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ATTORNEYS AT LAW

In prior tips of the week, we have discussed the statutory requirement that planned community and condominium association boards hold open meetings. Under these statutes, all board meetings must be open to the association members, unless the meeting or a portion thereof is limited to the consideration of one or more of the following:

1. Legal advice from an attorney for the board or the association.
2. Pending or contemplated litigation.
3. Personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association.
4. Matters relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.

Boards should keep in mind that voting to approve a contract usually does not fall into one of the above categories. Accordingly, the board must hold the vote to approve a contract in an open meeting, unless it falls into one of the exceptions listed above. However, once the contract is approved in an open meeting and the board authorizes a particular individual(s) to sign the contract, the actual contract signing does not need to take place in an open board meeting.

The information contained in this Homeowners Association Tip of the Week© is for informational purposes only and is not specific legal advice or a substitute for specific legal counsel. Readers should not act upon this information without seeking professional counsel.

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