

RIVER VALLEY RANCH

RVRMA EXECUTIVE BOARD MONTHLY MEETING

Wednesday July 21, 2021, 5:30 p.m.
Ranch House Conference Room

Executive Board of Directors

Cathy Cooney, Co-President
Gary Lesser, Co-President
Todd Richmond, Treasurer
Ben Johnston, Secretary
RJ Spurrier, Director
John Lund, Director

Management Attendees

Sterling Page, General Manager
James Maguire, Accounting

Homeowner Attendees

Stan Kleban
Wolf Gensch
Michael Banbury

I. Call to Order- Establish Quorum

Cathy Cooney called the meeting to order at 5:35.

II. Approval of the Minutes

- Approval of meeting minutes of the Executive Board meeting held on June 23, 2021.
- Approval of meeting minutes of the Special Board Meeting held on July 9, 2021

Motion: Cathy Cooney and Gary Lesser moved and seconded to approve the meeting minutes from June 23, 2021, and the Special Board Meeting of July 9, 2021.

III. Consent Agenda

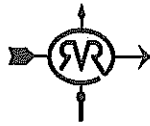
Motion: Cathy Cooney and John Lund moved and seconded to approve the Consent Agenda. The motion passed unanimously.

IV. Public Comment

There was no public comment.

III. Management Updates (attached)

- Ranch House- Kendra Ford
- Operational -Sterling Page
- Finance -James Maguire
- Landscape -Travis Green



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IV. Committee Reports (attached)

- Landscape
- Long-Range Planning
- Golf

V. Old Business

- **Election Update**

- **Announce election results**

RJ Spurrier- 132 votes

Michael Banbury – 115 votes

Clarence Blackwell -97 votes

- **Seat new Board members**

-

Michael Banbury was invited to join the Board at the table.

- **Election of Officers**

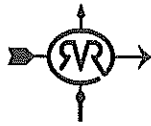
There was discussion around the idea of increasing the number of Board Members at some point in the future in order to cover all the of the needs of a growing and evolving community. This will be part of the conversation at the Board Retreat and on August 23 and discussed the next Board meeting. Included in the discussions at the retreat will be a succession plan for both Board members and Management.

Motion: Ben Johnston and Cathy Cooney moved and seconded to amend the by-laws to the extent necessary to remove the Co-Presidency position and replace it with the President and Vice President position. The motion passed unanimously.

Motion: Cathy Cooney and Ben Johnston moved and seconded to elect Gary Lesser as President, John Lund as Vice President, Todd Richmond as Treasurer and Ben Johnston as Secretary. The motion passed unanimously.

- **Long-Term Planning RFP**

John Lund noted the firms who the committee requested bids from have responded with multiple proposals. The committee is going to meet again with the top candidates and fine



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tune the proposals to come up with a single option to present to the Board in August. The estimated cost will be somewhere around \$50,000 for the first phase.

It was determined the Long-Range Planning proposals will be discussed at an Executive Session after the August 25 board meeting.

John Lund asked for Board approval of appointing two new members to the Long-Range Planning Committee. The new members proposed by John are Charlie Lozner and Cari Shurman.

Motion: Ben Johnston and Cathy Cooney moved and seconded to appoint Charlie Lozner and Cari Shurman to the Long-Range Planning Committee. The motion passed unanimously.

- Old Town Advisory Committee Report (attached)
- Settlement Advisory Committee Report (attached)

VI. New Business

- **State Guidelines re Freedom of Expression**

Ben Johnston and Jeff Conklin have agreed to come back at the August Board meeting with a proposal on how to manage our current sign policy to incorporate the new state guideline. The new state guideline regarding signs is content neutral and in line with 1st Amendment rights. It does seem the new HOA sign policy can give some parameters to size and number of signs. This will all be presented at the August meeting.

- **State Guidelines re Increased Protection for Unit Owners under CCIOA**

Sterling noted the significant issue in this new guideline is that it allows for non-vegetative material (Astro turf) in yards. The DRC will need to develop a procedure and requirements for review of Astro turf and guidelines around it.

The other issue is the transparency of unique fees related to real estate transactions.

VII. Adjourn

Motion: John Lund and Gary Lesser moved and seconded to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 6:20 pm.



