
November 2016 NEWSLETTER



PRESIDENT'S MESSAGE & MONTAGE NEWS – November 2016

By Michelle Madison, President & Newsletter Editor- michelleYmadison@gmail.com

This is going to be quite a busy season for the Montage HOA. Socially, our first Holiday Dinner is coming up at Mission Hills Country Club in December and within this newsletter we begin our first series of Proposed Governing Document updates. Homeowners will be receiving notification of the adopted 2017 Budget and approved 2017 Reserve Study in the required mailing of the "Annual Budget Report" and "Annual Policy Statement" documents that will be emailed the end of November. Please be sure that Personalized Property Management (PPM) has your current email and preferred mailing address on file. We will also be utilizing the website for information.

Welcome back to some of our seasonal homeowners! While some of our neighbors have returned, we do have some that have not done so just yet and so we ask that you continue to be on the lookout for any unusual activity and report that information to PPM. In addition, we would like to remind homeowners to be considerate of your neighbors with after-hours noise. Our community CC&R's require noisy activities to cease at 10:00pm, which is consistent with Cathedral City Noise Ordinances. Any reports of continued disturbance should be reported to the Cathedral City Police dept.

This newsletters "**Question from a Homeowner**" is one a lot of association members are wondering about. *"I just wanted to ask if you think this new vacation rental ordinance Cathedral City has passed will help us here at Montage to better control short term rentals?"* The short answer is yes. Tom Tousignant shares a brief overview article regarding the Cathedral City Vacation Rental Rules later in this newsletter. It has more detailed answers to this question.

Please be sure to visit www.montagemissionhill.org and view the Q&A. You will find other questions plus forms for your various needs.

We thank you in advance for considering your neighbors during the upcoming holidays. If you have a "Question from a Homeowner" please feel free to submit it via email to the Board or PPM.

Homeowners are always welcome and encouraged to attend our HOA board meetings. The next one will be Thursday November 10th, 9:30am at the PPM offices.

Welcome Committee Report

By Jo Ann Horwitz, Welcome Committee Chair - JoAnnWLV@oal.com

Please join your Montage neighbors, Saturday, December 10, from 5PM to 7PM, at our newly remodeled Mission Hills Country Club for a bit of Holiday Cheer!

This year we will enjoy a Christmas Party Dinner. We've planned a three course dinner and a cash bar. You may bring your own wine, however there will be \$10.00 cork fee. If you are a member of the Mission Hills Wine Club, please bring your I.D. Card to present to MHCC staff.

The cost of the dinner will be \$25.00 per person. Your choices will be a fish or chicken or a vegan dish. Chef Rudy is planning this special gourmet dinner for us. I will be taking reservations starting November 10th and continuing until December 5th.

Remember any single or new residents will have the opportunity to meet and make some new friends. This is a great way to reconnect with neighbors returning home for the upcoming season. We will also have a raffle with some exciting Holiday gifts.

Hope you can join us! Please **RSVP to 760-992-5199**

If you have questions, please contact your Welcome Committee Chair
Jo Ann Horwitz at [760-992-5199](tel:760-992-5199) or JoAnnWLV@oal.com

Emergency Preparedness

By Mike Gialdini Emergency Preparedness Committee Chair - MikeGialdini@gmail.com

Earthquake Tips

According to earthquake expert Dennis Mileti Ph.D. after an earthquake you will wish that you would have had these items available:

- Enough to drink and eat for 7-10 days!!!!!! Costco sells a neat 55-gallon blue plastic barrel that you can store water safely for a long time (and they will ship it to your home).
- Extras for neighbors, visitors etc. (yes you could say survival of the fittest, but most of us have a spot in our heart that makes us help others
- Water for more than drinking...remember, a big quake may splash all of the water out of your pool.

Remember to keep these items next to your bed: flashlight (and batteries), heavy duty leather gloves, Map Your Neighborhood booklet and a whistle.

ONLY CASH WILL WORK FOR PURCHASES...EXPERTS SUGGEST HAVING LOTS OF \$1 BILLS ON HAND OR YOU MIGHT SPEND \$5, \$10 OR \$20 FOR MINIMAL PURCHASES

If you have questions, please contact your Montage earthquake coordinator, Mike Gialdini at [760-413-0100](tel:760-413-0100) or MikeGialdini@gmail.com

A&L Committee Report

By Al (Sonny) Mazzarella, A&L Committee Chair - al.mazz55@yahoo.com

Summer is over (HURRAY) and the holiday season is right around the corner. That brings us to the A&L Committee neighborhood walk. On November 8th will be conducting its fall walk-through of the development and we will be looking for aesthetic and functional issues which are not in conformance with the standards set out in the CC&R's, such as trees over-hanging the curb, dead plants and trees that need to be removed, non-operational garage lights and address signs and paint condition.

Anyone living in the desert, especially this past summer, can attest to the brutal heat, which in conjunction with watering restrictions, weakened and killed many plants and trees. In that regard, I'm sure everyone has noticed at the Gerald Ford gate entrance some plants along the walls have been removed. We are in the process of having them replaced and waiting for better weather to replant them. