

Rules and Regulations

Prepared for Barrington Heights Homeowners Association

RULES AND REGULATIONS

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BARRINGTON HEIGHTS HOMEOWNERS ASSOCIATION

AUTHORITY TO FORM RULES

The Barrington Heights Homeowners Association Board of Directors is empowered to create and enforce Rules and Regulations in accordance with Article VI, Section 13 of the CC&R's; "Master Association Rules and Regulations."

MEMBERSHIP INFORMATION

Barrington Heights Homeowners Association, a California non-profit corporation (the "Master Association") consists of those Owners of Lots within the ultimate boundaries of Barrington Heights Homeowners Association.

The Master Association offers many advantages to its Members. In order to protect and preserve these benefits, however, certain limitations and restrictions are placed on the Members of the Master Association.

One of the purposes of the Barrington Heights Homeowners Association is to ensure that the Association property will be maintained in an attractive manner and will be available for the enjoyment of all Members. Your automatic membership in the Association provides a membership base to share the future costs of maintaining the Community.

These Rules and Regulations have been developed with consideration given to providing each Member with greatest enjoyment of the Association without infringing on other Members and their rights to quiet enjoyment of their homes and Community.

Although these Rules and Regulations supplement the provisions of the Master Declaration of Covenants, Conditions, and Restrictions and Reservations of Easements for Barrington Heights, as amended from time to time (the "Master Declaration"), they do not cover the entirety of the Master Declaration. Please be sure to read the CC&R's carefully. In the event of a conflict between the provisions of the Master Declaration and these Rules and Regulations, the provisions of the Master Declaration will control. Any owner who does not comply with these Rules and Regulations will be subject to enforcement by the Master Association in accordance with Article XIX, Section 1 of the Declaration of CC&R's.

Various capitalized words and phrases used herein are defined in the Master Declaration, and unless the context herein shall indicate the contrary, such words and phrases shall have the same meaning herein as they do in the Master Declaration.

In accordance with Civil Code 1365.05, the notice and agenda of any open meeting of the Board of Directors will be by one of the following methods; mailing, posting or hand deliver to the membership no less than four days prior to the meeting date. The notice shall provide the date, time and location of the meeting. Regular meetings shall be held on the second Tuesday, monthly, unless otherwise noted.

SECTION 1: Lot Occupancy and Usage

Lots are to be occupied and used for residential purposes only by the owners or their tenants. No exterior tent, shack, trailer, garage, outbuilding or structure of a temporary character shall be used at anytime as a residence on the owner's lot, either temporarily or permanently.

No part of Barrington Heights HOA, nor the Project, shall ever be used or caused to be used directly, or indirectly, for any commercial business or non-administrative occupations. Reasonable telecommute business activity, which have no signs or other external evidence from the common area thereof such as, but not limited to heavy pedestrian traffic, deliveries, or other nuisances, for so long as such occupations are in conformance with all applicable governmental ordinances may be allowed (CC&Rs Section 8.2.1).

SECTION 2: Appearance and Integrity of Owner's Lot

Each Owner of a Lot is obligated to install landscape (within 180 days of escrow closing) and maintain the appearance of the lot in a neat and attractive condition including front yards, rear yards, all slope areas (rear yard and front yard), fuel modification areas and drainage devices located within the Owner's Lot. In the event any Owner fails to maintain the slope areas, fuel modifications areas, and drainage devices, as required in Section 8.2.11 of the CC&R's, the Association shall have the right but not the obligation to levy a special assessment against such an Owner's Lot for all costs incurred in conducting such activities (CC&R's Section 8.2.11).

SECTION 3: Signs and Decorations

Reasonable Holiday decorations will be permitted on the homeowner's lot. Holiday decorations may be displayed no more than thirty days prior to the holiday, and must be removed no later than thirty days after the holiday.