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General Manager's Monthly Report to the Board of Directors

July 19, 2021

Governance

- The feedback radar speed sign has arrived, but it was discovered that parts were back ordered so we are waiting for their arrival.
- With the re-opening of the Ranch House and the amenities we are focusing on each aspect of the customer experience. This involves a shift from the work from home, wear your shorts on a video conference meeting mentality to a full upgrade in attitude, appearance, and activities of every member of our service team and the facility. We will be filling vacancies in our service management team, particularly, hiring a Hospitality Services Director. The focus of this position is to make certain that the owners in RVR are receiving the high degree of service that is collectively paid for.

Operations

- The Triangle Park hard surface tennis court cracks have been repaired and it is ready to safely be played on and looks like new.
- The new AC compressor and correctly sized line sets for the lobby, offices, and conference rooms has been installed. Additional equipment defects were repaired, maintenance protocols implemented, and the system is working well.

Sub-Associations & Neighborhoods

- **Boundary** – Working through there property manager on a landscaping plan encompassing the entire sub-association.
- **Crystal Bluffs** – No Report
- **The 24** – The developer has asked for guidance related to combining the last 2 lots to build a single-family residence. He was referred to the TOC building dept. for concept approval.
- **Old Town** – 6 homes are in the process of siding repairs and painting. 5 are completed.
- **The Settlement** – Staining will commence for 11 homes in July.



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Ranch House Re-Opening

Planning for the re-opening of the Ranch House Facility has presented a wide array of challenges. It has drawn emotional pleas from all demographics within the community. We have found many of the unknown unknown's and continue to discover our need to learn more. The following are policy and status updates for amenities and services.

Ranch House Mask Policy – although the mask mandate has been lifted there is guidance for populations that are not vaccinated or who are at risk. Messaging in the weekly newsletter and signage posted at the Ranch House will read:

Welcome to the Ranch House Swim and Tennis Center

Those who are fully vaccinated may participate in all activities without use of a mask or maintaining social distancing. Owners, members, employees, and guests ages 2-11, and those over the age of 12 who are not fully vaccinated, Must wear a mask while inside the Ranch House facility.

Ranch House Reservations – Reservations are no longer required for the main pool at the Ranch House.

Moving the Front Desk inside – The front desk and service team began doing business through the front entry Monday July 19th. We will add a service team member to the front desk for volume entry periods to expedite owner entry while checking in owners and their guests.

Coffee, Tea, and Drinks – The coffee machine is repaired and working. We began serving hot beverages Monday July 19th at 6am. A water filtration system is being installed to improve the taste of all the drinks we serve. Alcoholic drinks are on a BYOB plan for personal consumption. Our liquor license requires that we not serve to the same people who BYOB. This will evolve to our normal service offering soon.

Towels – We now have approximately 250 pool towels and 200 gym towels. Towel service has resumed. For conservation messaging we are asking all visitors to bring a personal towel. We will distribute towels at entry to those who request them. Our current capacity is 462 towels washed and dried per 16-hour day.

Snacks – We currently have a selection of personal pan pizzas, hot dogs, ice cream, popsicles, and Pepsi fountain drinks.

Bar-B-Que – The same grill we could barely warm a dog at the Memorial Day event is working well and ready for use. It will be best to call to reserve this island of good taste.

Sanitation – The same best practices published by the CDPH&E ask for routine cleaning of communal gathering spaces such as locker and changing rooms and to ensure that all equipment is cleaned between each use. Our service team is being asked to keep areas clean while doing their regular task load.

Financial Report

June 2021

Prepared by James Maguire

Budget vs Actual

Budgeted income for June was \$209K and we brought in \$214K, a variance of \$4K.

Budgeted total expenses (COGS + expenses) for June was \$233K and we spent \$279K, a variance of \$46K.

The largest contributors to going over budget on expenses were wages, lawn maintenance, pool maintenance, and irrigation maintenance.

As for year-to-date, our budgeted income was \$1.179M and we brought in \$1.234M, a difference of \$55K. The difference is due mostly to increased DRC fees and tennis income.

Year-to-date budgeted expenses is \$1.134M and we spent \$1.224M, a difference of \$89K. This is mostly due to increased contract labor costs for irrigation and cleaning, wages, lawn maintenance, pool maintenance and tennis costs (which are correlated to increased tennis income).

