**Andover Glen Homeowners Association Policies and Procedures**

**As approved March, 2006 and modified February, 2007**

(AGHA=Andover Glen Homeowners Association)

(CCIOA=Colorado Common Interest Ownership Act)

(SB100=Senate Bill 05-100, Concerning Increased Protection for Homeowners)

(AGHA website: [www.andoverglen.org](file:///C:\Users\norm\Documents\My%20Web%20Sites\mysite\))

(ACC=Architectural Change Committee)

A.  General – The AGHA intends to fulfill all requirements of SB100, as amended by SB89 (Senate Bill 06-89, Concerning Common Interest Communities).

B.  Architectural Change Requests

1.    General Guidelines

a.         All changes must conform to Andover Glen Homeowners Association Covenants.

b.        All architectural changes must comply with all applicable City of Aurora Codes.

c.         Approval by the ACC or the AGHA Board of a request does not in any way imply compliance to City of Aurora Codes.

2.     An Architectural Change Committee shall be formed consisting of five separate paid up AGHA homeowners or their spouses. Only one individual from any household may be on the committee at a time, and the ACC shall be chaired by the AGHA Board member responsible for architectural control activities.

3.    The Board Secretary is the designated recipient of Architectural Change Request forms. Request forms are available on-line or from the Board Secretary.  Architectural Change Request forms shall include the name & address of the requesting homeowner, as well as a complete detailed description of the project, including drawings and samples of materials as appropriate.  The forms shall also include the anticipated start date and completion date of the project.

a)                  Requests must be submitted according to the following timetable:

(1)               **15 days prior to start date** for minor changes such as painting, roofing, minor landscaping, siding, windows, rear decks and patios, and concrete edging.

(2)               **45 days prior to start date** for major changes in landscaping, exterior additions, and large concrete projects (sidewalks, driveways, front patios).

b)                  If these submission deadlines are not met, neither the ACC nor the AGHA Board can guarantee that your request can be properly considered to meet your anticipated start date.  Under no circumstances can your project begin without written approval.

4.    The Secretary will record and maintain a file of the Architectural Change Request. Within 72 hours of receiving a request, a copy will be forwarded to the Chairman of the ACC for action.

5.    In the case of minor change requests, a majority of the ACC must approve each minor request.  Minor change requests will be responded to in writing within 7 days of submission to the Board Secretary.

6.    In the case of major change requests, the ACC will consult with the entire AGHA Board, will notify adjacent property owners, and may consult experts if necessary to render a fair decision. A simple majority (51%) of the Board will be required to approve a major change request. The Board will respond in writing to a major change request within 21 days of submission to the Board Secretary.  The results of the Board’s decision will become part of the Minutes of the concurrent or next regularly scheduled Board Meeting or if a special Board Meeting was held to consider the request.

7.    If a request is denied by the ACC or the AGHA Board, the homeowner may submit an amended Architectural Change Request, and the ACC will respond in writing to the amended minor request within 7 days of submission and the Board will respond in writing to the amended major change request within 21 days.

8.    Under no circumstances can work be started before written approval is received.  If work is started prior to approval, the homeowner will be considered to be in noncompliance with the Andover Glen Covenants, initiating the Covenant Noncompliance Process.

9.    If a request is denied, the homeowner may appeal the decision to the AGHA Board. A notification of appeal must be made in writing to the Board Secretary within 10 days of receipt of denial. The Board will hold a hearing within 15 days of receipt of the Notification of Appeal. A written Notice of Hearing will be given to all parties 10 days prior to the hearing. The appealing homeowner is required to attend the hearing.

10.     The Board President will conduct the hearing beginning with a reading of the original or amended Architectural Change Request and a summation of why the change was denied. The appealing homeowner will then be offered the chance to state why the proposed change should be allowed. The homeowner may call upon the testimony of experts or other AGHA homeowners as desired. The Board will render a decision in writing within 10 days based on all relevant testimony and conformance to the Andover Glen Covenants.

C.       Review of AGHA’s financial records

1.    AGHA’s accounting records will be kept on a cash basis.

2.    A review will be conducted at least once every two years, or if requested by 1/3 of homeowners.  The review will be performed by an individual who has a basic understanding of accounting due to prior business experience, education above the high school level, or bona fide home study.

