Section 2.6.10 - Sample Provision Excerpt (Public Preview)

Action Without a Meeting. Any action required or permitted to be taken by
the board at a meeting may be taken without a meeting, if all directors individually or
collectively consent in writing to such action. The written consent must be filed with the
AMENDED AND RESTATED BYLAWS OF
SHALIMAR AT GEORGETOWN HOMEOWNERS ASSOCIATION, INC.
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ISSUE #1

MARKUP #1 ->

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

Sec. 2.6.10 (p. 8): 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...

CURRENT WORDING IN DOCUMENT:

Action Without a Meeting. Any action required or permitted to be taken by the board at a meeting may be taken without a meeting, if all directors individually or collectively consent in writing to such action. The written consent must be filed with the AMENDED AND RESTATED BYLAWS OF SHALIMAR AT GEORGETOWN HOMEOWNERS ASSOCIATION, INC. I:100135ldocslby-pud_v2...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0051(e)-(h) (SB 1588), all regular and special Board meetings shall be open to Owners, with notice of the date, hour, place, and agenda posted and emailed to Owners at least 144 hours before a regular Board meeting and at least 72 hours before a special Board meeting.