

REFERENCE TITLE: homeowners' associations; condominiums; open meetings

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# SB 1019

Introduced by  
Senator Harper

AN ACT

AMENDING SECTIONS 33-1248 AND 33-1804, ARIZONA REVISED STATUTES; RELATING TO  
CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1248, Arizona Revised Statutes, is amended to  
3 read:

4 33-1248. Open meetings; exceptions

5 A. Notwithstanding any provision in the declaration, bylaws or other  
6 documents to the contrary, all meetings of the association and board of  
7 directors are open to all members of the association or any person designated  
8 by a member in writing as the member's representative and all members or  
9 designated representatives so desiring shall be permitted to attend and speak  
10 at an appropriate time during the deliberations and proceedings. The board  
11 may place reasonable time restrictions on those persons speaking during the  
12 meeting but shall permit a member or a member's designated representative to  
13 speak **AFTER THE BOARD HAS DISCUSSED A SPECIFIC AGENDA ITEM AND** before the  
14 board takes formal action on ~~an~~ **THAT** item ~~under discussion~~ in addition to any  
15 other opportunities to speak. The board shall provide for a reasonable  
16 number of persons to speak on each side of an issue. Any portion of a  
17 meeting may be closed only if that portion of the meeting is limited to  
18 consideration of one or more of the following:

19 1. Legal advice from an attorney for the board or the association. On  
20 final resolution of any matter for which the board received legal advice or  
21 that concerned pending or contemplated litigation, the board may disclose  
22 information about that matter in an open meeting except for matters that are  
23 required to remain confidential by the terms of a settlement agreement or  
24 judgment.

25 2. Pending or contemplated litigation.

26 3. Personal, health or financial information about an individual  
27 member of the association, an individual employee of the association or an  
28 individual employee of a contractor for the association, including records of  
29 the association directly related to the personal, health or financial  
30 information about an individual member of the association, an individual  
31 employee of the association or an individual employee of a contractor for the  
32 association.

33 4. Matters relating to the job performance of, compensation of, health  
34 records of or specific complaints against an individual employee of the  
35 association or an individual employee of a contractor of the association who  
36 works under the direction of the association.

37 5. **ONLY ON REQUEST OF A UNIT OWNER, DISCUSSION OF UNIT OWNER APPEALS**  
38 **OF VIOLATIONS CITED OR PENALTIES IMPOSED BY THE ASSOCIATION.**

39 B. Notwithstanding any provision in the condominium documents, all  
40 meetings of the association and the board shall be held in this state. A  
41 meeting of the association shall be held at least once each year. Special  
42 meetings of the association may be called by the president, by a majority of  
43 the board of directors or by unit owners having at least twenty-five per  
44 cent, or any lower percentage specified in the bylaws, of the votes in the  
45 association. Unless otherwise provided in the articles or the bylaws of the

1 association, not fewer than ten nor more than fifty days in advance of any  
2 meeting of the unit owners, the secretary shall cause notice to be hand  
3 delivered or sent prepaid by United States mail to the mailing address of  
4 each unit or to any other mailing address designated in writing by the unit  
5 owner. The notice of any meeting of the unit owners shall state the time and  
6 place of the meeting. The notice of any special meeting of the unit owners  
7 shall also state the purpose for which the meeting is called, including the  
8 general nature of any proposed amendment to the declaration or bylaws, any  
9 changes in assessments that require approval of the unit owners and any  
10 proposal to remove a director or officer. The failure of any unit owner to  
11 receive actual notice of a meeting of the unit owners does not affect the  
12 validity of any action taken at that meeting.

13 C. ~~Unless otherwise provided in the articles or bylaws of the~~  
14 ~~association~~ NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER  
15 CONDOMINIUM DOCUMENTS, for meetings of the board of directors that are held  
16 after the termination of declarant control of the association, notice to unit  
17 owners of meetings of the board of directors shall be given at least  
18 forty-eight hours in advance of the meeting by newsletter, conspicuous  
19 posting or any other reasonable means as determined by the board of  
20 directors. An affidavit of notice by an officer of the association is prima  
21 facie evidence that notice was given as prescribed by this section. Notice  
22 to unit owners of meetings of the board of directors is not required if  
23 emergency circumstances require action by the board before notice can be  
24 given. Any notice of a board meeting shall state the time and place of the  
25 meeting. The failure of any unit owner to receive actual notice of a meeting  
26 of the board of directors does not affect the validity of any action taken at  
27 that meeting.

