# ASSOCIATION RULES

**PINE MOUNTAIN CLUB**
**PROPERTY OWNERS ASSOCIATION, INC.**

**Ratified by Motion 04-17-2021**

# ASSOCIATION RULES

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## ARTICLE 1: PURPOSE AND AUTHORITY

1.01 The Board of Directors (board) of Pine Mountain Club Property Owners Association (PMCPOA/the Association) has adopted the following Association rules: Association property usage, common rules for all committees, election rules, and Environmental Control Code.

1.02 The primary consideration in the adoption of these Association rules has been to enable the members and guests to obtain maximum enjoyment from the use of Association property.

1.03 The authority to enact, amend and implement these Association rules are granted in the bylaws, Article 9, section 9.02 (E).

1.04 The Association rules may be revised from time to time by the board. Such revision shall be made according to the procedures defined in the bylaws, Article 9, section 9.02 (E). These procedures may be pre-empted by forces such as emergencies, changes in the law and insurance requirements.

## ARTICLE 2: ENFORCEMENT

2.01 SCHEDULE OF FINES/PENALTIES

A. The board shall approve a schedule of fines and penalties to be imposed upon owners and/or their tenants or authorized guests for violations of the CC&R's, bylaws and the Association rules (collectively "governing documents") or other applicable law. Any fine imposed against the tenants or authorized guests shall likewise be the responsibility of the owner.
B. The schedule of fines shall be distributed to each owner.
C. In addition to the fine imposed for the violation of the governing documents, an additional fine may be imposed for the costs or expenses incurred by the association to repair any damage caused by, or attributable to, the conduct which is the basis for the violation (i.e., legal fees, repairs and maintenance, loss of revenue, etc.).
D. A violation which continues for more than 30 consecutive or non-consecutive days shall constitute a basis for an additional fine.

2.02 DUE PROCESS AND ENFORCEMENT

A. The following process will be followed in the enforcement of fines and penalties. (See bylaw section 12.03 and California Civil Code 5855 or its replacement section upon its amendment or replacement.)

1. Determination of the alleged violation: Management will determine that a violation has occurred from physical evidence, testimony of witnesses or from corroborated complaints from other members.
2. Violators of Association rules may be given a verbal and/or written warning, or issued a citation for violation of the Association rules.
3. Notice of alleged violation: Management will send a notice of a hearing to the responsible owner and/or their tenants or authorized guests by first class mail at least 10 days prior to the hearing. The notice will include the following:
   A. A description of the alleged violation.
   B. The fine and/or penalty charged and the effective date.
   C. A date of hearing before the board.

D. A statement that the member and/or their tenants or authorized guests have a right to attend the meeting and may address the board at that meeting.

4. The hearing:

A. The owners and/or their tenants or authorized guests may request the hearing to be in an open session or executive session of the board.

B. The owners and/or their tenants or authorized guests may present his/her case either orally or written.

C. The owners and/or their tenants or authorized guests may appear with counsel.

D. The owners and/or their tenants or authorized guests may present evidence and testimony on his/her behalf.

5. The board, based upon the presentations made, may:

A. Levy the fine and/or penalty in accordance with the schedule and/or initiate legal action dependent upon the nature and circumstances of the violation and notify the member and/or their tenants or authorized guests within 15 days following the action.

B. Grant an extension of the time allowed to abate the violation, in which case the board will also determine the action to be taken in the event that the violation is not abated.

C. Suspend the fine and/or penalty, find no violation, or otherwise dismiss the action.

## ARTICLE 3: GENERAL RULES

3.01 The use of Association property is limited to members and guests. Valid membership/guest cards must be presented when requested.

3.02 The lot owner is fully responsible for the conduct of his/her guests, renters, tenants, lessees, boarders, and lodgers while within Pine Mountain Club.

3.03 Association property shall be used at the user's risk.

3.04 The Association is not responsible for loss or damage to any property belonging to members, renters, tenants, lessees, boarders, lodgers or guests.

3.05 The general manager is responsible to the wishes of the board and not to that of individual members.

3.06 Any person who willfully or negligently litters, defaces, injures or destroys property or equipment of the Association will be held liable for the full cost of the loss.

3.07 Rules for the use of Association property are available at each facility and are enforced by the responsible staff member.

3.08 No dogs are permitted in areas so designated except for service animals required in support of a disability. Elsewhere, where dogs are permitted, the person in control of the animal is responsible to clean up waste deposited by the animal on Association property, including roads and trails.

3.09 No solicitation shall be permitted on Association property without the approval of the general manager.

3.10 Abusive, bullying, threatening, and harassing language *or behavior* directed at staff or members is not allowed at any time or place within the community. Any physical or verbal confrontation with PMC Patrol may constitute cause for verbal and/or written warning, a citation, or a citizen's arrest. The issuance of a warning or citation of an alleged violation will comply with the provisions and due process of Article 2

(Enforcement). In addition, drunkenness, threatening action or behavior will not be permitted on Association property at any time.

Harassment is defined in California Civil Code 527.6(b)(2) as "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause emotional distress to the petitioner."

"Course of conduct" is defined in California Civil Code 527.6(b)(1) as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email."

"Credible threat of violence" is defined in California Civil Code 527.6(b)(1) a knowing and willful statement or course of conduct that would place a reasonable person in fear of his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

3.11 No passenger-carrying aircraft, other than one operated by, leased by or under the control of a responsible governmental agency, or in an emergency situation, or operated by the Association, may land on Association property or land on any private lot within the development without prior approval of the PMCPOA board.

3.12 A member is limited to six authorized guests, including renters, tenants, lessees, boarders, and lodgers, at any single PMCPOA function or in the use of Association property without specific approval of the general manager or the board. Application for board approval of exceptions must be made to the secretary of the board not less than six weeks in advance. Impact on the use of Association property by approved users will be a prime consideration.

3.13 Loitering, unauthorized use of Association property or unauthorized presence shall not be permitted.

3.14 Children under 18 years of age shall be restricted to a 10:00 p.m. curfew while on Association property unless he/she is with his/her parent or adult member chaperon either individually or in a group or is in attendance at an authorized Association activity.

3.15 Guest fees for the use of certain facilities shall be paid at the business office, pro shop, or to an authorized Association staff member prior to using the facilities.

3.16 All members, guests, renters, lessees, borders, lodgers, and any persons utilizing, visiting or occupying Association property will comply with county, state, and federal laws. Failure to comply with these laws may subject the violator(s) to citizen's arrest or detention for law enforcement authorities for further investigation of suspected criminal activity. Such action does not absolve the violator and/or property owner of his/her responsibility to these Association rules. Violators of laws upon Association property may also be subject to fines, penalties and/or Association property restriction as provided in article 2 (Enforcement).

3.17 A corkage fee will be charged to members for wine brought in to the area controlled by the liquor license. All other alcoholic beverages consumed in the area controlled by the liquor license must be purchased from PMCPOA.

3.18 Playing of any kind in the Association parking areas is prohibited. Riding, other than for transportation to the clubhouse, of any wheeled device including, but not limited to, the following: bikes, scooters, roller skates, unicycles, skateboards, and roller blades is not allowed on the clubhouse parking lot, or sidewalks, or pathways. This prohibition of wheeled devices does not include any type of mobility aid such as a wheel chair or a walker.

3.19 AUDIBLE ELECTRONIC DEVICES

A. The use of audible electronic communication devices, including cell phones on PMCPOA property is permitted only outdoors.
B. In the event of an emergency the use of audible electronic communication devices, including cell phones is permitted indoors.
C. All cell phones must be maintained in the vibrate or silent mode at all times.
D. Electronic communication devices, including cell phones may be used for text messages, email or internet access anywhere so long as no sound is emitted.

3.20 Smoking, including e-cigarettes, is allowed in designated smoking areas only.

3.21 Personal knives with a three-inch blade or greater are not allowed in the clubhouse complex.

3.22 Discharge of firearms, shooting a bow/arrow, hunting. The following applies within the boundaries of the Pine Mountain Club development;

A. Discharge of firearms including, but not limited to, BB guns, paintball guns, air soft guns, pellet guns and any similar guns or equipment capable of propelling a projectile, is not permitted. (Exception: PMCPOA Patrol officers who are trained and authorized to use paintball guns for hazing of bears and wildlife as necessary.)
B. Shooting a weapon system consisting of an elastic launching device (such as bow, crossbow, slingshot, etc.) and long-shafted or arrow-like projectiles (such as arrows, bolts, quarrels, etc.) or other projectiles (such as stones, steel balls, lead balls, marbles, etc.) is not permitted. (Exception: Bows (not crossbows) can be used to shoot arrows at the Archery Range by members of the Pine Mountain Archers Club.)
C. Any form of hunting and/or trapping of wildlife is not permitted unless authorized and/or permitted by the California Department of Fish and Wildlife (CDFW) and/or the United States Department of Agriculture (USDA) for the purposes of wildlife depredation or relocation. A copy of any permit issued or similar documentation will be delivered to the PMCPOA Patrol Office prior to any actions authorized or permitted.

3.23 The use of marijuana in any form is prohibited on Association property.

3.24 Use of skateboards, skates and non-motorized scooters:
A. As addressed in this rule, a skateboard is any board or other object which has wheels attached to it by any means whatsoever and which is intended to be propelled by pushing, pulling, body movement, or gravity and to which there is not affixed any device or mechanism for steering. The provisions of this rule equally apply to the use of other wheeled devices, including, but not limited to, skates (roller and in-line, rollerblades) and non-motorized scooters.

B. Riding skateboards, skates or non-motorized scooters is prohibited in Lampkin Park, on Association sidewalks, and in Association parking areas (other than use as transportation to/from the clubhouse).

C. Persons riding on skateboards, skates or non-motorized scooters on Association roadways shall comply with the following requirements and restrictions:

1. Persons shall obey all speed limits, stop signs, and other traffic controls that govern right-of-way, and shall ride close to the far-right edge of the roadway.
2. No person shall operate a skateboard, skates or a non-motorized scooter recklessly or in such a manner or at such a speed as to cause or threaten to cause injury to himself or herself or to others, or to create an obstruction or to present a hazard to the free use of Association property by other pedestrians or motorists.
3. A person operating a skateboard, skates or non-motorized scooter shall not attach the same or himself or herself to any motor vehicle on the roadway. In addition, a person shall not knowingly drive a motor vehicle that is towing a person riding upon a skateboard, skates or a non-motorized scooter.
4. A person under 18 years of age shall not operate a skateboard, skates or a non-motorized scooter, nor ride upon a skateboard or non-motorized scooter as a passenger, upon an Association roadway or property unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. (Reference; 21212(a) California Vehicle Code)

## ARTICLE 4: ANIMAL CONTROL

4.01 The general rules of Article 3 also apply to this article.

4.02 The general manager, members of the patrol department and the environmental control officer have the authority to issue citations to the owners of animals in violation of animal control rules. The enforcement process may be initiated by making a complaint to the patrol department. Persons in violation of the animal control rules are subject to fines.

4.03 The term "pet" is defined as "any domesticated bird, cat, dog, rabbit, guinea pig, aquatic animal kept within an aquarium, or other animal as agreed to between the association and the property owner."

4.04 Farm animals, including but not limited to chickens, ducks, geese, goats, and pigs, are not permitted on any lot within Pine Mountain Club.

4.05 The commercial breeding/rearing of animals is not permitted on any lot within Pine Mountain Club.

4.06 A reasonable number of pets may be kept provided it does not create a nuisance or offensive odor or disturbance to neighbors so as to interfere with the enjoyment of life or property. A reasonable number shall be defined as the number that does not create a noxious or offensive activity.

4.07 Pets shall not be left outside unattended between dusk and dawn.

4.08 Pets shall be sheltered and protected from the weather, whether hot or cold, at all times.

4.09 Pets shall be supplied sufficient food as often as the feeding habits of the respective animals require. Pets shall be supplied with clean drinking water at all times.

4.10 Every reasonable precaution shall be used to ensure animals are not abused, abandoned or neglected as defined by Kern County Ordinance 7.08.110 or its replacement or amendment.

4.11 Dogs must be leashed and under control at all times by the owner or caretaker while on Association roads or property. Leashed dogs are permitted on PMCPOA greenbelt areas and trails, the area immediately adjacent to Fern's Lake and the campground area. Dogs may be unleashed only within the fenced dog park area or owner's property.

4.12 Dogs are not allowed on the private property of others without the permission of the property owner. Dogs, except service dogs, are not allowed inside the post office, at Lampkin park, on the golf course or in the clubhouse.

4.13 Excessive and/or habitual barking, howling, whining or yelping by an animal is prohibited.

4.14 Dog owners and/or caretakers are responsible for picking up and properly disposing of their dog's waste.

4.15 Dogs shall not be tethered on any lot for longer than three (3) consecutive hours.

4.16 Pets shall not be left unattended on any lot longer than twelve (12) consecutive hours.

4.17 Pets shall not be left unattended in any vehicle on Association property under conditions that endanger their health or well-being.

4.18 Dog bites are not permitted in PMC. All reported dog bite incidents will be referred to Kern County Animal Services. In a dog bite incident, the owner of the dogs found to be in violation of PMCPOA animal control rules shall be subject to citation.

## ARTICLE 5: RULES FOR FILMING IN PMCPOA

5.01 The general rules of article 3 also apply to this article.

5.02 Definition. Filming means the act of recording images, stills or live action, on or for any media known or unknown. The filming of home movies or videos intended for the exclusive use of the owner and his/her immediate family, filming by and for the Association, filming in support of local events and filming for local property sales are exempt from this provision and are not included in the definition of "filming."

5.03 Filming within PMC must be done under conditions and constraints negotiated in advance with the general manager in accordance with PMCPOA Business Policy and Procedure D-17 Filming Contract. Filming means the act of recording images, stills or live action, on or for any media known or unknown. The filming of home movies or videos intended for the exclusive use of the owner and his/her immediate family, filming by and for the Association, filming in support of local events and filming for local property sales are exempt from this provision and are not included in the definition of "filming." Property owners are responsible for the conduct of persons they have invited onto their property.

## ARTICLE 6: TRAFFIC

6.01 The general rules of Article 3 also apply to this article.

6.02 Any person operating a motorized vehicle on PMCPOA roadways must have a valid driver's license, proof of insurance and obey all posted speed limits.

6.03 Motor vehicles may only be driven on designated streets, roadways, and driveways (including the commercial center driveways). Motor vehicles shall not be driven on service roads, horse trails, parks, greenbelt areas and trails or the golf course except where specifically designated.

6.04 Driving motor vehicles across private lots beyond a designated driveway or parking area is strictly prohibited without the written consent of the owner.

6.05 Any motor vehicle operated within the bounds of PMCPOA shall be driven in a responsible manner and in accordance with section 5.6 of the PMCPOA CC&R's which provides in part: "No noxious or offensive activity shall be allowed upon any lot, nor shall anything be done or placed thereon which may be or become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to other owners in the enjoyment of their lots or the Association property."

6.06 No parking is permitted on paved or unpaved portions of Association roads. Vehicles parked on roads in violation of this rule, parked in such a manner to delay or obstruct passage for emergency vehicles, or impede, prevent, or cause an obstruction or delay during snow removal operations may be towed away and impounded without warning at the owner's expense. A vehicle parked in violation of this rule that delays snow removal on a road will result in that road not being plowed until the vehicle is moved or towed.

**NOTE**: Association roads, which are Association property, extend in width from the lot line on one side of the road to the lot line on the other side of the road. The paved portion of the road does not constitute its full width.

Exceptions to this rule are as follows:

A. Temporary parking is allowed if it does not interfere with passing of snow removal and emergency vehicles between 7:00 a.m. and 12 midnight for the following:

- Social Events and visits
- Deliveries
- Contractors and their employees
- Trailheads for hikers

Recreational vehicles may be parked on the road in front of the property owner's residence with advance notice to the Association for the purposes of loading and unloading for a period not to exceed 48 hours in any 7-day period.

