



General Assembly

February Session, 2010

Amendment

LCO No. 4017

HB0543404017HDO

Offered by:
REP. OLSON, 46th Dist.

To: Subst. House Bill No. 5434 File No. 551 Cal. No. 353

**"AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO
THE COMMON INTEREST OWNERSHIP ACT."**

-
- 1 In line 449, bracket "ten" and insert "five" after the closing bracket
- 2 After the last section, add the following and renumber sections and
3 internal references accordingly:
- 4 "Sec. 501. Subsection (b) of section 47-250 of the 2010 supplement to
5 the general statutes, as amended by section 25 of public act 09-225, is
6 repealed and the following is substituted in lieu thereof (*Effective July*
7 *1, 2010*):
- 8 (b) The following requirements apply to meetings of the executive
9 board and committees of the association authorized to act for the
10 association:
- 11 (1) Meetings shall be open to the unit owners and to a representative
12 designated by any unit owner except during executive sessions. The
13 executive board and those committees may hold an executive session

14 only during a regular or special meeting of the board or a committee.
15 No final vote or action may be taken during an executive session. An
16 executive session may be held only to: (A) Consult with the
17 association's attorney concerning legal matters; (B) discuss existing or
18 potential litigation or mediation, arbitration or administrative
19 proceedings; (C) discuss labor or personnel matters; (D) discuss
20 contracts, leases and other commercial transactions to purchase or
21 provide goods or services currently being negotiated, including the
22 review of bids or proposals, if premature general knowledge of those
23 matters would place the association at a disadvantage; or (E) prevent
24 public knowledge of the matter to be discussed if the executive board
25 or committee determines that public knowledge would violate the
26 privacy of any person.

27 (2) For purposes of this section, a gathering of board members at
28 which the board members do not conduct association business is not a
29 meeting of the executive board. The executive board and its members
30 may not use incidental or social gatherings of board members or any
31 other method to evade the open meeting requirements of this section.

32 (3) Notwithstanding any actions taken by unanimous consent
33 pursuant to subdivision (8) of subsection (b) of this section, during and
34 after the period of declarant control, the executive board shall meet at
35 least two times a year at the common interest community or at a place
36 convenient to the community. Those meetings, and after termination of
37 the period of declarant control, all executive board meetings, shall be
38 at the common interest community or at a place convenient to the
39 community unless the bylaws are amended to vary the location of
40 those meetings.

41 (4) At each executive board meeting, the executive board shall
42 provide a reasonable opportunity for unit owners to comment
43 regarding any matter affecting the common interest community and
44 the association.

45 (5) Unless the meeting is included in a schedule given to the unit

46 owners or the meeting is called to deal with an emergency, the
47 secretary or other officer specified in the bylaws shall give notice of
48 each executive board meeting to each board member and to the unit
49 owners. The notice shall be given at least [ten] five days before the
50 meeting and shall state the time, date, place and agenda of the
51 meeting.

52 (6) If any materials are distributed to the executive board before the
53 meeting, the executive board at the same time shall make copies of
54 those materials reasonably available to unit owners, except that the
55 board need not make available copies of unapproved minutes or
56 materials that are to be considered in executive session.

57 (7) Unless prohibited by the declaration or bylaws, the executive
58 board may meet by telephonic, video or other conferencing process if
59 (A) the meeting notice states the conferencing process to be used and
60 provides information explaining how unit owners may participate in
61 the conference directly or by meeting at a central location or
62 conference connection; and (B) the process provides all unit owners the
63 opportunity to hear or perceive the discussion and offer comments as
64 provided in subdivision (4) of this subsection.

65 (8) Instead of meeting, the executive board may act by unanimous
66 consent as documented in a record authenticated by all its members.
67 The secretary promptly shall give notice to all unit owners of any
68 action taken by unanimous consent.

69 (9) Even if an action by the executive board is not in compliance
70 with this section, it is valid unless set aside by a court. A challenge to
71 the validity of an action of the executive board for failure to comply
72 with this section may not be brought more than sixty days after the
73 minutes of the executive board of the meeting at which the action was
74 taken are approved or the record of that action is distributed to unit
75 owners, whichever is later."