

BOARD PROCEDURE FOR ADOPTION OF AN OPERATING RULE

Notice of Proposed Change. At least twenty-eight (28) days before a vote on adopting or amending an operating rule, the board must mail a copy of the proposed change to the members, along with an explanation of their purpose and effect.

Adoption in Opening Meeting. After the twenty-eight (28)-day period, the board may adopt the rules at a duly-noticed open meeting of the board, after consideration of any comments made by association members (Civil Code §4360).

Notice of Adoption. Within in fifteen (15) days of voting on the rules, the board must notify the membership of the results of the vote (Civil Code §4360). If adopted as introduced, the board may just notify the membership of the adoption. If changes to the original were adopted, the board must mail the membership a copy of the revised rule as adopted.

Member Veto of Rule Change. Within thirty (30) days of this notification, at least five percent (5%) of the members can request a special meeting to reverse the board vote. The board must give ten to ninety (10 to 90) days' notice of a special meeting, at which a majority of a quorum can reverse the board's decision. The board must notify the members of the results of this vote within fifteen (15) days. If an operating rule is reversed, it cannot be re-adopted by the board for at least one (1) year. However, the board may vote on other "operating rules" covering the same subject (Civil Code §4365).

“Mail and/or “Notify”. As used herein, the terms “mail” and/or “notify” shall include electronic distribution by the association, including email as long as the written consent of the member to such distribution method is obtained by the Association in advance (Civ. Code §4040).