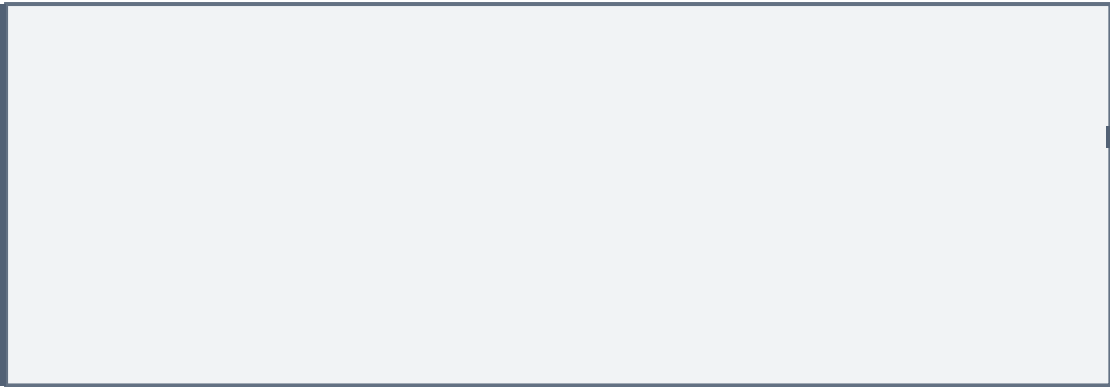


Section Clause #1 - Sample Provision Excerpt (Public Preview)

22658, may be immediately enforced by fines, citations and/or towing by RDTA at owner's expense without prior notice of violation or notice of intent to tow. An owner or other person whose vehicle has been removed from the Development pursuant to these Rules shall be solely responsible for towing and storage costs related to such removal.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 2): Disciplinary or fining provision conflicts with the notice, hearing, or penalty-schedule requirements of California Civil Code §§ 5850 and 5855 and 10 CCR § 2792.26.

Statutory / Legal Reference: Cal. Civ. Code § 5850 & 5855; 10 CCR § 2792.8, 2792.26 (Cal. DRE Subdivided Lands Regulations)

Statutory Comparison: Under Cal. Civ. Code § 5855, when the Board is to meet to consider or impose discipline or a monetary charge, it must notify the member in writing at least 10 days prior to the meeting, allow the member to attend and address the Board (in executive session if requested), and deliver written notice of any disciplinary decision within 15 days following the action. Under Cal. Civ.

CURRENT WORDING IN DOCUMENT:

22658, may be immediately enforced by fines, citations and/or towing by RDTA at owner's expense without prior notice of violation or notice of intent to tow. An owner or other person whose vehicle has been removed from the Development pursuant to these Rules shall be solely responsible for towing and storage costs related to such removal.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code §§ 5850 and 5855, the Board shall not impose any monetary penalty or disciplinary suspension unless: (a) the monetary penalty schedule has been adopted and distributed to the members in the Annual Policy Statement; (b) the Board provides the member with written notice at least ten (10) days prior to the meeting at which discipline will be considered, stating the...