

**CONSENT OF DIRECTORS  
OF THE  
JACKSON CREEK HOMEOWNERS ASSOCIATION**

The undersigned, being all of the Directors of the Jackson Creek Homeowners Association, a Colorado non-profit corporation (the "Association"), hereby consent to vote in favor of, and adopt the following resolution:

**WHEREAS**, the Board of Directors is empowered to govern the affairs of the Association pursuant to its Governing Documents and statute; and

**WHEREAS**, the Association has rules governing various items used outside ranging from Retaining Walls (Rule 5.8) to Flagpoles (Rule 6.4), but the closest provisions governing hot tubs or Jacuzzis may be Rule 6.1, which governs "Ancillary Structures" (but only specifically refers to structures such as gazebos) and/or Rule 6.3, which governs "Recreational Equipment" (but generally applies to portable devices);

**WHEREAS**, since hot tubs may present greater safety concerns than the items described above, and since the Board does not have the expertise to judge the safety of such items, there are very real concerns about the risk of harm to people, including possible unwarranted allegations of negligent approval by the Board, despite the non-liability protection found in Rule 2.7, which is based upon Sections 5.9, 5.10 and 6.5 of the recorded Covenants;

**WHEREAS**, the Association must adopt a rule for the health, welfare and safety of the community.

**IT IS THEREFORE RESOLVED** that the following Rule, which is attached hereto as Exhibit A, shall remain in effect until amended or hereby terminated by a majority vote of the Board of Directors;

**IT IS FURTHER RESOLVED** that this Rule shall take effect upon execution of this document.

This resolution is adopted this 27<sup>th</sup> day of July, 2017, at an open Board meeting where a quorum of the Board was present and is effective immediately.

Executed this 27<sup>th</sup> day of July, 2017.

Michael A. Alvarez  
Stacy Schmitt

Blanche Michelle Lashley

Shirley Bucian

Tanya Engler

## **EXHIBIT A**

The placement of all Hot Tubs/Jacuzzis (hot tubs) must be approved by the Architectural Review Committee (ARC) before installation/placement. The ARC reviews only the visual impact of the hot tub and surrounding structure as viewed by neighbors and the community. The ARC does not assess load factors of decks supporting hot tubs but recommends those homeowners get an engineering load bearing assessment for their own protection. The HOA/ARC does not require an engineering assessment as part of the approval process, but the homeowner is responsible for correct load capability. The HOA/ARC assumes no liability for load bearing capabilities of deck structures supporting hot tubs nor anything associated with the installation and use of hot tubs.