

Del Mar Highlands Neighborhood Homeowners' Association

Adopted Board Policies / Rules

Policies / Rules	# of Pages	Page #	Adopted/Revised
Architectural Guidelines	18 (Includes Cover)	2 - 19	May 18, 2021
Assessment Collection Policy	4	20 - 23	July 16, 2024
Board Meeting Conduct Rules **	2	24 - 25	August 16, 2022
Board Operating Policies / Rules **	2	26 - 27	August 19, 2025
Code of Ethics and Rules of Conduct **	1	28	August 16, 2022
DMHNHOA Retention Policy **	2	29 - 30	June 18, 2013
Election Rules	24 (Includes Cover & TOC)	31 - 54	September 16, 2025
Interim Approval of Service **	1	55	May 13, 2025,
Tree Assessment and Evaluation Policy	2	56 - 57	August 15, 2023

Note: Documents indicated by ** are internal Board Policies / Rules. They do not require member circulation. ALL others must be posted under General Notice and must be circulated to the membership prior to adoption by the Board of Directors.

To change/update Board Policies indicated by **, the proposed document must be presented in an Open Board Meeting where a quorum of the Board Members is present and the change/update receives an affirmative vote. The changes/updates to the policy will become effective immediately.

DEL MAR HIGHLANDS NEIGHBORHOOD HOMEOWNERS' ASSOCIATION

ARCHITECTURAL GUIDELINES

Adopted: May 16, 1995

Revised: September 2007

Revised: September 2009

Revised: May 2013

Revised: July 2013 (Management Company Name Change - Attachment C)

Revised: July 2018 (Management Company Address Change - Attachment C)

Revised: July 2020 (Management Company Name Change - Attachment C)

Revised: March 2021 (Management Company Address Change - Attachment C)

Revised: May 18, 2021 (Include CCR reference for Roof Vents - Article 7.2)

DEL MAR HIGHLANDS NEIGHBORHOOD HOMEOWNERS' ASSOCIATION ARCHITECTURAL GUIDELINES

TABLE OF CONTENTS

Purpose and Policy	2
Authority of Architectural Control Committee	2-3
Architectural Control Committee Rules and Procedures	3-6
Architectural Specifications	
Air Conditioning Equipment	6
Antennas and Satellite Dish	7
Awnings	7
Clothes Drying Facilities	7
Dog Runs	7
Fences and Walls	6
Garage Doors	8
Glass Tinting	7
Patio Covers and Gazebos	6
Playground Equipment	7
Pools	7
Rain Gutters	8
Rooftop Appliances (Includes Solar)	7
Room Additions	8
Security Bars	7
Utility Buildings	8
Windows	8
Neighbor Notification	8-9
Architectural Control Committee Approval and Disapproval	9-12
Improvements Not Requiring Approval	12
Housekeeping and Maintenance	12-13
Attachment A - Drought Tolerant Landscape Guidelines	14
Attachment B - Fee Schedule for Architectural Review	15
Attachment C - Management Company Information	16
Attachment D - Slope-Control Areas	17

The following guidelines are applicable to the following neighborhoods:

3-1	Lady Hill Road Maritime Place Survey Point Lower Ridge Road Windbreak Court Windbreak Road	3-6	Foxgrove Place Landfair Court Landfair Road Overpark Road (Partial) Roxton Circle
3-2	Walking Path Place	3-13	Candela Place Janetta Place
3-5	Courtland Terrace Overpark Road (Partial) Milcroft Court	9-1	Berryfield Court

* Footnote: If you do not belong to one of the above neighborhoods, check with your individual association.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

ARTICLE ONE - PURPOSE AND POLICY

- 1.1 Intent and Purpose. Del Mar Highlands is a community of uncommon beauty, both in its architectural features and in its surrounding natural environment. The goal of these Architectural Guidelines (GUIDELINES) is to preserve and enhance that beauty.
 - 1.1.1 In administrating the GUIDELINES, the Del Mar Highlands Neighborhood Homeowners' Association (ASSOCIATION) must balance respect for privacy and individuality with a commitment to preserve the beauty of the landscape for the enjoyment of all.
 - 1.1.2 The quality of the area's natural and architectural assets could be undermined by a lack of control over the location, design, color, and number of improvements constructed in our community.
- 1.2 Importance of Uniformity and Consistency. Uniformity, consistency, and harmony are encouraged, even in some apparently minor matters, to allow the area's outstanding natural and architectural features to dominate.

ARTICLE TWO - AUTHORITY OF ARCHITECTURAL CONTROL COMMITTEE

- 2.1 Authority: The Architectural Control Committee (ACC) was established in the mid-1980s by Pardee Construction Company to enforce certain provisions of Covenants, Conditions, and Restrictions (CC&Rs) contained in each deed to property in North City West (Carmel Valley) Neighborhood 3, which area is now managed by the Del Mar Highlands Neighborhood Homeowners' Association (DMHNHOA.) In 1993, the ACC proposed to designate the DMHNHOA to act as the committee's representative for enforcement of certain CC&Rs in N.C.W. Neighborhood 3 Units, 1, 2, 5, 6, and 13. The Board of Directors (BOARD) of the DMHNHOA voted to accept this designation in 1994 and further voted to establish its own ACC as a committee of the BOARD. Subsequently the Board voted to include Neighborhood 3 Unit 9-1.
- 2.2 Composition of the ACC. The ACC as a committee of the BOARD of the DMHNHOA shall be comprised of not less than three persons, nor more than five persons, all of whom are appointed by the BOARD. Each ACC member shall serve an indefinite term until recalled by a majority vote of the BOARD or until the member resigns. The ACC is authorized to publish these Guidelines, which may be amended from time to time.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

2.3 Scope of Authority - Areas Affected:

- 2.3.1 N.C.W. Neighborhood 3, Unit 1 is comprised of the following properties:
Lots #1 - #94
- 2.3.2 N.C.W. Neighborhood 3, Unit 2 is comprised of the following properties:
Lots #95 - #106
- 2.3.3 N.C.W. Neighborhood 3, Unit 5...
Lots #115 - #175
- 2.3.4 N.C.W. Neighborhood 3, Unit 6...
Lots #176 - #246
- 2.3.5 N.C.W. Neighborhood 3, Unit 9...
Lots #1 - #19
- 2.3.6 N.C.W. Neighborhood 3, Unit 13...
Lots #11 - #49
- 2.3.7 These GUIDELINES do not affect Alta Mar, Cambria, East Bluff, East Bluff 4, Heights Unit 7, and Martinique which enforce their own CC&Rs through their own (separate) Homeowners' Associations.

- 2.4 General Policy:** No building exterior, fence, wall, or other structure (including solar equipment) shall be commenced, erected, painted, or repainted in a different color than the original, remodeled or installed, and no exterior change or alteration shall be made until plans and specifications are submitted to and approved in writing by the ACC of the DMHNHOA. In addition, CC&Rs relating to appearance, maintenance, hazards, and offensiveness will be enforced.

ARTICLE THREE - ACC RULES AND PROCEDURES

- 3.1 Role of Architectural Control Committee.** The ACC will make decisions regarding external changes and alterations to a residence with the intent of preserving the value and harmony of the community as a whole. Any change not specifically addressed or outlined in these GUIDELINES will become a matter of reasonable discretion on the part of the ACC as provided in the CC&Rs. In the event of a conflict between this document and the CC&Rs, the CC&Rs shall control.

3.2 Rules and Procedures

- 3.2.1 Scope of Authority.** Before any exterior alterations, additions, or changes to any structure or to the landscape of any lot, the owner must first make a written submission to the ACC, seeking approval of such alterations, additions, and changes.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

- 3.2.2 Failure to Obtain Approval. Work commenced before architectural and/or landscape plan approval by the ACC is subject to removal at the cost of the homeowner if subsequently deemed unacceptable by the ACC.
- 3.2.3 Deviation from Approved Plans. If landscape or any improvements (hereinafter collectively referred to as "Improvements") have been constructed or installed in a manner which materially deviates from the plans that were approved by the ACC, the ACC will make recommendations for changes. If those changes are not completed within 30 days after notice from the ACC, the matter will be turned over to the BOARD for appropriate remedial action in accordance with the CC&Rs.
- 3.3 Meetings of Architectural Control Committee.
- 3.3.1 The ACC will meet on an as needed basis, but not to exceed once per month to review proposed plans for the improvements and make recommendations regarding the approval/denial of the plans. Meetings of the ACC will be noticed and all interested homeowners are invited to attend meetings of the ACC.
- 3.3.2 In addition, the ACC will review completed improvements to ensure compliance to these Guidelines and the CC&Rs. The ACC will also notify homeowners of corrections required and turn unresolved matters over to the BOARD for appropriate remedial action in accordance with the CC&Rs.
- 3.3.3 Interested Neighbors (as hereinafter defined) are encouraged to attend ACC meetings to voice objections, support, or concerns. If unable to attend a meeting, neighbors may also submit their objections in writing to any member of the ACC before the date of the meeting. Neighbor approval or disapproval of a particular Improvement shall be advisory only.
- 3.4 Submission of Plans. All plans for any improvement must be submitted as outlined below, and must be approved in writing prior to the actual start of work.
- 3.4.1 Plans that do not contain all of the information required below will be disapproved and returned for additional information, prior to further review.
- 3.4.2 Plans and specifications for any building, fence, or changes or modifications of a structural nature must show the nature, kind, shape, height, color, materials, and location of such building, fence, and alteration.
- 3.4.3 Plans for changes in landscaping must show in detail the proposed variety, elevations and locations of trees, including their location and elevation in relation to other lots.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

3.5 What to Submit to Architectural Control Committee.

3.5.1 All submissions to the ACC must be made in duplicate and must be in writing and on an Application for Architectural Improvements form provided by the management company retained by the Association, with a check made payable to the DMHNHOA included. This fee covers processing fees and architectural review costs incurred by the Association. See Attachment B for Fee Schedule.

3.5.1.1 Where relevant, all submissions must be accompanied by a plot plan drawn to scale showing the following information, to the extent relevant:

3.5.1.2 The location of the subject residence on its lot, with all relevant dimensions indicated.

3.5.1.3 Complete dimensions of the proposed Improvement.

3.5.1.4 Measurements of the proposed Improvements, showing their relationship to the subject home and lot.

3.5.1.5 Detailed description of materials to be used in the Improvements.

3.5.1.6 Drawing showing applicable elevations, footings, etc.

3.5.1.7 Color scheme of the end product (e.g., color chips or color cards).

3.5.1.8 Plotted location of sprinklers, drains, trees, shrubs, fences, patios, patio cover, walls, pools, spas, and associated equipment, and all other structures.

3.5.1.9 The street address, lot number, owner's name, and a day and evening telephone number.

3.5.1.10 Proposed start date and estimated completion date for the Improvements.

3.5.1.11 Notification of neighbors, if required, as outlined in Article Five.

3.6 Where to Submit Plans to Architectural Control Committee.

3.6.1 Both copies of the submission must be submitted to the management company contracted by the Association. The management company will retain a copy of the submission on file and forward (within three (3) working days) a copy thereof to the appointed Architectural Consultant.

3.6.2 Management Company contact information is referenced on Attachment C.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

3.6.3 Questions related to the submission of plans or these GUIDELINES should be made to the management office between 9:00 a.m. and 5:00 p.m., weekdays.

ARTICLE FOUR - ARCHITECTURAL SPECIFICATIONS

4.1 General Specifications. The specifications contained in this Article constitute guidelines for submitting plans to the ACC in regard to the matters indicated.

4.2 Fences and Walls.

4.2.1 Property owners are mutually bound equally to maintain fences between them and individually bound to totally maintain those fences adjacent to the Common Areas. (California Civil Code, Section 841.)

4.2.2 Acceptable materials for the extension and repair of any wall or fencing shall be the original material and color used by the builder or may be materials that are visibly the same but are composed of newer more durable material such as vinyl.

4.2.3 No fence shall be more than six feet high; fence height must comply with city requirements.

4.2.4 Fences and walls require Neighbor notification.

4.3 Patio Covers and Gazebos.

4.3.1 Wood is generally the only acceptable material for patio covers and gazebos. Materials that are visibly the same but are composed of newer more durable material such as vinyl may be used. A patio cover or gazebo must be painted to match the body or trim of the house or be left in its natural wood color.

4.3.2 Metal, plastic, fiberglass, cloth, composition shingle, and screens are not acceptable as material for patio covers and gazebos.

