



## ***RETREAT LANDOWNERS ASSOCIATION, INC.***

Post Office Box 160  
Glen Haven, Colorado 80532

### **RLA Policies**

18 May 2013

RLA policies are reviewed periodically by the Board of Directors to ensure they are current and applicable to the membership, and that they are in compliance with changes in the laws governing Home Owners Associations such as Colorado Senate Bills 89 (2006) and 100 (2005) and CRS 38-33.3, the Colorado Common Interest Ownership Act (CCIOA).

Landowners may access all current policies from the website at <http://www.retreat-glenhaven.org>. Notification will be placed in the newsletter each time a policy is changed. Printed copies will be mailed upon request. The date a policy was adopted is noted under the policy title.

The Board Secretary is responsible for keeping the documents current and distributing them. The Webmaster is responsible for maintaining the online documents.

The provisions of these policies shall be independent and severable. The invalidity of any one policy in no way affects the validity of the others. Additionally, failure to enforce any provision in these policies shall not be deemed a waiver of the Association's right to do so at a later date.

The policies contained in this book were voted on and adopted by the RLA Board of Directors at the Board Meeting on 16 Jun 2012.

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## RETREAT LANDOWNERS ASSOCIATION, INC.

Post Office Box 160  
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### ACC Policy Statement

11 Jun 2011

#### I. DRIVEWAYS

If you wish to build a driveway from a Retreat road onto your land, there could be few problems. First, look at the Driveway Application form available from the ACC chairperson or the website. This must be approved in writing by the ACC prior to construction. Use it in talking with your potential contractors, or for your own planning. Here are a few suggested steps that you might consider before starting your driveway construction:

##### Understand the Covenants:

If the covenants are not clear to you or you feel you might have a potential conflict, ask the Architectural Control Committee and/or your Board of Directors for clarification before you start doing anything beyond very preliminary planning of your driveway.

#10 "Approval shall be obtained from the architectural control committee to cut down, clear, or kill any trees on any tract except those trees which are located on that portion of a parcel of land which will be occupied by a dwelling or driveway which is approved by the architectural control committee." You may be asked to replace cut trees.

#16 "No driveway or access road shall be constructed or used unless an approved culvert of a minimum size of twelve (12) inches shall be first installed by the owners of the lot, at their expense, unless said driveway or access road is below the level of the public road surface." Waivers to covenant #16 will be considered by the ACC at the time of submitted application and in conjunction with the Road Committee.

Culverts must be installed at the time of driveway construction. Make sure culverts are long enough to prevent vehicles from crushing the ends making them useless. You are always responsible for the condition of your culvert (i.e., must be kept clear and usable). Culverts may be used for stream crossings (environmentally prepared plans are available upon request from the ACC). If your driveway leads uphill, make certain the drainage or runoff is to the sides and not onto the Retreat roads. In order to keep runoff off the roads, you may need to put a 6-8" drop between your driveway end and the edge of the road. You may be asked to place small reflectors at the culvert ends to aid the road grader. The road committee chair must inspect the driveway before it will be accepted.

#### II. GENERAL APPROVAL PROCESS FOR STRUCTURES:

- 1) Be SURE to consult the covenants before making detailed plans. Covenants 1, 2, 3, 4, 5, 6, 9, 10, 12, 16, and 17 directly concern the responsibilities of the ACC and should be scrutinized carefully to see how they apply to the project you are considering.

- 2) Prime consideration for approval of a building project will be its location on the lot and its size, as well as its impact on the sightlines in the Retreat.
- 3) Any building or other structure (see Covenant #2) must have written ACC approval BEFORE construction can begin. Application forms may be obtained from the ACC (see Appendix). ACC approval must be given within 30 days, however, the thirty day review period starts when all necessary questions are answered and the application is otherwise complete. Frequently, incomplete plans do not (for instance) show setbacks, elevation drawings, or dimensions, or do not answer all questions about exterior or roof materials or their colors. This can delay the approval of an application. Prospective builders should contact the ACC before submission of an application to fully understand the requirements. A rushed application will usually cause problems later on that could have been mitigated by a more deliberate approach. If you have found it necessary to file for a variance from county requirements from Larimer County, please send a copy of your variance request to the ACC when you file your ACC application. Larimer County cannot grant a variance from the covenants of the Retreat. If your county-approved variance conflicts with the Retreat covenants, a separate request for a variance must be submitted to the RLA Board for approval, which variance approval must be obtained prior to any construction.
- 4) The ACC MAY approve a storage shed to be constructed on a lot before any other structure is built. The exterior of these sheds is of great concern, and only materials, location and colors that give maximum concealment will be permitted. The recommended size for a storage shed is 32 square feet, or less. UNDER NO CIRCUMSTANCES shall a storage shed be used for overnight accommodation. Any abuse of the overnight accommodation rule will result in withdrawal of ACC approval of the shed and action to remove the shed.
- 5) Propane tanks must be buried or concealed by fences so that they are not seen from adjacent lots or the roadways. The local fire department recommends only 3 sides be fenced and that no roof be built. We recommend that you contact the ACC for additional guidelines about these enclosures.

### **III. RESIDENTIAL CONSTRUCTION AND RE-HABILITATION POLICY**

Any work to be done shall only be done in conformance with written ACC approval of plans.

The ACC strictly adheres to the covenant requirements (and the nearly identical Larimer County requirements) for a 30 foot setback from the lot boundary at the edge of the road easement, and a 25 foot setback from adjacent property lines. This includes all parts of a structure such as porches, overhangs, and steps. You are reminded that the single-family zoning in the Retreat excludes "mother-in-law apartments" and second houses on a single lot.

Any re-modeling must include removal of existing outhouses and include construction of inside plumbing. No new construction of outhouses is allowed.

**Exterior Color (including roofs):** The ACC will consider exterior finish, color, and setting of a structure in the approval process. The structure should blend into the surroundings as much as possible, a lighter color for open lands, and a darker color for wooded areas. All natural wood shades and earth tones are recommended, while brown, green, and gray shades may be permitted

on a case-by-case basis. Bright or fluorescent colors such as pink, bright yellow, orange, red, blue, white and silver will not be approved.

**Type of Siding:** Wood, stone, and glass is acceptable. Any metal or concrete surfaces must be finished to blend in with the cabin and the surroundings.

**Repainting or Refinishing:** The above criteria shall also apply when repainting an existing structure or otherwise doing work which may change an existing structure's appearance. Any changes in exterior colors must be submitted in writing to the ACC and be approved by the ACC before painting commences.

#### **IV. USE OF TRAILERS ON RLA LOTS, AND USE DURING CONSTRUCTION OF CABINS**

Note: A trailer includes RV, motor home, or other temporary living quarters

- 1) Use of trailers on lots is limited to a total 60 day period during each calendar year. This usage has been interpreted to mean that a trailer cannot sit on a lot more than 60 days, whether occupied continually or not.
  - a) Only one trailer may be placed on a lot. Approval of the RLA board must be obtained for a guest's trailer.
  - b) Accessory structures such as dining tents, canopies, picnic tables. etc. are generally acceptable during the 60 day period, subject to reasonable limitations determined by the Board of Directors.
  - c) All trailers must observe setback regulations and should not be placed on the road right-of-way at any time.
  - d) Rubbish, garbage, or other waste shall be kept and disposed of in a sanitary manner. No trash should be visible from adjacent lots or from the roads.
- 2) Use of trailers as temporary dwellings during construction is allowed for periods up to one year, provided substantial progress is being made toward the completion of the exterior of the dwelling as provided in the RLA covenants. A trailer may remain on the lot for the one year period only if it is used as the principal residence during that time, otherwise the 60-day rule applies.
  - a) Larimer County permits for use of a trailer as a temporary dwelling during construction must be obtained and copies submitted to the ACC within 2 weeks of placement on the lot.
  - b) Any request for an extension of the one year permit period must be submitted to the ACC for approval, including the justification for the longer period requested. The usual procedure for an extension will require submission to the RLA Board for a variance, since the covenants limit construction to a one year period.
  - c) All county health requirements must be followed for disposal of wastes.

## **V. TV SATELLITE DISHES**

Television satellite dishes may be required for TV reception in most places in the Retreat. These structures require ACC approval for their positioning and must meet the setback requirements. Their placement is required to be as concealed from view as possible. Dishes that are not providing reception shall be removed.

## **VI. DRILLING OF WELLS**

Drilling of wells shall comply with the State of Colorado Water Division requirements. Once the well is drilled and the casing installed, the tailings shall be cleaned up. The tailings flow into Retreat ditches, filling them up. If this does occur, the Retreat requires the landowner to remove these cuttings and put the ditch back into a condition that meets the approval of the road committee. Cleanup shall be completed within 10 days from the time the drilling rig leaves the property. Any damage resulting from the drilling will be the Owner's responsibility.



