

Roxborough Park Foundation
Adoption and Amendment of Policies, Procedures, and Rules Policy

The following procedures for the adoption and amendment of policies, procedures and rules were adopted by the Board of Directors of Roxborough Park Foundation (“Foundation”) pursuant to C.R.S. § 38-33.3-209.5, at a regular meeting of the Board of Directors.

Effective Date: _____.

NOW, THEREFORE, IT IS RESOLVED that the following procedures shall apply to the Foundation’s policy, procedure and rule-making authority:

1. Pursuant to Article 5, Section 5.2 of the Amended and Restated Protective Covenants (“Protective Covenants”); Article 7, Section 7.1(b) of the Amended and Restated Bylaws (“Bylaws”); and C.R.S. § 38-33.3-302 , the authority to adopt and amend policies, procedures, and rules and regulations lies with the Board of Directors of the Foundation (herein referred to as “Board”). “Rules and Regulations” shall mean any written instruments, however denominated and including policies, procedures, and rules and regulations, which are adopted by the Foundation for the regulation and management of Roxborough Park, including any amendment to those instruments.
2. The Board, having determined that an issue affects the community for which Rules and Regulations would be beneficial, and having discussed reasonable approaches to address the issue, may adopt Rules and Regulations in the reasonable discretion of the Board by any method authorized by the Foundation’s governing documents or pursuant to Colorado law.
3. Rules and Regulations may expand upon but be subject to the Protective Covenants. Prior to the adoption of any proposed Rules and Regulations, or the amendment or repeal of any existing Rules and Regulations, the Board shall give at least thirty-two ~~thirty-two~~ ~~four~~ ~~(3024)~~ days’ notice of the proposed action to all known Owners by posting at all mail pods or other conspicuous locations within the Roxborough Park neighborhood and provide to those Owners an opportunity to submit views or otherwise participate informally in conferences relative to the proposed actions, as determined by the Board. Emergency Rules and Regulations may be adopted without at least thirty-two ~~thirty-two~~ ~~four~~ ~~(3024)~~ days’ notice, where no less than a majority of the members of the Board find that immediate adoption of such Rules and Regulations is imperatively necessary for the preservation of Owner health, safety and welfare, and compliance with the procedures set forth above would be contrary to Owner interest. The Board may set procedures regarding the duration and content of emergency Rules and Regulations.
4. For purposes of this procedure, the Board will take reasonable steps to avoid adopting a Rules and Regulations that are contrary to Federal, State or local law or the Foundation’s governing documents. Notwithstanding the foregoing, the Rules and Regulations may further regulate, clarify, modify or elaborate on express provisions in the Foundation’s governing documents. The Board will exercise reasonable care to balance the

Foundation's interests with the interests of the individual Owners.

5. The policy, procedure, rule or regulation shall be effective upon its adoption or such other date as determined by the Board, or as required by the governing documents. Notwithstanding the foregoing, the Board shall distribute the duly adopted Rules and Regulations by any reasonable means available, including but not limited to internet posting, e-mail, mail (through a newsletter or otherwise), or by personal delivery. Pursuant to the Foundation's Records Inspection Policy, all duly adopted rules, and policies may be inspected by Owners.
6. An Owner's failure to receive the policy, procedure, rule or regulation shall not be a defense to the Foundation's ability to enforce the policy, procedure, rule or regulation or to levy fines, expenses or attorneys' fees as a result of a violation of the policy, procedure, rule or regulation.
7. This Policy shall replace and supersede all previous policies, rules, and regulations regarding the subject matter of this Policy.
8. In the event that a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The undersigned hereby certifies that the foregoing resolution was adopted and made a part of the minutes of the meeting of the Board of Directors of the Foundation conducted on the _____ day of _____, 20____.

Roxborough Park Foundation

By: _____
_____, _____
(Print Name) (Print Title)