SECTION 4: Noise Nuisances

Lot owners, their guests or other users of their property may not allow conduct that disturbs the peace, quiet and privacy of neighbors. To this end the following activities are prohibited:

1. Work by maintenance personnel and contractors **before** 7:30 a.m. and **after** 5:00 p.m. Monday through Friday. Work on Saturday is permitted between 8:00 a.m. and 12:00 p.m. (noon). No work is permitted on Sundays or Holidays. Exceptions to these rules are permitted in emergencies and with the express permission of all affected neighbors. Work inside a residence that does not cause a disturbance is permitted.
2. Creating excessive noise and/or other nuisances arising from the frequent use of power equipment is prohibited (CC&R's Section 8.2.4).
3. Delivery of goods and services (except food, messenger, emergency and governmental services) between the hours of 5:00 p.m. and 7:30 a.m.
4. Creating unreasonable noise from social events that disrupts owners' privacy is a violation of the association at any time. During weekdays (Monday, Tuesday, Wednesday and Thursday) noise from social activities should conclude by 10:00 p.m. and on weekend (Friday, Saturday and Sunday) by 12:00 a.m. Residents planning a large party should contact their neighbors and advise them of the

nature of the event. Consideration for parking should be given to events expected high in attendance. Guest vehicles should be parked as close to the event holder's lot and not block any lot owner entrance, driveway or adjoining streets.

5. Allowing the continuous and excessive animal noises or barking of dogs at any time of the day is a violation of the association at any time (CC&R's Section 8.2.4 and 8.2.6).

SECTION 5: Storage

No trailer, camper, boat, recreational vehicle or similar commercial or non-commercial equipment shall be permitted to remain upon the Project unless stored entirely in the rear of a lot and obscured from the view of the adjoining lots, and lots viewed from across the street. The foregoing restriction shall not be deemed to prevent quick washing, polishing, unloading of such motor vehicle, boat, trailer, camper, and motor-driven cycle (CC&R's Section 8.2.5).

Lot owners or hired contractors will not leave vehicles, containers, equipment, trash, construction debris or material on any street within Barrington Heights HOA overnight. Contractors will not place soil, dirt, gravel, or other like material on any street for any length of time without placing a plastic sheeting barrier below the equipment or material (CC&R's Section 8.2.5).

SECTION 6: Pets and Animals

Animal owners shall not allow their pets to become a nuisance due to uncontrollable barking, acts, or other animal noises. In addition, animal owners shall prevent pet animals from creating health hazards by allowing defecation remains to cause hazardous water-run off throughout the community. Dogs and other household pets must not be allowed to run freely within the community. Dogs must be kept on a leash at all times when being walked outside the owners' property. Owners are responsible for picking up and disposing of animal leavings in appropriate trash receptacles. Consideration should be given to neighbors by not disposing of leavings on private or other properties. Any owner at Barrington Heights, who maintains any pet, animal, reptile, or other living domestic pet of any kind, within the project, shall indemnify, defend, and hold the Association harmless from and against any damages (CC&R's Section 8.2.6).

SECTION 7: Trash and Refuse Storage and Disposal

By the end of each reoccurring trash pick-up day, each owner shall store their trash cans in a non-visible location obscured from the view of the adjoining lots and lots viewed from across the street.

All rubbish, trash, garbage shall be regularly removed from each lot and the project, and shall not be allowed to accumulate thereon. All clotheslines, refuse containers, wood piles storage areas, machinery, and equipment shall be prohibited within the project unless obscured from the view of adjoining lots and streets (Section 8.2.8).

SECTION 8: TV Antennas and Satellite Dishes

Owners shall not install any antenna on the exterior of a residence home for any purpose, except for an "Authorized Antenna" or "Satellite Dish" which may be installed so long as the proposed location for such installation is reviewed and approved by the Architectural Control Committee prior to its installation.

SECTION 9: Exposure of Clothing, Toys, Equipment and Accessories

Clothes, sheets, blankets and other household articles shall not be hung out or exposed to public view. This prohibition includes all types of sports equipment, playground accessories, toys and equipment that should not be stored in the front yards of the homeowner lots.

Large inflatable toys or rental equipment (i.e. inflatable trampolines) must be removed within 24 hours of use.

SECTION 10: Rental of Residence

Rental or lease of any lot within the Barrington Heights community must not be for transient or hotel purposes. No Owner may lease less than the entire lot.