Overall, we are running at a net surplus of \$10K for the year. For the first 4 months of the year, income outpaced expenses. For May and June, expenses outpaced income. This is not out of the ordinary as expenses typically increase in the summer with increased staff and activity.

Operating Funds

In June, we moved \$850K from our operating checking account at Vectra to Edward Jones in order to maintain a balance within the FDIC insured limit of \$250K. Funds at Edward Jones are insured up to \$2.5 million.

Reserve Funds

The RVRMA reserve balance in the beginning of June was \$1.966M. Our reserve income for the month was \$26,865. We spent \$10,038 on benches and picnic tables for Orchard Park and \$16,943 on 66 trees for Orchard Park, Heritage Ponds, and RVRMA commons areas. The reserve balance at month-end was \$1.966M.

Investments

One CD from Edward Jones matured in June for \$125,000 which earned a little over \$6,000 in interest in 2 years. We currently have 1 more CD that will mature in 2021, 2 that will mature in 2022, and 1 in 2023.

The current total dollars invested in CD's is approximately \$631,114.

We also have funds parked at an insured and interest-bearing money market account in the amount of \$2.25M.

Further detail can be found on the Balance Sheet.

A/R Dues

We had a homeowner challenged with paying dues for a couple months. However, this was resolved in July.

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 Accrual Basis

	Jun 21	Budget	Jan - Jun 21	YTD Budget	Annual Budget
Income					
40000 · Assessments	158,959	158,920	952,727	953,520	1,907,040
40005 · Memberships	7,227	2,333	13,535	9,398	26,400
40040 · Swim & Fitness.	2,365	1,000	2,830	1,000	7,500
43000 · Tennis Programming Income	27,063	21,000	112,550	71,000	132,000
42000 · Homeowner Reimbursable Assessmt	7,619	7,500	53,259	52,000	100,000
41000 · Other Income	10,318	18,733	99,148	92,398	173,000
Total Income	213,551	209,486	1,234,049	1,179,316	2,345,940
Cost of Goods Sold					
50000 · Swim & Fitness	3,563	3,300	11,663	15,800	33,750
50035 · Tennis	26,133	26,500	62,045	47,000	120,900
50050 · Concessions	1,133	1,200	1,866	3,400	7,000
50070 · Credit Card Fees	1,454	1,000	6,521	3,800	7,300
Total COGS	32,283	32,000	82,095	70,000	168,950
Gross Profit	181,268	177,486	1,151,954	1,109,316	2,176,990
Expense					
60000 · Personnel	119,496	104,216	572,986	549,776	1,144,500
60110 · Grounds	54,599	32,682	183,256	144,121	284,900
62000 · Homeowner Reimbursable Expenses	0	0	0	0	3,000
60115 · Irrigation	15,283	9,867	64,242	49,602	100,800
60400 · Ranch House Expenses	4,650	3,825	26,313	27,475	49,000
60410 · Utilities	9,891	9,346	49,614	51,976	105,400
60500 · Administrative	10,246	8,247	44,926	45,122	94,418
60800 · Finance	283	300	2,791	2,800	4,600
60900 · Design Review Committee	3,250	3,250	23,188	19,500	39,000
70000 · RVR Community Expenses	2,291	1,670	12,749	10,020	23,300
80000 · Reserve Accounts	26,865	27,330	161,501	163,980	328,072
Total Expense	246,854	200,733	1,141,566	1,064,372	2,176,990
Net Surplus/Deficit	(65,586)	(23,247)	10,388	44,944	0

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07/15/21
Accrual Basis

River Valley Ranch Master Association

Balance Sheet

As of June 30, 2021

ASSETS

Current Assets

Bank Accounts

Checkings/Savings Accounts 213,187

Investment Accounts 2,880,718

Bank Accounts 3,093,905

Accounts Receivable

16500 · Homeowner Account Receivables (26,491)

Total Accounts Receivable (26,491)