4.3.3 Patio covers and gazebos require Neighbor notification pursuant to Article Five below.

4.4 Miscellaneous Guidelines. All of the following are policy guidelines only and approval by the ACC must be applied for.

4.4.1 Air Conditioning Equipment. Air conditioning equipment shall not be visible from the street. Window air conditioning units are not allowed if visible from the street.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

- 4.4.2 Antennas or Satellite Dish. No outside antenna for radio or television shall be constructed, erected, or maintained at any time on any lot, except under the terms and conditions of the CC&Rs. State law changes effective January 1, 1996 supersede the CC&Rs and now permit installation of video or television antennas that have a diameter or diagonal measurement of 1 meter or less, provided Neighbor notification and ACC approval is obtained and when in compliance with the FCC Regulations.
- 4.4.3 Clothes Drying Facilities. Outside clothes lines or other outside facilities for drying or airing clothes shall not be erected, placed, or maintained on a lot, unless they are erected, placed, and maintained so as not to be visible from neighboring property.
- 4.4.4 Dog Runs. Plans for dog runs along a fence or property line require adjacent neighbor notification. Neighbor input will be strongly considered.
- 4.4.5 Glass Tinting. Windows may not be covered with aluminum, foil, paint, or similar unsightly material. Glass tinting requests will be considered by the ACC. All tinting on each lot shall be of a uniform color and type. However, mirror finishes will not be approved as the ACC finds it offensive to other homeowners.
- 4.4.6 Pools. Pools, spas, and related equipment will be considered on an individual basis and will require Neighbor notification.
- 4.4.7 Playground Equipment. Swings, playhouse, and other playground equipment will be considered on an individual basis and permitted if located unobtrusively.
- 4.4.8 Rooftop Appliances. Rooftop appliances will not be permitted, except for solar panels as approved. Solar panels may be approved subject to reasonable restrictions that do not significantly increase the cost of the system or significantly decrease its effectiveness. In general, this means that solar panels shall be mounted directly on the roof, and be a size, and shape consistent with the roof line. Solar panels require Neighbor notification pursuant to Article Five.
- 4.4.9 Awnings. Awnings made of any material including but not limited to aluminum, metal or fabric must be approved and require Neighbor notification pursuant to Article Five.
- 4.4.10 Security Bars. Security bars shall be painted to match the house trim or black.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

- 4.4.11 Utility Buildings. Utility buildings must be of the same material and color as the homeowner's house and require Neighbor notification.
- 4.4.12 Rain Gutters. Rain gutters shall be painted to match the house trim color.
- 4.4.13 Garage Doors. Garage doors may be replaced with metal roll up doors without submitting an application if the doors installed are the same color as the door they are replacing. If a replacement door is made of wood or the new door has a different color than the original door an application must be submitted.
- 4.4.14 Windows. Replacement black windows may be difficult to find; therefore, white, off-white, beige or brown windows will be permitted and no longer require architectural approval. Permanent stained glass or leaded glass windows require architectural approval.
- 4.5 Room Additions. Room additions must be consistent with the original style of architecture and require Neighbor notification pursuant to Article Five below.

ARTICLE FIVE - NEIGHBOR NOTIFICATION

- 5.1 Consultation of Neighbors. It is the intent of the ACC to consult neighbors on any improvement which may impact on their use and enjoyment of their property. Neighbor approval or disapproval of a particular Improvement shall only be advisory and shall not be binding in any way on the ACC's decision.
- 5.2 Definitions; "Facing Neighbor" and "Adjacent Neighbor."
- 5.2.1 "Facing Neighbors" shall mean the three homes most directly across the street from the subject house.
- 5.2.2 "Adjacent Neighbor" shall mean all homes adjacent to the subject house.
- 5.3 Improvements Requiring Notification. The following improvements require notification statements prior to the submission of plans:
- 5.3.1 Fences and walls - Facing Neighbors and Adjacent Neighbors.
- 5.3.2 Patio covers and gazebos - Adjacent Neighbors.
- 5.3.3 Dog runs - Adjacent Neighbors.
- 5.3.4 Pools and spas and related equipment - Adjacent Neighbors.
- 5.3.5 Solar panels - Facing Neighbors and Adjacent Neighbors.
- 5.3.6 Any other exterior improvements that may impact neighbors and the community - Facing Neighbors and Adjacent Neighbors.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

- 5.4 Signatures of Neighbors. The homeowner seeking ACC approval is to leave a copy of an Application for Architectural Improvements form with the affected neighbors for their approvals, comments, and objections. The homeowner should not directly solicit the comments from such neighbors. The form must be signed in the appropriate places by the Facing Neighbors, Adjacent Neighbors, as appropriate, and returned. If a neighbor refuses to sign a notification form, a USPS Return Receipt or other evidence may be accepted as proof the neighbor was notified.

ARTICLE SIX - ACC APPROVAL AND DISAPPROVAL

6.1 Permissible Considerations in Granting/Denying Approval.

- 6.1.1 In granting or denying architectural and/or landscape approval, the ACC will consider the following criteria:

6.1.1.1 Harmony of external design, location, and color in relation to surrounding structures and topography;

6.1.1.2 Preservation of view from other lots; and

6.1.1.3 Compliance with the CC&Rs contained in the Declaration.

- 6.1.2 In granting or denying approval of architectural and/or landscape changes, the ACC may consider such other conditions as the ACC may deem appropriate.

- 6.1.3 The ACC may withhold its approval of landscaping plans if, in the reasonable opinion of the ACC, the view of any lot would be substantially impaired by the location of any plant(s).

- 6.1.4 The ACC may withhold its approval of any plans and specifications on the following grounds:

6.1.4.1 Non-compliance with the CC&Rs;

6.1.4.2 The "reasonable dissatisfaction" of the committee with the plan, color scheme, finish, design, shape, height, or style used or employed; and

6.1.4.3 Any matter which, in the reasonable judgment of the committee, will "render the proposed improvement inharmonious or out of keeping with the general plan of improvements on other lots or substantially impair the view from other lots.

- 6.1.5 The ACC may, within its authority, approve a matter with respect to one lot and deny approval of the same or a similar improvement to a different lot.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

6.2 Meaning of "Approval."

- 6.2.1 Approval by the ACC does not constitute approval by the City or County of San Diego, nor does approval by the city or county constitute approval by the ACC.
- 6.2.2 "Approval" by the ACC means only that the plans meet the written satisfaction of the Architectural Control Committee, do not substantially impair the view of other lots and are consistent and in harmony with the general plan of the community.
- 6.2.3 As a practical matter, building permits will usually not be issued by governmental agencies until they are satisfied that the proposed plans comply with pertinent CC&Rs and the homeowner specifications.

6.3 Conditions to Approval.

- 6.3.1 Approval is conditional upon the commencement of the work within 90 days after approval has been obtained or within a longer or shorter period as specified by the ACC at the time of its approval.
- 6.3.2 Work must be performed diligently to completion within a reasonable time, and in any event before the expiration of such period as may be specified by the ACC.
- 6.3.3 Work may start only after receipt of written approval and satisfaction of any prior conditions related to the approval.

6.4 No Liability to Committee, Association, Etc.

THE ARCHITECTURAL CONTROL COMMITTEE, THE BOARD, THE ASSOCIATION, AND ALL OF THE MEMBERS OF THE ASSOCIATION SHALL NOT BE LIABLE OR RESPONSIBLE TO ANY ONE IN ANY WAY FOR ANY DEFECT IN ANY IMPROVEMENT CONSTRUCTED IN ACCORDANCE WITH PLANS AND SPECIFICATIONS APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE, OR FOR ANY REASON OF MISTAKE IN JUDGMENT, NEGLIGENCE, OR MALFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL OR DISAPPROVAL OR FAILURE TO APPROVE OR DISAPPROVE ANY PLANS. THESE LIMITATIONS ON LIABILITY ARE IN ADDITION TO THOSE CONTAINED IN THE CC&RS.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

6.5 Decision By Architectural Control Committee.

- 6.5.1 In accordance with the CC&Rs, the ACC must approve or disapprove submitted plans within thirty (30) days after the ACC receives complete plans for the proposed Improvement. Plans are deemed received by the ACC when delivered to the management company.
- 6.5.2 Failure of the ACC to approve or disapprove the plans and specifications for the Improvement within such sixty (60) days period shall be deemed an approval of the plans by the committee.
- 6.5.3 The ACC shall attempt to provide a written decision approximately one (1) week from its meeting on the matter.

6.6 Revised Plans for Improvements.

- 6.6.1 Revised plans for proposed Improvements incorporating all required changes must be resubmitted and approved before any work may start. It is the general policy of the ACC not to grant conditional approval of Improvement plans.
- 6.6.2 The submission of such revised plans shall be treated as a new submission for approval or disapproval by the ACC.

6.7 Committee Disapproval of Plans.

- 6.7.1 The ACC may withhold approval of plans for an Improvement because of non-compliance with the CC&Rs.
- 6.7.2 In addition, the ACC may also withhold its approval by reason of the reasonable dissatisfaction of the ACC with other matters, including, but not limited to, the plans, color scheme, finish, design, proportions, architecture shape, height, style, and appropriateness of the proposed plans, the materials, or things which render the proposed plans inharmonious with the general plan of the community or which would substantially impair the view from other lots.

6.8 Appeal Procedure.

- 6.8.1 Procedure. In the event of an adverse decision by the ACC with respect to the whole or part of a plan, either the applicant or any interested Facing or Adjacent Neighbor, may submit a written appeal to the BOARD.
- 6.8.2 An appeal by an applicant must be filed within ten (10) days of the initial decision by the ACC. The appeal must be in writing to the BOARD through the management company. The BOARD shall submit such request to the ACC for review, whose recommendations will be submitted to the BOARD.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

6.8.3 Within seventy-five (75) days following the receipt of the original request, the BOARD shall render its written decision. The failure of the BOARD to render a decision within said 75 day period shall be deemed a decision in favor of the appellant.

6.8.4 An appeal by Facing or Adjacent Neighbors must be filed within ten(10) days of the decision by the ACC. The appeal must be made in writing to the BOARD through the management company. Said appeal shall be heard and decided at the next BOARD meeting.

6.8.5 The decision of the BOARD on any appealed matter will be final and conclusive.

6.9 Grievance. Residents believing a violation of the CC&Rs may exist should address their concerns in writing to the ACC for investigation and follow-up.

ARTICLE SEVEN - IMPROVEMENTS NOT REQUIRING APPROVAL

7.1 The replacement of landscape with reasonably similar landscape (same size, and general shape and color of trees, shrubs, bushes or floral). However, if the new landscape differs substantially so that the overall look is altered prior approval from the ACC is required.

7.2 Roof vents do not require ACC approval; however, they must be painted to match the color of the roof to which it is or will be attached.

ARTICLE EIGHT - HOUSEKEEPING AND MAINTENANCE

8.1 Landscape Maintenance.

8.1.1 Each owner must plant, or replant as necessary, water, and maintain all areas of his/her lot, including slopes and rights-of-way to present an attractive appearance. Banks shall be planted and maintained as an integral part of the overall landscaping.

8.1.2 Lawns must be kept neatly mowed. Front and backyard landscaping must be neatly trimmed, properly cultivated, and free of weeds, dead and diseased plant material, trash, and other unsightly material. Ground cover and grass is to be kept trimmed at sidewalks and driveways. Grass clippings and yard debris must not be deposited on any common area or any area exposed to public view. No tree, shrub, or other planting of any kind shall be allowed to overhang or otherwise encroach upon any sidewalk or other pedestrian way, from ground level to a height of seven feet.

8.2 Storage. Wood and other stored items must be located out of view from any street. Any structure containing storage must be approved by the ACC.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

- 8.3 Trash. Trash must be located out of view from any street except when it is put out for pick-up. All garbage and trash must be placed and kept in sanitary, covered containers. Trash and recycle containers must be maintained as to not be visible from neighboring lots, until put out for collection. Trash containers should not be put out until the evening before trash pick-up and shall be removed promptly following trash pick-up.
- 8.4 Driveways and Walkways. Driveways and walks are to be swept and kept clean, and free from oil stains.
- 8.5 Maintenance of Exterior Structures. All exterior surfaces of all structures including, the dwelling must be maintained structurally and kept well painted or stained.
- 8.6 Signs. No signs, posters, or displays shall be shown or displayed on a lot excepting one sign of customary and reasonable dimensions which states that the premise is for sale or rent, as well as temporary signs and flags used by real estate agents.
- 8.7 Drainage. All drainage from Improvements shall be constructed to return drainage to the front street. All drainage must be cored through the curb, and may not run over the sidewalk. Sidewalks may not be broken to lay drainage as they are city property.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

Attachment A
Addendum to DMHNHOA Architectural Guidelines

Drought Tolerant Landscape Guidelines

Purpose:

To encourage upgrading of landscaping with drought tolerant plants and materials that conserve water while maintaining the quality and aesthetic beauty of the neighborhood.

