

HOUSE BILL NO. 723

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Labor and Commerce

on _____)

(Patron Prior to Substitute--Delegate Webert)

A BILL to amend and reenact § 55.1-1816 of the Code of Virginia, relating to the Property Owners' Association Act; meetings of the board of directors; inconsistent provisions.

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1816 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1816. Meetings of the board of directors.

A. All meetings of the board of directors, including any subcommittee or other committee of the board of directors, where the business of the association is discussed or transacted shall be open to all members of record. The board of directors shall not use work sessions or other informal gatherings of the board of directors to circumvent the open meeting requirements of this section. Minutes of the meetings of the board of directors shall be recorded and shall be available as provided in subsection B of § 55.1-1815.

B. Notice of the time, date, and place of each meeting of the board of directors or of any subcommittee or other committee of the board of directors shall be published where it is reasonably calculated to be available to a majority of the lot owners.

A lot owner may make a request to be notified on a continual basis of any such meetings. Such request shall be made at least once a year in writing and include the lot owner's name, address, zip code, and any email address as appropriate. Notice of the time, date, and place shall be sent to any lot owner requesting notice (i) by first-class mail or email in the case of meetings of the board of directors or (ii) by email in the case of meetings of any subcommittee or other committee of the board of directors.

25 Notice, reasonable under the circumstances, of special or emergency meetings shall be given
26 contemporaneously with the notice provided to members of the association's board of directors or any
27 subcommittee or other committee of the board of directors conducting the meeting.

28 Unless otherwise exempt as relating to an executive session pursuant to subsection C, at least one
29 copy of all agenda packets and materials furnished to members of an association's board of directors or
30 subcommittee or other committee of the board of directors for a meeting shall be made available for
31 inspection by the membership of the association at the same time such documents are furnished to the
32 members of the board of directors or any subcommittee or committee of the board of directors.

33 Any member may record any portion of a meeting that is required to be open. The board of
34 directors or subcommittee or other committee of the board of directors conducting the meeting may adopt
35 rules (a) governing the placement and use of equipment necessary for recording a meeting to prevent
36 interference with the proceedings and (b) requiring the member recording the meeting to provide notice
37 that the meeting is being recorded.

38 Except for the election of officers, voting by secret or written ballot in an open meeting shall be a
39 violation of this chapter.

40 C. The board of directors or any subcommittee or other committee of the board of directors may
41 (i) convene in executive session to consider personnel matters; (ii) consult with legal counsel; (iii) discuss
42 and consider contracts, pending or probable litigation, and matters involving violations of the declaration
43 or rules and regulations; or (iv) discuss and consider the personal liability of members to the association,
44 upon the affirmative vote in an open meeting to assemble in executive session. The motion shall state
45 specifically the purpose for the executive session. Reference to the motion and the stated purpose for the
46 executive session shall be included in the minutes. The board of directors shall restrict the consideration
47 of matters during such portions of meetings to only those purposes specifically exempted and stated in the
48 motion. No contract, motion, or other action adopted, passed, or agreed to in executive session shall
49 become effective unless the board of directors or subcommittee or other committee of the board of
50 directors, following the executive session, reconvenes in open meeting and takes a vote on such contract,

51 motion, or other action, which shall have its substance reasonably identified in the open meeting. The
52 requirements of this section shall not require the disclosure of information in violation of law.

53 D. Subject to reasonable rules adopted by the board of directors, the board of directors shall provide
54 a designated period during each meeting to allow members an opportunity to comment on any matter
55 relating to the association. During a meeting at which the agenda is limited to specific topics or at a special
56 meeting, the board of directors may limit the comments of members to the topics listed on the meeting
57 agenda.

58 E. To the extent the provisions of this section are inconsistent with provisions governing meetings
59 of the board of directors for an association's type of entity, the provisions of this section shall control.

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