Other Current Assets

13050 · Prepaid Expenses 31,849

12000 · Undeposited Funds 2,494

18000 · Inventory 1,179

Total Other Current Assets 35,522

Total Current Assets 3,102,936

Fixed Assets 225,126

TOTAL ASSETS 3,328,062

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

22000 · Accounts Payable - Vendors 117,547

22010 · Accounts Payable - Payroll 46,971

22015 · Accounts Payable - Payroll Tax 4,098

22020 · Accounts Payable - P&D Deposits 611,890

Total Accounts Payable 780,506

Credit Cards 822

Other Current Liabilities

22207 · Payroll Taxes Payable 6,210

13030 · Prepaid Income - DRC Fees 79,529

13035 · Prepaid Income - Memberships 930

22.1.10 · Sales Tax Payable 19

Total Other Current Liabilities 86,688

Total Current Liabilities 868,016

Long Term Liabilities

25001 · SBA Payroll Protection Loan 155,800

Total Long Term Liabilities 155,800

Total Liabilities 1,023,816

Equity

31000 · Reserves 2,075,721

38100 · Prior Operating Fund 861,006

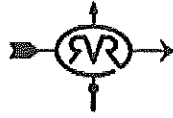
38200 · Transfers to from Reserves (604,204)

39950 · Retained Earnings (31,676)

Net Income 3,399

Total Equity 2,304,246

TOTAL LIABILITIES & EQUITY 3,328,062



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Irrigation and Grounds Report

7-15-2021

Orchard Park – The improvements to Orchard Park are continuing. The tree planting will be completed on 7/15. We will be installing power around the entrance sign and removing sod for a small planting bed.

IRRIGATION WILL CONTINUE TO WATER DURING THE DAY FOR THE NEXT TWO WEEKS TO HELP ESTABLISH NEW SOD AND TREES THEN WILL RESUME TO THE NORMAL SCHEDULE OF ONLY WATERING AT NIGHT.

Tree Planting – Tree planting will continue next week around the ponds off Heritage, and then the following week to all common areas around the community to supplement the trees that were removed last season.

Tree Removal – Removal of dead trees in the common areas will begin throughout the community after we finish with all tree installations. These trees were identified by the Town Arborist for removal.

Irrigation – Excessive irrigation on the upper bench (Upper Crystal Canyon) has caused the booster pump to trip twice this week. Please be conscious of your water usage and cut down to every other day watering if you are not establishing new plant material (Recommendation not mandatory as of writing this). The upgrade to our irrigation controllers around the ranch house was completed on 7/14 and we continue to see the benefits from the upgraded controllers and the software. The next phase will take place in old town, then settlement, then to the western half of the community. With all systems expected to be upgraded by the start of 2022.

REMINDER THAT HOMEOWNERS WATER WINDOW IS FROM 7AM-7PM.

Best,
Travis Green

Landscape Committee Report July 2021

The Landscape Committee meeting was held on July 1. Sterling, Susan, Cindy, Alicia, and Sarah attended, along with homeowner, Lisa Dancing-Light.

Tim McFlynn has resigned from the committee. Sterling and Sarah will discuss committee size and assess whether to add another committee member.

The committee met at the North entrance to RVR. We reviewed the planted medians and discussed the overcrowding of some flowers and shrubs. It appears that maintenance of the islands has been neglected. We also reviewed the area around the monument that announces RVR. This area too has been neglected. The trees in the area do not look healthy.

MANAGEMENT ACTIONS:

Sterling will get with the contractor for the median maintenance to improve the looks of the mediums. After this is done, the committee will revisit the area and talk about other options for an improved look at the North entrance.

Sterling will add to his maintenance list the area in front of the RVR monument. The area should be weeded, mulched or grass seed planted. The trees should definitely be evaluated.

Sterling will review options for the RVR monument. The lighting fixtures at the RVR monument are 20+ years old and there may be some options for Halogen, LED, compact fluorescent lamps (CFLs) that provide energy savings. In addition, the RVR lettering needs to be removed and repainted.

CONTINUED COMMITTEE DISCUSSION:

The committee discussed the possibility of hiring a landscape architect to analyze the North entrance and offer suggestions and/or options for improvement. We will revisit this discussion point at our next meeting.

BOARD ACTION: None

The next meeting date will be held on July 29. Weather permitting, the committee members will meet at Orchard Park to review updates on trees, benches, and picnic tables to complete the Park. We will also discuss weed issues on common areas.

Board Report

Long Range Planning Committee - July 2021

1. We had our monthly meeting on July 13 and did it in person at the Barn. We continue to work on assessment of the proposals from design and planning professionals. Based in part on the Board's input at the June meeting, we have reached out to the candidates for some additional information. The goal is for our committee to come back to the Board with the best option and estimated cost at the August Board meeting and seek authority at that time to enter a contract. We are asking the candidates to fine-tune their proposals with a focus on the ideal solution for our community, as opposed to a range of options. We are trying to arrange follow up sessions with the candidates for the week of August 2.

