

# MERCETRIGIANI

## VIRGINIA COMMUNITY ASSOCIATION

### GUIDELINES FOR EXECUTIVE (CLOSED) SESSION

The Virginia Condominium Act and the Virginia Property Owners' Association Act contain mandates intended to establish and encourage transparency in the governance of common interest communities:

- Section 55.1-1949.C of the Virginia Condominium Act; and
- Section 55.1-1816.C of the Virginia Property Owners' Association Act.

Much like the requirements of the Virginia Freedom of Information Act (which does not apply to community associations), the Condominium Act and Property Owners' Association Act require meetings of the board of directors and association communities to be open – except in limited circumstances and only if procedures are followed to convene properly in closed (executive) sessions.

The following guidelines apply to executive (closed) sessions at common interest community board and association committee meetings:

- Proper motion to convene in executive (closed) session
- The Board may only convene in executive (closed) session for limited purposes
- Limited purposes must be stated in the motion and may include:
  - Discussion of personnel matters
  - Consultation with legal counsel
  - Discussion and consideration of:
    - Contracts
    - Probable or pending litigation involving the Association
  - Document and rule violations
  - Personal liability of owners
- Affirmative vote must be taken in open session on a matter requiring action
- Motion and Purpose must be reasonably identified and stated in meeting minutes