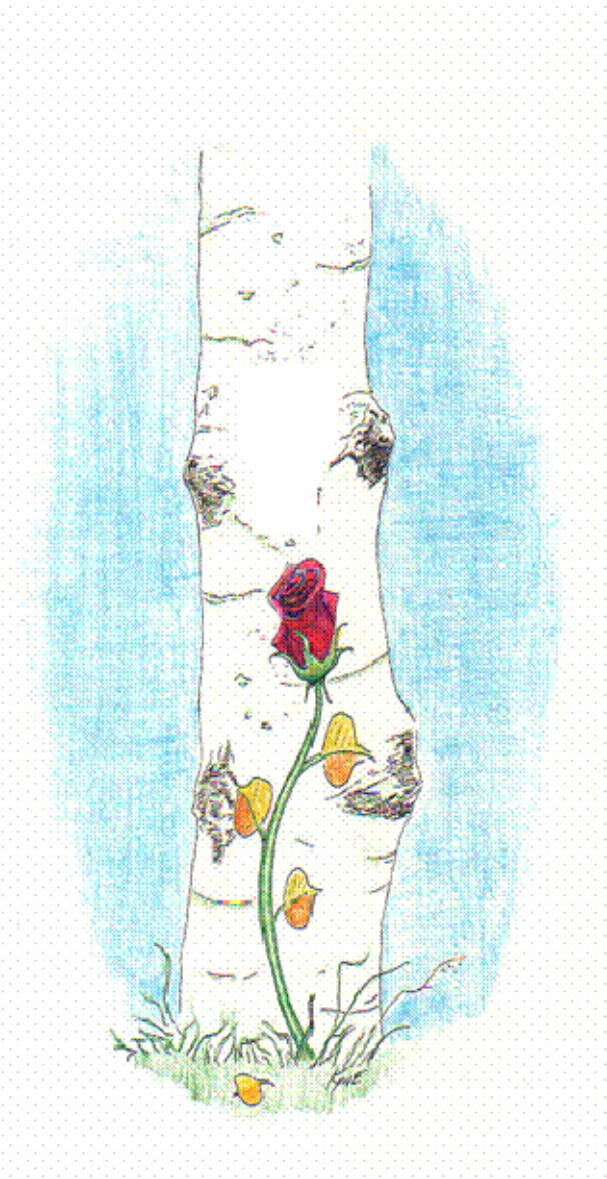

ASPEN ROSE RANCH

POLICIES & PROCEDURES

ASPEN ROSE RANCH (ARR)

PROPERTY OWNER'S ASSOCIATION (POA)

WESTON, COLORADO

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Revision History

Revision Level	Revision Date	Revision Description
Draft 1.0	01/21/2006	First Draft of partial documentation for Board of Director approval.
2.0	07/22/2006	Published to General Membership following approval by Board of Directors
3.0	2/14/2007	Added two policies based on SB 06-89 that were proposed by the CAB and approved by the BOD; Conflict of Interest, Arbitration or Mediation of Dispute between Owner and Board
4.0	4/28/2012	Added new policy, Annual Assessment Due Date & Administrative Fee approved by General Membership. Added Appendix K, example of Annual Assessment invoice with late fees and due date. Updated Treasurer Responsibilities, Appendix J, ARR website new address example. Updated CAB members & email addresses. Updated Table of Contents, CAB Committee objectives.

Confirm Revision Before Use:

A printed copy of this document is **valid for 24 hours from the printed date** at the bottom of each page. In order to ensure the reader has the current copy, a validation should be made with the secretary to confirm the latest version number of the ARR P&P being distributed.

Distribution

Aspen Rose Ranch Property Owner's Association membership

Ownership

The Covenants and Bylaws Committee is responsible for ensuring that this document reflects the actual practices of the Board of Directors for the Aspen Rose Ranch Property Owner's Association. The Colorado Common Interest Ownership Act (CCIOA) and new legislation (like, SB 05-100 and SB 06-89) are fully supported with the policies and procedures developed for the Aspen Rose Ranch Property Owner's Association.

Governance Compliance

These governance policies and procedures are in compliance with Colorado Common Interest Ownership Act (CCIOA) and subsequent state legislative revisions.

Contacts for the Covenant and By-Law Committee

Committee Members

Terrie (Cook) Baros, terrie.baros@dishmail.net, 720-470-0162 – Chairperson

Marty Gisclon, gisclons@earthlink.net, 719-859-1313

Sandy Parrish, sjparrish@dishmail.net, 719-859-0303

Carolyn Reed, aspenroseranch@hughes.net, 720-373-7333

Release Notification

The general membership will receive notification of the Release of each version of this document within 30 days.

POA Title & Name of sender	Means of Notification	Date Sent
CAB Chair person, Terrie Cook	Partial Draft version distributed at Board of Director's meeting in hard copy for discussion and approval.	January 22, 2006
CAB Chair person, Terrie Cook	Phase 2 Draft version distributed via email to Board of Directors for approval at April meeting.	April 8, 2006
CAB Chair person, Terrie (Cook) Baros	Initial Release of Board approved policies and procedures at Annual Membership meeting supporting CCIOA and SB 100.	July 22, 2006
CAB Chair person, Terrie (Cook) Baros	Updated release pages distributed by postal service for addition of two new policies required by Senate Bill 06-89. Policies were reviewed, discussed and approved at the 2/10/2007 BOD meeting; Conflict of Interest, Arbitration or Mediation of Dispute between Owner and Board.	March 5, 2007
CAB Chair person, Terrie Baros	Updated release pages distributed by postal service for addition of new policy approved by General Membership at the 8/27/2011 Annual Membership meeting. Policy was a recommendation by members at the 2010 Annual meeting which the BOD & CAB benchmarked with area POA's.	April 30, 2012

CAB Committee Charter:

The Covenant and Bylaws Committee is commissioned by the Board of Directors for the Aspen Rose Ranch Property Owner's Association to be the keepers of our governing documents, develop amendments in keeping with the spirit of our community, and ensure compliance with Colorado Common Interest Ownership Act and new legislation.

