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Cheri Brunvand – Summit County Recorder

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**COPPER MOUNTAIN PROPERTY OWNERS AND LESSEES ASSOCIATION  
COPPER MOUNTAIN PUD RULES AND REGULATIONS FOR INTEGRATED EMPLOYEE HOUSING  
UNITS**

At a meeting held this the 1<sup>st</sup> day of August, 2009 of the Board of Directors of the Copper Mountain Property Owners and Lessees Association (POLA), due notice having been given, a quorum being present and a Motion being duly made, seconded and passed by a majority of the Board, it is hereby

RESOLVED, the following Rules and Regulations are adopted effective on the 4<sup>th</sup> day of September, 2009:

Rules and Regulations for Integrated Employee Housing Units at Copper Mountain

1. Owner Qualification Criteria:

- a. Purchase of deed restricted employee housing units (listed in Exhibit A and attached to this document) is open to the general public, but occupancy of deed restricted employee housing units is restricted to employees and members of the employee's immediate family (spouse and minor children without regard to gender, race, sex or ethnic makeup of said family), whose principal place of employment is at Copper Mountain and as further defined in Section 2. An owner may lease such deed restricted employee housing units to those persons who also satisfy the employee qualification criteria as defined in Section 2. In no event shall a non-qualifying occupant occupy the unit during the peak ski season.

2. Employee Qualification Criteria for Unit Occupancy:

- a. The employee must work for a bona fide business or service organization, such as Copper Mountain Resort, or an independent merchant which regularly conducts business at Copper Mountain and which requires the employee's physical presence at Copper Mountain in the performance of the employee's duties for such employer.
- b. The employee must be employed in a job that is of full time status and is eligible for a minimum of 30 hours per week from opening day to closing day. Regardless, the employee must work an average of 30 hours per week or more during the peak ski season. Notwithstanding the above, all full-time resident managers of a condominium or town home project at Copper Mountain shall be authorized to occupy a deed restricted employee housing unit.
- c. If a non-owner occupied unit becomes out of compliance with these regulations, the occupant renting the deed restricted employee housing unit must vacate the unit within 30 days following such non-compliance unless they qualify under the following sections 3(a)(i), 3(a)(ii), or 3(a)(iii) and are granted an exemption. The request for an exemption must be filed by the owner of the deed restricted employee housing unit.
- d. If an owner-occupied unit becomes out of compliance with these regulations, the owner will have up to 90 days following such non-compliance to cure such non-compliance by one of the following:
  - i. the owner qualifies under the following sections 3(a)(i), 3(a)(ii), or 3(a)(iii), files a formal request for an exemption, and the exemption is granted by the POLA Board, or
  - ii. the owner finds a qualifying job, or
  - iii. the owner leases the deed restricted employee housing unit to a qualifying employee, or
  - iv. the owner sells the deed restricted employee housing unit.

- e. No portion of a deed restricted employee housing unit may be sublet to any person who does not satisfy the requirements of these Rules and Regulations.

### 3. Exemptions

- a. If, after offering the deed restricted employee housing unit for rental to a qualified employee unsuccessfully for a period of 90 days, to the extent authorized by the Copper Mountain Resort PUD, exemptions may be granted by POLA annually on a case by case basis under following criteria:
  - i. A person that works a minimum of 30 hours per week for a business in Summit County that uses the unit as their primary residence.
  - ii. A retired employee 55 years or older, with 10 years of service with a Copper Mountain business that uses the unit as their primary residence.
  - iii. An employee disabled while working for a Copper Mountain business that uses the unit as their primary residence.
  - iv. If an employee that is qualified under the foregoing sections 2(a)(b) is terminated, but is qualified under any one of the foregoing sections 3(a)(i), 3(a)(ii), or 3(a)(iii) that employee may be allowed to continue to occupy the deed restricted employee housing unit if the owner of the unit files a formal request for an exemption, and the exemption is granted by the POLA Board.
  - v. Notwithstanding the foregoing, up to a maximum of ten percent (10%) of the total number of Integrated Employee Housing Units (110 units total) may be granted an exemption as authorized by the Copper Mountain Resort PUD modification to the Copper Mountain Resort PUD will also be required

### 4. Rental and Re-Sale Rates

- a. The owner of a deed restricted employee housing unit is free to charge market rents to a person meeting the requirements in section 2.
- b. There exists no cap on allowable appreciation for unit re-sales. Sales price is market driven.