## ARTICLE 7: RULES REGARDING WILDLIFE

7.01 The general rules of Article 3 also apply to this article.

7.02 PMCPOA property, members' property, and Los Padres National Forest are subject to California code of regulations 14, California Fish & Wildlife regulations as it may be amended from time to time regarding the harassment of wildlife.

7.03 The feeding of bears, mountain lions, bobcats, raccoons, foxes and/or coyotes is strictly prohibited on any lot or other portion of the Pine Mountain development. This prohibition will be strictly enforced.

7.04 Food may not be left unattended outside a dwelling.

7.05. All outside trash storage containers must be certified bear-safe or placed in a bear-safe area.

7.06. No unattended freezers, refrigerators, ice chests, food containers or similar devices containing food may be placed outside on a member's property. All empty freezers, refrigerators, ice chests, food containers or similar devices that are stored outside must be sanitized with bleach to eliminate all food odors prior to storing them outside.

7.07. Domestic animals must be fed inside the members' dwelling or outside the dwelling if the member, resident, or guest is in attendance. If there is any food left over after the feeding it must be promptly removed. Food left outside unsupervised is considered feeding the wild life.

7.08. Private supplemental horse feed at the equestrian center that may attract wildlife must be kept in a manner that will prevent wildlife from gaining access to the food.

7.09 The Association shall investigate all reports of feeding wildlife and, if deemed a violation, a citation shall be issued and the Department of Fish and Wildlife shall be notified.

7.10 The board is authorized to impose a fine for any violation of the foregoing provisions.

7.11 Exposing wildlife to any toxic substance such as, but not limited to, poisons, automotive fluids, household chemicals or other harmful substances that may attract wildlife is prohibited.

## ARTICLE 8: ARCHERY RANGE

8.01 The general rules of Article 3 also apply to this article.

8.02 Use of the archery range is subject to Article 3.03 of the PMCPOA bylaws. Membership in the pine mountain archer's club is required to use the archery range. Application for membership can be obtained at the Association office.

8.03 Archery club members must carry their pine mountain archer's membership card at all times while on the archery range to verify membership.

8.04 Children under 16 must be accompanied by a parent or responsible adult.

8.05 Alcoholic beverages shall not be consumed on the archery ranges.

8.06 Pets are not allowed on or around the archery range.

8.07 Smoking is not allowed on or around the archery range.

8.08 Members must stay on the designated trail to and from the shooting area.

8.09 Members may shoot only from marked areas. Members may not trim trees or shrubs near the shooting lanes to make a shot easier.

8.10 "Sky-drawing" is not permitted. Bows may only be drawn down range toward the targets.

8.11 Broad heads are not permitted on the archery range.

8.12 Members must not nock an arrow until everyone is behind the shooting line.

8.13 Members must treat a bow and arrow with as much respect as a firearm. No horse play.

8.14 Members should contact Pine Mountain patrol if they observe unsafe range conditions that they cannot correct.

## ARTICLE 9: CAMPGROUND

9.01 The general rules of Article 3 also apply to this article.

9.02 Use of the campground is subject to article 3.03 of the PMCPOA bylaws. The campground is available by reservation on a first-come basis. A deposit is required when making a reservation.

9.03 A daily camping fee will be charged during check-in at the business office. Rates are available at the business office.

9.04 The maximum period of use is one week. This may be extended with approval from the general manager during normal business hours.

9.05 The camping site shall be left in a clean and tidy condition free of all property and refuse upon check out or the deposit may be forfeited. The deposit will be refunded upon satisfactory inspection by management staff upon leaving.

9.06 There shall be no exterior fires whatsoever except for barbeques in confined receptacles designed for such purposes. Pellet smokers and propane, charcoal, and electric barbeques are permitted with a minimum 15-foot clearance from combustible material. Residents shall take all reasonable precautions to minimize smoke and eliminate sparks.

9.07 Campers, trailers and tents may be placed only in areas so designated for such use and as assigned. Campers are not permitted to change campsites without the prior approval of the business office.

9.08 Vehicular traffic, including motorbikes, will be allowed only on designated parking areas and roadways designated for entering and leaving the campground. Cruising is not permitted. The speed limit is five miles per hour.

9.09 Children under the age of eight are to be under supervision of an adult at all times in the camp area.

9.10 Campers must conduct themselves in an orderly manner that does not disturb other campers. Loud talking, singing, or music is not permitted after 10:00 p.m.

9.11 Generators can be used between the hours of 8 a.m. and 8 p.m. daily.

9.12 Cutting or gathering of firewood is not permitted.

9.13 Dumping of holding tanks or waste water is not permitted.

9.14 Pets are to be on a leash at all times.

9.15 Check out time is 2 p.m.

9.16 Violators of campground rules are subject to expulsion from the campground, citation and/or fines.

## ARTICLE 10: CLUBHOUSE

10.01 The general rules of Article 3 also apply to this Article.

10.02 The use of the clubhouse is subject to Article 3.03 of the PMCPOA bylaws.

10.03 Facilities may be reserved with the approval of the general manager for activities if sponsored through a PMCPOA committee, club or department.

10.04 Members may rent facilities with the approval of the general manager.

10.05 Persons or organizations authorized to use facilities are responsible for leaving the facilities in the same condition as found before their use.

10.06 Individuals under the age of 21 are allowed in the lounge only while dining with an adult 21 years in age or older during the hours that dinner is being served. This rule is subject to all other applicable laws and regulations. The Association, through its designated agent, reserves the right to exclude from the lounge facilities (a) any individual of any age who engages in conduct which is disruptive to others or constitutes a violation of any law or regulation, and (b) any adult whose minor child engages in such conduct. The Association also reserves the right to refuse service to anyone so long as such refusal is in accordance with applicable laws.

10.07 For safety reasons and hygiene, shoes and shirts must be worn. Wet swim suits are not permitted and swim suits without cover-ups are not permitted. Violators of this rule will be asked to leave the clubhouse.

10.08 No children under the age of eight will be allowed in the clubhouse unless accompanied by an adult member.

10.09 Recreational bike-riding, skateboarding and roller skating are prohibited around the clubhouse parking lots and walkways.

# ARTICLE 11: EQUESTRIAN CENTER

## 11.01 GENERAL RULES

As a condition of use of the equestrian facilities, every member and authorized family member, guest or tenant using the equestrian facilities, shall agree to and acknowledge the following:

1. Serious injury may result from use of the equestrian facilities, including horse riding.
2. Horseback riding and activities in and around the equestrian facilities pose inherent safety risks.
3. If a horse is provoked or frightened, it may respond by bucking, rearing, kicking, biting, running from danger, stopping short, changing directions, etc. All of which pose safety risks.
4. Any person using the equestrian facilities assumes all risks with regard to such use.
5. The Association and its directors, officers, managers, and agents (collectively the Association) shall not be liable to any individual using the equestrian facilities unless caused by the willful neglect or fraud of such person or entity.
6. Each member shall defend and hold harmless the Association in connection with any claim brought against the Association by any such member's family, guests, or tenants in connection with the use of the equestrian facilities by such persons.
7. All boarders using the equestrian facilities shall, whether a member or not, maintain a general liability policy with coverage of at least $500,000.

A. The general rules of Article 3 also apply to this article.
B. Horses are allowed only on "Equestrian" designated association-controlled paths.
C. Use of the equestrian center is subject to Article 3.03 of the PMCPOA bylaws.
D. Stallions and ridgelings are not allowed.

1. Pregnant mares are allowed up to the tenth month from the date of fertilization.
2. Weaned foals are allowed after they reach six months of age.
3. Colts must be gelded prior to being on the premises.