CAB Committee Objectives:

A. 2004 Objectives:

Review Covenant and By-Law governance documents to identify out of date language and provide higher level of membership authority as is the current practice of the Board of Directors.

- Identified developer references that are no longer valid since the POA was turned over to the Board of Directors and membership.
- Need to expand the language to be inclusive of women.
- Reviewed CCIOA for the first time to assess the need to comply.
- Developed list of legal questions that need to be answered.
- Created a series of proposed amendments and presented to the general membership at the Annual meeting for discussion.
- Proposed amendments were revised from general membership input and the vote was placed on-hold until a legal review could be afforded.

B. 2005 Objectives:

Assess and prioritize Senate Bill 05-100 for impacts to our governance documents.

- Identify impacts from the new Colorado Senate Bill 05-100 and CCIOA to proposed amendments developed in 2004, and reviewed by the Board and general membership during 2004.
- Assess and prioritize governance implementation plans with support from Board of Directors.
- Develop three staged amendment approval plans with Board of Directors.
- Recommended taking a phased approach and adopting "operationally" each policies and procedures as it was developed and approved by the Board of Directors. This supported reaching compliance with SB 100 and CCIOA as timely as was humanly possible.

CAB Committee Objectives: (continued)

B. 2006 Objectives:

Develop a separate governance document to contain policies and procedures of "how we operate". This is a layer below the Covenants and Bylaws governance. Create necessary amendments to the Covenants and Bylaws based on CCIOA, Senate Bill (SB) 05-100 and Senate Bill (SB) 89.

- Prepare required amendments for a vote by the General Membership in September for implementation in January, 2007.
    a) Covenants
    b) Bylaws
- Develop a new governance document to contain policies and procedures supporting current version of CCIOA and Senate Bill (SB) 05-100 amendments effective 6/20/2005.
- Develop new governance policies and procedures supporting Senate Bill (SB) 05-100 amendments effective on 01/01/2006.
- Assess and revise Initial Release document in support of amendments from Senate Bill (SB) 06-89 effective 01/01/2007.

C. 2007 Objectives:

Assess the recommendations from SB 06-89 for development a proposal for Board of Directors review, discussion and approval at the first meeting in 2007, January .

- Create new policy for Arbitration of a dispute between the Board and an owner.
- Modify the previously approved Conflict of Interest Policy based on the changes passed with SB 06-89 overturning key aspects specified in SB 05-100.

Assess the "nice to have" recommendations from SB 100 and determine the level of participation that fits with the spirit of our community and the leadership of our Board of Directors.

- Educational provisions for the Board of Director and general membership.
- Architectural review process.

D. 2010 Objectives:

Assess the recommendations from General Membership to implement Administrative Fee for late payment of Annual Assessment, and earlier due date in order create road maintenance work plan based on available funds.

- Bench mark with area POA's regarding administrative fee policies for late payment of Annual Assessment.
- Benchmark with are POA's regarding due date for Annual Assessments.
- Draft amendments to Policy and Procedures for review by BOD based on benchmarking results.
- Draft final amendments for presentation and approval by General Membership at Annual Meeting.
- Present list of updates needed for Policies and Procedures document to BOD in addition to new policy wording approved by General Membership.
- Recommend and gain approval for Release Notification plan by BOD to rollout updated Policy and Procedures pages to General Membership.

E. 2011 Objectives:

Development of new Annual Assessment Due Date & Administrative Fee policy, and identification of updates necessary throughout the Policy and Procedures document.

- Draft wording for the new Annual Assessment Due Date & Administrative Fee for review and approval.
- Present each page requiring update in Policy and Procedures document to BOD for review and approval.

F. 2012 Objectives:

Rollout of new Annual Assessment Due Date & Administrative Fee policy, and necessary updates throughout the Policy and Procedures document to General Membership.

- Draft instructional cover letter to accompany updated pages of Policy and Procedures document.
- Print and mail instructional cover letter and updated pages of Policy and Procedures document for those members requesting paper communication. Email instructional cover letter and updated pages of Policy and Procedures document for those members requesting email communication in .pdf file format to maintain document integrity.
- Post updated Policy and Procedures document to ARR website along with Covenants and Bylaws in .pdf file format to maintain document integrity.

Annual Disclosure Procedures:

This procedure is performed annually within 90 days of the end of the fiscal year (currently December 31) by the Secretary of the Association or other designated POA member.

Activity	Time Frame to Complete	BOD Review	Membership Communication
1. Provide all owners with a written notice containing the following information: a) Association name b) Name of the common interest community c) Name of the designated agent, as well as agent's physical address and telephone number d) Initial date of the recording of the declaration e) Recording information for declaration of covenants' reception number or book and page where the declaration is located f) Name, address and contact information for board directors.	Once per year, by March 31		The first quarter BOD meeting minutes will reflect that ARR annual disclosures will be posted on the ARR website by a specific date along with the web address.
2. List of insurance policies including: a) Insurance company name b) Policy limits c) Policy deductibles d) Expirations dates			Same as above/
3. Financial statements for previous three years including: a) Date Fiscal year begins b) Operating Budget for current fiscal Year c) List of regular and special assessments d) Annual Financial Statement			Same as above/

Change Disclosure Procedures:

This procedure is performed by the Secretary of the Association or other designated board member within 90 days of any change to the designated POA member and Board of Directors information.

Activity	Time Frame to Complete	BOD Review	Membership Communication
1. Provide all owners with an amended notice if the designated agent or Board member address or contact information changes.	Within 90 days of change		Written notice to owners by email or 1st class mail based on the owner's preference. Change is then reflected on ARR website.

Record Retention Policy:

This policy is the responsibility of the Board of Directors to ensure that all the Annual Disclosure documents are retained for three years. The designated documentation repository is the ARR web site for access by all POA members. New documents and updated documents will be posted to the web site within 30 days of acceptance or approval. The notification to POA members of updates and additions to the web site will be sent written by either email or 1st class mail based on the POA member's preference.

