

OUR MAY NEWSLETTER WAS PULLED FROM THE BLOG WRITTEN BY ADRIAN ADAMS, A WELL KNOWN HOA LAWYER. Thank you Mr. Adams.

Open Forum Policy #1. Regarding "a reasonable time limit for ALL members to speak," does that mean everyone should have a right to speak for a specified amount of time? Our board is limiting the length of open forum. And what if one person has multiple issues to bring up? -P.C.



RESPONSE: Yes, the wording of the statute is problematic. It states, "A reasonable time limit for all members of the association to speak...shall be established by the board." ([Civ. Code §4925\(a\)](#).)

Extended Comment Period. As I noted in last week's newsletter, the board can extend the time for open forums, but at some point comments become repetitious. Moreover, the board has business to conduct. The longest meeting I ever attended started at 6:00 p.m. and went to 4:00 a.m. the next morning. That is no way to run a meeting.

City Councils. Sometimes it's helpful to see how cities handle similar situations. The "[Rules of the Los Angeles City Council](#)" address public comment periods. Citizens are limited to one minute of public comment with a minimum ten minutes for the session. Boards have that same discretion. The Los Angeles City Council has more flexibility than HOA boards because it meets three times a week. If it met once a month as most association boards do and allowed unlimited public comments, they would never get any business done.

RECOMMENDATION: Having experienced an open-ended forum first-hand, I am opposed to unlimited sessions. They can become filibusters to prevent boards from conducting business. Board members are volunteers. They need to get the association's business done so they can return to their families and jobs. If some homeowners aren't able to speak to the board during a particular open forum, they can still write letters and appear at the next board meeting.

Open Forum Policy #2. Like a rule, an HOA board policy [regarding open forum time limits] must go through the regular board approval process with a board vote at a board meeting. Correct? -Robert M.

RESPONSE: No, that's not correct. Time limits are not monthly agenda items; it's a matter of boards conducting their meetings. The person conducting the meeting, normally the president, can adjust times from meeting to meeting depending on the circumstances.

Cumulative Voting. In your last newsletter you mentioned cumulative voting. If someone gets on the board who is an obstructionist, it is almost impossible to get them off the board because they are incumbents. Not having cumulative voting can also prevent new people from getting on the board and also makes it almost impossible to get problem incumbents off the board. -Ray O.

RESPONSE: After weighing all the pros and cons, I come down on the side of eliminating [cumulative voting](#) (and [proxies](#), and [quorum requirements](#)).