

DOs and DON'Ts:

Holding Community Association Board Meetings and Maintaining Association Records

Community association board meetings and association records are important because the decisions made and documented by both the board and the membership concern every member of the association. Here are some tips for holding proper board meetings and maintaining records.

- DO** Provide proper notice of any board meeting in accordance with the association's governing documents and New Jersey law.
- DO** Hold association meetings within the development if there is suitable meeting space. If not, choose meeting space elsewhere in the municipality in which the association is located or in an adjoining municipality convenient to the members.
- DO** Prepare an agenda of the topics to be addressed at each open board meeting to be distributed to the association's members prior to the meeting.
- DO** Take minutes of each open board meeting, and make a copy of these minutes (labeled "draft, subject to change") available to the membership prior to the next meeting.
- DON'T** Exclude or restrict attendance by association members at meetings, or portions of meetings, unless the subject matter to be discussed involves:
- Any matter implicating an individual's privacy
 - Pending or anticipated litigation or contract negotiations
 - Any matter falling within the attorney-client privilege
 - Any matter involving the employment, promotion, discipline or dismissal of a specific officer or employee of the association
- DON'T** Take binding action or votes at any conference or working sessions of the board, or at any executive session. Exception: decisions and votes regarding the subject matters contained in the four bulleted items above may be made at an executive session.
- DO** Create a policy resolution to address the retention of and access to the association's books and records.
- DO** Put reasonable restrictions on the time, place and manner of the members' access to the association documents.

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- DO** Allow association members to inspect records that the association is required to keep, such as members' names and addresses, financial statements, minutes of board meetings, and signed contracts with vendors, at mutually convenient times and locations, unless such records come within the categories bulleted on the other side.
- DO** Allow association members to receive copies of records they are permitted to inspect, at reasonable cost.
- DO** Require that to obtain copies where distribution of such records or information may cause harm to any members or the association, such as subjecting owners to undesired solicitations or threatening to undermine the association's financial condition, an owner sign an agreement not to distribute copies or information to third parties (other than the owner's attorney or accountant or other members who sign a similar agreement) and not to use the materials or information for any purposes other than lawful association business and to indemnify the association for any breach of that agreement. Counsel can draft an appropriate non-disclosure/indemnification agreement.
- DON'T** Allow access to or the inspection of confidential documents that discuss pending or anticipated litigation, implicate the attorney-client privilege, discuss employment issues, constitute unawarded contract bids or negotiations or unduly invade the privacy of individual unit owners.
- DON'T** Permit access to records for commercial purposes unrelated to the association.
- DO** Consult with the association's attorney prior to disclosing documents that may be confidential or invade someone's privacy.

For more information, contact Hill Wallack LLP's Community Association Law Practice Group at 609.924.0808 or visit our blog at www.condolawnj.com.



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