Drafted documents may also be posted to the web site for access by POA members in an effort to increase communication.

Electronic Notification Policy:

This policy is the responsibility of the POA member to select a preference for receiving written notifications from ARR. The choices are email or 1st class mail. Any changes to the address or preference are the sole responsibility of the POA member to send written notification to the designated Secretary of the Board of Directors.

Owner Participation at Board, Committee and Membership Meetings:

Aspen Rose Ranch owners are invited to attend and speak at all quarterly Board of Directors meetings, committee meetings (such as the Covenants and Bylaws Committee, Complaint Committee) and the Annual General Member meeting. Owner representatives (designated in writing by the owner) are also allowed to attend and speak at all meetings.

Owners (or their representatives) may speak during the discussion phase of each agenda item. Owners (or their representatives) must sign up with the Secretary (or appointed Board member) to ensure that all who wish to speak have the opportunity.

A sign up sheet will be made available before each meeting. The heading will be **"Aspen Rose Ranch Owners, please sign. This will insure you will be able to speak on any topic but will not require you to speak."** The signup sheet will be circulated by the Secretary (or appointed Board member) and may be added to by owners who arrive after the start of the meeting. This does not require an owner to speak and insures that all who wish to speak will be heard.

Sign up sheets will be kept for ninety days with the minutes of the meeting. Sign up sheets do not need to be published with the minutes.

Enforcement of ARR Governance Policy:

This policy applies to all Aspen Rose Ranch (ARR) property owners. It is expected that all ARR property owners have read the ARR Covenants, Bylaws, Policies and Procedures and agree to abide by these governance documents. Owners wanting clarification regarding governance policies are invited to contact a member of the Covenants and Bylaws Committee.

It is not the intent of the Board of Directors or the Covenants and Bylaws Committee to police the ARR community. Therefore, if an ARR owner believes that an infraction or violation of a governance policy has occurred, the owner may contact the Complaint Committee to discuss the situation. Following this discussion, if still appropriate, the owner can request, in writing, that the Complaint Committee address the complaint. See Procedure for Filing a Complaint with the Complaint Committee.

Nomination Procedures of Directors & Officers:

Any property owner willing to volunteer to serve as a director or officer of the Aspen Rose Ranch POA is invited to nominate themselves. Nominees may submit their name and desired position to the Secretary by June 1 of each year. All candidate names will be added to the ballot under each position up for election. All candidates will appear on the ballot in alphabetical order.

A candidate is making a two year commitment of their time to uphold the governing Covenants, Bylaws, policies and procedures of Aspen Rose Ranch Property Owner's Association. The governances include Conflict of Interest Disclosure, fiduciary responsibility, Secret Balloting requirements, and inclusion of owner participation in all meetings to name a few.

Mailed Secret Ballot Policy:

This policy is performed anytime Mailed Ballot is requested to be secret balloting by one or more members. The Mailed Secret Ballot must be free of any reference to the voting property owner's name, address, parcel number or any other identifying information. One secret ballot will be mailed for each parcel.

The return self-addressed envelope will carry the Parcel Number. It is the responsibility of the Secretary to validate that each eligible parcel returns one sealed ballot envelope. The property owner is responsible to submit only one sealed secret ballot for each parcel they own. If two ballots are returned for one parcel both will be destroyed and the property owner will be contacted by the designated agent to re-submit a new sealed secret ballot.

The Treasurer advises on eligibility for each parcel in good standing as defined in the Bylaws. Once all sealed ballot envelopes have been validated as eligible, the Secretary and Vice President will remove the ballots from the envelopes, placing the Secret Ballots face down in a box ready for counting. Then the counting of the returned Secret Ballots will follow the counting procedures as outlined in the section titled, Secret Ballot Procedures at Meetings or Secret Ballot Procedures for Election of Directors to the Board.

Secret Ballot Procedures for Election of Directors to the Board:

This procedure is performed on an annual basis at the General Membership meeting. The Aspen Rose Ranch (ARR) Secretary will create the election ballot following the Mailed Secret Ballot Policy. All sealed election ballots will be brought to a meeting of the general membership by the ARR Secretary for validation of eligibility and counting.

Property owners eligible to vote can complete an election ballot at the meeting prior to the counting of the votes. All election ballots must be sealed in an envelope with a parcel number and provided to the Secretary for validation of eligibility.

Activity	Membership Communication
1. The Secretary will bring all sealed election ballots to the Annual Membership meeting.	
2. The President will select a neutral third party or property owner from a pool of two or more people to count the secret election ballots. **Note:** The pool of people will write their own name on a piece of paper, fold the paper, place their name in a box, and the President will draw a name.	
3. The Secretary will request the number of eligible parcels in good standing from the Treasurer.	
4. The Secretary will validate the eligibility of each sealed election ballot.	
5. The Secretary will advise the membership and the selected counter the "total number" of eligible sealed ballots received.	Secretary advises the total number of eligible sealed ballots.
6. The Secretary and Vice President will prepare the sealed election ballots for counting according to the Mailed Secret Ballot Policy.	
7. The selected counter will count the number of votes received by each candidate using a stroke tally on a blank ballot. The counter will double check the number of votes received by each candidate. **Note**: Election of Directors to the Board is determined by a majority of the votes cast by the voting membership. **Note**: In the case of a tie vote for an office, the election for that office will be held again. The incumbent will continue in office until the re-vote decides the election.	
8. Then the counter will report the results of the ballots to the Secretary as well as the membership.	Counter advises the result of the election to the Board and membership in attendance.
9. The President will conclude the election of directors to the POA Board.	
10. The Secretary will retain the ballots for 90 days.	