E. No horse may be moved from one boarding location to another within the center without the prior written permission of the equestrian manager.
F. No more than one horse will be kept in an inside stall or pipe corral at one time. Special arrangements for pasture use must be made with the equestrian manager.
G. Overnight boarding arrangements must be made with the equestrian manager 48 hours in advance. All boarders must provide proof of current immunizations and worming program upon arrival.
H. In no event shall a PMCPOA member have more than two stalls or corrals if same are at capacity/rented out. Pasture space is not limited.
I. A string of rental horses may be available, seasonally, for authorized users. Reservation procedures along with rates and rules governing age, size, dress and trail conduct are available at the Association office and at the equestrian center. A release/waiver is required and final approval to rent to an individual shall be determined by the equestrian manager.

## 11.02 STABLE CONDUCT

A. All horses are to be tied or in hand at all times when not in a stall, paddock, pasture, arena or being ridden.
B. Boarding of green-broke horses is prohibited except by written approval of the equestrian manager.
C. All horses shall be walked in the stable area.

D. Due to insurance and state OSHA safety requirements, children must be kept under close parental supervision. Children under eight must be accompanied by an adult. Children eight through eleven must be accompanied by someone fifteen years of age or older.

E. Horses may be placed on the hot-walker only if the horse is properly trained for its use. Owners must remain in the area of the hot-walker unless the owner has requested equestrian center personnel to provide this as a payable service.

F. Horse abuse or interference with equestrian personnel or boarders is not allowed.

G. Smoking is allowed in designated smoking areas only. Smoking is not permitted in barns, hay barns and shavings storage.

H. Work areas, such as the upper barn hall (except at cross ties), vet rack and the area around the hay barn shall be kept clear of horses and vehicles.

I. National forestry rules apply to all trails.

11.03 ARENA USAGE

A. Riders have first priority in the arena.

B. An owner's horse may be turned out in the arena provided it is empty and the owner remains on the stable premises. Exceptions must be arranged with the equestrian center manager.

C. Exercise turnouts by individual owners will be limited to 20 minutes each if others are waiting to use the arena, and will be on a first-come basis.

D. Uses of the arena such as riding, training, lunging, and practicing for competitive events, shall be limited to 30 minutes if others are waiting to use the arena and will be on a first-come basis.

E. All equipment brought into the arena must be removed when finished.

11.04 RIDING INSTRUCTION

A. No one is allowed to give riding lessons to persons other than members of their family unless they are approved by the general manager or his/her designee. This shall not be construed to prevent boarders from sharing knowledge or assisting a rider when requested.

B. Only qualified and approved employees may give lessons.

C. All lesson times must be posted.

11.05 PENALTIES

A. Failure to adhere to these regulations is basis for management to request members, boarder, or visitors to leave the equestrian center.

B. Flagrant or continuing disregard of these rules is basis for management to cancel boarding contracts, suspend equestrian center privileges, suspend membership privileges and/or impose special assessments according to the procedures described in Article 2 of these rules.

## ARTICLE 12: GOLF COURSE

12.01 The general rules of Article 3 also apply to this article.

12.02 The use of the golf course is subject to article 3.03 of the PMCPOA bylaws. All golfers must register in the pro shop. No persons other than registered golfers are permitted on the golf course during normal playing hours. Fivesomes are allowed only at the discretion of the pro shop staff and will be based on the volume of play.

12.03 Children/juniors may not play on the golf course until being signed off by pro shop instructional staff. Children up to age 12 shall be accompanied by an adult whenever on, or using, the golf course, driving range or practice green. No one under the age of 3 years old shall be permitted on the golf course as a participant or spectator without the consent of the general manager or designee.

12.04 Offenders of golf course rules will be denied play or be cited and/or fined.

12.05 Pets are not permitted on the golf course.

12.06 The golf course may be closed at any time for special events with the approval of the Board of Directors or the general manager.

12.07 Reservations for individual starting times may be made by a member up to seven days in advance by calling the pro shop.

12.08 Tournament reservations may be made through the pro shop or the general manager up to a maximum of one year and a minimum of two weeks in advance of the desired date(s).

12.09 For tournaments, a deposit 14 days in advance is required. PMGC (Pine Mountain Golf Club) and pro-am tournaments are exceptions to this requirement. Refunds will be made for cancellation prior to 72 hours of the tournament date. Refund of the deposit will be made if the course is closed on the scheduled day of the tournament due to weather or other circumstances.

12.10 No more than three week-end tournaments will be permitted in any given month. A two-day tournament shall be considered as one tournament.

12.11 Eighteen hole tournaments shall be limited to two hours of starting times. Nine hole tournaments shall be limited to three hours of starting times.

12.12 "Shot gun" starts are not permitted on week-ends. Exceptions will be at the discretion of the general manager or his/her designee.

12.13 Tournaments, other than member tournaments, will require approval of the general manager. A request for approval must be made at least two weeks prior to the desired date.

12.14 No tournament will start prior to 7:00 a.m.

12.15 Persons using the golf facilities must wear clean, neat golf-appropriate clothing.

12.16 Spikeless golf shoes, athletic shoes or golf sandals are required on the golf course and the practice putting green.

12.17 Each player must have a set of golf clubs.

12.18 Only approved electric or gas-driven golf carts are allowed on the course. Operators of golf carts shall have a valid driver's license and proof of insurance.

12.19 Power-ridden carts shall use cart paths, follow cart directions and stay 40 feet from all greens.

12.20 Private carts must be approved by the golf manager prior to being driven on the course. Trail fees are required.

12.21 The use of range balls is limited to the driving range.

## ARTICLE 13: LAMPKIN PARK

13.01 The general rules of Article 3 also apply to this article.

13.02 Use of Lampkin Park is subject to Article 3.03 of the PMCPOA bylaws.

13.03 All litter must be placed in the provided containers.

13.04 Park hours are from dawn until 10 p.m.

13.05 Loud noises which would disturb others are not permitted at any time.

13.06 Care should be taken in play and other recreation to preserve the health and beauty of all plants, shrubs and trees. Activities such as golfing, bike riding, etc. are not permitted in the park area.

13.07 When using park equipment or participating in other activities, no conduct offensive to others sharing the park or behavior that may cause injury is allowed. All equipment and facilities shall be used as designed and not in a manner that would cause injury or harm to anyone.

13.08 Children under the age of eight must be accompanied by an adult.

13.09 Reservations for use of the park is obtained at the Association office.

## ARTICLE 14: FERNS LAKE

14.01 The general rules of Article 3 also apply to this article.

14.02 Use of Fern's Lake is subject to Article 3.03 of the PMCPOA bylaws.

14.03 Activities which would harm wild life or plants are not allowed.

14.04 Swimming or wading is not allowed for either people or animals.

14.05 Water toys, floats and toy boats, except for radio controlled (RC) boats as defined in section 14.10 of these rules, are not allowed.

14.06 There is a "pack it in - pack it out" policy in force regarding personal items.

14.07 Fires and barbecues are not allowed.

14.08 All recreational users of the lake will leave the area immediately when required by a member of PMCPOA staff or any emergency services agency.

14.09 Members may not access the golf course from the lake area.

14.10 RC battery operated or sail operated boats are permitted in the lake as outlined below.

A. No gas-powered boats are allowed at any time.
B. RC battery-operated or sail-operated boats may be used on Fern's Lake from 8 a.m. to dusk.
C. Entering the water to retrieve stalled boats is prohibited.
D. Boaters must have a retrieval method available to them.
E. Retrieval of boats by Association staff may be available for boats trapped in the cattails. A fee will be charged.

14.11 Fishing

A. Hours for fishing are from dawn to dusk.
B. A fishing license is not required.
C. Only barbless hooks are allowed.
D. Catch and release all fish.

## ARTICLE 15: RECREATION ROOM

15.01 The General Rules of Article 3 apply to these recreation room rules.

15.02 Use of the recreation room is subject to Article 3.03 of the PMCPOA bylaws.

15.03 Only authorized personnel are allowed in the recreation room office.

15.04 Telephone calls from the desk are to be limited to one local call per day at the discretion of the recreation manager.

15.05 Members and guests must present membership/guest cards to use the facilities as well as the equipment.

15.06 No food or drinks are allowed in the recreation room.

15.07 Children under eight years old must be accompanied by an adult. Children eight and nine years old must be accompanied by someone fifteen years old or older. Children ten years and older may use the recreation room facilities unaccompanied as long as they follow all applicable Association and recreation room rules.

