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**Pine Creek Village Association (PCVA)  
Policy For  
Neighborhood Representatives and Committees**

**For:** All Members of the Pine Creek Village Association  
PCVA Community Manager

**Effective Date:** July 1, 2019

**Purpose:** This Pine Creek Village Association (PCVA) **Policy For Neighborhood Representatives and Committees** is approved by the Board of Directors. Note: This policy statement revises and supersedes an un-dated prior PCVA policy document, same subject.

**Revision Changes:** This policy outlines and describes the revised roles and responsibilities of Neighborhood Representatives and Committee Members as documented within the PCVA governing documents: Declaration of Covenants, Conditions, and Restrictions (CC&R), page 9, para 3.4 on "Neighborhoods, Voting Delegates and Voting Groups" This policy statement provides: (A) background information, (B) describes neighborhood representatives and committee member roles and responsibilities, (C) PCVA Approach to Neighborhood Special Services, (D) qualifications and (E) duties.

**Authority:** Under Colorado Law, The Board of Directors has the legal and fiduciary responsibility and authority to issue policy statements to clarify and describe the conduct of PCVA business in accordance with Article 5 of the By-Laws and Articles 3, 4 and 9 of the Declaration of Covenants, Conditions, and Restrictions (CC&R). If any conflict is discovered between the By-Laws and/or the CC&R's and this Charter, the direction given in the By-Laws/CC&R's shall prevail.

**Amendments and Deviations:** The Board of Directors may amend or deviate from the direction set forth in this policy if the Board, in its sole discretion, determines such amendment or deviation is necessary and/or appropriate under the circumstances.

**Signatures:** **IN WITNESS**, the undersigned certifies that this Charter was adopted by the Board of Directors of the Pine Creek Village Association effective 1 July 2019.

*Printed Name and Signature:*  
Richard Lancaster  
  
**President, PCVA**

Daniel Bloom  
  
**Secretary, PCVA**



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## A. Background.

1. The **Pine Creek Village Association (PCVA)** satisfies neighborhood needs for special services consistent with Colorado Law and governing documents of the Association: Declaration of Covenants, Conditions and Restrictions (CCR's); PCVA By-Laws; and PCVA Policies.
2. The Associations Declaration CC&R's, page 9, para 3.4 on "Neighborhoods, Voting Delegates and Voting Groups" states:
  - a) *"Any Neighborhood may request that the Association provide a higher level of service or special services for the benefit of Units in such Neighborhood and, upon the affirmative vote, written consent, or a combination thereof, of Owners of a Majority of the Units within the Neighborhood, the Association may, in its sole discretion, provide the requested services. The cost of such services, which may include reasonable administrative charge in such amount as the Board deems appropriate (provided any such administrative charge shall apply at a uniform rate per Unit to all Neighborhoods receiving the same service), shall be assessed against the Units within such Neighborhood as a Neighborhood Assessment pursuant to Article 8 hereof."*
3. Pine Creek Village (PCV) has five neighborhoods with unique needs:
  - a) The Carriages
  - b) La Bellezza
  - c) Reverie
  - d) Sage Hill Greens
  - e) Wildflower
4. Each of these five neighborhoods is documented in El Paso County Colorado property records within **PCVA Supplemental Declarations** that outline the neighborhood property and any unique amenities. These Supplemental Declarations can be reviewed at <https://www.pcva.org/governing-documents.html>
5. These five neighborhoods remain an integral part of the overall Association. For governance purposes, there is only one legally established Homeowners Association (HOA)—The PCVA. These five neighborhoods are not independent, they do not and cannot act unilaterally, nor do they constitute any form of legally recognized "sub-HOA" or Neighborhood Association. The neighborhoods must operate within the overarching PCVA CC&Rs and governing documents.



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6. The Association appropriately recognizes that each of these five neighborhoods is unique in architecture and life style. The Association supports each neighborhood, each with their own unique neighborhood special services. In accordance with PCV governing documents, the PCVA satisfies and manages solutions to meet the neighborhood needs.

