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Recognizing Board Members During an HOA Board Meeting

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This article is part of an ongoing series in which we'll take your questions from the [HOAleader.com discussion forum](#) and get you the answers you need from experts who specialize in association management. If you have a question you need answered, [post it on the message board](#).

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An [HOAleader.com reader writes](#), "At a recent annual meeting of unit owners at which I was newly elected to the board, an [executive session](#) of the new board occurred, and a motion was offered and debated. I wanted to amend that motion before it was voted on, and without getting the attention of the chair called out, 'I wish to amend.' The other board members refused to discuss an amendment and later on accused me of interrupting the meeting. What did I do wrong and should have done? Did I need a second or something like that to get an amendment to a motion accepted and debated? Background: The motion that was offered I believed was contrary to a state (Maryland) statute, and I wished to have it amended so that it was not contrary to that statute before voting on the motion."

Here we discuss how both the president and the board member seeking to be heard should handle this type of situation. Who recognizes whom at a meeting, and what to do if you're not recognized?

It's a Free-For-All

Generally, states don't govern the parliamentary procedures boards must follow during any type of [HOA meeting](#).

"In Illinois, both townhome and condo associations are completely free to set their own rules of procedure," says Barry Kreisler, founder of Kreisler PLLC, a Chicago law firm that represents 70-100 associations, most of which are condos. "They don't have to use any existing set of procedures. Some tend to use the black book of procedures—*Robert's Rules of Order*—but it's something like a 250-page volume."

Texas is similarly hands off when it comes to meeting procedures. "There's no statutory requirement in Texas that HOAs use or conform to any parliamentary procedure rules," says Gregory S. Cagle, a partner at Savrick Schumann Johnson McGarr Kaminski & Shirley in Austin, Texas, and author of *Texas Homeowners Association Law*, written for homeowners and association leaders. "Unless it's in their actual documents—and very few, if any, have requirements that they're going to follow *Robert's Rules*; I've seen it, but it's pretty rare—the person running the meeting tends to use an informal, made up, very lax version of parliamentary procedure. It can be an absolute free-for-all. I've seen it happen where people talk over and interrupt each other."

That's also what Alessandra Stivelman, an associate attorney who specializes in community association law at Eisinger Brown Lewis Frankel & Chalet in Hollywood, Fla., has seen. "With these meetings, it can be kind of chaotic," she says. "Maybe this board member wasn't even heard. In associations with a large board, and sometimes with unit owners speaking out of turn, the president needs to move onto the next item and can't take all comments."

What Should Our Reader Have Done?

It's hard to say exactly what went wrong for our reader. But our experts have several explanations and suggestions that may help board members be heard:

- **Address the person who has the floor first.** "Typically under Robert's Rules, you'd interrupt the person who has the floor and ask if they'd be open to an amendment," says Cagle. "If they say no, you're kind of out of luck. If they say yes, you propose your motion, and that's got to be seconded."
- **Ask for a second.** [Stivelman's on the same page](#). "Generally at a meeting, you have a chair or presiding officer, which is usually the president," explains Stivelman. "To comply with proper parliamentary procedure, we refer to *Robert's Rules*. Under *Robert's*, you can comment only on items on the agenda. Assuming the board member was talking about something on the agenda, the board member's motion needs to be seconded. Then the chair has to recognize the motion and states the question: 'The question is whether to amend the motion. Let's discuss that.' The president should then open that for discussion among board members. Then there's a vote on the amendment."
- **Ask for a point of order.** "A point of order is the Robert's Rules process for when you want to stop whatever's going on to point out a rule or a violation of a rule and get the officer to rule on it," says Cagle.
- **Back up your fellow board members; they'll likely back you up, too.** Show your fellow board members respect not only because it's the decent thing to do, but also because they'll likely reciprocate. "Other board members could say to the president, 'Hey, you've got to recognize this guy. And we'd like to vote to require you to follow this procedure from now on.'"
- **Ask for the issue to be revisited.** [Stivelman suggests contacting the president and asking for the issue to be put on the agenda for the next meeting.](#)
- **If your board hasn't adopted procedures, push it to do so.** "I'd recommend the reader get a copy of *Robert's Rules* and ask his board to begin following it in the future," advises Cagle. But it doesn't have to be *Roberts Rules* that your board follows. Any parliamentary procedure practice will do—as long as it's fair and followed in good faith.