## ARTICLE 16: SWIMMING POOL

16.01 The general rules of Article 3 also apply to this article.

16.02 Use of the pool is subject to Article 3.03 of the PMCPOA bylaws.

16.03 The pool is for use by members and guests. Guest cards are required.

16.04 The pool may only be used according to posted schedules. When lifeguards are not present, the pool may be available per the posted schedule with the understanding that the swimmer swims at their own risk after signing a liability release form which is available at the reception desk in the lobby during normal business hours. The pool manager or lifeguards on duty may close the pool in bad weather or for sanitary reasons.

16.05 Posted pool rules are to be observed by all members and guests. Swimmers shall shower before entering the pool. Those who violate rules or ignore direct orders from the recreational associates or lifeguards on duty will be suspended from pool use for a determined time. Parents are responsible to see that their children observe all rules.

16.06 All Persons using the PMCPOA pool **swim at their own risk**: persons 14 years of age and younger must have a parent or guardian present while using the pool facility: persons 15 thru 17 years of age may swim only if they have a properly filled out and on file a PMCPOA Swimming Pool Waiver. This privilege can be revoked by the recreation associate or lifeguard on duty if pool rules are violated.

16.07 Only children five years old or younger may use the wading pool in the presence of a parent, guardian or other adult member. Lifeguards on duty are not responsible for children in the wading pool.

16.08 Incontinent persons and children not potty trained are required to wear swim diapers and separate rubber swim pants in the pools. It is recommended that all children within one year of potty training wear the combination of a swim diaper and separate rubber swim pants in the pools.

16.09 Running, dunking and rough play are not permitted. No diving is allowed.

16.10 Roller skates, skate boards, and bicycles are not permitted in the pool area.

16.11 Pets are not permitted in the pool area.

16.12 All swimmers must wear swimsuits (no cut-offs). Dress must be consistent with, and appropriate for, a family-oriented environment. Appropriate clothing and/or swim wear shall be worn in the manner it was designed to be worn at all times. All swimmers with shoulder-length hair must be capped or otherwise controlled to the satisfaction of the recreation manager or lifeguards.

16.13 Food brought into the pool area must be kept within the table and deck chair areas. Food must be kept away from the water and the pool deck surrounding the pool. Waste must be disposed of properly. Drinks must be in unbreakable containers and all trash deposited in containers provided. Smoking (including e-cigarettes) and/or alcohol are not permitted.

16.14 Loud noises (including all audible electronic devices.) which would disturb others are not permitted.

16.15 Photography of any kind is not permitted in or around the pool area.

16.16 All persons who are sick with diarrhea are prohibited from entering and using the pools. Urinating or defecating in the pools is prohibited. A violation of this rule by a member or a member's guest that requires the closure of either pool for health and safety reasons will result in the member being liable for the actual costs incurred to clean, sanitize, and replace the water.

## ARTICLE 17: TENNIS COURTS AND PICKLEBALL COURTS

17.01 The general rules of Article 3 also apply to this article.

17.02 Use of the courts is subject to Article 3.03 of the PMCPOA bylaws. Court hours are from dawn until 10 p.m. A key to the court is available at the Association office. Membership cards must be surrendered when getting the key and will be returned when the key is returned.

Note: If the office is closed, the key is available at the recreation room or with the patrol office.

17.03 Dress must be consistent with, and appropriate for, a family-oriented environment. Tennis shoes are required and shirts must be worn at all times.

17.04 No skate boarding, roller skating, bike riding or other non-tennis activity is allowed on the courts.

17.05 Trash must be placed in litter receptacles.

17.06 Children under eight years old must be accompanied by an adult. Children eight years old through eleven years old must be accompanied by someone fifteen years old or older.

17.07 No food or drink is permitted except for water in non-breakable containers.

17.08 Loud noises are not permitted at any time on the courts.

17.09 Courts may be reserved for tournament play at the discretion of the general manager or his/her designee.

17.10 There is a one-hour time limit on play unless there is no one waiting to play.

17.11 A special event or other activity being proposed to be held on the tennis courts must be approved by the General Manager (or designee).

## ARTICLE 18: TRANSFER SITE

18.01 The general rules of Article 3 also apply to this article.

18.02 Use of the transfer site is subject to Article 3.03 of the PMCPOA bylaws.

18.03 General: The transfer site operates under federal, state and local regulations. These require that disposal of Pine Mountain Club refuse meet stringent standards including waste separation.

18.04 Persons who violate the transfer site rules shall be subject to a fine as specified in Association rule 2.01. Pine Mountain patrol or the environmental control officer have the authority to cite violators.

18.05 The transfer site is open only as posted.

18.06 Disposal of the following items is prohibited: (a) hazardous waste; (b) dead animals; (c) explosives; (d) poisons; (e) pesticides; (f) infectious wastes; (g) friable asbestos; (h) tires; (i) sewage sludge; (j) mattresses; (k) large furniture; and (l) construction material (see rule 18.07 of this section).

18.07 Construction demolition material such as drywall, dimensional lumber, insulation, plywood, flooring, plumbing fixtures, toilets, doors, windows, roofing, or any material that does not fit in a standard contractors' trash bag will not be accepted at the transfer site. It must be taken to a county landfill location.

18.08 Contractors working on PMC property may provide their own bins for temporary storage of demolition material at the site of construction. This trash must be removed in a timely manner. Permits for bins or dumpsters must be obtained from the environmental control officer.

18.09 Contractors working for property owners must show written permission or a guest card from owners prior to using the transfer site and/or the slash site.

18.10 Scavenging and salvaging is strictly prohibited.

18.11 Organic materials such as dead limbs, leaves and pine needles shall be disposed only in the green waste area. Material delivered should be left in its natural state and not in bags or containers.

18.12 Transfer site personnel may supervise anyone disposing of trash. Non-separated trash and prohibited items must not be placed in the compactor.

18.13 Leaving refuse at or around the transfer site area is not permitted.

18.14 Users are responsible for separating trash according to the following categories. Bins are provided for: (a) ashes; (b) aluminum cans; (c) plastic separated by white or milk, clear, CA redemption, plastic #2 and up, and colored; (d) newspapers; (e) magazines; (f) phone books; (g) glass separated by blue/green, clear, and brown/red; (h) scrap metal; (i) electronic waste; (j) appliances; (k) cardboard.

## ARTICLE 19: COMMON RULES OF ALL COMMITTEES

The bylaws of Pine Mountain Club Property Owners Association provide for two types of committees, standing and ad hoc. (See bylaw sections 11.01 and 11.02.) Special provisions are contained in the bylaws that apply only to the election committee and the environmental control committee. (See bylaw sections 11.06 and 11.07.) These provisions take precedence over any conflicting rules stated in this document.

19.01 Committees shall serve at the pleasure and direction of the board.

19.02 Each standing committee shall have a charter approved by the board. This charter shall set forth the committee's purpose, authority and responsibility. It may provide a limitation in the number of members in the committee if the board deems that to be required for an efficient operation of the committee.

19.03 Each ad hoc committee shall be established by an enabling resolution adopted by the board. This resolution shall (1) state the specific purpose or purposes for which it is established, (2) direct the committee to carry out specific duties or activities, (3) specify the length of time granted to it to accomplish its purpose and (4) appoint its members. The board may, but need not, specify the maximum number of members in the committee, extend or reduce the time allowed to the committee to complete its tasks or terminate its existence.

19.04 The board chair shall appoint a director to act as its liaison with each standing committee. That director shall act as advisor and board resource to the standing committee and shall be a conduit for communication between the committee and the board. The liaison may facilitate committee discussion and decisions by a) calling attention to past board actions when they are relevant to the current matter; b) be alert to proposed committee action that might be in conflict with the governing documents; c) urging consistency with board policies and actions.

