Section 61121 - Sample Provision Excerpt (Public Preview)

, 61141, and 50077 to levy a special tax, subject to approval by two-thirds (213) of the qualified electors voting on the measure; and WHEREAS, the District is authorized by Government Code sections 61140 through 61144 to levy a special tax within specified areas of the District by forming a new zone to fund any service, any level of service, or any...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW — BOARD & COUNSEL REVIEW

Sec. 61121 (p. 1): 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:
, 61141, and 50077 to levy a special tax, subject to approval by two-thirds (213) of the qualified electors voting on the measure; and WHEREAS, the District is authorized by Government Code sections 61140 through 61144 to levy a special tax within specified areas of the District by forming a new zone to fund any service, any level of service, or any...

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,...