



EXECUTIVE BOARD MEETING REQUIREMENTS

For Condos and Planned Communities

Notice. Both Condos and Planned Communities must let members know what statutory authority gives the board the right to meet behind closed doors. ARS 33-1248(D) for Condos and ARS 33-1804(D) for Planned Communities.

Specific Requirement. Both statutes provide that:

Before entering into any closed portion of a meeting of the board of directors, or on notice of a meeting under subsection D of this section that will be closed, **the board shall identify the paragraph under subsection A** of this section that authorizes the board to close the meeting.

What This All Means. In summary, the law requires that before a board can go into executive session it must notify the members of the subsection of the statute applies. For example, subsection (A)(1) allows boards to go into executive to discuss attorney-client issues, subsection (A)(2) deals with pending or contemplated litigation, (A)(3) concerns personal information of an owner, (A)(4) deals with complaints of employees, and (A)(5) addresses violation hearings of members. Thus, if a board wants to go into executive to discuss delinquencies it should let the members know (before they go into executive) something like:

Condo Executive Meeting: The board will be meeting in executive to discuss delinquencies in the association pursuant to ARS 33-1248(A)(3).

-OR-

Planned Community Executive Meeting: The board will be meeting in executive to discuss delinquencies in the association pursuant to ARS 33-1804(A)(3).

Admittedly, there are several ways you can notify the members in advance. The only rule to keep in mind here is that you have to let the members know (ahead of time) what subsection of the statute authorizes what you will be discussing in executive.