Lot owners who rent or lease their Lots shall:

1. Notify Avalon Management of the name, address, telephone number of the tenant and term of the rental/lease via hoa@avalonweb.com or written correspondence to 31608 Railroad Canyon Road, Canyon Lake, CA 92587.
2. Include in the lease or rental agreement a provision that the renter has been provided a copy of these General Rules and that she/he will abide by all provisions thereof.
3. Owners must be responsible for the conduct of their tenants and their adherence to these General Rules. This responsibility includes the payments of all fines and forfeitures that may be levied for violation of these Rules and Regulations (CC&R's Section 8.1.3).

SECTION 11: Parking

Lot garage or driveway parking is required at all times in all locations. No head-in or angle parking is permitted. Vehicles whose ownership cannot be determined will be referred to Code Enforcement for the City, after five days without movement.

Parking is prohibited:

1. Along red painted curbs or fire zones
2. In front of or blocking driveways, doorways or other pedestrian or vehicle entrances except with permission of the Lot owner.
3. In the streets and roads blocking vehicles from easily accessing their Lot or joining street.

SECTION 12: Speed Limit

All moving vehicles while in Barrington Heights must be driven slowly and in caution of *people* in the street.

SECTION 13: Enforcement of these Rules

Residents observing any violation of the CC&R's and/or these Rules should report same to the Management Co. in writing and in a timely manner. Such written report must be signed by the reporter.

Violation reports should be limited to situations that have not been resolved by intra-neighbor cooperation. The association encourages all neighbors reporting violations to first communicate the concern in a friendly manner in attempt for fast resolve. Persons reporting violations to the association should be aware that they may be required to appear at a Board meeting to substantiate any matter material to the resolution of the violation.

If the Association is unsuccessful in an initial attempt to resolve the matter, it will be deferred to the Association Monetary Penalty Policy as seen below in **SECTION 14 of these Rules and Regulations.**

SECTION 14: CC&R Violation-Monetary Penalty Policy

Unless otherwise noted in these General Rules the Board, pursuant to the provisions of the CC&R's (Section 5.8.3), shall levy fines/monetary penalties for 'violations to the CC&R's' as follows:

First Notice: *Written Reminder of violation – 10 days to correct*
Final Notice & Hearing: *Formal written notice of violation–Hearing Scheduled*

Hearing Notice Request to lot owner in violation to attend a board hearing to resolve the violation immediately.

Fine Notice Written letter informing the lot owner that a fine has been assessed \$75.00 due to the fact that after two (2) notices the owner in violation has failed to abide by the CC&R's that the owner agreed to upon the purchase of the home at Barrington Heights HOA. Second and ongoing violations will be subject to an automatic \$150.00 fine each month for so long as the violation continues.

Additionally the Board shall collect all fines/monetary penalties in accordance with the provisions of the CC&R's. Fines/monetary penalties not paid within thirty (30) days of levy may be collected by any means authorized by the CC&R's.

BARRINGTON HEIGHTS HOMEOWNERS ASSOCIATION

RULES OF REPORTING VIOLATIONS

There must be two Owners representing two separate Lots of the Association to pursue violations that cannot be viewed during an inspection of the Community (ie. Barking dog, noise nuisance, trash storage, etc.). Please be as specific as possible to allow the Board to expedite the process in a timely manner. All alleged violations will be evaluated to ensure they are considered an infraction as defined by the Association's legal documents.

ARCHITECTURAL APPEAL PROCESS

In the event that plans and specifications submitted to the Architectural Control Committee are disapproved, the party making such submission may appeal in writing to the Board. The written request must be received by the Board not more than thirty (30) days following the final decision of the Architectural Control Committee. The Board shall submit such request to the Architectural Control Committee for review, and the written recommendation of the Architectural Control Committee will be submitted to the Board. The review of the Appeal will then take place at a duly noticed meeting of the Board of Directors no later than (90) days following receipt of the request for appeal. The appellant will be notified of the Board's decision in writing no later than thirty (30) days after the meeting. The Architectural Control Committee's disapproval remains in effect at all times unless the Board specifically communicates otherwise to the appellant in writing.

Clotheslines and Drying racks

Clotheslines and drying racks are defined as any permanent or temporary structure used primarily to dry wet laundry. For the purpose of this regulation any structure used primarily to dry wet laundry will be referred to as a clothesline whether it is intended for that specific purpose or not. If the structure is used to dry wet laundry then it is considered a clothesline.

Clotheslines must be approved in writing by the Barrington Heights Homeowners Association Architectural Control Committee using the architectural application found on the Barrington Heights website.

Clotheslines are not permitted in front yards or side yards where they can be seen from the street. Clotheslines cannot be visible during neighborhood inspections.

Clotheslines are permitted in the rear yard only and must be placed so that any adjacent neighbor cannot see it.

Barrington Heights Homeowners Association

Fence Policy

Homeowners are required to maintain fences and walls located on their property. If any fence and wall which straddle boundary lines of adjoining lots require repair or replacement, the cost shall be borne equally by such adjoining lots. Fences and walls within the community are constructed of wood, slumpstone block and tubular steel or wrought iron. Only these materials are suitable for fences or walls within Barrington Heights and no other fencing material will be considered for approval. Homeowners changing fencing must submit a complete plan to the Architectural Control Committee prior to making changes. Only one fence or wall shall be constructed on the boundary lines of adjoining Lots. There is to be no double fences within Barrington Heights.

Barrington Heights Homeowners' Association
Voting and Election Rules and Procedures (Amended and Restated)
(Civil Code Section 5105)

Adopted: March 10, 2020

1. **Introduction.** The Association will utilize the secret ballot process described herein for election and removal of directors, assessments that require a membership vote, amendments to the governing documents that require membership approval, prior to granting exclusive use of the common area where required by Civil Code Section 4600, and any other matters where the secret ballot process is required by law.
2. **Opportunity for Internal Dispute Resolution ("IDR").** Any member disputing or challenging any aspect or application of these rules, including, without limitation, the member's qualifications to be nominated as a candidate for the Board, has the opportunity to engage in IDR with the Association pursuant the procedure provided at Civil Code Section 5915.
3. **Election of Directors and Membership Votes.** For election of directors, each lot has one vote for each seat on the Board up for election. Cumulative voting is permitted in accordance with Bylaw Section 6.6. Each lot has one vote for other matters submitted to the membership for a vote.
4. **Candidate Qualifications**
 - a. **Must be a Member.** A candidate, at the time of nomination, must be a member of the Association to qualify as a candidate. If title to a separate-interest parcel is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person, in writing, to be a member for purposes of being a candidate for election to the Board.
 - b. **Fidelity bond coverage.** The Association shall disqualify a nominee if that person discloses, or if the Association is aware or becomes aware of, a past criminal conviction that would either prevent the Association from purchasing the fidelity bond coverage required by Section 5806 should the person be elected or terminate the Association's existing fidelity bond coverage.
 - c. **Current in the payment of assessments.** The Association shall disqualify a nominee for failure to be current in the payment of regular and special assessments. The Association also requires a director to be current in the payment of regular and special assessments. The Association may not disqualify a nominee for nonpayment of fines, fines renamed as assessments, collection charges, late charges or costs levied by a third party. The Association shall not disqualify a nominee for failure to be current in payment of regular and special assessments if any of the following circumstances are true:
 - i. The nominee has paid the regular assessment or special assessment under protest pursuant to Section 5658;
 - ii. The nominee has entered into a payment plan pursuant to Section 5665; or

- iii. The nominee has not been provided the opportunity to engage in internal dispute resolution pursuant to Article 2 (commencing with Section 5900) of Chapter 10 of the Davis-Stirling Act;
- d. Member for less than one year. The Association shall disqualify a nominee if that person has been a member of the Association for less than one year.
- e. Joint ownership. The Association shall disqualify a nominee if the person, if elected, would be serving on the Board at the same time as another person who holds a joint ownership interest in the same separate interest parcel as the person and the other person is either properly nominated for the current election or an incumbent director;

5. Nominations for Election to the Board

- a. The Association shall provide general notice of the procedure and deadline for submitting a nomination at least thirty (30) days before the deadline for submitting a nomination.
- b. Regardless of whether a candidacy form was received, a candidate may still be nominated by himself, herself or by someone else from the floor of the election meeting.