Secret Ballot Procedures at Meetings:

This procedure is performed upon request by one or more members when all property owners have a right to vote on an issue. The right of all property owners to vote includes the following situations as defined in the Covenants and Bylaws:

a) Amendments to the Covenants; requiring a 2/3 approval of property owners in good standing.
b) Amendments to the Bylaws; requiring a 2/3 approval of property owners in good standing.
c) Approval of a Special Assessment; requiring a 2/3 approval of property owners in good standing.
d) Increase in Annual Assessment; requiring a majority approval of property owners in good standing.
e) Adopted Annual Budget; requiring a majority approval of property owners in good standing.
f) Annual Meeting Business Transactions; majority of attending property owners.

Activity	**Membership Communication**
1. A property owner may request Secret Balloting either in person or in writing to the Secretary. The request MUST be made prior to the vote being conducted.	The President will advise the membership prior to the vote that this will be a Secret Ballot.
2. The President will select a neutral third party or property owner from a pool of two or more people to count the secret ballots. **Note:** The pool of people will write their own name on a piece of paper, fold the paper, place their name in a box, and the President will draw a name.	The President will advise the membership of the selected counter's name.
3. The President will provide the instructions for the use of the secret ballot to the membership. One vote for each parcel in good standing.	
4. The Secretary will request the number of eligible parcels in good standing from the Treasurer.	
5. The Secretary will advise the membership and the selected counter the "total number" of eligible votes.	The Secretary advises the total number of eligible votes present by proxy or in person
6. The Secretary will distribute the secret ballot to each eligible voter with only the words "approve", "veto", and "abstain" to the membership.	
7. The voting membership will circle their selection on the ballot, fold the ballot and place it into a box for counting.	
8. The person selected to count will first count the total number of ballots in the box and advise the Secretary of this number.	Counter will announce the Total number of votes
9. The Secretary will validate the total number of votes is equal to or less than the number of eligible votes. A shortage of votes is counted as "abstained". **Note**: If there are too many votes the unopened ballots are destroyed and new ballots are distributed to the eligible voters.	
10. The selected counter will count the "approved" ballots, "vetoed" and "abstained" ballots. Then the counter will report the number of approved, vetoed and abstained votes to the Secretary as well as the membership.	Counter announces the number of votes for approved, vetoed and abstained
11. The President will advise the vote is concluded as being approved or vetoed.	

Amendments to ARR Policies & Procedures:

This procedure is to be used any time members want to request a change to the current Policies and Procedures Manual. In addition, updates to CCIOA or other legislation may trigger amendments to our Policies and Procedures.

Activity	Time Frame to Complete	BOD Review	Membership Communication
1. Suggestion for amendment/ change to ARR P&P with proposed wording sent to CAB Chairperson.			
2. CAB Committee meeting called within 30 days of receiving proposed amendment.	30 days		Notice sent by CAB Chair to proposing member that proposal will be discussed at the next BOD meeting.
3. CAB Committee discusses proposal and assesses impact of this change on ARR's covenants, bylaws, policies and procedures.			
4. CAB Committee forwards (revised, if needed) proposal to BOD with assessment of impact along with recommendation and rationale for approval or rejection.		At next BOD meeting	
5. Proposed amendment accepted or rejected by BOD.	Next BOD meeting	Next BOD meeting	Minutes of BOD to reflect reason(s) for acceptance or rejection.
6. For minor changes, CAB Committee updates P&P and forwards to webmaster for posting. Notice sent to membership by the member's preferred mailing choice.	30 days from BOD approval		By member preferred mailing choice.
7. For major changes, draft of proposed change sent to members with request to provide feedback within 30 days.	Draft sent to membership w/in 30 days of BOD review		By member preferred mailing choice.
8. CAB Committee collects comments, modifies amendment as needed and forwards to BOD for review	CAB Committee meets w/in 30 days of when comments are due from members.		
9. BOD accepts or rejects proposed/modified amendment		At next BOD meeting	Included in BOD meeting minutes
10. P&P updated by CAB Committee with new amendment. Modified P&P manual posted and members notified	w/in 30days of BOD meeting		By member preferred mailing choice

Seller's Disclosure to Buyer

Responsibilities:

Any Aspen Rose Ranch owner who is selling his/her property has the responsibility to make the required disclosures, at his/her expense, consistent with current Colorado Real Estate Commission practices.

These disclosures may include:

- Aspen Rose Ranch Covenants and Bylaws.
- Aspen Rose Ranch Policies and Procedures.
- Minutes of the most recent annual unit owners' meeting and of any board meetings held within the six months preceding the title deadline.
- Aspen Rose Ranch's operating budget.
- Aspen Rose Ranch's annual income and expenditures statement.
- Aspen Rose Ranch's annual balance sheet.
- Any unpaid assessments currently levied against the seller's property.

These disclosure documents, except for any unpaid assessments, can be found on the Aspen Rose Ranch website (insert link).

Aspen Rose Ranch may charge the seller its actual costs for providing copies of requested documents. For Aspen Rose Ranch to make these copies, a Request for Disclosure Documents will need to be completed by the Seller and submitted to the ARR Secretary.

It is the Seller's responsibility to obtain from the buyer a signed acknowledgement of receipt of the required information and disclosures and to deliver the acknowledgement to the association as soon as possible after it is acquired.

The Seller must also provide the Buyer with the Disclosure of Buyer's Responsibilities to Aspen Rose Ranch Association.

The Aspen Rose POA has the responsibility to cooperate to the best of its ability to fulfill requests by the seller to help collect any documents that are within its control. The ARR Secretary will provide copies of documents, if requested, and the ARR Treasurer will provide a written statement setting forth the amount of unpaid assessments and penalties, if any, currently levied against the owner's property.

(See **Appendix** for Seller's Acknowledgement of Disclosure to Buyer Form and Disclosure of Buyer's Responsibilities to Aspen Rose POA Form.)

Secretary Responsibilities & Time Lines:

This is an outline of the procedure associated with the duties of the Secretary for the Aspen Rose Ranch Board of Directors.

