

ISSUE #1

Section 1: [Article V, Section 4] Board of Directors Meetings and Executive Sessions

All regular and special meetings of the Board of Directors may be closed to the general membership at the discretion of the President, and Members attending any open portion of a Board meeting shall be observers only and shall not be permitted to speak or comment unless invited by the President.

MARKUP #1 ->

Section 2: [Article IV, Section 2] Notice of Annual and Special Membership Meetings

Written notice of any annual or special meeting of the Members shall be given by posting notice on the Clubhouse bulletin board at least five (5) days prior to the meeting, and such notice need not include copies of any proposed budget or proposed contract or declaration amendment.

Section 3: [Article IX, Section 3] Retention and Inspection of Association Records

The Board of Directors may dispose of financial records, tax returns, and meeting minutes after two (2) years, and no Member shall be allowed to inspect or copy contracts, proxies, ballots, or financial statements without an order of the Board.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article V, Section 4 (p. 1): Closing board meetings at the President's discretion and denying unit owners a reasonable opportunity to comment violate the Kansas Uniform Common Interest Owners Bill of Rights Act.

Statutory / Legal Reference: K.S.A. 58-4611

Statutory Comparison: Under K.S.A. 58-4611(a) and (b), all meetings of the board of directors and committees must be open to the unit owners except during executive sessions held only for specific statutorily enumerated purposes (such as consulting with the association's attorney or discussing existing/potential litigation). Furthermore, K.S.A. 58-4611(c) mandates that at each board meeting, the board shall provide a reasonable opportunity for unit owners to comment regarding any matter affecting the common interest community and the association.

CURRENT WORDING IN DOCUMENT:

[Article V, Section 4] Board of Directors Meetings and Executive Sessions - All regular and special meetings of the Board of Directors may be closed to the general membership at the discretion of the President, and Members attending any open portion of a Board meeting shall be observers only and shall not be permitted to speak or comment unless invited by the President.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article V, Section 4 ([Article V, Section 4] Board of Directors Meetings and Executive Sessions - All regular and special meetings of the Board of Directors may be closed to the general membership at the discretion of the President, and Members attending any open portion of a Board meeting shall be observers only and shall not be permitted to speak or comment unless invited by the President.) to conform with K.S.A. 58-4611 and the manual attorney audit recommendations for Four Colonies Homes Association.