19.05 Every meeting of a committee shall be open to any member in good standing of the Association. Any member attending a meeting shall be allowed to speak at that meeting provided that, at the chair's discretion, this can be done without preventing the committee from completing the work required of it at that meeting. The agenda for the meetings may be posted at the chair's discretion.

When a committee has an item on the agenda that may affect another committee's work, that committee should be invited to the meeting. If the agenda item has to do with PMCPOA personnel or procedures, the PMCPOA budget or business policy and procedures E-14, the GM will be notified and he/she can attend or send a representative.

19.06 To become a member of a committee a member shall submit an application stating that person's name, lot and tract numbers, the reason for desiring membership in the committee and whatever qualifications the applicant wishes to state provided that some qualifications are provided in sufficient detail for the board to evaluate the candidate's qualifications for the committee. Each committee member desiring to be reappointed to the committee at the end of a fiscal year shall submit a new application each June. The board approves all committee members.

19.07 Time of service for committee members is from the date of appointment by the board of directors until new committee members are appointed for the next fiscal year.

19.08 A member of a standing committee may be removed from the committee by a majority vote of the board at the request of the chair of the committee when the member has missed three unexcused meetings in one calendar year or whose behavior impedes the work of the committee as directed by the charter. A member of an ad hoc committee may be removed from that committee at the board's discretion.

19.09 Each committee shall choose its own chair and secretary and any other officer wished by the committee.

19.10 Each committee shall meet regularly at a designated date, time and place and keep the Association apprised of its schedule. If the committee regularly meets less often than once a month or goes dark for any extended period it shall notify the board of that fact in writing. The chair of a committee has the authority to cancel or reschedule any meeting provided the majority of the members agree or a quorum more than 50% of its members cannot be obtained.

19.11 Special meetings of a committee may be called by the chair or by two committee members. Not less than four days' notice of the time, place and reason for the meeting shall be given to all committee members and the board liaison and be posted on the lobby bulletin board. An emergency meeting may be called only by the chair or, in the chair's unavailability, the vice chair upon the giving of not less than 24 hours actual notice to members, the board liaison and other involved persons.

19.12 Prior to each meeting a written agenda shall be distributed to each committee member and the board's liaison.

19.13 A committee shall keep minutes of each of its meetings and submit those minutes after approval to the board for acceptance.

1. Minutes are to capture conclusions, decisions and direction (if any) of the meeting.

2. Minutes shall contain a record of action with regard to items of business on the agenda.

3. Minutes are to reflect the meeting and not the individual feelings or opinions of the elected, appointed or temporary secretary.

4. Minutes may be handwritten if typing is not available. To facilitate copying, 8 ½ x 11 paper is preferred. In most cases, one page of minutes should be adequate.

5. Minutes will include the following information:
    a. Name of Committee.
    b. Date, time and place of the meeting.
    c. Officers, committee liaison, members and guests including entire names (1st and last) present for the meeting and names of acting officers in the absence of elected officers.
    d. Record of approval of previous meeting minutes including date of and any amendments or corrections to said minutes.
    e. Each item of business will be presented in a separate paragraph.
    f. All action items will reflect the disposition of the item of business, whether approved, amended, withdrawn, continued, etc.
    g. Date, time and place of next meeting.
    h. The last paragraph should note the hour of adjournment.
    i. Typed, stamped or written "Approved" with date of approval. If approved by email, typed, stamped or written "Approved by Email".

6. In order to ensure that the Directors have sufficient time to review the minutes before a board meeting, minutes need to be submitted by noon on the Wednesday before the Board of Directors meeting. (This usually falls on the third Wednesday of the month prior to the board meeting which takes place on the third Saturday of the month). An exception is made to allow the Budget and Finance Committee to submit their minutes by noon on the Thursday before the Board of Directors meeting.

7. You can submit your minutes in person at the business office to the receptionist or electronically to: minutes@pmcpoa.com.

Committee Minutes Example:

Governing Documents Committee
Minutes for August 1, 2020
Pool Pavilion
9:00 a.m.

1. Call Meeting to Order.

   Meeting was called to order at 9:00 a.m. by Chair John Cantley.

   Present were members Connie Baldin, John Cantley (Chair), Shirin Murphy, Patrice Stimpson (Vice Chair), Alicia Rogers, Rick Throckmorton, Grace Wollemann (Secretary), board liaison Bill Lewis II, and General Manager Karin Shulman. Also, in attendance were guests Tom Yancey and Jennifer Emmet.

   The governing documents committee agreed by consensus to keep the same officers as the previous year, Chair-John Cantley, Vice-chair-Patrice Stimpson and Secretary-Grace Wollemann.

2. Minutes reviewed and approved by email

   June 6, 2020 minutes were approved via email.

3. Documents to be reviewed

Business Policies and Procedures E-3 (Investment Policy)
Discussion: GM to provide background and recommendations. It was noted that prudent man is no longer acceptable. Prudent man was changed to prudent investor.

The governing documents committee agreed by consensus to the update to Business Policies and Procedures E-3 (Investment Policy).

Business Policies and Procedures H-11 (Board Interaction with Employees)

MOTION by Connie Baldin, SECONDED by Patrice Stimpson to the update to Business Policies and Procedures H-11 (Board Interaction with Employees). MOTION carried.

4. Adjournment.

MOTION by Connie Baldin, SECONDED by Patrice Stimpson to adjourn at 11:45 a.m. MOTION carried unanimously.

The next governing documents committee meeting will be held at 9:00 a.m. on September 5, 2020 via Zoom or in the Pool Pavilion.

Grace L. Wollemann
Secretary, Governing Documents Committee

Governing Documents Committee Approved Minutes
August 1, 2020

19.14 The following general operating principles are proposed to guide a committee's deliberation:

- The committee's mission will be best achieved by relationships among the members characterized by mutual trust, responsiveness, flexibility, and open communication.
- It is the responsibility of all members to work toward the committee's common goals.
- To that end, members will:
    - Commit to expending the time, energy, and organizational resources necessary to carry out the committee's charter
    - Be prepared to listen intently to the concerns of others and identify the interests represented
    - Ask questions and seek clarification to ensure they fully understand other's interests, concerns, and comments.
    - Regard disagreements as problems to be solved rather than battles to be won
    - Be prepared to "think creatively" and develop creative solutions to address the many interests that will be raised throughout the committee's deliberations.
      Members of the committee will work to find common ground on issues and strive to seek consensus on all key issues. Every effort will be made to reach consensus,and opposing views will be explained. In situations where there are strongly divergent views, members may choose to present multiple recommendations on the same topic. If the committee is unable to reach consensus on key issues, decisions will be made by majority vote.

19.15 A committee shall not have any authority to act on its own. A committee can only make recommendations or reports to the board or answer questions submitted to it by the board or by another committee.

19.16 Unless approved by the board video and audio recording of committee meetings is not permitted.

19.17 No committee member shall speak or otherwise communicate to the members of the Association or the general public as a committee member unless that member has been given the authority to do so by the board of directors or their designee. Any committee member speaking or otherwise communicating to the members of the Association or the general public as an individual shall state this fact clearly.

19.18 No recommendation or report shall be submitted by the committee to the board or another committee unless a majority of committee members concurs with it at a meeting or by some other method of communication prior to its submission.

19.19 The chair of a committee shall control its meeting in accordance with Robert's Rules of Order.

19.20 The general manager is authorized by the Board of Directors to support the committee to the extent defined in the committee charter or enabling resolution. Committees members may not instruct staff to perform tasks without the consent of the general manager.

## ARTICLE 20: ELECTION RULES

### PINE MOUNTAIN CLUB PROPERTY OWNERS ASSOCIATION, INC.

The following Election Rules were duly adopted by the Board of Directors of Pine Mountain Club Property Owners Association, Inc. (the "Association") in accordance with the procedures in the Davis-Stirling Common Interest Development Act (the "Act"), and are subject to all applicable and enforceable statutes, laws, and provisions of the Association's governing documents.

