.5 (1) (b) (vii), et seq. (the “Act”), the Board of Directors of Elk Springs Homeowners Association, Inc. (the “Association”) adopts the following policy and procedures for the adoption and amendment of policies, procedures and rules. Unless otherwise defined in this Policy and Procedure, initially capitalized or terms defined in the Declaration shall have the same meaning herein. This Policy and Procedure may be amended at any time by the Board of Directors of the Association.

#### Authority:

Pursuant to the Declaration and the Colorado Common Interest Ownership Act, C. R. S. 38-33.3-302 (1) (a), the Board of Directors of the Association (the “Board”) has the authority to create, adopt, enforce, amend and repeal policies, procedures, rules and regulations (hereinafter collectively referred to as a “Rule”), The Board may adopt a Rule as may be necessary to facilitate the efficient operation of the Association, including clarification of ambiguous provisions in other governing documents.

#### Proposed Rule:

Any proposed Rule or amendment to an existing Rule shall be submitted to the Board by any Member of the Association, any Board member, any committee of the Board, any member of such committee or by the managing agent. The Board shall consider the following criteria when adopting or amending a Rule:

- (a) Reasonableness and necessity of the Rule;
- (b) Verify the Rule does not already exist;
- (c) Verify existing documents are inadequate to address the issue;
- (d) Evaluate the immediate impact and long-term implication of adopting the Rule;
- (e) That the impact of the Rule does not unduly create separate groups of Members within the Association;
- (f) That the Rule is fair, clear and unambiguous;
- (g) That the Rule is enforceable;

(h) That the Rule is legal and consistent with the Association's governing documents and applicable federal, state and local statutes and regulations, as determined by the Association's attorney; and

(i) That the Rule reasonably relates to the preservation, protection and enhancement of Elk Springs.

Adoption of Rule:

Prior to the adoption or amendment of a Rule, the Board has the right, but not the obligation, to conduct an informational meeting of the Members and solicit their input regarding any new or existing Rule. The Board shall only adopt Rules in open meetings. At the meeting where the Board intends to adopt a proposed Rule or amendment to a Rule, at an appropriate time determined by the Board, but before the Board votes on the adoption of the Rule, Members or their designated representatives will have an opportunity to speak regarding the Rule in accordance with the Association's Policy on Conduct of Meetings.

Notice:

The Board shall give notice of the adoption, amendment or repeal of the Rule at the address provided to the Association for notices to Members as provided for in Article 4.4 of the Declaration. In addition, the Board shall publish the Rule on the Association's website, [www.elkspringshoa.com](http://www.elkspringshoa.com).

No Defense:

Any Member's failure to receive the Rule shall not serve as a defense to any attempt by the Association to enforce the Rule or to levy fines, expenses or attorneys' fees as a result of a violation of the Rule.

Waiver of Rules:

The strict application of any Rule in any specific case may be modified or waived in whole or in part by the Board if in the opinion of the Board, in its sole discretion, such strict application would be unreasonable or unduly harsh under the circumstances.

Failure to Follow Procedures:

The failure to follow any of the procedures set forth in this Policy shall not invalidate any Rule or amendment that is otherwise approved by the Board at a duly convened regular or special meeting of the Board.

**PRESIDENTS CERTIFICATION:**

The undersigned, being the President of the Elk Springs Homeowners Association, Inc. Board of Directors certifies that the foregoing Policy and Procedures for the adoption and amendment of policies, procedures and rules was adopted by the Board of Directors

at a duly called and noticed meeting of the Board of Directors held on June 12, 2017 and in witness thereof, the undersigned has subscribed her name.

**/s/ Evelyn L. Cole**

President, Elk Springs Homeowners  
Association, Inc. Board of Directors

**June 12, 2017**

Date Adopted