

# Amador Pines Landowners Association

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## Units 2 & 5

P.O. Box 630, Pioneer, CA 95666

### Spring 2021 Newsletter

Editor: Penny Hill

#### **APLO President's Message**

As your new president I find this position challenging yet rewarding. We've had many changes this past year, finding different ways to improve the way we run the homeowner's association, all according to Davis Sterling and the civil code.

We've switched from one single treasurer to a team of three people. I feel this is the most valued position in making sure the dues are paid. This lessens the impact on those who do pay and keeps our finances solvent. I'm impressed with the amount of work they have done in collecting past dues and getting us back on track. Thank you, Pam Currier, Bob Humphreys and Sharon Groffman for doing such an excellent job.

I am also pleased to say that we have a new secretary, Penny Hill, she has moved in seamlessly to take Nancy Edwards's place. A big thank you to Nancy Edwards for many, many years of volunteering. Not enough appreciation goes to our secretaries, so thank you again!

As with every snowstorm we have our challenges but I am very impressed with our snow plow crew, they really put the three new trucks to the test. Thank you

for all the hours day and night that you put in!

We have added Wi-Fi at the shop along with security cameras.

Now you have Free Wi-Fi at the shop **Netgear guest** and the password is **HOAguest**.

We have a website

**[www.Amadorpines.org](http://www.Amadorpines.org)**

Keep up to date on meetings and download association documents.

***As you know with the increase in the cost of living also comes an increase in dues, this increase for 2021-2022 will bring the total dues up to \$310***

With summer quickly approaching it is very important to clear properties and culverts, please do your part, fire season is coming.

Have a great Summer and hope to see you at the June 12<sup>th</sup> members meeting and picnic!

Robin Bell, President.

## **Treasurer's Report**

Amador Pines Landowners of Units 2 and 5, Inc. was incorporated in 1995 in the state of California. The main purpose as stated in the Covenants, Conditions and Restrictions (CC&R's), the By-Laws and the Incorporation documents is to maintain over 26 miles of roads. In order to accomplish this, we assess each property with an annual dollar amount. The invoice for this assessment is sent on or about May 1<sup>st</sup> of each year and is due and payable by July 1<sup>st</sup> of that year. If not paid by July 1<sup>st</sup> a late fee is applied 15 days later and interest will begin to accrue on the unpaid balance as of August 1 at which time a statement is mailed. The full collection policy is included with this newsletter.

At the March 16, 2021, meeting of the Board of Directors, an increase of \$50 in the assessment was approved, making the annual assessment for each property \$310.00 as of July 1, 2021. The invoice for this assessment will be mailed to each property owner on or about May 1, 2021. Unfortunately, due to the rising costs of materials, insurance, etc. this increase does not provide sufficient funds to accomplish all the work that should be done. All work in Amador Pines is provided by a small handful of unpaid volunteers, residents of the Pines whose average age is between 65 and 75. The chip sealing of our roads and some major repairs are contracted out but still involve our

unpaid volunteers. We always need more volunteers!!

Our current Finance Team of me, Pam Currier, Treasurer and Bob Humphreys and Sharon Groffman, Assistant Treasurers, is focused on not only collecting our assessments but also ensuring that our association is in compliance with all state and federal regulations. We are now required by law to have a Review of our Financial Records by a Certified Public Accountant each year. That is currently being done. We are also required to have a Standard Operating Procedures Manual. Sharon Groffman is working on putting that together. Bob Humphreys is focusing many hours on the collection of past due accounts, unfortunately, we have several.

The proposed Budget for July 1, 2021 – June 30, 2022 is included in this newsletter. The Board of Directors approved it at the March 16, 2021 Board meeting to present to you, the landowners of Amador Pines Units 2 and 5. It is subject to your approval at the Annual Meeting on June 12, 2021 held at the Maintenance Building on Inspiration Drive. I hope to see you at the meeting and hopefully you will sign up to volunteer in one of the areas needed.

Pam Currier,  
Treasurer

### **Maintenance**

The new vehicles that were purchased in the last 18 months worked extremely well, which allowed the snow plow drivers to do an excellent job with the 40 inches of snow in three days.

All vehicles that needed to be serviced for the 2020/2021 snow season were serviced in October of 2020.