When Replacing Grass/Lawns/Shrubs

- A minimum of 20% of the front yard is to be comprised of living plant material.
- **Allowable ground cover - living plant material:** Ivy, ice-plant and other plant based ground cover may be used.
- **Allowable ground cover - non-plant materials:** Bark, mulch, rocks and gravel may be used. Permitted colors will generally be limited to earth tones. Bright, high-contrast colors will generally be limited to accent areas only. This form of ground cover must be installed with non-exposed weed barriers. Maintenance requirements for this form of ground cover include replacement of materials as needed to maintain an original appearance.
- **Synthetic Turf:** May be used if of high quality and color that looks very similar to natural grass. Please note submittal requirements below. Samples of the actual synthetic turf being considered for use will be required with the Application For Architectural Improvements.

When replacing Irrigation Systems

- All irrigation systems must be installed in a professional manner. Drip tubing may not be visible.
- Irrigation systems must be adequate to maintain healthy plant growth for all remaining plant areas.

What to submit for plan approval:

- Refer to Article Three, Section 3.5 of the Architectural Guidelines for submittal requirements. Additionally, if using synthetic turf, a sample of the material will be required. Samples of the actual synthetic turf being considered for use will be required with the Application For Architectural Improvements.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

Attachment B
Addendum to DMHNHOA Architectural Guidelines

Fee Schedule

Simple Exterior Improvements:

Submittal Fee = \$50.00

These include:

Driveway Replacement with Brick Pavers (Keeping Existing Layout)
Exterior Paint (Changing Primary Color of House)
Garage Door Replacement (Changing Primary Color)
Lawn Replacement with Artificial Turf (Keeping Existing Layout)
Roof Mount Solar

Complex Exterior Improvements

Submittal Fee = \$250.00

These include but not limited to the following:

Built-In BBQ's / Outdoor Kitchens
Hardscape Improvements
Landscape Improvements
Patio Covers
Pool and/or Jacuzzi/Spa
Retaining Walls
Room Additions

Note: If your project includes both Simple Exterior Improvements and Complex Exterior Improvements your submittal fee will be \$250.00

Your submittal fee will be deposited and held until a Notice of Completion (NOC) and photographs of the completed improvements are received and approved by the Architectural Control Committee. Upon approval of the NOC the deposit will be refunded less any processing and/or review costs incurred by the association for the review of the improvement.

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

Attachment C
Addendum to DMHNHOA Architectural Guidelines

Management Company Information

The management company is presently:

Seabreeze Management Company
9350 Waxie Way, Suite 560
San Diego, CA 92123

**DEL MAR HIGHLANDS
NEIGHBORHOOD HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES**

Attachment D
Addendum to DMHNHOA Architectural Guidelines

Slope Control Areas

There are certain Slope-Control Areas on the property which are the subject of specific Covenants, Conditions and Restrictions. "Slope-Control Areas" shall mean those lots in the listed tracts (below) within which lie areas which are constituted as sloped, banked or hillside and which extend three (3) feet or more in vertical height. The following lots are so designated, viz:

DECLARATION OF CC&R'S N.C.W. NEIGHBORHOOD 3 UNIT NO. 1
83-403113

Page 8, Section 29.

Lots 1 through 5, inclusive; 8 through 18, inclusive; 23; 33 through 42, inclusive; 46 through 55, inclusive; 57; 58; 62; 63; 68 through 80; inclusive; 87; and 88.

DECLARATION OF CC&R'S N.C.W. NEIGHBORHOOD 3 UNIT NO. 2
83-403112

Page 8, Section 29.

Lots 101, 102 and 106.

DECLARATION OF CC&R'S N.C.W. NEIGHBORHOOD 3 UNIT NO. 5
84-221995

Page 8, Section 30.

Lots 115; 120 through 124 inclusive; 126; 127; 142 through 153, inclusive; 160; 161; and 165 through 175, inclusive.

DECLARATION OF CC&R'S N.C.W. NEIGHBORHOOD 3 UNIT NO. 6
84-221997

Page 8, Section 30.

Lots 200; 219 through 235, inclusive; 244 through 246, inclusive; and 176 through 179, inclusive.

DECLARATION OF CC&R'S N.C.W. NEIGHBORHOOD 3 RESUBDIVISION OF
UNIT NO. 9

1998-0132383

Page 7, Section 28.

Lots: NONE.

DECLARATION OF CC&R'S N.C.W. NEIGHBORHOOD 3 UNIT NO. 13
87-275764

Page 9, Section 32.

Lots 23 through 32, inclusive and Lots 38 through 49, inclusive.

NOTE: Refer to the specific recorded CC&R's for details. The information provided herein is for reference only.

DEL MAR HIGHLANDS NEIGHBORHOOD HOMEOWNERS' ASSOCIATION ASSESSMENT COLLECTION POLICY

Adopted by the Board of Directors on July 16, 2024

Prompt payment of assessments by all Owners is critical to the financial health of the Association. Accordingly, the Board of Directors takes its obligations under the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") and the California Civil Code to enforce the members' obligation to pay assessments very seriously. The Board has adopted this Collection Policy in an effort to discharge that obligation in a fair, consistent and effective manner. All policies and practices outlined below shall remain in effect until such time as they may be changed, modified, or amended by a duly adopted resolution of the Board of Directors. Therefore, pursuant to the CC&Rs and applicable sections of the California Civil Code, the following is the Association's Assessment Collection Policy:

1. Regular monthly assessments are due and payable on the **first** (1st) day of each month. It is the responsibility of the Owner of record to pay each assessment in full each month regardless of receipt of a statement.
2. All other assessments, including special assessments, are due and payable on the date specified by the Board in the notice of assessment.
3. Assessments, late charges, interest and fees, and collection costs, including attorney's fees, are both the personal obligation of the Owner of the property at the time the assessment or other sums are levied, and a lien/debt filed on the property.
4. Payments are posted on the date received by the Association. Assessments are delinquent **thirty (30) days** after they become due. If the 30th day falls on a Saturday, Sunday, or bank holiday, the delinquency deadline will be extended until 3:00 p.m. on the next business day.
5. Delinquent assessments shall be subject to a late charge equal to ten percent (10%) of the unpaid assessment or ten dollars (\$10.00), whichever is greater.
6. Interest on all sums imposed in accordance with this Assessment Collection Policy including the delinquent assessments, fees and costs of collection and attorney's fees shall be at a rate of 6% per year, commencing **thirty (30) days** after the assessment becomes due.
7. A Reminder Notice may be sent on or about the 5th of the month following the month the account becomes delinquent to all delinquent Owners if, the amount owed is greater than or equal to the current monthly assessment. The purpose of this reminder is to notify owners of their delinquency prior to more costly collection steps such as Notice of Intent to Lien and the recording of a Lien are implemented. A fee will be charged for each Reminder Notice sent.
8. Residents who are delinquent may be subject to suspension of the use of Common Area amenities and restrictions on membership privileges.
9. If the assessment is not paid within **sixty (60) days** of the due date, the Association will send a letter ("Notice of Intent to Lien") by certified mail to the delinquent Owner's addresses of record, including primary and secondary addresses provided to the Association by Owner. This letter will comply with applicable law. This letter will be sent to the delinquent Owner at least **thirty (30) days** prior to recording a lien against the delinquent Owner's separate interest. The cost of the letter will be billed to the delinquent Owner's account.

10. An Owner may submit a written request to the Association to meet with the Board to discuss a payment plan for the amount set forth in the Notice of Intent to Lien. The Board shall meet with the delinquent Owner in executive session within **forty-five (45) days** of the date of the postmark of the request. If there is no regularly scheduled Board meeting during this period, then the Board may designate a committee of one or more Board members, but less than a quorum, to meet with the Owner.
11. If the delinquent Owner fails to pay the amount set forth in the Notice of Intent to Lien (a) within thirty (30) days of the date of receipt of the Notice of Intent to Lien, or (b) in the event the delinquent Owner fails to submit a request to meet, as set forth in the Paragraph above, within thirty (30) days of the date the Notice of Intent to Lien is sent, then the Board may resolve to record a lien against the Owner's separate interest. The delinquent Owner will be charged for the lien costs associated with preparation and recordation of the lien. An itemized statement of the charges owed by the Owner will be recorded together with the lien.
12. A copy of the recorded lien shall be sent via certified mail to every person who is shown as an Owner of the separate interest in the Association's records no later than **ten (10) days** after recordation. Notices shall also be sent to any secondary address provided by Owner.
13. After recordation of a lien, all subsequent payments made by personal check will be held for posting pending verification of funds and clearance by the bank.
14. If an Owner is delinquent for **thirty (30) additional days** after the lien has been recorded, the matter will be referred to the Association's attorney or collection agent, and the lien may be enforced by judicial or non-judicial foreclosure sale, or by money judgment at the Association's option. Costs associated with the preparation of documents required to open the case file with the attorney or collection agent will be the responsibility of the delinquent Owner.
15. No assessment lien may be foreclosed until (a) the amount of the delinquent assessments secured by the lien (exclusive of any accelerated assessments, late charges, fees and costs of collection, attorney's fees or interest) equals or exceeds \$1,800.00, or (b) the assessments are more than twelve (12) months delinquent. If the Association chooses to foreclose a lien under these circumstances, it shall, prior to foreclosing, offer the Owner an opportunity to "meet and confer" regarding the delinquency, in accordance with Civil Code Section 5900 or participate in alternative dispute resolution with a neutral third party pursuant to Civil Code Section 5925. The decision to pursue dispute resolution, or a particular type of alternative dispute resolution is the Owner's choice; however, binding arbitration shall not be available if the Association intends to initiate judicial foreclosure.
15. The decision to initiate foreclosure of a lien must be made by the Board and may not be delegated to an agent of the Association. The Board's decision to foreclose a lien must be by a majority vote of the Board members in executive session, and the Board's vote shall be recorded in the minutes of the next regular session meeting. The Board shall maintain the confidentiality of the Owners by identifying the matter in the minutes by the parcel number of the separate interest, rather than the name of the Owners. A Board vote to approve foreclosure of a lien shall take place at least **thirty (30) days** prior to any public sale.
16. The Board shall provide notice of its decision to foreclose on an assessment lien by (a) personal service to the Owner if the Owner occupies the separate interest, or to the Owner's legal representative, or (b) first class mail, postage prepaid, at the most current address for the Owner shown on the books of the Association, including primary and any secondary address provided by Owner, if the Owner does not occupy the separate interest.

17. A nonjudicial foreclosure is subject to a ***ninety (90) day*** right of redemption.
18. Nothing herein limits or otherwise affects the Association's right to proceed in any lawful manner to collect any delinquent sums owed to the Association and the Association may turn the matter over to legal counsel at any time.
19. The mailing address for overnight payment of assessments is:
Seabreeze Management Company, Inc.
26840 Aliso Viejo Pkwy, Suite 100
Aliso Viejo, CA 92656
20. The Association may alternatively file a civil action in Small Claims Court.
21. In the event that the Association files an action against an Owner for unpaid Assessments, and that separate interest is, or becomes rented or leased at any time during the pendency of the action, the Association shall have the right to request that the Court order Owner to assign all rents due from the renter/lessor of the separate interest to the Association until such time as all Assessment delinquencies are cured.