Activity	Time Frame to Complete	BOD Review Conducted	Membership Notification
1. Record minutes of all board meetings and general membership meetings.	Within 3 weeks of meeting		
2. Publish minutes of all board meetings and general membership meetings, and provide to all members.	Within 30 days of meeting		Minutes sent via email or first-class mail, based on owner preference. Posted on the ARR website
3. Send advance notices to all owners via mail or e-mail regarding board meetings, committee meetings and general membership meetings. Included is: a) Date & time b) Location	At least 10 days before each meeting		Notices sent via email or first-class mail, based on owner preference. Notices are also posted on the website.
4. Keep a print-out of electronic notice for notification emails as proof of compliance.	Ongoing		
5. Physically post notices of owner meetings.	At least 10 days before meeting		Posted on the community gate.
6. Maintain all corporate records (except financial records). See "Record Retention Procedures."	Ongoing		
7. Provide appropriate corporate records to members within a reasonable time of request. **Note:** Requests for inspection or copying must be made in good faith and for a proper purpose (i.e., they may not be used for a commercial mailing list).	2 weeks to 30 days, depending on extent of the request		Data sent via email or first-class mail, depending on owner preference.
8. Act as custodian for the corporate seal, and ensure that it is affixed to all appropriate documents.	Ongoing		
9. Keep an accurate record of the contact information for all owners —including addresses, phone numbers, e-mail addresses, number of votes, notification preference — as provided by owners.	Ongoing		

Secretary Responsibilities & Time Lines: (continued)

Activity	Time Frame to Complete	BOD Review Conducted	Membership Notification
10. Receive and report completed ballots.	At appropriate meeting		
11. Send proxy forms to owners and/or board members as required	At least 10 days before meeting		Ballots sent via email or first-class mail, depending on owner preference.
12. Receive and report completed proxies.	At appropriate meeting		
13. Act as first point of contact for owners' request to inspect records.	Ongoing		
14. File updated Annual Reports with the State of Colorado.	Once per year		E-filing with Secretary of State's office.
15. File all amendments to the Covenants and Bylaws with the County of Las Animas.	Within 2 weeks of confirming vote		.
16. Provide documentation as required to webmaster for posting annual disclosures. See "Annual Disclosures Procedure."	Once per year		
17. Implement change disclosure procedures as required. See "Change Disclosure Procedures."	Within 90 days of change.		

Treasurer Responsibilities:

This is an outline of the duties associated with the officer position of treasurer for the Board of Directors.

- Send assessment invoices and notifications to general membership during November for the next fiscal year.
- Attach all appropriate fees to delinquent assessments within the outlined governance procedures.
- Maintain POA checking account.
- Pay all Board invoices.
- Create all financial reports and statements for presentation to the Board as well as the general membership.
- Develop annual budget within the outlined governance procedures.
- Track and report delinquent assessments within the outlined governance procedures for actioning by the Board.
- File and release liens as directed by the Board.
- Receive and post all payments.
- Deposit funds.

Annual Budget Creation by the Board of Directors:

This procedure is performed each year to establish a working Budget for the Board of Directors. The general membership has final veto over the budget creation.

Activity	Time Frame to Complete	BOD Review Conducted	Membership Communication Sent
1. Notify standing committees to submit budget requests and associated expense rational to Treasurer by end of year.	At 4th BOD meeting, usually in October	none	Via minutes of the 4th BOD meeting each year
2. Develop proposed budget for next fiscal year by reviewing Profit & Loss statements for past 3 years and budget requests from committee chairs.	1st BOD meeting of each year	1st BOD meeting of each year;	None
3. Adopt proposed budget for next fiscal year	120 days Prior to Annual Meeting	2nd BOD of the year	Budget summary, within 90 days of adoption by the BOD & date of Annual Meeting. When budget will be presented.
4. Request assistance on the rational for expenses from committee chairs and BOD in preparing presentation of Budget at Annual Meeting.	30 days prior to 3rd BOD meeting, Annual Meeting	3rd BOD of the year	Include the Budget presentation on the Agenda for the Annual Meeting at least 30 days prior to meeting
5. Present adopted proposed budget to general membership for acceptance.	At Annual Membership meeting		
6. Acceptance of proposed adopted Budget. One vote for each parcel. a) BOD President calls for an open vote to accept the budget as proposed for the year (xxxx) raise your hands." b) Majority of those present with a quorum attendance either accept or veto the Budget.	At Annual Membership meeting		
7. If proposed adopted budget and/or line item is vetoed, the BOD will revert to existing year's budget until a revised new budget line item is adopted by the BOD and accepted by the general membership.			.

Annual Budget Creation by the Board of Directors: (continued)

Activity	Time Frame to Complete	BOD Review Conducted	Membership Communication Sent
8. Treasurer will work with the BOD and committee chairs to prepare revised budget for adoption by the BOD. The revision can be accomplished at the same Annual Meeting.	Annual Meeting or later		Notification of Summary budget with revisions noted
9. Submit revised summary proposed adopted budget to general membership for acceptance.	Annual Meeting or later		Notification of Summary budget with revisions noted
10. If the revised Budget can NOT be accomplished at the Annual Meeting, the BOD will need to revise the budget and send it to the General Membership for acceptance. The vote is closed 30 days after the notification date. Majority of the property owners is required for acceptance of the Budget. A "reject" response is required to the Secretary. Accept requires no reply.			Send Summary budget for acceptance
11. Once the revised budget is accepted it will be implemented for the identified fiscal year.			Notification of Summary budget with revisions noted

Finance Review Procedure

A financial review of the Aspen Rose Ranch (ARR) books will be conducted by an independent, qualified party selected by the board of Directors when requested by 1/3 of the voting membership to ensure the ARR books are maintained using Generally Accepted Accounting Principles (GAAP). The findings will be published by the independent party in a report to general membership. Any resulting action taken by the BOD will also be published to the POA.

NOTE:
If the total budget of the ARR Property Owners Association reaches $250,000 annually then an audit will need to be conducted semi-annually by an independent Certified Public Accountant.

