

BOOK OF RESOLUTIONS
(Updated September 9, 2022)
ESTABLISHED BY THE BOARD OF DIRECTORS OF THE
ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

This *Book of Resolutions* was established by the Estancia Primera Community Services Association (“EPCSA”) Board of Directors (“Board”) on December 8, 2017, in accordance with the *Amended [2005] Declaration of Covenants and Restrictions for the Estancia Primera Community* (“*Amended Declaration*”). Section 1.26 specifies “Governing Documents shall mean the Founding Documents and the Book of Resolutions, as amended from time to time, including without limitations, the Amended Articles of Incorporation, this Amended Declaration and the Amended Bylaws of EPCSA.” Section 1.8 provides the definition: “Book of Resolutions shall mean the rules, regulations and policies of the EPCSA, as amended from time to time.” This *Book of Resolutions* summarizes and condenses rules, regulations, and policies approved by the Board (as determined in a review of the minutes of Board meetings between 1991 and September 2017) and includes new and altered rules, regulations, and policies approved by the Board after that date. It consists of four parts:

- Part I: General Rules and Regulations for EPCSA and its Homeowners, Residents, and Visitors;
- Part II: Culpin Recreation Center (Clubhouse, Pool and Pool Area, Tennis Court, and Racquetball Court) Rules and Regulations;
- Part III: Board of Directors and Board Meeting Policies and Procedures; and
- Part IV: Board of Directors Resolutions and Policies Not Covered in Parts I through III.

**PART I: GENERAL RULES AND REGULATIONS FOR EPCSA AND
ITS HOMEOWNERS, RESIDENTS, AND VISITORS**

- I.1. Home offices but not other home businesses are permitted.** In accord with Section 6.11 of the *Amended Declaration*, it is permissible to have a home office in an Estancia Primera (“EP”) home – defined as any part of a home used for business or commercial activity where interactions with clients/customers are accomplished exclusively using the Internet, telephone, fax machine, or other electronic means; there are no client/customer visits to the property; there are no employees present who do not dwell in the home; and there are no signs indicating the presence of a business. Other uses of homes for business or commercial purposes are prohibited. Any home business in operation on May 13, 2016 when the Board approved a similar rule was exempted from this rule unless the scope or type of the business changes, and that exemption remains effective.
Approved December 8, 2017; earlier version approved on May 13, 2016.
- I.2. Street parking.** In accord with Section 6.9 of the *Amended Declaration*, street parking in EP is not permitted; provided that infrequent parking is permitted when homeowners host parties or have guests at their homes or when tradesmen are present to work in or outside a home.
Approved December 8, 2017; earlier version approved on February 14, 2014.
- I.3. Property owners are responsible for behavior of tenants of rented or leased homes.** The owner of a rented or leased property in EP is responsible for the behavior of his/her tenants and is also responsible for ensuring that the tenants correct any behavior that contravenes provisions

of EP's Governing Documents (as that term is defined in Section 1.26 of the *Amended Declaration*, including rules and regulations duly approved by the Board and contained in the EP *Book of Resolutions*).

Approved December 8, 2017; earlier version approved on April 14, 2009.

- I.4. Refuse and recycling containers.** All EP lot owners shall observe the provisions of City of Santa Fe Ordinances and the *Amended Declaration* regarding refuse and recycling containers. Section 6 of Bill Number 2009-2 approved by the City of Santa Fe in 2009 (amending a 1996 Ordinance) reads in part:

D. Customer shall keep all refuse and recycling within private property away from public view until the time when containers are placed at the curbside for City collection.

F. Customers shall place City-provided refuse containers and recycling containers by the curbside between the hours of 6:00 p.m. the night before the designated day of collection and 8:00 a.m. on the day designated for collection. Refuse containers and recycling containers shall be removed from the curbside by 8:00 a.m. the day following the designated collection day.

Section 6.4 of the *Amended Declaration* reads in part: "Rubbish, trash or waste shall not be kept except in sanitary containers, which containers shall be kept screened and concealed from public view at all times (other than when being placed for pickup)."

Approved December 8, 2017; earlier version approved on June 9, 2009.

- I.5. Contiguous property owners are responsible for keeping concrete sidewalks free of snow and ice, for repairing or replacing damaged sidewalks, and for keeping sidewalks and streets free of obstructing vegetation.** All EP property owners are required to comply with the Code for the City of Santa Fe regarding keeping sidewalks free of snow and ice (Article 23-1.8 A - Removal of Snow and Ice from Sidewalks); maintaining, repairing, or replacing damaged concrete sidewalks to ensure pedestrian safety; and cutting back vegetation along sidewalks and street curbs to keep them free from and unobstructed by vegetation (both addressed in Article 14-9.2 H - Maintenance of Public Pathways). The Code assigns all these responsibilities to the owner or owners of the property/properties contiguous to the sidewalk. In EP, the owner of a property contiguous to a sidewalk may be an individual(s), a neighborhood subdivision homeowners association (where the sidewalk adjoins its common areas), and the EPCSA (where the sidewalk adjoins its common areas).

Approved October 11, 2019; earlier versions approved on February 12, 2016, December 8, 2017, and February 9, 2018.

- I.6. Fireworks are prohibited.** In accord with Section 6.3 of the *Amended Declaration* that bars nuisances including "loud or excessive noise" and activities that violate any City Ordinance, any use of fireworks that reach higher than 15 feet into the air, are self-propelling, or make a "booming noise" is prohibited at all times including on and around holidays such as July 4 and New Year's Day.

Approved December 8, 2017; earlier version approved on July 10, 2015.

- I.7. Removing living trees requires advance approval.** Removal of dead trees is a maintenance matter and does not require prior approval by the EP Architectural Review Board (ARB).

However, removal of living trees (both deciduous and evergreen) requires prior ARB approval and such trees may not be removed until the EP ARB provides its written authorization.

Approved December 8, 2017; earlier version approved on December 12, 2014.

- I.8. Home exchanges involving EP homes.** Contractual home exchanges involving EP homes are permitted only if the initial period of the exchange is not less than one month.
Approved December 8, 2017; earlier version approved on March 11, 2008.
- I.9. Notifying neighbors of application to the EP ARB for exterior modification approval.** An EP property owner seeking ARB approval for a modification to the exterior of his/her home, including modification or addition of walls and fences, must notify all neighbors whose homes are in sight of the proposed modification of his/her request to the ARB and the date of the ARB meeting to review the plans; he/she also should seek to discuss the plans with those neighbors and address any concerns they might have prior to the ARB meeting.
Approved December 8, 2017; earlier version approved on January 22, 2008.
- I.10. Billing for and payment of EPCSA annual assessments.** Per the provisions of the policy approved by the Board on November 10, 2017 regarding determination of annual assessments, notification of owners, and due dates for payment, the annual assessment amount for each year will be determined by the Board the preceding December; statements will be sent to all EP home and lot owners at the beginning of January; **payment will be due on or before January 31; and the account will be delinquent if the assessment is not paid in full on or before February 15** and will be subject to the delinquency penalties prescribed in the Governing Documents and the delinquency procedures set forth in the policy established on November 10, 2017 [that is included in the *Book of Resolutions* as Part III, Section F].
Approved December 8, 2017.
- I.11. Disruptions of meetings of EPCSA Owners and of the EPCSA Board.** A comment or statement may be made, or a question asked, by an EP homeowner at an EPCSA Owners' or Board meeting only if/when the presiding officer recognizes the homeowner to make a comment or statement or ask a question. At Board meetings, this usually will occur in a "Homeowner Comments" section of the meetings. When a homeowner is recognized to speak, he/she may speak for a maximum of five minutes unless a request for a specified extension of time is requested and is approved by a vote of the Board. Any owner who violates this rule and who persists despite being declared "out of order" by the presiding officer has committed a rule infraction and the Board may declare that owner "not in good standing" under the pertinent provisions of EPCSA's Governing Documents.
Approved December 8, 2017; earlier version approved on January 10, 2014.
- I.12. Placing issues on the agenda of a Board meeting.** A homeowner who wishes to place an issue on the agenda of a Board meeting should convey that request through the Board member who represents the neighborhood in which the homeowner resides. Homeowners' attorneys or other representatives are allowed to speak at Owners', Board, or EP ARB meetings only by prior invitation from the Board.
Approved December 8, 2017; earlier version approved at meeting on April 12, 2011 and unanimously by correspondence dated May 27, 2012.

- I.13. No notices may be posted on EP's cluster mailboxes.** EP property owners, the EPCSA, and EP neighborhood homeowner associations may not post notices of any kind on cluster mailboxes in EP.

Approved December 8, 2017; earlier version approved on September 15, 2017.

- I.14. Limitations on rentals of EP homes.** Section 6.21 of the *Amended Declaration* states that—

- "No unit may be rented or leased for an initial period of less than 1 month";
- "All rentals of Living Units are subject to the requirement that the Property be used solely for single-family residential purposes"; and
- "Any Owner who rents more than two (2) Living Units within [EP] ... is required to obtain permission of the Board of Directors [to rent those units]".

The Board of Directors defines the second requirement to mean that a home in EP may only be rented/leased in its entirety to a single family while the owner is not in residence and that no home may be divided into apartments or rooms that are rented or leased to unrelated individuals.

