

15, or their representatives, or any affected insurer, may appeal to the commissioner within 30 days after any ruling, action or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters.

Sec. 14. **[62F.13] PUBLIC OFFICERS OR EMPLOYEES.** No director of the stabilization reserve fund who is otherwise a public officer or employee shall forfeit his office or employment or lose the rights and privileges pertaining thereto, by reason of membership on the board of directors of the stabilization reserve fund.

Sec. 15. **[62F.14] ANNUAL STATEMENTS.** On March 1 of each year the association shall file with the commissioner, a report of its transactions, financial condition, and operations during the preceding year. The report shall be in a form approved by the commissioner. The commissioner may at any time require the association to furnish additional information to assist in evaluating the scope, operation and experience of the association.

Sec. 16. Sections 2 to 15 of this act shall expire two years after their effective date.

Sec. 17. Sections 2 to 16 of this act shall be effective the day following final enactment.

Approved April 13, 1976.

CHAPTER 243—H.F.No.354

[Coded in Part]

An act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28, Subdivision 2; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **PUBLIC WELFARE; DAY CARE AND RESIDENTIAL FACILITIES FOR CHILDREN AND HANDICAPPED; PURPOSE.** The purpose of the licensing of day care and residential facilities, services and agencies for all children and for mentally retarded, physically handicapped, mentally ill, emotionally disturbed or chemically dependent adults is to regulate the provision of care and services and to assure protection, proper care, and the habilitation and rehabilitation necessary to health, safety and development.

Sec. 2. **[245.781] PUBLIC WELFARE LICENSING ACT, CITA-**
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TION. Sections 2 to 14 shall be known as the "public welfare licensing act."

Sec. 3. **[245.782] DEFINITIONS.** Subdivision 1. For the purposes of sections 2 to 14, the following terms shall have the meanings given them:

Subd. 2. "Person" means an adult who is handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap and a child, whether handicapped or not.

Subd. 3. "Child" means anyone who has not reached his eighteenth birthday.

Subd. 4. "Agency" means any individual, organization, association, or corporation which for gain or otherwise regularly provides needed social or counseling services for persons living in their own homes, or receives persons unable to remain in their own homes and places them in residential or foster care, or places persons in adoptive homes. "Agency" does not include a local welfare agency or agencies sponsored by community mental health boards pursuant to section 245.66.

Subd. 5. "Day care facility" means any facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services.

Subd. 6. "Residential facility" means any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to: state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.

Subd. 7. "Placing persons in foster care" means placing persons in any of the following residential facilities: foster home, work home, free home, group home, residential treatment center, institution, residential program, or maternity shelter. It also means placement in a private home for the purpose of legal adoption.

Subd. 8. "Commissioner" means the commissioner of public welfare and includes any duly authorized representative of the commissioner.

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Subd. 9. "Regularly" or "on a regular basis" means the provision of day care or residential or agency services to one or more persons for a cumulative total of more than 30 days within any 12 month period.

Subd. 10. "Related" means any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, step parent, step sister, step brother, uncle, aunt, child, niece, nephew. It shall also include a legally appointed guardian.

Subd. 11. "License" means a certificate issued by the commissioner authorizing the operator to provide specified services for a specified period of time in accordance with the terms of the license, this act, and the rules and regulations of the commissioner.

Subd. 12. "Provisional license" means the certificate issued by the commissioner, prior to the issuance of a license, authorizing the operator to begin providing specified services for a specified period of time in accordance with the provisions of the provisional license, this act, and the rules and regulations of the commissioner. A provisional license may be issued if the operator is temporarily unable to comply with all of the requirements for a license.

Subd. 13. "Operator" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for the operation of a day care or residential facility or service or agency.

Sec. 4. [245.783] APPLICATIONS; INSPECTION. Subdivision 1. No individual, corporation, partnership, voluntary association, or other organization may operate a day care or residential facility or agency unless licensed to do so by the commissioner. No unlicensed individual or agency shall receive a child for care or placement, place a child in foster care, assist with plans for his placement in foster care, or solicit money in behalf of the agency. Application for license and renewal of license shall be made on forms supplied by the commissioner and in the manner he prescribes. The commissioner shall offer consultation, assistance and information to all applicants for licensure under this act. This shall include information regarding regulations and requirements of other state agencies and departments which affect the applicant, and shall assist applicants and operators to meet and maintain requirements for licensure.

Subd. 2. The commissioner shall be responsible for processing applications for licensure made under this act. State agencies and departments including, but not limited to, the state fire marshal, state building code, state board of health and state planning agency, which are involved in the investigation and review of a facility or an applicant's qualifications shall direct their employees to report directly to the commissioner on these matters and shall be subject to the rules promulgated by the commissioner with respect to the coordination of licens-

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ing and inspection functions. This subdivision relates only to other state departments or agencies and confers no additional powers or duties upon the commissioner respecting federal, county, municipal, or other nonstate agencies. Nothing in this subdivision shall prevent the state fire marshal from delegating inspection duties to local units of government.

Subd. 3. Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. If the commissioner is satisfied that the provisions of this act and the applicable rules and regulations promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, rules and regulations cannot be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license shall be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.

Subd. 4. An initial license shall remain in force for up to one year. A renewal license may be issued for a period of up to two years at the discretion of the commissioner.

Subd. 5. Every license and provisional license issued to a day care or residential facility shall prescribe the number and age groupings of persons who may receive care at any one time.

Subd. 6. Every license and provisional license shall state the date of expiration and the location of the facility, the rule or rules under which the program is licensed, the name and address of the operator, and the provisional status of a license. A license shall not be transferrable to a new operator or location.

Sec. 5. **[245.791]** EXCLUSIONS. Sections 2 to 14 shall not apply to:

(1) Day care or residential care provided by a relative to related persons;

(2) Day care or residential care provided for a cumulative total of less than 30 days in any 12 month period;

(3) Day care provided for persons from a single unrelated family for any length of time;

(4) A home caring for a person placed there by a licensed agency for legal adoption, unless the adoption is not completed within two

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years after placement;

(5) A private hospital whose psychiatric or chemical dependency program is located within the hospital and is reviewed by the appropriate review committee of a national professional organization whose membership is limited to medical students, enrollees in residency programs and licensed medical doctors.

(6) A nursing home, hospital, or boarding care home, licensed by the state board of health, except that an identifiable unit of such a facility which regularly provides care for more than five handicapped persons must be licensed under sections 2 to 14;

(7) A day care or residential facility serving fewer than five physically or mentally handicapped adults;

(8) A day care or residential program serving any number of non-handicapped adults;

(9) A sheltered workshop day program, certified by the state board of education;

(10) A work activity day program, certified by the state board of education;

(11) A work-wage home providing care for one nonrelated child who has reached his sixteenth birthday and who has been independently placed for purposes of education or employment;

(12) A school under the general supervision of the commissioner of education or a local education agency;

(13) A residential or day care facility under the direct control and supervision of a local education agency or a state agency other than the commissioner;

(14) Day care provided for periods of no more than three hours per day for any person while his relatives are in the same building, or can be present in the same building within 30 minutes;

(15) Facilities which in the judgment of the commissioner of education are operated for the primary purpose of educating children shall be exempt from these rules and regulations except insofar as the regulations affect the health and safety of the children therein. The classrooms shall meet the applicable standards of the commissioner of public safety and state board of health.

Sec. 6. [245.801] **REVOCATION OF LICENSE; DENIAL.**
Subdivision 1. An applicant who has been denied a license by the department shall be given prompt written notice thereof, by certified or registered mail to the address shown in the application. The notice

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shall contain a statement of the reasons for the denial and shall inform the applicant of his right to appeal the decision to the commissioner. Written notice of appeal must be mailed within 20 days after receipt of the notice of denial. Upon receiving a timely written appeal, the commissioner shall give the applicant reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner of whether the application shall be denied or granted either for a license or a provisional license. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be sent to the applicant by certified or registered mail, and shall inform the applicant of his rights under chapter 15.

Subd. 2. Failure of the commissioner to approve or deny an application within 90 days of receipt of a completed application shall be deemed to be an approval of license.