6. Membership Meetings

- a. The Association will send or cause to be sent a meeting notice which will advise the members of times when registration will begin and when the meeting will be called to order, as well as when the polls will open. The notice will also state the dates and times when the members and candidates may attend the meeting to witness the inspector(s)' registration, review, count and tabulation of ballots.
- b. The Board may determine not to hold a membership meeting for votes on matters, except for removal or election of directors, and conduct the vote by the secret ballot process and have the secret ballots counted and tabulated at a regular duly noticed open Board meeting.
- c. Directors must be elected by secret ballot and cannot be elected by voice vote, show of hands or other means.

7. Association Election Materials

- a. Voter List. The voter list shall include name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used.
- b. Candidate Registration List. A candidate registration list shall be prepared with names of candidates that will appear on the secret ballot.
- c. The Association shall permit members to verify the accuracy of their individual information on the candidate registration list and voter list at least thirty (30) days before ballots are distributed. The Association or member shall report any error or

omissions in either list to the inspector(s) of election who shall make any correction within two (2) business days.

- d. The returned ballots from the members and other Association election materials at all times shall be in the custody of the inspector(s) or at a location designated by the inspector(s) for one (1) year after the tabulation of the votes, at which time custody shall be transferred to the Association.

8. Inspector(s) of Election

- a. One (1) or three (3) independent third party inspector(s) of elections ["Inspector(s)"] will be selected and appointed by the Board of Directors.
- b. For purposes of this section, an independent third party includes, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensee of the California Board of Accountancy, or a notary public. An independent third party may also be an Association member, provided the member is not a director, a candidate for director or related to a director or a candidate. The Board may not select as an Inspector a person, business entity, or subdivision of a business entity currently employed or under contract to the Association for any compensable services, other than serving as an Inspector. The Inspector(s) can be volunteers or be hired by the Association.
- c. If an Inspector is unwilling or unable to perform his/her duties or becomes ineligible to be an Inspector, the Board may remove and replace that Inspector with another Inspector that meets the requirements set forth above.
- d. Inspector(s)' duties:
 - i. Correct errors on the voter list and candidate registration list.
 - ii. At least thirty (30) days before an election, deliver to each member (or cause to be delivered) a ballot or ballots and a copy of these rules. Delivery of these rules maybe be accomplished by: posting these rules to an internet website and including the corresponding internet website address on the ballot, together with the phrase, in at least 12-point font, "The rules governing this election may be found here:"; or via individual delivery as specified at California Civil Code Section 4040.
 - iii. Determine number of memberships entitled to vote and the voting power of each.
 - iv. Determine the authenticity, validity, and effect of proxies, if any.
 - v. Receive secret ballots and proxies, if any.
 - vi. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
 - vii. Count and tabulate all votes.

- viii. Determine when the polls shall close.
 - ix. Determine the tabulated results of the election or vote.
 - x. Perform any acts as may be proper to conduct the election with fairness to all members, in accordance with California law and these rules.
 - xi. All duties must be performed in good faith, to the best of the Inspector(s)' ability, as expeditiously as practical, and in a manner that protects the interest of all members.
 - xii. Prior to the mailing of the secret ballots, the Inspector(s) will determine the location where the sealed secret ballots will be mailed or delivered.
 - xiii. The Inspector(s) of Elections shall also determine where the Inspector(s) will maintain custody of the secret ballots, signed voter envelopes, voter list, proxies, and candidate registration list before and after the count and tabulation of the vote by the Inspector(s).
- e. The Inspector(s) may appoint and designate additional personnel to assist them in their duties, but the Inspector(s) will oversee and be responsible for all actions of such designees. Any additional persons appointed to assist the Inspector(s) must meet the Inspector qualifications stated above.
 - f. If there are three (3) Inspectors, the decision to act or make a decision must be by a majority of the Inspectors and is effective, in all respects, as the decision of all.
 - g. A report of the Inspector(s) of the election shall be prepared for all votes and, once signed, to certify the results of the vote, count or election is prima facie evidence of the facts stated in the report.

