

River City Commons Association  
Government Code §12956.1

If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

**Notice.** After January 1, 2022, a Restrictive Covenant Modification form with procedural information for appropriate processing with the Sacramento County Clerk/Recorder may be found at the following link:

<https://ccr.saccounty.gov/DocumentRecording/Pages/RestrictiveCovenant.aspx>

# RIVER CITY COMMONS ASSOCIATION

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## ELECTION RULES AND PROCEDURES

**RIVER CITY COMMONS ASSOCIATION  
Election Rules and Procedures**

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### **General Election Rules**

1. All candidates or members advocating a point of view shall have equal access to Association media, newsletters, and websites during a campaign for purposes reasonably related to that election.
2. The Association will not edit or redact (black out) any content from communications defined above; however, the Association may include a statement specifying that the candidate or member, as applicable, and not the Association, is solely responsible for the content of the communication, and that the Association was required by law to publish the communication word-for-word, regardless of its content.
3. All candidates and members having a point of view will have equal access, at no cost, to Association Maintenance Area meeting space during a campaign for purposes related to the election.

### **Candidate Qualifications**

1. Must be a member in good standing (current in assessments and in compliance with the Governing Documents) for three (3) months immediately preceding the date of the election at which the Owner is being considered for election to the Board of Directors.
2. Must not be related by blood or marriage to or reside in the same household with any other Board member.
3. Must be "bondable" (insurable by the Association's fiduciary/fidelity bond/insurance carrier).
4. Must not currently be in a lawsuit with the Association.
5. Must not have a felony conviction.

### **Incumbent Qualifications**

1. Not be absent from more than three (3) consecutive regularly scheduled meetings of the Board.
2. Attend at least seven (7) of the Board meetings held within a twelve (12) month period.
3. Comply with every duly approved action of the Board.
4. Comply with the Governing Documents after receiving proper notice and a hearing on the matter at which the Board determines that a violation exists.

5. Exhibit respect, professionalism and courteous behavior to other Directors, Owners, committee members, vendors, the Manager and its staff, and any other Persons associated with or retained by the Association.
6. Shall not address fellow directors with abusive language in a harmful or offensive manner. Abusive language is any language which causes humiliation and intimidation; or inflicts ridicule, coercion, threats, mental abuse or other language of a punitive nature; or in which prejudicial or grossly profane language is used.
7. Be at all times an Owner in good standing.
8. Refuse any type of gain, such as money, services, products, gifts or gratuities of a significant value, as determined by a majority vote of the Directors who meet all of the required qualifications to serve as such, which gain is offered in relation to the Owner's service as a Director. In addition, the Owner must disclose such offers at an open meeting of the Board. Compensation for services duly approved by the Board and unrelated to duties as a Director or Officer of the Association, and reimbursement of expenses associated with services to the Association, do not constitute prohibited gain within the meaning of this subsection.
9. Not act in a manner determined by a majority vote of the Directors to be grossly detrimental to the general safety, health or welfare of the Association and its members.

### **Nomination Procedures**

1. Candidate statement solicitation notices will be sent to the membership.
2. The solicitation notices will include a deadline for receipt of those statements by the Association and must be written to fit on one side of an 8 ½ x 11 piece of paper.
3. The Board of Directors may appoint a nominating committee, at or around the same time that the solicitation notices are sent to the membership, for the purpose of placing names into nomination for office. However, in the absence of a specific appointment of a committee then the Managing Agent shall serve as the committee and shall put into nominations the name of any qualified candidate that timely delivered a solicitation response.
4. Any candidate nominated by another person will be contacted to confirm his or her consent to run for election to the Board of Directors.
5. Completed statements will be forwarded to the nominating committee for review at which time the nominating committee will determine whether the candidate meets the qualifications for candidacy as set forth above.
6. Completed statements that are received by the deadline will have the candidate's name printed on the secret ballot that is mailed to the membership, after nomination by the

nominating committee if required.

7. Nomination of a candidate by the nominating committee can be done at a regular session meeting of the Board of Directors or via written consent of a majority of the committee members.
8. Completed statements that are received by the deadline will be re-typed and included with the secret ballot that is mailed to the membership along with all candidate statements that meet the deadline. Incumbents will be listed first and then the remaining candidates will be listed in alphabetical order by last name, then by first name in the event that candidates have the same last name. Incumbents can also be identified by an asterisk. If, after the close of nominations, the number of qualified people nominated for the Board is not more than the number or positions to be filled, the Board may, without further action, declare those nominated and qualified to be elected.
9. Candidates can be nominated from the floor at the election meeting by another member or by self-nomination.

