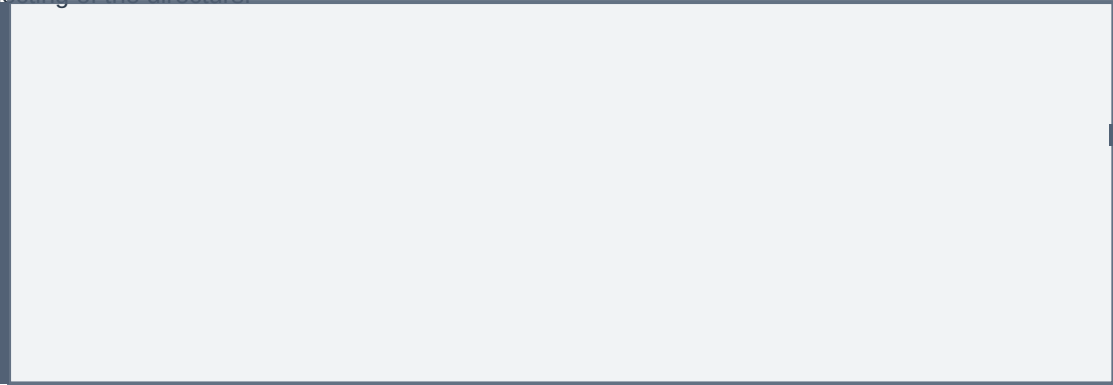


Section 5. - Sample Provision Excerpt (Public Preview)

Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5. (p. 5): 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:

Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

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).