

1 the time and place of the meeting and the items on the agenda, including
2 the general nature of any proposed amendment to the declaration or
3 bylaws, any budget changes, and any proposal to remove an officer or
4 member of the executive board.

5 (2.5) (a) Notwithstanding any provision in the declaration, bylaws,
6 or other documents to the contrary, all meetings of the association and
7 board of directors are open to every unit owner of the association, or to
8 any person designated by a unit owner in writing as the unit owner's
9 representative. ~~and all unit owners or designated representatives so~~
10 ~~desiring shall be permitted to attend, listen, and speak at an appropriate~~
11 ~~time during the deliberations and proceedings, except that, for regular and~~
12 ~~special meetings of the board, unit owners who are not board members~~
13 ~~may not participate in any deliberation or discussion unless expressly so~~
14 ~~authorized by a vote of the majority of a quorum of the board.~~

15 (b) AT AN APPROPRIATE TIME DETERMINED BY THE BOARD, BUT
16 BEFORE THE BOARD VOTES ON AN ISSUE UNDER DISCUSSION, UNIT OWNERS
17 OR THEIR DESIGNATED REPRESENTATIVES SHALL BE PERMITTED TO SPEAK
18 REGARDING THAT ISSUE. The board may place reasonable time
19 restrictions on those persons speaking during the meeting. ~~but shall~~
20 ~~permit a unit owner or a unit owner's designated representative to speak~~
21 ~~before the board takes formal action on an item under discussion, in~~
22 ~~addition to any other opportunities to speak.~~ IF MORE THAN ONE PERSON
23 DESIRES TO ADDRESS AN ISSUE AND THERE ARE OPPOSING VIEWS, the board
24 shall provide for a reasonable number of persons to speak on each side of
25 an THE issue.

26 **SECTION 10.** 38-33.3-310 (1) (b) (I), Colorado Revised Statutes,
27 is amended to read:

28 **38-33.3-310. Voting - proxies.** (1) (b) (I) (A) Votes for
29 CONTESTED positions on the executive board shall be taken by secret
30 ballot. ~~and~~; THIS SUBPARAGRAPH (A) SHALL NOT APPLY TO AN
31 ASSOCIATION WHOSE GOVERNING DOCUMENTS PROVIDE FOR ELECTION OF
32 POSITIONS ON THE EXECUTIVE BOARD BY DELEGATES ON BEHALF OF THE
33 UNIT OWNERS.

34 (B) AT THE DISCRETION OF THE BOARD OR upon the request of ~~one~~
35 ~~or more~~ TWENTY PERCENT OF THE unit owners WHO ARE PRESENT AT THE
36 MEETING OR REPRESENTED BY PROXY, IF A QUORUM HAS BEEN ACHIEVED,



1 a vote on any other matter affecting the common interest community on
2 which all unit owners are entitled to vote shall be by secret ballot.

3 (C) Ballots shall be counted by a neutral third party or by a unit
4 owner who is not a candidate, who attends the meeting at which the vote
5 is held, and who is selected at random from a pool of two or more such
6 unit owners COMMITTEE OF VOLUNTEERS. SUCH VOLUNTEERS SHALL BE
7 UNIT OWNERS WHO ARE SELECTED OR APPOINTED AT AN OPEN MEETING, IN
8 A FAIR MANNER, BY THE CHAIR OF THE BOARD OR ANOTHER PERSON
9 PRESIDING DURING THAT PORTION OF THE MEETING. THE VOLUNTEERS
10 SHALL NOT BE BOARD MEMBERS AND, IN THE CASE OF A CONTESTED
11 ELECTION FOR A BOARD POSITION, SHALL NOT BE CANDIDATES.

12 (D) The results of the A vote TAKEN BY SECRET BALLOT shall be
13 reported without reference to THE names, addresses, or other identifying
14 information OF UNIT OWNERS PARTICIPATING IN SUCH VOTE.

15 **SECTION 11.** 38-33.3-310.5, Colorado Revised Statutes, is
16 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

17 **38-33.3-310.5. Executive board - conflicts of interest -**
18 **definitions.** (1) SECTION 7-128-501, C.R.S., SHALL APPLY TO MEMBERS
19 OF THE EXECUTIVE BOARD; EXCEPT THAT, AS USED IN THAT SECTION:

20 (a) "CORPORATION" OR "NONPROFIT CORPORATION" MEANS THE
21 ASSOCIATION.

22 (b) "DIRECTOR" MEANS A MEMBER OF THE ASSOCIATION'S
23 EXECUTIVE BOARD.

24 (c) "OFFICER" MEANS ANY PERSON DESIGNATED AS AN OFFICER OF
25 THE ASSOCIATION AND ANY PERSON TO WHOM THE BOARD DELEGATES
26 RESPONSIBILITIES UNDER THIS ARTICLE, INCLUDING, WITHOUT LIMITATION,
27 A MANAGING AGENT, ATTORNEY, OR ACCOUNTANT EMPLOYED BY THE
28 BOARD.

29 **SECTION 12.** 38-33.3-317 (2), (3), (4), and (7), Colorado
30 Revised Statutes, are amended to read:

31 **38-33.3-317. Association records.** (2) (a) EXCEPT AS
32 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), all

