

HOA Meeting Checklist -- New Mexico

Annual Meetings · Board Meetings · Quorum · Minutes

Use this checklist for every HOA meeting in New Mexico. This reflects New Mexico Homeowner Association Act, NMSA 1978, §§47-16-1 through 47-16-18. where it applies -- always verify against your governing documents, which may set a stricter rule. This is a governance aid, not legal advice.

PHASE 1 - BEFORE THE MEETING

DETERMINE MEETING TYPE

- | | |
|--|--|
| ☐ Annual / membership meeting | ☐ Regular board meeting |
| ☐ Special membership meeting | ☐ Special board meeting |

REVIEW GOVERNING DOCUMENTS

- | | |
|---|--|
| ☐ Declaration / CC&Rs | ☐ Confirm notice deadline & method
<i>Notice: Annual meeting required at least once every 13 months. Notice 10-50 days before</i> |
| ☐ Bylaws | ☐ Confirm quorum requirement
<i>Quorum: The Homeowner Association Act does not establish a numerical quorum require</i> |
| ☐ Adopted meeting/election rules | ☐ Confirm agenda notice requirements
<i>Agenda: No general requirement that annual-meeting notice contain a full agenda; special</i> |

PREPARE & SEND NOTICE

- | | |
|---|--|
| ☐ Notice sent by required method
<i>Mail / hand delivery / electronic as bylaws permit</i> | ☐ Notice includes: election information (if applicable) |
| ☐ Notice sent within required window | ☐ Notice includes: proxy instructions (if applicable) |
| ☐ Notice includes: date, time, location | ☐ Affidavit / proof of notice prepared |
| ☐ Notice includes: agenda items
<i>No general requirement that annual-meeting notice contain a full agenda; special-meeting ...</i> | |

Watch out: Do not copy last year's notice without checking whether the meeting involves an election, amendment, budget change, or director removal - those may require different notice language or a longer window.

BUILD THE QUORUM WORKSHEET

TOTAL VOTING INTERESTS

VOTES NEEDED FOR QUORUM

NOTICE SENT DATE

MINUTES RECORDER

QUORUM REQUIREMENT

The Homeowner Association Act does not ...

MEETING DATE / TIME

NOTICE METHOD

ELECTION REQUIRED?

Yes / No

VERIFY PROXIES (MEMBERSHIP MEETINGS)

- | | |
|---|---|
| ☐ Each proxy is signed | ☐ No conflicting / duplicate proxies |
| ☐ Each proxy is dated | ☐ Proxies logged in a proxy register |

☐ Each proxy identifies the meeting

☐ Proxy validity / expiration checked

Proxy voting expressly required/permitted; proxy must be dated and executed, revocable b

☐ Proxy is from an eligible voting interest

ELECTION PREPARATION (IF APPLICABLE)

☐ Candidate eligibility confirmed

☐ Who counts ballots - identified in advance

☐ Nomination procedure followed

☐ Tie procedure established

☐ Voting method determined (secret / open ballot)

☐ Ballot / proxy forms prepared

PHASE 2 - AT THE MEETING

OPENING

☐ Call meeting to order - record exact time

☐ Identify presiding officer

☐ Confirm proof of notice

☐ Identify minutes recorder

ESTABLISH QUORUM -- BEFORE ANY VOTE

OWNERS PRESENT

VALID PROXIES

TOTAL REPRESENTED

REQUIRED FOR QUORUM

QUORUM ACHIEVED?

The Homeowner Association Act does not ...

Yes / No

If quorum is not met: do NOT conduct member business. Call the meeting to order, announce the quorum calculation, and follow the applicable adjournment procedure. In New Mexico: The Homeowner Association Act contains no statutory reduced-quorum or adjournment procedure for an association meeting at which a quorum is absent. The Act leaves this issue outside its specific meeting provisions.

CONDUCT THE MEETING

☐ Follow the prepared agenda

☐ Do not vote on matters outside the agenda

Especially amendments, assessments, director removal

☐ State each motion clearly before voting

☐ Do not conduct member business at a board meeting

☐ Record who made and seconded each motion

☐ Member speaking rights observed

Open meetings: Lot owners have the right to attend and speak at open meetings; not every

☐ Record the exact vote count and result

EXECUTIVE / CLOSED SESSION (BOARD MEETINGS)

☐ Valid statutory basis identified before closing

☐ Entry time recorded in minutes

☐ Exit time recorded in minutes

☐ Formal vote (if any) taken in open session after reconvening

☐ Post-session summary entered in minutes where required

Executive session is not a general privacy button. "We'd rather discuss this privately" is not a statutory basis. In New Mexico, permitted categories: Legal advice; pending/contemplated litigation; personal, health, or financial information concerning an individual member, employee, or contractor. §47-16-17(E).