Subd. 3. The commissioner may suspend, revoke, or make probationary a license if an operator fails to comply with applicable laws or the rules and regulations of the commissioner.

Subd. 4. An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified or registered mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, the proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner as to whether the license shall be suspended, revoked, or made probationary. However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 15.

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Subd. 5. At any hearing provided for by this act, the applicant or operator may be represented by counsel and has the right to call, examine, and cross-examine witnesses. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on the behalf of any party. Each decision of a hearing examiner shall be in writing, shall contain findings of fact and conclusions, and shall be mailed to the parties by certified or registered mail to their last known addresses as shown in the application.

Subd. 6. An operator whose license has been revoked or not renewed because of noncompliance with applicable laws, or rules and regulations may not be granted a new license for five years following the revocation or denial of renewal.

Sec. 7. [245.802] RULES; REGULATIONS. Subdivision 1. The commissioner shall develop and promulgate rules and regulations pursuant to chapter 15 for the operation and maintenance of day care and residential facilities and agencies, and for granting, suspending, revoking, and making licenses probationary. In developing rules and regulations, he shall consult with:

(1) Other appropriate state agencies including, but not limited to, the state board of health, the state board of education, and the fire marshal. Any agency consulted is directed to cooperate with and assist the commissioner in developing appropriate rules and regulations for the licensing of day care and residential facilities and agencies;

(2) Persons and the relatives of the persons who use the service;

(3) Advocacy groups;

(4) Representatives of those who operate daycare or residential facilities or agencies;

(5) Experts in relevant professional fields.

Subd. 2. The commissioner shall conduct a comprehensive review of the rules and regulations promulgated under sections 2 to 14 at least once every five years.

Sec. 8. [245.803] VIOLATIONS; PENALTIES. Subdivision 1. The operation of a day care or residential facility or agency required to be licensed under sections 2 to 14 without a license is a misdemeanor punishable by a fine of not more than \$300. The commissioner may seek an injunction in the district court against the continuing operation of a day care or residential facility or agency:

(1) If the facility or agency is in violation of sections 2 to 14 or of the rules and regulations promulgated by the commissioner and the operator has failed to correct the violation within 30 days of receipt of a written order to do so; or

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(2) If an operator has willfully failed to apply for a license or renewal of license.

Proceedings for securing injunctions may be brought by the attorney general, or by the appropriate county attorney.

Subd. 2. Any individual who advertises a facility required to be licensed pursuant to sections 2 to 14 prior to obtaining a license is guilty of a misdemeanor.

Subd. 3. The sanctions provided in sections 2 to 14 are cumulative, and shall not be construed as restricting any sanctions otherwise available.

Sec. 9. [245.804] INSPECTION. Subdivision 1. In exercising the powers of licensing, renewing, suspending, revoking, or making licenses probationary, the commissioner shall study and evaluate operators and applicants for a license. To carry out these duties the commissioner shall employ qualified personnel who, insofar as possible, are knowledgeable about the operation of the types and characters of facilities and agencies to be inspected. Authorized representatives of the commissioner may visit a day care or residential facility or agency at any time during the hours of operation for purposes of the study and inspection. In conducting evaluations and inspections, the commissioner may call upon and receive appropriate assistance from other governmental agencies within their authorized fields. Inspections may be made without prior notice to the applicant or operator.

Subd. 2. The operator or applicant shall cooperate with the evaluation and inspection by providing access to its facilities, records, and staff. Failure to comply with the reasonable requests of the commissioner in connection with the study and inspection is cause for revocation of license or for a denial of application. The study and inspection may involve consideration of any facts, conditions, or circumstances relative to the operation of the day care or residential facility or agency, including data on previous operation of a facility or service, references, and other information about the character and qualifications of the personnel of the facility or agency.

Sec. 10. [245.805] FINES. Whenever the commissioner finds, upon inspection of a facility, that the operator is not in compliance with an applicable law or rule or regulation, a correction order shall be issued to the operator. The correction order shall state the deficiency or deficiencies, cite the specific law or regulations violated, and specify the time allowed for correction.

If, upon reinspection, it is found that the operator has not corrected the deficiency or deficiencies specified in the correction order, the operator may be required to forfeit to the state within 15 days a sum of up to \$250 for each deficiency not corrected. A forfeiture order may be appealed in accordance with the procedures set forth in section

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6. All forfeitures shall be paid into the general fund. Any unpaid forfeitures may be recovered by the attorney general.

Sec. 11. [245.811] FEES. The commissioner may charge a reasonable fee for the issuance or renewal of a license except that no fee may be charged to a day care or residential facility for the mentally retarded. In no event shall the fee exceed \$150. Fees may be waived at the discretion of the commissioner.

Sec. 12. [245.812] LOCATION AND ZONING. Subdivision 1. No license or provisional license shall be granted when the issuance of the license would substantially contribute to the excessive concentration of residential facilities within any town, municipality or county of the state.

Subd. 2. In determining whether a license shall be issued, the commissioner shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which an applicant seeks to operate a residence. Except as specified in Minnesota Statutes, Section 252.28, under no circumstances may the commissioner newly license any group residential facility pursuant to this act if such residential facility will be within 1,320 feet of any existing community residential facility unless the appropriate town, municipality or county zoning authority grants the facility a conditional use or special use permit.

Subd. 3. A licensed day care or residential facility serving six or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

Subd. 4. Unless otherwise provided in any town, municipal or county zoning regulation, a licensed day care or residential facility serving from seven through sixteen persons shall be considered a permitted multi-family residential use of property for purposes of zoning. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper maintenance and operation of a facility, provided that no conditions shall be imposed on the homes which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless such additional conditions are necessary to protect the health and safety of the residents of the facility. Nothing herein shall be construed to exclude or prohibit residential homes from single family zones if otherwise permitted by a local zoning regulation.

Subd. 5. Notwithstanding any law to the contrary, no license or provisional license shall be issued under this act without 30 days written notice from the commissioner to the affected municipality or other political subdivision.

Subd. 6. No state funds shall be made available to or be expended

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by any state or local agency for facilities licensed under this act unless and until the provisions of subdivision 5 have been complied with in full.

Sec. 13. [245.813] PROHIBITION OF NEGLECT; ABUSE. Subdivision 1. CONDITIONS AT FACILITY. Any operator, employee or volunteer worker at any facility or agency required to be licensed who intentionally physically or sexually abuses or willfully neglects any person in the care of that facility or agency may be charged pursuant to section 609.23.

It shall be the responsibility of any operator of a facility or agency required to be licensed to provide living conditions, programs, policies and procedures to safeguard the well-being and safety of any person in the care of that facility or agency. Any operator who permits conditions to exist which result in the physical or sexual abuse or willful neglect of any person in the care of that agency or facility may be charged pursuant to section 609.23.

Subd. 2. PERSONS MANDATED TO REPORT. Any professional individual or his delegate in the field of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care education, or law enforcement who has knowledge of or reasonable cause to believe a person in the care of a facility or agency required to be licensed is being neglected or physically or sexually abused by an individual in that facility or agency shall immediately report the information to the commissioner, the local welfare agency, or police department. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

Any person not required to report under the provisions of this section may voluntarily report to the commissioner, the local welfare agency or police department if he has knowledge of or reasonable cause to believe a person in the care of a facility or agency required to be licensed is being neglected or subjected to physical or sexual abuse by an individual in that facility or agency. The local welfare agency or police department upon receiving a report shall immediately notify the commissioner.

Subd. 3. IMMUNITY FROM LIABILITY. Any person participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Subd. 4. FALSIFIED REPORTS. Any person who willfully or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

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Subd. 5. FAILURE TO REPORT. Any person required by this section to report suspected physical or sexual abuse who willfully fails to do so shall be guilty of a misdemeanor.

Subd. 6. REPORT. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 2 to report shall be followed as soon as possible thereafter by a report in writing to the commissioner, the appropriate police department or local welfare agency. Any report shall be of sufficient content to identify the person, the facility or agency responsible for his care, the nature and extent of the person's injuries, and the name and address of the reporter. Written reports received by a police department or local welfare agency shall be forwarded immediately to the commissioner.

