Section ARTICLE - Sample Provision Excerpt (Public Preview)

ARTICLE
RECREATION
1.
of
a
Unit.

ISSUE #1

?
corporation.
means
Ponderosa
XI
CLUB
M e m b e r s h i p
Each owner o f a U n i t in Ponderosa H i l l s S u b d i v i s i o n U n i t No. 6
s h a l l a u t o m a t i c a l l y b e c o m e a m e m b e r o f P O N D H I E L L R S ? R
O E C S R E A T I : O N C L U B ,
@ n o n - p r o f i t
c o r p o r a t i o n...

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. ARTICLE (p. 2): Potential Issue for Review: Election provisions omit mandatory Davis-Stirling secret ballot procedures and independent Inspector of Elections requirements under California Civil Code §§ 5105 - 5125 - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Cal. Civ. Code §§ 5105, 5110 & 5115 (SB 323 / AB 2159)

Statutory Comparison: Under Cal. Civ. Code §§ 5105 and 5110, every association must adopt election operating rules and conduct specified elections through an independent third-party Inspector of Elections using secret double-envelope paper ballots (or compliant electronic secret ballots under AB 2159), with at least 30 days general notice of the nomination deadline and at least 30 days pre-ballot notice before ballots...

CURRENT WORDING IN DOCUMENT:

ARTICLE RECREATION 1. of a Unit. ?Association? corporation. means Ponderosa XI CLUB M e m b e r s h i p Each owner o f a U n i t in Ponderosa H i l l s S u b d i v i s i o n U n i t No. 6 s h a l l a u t o m a t i c a l l y b e c o m e a m e m b e r o f P O N D H I E L L R S ? R O E C S R E A T I : O N C L U B , @ n o n - p r o f i t c o r p o r a t i o n...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Pursuant to California Civil Code §§ 5100 - 5145, the Association shall maintain compliant Election Operating Rules providing for equal access to Association media,...