August 9, 2026
Summary of Redlined Changes

NOTE: This summary was generated by an AI tool. Please see official legal redline document

Amended and Restated Bylaws of Creekside I Homeowners' Association

Comparing the 2022 Bylaws to the proposed 2026 Amended and Restated Bylaws (redline dated 8/8/2026)

This memo summarizes the substantive changes reflected in the redline between the existing (2022) Bylaws and the proposed Amended and Restated Bylaws. Purely stylistic edits (renumbering of sections, "Owner" changed to "Member," "shall mean" changed to "means," and similar wording clean-up) are used throughout the document but are not itemized individually below unless they carry substantive effect. The items below are organized by Article and focus on changes that affect rights, procedures, or governance.

Key Changes at a Glance

- **Board composition:** Board size increases from 3 to 5 directors, and directors must now reside at their Creekside home at least 6 months per year.
- **Term limits (new):** Directors are now subject to term limits — up to two consecutive 3-year terms, then must sit out at least one term before serving again.
- **Director removal easier:** Threshold to remove a director drops from a 67% supermajority to a simple majority of members present and voting.
- **New member-vote requirements:** Board can no longer hire a managing agent, amend the Declaration/Bylaws, or incur debt against Association assets without a member vote (new Section 7.2).
- **New executive session rules:** A detailed executive/closed session article is added, limiting topics to statutory categories, requiring recording where practicable, and requiring disclosure to members within 3 months.
- **Suspension of rights narrowed:** Voting rights may now be suspended only for nonpayment of assessments (with due-process notice/cure rights); the prior ability to suspend for other rule violations or to suspend without notice is removed.
- **Vacancy filling:** Board vacancies filled by the Board must now be ratified by the membership at the next meeting; if not ratified, members appoint the replacement.
- **Bylaw amendment process:** Board bylaw amendments now require unanimous Board consent (up from a simple majority), and the list of provisions that cannot be changed without a member vote is expanded to include director term length/number and any provision touching member voting or use rights.

Article 1 – Introduction and Purposes

- Recitals reworked to state the Bylaws are being amended and restated in their entirety, replacing all prior Bylaws (rather than striking and replacing only Articles I–VII).
- Introduction section adds the Association's Articles of Incorporation filing date (February 13, 1989) and references to the Colorado Revised Nonprofit Corporation Act and CCIOA.
- Former Section 1.2 ("Purposes," listing purposes (a)–(f)) is deleted in its entirety and replaced with a short note that undefined capitalized terms take the meaning given in the Consolidated Declaration.

Article 2 – Definitions

- New defined term "Declaration" is expanded into a detailed, consolidated list of the specific recorded declarations and their reception numbers (Consolidated Declaration: First, Second, Fifth) Third, Fourth, Sixth Filing declarations).
- The standalone "Lot" definition is removed as a separate section (concept is still used elsewhere in the document).
- New Section 2.12, "Proxy," is added, distinguishing a "Directed Proxy" (appointee must vote as instructed) from a "General Proxy" (appointee votes at their discretion).
- "Governing Documents" definition updated to reference the plat/map and drops the reference to "Rules and Regulations" as a separately named governing document.

Article 3 – Membership and Voting

- Adds a new provision requiring co-owners of a single Lot to jointly appoint one person to exercise membership rights on the Lot's behalf.
- Section 3.2 (Suspension of Voting Rights) is substantially rewritten: suspension now requires notice and/or a hearing and at least 10 days' written notice and an opportunity to cure before voting rights can be suspended for nonpayment; the old language allowing suspension "without notice or hearing" is removed; the separate ability to suspend recreational-facility use rights is removed; and a closing sentence is added stating voting rights may not be suspended for any reason other than nonpayment of assessments (eliminating the prior provision allowing suspension for other rule violations).
- Section 3.3 expands voting methods to explicitly include voting "remotely" and "electronically," not just in person or by proxy, and tightens the requirement that entity votes be authorized by written notice to the Board.

