

Flukey Estates Homeowners Association

Policies and Procedures For the Adoption and Amendment of Policies

As required by C.R.S. 38-33.3-209.5

The following Procedures have been adopted by the **Flukey Estates Homeowners Association** ("the Association") pursuant to Colorado Revised Statute ("C.R.S.") 38-33.3-209.5, at a regular meeting of The Board of Directors ("The Board"). Additional policies, procedures and rules may exist separately.

PURPOSE:

To adopt a policy setting forth procedures for the adoption and amendment of policies, procedures, and rules.

NOW, THEREFORE, IT IS RESOLVED that The Association does hereby adopt the following procedures governing the adoption and amendment of policies, procedures, and rules.

- A. Pursuant to The Association's Declaration of Covenants, Conditions, and Restrictions and the Bylaws of The Association, ("Governing Documents") and Colorado Revised Statutes 38-33.3-302, the authority to create, adopt, enforce, amend and repeal policies, procedures, rules and regulations (hereinafter collectively referred to as a "Rule") lies with The Board of Directors of The Association.
- B. When The Board, in the exercise of its discretion, determines that a Rule should be adopted, amended or repealed, as appropriate, it shall do so either at a meeting of The Board or by written consent in lieu of a meeting, or by any other method authorized by the Governing Documents or pursuant to Colorado law.
- C. The Board will take reasonable steps to avoid adopting a Rule that is contrary to Federal, State, or local law or The Association's Governing Documents, as well as exercising reasonable care to balance The Association's interests with the interest of the individual Owners of the Community.
- D. The Board has the right, but not the obligation, prior to adopting any new Rule, to conduct an informational meeting of the Owners and solicit their input regarding any new or existing Rules.
- E. The Board shall then give notice of adoption, amendment, or repeal of the Rule in writing by first class mail, postage prepaid, to each Owner of The Association, and shall publish the Rule by any reasonable means available, including but not limited to posting the Rule in the community or on its website, if an, by e-mail, mail, newsletter, or personal delivery.
- F. The Rule shall become effective 30 days after the Rule is published to the Owners.
- G. The Rule, along with all other Rules of the Association, shall be available for inspection and copying in accordance with The Association's policy regarding inspection and copying of Association records (C.R.S. 38-33.3- 317).
- H. Any Owner's failure to receive the Rule shall not be a defense to any attempt by the Association to enforce the Rule or to levy fines, expenses, or attorney fees as a result of a violation of the Rule.

CONFLICTS BETWEEN DOCUMENTS:

In case of discrepancies between this Policy and Procedure and the Declaration of Covenants, Conditions, and Restrictions (the Declaration), or the Bylaws or the Association, the Declaration shall control.

The undersigned, being the President of the Association, certifies that the foregoing resolution was adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of Directors on the _____ day of _____, 2023.

Flukey Estates Homeowners Association

President