NOTICE ASSESSMENTS AND FORECLOSURE

This notice outlines some of the rights and responsibilities of Owners of property in common interest developments and the associations that manage them. Please refer to the sections of the Civil Code indicated for further information. A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

ASSESSMENTS AND FORECLOSURE

Assessments become delinquent 15 days after they are due, unless the governing documents provide for a longer time. The failure to pay association assessments may result in the loss of an Owner's property through foreclosure. Foreclosure may occur either as a result of a court action, known as judicial foreclosure, or without court action, often referred to as nonjudicial foreclosure. For liens recorded on and after January 1, 2006, an association may not use judicial or nonjudicial foreclosure to enforce that lien if the amount of the delinquent assessments or dues, exclusive of any accelerated assessments, late charges, fees, attorney's fees, interest, and costs of collection, is less than one thousand eight hundred dollars (\$1,800). For delinquent assessments or dues in excess of one thousand eight hundred dollars (\$1,800) or more than 12 months delinquent, an association may use judicial or nonjudicial foreclosure subject to the conditions set forth in Article 3 (commencing with Section 5700) of Chapter 8 of Part 5 of Division 4 of the Civil Code. When using judicial or nonjudicial foreclosure, the association records a lien on the Owner's property. The Owner's property may be sold to satisfy the lien if the amounts secured by the lien are not paid. (Sections 5700 through 5720 of the Civil Code, inclusive)

In a judicial or nonjudicial foreclosure, the association may recover assessments, reasonable costs of collection, reasonable attorney's fees, late charges, and interest. The association may not use nonjudicial foreclosure to collect fines or penalties, except for costs to repair common area damaged by a member or a member's guests, if the governing documents provide for this. (Section 5725 of the Civil Code)

The association must comply with the requirements of Article 2 (commencing with Section 5650) of Chapter 8 of Part 5 of Division 4 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the Owner's property until it has satisfied those

requirements. Any additional costs that result from satisfying the requirements are the responsibility of the association. (Section 5675 of the Civil Code)

At least 30 days prior to recording a lien on an Owner's separate interest, the association must provide the Owner of record with certain documents by certified mail, including a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the charges owed by the Owner. An Owner has a right to review the association's records to verify the debt. (Section 5660 of the Civil Code)

If a lien is recorded against an Owner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide an Owner certain documents in this regard. (Section 5685 of the Civil Code)

The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

PAYMENTS

When an Owner makes a payment, the Owner may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform Owners of a mailing address for overnight payments. (Section 5655 of the Civil Code)

An Owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise.

An Owner may dispute an assessment debt by submitting a written request for dispute resolution to the association as set forth in Article 2 (commencing with Section 5900) of Chapter 10 of Part 5 of Division 4 of the Civil Code. In addition, an association may not initiate a foreclosure without participating in alternative dispute resolution with a neutral third party as set forth in Article 3 (commencing with Section 5925) of Chapter 10 of Part 5 of Division 4 of the Civil Code, if so, requested by the Owner. Binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.

An Owner is not liable for charges, interest, and costs of collection, if it is established that the assessment was paid properly on time. (Section 5685 of the Civil Code)

MEETINGS AND PAYMENT PLANS

An Owner of a separate interest that is not a time-share interest may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform Owners of the standards for payment plans, if any exists. (Section 5665 of the Civil Code)

The board must meet with an Owner who makes a proper written request for a meeting to discuss a payment plan when the Owner has received a notice of a delinquent assessment. These payment plans must conform to the payment plan standards of the association, if they exist. (Section 5665 of the Civil Code)

An association distributing the notice required by this section to an Owner of an interest that is described in Section 11212 of the Business and Professions Code that is not otherwise exempt from this section pursuant to subdivision (a) of Section 11211.7 of the Business and Professions Code may delete from the notice described in subdivision (a) the portion regarding meetings and payment plans.

Del Mar Highlands Neighborhood Homeowners' Association

Board Meeting Conduct Rules

Adopted August 16, 2022

Agenda - Order of Business

The usual order of business can be viewed on a posted agenda. The Board President may re-order items on the agenda based on member, vendor or management participation.

Agenda - Executive and General Sessions

A fiscal Year Agenda Calendar with standing items will be provide to Board Members. This calendar is to help assist Board Members and the Community Manager in organizing monthly Board Meetings. Board Members may submit a request to add items to the agenda. Board Member requests will be given consideration based on the level of importance and time constraints of the meeting.

Agenda - Executive/Closed Session

The Open Meeting Act: Civil Code § 4935

(a) The board may adjourn to, or meet solely in, executive session to consider litigation, matters relating to the formation of contracts with third parties, member discipline, personal matters, or to meet with the member, upon the members request, regarding the members payment of assessments, as specified in section 5665.

(b) The board shall adjourn to, or meet solely in, executive session to discuss member discipline, if requested by the member who is the subject of the discussion. That member shall be entitled to attend the executive session.

(c) The board shall adjourn to, or meet solely in, executive session to discuss a payment plan pursuant to section 5665.

(d) The board shall adjourn to, or meet solely in, executive session to decide whether to foreclose on a lien pursuant to subdivision of section 5705.

(e) Any matter discussed in executive session shall be generally noted in the minutes of the immediately following meeting that is open to the entire membership.

Agenda - Open Forum Procedure

The owner forum is scheduled at the beginning of the Board Meeting. It is for the purposes of hearing owner concerns and sharing ideas. Please note the following:

1. Meetings of the association's board of directors are open to all association members. Tenants may not attend without special permission from the board of directors.
2. The California Open Meeting Act prevents the board from taking actions on items not on the agenda posted at least 4 days prior to this meeting, except to briefly respond.
 - a. If the issue was not on the posted agenda, The Board may not be able to address it at all unless it can be deemed an emergency.

Del Mar Highlands Neighborhood Homeowners' Association

Board Meeting Conduct Rules

Adopted August 16, 2022

- b. The term "emergency" is defined in Code as something that is unforeseen and requiring immediate attention. If not an emergency, the board will take comments or suggestions under advisement and determine whether or not to add them to a future agenda for discussion.
3. Disruptive or rude behavior will not be tolerated. If members become disruptive or rude, the board may choose to adjourn the meeting for a brief recess, or if the behavior does not improve, adjourn to another date, time, and/or location.
4. Each member is afforded 3 - 5 minutes to speak. If there are several members in attendance for the same topic, the group should select one or two speakers so the board can conduct its regular business in a timely manner.
5. Once the forum is over, the board will conduct its meeting during which members have an opportunity to observe, but not participate in discussion or deliberation unless asked to by a majority vote of the board.

Board Member Decorum

Disruptive or rude behavior will not be tolerated. If Board members become disruptive or rude, the board may choose to adjourn the meeting for a brief recess, or if the behavior does not improve, adjourn to another date, time, and/or location.

These Conduct Rules are adopted this August 16, 2022 at an open Board meeting where a quorum of the Board was present, and will become effective immediately.

Del Mar Highlands Neighborhood Homeowners' Association

Board Operating Policies

Adopted August 16, 2022

Code Of Ethics And Rules Of Conduct For Volunteer Board Officers/Members And Committee

Members

Board Members and Committee Members are required to sign the **Code of Ethics and Rules of Conduct for Volunteer Board Officers/Members and Committee Members**.

Committee Appointments/Alternates

Board of Directors resolved that any Board member may serve as an alternate for another Board member on any Committee. Committee meeting minutes must identify the alternate. Architectural Control Committee Members must be members in good standing for all aspects of the architectural process.

Document Retention Policy

Board of Directors resolved that the Document Retention Policy is expected to be followed by the contracted Management Company. See Attached.

Interest / Late Fee Write-offs

The Board President has the authorization to review and authorize "Interest/Late Fee write-offs" on homeowner accounts without bringing each write-off to the Board within a limit of \$25.00 per homeowner.

Landscape Walk / Vendor Interaction

The Board of Directors resolved that board members may not perform walkthroughs outside the monthly scheduled landscape committee meeting unless there is an extenuating circumstance. If an additional walk is necessary, board member must notify management. Management to report this activity to Board President. In addition, no Board member may contact association vendors directly. All communication must go through management. Once management is notified, Board member may communicate with vendor. Vendor to report back to management to document issue. Management to report this activity to the Board President.

Landscape - Emergency Work

Board of Directors resolved that the Board President has authority to approve emergency work in the association. If the President is not available, other available officers may approve using the following sequence: Vice-President, CFO, Secretary, Director. As soon as practical after the emergency determination, information and photos will be emailed to the Board for their records.

Landscape - Irrigation Repairs

Board of Directors authorizes up to \$1,500 per month for irrigation repairs. Repairs for valves, main line piping and backflows are to be expended from Reserves under Hardware - Irrigation & Electric. Detailed invoices to include location of repairs is to be provided.

Note: This document will be updated annually or as new/revised Operating Policies are approved.

Del Mar Highlands Neighborhood Homeowners' Association

Board Operating Policies

Adopted August 16, 2022

Landscape - Tree Services

Board of Directors approved that management has a pre-authorized limit of \$1,500 to be used no more than four (4) times per year to perform necessary services on association trees. Management to report to the Board when work was/is to be completed.

Prior Owner Refunds Process

Prior and new homeowner accounts will be reviewed each month for the purpose of ensuring proper account set up. Prior homeowner accounts will also be reviewed for credit balance refunds. Board President and CFO will be notified via email as to the credit balance refunds that are to be processed. Any "write-offs" by Management are to be approved first.

Recording Meetings

The Board of Directors resolve that Board Meetings are not to be recorded without the expressed written consent of the Board. The board can choose to record and/or broadcast their Open Session meetings.

This resolution is adopted this August 16, 2022 at an open Board meeting where a quorum of the Board was present, and will become effective immediately.

Note: This document will be updated annually or as new/revised Operating Policies are approved.

Del Mar Highlands Neighborhood Homeowners' Association

CODE OF ETHICS AND RULES OF CONDUCT FOR

VOLUNTEER BOARD OFFICERS/MEMBERS AND COMMITTEE MEMBERS

CAI developed the Model Code of Ethics for Community Association Board Members to encourage the thoughtful consideration of ethical standards for community leaders. The model code is not meant to address every potential ethical dilemma but is offered as a basic framework that can be modified and adopted by any common-interest community.

Board/Committee Members should:

1. Strive at all times to serve the best interests of the association as a whole regardless of their personal interests.
2. Use sound judgment to make the best possible business decisions for the association, taking into consideration all available information, circumstances and resources.
3. Act within the boundaries of their authority as defined by law and the governing documents of the association.
4. Provide opportunities for residents to comment on decisions facing the association.
5. Perform their duties without bias for or against any individual or group of owners or non-owner residents.
6. Abide by ALL CCR's and other governing documents.
7. Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association.
8. Conduct open, fair and well-publicized elections.
9. Always speak with one voice, supporting all duly adopted board decisions—even if the board member was in the minority regarding actions that may not have obtained unanimous consent.

Board/Committee Members should not:

1. Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the board.
2. Make unauthorized promises to a contractor or bidder.
3. Advocate or support any action or activity that violates a law or regulatory requirement.
4. Use their positions or decision-making authority for personal gain or to seek advantage over another owner or nonowner resident.
5. Spend unauthorized association funds for their own personal use or benefit.
6. Accept any gifts—directly or indirectly—from owners, residents, contractors or suppliers.
7. Misrepresent known facts in any issue involving association business.
8. Divulge personal information about any association owner, resident or employee that was obtained in the performance of board duties.
9. Make personal attacks on colleagues, staff or residents.
10. Harass, threaten or attempt through any means to control or instill fear in any board member, owner, resident, employee or contractor.
11. Reveal to any owner, resident or other third party the discussions, decisions and comments made at any meeting of the board properly closed or held in executive session.

Violations of the Code of Ethics and Rules of Conduct will be brought to the attention of the Board of Directors, which will then determine what action is appropriate. Such action may include removal of a committee member, removal from office of an officer, convening a recall procedure for a Board member, seeking injunctive relief or other relief in court or other actions or discipline appropriate for the type of violation.

This resolution is adopted this August 16, 2022 at an open Board meeting where a quorum of the Board was present, and will become effective immediately.

Board/Committee Member:

Print Name

Contact Phone Number

Date

Signature

Email Address

Del Mar Highlands Neighborhood Homeowners' Association

Document Retention Policy

Article I - Purpose

The purposes of this document retention policy are for the Del Mar Highlands Neighborhood Homeowner's Association (Association) to enhance compliance with the Sarbanes-Oxley Act of 2002 and to promote the proper treatment of corporate records of the Organization. The Board of Directors adopted the retention periods for storing both hard copy and electronic documents as set forth in the schedule below to include the timelines presented by legal counsel. The policy would be suspended in the event of a litigation hold.

Article II - Policy

Below are estimated, minimum timeframes for retaining several categories of corporate records.

