

§ 11A-128. Books and Records; Meetings

(a) The association, or developer during the developer control period, shall keep books and records in accordance with generally accepted accounting principles.

(b) (1) On the request of the owners of at least 5 percent of the time-shares, the association, or developer during the developer control period, shall cause an audit of the books and records to be made by an independent certified public accountant at common expense.

(2) An audit may not be required more than once in any consecutive 12-month period.

(c) Every record of the association kept by the association, or by the developer during the developer control period, shall be available at some place designated by the association or developer within the county where the time-share is located for inspection and copying by any time-share owner, the owner's mortgagee, or their duly authorized agents or attorneys, during normal business hours, and after reasonable notice.

(d) A meeting of the board of directors or governing body of the association may be held in closed session only for the following purposes:

(1) Discussion of matters pertaining to employees and personnel;

(2) Protection of the privacy or reputation of individuals in matters not related to the council of unit owners' business;

(3) Consultation with legal counsel;

(4) Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation;

(5) Investigative proceedings concerning possible or actual criminal misconduct;

(6) Complying with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure; or

(7) On an individually recorded affirmative vote of two-thirds of the board members present, for some other exceptional reason so compelling as to override the general public policy in favor of open meetings.

(e) If a meeting is held in closed session under subsection (d) of this section:

(1) An action may not be taken and a matter may not be discussed if it is not permitted by subsection (d) of this section; and

(2) A statement of the time, place, and purpose of any closed meeting, the record of the vote of each board member by which any meeting was closed, and the authority under this section for closing any meeting shall be included in the minutes of the next meeting of the board of directors.