

RVRMA EXECUTIVE BOARD MEETING
Wednesday, August 23, 2023 at 5:30 p.m.
Ranch House Conference Room and Zoom
Meeting

Executive Board of Directors

Michael Banbury, President
John Lund, Vice President
Todd Richmond, Treasurer
Ben Johnston, Secretary
Sherry Stripling, Director
RJ Spurrier, Director
Carl Hostetter, Director

Management Attendees

Ashley Lynch, General Manager
James Maguire, Controller
Jessica Hennessy, Director of Design Review &
Admin. Services
Ali Royer, Director of Programming & Community
Engagement
Travis Green, Facilities & Grounds Superintendent

I. Call to Order- Establish Quorum

II. Approval of Minutes and the Consent Agenda

- Approval of Meeting Minutes of the RVRMA Executive Board Meeting held on Wednesday, July 24, 2023

III. Public Comment

- Comments in public comments are for agenda items only.

IV. Committee Report

- Long Range Planning (*verbal*)

V. Month End Financial Review – James Maguire (*info.*)

VI. Management Update

- General Manager Report- Ashley Lynch
- Programming & Community Engagement Report- Ali Royer
- DRC Report- Jessica Hennessy
- Finance Report- James Maguire
- Outside Service Report- Travis Green

VII. Old Business

- Short Term Rentals (*decision*)

VIII. New Business

- SB23-178 (*info.*)

IX. Adjourn

RVRMA EXECUTIVE BOARD MEETING
Wednesday, July 26, 2023, at 5:30 p.m.
Ranch House Conference Room and Zoom Meeting
DRAFT MINUTES

Executive Board of Directors

Michael Banbury, President
John Lund, Vice President
Todd Richmond, Treasurer
(absent)
Ben Johnston, Secretary
Laura Hanssen, Director
RJ Spurrier, Director
(absent)
Sherry Stripling, Director
Carl Hostetter *(introduced
as incoming Director)*

Management Attendees

Ashley Lynch, General Manager
James Maguire, Controller
Jessica Hennessey, Director of Design Review &
Admin. Services
Ali Royer, Director of Programming & Community
Engagement *(absent)*
Travis Green, Facilities & Grounds Superintendent
(absent)

Homeowner Attendees:

In Person:

Cari Schurman
John Shurman
Wolf Gensch
Sara Gilbertson
Susan Carrese

Via Zoom:

Susan Christman
William Pearson
Todor Radmilovich
Paul Brown
Abby Radmilovich
William Pearson
Joel Arnoff

I. Call to Order- Establish Quorum

- Board President, Mike Banbury, called the meeting to order at 5:30 p.m.

II. Approval of Minutes and the Consent Agenda

- Sherry Stripling and Ben Johnston moved and seconded the approval of the meeting minutes of the RVRMA Executive Board meeting held on Wednesday, June 26, 2023. The motion passed unanimously.

III. Election Update

- **Announce Election Results**

Mike Banbury shared that four candidates ran for three seats on the RVRMA Executive Board. Ben Johnston, Todd Richmond and Carl Hostetter all won seats on the board. Mike also thanked Sam Hartnett for his participation and noted that many in the community commented that they enjoyed his presentation at the Meet the Candidates Forum and the Board hopes that he continues to participate in community activities. The results were very close:

- Ben Johnston - 190
- Todd Richmond – 173
- Carl Hostetter – 159
- Sam Hartnett – 144

- **Seat New Board Members**

Carl Hostetter was introduced as a new board member and Laura Hanssen was relieved of her duties on the board. Mike went on to say that Laura has admirably served on the board over the years and thanked her for her service.

- **Election of Officers**

Mike noted that the RVRMA Board seats encompass the following titles: President, Vice President, Treasure, Secretary and Director-at-Large. Mike asked the rest of the board if they expressed any interest in any of the positions he listed.

Sherry Stripling, Board Director, commented that in addition to the Board Treasurer, the board should consider forming a Finance Committee and use Carl Hostetter's great expertise in that field. It was commented that Sherry's recommendation was an excellent one and should be discussed further with Todd Richmond the Board Treasurer.

Motion: Sherry Stripling and Carl Hostetter moved and seconded to accept the same slate of officers from last year. The motion passed unanimously.

IV. Public Comment

- Abby Radmilovich commented that she is waiting for a response regarding two emails that were sent to the board. Abby went on to say that she could not find anywhere in California law or RVRMA by laws that

stated the petition needed to be brought to a vote. Abby commented that this is a life impacting issue for her family that is quite serious. Abby went over the survey results for STR's in the recent questionnaire, highlighted the Town of Carbondale STR ordinance and reiterated that she hopes the board will act in a fair and unbiased manner that supports the interests of the community as required by code of conduct of California laws for board members, HOA's and its members.