1	Accounting Reports	Maintain for the life of the Association.
2	Actions by Unanimous Written Consent (plus evidence of posting)	Maintain for the life of the Association.
3	Architectural Submittals	Maintain for the life of the Association.
4	Banking Records	Maintain for the life of the Association's account with that banking institution plus seven years.
5	Bids	Maintain for at least one year after obtaining bid.
6	Budget Information	Maintain for the life of the Association.
7	Contracts with Vendors	Maintain for term of contract plus four years.
8	Election Information/Results	Maintain for 1 year following Election.
9	Financial	Maintain for 10 years.
10	Governing Documents	Maintain for the life of the Association. These include CC&Rs, Supplementary Declarations of Annexation, Bylaws, Articles of Incorporation, Rules and Regulations and Corporate/Board Resolutions.
11	Hearing Notices	Maintain for five years.
12	Homeowner Files	Except as outlined above, maintain for ownership term of homeowner plus four years except for architectural applications and similar matters, which should be maintained for the life of the Association.
13	Insurance Policies	Maintain for the Term of the Policy plus 7 Years.

Del Mar Highlands Neighborhood Homeowners' Association

Document Retention Policy

14	Lawsuit information	Maintain for seven years after conclusion of lawsuit.
15	Legal	Maintain for 7 years following Action/Suit.
16	Meeting Minutes/Agendas	Maintain for the life of the Association. This is specifically required by Civil Code Section 1363.05. (Board and Committee)
17	Owner List	Maintain current list and two years prior if possible.
18	Real Estate Documents	Maintain for the life of the Association.
19	Reserve Studies	Maintain for five years after the next reserve study is obtained.
20	State/Federal Tax Returns (including backup)	Conservatively, ten years from date of filing.
21	Violation Letters	Maintain for five years.

**DEL MAR HIGHLANDS NEIGHBORHOOD
HOMEOWNERS' ASSOCIATION,
a California nonprofit mutual benefit corporation**

ELECTION RULES

ADOPTED MARCH 17, 2020

REVISED SEPTEMBER 16, 2025

TABLE OF CONTENTS

Article 1: Definitions	1
1.1 “Association”	1
1.2 “Board” or “Board of Directors”	1
1.3 “Bylaws”	1
1.4 “CC&Rs”	1
1.5 “Director”	1
1.6 “Davis-Stirling Act”	1
1.7 “Electronic Secret Ballot”	1
1.8 “Inspector of Election”	1
1.9 “Member”	1
1.10 “Separate Interest”	1
Article 2: Membership Meetings.....	2
2.1 <i>Generally</i>	2
a. Annual Meetings	2
b. Special Meetings	2
c. Date, Time and Location of Meetings	2
2.2 <i>Notice Requirements</i>	2
a. Notice of Special Meetings Called by the Board.....	2
b. Notice of Special Meetings Called by Petition of the Members.....	2
c. Notice for Ballot-Counting Meetings	3
d. Notice Contents	3
e. Delivery	3
2.3 <i>Chair of Meeting</i>	3
2.4 <i>Quorum</i>	3
2.5 <i>Lack of Quorum</i>	3
2.6 <i>Loss of Quorum</i>	4
Article 3: Directors	4
3.1 <i>Number and Term of Directors</i>	4
3.2 <i>Candidate and Director Qualifications</i>	4
a. Candidates Must be Members	4
b. Prior Ownership for One Year	4
c. Member in Good Standing	4
d. Co-Owners Eligible for Only One Position	5
e. Criminal Conviction	5
f. Internal Dispute Resolution	5
3.3 <i>Impersonal Entities</i>	5
3.4 <i>Trusts</i>	5
3.5 <i>Multiple Officer Positions</i>	5
3.6 <i>Legal Filings</i>	6

Adopted: 3/17/20

Revised: 9/16/25

Article 4: Inspector(s) of Election	6
4.1 <i>Selection</i>	6
a. Process.....	6
b. Eligible Inspector(s).	6
4.2 <i>Duties</i>	6
a. Membership.....	6
b. Validity of Proxies.....	7
c. Closing and Reopening of Polls	7
d. Receive Ballots.....	7
e. Electronic Secret Ballot Compliance.....	7
f. Custody.	8
g. Challenges.	8
h. Counting Ballots.....	8
i. Appoint Assistants.....	8
j. Results.	8
k. Impartiality.....	8
l. Miscellaneous.....	9
4.3 <i>Removal.....</i>	9
Article 5: Nominations	9
5.1 <i>Nomination Procedures and Notice</i>	9
5.2 <i>Self-Nomination.....</i>	9
5.3 <i>Nominating Committee.....</i>	9
5.4 <i>Write-Ins.....</i>	9
5.5 <i>Floor Nominations.</i>	9
Article 6: Ballots and Proxies	9
6.1 <i>Voting Rights.</i>	9
a. Number of Votes	9
b. Record Date.....	10
c. Proof of Membership.....	10
d. Cumulative Voting	10
e. Co-Owners	10
f. Presumption of Consent.	10
g. Voting for Properly Nominated Candidates.	10
6.2 <i>Proxies.....</i>	10
a. Generally	10
b. Proxy Form.....	10
c. Vote by Proxyholder	11
d. Who May Be Proxyholder?	11
6.3 <i>Pre-Ballot Notice.....</i>	11
6.4 <i>Pre-Ballot Notice for Electronic Secret Ballots.</i>	11
6.5 <i>Candidate Registration List and Voter List.....</i>	11
6.6 <i>Verification of Lists</i>	11
6.7 <i>Secret Ballots.....</i>	12
6.8 <i>Written Secret Ballot Package.....</i>	12

Adopted: 3/17/20

Revised: 9/16/25

a. Signature.....	12
b. Inner Envelope	12
c. Outer Envelope.....	12
d. Delivery.....	12
6.9 <i>Electronic Secret Ballots</i>	12
a. Preferred Voting Method.....	12
b. Electronic Secret Ballot Contents.....	13
c. Electronic Secret Ballot Delivery	13
d. Voting List.....	13
e. Valid Email Address	13
f. Voting.....	14
g. Quorum	14
h. Additional Procedures for Opt Out.....	14
6.10 <i>Election Rules</i>	14
6.11 <i>Power of Attorney</i>	14
6.12 <i>Quorum by Ballot</i>	14
Article 7: Campaigning.....	14
7.1 <i>Access to Media</i>	15
a. Use of Association Resources	15
b. Exception.....	15
7.2 <i>Use of Common Area During Election Campaign</i>	15
a. Purpose	15
b. Reservation.....	15
7.3 <i>No Use of Association Funds for Campaign Purposes</i>	16
7.4 <i>Improper Electioneering</i>	16
a. Prohibited Activities.....	16
b. Report Violations.	16
c. Fines.....	16
Article 8: Canvassing and Petitioning.....	17
8.1 <i>Generally</i>	17
8.2 <i>Impermissible Conduct</i>	17
Article 9: Distributing Information	17
9.1 <i>Generally</i>	17
Article 10: Petitions	17
10.1 <i>Purpose</i>	17
10.2 <i>Signatures</i>	17
10.3 <i>Invalidity of Signatures</i>	18
10.4 <i>Setting the Date</i>	18
10.5 <i>Recall Petitions</i>	18
Article 11: Post-Election Results.....	18

Adopted: 3/17/20
Revised: 9/16/25

<i>11.1 Breaking a Tie</i>	<i>18</i>
<i>11.2 Results of an Election</i>	<i>18</i>
<i>11.3 Status of the Election Materials after Election</i>	<i>18</i>
<i>11.4 Election Recount</i>	<i>19</i>

ELECTION RULES

DEL MAR HIGHLANDS NEIGHBORHOOD HOMEOWNERS' ASSOCIATION

a California nonprofit mutual benefit corporation

(Adopted March 17, 2020, Revised September 16, 2025)

These Election Rules revoke all previous election rules, and all amendments thereto, and substitute in their place these Election Rules. These Election Rules apply to elections regarding assessments legally requiring a vote, election and removal of directors, amendments to the governing documents, and the grant of exclusive use of the common area under Civil Code §4600, or any other election if required by law. These Election Rules allow the use of Electronic Secret Ballots in elections other than elections regarding regular or special assessments.

ARTICLE 1: DEFINITIONS

- 1.1 “Association” means the **Del Mar Highlands Neighborhood Homeowners’ Association**, a California nonprofit, mutual benefit corporation.
- 1.2 “Board” or “Board of Directors” means the Board of Directors of the Association.
- 1.3 “Bylaws” means the Association’s bylaws.
- 1.4 “CC&Rs” means the Association’s declaration as the term is defined in the Davis-Stirling Act.
- 1.5 “Director” means any member of the Association’s Board of Directors.
- 1.6 “Davis-Stirling Act” means and refers to the Davis-Stirling Common Interest Development Act which is the portion of the California Civil Code beginning with Section 4000 that governs common interest developments.
- 1.7 “Electronic Secret Ballot” means a ballot conducted by an electronic voting system that ensures the secrecy and integrity of a ballot pursuant to the requirements of the Davis-Stirling Act.
- 1.8 “Inspector of Election” means an inspector of elections as defined in the Davis-Stirling Act.
- 1.9 “Member” means a Member of the Association as defined in the Association’s CC&Rs.
- 1.10 “Separate Interest” means a separate interest as defined in the Association’s CC&Rs.

Adopted: 3/17/2020

Revised: 9/16/25

ARTICLE 2: MEMBERSHIP MEETINGS

2.1 Generally.

- a. *Annual Meetings.* The Association must hold an annual meeting each year to conduct any Association business requiring a membership vote. Such meetings may include Director elections, or other types of elections. The Board must set the date and hour to hold such meetings.
- b. *Special Meetings.* Special meetings may be called for any lawful purpose by any of the following: (i) President of the Association, (ii) majority of a quorum of the Board, or (iii) Members constituting at least five percent (5%) of the voting power of the Association, or as required by law. If a special meeting is called by Members of the Association, the request must be submitted to the Board in writing, specifying the nature of the business to be transacted. The Director or officer receiving the request must promptly deliver the request to the remaining Directors.
- c. *Date, Time and Location of Meetings.*
 - i. *Selected by the Board.* Annual and special membership meetings will be held within the Project or at a meeting place as close to the Project as possible.
 - ii. *Selected by the Membership.* If the date, time and/or location of a membership meeting selected by petitioning Members is unreasonable or contrary to the governing documents and/or statutory requirements, the Board is empowered to reschedule the date, time and/or location to something reasonable, relatively close to the original date, time and location requested by the Members calling the meeting, and compliant with the governing documents and statutory requirements.

2.2 Notice Requirements.

- a. *Notice of Special Meetings Called by the Board.* Except where one or more different periods are required by superseding provisions of the Davis-Stirling Act, all the following requirements apply: Notice of special meetings called by the Board must be given not less than ten (10) days nor more than ninety (90) days before the date of the meeting. If action is to be taken at the meeting, secret ballots must be mailed to every member not less than thirty (30) days prior to the deadline for voting.
- b. *Notice of Special Meetings Called by Petition of the Members.* Except where one or more different periods are required by superseding provisions of the Davis-Stirling Act, all the following requirements apply: Notice of special meetings called by the Members must be given by the Board within twenty (20) days after

the Board's receipt of such request. If the Board fails to give notice, the persons calling the special meeting may give notice consistent with these Election Rules. The special meeting must be held not less than thirty-five (35) days nor more than ninety (90) days following the Board's receipt of the request. If action is to be taken at the meeting, secret ballots must be mailed to every member not less than thirty (30) days prior to the deadline for voting.

- c. *Notice for Ballot-Counting Meetings.* If secret written ballots and/or Electronic Secret Ballots are to be counted at a membership meeting or Board meeting, at least thirty (30) days' notice, or any longer period of notice required by the Bylaws or the Davis-Stirling Act, must be given to every Owner before the ballots are distributed.
- d. *Notice Contents.* The notice must specify the place, date, and hour of the meeting and (i) in the case of a special meeting, the nature of the business to be transacted as specified by those persons calling the meeting (and that no other business may be transacted except as specified in the notice), or (ii) in the case of the annual meeting, those matters which the Board intends to present for action by the Members.
- e. *Delivery.* Notice of any membership meeting must be given as follows:
 - i. *Method of Delivery.* Either personally, by electronic transmission (when consented to by the Member) or by first-class mail, charges prepaid.
 - ii. *Location of Delivery.* To the Member: (a) at a primary or secondary address stated in a written notice provided by the Member to the Association pursuant to Civil Code §4041(a); or (b) if the Member fails to provide such notice, the last address provided in writing by the Member; or (c) if none of the above, the address of the Member's Separate Interest.
 - iii. *Delivery Deemed Given.* Notice of a membership meeting is deemed given when delivered personally, deposited in the mail, or upon completion of electronic transmission to those Members who have consented to same.