The same section of the *Amended Declaration* also states that "Any Owner who ... is ... actively engaged in the business of renting real estate is required to obtain permission of the Board of Directors" prior to renting a home in EP. The Board defines "actively engaged in the business of renting real estate" to mean renting or making available for rental any Living Unit (Unit) within EP for more than 51 weeks and three days in each of two successive 52-week periods. An owner required to obtain the Board's permission to rent a Unit must send a signed letter to the Board requesting its permission that contains the following information:

- address of the Unit(s) proposed to be rented or be made available for rental;
- a statement of the maximum amount of time the Unit(s) will be available for rental;
- a statement that each Unit will be rented only to a single family when the owner and his/her family are not in residence;
- the mailing address, email address, and phone number of the owner;
- a statement confirming the owner agrees that if problems of any nature are experienced with renters/lessees, the Board will communicate about those directly with the owner and not with any property management company managing the Unit; and—
- a statement committing, if the Board gives to the owner its permission to rent, to provide to the Board within 30 days of its execution a copy of each rental/lease agreement for each Unit, which agreement shall require the renter/lessee and all family members and guests to abide by all EPCSA rules and regulations, and that during the term of the agreement the Unit shall be occupied only by the members of a single family.

The Board shall act on each such request for permission within 30 days of receipt of the letter containing the request, provided that the letter contains all required information and statements. If the Board has not acted during that period on a properly-completed request, the request shall be deemed approved by default. Board approval of a request for permission to rent a Unit is not transferrable to the new owner if the Unit is sold. The Board will not consider requests for permission to rent from prospective owners; it will only consider such requests from current owners.

Approved October 12, 2018

PART II: CULPIN RECREATION CENTER USE PRIVILEGES AND RULES

II.A. GENERAL RECREATION CENTER USE PRIVILEGES AND RULES

- II.A.1 Recreation Center.** EP's Culpin Recreation Center, which consists of the Clubhouse, Swimming Pool, Tennis Court, Racquetball Court, parking lot, and adjacent common areas, is owned by EPCSA and is operated and insured solely for the use and enjoyment of its members, their tenants, members' and tenants' resident family members, and guests at their own risk.
- II.A.2. No commercial activity.** No commercial activity of any kind is permitted on the Recreation Center's premises.
- II.A.3. Failure to abide by rules.** Failure of an EPCSA member, the member's tenant, a member's or tenant's family members, and/or their guests to abide by the following rules of the Recreation Center and its component facilities, and any disruptive behavior or damage/abuse of the facilities, may result in cancellation of Recreation Center privileges for that member by the EPCSA Board of Directors and revocation of the member's access key card. Should a member lend the card to anyone and that person violates these rules, the member to whom the access key card was issued is responsible for their behavior and any consequent cost to EPCSA. Written complaints will be addressed by the Board.
- II.A.4. Key cards.** EPCSA members may not lend their access key cards to anyone but an immediate family member who lives in the home with them. If a member provides the access key card to his/her tenant, the tenant may not lend the access key card to anyone but an immediate family member who lives in the home with the tenant.
- II.A.5. Access.** An EPCSA member, the member's tenant, or a member's or tenant's resident family members or houseguests may use the Recreation Center facilities unaccompanied. The EPCSA member or member's tenant must accompany all other guests when they are using any of the Recreation Center facilities.
- II.A.6. Children.** Notwithstanding the provisions of #II.A.5 above, all children age 14 or under must be supervised at all times by an adult resident family member or houseguest of an EPCSA member or the member's tenant when using any of the Recreation Center facilities.
- II.A.7. Alcoholic beverages.** EPCSA will not purchase or provide alcoholic beverages for consumption in Recreation Center facilities. Members, tenants, and adult family members may not provide alcoholic beverages to underage persons on the premises of Recreation Center facilities.
- II.A.8. Unauthorized use.** Unauthorized use of the Recreation Center and its component facilities constitutes trespassing and will be dealt with by law enforcement. EPCSA is not responsible for any adverse consequences of unauthorized use.

II.A.9. Use Privileges

a. *EPCSA Members*

- (i) The privileges of Recreation Center membership and use are automatically extended to all EPCSA members – defined in the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community* (“*Amended Declaration*”) as all Owners of homes or unbuilt lots in EP – who are in good standing (i.e., when the member’s assessment payments are current and the member is not currently in violation of any provision of EPCSA’s “Governing Documents”).
- (ii) Recreation Center membership and use privileges cannot be transferred or donated to a third party. They are strictly limited as provided in these rules.
- (iii) The Board reserves the right as provided by Article VI, Section 7 (b) of the *Amended Bylaws of Estancia Primera Community Services Association* to cancel the Recreation Center membership and use privileges of any member or member’s tenant who misuses or damages the facilities or disregards these rules or the specific rules for the Recreation Center’s component facilities.
- (iv) One (1) Recreation Center gate access key card for each EP property has been provided by EPCSA to the property’s owner, and only one such card is permitted for each property. When a property is sold, the key card is to be transferred from the seller to the purchaser. Lost or stolen cards should be reported to the Recreation Center Manager so the missing key card can be cancelled. Regardless of the circumstances, if a member needs a replacement card, EPCSA will issue one after payment of the fee of \$50.00.

b. *Tenants of EPCSA homes*

If an EPCSA member wishes to permit a tenant to use the facilities, the member should provide the access key card to the tenant. The member remains responsible for the access key card issued to that member.

c. *Family Members and Guests of EPCSA Members or Members’ Tenants*

Complimentary use of the facilities is extended to the member or member’s tenant’s family members and guests. The member is responsible for the behavior of the card users and any family members and guests of that user as stated in #II.A.3.

d. *Pets prohibited*

Only properly registered and certified service animals are allowed in the Recreation Center facilities. All other pets and animals are prohibited at all times.

#II.A. approved April 18, 2018

II.B. CLUBHOUSE USE PRIVILEGES AND RULES

II.B.1. Clubhouse Use Privileges

a. *Who Can Use the Clubhouse*

An EPCSA member or a member's tenant may reserve the Clubhouse facility of the Recreation Center for exclusive personal use, or for the exclusive use of a noncommercial organization or entity in which the EPCSA member or tenant, or an adult family member who lives in the EPCSA member's or tenant's home, is a member. That member of the organization must be present for the entirety of the event in the Clubhouse and the event must not be a profit-making or revenue-generating activity. This does not preclude use by a nonprofit organization that has membership dues, or that charges a modest fee for attending the event to defray the event's costs.

b. *Reservations and Fee for Clubhouse Use and Responsibility for Compliance with Clubhouse Rules and for Cleanup After Use*

- (i) Reservation of the Clubhouse is on a "first-come, first-served" basis.
- (ii) Except in the case of fee-exempt groups (see below), a nonrefundable use fee of \$75 must be paid in advance by check payable to "EPCSA" presented to the Clubhouse Events Coordinator appointed by the Board of Directors (or, in the case of his/her unavailability, to the EPCSA President) by the EPCSA member or tenant reserving the Clubhouse regardless of the nature of the event for which it is being reserved. A separate \$75 fee must be paid for each calendar date on which an EPCSA member/tenant wishes to reserve the Clubhouse. The Clubhouse Events Coordinator will transmit all user fee checks to the EPCSA Treasurer.
- (iii) When the Clubhouse Events Coordinator receives a request for a reservation subject to the \$75 use fee, he/she will inform the reservee that the event will be scheduled in the Events and Activity Calendar on the EPCSA website as "tentative" with the date of the request shown in parentheses and that the status of the reservation will be changed to "confirmed" when payment is received. If payment is not received in ten calendar days from the date of the request, the tentative reservation will be deleted. When payment is received, the Clubhouse Events Coordinator will confirm the reservation and provide the reservee with a checklist containing the nine cleanup requirements of Rule II.B.2 (see below) and indicate that a cleaning fee will be imposed on the EPCSA member/tenant who reserved the Clubhouse if the requirements are not complied with (See attached template email and checklist following II.B.1). The reservee will be required to complete, sign, and leave the checklist for the Recreation Center Manager prior to departure from the Clubhouse after its use.
- (iv) Each confirmed reservation on the EPCSA website will be in the name of the EPCSA member or member's tenant who made the reservation.
- (v) Whether the EPCSA member or member's tenant making a Clubhouse reservation will be hosting a personal event or is reserving the Clubhouse for the use of an organization or entity in which he/she, or an adult family member who lives in his/her EP home, is a member (see paragraph a. above), that member or member's tenant will be responsible for the event,

for compliance during the event with all Rules for Clubhouse Use (see subsection II.B.2. below), and for the condition of the Clubhouse after its use.

