

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2245

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 33-1248, Arizona Revised Statutes, is amended to  
3 read:

4 33-1248. Open meetings; exceptions

5 A. Notwithstanding any provision in the declaration, bylaws or other  
6 documents to the contrary, all meetings of the association and board of  
7 directors are open to all members of the association or any person designated  
8 by a member in writing as the member's representative and all members or  
9 designated representatives so desiring shall be permitted to attend and speak  
10 at an appropriate time during the deliberations and proceedings. The board  
11 may place reasonable time restrictions on those persons speaking during the  
12 meeting but shall permit a member or a member's designated representative to  
13 speak before the board takes formal action on an item under discussion in  
14 addition to any other opportunities to speak. The board shall provide for a  
15 reasonable number of persons to speak on each side of an issue. PERSONS  
16 ATTENDING MAY TAPE RECORD OR VIDEOTAPE THOSE PORTIONS OF THE MEETINGS OF THE  
17 BOARD OF DIRECTORS AND MEETINGS OF THE MEMBERS THAT ARE OPEN. THE BOARD OF  
18 DIRECTORS OF THE ASSOCIATION MAY ADOPT REASONABLE RULES GOVERNING THE TAPING  
19 OF OPEN PORTIONS OF THE MEETINGS OF THE BOARD AND THE MEMBERSHIP, BUT SUCH  
20 RULES SHALL NOT PRECLUDE SUCH TAPE RECORDING OR VIDEOTAPING BY THOSE  
21 ATTENDING. Any portion of a meeting may be closed only if that portion of  
22 the meeting is limited to consideration of one or more of the following:

23 1. Legal advice from an attorney for the board or the association. On  
24 final resolution of any matter for which the board received legal advice or  
25 that concerned pending or contemplated litigation, the board may disclose  
26 information about that matter in an open meeting except for matters that are  
27 required to remain confidential by the terms of a settlement agreement or  
28 judgment.

29 2. Pending or contemplated litigation.

1           3. Personal, health or financial information about an individual  
2       member of the association, an individual employee of the association or an  
3       individual employee of a contractor for the association, including records of  
4       the association directly related to the personal, health or financial  
5       information about an individual member of the association, an individual  
6       employee of the association or an individual employee of a contractor for the  
7       association.

8           4. Matters relating to the job performance of, compensation of, health  
9       records of or specific complaints against an individual employee of the  
10      association or an individual employee of a contractor of the association who  
11      works under the direction of the association.

12       B. Notwithstanding any provision in the condominium documents, all  
13      meetings of the association and the board shall be held in this state. A  
14      meeting of the association shall be held at least once each year. Special  
15      meetings of the association may be called by the president, by a majority of  
16      the board of directors or by unit owners having at least twenty-five per  
17      cent, or any lower percentage specified in the bylaws, of the votes in the  
18      association. Unless otherwise provided in the articles or the bylaws of the  
19      association, not fewer than ten nor more than fifty days in advance of any  
20      meeting of the unit owners, the secretary shall cause notice to be hand  
21      delivered or sent prepaid by United States mail to the mailing address of  
22      each unit or to any other mailing address designated in writing by the unit  
23      owner. The notice of any meeting of the unit owners shall state the time and  
24      place of the meeting. The notice of any special meeting of the unit owners  
25      shall also state the purpose for which the meeting is called, including the  
26      general nature of any proposed amendment to the declaration or bylaws, any  
27      changes in assessments that require approval of the unit owners and any  
28      proposal to remove a director or officer. The failure of any unit owner to  
29      receive actual notice of a meeting of the unit owners does not affect the  
30      validity of any action taken at that meeting.

31       C. Unless otherwise provided in the articles or bylaws of the  
32      association, for meetings of the board of directors that are held after the

termination of declarant control of the association, notice to unit owners of meetings of the board of directors shall be given at least forty-eight hours in advance of the meeting by newsletter, conspicuous posting or any other reasonable means as determined by the board of directors. An affidavit of notice by an officer of the association is prima facie evidence that notice was given as prescribed by this section. Notice to unit owners of meetings of the board of directors is not required if emergency circumstances require action by the board before notice can be given. Any notice of a board meeting shall state the time and place of the meeting. The failure of any unit owner to receive actual notice of a meeting of the board of directors does not affect the validity of any action taken at that meeting.

