

Duties of the Secretary
Of the
Country Club Heights Property Owners Association

The Secretary shall: (from the Bylaws of CCHPOA, Inc.)

- 1) Keep the minutes and records of the organization in appropriate books;
- 2) File any certificate required by any statute, federal or state;
- 3) Give and serve all notices to members of this organization;
- 4) Be the official custodian of the records of this organization;
- 5) Present to the membership at any meetings any communication addressed to the Secretary of the organization;
- 6) Submit to the Board of Directors any communications addressed to the Secretary of the organization;
- 7) Attend to all correspondence of the organization and exercise all duties incident to the office of Secretary.

Duties of the Secretary shall also include:

1. Keep Colorado Corporation filings up to date
2. Keep Colorado Dept. of Regulatory Affairs / Real Estate – HOAs up to date
3. Maintain Association Records
 - a. In accordance with CCIOA 38-33.3-317
 - i. Except subsection (1) (a) “records of receipts and expenditures” which shall be kept by the Treasurer
 - ii. To include subsections (1) (b) through (p) inclusive:
 1. Summarized here to include such documents as:
 - a. Minutes of BOD, membership and committees
 - b. Actions taken without a meeting
 - c. Written communications and votes by BOD members for actions taken without a meeting
 - d. A list of homeowners name and mailing address with voting share
 - e. Current Declarations, Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, Responsible Governance Policies adopted pursuant to 38-33.3-209.5, and other policies adopted by the executive board
 - f. Financial statements for the past three (3) years
 - g. Tax returns for the past seven (7) years
 - h. List of names, email addresses and physical mailing addresses of the current BOD and officers
 - i. A list of all fees charged associated with the sale or transfer of a residence (i.e. Transfer Fee)
 - j. All documents included in the annual disclosures pursuant to section 38-33.3-209.4 (see item 4 below)
 - k. Most recent report delivered to the Secretary of State
 - l. Financial records re. unpaid assessments pursuant to 38-33.3-316(8)

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- m. Most recent Reserve Study, if any
 - n. Current written contracts
 - o. Records of BOD or Architectural Committee actions to approve or deny any requests
 - p. Ballots, proxies and other records for any voting held within one year
 - q. Resolutions adopted by the BOD relating to the characteristics, qualifications, rights, limitations, and obligations of any members
 - r. All written communications within the past three years to all members generally
 - b. And in accordance with subsection (2) "all records maintained by the association must be available for examination and copying..." subject to procedure and limitations (see subsections (2) through (8) inclusive.
- 4. Provide required Public Disclosures to home owners (within 90 days after end of each fiscal year) in accordance with CCIOA 38-33.3-209.4 (2) and in accordance with subsection (3):
 - a. See list Items (a) through (i)
 - i. Summarized here to include the annual budget, current assessments, the annual financial statement (including reserves), results of financial audit, and insurance policy information.
 - b. CCHPOA policy: send information by email, and provide the physical address of the association's "principal place of business" at which a binder of this information is maintained.
 - i. For this purpose the association's principal place of business shall be the home address of the *Secretary or President (choose one)*
- 5. Respond to Home Owner requests for inspection and copying of Association records:
 - a. A written request describing with reasonable particularity the records sought should be submitted by the member at least 10 days prior to the requested inspection and production of the documents
 - b. Documents may be provided by paper or electronic means
 - c. Note: Documents are classified as: (See CCIOA 38-33.3-317)
 - i. Must be available [for inspection and copying]
 - 1. Includes "all records maintained by the association"
 - 2. EXCEPT as provided in section (3) "May Be Withheld" and (3.5) "Must Be Withheld"
 - ii. May be withheld (Section 3)
 - 1. Architectural plans and designs, Contracts or records under negotiation, Communications with legal counsel subject to attorney-client privilege or attorney work product doctrine, Information in violation of the law, Records of an Executive Session of the Executive Board

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- iii. Must Be Withheld (Section 3.5)
 - 1. Such as personal identification and account information of members and residents, bank account information, telephone numbers, email addresses, driver license numbers, and social security numbers
 - 2. Except that, with prior written consent of each member, the association may publish to other members and residents, the person's telephone number, email address, or both.
 - a. The written consent must be kept as a record of the association
 - b. The consent is valid until revoked in writing
 - d. The Association may charge fee, not to exceed the cost of copying and mailing, for the production of records
 - e. Note that failure to provide the requested information within 30 days, after duly received written notice, can result in daily fines of \$50, and up to \$500 aggregate, or greater if actual damages can be proven.
- 6. Provide Information for Home Sellers to home owners or title companies in a timely manner as required to facilitate transfer of ownership
 - a. See "Home Seller Document Kit"
 - i. This is a compilation of required documents saved in an online folder
 - ii. The files can be attached to an email and sent to the seller
 - iii. Files are updated annually