28 D. ONLY THOSE ITEMS LISTED ON THE MEETING AGENDA MAY BE DISCUSSED,  
29 CONSIDERED OR DECIDED AT THE MEETING. ISSUES THAT ARE NOT LISTED ON THE  
30 MEETING AGENDA MAY BE BROUGHT BEFORE THE BOARD OF DIRECTORS FOR INFORMATION  
31 AND FUTURE DISCUSSION. THE AGENDA SHALL BE AVAILABLE TO ALL UNIT OWNERS  
32 ATTENDING ANY MEETING OF THE BOARD OF DIRECTORS OR TO ANY UNIT OWNER MAKING A  
33 REQUEST FOR AN AGENDA BEFORE THE MEETING.

34 E. THE BOARD OF DIRECTORS MAY ADJOURN INTO A CLOSED SESSION ON A VOTE  
35 OF A QUORUM OF THE BOARD OF DIRECTORS AND AFTER ANNOUNCING THE REASON FOR THE  
36 CLOSED SESSION AT AN OPEN SESSION OF A MEETING OF THE BOARD. A CLOSED  
37 SESSION OF THE BOARD OF DIRECTORS MAY BE HELD WITHOUT FIRST MEETING IN AN  
38 OPEN SESSION IF A PUBLIC NOTICE IS POSTED AS PRESCRIBED BY THIS SECTION. THE  
39 BOARD SHALL NOT TAKE ANY ACTION THAT REQUIRES A FINAL VOTE OR DECISION AT A  
40 CLOSED SESSION, INCLUDING ANY LEGAL ACTION. ALL MATTERS DISCUSSED OR  
41 CONSIDERED BY THE BOARD IN A CLOSED SESSION SHALL BE VOTED ON IN A REGULAR  
42 OPEN SESSION WITH THE OMISSION OF THE SPECIFIC INFORMATION, SUCH AS THE NAMES  
43 OF EMPLOYEES OR OWNERS, THAT IS REQUIRED BY LAW TO REMAIN CONFIDENTIAL.

1 F. AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS MAY BE CALLED TO  
2 DISCUSS BUSINESS OR TAKE ACTION THAT CANNOT BE DELAYED UNTIL THE NEXT  
3 REGULARLY SCHEDULED BOARD MEETING. A PUBLIC NOTICE SHALL BE POSTED WITHIN  
4 FORTY-EIGHT HOURS AFTER THE MEETING DECLARING THAT AN EMERGENCY MEETING HAS  
5 BEEN HELD. THE NOTICE AND THE MINUTES OF THE EMERGENCY MEETING SHALL STATE  
6 THE REASON NECESSITATING THE EMERGENCY MEETING AND WHAT MATTERS WERE  
7 DISCUSSED, CONSIDERED OR DECIDED. THE MINUTES OF THE EMERGENCY MEETING SHALL  
8 BE READ AND APPROVED AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF  
9 DIRECTORS.

10 G. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS,  
11 WORKSHOP MEETINGS MAY BE HELD FOR THE PURPOSE OF DISCUSSION AND STUDY OF  
12 ISSUES, EDUCATION OF BOARD MEMBERS AND WORK ON SPECIAL PROJECTS. THE BOARD  
13 SHALL NOT DECIDE ANY MATTERS AND FORMAL ACTION SHALL NOT BE TAKEN AT A  
14 WORKSHOP MEETING. PROPER NOTICE OF THE WORKSHOP MEETING SHALL BE GIVEN AS  
15 PRESCRIBED IN SUBSECTION C OF THIS SECTION. THE BOARD SHALL PREPARE AND POST  
16 AN AGENDA THAT DESCRIBES THE SPECIFIC REASONS FOR THE WORKSHOP.

