ISSUE #1

Section 1. - Sample Provision Excerpt (Public Preview)

Regular Meetings. Regular meetings of the Board of Directors shall be held monthly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 1): Open Board Meeting, Action Without Meeting, or Member Governance Defect: Clause authorizes unnotified board meetings or unilateral board action by written/email consent outside open noticed meetings, or unlawfully restricts member governance rights under VA law.

Statutory / Legal Reference: Va. Code § 55.1-1816 (Open Board Meetings & Executive Session)

Statutory Comparison: Under Va. Code § 55.1-1816 (Open Board Meetings & Executive Session), association boards must conduct business in open meetings noticed to the membership and may not dispense with notice or take substantive policy, budget, assessment, or enforcement action by written/email consent outside an open meeting, nor expel members from an appurtenant real-property association or count unreturned proxies as affirmative votes.

CURRENT WORDING IN DOCUMENT:

Regular Meetings. Regular meetings of the Board of Directors shall be held monthly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 1. to require open noticed board meetings and prohibit board action without a meeting on substantive matters as mandated by Va. Code § 55.1-1816 (Open Board Meetings & Executive Session).