### **Election Process**

1. The number of Directors who are scheduled to be elected and their respective terms shall be determined in accordance with the Association's governing documents and stated in the notice of the meeting.
2. If more than one party is listed on title to a lot or unit, only one Owner needs to submit his or her signed, color-coded envelope to vote.
3. Record dates for determining members entitled to receive notice of the meeting and for determining members entitled to vote at the meeting will be established in advance by the Board of Directors at an open Board meeting. If no date is established by the Board, then the date that the ballots were mailed to the membership shall be the record date.

### **Voting Power**

1. Owners may vote one (1) time for each open position for each Lot owned. For example, if there are two (2) open positions, the Owner would get two (2) votes.

### **Inspector(s) of Election**

1. Inspector(s) of election will be appointed annually by the Board of Directors at a Board meeting held prior to the distribution of election materials.
2. If there is an election or vote between annual elections of the Board of Directors, the Board may retain the inspector(s) of election from the last meeting, or the Board has the authority to appoint different inspector(s) at the Board's discretion.

3. The Board may remove and replace any inspector of election prior to the tabulation of votes for any reason.
4. There shall be one or three inspectors of election for the Association.
5. If there are three inspectors of election, the decision or act of a majority shall be effective in all respects as the decision or act of all.
6. The inspectors may designate others as assistants to facilitate the ballot counting process. Assistants will work under the direction of the inspectors.
7. Inspector(s) shall be independent third parties which can include, but is not limited to a person who is currently employed by or under contract for any compensable services, or a member of the Association.
8. Inspector(s) or their designated assistants cannot be a member of the Board, a candidate for the Board, related to a member of the Board or candidate for the Board.
9. If the Board cannot find a suitable volunteer inspector within 30 days of the election, the Board will be compelled to retain a CPA or other professional of choice at an additional expense to the Association.
10. Inspector(s) will determine the number of memberships entitled to vote and the voting power of each.
11. Inspector(s) will determine the authenticity, validity, and effect of proxies, if any.
12. Unless the inspector(s) designate a different location to receive ballots, the location to receive ballots will be the Association's managing agent's business office address.
13. Inspector(s) hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
14. All accounting and tabulations will be done in an open setting to allow members to watch and listen. Members who are not inspectors cannot participate in such discussions, if any arise. Inspector(s) count and tabulate all votes. All votes shall be counted and tabulated by the inspector(s) in public at a duly noticed Board or member meeting.
15. Every inspector(s) of election must sign the ballot tally sheet for the Association's corporate records.
16. Inspector(s) determine when the polls shall open and close.
17. Inspector(s) determine and announce the results of the election.
18. Inspector(s) to report the results of the election promptly to the Board of Directors and the results are to be recorded in the next regular session Board meeting minutes.
19. Inspector(s) perform any acts as may be proper to conduct the election with fairness to all members in accordance with the inspector(s) of election rules and all applicable rules of the

Association regarding the conduct of the election that are not in conflict with the inspector(s) of election rules.

20. Inspector(s) perform all duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical.

### **Ballot Rules**

1. Once a ballot is received by the Association it is deemed irrevocable, even if it is still unopened in the color-coded envelope.
2. If a member loses his or her ballot, a new one can be obtained from the inspector(s) at the election meeting, or from the manager prior to the meeting, however, if a ballot is already on file from that unit, then no new ballot will be given.
3. A member who signs or otherwise marks his or her ballot with an identifying mark, waives his or her rights to secrecy. The Association is not responsible for redacting personal information that is added to the ballots by the member.
4. Unmarked ballots may be counted toward quorum purposes only.

### **Proxy Rules**

1. If a member wishes to vote by proxy, the member may request a proxy to be sent electronically or via US mail.
2. Members may submit a proxy of their own design as long as the proxy meets the minimum requirements set forth in the Association's governing documents and applicable California Corporations Codes and California Civil Codes.

### **Tabulation Rules**

1. Once received by the Association, the sealed ballots shall be in the custody of the inspector(s) of election or at a location designated by the inspector(s) at all times.
2. If the number of candidates is equal to or fewer than the number of open positions, and if the tabulation of votes is not required to determine term of office, then a member in attendance can make a motion to elect the slate as presented. Inspectors must still open all ballots to ensure that there are no write-in candidates, but the vote count will be waived.
3. Any candidate or other member of the Association may witness the counting and tabulation of the votes. Members, who are not inspectors, must remain at least five feet away from the counting area.
4. The inspector(s) can cause the removal of any observer who causes interference with or disrupts the counting or tabulation process.



### **Post Election Rules**

1. In addition to recording the election results in the next regular session Board meeting minutes, the Association shall keep annual meeting minutes that reflect the results of the election.
2. The Board shall publicize the tabulated results of the election in a communication directed to all members within 15 days of a successful (quorum achieved) election.
3. After the tabulation of the votes, custody of all election materials will be transferred to the custody of the Association for its corporate records.