



## The Arizona Open Meeting Law *A.R.S. 33-1804 / Condo A.R.S. 33-1248*

The Arizona Open Meeting Law A.R.S. 33-1804 / Condo A.R.S. 33-1248 added requirements and restrictions on committees. Regularly scheduled committee meetings must now follow the Arizona open meeting law which requires proper notice of the meeting, conducting a committee meeting as an open meeting and requiring an agenda at every meeting.

In a community association, committees are a necessary aspect of the association, they are often used to help accomplish the many tasks required of the board of directors. Committees are a way to formally bring people, who may have expertise on a subject, together to share information, coordinate actions and possibly do research which is then taken to the board for consideration and action. Committees can widen viewpoints, help the board make decisions appropriate for the association and share some of the responsibilities required of the board of directors.

Check your governing documents, but most association governing documents give the board of directors the power to establish committees for various functions.

## Committee Types

### **Executive Committees:**

Executive committees have well defined powers that are usually spelled out in the bylaws and meet frequently to manage the affairs and further the purposes of the association.

### **Standing Committees:**

A standing committee is typically established by an official and binding vote providing for its scope and powers. Standing committees can meet on a regular or irregular basis. The committee retains any power or oversight claims originally given them until subsequent actions by the association board of directors disbands the committee.

### **Working Committees:**

A working committee is also called an ad hoc committee, it is established to accomplish a particular task or to oversee an ongoing area in need of oversight. They are typically temporary committees. Many ad hoc committees are established to complete research.

## Committee Functions

*It is important to note: The board of directors typically enforces the CC&Rs, not a committee.*

**Governance:** a committee may have a specific function (architectural design committee). The committee is given the power to make decisions or take actions. Some or all powers may be limited in a committee of this type.

**Coordination:** it is typical to have smaller committees with more specialized functions, for example, finance committee, capital improvement committee or a social committee.



**Research and Recommendations:** committees are often formed to do research and make recommendations on a potential or planned project or change. For example, an association considering a capital improvement project might create a temporary working committee of several people to obtain bids, find contractors, review options, and make recommendations to the board of directors. These committees are typically dissolved after issuing recommendations which are generally in the form of a final report to the board of directors.

**Project Management:** Please be mindful that it is not generally considered good management to give responsibility to a committee to actually manage a project, however, it does happen. The problem is that no single person can be held accountable for the performance of the committee and the project as a whole.

## Set Expectations

The governing documents, president and board of directors set the tone regarding the working aspects of any committee established. The president should clearly state expectations (which are captured in the minutes) such as responsibilities, powers assigned and not assigned to the committee, when the board expects the committee to meet, requirements for presentation of written committee reports, date for completion (if there is one) and specifics required in the final report.

## Committee Requirements/Suggestions

**Regularly scheduled committees must give 48-hours notice:** An association must give notice to its members of regularly scheduled committee meetings by newsletter, conspicuous posting or any other reasonable means at least 48 hours in advance of the meeting. The notice must state the date, time, purpose and place of the meeting. Additionally, our firm recommends as best practices that, along with the required notice, associations provide a detailed agenda of such meetings at least 48 hours in advance, in the same manner as the meeting notice was provided.

**Use an agenda:** In our firm's opinion, Arizona's Open Meeting Law A.R.S. 33-1804 / Condo A.R.S. 33-1248 requires that an agenda with detail on the items to be discussed and voted on at that meeting be posted 48 hours in advance of all regularly scheduled committee meetings. All committees will benefit from the use of an agenda distributed well in advance of the committee meeting, allowing members time to do any research necessary regarding a topic. Using an agenda is one of the most important aspects of a productive meeting. The agenda should include enough detail to help the members prepare for the meeting and act as a guideline to keep the meeting on track. The agenda should include: meeting start time; meeting adjournment time; location; topic headings; time allotted for each topic; main points to be discussed under each topic; and the presenter for each topic. When followed, the agenda keeps everyone on topic moving forward.

**Architectural Committee Chair:** Membership on an architectural review committee, a design review committee or a committee that performs similar functions, however the committee shall include at least one member of the board of directors who shall serve as chairperson of the committee.



**Meeting Procedure:** Governance committees may want to use a more formal meeting process including the use of Robert's Rules of Order. Other types of committees typically operate informally. Regardless, the chairperson sets the tone and is responsible for running the meeting, keeping discussion moving forward and guiding the committee to appropriate action/decision.

## Committee Responsibilities

Committees should record actions of the committee meeting by creating meeting minutes. The minutes of the most recent meeting should be circulated to committee members before the next meeting and sent to the board of directors. Accurate notes and minutes should be kept for each decision, rationalization and action taken. The board of directors should establish specific committee responsibilities (with respect to governing documents) for each committee working for the association.

*For example:* The architectural review committee's responsibility requires that committee members are familiar with the standards, aesthetics and the rules and regulations of the association allowing them to apply these to each request. The committee must strictly adhere to timelines for approval or disapproval. Consistent, unbiased application of the architectural design policy is important. Committee members should be able to clearly rationalize each decision the committee makes and decisions should follow the governing documents or architectural policies established. Notes regarding actions for each property considered should be recorded and those notes should be placed in the appropriate lot/unit folder.

## Committee Participation

Increasing participation in committee work not only helps with the association's business workload and the particular project(s) the committee(s) might be working on, but committees are also a great training ground for future board members.

### Suggestions for increasing committee participation:

- ◆ Committee chairs should understand and convey the role of the committee to its members.
- ◆ Provide an orientation that describes the committee's responsibilities.
- ◆ Have ground rules that support participation and attendance, such as starting and ending on time, simple parliamentary procedures to ensure that the meeting moves forward and accomplishes tasks.
- ◆ Have an appropriate number of committee members. Too many members is often a deterrent to accomplishing anything.
- ◆ Consider yearly committee evaluations of the members and the effectiveness of the committee.



- ◆ Provide individual assignments to the committee members to help spread the work and give members a feeling of accomplishment.
- ◆ Provide a staff member to help with administrative support and provide information.
- ◆ For board of director's committees, monitor quorum requirements to ensure business can be completed.
- ◆ Develop a committee attendance policy that specifies the number of times a member can be absent.
- ◆ Generate minutes for each committee meeting.
- ◆ Include who is present and who is absent in committee meeting reports.
- ◆ Consider removing low-attendance members and find another venue in which they can help the association.
- ◆ Rotate in new members as necessary; consider adding and removing members on a yearly basis.
- ◆ The board of directors should recognize the work of their committees, thank them, and take their suggestions under advisement.