Section Clause #1 - Sample Provision Excerpt (Public Preview)

North Beach Neighbors Bylaws
Revised: June 9, 2025 by vote of the membership
EIN94-3150377
501(c)(3) tax status granted in 2025
ARTICLE 1: NAME
ARTICLE 2: AMENDMENTS

ISSUE #1

ARTICLE 3: BOUNDARIES
ARTICLE 4: PURPOSE
ARTICLE 5: MEMBERSHIP AND DUES
ARTICLE 6: MEETINGS OF MEMBERS AND VOTING
ARTICLE 7: BOARD OF DIRECTORS
ARTICLE 8: EXECUTIVE...

MARKUP #1 ->

MARKUP #1 · GOVERNANCE & VOTING CONTROL RISK

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Provision authorizes the Board of Directors to amend the Bylaws unilaterally by board vote without approval of the Association members under Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development Act) and Cal. Corp. Code §§ 7110 - 8910 (Nonprofit Mutual Benefit Corporation Law).

Statutory / Legal Reference: Cal. Civ. Code § 4000 - 6150 (Davis-Stirling Common Interest Development Act); Cal. Corp. Code § 7110 - 8910 (Nonprofit Mutual Benefit Corporation Law)

Statutory Comparison: Allowing the Board of Directors to amend the Bylaws without a vote of the members enables an incumbent board to unilaterally alter quorum thresholds, election procedures, term limits, and member governance protections in conflict with Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development Act) and Cal. Corp. Code §§ 7110 - 8910 (Nonprofit Mutual Benefit Corporation Law).

CURRENT WORDING IN DOCUMENT:
North Beach Neighbors Bylaws Revised: June 9, 2025 by vote of the membership EIN94-3150377 501(c)(3) tax status granted in 2025 ARTICLE 1: NAME ARTICLE 2: AMENDMENTS ARTICLE 3: BOUNDARIES ARTICLE 4: PURPOSE ARTICLE 5: MEMBERSHIP AND DUES ARTICLE 6: MEETINGS OF MEMBERS AND VOTING ARTICLE 7: BOARD OF DIRECTORS ARTICLE 8: EXECUTIVE...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Require amendments to the Bylaws to be approved by the requisite vote of the Association members at a duly noticed membership meeting in accordance with Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development Act) and Cal. Corp. Code §§ 7110 - 8910 (Nonprofit Mutual Benefit Corporation Law).