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## **Policy on Bulwark Ridge Architectural Control**

11 Jun 2011

The RLA Board by virtue of the merger agreement of August 1, 2002 is assigned management authority for enforcement of BROA covenants including approval of construction and any other related duties. The Board delegates to the RLA ACC the authority to review the construction application and perform other functions in an advisory capacity to the RLA Board for its approval.

### **Background:**

The BROA/RLA Agreement of 10/27/78 Supplement states; “Nothing herein nor in the Agreement dated 1 August 1978, shall be construed to give the Architectural Control Committee of the RLA any jurisdiction outside the Retreat, Filings 1-5.”

The merger agreement of August 1, 2002 gives the RLA board authority to manage BROA business.



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### **Policy on Committee Membership**

11 Jun 2011

The RLA Bylaws, Article X states the following:

*The Association shall appoint a Nominating Committee as provided in these Bylaws. In addition, the Board of Directors may appoint other committees as it deems appropriate in carrying out its purpose.*

#### **Board and Chairperson Responsibilities**

The Board may establish committees as it deems appropriate. Unless the Board retains this authority, the chairperson shall appoint, add, or replace a member if a vacancy occurs, call for meetings, periodically report to the Board, and submit its formal report along with recommendations if appropriate. The Board may at any time disband any one or more committees.

#### **Committee Responsibilities and Authority**

The Board shall determine and specify the scope and duration of the committee's responsibility and authority.

#### **ACC**

An exception to the above applies to the Architectural Control Committee. Its function, membership, authority, and responsibilities are contained in the RLA Bylaws and Covenants.





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## **Policy on Dispute Resolution**

11 Jun 2011

In the event of any dispute involving the RLA and a member, the member is invited and encouraged to meet with the Board of Directors to resolve the dispute informally and without the need for litigation.

If the member requests to meet with the Board, the Board shall make a reasonable effort to comply with the member's request.

Nothing in this policy shall be construed to require any specific form of alternative dispute resolution, such as mediation or arbitration, or require the parties to meet. Neither the Association nor the member waives any right to pursue whatever legal or other remedial actions that are available to either party.

Note: This process is for when the landowner has a dispute with the Board. The enforcement procedure contained in Notice & Hearing of Enforcement Policy & Procedures is used for covenant, bylaws, or policy violations.



## **RETREAT LANDOWNERS ASSOCIATION, INC.**

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# **Policy on Fire Mitigation**

11 Jun 2011

### **Fire mitigation**

A member may remove trees, shrubs, bushes, brush, or other vegetation to create a defensible space around a dwelling or for reducing the threat on their land without approval of the ACC or RLA as long as it is done for the purpose of fire fuel mitigation and pursuant to a plan approved by the local fire protection authority.

### **Tree cutting and removal**

Covenant #10 states the following:

*Approval shall be obtained from the Architectural Control Committee to cut down, clear or kill any trees on any tract except those trees which are located on that portion of a parcel of land which will be occupied by a dwelling which is approved by the Architectural Control Committee.*

This covenant is interpreted to refer to living trees only. Dead and dying trees can be cut down and removed without ACC approval at the owner's discretion. Trees within the road right-of-way can be cut down, trimmed, and removed by road crew members and volunteers working under the direction of the road committee with notification to the affected landowners.

Dead trees which threaten safety or road access shall be cut down. The landowner shall notify Estes Park Power to remove trees and branches that threaten power lines. The RLA may take action to remove threatening trees at the landowner's expense after notifying the landowner. Contact the Estes Park Power if the trees or limbs are touching or are near power lines.

### **Slash removal**

Landowners should remove slash (dead wood that is on the ground). RLA organizes a local collection site for chipping in collaboration with the Larimer County Fire Fuels Mitigation office. The locations of this site and restrictions on its use are communicated in the RLA newsletter.

The slash collection site shall be used by landowners only. Contractors shall dispose of the slash collected during construction at their own expense.



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### **Policy on Gifts, Awards, and Memorials**

11 Jun 2011

Landowners (including board members) are encouraged to make recommendations to the Board to give gifts, awards, and memorials from the general fund on the behalf of the entire Retreat community. This builds the Retreat's sense of community and support for one another. Examples would be:

- Death
- Long-term volunteer resignation
- Exemplary volunteering, particularly when done unsolicited

These are usually awarded with a gift certificate and/or printed award. They shall be awarded within budget.

These gifts are treated differently than compensation and reimbursement for services such as:

- Operating RLA roads equipment (snowplow, grader, water truck, backhoe)
- Maintenance done on RLA equipment
- Mileage reimbursement for board members
- Reimbursement for expenses incurred for RLA-sponsored social activities such as potlucks.



## **Policy on Home Business/Occupation**

11 Jun 2011

RLA covenant #8 states the following:

*No . . . commercial business or trade shall be carried on upon any tract, except that home occupation of professional persons shall be permitted.*

Note: This policy detailing home occupations is excerpted from Larimer County Zoning Code 4.3.10.B.

The landowner shall complete the Home Occupation Registration Certificate. It must be approved by the RLA board prior to any business/occupation use on a Retreat property.

All home occupations shall meet the following standards and requirements:

- a) The area used for the home occupation inside the dwelling, the attached garage and the detached accessory building totaled together is no more than 800 square feet.
- b) Multiple home occupations are allowed on any lot provided that for all home occupations totaled together, the requirements for a single home occupation are not exceeded.
- c) The home occupation is conducted only by members of the family who reside on the premises.
- d) All parking required to accommodate the home occupation must be provided on the site of the home occupation and located outside of required building setbacks. There shall be no parking on roads.
- e) The home occupation must not change the residential character of the lot or the exterior appearance of the dwelling.
- f) The home occupation is limited to one identification sign which must be flush mounted on the building containing the home occupation. The maximum size for an identification sign for the home business is three square feet.
- g) On-site retail sales of products produced on the premises may occur only during retail sales events limited to a maximum of 30 days per year. Retail sales of products clearly incidental, secondary and ancillary to the home occupation may occur throughout the year.
- h) Any noise, dust, odors, vibration, or light generated as a result of the home occupation that constitutes a nuisance to neighboring properties shall not be allowed.
- i) All applicable land use, health, and building codes must be met.
- j) The home occupation is conducted in a dwelling and/or in a detached accessory building. The detached accessory building must have been legally constructed.

- k) There is no outside storage associated with the home occupation, except that no more than one vehicle used in the home occupation may be stored outside, and such vehicle must be registered as either a passenger vehicle or light duty truck.
- l) Vehicle trips associated with the home occupation, except for retail sales events, will not exceed 5 trips in any one day.

A business use conducted as an, incidental, to the resident's dwelling unit, attached garage or detached building, including office work, arts & crafts, trades, providing personal or professional services, and similar activities including retail sales of products produced on the premises and products clearly secondary to the home occupation. Uses specifically excluded from home occupations include vehicle repair or similar activities.

# RLA Home Occupation Registration Certificate

Date \_\_\_\_\_ Address \_\_\_\_\_ Lot \_\_\_\_\_ Filing \_\_\_\_\_

Property Owner Name \_\_\_\_\_

Property Owner Name \_\_\_\_\_

Detailed description of the home occupation:

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I, owner(s) of said property stated above, certify that:

- I have read and understand the standards and requirements for home occupations for the Retreat as set forth in the above policy
- I have contacted applicable agencies to assure that the home occupation will be in compliance with all applicable land use, health, building, and fire codes; and
- The home occupation to be located at this address will be operated in compliance with Land Use Code standards and requirements at all times

Property owner's signature(s):

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Certificate approved by \_\_\_\_\_



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**Policy on Meeting Minutes**

11 Jun 2011

The Recording Secretary shall be a paid position as established by the Board for each meeting.

Minutes shall be emailed to board members no later than one week after the board meeting. The Board will vote to amend and approve the minutes via email. After approval, they shall then be emailed to the Corresponding Secretary for inclusion in the next newsletter. The Corresponding Secretary shall also mail the minutes to people who have requested printed copies and the Webmaster shall post them on the website for download by members.

A voice recorder can be used by the recording secretary for personal use for later transcribing.

If the recording secretary cannot attend a meeting, he/she shall designate an alternate and provide the training.

The minutes shall clearly identify all motions made and record whether they were approved or rejected.

The minutes shall identify the action items that require a report for the next meeting.

The recording secretary shall use judgment on the amount of detail that is needed to capture the discussion. Bullet item summary format is preferred over a verbatim transcription.