2.3 Chair of Meeting. The President of the Board must call the membership meeting to order and must chair the meeting unless the President or a majority of the Board selects another person to chair the meeting.

2.4 Quorum. The quorum requirement for membership meetings is a majority of the voting power of the Association. However, under the Davis-Stirling Act, the quorum for an election to approve an assessment increase is more than fifty percent (50%) of the members.

2.5 Lack of Quorum. In the absence of a quorum at the beginning of a membership meeting, no business may be transacted except to adjourn the meeting to another date and time. A majority of the Members present may adjourn the meeting, if at any meeting of the

Association a quorum is not present. An adjournment for lack of a Quorum must be to a date not less than five (5) days nor more than thirty (30) days from the date the original meeting was called and the Quorum for any adjourned meeting or election will be reduced to 25% of the voting power of the membership. If a new Record Date is fixed for notice or voting after the adjournment, a notice of the adjourned meeting must be given to each Member who, on the Record Date for notice of the meeting, is entitled to vote at the meeting.

2.6 Loss of Quorum. The Members present at a duly called membership meeting at which a quorum is initially present may continue to transact business until adjournment, notwithstanding the loss of quorum. The business must be approved by enough Members to constitute at least a majority of a quorum had a quorum been present.

ARTICLE 3: DIRECTORS

3.1 Number and Term of Directors. The Board will consist of seven (7) Directors. The term of each Director is two (2) years and until a qualified successor is elected to fill his/her seat. Three (3) Directors are to be elected in odd-numbered years and four (4) Directors are to be elected in even-numbered years.

3.2 Candidate and Director Qualifications. Members must meet the qualifications in the subsections hereafter to be eligible for nomination as a candidate for, or to serve as a Director, on the Board.

- a. *Candidates Must be Members*. The Association must disqualify the nomination of a candidate who is not a Member of the Association at the time of nomination.
- b. *Prior Ownership for One Year*. To be eligible for nomination and/or to serve on the Board, a candidate for the Board or serving as a Director must be the record Owner of a Separate Interest for a period of at least one year, proof of which must be a recorded deed. Persons holding a fee simple interest in a Separate Interest merely as security for the performance of an obligation are not eligible to either be a candidate for or to serve on the Board.
- c. *Member in Good Standing*. To be eligible for nomination and/or to serve on the Board, the person or impersonal entity must not be delinquent by more than sixty (60) days in the payment of any regular or special Assessment (following proper notice, hearing, and a finding by the Board), except:
 - i. A person may not be disqualified from nomination for nonpayment of fines, fines characterized as assessments, collection charges, late charges or costs levied by a third party.
 - ii. A person may not be disqualified from nomination because the person has paid the regular or special assessment under protest.

- iii. A person may not be disqualified from nomination due to delinquent assessments if the person has entered into a payment plan with the Association pursuant to Civil Code §5665 and is fulfilling the terms of the payment plan.
- d. *Co-Owners Eligible for Only One Position.* To be eligible for nomination and/or to serve on the Board, the person or impersonal entity must not have a record fee simple ownership interest in a Separate Interest which is part of the Development with another person or impersonal entity concurrently serving as a Director. Where two or more co-owners concurrently seek election to the Board, only the first nomination will be effective.
- e. *Criminal Conviction.* A person who has disclosed, or concerning whom the Board has become aware, of a past criminal conviction that would, if the person is elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code Section 5806, or any successor statute, or which conviction would cause such coverage to be terminated, is ineligible for nomination to the Board. Each nominee, at the time of nomination, shall disclose the existence of any past criminal conviction and the details thereof, with sufficient details in order to allow the Association to determine whether the criminal conviction will prevent the Association from purchasing the required fidelity bond coverage.
- f. *Internal Dispute Resolution.* Before any candidate for nomination or serving Director may be disqualified, the person or impersonal entity must be provided the opportunity to engage in internal dispute resolution as provided in the Davis-Stirling Act.

3.3 Impersonal Entities. If title to a Separate Interest 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 the purpose of candidacy or serving on the Board. The designation by the impersonal legal entity must be in writing with documentation confirming both the designation and its authority to do so.

3.4 Trusts. If title is held in the name of one or more trustees, subject to a trust, a sole trustee or one of several trustees are permitted to be a candidate for a position on the Board or to serve on the Board subject to all qualifications and/or requirements of the Association's governing documents and/or the law.

3.5 Multiple Officer Positions. The offices of Secretary and Chief Financial Officer (Treasurer) may be held by the same person. However, no other Director may hold multiple positions on the Board. Any Director, whose term extends beyond a current election and who wishes to become a candidate for that election, must first resign his/her seat on the Board. This rule does not apply to a candidate whose term is expiring and who wishes to run for re-election.

3.6 Legal Filings. Each Director must provide any required information and documents for the Association to file beneficial ownership information as required under the Federal Corporate Transparency Act and any similar California law within the required time period(s). Due to the significant penalties that can be imposed on the Association and/or Directors for the failure to file such beneficial ownership information, the position of any Director(s) who fails to cooperate and provide the required information may be declared vacant by a vote of a majority of the remaining Directors. Any such vacancy can be filled by a vote of a majority of the remaining Directors as more specifically set forth in the Bylaws. This provision is effective so long as the Federal Corporate Transparency Act or any similar California law requires the Association to file beneficial ownership information.

ARTICLE 4: INSPECTOR(S) OF ELECTION

4.1 Selection.

- a. *Process.* Prior to the date ballots are first sent out, the Board of Directors must, at an open meeting of the Board, select either one (1) or three (3) persons as Inspector(s) of Election.
- b. *Eligible Inspector(s).* The Board may select as Inspector(s) of Election, any person or entity or subdivision of a business entity not currently employed or under contract to the Association. Eligible Inspectors include, but are not limited to:
 - i. *Poll Workers.* A volunteer poll worker with the County Registrar of Voters;
 - ii. *Accountants.* A licensee of the California Board of Accountancy, not under contract to the Association;
 - iii. *Notary Public.* A notary public commissioned by the California Secretary of State.
 - iv. *Association Members.* Members of the Association, but not: (i) members of the Board, (ii) candidates for the Board, (iii) persons related to a member of the Board, or (iv) persons related to a candidate for the Board;
 - v. *Professional Inspectors.* Third party persons or entities who provide professional election services who contract with the Association solely to serve as an Inspector of Election.

4.2 Duties. Duties of Inspector(s) of Election include the following:

- a. *Membership.* Determine the number of memberships entitled to vote and the voting power of each.

- b. *Validity of Proxies.* Determine the authenticity, validity and effect of proxies, if any.
- c. *Closing and Reopening of Polls.* Determine when the polls close, including any desired extensions of the voting period, and determine whether to reopen the polls to allow Members to cast ballots if the polls were previously closed, all consistent with the Association's other governing documents.
- d. *Receive Ballots.* Receive all ballots. Once received by an Inspector of Election, ballots are irrevocable.
- e. *Electronic Secret Ballot Compliance.* In elections where Electronic Secret Ballots are used, the Inspector of Elections must ensure compliance with all of the following:
 - i. Each Member voting by Electronic Secret Ballot shall be provided with all of the following:
 - (a) A method to authenticate the Member's identity to the internet-based voting system.
 - (b) A method to transmit an Electronic Secret Ballot to the internet-based voting system that ensures the secrecy and integrity of each ballot.
 - (c) A method to confirm, at least 30 days before the voting deadline, that the Member's electronic device can successfully communicate with the internet-based voting system.
 - ii. Any internet-based voting system that is utilized shall have the ability to accomplish all of the following:
 - (a) Authenticate the Member's identity.
 - (b) Authenticate the validity of each Electronic Secret Ballot to ensure that the electronic secret ballot is not altered in transit.
 - (c) Transmit a receipt from the internet-based voting system to each Member who casts an Electronic Secret Ballot.
 - (d) Permanently separate any authenticating or identifying information from the Electronic Secret Ballot, rendering it impossible to connect an election ballot to a specific Member.

- (e) Store and keep Electronic Secret Ballots accessible to elections officials or their authorized representatives for recount, inspection, and review purposes.
- f. *Custody.* Sealed ballots, signed voter envelopes, voter list, proxies, candidate registration list, and tally sheet of votes cast by Electronic Secret Ballot (if Electronic Secret Ballots are used) shall at all times be in the custody of the Inspector(s) of Election or at a location designated by the Inspector(s) until after the tabulation of the vote, and until the time allowed by Section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association. No person, including a Member of the Association or an employee of the management company, is permitted to open or otherwise review any ballot and any tally sheet of votes cast by Electronic Secret Ballots (if Electronic Secret Ballots are used) prior to the time and place at which the ballots are counted and tabulated. The Inspector(s) of Election or the Inspector(s) appointee(s) may verify the Member's information and signature on the outer envelope prior to the meeting at which ballots are tabulated.
- g. *Challenges.* Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote. If there is a recount or other challenge to the election process, the Inspector(s) of Election must make the ballots and the tally sheet of votes cast by Electronic Secret Ballot (if Electronic Secret Ballots are used) available for inspection and review by an Association Member or the Member's authorized representative, upon written request. An Association Member may authorize a representative to review the ballots on his or her behalf. Any recount must be conducted in a manner that preserves the confidentiality of the vote.
- h. *Counting Ballots.* Count and tabulate all votes. All votes must be counted and tabulated by the Inspector(s) of Election or the Inspector(s) appointee(s) in public at a properly noticed open meeting of the Board of Directors or Members. Candidates and Members may witness, but not interfere with, the counting and tabulation of the votes from at least two (2) feet away from the Inspector(s) and his/her/their appointee(s).
- i. *Appoint Assistants.* Appoint and oversee additional independent third parties to verify signatures, and to count and tabulate votes as the Inspector(s) of Election deem appropriate provided that such persons are independent third parties.
- j. *Results.* Determine the tabulated results of the election.
- k. *Impartiality.* Perform all duties impartially, in good faith, to the best of the ability of the Inspector(s) of Election, 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(s) of Election is prima facie evidence of the facts stated in the report.

1. *Miscellaneous*. Perform any acts as may be proper to conduct the election with fairness to all Members in accordance with the Civil Code, the Corporations Code, the Association's governing documents, and all applicable rules of the Association regarding the conduct of the election that are not in conflict with the Civil Code.

4.3 Removal. The Board has the power to remove any Inspector(s) who ceases to meet the required qualifications, are unable or unwilling to perform their duties, or for any other good reason, and to appoint one or more replacement Inspectors.

ARTICLE 5: NOMINATIONS

5.1 Nomination Procedures and Notice. Prior to the election of Directors, the Board must solicit nominees. The solicitation must include the "Candidate and Director Qualifications" described above and provide general notice of the procedure and deadline for submitting a nomination. The deadline must be at least thirty (30) days after giving notice. Delivery of the solicitation must be given by individual notice, pursuant to Civil Code §4040, if individual notice is requested by a Member before the solicitation is given. Nominees must be listed as candidates on the ballot provided (i) they meet candidate and Director qualifications and (ii) their nomination is made prior to the date and time set for the close of nominations.

5.2 Self-Nomination. Any qualified person may nominate themselves for election to the Board of Directors by submitting to the Association a written statement. The Association must set a cut-off date for the receipt of self-nomination statements, which date must be publicized in advance to the Members.

5.3 Nominating Committee. As provided for in the Bylaws, a nominating committee may be appointed each year by the Board to solicit candidates to run for the Board and notify them of (i) the date for the close of candidate applications, (ii) the date for election of Directors, either at an annual meeting or by ballot without a meeting, (iii) and the qualifications to serve on the Board. Per Civil Code §5105(a), the nominating committee may not preclude qualified Members from nominating themselves.

5.4 Write-Ins. Write-ins are allowed on ballots.

5.5 Floor Nominations. Once nominations have been closed, no floor nominations of candidates can be made at the ballot-counting meeting.

ARTICLE 6: BALLOTS AND PROXIES

6.1 Voting Rights.

- a. *Number of Votes*. Each Member is entitled to one (1) vote per Separate Interest on all matters presented to the Members for a vote.