- Joel Arnoff commented that he is all for having a vote eventually on whether or not the community supports further expansion of STR's. Joel continued to say that most purchased their homes under existing property rights. Joel also said that existing STR's should be grandfathered in and should be on the table as the HOA's lawyer pulls together language for the vote.
- Susan Christman commented that one can manipulate the numbers of the STR survey question however they want. Susan requested that time for voting should be longer than a month and shared that Aspen Glen executed a three-month voting period when they passed a similar STR restriction for their community.
- Todor Radmilovich said that his comments would be an extension of what Abby stated. Todor commented that apart from the STR being a financial security issue that will likely result in multiple 6 figure damages for his family, he is awaiting a response regarding two emails that he sent to the board. His family is now focused on preserving well-being of the family and are now seeking external representation to protect their rights, their finances and wellbeing of their family members. Todor commented on code of conduct, by laws and HOA laws. Todor asked that all correspondence that was shared with the board be shared with any incoming board members.
- Cari Schuman thanked the board for their unanimous positive response to a petition of over 200 RVR homeowners asking to limit STR's. Cari stated that this will be a very important vote that affects everyone in the community. Cari asked the board to give the community a longer period to vote on the matter and that she thinks Aspen Glen took 4 months and RVR should offer at least 3 months to allow everyone to participate in the vote and really study the ballot.
- Camille Schuman commented that she has attended several of the recent board meetings. Camille went on to say that a board member proposed (because of the petition) that a vote for only 30 day rentals be allowed in RVR. Camille requested that in light of the LRP survey that went out to the community, 54 percent said they would like some limited STR's in RVR. Camille asked that whatever goes out to vote should include, to allow the 14 existing who have been grandfathered in by the Town of Carbondale for those property owners to be allowed to maintain their STR status.

- Sara Gilbertson commented that the numbers and the results that came out of the survey can all be added in different segments the way we want to make an argument and in business school they call it “Time Magazine Statistics.” Sarah went on to say that she advocates for no STR’s and that people on all sides of those fourteen units are really suffering and there are people that are emotionally damaged because of the actives and overbooking and the Town of Carbondale isn’t policing the rentals. Sarah ended by saying that it behooves us all as a community to have there be no short term rentals under 30 days.

V. Committee Report

- **Long Range Planning – detailed update at Annual Meeting**
John Lund, Board Vice President and Long Range Planning Committee Chair, shared that there is a proposal/plan as to what the committee is recommending for the long range plan and related expenditures. Community input sessions will take place on Wednesday Aug. 9 and Thursday, Aug. 10 with morning and afternoon sessions. The sessions will be administered by McMahan along with representatives from the board and the Long Range Planning Committee.

VI. Month End Financial Review – detailed update at Annual Meeting

VII. Management Update

- **General Manager Report- Ashley Lynch**
Ashley commented that Triangle Park parking lot sealing work will begin soon. Ashley went on to say that there is an update in his report regarding the Crystal River restoration project.

John Lund asked when a draft version of the STR draft will be available from the lawyer. Ashley replied that we should expect a draft version pretty soon and hopefully two to three weeks in advance of the next board meeting.

- **Programming & Community Engagement Report- Ali Royer**
Carl commented that Ali’s report shows very fun events and she is doing a really good job.
- **DRC Report- Jessica Hennessy**
- **Finance Report- James Maguire**
- **Outside Service Report- Travis Green**

VIII. Old Business

IX. New Business

X. Adjourn

Mike Banbury adjourned the meeting at 5:55 p.m.

DRAFT



August 24th, 2023

Governance/Operations:

- We continue to work with the town on the Emerald Ash Borer (EAB) issue. In conjunction with the town, we will move forward with tree injections in the spring. The Arborist is finalizing a tree inventory that will prioritize high value (healthy old growth) trees.
- McMahon surveys and informational pieces will soon be released based upon the plans presented at our recent community feedback sessions.
- Roofs have been added to the Triangle park dugouts per the TOC
 - Asphalt sealing/crack repair will happen in Late August
- The Ranch House parking lot will be sealed just prior to the board meeting.
- The Crystal River Restoration Project is in full swing despite the setback concerning diesel fuel spilling into the river.
 - Week of 8/20 they will be hauling removed sediment out of the site and continuing work on the outdoor classroom.
 - All in river work should be completed by 9/15/23 with a hard stop of 9/30/23 due to spawning which occurs during the fall.
 - The exception to that completion is the access ramp, which may have concrete work completed into the fall.
 - Riparian restoration (plantings) will commence in the spring.
- A draft of the STR Amendment, drafted by our lawyer, has been included in this board packet.
- Home painting in Old Town is complete and inspections have occurred to isolate any issues. The crews are working in the Settlement.
- The draft budget timeline has been released in the Board Packet. It is similar to what transpired last year. We are working on the finalization of our year end forecast.

Staffing

- All positions are filled at this time, our lifeguards have returned to school.

Sub-Associations & Neighborhoods

- **The Boundary** – Their annual meeting was held on 8/17 and was well attended. A quorum of homeowners was present and the 2024 budget was ratified.
- **Crystal Bluffs** – no update
- **24/Fairway Residences** – No update
- **Old Town** –
 - No Update
- **The Settlement** –
 - Painting is ongoing
 - An advisory Committee Meeting will be held at 530pm on 9/6/23
- **Thompson Corner**
 - No updates provided

Ranch House Report 8.23.2023– Ali Royer, Director of Programming & Community Engagement

Fitness

Fitness classes have been slow, which is typical for this time of year. People are exercising outside and traveling. Our beloved yoga teacher, Shelly, is on an extended break from teaching while she moves her son to another country and travels for a few months. We will miss her! We're searching for the right person to take her classes.

Ranch House Usage – July

1. We had 5,921 check-ins at the Ranch House for the month of July (5,325 in July 2022).
 - a. 4,936 were homeowners or transferred memberships.
 - b. 361 were monthly Thompson Corner or ADU members.
 - c. 624 were tennis members.

*The Ranch House will begin closing at 8 p.m. instead of 9 p.m. Tuesday, September 5.