D. This section does not apply to timeshare plans or associations that are subject to chapter 20 of this title.

Sec. 2. Section 33-1804, Arizona Revised Statutes, is amended to read:

33-1804. Open meetings; exceptions

A. Notwithstanding any provision in the declaration, bylaws or other documents to the contrary, all meetings of the association and board of directors are open to all members of the association or any person designated by a member in writing as the member's representative and all members or designated representatives so desiring shall be permitted to attend and speak at an appropriate time during the deliberations and proceedings. The board may place reasonable time restrictions on those persons speaking during the meeting but shall permit a member or member's designated representative to speak before the board takes formal action on an item under discussion in addition to any other opportunities to speak. The board shall provide for a reasonable number of persons to speak on each side of an issue. PERSONS ATTENDING MAY TAPE RECORD OR VIDEOTAPE THOSE PORTIONS OF THE MEETINGS OF THE BOARD OF DIRECTORS AND MEETINGS OF THE MEMBERS THAT ARE OPEN. THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY ADOPT REASONABLE RULES GOVERNING THE TAPING OF OPEN PORTIONS OF THE MEETINGS OF THE BOARD AND THE MEMBERSHIP, BUT SUCH RULES SHALL NOT PRECLUDE SUCH TAPE RECORDING OR VIDEOTAPING BY THOSE ATTENDING. Any portion of a meeting may be closed only if that closed

1 portion of the meeting is limited to consideration of one or more of the  
2 following:

3       1. Legal advice from an attorney for the board or the association. On  
4 final resolution of any matter for which the board received legal advice or  
5 that concerned pending or contemplated litigation, the board may disclose  
6 information about that matter in an open meeting except for matters that are  
7 required to remain confidential by the terms of a settlement agreement or  
8 judgment.

9       2. Pending or contemplated litigation.

10      3. Personal, health or financial information about an individual  
11 member of the association, an individual employee of the association or an  
12 individual employee of a contractor for the association, including records of  
13 the association directly related to the personal, health or financial  
14 information about an individual member of the association, an individual  
15 employee of the association or an individual employee of a contractor for the  
16 association.

17      4. Matters relating to the job performance of, compensation of, health  
18 records of or specific complaints against an individual employee of the  
19 association or an individual employee of a contractor of the association who  
20 works under the direction of the association.

21      B. Notwithstanding any provision in the community documents, all  
22 meetings of the association and the board shall be held in this state. A  
23 meeting of the association shall be held at least once each year. Special  
24 meetings of the association may be called by the president, by a majority of  
25 the board of directors or by members having at least twenty-five per cent, or  
26 any lower percentage specified in the bylaws, of the votes in the  
27 association. Unless otherwise provided in the articles or bylaws of the  
28 association, not fewer than ten nor more than fifty days in advance of any  
29 meeting of the members the secretary shall cause notice to be hand-delivered  
30 or sent prepaid by United States mail to the mailing address for each lot,  
31 parcel or unit owner or to any other mailing address designated in writing by  
32 a member. The notice shall state the time and place of the meeting. A

1 notice of any special meeting of the members shall also state the purpose for  
2 which the meeting is called, including the general nature of any proposed  
3 amendment to the declaration or bylaws, changes in assessments that require  
4 approval of the members and any proposal to remove a director or an  
5 officer. The failure of any member to receive actual notice of a meeting of  
6 the members does not affect the validity of any action taken at that meeting.

7 C. Unless otherwise provided in the articles or bylaws of the  
8 association, for meetings of the board of directors that are held after the  
9 termination of declarant control of the association, notice to members of  
10 meetings of the board of directors shall be given at least forty-eight hours  
11 in advance of the meeting by newsletter, conspicuous posting or any other  
12 reasonable means as determined by the board of directors. An affidavit of  
13 notice by an officer of the corporation is *prima facie* evidence that notice  
14 was given as prescribed by this section. Notice to members of meetings of  
15 the board of directors is not required if emergency circumstances require  
16 action by the board before notice can be given. Any notice of a board  
17 meeting shall state the time and place of the meeting. The failure of any  
18 member to receive actual notice of a meeting of the board of directors does  
19 not affect the validity of any action taken at that meeting."

20 Amend title to conform

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