17 H. PURSUANT TO SECTION 10-3821, THE BOARD OF DIRECTORS MAY TAKE ACTION  
18 WITHOUT A MEETING. IF THE BOARD TAKES ACTION WITHOUT A MEETING, A NOTICE  
19 SHALL BE POSTED WITHIN FORTY-EIGHT HOURS AFTER THE LAST DIRECTOR SIGNS THE  
20 CONSENT TO THE ACTION TAKEN. THE NOTICE SHALL DECLARE THAT AN ACTION HAS  
21 BEEN TAKEN WITHOUT A MEETING, THE REASON FOR TAKING THE ACTION AND THE ACTION  
22 TAKEN. THIS NOTICE SHALL BE READ INTO THE MINUTES OF THE NEXT REGULARLY  
23 SCHEDULED MEETING OF THE BOARD OF DIRECTORS. THE PROCEDURE FOR TAKING ACTION  
24 WITHOUT A MEETING SHALL BE USED ONLY WHEN EMERGENCY CIRCUMSTANCES WARRANT A  
25 MEETING AND THERE IS NOT SUFFICIENT TIME TO NOTICE A MEETING, OR WHEN A  
26 QUORUM OF THE BOARD IS IMPOSSIBLE TO OBTAIN AND NECESSARY BUSINESS MUST BE  
27 UNDERTAKEN. THIS PROCEDURE SHALL NOT BE USED TO TAKE THE PLACE OF CONDUCTING  
28 BUSINESS AT A REGULARLY SCHEDULED BOARD MEETING.

29 I. MEETINGS OF ALL COMMITTEES OF THE ASSOCIATION SHALL BE OPEN TO ALL  
30 UNIT OWNERS. NOTICE OF A COMMITTEE MEETING SHALL BE GIVEN AS PRESCRIBED IN  
31 SUBSECTION C OF THIS SECTION. AN AGENDA DESCRIBING THE SPECIFIC ITEMS TO BE  
32 DISCUSSED SHALL BE PREPARED AND POSTED.

33 J. MINUTES OF BOARD OF DIRECTORS MEETINGS THAT ARE NOT CLOSED SESSIONS  
34 SHALL BE OPEN TO PUBLIC INSPECTION WITHIN TEN BUSINESS DAYS AFTER THE MEETING  
35 IS HELD. UNIT OWNERS SHALL BE PROVIDED A COPY OF THE MINUTES AT NO COST TO  
36 THE UNIT OWNER WITHIN THREE BUSINESS DAYS AFTER A WRITTEN REQUEST OR AN  
37 ELECTRONIC MAIL REQUEST IS MADE TO THE SECRETARY OF THE BOARD OF DIRECTORS OR  
38 THE MANAGER OF THE ASSOCIATION.

39 K. MEETINGS OF THE UNIT OWNERS, THE BOARD OF DIRECTORS, OTHER THAN  
40 CLOSED SESSIONS, OR COMMITTEES OF THE ASSOCIATION MAY BE RECORDED BY MEANS OF  
41 A VIDEO CAMERA OR TAPE RECORDER OR ANY OTHER MEANS OF AUDIO REPRODUCTION ONLY  
42 IF THERE IS NO ACTIVE INTERFERENCE WITH THE CONDUCT OF THE MEETING.

43 L. A QUORUM OF THE BOARD OF DIRECTORS SHALL NOT MEET, CONDUCT BUSINESS  
44 OR MAKE ANY DECISIONS BY MEANS OF ELECTRONIC MAIL COMMUNICATIONS.

1 M. A QUORUM OF THE BOARD OF DIRECTORS MAY MEET BY MEANS OF A TELEPHONE  
2 CONFERENCE IF A SPEAKERPHONE IS AVAILABLE IN THE MEETING ROOM THAT ALLOWS  
3 BOARD MEMBERS AND UNIT OWNERS TO HEAR ALL PARTIES WHO ARE SPEAKING DURING THE  
4 MEETING.

5 N. ANY QUORUM OF THE BOARD THAT MEETS INFORMALLY SHALL COMPLY WITH THE  
6 OPEN MEETING AND NOTICE PROVISIONS OF THIS SECTION WITHOUT REGARD TO WHETHER  
7 THE BOARD VOTES OR TAKES ANY ACTION ON ANY MATTER AT THAT INFORMAL MEETING.

8 ~~D-~~ O. This section does not apply to timeshare plans or associations  
9 that are subject to chapter 20 of this title.