- (vi) The following groups, entities, and meetings are not subject to the use fee as prescribed in #II.B.1. b. (ii):
 - (a) EPCSA Board of Directors and its committees and subcommittees.
 - (b) EPCSA Architectural Review Board.
 - (c) Meetings of EPCSA, including its Annual Meeting.
 - (d) Official meetings of EP neighborhood/subdivision homeowners' associations and their committees and subcommittees and architectural committees.
 - (e) EP Women's Group (EPWG)
 - (f) Each of the nine EPCSA neighborhood subdivisions may hold an annual party/social gathering at the Clubhouse without a fee being charged. Each event will only qualify for the fee exemption if every owner and/or resident in the neighborhood receives an invitation to attend. The Clubhouse reservation needs to be made by an individual property owner in the neighborhood subdivision that will hold the party/social gathering. This owner's name will be shown in the EPCSA Events calendar as the organizer, and he/she will be responsible for ensuring compliance with all clean-up and other requirements in Rule II.B.2 of the Book of Resolutions.
 - (g) The \$75 use fee will not be waived for any other groups, entities, or meetings without prior approval of the EPCSA Board of Directors.

c. Occupancy Limit

As provided in a ruling by a Santa Fe Fire Department inspector, the occupancy limit for the Clubhouse is 100 persons.

d. Hours of Availability

The Clubhouse is available for use and reservation between the hours of 9:00 a.m. and 10:00 p.m. every day of the year. By special prior arrangement with the Recreation Center Manager, evening use may be extended after 10:00 p.m. but not beyond midnight.

e. Extent of Reservation

A reservation of the Clubhouse for exclusive use does NOT include the swimming pool or pool area, the tennis court, or the racquetball court. It includes the conference/meeting area, the kitchen, and the Clubhouse restroom facilities.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)
CLUBHOUSE RESERVATION CONFIRMATION FORM AND POST-EVENT
CLEANUP CHECKLIST

Dear _____ (Name of EP Owner/Tenant Reserving Clubhouse)

I wish to confirm your Clubhouse reservation for _____ (Date of Reservation) for the period _____ (Hours of Reservation). Your event is now shown as “confirmed” in the Events and Activities Calendar on the EPCSA website.

Please note that all individuals, entities, and groups reserving the Clubhouse must comply with Rule II.B.2 (Rules for Clubhouse Use) in the EPCSA Book of Resolutions (estanciaprimera.org/wp-content/uploads/2020/10/EPCSA-Book-of-Resolutions-Updated-September-10-2021.pdf). Among other requirements, users must return the Clubhouse to the condition in which they find it prior to their event. I am attaching a checklist of cleanup activities that need to be completed prior to your departure from the Clubhouse on the date of your event or no later than 2:00 pm on the day after your event if you decide to contract with a Cleaning Service. Please complete, date, and sign the checklist and leave it for the Recreation Center Manager.

Please note that if all items in the attached checklist are not completed you will be assessed a \$75 fee to cover the cleaning costs.

Sincerely,

(Clubhouse Events Coordinator)

(Date)

Form approved October 8, 2021

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)
CLEANUP CHECKLIST TO BE COMPLETED AFTER EVENTS

When an event has concluded, it is the user’s responsibility to ensure that the following procedures are completed before departure on the date of Clubhouse use, or, if a contract cleaning service is used, are completed no later than 2:00 p.m. the day after the event. Please place a check mark against each item to indicate its completion:

- (i) All floors have been swept. (Brooms and other supplies are in the closet at the end of the hallway near the men’s room and/or in the chair closet.) _____
- (ii) All dirty/used dishes and utensils have been washed and returned to the cabinets or drawers from which they were originally taken, and all countertops have been cleaned. _____
- (iii) All items brought into the Clubhouse, including any placed in the refrigerator, have been removed from both the refrigerator and the Clubhouse. _____
- (iv) All kitchen and other Clubhouse trash/garbage cans have been emptied, and the contents (all must be in trash bags that have been tied closed) have been placed in the City of Santa Fe trash bins on the Clubhouse’s northwest patio. _____
- (v) A clean/empty trash bag (boxes of trash bags are located under the kitchen sink or in the hallway closet) has been placed in the kitchen and each other Clubhouse trash/garbage can. _____
- (vi) All chairs and card tables have been returned to the same place where they were found. (This includes placing six card tables – two rows of three tables side-by-side – surrounded by 10 chairs in the center of the meeting room.) _____
- (vii) All lights have been turned out. _____
- (viii) The thermostat, if adjusted up for the event to 70 degrees during cold weather (the Clubhouse has no air conditioning), is reset to 62 degrees. _____
- (ix) The Clubhouse doors have been locked, and the building alarm reset if/as directed by the Recreation Center Manager.

COMMENTS: _____

(Signature of Individual who Reserved Clubhouse)

(Date)

PLEASE LEAVE COMPLETED FORM FOR THE RECREATION CENTER MANAGER

Form approved October 8, 2021

II.B.2 Rules for Clubhouse Use

- a. SMOKING OR OPEN FLAMES ARE NOT PERMITTED IN THE CLUBHOUSE, except that candles and a fire in the fireplace are permitted. In any event, the decorative candles provided by EPCSA may not be used.
- b. If any alcoholic beverages are served, the reserving EPCSA member accepts all responsibility and liability pertaining to the use or abuse of those beverages, and the responsibility to ensure that—
 - (i) None is served to any person not of age to legally consume such beverages;
 - (ii) Any guest who appears to be intoxicated is denied the ability to consume additional alcoholic beverages; and
 - (iii) Any guest who appears to be possibly intoxicated is dissuaded from driving upon his/her departure and alternative transportation is provided to him/her.
- c. When an event has concluded, it is the user's responsibility to ensure that the following procedures are completed before departure on the date of Clubhouse use, or, if a contract cleaning service is used, are completed no later than 2:00 p.m. the day after the event:
 - (i) All floors have been swept. (Brooms and other supplies are in the closet at the end of the hallway near the men's room and/or in the chair closet.)
 - (ii) All dirty/used dishes and utensils have been washed and returned to the cabinets or drawers from which they were originally taken, and all countertops have been cleaned.
 - (iv) All items brought into the Clubhouse, including any placed in the refrigerator, have been removed from both the refrigerator and the Clubhouse.
 - (v) All kitchen and other Clubhouse trash/garbage cans have been emptied, and the contents (all must be in trash bags that have been tied closed) have been placed in the City of Santa Fe trash bins on the Clubhouse's northwest patio.
 - (vi) A clean/empty trash bag (boxes of trash bags are located under the kitchen sink or in the hallway closet) has been placed in the kitchen and each other Clubhouse trash/garbage can.
 - (vi) All chairs and card tables have been returned to the same place where they were found. (This includes placing six card tables – two rows of three tables side-by-side – surrounded by 10 chairs in the center of the meeting room.)
 - (vii) All lights have been turned out.
 - (viii) The thermostat, if adjusted up for the event to 70 degrees during cold weather (the Clubhouse has no air conditioning), is reset to 62 degrees.
 - (ix) The Clubhouse doors have been locked, and the building alarm reset if/as directed by the Recreation Center Manager.
- d. Failure to fully comply with all aspects of #II.B.2. c. will result in the EPCSA member or tenant who reserved the Clubhouse being assessed an additional \$75 fee to cover cleaning costs. The Recreation Center Manager will make this

determination when visiting the Clubhouse after the event and will inform the Clubhouse Events Coordinator or the EPCSA President accordingly.

- e. The EPCSA member or tenant who reserved the Clubhouse will be assessed the full cost of any repairs that are required as a result of damage caused during the period of his/her reservation.
- f. Please contact the Recreation Center Manager – [name] ([email address] or [phone number]) – to advise if any problems or issues were encountered during Clubhouse use, or if any kitchen or bathroom supplies are needed.

#II.B. approved October 8, 2021; earlier version approved April 18, 2018

II.C. SWIMMING POOL USE PRIVILEGES AND RULES

II.C.1. Pool Use Privileges

- a. Pool hours are 9:00 a.m. to 9:00 p.m. between Memorial Day and Labor Day. Individual adult owners (or resident adult family members) may swim between 7 and 9 am by prior arrangement with the Recreation Center Manager. Anyone swimming before 9 am must be respectful of those who live close to the pool and avoid loud noise. Early morning access for any children, guests, or any groups of adults that by the nature of group interaction would cause additional noise in the early hours is not allowed.
- b. The Recreation Center Manager or other person authorized by the Board may close the pool during usual operating hours or days because of inclement weather, for maintenance, or for other necessary reasons.
- c. Restrooms and showers are open during pool hours.
- d. The pool cannot be reserved for exclusive use by any EPCSA member or his/her tenant.

II.C.2. Rules for Swimming Pool Use

- a. *No Lifeguard – All Swimmers Swim at Their Own Risk.* All persons swimming in or entering the pool acknowledge that no lifeguard is present and accept the responsibility and liability for use of the pool and for any accident or injury that occurs to him/her during that use. Any adult responsible for the care of a minor who permits the minor to swim or enter the pool acknowledges that no lifeguard is present and accepts all responsibility and liability for use of the pool by the minor and for any accident or injury that occurs to the minor during use.
- b. *Call 911 in the event of any emergency or threatening situation.* There is an outside phone for emergency use only near the shower/restroom door.

