

**Resolution 2009-03  
OF THE BOARD OF DIRECTORS  
Pagosa Lakes Property Owners Association  
ECC Committee Structure**

**Replacing Resolution 2005-18**

**WHEREAS**, the Declarations of Restrictions for Pagosa Lakes Subdivisions established the Environmental Control Committee (ECC) and the responsibilities of the ECC, and

**WHEREAS**, in accord with the Declarations of Restrictions, the Declarant (Fairfield Pagosa Inc.) by means of a written instrument dated March 13, 1991, formally relinquished to the Board of Directors (Board) of the Pagosa Lakes Property Owners Association (PLPOA) the power of appointment and removal of Environmental Control Committee (ECC) members, and

**WHEREAS**, the Board has accepted that responsibility as being consistent with the requirements of said Declaration as well as the PLPOA Articles of Incorporation and Bylaws, and

**WHEREAS**, to conform to the intent of said Declaration, the Board wishes to consolidate, clarify and revise the policies and procedures regarding selection, appointment, tenure and procedures of members of the ECC.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. This resolution repeals, supersedes and replaces Resolution 2005-18.
2. The ECC shall be composed of three (3) Members with up to three (3) Alternate Members who are property owners, permanent residents of Pagosa Lakes and PLPOA Members in Good Standing, selected as follows:
  - a. Members and Alternate Members shall be appointed by the Board from applications received from advertising in the local media for at least two consecutive weeks, from referrals, or volunteers.
  - b. The Environmental Control Committee Members and the Board of Directors will review all applications prior to any appointment to the Committee.
  - c. All applicants will be required to participate in at least four (4) working sessions and any drive-arounds conducted at those sessions.
  - d. When all applicants have completed the working sessions participation, the ECC shall inform the Board of Directors of its recommendation for appointment.
  - e. When possible, not more than one (1) member shall be a resident of any one (1) Pagosa Lakes subdivision, to provide a broad spectrum of representation of subdivision residents.
  - f. Members and Alternate Members are appointed by the Board to serve for terms of two (2) years and may be re-appointed by the Board for additional terms.

3. The Committee membership shall select one Member to serve as an ECC Committee Liaison for a six (6) month period of time. The Committee Liaison will be responsible for submitting monthly reports for the Board of Directors meetings indicating any matters that have appeared before ECC which may result in litigation, trends in types of cases appearing before the ECC or any other matters or difficulties the Committee Liaison deems necessary to transmit to the Board for the benefit of the Association.
4. A minimum of three (3) Members will be scheduled at each meeting. Members and Alternate Members may be substituted to meet this requirement.
5. Any newly-appointed Member will serve an indoctrination period of three (3) months as a voting Committee member before being appointed to the rotation schedule as Presiding Officer.
6. For each ECC meeting, the voting members will select one of their members to be the Presiding Officer for the meeting. No person may serve more than two (2) consecutive times as Presiding Officer and may not preside over more than 50% of the meetings on an annual basis. The DCC staff is to keep a schedule of Presiding Officer selections and monitor their activities to assure that the frequency and percentage criteria are not exceeded.

The role of Presiding Officer carries specific and special responsibilities. Among these are:

- To assure compliance with the standards and procedures contained within this Resolution, with special emphasis on limiting the ECC issues and discussions to matters that pertain solely to the elements of the Building Permit Process or to architectural harmony.
  - To assure Property Owner (or representative) understanding of the ECC findings including requirements for additional information or actions.
  - To assure that all representatives of the ECC present at the meeting are given the opportunity to speak in regards to the applications pending.
  - To assure that the vote is taken from the designated ECC members for that meeting.
  - To sign each ECC finding and recommendation form.
7. The Presiding Officer is a voting member.
    - a. All ECC Members are encouraged to attend each of the scheduled meetings, to enable them to be fully aware of previous, present and forthcoming agenda items presented for Committee review and approval.
    - b. Two (2) members are required to constitute a voting quorum. All Members and Alternate Members present are free to provide comments and suggestions to individual applicants during the comments portion of the hearing subject to the leadership of the Presiding Officer.
    - c. Excessive absenteeism by a member will result in termination with cause.

8. The ECC is separate and distinct from the Board in carrying out its functions, as set forth in the Declarations. However, it shall not institute any action in a court of law nor obligate the PLPOA in any legal action unless specifically authorized to do so by the Board. The ECC members serve at the pleasure of the PLPOA Board of Directors and can be removed by a majority vote of the Board of Directors.
9. In cases of threatened litigation by property owners, the ECC liaison will immediately notify the General Manager and the PLPOA Board of Directors.
10. Upon adoption of this Resolution by the Board of Directors, the Association Building Package, Section 1.3, ECC Meetings and Composition, will be modified to comply with the language contained within this Resolution.

**THEREFORE; BE IT RESOLVED** that Resolution 2009-03 was ADOPTED this 9<sup>th</sup> day of April 2009, by the PLPOA Board of Directors.

**PRESIDENT'S  
AND SECRETARY'S**

**CERTIFICATION:** The undersigned, respectively being the President and Secretary of Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation, certify that the foregoing Resolution 2009-03 was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 9 April, 2009, and in witness thereof, the undersigned have subscribed their names.

**PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, a Colorado nonprofit corporation,**

---

Gary Gray, President

ATTEST:

---

John Meyer, Secretary