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ARIZONA HOA LAW UPDATE

Open Meeting and Agenda Requirements

A Z N H Revocable Trust v. Sunland Springs Village HOA
1 CA-CV 25-0424 (Ariz. Ct. App. Apr. 28, 2026).

The Arizona Court of Appeals recently issued a decision clarifying how Associations must conduct board meetings under A.R.S. § 33-1804. The ruling tightens open-meeting requirements and changes how closed sessions and agendas must be handled.

Although this decision arises under the Planned Community Act (A.R.S. § 33-1804), the same open meeting requirements are mirrored in the Condominium Act (A.R.S. § 33-1248). As such, this guidance applies to both planned communities and condominium associations.

Key Takeaways:

- **No voting in closed session — ever:** Boards may discuss matters in executive session, but all votes and formal actions must occur in open session after member comment.
- **Agendas must be meaningful — even for closed sessions:** A bare statutory citation in the agenda is no longer sufficient. Agendas must include enough detail to reasonably inform members of what will be discussed, without disclosing privileged or confidential information.
- **Meeting notices are unchanged:** Date, time, place, and referencing the statutory basis for a closed (executive) meeting remain sufficient for purposes of the meeting notice.
- **Closed-session authority must be documented:** The Board must identify the basis for closing a meeting. That authority may be delegated, but the delegation should be formally approved and reflected in the minutes.
- **Policy favors transparency:** The statute is to be interpreted in favor of open meetings and member participation.

What Boards Now Need to Do

- **Move all voting to open session:** Do not take any formal action (board vote) in executive session. Discuss in closed session if needed, then return to open session for a motion, member comment, and vote.
- **Revise agenda practices (this is the biggest change):** In addition to the statutory reference, each closed-session agenda item must include a brief, general description of the topic.

Examples:

- “Legal advice regarding pending litigation — drainage claim (Lot 47)”
- “Discussion of delinquent assessment account — possible foreclosure”
- “Owner violation appeal — Lot [#]”
- “Personnel matter regarding community manager performance”

Do not use:

- Only a statutory citation
- Vague labels such as “legal,” “personnel,” or “executive session”
- **Follow a consistent meeting sequence:**
 - Discuss the matter in closed session (if appropriate)
 - Return to open session
 - Make a motion identifying the action
 - Allow member comment
 - Take a vote
- **Use a standard motion for enforcement and collections:** An example motion during open meetings: “Authorize counsel to proceed with collection action on the delinquent accounts discussed in executive session.”
- **Draft agendas to support the vote:** Include an open-session agenda item such as: “Possible action regarding delinquent accounts discussed in executive session.”
- **Keep minutes clean and limited –**

Minutes should reflect:

- return to open session
- the motion
- the vote

Do not include names, account details, or privileged information.

- **Document who is delegated to prepare agendas:** If the president, another officer or the community manager prepares agendas, adopt a board resolution confirming that authority and reflect it in the minutes.
- **Maintain confidentiality:** Provide enough information to inform members, but do not include privileged or sensitive details.

Practical Rule Going Forward

- If the Board is deciding something by board vote, it must happen in open session.
- If the Board is discussing something confidential, it may happen in closed session — but the agenda must still describe the topic in general terms.
- Boards should adopt a collection policy and adopt a resolution designating who is authorized to prepare meeting agendas.

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