The only maintenance issue at present is our 1993 Pavement Roller which would require about \$4,500 to repair. A decision to purchase a new roller and trailer was made at a cost of \$38,000.00 for the roller and the estimated cost of the trailer is going to be between \$5,500 and \$6,500. The old trailer was homemade and will not service our needs in the future. The old roller was not safe and was an accident waiting to happen. If there is any further info needed please email, [mtn.man@volcano.net](mailto:mtn.man@volcano.net) or call me at 209- 295-2376.

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### **Park/Pond**

The Park and Pond are for the enjoyment of the residents of Amador Pines Landowners of Unit 2 and 5, Inc. They are maintained by a small group of unpaid volunteers. We meet on Thursday mornings through the spring and summer. Last spring and summer, the six volunteers were able to clean up trees and brush that came down over the winter. They also spread wood chips on all the trails. Inside the fence enclosing the pond, we built up two sections of pathway. With the help of other volunteers, we started the work of

replacing 10 fence posts from the 1980's. This work will be ongoing this season. Work this year will begin on Thursday, April 15<sup>th</sup> at 9 a.m. We could use more volunteers. For questions, [call Mike Currier at 209-295-3239.](tel:209-295-3239)

### **Signs, Mailboxes and Bulletin Boards**

The last winter storm did some damage to a few of the road signs on Live Oak and Ashland. All repairs have been made. The original wooden street signs have been restored. It was a fun project. I hope everyone is enjoying them. Many businesses are posting flyers on our bulletin boards. These flyers are limited to 30 days.

Rick Onstad -- 510-861-7242

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<p><b>Please do NOT leave pamphlets, flyers, books, or mail at the mailboxes. They blow around, get wet, and become litter. Please keep our neighborhood green!</b></p>
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### **Welcome/Volunteers**

As an introduction to APLO's new owners are sent a welcome package with helpful hints, pertinent phone numbers and contacts. If you are new to Amador Pines and haven't received a Welcome package, please contact me at 295-1887. If you prefer to receive the APLO newsletters via email instead of USPS, please send me your email address. This will allow our association to save on printing and postage costs. Every little bit helps.

In spite of this being a challenging year for all of us, properties here continue to sell. In 2020, I sent out 32 welcome packages to our new residents. These packages contain information from Cal Fire on defensible space, safe debris burning and evacuation preparedness. Also included is a Winter to Do List and a list of pertinent contacts and phone numbers. Please check out our website at [amadorpines.org](http://amadorpines.org). Here you will find the APLO bylaws and APLO CC&Rs.

Volunteers are essential to keeping our community running. Please consider joining the small group of existing volunteers. Each committee could use more help.

Sue Cola, 295-1887

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### **Brushing Crew Report** **2021 Brushing Crew Schedule**

5/4/21 88-E Inspiration to right on Live Oak, Ashland, Chaparral Dr., West. Rd., and Chaparral Ct, North East Inspiration to maintenance shed.

5/11/21 Manzanita Ct and Way, Hill, Dew Drop to Sunset.

5/18/21 Cedar Way, Spring Ct, Spring Rd., Fallen Leaf Ct. and Dr., E. Pine to Sunset, Pine to Cedar Ave.

5/25/21 Sunset, Fern Ridge, Evergreen W. Pine Dr. to Ponderosa

6/1/21 Mt. View, Madrone, Wildflower, Aspen, Lupin

6/8/21 E. Pine to end, Look Out Ct., Creek Rd., Mule Deer Ct., Ponderosa both ends

6/15/21 Forest View Circle, Fir, Cedar Ave

6/22/21 E. Inspiration to W. Inspiration to Four Wheel Dr.

The brushing crew meets on Tuesday mornings in the summer. Anyone who is interested in volunteering to help with the brushing crew, please call.

We could use more volunteers on the bushing crew so if anyone would like to volunteer call Richard Urban.

Rich Urban, Brushing -- 295-1185.

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<p><b>Remember to drive slowly and watch for the brushing crew in your area!</b></p>
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### **Roads/Culverts**

This past year, the road crew completed a considerable amount of repair work. While we did not finish as much as we would have liked to, we made significant progress. There was also quite a bit of chip sealing done last year. Some of the areas chip sealed did not seem to hold up very well to the snow plows, and we will be looking at the options for that the next time around. Due to the reduction in the road budget for this next year, there may not be any chip sealing done. With the small amount available for chip sealing, the cost per square feet would be too high. If that is the case, we will do additional amount the following year. With the 3 new trucks in our fleet now,

we can concentrate on the work to be done instead of dealing with repairs. We were also able to purchase a new roller for this next year. All of these purchases help the crew to provide the necessary work to be done for the association. Thanks to all who came out and helped on the road crew. As always, we will be meeting on Wednesday mornings at 8 am at the shop, starting around the middle of May.

