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**NOTICE OF PROPOSED RESOLUTION**

**TO:** PMCPOA Board of Directors      **Approved**  
**FROM:** Director Bates                      **02/17/2018**  
**SUBJECT:** Revision of Bylaw 10.02 Formation and purpose of  
assessment  
**DATE:** February 9, 2018  
**DATE TO BE SUBMITTED:** February 17, 2018

**THE FOLLOWING RESOLUTION IS PROPOSED FOR SUBMISSION TO THE BOARD ON  
THE ABOVE DATE. PLEASE REVIEW IT AND NOTIFY THE MAKER OF YOUR  
COMMENTS. POSSIBLE ALTERNATIVES AND SUGGESTIONS. NOTIFICATION MUST  
BE AT LEAST 10 DAYS PRIOR TO THE MEETING AT WHICH IT WILL BE SUBMITTED.**

**ADDRESSED TO:** PMCPOA Board of Directors  
**MAKER:** Director Bates  
**ACCOMPLISHMENTS:** Revise Bylaw 10.02 Formation and purpose of assessment  
**COST:** TBD  
**DATE OF IMPLEMENTATION:** Upon approval  
**APPLICABLE POLICY:** N/A  
**ALTERNATIVES:** Do not revise Bylaw 10.02

**RESOLUTION #05-02-17-18, WHEREAS,** that the PMCPOA Board of Directors approve revisions for Bylaw 10.02, Formation and purpose of assessment.

**WHEREAS,** the proposed revision to bylaw 10.02 (formation and purpose of assessment) is the same version that was submitted to the membership for approval in 2017 with the exception of the number of votes required to revise bylaws 10.02.

**WHEREAS,** the 2017 version stated that the two bylaws could be changed by a majority of votes received instead of the two-thirds requirement in the original version.

**WHEREAS,** this reduced requirement was a concern of those members that voted against the proposed revision. The governing documents committee, along with a small group of visitors to our February meeting, agreed to change the existing requirement from a two-thirds vote to 75% of the votes received.

**WHEREAS**, the revisions are as follows:

**10.02 Formation and purpose of assessment.**

A. Membership shall be subject to annual assessment provided, however, that an annual assessment upon each membership shall not exceed the total aggregate sum computed as follows: The amount of the budget adopted by the board pursuant to bylaw 10.03 hereof for the fiscal year for which the assessment is levied shall be divided by the number of memberships outstanding to determine the amount of annual assessment imposed upon each owner. The amount of each annual assessment shall be fixed by resolution of the board. The annual assessment shall: (a) be payable ~~in advance~~ on the 1st day of July in each year, (b) become delinquent on September 15<sup>th</sup> ~~or on such later date as determined by the Board~~, (c) upon delinquency be made enforceable by court action, in which this Association shall be entitled to recover its reasonable expenses and attorneys' fees incurred therein, and shall constitute a lien on the member's property within the development.

D. Any member who fails to pay his/her assessment ~~for a~~ during the period ~~between July 1st and September 15th of 77 days from the date on which such assessment becomes payable~~, shall, for the purposes of voting, utilizing the facilities of the Association, and participating in activities sponsored by the Association, be considered a member not in good standing. Such member shall not be reinstated to good standing in the Association until he/she has paid all assessments in full plus interest thereon. Delinquent assessments shall be charged ~~a penalty of interest at~~ 9% per annum for any unpaid balance, ~~30 days after July 30th. such assessments are due and payable.~~ All members other than those described in this paragraph are members in good standing.

F. On adoption of the resolution levying the assessment, the treasurer of the Association shall give notice thereof in writing. The notice shall set forth the name of the Association, the location of its principal office, the date of the board meeting at which the resolution levying the assessment was adopted, the fact of adoption, the amount of the assessment, to whom the assessment is payable and where, the date on which the assessment, if unpaid, shall become delinquent, the fact that if not paid the assessment shall become a lien on the member's real property within the development, and that the assessment shall be collectable either by an action at law to recover the amount thereof or by an action to foreclose the lien. The notice shall further state that in the event of collection action, whether by an action at law or by foreclosure, the Association shall be entitled to recover ~~a~~ reasonable attorney's fees and expenses ~~(as delineated in civil code 5650 or its replacement)~~ in addition to the amount of the assessment and interest thereon.

G. The notice of assessment shall be sent by mail to each member not less than thirty (30) days prior to ~~July 1st the delinquent date~~ addressed to each member at his/her address as it appears on the books of the Association.

I. Notwithstanding any other provision in these bylaws, any changes to sections 10.02 and 10.03 hereof can be amended or repealed only by the vote or written assent of ~~two thirds (2/3) or more of the Members in Good Standing of this Association.~~ ~~seventy-five (75) percent or more of votes received.~~

**THEREFORE, BE IT RESOLVED**, that the PMCPOA Board of Directors approve revisions to Bylaw 10.02, Formation and purpose of assessment.

Respectfully submitted by Director Bates