3.    Results of the review will be provided to homeowners within 30 days of completion.

D.       Collection of Assessments Policy

1.    Any assessment not fully paid within thirty (30) days after the due date of July 1 will be considered past due and shall bear interest from the due date at the rate of six percent (6%) per year, per covenants.

2.    Installment payments will not be arranged.

3.    Collection notification process:

a.         A Notice of the Annual Assessment will be provided to homeowners by June 1 (30 days prior to the due date of July 1).

b.        A Late Assessment Reminder will be sent to homeowners on or after July 16 for properties not paid in full.

c.         A Late Assessment Letter indicating that interest is accruing on the unpaid assessment balance as of July 1 will be sent to homeowners on or after July 31 for properties not paid in full.

d.        A Lien Warning Letter indicating that a lien will be filed on their unpaid property on October 1 will be sent to homeowners on or after August 30 for properties not paid in full.

e.         A Lien Filing Letter indicating that a lien has been filed on their property along with a copy of the lien will be sent to homeowners on or after October 1 for properties not paid in full.  (The lien specifies the amount due to be the amount of the unpaid assessment balance plus interest accruing from July 1 until lien pay off date, plus lien filing costs.)  Lien filing information by property address will be reported in the Minutes of the next regular AGHA Board Meeting.

f.         Any payments made on past due properties (before or after lien filing) will be used first to satisfy any accrued interest, then any costs of collection, then any lien filing/removal costs, then finally the unpaid balance of the assessment.

E.        Investment of Reserve Funds Policy

1.    The AGHA Board will maintain reserves in an amount equal to or greater than the current fiscal year assessment budget amount.

2.    Reserve funds will be invested in conservative, FDIC insured, short-term investment vehicles providing reasonable return, acceptable risk, and acceptable liquidity, to be determined by the Board prior to any investment being made.

F.        AGHA Board Expense Payment and Reimbursement Policy

1.    Board members shall not receive compensation for any services rendered to the AGHA, per Bylaws.

2.    Board members may be reimbursed for actual expenses incurred in the performance of their duties, per Bylaws.  Board members seeking reimbursement for expenses will prepare and sign a Request for Payment Form with receipts attached.

G.       Handling of AGHA Board Member conflicts of interest

1.    Board members must disclose that they have a conflict of interest in any action or contract that would financially benefit them or any relative (parent, grandparent, spouse, child, or sibling) before any action is taken on the matter.

2.    Board members with conflicts of interest are prohibited from voting on that matter, but may participate in discussion.

H.       Enforcement of covenants and rules – including notice and hearing procedures and the schedule of fines

1.    Problem identification - All Referrals of Noncompliance are to be communicated to the Board through a written standard form stating which covenant is at issue, which property is involved, date and time of the issue as needed,  referrer’s name, address, phone number, and signature.  The form should be provided to the Board Secretary.  Referral of Noncompliance forms will be provided on the website and directly from the Secretary.  Within 72 hours of receiving a Referral of Noncompliance, the Secretary will forward the Referral of Noncompliance to the Board President.

2.    Problem handling - Upon receipt of a Referral of Noncompliance from a homeowner, a minimum of three Board members will investigate the referral within 7 days of submission.  The Referrer will be notified in writing by the Board within 10 days of submission whether the referral is valid or not.  If the Referral ***is***found to be valid, the following Covenant Noncompliance Process will begin.

a.         Step 1 - A Warning of First Violation letter will be immediately provided to the homeowner by certified mail.  The noncomplying homeowner will have 5 days from the date of the letter to come into compliance, or to provide a written plan of action for compliance.

b.        Step 2 - If the noncomplying homeowner does not meet the requirements of Step 1, this will be considered a second violation, for which a fine may be imposed upon notice and an opportunity for a hearing.  A Warning of Second Violation letter will be sent by certified mail to the noncomplying homeowner, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed.  The letter will further state that the noncomplying homeowner is entitled to a hearing on the merits of the matter, provided that such hearing is requested in writing within 10 days of the receipt of the letter.

c.         Step 3 - Notice of Hearing – If a hearing is requested by the noncomplying homeowner, the Board will hold a hearing within 15 days of receiving that request, and will provide a Notice of Hearing letter to all parties involved at least 10 days prior to the hearing date.

