ISSUE #1

Section 4.21 - Sample Provision Excerpt (Public Preview)

Community has been conveyed to a First Owner, 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 consent of all the directors. Such written consent shall be filed with the minutes of the proceedings of the Board.

MARKUP #1 ->

MARKUP #1 · STATUTORY MEETING & OWNER RIGHTS DEFECT

BOARD & COUNSEL REVIEW

Sec. 4.21 (p. 1): Provision authorizes holding regular Board of Directors meetings "without notice" or closing Board meetings to members, conflicting with Cal. Civ. Code §§ 4910, 4920 & 4925.

Statutory / Legal Reference: Cal. Civ. Code §§ 4910, 4920 & 4930 (Davis-Stirling Open Meeting Act)

Statutory Comparison: Under Cal. Civ. Code §§ 4910, 4920 & 4925 (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. Broad corporate bylaws clauses permitting "regular meetings without notice" conflict with statutory open-meeting notice mandates.

CURRENT WORDING IN DOCUMENT:

Community has been conveyed to a First Owner, 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 consent of all the directors. Such written consent shall be filed with the minutes of the proceedings of the Board.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

in accordance with Cal. Civ. Code §§ 4910, 4920 & 4925.