## B. Roles and Responsibilities.

1. Consistent within the governing documents, there are specific roles and responsibilities outlined for the **Board of Directors, Community Association Manager, Neighborhood Committees, Neighborhood Representatives, and Homeowners**—it is important to understand these roles, responsibilities and authorities to fully appreciate how special neighborhood services are provided for and maintained within PCVA.
2. The **PCVA Board of Directors** possesses the sole (Fiduciary) responsibility and authority to receive and validate the neighborhood requirements, and then identify and deliver solutions to meet neighborhood homeowner needs—including the collection of neighborhood assessments and any obligation of funds necessary for procurement of materials and services contracts. Fiduciary duty is the primary duty of the Board—it means each member of the elected PCVA Board of Directors is lawfully bound to perform a lawful “Duty of Care” including:
  - a) Act in good faith (see PCVA policy on Director Conflict of Interest at [pcva.org](http://pcva.org))
  - b) Act with the care of an ordinary prudent person in a like position who would exercise under similar circumstances; and
  - c) Act in a manner the director reasonably believes to be in the Association’s best interests.
3. A **Community Association Manager (CAM)** operates under guidance and direction of the Board to manage and administer the Association’s business including all contractual and financial matters in full compliance with Colorado Law, PCVA CC&Rs, PCVA Community Guidelines and Policies. The CAM is licensed by the Colorado Division of Regulatory Agencies (DORA) and provided under contractual agreement between the PCVA Board of Directors and a Managing Agent.
4. The **Neighborhood Representative**, on behalf a Neighborhood Committee is **directly responsible to bring forward to The PCVA Board of Directors requirements** for neighborhood “*higher level of service or special services*”. Examples of special services include, but are not limited to, services for snow removal, landscaping, water fountain maintenance, holiday lighting, utility consumption, painting, etc. The neighborhood representative is elected by the homeowners in that specific neighborhood. Note: Neighborhood Representatives



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will be elected pursuant to Declaration CC&R Section 3.4 (b). For additional details, contact The Board or the CAM, as needed.

5. **Neighborhood Committees.** The CC&R, para 5.3 governs neighborhood committees. Key points to this PCVA policy statement include:
  - a) Each neighborhood may elect a Neighborhood Committee to determine the nature and extent of services to be provided to the neighborhood by the association.
  - b) A Neighborhood Committee may advise the Board on any issue, "*...but shall not have the authority to bind the Board.*" Committees are advisory in nature and have no inherent authority to act on behalf of the Association.
  - c) Neighborhood Committees "*...shall consist of three to five members, as determined by the vote of at least the majority of the Owners of Units within the Neighborhood.*" and must only operate similar to the Board (meeting notice and quorum requirements) and "*...shall be open to all Owners of Units in the Neighborhood...*"
  
6. **Homeowners.** Every homeowner of a unit within the Pine Creek Village is a member of the Association and carries one vote per unit. There are 1,424 homeowner members of the Association. Homeowners are responsible to maintain their unit property within the established standards of Pine Creek Village. Homeowners must act in good faith and maintain a positive constructive business approach with the CAM and The Board. Homeowners are encouraged to participate in PCVA events, such as:
  - a) Annual General Meeting (AGM) of The Association
  - b) Annual Budget Ratification meeting
  - c) Board of Directors monthly meetings
  - d) Neighborhood Committee meetings
  - e) Standing PCVA Committee meetings (e.g., Grounds, Modifications, Community Connections)

**C. PCVA Approach to Neighborhood Special Services.**

1. The Board of Directors as the only lawful representative of "*the Association*"... "*...may, in its sole discretion, provide the requested services.*" (ref CC&Rs para 3.4).
2. The Board may, in accordance with the governing documents, act unilaterally "*...In its sole discretion*" to satisfy neighborhood special service requirements. This approach may be appropriate in special circumstances, for example, whenever time is a factor, and the Board deems that it is in the best interest of The Association to achieve a faster or more cost-effective solution.
3. When sufficient planning time is available, the Board may receive requirements for special services or seek homeowner inputs through other means:



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- a) For the five PCVA Neighborhoods, it is incumbent upon the **Neighborhood Representative** to submit to the Board, in writing, any unique or non-routine neighborhood requirements for special services
  - b) The Board may also choose to establish an **Ad Hoc Committee** chartered for a specific purpose as documented within the 2018 PCVA Committee Charter policy document at <https://www.pcva.org/policies.html>. An Ad Hoc Committee is useful for the Board to receive documented requirements and inputs from across the neighborhood homeowner community (including any dissenting views or concerns).
4. Neighborhoods are responsible to pay for services provided by the Association to meet neighborhood requirements. Ref CC&R, para 5.3 Neighborhood Responsibility *"Upon resolution of the Board of Directors, the Owners of Units within each neighborhood shall be responsible for paying through Neighborhood Assessments, the costs of operating, maintaining and insuring certain portions of the Area of Common Responsibility within or adjacent to such neighborhood."*
5. Pine Creek Village neighborhood special service requirements are satisfied and managed as either:
- a) routine, annual services (see para 6)
  - b) non-routine, special services (see para 7)
6. **Routine, annual special services.** To adequately secure funds to provide annual neighborhood special services, The PCVA Board of Directors lawfully exercises its authority to levy Neighborhood Assessments on homeowners within the neighborhoods; documented in Board minutes, and in annual neighborhood budgets.
- a) The neighborhood assessment levied by the Board to fund neighborhood special services as referenced in the CC&R: *"...may include reasonable administrative charge in such amount as the Board deems appropriate..."* (Ref CCR, para 3.4 and para 8.4)
  - b) Neighborhood assessments contain a Management line item allocating funds for the Board-provided professional Managing Agent that provides management services to implement, manage and oversee routine annual neighborhood special needs and services.
7. **Non-routine, unique special services** (such as private road repair projects, etc.) are processed and satisfied by The Board in a similar manner, with specific differences related primarily to funding:
- a) These unique neighborhood needs typically require either (a) **Reserve Funds** approved for use by the Board, or (b) additional **Special Assessments** levied by the Board on the neighborhood homeowners to satisfy their unique needs. (Ref: CC&R para 8.6, Special Assessments).



