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Remember, It's the Board's Meeting

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Do you have a particular homeowner that attends every board meeting and, during the course of each meeting, the homeowner becomes very unruly and disruptive? Is this homeowner's behavior so disruptive and unruly that board meetings last for hours, the board fails to conduct its business, and other owners refuse to attend the meetings? Unfortunately, this type of behavior has become all too common for associations. Nevertheless, it is time for boards to take back their meetings.

Arizona "Open Meeting" laws for associations, A.R.S. §33-1248 (condominiums) and A.R.S. §33-1804 (planned communities), do not grant homeowners the right to hijack board meetings. The Open Meeting laws merely authorize an owner (or an owner's written representative) to "attend and speak at an appropriate time during the deliberations and proceedings." The Open Meeting laws then restrict this right by stating, "The board may place reasonable time restrictions on those persons speaking during the meeting but shall permit a member...to speak before the board takes formal action on an item under discussion..."

So, what can a board do under the Open Meeting laws to combat unruly owners from taking over its meetings? Simple. Boards should create protocols or structures for their meetings. We have found that meetings that have a time restricted open forum for members to discuss items on the agenda at the beginning of the meeting help boards combat disruptions and comply with the Open Meeting laws. After the members' open forum has taken place, the board can restrict members from speaking during the rest of the meeting, unless action items arise that are not on the agenda. This will allow the board to conduct association business free from interruptions.

Nevertheless, some homeowners will continue to interrupt the meeting. Assuming the board has rule making authority under its governing documents, the board should seriously consider adopting a meeting conduct policy. This policy should set forth the membership conduct standards, procedures for addressing unruly behavior, and penalties for unruly behavior, including requiring the owner to leave the meeting, levying fines against the owner or suspending an owner's privileges. Having a meeting conduct policy will help boards swiftly address unruly behavior and allow boards to continue to conduct association business.

Always remember, it is the board's meeting and should be treated as such.

If you need assistance with Open Meeting issues, or a meeting conduct policy, contact Josh Bolen or another attorney in the office.

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