Filing a Complaint with the Complaint Committee:

This procedure is to be used any time a member wants to file a complaint dealing with a controversy related to Aspen Rose Ranch's policies, procedures, Covenants and/or Bylaws. The Covenants and Bylaws (CAB) Committee will act as a resource to the Complaint Committee in determining the full governance implications of the controversy. Issues dealing with the content of a governance document should be directed to the CAB Committee for handling under "Amendments to ARR" governance policies and procedures. (See **Appendix** for Complaint Form.)

Activity	Time Frame to Complete	BOD Review	Membership Communication
1. Owner wishing to file a complaint is encouraged to call the Complaint committee in an attempt to resolve the issue.			
2. For unresolved issues, the owner must submit details of the complaint using the complaint form.			
3. The Complaint committee meets to discuss the complaint and develops a plan to address the issue. The Complaint committee is authorized to investigate facts related to the complaint by contacting appropriate ARR members and all other appropriate parties, including but not limited to contractors, electrical companies, real estate companies, etc.	w/in 15 days of receiving the complaint		
4. The Complaint committee calls for a hearing, as an information gathering session, and invites, minimally, the complainant and the member against whom the complaint was filed. Both parties may bring other information to the committee meeting that they feel would be useful in the discussion.	w/in 30 days of receiving the complaint		1. Parties involved are personally invited. 2. Notice of the meeting and the purpose is posted on the website.
5. Complaint committee forwards a copy of the complaint and the Complaint committee's recommendation to the BOD along with the Committee's rationale and results of their investigation.	w/in 60 days of receiving the complaint		
6. Board of Directors decides on a course of action. If the complaint is considered valid, the BOD may require remedial action. If remedial action is imposed, a certified letter will be sent to the property owner who is the subject of the complaint, requesting a written response within 30 days.		Next BOD meeting	1. Letter of action sent to member(s) filing the complaint and offending member. 2. Resolution noted in the BOD meeting minutes.
7. Based on the offending member's response, the BOD review and nature of the controversy, fines may be imposed. One-time fines up to $500 or perpetual fines up to $100/month may be imposed.		As needed	
8. If the imposed remedial action is not completed and the BOD takes legal action, all court costs can be assigned to the offending member.		As needed	

Conflict of Interest Policy

Each Aspen Rose Ranch (ARR) director is expected to recognize and acknowledge a situation when a personal or business relationship creates a Conflict of Interest affecting the Property Owner's Association. A verbal disclosure is to be made by the director describing the nature of the conflict as soon as the conflict is known. The meeting minutes will reflect the nature of the conflict. The director may still participate in the discussion of the topic and vote on the motions related to the conflict.

Arbitration or Mediation of Dispute between Owner and Board

This is an alternative method of resolving disputes between an owner and the Board beyond the methods identified in the Covenants, Bylaws and in these ARR Policy and Procedure manual.

An arbitrator or mediator may be utilized to facilitate negotiations between an owner and the ARR POA Board related to a dispute. The cost of an arbitrator or mediator can be mitigated by using a free arbitrator's services or splitting the costs between the disputing parties of a mediator. This avenue of negotiation will require agreement of both the owner and the Board to attend such a session on the scheduled date and time in addition to agreeing to abide by the recommendation(s) or findings.

Annual Assessment Due Date & Administrative Fee

The invoice for the Annual Assessment will be mailed to each parcel owner during the month of November for the next fiscal year. The invoice will state the "Due Date is January 31, (applicable year)". The due date provides the owner with thirty-one days to make the payment on time as noted by the Covenant XVIII below.

Any delinquent payment will be assessed an administrative fee of $50.00 on March 1. The administrative fee is to cover the additional costs of printing, mailing certified letters/notices, placing a lien when necessary, and pursuing legal assistance.

Note: The following two Covenants are provided for the reader to see the full scope of Annual Assessments.

The Covenant XVIII. Annual Assessments states;

> Annual Assessments shall be payable in advance in January of each year. Each property owner shall be responsible for payment of all assessments and any costs (including attorney fees) necessary to enforce any violation of these covenants affecting his or her parcel.

In addition, the ARR Covenant XX. Effect of Non-Payment of Assessments states;

> On March 1 of each year, all unpaid annual assessments shall accrue a penalty of 10%.

Glossary of Terms & Acronyms

1. **ARR – Aspen Rose Ranch**
2. **BOD – Board of Directors**
3. **CAB – Covenants and Bylaws**
4. **CCIOA – Colorado Common Interest Ownership Act**
5. **MMP - Member mailing preference (email or first class)**
6. **P&P – Policies & Procedures**
7. **POA – Property Owner's Association**
8. **SB 05-100 – Senate Bill 05-100**
9. **SB 06-89 – Senate Bill 06-89**

Notes:

Examples of minor Amendment Changes: These changes may include, but are not limited to, spelling corrections, changes made to clarify a procedure, e.g. re-number/add a step, and assignment of responsibility for a task

Examples of major Amendment Changes: These changes may include, but are not limited to, addition/deletion of a Policy or Procedure and procedural change that would make the procedure more restrictive/burdensome to owners e.g. changing meeting from open to closed type, and requiring more work/effort by the owners.

Appendix A – Balance Sheet Example

Balance sheet is presented at each quarterly Board of Directors meeting. The minutes of the quarterly Board meeting distributed to the general membership include the Balance sheet.

8:48 AM
07/19/06
Accrual Basis

Aspen Rose Property Owners Association
Balance Sheet
As of July 19, 2006

	Jul 19, 06
ASSETS	
Current Assets	
Checking/Savings	
Checking	4,898.86
Total Checking/Savings	4,898.86
Total Current Assets	4,898.86
TOTAL ASSETS	4,898.86
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
Loan Payable	
ARR Legal Fund	9,000.00
Total Loan Payable	9,000.00
Total Long Term Liabilities	9,000.00
Total Liabilities	9,000.00
Equity	
Retained Earnings	-6,276.81
Net Income	2,175.67
Total Equity	-4,101.14
TOTAL LIABILITIES & EQUITY	4,898.86

Appendix B – Profit and Loss for current rolling year Example

Profit & Loss statement is presented at each quarterly Board of Directors meeting. The minutes of the quarterly Board meeting distributed to the general membership include the Profit & Loss statement.

