

THE PROPERTY LINE

DANIEL E. ANGIUS †
PAUL P. TERRY, JR. †
BRADLEY J. EPSTEIN *
JOHN J. STANDER *
JULIE M. MOUSER
MICHAEL HARDY
MELISSA BYBEE Δ
KEVIN C. CANTY
SUSANA C. CENDEJAS
ZER IYER
WILLIAM PAUL WRIGHT Δ
SAM Y. CHON
TROY R. DICKERSON Δ
M. CATHERINE GARCIA
RICHARD V. DE GRUCCIO
ASMARA S. TARAR **
JIMMY SANH L. LY

† Also admitted in Nevada and Colorado

* Also admitted in Nevada

Δ Admitted in Nevada

** Admitted in Nevada & New Jersey

1451 River Park, Dr.
Suite 285
Sacramento, CA
95815
Tel 916.567.1400
800.680.4001
Fax 916.567.1401

Walnut Creek, CA
Newport Beach, CA
Las Vegas, NV
Reno, NV

www.angius-terry.com



ATTORNEYS

New Law Makes Material Changes In How Association Board Meetings May Be Conducted



Bradley J. Epstein, Esq.
bepstein@angius-terry.com

California Civil Code Section 1363.05 is known as the “Common Interest Development Open Meeting Act.” To these ends, Section 1363.05 sets forth, among other things, the legal conditions that must be satisfied before action can be taken by the Board of Directors at a regularly scheduled meeting, an emergency meeting of the Board and a meeting of the Board in executive session.

The California Legislature has now amended Section 1363.05. Effective January 1, 2012, several major changes have been made with respect to the manner in which Board meetings may be conducted. Among the changes are the following:

1. The Board of Directors cannot take action on any item of association business outside of a duly convened meeting of the Board.
2. Under certain limited circumstances, meetings of the Board of Directors may be conducted via teleconference.
3. Absent “emergency” circumstances, the Board of Directors is prohibited from taking action via a series of emails. The Corporation Code section permitting action by the unanimous consent of the Board (Corporation Code §7211(b)) will no longer apply to homeowner association Board of Directors.
4. The association must now provide the members of the association a minimum of two (2) days notice of a meeting of the Board of Directors in executive session.

In addition, there are other less significant changes in Section 1363.05 that became effective on January 1, 2012.

Please do not hesitate to contact us in order to discuss these new changes in the Law and how we may be of assistance to you in order to implement such changes.

A handwritten signature in black ink, appearing to read 'B/ J. Epstein'.

Bradley J. Epstein, Esq.
ANGIUS & TERRY LLP
www.angius-terry.com