Gary Johnson

### **Snowplow Report**

We had a few good storms this year creating a pretty fair amount of plowing needed. The new trucks all performed very good, with some relatively minor issues with the plows themselves. Thanks to the maintenance crew for keeping the equipment in operating order. We also were able to get the new radio system up and running and worked very well throughout the subdivision with very minimal dead zones. This provides much needed safety for the drivers. Thank you also to Robin Bell for passing on the message via Nextdoor.

We have a new Snowplow committee chair, Dan Schumann. We are looking forward to working with Dan. Thanks Dan.

Gary Johnson

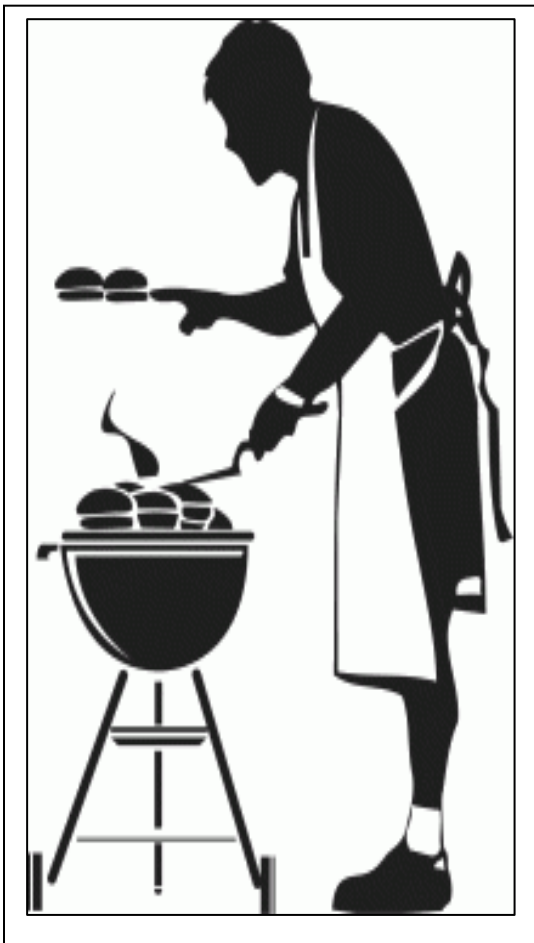
***Here is a reminder of some of the things residents can do to help the plow drivers to keep the roads clear, which also helps the residents.***

- 1. Don't park your vehicle along the road or in turnaround areas.***
- 2. Plan ahead if you need help clearing your driveway.***
- 3. Have 4WD or chain up. Stuck vehicles are a HAZZARD.***



**Annual Membership Meeting**

On June 12, 2021, the APLO Annual meeting starts and the Board Member voting ballots will be counted. **Please mail or turn in your ballot(s) before this meeting.**



**Amador Pines Landowners  
Association  
*Annual Meeting and Picnic***

Saturday June 12, 2021  
APLO Maintenance Yard  
12:00 Landowners Meeting  
Followed by BBQ and Potluck

**Come and meet your neighbors!!**

Join us for our annual barbecue and party at the Park. June 12, APLO will supply the BBQ Tri-tip, plates, and utensils.

**As for you, please supply a great side dish or desert to share. If your last name begins with:**

**A – L please bring a side dish**

**M – Z please bring desert.**

**Watch APLO Bulletin Boards for more information about these events.**

**Independence Day Parade & Picnic**

Join us on Sunday, July 4th for the Annual Tractor Parade, cruise, and Picnic.