8:27 AM
07/19/06
Accrual Basis

Aspen Rose Property Owners Association
Profit & Loss
July 1, 2005 through July 19, 2006

	Jul 1, '05 - Jul 19, 06
Ordinary Income/Expense	
Income	
Fee Income	
Grazing Lease	1,200.00
Total Fee Income	1,200.00
Property Owners Dues	9,138.50
Refunds	802.99
Reimbursement	9,410.00
Total Income	20,551.49
Expense	
Bank Service Charges	20.40
Contract Services	
Gate Repair	999.84
Gate Repair - Reimbursed	9,384.75
Grading	1,970.00
Road Maintenance	2,912.71
Contract Services - Other	0.00
Total Contract Services	15,267.30
Contributions	200.00
Filing Fees	11.00
Insurance	837.00
Membership Meeting	
Refreshments	308.65
Total Membership Meeting	308.65
Postage and Delivery	162.12
Printing and Reproduction	713.10
Professional Fees	
Deeds	294.94
Legal Fees - GVW	2,453.81
Total Professional Fees	2,748.75
Taxes	
Federal	330.00
Total Taxes	330.00
Uncategorized Expenses	20.00
Total Expense	20,618.32
Net Ordinary Income	-66.83
Net Income	-66.83

Appendix C – Proxy Example

If you are not planning to be present at the Aspen Rose Ranch POA annual general membership meeting and you want to assign your proxy to someone else, please return this proxy vote to:

Carolyn Reed
10938 W. 31st Avenue
Lakewood, CO 80215

(or email it to zepcommando@earthlink.net).

Carolyn must receive your proxy by midnight, Thursday, July 20.

PROXY

Aspen Rose Ranch Property Owners' Association

Annual Membership Meeting
July 22, 2006
Aspen Rose Ranch
Weston, CO 81091

This proxy is solicited on behalf of the Aspen Rose Ranch Board of Directors.

The undersigned hereby appoints _____
with full power of substitution and all the powers the undersigned would possess if personally present, to vote and act upon any business as may properly come before the meeting.

Note: No specific measures are currently planned to come before the membership at this meeting.

Signature: _____

Date: _____ Parcel: _____

Appendix D – Request for Document Copies Form

Request for Document Copies

The following disclosures are available for printing from the Aspen Rose Ranch website (insert link). If you require copies be made by the Aspen Rose Secretary, please indicate which disclosures you want, complete the following form and submit this form to the ARR Secretary.

You will be charged our costs for printing and mailing.

_____Aspen Rose Ranch Covenants and Bylaws.
_____Aspen Rose Ranch Policies and Procedures.
_____Minutes of the most recent Annual General Membership meeting.
_____Minutes of any Board of Directors meetings held within the last six months.
_____Recent minutes of other committees meetings, such as Covenants and Bylaws Committee.
_____Aspen Rose Ranch's operating budget.
_____Aspen Rose Ranch's annual income and expenditures statement.
_____Aspen Rose Ranch's annual balance sheet.

Name:_____Parcel #____

Mailing address:_____

_____

Current year only?____ Three years previous?_____ (Please check one.)

Please have these documents supplied to me by _____ (date)

Note: Allow approximately two weeks time depending on the quantity of documents requested, and return mailing time.

Appendix E – Disclosure of Buyer's Responsibilities to Aspen Rose POA Form

Disclosure of Buyer's Responsibilities to Aspen Rose Ranch POA

The buyer hereby acknowledges that the buyer has received copies of the Covenants, Bylaws, and rules and regulations of the property owner's association of Aspen Rose Ranch, in which the property is located. The buyer understands that these documents constitute an agreement between the association and the buyer. By signing this statement, the buyer acknowledges that the buyer has read and understands the association's Covenants, Bylaws, and policies and procedures. The buyer also understands that by completing this purchase, the buyer is responsible for paying assessments to the association. If the buyer does not pay these assessments, the association could place a lien on the property and possibly sell it to collect the debt.

Signed_____Seller Date_____

Signed_____Buyer Date_____

Appendix F – Seller's Acknowledgement of Disclosure to Buyer Form

Seller's Acknowledgement of Disclosures to Buyer

The buyer acknowledges receipt of these Aspen Rose Ranch information and disclosure statements:

- Aspen Rose Ranch Covenants
- Aspen Rose Ranch Bylaws.
- Aspen Rose Ranch Policies and Procedures.
- Minutes of the most recent annual unit owners' meeting and of any board meetings held within the six months preceding the title deadline.
- Aspen Rose Ranch's operating budget.
- Aspen Rose Ranch's annual income and expenditures statement.
- Aspen Rose Ranch's annual balance sheet.
- Disclosure of Buyer's responsibilities to Aspen Rose Ranch
- Any unpaid assessments and penalties currently levied against the seller's property.

Signed_____Seller Date_____

Signed_____Buyer Date_____

(This document is provided to the seller by ARR POA as a courtesy. Most Real Estate agents provide this document to sellers.)

Appendix G – Aspen Rose Ranch Owners – sign in sheet

Aspen Rose Ranch Owners - Please Sign In

(meeting date) _____

All Aspen Rose Ranch owners, please sign in. This will assure you will be able to speak on any topic but will not require you to speak.

Name	**(Preferred method of receiving ARR information, email or 1st class mail)**

Appendix H – Complaint Form

Complaint Form
Submitted to Complaint Committee

Name: _____ Parcel Number:_____

Best way to contact you: _____

Complaint deals with (choose all applicable and include name/number if possible):

Enter X	Document Name	Article (if applicable)	Section #	Description
	Covenants			
	Bylaws			
	ARR Policies & Procedures			

Date the controversy began, if possible _____

Describe the controversy:

Describe an acceptable resolution to this controversy: (if possible)

By signing this complaint, you agree to be available for a court appearance, if required.