10 Sec. 2. Section 33-1804, Arizona Revised Statutes, is amended to read:

11 33-1804. Open meetings; exceptions

12 A. Notwithstanding any provision in the declaration, bylaws or other  
13 documents to the contrary, all meetings of the association and board of  
14 directors are open to all members of the association or any person designated  
15 by a member in writing as the member's representative and all members or  
16 designated representatives so desiring shall be permitted to attend and speak  
17 at an appropriate time during the deliberations and proceedings. The board  
18 may place reasonable time restrictions on those persons speaking during the  
19 meeting but shall permit a member or member's designated representative to  
20 speak AFTER THE BOARD HAS DISCUSSED A SPECIFIC AGENDA ITEM AND before the  
21 board takes formal action on ~~an~~ THAT item ~~under discussion~~ in addition to any  
22 other opportunities to speak. The board shall provide for a reasonable  
23 number of persons to speak on each side of an issue. Any portion of a  
24 meeting may be closed only if that closed portion of the meeting is limited  
25 to consideration of one or more of the following:

26 1. Legal advice from an attorney for the board or the association. On  
27 final resolution of any matter for which the board received legal advice or  
28 that concerned pending or contemplated litigation, the board may disclose  
29 information about that matter in an open meeting except for matters that are  
30 required to remain confidential by the terms of a settlement agreement or  
31 judgment.

32 2. Pending or contemplated litigation.

33 3. Personal, health or financial information about an individual  
34 member of the association, an individual employee of the association or an  
35 individual employee of a contractor for the association, including records of  
36 the association directly related to the personal, health or financial  
37 information about an individual member of the association, an individual  
38 employee of the association or an individual employee of a contractor for the  
39 association.

40 4. Matters relating to the job performance of, compensation of, health  
41 records of or specific complaints against an individual employee of the  
42 association or an individual employee of a contractor of the association who  
43 works under the direction of the association.

44 5. ONLY ON REQUEST OF A MEMBER, DISCUSSION OF MEMBER APPEALS OF  
45 VIOLATIONS CITED OR PENALTIES IMPOSED BY THE ASSOCIATION.

1 B. Notwithstanding any provision in the community documents, all  
2 meetings of the association and the board shall be held in this state. A  
3 meeting of the association shall be held at least once each year. Special  
4 meetings of the association may be called by the president, by a majority of  
5 the board of directors or by members having at least twenty-five per cent, or  
6 any lower percentage specified in the bylaws, of the votes in the  
7 association. Unless otherwise provided in the articles or bylaws of the  
8 association, not fewer than ten nor more than fifty days in advance of any  
9 meeting of the members the secretary shall cause notice to be hand-delivered  
10 or sent prepaid by United States mail to the mailing address for each lot,  
11 parcel or unit owner or to any other mailing address designated in writing by  
12 a member. The notice shall state the time and place of the meeting. A  
13 notice of any special meeting of the members shall also state the purpose for  
14 which the meeting is called, including the general nature of any proposed  
15 amendment to the declaration or bylaws, changes in assessments that require  
16 approval of the members and any proposal to remove a director or an officer.  
17 The failure of any member to receive actual notice of a meeting of the  
18 members does not affect the validity of any action taken at that meeting.

19 C. ~~Unless otherwise provided in the articles or bylaws of the~~  
20 ~~association~~ NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER  
21 COMMUNITY DOCUMENTS, for meetings of the board of directors that are held  
22 after the termination of declarant control of the association, notice to  
23 members of meetings of the board of directors shall be given at least  
24 forty-eight hours in advance of the meeting by newsletter, conspicuous  
25 posting or any other reasonable means as determined by the board of  
26 directors. An affidavit of notice by an officer of the corporation is prima  
27 facie evidence that notice was given as prescribed by this section. Notice  
28 to members of meetings of the board of directors is not required if emergency  
29 circumstances require action by the board before notice can be given. Any  
30 notice of a board meeting shall state the time and place of the meeting. The  
31 failure of any member to receive actual notice of a meeting of the board of  
32 directors does not affect the validity of any action taken at that meeting.

