



MONARCH BEACH MASTER HOMEOWNERS ASSOCIATION

January 28, 2022

RE: Draft Election Rules Change

Dear Homeowners,

Monarch Beach Master's legal counsel has prepared new election rules for the Board to consider and approve. The rules are being provided with this notice for membership comment. The Board of Directors will be voting on adopting these rules at the February 28, 2022 Board Meeting. The proposed revisions to the Election Rules may be adopted by the Board of Directors after twenty-eight (28) days of notification to Membership, pursuant to Civil Code Section 4360.

Members are welcome to attend the meeting of the Board of Directors scheduled for February 28, 2022, at 7:00pm. Via Zoom. Please see the zoom information below:

Join Zoom Meeting

<https://kppm.zoom.us/j/98380516043>

Meeting ID: 983 8051 6043

Call in Number: 1-669-900-6833

Should you wish to comment on the proposed election rule changes, please forward any comments on the proposed election rule changes in writing to the Community Manager, DeLawrence Roby at droby@keystonepacific.com. You may also submit comments by regular mail at the below address:

Monarch Beach Master HOA

C/O Keystone Pacific Property Management, LLC

16775 Von Karman Avenue, Suite 100

Irvine, CA 92606



MONARCH BEACH MASTER HOMEOWNERS ASSOCIATION

Should you have any further questions, please feel free to contact DeLawrence Roby at droby@keystonepacific.com or 949-430-5807.

Sincerely,

At the Direction of the Board of Directors
Monarch Beach Master HOA

DeLawrence Roby

DeLawrence Roby, CMCA, AMS
Director of Community Management

MONARCH BEACH MASTER HOMEOWNERS ASSOCIATION

ELECTION RULES AND PROCEDURES

1. **Application of Rules:** These rules shall apply to any meeting of the membership in a District or solicitation of membership approval by a ballot vote.
2. **Membership voting:** Pursuant to the Association's governing documents, the Association has one class of membership. Each Member shall be entitled to one vote for each Condominium or Lot owned, and the vote for such Condominium or Lot shall be exercised as the Owners among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Condominium or Lot.
3. **Record Date:** In the absence of a specific resolution of the Board for any given election, the Record Date for determining the right to receive notice and to vote shall be the date that ballots are processed for mailing, and shall include all separate interests reflected in the Association membership list as of such Record Date.
4. **Director Candidate Qualifications:** The Association's property, business and affairs shall be governed and managed by a Board of Directors composed of five (5) persons.

Candidates for the Board must meet the following qualifications:

- a. The candidate must be current in the payment of all regular and special assessments;
 - b. The candidate may not hold a joint ownership interest in the same separate interest as any other candidate or incumbent director, and may not be married to, related by blood, or share a common household with any other Member of the Board of Directors;
 - c. If title to a separate interest is held by a legal entity, such entity may appoint a natural person to serve or vote on such entity's behalf by delivering evidence of an appropriate written appointment to the Association; and
 - d. If the Association is aware or becomes aware of a past criminal conviction that would, if the candidate was elected, either prevent the Association from purchasing the fidelity bond coverage required by Civil Code §5806 or terminate the Association's existing fidelity bond coverage, the candidate shall be disqualified.
5. **Director Requirements:** To remain qualified to serve on the Board of Directors, a Director who has been elected to the Board of Directors must be current in the payment of all regular and special assessments.
 6. **Nominations:** Nomination for election to the Board may be made from any qualified candidate. A qualified candidate returning a candidacy form by the deadline established in

any candidate solicitation, which deadline shall be no later than 60 days from the date of the Annual Meeting, shall be included on the ballot and in any associated election materials.

7. **Delegate Election Qualifications:** In order to be eligible to serve as a Delegate, a candidate must be a member of the Association. For those Delegate Districts from which the Members fail to elect a Delegate, the Board of Directors may appoint a Delegate for such Delegate District in accordance with Section 5.4 of the Bylaws.
8. **Delegate District Meeting Ballot Distribution:** A ballot for a Delegate District Meeting shall be distributed to every Member who is a Member as of any Record Date. The Association shall not deny a ballot to a person with general power of attorney for a Member. A ballot submitted by a person with general power of attorney for a Member, if valid and returned by the appropriate deadline, shall be counted by the Association.

The voting period shall start when ballots are distributed and shall close when polls are closed. The polls shall close for any Member vote as specified in the ballot materials or as otherwise determined by the Inspector of Election at any Delegate District Meeting or Annual Meeting.

9. **Solicitation materials:** Every Candidate and Member shall have equal access to the Association mailings, newsletters, and website during a campaign, if any such access is provided, for the publication of viewpoints reasonably related to any issue presented for membership vote.
 - a. **Content:** The Association does not edit or redact any content provided by a Candidate or Member. The Candidate or Member creating such content, and not the Association, is responsible for any published statement.
 - b. **Limitation on Publication Space Made Available:** So long as each Candidate and/or Member is provided the same opportunities for publication, the Association may restrict the availability of any publication by limiting the printing space made available or the number of words that will be included from each Candidate or Member included in the publication. In the absence of more restrictive limitations adopted by the Board for any particular matter, each Candidate and/or Member shall be limited to no more than 200 words for any one publication. The Board may, in its sole discretion, present a candidacy questionnaire with questions for all interested Candidates and/or Members to complete. If such a questionnaire is provided, then the Association will only print the answers to such questions and may impose a limitation upon the number of words for the response to any question presented.
10. **Proxies:** The Association will not distribute proxies; however, every member entitled to cast a vote at a meeting of the members shall be entitled to vote either in person, or by proxy. In order to be valid, proxies must satisfy the requirements of California Civil Code

Section 5130. The granting of a proxy shall not authorize the retrieval of any ballot previously cast. Ballots, once cast, are final and irrevocable.

11. Availability of Meeting Space: Access to common area meeting space shall be made equally available, at no cost, to all Candidates and/or Members desiring to use such space for any reason reasonably related to a membership vote. The Association may meet the requirements of this section by hosting a “Meet the Candidates Night” or other such Member meeting, so long as every Candidate and/or Member is provided with an equal opportunity to participate in the event.

12. Selection of Inspector(s) of Election: Prior to the presentation of any issue to the Members for a membership vote, the Board may appoint one (1) or three (3) Inspector(s) of Election. In the absence of a specific appointment by the Board, or in the event that an appointed Inspector is unable or unwilling to serve, then the Members in attendance at any duly held meeting of the Members at which a quorum is present may elect an Inspector or Inspectors to serve.

An Inspector may be any person or entity other than: (1) a Director; (2) a Candidate; (3) a Director’s relations; or (4) a Candidate’s relations.

An inspector of elections shall perform all duties impartially, in good faith, to the best of the Inspector of Election’s ability, as expeditiously as practical, and in a manner that protects the interest of all Members of the Association.

13. Meeting Conduct: Any counting of ballots shall be done at an open meeting of the Delegates or the Board of Directors. Any Candidate or Member may observe the count, but shall stand at least five feet away from the Inspector(s). No person may harass, cajole or otherwise interfere with the Inspector(s) of Election while the count is taking place. Persons not specifically authorized to do so may not touch any secret ballot or other election materials. All association election materials will be made available for inspection by any Candidate or Member during regular business hours at the Association’s management office once the meeting is concluded. Any person violating this section may be asked by the Inspector or the meeting chair to leave the meeting to prevent further disruption.

14. Meetings of Delegates: Voting by Delegates is not subject to the procedures for voting by Members at meetings of Delegate Districts; rather, such voting shall be conducted in accordance with the CC&Rs and Bylaws.