IF NO QUORUM -- ADJOURNMENT

- ☐ Quorum calculation announced and recorded
- ☐ Motion to adjourn made and passed
- ☐ New date / time / place announced or noted for re-notice

- ☐ All proxies and attendance records preserved
- ☐ Adjournment procedure followed

The Homeowner Association Act contains no statutory reduced-quorum or adjournment procedure.

ADJOURNMENT

- ☐ Motion to adjourn made
- ☐ Adjournment time recorded

- ☐ Ballots / proxies retained
Do not discard - needed if results are challenged

PHASE 3 - AFTER THE MEETING

DRAFT MINUTES -- PROMPTLY

- ☐ Association name, meeting type, date, time, location
- ☐ Presiding officer and minutes recorder identified
- ☐ Proof of notice recorded
- ☐ Quorum calculation recorded
Owners present + valid proxies = total represented vs. required
- ☐ Each motion stated precisely
- ☐ Maker and seconder of each motion
- ☐ Vote count and result for each motion
- ☐ Election results recorded
- ☐ Executive session entry / exit times and any required summary
- ☐ Adjournment time recorded

Minutes are an official record, not a transcript. Record what was decided, not every word spoken. Avoid personal commentary. Good example: "Motion by Smith, seconded by Jones, to approve the landscaping contract for \$12,000. Passed 4-1." Bad example: "There was a long discussion and people seemed pretty divided."

RECORDS & FOLLOW-UP

- ☐ Minutes approved at next appropriate meeting
- ☐ Ballots and proxies retained
Minutes retention: Association must maintain minutes of all association meetings, including...
- ☐ Records available for member inspection as required
- ☐ Any required post-meeting notices sent
e.g. election results broadcast, assessment notices
- ☐ Action items assigned with owner and deadline
- ☐ Next meeting date confirmed and calendared

NEW MEXICO QUICK REFERENCE

Governing statute	New Mexico Homeowner Association Act, NMSA 1978, §§47-16-1 through 47-16-18.
Member meeting notice	Annual meeting required at least once every 13 months. Notice 10-50 days before the meeting; must state time, date, and location. Special-meeting notice must state purpose(s). NMSA §47-16-17(A)-(B).
Agenda in notice	No general requirement that annual-meeting notice contain a full agenda; special-meeting notice must state purpose(s). §47-16-17(B).
Member quorum default	The Homeowner Association Act does not establish a numerical quorum requirement for meetings of association members. Sec. 47-16-17 establishes annual and special meeting requirements and notice but does not prescribe a member-quorum percentage.
Proxy rules	Proxy voting expressly required/permitted; proxy must be dated and executed, revocable by notice, and valid only for the meeting for which cast; proxy/absentee votes count toward quorum. NMSA §47-16-9.
If quorum fails	The Homeowner Association Act contains no statutory reduced-quorum or adjournment procedure for an association meeting at which a quorum is absent. The Act leaves this issue outside its specific meeting provisions.

Board meetings open	Lot owners have the right to attend and speak at open meetings; not every portion of every meeting is open. §47-16-17(D)-(E).
Board meeting notice	At least 48 hours in advance, unless governing documents require longer; notice must state time/date/location and drafts of proposed policy resolutions. §47-16-17(C).
Board quorum default	The Homeowner Association Act does not establish a numerical quorum requirement for the board of directors. The Act addresses board duties and association meetings but contains no board-quorum percentage.
Executive session	Legal advice; pending/contemplated litigation; personal, health, or financial information concerning an individual member, employee, or contractor. §47-16-17(E).
Minutes retention	Association must maintain minutes of all association meetings, including agenda summaries and formal actions. Separately, minutes for the previous 5 years must be available as association records. NMSA §§47-16-5, 47-16-17.
Citation	NMSA 1978 §§47-16-5, 47-16-9, 47-16-17.

These reflect statutory defaults for New Mexico and apply only when your governing documents do not specify otherwise -- your declaration and bylaws generally control. This checklist is a governance aid, not legal advice. For contested elections, amendments, director removal, or disputed voting rights, have the association's attorney review the procedure before the meeting.