

## Centennial Glen HOA

### HOA Documents Functions and Hierarchy

#### Hierarchy

1. **Declarations (Covenants)**
2. **Plat**
3. **Articles of Incorporation**
4. **Bylaws**
5. **Policies and Procedures (Resolutions)**

#### Articles of Incorporation – Recorded with the State on May 16, 2003

1. **Establishes a Non- profit Corporation to be the Association (HOA)**
2. **Provides an entity for furtherance of interests of all owners and maintaining those lots and common areas**
3. **Establishes the powers of the HOA**
  - a. **Fix, levy and enforce payment of assessments by lawful means to pay expenses incident to the conduct of business**
  - b. **Borrow money with assent of 2/3 of members**
  - c. **Manage, control, operate, maintain repair and improve common areas**
  - d. **Enforce covenants, restrictions and conditions contained in the Declaration**
  - e. **Enter into contracts**
  - f. **Adopt, alter and amend Bylaws – may not be inconsistent with Articles of Incorporation**
4. **Details membership and transfer of control from Declarant to homeowners**
5. **Bylaws may contain additional provisions setting forth Members rights, privileges, duties and responsibilities**
6. **Articles of Incorporation and Bylaws are subject to Covenant terms and provisions if there is any conflict**

#### Plat – Recorded with El Paso County on April 9, 2003

1. **Must be filed with Declarations to create an HOA**
2. **Must meet requirements of a land survey, including a legal description of easements, designated common areas and individual lots**
3. **Centennial Glen common areas are designated as:**
  - a. **Tracts A, B and C - Any fencing installed by Declarant adjacent to Centennial Blvd. and any portion of any lot or any other property within the Subdivision lying between such fence and Centennial Blvd.**
    - i. **Tract A runs north of Allegheny to the northern border off the community**

- ii. Tract B runs south of Allegheny to Centennial Glen Drive
- iii. Tract C runs south of Centennial Glen Drive to the southern border of the community
- b. Any other improvements, fencing or landscaping areas originally installed by the Declarant which includes the areas between the sidewalks and Centennial Glen Drive or other areas designated as Common Areas on the Plat.
- c. The Easement crossing Lot #21, Lot #22, and Lot #23 is not maintained by the HOA except for snow removal
- d. Tract D in original Plat was retained by Declarant. This Tract is the area on hillside behind the homes on the eastside.

## **Declarations (Covenants) – Amended recorded with El Paso County March 17, 2016**

**HOA is created by recording a declaration executed in the same manner as a deed by conveying real estate to the Association**

### **Contents:**

1. Name of Community, Name of County in which HOA is located
2. Statement the it is either condominium, cooperative, or planned community (Centennial Glen is a planned community)
3. Legal description of real estate included in HOA
4. Boundaries of all units in the community including unit identifying number
5. Maximum number of units declarant reserves right to create
6. Description of common elements
7. Manner in which notices of matters affecting members may be given
8. Restrictions on uses and occupancy
9. Recording data for recorded easements & easement rights
10. Reasonable provisions concerning the manner in which notices may be given to homeowners
11. Required public disclosures
  - a. Name of Association
  - b. Name of agent or community management company
  - c. Valid phone number and phone number for the Association
  - d. The initial date number of recording the declaration and reception number

**Note: Many of the above items for planned communities may be included in the Plat**

12. Within 90 days after end of each fiscal year the Association shall make the following available to homeowners:
  - a. Date fiscal year commences
  - b. Operating budget for the current year

- c. A list by unit type of current assessments
- d. Annual financial statements
- e. Results of most recent audit if any – Currently Associations with revenue of less than \$250k are exempt from audits  
Of interest CCIOA requires the Declarant to provide audited financial statements to the Board within 60 days after the Declarant releases control
- f. A list of all Association insurance policies – including types of insurance, company names, deductibles, policy limits and expiration dates
- g. All Association's bylaws, articles, and rules and regulations
- h. Minutes of board and member meetings for the year preceding the current annual disclosure
- i. The Association's governance policies see below:

**Note:** 38-33.3-209.4(3) states It is the intent of this section to allow the Association the widest possible latitude in method and means of disclosure, while requiring information be readily available at no cost to homeowners.

Disclosure will be accomplished by one of the following means: Posting on an internet web page with accompanying notice of web address via first class mail or email; maintenance of literature table or binder at the Association's personal place of business; or by email.

- 13. Executive Board Education expenses for attending educational meetings and seminars on responsible governance
- 14. The Association will provide Owner Education at least annually as to the general operations of the Association and rights and responsibilities owners, the Association and its Board
- 15. Details of any Easements

**Bylaws – Amended recorded with El Paso County on March 23, 2018**

## Contents

1. Number of executive board members & titles of officers
2. Election by board of officers
3. Qualifications, powers, duties and terms of office & manner of electing & removing member and officers and manner of filling vacancies
4. Which, if any, powers the board may delegate
5. Officers that are authorized to prepare, execute, certify and record amendments to the Declaration
6. Method of amending Bylaws

## **Resolutions (Policies and Procedures) – adopted on at various dates**

**To promote responsible governance Associations shall maintain accurate and complete accounting records and adopt policies, procedures, and rules and regulations concerning**

- 1. Collection of unpaid assessments – must include the following:**
  - a. Dates on which assessments must be paid and when it is considered past due**
  - b. Any late fees and interest the Association is entitled to impose on delinquent accounts**
  - c. Any returned check charges**
  - d. Circumstances under which a homeowner is entitled to enter into a payment plan and minimum terms of the payment plan**
  - e. Before turning account over to collection agency or attorney for legal action must send homeowner notice of delinquency**
    - i. The total amount due with an accounting of how the total was determined**
    - ii. Instructions for entering into a payment plan**
    - iii. Method which payments will be applied to past due account**
    - iv. Name and contact information the homeowner may contact to request the homeowner's ledger to verify amount owed**
    - v. Action required to cure delinquency and failure to do so within 30 days may result in account being turned over to collection agency or attorney which could result in a lawsuit, the filing and foreclosure of a lien against the property**
    - vi. Legal remedies available to collect the delinquent account**
- 2. Handling of conflicts of interest involving board members**
  - a. Must define the circumstances a conflict of interest exists**
  - b. Set forth procedures to follow when conflict exists, including how, and to whom, the conflict of interest must be disclosed and whether the board member must recuse herself/himself from discussing or voting on the issue**
  - c. Provide for periodic review of policy**
- 3. Enforcement of covenants and rules including notice, hearing procedures and schedule of fines**
  - a. Must have written policy governing the imposition of fines**
  - b. Must have fair and impartial fact-finding process concerning whether the alleged violation actually occurred and whether the homeowner is the one who should responsible for the violation**

**The process may be informal but, at a minimum, guarantee the homeowner notice and an opportunity to be heard before an impartial decision maker**

- 4. Inspection and copying of association records by homeowners**
- 5. Procedures for adoption and amendment of policies and procedures and rules**
- 6. Alternate dispute Resolution -procedures for addressing disputes between association and homeowners**
- 7. When the Association has a reserve study –whether the is a funding plan for work recommended by the study, and , if so, the projected sources of funding the work and whether the study is based on physical or financial analysis – investment of reserve funds**
- 8. Conduct of meetings**
- 9. Maintenance of landscaping**
- 10. Retention and Destruction of Association Documents**
- 11. Design Guidelines for Homes, Structures, and Landscaping**
- 12. Information Security and Data Breach**