

Orange Orchard Homeowners Association
PO Box 17241
Boulder, CO 80308-0241

August 24, 2023

Dear OOHA Neighbor:

As you are likely aware, OOHA's Board has been working to draft updated versions of our Amended and Restated Declaration of Covenants, Conditions and Restrictions ("Proposed Declaration") and our Amended and Restated Bylaws ("Proposed Bylaws").

After over a year of work and several rounds of neighborhood feedback, the Governance Committee and the full Board have both unanimously approved the proposed documents. We are now ready to seek approval from the full neighborhood.

The current versions of these documents are outdated and do not conform in important ways to the Colorado Common Interest Ownership Act (CCIOA), which governs HOAs in Colorado. In addition to the legally required changes, we are also taking the opportunity to update other provisions of the documents as well.

Enclosed you will find the proposed final versions of the documents. More information, including redline versions of the documents, can be found on our website, <https://www.oohaboulder.org/info.php?pnum=8>.

Here is a summary of important changes in the proposed documents as compared to the currently in-force versions:

- Updated provisions required or allowed by CCIOA. Because CCIOA has updated how HOAs can enforce their rules, there is a new section on enforcement (Declaration, Article X), along with other changes.
- Clarified that Zoom meetings and email can be used for meeting announcements and meetings, and that votes can be taken electronically (Bylaws, Articles III, V and VI)
- Relaxed the process for amending our architectural rules (Declaration, Article V)
- Clarified that owners are responsible for ensuring that guests and tenants follow OOHA rules (Declaration, Article IX)
- Clarified insurance obligations (Declaration, Article XII)
- Made it easier to remove a Board member; added Board qualification requirements & standards of conduct (Bylaws, Article IV)
- Added an option for the Board to require arbitration if two neighbors who share a driveway cannot agree on maintenance (Declaration, Article VIII)
- Clarified requirements for homeowners to maintain exterior property and landscape (Declaration, Article VI)
- Established provisions limiting leases to 30 days or longer, thus prohibiting short term rentals, but subject to a grandfathering clause for those houses with current Boulder County STR licenses (Declaration, Article XI).
- No changes were made to how the neighborhood raises dues, although we considered this idea. The proposed documents have clarifying changes only (Declaration, Article IV).

We received a significant amount of input from the neighborhood after draft versions of these documents were circulated in late March 2023; the changes that resulted are summarized below:

- When the houses at 4402 and 4405 30th St were added to the neighborhood approximately 20 years ago, the neighborhood approval of this annexation was not properly recorded with Boulder County. To avoid any potential future problems, we are clarifying their membership in OOHA now. (Declaration, Article I Sec 4)
- Removed the ability of OOHA to limit any owner's voting rights. (Declaration, Article II Sec 1(b) and Article X, Sec 1(b)ii; Bylaws, Article IV Sec 5(a) and Article VII Sec 1(b))
- Modified language in three places to require that any HOA rules meet tests of reasonableness. (Declaration, Article VI; Bylaws, Article VII Sec 1(c))
- Require that monetary fines cannot be levied against a homeowner without due process and without a majority vote of the full Board (Declaration, Article X)
- Clarified that homeowners adjacent to the area between the street and sidewalk along 30th St are not responsible for the maintenance of this area. (Declaration, Article VI)
- Added grandfathering provision to the limitation on short term rentals. (Declaration, Article XI)
- Clarified that homeowners have the responsibility for obtaining liability insurance on their lot (Declaration Article XII)
- Fixed a handful of typos and textual inconsistencies throughout both documents, and changed language to be gender-neutral.

Your vote is crucial in shaping the future of our community. The Proposed Declaration requires an affirmative vote from at least 67% of the total homeowners in OOHA, which translates to 79 votes out of 118, as well as the consent of the owners of 4402 and 4405 30th Street. The Proposed Bylaws requires an affirmative vote of at least 67% of the votes cast provided a quorum has been reached.

The Board has decided to conduct the vote on this matter by mail pursuant to C.R.S. § 7-127-109. In order to hold this vote by written mail ballot, the Association must meet quorum requirements, which is 25% of the total votes or 30 out of 118 votes.

A ballot is enclosed for you to cast your vote for or against the Proposed Declaration and the Proposed Bylaws. Please sign and return your ballot to the Board via US mail at the address above. We only need to receive the signed ballot page. Alternately, you may scan and email your ballot to us at governance@oohaboulder.org, or you may drop your ballot off with Lisa Jensen (4343 Apple Ct.) or Howdy Pierce (4393 30th St.). All ballots must be received by 5:00 pm on October 23, 2023, and each house gets one vote.

If you have any questions regarding any of the changes, please contact any member of the Board or Governance Committee, or email us at governance@oohaboulder.org.

Regards,

Governance Committee

Kate Fay
Richard Harris
Daryl James
Lisa Jensen
Christine Mullen
Howdy Pierce
Mark Taylor

Board of Directors

Howdy Pierce, President
Lisa Jensen, Vice President
Mike O'Kane, Treasurer
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