- c. Each member, member's tenant, or member's or tenant's resident family member or houseguest who uses the pool is required to enter his/her name, access key card number, and number of guests (if applicable) in the sign-in book located on the table under the entry portal.
- d. Every person who swims must shower before entering the pool.
- e. Swimmers must always wear appropriate swimming attire. Long hair must be securely tied or placed in a swimming cap.
- f. It is MANDATORY that any child under two (2) years of age entering the pool wear a watertight disposable diaper.
- g. NO glassware of any kind and NO glass bottles are permitted in the pool area. Food and drinks may be served and consumed only on the raised patio area.
- h. NO loud music may be played in the pool area by means of any device or instrument.
- i. NO diving into the pool is allowed – the pool is only five feet deep.
- j. Do not sit, stand, or walk on the pool cover or its frame.
- k. Climbing on pool fences is prohibited.
- l. NO large flotation devices are permitted in the pool.
- m. A towel must be placed over the pool furniture at all times when a person is sitting or lying on the furniture to prevent stains from sunscreen.
- n. Whenever a person in the pool area has opened an umbrella or used one already open, he/she must carefully close it when departing the pool area.
- o. When a person departs the pool area, he/she MUST either remove everything (including containers and wrappers of food and beverages consumed/used on the raised patio area) that he/she and any guests brought into the area or place it in a trash receptacle.
- p. NO PETS OF ANY KIND, INCLUDING SERVICE ANIMALS, ARE PERMITTED IN THE SWIMMING POOL

#II.C. approved July 9, 2021; earlier version approved April 18, 2018

II.D. TENNIS COURT USE PRIVILEGES AND RULES

II.D.1. The tennis court is to be used only for playing tennis. No other use is allowed.

II.D.2. In order to reserve the tennis court, an EPCSA member, a member's tenant, or a member's or tenant's resident family member must sign up online; instructions are

provided on the Estancia Primera web site. Anyone using the court without a reservation must relinquish it to a person who reserved it at the reserved time.

- a. Reservations may be made at a least 24 hours in advance for up to 3 times (1.5 hour increments) per week for up to two months in advance on the first of each month (for example, on April 1 reservations can be made through the end of May; on May 1, reservations can be made through the end of June, etc.).
- b. Reservations may be made at the same playing time each day for up to two days each week in order to allow others access to desirable time on the courts. The third reservation should be at a different time but not less than 1 hour from the time of the other two reservations.
- c. Contiguous reservations may not be made on the same day.
- d. Same day use of the courts for unreserved slots is on a first-come basis.

II.D.3. Only tennis shoes may be worn on the court. Street shoes and dark-soled athletic shoes are not permitted.

II.D.4. When a person departs the tennis court, he/she MUST either remove everything (including food and beverage containers and wrappers) he/she and any guests brought into the area or place it in a trash receptacle.

II.D.5. When playing on the court before 9:00 a.m., players must be respectful of those who live close to the court and avoid loud noise.

II.D.6. Do not prop the gate open before, during, or after using the court.

#II.D. approved July 10, 2020; earlier version approved April 18, 2018

II.E. RACQUETBALL COURT USE PRIVILEGES AND RULES

II.E.1. The racquetball court is to be used only for playing racquetball. No other use is allowed unless the ESPCA Board of Directors approves an exception.

II.E.2. In order to reserve the court, an EPCSA member, a member's tenant, or a member's or tenant's resident family member must sign up online; instructions are provided on the Estancia Primera web site. Anyone using the court without a reservation must relinquish it to a person who reserved it at the reserved time.

- a. Reservations may be made at a least 24 hours in advance for up to 3 times (1.5 hour increments) per week for up to two months in advance on the first of each month (for example, on April 1 reservations can be made through the end of May; on May 1, reservations can be made through the end of June, etc.).
- b. Reservations may be made at the same playing time each day for up to two days each week in order to allow others access to desirable time on the courts. The third reservation should be at a different time but not less than 1 hour from the

time of the other two reservations.

- c.* Contiguous reservations may not be made on the same day.
- d.* Same day use of the courts for unreserved slots is on a first-come basis.

II.E. 3. Only tennis shoes may be worn on the court. Street shoes and dark-soled athletic shoes are not permitted.

II.E.4. When a person departs the racquetball court, he/she MUST—

- a.* either remove everything (including food and beverage containers and wrappings) he/she and any guests brought into the area or place it in a trash receptacle;
- b.* turn off the court's lights and the lights in the court access hallway; and
- c.* set the building alarm if/as so directed by the Recreation Center Manager.

#II.E. approved July 10, 2020; earlier version approved April 18, 2018

PART III: BOARD OF DIRECTORS AND BOARD MEETING POLICIES AND PROCEDURES

III.A. FREQUENCY AND SCHEDULING OF MEETINGS OF THE BOARD

In accord with “Section 9.A – Meetings” of “Article VI – Board of Directors” of the *Amended Bylaws of Estancia Primera Community Services Association*, the Board will conduct a regular monthly meeting in the Clubhouse at 9:00 a.m. on the second Friday of every month except the month during which EPCSA holds its annual meeting. The EPCSA President or acting president may cancel or reschedule a meeting only if a quorum will not be available or is not present at the scheduled time for a meeting, or if he/she concludes that inclement weather makes driving dangerous on the date of a meeting.

Approved January 12, 2018; earlier version approved on October 16, 2015.

III.B. GENERAL PROCEDURES FOR MEETINGS OF THE BOARD AND THE ARCHITECTURAL REVIEW BOARD

III.B.1. Who may conduct business and speak at Board and Architectural Review Board

(ARB) meetings. All business at Board meetings will be conducted by EPCSA officers, Board members, and EPCSA committee chairs or members appointed by the Board. A comment or statement may be made, or a question asked, at a Board meeting by an EP homeowner who does not fall into any of these categories only if/when the presiding officer recognizes the homeowner to make a comment or statement or ask a question. At Board meetings, this usually will occur in a “Homeowner Comments” section of the meetings. When a homeowner is recognized to speak, he/she may speak for a maximum of five minutes unless a request for a specified extension of time is requested and is approved by a vote of the Board. Any owner who is not a Board member, EPCSA Officer, or an appointed EPCSA Committee member who violates this rule by persisting despite being declared “out of order” by the presiding officer has committed a rule infraction and the Board may declare that owner “not in good standing” under the pertinent provisions of EPCSA’s Governing Documents. A homeowner who wishes to place an issue on the agenda of a Board meeting should convey that request through the Board member who represents the neighborhood in which the homeowner’s home is located.

Homeowners’ attorneys or other representatives are allowed to speak at Owners’, Board, or EP ARB meetings only by prior invitation from the Board.

Approved January 12, 2018; earlier versions approved on January 10, 2014, on April 12, 2011, on May 27, 2012 (as correspondence unanimously approved), and as part of the General Rules and Regulations approved on December 8, 2017.

III.B.2. Audio recordings of Board meetings. Repealed. ~~An audio recording of each Board~~

~~meeting will be made and will be made available to any EP homeowner upon his/her request.~~ *Repealed June 8, 2018; earlier versions approved on January 12, 2018, on April 12, 2011, and on May 27, 2012 (as correspondence unanimously approved).*

III.B.3. Board meetings will be conducted according to *Robert's Rules of Order*. Meetings of the Board will be conducted in accordance with the current edition of *Robert's Rules of Order*.

Approved January 12, 2018, 2018; earlier versions approved on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).

III.B.4. An agenda for each Board meeting will be emailed in advance to all EP homeowners. The EPCSA President or acting president will send via email to the latest email addresses provided by all EP homeowners the agenda for each Board meeting between 14 days and 7 days in advance of each meeting.

Approved January 12, 2018; earlier versions approved on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).

III.B.5. New business raised at any Board meeting may be discussed but action must be deferred. New business may be introduced by a Board member at the appropriate point in the agenda of any Board meeting and may be discussed at that meeting, but no formal action may be taken on it by the Board at the meeting at which it is first introduced; the matter will be added to the agenda for the next meeting under "Unfinished Business," and the Board may take action on the matter at that or subsequent meetings. If the Board deems an item of new business urgent, it may waive the prohibition on action at the meeting at which the matter is first introduced by suspending the rules as provided in *Robert's Rules of Order*. This does not apply to new business placed on the agenda of a Board meeting by the President or acting president if that agenda has been circulated in advance to all Board members, and in that case the Board may act on the new business that appears on that meeting's agenda.

Approved January 12, 2018; earlier versions approved on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).

III.C. EPCSA AND BOARD FINANCIAL PROCEDURES

III.C.1. Maintenance of a Capital Reserve Fund. A Capital Reserve Fund shall be maintained and replenished from homeowner assessments and annual operating budget surpluses. The amount to be maintained in the fund shall be reviewed by the Board annually and adjusted as needed. The funds in the Fund shall be kept in investment vehicles with maturities timed to anticipated needs for expenditures from the Fund.

Approved January 12, 2018; earlier version approved on June 15, 2012.

III.C.2. Providing EPCSA financial information to homeowners. At each Owners' Annual Meeting, the Treasurer shall provide to all Owners: (1) a forecast of adherence to the current year's operating budget; (2) a forecast of the amounts and timing of expenditures to be made from the Capital Reserve Fund; and (3) a report on the status and income attributable to investments of funds in the Capital Reserve Fund.

Approved January 12, 2018; earlier version approved on June 15, 2012.