9. Secret Ballot Procedures

- a. At least thirty (30) days before the ballots are distributed, the Association shall provide general notice of the date and time by which, and the physical address where, ballots are to be returned by mail or handed to the Inspector(s); the date, time and location of the meeting where the ballots will be counted; and the list of candidates that will appear on the ballot.
- b. At least thirty (30) days prior to the deadline for voting, the ballots will be mailed by first-class mail or delivered to every member along with two preaddressed envelopes and instructions on and deadlines for return of ballots.
- c. The ballot will not identify the voter by name, address, parcel number or unit number. The ballot is not signed by the voter but is inserted into an inner envelope preaddressed to the Inspector(s) (Envelope #1). The voter then seals Envelope #1 and inserts Envelope #1 into the outer mailing envelope (Envelope #2) preaddressed to the Inspector(s) which is then also sealed by the voter.
- d. In the upper left-hand corner of Envelope #2, the voter prints and signs his or her name and prints the address of the separate interest that entitles him/her to vote.

- e. An owner of multiple properties must submit a separate ballot in separate sealed envelopes (#1 and #2) for each property owned.
- f. Ballots may be mailed to the selected address or delivered by hand to the location selected by the Inspector(s). Where a membership meeting is being held for purposes of conducting a vote pursuant to these rules, ballots may also be delivered to the Inspector(s) at the membership meeting prior to close of the polls.
- g. The member may request a receipt for hand delivery of the sealed Envelope #2 to the location selected by the Inspector(s). Any member desiring a receipt for mail delivery should send the ballot by certified mail, return receipt requested, to the location selected by the Inspector(s). A member shall not receive a receipt for hand delivery of a ballot brought to a meeting.
- h. Only the ballots and envelopes sent by the Association or Inspector or provided by the Association or Inspector will be accepted.
- i. No member shall be denied a ballot for any reason other than not being a member at the time when ballots are distributed. A person with general power of attorney for a member shall not be denied a ballot. The ballot of a person with general power of attorney for a member shall be counted if returned in a timely manner.
- j. Verification of information on the outside of Envelope #2 and registration of envelopes may be performed by the Inspector(s) or the Inspector(s)' designees under the Inspector(s)' supervision prior to the meeting or deadline for voting.
- k. Registration will be conducted by the Inspector(s) or their designees and votes counted and tabulated by the Inspector(s) at a duly noticed membership or Board meeting in front of any members or candidates who may wish to witness the registration and opening and counting of the ballots or proxies.
- l. A member wishing to vote in person at the membership meeting must present himself/herself to the Inspector(s) with identification acceptable to the Inspector(s) to show that he/she is an Association member. A person with general power of attorney for a member (which member has not already returned a ballot) seeking to vote in person on behalf of the member shall need to present the Inspector(s) with proof, deemed sufficient to the Inspector(s), of the individual's status as general power of attorney for the member.
- m. A member that already submitted a ballot may attend a membership meeting but will not be given a new ballot to vote at the meeting.
- n. If a ballot has not been previously received by the Inspector(s) for a particular property address, a member from that address in attendance at the membership meeting will be given a ballot along with two envelopes to mark and cast in secret at the membership meeting.
- o. No person may open any envelopes or otherwise review any ballot prior to the time and place at which the envelopes are opened and the ballots are counted and tabulated by the Inspector(s). Any candidate or Association member may witness the counting and tabulation of the votes.

10. Proxies

- a. The Inspector(s) shall determine the authenticity, validity and effect of proxies, if any. A proxy will be accepted if the Inspector(s) determines the proxy meets the requirements of the Bylaws and California Civil and Corporations Codes.
- b. The proxy holder must be present in person at the membership meeting and shall cast the proxy giver's vote by ballot at the meeting unless the proxy is revoked by the proxy giver prior to the Inspector(s) receipt of the proxy giver's ballot.
- c. Any member who gives another member his or her proxy does so with the full understanding that the Association and Inspector(s) will not be responsible for ensuring that any proxy holder votes the proxy in accordance with the proxy giver's direction.

11. Effect of Submitting Secret Ballot

- a. Once a ballot is received by the Inspector(s), that ballot cannot be changed, retrieved or revoked.
- b. Once a member submits a ballot with regard to the member's separate interest, no other ballot or proxy may be submitted for that property. Should more than one ballot be submitted with regard to a particular separate interest, the ballot which was earliest received shall be counted for that property. If it cannot be determined which ballot was earliest received, no ballot will be counted for that property except one ballot for quorum purposes only at the discretion of the Inspector(s).

