

BOARD MEETING PARTICIPATION

AS PER THE LOS PRADOS ASSOCIATION ATTORNEY ON THURSDAY, JUNE 15, 2023

- **718.112(2)(c) STATES THE FOLLOWING:**
 - (C) *BOARD OF ADMINISTRATION MEETINGS.* — MEETINGS OF THE BOARD OF ADMINISTRATION AT WHICH A QUORUM OF THE MEMBERS IS PRESENT ARE OPEN TO ALL UNIT OWNERS. MEMBERS OF THE BOARD OF ADMINISTRATION MAY USE E-MAIL AS A MEANS OF COMMUNICATION BUT MAY NOT CAST A VOTE ON AN ASSOCIATION MATTER VIA E-MAIL. A UNIT OWNER MAY TAPE RECORD OR VIDEOTAPE THE MEETINGS. THE RIGHT TO ATTEND SUCH MEETINGS INCLUDES THE RIGHT TO SPEAK AT SUCH MEETINGS WITH REFERENCE TO ALL DESIGNATED AGENDA ITEMS. THE DIVISION SHALL ADOPT REASONABLE RULES GOVERNING THE TAPE RECORDING AND VIDEOTAPING OF THE MEETING. THE ASSOCIATION MAY ADOPT WRITTEN REASONABLE RULES GOVERNING THE FREQUENCY, DURATION, AND MANNER OF UNIT OWNER STATEMENTS.

- PURSUANT TO THE ABOVE PROVISION, IT IS CLEAR THAT OWNERS HAVE ONLY LIMITED RIGHTS WITH RESPECT TO SPEAKING AT BOARD MEETINGS, INCLUDING BEING RESTRICTED ONLY TO THE BOARD'S AGENDA ITEMS. FURTHER, THE BOARD IS AUTHORIZED TO ADOPT REASONABLE RULES GOVERNING SUCH PARTICIPATION.

- IT IS THE INDUSTRY NORM THAT OWNERS BE RESTRICTED TO 3 MINUTES WHEN THEY SPEAK ON AGENDA ITEMS, AND THIS STANDARD WAS DERIVED IN PART FROM THE FOLLOWING PROVISION IN THE HOMEOWNERS ASSOCIATION ACT.
 - **720.306(6) RIGHT TO SPEAK.**— MEMBERS AND PARCEL OWNERS HAVE THE RIGHT TO ATTEND ALL MEMBERSHIP MEETINGS AND TO SPEAK AT ANY MEETING WITH REFERENCE TO ALL ITEMS OPENED FOR DISCUSSION OR INCLUDED ON THE AGENDA. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN THE GOVERNING DOCUMENTS OR ANY RULES ADOPTED BY THE BOARD OR BY THE MEMBERSHIP, A MEMBER AND A PARCEL OWNER HAVE THE RIGHT TO SPEAK FOR AT LEAST 3 MINUTES ON ANY ITEM. THE ASSOCIATION MAY ADOPT WRITTEN REASONABLE RULES GOVERNING THE FREQUENCY, DURATION, AND OTHER MANNER OF MEMBER AND PARCEL OWNER STATEMENTS, WHICH RULES MUST BE CONSISTENT WITH THIS SUBSECTION.

- TAKING THE ABOVE TOGETHER, WE KNOW THAT THE BOARD HAS THE AUTHORITY TO LIMIT OWNER PARTICIPATION IN BOARD MEETINGS TO SPEAKING ONLY ON AGENDA ITEMS, AND THAT THE LEGISLATURE HAS ALREADY DETERMINED THAT 3 MINUTES IS REASONABLE IN THE HOA SETTING. THEREFORE, IT IS REASONABLE FOR YOUR BOARD TO DO THE SAME.