III.C.3. Advance approval by the Board of all expenditures is required, with certain

exceptions. Any expenditure of any amount of EPCSA funds must be approved *in advance* by a vote of the Board (which approval is to be in the form of a “not to exceed” amount in the case of expenditures for which the precise amount cannot be known in advance and must be estimated), with the following exceptions:

- a. The Treasurer may make payment to the Recreation Center Manager without explicit Board approval for worktime certified by the President as long as the total amount of payments to the Recreation Center Manager during any year does not exceed the amount in that year’s EPCSA budget line item for “General Management.”
- b. The Treasurer may make payment to the bookkeeper/accountant without explicit Board approval for worktime certified by the Treasurer as long as the total amount of payments to the bookkeeper/accountant during any year does not exceed the total of the amounts in that year’s EPCSA budget line items for “Accountant” and “Bookkeeper.”
- c. The EPCSA President may make written authorization to the Recreation Center Manager to expend funds for routine maintenance of and supplies for the Clubhouse, the pool and pool area, the tennis court, and the irrigation and exterior lighting systems for the common areas around the Recreation Center without advance Board approval so long as no separate expenditure for any one purpose exceeds \$1,000 and all expenditures in a year that fall under any pertinent EPCSA budget line item do not exceed the amount provided in that year’s budget for that line item.
- d. The EPCSA President may make written authorization to the Chair of the EPCSA Grounds Maintenance Committee to commit funds for routine maintenance of the EPCSA common area grounds adjacent to the Recreation Center, the portion of Arroyo Saiz that is an EPCSA common area, and the islands on which EP signs are situated at the two street entrances off Hyde Park Road without advance Board approval so long as no expenditure for any one grounds maintenance episode exceeds \$2,000 and all expenditures in a year that fall under the budget line item for Grounds Maintenance do not exceed the amount provided in that year’s budget for that line item.
- e. For all other expenditures falling within their responsibilities, notably including new/unprecedented expenditures or any separate expenditure for any one purpose that will or may exceed the dollar limits stated in c. and d. above, the Recreation Center Manager and the Chair of the Grounds Maintenance Committee shall seek advance approval of the Board, channeling the requests through the President.
- f. With the written or emailed concurrence of the President, the Treasurer may make payment for expenditures that comport with the stated requirements of c. or d. above without seeking specific or advance approval for the expenditures from the Board.
- g. The Treasurer may pay invoices, or arrange for automatic deduction from EPCSA’s checking account to pay invoices, from the City of Santa Fe for water, sewer service, and refuse collection; from PNM for electricity; from New Mexico Gas for gas; from CenturyLink for telephone service; and from the U.S. Postal Service for rental of EPCSA’s post office box without obtaining specific or advance approval for the expenditures from the Board.

- h.* If a Board member concludes that a situation exists that poses a risk to the integrity, stability, or value of an EPCSA asset or to the life or safety of EP residents or visitors on EPCSA property (such as a significant plumbing or roof leak, Clubhouse heating system failure during winter months, imminent collapse of a wall or ceiling, etc.), that Board member may, without obtaining specific or advance approval from the Board, authorize expenditure of funds, or performance of services for which payment later will be sought, required to achieve stability, prevent further damage to EPCSA assets or their damage to the assets of others, and/or prevent injury or death to persons on EPCSA property. Such emergency action should be as limited as possible while accomplishing these emergency objectives so that the full Board, with the least possible constraint or foreclosure of its options, can determine the best way to fully rectify the problematic situation that developed. In any case where a Board member takes any action under the terms of this exception to paragraph III.C.3., he/she shall notify all other Board members as soon as possible.

Approved October 11, 2019; earlier versions approved on March 10, 2009, October 14, 2016, and January 12, 2018.

- III.C.4. Countersignature required for checks or withdrawals exceeding \$2,000.** All checks written on EPCSA accounts, or withdrawals from EPCSA accounts, in amounts exceeding \$2,000 except those payable to the Clubhouse Manager must be signed by the President or Vice President in addition to the Treasurer.

Approved January 12, 2018; earlier version approved on June 15, 2012.

- III.C.5. Deduction for Stop-Payment Charges.** EPCSA checks sent to EP owners for any purpose are mailed to the owner's address of record contained in the EP address list maintained by the Board. Owners are required to inform the EPCSA when they change their mailing addresses. If an owner fails to notify the EPCSA of a change in his/her mailing address and this results in an EPCSA check being sent to an incorrect address, and if the EPCSA must stop payment on the check and thereby incurs a stop-payment charge, the amount of that charge will be deducted from the amount of the replacement check sent to that owner.

Approved February 12, 2021.

III.D. LEGAL COUNSEL TO AND LEGAL ASSISTANCE FOR THE ASSOCIATION AND THE BOARD

- III.D.1. Consultation with EPCSA Legal Counsel or other attorneys.** No attorneys shall be employed by or on behalf of the EPCSA without the prior approval of the Board, and no legal fees shall be paid by the EPCSA without the express approval of the Board.

Approved January 12, 2018; earlier version approved on March 16, 2012.

- III.D.2. Communications with the EPCSA Legal Counsel or other attorneys.** Only the Board President (or the acting president in the President's absence or incapacity) may communicate on behalf of EPCSA or the Board directly with any attorney retained or employed by EPCSA or the Board. In all other cases, individual EP homeowners or

Board members may only consult or request the services of any attorney retained or employed by EPCSA or the Board at their own expense and the attorney must explicitly confirm to the EPCSA President that the consultation or services have been sought by the homeowner or individual Board member and that the attorney's response does not create or constitute a conflict of interest. At the time any attorney is retained or employed by EPCSA or the Board, he/she is to be informed of this policy by the President.

Approved January 12, 2018; earlier version approved on March 24, 2011.

III.D.3. An EP homeowner or resident may not serve as EPCSA's Legal Counsel. In order to avoid the appearance of a conflict of interest, the EPCSA and the Board shall not retain or employ an EP homeowner or resident on a remunerated basis to provide legal counsel or representation.

Approved January 12, 2018; earlier version approved on January 24, 2011.

III.E. PREPARATION, APPROVAL, AND POSTING OF MINUTES OF MEETINGS OF THE BOARD AND OF EPCSA MEMBERS

III.E.1. Minutes of Board meetings

- a.* The EPCSA Secretary, or the person temporarily substituting in the Secretary's place in his/her absence, shall prepare a draft of the minutes of each Board meeting and circulate it by email to all Board members for review within seven calendar days of the meeting.
- b.* Each Board member shall review each set of draft minutes and send by email to the Secretary any suggestion or request for revision within seven calendar days of receiving the draft.
- c.* The Secretary shall prepare a final draft of the minutes, revised if appropriate based on requests for revisions by Board members; and shall circulate that final draft by email to all Board members no later than seven calendar days prior to the Board's next regular monthly meeting.
- d.* The Secretary shall bring to the Board's next regular meeting a signed and dated hard copy of the final draft minutes of the previous regular monthly meeting, and of any special meetings of the Board, for which the steps set forth in subparagraphs a. through c. have been completed, and the Board shall consider and approve those minutes.
- e.* After the Board has formally approved the minutes of any meeting, the hard copy as approved shall be signed and dated by the President or his/her alternate, attesting to their formal approval by the Board.
- f.* Following the meeting at which the minutes of any meeting were approved by the Board and signed by the President, the Secretary shall convert those approved and signed minutes plus referenced attachments/appendices into a single Portable Document Format (PDF) document (a separate PDF document for the minutes of each meeting) and arrange for the document to be posted on the EPCSA web site.

Approved January 12, 2018; earlier version approved on October 20, 2017.

III.E.2. Minutes of EPCSA Members' meetings

- a. The EPCSA secretary, or the person temporarily substituting in the Secretary's place in his/her absence, shall prepare a draft of the minutes of each meeting of EPCSA Members and circulate it by email to all Board members for review within seven calendar days of the meeting.
- b. Each Board member shall review the draft minutes and send by email to the Secretary any suggestion or request for revision within seven calendar days of receiving the draft.
- c. The Secretary shall prepare a final draft of the minutes, revised if appropriate based on requests for revisions by Board members; and shall circulate that final draft by email to all Board members no later than seven calendar days prior to the Board's next regular monthly meeting.
- d. The Secretary shall bring to that next Board meeting a signed and dated hard copy of the final draft minutes, for which the steps set forth in subparagraphs a. through c. have been completed, and the Board shall consider and check those minutes for errors.
- e. The Secretary then shall arrange for the minutes to be posted on the EPCSA web site in draft form so that EPCSA Members can read them prior to the next EPCSA Members' meeting. The draft minutes will be posted under the Board of Directors tab as a separate item from the Board minutes and will be clearly designated as draft minutes pending final approval at the next Members' meeting.
- f. At that next EPCSA Members' meeting at which a quorum is present, the President shall entertain a motion to approve the minutes of the previous Members' meeting that had been posted on the web site, and permit the Members present and voting to take action on that motion.
- g. After the Members have formally approved the minutes of any Members' meeting, the hard copy as approved shall be signed and dated by the President or his/her alternate, attesting to their formal approval by the Members.
- h. Following the meeting at which the minutes of any Members' meeting were approved by the Members and signed by the President, the Secretary shall convert those approved and signed minutes plus referenced attachments/appendices into a single Portable Document Format (PDF) document. He/she will then arrange for the draft minutes to be replaced on the EPCSA web site by the approved and signed final version of the minutes, which shall be placed in the web site section of Board meeting minutes following the minutes of the most recent Board meeting that preceded the Members' meeting.

Approved January 12, 2018; earlier versions approved on September 9, 2016 and November 10, 2017.

III.E.3. Minutes of the previous Board meeting when the subsequent meeting is cancelled or rescheduled.

In the event that a scheduled Board meeting is cancelled, Board members will be asked to approve the minutes of the prior Board meeting by email so that the minutes can be posted on the EP website in a timely manner.

