

INVESTMENT OF RESERVE FUNDS

The following reserve fund investment Policy has been adopted pursuant to C.R.S. §38-33.3-209.5, C.R.S. §38-33.3-303, 7-128-401, the Governing Documents of the Association, and the Act, at a regular meeting of the Board.

Purpose: This Policy defines investment objectives and procedures to protect and ensure the safety of the assets and capital improvements of the Association and those volunteers who participate in the investment process. This Policy also provides guidance to those who offer investment services to the Association, including brokers/dealers, banks, consultants, savings institutions, and custodians. This Policy does not set forth: (1) the minimum reserve fund balance required of the Association; (2) any mandate for an annual reserve fund study; or (3) the tax consequences of the investment options contained herein.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following Policy to govern the investment of the Association's reserve funds:

1. Standards of Conduct. With regard to the investment of reserve funds of the Association, the officers and Members of the Board shall be subject to the standards set forth in C.R.S. §7-128-401, a copy of which is attached as Exhibit A to this Policy for convenience; except that, as used in that statute:

a. Corporation. "Corporation" or "nonprofit corporation" means the Association.

b. Director. "Director" means a Member of the Association's Board.

c. Officer. "Officer" means any person designated as an officer of the Association and any person to whom the Board delegates responsibilities under this article, including, without limitation, a managing agent, attorney, or accountant employed by the Board.

2. Safety of Funds: Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital, with the objective of mitigating credit risk and interest rate risk.

a. Credit Risk. The Association will minimize credit risk, the risk of loss due to the failure of the financial institution, by:

i. Limiting investments to the safest types of investments as provided for herein;

ii. Pre-qualifying the financial institutions, brokers/dealers, and advisors with which the Association does business; and

iii. Subject to the limitations herein, diversifying the investment portfolio so that potential losses on individual investments will be minimized.

b. Interest Rate Risk. The Association will minimize the risk of the market value of investments in the portfolio due to changes in general interest rates by:

- i. Structuring the investment portfolio so that investments mature sufficiently close to cash requirements for ongoing operations, thereby minimizing the potential need to sell investments prior to maturity; and
- ii. Investing all funds primarily in short- to intermediate-term investments, and approved money market mutual funds.

3. Liquidity of Funds. The investment portfolio shall remain sufficiently liquid to meet all planned reserve fund expenditures for the following fiscal year. To ensure that adequate reserve funds are available to pay the Association's reserve expenditures, annual reserve fund investments shall reasonably match the planned reserve fund expenditures for the following fiscal year.

4. Types of Investments. The reserve fund portfolio shall consist largely of Money Market Accounts and/or Certificates of Deposit.

5. Yield. Subject to the restrictions on the types of investments, the Association's portfolio shall earn a competitive market rate of return on available funds throughout budgetary and economic cycles. In meeting this objective, the Association, through the Board, will take into account the Association's investment risk, constraints, and cash flow needs.

6. Delegation of Authority. Responsibility for conducting investment transactions for the Association resides with the Treasurer. The President of the Board will be considered an authorized person to assist the Treasurer in performing investment management, cash management, or treasury functions. Persons authorized to transact investment business for the Association are limited to these two officers. The Treasurer will provide a copy of this investment Policy to all of the Association's investment service providers. Association Members will receive a copy of this investment Policy from the Treasurer upon request. The Treasurer may engage the support services of outside professionals, subject to the availability of budgeted funds and approval from the Board. The Board shall provide a copy of this Policy to the newly elected Treasurer at the assumption of office.

7. Ineligible Investments and Transactions. The Association shall not invest in the following asset class(es):

- a. Individual stocks;
- b. Equity mutual funds, domestic or foreign;
- c. Mutual funds consisting of bonds or mortgages and or derivatives;
- d. Options on equity, debt or commodities;

- e. Floating rate securities or floating rate certificates of deposit; and
- f. Investment in a single institution in excess of FDIC insurance limits.