**BOARD MEMBERS:**

Robin Bell - 2020/2021 President ..... 295-5030.....hairiam@volcano.net  
Mike Currier - 2020/2021 Vice Pres..... 295-3239.....pamela\_currier@yahoo.com  
John Meehl..... 295-6776.....lynne1941@volcano.net  
Charlie Tine ..... 295-2376.....mtn.man@volcano.net  
Ted Novelli ..... 295-1302.....fava@volcano.net  
JoAnn Ogburn ..... 295-1788.....oggiefarms@volcano.net  
Kelly McGee ..... 295-4588 ..... [mcgee@volcano.net](mailto:mcgee@volcano.net)  
Pam Currier-- Treasurer ..... 295-3239.....aplotreasurer@gmail.com  
Penny Hill -- Secretary..... 295-3757.....aplosecretary@gmail.com  
Jim Eldredge - Association POC..... 295-7455 .....Pioneertinman@gmail.com

**COMMITTEE CHAIRS**

Gary Johnson - Road/Culverts .....see Association POC Jim Eldredge  
Dan Schumann - Snowplow .....see Association POC Jim Eldredge  
Charlie Tine -- Maintenance..... 295-2376.....mtn.man@volcano.net  
Rich Urban -- Brushing ..... 295-1185.....urband65@gmail.com  
Mike Currier Park/Ponds - ..... 295-3239.....pamala\_currier@yahoo.com  
Rick Onstad -- Signs/Mailboxes..... [onstad@comcast.net](mailto:onstad@comcast.net)  
Sue Cola -- Welcome/Volunteers..... 295-1887 ..... [sueicola@aol.com](mailto:sueicola@aol.com)  
  
Maintenance Shop (recorder only)..... 295-5663..... amadorpines.org  
.....Netgear.guest  
.....Password HOAguest  
County Burn Line..... 223-6246  
PG&E Power Outage ..... 800-743-5000  
Amador County road status and condition: [www.co.amador.ca.us/index.aspx?page=229](http://www.co.amador.ca.us/index.aspx?page=229)  
CalTrans road status and condition: [www.dot.ca.gov/cgi-bin/roads.cgi](http://www.dot.ca.gov/cgi-bin/roads.cgi)

<b>2021/2022 Budget</b>	<b>Budget</b>	
	\$310 per property	
<b>Revenue</b>		
Landowner Assessments	210,800.00	Note: Col B \$310x692 - 12 liened properties
Late Fees	500.00	
Interest (finance Charges)	500.00	
Recovery of Collections Cost	500.00	
Sale of Equipment	-	
Miscellaneous Income	500.00	
<b>Total Revenue</b>	<b>212,800.00</b>	
<b>Expenses</b>		
<b>Roads</b>		
Materials	17,400.00	
Contracted Services	58,590.00	Note: \$96,750.00 is needed to accomplish
Other	1,200.00	needed chip sealing
Contingency	2,000.00	
<b>Total Roads</b>	<b>79,190.00</b>	
<b>Snow</b>		
Materials	2,400.00	
Communications		
Parts/chains	2,180.00	
Contingency	2,000.00	
<b>Total Snow</b>	<b>6,580.00</b>	
<b>Repair &amp; Maintenance</b>		
Vehicles	6,000.00	
Other		
Contingency	2,000.00	
<b>Total Repair &amp; Maintenance</b>	<b>8,000.00</b>	
<b>Fuel</b>		
vehicle	2,672.00	
other	100.00	
<b>Total Fuel Costs</b>	<b>2,772.00</b>	

<b>2021/2022 Budget Continued</b>	<b>Budget</b>	
Postage for certified mail	250.00	
Lien filing/release costs	2,250.00	
Notary	250.00	
<b>Total Collections Costs</b>	<b>2,750.00</b>	
<b>Liability Insurance</b>		
Vehicles	8,135.00	
Condominium Association	9,394.00	
Commercial Umbrella	869.00	
<b>Total Liability Insurance</b>	<b>18,398.00</b>	
<b>Workmans Compensation Insurance</b>	<b>1,500.00</b>	
<b>Postage</b>	<b>2,000.00</b>	
<b>Office</b>		
Supplies	1,500.00	
Printing	1,000.00	
Contracted Services	1,000.00	
Certified Public Accountant-Review & Tax Prep	4,500.00	
Bank Charges	20.00	
<b>Total Office</b>	<b>8,020.00</b>	
<b>Licenses</b>		
Vehicle licenses	350.00	
Other		
<b>Total Licenses</b>	<b>350.00</b>	
<b>Signs, Bulletin Boards</b>	<b>500.00</b>	
<b>Brushing</b>	<b>25.00</b>	
<b>Welcome</b>	<b>75.00</b>	
<b>Park &amp; Pond</b>	<b>350.00</b>	
<b>Utilities</b>		
Electric	967.00	
Phone & wifi	1,639.00	
Other	1,309.00	