2. A link to the Future Needs Survey results was shared with the community in the July 9 RVR Weekly news. It will also be sent out via a separate email the week of July 12. Here is that link to the survey results as presented to the community:

<https://t.e2ma.net/click/20m7rg/mk3wg0k/6v1uxjb>

3. We look forward to providing input for the upcoming budget cycle as to preparing financially for expected future improvements to the Ranch House facilities and would ask for guidance on how best to provide that input.

4. We have meetings set with two possible candidates to join the committee. Depending on how those go, we may be in a position at the upcoming Board meeting to recommend one or both of those candidates to the Board for appointment to the committee.

5. Past that, the committee's view is that until we have been authorized to bring on a planning firm and continue the process with their involvement, there is little else that we can do to advance the long range plan.

OLD TOWN ADVISORY COMMITTEE, RVR HOA

Bi-Monthly Meeting: 5/10/2021

Meeting Minutes

OTAC Committee Members in Attendance (via Zoom)

- Wolf Gensch
 - Jessie Hjorth
 - Alya Howe
 - Sarah –Jane Johnson
 - Steve Laverty
 - Laura Hansen (board liaison)
 - Tami Cassetty
 - Alicia Keleher
-

Agenda Items

1. Introduction of OTAC members by Sterling Paige, General Manager of RVR HOA

- SP introduced the meeting and committee members, outlining the need to designate committee roles, protocols for OTAC meetings, and scheduling of meetings and administration needs

2. Voting and installation of committee roles / officers (Chair, Vice Chair, Secretary)

- The committee nominated and voted to approve the following committee member roles:
 - OTAC chair: Wolf Gensch
 - OTAC Vice-Chair: Tami Cassetty
 - OTAC Secretary: Sarah-Jane Johnson

3. Fee related priorities

Wolf provided the following overview on fee-related issues following an earlier meeting with RVR staff, as below.

- **House painting, schedule etc.**

Painting schedule will be published on RVR website under <https://www.rvrma.org/neighborhood/old-town/> This year 7 houses are scheduled according to the paint schedule for Old Town, RVR tries to paint about 6-7 per year, repair allowance is \$ 750.00, if more repairs are needed it becomes the owners responsibility. Owners need to make the house accessible, i.e. pruning to not have branches etc. touching the house.

We somehow should create a list for what needs to be done before the paint can happen, i.e.: repairs if needed, pruning, accessibility, ask Sterling if the homeowners who are getting painted can get an email with this list to give them plenty of notice, Contracts for 2022 painting will be awarded in the fall.

- **Action Items:**
- **Delegated to who:**

- **Snow removal etc.**

Snow clearing, was for every 3 inches this past winter, Sidewalks by RVR, was originally job of TOC, then it would not happen till maybe 3:00 pm, RVR cleared the alley this winter, Decision and suggestions by August for RVRMB budget meeting in September (if we want to do something different).

- **Action Items:**
- **Delegated to who:**

- **Landscaping, irrigation and weed control**

Landscaping & Irrigation, house numbers for, each house / valve box, Leveling of sunken valve boxes and re-seeding / sod, RVR will check all the common irrigation every day to make sure of proper function, Sprinkler systems in backyards to be coordinated maybe next year, Weed control for 2021, RVR was using Carbondale's weed management plan. We should establish a TASK FORCE especially for weed management before the next spraying (if Old Town wants to do something different). Since it is 2021, we also should explore sustainability. This is an issue for all RVR. Landscape contract for 2022 will be awarded in fall of 2021, by RVRMB

- **Action Items:**
- **Delegated to who:**

4. Other Neighborhood Priorities

- **Fences**

Fences, see Landscape committee report on website, possible spray wash and stain, will happen later this summer, since first sprinkler re-location etc. needs to happen first. Sterling will obtain proposals for different fence replacements, i.e.: materials and costs

- **Alley landscaping (pruning)**

Alley landscaping recommend / trees / bushes need pruning by owners

- **Speed control**

Speed limit, RVR has purchased a speed warning apparatus, will move it to different places every week. Will arrive soon. The roads are Carbondale's not RVR. If we need more restrictions, then a TASK FORCE should explore speed limit in Old Town. One resident, Rica Froelicher of Lamprecht, has already researched the potential to reduce the speed limit within RVR, through the Town of Carbondale, and was told she should create a petition/ or letter to submit with names of residents. OTAC should connect with her for an accurate update on this process and report back at next meeting.

