

**MINUTES OF THE BOARD OF DIRECTORS MEETING OF
PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC.**

December 19, 2019

A meeting of the Board of Directors of PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the "Association") was held on Saturday, December 19, 2019, at 633 Park River Place, Estes Park, CO 80517 at 4:00 p.m. MST. President Stew Squires (618) presided. Association Secretary Mindy Stephens (603) acted as Secretary of the Meeting and prepared these Minutes.

1. Call to Order / Roll Call

The Meeting was called to order at 4:00 p.m. by President Stew Squires (618). The following Directors of the corporation were present: Fritz Sampson (633), Mindy Stephens (603), Greg Barkley (605), in person; Stew Squires (618), John Mize (615), Ray Buxton (682), Ron Springer (676), and Elizabeth Repola (609) attended via phone. Treasurer Helen Evans (619) was not in attendance.

2. Agenda item: Approval of Minutes for November 14, 2019 Board of Directors Meeting

The minutes were reviewed and upon a motion made by Fritz Sampson (633) and seconded by Greg Barkley (605), they were approved unanimously. The Secretary will post the Minutes on the Website.

3. Agenda item: Clarification of items reviewed at July 2019 Board Meeting

The next item to come before the Board was the resolution of any uncertainty surrounding the adoption of certain statutory policies called Park River West Condominium Association, Inc., Provisional Policy for Governance Matters Under The Colorado Common Interest Ownership Act adopted 7 July 2019 covering miscellaneous policies for inspection and copying of records, dispute resolution, amendments and notice; and, Park River West Condominium Association, Inc., Reserves and Reserve Study Policy Under The Colorado Common Interest Ownership Act Adopted 7 July 2019, Ratified By the Membership 10 August 2019. Fritz Sampson (633) moved to adopt the following resolution, seconded by Mindy Stephens (603) and subsequently approved by all:

RESOLVED, that the minutes of the Board meeting held on July 7, 2019 are supplemented to recite that the Provisional Policy for Governance Matters Under the Colorado Common Interest Ownership Act, attached as Exhibit 1, was adopted in its entirety at the meeting with immediate effect.

BE IT FURTHER RESOLVED, that the minutes of the Board meeting held on July 7, 2019 are supplemented to recite that the Park River West Condominium Association, Inc., Reserves and Reserve Study Policy Under The Colorado Common Interest Ownership Act, attached as exhibit 2, was adopted in its entirety at the meeting with immediate effect, and that the policy was acted upon and ratified by the Membership at the August 10, 2019 Annual Meeting as a part of the annual budget adoption process.

BE IT FURTHER RESOLVED that the Reserves and Reserve Study Policy Under The Colorado Common Interest Ownership Act, attached as exhibit 2, shall be resubmitted to the Membership for ratification or amendment at the 2020 annual meeting, and that pending such submission the Policy shall remain in full force and effect from July 7, 2019 until such time as it may be amended by the act of the Board or the Membership.

4. Agenda item: Treasurer's Report.

Stew Squires (618) presented the Treasurer's report. Two decks that required repairs funded by the

HOA (Units 648 and 660) were completed at a cost of \$10,000. Treasurer Helen Evans has prepared a list summarizing the deck repairs paid by the HOA and at this point, there have been no additional deck problems presented to the Board. Regarding Unit 611, all outside work has been completed by Kingswood and reviewed by President Sew Squires. Squires reported that we did put all expected amounts into reserves. John Mize (615) moved to accept the financials and Fritz Sampson (633) seconded, followed by approval by all.

