

HOA Meeting Checklist -- West Virginia

Annual Meetings · Board Meetings · Quorum · Minutes

Use this checklist for every HOA meeting in West Virginia. This reflects West Virginia Uniform Common Interest Ownership Act, W. Va. Code ch. 36B. 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: 10-60 days. §36B-3-108.</i> |
| ☐ Bylaws | ☐ Confirm quorum requirement
<i>Quorum: 20% unless bylaws provide otherwise. §36B-3-109(a).</i> |
| ☐ Adopted meeting/election rules | ☐ Confirm agenda notice requirements
<i>Agenda: Required — notice must state time/place and agenda items, including the general nature of...</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>Required — notice must state time/place and agenda items, including the general nature of...</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

20% unless bylaws provide otherwise. §3...

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 |

Permitted — §36B-3-110 expressly authorizes duly executed proxies.

☐ 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?

20% unless bylaws provide otherwise. §3...

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 West Virginia: Sec. 36B-3-109 establishes a board quorum of 50% unless the bylaws specify a larger percentage, but the Uniform Common Interest Ownership Act does not provide an automatic reduced-quorum or adjournment procedure when that board quorum is not met.

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: The Uniform Common Interest Ownership Act does not require executive-

☐ 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 West Virginia, permitted categories: Chapter 36B contains no statutory list of executive-session categories for common-interest-community boards. The general West Virginia Open Governmental Proceedings Act's executive-session rules apply to public agencies, not ordinary private common-interest-community associations.

IF NO QUORUM -- ADJOURNMENT

☐ Quorum calculation announced and recorded

☐ All proxies and attendance records preserved

- ☐ Motion to adjourn made and passed
- ☐ New date / time / place announced or noted for re-notice
- ☐ Adjournment procedure followed
Sec. 36B-3-109 establishes a board quorum of 50% unless the bylaws specify a larger per

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: The Uniform Common Interest Ownership Act requires the association to ...

☐ 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

WEST VIRGINIA QUICK REFERENCE

Governing statute	West Virginia Uniform Common Interest Ownership Act, W. Va. Code ch. 36B.
Member meeting notice	10-60 days. §36B-3-108.
Agenda in notice	Required — notice must state time/place and agenda items, including the general nature of proposed declaration/bylaw amendments, budget changes, and proposed officer/board-member removal. §36B-3-108.
Member quorum default	20% unless bylaws provide otherwise. §36B-3-109(a).
Proxy rules	Permitted — §36B-3-110 expressly authorizes duly executed proxies.
If quorum fails	Sec. 36B-3-109 establishes a board quorum of 50% unless the bylaws specify a larger percentage, but the Uniform Common Interest Ownership Act does not provide an automatic reduced-quorum or adjournment procedure when that board quorum is not met.
Board meetings open	The Uniform Common Interest Ownership Act does not require executive-board meetings of a common interest community to be open to unit owners. Sec. 36B-3-103 governs executive-board authority and duties, while Sec. 36B-3-108 addresses meetings of the association and does not impose an open-board-meeting requirement.

Board meeting notice	W. Va. Code Ch. 36B (Uniform Common Interest Ownership Act) does NOT establish a distinct notice period for executive-board meetings. §36B-3-108's 10-to-60-day notice window applies specifically to ASSOCIATION (membership) meetings, not board meetings — do not conflate the two. §36B-3-103 (board authority) and §36B-3-106 (required bylaws content) are both silent on a board-meeting notice window. However, for an association organized as a West Virginia nonprofit corporation, Ch. 31E (Nonprofit Corporation Act) §31E-8-822 supplies a distinct default: regular board meetings require NO notice unless the articles/bylaws provide otherwise; special board meetings require at least 2 days' notice of date, time, and place, unless the articles/bylaws set a longer or shorter period.
Board quorum default	50% unless bylaws specify a larger percentage. §36B-3-109(b).
Executive session	Chapter 36B contains no statutory list of executive-session categories for common-interest-community boards. The general West Virginia Open Governmental Proceedings Act's executive-session rules apply to public agencies, not ordinary private common-interest-community associations.
Minutes retention	The Uniform Common Interest Ownership Act requires the association to keep financial records sufficiently detailed for statutory compliance and to make financial and other records reasonably available to unit owners, but it does not prescribe a specific minutes-retention period. If the association is organized as a West Virginia nonprofit corporation, the separate Nonprofit Corporation Act requires board and member-meeting minutes to be kept as permanent corporate records.
Citation	W. Va. Code §§36B-3-108, 36B-3-109, 36B-3-110.

These reflect statutory defaults for West Virginia 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.