

E-NEWSLETTER

May Boards Take Action at Board Workshops? - Maura A. Abernethy, Esq..

Yes. This answer may be a surprise, but it is not uncommon for boards to hold regular board “workshops” at which the board takes action. In these situations, these meetings are properly noticed and homeowners are welcome to attend. Action is not precluded. In most cases, boards use these workshops to discuss, but not act upon association business. However no matter when a board meets or what that meeting is called, it is helpful to remember the applicable Arizona statute about open meetings. The statute does not reference board “workshops” but instead refers only to meetings.

Anytime a quorum of the board meets together, the law considers that gathering a regular or special meeting of the Board. Therefore, if an association intends to hold a workshop, it must, pursuant to the open meeting laws (§33-1804(A) for planned communities and §33-1248(A) for condominiums), properly notice the “meeting” in accordance with the association’s notice requirements for a regular or special board meeting, and permit members (or their designated representative) to speak at a Board meeting at designated times before the Board takes action. Necessarily, minutes of the meeting must be taken.

The term “board workshop” is synonymous with a “board meeting” pursuant to the law. As such, boards should exercise caution when holding these “workshops.” A gathering of a quorum of the Board where Association business is discussed is a meeting even if the board calls it a workshop.. In summary, according to the statute, any meeting that is properly noticed is a meeting at which the board can take action.



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