5. Old Business

a. Landscaping Maintenance Report

Stew Squires (618) presented a report on landscaping. Due to the clean-up project being limited by the weather, we had \$10,000 left over from the landscaping budget. This amount can be put toward new plantings in the coming year. Elizabeth Repola (609) reported a problem downspout between Units 609 and 607. Fritz Sampson will look into this.

b. Moving Reserves to Higher Interest-Bearing Account

The application to do this is ready and just needs the signature of the Treasurer Helen Evans when she returns to Estes Park.

c. Restoration of Unit 611 after the fire

Briggs has finished the mitigation and “smoke-restoration.” Demo permit has been acquired. We are awaiting the final number of the merge of the insurance adjustor and the contractors and trying to get through differences between them. Additional funds are expected. An invoice for the asbestos and other hazardous material inspection was received and paid. Restoration expected to continue into February or further.

d. River Path Maintenance

For follow-up in the Spring.

e. Weed policy

Tabled till Spring.

f. Short-term Rentals and Barbecue Policy

There was discussion to fine tune what paperwork would be required from short-term rental owners, including a copy of the Estes Park rental license, a compliance form and a copy of their ACORD form or equivalent showing their insurance coverages. This will be part of the Rules and Regulations and a caution sign will be required to be posted on the deck in all rental units.

The Policy Governing the Rental of Units was discussed and language finalized and, along with the Vacation Home Registration form, is attached to these minutes as Exhibit 3.

After discussion it was moved by Fritz Sampson (533) and seconded by Stew Squires (618) to order 25 of the Barbecue Caution signs. It was approved by all. Mindy Stephens (603) to finalize design and order the signs.

6. New Business

7. Set next Board Meeting

The next Association Board meeting will be held Monday, February 17, 2020 at 4:00 p.m. at 676 Park River Place.

8. **Adjourn**

There being no further business, Mindy Stephens (603) moved to adjourn, Greg Barkley (605) seconded the motion, and it was approved by all. The meeting was adjourned at 5:30 p.m.

Minutes Prepared and Signed on:

February 17, 2020

Mindy Stephens, Director and Secretary of the Meeting

EXHIBIT 1

Appendix One - Statutory Policies and Procedures

Park River West Condominium Association, Inc. Provisional Policy for Governance Matters Under The Colorado Common Interest Ownership Act

Adopted 7 July 2019

The following policies and procedures ("Policy") governing matters required by the Colorado Common Interest Ownership Act have been adopted to supercede temporary policies adopted January 21, 2018 by the Park River West Condominium Association, Inc. ("Association") pending adoption of permanent polices pursuant to C.R.S. 38-33.3-209.5 at a meeting of the Board of Directors.

1. GENERAL

A. Statutes Superior To All. The provisions of the Declarations and Bylaws of the Association are incorporated in this Policy by reference and govern for all purposes when not in conflict with the Colorado Common Interest Ownership Act, as it exists or may be amended, and the Colorado Revised Nonprofit Corporation Act, as it exists or may be amended. This Policy is subordinate to and shall only supplement the Declarations and Bylaws where they are otherwise silent. The provisions of this Policy shall be independent and severable. The declaration of invalidity of any one or more of the Policy provisions by court order or decree shall in no way affect the validity or enforceability of any other provision, which other provisions shall remain in full force and effect.

B. Sunset Provisions Nullified. These Miscellaneous Policies abrogate any prior temporary policy governing the subject and nullify any automatic termination date recited in the prior Temporary Policy.

2. MISCELLANEOUS POLICIES

A. Inspection and Copy of Records. Inspection and copying of Association records by Unit Owners shall be governed by the provisions of the Colorado Non-profit Corporation Act and the Declaration. In particular, the provisions of 38-33.3-317 are adopted and pursuant to subsection (2) Unit Owners are required to submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents and the examination and copying times are limited to normal business hours. Production, examination and copying shall take place at the registered office of the Association.

B. Investment of reserve funds. SUPERCEDED BY SEPARATE POLICY ADOPTED JULY 7, 2019.

C. Procedures for addressing disputes arising between the Association and Unit Owners. The provisions of Declaration Sections 25 and 26 together with any applicable provision

in the Bylaws shall govern disputes between the Association and Unit Owners, EXCEPT in instances of when the Collection of Assessment Policy or the Policy for Enforcement of Declarations, Covenants and Rules, including Notice and Hearing Procedures and the Schedule of Fines would be applicable.

D. Amendment of Policies, Procedures and Rules. The Colorado Nonprofit Corporation Act and the Colorado Common Interest Ownership Act grant plenary authority to the Board to adopt and amend the Policies, Procedures and Rules of the Association. In particular, Bylaws Article II section 9 grants general rule making authority to the Board in addition to those granted by statute or the Declaration. The Board retains that authority, including the right to amend or vary the Policies, Procedures and Rules of the Association unless abrogated by act of the Membership or by statutory change.

E. Notice of Rules. The Minute Book of the Association kept by the Secretary of the Association will contain all the currently adopted Association Rules and the Association Rules will also be posted on the Association's website, if there is one.

Park River West Condominium Association, Inc.

By: _____
Stewart Squires, President

Attest: _____
Mindy Stephens, Secretary

This Meetings Policy was adopted by the Board of Directors at a regular meeting held on the 7th day of July, 2019, and is effective the 7th day of July, 2019, and is attested to by the Secretary of the Park River West Condominium Association, Inc.

EXHIBIT 2

Park River West Condominium Association, Inc. Reserves and Reserve Study Policy Under The Colorado Common Interest Ownership Act

Adopted 7 July 2019

Ratified By the Membership 10 August 2019

The following policies and procedures (“Policy”) governing Reserves and A Reserve Study have been adopted by the Park River West Condominium Association, Inc. (“Association”) pursuant to C.R.S. 38-33.3-209.5 at a meeting of the Board of Directors.

1. GENERAL

A. Statutes Superior To All. The provisions of the Declarations and Bylaws of the Association are incorporated in this Policy by reference and govern for all purposes when not in conflict with the Colorado Common Interest Ownership Act (“CCIOA’), as it exists or may be amended, and the Colorado Revised Nonprofit Corporation Act, as it exists or may be amended. This Policy is subordinate to and shall only supplement the Declarations and Bylaws where they are otherwise silent. The provisions of this Policy shall be independent and severable. The declaration of invalidity of any one or more of the Policy provisions by court order or decree shall in no way affect the validity or enforceability of any other provision, which other provisions shall remain in full force and effect.

B. Submission to Membership. The portion of this policy addressing a Reserve Study shall be submitted to the Members of the Association at the 2019 Annual Meeting of the Members for ratification or amendment, as they shall deem appropriate. Pending submission or in the absence of action by the Membership, this policy shall govern.

2. RESERVES

A. Investment of reserve funds. By reason of C.R.S. §7-128-401(5) a director, regardless of title, shall not be deemed to be a trustee with respect to the Association/nonprofit corporation or with respect to any property held or administered by the nonprofit corporation including, without limitation, property that may be subject to restrictions imposed by the donor or transferor of such property. With regard to the investment of reserve funds of the Association, the officers and members of the Board of Directors shall make investment decisions in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner the director or officer reasonably believes to be in the best interests of the Association in accordance with the Colorado Revised Nonprofit Corporation Act and any applicable Declaration or Bylaw. Reserve funds whether for specific purposes or in general shall be invested in short term or long-term investments in FDIC insured institutions or other investments guaranteed by the U.S. Government, including direct investment in US Treasury securities, directly, or through a government money market fund, investing exclusively in securities issued by the U.S. Government. While the Association will always seek a reasonable rate of return on the investment based on the current market, safety of

principal and accessibility of monies without undesired penalties will always be primary considerations. The Board may not invest Association funds in any business, property or investment in which any officer or director (including and aggregated with the interests of any relative or affiliate thereof) holds any interest except where (i) where such investment is a share or interest in a company or fund traded on recognized national exchange and (ii) the interest of such officer or director (including and aggregated with the interests of any relative or affiliate thereof) is less than 1% of the total ownership in such business, property or investment.

B. Reserve Study. By reason of C.R.S. §38-33.3-209.5(b)(IX) the Association adopts these policies:

1. Reserve Study – When Conducted Internally. The statutes do not require that a reserve study be conducted; and, C.R.S. §38-33.3-209.5(b)(IX) specifically provides”... an internally conducted reserve study shall be sufficient.” The Association has submitted the short-term and long-term maintenance requirements of the general common elements and items which the Association is responsible to repair or maintain under Section 11 of the Declarations, together with the prospective costs, to the Membership at the Annual Meetings. As a part of that process the Membership has identified the repair or replacement of Declaration Section 11 items and adopted increases in dues so as to fund a reserve. The Board and the Membership declare that such Annual Meeting considerations are an internally conducted study and to date such study has been conducted annually. A reserve study shall continue to be conducted annually and internally as an ongoing function of Board business for the general common elements and areas required to be maintained or repaired by the Association pursuant to Section 11 of the Declarations. The Board findings and conclusions shall be submitted to the Membership at each Annual Meeting for consideration and funding through the annual budget mechanism.

2. Reserve Study – When Conducted By Third Parties. At any Annual Meeting of the Membership as a part of the budget process, and without the requirement of prior notice or inclusion as an agenda item, any Member may move to engage a qualified person or company to conduct a reserve study so long as the motion requires at a minimum that the study contain:

- A listing of the general common element components and Declaration Section 11 components to be maintained, including their quality, useful life, remaining useful life, and current replacement cost.
- A projection of the of the reserve fund starting balance, reserve contributions needed, expected reserve expenses, and the estimated ending reserve fund balance going out at least 20 years.

If the motion is seconded and adopted by the Membership, the cost of such study shall be estimated and included in the budget for the next year; and, the Board shall identify

and engage the third party for that purpose. The results of the third-party reserve study shall be reported to the Membership upon completion.

3. Reserve Study Analysis. The Reserve Study, whether conducted internally or by a third party, shall include an inspection of the general common elements subject to Association maintenance, their condition and useful life (physical analysis) and a study and projection of ongoing repair and replacement costs (financial analysis).

4. Reserve Study – Funding Plan and Source of Funds. At present the funding plan for the reserve account consists of an annual resolution authorizing addition to the reserve account from dues assessed to the Members as part of the annual budgeting process of the Association. The amount in the reserve is not set aside for any particular repair or project and is used as needed based on the needs of the Association, or increased when there is a surplus of dues at the end the accounting year. No special assessment has been adopted by the Membership to fund the reserve. If a Reserve Study shall be presented to the Membership at the Annual Meeting or any Special Meeting declaring a need for additions to reserves, whether conducted internally or by a third party, the Membership may adopt one or more resolutions providing for additions to reserves by annual dues or special assessment.

Park River West Condominium Association, Inc.

By: _____
Stewart Squires, President

Attest: _____
Mindy Stephens, Secretary

This Reserves and Reserve Study Policy was adopted by the Board of Directors at the regular meeting of the Board held on the _____ day of _____, 2019, and is effective the _____ day of _____, 2019, and is attested to by the Secretary of the Park River West Condominium Association, Inc.

EXHIBIT 3

Park River West Condominium Association, Inc. Policy Governing the Rental of Units

Adopted 19 December, 2019

The following policies and procedures (“Policy”) governing the Occupancy and Management of Rental Units have been adopted by the Park River West Condominium Association, Inc. (“Association”) at a meeting of the Board of Directors.

1. GENERAL

The following Policy and procedures have been adopted by the Park River West Condominium Association, Inc. (“Association”) pursuant to C.R.S. 38-33.3-302 [Powers of unit owners' association] and Bylaws Article II, Section 9(A) at a meeting of the Board of Directors.

A. Statutes Superior To All. The terms and conditions set forth in the Declarations and Bylaws of the Association are incorporated in this Policy by reference and govern for all purposes when not in conflict with the Colorado Common Interest Ownership Act, as it exists or may be amended, and the Colorado Revised Nonprofit Corporation Act, as it exists or may be amended. These policy provisions are subordinate to and shall only supplement the Declarations and Bylaws where they are otherwise silent. The provisions of this Policy shall be independent and severable. The declaration of invalidity of any one or more of the policy provisions by court order or decree shall in no way affect the validity or enforceability of any other provision, which other provisions shall remain in full force and effect.