Written landowner comments submitted at the beginning of the meeting shall be included as submitted. Copies of petitions shall be made available upon request to the Corresponding Secretary when the minutes are distributed. Verbal landowner and board member comments may be recorded in the minutes.

Minutes will include a report of all member queries received since the last meeting.



*RETREAT LANDOWNERS ASSOCIATION, INC.*

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## **Policy on Member Submission of Covenants and Bylaws Amendments**

14 June 2014

A proposal for a covenant or bylaw amendment may be submitted by any member to be voted on by the general membership at any regular or special meeting of the Association or by mail-in ballot. The application shall include a petition signed by at least 20 voting members in good standing of the Association.

The petition shall comply with the following requirements:

- The petition shall be submitted using the "RLA Petition Form" posted on the RLA website.
- Each form shall include the article and section number of the covenant/bylaw to be changed, the original wording of the covenant/bylaw, the proposed new wording of the covenant/bylaw, and the accompanying signatures.
- Each signature line shall include the member's printed name, filing and lot number, phone number, signature, and the date of signature.

The petition shall be delivered to the Board at least 2 weeks prior to the Notice of Meeting to allow for the membership to be given notice of the proposal.

If the petition requires both a covenant and a bylaw amendment to be effective, then the covenant amendment must be approved by the membership first before pursuing the associated bylaw amendment. This is because of the differing criteria for amending each document.



# RLA Petition Form

11 Jun 2011

Article and section number of the bylaw being changed:

Original wording of the bylaw:

Proposed new wording of the bylaw:

Signature lines:

1. \_\_\_\_\_  
Member's printed name      Filing & Lot No.      Phone No.

\_\_\_\_\_  
Member's signature      Date

2. \_\_\_\_\_  
Member's printed name      Filing & Lot No.      Phone No.

\_\_\_\_\_  
Member's signature      Date

3. \_\_\_\_\_  
Member's printed name      Filing & Lot No.      Phone No.

\_\_\_\_\_  
Member's signature      Date

4.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date
5.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date
6.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date
7.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date
8.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date
9.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date
10.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____		_____
	Member's signature		Date

11.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
12.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
13.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
14.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
15.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
16.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
17.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date
18.	_____	_____	_____
	Member's printed name	Filing & Lot No.	Phone No.
	_____	_____	_____
	Member's signature		Date

19. \_\_\_\_\_  
Member's printed name      Filing & Lot No.      Phone No.

\_\_\_\_\_  
Member's signature      Date

20. \_\_\_\_\_  
Member's printed name      Filing & Lot No.      Phone No.

\_\_\_\_\_  
Member's signature      Date

More signature lines may be added if desired.



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## **Policy on Proxy Submittals**

11 Jun 2011

Refer to Article III sections 4, 5, & 6 and Article V section 2 in the RLA bylaws.

### **Submissions:**

Proxy authorization submitted by mail to the RLA Corresponding Secretary, or designated person, must be postmarked no later than 5 days prior to the meeting or hand-delivered to the Corresponding Secretary prior to the meeting.

### **Distribution of excess proxies:**

The bylaws limit the number of proxies one member may hold to 5. In the event a designee receives more than 5, the RLA secretary will make a reasonable effort to contact the grantors asking if they wish to designate another member. If this effort does not succeed, those in excess of 5 will be given to the designee who shall distribute them to others present as the designee determines. Members will be reminded of this policy in the Notice of Meeting.

RLA members may assign as proxies anyone they see fit. Examples: renters, power of attorney, significant others, or relatives.



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## **Policy on Release of Liability**

11 Jun 2011

The Roads Chair or the Volunteer Coordinator shall collect a completed Release of Liability from each Releasor prior to any volunteer activity in the Retreat.

The white slash trailer must be used only on RLA roads. A written release of liability is impractical. Therefore, use of the trailer constitutes a release of the RLA from any liability for property damage or injury incurred in its use.

# RELEASE OF LIABILITY

In consideration of the undersigned, \_\_\_\_\_, ("Releasor") being permitted to participate in volunteer work which is to be held on \_\_\_\_\_, 20\_\_\_\_ ("Event") and being conducted by The Retreat Landowner Association ("RLA"), Releasor, for himself/herself, spouse, children, guests, legal representatives, heirs, successors, and assigns (collectively "Releasors"), hereby releases, waives, and discharges RLA, its directors, officers, members, insurers and any other parties who may otherwise have liability to the Releasors for injuries or damages sustained by the Releasors and caused by the Event (hereinafter the parties released shall be collectively referred to as the "Releasees"), from all liability to the Releasors, his/her spouse, legal representatives, heirs, successors, and assigns for any and all loss or damage, any claim or damages resulting from the Event, on account of injury to a Releasor or their property, even injury resulting in death of the Releasor while the Releasor is participating in the Event.

Releasor acknowledges that the Event may involve some dangerous activities and that participation in the Event may expose the Releasor to a substantial and serious risk of property damages, personal injury or death. Releasor acknowledges that his/her participation in the Event may involve such a hazard. Being fully aware that participation in the Event may expose the Releasor to risk of property damages and/or personal injury or death, Releasor hereby releases the Releasees from liability for any and all property damages, personal injuries or other claims arising from participation in the Event, including claims that are known and unknown, foreseen and unforeseen, future or contingent. Releasor shall not now or at any time in the future, directly or indirectly, commence or prosecute any action, suit or other proceeding against any or all of the Releasees arising out of or related to the actions, causes of action, claims and demands hereby waived, released or discharged by Releasor, personally and for the benefit of the Releasor. This provision shall be binding upon Releasor, his/her spouse, legal representatives, heirs, successors, and assigns.

Releasor hereby agrees to defend and indemnify Releasees and to hold the Releasees harmless from any liability, claims, demands, causes of action, loss or damage occasioned to the Releasees, or any of them, arising from the Releasor's participation in the Event or any breach by the Releasor of any obligation or covenant of Releasor hereunder.

\_\_\_\_\_  
Releasor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Releasor

\_\_\_\_\_  
Date

The Retreat Landowners Association

By : \_\_\_\_\_

Date \_\_\_\_\_



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**Policy on Response to Member Query**

11 Jun 2011

Any member may make inquiries of the Board. Acknowledgement of the request will be made within a reasonable time after receipt of the response along with an estimated date of completion. Anonymous or uncivil inquiries will not be considered.

**Written inquiries**

The RLA Board will use reasonable effort to make prompt replies to all written inquiries, from member(s). Consideration should be given to the depth of information requested and time required to obtain such information. Written inquiries may be sent to the appropriate board member or to:

Retreat Landowners Association Inc  
Post Office Box 160  
Glen Haven CO 80532

The Corresponding Secretary shall send a copy of the inquiry to the president, who may prepare a response or assign it to a more appropriate officer or committee for a response.

The president will report on any such inquiries at the next board meeting, which report will be recorded in the meeting minutes.

**Email inquiries**

Inquiries may also be made via email to the president or appropriate board member. These are treated the same as signed written inquiries except that responses shall be made via email unless otherwise determined by the Board.

**Phone inquiries**

Inquiries may be made by phone to any board member. Responses shall also be by phone unless the member requires a written response.





## RETREAT LANDOWNERS ASSOCIATION, INC.

Post Office Box 160  
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### Policy on Roads and Vehicles

June 18, 2018, July 18, 2018

#### Road access

Dunraven Glade Road is a public road maintained by Larimer County. Black Creek and segments of the lower part of Streamside are public roads maintained by the RLA. There is a short section of public road on Fisherman's Lane. The other roads within the Retreat are private roads with public access allowed and are maintained by the RLA. The road signs in the Retreat are intended to reduce traffic from non-members.

#### Inoperative vehicles

Covenant 14 applies here. It states the following: *No inoperative private automobiles, machines, or rubbish shall be placed and remain on any lot for more than thirty (30) days unless stored or parked in a car port.*

An unlicensed vehicle is considered to be an inoperative vehicle. "Stored in a car port" means it is in a carport or garage.

#### Parking

Guest's vehicles are the only ones that may be parked along the road right-of-way.

Vehicles may never restrict access by fire, snow removal, or road maintenance equipment by reducing the drivable width of the road to less than 10 feet, or by otherwise creating unsafe conditions on the roadway.

#### Emergency vehicles

The SB 100 amendment to CCIOA states the limitations that can be placed on emergency vehicles.

