

# 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](mailto: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  
ASSOCIATION MEMBERSHIP MEETING AND VOTING RULES  
(Civil Code Section 1363.03)

Effective October 16, 2008

1. **Membership Meetings, Annual Meeting and Election of Directors**

- a. The Association will hold an Annual Meeting of the Membership to elect directors and to conduct Association business.
- b. The Board of Directors will consist of five directors. Directors are elected for one-year terms. Directors need not be members of the Association (Bylaws Article 7, Section 7.2).
- c. The members of the Association who are in good standing may vote at membership meetings. "Good standing" includes members whose Association rights and privileges have not been suspended after notice and opportunity for hearing.
- d. Any directors may not have been convicted of a felony or declared of unsound mind by a court and must meet the qualifications set by the Bylaws at Section 7.2.
- e. The Association will send out to all members a request-for-candidates form, seeking candidates for the Board, at least 120 days prior to the Annual Meeting date. All forms must be completed by the candidate and must be received by the Association by the deadline stated in the form in order for a candidate's name to appear on the Notice of Annual Meeting and the Ballot. If the fully completed form is not received by the Association by the deadline date, a candidate may still be nominated by himself, herself, or by someone else from the floor of the Annual Meeting.
- f. The Association may hold an informal gathering not less than 15 days prior to the Annual Meeting. All candidates may participate, including those who did not submit a candidate's form but who have advised the Association of their intention to be nominated from the floor of the Annual Meeting. Each candidate may give an oral statement of his/her qualifications of no longer than five minutes per candidate. Questions may also be directed to any candidate by the members present at the meeting. The candidates are not required to attend the Meet the Candidates Forum, to make a statement, or to answer questions, but are encouraged to do so. The individual responsible to oversee this meeting will be appointed by the board prior to the Meet the Candidates Forum.
- g. Secret Ballots: The Association will utilize a secret ballot process, as described below, for:
  - i. A vote of the membership regarding assessments per Civil Code Section 1366
  - ii. Election of members of the Association's Board of Directors
  - iii. Amendments to the governing documents
  - iv. Grant of exclusive-use common area property pursuant to Civil Code Section 1363.07.
- h. The Association's Annual Meeting will be held in June annually. The Association will send out a Notice of Annual Meeting and will advise all members of times when polls will open and when the

members and candidates may attend the Annual Meeting and/or Board of Directors' meeting to witness the inspectors' registration, review, count and tabulation of the Ballots.

- i. Other meetings of the members ("Special Membership Meetings") may be noticed and held by the Association to vote on matters which are proper for member vote.
- j. The directors must be elected by secret ballot and cannot be elected by voice vote or show of hands at the Annual Meeting.
- k. All membership meetings and votes will be conducted in accordance with the Association's governing documents and California Corporations and Civil Codes, as appropriate.
- l. Members will have one vote per unit owned.
- m. For election of directors, cumulative voting will be used as permitted by the Association's Bylaws at Section 6.6. This means that a member may cast all votes for one candidate or divide up the votes among candidates. No fractional votes are permitted.

2. **Inspector(s) of Election**

- a. One or three inspector(s) of election ("Inspectors") will be selected and appointed by the Board of Directors at an open Board meeting, approximately 150 days prior to the date of the Annual Meeting or other membership meeting.
- b. The Board, may, but is not required to, select non-member third parties as the Inspectors, which may include, 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.
- c. The Board will not select a member of the Board of Directors, a candidate for the Board of Directors, a relative of a member of the Board or a candidate, or a person currently employed by or under contract to the Association for other compensable services, except the Board may hire a CPA or accounting firm to act as Inspectors even though the CPA or accounting firm is employed for audit, tax or other Association accounting work.
- d. The Board may determine to pay compensation to the Inspectors.
- e. Inspectors' Duties:
  - i. Determine number of memberships entitled to vote and the voting power of each;
  - ii. Determine the authenticity, validity, and effect of proxies, if any;
  - iii. Receive Ballots;
  - iv. Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
  - v. Count and tabulate all votes;
  - vi. Determine when the polls shall close;
  - vii. Determine the results of the election;
  - viii. Perform any acts as may be proper to conduct the election with fairness to all members, in accordance with Civil Code Section 1363.03 and these rules;

ix. All duties must be performed in good faith, to the best of the inspector's ability, and as expeditiously as practical;

x. Prior to the mailing of the Ballots by the Association, the inspector(s) will determine the location where the sealed ballots will be mailed or delivered and where the inspector(s) will maintain custody of the sealed ballots until after the tabulation of the vote by the inspector(s).

f. The Inspectors may appoint additional personnel to assist them in their duties.

g. If there are three Inspectors, the decision to act must be by a majority of the Inspectors and is effective, in all respects, as the decision of all.

h. Inspectors' report is prima facie evidence of the facts stated in the report.

