



Memorandum

To: Board of Directors & Community Delegates
CC: Keven Burnett, Executive Director
From: Jack Seward, Community Services Coordinator
Date: May 9, 2022
Subject: Proposed Policy Adoption
Compliance & Enforcement Policy & Procedure Manual

Dear Members of the Board of Directors and Community Delegates,

I write to you today in reference to proposed policy adoption by the Master Community Associations (MCA).

I. Authority

The Master Community Association (MCA) was established in 2001 by Forest City, the master developer, through Colorado Common Interest Ownership Act (CCIOA), CRS § 38-33.3-101, to be responsible for the management of all common elements built by the developer, ensuring the enforcement of all covenants, and establishing rules necessary for the operation of the community. The Community Declaration (Declaration) provides those covenants authorized by law. The CCIOA requires all common interest community managers, for which the MCA meets the definition, to adopt a written policy and procedure for the enforcement of said declaration before its enforcement.

II. Background

The Declaration in Sections 7.5, 7.6 and 7.9 provide basic regulations regarding the maintenance and upkeep of property within the community. The Second Revised Management Agreement with the Park Creek Metropolitan District instructs the MCA to create regulations for the use of parks and parking on non-city streets. The MCA also has created policy regarding special events, park permits, collections and other various subjects throughout the years. The MCA determined that for ease of use it is necessary to centralize all policy as it relates to compliance and enforcement which is accomplished by the adoption of the Compliance & Enforcement Policy & Procedure Manual. A copy of the proposed policy is attached to this memo.

MCA board resolution dated November 15, 2005, concerning Adopting and Amending Policies, Procedures, Rules & Committees requires “A copy of the proposed Policy shall be provided to all owners or posted to the Associations website and Owners shall be allowed a minimum of 30 days to provide comment and or feedback on the proposed Policy.” This requirement was accomplished on February 7, 2022, when we posted Notice of Proposed Policy Adoption on the MCA website (Exhibit 1). The draft policy was distributed to the MCA Board of Directors and Community Delegates as well as the Board of Directors of the Central Park United Neighbors by email.

III. Summary of Policy

The proposed policy is 250 pages long. I understand that to some this is too long to read and understand therefore I provide the following summary here.

- a. The MCA is proposing the adoption of new policy in accordance with State Law and MCA policy.
- b. The proposed policy adopts the Compliance and Enforcement Policy and Procedure Manual (Manual). The Manual provides an overview of the authority to promulgate such policy.
- c. The Manual adopts and establishes Rules and Regulations for Community Maintenance, Parking Rules and Regulation, Rules and Regulations for Park Use, Rules and Regulations for Special Events.
- d. The Manual establishes policy and procedure for the enforcement of the rules and regulation adopted within it. This includes a process to make a complaint, the process to investigate a complaint and the process to remedy identified violations of the Rules and Regulations.
- e. The Manual outlines the process used to bring a violation into compliance, including the required notice, penalty assessments and the manner of service of those notices and assessments.
- f. The Manual clarifies the process for appealing an administrative decision of the MCA.
- g. The Manual defines a compliance coordinator and its duties and directs the Executive Director to appoint an individual staff member to that position.
- h. The Manual defines the relationships between the MCA and Sub-Associations.
- i. The Manual requires the MCA to cooperate with any request from any city services.
- j. The Manual includes individual forms and documents necessary to complete the contents to the Manual.

IV. Public Comment

A period of public comment was opened on February 7, 2022 and will close on May 16, 2022. To date only one public comment has been received (Exhibit 2). If additional

comment is received, which we do not anticipate prior to the deadline I will forward such comment to you for review.

V. Staff Recommendations

I will note that the version of the proposed policy attached contains changes from the version posted for public comment. These changes take into account feedback we received at the February delegate forum. Non substantive grammatical changes were made, logos were updated to reflect the new MCA brand and the table of contents was updated to reflect page number changes.

It is the recommendation of staff that the Board of Directors approve a resolution adopting the Compliance & Enforcement Policy & Procedure Manual in its entirety as policy of the MCA (Exhibit 3).

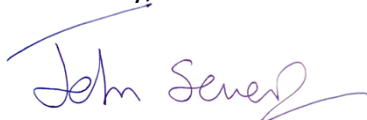
The following motion should be made to adopt the resolution:

I move the adoption of the resolution concerning Adoption of the Compliance and Enforcement Policy and Procedure Manual.

If the resolution is adopted by the board the proposed policy will become the official policy of the MCA.

If you have any additional questions regarding the contents of this memorandum, please do hesitate to reach out to me directly, by email at communityservices@mca80238.com or by phone at 303-388-0724 extension 108.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Seward", with a stylized flourish extending from the end.

Jack Seward
Community Services Coordinator

Exhibit 1 – Notice
Exhibit 2 – Public Comment
Exhibit 3 – Resolution

NOTICE OF PROPOSED POLICY ADOPTION

NOTICE IS HEREBY GIVEN this 7th day of February 2022, that the Master Community Association, Inc (MCA) proposes the adoption of a Compliance and Enforcement Policy and Procedure Manual, pursuant to the First Amended Community Deceleration and Second Amended and Restated Management Agreement.