Subd. 7. MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER. When a person required to report under the provisions of subdivision 2 has reasonable cause to believe a person has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner. Medical examiners or coroners shall notify the commissioner, the local welfare agency, or police department in instances in which they believe that the person has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the appropriate law enforcement authorities, the commissioner, and the local welfare agency.

Subd. 8. INVESTIGATION. The commissioner shall immediately investigate any report received under this section. The commissioner shall arrange for the transmittal of reports received by local agencies to him, and may delegate to any local welfare agency the duty to investigate reports.

Subd. 9. RECORDS. All records maintained by the commissioner or a local welfare agency under this section, including any written reports filed under subdivision 6, shall be private. The records shall be collected and maintained in accordance with the provisions of Minnesota Statutes, Sections 15.162 to 15.168, and an individual subject of a record shall have access to the record in accordance with those sections except that the name of the reporter shall be disclosed only (a) by the commissioner or the local welfare agency if the report is unsubstantiated and (b) upon court order if the report is substantiated.

Records maintained by the commissioner or local welfare agencies under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be unsubstantiated shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are

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found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated to the satisfaction of the commissioner or the local agency may be kept for a period of one year. If the commissioner or the local agency is unable to substantiate the report within that period, all records relating to the report shall be destroyed immediately.

Sec. 14. Minnesota Statutes 1974, Section 252.28, Subdivision 2, is amended to read:

Subd. 2. The commissioner of public welfare shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for more than four retarded persons, including state institutions under control of the commissioner and serving mentally retarded persons.

(2) Grant licenses to individuals, organizations or associations, or nonprofit groups meeting the provisions of this section and providing facilities or services for mentally retarded persons of all ages. All special residential schools, day schools and training centers for retarded persons shall come under the provisions of this section if not regulated by the commissioner of education or a church affiliated school system according to the provisions of sections 2 to 13.

~~(3) Licenses shall be renewed annually, and a provisional license may be granted for up to one year. Licenses may be revoked pursuant to section 257.111. All licensed agencies are subject to review and supervision by the commissioner and shall receive consultation from the commissioner to further the purposes of this section.~~

~~(4)~~ (3) Create and establish a state advisory board to assist him in carrying out the provisions of this section, including, but not limited to, considerations of the social, medical, educational vocational management, parental and community interests of mentally retarded persons. The commissioner of education or his designee shall be a member of the advisory board for the purpose of developing rules, regulations and program standards compatible with those of the state board of education.

Sec. 15. Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124 are repealed. Notwithstanding the repeal of the foregoing sections by this act, any rules and regulations promulgated thereunder shall remain in effect until expressly superseded by the rules and regulations promulgated under sections 2 to 14.

Sec. 16. This act shall become effective on July 1, 1976.

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Approved April 13, 1976.

CHAPTER 244—H.F.No.471

[Coded in Part]

An act relating to condominiums; regulating the association of apartment owners; requiring certain disclosure before initial sale of apartments; amending Minnesota Statutes 1974, Section 515.19, and Chapter 515 by adding sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.175] CONDOMINIUMS; INCORPORATION OF ASSOCIATION OF APARTMENT OWNERS. Subsequent to July 1, 1976, an association of apartment owners shall be incorporated under Minnesota Statutes, Chapter 317 before the declaration is recorded.

Sec. 2. Minnesota Statutes 1974, Section 515.19, is amended to read:

515.19 CONTENTS OF BYLAWS. Subdivision 1. The bylaws may provide for the following:

(a) The election from among the apartment owners of a board of directors, the number of persons constituting the same, and that the terms of at least one-third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent.

(b) Method of calling meetings of the apartment owners; what percentage, if other than a majority of apartment owners, shall constitute a quorum.

(c) Election of a president from among the board of directors who shall preside over the meetings of the board of directors and of the association of apartment owners.

(d) Election of a secretary who shall keep the minute book wherein resolutions shall be recorded.

(e) Election of a treasurer who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common areas and

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