Approved January 12, 2018; earlier version approved on October 16, 2015.

III.E.4. Reporting of Board resolutions, policies, or motions approved outside regular Board meetings.

Resolutions, policies, or motions approved by the Board outside regular meetings (e.g., by email) shall be reported and included in the minutes of the Board's next regular meeting.

Approved January 12, 2018; earlier version approved on May 4, 2012.

III.F. SETTING AND COLLECTING THE EPCSA'S ANNUAL ASSESSMENT

III.F.1. Each year at the November or December monthly meeting of the Board, the Board shall review EPCSA's financial situation for the current year. The Board shall then approve motions to establish a final budget for the following year and to set the amount of the following year's annual assessment (as provided in Article 5.6 (a) of the Amended Declaration).

III.F.2. Each year following the December Board meeting, the President shall inform EP owners via email what the assessment will be for the following year; in years where a dues increase has been passed, briefly provide the Board's rationale for the increase; indicate that the formal notice of the assessment will be sent immediately after the first of the year; and encourage owners who expect to be away from Santa Fe in January and February to remit their assessment payments prior to their departures.

III.F.3. On or about January 2, the EPCSA President shall send to all EPCSA members -- via email (or via regular U.S. Postal Service mail to any EPCSA member for whom no email address is on record) a letter that shall—

- a. Notify the member of the EPCSA annual assessment amount for the next year;
- b. State that the annual assessment is due from each owner on or before January 31, and must be paid to the EPCSA on or before February 15 in order to not be delinquent; and
- c. Provide the mailing address to which annual assessment payments should be sent.

III.F.4. On or about January 15, the EPCSA President shall send a reminder – via email (or via regular U.S. Postal Service mail to any EPCSA member for whom no email address is on record) to all EPCSA members whose annual assessment payments for the current year have not yet been received that the annual assessment is due on or before January 31, and must be paid to the EPCSA on or before February 15 in order to not be delinquent. The President at his/her discretion may also call or delegate other Board members to call unpaid owners at their telephone numbers of record to remind them that their annual assessment payments are due as described above.

III.F.5. On February 1, the Treasurer shall provide the President with a list of all EPCSA members from whom payment in full of the annual assessment for that year has not been received. The President shall, on or before February 5, send a letter via the U.S. Postal Service to each EPCSA member on that list at his/her address on record. The letter shall notify the member (a) that payment of his/her annual assessment has not yet been received and (b) that the member will become formally delinquent if the full

assessment payment is not received by EPCSA on or before February 15. The President at his/her discretion might also call or delegate other Board members to call owners at their telephone numbers of record whose assessment payments have not been received of their obligation to pay as described above.

- III.F.6.** The President shall in his/her February announcement to members of the date, time, location and agenda for the February Board meeting provide a list containing the names and addresses of all EP owners whose annual assessment payments are in arrears.
- III.F.7.** The Treasurer shall at the February meeting of the Board of Directors provide the Board members with a list of owners whose annual assessment payments have not yet been received. The Board may at its discretion declare such owners “not in good standing” and suspend their right to use the community common areas and facilities by directing the Recreation Center manager to inactivate their clubhouse access key cards. In months where the February Board meeting precedes the February 15 deadline, the Board may declare that any owners whose annual assessments have not yet been paid will be “not in good standing” effective at midnight on February 15 and that their access to the community common facilities will be suspended.
- III.F.8.** On February 16, the Treasurer shall provide the President with a list of delinquent EPCSA members. On or before the last day of February, the President shall send a certified letter via the U.S. Postal Service, return receipt requested, to each delinquent EPCSA member on that list at his/her address on record. The letter shall—
- a. Notify the member that payment of his/her annual assessment has not yet been received and therefore the member’s assessment account is delinquent;
 - b. Identify the assessment and its amount, the date it was due, the date it became delinquent, and the fact that, per the terms of Article 5.1 of the Amended Declaration, the assessment amount was increased when it became delinquent (at midnight on February 15) by imposition of interest and the delinquency administrative costs fee established by paragraph #III.F.6 of this Book of Resolutions;
 - c. Demand immediate payment of the full delinquent amount including the assessment, the interest due, and the delinquency administrative costs fee;
 - d. Indicate that if the full delinquent amount is not paid within ten days after the date of delivery of the letter, the Board will be requested to consider filing, and may elect to file, a Notice of Claim of Lien against the lot or living unit of the delinquent member; and
 - e. Provide notice that, if a lien is filed, curing the lien will require payment of the full delinquent amount including the assessment, the interest due, the delinquency administrative costs fee, and the itemized direct costs to or government fees paid by EPCSA for preparing and filing the lien and for curing the lien, including any attorneys’ fees incurred by EPCSA for these actions.
- III.F.9.** The Board has determined that the administrative costs it will incur for determining an EPCSA member is delinquent, preparing notification to the member of his/her delinquency, sending such notification to the member by certified mail return receipt

requested, determining the interest due from the member, and processing and recording the payment of the delinquent amounts due to EPCSA will be fifty dollars (\$50.00) per delinquent account, and establishes a “delinquency administrative costs fee” in that amount that will be added automatically to the assessment account of each EPCSA member at the time his/her account becomes delinquent.

III.F.10. At its regular monthly meeting in March, the Treasurer shall present to the Board the list of delinquent EPCSA members and shall, with respect to each of them, make a separate motion that the Board file a Notice of Claim of Lien against the EPCSA lot or living unit of that EPCSA member. After approval of such motion, the Board expeditiously shall take such steps as are necessary to file a Notice of Claim of Lien against the delinquent EPCSA member’s lot or living unit and record that Notice of Claim in the Office of the Clerk of Santa Fe County, New Mexico.

III.F.11. Upon the curing of any delinquency or default for failure to timely pay an annual assessment that resulted in EPCSA’s filing and recording a Notice of Claim of Lien, the Board shall take steps to cure the lien as provided in Article 5.10 (d) of the Amended Declaration.

III.F.12. At its regular monthly meeting in April, the Treasurer shall present to the Board the list of members against whom liens have been filed and seek approval to initiate foreclosures on the liens. The President shall notify affected owners of the Board’s decisions by certified mail and indicate that if their liens are not cured by April 30 that foreclosure procedures will be undertaken.

III.F.13. When the Board approves this policy, the specific provisions of all rules, policies, procedures, or motions duly approved by the Board that are in conflict to any extent with any provision of this policy are repealed and revoked with regard to future actions and circumstances – provided that those provisions thus repealed and revoked shall continue to be effective without change with respect to pertinent situations involving and actions taken by EPCSA members, EPCSA, and the Board that occurred subsequent to the Board’s approval of said rules, policies, procedures, or motions but prior to the approval of this policy.

#III.F. approved March 13, 2020; earlier versions approved on January 12, 2018 and November 10, 2017.

III.G. TRACKING SALES OF EP PROPERTIES, PROVIDING DISCLOSURE CERTIFICATES AS REQUIRED BY LAW, AND OBTAINING CONTACT INFORMATION FOR NEW EP PROPERTY OWNERS.

III.G.1. Board member responsibilities. The Board shall in September of each year assign to one or more Board members for the period of the subsequent twelve months the following responsibilities:

- a. Ascertaining when any EP property goes on the market;
- b. Contacting the listing agent for any such property and conveying to the agent the contact information for the persons responsible for completing Disclosure

- Certificates for the property for both the EPCSA and the relevant neighborhood subdivision homeowners association;
- c. Completing and providing the EPCSA Disclosure Certificate per the requirements of law when the property goes under contract;
 - d. Determining when the property has been sold and obtaining the new owner's preferred mailing address, email address(es), and telephone numbers;
 - e. Reporting at each regular monthly Board meeting regarding (i) status changes with respect to EP property sales since the prior Board meeting and (ii) the contact information for new owners after sales have been completed; and
 - f. Sending copies to the President and Secretary of all communications with realtors, owners, and title companies regarding both preparation and provision of Disclosure Certificates and contact information for new EP property owners so that the communications may be preserved as permanent EPCSA records.

The names of the Board member(s) assigned to prepare Disclosure Certificates for EPCSA, and the names of those with authority to prepare Disclosure Certificates for the neighborhood homeowners associations that comprise EP, shall be posted (and updated as necessary) on the EPCSA website.

Approved January 12, 2018; earlier versions approved on May 4, 2012 and October 20, 2017.

- III.G.2. Email to transmit completed Disclosure Certificates for home sales in EP.** The email transmitting a requested and completed Disclosure Certificate to the requester effective as of September 11, 2020 shall contain the paragraphs shown in the attached sample email (modified where necessary) plus any additional paragraphs and text specific to the property/neighborhood subdivision in question and any general information including updated financial and capital expenditure information that the preparer considers might be of value to prospective owners. [Note: Sample email is attached following Part III]

Approved September 11, 2020; earlier versions approved on November 10, 2017, January 12, 2018, February 9, 2018, October 12, 2018, and June 14, 2019.