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- b) Special Assessments include funds for all cost elements associated with the project, including materials, technical contract services, and administrative costs such as legal, postage, and additional Management services. Also see PCVA Special Assessment Policy at <https://www.pcva.org/policies.html>

8. Clarification and Limitations of Authority.

- a) Neighborhood representatives and homeowners are encouraged to stay involved throughout the Board process to provide special services.
- b) However, under NO circumstance is any homeowner or neighborhood representative allowed to represent PCVA to solicit proposals, coordinate or direct work, or obligate PCVA funds.
- c) Homeowners and neighborhood representatives should identify requirements and must only work with the sole PCVA Community Association Manager provided by the Board.
- d) Under Colorado law and consistent with PCVA By-Laws, only the Board of Directors and its CAM may legally plan, coordinate, task and direct contractors, and obligate PCVA funds for services and materials.
- e) Homeowners that direct contractor work may be held personally liable for any PCVA costs incurred.

**D. Qualifications of Neighborhood Representatives and Committee Members.**

- 1. Homeowners selected as a Neighborhood Representative or as a member of a Neighborhood Committee must possess the following Qualifications and demonstrate the following traits/abilities:
  - a) Possess a basic understanding of the letter and spirit of all PCVA governing documents, and be willing to abide by the governing documents including CC&Rs, By-Laws, Community Guidelines, and Policies.
  - b) Review and discuss all matters with objectivity, consistency, efficiency and reasonableness.
  - c) Remain positive, offer constructive comments, listen to and be respectful of other views, and focus on the facts of any situation pertinent to neighborhood requirements.
  - d) Contribute to a positive, collaborative, solutions-oriented atmosphere.
  - e) Possess and demonstrate a community service-oriented attitude.
  - f) Provide special skills, knowledge and/or background that is useful to the community.
  - g) Must have a proven history of few or (preferably) no late payments of assessments, covenant violations or other negative issues; with any such matters being corrected in a timely and cooperative manner.



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- h) Avoid any conflict of interests, real or perceived, or adverse public image that would be contrary to the community-wide goals, standards and/or orderly conduct of the PCVA.
- i) Routinely attend scheduled meetings, arrive on time and remain until the meeting is concluded; reference PCVA policy on the Conduct of Meetings.

#### **E. Duties of Neighborhood Representatives.**

- a) Serve as neighborhood point of contact for the Association, assisting residents within their neighborhood to understand their privileges, rights and responsibilities as an Association Member, answering questions neighbors may have about Association business, and promoting a neighborhood effort to uphold the community's standards.
- b) Solicit feedback from Members within their neighborhood on behalf of the Board of Directors, establish a medium of communication with Members within their neighborhood, and provide a summary of the feedback to the Board (or Management, as directed) in a timely manner.
- c) Serve as a representative for individuals within their neighborhood to promote consideration of their ideas and perspectives, and an amicable and equitable resolution of matters of dispute, for the overall good of the neighborhood and community at large.
- d) Solicit and communicate phone numbers and email addresses of Members and residents within their neighborhood (subject to their permission) to Management to maximize the communication of the Association.
- e) Assist the Board and/or Management with the distribution of information within the Neighborhood as called upon.
- f) Promote committee participation by Members within their neighborhood, being familiar with their special skills and interests, and encourage Members to apply them to support the overall purpose of the Association.
- g) Promote involvement in community activities, being a positive example of promoting community spirit.
- h) Participate in called meetings of the Board of Directors and Neighborhood Representatives (e.g., budget meetings, strategy/planning meetings) to provide greater breadth of input for Board consideration and greater effectiveness.
- i) Participate in PCVA events, such as:
  - (1) Annual General Meeting of The Association
  - (2) Annual Budget Ratification meeting
  - (3) Board of Directors monthly meetings
  - (4) Neighborhood Committees (serve as the Chairperson)
  - (5) PCVA Committees (e.g., Grounds, Modifications, Community Connections)