CRS 38-33.3-106.5 states the following:

*The parking of a motor vehicle by the occupant of a unit on a street, driveway, or guest parking area in the common interest community if the vehicle is required to be available at designated periods at such occupant's residence as a condition of the unit owner's employment and all of the following criteria are met:*

- (i) the vehicle has a gross vehicle weight rating of ten thousand pounds or less;*
- (ii) the occupant is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency fire fighting, law enforcement, ambulance, or emergency medical service as defined in section 29-11-101 (1.6), C.R.S.;*
- (iii) the vehicle bears an official emblem or other visible designation of the emergency service provider; and Page 5-senate bill 05-100*
- (iv) parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other unit owners or occupants to use streets, second-guest parking spaces, and driveways within the common interest community.*

## **Road Blockage**

### **Overview**

The Retreat is located in a rural area with limited access. Most homes in the Retreat are accessible from more than one direction, although many if not most homes have only one short practical access route. If a road is blocked, it can require up to an additional 10 minutes for emergency responders to reach a property via an alternate route. If the responders are not aware of the blockage from the start, additional time may be lost by driving to the location of the road blockage, then backtracking to take an alternate route to the location of the emergency.

The Retreat is somewhat isolated. Because the Retreat exists in such a heavily wooded area, immediate response to a fire emergency can make the difference between a small fire that is easily put out, and one that results in the complete loss of a home and ignition of surrounding trees and vegetation creating the potential for a devastating forest fire. In a wildfire situation, if one route is blocked by a landowner and the other route is blocked by wildfire, Retreat residents could be trapped and unable to evacuate the area. Medical facilities are located in Estes Park, requiring a fairly substantial drive for an ambulance to reach a home in the Retreat and to return to Estes Park Medical Center. Medical emergencies become more common as we age. Since many Retreat residents are older, the potential for these types of emergencies is elevated. In the case of a heart attack or stroke, an additional 10 minutes or more can mean the difference between life and death.

For these reasons, road blockages for any extended time create unsafe conditions, which can potentially result in devastating loss of homes and property, or worse, could result in significant medical risks or death of our residents. In addition, nearby landowners are significantly inconvenienced by extended blockages.

### **Rule**

Any landowner, contractor, private individual, company or corporation which intends to block any Retreat road for a period of time greater than 15 minutes in any 7 day period must request and gain permission from the Architectural Control Committee. Any such blockage may not proceed unless and until such permission is granted.

Each case will be judged on an individual basis, depending on the number of landowners affected, the additional distance required for potential alternate routes, the total time of blockage and the amount of time required to eliminate the blockage.

As a general rule, permission will not be granted for blockages that last more than 60 minutes in any 7 day period, or blockages that require more than 5 minutes to remove in the event of an emergency. In general, the landowner, contractor, private individual, company or corporation creating the blockage will be required to:

- temporarily remove the blockage for any landowner who indicates that an emergency exists.
- place signs at nearby intersections at least 10 days in advance describing the date, time and duration of the blockage. The locations of the signs will be determined by the ACC.

Only one blockage at a specific date and time shall be granted.

## **Roads in Bulwark Ridge**

The roads within Bulwark Ridge are private roads with no public access allowed. Maintenance of the Bulwark roads was not specified in the merger agreements. Since there is nothing that supersedes the 1978 agreement, the current status is that RLA will maintain and snowplow Miller Fork Road to the gate where there is a turn-around point. Snowplowing, maintenance, and improvements to the Bulwark Ridge roads shall be funded from the money transferred to the RLA from the merger in 2002. Improvements beyond that amount shall be paid for by the Bulwark owners.

## **Road preservation**

If a vehicle (Cat, bulldozer, etc) is to be driven on Retreat roads or private driveways, excluding Dunraven Glade Road, there must be a pre-work meeting with a Retreat Road Committee person to verify the existing road condition. A deposit check in the amount of \$1,000 or more, as determined by the Roads committee representative shall be supplied by the member or contractor prior to approval of the driveway or construction application by the ACC. The RLA treasurer will hold the check until work is completed and the machinery has left the Retreat and RLA post-access inspection has occurred. Any contractor repairs needed shall be completed within 15 days of exiting the Retreat. The RLA Road Chairperson will consult with core road crew members and give approval that the repair(s) meet RLA standards. If the repair(s) is not satisfactory, the Retreat road crew will do the repair work at a rate of \$100 per hour plus materials to be deducted from the \$1,000 deposit. If the cost of repairs exceeds the amount of deposit, the contractor and owner benefiting from the access jointly agree to pay the additional cost of repairs within 30 days.

## **Vehicle Use**

All vehicles must travel at or below the posted speed limits. All vehicles using the roads must be licensed. The RLA road equipment that is not used on publicly-maintained roads (grader, backhoe, water truck) are exempted. Colorado Parks and Wildlife (CPW) regulations pertaining to off-highway vehicles (OHV/ATV) on public roads, such as Dunraven Glade Road, will take priority over RLA policy. In accordance with Colorado state law and Colorado Parks and Wildlife rules and regulations, operation of OHV/ATV's will be allowed on private Retreat roads under the following conditions:

1. All traffic laws must be obeyed.
2. Operators must be 10 years or older (under direct supervision of a licensed driver) or by operators 16 years and older AND possess a current, valid driver's license
3. Operators (or adult supervisors) shall have motor vehicle liability insurance as required by law
4. OHV/ATVs shall not exceed the posted speed limit
5. Helmets are required for riders under 18 years of age (a bicycle helmet will NOT suffice)
6. Eye protection is required for every rider (prescription glasses, sunglasses, goggles, etc.)
7. Muffler, spark arrester, and lights at night are required
8. All OHV/ATVs shall be registered with the Colorado Division of Parks and Wildlife

For more information on spark arrester equipment requirements, please refer to:

<https://www.fs.fed.us/eng/pubs/html/03511307/03511307.htm>

For more information on respectful riding and decibel/muffler systems, please refer to:

[http://www.staythetrail.org/content.aspx?page\\_id=22&club\\_id=266593&module\\_id=228443](http://www.staythetrail.org/content.aspx?page_id=22&club_id=266593&module_id=228443)

\*Extra care should be taken when operating OHVs on public roads. Ride safely and be courteous when encountering vehicle traffic, bicyclists, hikers and other road users. Colorado law limits sound emissions of all new OHVs to 96 decibels. Riding on roads is a privilege; please respect our community by riding responsibly.



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### **Policy on Signs**

11 Jun 2011

#### **Real Estate signs**

Real Estate signs for each property shall be limited to one on the property. There shall be no permanent directional signs. Temporary directional signs may be used the day of an open house, then must be promptly removed. One property-for-sale sign is allowed at each of the two entrances from CR43.

#### **Political signs**

Lot owner or occupant displays of political election signs shall not commence earlier than 45 days before Election Day and must be removed no later than five days after the election. Lot owners or occupants may display a maximum of one sign per political office or ballot issue. A political election sign may be no larger than nine square feet.

#### **Contractor signs**

There shall be only one sign by the contractor on the property during the time of construction. It shall be removed within 30 days after exterior completion or 1 year of start of construction, whichever comes first. There is no limit on safety warnings onsite. Permits or other postings required by law, including OSHA regulations, are exempt from this restriction.

#### **Property address identification**

Each member shall identify their dwelling with their street address at their driveway unless such numbers posted on the dwelling are clearly seen from the road. Other identifying information such as owner or property names are allowed.

#### **Home business/occupation signs**

Refer to the policy on home business/occupation for the restrictions on signs for home occupations.

#### **Nuisance signs**

In keeping with the picturesque setting of the Retreat, any sign not covered by the above sections shall constitute a nuisance and is disallowed.



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**Policy on Use of Equipment**

11 Jun 2011

Landowners shall not operate RLA vehicles or use its tools for personal use. This includes board members.

The white trailer can be used for slash removal after notification of the Roads Chairperson or Slash Coordinator. It shall be returned to its parked location adjacent to the equipment barn after use.

The trailer is not licensed and shall be used only on Retreat roads. Refer to the Release of Liability policy, for it affects the rights of trailer users.

The Roads Chairperson designates the operators (paid and volunteer).

Hours vouchered as labor by paid operators shall be submitted to the Roads Chair, who will then approve it before payment is made to the operator.



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### **Policy on Variances**

11 Jun 2011

A variance request for relief from covenants or standards shall be submitted in writing to the RLA Board prior to proceeding with construction. Because such a request is not routine, the 30 day period defined in Covenant 2 may be extended as determined by the Board. If a variance is not granted and action taken in violation of the covenants, the Board may take such action as it deems necessary.

#### **Larimer County Variance Process**

If a variance from Larimer County requirements is necessary, a copy of the variance application must be provided to the RLA. Even though the county may grant a variance, if that variance is in violation of RLA Covenants, the county variance does not control. The RLA covenants can be stricter than a county ordinance or variance. Larimer County cannot grant a variance from the covenants of the Retreat. Because of this, it is recommended that the landowner receive RLA approval first.