d.        Step 4 - Hearing – The hearing will be open to all homeowners.  Neither the original referrer nor the noncomplying homeowner must attend the hearing.  A quorum (currently 5) of the Board must attend.  At the beginning of the hearing, the Board President will summarize the Board’s decision on the noncompliance issue with relevant supporting evidence, testimony, and witnesses.  The noncomplying homeowner may make an opening statement and present evidence, testimony, and witnesses.  Each party will have equal opportunities for rebuttal and closing statements.  The Board will then discuss the issue, vote, and render a decision and may impose a fine or other legal remedies.  Five or more Board members must vote in favor of any action.  The decision will be sent by certified mail to the noncomplying homeowner within 3 days.  The Fine Schedule is as follows:  First violation = Warning Letter, Second violation = $50, Third violation of same covenant = $100.  All fines are due within 30 days of the date of the letter.  The fines are subject to the AGHA collection and lien process.

e.         Step 5 - Failure to Request Hearing – If a hearing is not requested within 10 days of the second letter, the Board will make a decision on the violation at the next regularly scheduled Board Meeting.  The Board will render a written decision and impose a fine (if applicable).   The decision will be sent by certified mail to the noncomplying homeowner within 3 days.

f.         Step 6 - Reconsideration – The Board may order reconsideration within 30 days of its written decision, at the request of any homeowner.  At its sole discretion, the Board may waive all or any portion of fines if appropriate. The Board may condition waiver or reduction of fines upon the noncomplying homeowner coming into compliance with the covenants.

g.        Step 7 - Legal Remedies - After exhausting all other reasonable means, including the threat of or the actual imposition of fines to bring a homeowner into compliance with the covenants of the AGHA, the AGHA Board, acting under its fiduciary responsibilities to all members of AGHA, reserves the right to use any and all legal means provided for under the laws and statutes of the State of Colorado to bring any such homeowner into compliance with the covenants of the AGHA.  As allowed by the judicial process all legal and other expenses born by the AGHA to bring a noncompliant homeowner into compliance with the covenants of the AGHA shall be paid for by the noncompliant homeowner. If not paid directly to the AGHA, expenses may be paid for in the form of a lien placed on the noncompliant property and subject to the lien process which may include interest payments.

3.    Covenant enforcement policy regarding parking of boats, trailers, RV’s:  The Board recognizes that homeowners may need to park such vehicles ***temporarily***for setup, cleaning, repair, etc.  However, such vehicles will be considered in violation of covenants (Article VIII) if they are parked continuously on the site longer than 72 hours.  Each homeowner is limited to a maximum 6 days total per any calendar month and 12 days total per calendar year considered collectively for the temporary parking of boats, trailers, or RVs.  Exceeding these maximums will be considered a violation of AGHA Covenants.

4.    Covenant enforcement policy regarding covenant items covered by Aurora City Code:  The Board recommends that homeowners contact the City of Aurora directly regarding such violations.

5.    Covenant enforcement policy regarding Article II, Use of Land:  Because the Americans with Disabilities Act requires it, a group home will be allowed to operate within Andover Glen.

6.    Covenant interpretations – Signs

a.         No signs of any type will be allowed on AGHA property and the Parker Road Right-of-Way, except those relating to AGHA activities and Open House signs while in progress.  All other signs will be removed and discarded without notice.

b.        Political signs.  As required by SB100, political signs will be allowed.   The Board recommends that the guidelines of SB100 be followed by homeowners:  one sign per office or ballot issue, put up no more than 45 days before election, and take down within 7 days after election.  City of Aurora ordinances must also be followed.

c.         Notices indicating the presence of a security system and entry notices requesting “No Solicitors” are not considered to be signs.

d.        Contractor signs.  One contractor yard sign no larger than six square feet (2' x 3') will be allowed only for the duration of the project.  It serves to inform neighbors as well as police officers that strangers are authorized to be on your property.

e.         Realtor signs.  One realtor yard sign no larger than six square feet (2' x 3') advertising the property is for sale.  Open House signs will be allowed only for the day of the open house.

7.    Covenant interpretations – Vehicles

a.         Commercial vehicles are defined as those with a Gross Vehicle Weight of greater than 10,000 pounds, and are not allowed by the covenants.

b.        Emergency vehicles less than 10,000 pounds are not considered commercial vehicles, and therefore may be parked in driveways or streets if required by a homeowner’s employer, per SB100.  Emergency vehicles include police cars and ambulances.

c.         No motor vehicles of any kind are allowed in the park, except as necessary for AGHA purposes.