- III.G.3. Fees for preparing Disclosure Certificates and settlement agent forms for EP homes being sold.** Effective as of July 1, 2019 EPCSA shall charge one fee of \$75 for preparation of both (i) the home sale Disclosure Certificate required by the New Mexico Homeowners Association Act of 2013, as amended; and (ii) additional documents requested by the settlement agent for a home sale (usually a title company). Both on the Disclosure Certificate and on the appropriate settlement agent form(s) (or other forms) that are completed and submitted by EPCSA, it will be noted that the fee of \$75 is owed to the EPCSA, and that payment is to be made by the settlement agent when the sale closes and mailed to the EPCSA's post office box address.

Approved June 14, 2019; earlier versions approved on October 16, 2015 and January 12, 2018.

III.H. COMMITTEE MEMBERS MUST BE EP PROPERTY OWNERS

Every individual appointed by the Board to serve on any EPCSA committee must be a property owner in EP and should be listed on his/her home's title as such. Residency in EP without ownership does not entitle an individual to serve on a Board-appointed committee; non-owner spouses are not permitted to serve on EPCSA committees.

Approved January 12, 2018; earlier versions approved on October 14, 2011 and June 14, 2013.

III.I. VIEWING BY EP HOMEOWNERS OF EPCSA DOCUMENTS STORED AT THE CLUBHOUSE

EP homeowners may examine in the presence of a Board member EPCSA records that are in secure storage at the Clubhouse unless such records are already available on the EPCSA web site. A homeowner wishing to do this should contact the Board member representing his/her neighborhood to request that an inspection time be arranged. When a Board member receives such a request from a homeowner in his/her neighborhood, the Board member shall arrange with the EPCSA President to obtain access to the EPCSA records, and shall be present, or arrange for another Board member to be present, at the time of the homeowner's examination. The Board member present for the examination shall ensure that (a) no records leave the Clubhouse area unless the examining homeowner requests a photocopy of one or more documents, in which case the accompanying Board member shall arrange for the photocopies to be made upon receiving assurance from the homeowner that he/she will pay the cost of the requested photocopies; and (b) at the conclusion of the examination and any requested photocopying, all records are returned carefully to precisely their locations at the beginning of the examination.

Approved January 12, 2018; earlier version approved on May 4, 2012.

III.J. THE QUORUM REQUIRED FOR MEETINGS OF EPCSA MEMBERS

Since the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community* does not provide quorum requirements pertaining to Members' meetings, and the *Amended Bylaws of the EPCSA* contain no indication a quorum is required for these meetings, Section 53-8-16 of the New Mexico Nonprofit Corporation Act, which is quoted as follows, applies to EPCSA Members' meetings: "*The bylaws may provide the number or percentage of members entitled to vote represented in person or by proxy, or the number or percentage of votes represented in person or by proxy, which shall constitute a quorum at a meeting of members. In the absence of any such provision members holding one-tenth of the votes entitled to be cast on the matter to be voted upon represented in person or by proxy shall constitute a quorum.*" Since there are 190 lots in Estancia Primera and since one vote is allowed for each lot, a quorum for any Members' meeting shall mean the representation by presence or proxy of Members who hold nineteen (19) votes.

Approved September 14, 2018.

III.K. CONFLICT OF INTEREST AND CERTIFICATION STATEMENTS

III.K.1. EPCSA Board Members, Officers, and employees are required to sign a Conflict of Interest Statement. The EPCSA Secretary shall provide to all EPCSA Board members, officers, and employees in January of each year the EPCSA's Conflict of Interest Policy and Conflict of Interest Statement. The Policy and the Statement

follow this rule and are available on the Estancia Primera web site. Within 30 days of receiving these, each Board member, Officer, and employee shall read the Policy and complete, sign, and date the Statement and return it to the Secretary. The Secretary shall provide the Policy and Statement to all new Board members elected at the annual Members' meeting and any newly appointed Board members, Officers, or employees as soon as practicable after their election or appointment and, within 30 days of receiving these, each shall read the Policy and complete, sign, and date the Statement and return it to the Secretary. The Secretary shall retain all signed Statements in the EPCSA's records.

Approved June 14, 2019; earlier versions of Conflict of Interest Policy and Statement approved on April 12, 2019.

III.K.2. Board members are required to complete a Certification Statement. In accordance with the *New Mexico Homeowners Association Act of 2013* as amended (specifically by Section 3 of Senate Bill 150 of 2019) each newly-elected and appointed Board member is required after July 1, 2019 to sign a Certification Statement attesting that the member has read the EP governing documents; will "work to uphold the ... documents and policies to the best of the member's ability"; and will faithfully discharge the member's duties to the EPCSA. The Certification Statement for EPCSA Board members follows this rule and is available on the Estancia Primera web site. The EPCSA will retain the signed Certification Statements as part of its records for a period of five years after the date of each election or appointment. The EPCSA Secretary shall send the Certification Statement to each newly elected or appointed Board member who shall be responsible for returning the signed form to the Secretary within ninety days after being elected or appointed. As required by the law, a Board member who fails to file the signed certification shall be suspended from the Board until the member complies. The requirements of Rule III.K.2 do not apply to Board members who previously submitted Certification Statements and who are re-elected to the Board without a break in their Board service.

Amended September 9, 2022; approved June 14, 2019; Certification Statement approved on March 8, 2019.

Attachment 1: Book of Resolutions III.G.2

**SAMPLE EMAIL TO TRANSMIT COMPLETED
DISCLOSURE CERTIFICATES FOR HOME SALES IN EP**

Dear _____ [Insert name of homeowner/ realtor/ title company agent/attorney]

On behalf of the Estancia Primera Community Services Association (EPCSA) I have attached a completed Disclosure Certificate (Form _____) and various other documents that you requested with respect to the pending home/property sale at _____ [Insert home/property street address]

Please also note the following:

1. **Annual EPCSA Assessment:** The annual assessment for the EPCSA is currently \$656 and is payable no later than January 31 of each year. The status of the property at _____ is that the current owners are paid up through December 31 of this year. The next payment will be due on _____. The local neighborhood subdivision in which the property is located will have its own annual assessment. Information about that may be obtained from them.

2. **Disclosure Certificate Preparation Fee:** EPCSA's fee is \$75 for preparation of the Disclosure Certificate and other documents pertaining to the property sale that are required by law, or requested by the seller or seller's agent, by the title insurance company, or by the settlement agent. That fee is to be deducted at settlement by the settlement agent and mailed to EPCSA at P.O. Box 8424, Santa Fe, NM 87504-8424. The neighborhood subdivision HOA may impose its own fee for the preparation of its documents.

3. **Architectural Guidelines:** The Architectural Guidelines for the EPCSA are an extension of the Amended Declaration of Covenants and Restrictions for the EPCSA (2005). I have attached them for your buyers' information. We recommend that they peruse and become familiar with them and with the process Estancia Primera property owners must use in order to obtain approval to make exterior modifications to homes, construct new or expanded structures, or make landscaping or fencing modifications. Frequently asked questions about the Architectural Application and Review process can be found at <https://estanciaprimer.org/arb/>.

4. **Clubhouse Key Card:** EPCSA has provided one Recreation Center/Clubhouse key card for each Estancia Primera (EP) property to the property owner. When the property is sold, the seller is responsible for transferring that key card to the buyer and the buyer is responsible for obtaining it from the seller. If the seller fails to transfer this property's key card to the buyer, or an EP property owner wishes to replace his/her key card that has been lost or stolen, EPCSA will provide a duplicate key card upon payment of its cost plus an administrative fee, a total of \$50.

5. **Home Rentals:** Section 6.21 of the Amended Declaration of Covenants and Restrictions for the EPCSA (2005) contains several restrictions on rentals of EP homes, including that "No unit may be rented or leased for an initial period of less than 1 month"; and "All rentals of Living Units are subject to the requirement that the Property be used solely for single-family residential purposes." The Board of Directors defines the latter requirement to mean that a home in EP may only be rented/leased in its entirety to a single family while the owner is not in residence and that no home may be divided into apartments or rooms that are rented or leased to unrelated individuals. EPCSA places great importance on these home rental limitations and advises those purchasing homes in EP to carefully consider them before purchasing. Several of the nine neighborhood HOAs that comprise EP have additional rental/lease requirements and limitations; it should be determined if any of those limitations apply to this home and, if so, those too should be carefully considered before purchasing.

6. **Disclaimer:** The records of the EPCSA do not currently reflect alterations or improvements to the lot/home that violate the Declaration or other Governing Documents. However, there have been occasions when EPCSA has been unaware of unapproved structural changes, easements that had been granted, or private arrangements made between adjacent homeowners, and cannot be certain that there are no problems relating to lot boundaries, easements, and unapproved structures or structural modifications.

7. **Street Maintenance:** Avenida Primera South, the main street in Estancia Primera, is a City street and was accepted by the City of Santa Fe for maintenance when the development was founded in or around 1982. The City is therefore responsible for asphalt and curb repairs along Avenida Primera and for snow and ice management there. The EPCSA will from time to time at the sole discretion of the Board of Directors arrange for snow removal on the street if the City fails to do that, but is under no legal obligation to do so since the street is not a common area within the control of the EPCSA.

8. **Pets:** Although pets, including dogs, are allowed in Estancia Primera they are allowed **ONLY** if they are not left unattended in yards and do not become a nuisance to neighbors. Dogs that persistently bark and disturb others are specifically prohibited under the provisions of the Amended Declaration and by a City of Santa Fe Ordinance. The Board will act against owners of dogs that become a neighborhood nuisance.