- b. *Record Date.* For Membership elections where a secret ballot (written or electronic) is required under the law, and any other Membership election where the Board has not set a Record Date for the election, the Record Date will be the date ballots are distributed to the Membership. Only owners on title on the Record Date are entitled to vote. Persons acquiring title after the Record Date may attend the election meeting but are not entitled to vote. For any Membership election where a secret ballot is not required under the law, the Board is permitted to set a Record Date for an election no more than sixty (60) days before the date of the election meeting.
- c. *Proof of Membership.* No person or entity may exercise the rights of membership without an ownership interest in a Separate Interest subject to Association's CC&Rs. If the Board requests proof of ownership, the required proof is a recorded deed showing the required ownership or, if the property was transferred within the past thirty (30) days and a copy of the newly recorded deed is not yet available, a completed escrow closing statement is sufficient.
- d. *Cumulative Voting.* Cumulative voting is permitted. Every Member entitled to vote at any election for Directors of the Association is permitted to cumulate his/her votes and give one (1) candidate the total number of votes to which the Member is entitled to cast or may distribute the Member's votes among the candidates as desired.
- e. *Co-Owners.* Where there is more than one owner of a Separate Interest subject to the Association's CC&Rs, all such co-owners are Members and may attend any meeting of the Association, but only one co-owner is entitled to exercise the vote to which the Separate Interest is entitled. Fractional votes are not permitted. In the event more than one ballot is cast for a particular Separate Interest, only the first ballot received will be opened and counted.
- f. *Presumption of Consent.* Unless the Inspector(s) of Election receive a written objection prior to the close of balloting from a co-owner, it is conclusively presumed that a voting owner acted with the consent of his or her co-owners.
- g. *Voting for Properly Nominated Candidates.* Members must vote only for those candidate(s) who have been properly nominated prior to the close of nominations.

6.2 Proxies.

- a. *Generally.* The Association may use and accept proxies as permitted by law and the Association's governing documents, provided that the Association is not required to prepare or distribute proxies. Proxies are not permitted to be construed or used in lieu of a ballot at a meeting.
- b. *Proxy Form.* Any instruction given in a proxy issued for an election that directs the manner by which the proxyholder is to cast the vote must be set forth on a

separate page of the proxy that can be detached and given to the proxyholder to retain. Proxies must meet all requirements of Chapter 4 of Article 2 of the Davis-Stirling Act, other laws, and the Association's governing documents.

- c. *Vote by Proxyholder.* The proxyholder must cast the Member's vote by secret ballot unless the proxy is revoked by the Member prior to the receipt of the ballot by any Inspector of Election as described in Corp. Code §7613.
- d. *Who May Be Proxyholder?* As provided for in Civil Code §5130(a)(1), proxyholders must be Members.

6.3 Pre-Ballot Notice. At least 30 days before the ballots are distributed, the Association must provide general notice (or individual notice to a Member who requested it) which includes:

- a. The date, time and physical address to mail or hand deliver ballots to the Inspector(s);
- b. The date, time and location of the ballot counting meeting; and
- c. A list of candidates to appear on the ballots.

6.4 Pre-Ballot Notice for Electronic Secret Ballots. In addition to the information that must be included in the pre-ballot notice for Director and recall elections set forth above, for all elections where the Association allows for voting by Electronic Secret Ballot (i.e., Director elections, recall elections, and elections on amendments to governing documents), the pre-ballot notice must include the date and time by which Electronic Secret Ballots are to be transmitted to the internet-based voting system and preliminary instructions on how to vote by Electronic Secret Ballot upon commencement of the voting period.

6.5 Candidate Registration List and Voter List. The Association must retain, as Association election materials, both a candidate registration list and a voter list. The candidate registration list must include the names and addresses of individuals nominated as a candidate for election to the Board of Directors. The voter list must 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.

6.6 Verification of Lists. The Association must permit Members to verify the accuracy of their individual information on the candidate registration list and the voter list at least 30 days before the ballots are distributed. The Association or Member must report any errors or omissions to either list to the Inspector(s) of Election who must make the corrections within two business days. Reports of any errors or omissions should be made early enough to allow for corrections to be made before the ballots are distributed.

6.7 Secret Ballots. The use of secret ballots is only necessary when required by law. Except for elections regarding regular or special assessments, the Board can authorize the Inspector of Elections to conduct an election by Electronic Secret Ballot in accordance with the provisions of the Davis-Stirling Act and these Election Rules. When secret ballots are not required by law, elections may be conducted by secret ballot, non-secret written ballot, or any other method permitted by law. Any action which may be taken at any meeting of Members may be taken without a meeting (except to count ballots, which can be done at either a membership meeting or a Board meeting) if the Association distributes a secret ballot to every Member entitled to vote on the matter.

6.8 Written Secret Ballot Package. All written secret ballots mailed or otherwise delivered to Members voting by written secret ballot must include a double-envelope system and voting instructions for returning the ballots as provided for in the Davis-Stirling Act, and must be mailed by first-class mail or delivered to every Member voting by written secret ballot at least thirty (30) days before the initial voting deadline. Written secret ballots seeking approval to amend or restate governing documents must be delivered to the Members with the text of the proposed amendment.

- a. *Signature.* Ballots do not require a signature. Ballots signed by Members remain valid.
- b. *Inner Envelope.* The Association will provide two envelopes. To preserve secrecy, the written secret ballot is to be placed within an inner envelope with no identifying information. However, information written on the inner envelope by a Member will not invalidate the ballot. The inner envelope containing the ballot is to be placed into a second “outer” envelope containing identifying information.
- c. *Outer Envelope.* In the upper left-hand corner of the outer envelope, the voting Member must sign their name and indicate (print, type, etc.) their name and the address entitling the voter to vote. The outer envelope must be addressed to the Inspector(s) of Election.
- d. *Delivery.* The outer envelope may be mailed to the address on the envelope or delivered to a location specified by the Inspector(s) of Election. The Member may request a receipt for delivery.

6.9 Electronic Secret Ballots. If the Board has authorized the Inspector of Elections to conduct an election by Electronic Secret Ballot, the Board must determine whether Members can opt into using Electronic Secret Ballots or opt out of using Electronic Secret Ballots. Information on the procedures to either opt out of or opt into voting by Electronic Secret Ballot, must be included in the annual statement prepared pursuant to Civil Code § 5310. In addition to any other requirements of these Election Rules, the following requirements apply:

- a. *Preferred Voting Method.* Members are permitted to change their preferred method of voting from Electronic Secret Ballot to written ballot or written ballot to Electronic Secret Ballot up to ninety (90) days before an election.

- b. *Electronic Secret Ballot Contents.* Electronic Secret Ballots must contain the same list of items being voted on that are on written secret ballots: (i) the proposed action; (ii) an opportunity to approve or disapprove each item submitted for a vote; (iii) the number of ballots needed to satisfy the Quorum requirement, if any; (iv) the percentage of votes required to pass the proposal; (v) the deadline by which the Electronic Secret Ballot must be submitted to be counted; and (vi) in the case of a Director election, the candidates' names identified in the pre-ballot notice.
- c. *Electronic Secret Ballot Delivery.* The Association shall deliver an Electronic Secret Ballot to each Member who will be voting by Electronic Secret Ballot by individual notice thirty (30) days before the election. The notice must contain instructions on both of the following: (i) how to obtain access to the internet-based voting system; and (ii) how to vote by Electronic Secret Ballot. Delivery of the Electronic Secret Ballot may be accomplished by electronic submission to an address, location, or system designated by the Member.
 - i. *Opt Into Electronic Secret Ballot.* For elections where Members are permitted to opt into voting by Electronic Secret Ballot, the Association must send an Electronic Secret Ballot only to Members who have opted into voting by Electronic Secret Ballot.
 - ii. *Opt Out of Electronic Secret Ballot.* For elections where Members are permitted to opt out of voting by Electronic Secret Ballot, the Association must mail a written secret ballot only to Members who have opted out of voting by Electronic Secret Ballot or Members for whom the Association does not have an email address required to vote by Electronic Secret Ballot.
 - iii. *Amendments to Governing Documents.* In elections to approve an amendment of governing documents by Electronic Secret Ballot, the Association may deliver, by electronic means, the text of the proposed amendment to those Members who vote by Electronic Secret Ballot. The Association must also deliver a written copy of the text of the proposed amendment to Members upon request and without charge.
- d. *Voting List.* The Association must maintain a voting list identifying which Members will vote by Electronic Secret Ballot and which Members will vote by written secret ballot.
- e. *Valid Email Address.* Any Member who wants to vote by Electronic Secret Ballot must provide a valid email address to the Association. If the Association does not have a Member's email address required to vote by Electronic Secret Ballot by the time at which ballots are to be distributed, the Association must send the Member a written secret ballot.

- f. *Voting.* A vote made by Electronic Secret Ballot is effective when it is electronically transmitted to an address, location, or system designated by the Inspector(s) of Elections. A vote made by Electronic Secret Ballot can not be revoked.
- g. *Quorum.* Once the Quorum is established, a substantive vote of the Members shall not be taken on any issue other than the issues specifically identified in the electronic vote.
- h. *Additional Procedures for Opt Out.* In elections where the Board has determined that Members are permitted to opt out of voting by Electronic Secret Ballot to vote by written ballot, at least thirty (30) days before the deadline to opt out of voting by Electronic Secret Ballot the Association shall provide individual notice, delivered pursuant to Civil Code § 4040 containing all of the following:
 - i. The Member's current voting method.
 - ii. If the Member's voting method is by Electronic Secret Ballot and the Association has an email address for the Member, the email address of the Member that will be used for voting by Electronic Secret Ballot.
 - iii. An explanation that the Member is required to opt out of voting by Electronic Secret Ballot if the Member elects to vote by written secret ballot.
 - iv. An explanation of how a Member may opt out of voting by Electronic Secret Ballot.
 - v. The deadline by which the Member is required to opt out of voting by Electronic Secret Ballot if the member elects to exercise that right.

6.10 Election Rules. At least 30 days before the voting deadline, the Inspector(s) of Election must deliver, or cause to be delivered, the election operating rules to all Members. Such rules may be delivered (1) by individual delivery (Civil Code § 4040) or (2) by posting the rules on an internet website and including the website address (URL) on the ballot with the phrase, in at least 12-point type: "The rules governing this election may be found here:"

6.11 Power of Attorney. The Association cannot deny a ballot to a person with general power of attorney for a Member. The ballot of a person with a general power of attorney must be counted if timely returned.

6.12 Quorum by Ballot. Each ballot received by an Inspector(s) of Election within a properly completed outer envelope or electronically from a Member is deemed as a Member present at a meeting for purposes of establishing a quorum.

ARTICLE 7: CAMPAIGNING

7.1 Access to Media.

a. *Use of Association Resources.*

- i. *Association Media.* Neither candidates nor Members may use the Association's newsletter, website, any other Association media for campaign purposes.
- ii. *Membership List.* Candidates and Members have the right to request a copy of the Association's membership list for the purposes of distributing, at their own expense, materials which advocate a point of view reasonably related to an election, or as otherwise permitted by Civil Code § 4515. Candidates and Members also have the right to contact Members who have opted out of the membership list through the alternate means of communication permitted under Cal. Civ. Code § 5220 for the purposes of distributing, at their own expense, materials which advocate a point of view reasonably related to the election or as otherwise permitted by Civil Code §4515.

- b. *Exception.* If any candidate or Member is provided access to Association newsletters, website, or other Association media during an election, or given permission to post campaign material in the common area for purposes that are reasonably related to that election, equal access must be provided to all candidates and Members. The access is limited to information relating to that election and cannot exclude those candidates and Members not endorsed by the Board. The Association is not permitted to edit or redact any content from these communications but is permitted to include a statement that the candidate or Member, and not the Association, is responsible for that content. The Association and its Directors, officers, and agents are immune from liability for the content of those communications to the fullest extent provided by law.

7.2 Use of Common Area During Election Campaign.

- a. *Purpose.* Regarding any Association election, each candidate, Member, or resident is permitted to use, if available, the Association's common area at no cost for a purpose relating to Association elections as described in Civil Code § 4515, including to advocate a point of view reasonably related to the election.
- b. *Reservation.* Each candidate, Member, or resident, who wants to use the common area pursuant to *Civil Code* §§ 4515 or 5105 must make a reservation in advance of the date and time requested. Such requests to use the common area are granted on a first-come, first-served basis, provided that the area is not already reserved. In order to assure fairness, each candidate may not reserve or use the common area for more than two (2) hours on any particular date. In addition, each candidate or Member is permitted to make only one (1) reservation per day to use the common area.

7.3 No Use of Association Funds for Campaign Purposes. Association funds may not be used for campaign purposes in connection with any Board election and may 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. The Association is not permitted to include the photograph or prominently feature the name of any candidate on a communication from the Association or its Board. Directors, in their capacities as Members, are permitted to advocate for the election or defeat of any issue or candidate on the ballot at their own expense and are not permitted to use Association funds for that purpose in any capacity.

