

If the president is a director (and he or she almost always is), then not only is he or she entitled to vote; he or she is obligated to vote, except in the event of a conflict of interest. The statute also requires the vote of each director, by name, to be recorded in the minutes for each vote that is taken.

Agendas: The condominium statute requires that any item of business that is to be taken up at a board meeting must be specifically included on the posted agenda for the meeting. Generic designations such as “new business” are not sufficient. Many boards routinely violate this law. There is a somewhat complicated procedure for emergency situations.

Sunshine requirements: The condominium statute requires

that every board meeting be publicly noticed and open to unit owner observation and participation, except when meeting with association legal counsel. Many boards engage in “executive sessions” for potentially sensitive matters such as personnel, board political problems, etc. Although usually well-intentioned, any gathering of a quorum of the board for conducting association business, whether or not a vote is taken, is contrary to the law unless proper notice and participation rights have been given.

Fining procedures: The condominium statute provides that no fine may be levied until an opportunity for a hearing, before a committee of unit owners other than board members, has been provid-

ed. Many associations conduct their fining procedures outside of the bounds of the law, usually involving notice violations or the failure to provide the opportunity for the required hearing.

Special assessment procedures: Assuming that the board is given special assessment authority in the governing documents (and some documents require a membership vote), the public notice requirement is similar to rule-making, discussed above, requiring fourteen days posted and mailed notice. The notice must contain a statement of the purposes of the proposed assessment. Once the assessment is levied, a second notice must be sent out, which again indicates the purpose for which the assessment was levied. ⚖️

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