



#253 HOA Homefront – Unruly Meetings or Meeting Rules

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Other than the overall condition of the common areas, one of the first opportunities for associations to make a positive impression upon new members is at meetings of the board of directors. Where does a new owner learn how board meetings are conducted? No law requires associations to have meeting rules, but such rules can be extremely helpful to attendees and the board. Much of the rules may be derived from statutes (Civil Code 4900-4955, aka Open Meeting Act) but the statutes do not answer all questions.

Topics which could be covered in meeting conduct rules could include:

Who can attend board meetings? This is not an academic question. Under the Open Meeting Act, only members have the right to attend open meeting sessions, but what about tenants, non-owner spouses, attorneys, children of owners, and service providers? The rules can confirm if anyone else can attend.

What is the order of business the HOA board usually follows? A model agenda can be included in the rules, to inform HOA members about the order in which things happen in board meetings.

How is open forum handled? Is it at the beginning or the end of meetings? Can the board vote to have a special open forum on a limited issue during the meeting? What is the time limit on owner remarks? Reasonable guidelines on open forum will be helpful.

What behavior is not permitted in board meetings? Meeting rules should contain clear boundaries of behavior, boundaries which no reasonable person would defend. Rules should spell out what is not allowed and help keep order during board meetings.

If someone disrupts the meeting, what does the board do? There is nothing more unfair to the board and the attending owners than when one or more owners hijack a meeting with obstreperous behavior. I have attended meetings in which the goal of the disruptors was clearly to try to force the board to adjourn and not address certain issues on the board agenda. This is reprehensible behavior which should not be condoned. Rules should include an escalation of response toward disruptive attendees. The escalation should start with a warning from the chair, followed by a motion of the board of censure (asking the owner to quiet down), followed by a motion to eject the offending owner from the meeting. It is not fair to anyone to allow bullies to stymie the board from handling the association's business.



If the homeowner is called to a hearing, what will happen? So often I attend disciplinary hearings or reimbursement hearings in which the HOA member called to the hearing is simply lost, not knowing what is expected from them or how to proceed. Meeting rules can explain how disciplinary and common area damage reimbursement hearings are conducted. This would inform members how best to prepare, resulting in better and fairer hearings.

What happens in closed sessions? (Which homeowners often see as mysterious) Why not include in the rules an explanation of what the law allows boards to address in closed sessions – and such rules may remind the board as well.

Meeting conduct rules can be a very positive statement about what a community values. Take some time, consult association legal counsel, and create and adopt some clear and reasonable association meeting rules.