

Cherry Creek Vista South Homeowners Association

Meeting Policy

RECITALS:

A. Colorado Revised Statute 38-33.3-209.5(1)(b)(III) requires the Association to adopt a policy pertaining to the conduct of meetings.

B. This policy is not intended to take the place of or invalidate provisions contained in the Association's bylaws or the Colorado Revised Nonprofit Corporation Act: the policy is intended to incorporate provisions of Senate Bill 100 into the Association's procedures for meetings of both the members and the board.

Members Meetings

Each meeting of the Members of the Association shall be called at least once per year in accordance with the provisions of the Colorado Common Interest Ownership Act, if applicable, if not then with the Association's Bylaws or operative sections of the Association's other governing documents. In the event the Association's governing documents are silent with respect to a specific issue, the provisions of the Colorado Revised Nonprofit Act will control.

All meetings of the Members shall proceed on issues generally set forth in the notice required by Colorado Revised Statute 38-33.3-308 and in accordance with the written order of business unless a majority of Members in person or proxy vote to amend the written order of business. In the event a written order of business has not been produced for the meeting, the following order of business shall apply:

1. Call to Order
2. Approval of Minutes
3. Open Forum
4. Election of Board of Directors (if applicable)
5. Adjournment

All meetings of the Members shall be open to attendance by all Members of the Association or their duly appointed representatives. Members that are not currently in good standing shall be prohibited from voting. Those who pay the annual dues as set by the Board of Directors are considered active members. Those who do not pay annual dues and live within the boundaries of Cherry Creek Vista South are inactive members. (reference Bylaws – Article II, Section 2)

Notwithstanding the status of a member's right to vote at a meeting of the Members, each Member, or a duly appointed representative, may speak at the appropriate time during the deliberations after being recognized by the chair of the meeting and based on the reasonable time restrictions imposed by the Board. Reasonable time restrictions shall include the requirement that a reasonable number of persons are permitted to speak on each side of an issue before a vote is called for the issue.

Voting for positions on the executive Board shall be taken by secret ballot and upon the request of one or more Unit owners, the vote on any other matter affecting the Common Interest Community on which all other Unit owners are entitled to vote, shall be by secret ballot. Ballots shall be counted by a neutral third party or by a Unit Owner who is not a candidate. If the ballots are to be counted by a Unit Owner, that person must be selected randomly from a pool of two or more Unit owners who are not candidates. The results of a vote by secret ballot shall be reported without reference to names, addresses, or other identifying information respective to the parties casting secret ballots.

Proxy voting shall proceed in strict compliance with Colorado Revised Statutes Sections 38-33.3-310 and 7-127-203.

In the event a quorum is not present for a meeting of the Members, an officer may adjourn the meeting to be reconvened at a later date and time.

Board meetings

Each meeting of the Board of Directors shall be called in accordance with the provisions of the Colorado Common Interest Ownership Act if applicable, if not, then with the Association's Bylaws or operative sections of the Association's governing documents. In the event the Association's governing documents are silent with respect to a specific issue, the provisions of the Colorado Revised Nonprofit Act will control.

Meetings of the executive Board shall proceed on issues as generally set forth in the agenda. The agenda will be made reasonably available to members and their duly appointed representatives.

Unless the executive Board is in executive session pursuant to subsection 308 of the Colorado Common Interest Ownership Act, all meetings of the executive Board or a committee thereof are open to attendance by all Members of the Association or their duly appointed representative.

The following procedures are established to encourage the efficient conduct of Board meetings:

1. Board meetings shall follow appropriate parliamentary procedure pursuant to the Association's governing documents.
2. Members may participate in the meeting only by being recognized individually by the chair of the meeting. Normally this is allowed only during the open forum section of any meeting which shall take place after the meeting is called to order and the minutes of any prior meetings are approved.
3. All members attending the meeting who intend to speak in any fashion shall be required to sign the appropriate sign-in sheet for that meeting. Members shall be recognized in the order in which they sign in except upon special permission by the board of directors. To the extent that members wishes to speak to specific issues on the agenda, those members shall designate those issues on the sign-in sheet and indicate what side of each issue that member will speak to.
4. Members must wait to speak until recognized by the chair of the meeting.
5. Members must speak in a calm manner and conduct themselves with respect of all those in attendance.
6. Members shall keep their comments to no more than five minutes or such other time limit as designated by the chair of the meeting.

The Chair of the meeting has all authority to enforce this policy. The failure to comply with this policy may result not only in the denial of the ability to speak at that meeting, but may result in imposing fines and/or being removed from the meeting. These provisions may be in addition to other specific provisions outlined in the rules and regulations, the Declaration, By Laws or Articles of Incorporation of the Association. The Association may at any time pursue legal remedies, including filing a court action and seeking injunctive relief, or seek assistance from other enforcement authorities.

This Meeting Policy may be amended from time to time by the Board of Directors.

In the event a court of competent jurisdiction finds a provision of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

Procedure adopted this 12th day of September, 2019 by Resolution of the Board of Directors.