

AMENDED IN ASSEMBLY APRIL 30, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2417**

**Introduced by Assembly Member La Suer**

February 21, 2002

---

---

An act to amend Section 1363.05 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as amended, La Suer. Common interest developments: meetings.

Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments and provides that any member of the association may attend meetings of the board of directors of the association, except when the board adjourns to executive session to consider litigation, matters relating to the formation of contracts with 3rd parties, member discipline, or personnel matters. Existing law requires matters discussed in executive session to be generally noted in the minutes of the board of directors.

This bill would ~~require that the execution of a contract in executive session be noted in the minutes of the board of directors for the meeting of the board that immediately follows the execution~~ *add confidential attorney-client communications to matters that the board of directors can consider in executive session. This bill would also require that matters discussed in executive session be noted in the minutes of the immediately following meeting open to the entire membership.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1363.05 of the Civil Code is amended  
2 to read:  
3 1363.05. (a) This section shall be known and may be cited as  
4 the Common Interest Development Open Meeting Act.  
5 (b) Any member of the association may attend meetings of the  
6 board of directors of the association, except when the board  
7 adjourns to executive session to consider litigation, *confidential*  
8 *attorney-client communications*, matters relating to the formation  
9 of contracts with third parties, member discipline, or personnel  
10 matters. The board of directors of the association shall meet in  
11 executive session, if requested by a member who may be subject  
12 to a fine, penalty, or other form of discipline, and the member shall  
13 be entitled to attend the executive session.  
14 (c) Any matter discussed in executive session shall be generally  
15 noted in the minutes of the board of directors. ~~The execution of a~~  
16 ~~contract in executive session shall be noted in the minutes of the~~  
17 ~~board of directors for the meeting of the board that immediately~~  
18 ~~follows the execution.~~ *of the immediately following meeting open*  
19 *to the entire membership.*  
20 (d) The minutes, minutes proposed for adoption that are  
21 marked to indicate draft status, or a summary of the minutes, of any  
22 meeting of the board of directors of an association, other than an  
23 executive session, shall be available to members within 30 days of  
24 the meeting. The minutes, proposed minutes, or summary minutes  
25 shall be distributed to any member of the association upon request  
26 and upon reimbursement of the association’s costs for making that  
27 distribution.  
28 (e) Members of the association shall be notified in writing at the  
29 time that the pro forma budget required in Section 1365 is  
30 distributed, or at the time of any general mailing to the entire  
31 membership of the association, of their right to have copies of the  
32 minutes of meetings of the board of directors, and how and where  
33 those minutes may be obtained.  
34 (f) As used in this section, “meeting” includes any  
35 congregation of a majority of the members of the board at the same



1 time and place to hear, discuss, or deliberate upon any item of  
2 business scheduled to be heard by the board, except those matters  
3 that may be discussed in executive session.

4 (g) Unless the time and place of meeting is fixed by the bylaws,  
5 or unless bylaws provide for a longer period of notice, members  
6 shall be given notice of the time and place of a meeting as defined  
7 in subdivision (f), except for an emergency meeting, at least four  
8 days prior to the meeting. Notice may be given by posting the  
9 notice in a prominent place or places within the common area, by  
10 mail or delivery of the notice to each unit in the development, or  
11 by newsletter or similar means of communication.

12 (h) An emergency meeting of the board may be called by the  
13 president of the association, or by any two members of the  
14 governing body other than the president, if there are circumstances  
15 that could not have been reasonably foreseen which require  
16 immediate attention and possible action by the board, and which  
17 of necessity make it impracticable to provide notice as required by  
18 this section.

19 (i) The board of directors of the association shall permit any  
20 member of the association to speak at any meeting of the  
21 association or the board of directors, except for meetings of the  
22 board held in executive session. A reasonable time limit for all  
23 members of the association to speak to the board of directors or  
24 before a meeting of the association shall be established by the  
25 board of directors.

