

# **And why do you think you could discuss those items not on your agenda?©**



- It was on the agenda, just not with those exact words. (CC § 1363.05(i)(1))
- An owner brought it up in open forum and we were only responding - briefly. (CC § 1363.05(i)(2)(A))
- The discussion digressed when we were asked to clarify a point. (CC § 1363.05(i)(2)(B))
- It was just a brief announcement. (CC § 1363.05(i)(2)(B))
- It was a brief report from one of the directors and not a subject for discussion or decision. (CC § 1363.05(i)(2)(B))
- A director was providing a reference or facts to the manager. (CC § 1363.05(i)(3)(A))
- The Board was providing information to the manager so that the manager could report back at a future meeting. (CC § 1363.05(i)(3)(B))
- The Board was directing the manager with respect to future agenda content or compliance. (CC § 1363.05(i)(3)(C))
- The Board voted and approved a finding that there was an emergency circumstance that (1) could not have been reasonably foreseen, (2) required immediate attention and (3) could not have been included in the notice and agenda. (CC § 1363.05(i)(4)(A)(i))
- By a 2/3 vote of directors (or unanimous if a quorum is less than 2/3) the Board found the need for immediate action because the matter came to the Board's attention after the agenda was posted. (CC § 1363.05(i)(4)(A)(ii))
- The dog ate the official agenda so we had to play it by ear. (Good Luck!)

**THE BOTTOM LINE IS THAT YOU SHOULD DO EVERYTHING REASONABLY POSSIBLE TO LET THOSE WHO READ THE AGENDA KNOW WHAT BUSINESS THE BOARD WILL BE ADDRESSING AT ITS MEETING. ANYTHING LESS IS AN EXCUSE, WHETHER STATUTORY OR NOT.**