### 1. ELECTIONS GENERALLY

a. Notwithstanding any other law or provision of the governing documents, elections regarding assessments legally requiring a vote, election and removal of directors, amendments to the governing documents, the grant of exclusive use of common area pursuant to Civil Code section 4600, or for approval/disapproval of other Association business that may be properly brought before the members of the Association shall be held by secret ballot in accordance with the procedures set forth in Chapter 6 Article 4 of the Act.

### 2. ELECTIONS FOR DIRECTORS

The Association shall hold an election for each seat on the board of directors, in accordance with the procedures set forth in Chapter 6 Article 4 of the Act at the expiration of the corresponding director's term and at least once every four years.

### 3. QUALIFICATIONS FOR DIRECTORS

a. Subject to paragraph 3(f) below, the Association shall disqualify a person from a nomination as a candidate for not being a member of the Association at the time of the nomination.

b. Subject to paragraph 3(f) below, the Association shall disqualify a person from nomination as a candidate, and shall disqualify a director during their board tenure, if that person is not current in the

payment of regular and special assessments; provided, however that the person shall not be disqualified for failure to be current in payment of regular and special assessments if either of the following circumstances is true:

(1) The person has paid the regular or special assessment under protest pursuant to Civil Code section 5658; or

(2) The person has entered into a payment plan pursuant to Civil Code section 5665.

The Association may not disqualify a nominee for nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party.

c. Subject to paragraph 3(f) below, the Association shall disqualify a person from nomination as a candidate if the person, if elected, would be serving on the board at the same time as another person who holds a joint ownership interest in the same separate interest parcel as the person and the other person is either properly nominated for the current election or an incumbent director.

d. Subject to paragraph 3(f) below, the Association shall disqualify a nominee if that person has been a member of the Association for less than one year.

e. Subject to paragraph 3(f) below, the Association shall disqualify a nominee if that person discloses, or if the Association is aware or becomes aware of, a past criminal conviction that would, if the person was elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code section 5806 or terminate the Association's existing fidelity bond coverage.

f. The Association shall not disqualify a person from nomination if the person has not been provided the opportunity to engage in internal dispute resolution pursuant to Article 2 (commencing with Section 5900) of Chapter 10 of the Act.

g. If title to a separate interest parcel is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person to be a member for purposes of Article 4 of Chapter 6 of the Act.

## 4. PROCEDURES FOR THE NOMINATION OF CANDIDATES FOR DIRECTOR

a. Members may nominate themselves as a candidate for director by submitting a letter of intent at the Association business office. A member nominating another member must first obtain the written permission of the nominee. No person may seek election to more than one term at the same election.

b. A member who is to be a candidate for director shall notify the Secretary in writing of his/her intent to run by 5:00 p.m. at the Association business office by April 9th; provided that if April 9th falls on a Saturday, Sunday, or holiday the deadline shall be 5:00 p.m. on the first business day thereafter. The letter of intent must include the nominee's intent to seek office, the term of office, and tract and lot numbers, and must be signed by the nominee. All the required information must be contained on one side of an 8 1/2" x 11" sheet of paper. The written notice of intent to be a candidate must be accompanied by a completed Candidate Filing Form and biography/resume.

c. The Association shall provide general notice of the procedure and deadline for submitting a nomination at least 30 days before any deadline for submitting a nomination. Individual notice shall

be delivered pursuant to Civil Code section 4040 if individual notice is requested by a member.

d. Write-in candidates for ballots shall be permitted in elections for director.

e. Nominations from the floor of a membership meeting shall not be allowed in any election for director.

## 5. VOTING POWER OF EACH MEMBERSHIP

a. There shall be one vote for each lot. The owner of a multi-residential lot shall have one vote for each whole assessment paid by that owner. There shall be one vote for a commercial lot as such shall be defined by law or contract from time to time. Subject to the provisions of Corporations Code Section 7612, or its replacement section upon its amendment or replacement, if a membership stands of record in the names of two or more persons, or if two or more persons have the same fiduciary relationship respecting the same membership, if only one such person votes, such act binds all owners. If more than one such person votes, the act of the majority so voting binds all owners. No single vote shall be split in fractional votes.

b. Except as otherwise provided in the Bylaws, the voting right of a membership may be exercised either (a) in person at a meeting of the members held in accordance with the Bylaws or (b) by mail on a written ballot in a form approved by the board and furnished by the Association to the members or (c) by electronic ballot in accordance with California Code.

## 6. CAMPAIGNING

a. If any candidate or member advocating a point of view is provided access to Association media, newsletters, or internet websites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and members advocating a point of view, including those not endorsed by the board, for purposes that are reasonably related to the election. The Association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the Association, is responsible for that content.

b. All candidates, including those who are not incumbents, and all members advocating a point of view, including those not endorsed by the board, shall be allowed access to a common area meeting space, during a campaign, at no cost, for purposes reasonably related to the election.

c. Association funds shall not be used for campaign purposes in connection with any Association board election. Funds of the Association shall not be used for campaign purposes in connection with any other Association election except to the extent necessary to comply with duties of the Association imposed by law.

(1) For the purposes of this paragraph 6(c), "campaign purposes" include, but are not limited to, the following:

a. Expressly advocating the election or defeat or any candidate that is on the Association election ballot;

b. Including the photograph or prominently featuring the name of any candidate on a communication from the Association or the board, excepting the ballot, ballot materials, or a communication that is legally required, within 30 days of an election. This is not a campaign purpose if the communication is one for which subdivision (a) of Civil Code section 5105 requires that equal access be provided to another candidate or advocate.

## 7. INSPECTOR OF ELECTION

a. One independent third party will be selected as the inspector of elections by vote of the board of directors following an open-bid process in which qualified candidates are invited to bid. The individual or firm selected as inspector of elections is required to have a First Class U.S. Postal Service return postage account in order to handle the return postage for the ballots. PMCPOA will be billed by the inspector of elections for the actual amount of the return postage.

b. For the purposes of this Election Rule 7, an independent third party includes, but is not limited to, a volunteer poll worker with the county registrar of voters, a licensee of the California Board of Accountancy, or a notary public. An independent third party may be a member, but may not be a director or a candidate for director or be related to a director or to a candidate for director. An independent third party may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the Association for any compensable services other than serving as an inspector of elections.

c. The inspector of elections shall do all of the following:

(1) Determine the number of memberships entitled to vote and the voting power of each.

(2) Determine the authenticity, validity, and effect of proxies, if any.

(3) Receive ballots.

(4) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.

(5) Count and tabulate all votes.

(6) Determine when the polls shall close, consistent with the governing documents.

(7) Determine the tabulated results of the election.

(8) Perform any acts as may be proper to conduct the election with fairness to all members in accordance with Article 4 of Chapter 6 of the Act, the Corporations Code, and all applicable rules of the Association regarding the conduct of the election that are not in conflict with Article 4 of Chapter 6 of the Act.

d. An inspector of elections shall perform all duties impartially, in good faith, to the best of the inspector of election's ability, as expeditiously as is practical, and in a manner that protects the interest of all members of the Association. Any report made by the inspector of elections is prima

facie evidence of the facts stated in the report.

e. The inspector of elections shall be allowed to appoint and oversee additional persons to verify signatures and to count and tabulate votes as the inspector deems appropriate, provided that the persons are independent third parties.

f. The inspector of election shall deliver, or cause to be delivered, at least 30 days before an election, to each member both of the following documents:

(A) The ballot or ballots.

(B) A copy of these election rules. Delivery of these election rules may be accomplished by either of the following methods:

(i) Posting the election operating rules to an internet website and including the corresponding internet website address on the ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here:"

(ii) Individual delivery.

g. The board shall have the authority, at an open board meeting, to remove an inspector of election who does not meet the required qualifications, is unable or unwilling to perform their duties, or for other good cause. If the board removes an inspector of election pursuant to this section, it shall expeditiously select a new inspector of election at an open board meeting.