33 D. ONLY THOSE ITEMS LISTED ON THE MEETING AGENDA MAY BE DISCUSSED,  
34 CONSIDERED OR DECIDED AT THE MEETING. ISSUES THAT ARE NOT LISTED ON THE  
35 MEETING AGENDA MAY BE BROUGHT BEFORE THE BOARD OF DIRECTORS FOR INFORMATION  
36 AND FUTURE DISCUSSION. THE AGENDA SHALL BE AVAILABLE TO ALL MEMBERS  
37 ATTENDING ANY MEETING OF THE BOARD OF DIRECTORS OR TO ANY MEMBER MAKING A  
38 REQUEST FOR AN AGENDA BEFORE THE MEETING.

39 E. THE BOARD OF DIRECTORS MAY ADJOURN INTO A CLOSED SESSION ON A VOTE  
40 OF A QUORUM OF THE BOARD OF DIRECTORS AND AFTER ANNOUNCING THE REASON FOR THE  
41 CLOSED SESSION AT AN OPEN SESSION OF A MEETING OF THE BOARD. A CLOSED  
42 SESSION OF THE BOARD OF DIRECTORS MAY BE HELD WITHOUT FIRST MEETING IN AN  
43 OPEN SESSION IF A PUBLIC NOTICE IS POSTED AS PRESCRIBED BY THIS SECTION. THE  
44 BOARD SHALL NOT TAKE ANY ACTION THAT REQUIRES A FINAL VOTE OR DECISION AT A  
45 CLOSED SESSION, INCLUDING ANY LEGAL ACTION. ALL MATTERS DISCUSSED OR

1 CONSIDERED BY THE BOARD IN A CLOSED SESSION SHALL BE VOTED ON IN A REGULAR  
2 OPEN SESSION WITH THE OMISSION OF THE SPECIFIC INFORMATION, SUCH AS THE NAMES  
3 OF EMPLOYEES OR MEMBERS, THAT IS REQUIRED BY LAW TO REMAIN CONFIDENTIAL.

4 F. AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS MAY BE CALLED TO  
5 DISCUSS BUSINESS OR TAKE ACTION THAT CANNOT BE DELAYED UNTIL THE NEXT  
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7 FORTY-EIGHT HOURS AFTER THE MEETING DECLARING THAT AN EMERGENCY MEETING HAS  
8 BEEN HELD. THE NOTICE AND THE MINUTES OF THE EMERGENCY MEETING SHALL STATE  
9 THE REASON NECESSITATING THE EMERGENCY MEETING AND WHAT MATTERS WERE  
10 DISCUSSED, CONSIDERED OR DECIDED. THE MINUTES OF THE EMERGENCY MEETING SHALL  
11 BE READ AND APPROVED AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF  
12 DIRECTORS.

13 G. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, WORKSHOP  
14 MEETINGS MAY BE HELD FOR THE PURPOSE OF DISCUSSION AND STUDY OF ISSUES,  
15 EDUCATION OF BOARD MEMBERS AND WORK ON SPECIAL PROJECTS. THE BOARD SHALL NOT  
16 DECIDE ANY MATTERS AND FORMAL ACTION SHALL NOT BE TAKEN AT A WORKSHOP  
17 MEETING. PROPER NOTICE OF THE WORKSHOP MEETING SHALL BE GIVEN AS PRESCRIBED  
18 IN SUBSECTION C OF THIS SECTION. THE BOARD SHALL PREPARE AND POST AN AGENDA  
19 THAT DESCRIBES THE SPECIFIC REASONS FOR THE WORKSHOP.

20 H. PURSUANT TO SECTION 10-3821, THE BOARD OF DIRECTORS MAY TAKE ACTION  
21 WITHOUT A MEETING. IF THE BOARD TAKES ACTION WITHOUT A MEETING, A NOTICE  
22 SHALL BE POSTED WITHIN FORTY-EIGHT HOURS AFTER THE LAST DIRECTOR SIGNS THE  
23 CONSENT TO THE ACTION TAKEN. THE NOTICE SHALL DECLARE THAT AN ACTION HAS  
24 BEEN TAKEN WITHOUT A MEETING, THE REASON FOR TAKING THE ACTION AND THE ACTION  
25 TAKEN. THIS NOTICE SHALL BE READ INTO THE MINUTES OF THE NEXT REGULARLY  
26 SCHEDULED MEETING OF THE BOARD OF DIRECTORS. THE PROCEDURE FOR TAKING ACTION  
27 WITHOUT A MEETING SHALL BE USED ONLY WHEN EMERGENCY CIRCUMSTANCES WARRANT A  
28 MEETING AND THERE IS NOT SUFFICIENT TIME TO NOTICE A MEETING, OR WHEN A  
29 QUORUM OF THE BOARD IS IMPOSSIBLE TO OBTAIN AND NECESSARY BUSINESS MUST BE  
30 UNDERTAKEN. THIS PROCEDURE SHALL NOT BE USED TO TAKE THE PLACE OF CONDUCTING  
31 BUSINESS AT A REGULARLY SCHEDULED BOARD MEETING.

