



CCIOA 101 for HOA Boards, Homeowners and Managers



Focused on Communities

Attorneys at Law
8020 Shaffer Parkway
Littleton, CO 80127
1-877-470-9014 Telephone
303.863.1872 Fax
www.coholaw.com

What is CCIOA?

- Date CCIOA Went Into Effect – July 1, 1992
- Pre-CCIOA Communities – Declaration Recorded Before July 1, 1992
- CCIOA Communities – Declaration Recorded On or After July 1, 1992

Why do we care about CCIOA?

Political Signs

- Associations *cannot prohibit* the placement of political signs on property which is owned by a resident of the HOA or in the window of a unit.
- Associations may regulate the timeframe for the display of political signs by:
 - Prohibiting placement of signs earlier than 45 days before an election;
 - and
 - Require the removal of the signs within 7 days after the election

Political Signs

- Associations may regulate the size of political signs *to the lesser of*:
 - The maximum size allowed by any applicable city, town or county ordinance;
- or
 - Thirty-six inches by forty-eight inches
- Associations may limit the number of political signs which may be displayed to 1 sign per political office or ballot issue that is contested in an upcoming election

Political Signs

- CCIOA defines a *political sign* as “... a sign that carries a message that is intended to influence the outcome of an election including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.”

Before regulating political signs, your Association should adopt a policy addressing how the signs will be regulated.

Dissemination of Information to All Directors

- All members of the board shall have available to them all information related to the responsibilities and operation of the association obtained by any member of the board.
- This information includes (but isn't limited to) the following:
 - Financial reports
 - Contracts
 - Copies of communications, reports, and opinions to and from any members of the board, the managing agent, an attorney or accountant

Dissemination of Information to All Directors

- If a director receives any information relating to the “responsibilities and operation of the association,” you must take steps to ensure that every board members if provided with that information.

CCIOA and Meetings

Open Meetings

- Board and committee meetings must be open to members or their designated representatives
- Agendas for board meetings must be made reasonably available to members or their designated representatives
- CCIOA does not *require* that notice of regular board meetings be given to members.
- CCIOA *encourages* associations to provide notice of meetings and agendas in an electronic or written form

Open Meetings

- If the association has the ability to provide notice of meetings electronically, it must provide notice of regular and special meetings to owners who request that these notices be sent to their email address.
- To those owners who request notice of meetings be sent to their email address, notice of a special meeting shall be given as soon as possible – but at least 24 hours before the meeting.

Note: Check the Bylaws for your association to determine whether there are notice requirements for regular and special meetings of the board.

Executive Sessions

- As a general rule, board and committee meetings must be open to the members or their designated representatives
- Closed door executive sessions may only be utilized under the following circumstances:
 - Matters pertaining to employees of the association or the managing agent's contract or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the association;

Executive Sessions

- 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;
- Investigative proceedings concerning possible or actual criminal misconduct;
- Matters subject to specific constitutional, statutory, or judicially imposed requirements protecting particular proceedings or matters from public disclosure;

Executive Sessions

- Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy; and
- Review of or discussion relating to any written or oral communication from legal counsel.

Right of Owners or Designated Representatives to Speak at Meetings

- Before the board takes action on an issue, *owners or their designated representatives* have a right to speak to the issue
- The board may place reasonable time restrictions on persons speaking
- If more than one person wishes to speak on the issue and there are opposing views, the board shall provide for a reasonable number of persons to speak on each side of the issue

Use of Secret Ballots at Member Meetings

- Secret ballots *must* be used for contested positions on the board. Secret ballots are not required if the governing documents of your association utilize delegates to elect directors.
- Secret ballots *must* be utilized on any issue when 20% of the owners, present at the meeting in person or by proxy in which quorum is present, request the use of a secret ballot on an issue.
- Secret ballots *may* be utilized at the discretion of the board.

Counting Secret Ballots Cast at Member Meetings

- Ballots should be counted by a neutral 3rd party or a committee of volunteers;
- If a committee is utilized to count votes, the president of the board (or the person presiding over the membership meeting) shall select the members during the meeting to serve on the committee. The committee members cannot be a member of the board or a candidate in a contested election for a position on the board.

Counting Secret Ballots Cast at Member Meetings

- When the results of the secret ballot are announced, the results must be reported without referencing the names, addresses or any other identifying information of the owners casting their votes. (Note: This identifying information should not be on the ballots.)



Conduct of Meetings Policy

- It's one of the 9 Responsible Governance Policies
- CCIOA isn't specific about what it must contain
- Conduct of Meetings Policies Typically Address:
 - Conduct of Directors and Owners at Meetings
 - Right of Owners to Speak at Meetings
 - How to Deal with Out of Control Attendees

This Policy is the jewel of the 9 Responsible Governance Policies!

Questions

Thanks APCHA!



Molly A. Foley-Healy
Winzenburg, Leff, Purvis & Payne, LLP
8020 Shaffer Parkway, Suite 300
Littleton, Colorado 80127
Telephone: 1-877-470-9014
FAX: 303-863-1872
www.cohoalaw.com



Focused on Communities