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- **AN EXAMPLE OF A BOARD MEETING PARTICIPATION AND CONDUCT RULE WOULD BE AS FOLLOWS:**
 - A. OWNERS SHALL HAVE THE RIGHT TO PARTICIPATE IN ALL MEETINGS OF THE BOARD WITH REFERENCE TO ITEMS CONTAINED ON THE AGENDA FOR THE MEETING, PROVIDED THE ASSOCIATION HAS RECEIVED A WRITTEN REQUEST IN ADVANCE OF THE SCHEDULED MEETING, AND SUBJECT TO THE FOLLOWING RESTRICTIONS:**
 - I. THE CHAIRPERSON OF THE MEETING SHALL LIMIT EACH OWNER'S PARTICIPATION TO A TOTAL OF THREE (3) MINUTES PER AGENDA ITEM. AN OWNER MAY CHOOSE TO SPEAK FOR LESS THAN THREE (3) MINUTES ON ANY PARTICULAR AGENDA ITEM, BUT MAY NOT RESERVE ANY OF SUCH THREE (3) MINUTE TIME PERIOD TO SPEAK AGAIN ON SUCH ITEM OR TO ADD TO THE TIME ALLOTTED FOR A DIFFERENT AGENDA ITEM.
 - II. THE CHAIRPERSON OF THE MEETING WILL CALL UPON THE OWNER TO SPEAK AT THE TIME DETERMINED APPROPRIATE BY SUCH CHAIRPERSON. AT SUCH TIME, THE OWNER WISHING TO SPEAK SHALL STATE THEIR FULL NAME AND ADDRESS, AND THEREAFTER BEGIN THEIR REMARKS. IN THE CHAIRPERSON'S SOLE DISCRETION, OWNER STATEMENTS MAY BE RESTRICTED TO OCCUR AT THE END OF THE MEETING, AFTER THE BOARD HAS COMPLETED THE BUSINESS OF THE MEETING.
 - III. THE BOARD SHALL NOT BE OBLIGATED TO RESPOND TO OWNER INQUIRIES OR QUESTIONING DURING A BOARD MEETING.
 - IV. OWNERS SHALL NOT BE ENTITLED TO SPEAK OR COMMENT UPON ITEMS NOT CONTAINED ON THE AGENDA FOR THAT MEETING.
 - B. CONDUCT/REMOVAL.**

AN OWNER AND ALL BOARD MEMBERS MUST ACT RESPECTFULLY AND IN A BUSINESS-LIKE AND PROFESSIONAL MANNER, ABSTAINING FROM SHOUTING, YELLING, PROFANITY, NAME-CALLING, OR OTHERWISE THREATENING OR DISRUPTIVE BEHAVIOR. IN THE EVENT AN OWNER OR ANY BOARD MEMBER VIOLATES THIS RESTRICTION, OR THOSE RULES ABOVE REGARDING THE CONDUCT OF MEMBERS AT BOARD MEETINGS, THE BOARD OF DIRECTORS SHALL PROVIDE SUCH OWNER OR BOARD MEMBER A WARNING AND ASK THE BEHAVIOR TO CEASE. IF, DESPITE SUCH WARNING, THE OWNER OR BOARD MEMBER CONTINUES SUCH DISRUPTIVE BEHAVIOR, THE BOARD SHALL HAVE THE RIGHT TO REQUIRE THAT THE OWNER OR BOARD MEMBER LEAVE THE MEETING SO THAT THE BUSINESS OF THE MEETING CAN CONTINUE.
 - C. AUDIO/VIDEO RECORDING OF MEETINGS**
 - I. AN OWNER SHALL HAVE THE RIGHT TO TAPE RECORD OR VIDEOTAPE A BOARD, COMMITTEE, OR MEMBERS' MEETING PROVIDED SUCH OWNER ANNOUNCES SUCH INTENT BEFORE THE START OF THE MEETING.
 - II. THE ONLY AUDIO OR VIDEO EQUIPMENT AND DEVICES WHICH OWNERS ARE AUTHORIZED TO UTILIZE AT SUCH MEETING IS EQUIPMENT WHICH DOES NOT PRODUCE DISTRACTING SOUND OR LIGHT EMISSIONS.
 - III. AUDIO/VIDEO EQUIPMENT SHALL BE ASSEMBLED AND PLACED IN POSITION IN ADVANCE OF THE COMMENCEMENT OF THE MEETING.
 - IV. ANYONE VIDEOTAPING OR RECORDING A MEETING SHALL NOT BE PERMITTED TO MOVE ABOUT THE MEETING ROOM IN ORDER TO FACILITATE THE RECORDING.
 - V. UNLESS AUTHORIZED BY THE BOARD OF DIRECTORS, NO AUDIO AND/OR VIDEO RECORDINGS OF MEETINGS SHALL BE POSTED ON PUBLIC FORUMS.