


Hunter's Glen Homeowners Association, Inc. Policies and Procedures			
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ORIGINATOR:	APPROVAL 1: (signature / date)		

1. INTRODUCTION

HOA Board meetings should follow a systematic plan for the orderly conduct of business. This procedure provides such a plan.

2. POLICY

Hunters Glen HOA Board meetings will follow a defined meeting process

3. DEFINITIONS

4. RESPONSIBILITY

5. REFERENCED DOCUMENTS

6. PROCEDURE

The sequence in which business is taken up during a meeting is known as the "Order of Business." The Order of Business is a blueprint for the meeting and typically has the following components:

Opening the Meeting

The presiding officer should never call the meeting to order until a quorum is present. A quorum is the number of members entitled to vote who must be present in order for business to be legally transacted. Quorum is typically defined in the governing documents.

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Once a quorum is present, the presiding officer calls the meeting to order by stating, "The meeting will come to order."

Approval of Minutes

In meetings when minutes are to be approved, the minutes are typically distributed to all members so that they do not have to be read aloud. Corrections and approval are normally done by unanimous consent. That is, the presiding officer can ask, "Is there any Objection to approving the minutes as read [or distributed]." If there is no objection, the minutes are approved.

Reports of Officers, Boards, and Standing Committees

The first substantive item of business in meetings is typically hearing from the officers and established boards and committees. The logic in this order of arrangement is to give priority to the items of business from the leadership. Typically, the presiding officer learns in advance who needs to report and only calls on those officers, boards, and committees that have reports.

Reports are generally for information only. In such instances, no motion is necessary following the reports unless there are recommendations to be implemented. A motion "to adopt" or "to accept" a report is seldom wise except when the report is to be issued or published in the name of the organization. On the other hand, it is common that the reporting member end by making a motion if there is a specific recommendation for action.

For example, the Facilities Committee may have studied the buildings and grounds. In her report, the committee chairman might thank the members of the committee for their hard work and explain in detail the committee's position and reasoning. At the end of her report, the committee chair would close by saying something to the effect of, "On behalf of the committee. I move that Building X be renovated at a cost not to exceed \$50,000.00."

Reports of Special Committees

Unlike standing committees established in the governing documents, special committees do not have continual existence. Instead, special committees exist solely for the purpose of a specific project. For example, a special committee might be created to plan a specific function or event. Special committees typically go out of existence upon their final report.

Unfinished Business

Unfinished business refers to matters carried over from a previous meeting. This

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Category of business is sometime incorrectly referred to as "old business." "Old business" is a misnomer in that unfinished business is not simply items that have been discussed previously. Instead, unfinished business items typically fall into one of several specific categories. For organizations that meet at least four times a year, unfinished business may include: (1) any matter that was pending when the previous meeting adjourned; (2) any matters on the previous meeting's agenda that were not reached; or (3) matters that were postponed to the present meeting.

The presiding officer should know if there are any items to be considered under unfinished business. As a result, the presiding officer should not ask, "Is there any unfinished business?" Instead, the presiding officer should simply state the question on the first item of business. If there is no unfinished business, the presiding officer should skip this category of business.

New Business

Much of the work in a meeting is accomplished during the heading of new business. In this category of business, members can introduce any new item of for consideration (unless there are notice requirements that must be considered). In some instances, the presiding officer may be unaware of what items of business will arise under new business. The presiding officer introduces the heading of new business by asking, "Is there any new business?" Any member can then introduce new items of business by making a motion and obtaining a second. Following the consideration of each item" the chair repeatedly asks, "Is there any further new business?" This process continues until there are no additional business items.

Closing the Meeting

In most assemblies the presiding officer can adjourn the meeting without waiting for a motion to adjourn. If all items of business have been considered, the presiding officer can ask, "Is there any further business?" If there is no response, the presiding officer simply states, "Since there is no further business, the meeting is adjourned." If custom or tradition requires that a motion to adjourn be made, the presiding officer can ask, "Is there a motion to adjourn?" Once the motion is made and seconded, the presiding officer can ask, "Is there any objection to adjourning the meeting? Hearing no objection, the meeting is adjourned."

TOOLS OF THE BOARD

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homeowner associations have their own version of the Three Rs called Rules, Regulations and Resolutions. These are the policies and procedures that define the standards of the community. They must comply with state and federal law. For example, the board cannot enact a rule that violates Fair Housing Act.

Amending bylaws is tedious and difficult. Rules and regulations or resolutions (Three Rs) can usually be modified as needed by the board. The board may use either rules and regulations or resolutions to accomplish this goal. So what's the difference?

Rules and Regulations are used to address rules of conduct. Appropriate topics include:

- Hours of operation
- Pets
- Parking
- Noise
- Restrictions (use of clubhouse, pool rules)
- Limitations on guest use.

When adopting new or revised rules, it's wise for the board to solicit owner input for a greater degree of compliance. Any proposed rule or regulation must comply with the governing documents. For example, if the governing documents state that guest parking may only be used by guests, a board rule cannot change that. That requires an amendment voted upon by the members.

Resolutions are the preferred method of establishing procedures for the homeowner association. Resolutions come in two types: policy and administrative.

Policy Resolutions define acceptable community standards. An example of a policy resolution: Many governing documents are unclear with regard to homeowner association versus owner maintenance responsibilities. Who repairs a water supply line after it enters an owner's unit? Who repairs damage from a flood originating in an upper unit? There are many variations on this theme that could be answered in a policy resolution that defines each item according to who is responsible.

This particular resolution directly impacts homeowner insurance and owner responsibilities. Other significant policy resolutions deal with money collection, architectural guidelines and enforcement procedures.

Administrative Resolutions define procedural guidelines, like how to run board and homeowner meetings.

Mechanics of a Resolution. The resolution should first cite the relevant provisions of the governing documents and any applicable state statute, especially those sections which give the homeowner association authority to establish policies. Following the authority section

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are the details of the resolution. It is highly recommended to circulate proposed resolutions to the membership for a minimum 30 day period for comment before the board votes on it. Once approved, it should be dated and signed by the board president and the secretary.

About amending the governing documents. The Three Rs can be enacted by the board but amending the governing documents must be approved by the members by the percentage indicated in the governing documents. Getting this vote is often difficult so amendments should not be undertaken lightly. However, if the documents are unwieldy or in violation of the law in some respect, amending may be prescribed. Always consult with an attorney knowledgeable in homeowner association law.

Rules, regulations and resolutions help provide a clear and systematic way to deal with routine issues. Once enacted, they need to be enforced consistently and apply to all members, including the board.