

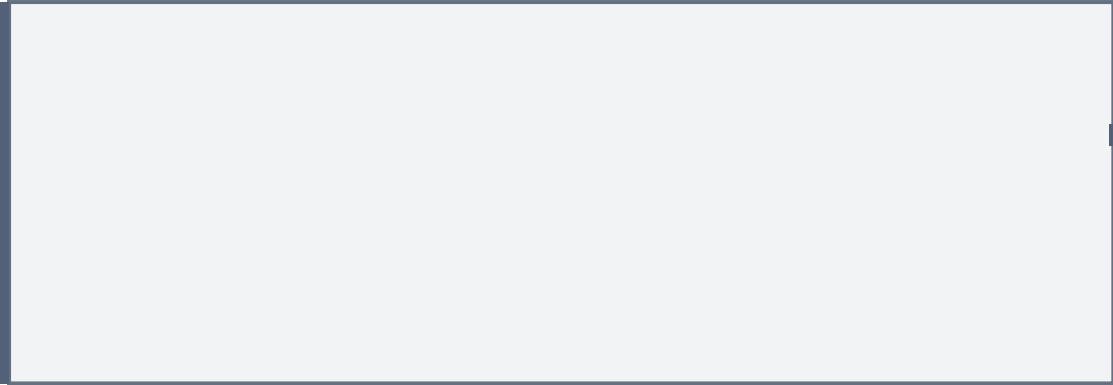


Section 5 - Sample Provision Excerpt (Public Preview)

Regular Meetings

Regular meetings of the Board of Directors may be held without notice at such time and place as may be fixed by the Board. Any Member may attend as a non-voting guest, upon approval by the President, which approval shall not be unreasonably withheld.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5 (p. 7): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Cal. Civ. Code §§ 5200 - 5240.

Statutory / Legal Reference: Cal. Civ. Code § 4000 - 6150 (Davis-Stirling Common Interest Development Act); Cal. Civ. Code § 5200 - 5240
Statutory Comparison: Under Cal. Civ. Code §§ 5200 - 5240 and Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development Act), all meetings of the Board of Directors at which a quorum gathers to conduct association business must be open to all members with advance notice posted or delivered to owners, and owners must be afforded a reasonable opportunity to speak on agenda items.

CURRENT WORDING IN DOCUMENT:
Regular Meetings Regular meetings of the Board of Directors may be held without notice at such time and place as may be fixed by the Board. Any Member may attend as a non-voting guest, upon approval by the President, which approval shall not be unreasonably withheld.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Require all regular and special Board meetings to be open to all members with advance notice and agenda posting in accordance with Cal. Civ. Code §§ 5200 - 5240, and restrict action without a meeting to narrow emergency circumstances permitted by Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development Act).