

E K M A R K & E K M A R K, L.L.C.
ATTORNEYS AT LAW

A question often arises as to whether a board can meet to discuss the appointment of a committee, or actually appoint the committee, in closed session. However, the discussion of committee appointment and the actual appointment of a committee do not fall within the allowable closed meeting categories under Arizona statute. Under Arizona law, all board meetings must be open to the association members, unless the meeting or a portion of the meeting 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.

Since the discussion of committee appointment and the actual appointment of a committee do not fall within any of the above categories, a board meeting held for such purposes must be open to the association members. Under Arizona statute, unless otherwise provided in the association's documents, notice to members of meetings of the board shall be given at least 48 hours in advance of the meeting by newsletter, conspicuous posting or any other reasonable means as determined by the board.

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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