

ELDORADO COMMUNITY IMPROVEMENT ASSOCIATION, INC.
(ECIA)
POLICY ON ADOPTING AND AMENDING POLICIES

The following policy covering procedures for the adopting and amending policies, procedures, rules and guidelines was adopted by the Board of Directors (“Board”) of the Eldorado Community Improvement Association (“Association” or “ECIA”) pursuant to the New Mexico Homeowners Association Act, §47-16-1, et seq., NMSA 1978 (the “HOA Act”), at a regular meeting of the Board.

The Board finds that it is in the best interest of the community to adopt a policy specifying how policies, procedures, rules, regulations and guidelines are validly adopted and amended, to encourage owners to review and comment on proposed Policies, and clarify how owners may learn about Policies which affect them.

The Effective Date of this Policy is _____.

NOW, THEREFORE, IT IS RESOLVED that the following procedures shall apply to the Association’s policy and rule-making authority:

1. **Authority.** Pursuant to Article III, Section 1 of the Amended and Restated Protective Covenants and Building Restrictions For Eldorado At Santa Fe, recorded April 24, 1996 and the New Mexico HOA Act, NMSA § 47-16-17, the Board has the authority to adopt and amend policies, procedures, rules, regulations and guidelines.

2. **Board action after notice.** The Board, having determined that an issue affects the community for which a policy, procedure, rule or guideline (collectively referred to in this document as a “Policy”) would be beneficial, and having discussed reasonable approaches to address the issue, may adopt or amend any Policy which, in the reasonable discretion of the Board, is authorized by the Association’s governing documents or pursuant to New Mexico law, after first having given the Members at least 14 days notice, by:
 - a. Prominently posting the proposed Policy on the Association’s website,
 - b. Sending out an email notice directing Members to the location of the proposed Policy on the website, and
 - c. Giving Members the opportunity to comment on the proposed Policy via email, on the website, in writing delivered or mailed to the Association’s office, or in person or via Zoom or other electronic meeting platform, at an open forum (which may be offered at a town hall, a regular or special Board meeting, a meeting of Members, or a committee meeting) held at least 14 days from the email notice of the open forum date.

3. **Emergency Action.** The Board retains discretion to amend a Policy on an emergency basis, while formal action to amend that Policy is pending, in unusual situations where necessary to comply with the law or avoid undue hardship to Members in the best interest of the Association. Notice and opportunity to comment on the amended Policy as required in paragraph 2 above must

occur as soon as possible after any such Board action.

4. **Considerations for the Board.** The Board will take reasonable steps to avoid adopting a Policy that is contrary to Federal, State or local law or the Association’s governing documents. Notwithstanding the foregoing, the Policy may further regulate, clarify, modify or elaborate on express provisions in the Association’s governing documents. The Board will exercise reasonable care to balance the Association’s interests with the interests of individual owners.
5. **Effective date and publication of adopted Policy.** The Policy will become effective on the date it is adopted, or on any other date determined by the Board, or as required by the governing documents. After adoption, the Board must publish the properly adopted Policy by:
 - a. posting it on the Association’s website
 - b. noting in the Board meeting minutes that the Policy was approved, and
 - c. announcing the adoption of the Policy via e-blast, Vistas, or other newsletter, or via any other reasonable means.
 - d. All properly adopted Policies also may be inspected by Members in person at the Association’s business office, upon notice as required by State law.
6. **No defense.** An owner’s failure to receive the Policy is not a defense to the Association’s ability to enforce the Policy.
7. **Replacement of old policies.** This Policy replaces and supersedes all previous policies regarding the subject matter of this Policy, including the Policy Protocol dated June 15, 2020.
8. **Severability.** In the event that a court of competent jurisdiction finds any portion of this Policy void or otherwise unenforceable, the other provisions remain in full force and effect.

The undersigned hereby certifies that this Policy was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association conducted on the _____ day of _____, 20____.

Board of Directors of the
Eldorado Community Improvement Association

By: _____

(Print Name)

(Print Title)