#### **RLA Variance Process**

The following steps shall be followed for the landowner to be granted a variance (a permanent exception to the RLA covenants.) The landowner shall pay all legal and administrative expenses such as postage and mailing.

1. The landowners submits the request in writing to the RLA Board.
2. The RLA board president will make an initial determination and assign it to the appropriate committee. The following are strict guidelines that must be uniformly applied to all variance requests:
  - that obvious, exceptional, or unique conditions exist which are peculiar to the land or building involved which prohibit a reasonable use of the property, and these conditions are not applicable to other properties in the Retreat.
  - that strict application of the covenant would deprive the landowner of a reasonable use of the property.
  - that granting the requested variance would not result in a use that is incompatible with uses on adjacent property values.
  - that granting the requested variance would not result in a use that is incompatible with uses on adjacent properties.
3. The assigned committee will do a preliminary review. This review can be via postal mail, email or phone conference call. It may reject the request at this point without consulting adjacent owners or others.

4. If not already rejected, the assigned committee will furnish notice of the variance to the adjacent landowners. Said landowners may submit written comments. If any landowner protests the variance request, a hearing shall be scheduled to allow comments and questions. Said landowners shall be given notice of the hearing and shall be considered interested parties in such a hearing. Such hearing notice will be sent to the landowners with the cost of mailing paid by the requestor.
5. The committee will form its recommendation after considering the input from the landowners and consulting with the RLA attorney. The attorney will determine whether the waiver is to be transferable upon sale of the property.
6. The committee will bring its recommendation to the RLA Board for a vote. The Board's vote will be the final decision on the variance request and will provide written approval or denial in a timely manner with review by the attorney.
7. If a variance is granted, the landowner to whom the variance is granted will be advised that the Board waives any right of the Association to enforce the covenants with respect to the variance and should be advised that any other owner within the Retreat may object to the variance and take action to prohibit acting upon the variance granted.



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### **Policy on Website and Newsletter**

11 Jun 2011

The goal of the newsletter and the RLA website is to increase the Retreat's sense of community by sharing information that connects the landowners with each other and with the board members in an easy-to-access, consistent, and timely manner.

#### **Distribution and maintenance of legal documents and policies**

The website will make available for download all the legal documents (bylaws, covenants, SB100 documents) and policies. The master electronic copy of all policies will be maintained by the webmaster.

The newsletter will include an official notification in it whenever a new policy is created or an existing policy is updated.

#### **Newsletter publishing process**

The newsletter shall be published within 1 month after each board meeting and after the annual meeting. These are the steps used to assemble and distribute the newsletter

1. The editor accumulates articles of general interest throughout the previous months from what is available through public channels, interviews, newspapers, and announcements.
2. Board members, GHAVFD rep, and the chairs of each committee submit articles to the newsletter editor. These are typically identified during the board meeting.
3. Editor extracts excerpts from the committee reports to communicate their activities along with board motions (full minutes are available upon request)
4. Editor composes the first draft of the newsletter.
5. Editor sends first draft via email for review to board members, committee leads, and members who submitted articles. The purpose of this review is to ensure that the editor has accurately captured the information provided at the board meeting without censorship and to make sure it is up-to-date (there's a time lag from the board meeting until the newsletter is published). Each reviewer should at least review the area of the newsletter that has their committee's information, and can review as much beyond that as they have time for.
6. Reviewers provide feedback to editor by deadline, usually 3 days after the draft is sent. No reply from a reviewer by the deadline indicates that it's okay to publish.
7. Editor uses best judgment to incorporate reviewer's feedback.
8. The Board of Directors shall have final determination of newsletter content.



If an error is found after the newsletter is mailed, a correction will be published in the next newsletter and noted on website. If urgent, an email with the correction may be sent.

### **Articles submitted by landowners**

Articles of general interest (hiking, wildlife reports, recipes, photos, weather, community events, volunteerism, ecology, property maintenance, history, fire and beetle info) can be submitted for inclusion in the newsletter or Web site by any landowner.

### **Letters to the editor**

The newsletter is for items of information and general interest to all RLA members - rather than an opinion platform for political views. Letters to the editor may be published if they are informative in nature, not political. As far as formal guidelines for length, frequency from any one contributor, space availability, content, facts, and opposing sides of the issue, the editor will use discretion in publishing letters according to space availability without increasing the size of the newsletter. These will be clearly identified as personal letters not representing the views of the Board.

Guidelines for letters to the editor are: 1) letters must be signed legibly or sent via email; 2) personal attacks and criticism will not be considered; 3) complaints must be accompanied by constructive suggestions; 4) letter writers must be RLA members in good standing; 5) letters must be reasonably interesting to a majority of readers. Letters may be edited and will be subject to space; they will not take the place of news items. If there is not enough room for all letters received to be printed, letter writers' names and the subjects of their letters will be listed briefly.

Letters to the editor and praise, appreciation, etc. can also be sent directly to the board members and/or read aloud at a board meeting. (Board meetings are always open and have a time set aside for landowner input).

### **Newsletter sections**

The newsletter shall consist of two sections, official and unofficial. Official news may be meeting minutes, policy changes, or other RLA business as determined by the Board. Unofficial news may be member-submitted articles, letters to the editor, or other such material as may be of interest to the membership.

The annual meeting packet shall be mailed 30 days prior to the annual meeting. It contains proxy forms, the date and location, absentee ballots, mention of the Board of Directors openings and short biographical sketches from the candidates, and a letter from the Board President.

### **Services**

A section for services/want ads will be provided in both the newsletter and Web site at no cost to landowners. The cost of the newsletter or Web site should not be increased in order to include services. The newsletter may not have enough room for these with every edition.

### **Newsletter distribution and cost**

A newsletter will be sent via U.S. postal mail, one to each landowner, unless they specifically state that they would prefer it sent via email. When sent via email it will be in Adobe Reader format to ensure it is delivered with the page layout and fonts intact.

Additional copies of the newsletter are made available to landowners upon request at a cost of \$1.00. Committees within the Board are exempt from the charge. Subscriptions to the newsletter are made available to non-members for \$5 a year. Past newsletters are included in the newcomers packet as long as they are available.

### **Privacy and use policy**

The integrity, security, and confidentiality of the email distribution list will be maintained by following these policies.

The distribution list will reside with the Webmaster only. It will not be given to anyone else. Backup will be the responsibility of the Webmaster.

Emails will not be sent to the entire distribution list via a single send, either by a to: or cc: This ensures that each recipient's email address is not exposed to anyone other than the Webmaster.

The subject line for emails will clearly identify it as being sent from the Retreat. The default subject line will be "News from the Retreat".

In order to avoid violating individuals' privacy, personal information about RLA members will not be collected or published unless they themselves request it. This does not apply to information in the landowner directory or published in a general circulation newspaper, such as the Estes Park *Trail-Gazette*.

### **Website**

Website content about board activity will follow the same review process as for the newsletter. Content previously approved for the newsletter can be posted on the Website without additional review. As with the newsletter, articles of general interest will not require review by board members.

All RLA documents and board meeting notes shall download in Adobe Reader PDF format.

Board meeting dates and locations will be posted on the home page. Contact information will also be posted on the home page for board members and committee leads.

### **Webcam**

The live webcam is approved by the Board. It shall be placed in a location suitable for monitoring weather and wildlife.



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## **Policy on Fireworks**

11 Jun 2011

Members shall not use, cause to use, or allow the use of fireworks anywhere within the boundaries of the Retreat. Areas of the Retreat covered by this policy include all Retreat common areas, roads, and all property which is privately owned by members.

Fireworks included in this ban are all devices, whether legal or illegal in the State of Colorado or Larimer County, that meet the following definition: any article, device or substance designed or intended for the primary purpose of producing a visual or audible effect by combustion, explosion, deflagration, or detonation.



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## **Policy on Management of Mail-in Ballots**

18 May 2013

**Use of:** Any action that may be taken at any annual, or special meeting of members may be taken without a meeting if the Association delivers a written ballot to every member entitled to vote on the matter. Action taken under this section has the same effect as action taken at a meeting of members.

**Initiation:** A mail-in ballot nomination may be initiated by any member in good standing, subject to approval by a majority of the Board of Directors.

**Distribution:** All members in good standing shall be sent, by first class mail, a ballot for voting. The ballot shall state each proposed action, provide an opportunity to vote for or against, and be accompanied by sufficient information to permit each person to reach an informed decision on the matter. Ballots shall also state the number of responses necessary to reach a quorum and the percentage of affirmative responses required for the measure to be approved.

**Receiving:** Return ballots will be sent to the Corresponding Secretary for collection and must be received before the deadline specified in the cover letter accompanying the ballot to be counted.

