

## Can we change annual meeting date?

Posted: Friday, Jan. 07, 2011

*Q. Our covenants, conditions and restrictions say that the annual meeting is to be held the first Saturday in October. However our meetings have never been held on that day, due to the fact the board members have never been available that date - even with changing members through the years. Our management company advised that as long as the meeting is held reasonably around that date, and notice is sent properly according to the rules, then the actual date of the meeting doesn't have to be on the first Saturday of October.*

*A few homeowners have balked at the Saturday meeting date: They'd rather not waste a Saturday with a HOA meeting. Is the board required to have the meeting on the first Saturday of October, as bylaws require?*

The best practice would be for your HOA to hold its annual meeting on the first Saturday of October, as required by your bylaws.

Or, you could amend your bylaws to designate an annual meeting date (or a range of dates - perhaps any day during the month of October, as designated by the board) that would be more suitable to the community.

I realize that getting a quorum for a meeting to amend your bylaws might be difficult, so you are left with the decision of whether to continue to hold annual meetings on Saturdays, or to hold your meeting on another day.

The N.C. Non-Profit Corporation Act says "the failure to hold an annual or regular meeting at a time stated in or fixed in accordance with the corporation's bylaws does not affect the validity of any corporate action."

So, if you hold your annual meeting on a day other than the first Saturday of October, the action taken at that meeting is still valid, assuming you have met your quorum requirements and the meeting was otherwise conducted properly.

Charlotte attorney Michael Hunter focuses on community and condominium association law for the firm of Horack Talley.

E-mail questions to [home@charlotteobserver.com](mailto:home@charlotteobserver.com).

COLUMNISTS »

### Michael Hunter



Charlotte attorney Michael Hunter specializes in community and condominium association law for the firm of Horack Talley.