<b>2021/2022 Budget Continued</b>	<b>Budget</b>	
<b>Taxes</b>		
Federal	900.00	
State	300.00	
Property	675.00	
<b>Total Taxes</b>	1,875.00	
<b>Equipment Purchase</b>	2,500.00	
<b>Other Expnses</b>	-	
<b>Contribution to Capital Reserve</b>	65,000.00	
<b>Contribution to Operating Reserve</b>	5,000.00	
<b>Contingency for Unexpected Expenses</b>	4,000.00	
<b>Total Expenses</b>	212,800.00	
<b>Revenue Less Expenses</b>	-	

## **APLO Candidate Statements**

**Your ballot(s) arrives in the same envelope set as your APLOA annual dues statement. You can mail in your vote before the Annual Meeting (when the ballots are counted) or bring your ballot to the Annual Meeting at the Park on Saturday, June 13th. Please vote!**

### **Jo Ann Ogburn (Incumbent)**

I have served on the APLO Board for the past 2 years and I have learned a lot, as I asked a lot of questions. I learned some of the history of past issues and reasoning, procedures and processes, the activities of the Board members and active volunteers. I have evaluated and tried to apply sound logic and judgement of reason to my decisions. There have been numerous changes this year and a lot of discussion to implement improvements. I am currently on several sub-committees. Such as reviewing the Financial Data on alternate months when our Board does not meet. Additionally, I have been involved in Delinquent Assessment Collection meetings with homeowners who request them with a goal of collecting some of the past due money owed APLO. I also handle all the Insurance interaction and changes.

My background includes a BS in Education, teaching elementary school in Ohio and California, and substitute teaching here in Amador County. Additionally, I have Recruited Financial candidates and placement into Corporations and Implementing HR

Software in Fortune 500 Companies. I am also an artist in Watercolor painting and cards displaying at the Sutter Creek Gallery and Payless Markets. We purchased our home in the Pines in 2000 and we resided here full-time since 2005.

I feel like I am just getting started and believe I would be an asset to APLO and the Board for another term.

Thank you,  
Jo Ann Ogburn

### **Charlie Tine (Incumbent)**

I, have lived in Amador pines for nineteen years and have volunteered my services well over 3000 hours to this association in various capacities. I, have been a board member six years and in the past two years I, was tasked to purchase the three new vehicles that are now in our fleet. I, am also responsible as the maintenance chairperson to keep vehicles serviced and running especially during the snow season. I, believe at present we have a good board and I would like your vote to maintain my current position on the APLO Board.

Thank You,  
Charlie Tine

### **Kelly McGee (Incumbent)**

My Family and I moved to Amador Pines 26 years ago from the Santa Cruz Mountains as we were so impressed by the beauty of this area, and the lifestyle it offered. We built our home in Amador Pines and raised our family here. I am currently working as a Hospice RN locally serving our community. I have been a Board Member for the Lockwood

Fire Protection District for the last 6 years, and I have also been an APLO Board Member for the last two years. I would like to continue my service to the APLO Association as a Board Member if chosen for another term.

Thank you,

Kelly McGee

**John Meehl (Incumbent)**

In 2015, I volunteered as candidate for the Board of the Amador Pines Land Owners Association because I had eight years of experience being on APLO committees. I was elected that Spring. I have been a landowner in Amador Pines since 1969. I also have the work history and mechanical expertise that our Association needs. I have volunteered my time and mechanical expertise in the equipment maintenance area. My experience includes: three years working with body and fenders, two years in the Army with heavy equipment, 18 years moving large classroom trailers and heavy equipment mechanic. I also used to operate large equipment, and 18 years in the San Ramon School District as the mechanic. From 2002-2006 I was a Cedar Log Home builder. I am looking forward to continuing as an APLOA Board member and volunteering more of my time to support the APLO Road Association.

Thank you,

John Meehl

***The following notices to members are required by state law:***

**AMADOR PINES LANDOWNERS OF UNITS 2 AND 5, INC.  
DELINQUENT ASSESSMENT COLLECTION POLICY**

This policy was approved by the Board of Directors of the Amador Pines Landowners of Units 2 and 5, Inc., hereafter referred to as "association" in this document, on January 19, 2021. This policy meets the requirements of the California Civil Code, Sections 5600 thru 5740 and the Governing Documents of our association, CC&R's Article IV pages 10 thru 18.

All owners of lots within the jurisdiction of the association automatically become members of the association. The association shall levy regular and special assessments to its members on an annual basis sufficient to perform its obligation under its governing documents. Each owner of one or more lots has agreed to pay their assessments when they became a member of this association. There is no avoidance of payment of assessment obligation on the part of any member.