Article 4 – Meetings of Members

- A new Section 4.1, "General Provisions," is added: all member meetings must be open to all members; each member may speak (minimum 3 minutes per speaker); contested Board elections must use secret ballot; and meetings generally follow Robert's Rules of Order, though noncompliance won't invalidate an otherwise valid vote.
- Annual meeting section clarifies the meeting's purpose includes discussion of the Board-approved annual budget.
- Budget meeting process (Section 4.3) is reworked: the Board mails/posts a summary of the adopted (not merely proposed) budget, the budget is deemed approved absent a veto by a majority of all members, and the prior-year budget continues if a new budget is rejected. Former subsections addressing notice timing (10–50 days), the specific majority-vote-to-reject mechanic, and the quorum carve-out for budget-only meetings are removed as separate provisions.
- Special meetings (Section 4.4) can now be called "at any time" by the President or Board, and members calling a special meeting via petition now do so by making a written demand on the Board rather than via the secretary; if the Board doesn't act within 30 days, the requesting members may proceed.
- Notice section adds a fallback to electronic posting if the Act is later amended to no longer require physical posting/mailing, and removes the sentence limiting special-meeting action strictly to matters stated in the notice.
- New Section 4.6, "Place of Meetings and Recording of Meetings": expands allowable meeting locations to anywhere in the City of Longmont or virtually, and adds an express right for members to record meetings, subject to advance notice to the presiding officer.
- New Section 4.7, "Adjournment of Meeting": adds a formal adjournment procedure, including posting the adjourned meeting's date/time/place on the Association website at least 5 days before it reconvenes.

- Quorum (Section 4.8) is now expressly set at 20% of votes entitled to be cast (previously governed by a cross-reference), with action approved by majority of votes cast unless a higher threshold applies.
- Proxy provisions (Section 4.9) are substantially rewritten: proxies are valid for the lesser of 11 months or a stated duration; the co-owner "protest" procedure is reworked so that a Lot whose proxy is successfully protested forfeits its vote entirely for the matter (rather than the vote simply not being counted); revocation now requires written notice delivered to the Board and the appointee (rather than actual notice to the meeting's presiding officer, or attending and voting in person); and a determination of proxy fraud/misrepresentation is now made by the Secretary (rather than in the Secretary's "sole discretion"), with a right for any member present to force a vote of the membership to override that determination.
- New Section 4.9, "Order of Business": adds rules on the effect of a proxy-granting member's death or incapacity, and confirms the Board sets the order of business for meetings.
- Remaining Article 4 sections (waiver of notice, secret balloting, mail/electronic voting, telephonic attendance, director elections, acceptance/rejection of votes, and counting of ballots) are renumbered and lightly reworded but not substantively changed, apart from clarifying that the Board is not required to provide an electronic/telephonic meeting option.

Article 5 – Board

- Board size increases from three (3) to five (5) directors (Section 5.1). A board with fewer than five is still validly constituted until vacancies are filled (previously the threshold was fewer than three).
- Changing the number of directors now requires a Bylaw amendment, rather than a Board resolution.
- Qualification (Section 5.2) adds a residency requirement — directors must be natural persons who reside at their Creekside residence at least 6 months each year — and removes the prior requirement that a director be "in good standing."
- Consequence of three consecutive unexcused absences changes from the director being "not qualified to serve" to being "deemed to have resigned."
- Former Section 5.2(e), disqualifying an Owner from Board service if in violation of the governing documents for more than 30 days, is deleted.
- Consequence of a sitting director becoming unqualified changes from an automatic vacancy to a required abstention from voting until requalified or the seat is filled.
- New Section 5.3, "Voting," clarifies each director has one vote and only directors may vote on Board matters.
- Term of office (Section 5.4) is substantially expanded: directors serve 3-year staggered terms and may serve up to two consecutive 3-year terms; a director who is term-limited may serve again only after sitting out at least one full term; a decrease in board size or term length does not shorten a sitting director's term.
- Removal of directors (Section 5.6): the vote threshold to remove a director drops from at least 67% to a simple majority of members present and entitled to vote at a quorate meeting; a right for the director facing removal to speak before the vote is added.
- Vacancies (Section 5.7): a Board-appointed replacement must now be ratified by a majority vote of the remaining Board and by a quorum of members at the next annual or special meeting; if not ratified, the members appoint a new director; if vacancies leave fewer than three directors, the Board must call a special meeting within 30 days to fill them.
- Compensation section (Section 5.8) changes the reimbursement standard from "if allowed by state law" to "if allowed by the Act."

Article 6 – Meetings of Directors

- Notice of Board meetings (Section 6.3) is expanded with detailed deemed-delivery rules for mailed, personally delivered, and electronic notice (e.g., 3 business days after mailing, or the date shown on a signed return receipt).

