

ASSEMBLY BILL

No. 1264

Introduced by Assembly Member Leslie

February 22, 2005

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1264, as introduced, Leslie. Common interest developments.

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, or member discipline, among others.

This bill would remove matters relating to the formation of contracts with 3rd parties from the subjects that the board may adjourn to meet in executive session to consider.

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 to
2 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

1 adjourns to executive session to consider litigation, ~~matters~~
2 ~~relating to the formation of contracts with third parties~~, member
3 discipline, personnel matters, or to meet with a member, upon the
4 member's request, regarding the member's payment of
5 assessments, as specified in Section 1367 or 1367.1. The board of
6 directors of the association shall meet in executive session, if
7 requested by a member who may be subject to a fine, penalty, or
8 other form of discipline, and the member shall be entitled to
9 attend the executive session.

10 (c) Any matter discussed in executive session shall be
11 generally noted in the minutes of the immediately following
12 meeting that is open to the entire membership.

13 (d) The minutes, minutes proposed for adoption that are
14 marked to indicate draft status, or a summary of the minutes, of
15 any meeting of the board of directors of an association, other
16 than an executive session, shall be available to members within
17 30 days of the meeting. The minutes, proposed minutes, or
18 summary minutes shall be distributed to any member of the
19 association upon request and upon reimbursement of the
20 association's costs for making that distribution.

21 (e) Members of the association shall be notified in writing at
22 the time that the pro forma budget required in Section 1365 is
23 distributed, or at the time of any general mailing to the entire
24 membership of the association, of their right to have copies of the
25 minutes of meetings of the board of directors, and how and
26 where those minutes may be obtained.

27 (f) As used in this section, "meeting" includes any
28 congregation of a majority of the members of the board at the
29 same time and place to hear, discuss, or deliberate upon any item
30 of business scheduled to be heard by the board, except those
31 matters that may be discussed in executive session.

32 (g) Unless the time and place of meeting is fixed by the
33 bylaws, or unless the bylaws provide for a longer period of
34 notice, members shall be given notice of the time and place of a
35 meeting as defined in subdivision (f), except for an emergency
36 meeting, at least four days prior to the meeting. Notice shall be
37 given by posting the notice in a prominent place or places within
38 the common area and by mail to any owner who had requested
39 notification of board meetings by mail, at the address requested
40 by the owner. Notice may also be given, by mail or delivery of

1 the notice to each unit in the development or by newsletter or
2 similar means of communication.

3 (h) An emergency meeting of the board may be called by the
4 president of the association, or by any two members of the
5 governing body other than the president, if there are
6 circumstances that could not have been reasonably foreseen
7 ~~which~~ *that* require immediate attention and possible action by the
8 board, and ~~which~~ *that* of necessity make it impracticable to
9 provide notice as required by this section.

10 (i) The board of directors of the association shall permit any
11 member of the association to speak at any meeting of the
12 association or the board of directors, except for meetings of the
13 board held in executive session. A reasonable time limit for all
14 members of the association to speak to the board of directors or
15 before a meeting of the association shall be established by the
16 board of directors.