

ed me (the manager) to add to the agenda for each board meeting, a time for unit owners to express their concerns and “vent.” The owners’ comments are then added to the minutes of the meeting, without a response from the board. Some ex-board members are questioning whether this procedure is legal. What is your opinion? - F.K. (via e-mail)

ANSWER: The condominium statute requires the posted notice for every board meeting to specifically incorporate an identification of agenda items.

As far as I am concerned, it is a good thing to allow owners to have their say at board meetings, and I see nothing unlawful or improper about the new procedure. I do not think that the board could vote on items brought up by unit owners unless the issue

was subject to proper notice, through specific agenda identification, at a future meeting.

I would not think it wise to include the owners’ comments in the official minutes of the board meeting. The purpose of a corporation’s minutes is to document what was done, not what was said. Minutes are often used against associations in litigation, and in many cases, the less said, the better.

My view for cooperative associations is the same, as the law is the same.

For homeowners’ associations, the law does not require as much specificity in the agenda, and the board would have broader discretion in terms of voting. The policy issues are the same as the condo counter-part. ⚖️

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