### 3. **Secret Ballot Procedures**

a. At least 30 days prior to the Annual Meeting or other membership meeting which is the deadline for voting, the Association will mail to members in Good Standing, by first-class mail, the Ballots, along with two preaddressed envelopes. A Notice of Meeting will also be sent which will include instructions on how to return Ballots.

b. The Ballot will not identify voter by name, address, lot, parcel number or unit number.

c. The Ballot will contain the names of any candidates known to the Association at the time the Ballot is mailed. If no candidates are known or if there are less candidates than the number of directors to be elected, the Association will send out a Ballot which has the names of the candidates known and/or blank lines for write-in candidates.

d. Any write-in candidate must be nominated from the floor of the Annual Meeting by himself, herself or another member.

e. The Ballot itself is not signed by voter but is inserted into a sealed, preaddressed (to the Inspectors) envelope (Envelope #1).

f. The sealed Envelope is then inserted by the voter into a second preaddressed envelope (Envelope #2) which should then be sealed. In the upper left-hand corner of Envelope #2, the voter prints and signs his or her name and address that entitles him/her to vote.

g. The owners of multiple properties must submit separate sealed Ballot envelopes (#1 and #2) for each property.

h. Envelopes #1 and #2 are preaddressed, addressed to the Inspectors.

i. Ballots may be mailed to the address or delivered by hand by the member to the location selected by the Inspectors.

j. The member may request a receipt for hand delivery of the sealed Envelope #2 to the location selected by the Inspectors. Any member desiring a receipt for mail delivery should send the Ballot by certified mail, return receipt requested, to the location selected by the Inspectors.

4. **Proxies**

- a. Proxies will be accepted pursuant to the Bylaws at Section 6.10 only if those proxies are determined by the Inspectors to meet the requirements of the Bylaws, California Corporations Code and California Civil Code.
- b. Any instruction given in a proxy that directs the manner in which the proxy holder is to cast the vote must be set forth on a separate page of the proxy that can be detached and given to the proxy holder to retain.
- c. The proxy holder shall cast the member's vote by secret ballot.
- d. Any member who gives another person his or her proxy does so with the full understanding that the Association and Inspectors will not be responsible for ensuring that any proxy holder votes the proxy in accordance with the proxy holder's direction.

5. **Revoking/Changing Ballots or Proxies**

- a. If a member mails or delivers his/her Ballot prior to the meeting, that Ballot cannot be changed or revoked unless the member attends the membership meeting in person and revokes his/her Ballot prior to the time that the Inspectors close registration at the polls.
- b. If more than one Ballot is received for any property, the first Ballot received will be the one counted (unless the same is revoked by the member in person at the meeting). If it cannot be determined which Ballot was the earliest received, no Ballot will be counted for that property except one Ballot for quorum purposes only.

6. **Registration of Secret Ballots at the Meeting**

- a. The Association will have the membership registration list at the membership meeting.
- b. Management will not register any of the Ballots or proxies received by the Association.
- c. All Ballots must be sealed in the two sealed preaddressed envelopes and contain all required information on the upper left-hand corner of Envelope #2.
- d. If a member brings ballots for other members to the membership meeting, the Ballots must be sealed in separate individual Envelopes #1 and #2 as required above. The Inspectors will register and make all necessary determinations regarding those sealed Ballot envelopes.
- e. The Inspectors will review the information provided on the upper left-hand corner of Envelope #2. The Inspectors will require, at a minimum, the following:
  - i. The printed name of the member must be legible and must match the name of at least one of the record owners of the property as shown on the Association's membership list;
  - ii. The member's signature must be on the Envelope #2.
  - iii. The address shown on Envelope #2 must correspond to the member's address on the Association's membership list;
  - iv. If these requirements are not met, the envelope/Ballot will not be valid for any purposes, including quorum and will not be registered.

7. **Registration of Members in Person**

- a. A member wishing to vote in person at the membership meeting must present himself/herself at the registration table.
- b. If the member has mailed or delivered a Ballot to the Inspectors which was received and registered prior to the membership meeting by the Inspectors, the member must advise the Inspectors if he/she wishes to revoke the Ballot previously cast. If the member wishes to revoke the Ballot, the Inspectors will locate and void that Ballot by marking the outside of the Envelope #2 received from that member "VOID." The Inspectors will keep the Envelope #2 for the Association's records. The Inspectors will give the member a Ballot to mark and cast in secret at the membership meeting and mark the registration list to memorialize that the member revoked his/her prior Ballot and received a new Ballot.
- c. If the member has not previously mailed or delivered a Ballot to the Inspectors, she/he will be given a Ballot to mark and cast in secret at the membership meeting. The Inspectors will mark the registration list to memorialize that the member received a Ballot at the membership meeting.
- d. Members voting in person at the meeting must still use Envelopes #1 and #2 and Envelope #2 must be filled out, sealed and signed. Failure to use the two envelope system at the meeting may lead to invalidation of the Ballot cast at the meeting and shall prevent the Ballot from being counted at any adjourned date if the meeting is adjourned due to lack of quorum.