This notice is provided to all members of the MCA, pursuant to the Policy on Adopting and Amending Policies, Procedures, Rules & Committees. The Board of Directors is contemplating the adoption of new policy at its regularly scheduled second quarter meeting (Q2 Meeting) to occur at 12:00 PM on May 18, 2022. A copy of the proposed policy is attached herein.

A period of public comment is opened effective today until the close of business (4:00 PM) on May 16, 2022. Any member of the public may submit written comments in support or opposition of the proposed policy during the period of public comment.

Written comments may be submitted in person or by mail to the MCA Administrative Office, 8351 Northfield Blvd. Denver, CO 80238. Comments may be submitted by email to communityservices@mca80238.com.

Comments should be addressed as follows:

Jack Seward
Community Services Coordinator
Master Community Association
8351 Northfield Blvd.
Denver, CO 80238

Staff is available to answer questions regarding this proposed policy. They can be contacted during business hours by phone: 303-388-0724 or email: communityservices@mca80238.com.

All comments received during the period of public comment will be presented to the Board of Director during the Q2 Meeting.

From: Sandra Thebaud sandra.thebaud@gmail.com
Subject: Re: MCA Notice of Proposed Policy Adoption
Date: February 8, 2022 at 9:17 AM
To: Jack Seward jackseward@outlook.com
Cc: Bryan Penny bryanpenny@gmail.com, Liz Hogan Stalnaker liz.stalnaker@gmail.com, CPUN Board cpun-board@googlegroups.com, Jeff Ederer jeff.ederer@gmail.com

ST

Question: I just moved into a new build. The builder said they would put in landscaping in Spring and the HOA will maintain it. According to 7.6, if the builder doesn't, then I have to do it and maintain it. I'm on a corner lot!! Can the builder use this to say they are no longer responsible for landscaping? Can the sub-HOA say they are no longer responsible for maintenance? I think there should be a grandfather clause for already agreed upon responsibilities created prior to March 1.

On Tue, Feb 8, 2022, 8:56 AM Jeff Ederer <jeff.ederer@gmail.com> wrote:

For a document of this nature and size, it's common to have an abstract/summary of the proposed changes, I would agree it would be helpful if one was made available.

On Tue, Feb 8, 2022 at 8:51 AM Bryan Penny <bryanpenny@gmail.com> wrote:

Jack

The document is 252 pages is there a summary of proposed changes?

Bryan

On Feb 8, 2022, at 8:47 AM, Jack Seward <jackseward@outlook.com> wrote:

Apologies Liz, try this: https://1drv.ms/b/s!AI9FMmh82FqfmT_B-5TP9YdtyxC?e=CXNDvi

-Jack Seward

On Feb 8, 2022, at 8:36 AM, Liz Hogan Stalnaker <liz.stalnaker@gmail.com> wrote:

Hi Jack,

The linked text isn't opening for me. Can you resend with the URL for the proposed policy page?

Thanks,
Liz

On Tue, Feb 8, 2022 at 8:28 AM Jack Seward <jackseward@outlook.com> wrote:

Hi Everyone,

The MCA is asking our board to adopt new policies and procedures for compliance and enforcement. The board will conduct the matter at the February meeting which is February 16, 2022 at 12pm. Both State law and MCA policy requires a period of public comment for policy enactment such as this. I've been designated the responsible official for public comment for this matter. I have attached the proposed policy and notice. Wanted to send to you all so you can consider if CPUN is interested in making a comment or if individual board members are interested in comment. Given that I am the MCA official in charge of public comment I will recuse myself from any CPUN decision on the matter, but I am happy to answer any questions anyone has. This notice will be posted on our website by the end of the day.

[Notice of Proposed Policy Adoption](#)

Thanks,

Jack Seward
Community Services Coordinator
Master Community Association
[8351 Northfield Blvd.](#)
[Denver, CO 80238](#)
Phone: (303) 388-0724
Cell: (720) 682-4501
www.MCA80238.com

<MCA New Logo.png>

**RESOLUTION
OF THE
MASTER COMMUNITY ASSOCIATION
REGARDING THE ADOPTION OF THE COMPLIANCE AND
ENFORCEMENT POLICY AND PROCEDURE MANUAL**

SUBJECT: Adoption of the Compliance and Enforcement Policy and Procedure Manual.

PURPOSE: To adopt a formal manual organizing policy and procedure for the enforcement and compliance of the Association's First Amended Community Declaration and Second Amended and Restated Management Agreement.

AUTHORITY: The First Amended Community Declaration, Bylaws, Second Amended and Restated Management Agreement and Colorado law including C.R.S. 38-33.3-209.5.

EFFECTIVE DATE: May 20, 2022

RESOLUTION: The Association adopts the Compliance and Enforcement Policy and Procedure Manual, attached herein, as policy of The Association.

**PRESIDENTS
CERTIFICATION:** The undersigned, being the President of the Master Community Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on May 18, 2022, and in witness thereof, the undersigned has subscribed their name.

MASTER COMMUNITY ASSOCIATION, INC.
a Colorado non-profit corporation.

By: _____
Shalise Hudley-Harris
President