### 5. Monitoring, Compliance and Enforcement

- a. An owner of a deed restricted employee housing unit must report any change of occupancy within 30 days of that change to POLA.
- b. If a default is not corrected within 90 days, POLA may place a lien on the unit.
- c. The lien amount is \$100 a day. However, if the rental term is short term then the lien amount is \$200 per day. A short term rental is defined as a rental term of one month or shorter. These lien amounts may be adjusted periodically by POLA.
- d. On or before February 1<sup>st</sup> of each year, POLA will contact each deed restricted employee housing owner by sending a Integrated Housing Survey via email or first class mail requiring the following information:
  - i. Corrected contact information of owner if incorrect on the Integrated Housing Survey
  - ii. Name and contact information of occupant if not the Owner
  - iii. Name and contact information of occupant's employer
  - iv. Occupant's job title
  - v. Occupant's employment status

- vi. Average number of hours worked per week
- vii. Other information that may be required by Summit County.
- e. POLA may send applicable survey results to the owner's HOA board and/or management company via first class mail for verification. POLA may request each board or its management company to notify POLA of any inaccuracies in the survey results to the best of their knowledge.
- f. Any deed restricted employee housing unit owner that does not respond to the survey within 30 days of the date the survey was mailed shall be in default of these Rules and Regulations and be subject to the actions described in the foregoing sections 2(d), 5(b), and 5(c).
- g. POLA has the unconditional authority to enforce these Rules and Regulations. In the event that POLA fails to enforce any provision or restriction of these Rules and Regulations or they are not adhered to for any reason, including but not limited to any failure by the Owner to abide by the provisions and restrictions contained herein, Summit County shall have the unconditional right to initiate and pursue enforcement actions, at law or in equity, as Summit County in its sole discretion deems necessary to prevent, correct or require correction of the violations of the terms and purposes of these Rules and Regulations. The remedies that may be available to Summit County shall include, but not be limited to, specific performance, injunction, and recovery of reasonable attorneys' fees and costs for any such enforcement action.

#### 6. Amendments

- a. Any future amendments to these Rules and Regulations must first be approved by Summit County. Any future amendments shall be recorded with the Summit County Clerk and Recorder's Office

**Certification of Board of the Copper Mountain Property Owners and Lessees Association**

I, the undersigned President of the Board of the Copper Mountain Property Owners and Lessees Association, certify these Rules and Regulations were duly adopted on the 4<sup>th</sup> day of September, 2009 as set forth above.

James F. Reis  
Printed Name of President of the POLA Board

James F. Reis  
Signature of President of the POLA Board

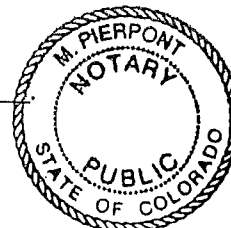
9/18/09  
Date Signed

NOTARY PUBLIC  
State of Colorado)  
County of Summit)

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2009 by James Reis. Witness my hand and official seal.

My Commission expires 7/26/11.

Signature of Notary Public: [Signature]



My Commission Expires  
JULY 26, 2011

**Approval of Summit County**

I, the undersigned Manager of Summit County, approve of the Resolution duly adopted by POLA on the 23<sup>rd</sup> day of September, 2009 as set forth above.

GARY MARTINEZ  
Printed Name of the Summit County Manager

Gary Martinez  
Signature of the Summit County Manager

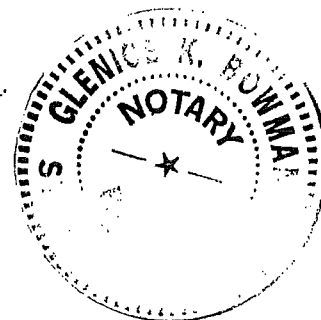
9/23/2009  
Date Signed

NOTARY PUBLIC  
State of Colorado)  
County of Summit)

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of September, 20\_\_ by Gary Martinez. Witness my hand and official seal.

My Commission expires 8/20/13.

Signature of Notary Public: Glenis K. Bowman



**EXHIBIT A**  
Deed Restricted Employee Housing Units

Building	Unit Numbers
Anaconda	107, 212
Bridge End	101, 103, 109, 111
Copper Junction	E1, E2, E3
Copper Valley	B-1, B-2, 108
Elk Run	5
Foxpine Inn	102, 109, 137
Mountain Plaza	204, 206, 208
Passage Point	122, 323, 423
Snowbridge Square	109, 110, 111, 112, 209, 210, 211, 212
Snowflake	202A, 202B, 203A, 203B
Spruce Lodge	192, 193, 194, 196, 198, 199
Summit House	201, 202, 203, 207
Telemark Lodge	2208, 2209, 2210, 2513, 2514
Ten Mile	D-1, D-2
The Cache	F3-102
The Cirque	119
The Greens	216C
The Lodge at Copper	103, 104, 105, 106, 108
Timber Creek	104, 105, 106, 110, 111
Togwotee Lodge	104
Tucker Mountain Lodge	114, 115, 116, 117
Village Square	160, 162, 164, 166, 168, 170, 248, 250, 252, 254, 256, 260, 262, 264, 266, 268, 270, 350, 352, 354, 360, 362, 364, 366, 368, 370, 450, 452, 454
West Lake Lodge	101, 103, 105, 107, 109, 203, 205, 207, 209
Wheeler House	103, 105, 108