Section 7. - 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 the meeting of the Directors.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 7. (p. 4): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with undefined.

Statutory / Legal Reference: N.C. Gen. Stat. Ch. 47F (NC Planned Community Act) & 21 NCAC 58A .0114 (NCREC Disclosure Rules); undefined

Statutory Comparison: Under undefined and N.C. Gen. Stat. Ch. 47F (NC Planned Community Act) & 21 NCAC 58A .0114 (NCREC Disclosure Rules), 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 the 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 undefined, and restrict action without a meeting to narrow emergency circumstances permitted by N.C. Gen. Stat. Ch. 47F (NC Planned Community Act) & 21 NCAC 58A .0114 (NCREC Disclosure Rules).