8. Selection of Banks. Banks and savings institution shall be approved by written resolution by the Board to provide depository and other banking services for the Association. To be eligible for authorization, a bank must be domiciled in the United States and have physical facilities for doing business in the State of Colorado, a member of the FDIC and must meet the minimum credit criteria of credit analysis provided by commercially available bank rating services. Banks failing to meet the minimum criteria, or, in the judgment of the Treasurer or Board, no longer offering adequate safety to the Association funds, shall be unauthorized to provide depository and other banking services for the Association.

9. Reporting. On an annual basis, an investment report shall be prepared and submitted by the Treasurer or an outside advisor, who will provide such report to the Board in a timely manner, listing the reserve fund investments held by the Association and the current market valuation of the investments. The report shall include a summary of investment earnings during the prior fiscal year. The Association Members shall have access to the list of Association reserve fund portfolio holdings.

10. Policy Revisions. The Board shall review Policy periodically and may amend the Policy as conditions warrant. The Treasurer may recommend amendments to this Policy as necessary.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of Recorded Rio HOA, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on 5-3-2012, and in witness thereof, the undersigned has subscribed his name.

[Handwritten Signature]

Exhibit A

Colorado Statutes
 Title 7. CORPORATIONS AND ASSOCIATIONS
 CORPORATIONS
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 Nonprofit Corporations
 Article 128. Directors and Officers
 Part 4. STANDARDS OF CONDUCT
 Current through Chapter 430, Second Regular Session 2010

my Commission expires 10/22/2015

[Handwritten Signature]
 Notary P. McC



§ 7-128-401. General standards of conduct for directors and officers

- (1) Each director shall discharge the director's duties as a director, including the director's duties as a member of a committee of the board, and each officer with discretionary authority shall discharge the officer's duties under that authority:
 - (a) In good faith;
 - (b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
 - (c) In a manner the director or officer reasonably believes to be in the best interests of the nonprofit corporation.
- (2) In discharging duties, a director or officer is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
 - (a) One or more officers or employees of the nonprofit corporation whom the director or officer reasonably believes to be reliable and competent in the matters presented;
 - (b) Legal counsel, a public accountant, or another person as to matters the director or officer reasonably believes are within such person's professional or expert competence;

(c) Religious authorities or ministers, priests, rabbis, or other persons whose position or duties in the nonprofit corporation, or in a religious organization with which the nonprofit corporation is affiliated, the director or officer believes justify reliance and confidence and who the director or officer believes to be reliable and competent in the matters presented; or

(d) In the case of a director, a committee of the board of directors of which the director is not a member if the director reasonably believes the committee merits confidence.

(3) A director or officer is not acting in good faith if the director or officer has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) of this section unwarranted.

(4) A director or officer is not liable as such to the nonprofit corporation or its members for any action taken or omitted to be taken as a director or officer, as the case may be, if, in connection with such action or omission, the director or officer performed the duties of the position in compliance with this section.

(5) A director, regardless of title, shall not be deemed to be a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the nonprofit corporation including, without limitation, property that may be subject to restrictions imposed by the donor or transferor of such property.

(6) A director or officer of a nonprofit corporation, in the performance of duties in that capacity, shall not have any fiduciary duty to any creditor of the nonprofit corporation arising only from the status as a creditor.

(7) No person shall be liable in contract or tort merely by reason of being a director, officer, or member of a nonprofit corporation that was suspended, declared defunct, administratively dissolved, or dissolved by operation of law, and the business or activities of which have been continued for nonprofit purposes, with or without knowledge of the suspension, declaration, or dissolution, and the business and activities of which have not been wound up.

History. L. 97: Entire article added, p. 698, § 3, effective July 1, 1998. L. 2006: (6) and (7) added, p. 882, § 81, effective July 1.

Editor's Note:

Subsections (6) and (7) were originally enacted as subsections (5) and (6) respectively in Senate Bill 06-187 but were renumbered on revision for ease of location.