**Counting:** The Board shall appoint a panel of three members in good standing, one of which shall be a Board member and the other two non-Board members, to count the ballots. Approval by written ballot shall be valid only when the number of votes cast equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at such a meeting. All ballots will be retained for one year after the count.

**Notification:** Results will be posted in the next newsletter and on the Association website.



## *RETREAT LANDOWNERS ASSOCIATION, INC.*

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### **Notice & Hearing of Enforcement Policy & Procedures**

16 Jun 2012

**Complaint.** Any member of the RLA or the Board of Directors may file a complaint against any other member or board member for any violation of the Covenants, Bylaws, or Policies ("rules"). Such complaint shall be submitted in writing or email to the Board and shall state the specific rule that has been violated with as many specifics as possible: date, time, location, persons involved, pictures or other evidence, as available. Anonymous complaints will not be considered.

**Procedure.** The Board will examine the evidence and determine what enforcement actions are required, if any. In those instances when a complaint is levied against a board member, that board member will not participate in any findings regarding the complaint. The other board members will rule without him/her.

**Notice of Complaint and Right to Hearing.** Upon receipt of a complaint, the Board will notify the alleged violator ("Respondent") via first class mail of the following: (1) the details of the complaint (or a copy); (2) the action that will be taken next; (3) the Respondent's right to a hearing, either orally or in writing, before the Board; and (4) the date of said hearing if the date has already been set. The Respondent or the Complainant may bring whomever they wish to the hearing, however attendance by the general membership is not productive and therefore disallowed.

If the Respondent fails to appear at the hearing or respond in writing to the complaint, then a no-contest plea is assumed and the Board will take that into consideration when rendering its decision. It may waive the hearing in light of the no-contest plea.

**Decision and Enforcement.** Once a decision has been reached, the Board may not begin any enforcement proceedings without first sending notification via first class mail of the complaint resolution to the violator.

**Attorney's Fees, Fines, Sanctions.** The Association is entitled to seek reimbursement of attorney's fees and costs incurred in connection with any enforcement action, to include whatever legal action the Board may be forced to file. The Board may also assess fines and suspend member privileges, such as voting, for as long as the violation remains unaddressed.

**Fines.** The following fine schedule does not apply to failure to pay annual assessments as that is covered separately in Section 1 of Article XII of the Bylaws.

<i>Violation w/in 12-month period</i>	<i>Fine</i>
First violation	Warning
Second violation	\$25
Third violation	\$50
Fourth violation	\$100

A member, or guest for whom the member is responsible, who accumulates 4 or more violations within a 12-month period is deemed a habitual offender and shall be subject to a \$100 fine each month and suspension of member privileges until the violation is corrected. Further, in the event of a determination by the Board of willful and flagrant disregard for the rules, or based on the severity of the violation, the Board may impose such additional fines as deemed reasonable.

The recorded owner of the lot has the primary obligation to pay the fines imposed by their actions or those of their tenants, family members, or guests. Such fines shall be recorded as an assessment against the filing and treated accordingly.

**Violations that Constitute a Present Danger.** If the Board deems an ongoing violation constitutes an imminent threat to the health, safety, or welfare of the community, the Board may recoup whatever expenses incurred to resolve the threat immediately without resorting to the process outlined earlier.



## *RETREAT LANDOWNERS ASSOCIATION, INC.*

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### **Policy Regarding Inspection & Copying of Records**

11 Jun 2011

**Permanent Records.** The Association will keep the following as permanent records:

1. Articles of Incorporation, Covenants, Bylaws, and Policies
2. Minutes of all Board Meetings (except Executive Meetings)
3. Annual Reports
4. Resolutions adopted by the Board
5. Actions taken by the Board without a meeting
6. Actions taken by a committee
7. Actions taken as a result of a mail-in ballot
8. Waivers of notices of meetings
9. List of names & addresses of all lot owners indicating the number of votes each is entitled to
10. List of names & addresses of current Board members and officers

**Temporary Records.** The Association will keep the following records for 3 years:

1. Written communications to members such as the Newsletters and Annual Packages
2. Financial reviews

**Records Inspection.** Any member may inspect the Association's records by submitting a written Notice of Intent to Inspect to the Board at least 10 days prior to the planned inspection. The notice must describe with reasonable specificity which records are to be inspected and the purpose of the inspection.

In determining whether records may be inspected, the Board shall consider whether the request is made in good faith and for a proper purpose, and whether the requested records are relevant to the stated purpose.

**Location.** Records are located at Hobert Administrative Services, 1140-A Manford Ave, Estes Park, CO 80517. (970) 586-9519. They are open weekdays between 9am and 5pm.

The Board may have a representative present during the inspection at the Board's discretion. No records may be removed from Hobert's without written permission from the Board. Photocopies of requested records may be sent to the member in lieu of an inspection if that is acceptable to the member. The Association may charge a fee for copies of records not to exceed the actual cost per page, which may include any administrative costs associated with copying.

**Denial of Inspection.** Consistent with individual member's right to privacy, attorney-client confidentiality, and other considerations, the following records are not available for inspection without written consent from the Board:

1. Personnel records
2. Litigation files concerning imminent court proceedings
3. Privileged attorney-client communications
4. Investigative files concerning criminal misconduct
5. Any unwarranted invasion of personal privacy
6. Inter-office memos, drafts, working papers, or any material not finalized and formally approved by the Board

**Abuse of Rights.** The Association reserves the right to pursue any individual for damages or injunctive relief, including attorney's fees, for abuse of these rights, including the use of records for other than what is stated in the Notice of Intent to Inspect.





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**Director Conflict of Interest Policy**

11 Jun 2011

1. If any action taken by the Board would financially benefit any member of the Board or one of their family members, then, before taking such action, the interested Board member shall declare at an open meeting of the Board that a conflict of interest exists and shall describe in detail the particulars of the conflict of interest.
2. The interested Board member may submit a letter setting forth a detailed summary the conflict of interest, which shall then be read aloud by a disinterested Board member at an open meeting of the Board.
3. After the interested Board member makes such a declaration, the interested Board member may participate in a discussion of the matter, but is prohibited from voting on the issue. A majority of the disinterested Board members may in good faith approve the conflicting interest transaction should it still be in the best interests of the Association.
4. The interested Board member may be counted as present when determining whether a quorum of the Board exists.
5. Any action taken by the Board that is in violation of this policy is void and unenforceable.



## ***RETREAT LANDOWNERS ASSOCIATION, INC.***

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### **Policy Regarding Conduct of Meetings**

11 Jun 2011

**Member Meetings.** All Association meetings are open to every Member or Member's representative (designated in writing). Said Members or representatives shall be permitted to listen and then speak at the appropriate time during the proceedings.

**Member Participation at Member Meetings.** The Board may place reasonable time restrictions on those persons speaking during the meeting, but shall permit Members or their representatives to speak before the Board takes formal action on an item under discussion. The Board shall provide for a reasonable number of people to speak on each side of an issue.

Upon final resolution of any matter for which the Board received legal advice or that concerned litigation, the Board may elect to preserve the attorney-client privilege or to disclose such information at an open meeting.

**Board Meetings.** All regular and special meetings of the Board, or any committee meeting thereof, shall be open to attendance by all Members or their representatives (designated in writing). Members who are not members of the Board or committee may not participate in any deliberations unless expressly authorized by the meeting Chair.

**Executive Session.** The Board may hold an executive or closed-door session at which attendance is restricted to Board members or those specified by the Board. The matters which may be discussed at such a session are limited to:

1. Matters involving employment, promotion, discipline, or dismissal of an Association officer, agent, or employee.
2. Consultation with legal counsel concerning disputes that are the subject of pending court proceedings or other confidential attorney-client communications, to include discussion of such communications among Board members.
3. Investigative proceedings concerning possible or actual criminal misconduct.
4. Any matter the disclosure of which would constitute unwarranted invasion of individual privacy.
5. Matters subject to specific constitutional, statutory, or judicially imposed requirements protecting particular proceedings from public disclosure.

Prior to convening an executive session, the Chair shall announce the general matter of discussion as listed above. No regulations may be adopted during an executive session.

Agenda. Agenda for all meetings shall follow the order of business specified by the Bylaws, or if there is none, then as specified by the meeting Chair. All meetings shall include an Open Forum during which any Member or representative shall have the opportunity to speak. Any Member may submit an agenda item for discussion, at which time the Member may address the Board regarding the added item. Before a vote is taken on any resolution, Members or their representatives will be given the opportunity to comment.