- **Action Items:** OTAC should connect with her for an accurate update on this process and report back at next meeting.
- **Delegated to who:** SJ

5. Communication channel for owners and OTAC committee by Sterling

Discussion around improving communications among the neighborhood and the potential to increase awareness of HOA and OTAC issues/ develop stronger engagement with residents. Sarah-Jane and other residents established an Old Town residents Facebook group last year which any resident can post news/ requests for information or help and respond in. Next Door is another platform but is within public domain with less privacy settings for exclusivity of the neighborhood.

- **Action Items:**
- **Delegated to who:**

6. Public/ Additional Comment from committee members

- Missing and hugely important is our concern Re being in a drought. Water shortage And mindful water Management
- We are Living with stage 1 fire ban in regular basis
- We are gluttonous with water usage
- Over irrigating and do not need so much green space in high desert
- Action: bring in speaker/consultant as to what can be done with the landscape the keep aesthetics stunning but less to zero water use ie appropriate planting

- Next: Can the Board start to consider Energy efficient ranch house? There are so many incentives in place from CORE Clear Xcel. **Let be an inspiration for our community and future generations**

(Meeting adjourned at 7.30 PM)

Settlement Advisory Committee Meeting Minutes -April 2021

The meeting was a general discussion of the Committee and what it does annually.

Election of Chairman – Chuck Torinus

There were no suggestions, questions, comments or input about the Settlement Advisory Committee and services. Just a short discussion about speeding that occurs on North Bridge Drive constantly-----which Bill explained is a Carbondale Police matter.

End of meeting.

An Act

HOUSE BILL 21-1310

BY REPRESENTATIVE(S) Cutter, Bernett, Bird, Duran, Herod, Hooton, Lontine, Michaelson Jenet, Mullica, Titone, Valdez A., Woodrow; also SENATOR(S) Rodriguez, Coram, Jaquez Lewis, Lee, Moreno, Sonnenberg.

CONCERNING ADDITIONAL PROTECTIONS FOR HOMEOWNERS' FREEDOM OF EXPRESSION IN COMMON INTEREST COMMUNITIES UNDER THE "COLORADO COMMON INTEREST OWNERSHIP ACT".

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)(a) and (1)(c); and **repeal** (1)(b) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - free expression - emergency vehicles - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definition. (1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

- (a) The display of the ~~American~~ A flag on a unit owner's property,

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.

in a window of the unit, or on a balcony adjoining the unit. ~~if the American flag is displayed in a manner consistent with the federal flag code, Pub.L. 94-344, 90 Stat. 810, 4 U.S.C. secs. 4 to 10~~ THE ASSOCIATION SHALL NOT PROHIBIT OR REGULATE THE DISPLAY OF FLAGS ON THE BASIS OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE ASSOCIATION MAY PROHIBIT FLAGS BEARING COMMERCIAL MESSAGES. The association may adopt reasonable, CONTENT-NEUTRAL rules ~~regarding the placement and manner of display of the American flag.~~ The association rules may TO regulate the NUMBER, location, and size of flags and flagpoles, but shall not prohibit the installation of a flag or flagpole.

(b) ~~The display of a service flag bearing a star denoting the service of the owner or occupant of the unit, or of a member of the owner's or occupant's immediate family, in the active or reserve military service of the United States during a time of war or armed conflict, on the inside of a window or door of the unit. The association may adopt reasonable rules regarding the size and manner of display of service flags, except that the maximum dimensions allowed shall be not less than nine inches by sixteen inches.~~

(c) ~~(f)~~ The display of a political sign by the owner or occupant of a unit on property within the boundaries of the unit or in a window of the unit. ~~except that:~~ THE ASSOCIATION SHALL NOT PROHIBIT OR REGULATE THE DISPLAY OF WINDOW SIGNS OR YARD SIGNS ON THE BASIS OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE ASSOCIATION MAY PROHIBIT SIGNS BEARING COMMERCIAL MESSAGES. THE ASSOCIATION MAY ESTABLISH REASONABLE, CONTENT-NEUTRAL SIGN REGULATIONS BASED ON THE NUMBER, PLACEMENT, OR SIZE OF THE SIGNS OR ON OTHER OBJECTIVE FACTORS.