8.    Covenant Change Procedures

a.         Any homeowner wishing to pursue a change to the AGHA Declaration & Agreement Establishing Protective Covenants will first contact the Board President to request that a presentation from him/her be added to the agenda for the next regularly scheduled Board Meeting.

b.        A Survey of Interest will be completed by the party bringing the issue before the Board and brought to the meeting.  The form can be downloaded from the AGHA website.

c.         The Survey of Interest must reference the current portion of the Declaration of Covenants to which the change is being sought and also show the approximate wording of the proposed change.

d.        A paragraph is also to be included in the Survey of Interest stating the reasoning behind the requested change.

e.         The Survey of Interest will be signed by the Board President and Secretary before it is circulated as a way of indicating to the homeowners that the Board is aware of the proposed change.  Their signatures are not an endorsement of the proposed change.

f.         The Survey of Interest will then be circulated among the homeowners for signatures.  25 homeowners (one signature per address only) must sign the Survey of Interest before it is returned to the Board.

g.        Upon return of the signed Survey of Interest to the Board, the Board will engage the services of the AGHA attorney to write a formal Amendment Change in the proper legal format.

h.        The formal Amendment Change document will then be presented to all AGHA homeowners for signature either in person by the person(s) proposing the change or by mail from the Board Secretary.  Per the Declaration of Covenants and SB100, 67% of the homeowners must approve the Amendment Change in order for it to be filed with the Arapahoe County Clerk and Recorder and become effective.  Upon receipt of 67 homeowner signatures the Amendment Change document will be filed with Arapahoe County by the Board Secretary.

i.          The homeowner signature copies will be retained by the Board Secretary.

9.    Responsibility for following the AGHA covenants applies to tenants and other occupants as well as homeowners.

I.          Retention of Association Records Policy

1.    Permanent Retention: Minutes of all Board and Homeowner Meetings will be retained.  All actions taken by the Board or homeowners by written ballot instead of holding a meeting will be included in the Minutes of the succeeding Board Meeting.  These Minutes will be stored by the Secretary at his/her home or at a commercial storage site.

2.    Minutes of all Board and Homeowner Meetings will be posted on the AGHA website for a minimum of three years.

3.    The Articles of Incorporation, the Declaration of Protective Covenants, and Bylaws will be posted on the AGHA website.

4.    All written communications by the AGHA Board of Directors to homeowners will be maintained by the Board Secretary at his/her home for a minimum of three years.

5.    A list of the names, positions, and the contact phone number of each member of the AGHA Board of Directors will be included in each issue of the newsletter.

6.    All financial audits or reviews conducted in the last three years will be maintained by the Secretary at his/her home.

7.    A record of all homeowners names, addresses, and contact numbers (if provided) will be maintained by a Board member.  A Directory of Homeowners will be provided to each homeowner annually.

8.    Association records including membership lists, shall not be used by any owner for any purpose unrelated to an owners interest as an owner; shall not be used for soliciting money or property; shall not be used for any commercial purpose; shall not be used for the purpose of giving, selling or distributing to any person; and shall not be used for any improper purpose as determined in the sole discretion of the Board.

J.          Inspection and copying of AGHA records by homeowners

1.    Access to the records in the preceding section will be provided to homeowners within five days of submitting a Request for Record Inspection or Copying Form to the Board Secretary.  The form can be downloaded from the AGHA website. The form will include the documents requested and the purpose of such request.

2.    Copies of such records will be provided at cost to the requestor.

K.       Board Meetings

1.    Notice of future meetings will be provided to all homeowners by newsletter and in the Minutes of Meetings posted to the website.

2.    Homeowners are encouraged to attend and participate in any Board Meeting, and are permitted to speak before the Board takes action on any matter.  Homeowners are limited to a 10 minute presentation.

L.        Homeowner meetings (usually annually)

1.    Notice of AGHA Homeowner Meetings will be physically posted via a white board sign at the two Andover Glen main entrances, as required by SB100.  Notice will be posted at least two days before the meeting.

2.    Notice of AGHA Homeowner Meetings will be sent by e-mail if requested in writing by an owner who gives the AGHA an e-mail address, as required by SB100

3.    Notice of AGHA Homeowner Meetings will be provided to all homeowners by written article in the hand-delivered newsletter, delivered at least 15 days prior to the meeting, as required by the Bylaws.