8. **Registration of Proxies/Determination of Quorum**

- a. If a person brings proxies to the membership meeting, the Inspectors will review and make all necessary determinations regarding those proxies, including the validity of those proxies.
- b. The Inspectors will determine, based upon the count of the number of members voting in person or by mail as shown on the registration list, that quorum has been obtained.
- c. Upon determination that a quorum has been obtained, the Inspectors may close registration at the polls. Once registration at the polls has been closed, no member may revoke their Ballot.

9. **Adjourned for Lack of Quorum**

- a. If any membership meeting is adjourned to another date due to lack of quorum, new Ballots will not be required from any member voting in person at the meeting. Any Ballots which are cast in person at the Annual Meeting and put directly into the ballot box without Envelopes #1 and #2 for that meeting will not be counted at or used for any adjourned meeting. Ballots which are mailed in or delivered to the Inspectors in properly completed, sealed Envelopes #1 and #2 will be valid for adjourned meetings.
- b. The Ballots will be counted during duly noticed Board or membership meeting. The Inspectors may request that the meeting be recessed to allow the Inspectors to complete the counting and tabulation of the Ballots to another time. Notice of the recessed meeting will be given to all members and candidates of the location, dates and times when the counting and tabulation will be performed. The Inspectors will continue to maintain custody of all Ballots until the counting and tabulation is complete.

10. **Observation/Custody of Ballots, Etc.**

- a. Any candidate or other member of the Association may witness the registration of sealed Ballots, proxies (if any), the counting and the tabulation of the votes.

- b. No person, including any member of the Association, any employee or manager, may open or otherwise review any Ballot prior to the time and place at which the Ballots are counted and tabulated.
- c. The sealed Ballots at all times will be in the custody of the Inspectors.
11. **Privilege Suspensions.** Management will provide the Inspector(s) with a list of those members whose rights and privileges have been duly suspended after notice and hearing and who are not entitled to vote at the membership meeting. The Inspector(s) will take appropriate steps, including making notations or otherwise marking the membership registration list and/or sealed Ballot envelopes, to not allow suspended members to vote at the membership meeting or in other membership votes.
12. **Consultation with Association Counsel.** The Inspectors will have the authority to confer with Association legal counsel in advance or at the meeting. Legal counsel represents the Association and does not represent the members, Inspector(s), Board members, management or any other person. By the adoption of these 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 Inspectors regarding issues related to the Inspectors performing their duties for the Association.
13. **Nominating/Balloting.** Once registration for the polls has been closed, if a quorum is present, the meeting may proceed with nominations from the floor, followed by balloting, etc.
14. **Tabulation, Counting, Inspectors' Conduct, etc..**
- a. Once the balloting has been closed by the Inspectors, the Inspectors may then open the sealed envelopes and begin the count and tabulation of the ballots.
- b. All votes shall be counted and tabulated by the Inspectors of election in public, at a properly noticed open meeting of the Board or of the members, after verification of a quorum of the membership.
- c. Members and candidates may witness the counting and tabulation from a distance of no less than six feet from any Inspector.
- d. The Inspectors will not provide members or candidates with information, will not answer questions and will not provide any interim counts or tabulations. Inspectors will only provide the members or Inspectors with a final count and tabulation.
- e. Members and candidates may not communicate with the Inspectors during the inspection, registration, count or tabulation process.
- f. Any Ballot must be legible and clearly marked. If the ballot is marked to cast more votes than the maximum number of votes for that election, no votes will be counted, and the Ballot will be used for quorum purposes only.
- g. Inspectors will certify the result of the Membership election by completing a report.
15. **After Tabulation**
- a. Results of the election shall be announced and promptly reported to the Board of Directors and recorded in the minutes of the next meeting of the Board.

- b. Results shall be available for review by all members after the certification of the membership meeting by the Inspectors.
- c. Tie Votes: In the event of a tie vote among any number of the candidates, 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 or proxies will be used at the meeting to break the tie.
- d. Within 15 days of the election, the Board shall publicize the results of the election in a communication directed to all members.
- e. The Ballots will be stored by the Inspectors in a secure place for no less than one year after the date of the election.
- f. In the event of an election challenge and upon receipt of a written request from a member, the Inspector will make the Ballots available for inspection and review by Association members or their authorized representatives. In order to protect the security of the Ballots, one or more Inspectors must be present during such review.
- g. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

16. **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 web sites, 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 related to that election.
- b. The Association shall not edit or redact any content from these communications but will provide a statement specifying that the candidate or member, not the Association, is responsible for that content.
- c. Access to common area meeting space will be made available to all candidates and members advocating a point of view, for purposes reasonably related to the election, at no charge, on the specific dates and time which will be contained in the Notice of the membership meeting.