



AMADOR PINES LANDOWNERS ASSOCIATION, UNITS 2 & 5

### INTERNAL DISPUTE RESOLUTION POLICY

As required by the Davis-Stirling Act (Civ. Code § 5910; Civ. Code § 5915) the APLO Board of Directors will follow the procedure policy outlined below when a complaint cannot be resolved through initial communications:

1. The procedure may be invoked by either party to the dispute. A request invoking the procedure shall be in writing using the APLO Complaint Form available at [www.amadorpines.org/complaint](http://www.amadorpines.org/complaint). Instructions on how to complete and return this form can be found on the website. The form can also be obtained from the Board of Directors at any scheduled Board Meeting.
2. Once a Complaint form is received by the Board, a letter will be sent by registered mail within seven days to the member listed in the complaint. The member will then have fourteen days to arrange to meet at a mutually convenient time and place.
3. At the meeting, the parties shall explain their positions to each other and to the Board member appointed to mediate the dispute. All parties shall confer in good faith in an effort to resolve the dispute.
4. If the procedure is invoked by a member, the association shall participate in the procedure. A Board Member who has no conflict of interest, is not a neighbor or close associate of either party will be appointed to mediate the procedure. If no such Board Member is available, each party may select a Board Member to participate.
5. If the procedure is invoked by the association, the member may elect not to participate. If the member chooses not to participate and the dispute is resolved other than by agreement of the member, the member shall have no right of appeal to the board. To retain the right of appeal the member must participate in the procedure.
6. A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the Board designee on behalf of the association.
7. A written resolution, signed by both parties, of a dispute pursuant to the procedure that is not in conflict with the law or the governing documents binds the association and is judicially enforceable. A written agreement, signed by both parties, reached pursuant to the procedure that is not in conflict with the law or the governing documents binds the parties and is judicially enforceable.
8. At the meeting the Board member will explain the complaint as stated in the Complaint Form, followed by an outline of subsequent communications with both parties. Both parties will then have five minutes to speak on the complaint and provide any evidence to support or dispute the violation.  
If the dispute is between the Association and a member there will then be an open discussion to find a resolution. If the dispute is between members, the designated Board member will ask questions to both parties in an attempt to gain further understanding and help the parties come to a resolution.
9. The member and association may be assisted by an attorney or another person in explaining their positions at their own cost. Should the Association intend to have legal counsel present the member will be notified in advance. Should the member intend to have legal counsel present the Association should be notified in advance. If either party neglects to notify of the presence of legal counsel the meeting will be immediately rescheduled citing California's Rules of Professional Conduct (Rule 2-100(A)).

**No Litigation During IDR.** An association may not file a civil action regarding a dispute in which the member has requested dispute resolution unless the association has complied with Civil Code § 5910 by engaging in good faith in the internal dispute resolution procedures after a member invokes those procedures. (Civ. Code § 5910.1.)

**Annual Notice.** Associations must annually notify their members of both IDR and ADR dispute resolution procedures. (Civ. Code § 5920; § 5965.)

Once an IDR has been held on an issue, the Board is **not** required to hold repeated requests by the same Landowner on the same issue. Once the matter has been addressed and documented, the Board can decline any further requests on that issue.