Open Forum. The meeting Chair shall have the right to determine the duration of the Open Forum and may limit the amount of time any Member or representative may speak to allow for all Members to be heard. The current time limit stands at 3 minutes per person. Members will only be allowed to speak more than once during an Open Forum at the discretion of the meeting Chair. No Member will be allowed to speak a second time until all who wish to speak have done so at least once.

Recording of Meetings. Note-taking is permitted, but video or audio recording of any portion of the meeting by Members or their representatives is prohibited.

Member Conduct. No Member may speak until recognized by the meeting Chair. There shall be no interruption of a recognized speaker except by the Chair. Time limits for speakers shall be strictly observed. Personal attacks, whether physical or verbal, and offensive language shall not be tolerated. Comments are to be directed towards the Chair and not other individual participants, and are restricted to the agenda item being discussed. Behave courteously.

Curtailement of Member Conduct. Should the meeting Chair determine that any Member has exceeded the allowed time or has violated other provisions of this policy, the Chair shall instruct that Member to yield the floor. Said Member is obliged to comply.

If the Member refuses to comply with the Chair's instructions, the following procedure will be followed:

1. The Chair will issue an oral warning that if the Member continues to speak, disrupt the meeting, or otherwise violate the provisions of this policy, either the meeting will be adjourned or law enforcement/security will be called to remove the individual.
2. If the Member refuses to cease their behavior, the Chair will call a recess and speak directly to the Member, reiterating that the meeting will be adjourned or law enforcement/security will be called.
3. If the Member still refuses to cooperate, the Chair may choose to adjourn the meeting or call law enforcement/security.



*RETREAT LANDOWNERS ASSOCIATION, INC.*

Post Office Box 160  
Glen Haven, Colorado 80532

## **Policy Regarding the Adoption & Amendment of Policies**

11 Jun 2011

Authority. The authority to create, adopt, amend, enforce, and repeal policies lies with the Board of Directors. When the Board determines to change the Association policies, it shall do so at a Board meeting after giving prior notice to the membership of their intent to amend policies.

Notice. The Board shall publish policy changes by any reasonable means such as email, mail, newsletter, personal delivery or on the Association website. Full text of the changes will be published on the website; Members without internet access may request a copy be sent to them by mail. Association policies shall be available to the membership in accordance with the policy for inspection and copying.

Enforcement. Any Member's failure to receive the policy change shall not be a defense to any attempt by the Association to enforce the policies or to levy fines, expenses, or attorney's fees as a result of a policy violation.



## ***RETREAT LANDOWNERS ASSOCIATION, INC.***

Post Office Box 160  
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### **Reserve Fund Investment Policy**

11 Jun 2011

**Investment Objectives.** All funds collected by the Association will be invested with the primary consideration to their safety and the secondary consideration of liquidity.

**Safety.** To minimize risk, the Association is prohibited from investing in the following asset classes:

- Individual stocks or bonds
- Mutual funds of any kind
- Options on equity, debt or commodities
- Floating rate securities or certificates of deposit
- Investment in a single institution in excess of FDIC insurance limits

**Liquidity.** The Association's investment portfolio must remain liquid enough to meet all planned expenses for the fiscal year. To ensure funds are available when expected, reserve funds shall be invested in money market accounts and bank certificates of deposit only.

**Authorization.** Responsibility for conducting investment transactions resides with the Treasurer, who may engage the services of outside professionals as necessary, subject to approval from the Board. The President will be considered an authorized person to assist the Treasurer. No other officers are authorized to perform investment functions for the Association.

**Selection of Financial Institutions.** Banks and savings institutions shall be approved by written resolution of the Board. To be eligible, a bank must be domiciled in the USA, have physical facilities in Colorado, and be a member of the FDIC.

**Reporting.** The Treasurer will file an annual report with the Board listing the reserve fund accounts held by the Association, their current market valuation, plus a summary of investment earnings for the year.

Passed 3-11-16

**RESOLUTION  
OF  
THE RETREAT LANDOWNERS ASSOCIATION  
REGARDING POLICY AND PROCEDURES FOR  
COLLECTION OF UNPAID ASSESSMENTS**

**SUBJECT:** Adoption of a policy and procedure regarding the collection of unpaid assessments.

**PURPOSE:** To provide notice of the Association's adoption of a uniform and systematic procedure to collect assessments and other charges of the Association.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

**EFFECTIVE  
DATE:**

3-11-16

**RESOLUTION:** The Association hereby gives notice of its adoption of the following policies and procedures for the collection of assessments and other charges of the Association:

1. Due Dates. The annual assessment as determined by the Association and as allowed for in the Declaration shall be due and payable on the 1st day of the fiscal year. An annual assessment not paid in full to the Association within 60 days of the 1<sup>st</sup> day of the fiscal year, and any other assessment not paid in full within 10 days of the due date, as determined by the Board, shall be considered past due and delinquent. Assessments or other charges that are past due shall bear interest as provided below.

2. Receipt Date. The Association shall post payments on the day that the payment is received in the Association's office.

3. Interest on Delinquent Installments. The Association shall impose interest from the date due at the rate of 18% per annum on the amount owed for each Owner who fails to timely pay his/her annual assessment within 60 days of the due date, and any other assessment within 10 days of the due date.

4. Return Check Charges. In addition to any and all charges imposed under the Declaration, Articles of Incorporation and Bylaws, the Rules and Regulations of the Association or this Resolution, a return check fee, not to exceed \$20.00, shall be

assessed against an Owner in the event any check or other instrument attributable to or payable for the benefit of such Owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. This returned check charge shall be a "common expense" for each Owner who tenders payment by check or other instrument which is not honored by the bank upon which it is drawn. Such return check charge shall be due and payable immediately, upon demand. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the Owner(s) of the unit for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Declaration, Articles, Bylaws, Rules and Regulations or this Resolution after the date adopted as shown above. If two or more of an Owner's checks are returned unpaid by the bank within any fiscal year, the Association may require that all of the Owner's future payments, for a period of one (1) year, be made by certified check or money order. This return check charge shall be in addition to any interest incurred by an Owner. Any returned check shall cause an account to be past due if full payment of the annual assessment is not timely made within 60 days of the due date.

5. Service Fees. In the event the Association incurs any type of service fee, regardless of what it is called, for the handling and processing of delinquent accounts on a per account basis, such fees will be the responsibility of the Owner as such fee would not be incurred but for the delinquency of the Owner.

6. Payment Plan. Any Owner who becomes delinquent in payment of assessments may enter into a payment plan with the Association, which plan shall be for a minimum term of 6 months or such other term as may be approved by the Board of Directors. Such payment plan shall be offered to each owner prior to the Association referring any account to an attorney or collection agency for collection action. In the event the Owner defaults or otherwise does not comply with the terms and conditions of the payment plan, including the payment of ongoing assessments of the association, the Association may, without additional notice, refer the delinquent account to an attorney or collection agency for collection action or may take such other action as it deems appropriate in relation to the delinquency.

7. Attorney Fees on Delinquent Accounts. As an additional expense permitted under the Declaration and by Colorado law, the Association shall be entitled to recover its reasonable attorney fees and collection costs incurred in the collection of assessments or other charges due the Association from a delinquent Owner. The reasonable attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand.

8. Application of Payments. Once an account is referred to the Association's attorney, all sums collected on a delinquent account shall be remitted to the Association's attorney until the account is brought current. All payments received on account of any Owner or the Owner's property (hereinafter collectively "Owner"), shall be applied in the following manner: first to the payment of any and all legal fees and costs (including attorney fees), then to expenses of enforcement and collection, late charges, returned check charges, lien fees, and other costs owing or incurred with respect to such Owner pursuant to the Declaration, Articles, Bylaws, Rules and Regulations, or this Resolution, prior to application of the payment to any special or regular assessments due or to become due with respect to such Owner.

9. Collection Process.

(a) After any assessment becomes more than 30 days delinquent, the Managing Agent shall send a written notice ("First Notice") of non-payment, amount past due, notice that interest has accrued and request for immediate payment. The Association's notice, at a minimum shall including the following:

(i) The total amount due to the Association along with an accounting of how the total amount was determined.

(ii) Whether the Owner may enter into a payment plan and instructions for contacting the Association to arrange for and enter into a plan.

(iii) A name and contact information for an individual the owner may contact to request a copy of the Owner's ledger in order to verify the amount of the debt.

(iv) A statement indicating that action is required to cure the delinquency and that failure to do so within thirty days may result in the Owner's delinquency account being turned over to an attorney, a collection agency, the filing of a



lawsuit against the Owner, appointment of a receiver, the filing and foreclosure of a lien against the Owner's property, or other remedies available under Colorado Law including revoking the owners right to vote if permitted in the Bylaws or Declaration.

