

Section 9.02 - Sample Provision Excerpt (Public Preview)

(a) (ii), or if such a quorum cannot be obtained and such a committee cannot be established, by a majority vote of all directors. (iv.) Majority vote of members, excluding directors who are named defendants or respondents in the proceeding.

(b) The Corporation shall authorize indemnification and determine that expenses to be reimbursed are reasonable in the same manner that it determines whether indemnification is permissible.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 9.02 (p. 16): Board meeting clause provides less than the mandatory 144-hour (regular) / 72-hour (special) owner notice or permits secret/unnoticed board votes on fines, assessments, or budget adoption in violation of Tex. Prop. Code § 209.0051(e)-(h).

Statutory / Legal Reference: Tex. Prop. Code § 209.0051(e)-(h) (SB 1588)
Statutory Comparison: Under Tex. Prop. Code § 209.0051(e) (as amended by SB 1588), all regular and special board meetings must be open to owners, and notice of the date, hour, place, and general subject of the meeting must be posted (including on any association website) and emailed to each registered owner at least 144 hours (6 days) before a regular board meeting and at least 72 hours (3 days) before a special board meeting.

CURRENT WORDING IN DOCUMENT:

(a) (ii), or if such a quorum cannot be obtained and such a committee cannot be established, by a majority vote of all directors. (iv.) Majority vote of members, excluding directors who are named defendants or respondents in the proceeding.

(b) The Corporation shall authorize indemnification and determine that expenses to be reimbursed are reasonable in the same manner that it determines whether indemnification is permissible.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

(a) (ii), or if such a quorum cannot be obtained and such a committee cannot be established, by a majority vote of all directors. (iv.) Majority vote of members, excluding directors who are named defendants or respondents in the proceeding.

(b) The Corporation shall authorize indemnification and determine that expenses to be reimbursed are reasonable in the same manner that it determines whether indemnification is permissible. [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Pursuant to Tex. Prop.