4.    Proxies – The Board will solicit proxies in order to insure a quorum (10 homeowners as required by the Bylaws).  These proxies will include options to vote with the President or with the majority.

5.    Secret ballots will be required for elections of AGHA Board of Directors.  Other votes will be by secret ballot if requested by one or more homeowners.  Ballots will be counted by a non-candidate homeowner selected at random at the meeting.

6.    Homeowners are encouraged to attend and participate fully in annual and other homeowner meetings.  Homeowners are limited to a 10 minute presentation.

M.      Annual Disclosure Policy

1.    The disclosure will be delivered to all homeowners by posting the information to the AGHA   website with notice of the web address sent by first-class mail.

2.    The disclosure on the website will include: the association’s name, the name of any designated agent or management company, their physical address and telephone number, initial date of the recording of the declaration; and declaration’s reception number or book and page where located.

3.    The disclosure on the website will also include the following information required to be available within 90 days after the end of the fiscal year (June 30):

a.         The AGHA operating budget for the current fiscal year.

b.        A list of the AGHA’s current regular and special assessments.

c.         The AGHA’s annual financial statements, including any money held in reserve for the preceding year.

d.        The results of any financial audit or review.

e.         A list of all AGHA insurance policies with insurance company names, policy limits, policy deductibles, additional named insured, and expiration dates.

f.         The AGHA’s governing documents (Bylaws, Articles of Incorporation, and Declaration of Protective Covenants).

g.        Minutes of Board and Homeowner’s Meetings for the fiscal year immediately preceding the disclosure.

h.        The AGHA’s responsible governance policies adopted under SB100.

N.       Seller Requests for Information Required to be Provided to the Buyer Policy

1.    The AGHA will use its best efforts to assist the seller in obtaining information by providing information on the AGHA website, and/or dealing with other requests as received. Copies of records will be provided at cost to the seller or buyer.

O.       Homeowner Education

1.    At least once a year, the AGHA will provide education to homeowners which relates to the general operations of the AGHA and the rights and responsibilities of homeowners, the AGHA, and its Board members.

2.    This education may be provided as articles in the newsletter or postings to the website.

P.        Board Member Education

1.    Board members must take classes required by the AGHA legal council. They are encouraged to take additional classes offered by the City of Aurora or classes offered by other educational institutions.

2.    The Board may reimburse Board members for expenses incurred in attending educational classes and seminars, where the subject matter is specific to Colorado and makes reference to applicable sections of CCIOA.

3.    Approval of the Board will be obtained in advance of the training.

4.    Board members will provide proof of attendance and an agenda of the program to obtain reimbursement.

Q.       Homeowner insurance claims

1.    Any homeowner wishing to file a claim against one of AGHA’s insurance policies as if they were a named insured should contact the President for assistance.

2.    Any homeowner has the right to file a claim as a named insured if the following conditions are met:

a.         The homeowner must provide written notice to the Board regarding the subject matter of the claim

b.        The Board has 15 days to respond in writing

c.         If requested, the homeowner must allow the Board reasonable opportunity to inspect damages; and

d.        The subject matter of the claim must be within the association’s insurance responsibilities.

R.       Legal cost allocation

1.    In the event that a homeowner prevails in a legal action against the AGHA, that owner will not be charged for ***any***of the related costs.  If necessary, a refund of 1/99 (the homeowners interest in the AGHA) of the cost will be made to the homeowner.

S.        Alternative dispute resolution policy

1.    Where reasonable, the AGHA will try to resolve disputes through mediation or arbitration rather than lawsuits.  A homeowner is invited and encouraged to meet with the Board of Directors to resolve a dispute informally and without the need for litigation.  If the homeowner requests to meet with the Board, the Board shall make a reasonable effort to comply with the homeowner’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 AGHA nor the homeowner waives any right to pursue whatever legal or other remedial actions available to either party.

T.        Adoption and amendment of policies, procedures, and rules

1.    The Board will provide at least 15 days notice of intent to adopt or amend policies, procedures, and rules at a Board Meeting by a posting in the newsletter and in the Minutes of Meetings posted to the website.

2.    The Board will provide at least 15 days notice of intent to amend the Bylaws at a Board Meeting by a posting in the newsletter and in the Minutes of Meetings posted to the website.