



ISSUE #1

MARKUP #1 ->

Section 1: [Bylaws Article IX, Section 9.04] Board Authority to Levy 20% Special Assessment Without Member Vote

The Board of Directors may, in any fiscal year without the vote or approval of the Members, increase the Regular Assessment by up to twenty-five percent (25%) over the prior fiscal year's assessment and levy Special Assessments aggregating up to twenty percent (20%) of the budgeted gross expenses of the Association.

Section 2: [Bylaws Article VI, Section 6.08] Board Action by Unanimous Email Consent Without Emergency

Any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all members of the Board individually or collectively consent in writing or by electronic mail to such action.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Bylaws Article IX, Section 9.04 (p. 1): Board-only regular assessment increase of 25% and special assessment of 20% exceed statutory caps (20% and 5%)

Statutory / Legal Reference: Cal. Civ. Code § 5605(b)

Statutory Comparison: Under Cal. Civ. Code § 5605(b), without the approval of a majority of a quorum of the members voting by secret ballot, the board of directors may not impose a regular assessment that is more than 20% greater than the regular assessment for the association's preceding fiscal year, nor impose special assessments which in the aggregate exceed 5% of the budgeted gross expenses of the association for that fiscal year.

CURRENT WORDING IN DOCUMENT:

[Bylaws Article IX, Section 9.04] Board Authority to Levy 20% Special Assessment Without Member Vote - The Board of Directors may, in any fiscal year without the vote or approval of the Members, increase the Regular Assessment by up to twenty-five percent (25%) over the prior fiscal year's assessment and levy Special Assessments aggregating up to twenty percent (20%) of the budgeted gross expenses of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Bylaws Article IX, Section 9.04 ([Bylaws Article IX, Section 9.04] Board Authority to Levy 20% Special Assessment Without Member Vote - The Board of Directors may, in any fiscal year without the vote or approval of the Members, increase the Regular Assessment by up to twenty-five percent (25%) over the prior fiscal year's assessment and levy Special Assessments aggregating up to twenty percent (20%) of the budgeted gross expenses of the Association.) to conform with Cal. Civ. Code § 5605(b) and the manual attorney audit recommendations for Pine Mountain Club Property Owners Association, Inc..