

CHAPTER 193

PROPERTY

HOUSE BILL 95-1234

BY REPRESENTATIVES June, Anderson, Kerns, Lyle, Nichol, Sullivant, and Taylor;
also SENATORS Johnson, Ament, Bishop, Martinez, Mutzebaugh, L. Powers, and Schroeder.

AN ACT

CONCERNING THE DUTIES OF EXECUTIVE BOARDS OF COMMON INTEREST COMMUNITIES, AND, IN CONNECTION THEREWITH, MAKING SUCH BOARDS SUBJECT TO PROVISIONS OF THE OPEN MEETINGS LAW.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 38-33.3-308, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-33.3-308. Meetings. (1) ~~The~~ Meetings of the ~~association~~ UNIT OWNERS, AS THE MEMBERS OF THE ASSOCIATION, shall be held at least once each year. Special meetings of the ~~association~~ UNIT OWNERS may be called by the president, by a majority of the executive board, or by unit owners having twenty percent, or any lower percentage specified in the bylaws, of the votes in the association. Not less than ten nor more than fifty days in advance of any meeting OF THE UNIT OWNERS, the secretary or other officer specified in the bylaws shall cause notice to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner. The notice of any meeting must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove an officer or member of the executive board.

(2) ALL REGULAR AND SPECIAL MEETINGS OF THE ASSOCIATION'S EXECUTIVE BOARD, OR ANY COMMITTEE THEREOF, SHALL BE OPEN TO ATTENDANCE BY ALL MEMBERS OF THE ASSOCIATION OR THEIR REPRESENTATIVES.

(3) THE MEMBERS OF THE EXECUTIVE BOARD OR ANY COMMITTEE THEREOF MAY HOLD AN EXECUTIVE OR CLOSED DOOR SESSION AND MAY RESTRICT ATTENDANCE TO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

EXECUTIVE BOARD MEMBERS AND SUCH OTHER PERSONS REQUESTED BY THE EXECUTIVE BOARD DURING A REGULAR OR SPECIALLY ANNOUNCED MEETING OR A PART THEREOF. THE MATTERS TO BE DISCUSSED AT SUCH AN EXECUTIVE SESSION SHALL INCLUDE ONLY MATTERS ENUMERATED IN PARAGRAPHS (a) TO (e) OF SUBSECTION (4) OF THIS SECTION.

(4) MATTERS FOR DISCUSSION BY AN EXECUTIVE OR CLOSED SESSION ARE LIMITED TO:

(a) MATTERS PERTAINING TO EMPLOYEES OF THE ASSOCIATION OR INVOLVING THE EMPLOYMENT, PROMOTION, DISCIPLINE, OR DISMISSAL OF AN OFFICER, AGENT, OR EMPLOYEE OF THE ASSOCIATION;

(b) CONSULTATION WITH LEGAL COUNSEL CONCERNING DISPUTES THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT PROCEEDINGS OR MATTERS THAT ARE PRIVILEGED OR CONFIDENTIAL BETWEEN ATTORNEY AND CLIENT;

(c) INVESTIGATIVE PROCEEDINGS CONCERNING POSSIBLE OR ACTUAL CRIMINAL MISCONDUCT;

(d) MATTERS SUBJECT TO SPECIFIC CONSTITUTIONAL, STATUTORY, OR JUDICIALLY IMPOSED REQUIREMENTS PROTECTING PARTICULAR PROCEEDINGS OR MATTERS FROM PUBLIC DISCLOSURE;

(e) ANY MATTER THE DISCLOSURE OF WHICH WOULD CONSTITUTE AN UNWARRANTED INVASION OF INDIVIDUAL PRIVACY.

(5) PRIOR TO THE TIME THE MEMBERS OF THE EXECUTIVE BOARD OR ANY COMMITTEE THEREOF CONVENE IN EXECUTIVE SESSION, THE CHAIR OF THE BODY SHALL ANNOUNCE THE GENERAL MATTER OF DISCUSSION AS ENUMERATED IN PARAGRAPHS (a) TO (e) OF SUBSECTION (4) OF THIS SECTION.

(6) NO RULE OR REGULATION OF THE BOARD OR ANY COMMITTEE THEREOF SHALL BE ADOPTED DURING AN EXECUTIVE SESSION. A RULE OR REGULATION MAY BE VALIDLY ADOPTED ONLY DURING A REGULAR OR SPECIAL MEETING OR AFTER THE BODY GOES BACK INTO REGULAR SESSION FOLLOWING AN EXECUTIVE SESSION.

(7) THE MINUTES OF ALL MEETINGS AT WHICH AN EXECUTIVE SESSION WAS HELD SHALL INDICATE THAT AN EXECUTIVE SESSION WAS HELD, AND THE GENERAL SUBJECT MATTER OF THE EXECUTIVE SESSION.

SECTION 2. 38-33.3-117, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-33.3-117. Applicability to preexisting common interest communities.

(4) SECTION 38-33.3-308 (2) TO (7) SHALL APPLY TO ALL COMMON INTEREST COMMUNITIES CREATED WITHIN THIS STATE BEFORE JULY 1, 1995, AND SHALL APPLY TO ALL MEETINGS OF THE EXECUTIVE BOARD OF SUCH A COMMUNITY OR ANY COMMITTEE THEREOF OCCURRING ON OR AFTER SAID DATE. IN ADDITION, SAID SECTION 38-33.3-308 (2) TO (7) SHALL APPLY TO ALL COMMON INTEREST COMMUNITIES CREATED ON OR AFTER JULY 1, 1995, AND SHALL APPLY TO ALL

MEETINGS OF THE EXECUTIVE BOARD OF SUCH A COMMUNITY OR ANY COMMITTEE THEREOF OCCURRING ON OR AFTER SAID DATE.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1995, and shall apply to meetings of the executive board of a common interest community or of any committee of such executive board occurring on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1995