32 I. MEETINGS OF ALL COMMITTEES OF THE ASSOCIATION SHALL BE OPEN TO ALL  
33 MEMBERS OF THE ASSOCIATION. NOTICE OF A COMMITTEE MEETING SHALL BE GIVEN AS  
34 PRESCRIBED IN SUBSECTION C OF THIS SECTION. AN AGENDA DESCRIBING THE  
35 SPECIFIC ITEMS TO BE DISCUSSED SHALL BE PREPARED AND POSTED.

36 J. MINUTES OF BOARD OF DIRECTORS MEETINGS THAT ARE NOT CLOSED SESSIONS  
37 SHALL BE OPEN TO PUBLIC INSPECTION WITHIN TEN BUSINESS DAYS AFTER THE MEETING  
38 IS HELD. MEMBERS SHALL BE PROVIDED A COPY OF THE MINUTES AT NO COST TO THE  
39 MEMBER WITHIN THREE BUSINESS DAYS AFTER A WRITTEN REQUEST OR AN ELECTRONIC  
40 MAIL REQUEST IS MADE TO THE SECRETARY OF THE BOARD OF DIRECTORS OR THE  
41 MANAGER OF THE ASSOCIATION.

42 K. MEETINGS OF THE MEMBERS, THE BOARD OF DIRECTORS, OTHER THAN CLOSED  
43 SESSIONS, OR COMMITTEES OF THE ASSOCIATION MAY BE RECORDED BY MEANS OF A  
44 VIDEO CAMERA OR TAPE RECORDER OR ANY OTHER MEANS OF AUDIO REPRODUCTION ONLY  
45 IF THERE IS NO ACTIVE INTERFERENCE WITH THE CONDUCT OF THE MEETING.

1 L. A QUORUM OF THE BOARD OF DIRECTORS SHALL NOT MEET, CONDUCT BUSINESS  
2 OR MAKE ANY DECISIONS BY MEANS OF ELECTRONIC MAIL COMMUNICATIONS.

3 M. A QUORUM OF THE BOARD OF DIRECTORS MAY MEET BY MEANS OF A TELEPHONE  
4 CONFERENCE IF A SPEAKERPHONE IS AVAILABLE IN THE MEETING ROOM THAT ALLOWS  
5 BOARD MEMBERS AND MEMBERS OF THE ASSOCIATION TO HEAR ALL PARTIES WHO ARE  
6 SPEAKING DURING THE MEETING.

7 N. ANY QUORUM OF THE BOARD THAT MEETS INFORMALLY SHALL COMPLY WITH THE  
8 OPEN MEETING AND NOTICE PROVISIONS OF THIS SECTION WITHOUT REGARD TO WHETHER  
9 THE BOARD VOTES OR TAKES ANY ACTION ON ANY MATTER AT THAT INFORMAL MEETING.

10 Sec. 3. Declaration of policy; open meetings

11 It is the policy of this state as reflected in this act that all  
12 meetings of a condominium or planned community homeowners' association,  
13 whether meetings of the members, meetings of the board of directors or  
14 meetings of committees of the association, be conducted openly and that  
15 notices and agendas be provided for those meetings that contain the  
16 information that is reasonably necessary to inform the members of the matters  
17 to be discussed or decided and to ensure that members have the ability to  
18 speak after discussion of agenda items, but before a vote of the board of  
19 directors is taken. This policy shall also apply to associations that are  
20 still under control of the developer. Toward this end, any person or entity  
21 that is charged with the interpretation of these provisions shall take into  
22 account this declaration of policy and shall construe any provision of this  
23 act in favor of open meetings.