Section 1. - Sample Provision Excerpt (Public Preview)

Residents of, and owners of residential buildings of three units or less in, the Potrero shall be eligible for membership. Membership shall commence upon receipt of dues. Dues shall be for one calendar year, from January 1 st to December 31 st ; provided, however, that dues received on or after October 1 st shall be applied to both (i) membership for the...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 1. (p. 1): Election provisions omit mandatory Davis-Stirling secret ballot procedures and independent Inspector of Elections requirements under California Civil Code §§ 5105 - 5125.

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:

Residents of, and owners of residential buildings of three units or less in, the Potrero shall be eligible for membership. Membership shall commence upon receipt of dues. Dues shall be for one calendar year, from January 1 st to December 31 st ; provided, however, that dues received on or after October 1 st shall be applied to both (i) membership for the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Residents of, and owners of residential buildings of three units or less in, the Potrero shall be eligible for membership. Membership shall commence upon receipt of dues. Dues shall be for one calendar year, from January 1 st to December 31 st ; provided, however, that dues received on or after October 1 st shall be applied to both (i) membership for the then current calendar year and (ii)...