Section 4.6 - Sample Provision Excerpt (Public Preview)

Annual Meetings. The Board of Directors may hold its annual meeting, if a quorum is present, immediately after and at the same place as the annual meeting of Members. Notice of such meeting will not be necessary.

Regular Meetings. Regular meetings of the Board of Directors may be held without notice at such times and places as designated from time to time by resolution of the Board of Directors and communicated to all directors.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.6 (p. 6): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule).

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); Tex. Prop. Code § 209.005 & 1 TAC § 70.3 (Open Records Cost Schedule)

Statutory Comparison: Under Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule) and Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate 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:

Annual Meetings. The Board of Directors may hold its annual meeting, if a quorum is present, immediately after and at the same place as the annual meeting of Members. Notice of such meeting will not be necessary. Regular Meetings. Regular meetings of the Board of Directors may be held without notice at such times and places as designated from time to time by resolution of the Board of Directors and communicated to all 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 Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule), and restrict action without a meeting to narrow emergency circumstances permitted by Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules).