

HOA Homefront

The Ten Nine** Commandments of Open Forum

By: Kelly G. Richardson

CALIFORNIA LAW, IN THE OPEN MEETING ACT (CIVIL CODE §1363.05), REQUIRES THAT ALL BOARD MEETINGS HAVE A TIME SET ASIDE FOR MEMBERS TO SPEAK. COMMONLY CALLED "OPEN FORUM," REASONABLE TIME SHOULD BE SET ASIDE AT THE BEGINNING OR END OF THE AGENDA IN ORDER TO ALLOW MEMBERS TO TALK TO THE BOARD ON ANY TOPIC, ON OR OFF THE AGENDA.

1. Thou shalt allow neighbors three minutes and three minutes only.

Time limits are necessary to provide all members a fair opportunity to speak, and to permit the board to commence its agenda. If certain individuals dominate the meeting, others will be discouraged from attending and participating.

2. Thou shalt not interrupt thy neighbors during their time.

Open forum is their time, not yours. Let them have their time. Even if you disagree, hold your comments until after open forum, or at least until after the member has had their say. If the temptation to respond is not resisted, open forum can decay into a free-for-all.

3. Thou shalt not give more time to any of thy neighbors or less time than other of thy neighbors.

There can be a temptation to short-change neighbors who are obnoxious, rude or ill-informed. Don't. It can be tempting to permit the helpful, thoughtful neighbor to have extra time. Don't. Treat everyone fairly, whether or not you think they deserve it.

4. Thou shalt heed what thy neighbors say during their time.

Listen closely to open forum, as even a disorganized, emotional or just poorly spoken member may be making an important statement somewhere in those minutes. Use the opportunity to take note of something that should be added to the agenda at a later meeting, or addressed as new business.

5. Thou shalt not permit thy neighbors to shout or to use vile words.

Threatening or offensive speech is never helpful to the community or to a board meeting.

Such conduct should not be tolerated, as it can poison the atmosphere of a meeting and discourage members from attending or participating in meetings.

6. Thou shalt not stifle criticism.

Let your neighbors question and even criticize the board's decisions. Without input from the community, the board may not know if it has erred.

7. Thy members shalt rejoice in open forum, but members shalt listen whilst the board meeting proceedeth.

Open forum brings a trade off. After the members have their opportunity to speak and the board to listen, it is the members' turn to listen. Continuing interaction between the audience and the board will destroy the ability of the chair to move the agenda forward, and diminishes the importance of the board function.

8. Thou shalt engage a scribe to publish these commandments so that all thy members may knoweth from whence their rights cometh.

Associations can and should adopt meeting rules, which include reasonable regulations and guidelines for open forum participation. Too few associations do this, and too many associations suffer with meetings that degenerate into disorganized town hall meetings. Have a few copies of the meeting rules available at every board meeting for the reference of members in attendance.

9. Thou directors shalt embrace thy open forum, as this is a necessary way for thou to learn from thy neighbors that which thou knowest not.

A community consists of more than just a board. For example, in a 95-member asso-

ciation, there are 90 other members who are not directors. Directors cannot be everywhere and know everything. Open forum is a critical way for boards to be kept informed. Wise boards will look at open forum as a valuable part of every meeting, and not a drudgery simply to be endured.

**The typical cash-strapped HOA cannot afford Ten Commandments.

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