

Fiftieth Legislature
First Regular Session

COMMITTEE ON TECHNOLOGY AND INFRASTRUCTURE

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
information about that matter in an open meeting except for matters that are
required to remain confidential by the terms of a settlement agreement or
judgment.

1 2. Pending or contemplated litigation.

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

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

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

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

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

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

17 33-1804. Open meetings; exceptions

18 A. Notwithstanding any provision in the declaration, bylaws or other
19 documents to the contrary, all meetings of the association and board of
20 directors are open to all members of the association or any person designated
21 by a member in writing as the member's representative and all members or
22 designated representatives so desiring shall be permitted to attend and speak
23 at an appropriate time during the deliberations and proceedings. The board
24 may place reasonable time restrictions on those persons speaking during the
25 meeting but shall permit a member or member's designated representative to
26 speak before the board takes formal action on an item under discussion in
27 addition to any other opportunities to speak. The board shall provide for a
28 reasonable number of persons to speak on each side of an issue. PERSONS
29 ATTENDING MAY TAPE RECORD OR VIDEOTAPE THOSE PORTIONS OF THE MEETINGS OF THE
30 BOARD OF DIRECTORS AND MEETINGS OF THE MEMBERS THAT ARE OPEN. THE BOARD OF
31 DIRECTORS OF THE ASSOCIATION MAY ADOPT REASONABLE RULES GOVERNING THE TAPING
32 OF OPEN PORTIONS OF THE MEETINGS OF THE BOARD AND THE MEMBERSHIP, BUT SUCH

1 RULES SHALL NOT PRECLUDE SUCH TAPE RECORDING OR VIDEOTAPING BY THOSE
2 ATTENDING. Any portion of a meeting may be closed only if that closed
3 portion of the meeting is limited to consideration of one or more of the
4 following:

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

11 2. Pending or contemplated litigation.

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

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

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

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

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

22 Amend title to conform

and, as so amended, it do pass

DAVID W. STEVENS
Chairman

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2/17/11
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