

“Workshop” Loophole Doesn’t Exist

“The board may not, unless done in an open meeting for which prior notice was given to owners under Subsection (e), consider . . . amendment of a dedicatory instrument”

– Texas Residential Property Owners Protection Act, prohibiting discussion of bylaw amendment without full protection of homeowners’ rights

The Board may not, unless done in a “workshop,” consider . . . amendment of a dedicatory instrument
– essence of misinformation provided to CPMCA Board

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The Open Board Meetings section of the Texas Property Owners Protection Act clearly requires that whenever the CPMCA Board convenes to conduct business, it must do so in an open meeting, with advance notice and other rules designed to protect homeowner rights and privileges. Only three very carefully restricted exceptions are given by the law. A “workshop” loophole doesn’t exist.

Let’s briefly review those three exceptions in the context of the Board’s current considerations to make drastic, sweeping changes to CPMCA bylaws –

- (1) *Executive Session.* A duly convened open Board meeting may be adjourned into executive session for a tightly constrained list of topics. Changes to CPMCA bylaws is not one of those topics. For executive session issues, a “workshop” loophole doesn’t exist.
- (2) *Social Function Exception.* A quorum of Board directors attending a social function does not necessarily constitute an open Board meeting. That exception doesn’t work, however, if “any discussion of association business is incidental to the social function.” By no stretch of the imagination could the Board’s recent intensive consideration of bylaw amendment be called “incidental” if it had been conducted at a Pancake Breakfast; so the social function exception could not be used. But what if the property management agent dodges homeowner protections by calling the Pancake Breakfast a “workshop”? or takes the pancakes back into the Bingo Room for a “workshop” with amenities? or dispenses with pancakes altogether and simply convenes a “workshop”? Such twisted logic would make the social function exception’s restrictions pure nonsense: why allow in a “workshop” what is prohibited during a social function? The fact is, a “workshop” loophole doesn’t exist.
- (3) *Administrative Actions Exception.* What may be referred to as an exception for administrative actions allows for Board action outside a meeting, without notice to homeowners. But notice, that exception does not authorize a *meeting* of the Board without homeowner protections intact, but rather only allows for certain actions *outside* a meeting. And very explicitly, Texas law states that the administrative actions exception may *not* be used for a Board meeting convened to consider changes to bylaws. Again, a “workshop” loophole doesn’t exist.

On July 10, the CPMCA Board even began to consider amendment of our bylaws to include a provision that would allow the Board to hold “workshops” without compliance with the homeowner protections guaranteed by Texas law. Even if the Board were to manage to get its way, our own bylaw provision still cannot authorize meetings that fail to comply with the Open Board Meetings rules of the Texas Property Owners Protection Act. Bylaw provision or no bylaw provision, a “workshop” loophole does *not* exist.

No matter how severely misinformation about Texas law is distorted in an attempt to deprive homeowners of protection of basic rights, a “workshop” loophole does *not* exist.