Staff/Pool

Seasonal summer staff – most of our lifeguards, snack bar, slide attendants, and pool supervisors are back in school. Starting 8/14, we moved to pool staff on weekends only due to school schedules. Even on the weekends, staffing is looking limited. We will do the best we can to keep the slide and snack bar open on the weekends through Sunday, September 3. Most of our lifeguards go to CRMS and therefore are in school on Labor Day. We won't have enough staff on Labor Day to have lifeguards or the slide open. We will have the pool open, swim at your own risk, and the snack bar staffed.

Tennis

Last week's All in White round robin was at capacity! Kids' tennis camps are now over since school is back in session – great feedback about camps. Lessons remain busy. Thanks Cristina and Charlie!

Past & Upcoming Events

July Events

- 4th of July
- Linda Holway Artist Happy Hour
- Chocolate Tasting featuring Pollinator Chocolate
- Wine tasting – Rosés

August Events

- Tennis All in White round robin
- Long-Range Planning community feedback sessions
- Tequila Tasting

DRC Report August 2023 - Jessica Hennessy

The following projects were reviewed by the DRC in August:

- **Lot:** Z03, 218 Crystal Canyon | **Review:** Adjacent Lot Construction Staging/Project Completion Check-in
- **Lot:** EE10, 870 Perry Ridge | **Review:** First Preliminary
- **Lot:** Y01, 153 Sopris Mesa | **Review:** Landscape Inspection Follow Up
- **Lot:** D07, 3868 Crystal Bridge | **Review:** Landscape Improvement Proposal
- **Lot:** HH04, 1174 Heritage | **Review:** Second Preliminary
- **Lot:** JJ6 & JJ07, 3580 Crystal Bridge & 3600 Crystal Bridge | **Review:** First Preliminary
- **Lot:** Q13, 979 Cedar Creek | **Review:** First Preliminary

The DRC is experiencing a slowdown in new construction applications but is keeping busy with current projects. Final Architectural and Landscape inspections are common this time of year. The DRC is also seeing more applications for other improvements such as remodels/renovations and landscape improvements.

There have been **66** Admin Reviews processed so far this year.

DRC numbers:

- There are currently **27** homes in the construction phase (from breaking ground to the final inspection phase/closeout).
- There are **8** applicants in the Preliminary Design Review phase.
- There are **8** applicants finalized by DRC and waiting on permits from the Town of Carbondale.
- There are currently **43** total active DRC files.

Financial Report

July 2023

Prepared by James Maguire

Budget vs Actual

With summer in full swing and activity at the Ranch House at its peak, July is typically the month with the greatest number of transactions and highest dollar volume of expenses for the year. This July we also saw a huge spike in food and beverage sales. Out of a budgeted \$10K, we sold over \$17K in food and beverages. Last July, 2022, we had sold \$10K. I believe we can attribute this to our expanded menu options and overall enhancements to the snack bar this year.

On the flip side, DRC fee income was down about \$4K under budget.

Overall, total budgeted income for July was \$253K and we brought in \$263K, a surplus of about \$10K.

COGS for July were \$42K out of a budgeted \$43K and total expenses were \$244K out of a budgeted \$241K. Personnel costs, which include wages, benefits, taxes, workers comp, and other payroll expenses, only had a \$37 variance from the budget. We spent \$137,961 out of a budget of \$137,992.

Grounds expenses were under budget by \$11K, mostly due to timing of tree maintenance and lawn maintenance. We do expect this to catch up in the upcoming months as we continue to respond to the Emerald Ash Borer issue affecting our trees throughout the community.

The only area where we spent significantly over budget was community events which was \$13,670 over budget in July. This was done consciously knowing we had extra room in the overall budget to spend more on the 4th of the July and Annual Meeting events. As well, the 4th of July event raised over \$6,000 in income.

As for year-to-date, total budgeted income is \$1.654 million and we brought in \$1.655 million.

Total budgeted COGS is \$166K and we spent \$167K.

Total budgeted expenses is \$1.443 million and we spent \$1.396 million.

Our bottom-line net income budget vs actual is a \$48,242 surplus.

Reserve Funds

The beginning RVRMA reserve fund balance in June was \$2,211,710.

Total reserve income for July was \$49,104, of which \$10,324 was interest income.

A total of \$31,133 of reserve funds were spent in July. We purchased additional security cameras and made a payment for the ongoing long term planning consulting service.

The ending balance in the reserve account was \$2,229,681 as of July 31st.

The new 2023 Reserve Study has been posted to the RVRMA website on the Finance page.

2023 Forecast

Last year, we ended the year with a \$35K surplus out of a \$2.3 million budget. This year we hope to end with a surplus within 1% of the budget (\$2.490M) which would be \$25K or less.