The association will mail an annual assessment invoice to each owner by May 15. Once the assessment is sent out to the member(s) it becomes a debt to that member. The payment of this assessment is due on or before July 1. If not paid the assessment becomes delinquent 15 days after the due date, July 16. A late fee of 10% of the annual assessment will be added to the delinquent account 30 days after the due date, August 1. Also, on August 1, interest on the debt will begin to incur at an annual rate of 12%. Interest is imposed on the delinquent assessment, late fees and any cost that occurs while attempting to collect the debt. A monthly statement will be mailed to each member with a delinquent assessment showing the amount that is currently owed. The cost of mailing this statement will be added to the debt of the delinquent member.

At the Board of Directors bi-monthly meeting in September the treasurer of our association will provide a list of any delinquent assessments to the board. This list will consist of the Assessor's Parcel Number (APN) for the individual lot(s) that have a delinquent assessment account. This list will not have the individual names of the members who are delinquent. The treasurer will request that the Board of Directors authorize her/him to begin the Assessment Lien process against those members who have not met their obligation to pay their annual assessment.

Once the Board of Directors has voted to allow the treasurer to begin the lien process the first step is to deliver a Pre-Lien Notice to the delinquent member via certified mail. The requirements of this notice can be found in Civil Code Section 5660. The amount owed to the association is itemized on this document and payment is due within 30 days after receiving this document. Any costs that the association incurs in the mailing of the Pre-Lien Notice will be added to the debt of the delinquent member. The refusal of the member to accept and sign for this document does not stop the lien process from going forward. Under Civil Code Section 5665 the member who has been notified of the debt via a Pre-Lien Notice has the right to submit a written request to the Board of Directors to discuss a payment plan for this debt.

If the debt has not been paid within the allotted time noted in the Pre-Lien Notice, then the association will record an Assessment Lien against the delinquent member with the Amador County Recorder. The requirements of filing this lien can be found in Civil Code Section 5675.

Once this lien is recorded a copy of the document shall be mailed via certified mail to every person noted as the owner of the property in the association's records within 10 days. If the debt is paid in full after an Assessment Lien is recorded the association must record a Lien Release within 21 days of payment with the Amador County Recorder. A copy of this Lien Release shall be sent to the member via certified mail. Any costs that the association incurs in the recording of this lien and lien release will be added to the debt of the delinquent member.

The next and final step in the collection policy is **FORECLOSURE** on the members property that is listed in the Assessment Lien. In order for the Board of Directors to approve the foreclosure the debt has to be at least one year old or have a value of over \$1800.00, Civil Code Section 5720. The association can use Judicial Foreclosure or Non-Judicial Foreclosure. Judicial Foreclosure is when the association takes the member to court and a Judge orders the foreclosure. A Non-Judicial foreclose is when the association uses a professional organization that specializes in the foreclosure process without going to a court of law. There are many steps in the foreclosure process and any costs that the association incurs will be added to the debt of the delinquent member.

This Collection Policy shall be mailed to every member once a year and will be included with the annual assessment invoice.

### **Alternative Dispute Resolution (ADR) Procedures of the Amador Pines Land Owners Association Units 2 & 5 Adopted May 18, 2010**

This policy and the procedures it establishes are intended to comply with certain provisions of the *California Civil Code*, including Sections 1363.820 through 1363.880, and Section 1369.520.

Prior to filing a civil enforcement action (as defined in Section 1369.520) for the following purposes,

- enforcement of the rights, duties or liabilities under state laws governing the association;
- enforcement of the governing documents of the association;

the parties shall attempt to resolve the dispute through the following procedures. However, this restriction shall not apply to disputes in excess of five thousand dollars (\$5,000) in monetary damages, assessment disputes or actions filed in small claims court.

Either party to the dispute may invoke these procedures.

1. The party invoking these procedures shall initiate the process by serving on all other parties to the dispute a written Request for Resolution. The Request for Resolution shall include all of the following:

## APLO Spring 2021 Newsletter

- A brief description of the dispute between the parties;
- A request for resolution of the dispute under these ADR procedures; and
- A notice that the party receiving the Request for Resolution is required to respond within thirty (30) calendar days of receipt, or the request will be deemed rejected.

