

**FOXTAIL PINES OWNERS ASSOCIATION**  
**POLICY REGARDING CONDUCT OF MEETINGS**

Adopted \_\_\_\_\_, 2024

The following policy has been adopted by Foxtail Pines Owners Association (“Association”) pursuant to the provisions of C.R.S. §38-33.3-209.5, 308 and 310 at a regular meeting of the Board of Directors.

Purpose: To establish a uniform and systematic protocol for conducting meetings of the Association, including Member’s meetings and Board meetings; to ensure equitable participation by Members while permitting the Board to conduct the business of the Association; and to memorialize the circumstances under which the Board may convene into executive session.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy governing the conduct of meetings of the Members and meetings of the Board:

**MEMBER MEETINGS AND COMMITTEE MEETINGS**

1. All meetings of the Members and Committees of the Association are open to every Member, or to any person designated by a Member in writing as the Member’s representative, and Members or designated representatives so desiring shall be permitted to attend, listen, and speak at an appropriate time during the deliberations and proceedings. The notice of any meeting shall be hand delivered or mailed to each Member. In addition, notice of any meeting shall be physically posted in a conspicuous place, to the extent that such posting is feasible and practicable, in addition to any electronic posting or electronic mail notices that may be given. The notice shall contain the items on the agenda, including any proposed amendment to the Declaration or Bylaws, any budget changes and any proposal to remove an officer or director.
2. The Board may place reasonable time restrictions on those Members or designated representatives speaking during the meeting but shall permit a Member or a Member’s designated representative to speak before the Board takes formal action on an item under discussion, in addition to any other opportunities to speak. The Board shall provide for a reasonable number of persons to speak on each side of an issue.
3. The agenda for all Member meetings shall follow the order of business specified by the Association’s Bylaws, and if none, in accordance with the order of business determined by the Board, which shall include a Member Open Forum during which any Member or Member’s designated representative who wishes to speak will have the opportunity to do so, subject to the provisions of this policy.
4. The Board shall have the right to determine the length of time of the Open Forum. The President or acting chair of the meeting may place reasonable limitations upon the time given to each Member seeking to comment, to allow sufficient time for as many

Members as possible to comment within the time permitted. Unless otherwise determined by the President or acting chair, the time limit will be three minutes per Member. Members will only be allowed to speak more than once during Open Forum at the discretion of the Board. No Member may speak a second time until all Members wishing to speak have had an opportunity to speak once.

5. Sign-Up Sheets. A sign-up sheet will be made available to Members immediately prior to the meeting. Any Member wishing to comment at the ensuing meeting may add his/her name to the sign-up sheet. Members will be recognized for comment at the meeting in the same order as their names appear on the sign-up sheet. All Members wishing to comment who have not placed their names on the sign-up sheet will nonetheless be permitted to speak, time permitting. The President or acting chair shall, to the best of his/her ability, allocate time to each Member for comment so as to allow as many Members as possible to speak.
6. Curtailment of Member Conduct. Should the President or acting chair determine that any Member has spoken for the allocated amount of time or longer, the President or acting chair shall have the authority to instruct that Member to yield the floor, and that Member will be obligated to comply with the President's or acting chair's instruction.
7. Votes for contested positions on the Board of Directors shall be taken by secret ballot. At the discretion of the Board or upon the request of twenty percent (20%) of the Members who are present at the meeting or are represented by proxy, if a quorum has been achieved, a vote on any matter affecting the Project on which all Members are entitled to vote shall be by secret ballot. Ballots shall be counted by a neutral third party or by a committee of volunteers. Such volunteers shall be Members who are selected or appointed at the meeting, in a fair manner, by the President or acting chair of the meeting. The volunteers shall not be Board members and, in the case of a contested election for a Board position, shall not be candidates. The results of a vote taken by secret ballot shall be reported without reference to the names, addresses or other identifying information of the Members participating in such vote.

## BOARD MEETINGS

8. All regular and special meetings of the Board, shall be open to attendance by all Members or to any person designated by a Member in writing. Agendas for meetings of the executive board shall be made reasonably available for examination by all members of the association or their representatives. At an appropriate time determined by the board, but before the board votes on an issue under discussion, lot owners or their designated representatives shall be permitted to speak regarding that issue.
9. The Board may place reasonable time restrictions on those persons speaking during the Board meeting but shall permit Members or their designated representatives to speak before the Board takes formal action on an item under discussion, in addition to any other opportunities to speak. The Board shall provide for a reasonable number of persons to

Speak on each side of an issue. The Board may adopt procedures similar to those set forth for Member meetings.

10. Executive Session. Notwithstanding the foregoing, the Board may hold an executive or closed door session and may restrict attendance to Board members and other persons specified by the Board; provided that any such executive or closed door session may only be held in accordance with the provisions and requirements of the Colorado Common Interest Ownership Act, as amended from time to time, or other applicable law. If an executive session is held, the minutes of the meeting at which an executive session was held shall indicate that an executive session was held and the general subject matter of the executive session. The matters to be discussed at such an executive session are limited to:
- a. 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;
  - 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 the 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, including a disciplinary hearing regarding a lot owner and any referral of delinquency; except that a lot owner who is the subject of a disciplinary hearing or a referral of delinquency may request and receive the results of any vote taken at the relevant meeting; and
  - f. Review of or discussion relating to any written or oral communication from legal counsel.

Prior to the time that the Board members convene in executive session, the President or acting chair shall announce the general matter of discussion as enumerated in paragraphs (a) through (f) above. No decision of the Board shall be adopted during an executive session. A decision may be validly adopted only during a regular or special meeting or after the Board goes back into regular session following an executive session.

Upon final resolution of any matter for which the Board went into executive session, the Board may elect to preserve the attorney-client privilege of confidentiality in any appropriate manner, or it may elect to disclose such information, as it deems appropriate.

#### DISRUPTIVE OR UNRULY BEHAVIOR

At any Member, Committee or Board Meeting, if a Member or the Member's designated representative refuses to stop talking after his/her allotted time had ended or otherwise disrupts the meeting, the following procedure will be followed:

- a. The President or acting chair will issue an oral warning that if the Member or designated representative continues to speak or disrupt the meeting, either the meeting will be adjourned or law enforcement/security will be called to remove the individual.
- b. If the Member or designated representative continues to speak or disrupt the meeting, the President or acting chair will call a recess and speak directly to the Member, reiterating that either the meeting will be adjourned or law enforcement/security will be called to remove the individual.
- c. If the member still refuses to cooperate, the President or acting chair may choose whether to adjourn the meeting to another time or to call law enforcement/security.

Foxtail Pines Owners Association

By: \_\_\_\_\_  
Jerry Eno, President

Attest

\_\_\_\_\_  
Jim Dietvorst, Secretary

This Policy Regarding Conduct of Meetings was adopted by the Board of Directors at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024, for that purpose; and is effective the \_\_\_\_ day of \_\_\_\_\_, 2024, and is attested to by the Secretary of Foxtail Pines Owners Association.

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Jim Dietvorst, Secretary