

TITLE 2: NATURAL RESOURCES
DIVISION 6: UNIFORM CONDOMINIUM ACT

§ 6303. Executive Board Members and Officers.

(a) Except as provided in the declaration, the bylaws, in subsection (b) of this section, or other provisions of this division, the executive board may act in all instances on behalf of the association.

(b) The executive board may not act on behalf of the association to amend the declaration (2 CMC § 6219), to terminate the condominium (2 CMC § 6220), or to elect members of the executive board or determine the qualifications, powers and duties, or terms of office of executive board members (2 CMC § 6303(e)), but the executive board may fill vacancies in its membership for the unexpired portion of any term. In addition to other rights conferred by the declaration, bylaws, or this division, the unit owners, by majority or any larger vote specified in the declaration, may reject any budget or capital expenditure approved by the executive board, within 30 days after the approval.

(c) Subject to subsection (d) of this section, the declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by the declarant, may appoint and remove the officers and members of the executive board. Any period of declarant control extends from the date of the first conveyance of a unit to a person other than a declarant for a period not exceeding five years in the case of a flexible condominium containing convertible real estate or to which additional real estate may be added, or three years in the case of any other condominium. Regardless of the period provided in the declaration, a period of declarant control terminates no later than 60 days after conveyance of 75 percent of the units to unit owners other than a declarant. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period, but in that event the declarant may require, for the duration of the period of declarant control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

(d) Not later than 60 days after conveyance of 25 percent of the units to unit owners other than a declarant, not less than 25 percent of the members of the executive board shall be elected by unit owners other than the declarant. Not later than 60 days after conveyance of 50 percent of the units to unit owners other than a declarant, not less than 33½ percent of the members of the executive board shall be elected by unit owners other than the declarant.

(e) Not later than the termination of any period of declarant control, the unit owners shall elect an executive board of at least three members, at least a majority of whom must be unit owners. The executive board shall elect the officers. The persons elected shall take office upon election.

(f) In determining whether the period of declarant control has terminated under subsection (c) of this section, or whether unit owners other than a declarant are entitled to elect members of the executive board under subsection (d) of this section, the percentage of the units conveyed is presumed to be that percentage which would have been conveyed if all the units the declarant has built or reserved the right to build in the declaration were included in the condominium.