River Valley Ranch Master Association
Profit & Loss Budget Performance
July 2023

	July	Budget	YTD Actual	YTD Budget	Annual Budget
Income					
Assessments	179,496	179,525	1,256,792	1,256,675	2,154,300
Memberships	15,703	12,800	48,351	39,500	69,700
Swim & Fitness.	2,670	4,000	9,812	16,000	21,000
Tennis Programming Income	27,253	25,000	150,995	152,000	187,000
Homeowner Reimbursable Assessmt	11,886	9,000	74,913	72,000	117,000
Other Income	26,166	22,500	114,626	117,700	196,700
Total Income	263,174	252,825	1,655,489	1,653,875	2,745,700
Cost of Goods Sold					
Swim & Fitness	6,039	8,250	38,864	42,750	70,500
Tennis	28,669	28,500	99,066	105,000	154,500
Concessions	5,419	5,500	17,171	15,100	24,300
Credit Card Fees	1,488	500	11,654	3,500	6,000
Total COGS	41,615	42,750	166,755	166,350	255,300
Gross Profit	221,559	210,075	1,488,734	1,487,525	2,490,400
Expense					
Personnel	137,961	137,992	822,007	842,544	1,492,400
Grounds	29,355	40,291	187,683	221,637	360,500
Irrigation	8,796	9,205	66,598	73,435	123,500
Ranch House Expenses	10,439	10,955	89,608	83,485	139,400
Utilities	12,576	11,940	83,612	83,780	144,000
Administrative	10,203	8,958	68,144	62,710	107,500
Finance	96	300	3,104	2,100	5,100
Design Review Committee	3,384	3,500	20,269	24,500	42,000
RVR Community Expenses	31,258	17,750	55,383	49,250	76,000
Total Expense	244,068	240,891	1,396,408	1,443,441	2,490,400
Net Operating Surplus / Deficit	(22,509)	(30,816)	92,326	44,084	0

Reserve Activity
July 2023

	July	Budget	YTD Actual	YTD Budget	Annual Budget
Reserve Income					
Reserve Assessment Income	38,780	38,783	271,460	271,481	465,400
Investment Interest Income	10,324	2,000	55,338	14,000	24,000
Total Reserve Income	49,104	40,783	326,798	285,481	489,400
Reserve Balance July 1	2,211,710				
Income	49,104				
Spending	(31,133)				
Reserve Balance July 31	2,229,681				

River Valley Ranch Master Association

Public - Balance Sheet

As of July 31, 2023

ASSETS

Current Assets

Checking/Savings

Wells Fargo Operating 2674 582,153

Investment Accounts 2,922,956

Total Checking/Savings 3,505,109

Accounts Receivable

Homeowner Accounts Receivable 5,551

Total Accounts Receivable 5,551

Other Current Assets

Interest Receivable 23,555

Prepaid Expenses 35,462

Undeposited Funds 3,310

Inventory 1,912

Total Other Current Assets 64,239

Total Current Assets 3,574,899

Fixed Assets 604,338

TOTAL ASSETS 4,179,237

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

Accounts Payable - Vendors 82,637

Accounts Payable - Payroll 60,179

Accounts Payable - Payroll Tax 5,309

Accounts Payable - P&D Deposits 909,750

Total Accounts Payable 1,057,875

Credit Cards

Wells Fargo Credit Card 5,685

Total Credit Cards 5,685

Other Current Liabilities

Prepaid HOA Dues 41,632

Prepaid Income - DRC Fees 46,919

Prepaid Income - Other 4,060

Sales Tax Payable 1,485

Payroll Liabilities 1,833

AVLT Payable 28,035

Total Other Current Liabilities 123,964

Total Current Liabilities 1,187,524

Total Liabilities 1,187,524

Equity

Reserves 2,289,822

Prior Operating Fund 1,058,167

Transfers to from Reserves (604,204)

Retained Earnings 154,301

Net Income 93,626

Total Equity 2,991,712

Rounding 1

TOTAL LIABILITIES & EQUITY 4,179,237

Facilities & Grounds - Travis Green

Crews have been working hard on tree work around the community this week. The irrigation team continues to be busy making necessary repairs daily. We are lowering irrigation run times as the temperatures are becoming more moderate, and I encourage homeowners to do the same. We have purchased 20 trees to plant this fall as we look to diversify our canopy. We will plant strategically in areas that won't impede views from your homes. Please email me with any landscape or irrigation questions.

**FOURTH AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS
FOR
RIVER VALLEY RANCH**

(Short Term Rentals)

THIS FOURTH AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR RIVER VALLEY RANCH (the "Fourth Amendment") is made this __ day of _____, 2023 by the River Valley Ranch Master Association, Inc. (the "Association"), a Colorado non-profit corporation.

RECITALS

- A. River Valley Ranch is a planned community located in the Town of Carbondale, Garfield County, Colorado, and is subject to the Amended and Restated Declaration of Protective Covenants for River Valley Ranch recorded in the public records of Garfield County, Colorado on March 25, 1998 at Reception No. 522481 (the "Declaration"), as amended by the First Amendment thereto recorded in the public records of Garfield Colorado on January 18, 1999 at Reception No. 538914 (the "First Amendment"), the Second Amendment thereto recorded in the public records of Garfield County, Colorado on August 22, 2000 at Reception No. 567997 (the "Second Amendment"), and the Third Amendment thereto recorded in the public records of Garfield County, Colorado on June 2, 2005 at Reception No. 675382 (the "Third Amendment").
- B. Section 13.3 of the Declaration, as amended, provides that the Declaration may be amended by "the vote or agreement of Lot and Unit Owners to which more than fifty percent (50%) of the votes in the [Association] are allocated"; however, "no may change the uses to which any Lot or Unit is restricted in the absence of a vote or agreement of Lot and Unit Owners to which at least sixty-seven percent (67%) of the votes in the [Association] are allocated."
- C. This Fourth Amendment imposes restrictions on leasing in River Valley Ranch, which is a restriction on use of Lots and Units.
- D. Pursuant to Section 13.3 of the Declaration and C.R.S. § 38-33.3-217(4.5), this Fourth Amendment was approved by the affirmative vote or agreement of Owners to which more than sixty-seven percent (67%) of the votes in the Association are allocated, as certified and attested by the President and Secretary of the Association by their execution hereof.
- E. This Fourth Amendment does not require the consent of a mortgage or trust deed holder.
- F. This Fourth Amendment is reasonable and advances the purposes of the Association.