- Open meeting locations (Section 6.5) expand from "Boulder County or Denver metropolitan area" to "City of Longmont," and a new provision states that Rules & Regulations and amendments to the Articles/Bylaws may not be adopted in a closed or executive session.
- New Section 6.6, "Executive Sessions" — a substantial new addition: limits topics discussed in executive/closed session to the categories listed in C.R.S. § 38-33.3-308(4)(a)-(f); requires minutes to note only that a closed session occurred and its general subject; requires the Board to record executive sessions where reasonably practicable and retain the recording; and requires the matter discussed in executive session to be disclosed to members within 3 months of resolution (subject to privilege or privacy exceptions).
- Board quorum (Section 6.7): a meeting without quorum is now automatically adjourned (rather than adjournable at the discretion of those present); a new rule addresses the limited powers of a sole remaining director (may only pay ordinary Association bills or fill the first Board vacancy).
- Board proxies (Section 6.8) now must be "Directed Proxies" that specify a yes/no/abstain vote on each issue; undirected proxies are no longer permitted to count toward a quorum.
- Consent to corporate action (Section 6.9) is simplified: the prior detailed "written notice of proposed action" mechanism (with response deadlines and a right to demand a meeting) is removed in favor of (a) a unanimous verbal vote ratified at the next meeting, or (b) unanimous written consent, which may be given by email.

Article 7 – Powers and Duties of the Board

- Adds an express Board duty to "send written notice of and collect" assessments (rather than simply "collect").
- Standard for adopting rules and regulations changes from rules "required by the Act" to rules "permitted by the Act."
- New Section 7.1(p): requires unanimous Board consent before spending discretionary, controllable funds more than 10% over the budgeted amount.
- Annual owner "education" duty is reworded and expanded into providing members educational information about Association operations and the rights/responsibilities of members, the Association, and the Board.
- Section 7.2 is renamed from "Managing Agent" to "Restrictions and Requirements" and substantively changed: rather than simply authorizing the Board to hire a managing agent at its discretion, it now requires the Board to obtain a member vote before (a) employing a managing agent, (b) adopting changes to the Declaration or Bylaws, or (c) incurring debt against Association assets.

Article 8 – Officers and Their Duties

- Officer positions are fixed as President, Vice President, Secretary, and Treasurer (previously the Board could create additional officer positions by resolution). President and Vice President must be directors; Secretary and Treasurer need not be directors but must be members.
- New carve-out: if a member serves as director by virtue of Lot ownership, another resident member of that same Lot may serve as an officer, but not as President or Vice President, and without a vote on Board matters.
- Combined-office restriction expands from "President and Secretary" to also bar combining "President and Treasurer."
- Officer resignations must now be given specifically to the President or Secretary.
- President's duties add that the President is the signatory on all Association checks and promissory notes.
- Secretary's duties are substantially expanded (custodian of records and seal, maintaining a registered record of members' names/addresses and Lot designations).

- Treasurer's duties are expanded to include executing checks/promissory notes, presenting the budget and income/expense statement at a member meeting, and performing or directing a financial review when requested by the Board or members.

Article 9 – Committees

- No substantive changes beyond terminology updates (Owner to Member).

Article 10 – Books and Records

- Minutes are now presumed accurate once posted to the Association's website by the Secretary or designee, rather than once signed by the secretary of the meeting.

Article 11 – Amendments

- Board-only bylaw amendments now require the Board's unanimous consent, rather than a simple majority vote of the Board.
- The list of provisions that cannot be amended by the Board alone (and instead require a member vote) is expanded to add "term length or number" of directors and "any provision involving Member authority, voting or use rights," in addition to the existing carve-outs for quorum requirements and Board qualifications/powers/duties.

Article 12 – Indemnification

- No substantive changes beyond terminology updates and renumbering.

Article 13 – Miscellaneous

- Notices to the Association are now directed to the Association's office; the prior option of directing notice to a managing agent's office is removed.
- The conflicts-of-authority hierarchy (Section 13.3) is reordered and expanded to state expressly that the Act controls over the Declaration, Articles, and Bylaws; the Declaration controls over the Articles and Bylaws; the Articles control over the Bylaws; and the Bylaws control over Association policies or resolutions.

Certification Page

- Signature block updated from "secretary of the Board of Directors" to "Secretary," consistent with the defined officer title used throughout.
- The redline includes a signed/dated certification page (signature and date are handwritten in the modified document).

Note: This summary is based on the Litera Compare redline provided (comparing 20220217-Amended-and-Restated-Bylaws ORIGINAL.docx to the 2026.8.8 draft; 451 additions, 613 deletions). It is intended as a plain-English reading aid, not a substitute for legal review of the full text.