## 8. BALLOTS AND VOTING

a. The Association shall provide general notice of all of the following at least 30 days before the ballots are distributed:

i. The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector of elections;

ii. The date, time, and location of the meeting at which ballots will be counted; and

iii. The list of all candidates' names that will appear on the ballot (the "candidate registration list").

b. Individual notice of the information in paragraph 9(a) above shall be delivered pursuant to Civil Code Section 4040 if individual notice is requested by a member.

c. The Association shall create and maintain a candidate registration list and a voter list.

i. The voter list shall include name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both. The mailing address for the ballot shall be listed on the voter list if it differs from the physical address of the voter's separate interest or if only the parcel number is used.

ii. The Association shall permit members to verify the accuracy of their individual

information on both lists at least 30 days before the ballots are distributed.

iii. The Association or member shall report any errors or omissions to either list to the inspector who shall make the corrections within two business days.

d. Ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the Association to every member not less than 30 days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel, or unit number on the ballot. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of vote by mail ballots, including all of the following:

i. The ballot itself is not signed by the voter, but is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left-hand corner of the second envelope, the voter shall sign the voter's name, indicate the voter's name, and indicate the address or separate interest identifier that entitles the voter to vote.

ii. The second envelope is addressed to the inspector of elections, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector of elections. The member may request a receipt for delivery.

e. A quorum shall be required only if so stated in the governing documents or other provisions of law. If a quorum is required by the governing documents, each ballot received by the inspector of elections shall be treated as a member present at a meeting for purposes of establishing a quorum.

f. Except for the meeting to count the votes required in Civil Code section 5120(a), an election may be conducted entirely by mail unless otherwise specified in the governing documents.

g. Proxies shall not be allowed or used in any election.

h. In an election to approve an amendment of the governing documents, the text of the proposed amendment showing the proposed changes shall be delivered to the members with the ballot.

i. A ballot may not be denied to a member for any reason other than not being a member at the time when ballots are distributed.

j. A ballot may not be denied to a person with general power of attorney for a member.

k. The ballot of a person with general power of attorney for a member must be counted if returned in a timely manner.

l. If a member attends the meeting of members, the ballot may be delivered personally to the inspector of elections at any time after the meeting is called to order up until the time the voting is closed by the inspector of election.

m. Once a secret ballot is received by the inspector of elections, it shall be irrevocable.

n. The sealed ballots, signed voter envelopes, voter list, proxies and candidate registration list shall at all times be in the custody of the inspector of elections or at a location designated by the inspector until after the tabulation of the vote, and until the time allowed by Civil Code section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association.

o. No person, including a member of the Association or an employee of the management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated. The inspector of elections, or the designee of the inspector of elections, may verify the member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.

p. As each outer voter envelope with the member's information and signature is received, a written record shall be made of the date each such envelope was received for that particular lot and tract number. The ballot inside the first such voter envelope received for any lot and tract number shall be the one that is opened, counted and tabulated by the inspector of elections, or the designee of the inspector of elections. Any subsequently received voter envelopes and ballots for the same lot and tract number shall be deemed invalid, but shall be retained by the inspector of elections and the Association as required by law.

q. All votes shall be counted and tabulated by the inspector of elections, or the designee of the inspector of elections, in public at a properly noticed open meeting of the board or members. Any candidate or other member of the Association may witness the counting and tabulation of the votes.

**9. POST-ELECTION MATTERS**

a. The tabulated results of the election shall be promptly reported to the board and shall be recorded in the minutes of the next meeting of the board and shall be available for review by members of the Association. Within 15 days of the election, the board shall post in the lobby, post on the Association's website, and give general notice pursuant to Civil Code section 4045 the tabulated results of the election.

b. If there is a recount or other challenge to the election process, the inspector of elections shall, upon written request, make the ballots available for inspection and review by an Association member or the member's authorized representative. In order to protect the integrity of the ballots, the Inspector of Election and the Association may observe and monitor any such inspection and review. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

c. The Association shall retain, as Association election materials, both the candidate registration list and the voter list.

d. These Election Rules may not be amended less than 90 days prior to an election.

20.07 Reporting Results.

The results of the election shall be promptly reported to the Board of Directors verbally and in writing and shall be recorded in the minutes of the next meeting of the board which shall be available for review of the

memberships. Within 15 days of the election, the board shall post in the lobby and on the website the results of the election in a communication directed to all the memberships.

20.08 Campaign Signs

1. Candidates will not place campaign signs on PMCPOA common are property except adjacent to private property.
2. Candidates will not place campaigns signs on private property without the permission of the owners.
3. Candidates will comply with Kern County Code regarding signs on Mil Potrero Hwy.
4. Candidates understand that all unauthorized signs will be removed.
5. All candidate campaign signs will be restricted to a maximum of 12 inches by 18 inches.
6. Campaign signs can only be placed after April 9th and must be removed within 48 hours after the election results.

## ARTICLE 21: ENVIRONMENTAL CODE

Under Separate Cover.

## ARTICLE 22: RENTALS

22.01. The general rules of Article 3 also apply to this article.

22.02. Any owner who rents their residence to a tenant, lodger or boarder for at least one night must complete the PMCPOA Property Rental Registration Form and submit a blank copy of their standard rental agreement for that property with the registration form. The owner must provide the name, phone number and email address of the tenant, lodger, or boarder who is the responsible party renting the property as well as the dates of occupancy and submit this information to the PMCPOA office before each new tenant, lodger, or boarder takes occupancy.

22.03 A. Any owner who acquired title to their real property prior to October 1, 2020 who rents their residence or any part thereof to at least one tenant, lodger or boarder for fewer than 30 consecutive days in any calendar year (short term rental) must register with PMCPOA, submit a certificate of authority from Kern County to collect transient occupancy taxes, and pay to the Association an annual short term rental fee established by the board of directors, which fee shall be based upon a reasonable good faith estimate of the amount necessary to defray the costs of a short term rental to the Association.

B. Owners must pay their annual short term rental fee within 30 days of its expiration date.

C. Owners must comply with the Transient Occupancy Tax ordinance of Kern County to include registration with Kern County to acquire a certificate of authority to collect transient occupancy taxes. A copy of the certificate must be submitted to the PMCPOA office within 30 days of October 1, 2020.

22.04. No owner shall rent or otherwise utilize their real property in violation of CC&R Article 5.6.

22.05. Each owner must provide every tenant, lodger, and boarder with a current copy of the Association's Rules and fines prior to or on the date each tenant, lodger, or boarder takes occupancy.

22.06. Each owner must notify every tenant, lodger and boarder in writing prior to the date of occupancy that any violations of the PMCPOA governing documents (including the Rules) may be enforceable by fines imposed on the owner as well as on the applicable tenant, lodger and boarder.

## ARTICLE 23: DOG PARK

23.01 The general rules of Article 3 also apply to this article.

23.02 The general manager, members of the patrol department and the environmental control officer have the authority to issue citations to the owners of animals in violation of dog park rules. Persons in violation of the dog park control rules are subject to fines and potential restrictions.

23.03 The dog park is open daily between dawn and dusk.

23.04 The dog park is used at the dog owner's own risk.

23.05 NO MORE than 10 dogs are to be in the large dog park, and no more than 10 dogs in the small dog park at any one time. If there are more than 10 dogs, the owner must wait until someone leaves before entering.

23.06 The small dog park is to be occupied only by dogs under 25 pounds.

23.07 Children under the age of 16 must be accompanied by an adult.

23.08 Dog owners are responsible for the behavior of their dogs at all times.

23.09 Dogs are not to be left unattended at any time. Owners are required to stay within the fenced area of the park with their dog(s).

23.10 All dogs using the dog park must be spayed or neutered (NO intact dogs are allowed), be current on vaccinations and be free from contagious disease and parasites. Puppies under 6 months of age are not allowed.

23.11 Aggressive, or potentially aggressive dogs must be muzzled while in the dog park when other dogs are present.

23.12 Dogs must be leashed when entering/exiting the dog park.

23.13 Pinch, chain or spiked collars are not allowed when the dog is allowed off leash.

23.14 No food of any kind is allowed in the dog park.

THE END

Ratified April 17, 2021

Robert Vaclavik
Corporate Secretary
PMCPOA

K.L. Shulman
General Manager
PMCPOA