Signature _____ Date _____

Appendix I – Resources

Links to related sites utilized by CAB Committee for legal direction and access to CCIOA and Senate Bill language:

1. **Hindman & Sanchez Law Firm, leaders in Common Interest Community law =** http://www.hindmansanchez.com/

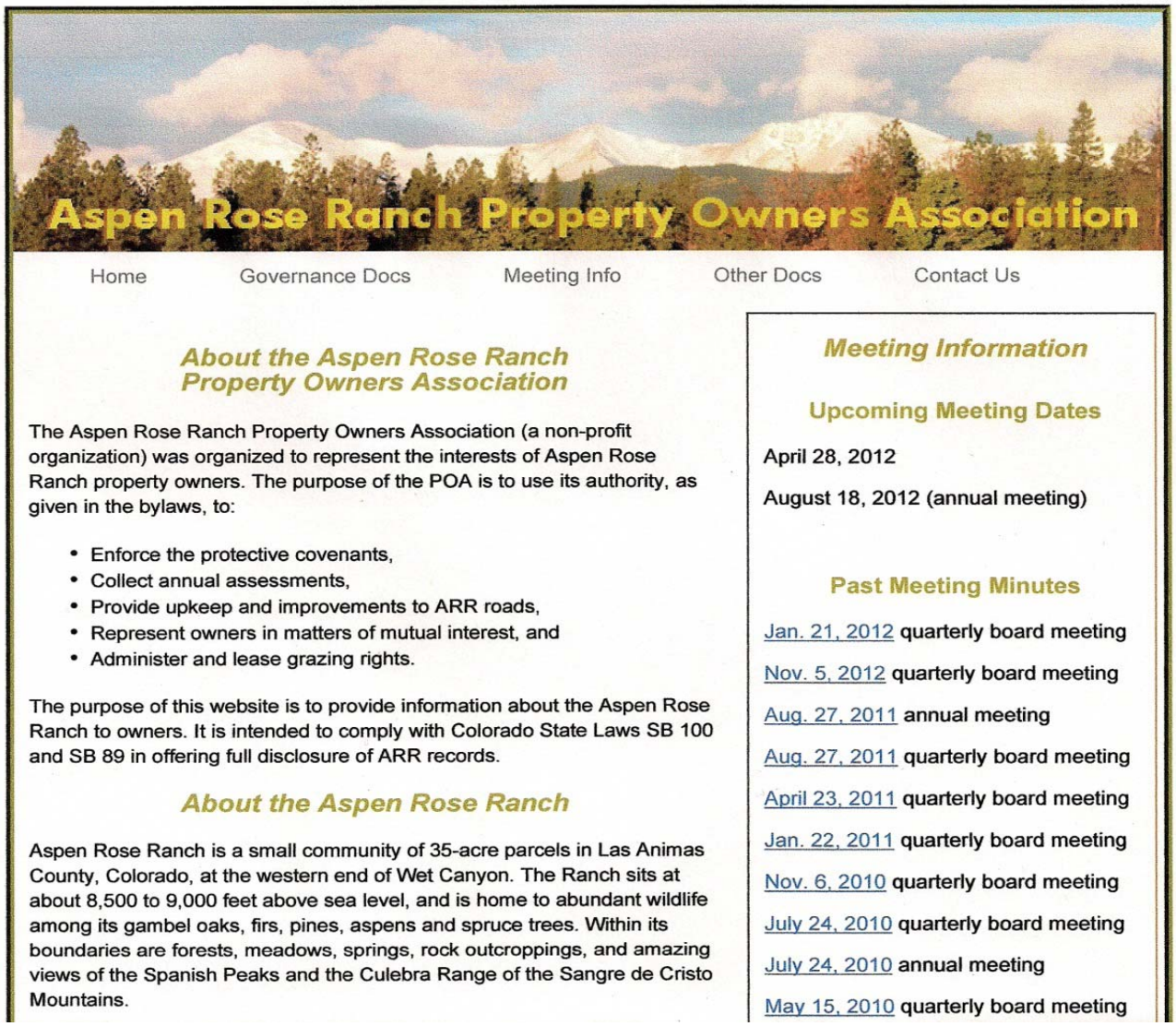
2. **Pre-Paid Legal, Riggs, Abney, Lewis & Turpen Law Firm, leaders in affordable legal service =** http://www.prepaidlegal.com/

Appendix J – Accessing Information on the ARR Web Site

The ARR Web site will be accessed from the following link:

http://www.aspenroseranch.com

1. This is the Aspen Rose Ranch Property Owners Association - Home Page.
2. Click on any of the **white or blue** links to navigate around the ARR POA web site.
3. The site houses all Board and committee meeting notices, meeting minutes, and governance documents.
4. Contact information for all the elected Officers of the Board of Directors is available to the general membership on this site.



Appendix K – Example of Annual Assessment with Delinquent Charges

This example is based on an Annual Assessment amount of $390.00:

Statement

Aspen Rose Property Owners Association
c/o Marty Gisclon
19558 Aspen Rose Dr
Weston, CO 81091

Date
3/4/2012

To:
Dick and Jane Sample

Amount Due	Amount Enc.
$479.00	

Date	Transaction	Amount	Balance
11/01/2011	INV #1541. Orig. Amount $390.00.	390.00	390.00
03/03/2012	INV #1542. Orig. Amount $39.00.	39.00	429.00
03/03/2012	INV #1543. Orig. Amount $50.00.	50.00	479.00

Annual assessments were due on January 31, 2012. A late fee of 10% and an administrative fee of $50/parcel has been assessed.

Unpaid assessments will be turned over to an attorney.

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
429.00	50.00	0.00	0.00	0.00	$479.00