B. Findings of the Association. The Association finds:

(1) That various Unit owners rent their Units as a regularly conducted commercial enterprise on both a short term (less than 30 days) and long term (month to month or longer) basis.

(2) That the rental of Units is a commercial business governed by Ordinances of the Town of Estes Park; and, Unit owners have declared their operation as a business which must be licensed and qualified.

(3) That the presence of tenants places a management burden and costs upon the Association not otherwise encountered with bare Unit ownership by reason of:

(a) a lack of tenant familiarity with Association Declarations, Bylaws, Rules and Regulations;

(b) tenant misuse of General Common Elements;

(c) tenant lack of respect for the occupancy of adjoining and surrounding Unit owners;

(d) knowing and persistent violation of occupancy, use, fire, safety and parking rules by tenants;

(e) and, the necessity of the Association to investigate the activity of tenants and rectify behavior above and beyond that encountered with owner occupied Units.

(4) Owner occupied Units should not bear the burden and expense of managing neighboring commercial enterprises; and no assessment has been made against any Unit in that regard. Costs incurred by the Association for the management of rental Units is not a common

expense associated with the maintenance, repair, or replacement of a limited common element or any enumerated expense at Section 9.E. of the Declarations. Rather, the time and expense expended by the Association and its Board to govern and regulate tenant and landlord conduct is a unique cost associated solely with the commercial rental of Units and should be borne solely by the rental Unit and its owner as the beneficiary of the rents earned.

C. Authority. The Association by and through its Executive Board is empowered to impose reasonable rules and collect fees associated with the additional regulation and management of Unit rental businesses by reason of C.R.S. 38-33.3-302(1) (j), (o), (p) and (q), together with the authority vested in the Association and its Board in the Declarations and Bylaws.

2. RULES IMPOSED UPON RENTAL UNIT OWNERS

A. Information to be provided to the Association. On or before January 31, 2020, and on each anniversary thereafter, each Unit owner renting shall provide to the Association the following documentation:

- 1) Copy of the current Town of Estes Park (ToEP) License to operate the Unit as a Short-Term Rental Property (STRP) vacation home.
- 2) A signed Association Rental Compliance Form signed by the Unit owner (as sole proprietor, trustee, or Officer of an LLC or corporation) and the local representative, if the Unit is a Short Term Rental Property, or property manager or agent for long term rentals. The Form is attached to this document and incorporated herein by reference. Applies to both short and long term rental Units. The Form and attachments may be signed in counterparts by the owner and the representative or agent and submitted in pdf format via email to the Association.
- 3) Copy of Rental Agreement form that will be used. Applies to both short and long term rental Units.
- 4) Proof of Insurance in ACORD form, or an equivalent, indicating Commercial General Liability rental coverage of at least \$1,000,000 per occurrence. Applies to both short and long term rental Units.

B. Content of Rental Agreements. A written rental agreement is required which shall include at a minimum Tenant confirmation that they have read and agree to comply with sections of the Declaration and Association rules pertaining to Declaration Section 17, Occupancy, Unit Rentals, Parking and Safety (particularly the grill policy), Noise and Nuisance Control, and Short Term Rentals, which may be either incorporated in the rental agreement or attached to it. Further, the rental agreement must address maintenance of quiet enjoyment by other Association Unit owners, that no pets are allowed short term, and proper use of facilities.

C. Estes Valley Resident Agent available 24/7 to Association. The Local Representative or Agent named in the Town of Estes Park STRP license shall be continuously available and contractually able to act on behalf of the owner to immediately solve problems with the tenant or the Unit without owner involvement. The Town of Estes Park Short Term Rental Ordinance requires that the Local Representative respond within 30 minutes, which is adopted as a policy of the Association.

3. ASSOCIATION MANAGEMENT FEES

To defray the expense of and compensate the Association for commercial rental management the following fees are imposed:

A. Short Term Rental. For Units rented for any period less than 30 days an Annual fee of \$0.00 is charged. Such fee is charged without regard to whether the Unit is registered or not with Town of Estes Park. The fee is billed with the annual dues statement, if known to the Association at that time, otherwise when discovered by the Association. The fee is due at the time of first quarterly dues payment, or 30 days after mailing if discovered later.

