



82 East Coach Drive, Antonito, Colorado, 81120

POLICY AND PROCEDURE FOR ADOPTING AND AMENDING  
POLICIES, RULES, REGULATIONS AND FINES

BCLOA Policy Resolution 2017-1

**WHEREAS**, Section 38.33.3-302(a) of the Colorado Common Interest Ownership Act states that subject to the provisions of the Declaration [to the contrary], the association, without specific authorization in the Declaration may: (a) adopt and amend Bylaws and Regulations;

**WHEREAS**, Article IV, of the Association's Articles of Incorporation state that the specific purposes for which [the Association] is formed are "... to provide for the maintenance, preservation and control of Parcels and common areas within the Real Property and ... to promote the health, safety and welfare of the residents within the property."

**WHEREAS**, Article V of the Articles of Incorporation provide that the Association shall have the power to: "... (g) engage in activities which will actively foster, promote, and advance the common ownership interests of the owners."

**WHEREAS**, Article II, in the Declaration of Covenants states that the real property is subject to the conditions in the Covenants "... to ensure the best use and most appropriate development; to protect the Owners of said building sites against improper use of surrounding sites as well as the value of their property, to preserve as far as practical the natural beauty of such Property ...," and, generally, to provide for a high quality development; and Article IV Section 5(A) of the Declaration makes specific reference to the Association's right to "suspend the enjoyment of rights of any Owner for nonpayment of any amount due the Association or for any infraction of its published rules and regulations."

**WHEREAS**, the Board of Directors ("the Board") of Bear Creek Land Owners Association ("the Association") is empowered to adopt and publish rules governing the use of the common areas and facilities and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof pursuant to the Bylaws, Article VII, Section 1(a), and the Articles of Incorporation, Article V(f);

**WHEREAS**, Article VII, Section 1(C) reserves to the Board the power to exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of the Bylaws, the Articles of Incorporation, or the Declaration;

**WHEREAS**, the Board may also adopt policies and procedures relating to the conduct of the business of the Association;

**WHEREAS**, the Colorado Common Interest Ownership Act requires the adoption of Responsible Governance Policies, specifically including procedures for the adoption and amendment of policies, procedures, and rules;

**WHEREAS**, it is the intent that this policy resolution shall be applicable to all persons who seek to create or revise policies, procedures, or rules for the Association until this resolution is rescinded, modified, or amended by a majority of the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures are adopted and established regarding the adoption and amendment of policies, procedures, and rules:

1. Adoption or amendment of any policy, procedure, rule, or fine shall occur at a duly noticed meeting of the Board, which is open to all Lot Owners or their representatives.
2. The Board shall consider the following when adopting or amending a policy, procedure, or rule:
  - a. The scope and importance of the issue.
  - b. Reasonableness, necessity, and fairness.
  - c. The immediate impact and long-term implications of adopting the policy, procedure, or rule.
  - d. Verifying that the proposed policy, procedure, or rule is valid and enforceable in accordance with the Association's governing documents and Colorado statute.
3. Prior to adopting final rules, the Board will send notice of a proposed rule to all Owners. Owners will have 10 days to comment on such proposed rule. Rules and regulations will be adopted at an open Board meeting and documented in the minutes or in a formal resolution.
4. Adoption or amendment of any policy, procedure, rule, or fine requires an affirmative vote of a majority of members of the Board who are in attendance at a meeting where a quorum is present.
5. The enforcement of any Covenant, Rule, or Fine shall comply with and be subject to the Association's *Policy & Procedure For Enforcement of Covenants, Rules, and Fines* and the Association's *Policy & Procedure on the Collection of Assessments and Fines*.
6. Every rule, regulation, fine, or penalty shall become effective 10 days after notice of the proposed rule, regulation, fine, or penalty has been posted on the Association's website and notice has been sent to the members by regular first class mail or email, if the Owner has provided an email address.

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SECRETARY'S CERTIFICATION: The undersigned, Secretary of Bear Creek Land Owners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Policy Resolution was adopted by the Board of Directors of the Association at a duly called and held meeting of the board on October 11<sup>th</sup>, 2019. In witness thereof, the undersigned has subscribed his/her name.

Bear Creek Land Owners Association, Inc.

A handwritten signature in blue ink, appearing to read "Gary Burke", is written over a solid black horizontal line.

Gary Burke, Secretary