9. **Neighborhood Subdivision Disclosure Certificate:** If you have not already done so, you need to request a separate Disclosure Certificate from the _____ HOA. [Insert name of EP neighborhood subdivision HOA]. As you may be aware, all homes and properties in Estancia Primera also are a part of a neighborhood subdivision HOA, each of which has its own CC&Rs and Bylaws. The contact person for that neighborhood subdivision also may be found at <https://estanciaprimera.org/for-realtors/>.

Please contact me if you have any questions about these documents or any additional concerns. Sincerely,

_____ [Insert name of EP Board representative or alternate]
_____ [Insert telephone number]

For the Board of Directors, Estancia Primera Community Services Association (EPCSA)

Attachments:

1. Notice of HOA for the EPCSA.
2. Amended Bylaws of the EPCSA (2005) including September 2016 amendment.
3. EPCSA's "Book of Resolutions" updated _____ – the rules, regulations, policies, and procedures approved by EPCSA's Board of Directors for the Association, the Board, and EP property owners and residents.
4. Amended Declaration of Covenants and Restrictions for the EPCSA (2005) including 2011 Amendment of Article 6.18.
5. EPCSA Financial Documents
 - a. Balance Sheet as of _____.
 - b. Profit & Loss vs. Actual Statement as of _____.
 - c. EPCSA Budget _____ (approved by Board of Directors on _____); and
 - d. Expected Future Capital Expenditures from Reserve Fund – 20__ through 20__.
6. EPCSA Insurance Policies information.
7. Disclosure Certificate Form No. _____

Version: September 11, 2020

PART IV: BOARD OF DIRECTORS RESOLUTIONS AND POLICIES NOT COVERED IN PARTS I THROUGH III

- IV.1. Regarding a private settlement agreement between two EP lot owners.** The First District Court dismissed with prejudice on January 23, 2014, EP homeowner Mary Lawton’s lawsuit against EP homeowners Barbara and the late James Johnstone for “interference” with the views from her home allegedly caused by trees on the Johnstone property. On December 10, 2013, Ms. Johnstone filed with the Santa Fe County Clerk a “Declaration of Restrictive Covenants” against her property at 416 Kachina Court as part of a settlement agreement with Ms. Lawton. The Declaration limits the heights, planting, and maintenance of trees and other vegetation on the Johnstone property now and in the future and affects all successor owners of the property. The language of the covenant imposes on the EPCSA a responsibility to enforce the covenant should a violation by either party to it be alleged. The EPCSA President at that time consulted the EPCSA Legal Counsel regarding this matter, who advised the Board that the “Declaration of Restrictive Covenants” is a private agreement or contract between two parties (Ms. Johnstone and Ms. Lawton) and that the EPCSA has no responsibility for its enforcement.
Approved January 12, 2018; earlier versions approved on February 14 and March 14, 2014.
- IV.2. Maintenance of Paseo Cresta.** The Board consulted a real estate attorney regarding the claim of the President of the Cresta Homeowners Association (CHA) that Paseo Cresta was owned in part by the EPCSA and that the EPCSA therefore should pay in part for the repair of Paseo Cresta and its continuing maintenance and for the construction of drainage structures that would limit future damage to the road from storm water runoff. The Board, after considering the attorney’s opinion, resolved as follows:
- a. The Board accepts the attorney’s opinion that EPCSA has no ownership interest in Paseo Cresta as was claimed by the CHA;
 - b. The Board accepts the attorney’s opinion that Paseo Cresta belongs to Jo Ann Hoover, the CHA, or the owners of all the lots in Tract J;
 - c. The Board therefore will not participate in or pay for any road work, repairs, drainage structure construction, or maintenance of the involved area; and
 - d. If CHA continues to believe that the land in question is owned by EPCSA, it must prove such ownership by providing the EP Board with a detailed legal trace of ownership and records of transfer.
- Approved January 12, 2018; earlier version approved on October 14, 2008.*
- IV.3. Status of the Women’s Group in the EP community.** The EP Women’s Group for many years received an annual stipend from the EPCSA to cover expenses for its monthly social functions. In return, the group organized the EP Memorial Day party at the Clubhouse. The Board discontinued the annual stipend several years prior to 2016 because the EPCSA Legal Counsel advised that Board subsidization of social groups, particularly those not open to all EPCSA owners, was not a proper use of Association funds according to the Governing Documents, and that if the EPCSA were to subsidize social groups that conduct activities outside EP (as the Women’s Group does), the EPCSA might be exposed to legal liability for which coverage is not provided by the EPCSA’s Directors and Officers Liability insurance (because social group members are not Board members, Association officers, or EPCSA employees as defined in the Declaration). The Board resolved that the annual stipend to the Women’s Group should not be reinstated and that the group would no longer be expected to organize the Memorial Day party.

Whenever a decision is made to have such a party, Board members and individual community volunteers will organize the event.

Approved January 12, 2018; earlier version approved on March 11, 2016.

- IV.4. Recording in county land records an amendment of the *Amended Declaration* reducing restrictions on shrubs, hedges, trees, and landscaping.** The Board resolved to accept the vote of a majority of EP lot owners in favor of an amendment (“the Sommer Amendment”) to Section 6.18 of the *Amended Declaration* that removed the ability of EP homeowners to complain to the EP Architectural Review Board (ARB) about shrubs, hedges, trees, and landscaping on other properties allegedly blocking their views, and removed the authority of the ARB to arrange for removal of vegetation alleged to be blocking a homeowner’s view. The President and Vice President were authorized by the Board to record the amended version of Section 6.18 (“Sommer Amendment”) with the Santa Fe County Clerk. [A copy of the amended version of Section 6.18 of the *Amended Declaration* as recorded by the Clerk is attached below.]
Approved January 12, 2018; earlier version approved on April 12, 2011.

IV.5. Reappointment of members of the EP ARB.

The following EP homeowners are appointed for three-year terms as members of the EP Architectural Review Board (ARB):

- Beginning September 2022 and expiring September 2025 - Connie Burke (Cumbre Vista), Jim Hays (Kachina Hills) and Rita Meek (La Viveza).
- Beginning September 2021 and expiring September 2024 - Sean Krispinsky (Los Altos), Carolyn McCollum (Los Altos Norte) and Elsie Hartog-Gobey (Los Nidos).
- Beginning September 2020 and expiring September 2023 - Kurt Sommer (Altamira), John Ferris (Aspen Compound) and Rebecca Welch (Cresta - appointed August 2022 to fill unexpired term).

After the expiration of these terms, all future terms of ARB members will have a three-year duration. Should a vacancy arise for any reason during an appointed member’s term, the Board, after receiving a nomination from that member’s neighborhood subdivision, may appoint the nominee to serve the remainder of the term.

Approved September 9, 2022; earlier versions approved on September 10, 2021, September 11, 2020, September 15, 2017, January 12, 2018, and October 11, 2019.

ATTACHMENT (per #IV.4 above):

The “Sommer Amendment” as filed in Santa Fe County Land Records. Section 6.18 of the *Declaration of Covenants and Restrictions for the Estancia Primera Community* was amended, by an affirmative vote of a majority of owners of lots in Estancia Primera, to read as follows:

6.18 Height of Shrubs, Hedges, Trees and Landscaping. No shrub, hedge, tree or other landscaping which interferes with the solar access and/or privacy of any Lot or Living Unit (except as reasonably determined by the ARB) shall be planted, permitted or maintained on any Lot or Living Unit or upon any Common Area. If the Owner of a Lot or Living Unit or any Neighborhood Association (as to a Common Area maintained by it) allows a shrub, hedge, tree or other landscaping on their respective property to violate the provisions of this Section, then the ARB shall have the right (but not the obligation) upon ten (10) days’ prior notice to the offending Owner or Neighborhood Association, to: (a) request that the offending Lot Owner remove the obstruction, and seek judicial enforcement of the obstruction; or (b) enter upon the offending Lot or Living Unit or Common Area, and cut back or otherwise trim the offending shrub, hedge, or tree or other landscaping so that the same does not interfere with the solar access and/or privacy of any Lot or Living Unit. The ARB may assess the Owner(s) (as to the offending Lot or Living Unit) or the Neighborhood Association (as to the offending Common Area) for the cost of such activities.

IV.6. Assessment of Consolidated Lots

Under the authority granted to the EPCSA Board of Directors (“Board”) by section 5.11 of Article V of the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community ("Amended Declaration")*, in any case where in Estancia Primera (“EP”) an unbuilt lot is legally consolidated with another EP lot on which a dwelling exists and the owner of the consolidated lot provides such evidence as the Board may require that Santa Fe County has accepted the consolidation, the consolidated lot shall be subject under Section 5.5 of Article V of the *Amended Declaration* to assessment as one "Class I" property (which class pertains to "all living units which are being or have been occupied as a residence") per the terms of subsection (a) of that section; provided that this policy will be applicable to the consolidated lot until and unless a new and additional residential dwelling or accessory structure is constructed on any portion of the consolidated lot, after which the consolidated lot shall be subject under section 5.5 of Article V of the *Amended Declaration* to assessment as *two (2)* "Class I" properties.

Consolidated lots shall be subject to all applicable restrictions on the number of Living Units, residential dwellings, guest houses, accessory structures, or other buildings upon any one lot.

Approved June 10, 2022