12. Determination of Quorum. The Inspector(s) will determine whether quorum has been obtained based upon the count of the number of members voting by proxy or by a returned ballot. Upon determination that a quorum has been obtained, the Inspector(s) may close registration at the polls.

13. Adjourned for Lack of Quorum/Recessed Meetings

- a. A membership meeting may be adjourned to a later date and/or time by the vote of the majority of members present in person or by proxy. Ballots received by the Inspector(s) in properly completed, sealed envelopes will be valid for adjourned membership meetings.
- b. The Inspector(s) may request that any meeting be recessed to allow the Inspector(s) to complete the counting and tabulation of the ballots at another time. Notice of the recessed meeting will be given as may be required by law. The Inspector(s) will continue to maintain custody of the ballots until the counting and tabulation are complete.

14. Consultation With Association Counsel. The Inspector(s) will have the authority to confer with Association legal counsel in advance of or at the meeting. Legal counsel represents the Association and does not represent the members, candidates, Inspector(s), Board members, management or any other individual. By the adoption of these Election Rules, Association legal counsel has been authorized by the Board of Directors to provide advice to and to waive the attorney-client confidential communication privilege as determined necessary or prudent by the attorney to inform and advise the Inspector(s)

regarding issues or matters related to the Inspector(s)' performance of their duties for the Association. The Inspector(s) may confer with Association legal counsel outside the presence of the members.

15. Tabulation, Counting, Inspectors' Conduct, Etc.

- a. Once a quorum is determined present and balloting has been closed by the Inspector(s), the Inspector(s) may open the sealed envelopes and begin the count and tabulation at a duly noticed membership meeting or Board meeting.
- b. Members and candidates may witness the counting and tabulation from a distance of at least five (5) feet from any Inspector.
- c. The Inspector(s) are not required to provide members or candidates with information, answer questions, or engage in discussion.
- d. Any witness or observer may be ejected or removed by the Inspector(s) for disruptive, noisy or rude behavior.
- e. Inspectors shall make all determinations regarding ballots and vote counts, including deciding whether to count a ballot for quorum purposes only if the Inspector(s) find they cannot determine the voter's intent.

16. After Tabulation

- a. The tabulated results of the election shall be promptly reported to the Board, shall be recorded in the minutes of the next meeting of the Board and shall be available for review by the Association members. The Inspector(s) may also determine whether the tabulated results will be announced at the meeting.
- b. Tie Votes: For election of directors, in the event of a tie vote, the Association will notice a special membership meeting and send out ballots to all members for a vote to break the tie. Said vote shall be conducted in accordance with the procedures herein, to the extent they are applicable to a run-off vote. No previously cast ballots will be used at the meeting to break the tie.
- c. Within fifteen (15) days of the conclusion of the election/vote, the Board shall publicize the tabulated results of the election/vote in a communication directed to all the members.
- d. If there is a recount or other challenge to the election process, the Inspector(s) shall, upon written request, make the ballots available for inspection and review by an Association member or the member's authorized representative. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote. However, the Association will not be responsible for redacting or protecting any information added to a ballot by a member.
- e. The Inspector(s) may establish procedures for the review and recount by members.

17. Access to Association Facilities and Communications/Use of Association Funds

- a. If any candidate or member advocating a point of view is provided access to any Association media, including newsletters, Internet websites, or other Association

publications during any campaign, for purposes that are reasonably related to that election, then all candidates and members advocating a point of view shall be provided with equal access for purposes reasonably related to that election.

- b. The Association shall not edit or redact the content from the communications of candidates and members advocating a point of view but may provide a statement specifying that the candidate or member, not the Association, is responsible for that content.
- c. All candidates and members advocating a point of view shall have access to the common area meeting space, if any exists, for purposes reasonably related to the election or vote, at no charge.

THE FOREGOING ASSOCIATION VOTING AND ELECTION RULES AND PROCEDURES WERE ADOPTED _____, by the Board of Directors in a duly noticed open Board meeting following the Board's compliance with Civil Code Section 4360.

ATTESTED TO:

By: _____
Its Secretary

Notice of Association rules adoption was mailed to the membership within fifteen (15) days of the adoption date.

ATTESTED TO:

By: _____
Title: _____