7.4 Improper Electioneering.

- a. *Prohibited Activities.* In addition to any of the prohibitions under this article, candidates, Members, and residents, including their tenants, families, employees, agents, visitors, licensees, or servants are prohibited from engaging in any of the following activities:
 - i. Causing any printed campaign or other election related materials to be placed upon or affixed to (1) resident's vehicles, (2) common area walls, doors, or windows, (3) mail boxes or mail box structures, (4) or any portion of the common area not expressly permitted in these rules without prior authorization from the Board or management;
 - ii. Attempt to solicit either a vote or proxy from another Member, or their power of attorney, through deceit, harassment, intimidation, improper influence, undue coercion, or force;
 - iii. Attempt to prevent a Member from casting a vote or delegating their right to vote via proxy through deceit, harassment, intimidation, improper influence, undue coercion, or force;
 - iv. Interfere with the counting or tallying of votes;
 - v. Solicit the vote of a Member while in that Member's immediate presence or residence and during the time he or she knows the Member is voting;
 - vi. Induce other Members to divert ballots away from the Inspector(s) of Election; or
 - vii. Interfere with any candidate's ability to distribute authorized campaign materials.
- b. *Report Violations.* Members are encouraged to report any electioneering violations they witness to the Board or management.
- c. *Fines.* The Board is permitted to levy a fine of up to \$100 for each violation of this section.

ARTICLE 8: CANVASSING AND PETITIONING

8.1 Generally. Canvassing and petitioning the Members, the Board, and residents for purposes permitted in Civil Code § 4515, by telephone and/or personal visits to private residences in the development, is limited to the hours of 9:00 a.m. until 6:00 p.m. However, any Member or resident who declines to be contacted on any issue, including for a purpose specified in Civil Code § 4515, must not be contacted by telephone or personal visits thereafter.

8.2 Impermissible Conduct. Nothing in this section permits a Member or resident to contact another Member or resident in a manner that constitutes a breach of the Member's or resident's quiet enjoyment, or a nuisance.

ARTICLE 9: DISTRIBUTING INFORMATION

9.1 Generally. Reasonably distributing and circulating information for any purposes described by Civil Code § 4515, is permitted and restricted as follows:

- a. Members or residents may distribute or circulate printed information for purposes specified in Civil Code § 4515 to other Members or residents by (1) mail, (2) placing printed materials under front doors, front door mats, and/or behind screen doors, and (3) handing out printed material in the common area to Members and residents willing to accept such materials. The handing out of materials in the common area may be conducted only between the hours of 9:00 a.m. and 6:00 p.m.
- b. Member and residents may not cause any printed materials, including those for any purposes specified in Civil Code § 4515, to be placed upon or affixed to (1) resident's vehicles, (2) common area walls, doors, windows or other surfaces, (3) mail boxes or mail box structures, (4) or in any portion of the common area not expressly permitted in these rules without prior authorization from the Board or management.
- c. Members and residents distributing and circulating printed materials permitted in these rules, such as those left at front doors or in other permissible locations in the development, are responsible to collect and discard any such materials that remain uncollected after twenty-four (24) hours from distribution or circulation.

ARTICLE 10: PETITIONS

10.1 Purpose. The purpose of the petition for a membership meeting must be set forth in the petition so Members know what they are signing. Meetings may only be called for a proper purpose.

10.2 Signatures. Only Members may sign petitions. Signatures by persons not on title are invalid. The Association may validate signatures by comparing them against signatures on file with the Association or by contacting signers to verify their signatures. Any person on title to

a property can sign on behalf of the property but it counts only once. For example, if there are ten owners on title for one unit, all of whom sign a petition, it counts as one signature not ten.

10.3 Invalidity of Signatures. A petition can be rendered invalid if a sufficient number of signatures are found invalid or rescinded for good cause (such as fraud, mistake, undue influence or other valid grounds for rescission), such that the number of remaining signatures falls below 5% of total voting power of the membership.

10.4 Setting the Date. The date of the special meeting for a recall must be set in the manner provided for in these Election Rules above and the law.

10.5 Recall Petitions. Recalls are not permitted to be started against the Board as a whole or any individual Director if: (a) the Board or Director has held office during the current term for less than ninety (90) days; (b) a recall election has been determined in the Board's or Director's favor within the last six (6) months; (c) for the recall of a Board, when an annual meeting will be held within six (6) months or less or (d) for the recall of individual Directors, when their term will end within six (6) months or less. Additionally, if a recall of the entire Board fails, a six (6)-month waiting period must be observed before recall petitions may be filed against individual Directors who served on that Board.

ARTICLE 11: POST-ELECTION RESULTS

11.1 Breaking a Tie. In the event of a tie leaving the outcome of the election unresolved, the following will apply:

- a. The Inspector(s) of Election, and any appointee(s), will immediately conduct a recount of the ballots. If there is a charge, the Association will bear the expense. Members may observe the recount under the same conditions as the original ballot counting.
- b. Following the immediate recount, if the tie remains, all other newly elected Directors will immediately begin serving their terms. An incumbent Director whose seat was tied will continue in office until a runoff election determines the winner for his/her seat. Only candidates who tied for the seat will be in the runoff.
- c. In lieu of a runoff and if the tied candidates agree, the winner may be decided by a coin toss or the drawing of names by the Inspector(s) of Election.

11.2 Results of an Election. The tabulated results of the election must be announced immediately after all the ballots have been counted. The tabulated results of the election must be promptly reported to the Board of Directors and must be recorded in the minutes of the next Board meeting. Within fifteen (15) days of the election, the Board must publicize the tabulated results of the election in a communication directed to all Members.

11.3 Status of the Election Materials after Election. The sealed ballots, signed voter envelopes, voter list, proxies, candidate registration list, and tally sheet of votes cast by

Electronic Secret Ballot shall at all times be in the custody of the Inspector(s) of Election or at a location designated by the Inspector(s) until after the tabulation of the vote, and until the time allowed by Section 5145 for challenging the election has expired, at which time custody shall be transferred to the Association. If there is a recount or other challenge to the election process, the Inspector(s) of Election shall, upon written request, make the ballots available for inspection and review by an Association Member or the Member's authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.

11.4 Election Recount. If there is a recount or other challenge to the election process, the Inspector(s) of Elections shall, upon written request by the Board or a Member, make the ballots and the tally sheet of votes cast by Electronic Secret Ballot available for inspection and review by the requesting party or its authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote. Election recounts, other than the automatic recount following a tie leaving the outcome of an election unresolved, will be conducted as follows:

- a. Any Member of the Association may demand a recount of the ballots provided (i) demand is made in writing to the Inspector(s) of Election within five (5) days after the election results have been announced, and (ii) the Member pays in advance for the estimated cost of the recount which estimate will be provided by the Inspector(s) of Election. Monies advanced by the Member must be refunded if the outcome of the election is changed by the recount.
- b. The recount must be commenced no less than seven (7) days following the request for the recount and must be done by or under the supervision of the Inspector(s) of Election. If any Inspector of Election declines to perform the recount, the Board may appoint a replacement Inspector of Election, using the criteria specified in these rules and the replacement Inspector will assume custody of the ballots.
- c. Any recount may be observed by Members of the Association. No election materials may be touched or handled by any person without the express consent of the Inspector(s) of Election and under the supervision of the Inspector(s). The results of the recount must be reported to the Board of Directors and must be recorded in the minutes of the next Board meeting and reported to the membership.

Del Mar Highlands Neighborhood Homeowners' Association

Board Operating Policy - Interim Approval of Service Proposals

Purpose:

This policy establishes a process by which the Board President and one (1) additional Board Member may approve proposals for services between scheduled Board meetings to facilitate the execution of timely and/or necessary work, prevent service delays, and ensure compliance with governmental or regulatory deadlines.

Policy:

1. Authority for Interim Approval:

The Board President, in conjunction with one (1) other duly elected Board Member, is authorized to review and approve proposals for services between regularly scheduled Board meetings under the following conditions:

- a. The proposal is from a vendor currently under contract with the Association or from a vendor on the Association's preferred vendor list.
And/or
- b. The service is necessary to ensure the continuity of operations, protect health and safety, maintain essential infrastructure, or comply with governmental or regulatory deadlines.

2. Budget Compliance:

All services approved under this policy must fall within the approved operating budget and not exceed \$7,500.00 per occurrence. Proposals exceeding this limit must be approved by the full Board during a noticed meeting.

3. Documentation and Ratification:

All proposals approved pursuant to this policy shall be presented to the full Board for ratification at the next scheduled open session Board meeting. The approval and ratification shall be documented in the meeting minutes for transparency and recordkeeping.

4. Recordkeeping:

A copy of the approved proposal, written consent, or confirmation of approval by both authorizing Board Members, and any related correspondence shall be retained in the Association's official records.

Effective Date:

This resolution is adopted this May 13, 2025 at an open Board meeting where a quorum of the Board was present, and will become effective immediately. This policy will and remain in effect unless amended or rescinded by the Board.

DEL MAR HIGHLANDS NEIGHBORHOOD HOMEOWNERS' ASSOCIATION TREE ASSESSMENT AND EVALUATION POLICY

Adopted by the Board of Directors on August 15, 2023

This Tree Assessment and Evaluation Policy is specifically for trees located within the Common Area of the Del Mar Highlands Neighborhood Homeowners' Association. Any request to remove a tree within the Association's jurisdiction must be assessed and evaluated by a licensed, professional, expert arborist representing the Association. No HOA Board or Landscape Committee representing the Association shall make any tree removal decision without consultation with a third-party expert contracted with the Association. Likewise, any recommendation for tree removal by such an expert arborist must be reviewed and approved by the HOA Board and Landscape Committee.

Tree Evaluation

Trees will be evaluated for defects based on the following:

- Characteristics of the Defect - addresses characteristics of defects within the identified tree.
- Extent of the Defect - addresses the likelihood of danger or damage the tree may cause.

Characteristics of the Defect - At least one of the following criteria must be met for evaluation.

1. The tree is in significant decline due to age or disease. Treatment is either unavailable or inadvisable.
2. The tree is physically damaged to the extent that it is no longer viable and death is imminent.
3. The tree is causing real property damage to a Lot that cannot otherwise be addressed by corrective pruning and/or routine maintenance by the Association.
4. The condition of the tree poses a significant threat to the safety of persons and/or property.
5. The tree is a fall-hazard.
6. The tree interferes with the viability of an adjacent plant.
7. The tree impedes the flow of pedestrian or vehicular traffic in a manner that cannot be addressed through pruning and routine maintenance.

Extent of Defect - All criteria must be met for removal.

1. The defect must be substantial and significant in extent.
2. The defect must exhibit a clear, significant and immediate danger to safety and/or property.
3. The defect must not be amenable to corrective pruning, alteration of surrounding area, and/or routine maintenance by the Association.

Although every reasonable effort will be made to install and maintain Common Area trees in a way to limit negative impacts to adjacent Lots, the following characteristics shall not constitute grounds for the removal of a tree.

1. View considerations from an Owner's Lot.
2. Leaf and other debris falling upon an Owner's Lot.

DEL MAR HIGHLANDS NEIGHBORHOOD HOMEOWNERS' ASSOCIATION TREE ASSESSMENT AND EVALUATION POLICY

Adopted by the Board of Directors on August 15, 2023

Volunteer Trees

Volunteer trees are trees that sprout naturally and were not planted intentionally or in keeping with the Association's tree palette or landscape design plan. The majority of volunteer trees will be removed as saplings during routine landscape maintenance. However, because the association endeavors to retain and cultivate healthy trees, those saplings deemed by arborists to be amenable to improvement by landscape maintenance will be retained and nurtured.

Homeowner Requests

Homeowners may submit a request to remove a qualifying tree to the Board of Directors in care of the Management Company. All requests must be in writing and must identify the reason for the request and include a photograph of the specimen to be considered.

1. Upon receipt of a complete request, the Association will have the tree assessed and evaluated by its third-party licensed, professional, expert arborist.
2. If the arborist determines that the tree in question does meet the tree removal criteria, the Association will remove and replace the tree at its cost. Following any removal, relandscaping improvements will be implemented in keeping with the recommendations of the Association's Landscape Maintenance Company and Landscape Committee.
3. Decisions by the Board of Directors on appeal shall be final, notwithstanding any changes in the condition of the tree.