

10/26/19  
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# CASA BAHIA HOMEOWNERS ASSOCIATION POLICY AND PROCEDURES

## **Subject: Policy on Attendance at Board of Director Meetings**

**Purpose:** To provide rules on attendance at Board meetings and provide for homeowner input and communication to the Board.

### **Background.**

This policy addresses who may attend Board of Directors meetings and the nature of participation.

The HOA is a California private non-profit corporation. The Members of the HOA are the condominium unit owners, and only the unit owners. The Members of the HOA annually elect the members of the Board of Directors. The Board is responsible for conducting the business of the HOA.

Per California Civil Code section 4925, California's homeowners' associations are not part of the public sector; they are private membership organizations. As a result, the general public does not have a right to attend board or membership meetings. The legal right to attend meetings as provided for in the Open Meeting Act is reserved for members only. A "member" is defined as a homeowner.

### **Policy.**

Board meetings take place for the purpose of enabling the Board to conduct the business of the Association. Board meetings are open to the HOA members (homeowners), except for executive sessions. No other persons are entitled to attend Board meetings. No audio or video recording, or photography, is permitted at Board meetings, except by the Secretary for purposes of creating meeting minutes.

HOA members (homeowners) are permitted to speak to the Board at the monthly meetings, in the "Homeowners Forum" section of the agenda. Each homeowner who wants to speak is allowed up to 3 minutes. The Board may choose to ask questions of the speaker. Homeowners may also submit written statements to the Board. The balance of the agenda is for Board members' discussion and action.

The Board may, at its discretion, authorize or request other persons to attend and speak at Board meetings if the Board believes it will further the purposes of the HOA.

Renters and other persons who are not homeowners, are not entitled to attend Board meetings, and are not entitled to speak at Board meetings. Such persons must communicate their issues or concerns to their landlord homeowner, but may submit a written statement to the Board, via the Association's management company.

If a homeowner is unable to attend a Board meeting in person and wishes to authorize another person to substitute for the homeowner to make a statement to the Board on behalf of the homeowner, that homeowner may submit a written request to the Board, to have a specific person make a statement on behalf of the homeowner.

A homeowner who is unable to attend the Board meeting in person can also submit a written statement

to the Board.

The President of the Board shall review the request for substitute and decide whether the request is appropriate subject matter to hear at a Board meeting, whether the requested representative is an appropriate person to speak on behalf of the homeowner, and whether the request for a substitute speaker is compliant with the procedure requirements below. The President may approve or deny the request. Any Board member may request a Board vote on such request.

If a request for a substitute speaker is approved, then the substitute will be allowed to attend the "Homeowners Forum" portion of the meeting agenda, to make a statement. Any substitute speakers will be called upon first to speak during the Homeowners Forum, prior to homeowners' speaking during the Forum. Immediately after presenting the statement on behalf of the absent homeowner, the substitute speaker shall be required to leave the Board meeting.

Homeowners are responsible for the content spoken by a substitute speaker and are accountable for any position stated or recommendations made. Homeowners are also responsible for the behavior of the substitute speaker and for any uncivil conduct, misbehavior, violations or disruption caused by the substitute speaker, including any sanctions, penalties, or fines resulting thereof.

### **Procedure.**

The request for a substitute speaker must meet the following requirements:

1. Be in writing.
2. State the date of the Board meeting for which a substitute speaker is requested.
3. Be received at the Board's management company (Scott Management) at least 5 business days prior to the date of the Board meeting.
4. Include a statement of the subject matter.
5. Include a summary of the points the homeowner wishes to make.
6. Though not required, it is requested the statement include a recommended solution or proposed action for the Board to take.
7. Though not required, it is requested the statement address whether there is a fiscal impact to the action requested.
8. A separate request must be made for each Board meeting.

End