NOW THEREFORE, the Declaration is hereby amended as set forth herein:

1. Recitals. The foregoing recitals are incorporated herein.
2. Definitions. The definitions contained in the Declaration are incorporated herein, except as they conflict with the defined terms in this Fourth Amendment.
3. Section 2.26 – Lease. Section 2.26 of the Declaration is hereby to amended by deleting the ~~strikethrough~~ language and adding the **bold, underlined** language, as follows:

2.26 Lease. "Lease" means and refers to any agreement for the leasing, rental, **license**, use, or **any other right of** occupancy of a Unit, a residential dwelling located on a Lot, all or one side of a duplex, **Caretaker Apartment**, or an Accessory Dwelling Unit, within the Common Interest Community; **except, however, "Lease" does not include a post-closing occupancy agreement entered pursuant to a contract to buy and sell real estate.** The **restrictions**, required terms, and procedures for Leases are more particularly set forth in Section 3.35 below.

4. Section 3.35 – Leases. Section 3.35 of the Declaration is hereby to amended by deleting the ~~strikethrough~~ language and adding the **bold, underlined** language, as follows:

3.35 Leases. All Leases of Units, residences on Lots, duplex halves, Caretaker Apartments, or Accessory Dwelling Units shall be in writing and **subject to the following restrictions:** ~~shall contain the following terms and conditions:~~

- (a) **All Leases shall be for a minimum of term of thirty (30) consecutive days.**
- (b) **There shall not be more than six (6) Leases per calendar year for each Unit, residence on a Lot, or duplex half and there shall not be more than twelve (12) Leases per calendar year for each Caretaker Apartment and Accessory Dwelling Unit.**
- (c) **If a Lease is terminated prior to the expiration of the minimum lease term of thirty (30) consecutive days, a new Lease may not commence until the expiration of at least thirty (30) consecutive days from the first day of the term of the prior Lease.**
- (d) **More than one lease of the entire Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit at any one time is prohibited.**
- (e) **All solicitations for Leases shall include a statement that the minimum lease term is thirty (30) consecutive days.**
- (f) The Lease must cover the entire Unit, ~~or~~ **residence on a Lot, or duplex half, Caretaker or Apartment, or Accessory Dwelling Unit** (i.e. no Leases of bedrooms alone or otherwise covering less than all of the Unit or Lot or duplex half or Apartment shall be permitted). **Leases of less than an entire Unit, residence on a Lot, duplex half,**

Caretaker Apartment, or Accessory Dwelling Unit, such as a room, lower level, , or any space other than the entire Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit are prohibited. When subject to a Lease, an Owner may not reserve any possessory rights in the Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit that would allow for the Owner and lessee to simultaneously occupy the Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit.

(g) Sub-Leases are prohibited.

(h) All Leases shall provide (i) that the terms of the Lease and the tenant's (Occupant's) use of the **Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit** ~~Lot or duplex half or Unit or Apartment~~ shall be subject in all respects to the provisions of this Master Declaration and of any pertinent Supplemental Declaration, and the Articles, the Bylaws, and the Master Rules and Regulations, and the Master Development Guidelines, (ii) that the Occupant has received and reviewed copies of said documents, and (iii) that any failure by the Occupant to comply with any of the aforesaid documents, in any respect, shall be a default by Occupant under the Lease and a default by Occupant and Owner under said documents which may be enforced against Occupant and/or Owner by the Executive Board.

(i) Without limiting the generality of the foregoing, each Lease shall contain a summary of (i) the maximum number of persons that may occupy a Unit or Lot or duplex half or Apartment, as set forth in Section 3.4 hereof, (ii) the rules regarding permitted animals, as set forth in Section 3.17 hereof, and (iii) the rules regarding storage of sporting equipment, as set forth in Section 3.14 hereof.

(j) Prior to the commencement of any Lease, the Owner shall be required to provide information regarding such lease reasonably required by the Association to determine compliance with this Master Declaration and on a form prepared by the Master Association as well as ~~Each Owner shall notify the Master Association immediately upon the leasing of his Lot or duplex half or Unit or Apartment, and shall provide the Master Association with a copy of the Lease and with the name, **phone number, email address,** and mailing address of the Occupant and the mailing address (if changed) of the Owner.~~

(k) Each Owner who leases a **Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit** ~~Lot or duplex half or Unit or Apartment~~ shall be responsible for assuring compliance by the Occupant with all of the provisions of this Master Declaration, any pertinent Supplemental Declaration, the Articles, the Bylaws, the Master Rules and Regulations, and the Master Development Guidelines, and shall be jointly and severally responsible with the Occupant for any violations thereof by the Occupant.

(l) No Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit shall be used for and no Owner of any thereof shall offer, Lease, or sell any interest or use of an Unit, residence on a Lot, duplex half, Caretaker Apartment, or Accessory Dwelling Unit to a timeshare program, membership club or program, vacation club or program, destination club or program, interval ownership or any type of similar plan.

(m)The Executive Board is hereby authorized in its discretion to enact Rules and Regulations and impose fees for any Lease. To the extent allowed by law, for violations of this Section and any Rules and Regulations promulgated pursuant thereto, the Executive Board is hereby authorized to impose fines up to an amount equal to the payment received by Owner for such Lease or \$10,000.00, whichever is more.

5. Force and Effect; Recordation. This Amendment hereby supersedes and controls over any provision contained in the Declaration as adopted before this Fourth Amendment. Except as amended by the terms of this Forth Amendment and previous amendments, if any, the Declaration shall remain in full force and effect. This Amendment shall be recorded in the public records of Garfield County, Colorado and shall be effective upon recordation.

IN WITNESS WHEREOF, the undersigned executed this Fourth Amendment as of the date written above.

~ Signature Page Follows ~

RIVER VALLEY RANCH MASTER ASSOCIATION, INC.
a Colorado non-profit corporation.

By: _____
President

By: _____
Secretary

STATE OF _____)
) ss.
COUNTY OF _____)

This Fourth Amendment was acknowledged before me on _____ by _____, as President of the River Valley Ranch Master Association, Inc., a Colorado non-profit corporation.

Notary Public

STATE OF _____)
) ss.
COUNTY OF _____)

This Fourth Amendment was acknowledged before me on _____ by _____, as Secretary of the River Valley Ranch Master Association, Inc., a Colorado non-profit corporation.

Notary Public

An Act

SENATE BILL 23-178

BY SENATOR(S) Jaquez Lewis and Will, Marchman, Priola, Bridges, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Moreno, Roberts, Sullivan, Fenberg;
also REPRESENTATIVE(S) McCormick and Lindsay, Amabile, Bird, Boesenecker, Brown, Dickson, Froelich, Hamrick, Herod, Jodeh, Kipp, Martinez, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sirota, Snyder, Titone, Valdez, Velasco, Weissman, Willford, Woodrow, McCluskie.

CONCERNING REMOVING BARRIERS TO WATER-WISE LANDSCAPING IN
COMMON INTEREST COMMUNITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 38-33.3-106.5, **amend** (1)(i)(I)(A); and **add** (1)(i.5) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

association to the contrary, an association shall not prohibit any of the following:

(i) (I) (A) The use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible, including a limited common element or property owned by the unit owner. Associations may adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property or on a limited common element or other property for which the unit owner is responsible. An association may restrict the installation of nonvegetative turf grass to rear yard locations only. THIS SUBSECTION (1)(i)(I)(A), AS AMENDED BY SENATE BILL 23-178, ENACTED IN 2023, APPLIES ONLY TO A UNIT THAT IS A SINGLE-FAMILY HOME THAT SHARES ONE OR MORE WALLS WITH ANOTHER UNIT AND DOES NOT APPLY TO A UNIT THAT IS A DETACHED SINGLE-FAMILY HOME.

(i.5) (I) THE USE OF XERISCAPE, NONVEGETATIVE TURF GRASS, OR DROUGHT-TOLERANT OR NONVEGETATIVE LANDSCAPES TO PROVIDE GROUND COVERING TO PROPERTY FOR WHICH A UNIT OWNER IS RESPONSIBLE, INCLUDING A LIMITED COMMON ELEMENT OR PROPERTY OWNED BY THE UNIT OWNER AND ANY RIGHT-OF-WAY OR TREE LAWN THAT IS THE UNIT OWNER'S RESPONSIBILITY TO MAINTAIN. ASSOCIATIONS MAY ADOPT AND ENFORCE DESIGN OR AESTHETIC GUIDELINES OR RULES THAT APPLY TO DROUGHT-TOLERANT VEGETATIVE OR NONVEGETATIVE LANDSCAPES OR TO VEGETABLE GARDENS OR THAT REGULATE THE TYPE, NUMBER, AND PLACEMENT OF DROUGHT-TOLERANT PLANTINGS AND HARDSCAPES THAT MAY BE INSTALLED ON PROPERTY THAT IS SUBJECT TO THE GUIDELINES OR RULES; EXCEPT THAT THE GUIDELINES OR RULES MUST:

(A) NOT PROHIBIT THE USE OF NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A UNIT OWNER'S PROPERTY;

(B) NOT UNREASONABLY REQUIRE THE USE OF HARDSCAPE ON MORE THAN TWENTY PERCENT OF THE LANDSCAPING AREA OF A UNIT OWNER'S PROPERTY;

(C) ALLOW A UNIT OWNER AN OPTION THAT CONSISTS OF AT LEAST EIGHTY PERCENT DROUGHT-TOLERANT PLANTINGS; AND

(D) NOT PROHIBIT VEGETABLE GARDENS IN THE FRONT, BACK, OR SIDE YARD OF A UNIT OWNER'S PROPERTY. AS USED IN THIS SUBSECTION (1)(i.5), "VEGETABLE GARDEN" MEANS A PLOT OF GROUND OR AN ELEVATED SOIL BED IN WHICH POLLINATOR PLANTS, FLOWERS, OR VEGETABLES OR HERBS, FRUITS, LEAFY GREENS, OR OTHER EDIBLE PLANTS ARE CULTIVATED.