~~(A) An association may prohibit the display of political signs earlier than forty-five days before the day of an election and later than seven days after an election day; and~~

~~(B) An association may regulate the size and number of political signs in accordance with subparagraph (H) of this paragraph (c):~~

~~(H) The association shall permit at least one political sign per political office or ballot issue that is contested in a pending election. The maximum dimensions of each sign may be limited to the lesser of the~~

following:

~~(A) The maximum size allowed by any applicable city, town, or county ordinance that regulates the size of political signs on residential property, or~~

~~(B) Thirty-six inches by forty-eight inches.~~

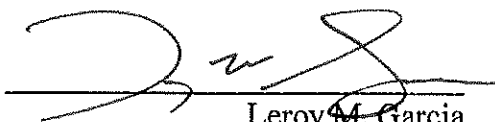
~~(III) As used in this paragraph (c), "political sign" means a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.~~

SECTION 2. 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

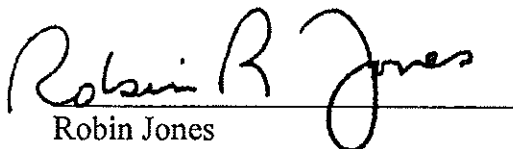
November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

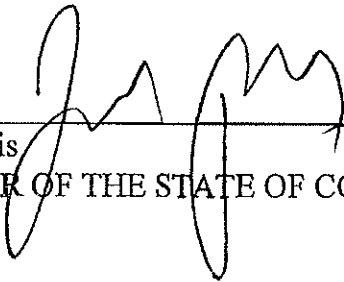


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED July 2, 2021 at 9:39 am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 21-1229

BY REPRESENTATIVE(S) Titone and Ricks, Burnett, Gonzales-Gutierrez, Hooton, Jackson, Lontine, Roberts, Valdez A., Weissman, Bird, Jodeh, Kennedy, Kipp, Snyder, Woodrow;
also SENATOR(S) Fields, Bridges, Gonzales, Hansen, Moreno, Story.

CONCERNING INCREASED PROTECTIONS FOR UNIT OWNERS IN THE GOVERNANCE OF UNIT OWNERS' ASSOCIATIONS UNDER THE "COLORADO COMMON INTEREST OWNERSHIP ACT".

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

SECTION 1. In Colorado Revised Statutes, 37-60-126, amend (11)(a) 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) (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

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.

landscapes, ~~or~~ 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) does not prohibit common interest communities or special districts from adopting and enforcing design or aesthetic guidelines or rules that ~~require~~ ~~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 NOT PROHIBIT THE USE OF NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A RESIDENTIAL PROPERTY.~~

(II) THIS SUBSECTION (11)(a), AS AMENDED BY HOUSE BILL 21-1229, ENACTED IN 2021, DOES NOT APPLY TO AN ASSOCIATION THAT INCLUDES TIME SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7).

SECTION 2. In Colorado Revised Statutes, 38-30-168, **amend** (2) introductory portion and (2)(a) as follows:

38-30-168. Unreasonable restrictions on renewable energy generation devices - definitions. (2) Subsection (1) of this section ~~shall~~ DOES not apply to:

(a) (I) Aesthetic provisions that impose reasonable restrictions on the dimensions, placement, or external appearance of a renewable energy generation device and that do not:

(~~F~~) (A) ~~Significantly~~ Increase the cost of the device ~~or~~ BY MORE THAN TEN PERCENT;

(~~F~~) (B) ~~Significantly~~ Decrease ~~its~~ THE performance or efficiency OF THE DEVICE BY MORE THAN TEN PERCENT; OR

(C) REQUIRE A PERIOD OF REVIEW AND APPROVAL THAT EXCEEDS SIXTY DAYS AFTER THE DATE OF APPLICATION. IF AN APPLICATION FOR INSTALLATION OF A RENEWABLE ENERGY GENERATION DEVICE IS NOT DENIED OR RETURNED FOR MODIFICATIONS WITHIN SIXTY DAYS, IT IS DEEMED APPROVED. THE REVIEW PROCESS MUST BE TRANSPARENT; DENIAL OF APPROVAL MUST NOT BE ARBITRARY OR CAPRICIOUS; AND THE BASIS FOR

ANY DENIAL MUST BE DESCRIBED IN REASONABLE DETAIL.

