ISSUE #1

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.

MARKUP #1 ->

MARKUP #1 · STATUTORY MEETING & OWNER RIGHTS DEFECT

BOARD & COUNSEL REVIEW

Sec. 5. (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.

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):

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