(II) FOR THE PURPOSES OF THIS SUBSECTION (1)(i.5), EACH ASSOCIATION SHALL SELECT AT LEAST THREE PREPLANNED WATER-WISE GARDEN DESIGNS THAT ARE PREAPPROVED FOR INSTALLATION IN FRONT YARDS WITHIN THE COMMON INTEREST COMMUNITY. TO BE PREAPPROVED, A GARDEN DESIGN MUST ADHERE TO THE PRINCIPLES OF WATER-WISE LANDSCAPING, AS DEFINED IN SECTION 37-60-135 (2)(1), WHICH EMPHASIZE DROUGHT-TOLERANT AND NATIVE PLANTS, OR BE PART OF A WATER CONSERVATION PROGRAM OPERATED BY A LOCAL WATER PROVIDER. EACH GARDEN DESIGN MAY BE SELECTED FROM THE COLORADO STATE UNIVERSITY EXTENSION PLANT SELECT ORGANIZATION'S "DOWNLOADABLE DESIGNS" LIST OR FROM A MUNICIPALITY, UTILITY, OR OTHER ENTITY THAT CREATES SUCH GARDEN DESIGNS. AN ASSOCIATION SHALL CONSIDER A UNIT OWNER'S USE OF ONE OF THE GARDEN DESIGNS SELECTED BY THE ASSOCIATION TO BE PREAPPROVED AS COMPLYING WITH THE ASSOCIATION'S AESTHETIC GUIDELINES AND SHALL ALLOW A UNIT OWNER TO USE REASONABLE SUBSTITUTE PLANTS WHEN A PLANT IN A DESIGN ISN'T AVAILABLE. EACH ASSOCIATION SHALL POST ON ITS PUBLIC WEBSITE, IF ANY, INFORMATION CONCERNING PREAPPROVALS OF GARDEN DESIGNS.

(III) EXCEPT AS DESCRIBED IN SUBSECTION (1)(i.5)(IV) OF THIS SECTION, IF AN ASSOCIATION KNOWINGLY VIOLATES THIS SUBSECTION (1)(i.5), A UNIT OWNER WHO IS AFFECTED BY THE VIOLATION MAY BRING A CIVIL ACTION TO RESTRAIN FURTHER VIOLATION AND TO RECOVER UP TO A MAXIMUM OF FIVE HUNDRED DOLLARS OR THE UNIT OWNER'S ACTUAL DAMAGES, WHICHEVER IS GREATER.

(IV) BEFORE A UNIT OWNER COMMENCES A CIVIL ACTION AS DESCRIBED IN SUBSECTION (1)(i.5)(III) OF THIS SECTION, THE UNIT OWNER SHALL NOTIFY THE ASSOCIATION IN WRITING OF THE VIOLATION AND ALLOW THE ASSOCIATION FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE TO CURE THE VIOLATION.

(V) NOTHING IN THIS SUBSECTION (1)(i.5) SHALL BE CONSTRUED TO PROHIBIT OR RESTRICT THE AUTHORITY OF ASSOCIATIONS TO:

(A) ADOPT BONA FIDE SAFETY REQUIREMENTS CONSISTENT WITH APPLICABLE LANDSCAPE CODES OR RECOGNIZED SAFETY STANDARDS FOR THE PROTECTION OF PERSONS AND PROPERTY;

(B) PROHIBIT OR RESTRICT CHANGES THAT INTERFERE WITH THE ESTABLISHMENT AND MAINTENANCE OF FIRE BUFFERS OR DEFENSIBLE SPACES; OR

(C) PROHIBIT OR RESTRICT CHANGES TO EXISTING GRADING, DRAINAGE, OR OTHER STRUCTURAL LANDSCAPE ELEMENTS NECESSARY FOR THE PROTECTION OF PERSONS AND PROPERTY.

(VI) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THIS SUBSECTION (1)(i.5) APPLIES ONLY TO A UNIT THAT IS A SINGLE-FAMILY DETACHED HOME AND DOES NOT APPLY TO:

(A) A UNIT THAT IS A SINGLE-FAMILY ATTACHED HOME THAT SHARES ONE OR MORE WALLS WITH ANOTHER UNIT; OR

(B) A CONDOMINIUM.

SECTION 2. In Colorado Revised Statutes, 37-60-126, amend (11)(b)(IV); and add (11)(a)(III) and (11)(a.5) as follows:

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - definitions - repeal.
(11) (a) (III) THIS SUBSECTION (11)(a), AS AMENDED BY SENATE BILL 23-178, ENACTED IN 2023, APPLIES ONLY TO A UNIT THAT IS A SINGLE-FAMILY HOME THAT SHARES ONE OR MORE WALLS WITH ANOTHER UNIT AND DOES NOT APPLY TO A UNIT THAT IS A DETACHED SINGLE-FAMILY HOME.

(a.5) (I) ANY SECTION OF A RESTRICTIVE COVENANT OR OF THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF A COMMON INTEREST COMMUNITY, ALL AS DEFINED IN SECTION 38-33.3-103, AND ANY RULE OR POLICY OF A SPECIAL DISTRICT, AS DEFINED IN SECTION 32-1-103 (20), THAT PROHIBITS OR LIMITS XERISCAPE, PROHIBITS OR LIMITS THE INSTALLATION OR USE OF DROUGHT-TOLERANT VEGETATIVE OR NONVEGETATIVE LANDSCAPES, REQUIRES CULTIVATED VEGETATION TO

CONSIST WHOLLY OR PARTIALLY OF TURF GRASS, OR PROHIBITS THE USE OF NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A RESIDENTIAL PROPERTY IS HEREBY DECLARED CONTRARY TO PUBLIC POLICY AND, ON THAT BASIS, IS UNENFORCEABLE. THIS SUBSECTION (11)(a.5) DOES NOT PROHIBIT COMMON INTEREST COMMUNITIES OR SPECIAL DISTRICTS FROM ADOPTING AND ENFORCING DESIGN OR AESTHETIC GUIDELINES OR RULES THAT APPLY TO DROUGHT-TOLERANT VEGETATIVE OR NONVEGETATIVE LANDSCAPES OR REGULATE THE TYPE, NUMBER, AND PLACEMENT OF DROUGHT-TOLERANT PLANTINGS AND HARDSCAPES THAT MAY BE INSTALLED ON PROPERTY THAT IS SUBJECT TO THE GUIDELINES OR RULES; EXCEPT THAT THE GUIDELINES OR RULES MUST:

(A) NOT PROHIBIT THE USE OF NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A RESIDENTIAL PROPERTY;

(B) NOT UNREASONABLY REQUIRE THE USE OF HARDSCAPE ON MORE THAN TWENTY PERCENT OF THE LANDSCAPING AREA OF A UNIT OF A COMMON INTEREST COMMUNITY, AS THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103 (8) AND (30);

(C) ALLOW A UNIT OWNER, AS DEFINED IN SECTION 38-33.3-103 (31), AN OPTION THAT CONSISTS OF AT LEAST EIGHTY PERCENT DROUGHT-TOLERANT PLANTINGS; AND

(D) NOT PROHIBIT VEGETABLE GARDENS IN THE FRONT, BACK, OR SIDE YARD OF A UNIT OWNER'S PROPERTY. AS USED IN THIS SUBSECTION (11)(a.5)(I)(D), "VEGETABLE GARDEN" MEANS A PLOT OF GROUND OR AN ELEVATED SOIL BED IN WHICH POLLINATOR PLANTS, FLOWERS, OR VEGETABLES OR HERBS, FRUITS, LEAFY GREENS, OR OTHER EDIBLE PLANTS ARE CULTIVATED.

(II) THIS SUBSECTION (11)(a.5) DOES NOT APPLY TO:

(A) A UNIT OWNERS' ASSOCIATION, AS DEFINED IN SECTION 38-33.3-103 (3), THAT INCLUDES TIME SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7); OR

(B) A UNIT, AS DEFINED IN SECTION 38-33.3-103 (30), THAT IS A SINGLE-FAMILY HOME THAT SHARES ONE OR MORE WALLS WITH ANOTHER UNIT.

(b) As used in this subsection (11):

(IV) ~~"Xeriscape" means the application of the principles of landscape planning and design, soil analysis and improvement, appropriate plant selection, limitation of turf area, use of mulches, irrigation efficiency, and appropriate maintenance that results in water use efficiency and water-saving practices~~ HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (33).

SECTION 3. In Colorado Revised Statutes, 37-60-115, **amend** (6)(e) as follows:

37-60-115. Water studies - rules - repeal. (6) **Precipitation harvesting pilot projects.** (e) (I) This subsection (6) is repealed, effective July 1, 2026.

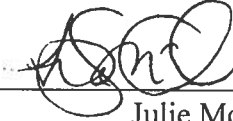
(II) THIS REPEAL DOES NOT AFFECT OR OTHERWISE PRECLUDE WATER COURTS FROM ADJUDICATING ANY APPLICATION FOR AN AUGMENTATION PLAN PURSUANT TO THIS SUBSECTION (6) THAT IS FILED PRIOR TO JULY 1, 2026.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

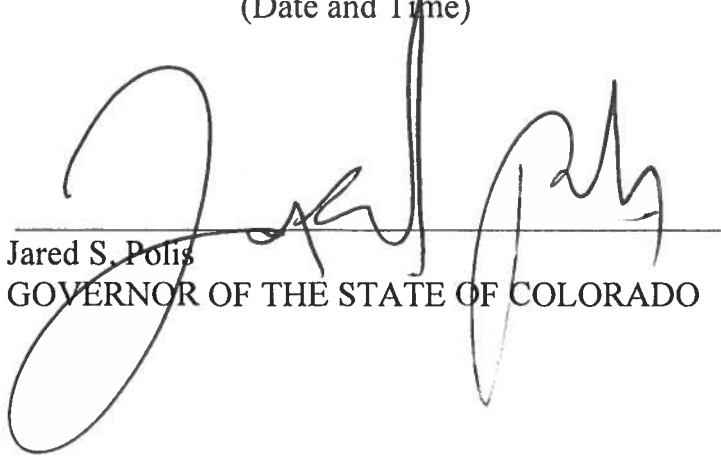


Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Wednesday, May 17th, 2023 at 9:55am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Working Draft of 2024 Budget Timeline

Task	August	September	October	November	December
Complete end of year forecast	Aug 25th (Fri)				
Management Finalization of Draft Budgets		Sept 22nd (Friday)			
Release budget summaries/explanations to Public		Oct 12th (Thursday)			
Hold Public Sessions for Budget Feedback/Q&A		Oct 17th (Tue) 5pm-6pm			
Hold Public Sessions for Budget Feedback/Q&A		Oct 19th (Thurs) 5pm-6pm			
Insert Proposed Budget Summary into Board Packet			Oct 20th (Friday)		
Present Proposed Budget at Board Meeting			Oct 25th (Wed)		
Revision of FINAL 2021 Budget with any Board changes			Nov 1st (Wed)		
Final Budget Shared with Community via Email				Nov 9th (Thurs)	
Board of Direc Budget Ratification at Board Meeting				Nov 15th (Wed)	
Approved Budget Summary Added to Website for Community Review + special mailing notifying homeowners of upcoming vote				Nov 16th (Thurs)	
Email Budget Ballot					Dec 1st (Fri)
Board Meeting Final Budget Ratification					Dec 13th (Wed)