B. Long Term Rental. For Units rented month to month or for any period more than 30 days an Annual fee of \$0.00 charged. The fee is billed with the annual dues statement, if known to the Association at that time, otherwise when discovered by the Association. The fee is due at the time of first quarterly dues payment, or 30 days after mailing if discovered later.

C. Collection. Enforcement and collection of fees shall be made in the same manner as for Common Expense Assessments under Declaration Articles 9 and 16 and the Park River West Condominium Association, Inc. Policy for the Collection of Unpaid Assessments as Adopted 18 January, 2016, as amended from time to time.

4. EFFECTIVE DATE

This Policy shall become effective on December 31, 2019.

Park River West Condominium Association, Inc.

By: _____
Stewart Squires, President

Attest: _____
Mindy Stephens, Secretary

This Policy was adopted by the Board of Directors at a regular meeting held on the 19 th day of December, 2019, is effective the 31st day of December, 2019, and is attested to by the Secretary of the Park River West Condominium Association, Inc.

PARK RIVER WEST VACATION HOME REGISTRATION

NEW

RENEW

REGISTRATIONS WILL NOT BE PROCESSED WITHOUT ALL FIELDS COMPLETED & OWNER'S & LOCAL REPRESENTATIVE/PROPERTY MANAGER'S SIGNATURES

Date: _____

Homeowner Name: _____

Vacation Home Business Name: _____
(If no business name is provided Homeowner last name(s) will be used)

Vacation Home Physical Address: _____

Homeowner Mailing Address: _____

Mailing City: _____ Mailing State: _____ Mailing Zip: _____

Business Phone: _____ Homeowner/Cell Phone: _____

Homeowner Email: _____ Website: _____ Listing Name or #: _____

Emergency Contact Name: _____ Phone: _____

Required with Registration

- Copy of Estes Park Vacation Rental License (does not apply to month to month or longer lease terms)
- Copy of Rental Contract or Agreement (the use of a Rental Contract or Agreement is required by PRW Policy)
- Proof of Commercial General Rental Liability Insurance with minimum coverage of \$1,000,000 per occurrence

Local Representative/Property Manager

Company Name: _____ Representative: _____

Email (required): _____

Business Phone: _____ Mobile Phone: _____

Mailing Address: _____

Physical Address: _____

By signing below I acknowledge:

- I must abide by all Park River West Condo Association Declarations, Rental Rules and Policies. Specifically, but not limited to:
 - o No Event Rentals, Only Family Rentals in compliance with Declaration.
 - o Posting of PRW Rental Rules in prominent location in unit.
 - o No parking in Fire Lanes/Aprons. Parking in driveway and garage only.
 - o Short Term Tenants may not bring pets into PRW.
 - o Quiet Time after 10PM, no Spa usage after 10PM.

- I must abide by all Town of Estes Park Vacation Home Rental Regulations. Specifically but not limited to:
 - o EVDC-VHR-Ordinance 06-19 5.1 1c. Residential Character in Residential Zoning Districts. Vacation homes in residential zoning districts as designated in this Section shall not be designed or operated in a manner that is out of character with residential use of a dwelling unit by one household.
 - o EVDC-VHR-Ordinance 06-19 5.1 2a. All occupants shall be registered by name on or before the time of the party's initial occupancy. The name registry shall be maintained by the property owner or manager, and shall be made available to Park River West Condominium Association upon request.

- I am responsible for notifying the Park River West Condominium Association of any change in the status of this vacation home within fifteen days (e.g. change in property manager, no longer operating as a vacation home, change in ownership, etc.).

All information contained on this form is public information.

X _____ / _____ X _____ / _____
Homeowner's Signature / Date Local Representative/Property Manager's Signature / Date

RETURN TO: Park River West Condo Assn, 684 Park River Place, Estes Park, CO 80517

OR

This Form and attachments may be signed in counterparts by the owner and the local representative/property manager and submitted in pdf format via email to the Association at [here insert email address]

Revised 12-5-2019