(b) After any assessment becomes more than 60 days delinquent, the Managing Agent shall send a second written notice ("Second Notice") of non-payment, amount past due, notice that interest has accrued, notice of intent to file a lien and request for immediate payment.

(c) After any assessment becomes more than 90 days delinquent, the Managing Agent shall turn the account over to the Association's attorney for collection. Upon receiving the delinquent account, the Association's attorneys may file a lien and send a letter to the delinquent Owner demanding immediate payment for past due assessments or other charges due. Upon further review, the Association's attorney may file a lawsuit. If a judgment or decree is obtained, including without limitation a foreclosure action, such judgment or decree shall include reasonable attorney's fees together with the cost of the action and any applicable interest and late fees.

(d) In addition to the steps outlined above, the Association may elect to suspend the voting rights of any Owner whose account is past due at the time of such voting.

10. Collection Procedures/Time Frames. The following time frames shall be followed for use in the collection of the annual assessment and other charges.

Due Date (date payment due)	1st day of the fiscal year for annual assessments; as determined by the Board for any other assessment
Past Due Date (date payment is late if not received on or before that date)	60 days after the 1 <sup>st</sup> day of the fiscal year; 10 days after due date for any other assessment
First Notice (notice that interest	30 days after an assessment is

has accrued, required disclosures of the Association and the availability of a payment plan if applicable)	considered past due
Second Notice (notice that interest has accrued, notice of intent to file lien)	60 days after an assessment is considered past due
Delinquent account turned over to Association's attorney; Lien filed; Demand letter sent to Owner.	90 days after an assessment is considered past due

The attorney is to consult with the Association as necessary to determine if payment has been arranged or what collection procedures are appropriate.

11. Certificate of Status of Assessment. The Association shall furnish to an Owner or such Owner's designee upon written request, first class postage prepaid, return receipt, to the Association's agent, a written statement setting forth the amount of unpaid assessments currently levied against such Owner's property for a reasonable fee. However, if the account has been turned over to the Association's attorney, such request may be handled through the attorney.

12. Bankruptcies and Foreclosures. Upon receipt of any notice of a bankruptcy filing by an Owner, or upon receipt of a notice of a foreclosure by any holder of an encumbrance against any unit within the Association, the Board of Directors shall notify the Association's attorney of the same and turn the account over to the Association's attorney, if appropriate.

13. Use of Certified Mail/Regular Mail. In the event the Association shall cause a collection or demand letter or notices to be sent to a delinquent Owner by regular mail, the Association may also cause, but shall not be required to send, an additional copy of that letter or notice by certified mail.

14. Referral of Delinquent Accounts to Attorneys. Upon referral to the Association's attorney, the attorney shall take all appropriate action to collect the accounts referred. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. The attorney, in consultation with the Board of Directors, is authorized to take whatever action is necessary and determined to be in the best interests of the Association, including, but not limited to:

- (a) Filing of a suit against the delinquent Owner for a money judgment;
- (b) Instituting a judicial foreclosure action of the Association's lien, upon approval by the Association's Board of Directors;
- (c) Filing necessary claims, documents, and motions in bankruptcy court in order to protect the Association's interests; and
- (d) Filing a court action seeking appointment of a receiver.

All payment plans involving accounts referred to an attorney for collection shall be set up and monitored through the attorney.

15. Appointment of a Receiver. The Association may seek the appointment of a receiver if an Owner becomes delinquent in the payment of assessments pursuant to the Declaration and Colorado law. A receiver is a disinterested person, appointed by the court, who manages the rental of the property, collects the rent and disburses the rents according to the court's order. The purpose of a receivership for the Association is to obtain payment of current assessments, reduce past due assessments and prevent the waste and deterioration of the property.

16. Judicial Foreclosure. The Association may choose to foreclose on its lien in lieu of or in addition to suing an Owner for a money judgment. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a money judgment lawsuit has been or is likely to be unsuccessful or other circumstances favor such action. The Association shall consider individually each recommendation for a foreclosure and may only approve a foreclosure action after the delinquency equals or exceeds six months of common expenses assessments based on a periodic budget adopted by the Association. Such foreclosure shall be approved by the Board of Directors via resolution or a vote of

the Board recorded in the minutes of the meeting at which the vote was taken.

17. Waivers. The Association is hereby authorized to extend the time for the filing of lawsuits and liens, or to otherwise modify the procedures contained herein, as the Association shall determine appropriate under the circumstances.

18. Communication with Owners. All communication with a delinquent Owner shall be handled through the Association's attorney once a matter has been referred to the attorney. No member of the Board of Directors shall discuss the collection of the account directly with an Owner after it has been turned over to the Association's attorney unless the attorney is present or has consented to the contact.

19. Communication by Owners. Owners may communicate with the Association in any manner they choose including email, text, fax, phone, or in writing, when available. However, in doing so, the Owner acknowledges that the Association and/or its agents may communicate via the same method unless otherwise advised.

20. Defenses. Failure of the Association to comply with any provision in this Policy shall not be deemed a defense to payment of assessment fees or other charges, late charges, return check charges, attorney fees and/or costs as described and imposed by this Policy.

21. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

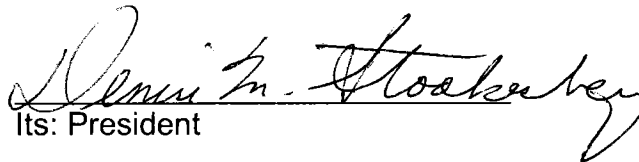
22. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Property.

23. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

24. Amendment. This Policy may be amended from time to time by the Board of Directors.

IN WITNESS, the undersigned certifies that this Resolution was  
adopted by the Board of Directors of the Association on  
3-11, 2016.

**THE RETREAT LANDOWNERS ASSOCIATION,**  
a Colorado nonprofit corporation,

By:   
Its: President



# ***RETREAT LANDOWNERS ASSOCIATION, INC.***

Post Office Box 160  
Glen Haven, Colorado 80532

## **Collection Policy**

*28 February 2016*

1. **Due Dates.** The annual assessment as determined by the Association and as allowed for in the Declaration shall be due and payable on the 1st day of the fiscal year. An annual assessment not paid in full to the Association within 60 days of the 1st day of the fiscal year, and any other assessment not paid in full within 10 days of the due date, as determined by the Board, shall be considered past due and delinquent. Assessments or other charges that are past due shall bear interest as provided below.

2. **Receipt Date.** The Association shall post payments on the day that the payment is received in the Association's office.

3. **Interest on Delinquent Installments.** The Association shall impose interest from the date due at the rate of 18% per annum on the amount owed for each Owner who fails to timely pay his/her annual assessment within 60 days of the due date, and any other assessment within 10 days of the due date.

4. **Return Check Charges.** In addition to any and all charges imposed under the Declaration, Articles of Incorporation and Bylaws, the Rules and Regulations of the Association or this Resolution, a return check fee, not to exceed \$20.00, shall be assessed against an Owner in the event any check or other instrument attributable to or payable for the benefit of such Owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. This returned check charge shall be a "common expense" for each Owner who tenders payment by check or other instrument which is not honored by the bank upon which it is drawn. Such return check charge shall be due and payable immediately, upon demand. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the Owner(s) of the unit for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Declaration, Articles, Bylaws, Rules and Regulations or this Resolution after the date adopted as shown above. If two or more of an Owner's checks are returned unpaid by the bank within any fiscal year, the Association may require that all of the Owner's future payments, for a period of one (1) year, be made by certified check or money order. This return check charge shall be in addition to any interest incurred by an Owner. Any returned check shall cause an account to be past due if full payment of the annual assessment is not timely made within 60 days of the due date.

5. **Service Fees.** In the event the Association incurs any type of service fee, regardless of what it is called, for the handling and processing of delinquent accounts on a per account basis, such fees will be the responsibility of the Owner as such fee would not be incurred but for the delinquency of the Owner.

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(iv) A statement indicating that action is required to cure the delinquency and that failure to do so within thirty days may result in the Owner's delinquency account being turned over to an attorney, a collection agency, the filing of a lawsuit against the Owner, appointment of a receiver, the filing and foreclosure of a lien against the Owner's property, or other remedies available under Colorado Law including revoking the owners right to vote if permitted in the Bylaws or Declaration.

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- (a) Filing of a suit against the delinquent Owner for a money judgment;
- (b) Instituting a judicial foreclosure action of the Association's lien, upon approval by the Association's Board of Directors;
- (c) Filing necessary claims, documents, and motions in bankruptcy court in order to protect the Association's interests; and
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21. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

22. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the property.

23. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

24. Amendment. This Policy may be amended from time to time by the Board of Directors.