

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 55-510.1 of the Code of Virginia, relating to Property Owners'*
3 *Association Act; board of directors; access to committee and subcommittee meetings.*

4 [S 348]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 55-510.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 55-510.1. Meetings of the board of directors.

9 A. All meetings of the board of directors, *including any subcommittee or other committee thereof*,
10 shall be open to all members of record. The board of directors shall not use work sessions or other
11 informal gatherings of the board of directors to circumvent the open meeting requirements of this
12 section. *Minutes of the meetings of the board of directors* shall be recorded and shall be available as
13 provided in subsection B of § 55-510.

14 B. Notice of the time, date and place of each meeting of the board of directors *or of any*
15 *subcommittee or other committee thereof* shall be published where it is reasonably calculated to be
16 available to a majority of the lot owners and shall be sent by first-class mail or e-mail to any lot owner
17 requesting such notice. A lot owner may make a request to be notified on a continual basis of any such
18 meetings which request shall be made at least once a year in writing and include the lot owners' name,
19 address, zip code, and any e-mail address as appropriate.

20 Notice, reasonable under the circumstances, of special or emergency meetings shall be given
21 contemporaneously with the notice provided members of the association's board of directors *or any*
22 *subcommittee or other committee thereof* conducting the meeting.

23 Unless otherwise exempt as relating to an executive session pursuant to subsection C, at least one
24 copy of all agenda packets and materials furnished to members of an association's board of directors *or*
25 *subcommittee or other committee thereof* for a meeting shall be made available for inspection by the
26 membership of the association at the same time such documents are furnished to the members of the
27 board of directors *or any subcommittee or committee thereof*.

28 Any member may record any portion of a meeting required to be open. The board of directors *or*
29 *subcommittee or other committee thereof* conducting the meeting may adopt rules governing the
30 placement and use of equipment necessary for recording a meeting to prevent interference with the
31 proceedings.

32 If a meeting is conducted by telephone conference or video conference or similar electronic means, at
33 least two members of the board of directors shall be physically present at the meeting place included in
34 the notice. The audio equipment shall be sufficient for any member in attendance to hear what is said by
35 any member of the board of directors participating in the meeting who is not physically present.

36 Voting by secret or written ballot in an open meeting shall be a violation of this chapter except for
37 the election of officers.

38 C. The board of directors *or any subcommittee or other committee thereof* may convene in executive
39 session to consider personnel matters; consult with legal counsel; discuss and consider contracts, pending
40 or probable litigation and matters involving violations of the declaration or rules and regulations adopted
41 pursuant thereto for which a member, his family members, tenants, guests or other invitees are
42 responsible; or discuss and consider the personal liability of members to the association, upon the
43 affirmative vote in an open meeting to assemble in executive session. The motion shall state specifically
44 the purpose for the executive session. Reference to the motion and the stated purpose for the executive
45 session shall be included in the minutes. The board of directors shall restrict the consideration of matters
46 during such portions of meetings to only those purposes specifically exempted and stated in the motion.
47 No contract, motion or other action adopted, passed or agreed to in executive session shall become
48 effective unless the board of directors *or subcommittee or other committee thereof*, following the
49 executive session, reconvenes in open meeting and takes a vote on such contract, motion or other action
50 which shall have its substance reasonably identified in the open meeting. The requirements of this
51 section shall not require the disclosure of information in violation of law.

52 D. Subject to reasonable rules adopted by the board of directors, the board of directors shall provide
53 a designated period of time during a meeting to allow members an opportunity to comment on any
54 matter relating to the association. During a meeting at which the agenda is limited to specific topics or
55 at a special meeting, the board of directors may limit the comments of members to the topics listed on
56 the meeting agenda.