Service of the Request for Resolution shall be by personal delivery, first-class mail, express mail, facsimile transmission, or other means reasonably calculated to provide the party on whom the request is served actual notice of the request. If the association serves the request upon a member, a copy of these procedures shall accompany the Request for Resolution.

2. A party on whom a Request for Resolution is served has thirty (30) calendar days following service to accept or reject the request. If a party does not accept the request within that period, the request is deemed to have been rejected by that party.

3. The Request for Resolution may propose:

- a. that the parties meet and confer in an effort to resolve the dispute. If the request is served by the association on a member, that member may decline to meet and confer. The association may not decline to meet and confer. The association's board of directors shall designate a member of the board to meet and confer. An informal meeting to confer shall occur at a mutually convenient time and place within ten (10) calendar days following service of the request. The parties shall explain their respective positions and confer in good faith to resolve the dispute. Failure to resolve the dispute informally shall not bar the party serving the request from requesting mediation or arbitration, as provided below.
- b. that the parties submit the dispute to mediation by a neutral third party. Mediation shall occur at a mutually convenient time and place within thirty (30) calendar days following service of the request. The mediator shall be selected by mutual agreement of the parties from the California Academy of Distinguished Neutrals.
- c. that the parties submit the dispute to final and binding arbitration by a neutral third party.
  - 1) Either party may reject arbitration. If the parties agree to arbitration they shall promptly sign and date an agreement to that effect. By signing an arbitration agreement, both parties relinquish their right to file an action in civil court for resolution of the dispute.
  - 2) Within five (5) business days following execution of the arbitration agreement the association shall request a list of three (3) arbitrators from the American Arbitration Association. The parties shall each strike one name from the list, the first party to strike being determined by a coin toss.
  - 3) Arbitration shall occur at a mutually convenient time and place within forty-five (45) calendar days following service of the request.
  - 4) The arbitration shall be conducted in conformance with the rules of the American Arbitration Association. The decision of the arbitrator shall be final and binding upon all parties and shall be enforceable by a court of competent jurisdiction.

4. A resolution agreed to by the parties through informal conference or mediation shall be memorialized in writing and signed by the parties, including the board designee on behalf of the association. Such an agreement shall be final and binding upon the parties and shall be enforceable by a court of competent jurisdiction, provided that:

- a. The agreement is not in conflict with law or the governing documents of the association; and
- b. The agreement is ratified by the board of directors of the association.

5. The fees and expenses of mediators and arbitrators shall be borne equally by the parties.

6. Each calendar year, the association shall provide to its members a summary of the relevant provisions of the *California Civil Code*, along with the following statement:

"Failure of a member of the association to comply with the alternative dispute resolution requirements of Section 1369.520 of the *Civil Code* may result in the loss of your right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law."

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**AMADOR PINES LANDOWNERS OF UNITS 2 AND 5, INC.** *(referred to as "APLO")*  
**ELECTION PROCEDURE**

*Approved 3/7/2021*

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APLO board elections are held annually in June (typically the 2<sup>nd</sup> Saturday in June at noon) at the Annual Membership Meeting. Following are the procedural instructions pursuant to California Civil Codes #5105 and #5115. This procedure will be included in the spring newsletter.

1. Any landowner not in arrears in their assessment dues is eligible for nomination.
2. The association (APLO) must ensure that any candidate or member statements advocating a point of view is provided access to the association newsletter during a campaign for purposes that are reasonably related to the election. The association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the association, is responsible for that content.
3. The association must ensure access to speak at association meetings during a campaign to all candidates, including those who are not incumbents, and to all members advocating a point of view, including those not endorsed by the board, for purposes reasonably related to the election.
4. Ballots and two pre-addressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the association to every member not less than 30 days prior to the deadline for voting.
  - In order to preserve confidentiality, a voter may not be identified by name, address, or lot number on the ballot.
5. Each Member shall be entitled to one vote for each lot owned by that member. When more than one person holds an interest in any lot, all such persons shall be members, although in no event shall more than one vote be cast with respect to any lot. Voting rights may be temporarily suspended under those circumstances described in article XI, Section 6 of the Amador Pines Landowners of Units 2 and 5, Inc. CCRs document.
6. The election is conducted entirely by mail unless a member presents the ballot to the inspector of elections by the beginning of the annual meeting.
7. Write-in candidates are permitted and are provided for on the ballot.

8. The inspector of elections (IOE) is appointed by the board of directors. The IOE can appoint and oversee additional persons to count and tabulate votes, provided the person(s) is not running for the board.

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