(II) THIS SUBSECTION (2)(a), AS AMENDED BY HOUSE BILL 21-1229, ENACTED IN 2021, DOES NOT APPLY TO AN ASSOCIATION THAT INCLUDES TIME SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7).

SECTION 3. In Colorado Revised Statutes, 38-33.3-106.5, amend (1)(i)(I) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - emergency vehicles - 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 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 **require** 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.

(B) THIS SUBSECTION (1)(i), AS AMENDED BY HOUSE BILL 21-1229, ENACTED IN 2021, DOES NOT APPLY TO AN ASSOCIATION THAT INCLUDES TIME SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7).

SECTION 4. In Colorado Revised Statutes, 38-33.3-317, amend (4); and add (1)(h.5), (1)(h.6), (4.5), and (8) as follows:

38-33.3-317. Association records - rules. (1) In addition to any records specifically defined in the association's declaration or bylaws or expressly required by section 38-33.3-209.4 (2), the association must maintain the following, all of which shall be deemed to be the sole records

of the association for purposes of document retention and production to owners:

(h.5) A LIST OF THE CURRENT AMOUNTS OF ALL UNIQUE AND EXTRAORDINARY FEES, ASSESSMENTS, AND EXPENSES THAT ARE CHARGEABLE BY THE ASSOCIATION IN CONNECTION WITH THE PURCHASE OR SALE OF A UNIT AND ARE NOT PAID FOR THROUGH ASSESSMENTS, INCLUDING TRANSFER FEES, RECORD CHANGE FEES, AND THE CHARGE FOR A STATUS LETTER OR STATEMENT OF ASSESSMENTS DUE;

(h.6) ALL DOCUMENTS INCLUDED IN THE ASSOCIATION'S ANNUAL DISCLOSURES MADE PURSUANT TO SECTION 38-33.3-209.4.

(4) The association may impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of association records. The charge may not exceed the estimated cost of production and reproduction of the records, INCLUDING THE COSTS OF COPYING, MAILING, AND ANY NECESSARY SPECIAL PROCESSING.

(4.5) IF THE ASSOCIATION FAILS TO ALLOW INSPECTION OR COPYING OF RECORDS IN ACCORDANCE WITH THIS SECTION WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF A WRITTEN REQUEST SUBMITTED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND PAYMENT OF ANY FEES REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE ASSOCIATION IS LIABLE FOR PENALTIES IN THE AMOUNT OF FIFTY DOLLARS PER DAY, COMMENCING ON THE ELEVENTH BUSINESS DAY AFTER THE ASSOCIATION RECEIVED THE WRITTEN REQUEST, UP TO A MAXIMUM OF FIVE HUNDRED DOLLARS OR THE UNIT OWNER'S ACTUAL DAMAGES SUSTAINED AS A RESULT OF THE REFUSAL, WHICHEVER IS GREATER.

(8) SUBSECTIONS (1)(h.5), (1)(h.6), AND (4.5) OF THIS SECTION, AS ADDED BY HOUSE BILL 21-1229, ENACTED IN 2021, AND SUBSECTION (4) OF THIS SECTION, AS AMENDED BY HOUSE BILL 21-1229, ENACTED IN 2021, DO NOT APPLY TO AN ASSOCIATION THAT INCLUDES TIME SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7).

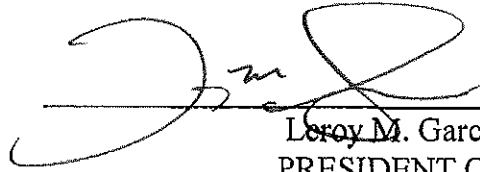
SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to

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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

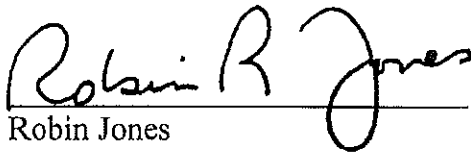
(2) This act applies to conduct occurring on or after the applicable effective date of this act.



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CHIEF CLERK OF THE HOUSE
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Cindi L. Markwell
SECRETARY OF
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APPROVED July 2, 2021 at 9:38 am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO