

Q&A: Lack of Attendance at Meetings

By Alessandra Stivelman

Q Our association holds monthly meetings on the same time, day and location every month. Notices are posted in the elevators and common areas one week in advance—yet no one attends. If binding votes are required to be in the presence of owners in an open meeting, what happens when there are no attendees?

—*Apathetic in Aventura*

A “Assuming the monthly meetings are board of directors meetings (and not special or annual members meetings), the attendance of owners is not critical,” says Alessandra Stivelman, Esq., of Eisinger, Brown, Lewis, Frankel & Chalet, P.A, a law firm in Hollywood. However, Florida law requires that board of directors meetings be open to all owners—a concept often referred to as the “sunshine law.” Actions of the board must occur at properly noticed board of directors meetings and owners must be provided adequate notice of all meetings, including an agenda identifying the topics to be discussed at the meeting. Both the notice and agenda must be posted conspicuously on the condominium property at least 48 continuous hours prior to the meeting. Certain circumstances (i.e. emergencies and meetings at which special assessments or amendments to rules regarding unit use will be considered) require different notice provisions.

“When a board meeting is properly noticed, a quorum of the directors is required to conduct the meeting. Unless the association’s bylaws provide otherwise, a majority of the directors constitutes a quorum of the board. Thus, as long as a quorum of the board is present at a properly noticed board meeting, votes taken by the directors (pertaining to topics listed on the agenda) are valid even when no owners attend the meeting.”