

ACTHA - QUESTION OF THE MONTH:

Q: When a board meets, must they officially call a meeting to order? If the presiding officer does not officially call a meeting to order are there any implications in not having done so? Is the answer applicable to all community associations? We happen to be a townhome association and are part of a master association. Our townhome association always calls the meeting to order but the master association's presiding officer does not. He feels that since the agenda lists "welcome," that this is sufficient.

A: The President of an Association should always call the meetings to order. S/he should establish a quorum and state the time that the meeting commenced. If a quorum is not present business cannot be conducted. The time that the meeting commenced is important in the event that someone claims that an action was not conducted within the meeting and therefore not properly approved. Notably, this information should be recorded in the minutes. A meeting agenda is only a helpful outline of topics to be discussed and may not be relied upon as a supplement to the minutes of having legal effect in the business conducted at the meeting. Further, the meeting procedure is the same for both homeowner and master associations. Parliamentary procedure provides a framework that allows for an orderly meeting and protects the right of both directors and members. There are many publications, including Robert's Rules of Order, which provide helpful guidance to the directors who preside over meetings.

-- David C. Hartwell of Penland & Hartwell, LLC 312-578-5620