

Reader Comments On Membership Quorum

By: Kelly G. Richardson

Dear Readers: Last week's column on membership quorum struck a nerve. Here are some reader comments on this important subject.

Dear Kelly:

You missed the most obvious (to me) "quorum help" with this article [on membership quorum]. But don't feel bad most of all of the attorneys I know have missed the continued use of proxies in achieving quorum. We have continued to use the 3 year proxies as allowed by documents and we have had fewer problems achieving quorum now with the addition of the secret ballot than ever before. My [manager] colleagues here in Ventura County that took their legal counsel advice and stopped using proxies (and initially raised their eyebrows at me for using them) are using them again.

One last thing -- More and more association members are criticizing Boards for using association funds for parties or goodies at Annual Meetings as a waste of association funds. That's just we hear from the 'field'. Thought you'd like to know.

Regards,

R.S. [professional manager], Camarillo

Dear R.S.:

Thanks for your good suggestion. An association activist or director could help attain quorum by going door to door and obtaining signed proxies, or the association could keep general proxies on file, explicitly lasting for three years (the Corporations Code limit). A proxy may empower another member to vote for the member, or they can simply state they are only for quorum purposes. The latter allows a member to help the association hold meetings without giving anyone their vote.

One of the recurring myths about CID elections is that proxies are no longer permitted. This is not true per Civil Code 1363.03(d)(2). Proxies may be banned by the governing documents, but if they are not, they can still be used.

However, proxies are not as useful as they formerly were. The current "absentee-style" ballot is easy, and technical disputes can arise regarding proxies.

**Best regards,
Kelly**

Mr. Richardson:

I read with interest your recent article in the paper [on membership quorum]. While I agree with all your comments there are other issues that perhaps you may not be aware. I can confidently tell you that our manager would receive a 80% - 90% disapproval rating from the homeowners in my association. I can tell you that a number of attempts to have Board members review the manager's performance have fallen on deaf ears. The situation is severe enough in this association that during the last two elections there was not a single homeowner submitting their name to run for a Board position.

I understand that it is the responsibility of each and every homeowner to participate in the common interest of their association. However, one can only hit their head against the wall so many times before they throw up their hands in frustration and stay away. And that is exactly the greater majority of homeowners in this association has done.

D.R., Cypress, CA

Dear D.R.:

Thanks for your comments. You are correct in your observation that there is another reason why membership quorum can be hard to attain -- the members may simply be discouraged.

If the board is out of tune with the membership, the members can get together, create a slate of committed homeowners for director candidates, and demand an election (the hard part is making sure you have enough participation to create a quorum for the meeting you demand).

Common interest developments are democracies, and sometimes they are governed in a way different than one would prefer. If the Board doesn't agree, and your neighbors don't agree, your alternatives are unfortunately few: Either drop the issue and live in peace with your neighbors, or move to a different

association. Your effort to create change that nobody seems to desire can lead to stress and personal conflict, and make you and your neighbors miserable. Life is too short for that.

Hoping things improve,

Kelly

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Kelly G. Richardson, Esq. is the Managing Partner of Richardson & Harman PC, a California law firm known for its real estate and community association advice.

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Direct questions to Kelly at KRichardson@RH4Law.com

RICHARDSON & HARMAN, PC
234 EAST COLORADO BOULEVARD ■ SUITE 800 ■ PASADENA, CALIFORNIA 91101
(626) 449-5577 ■ FAX (626) 449-5572
WWW.RH4LAW.COM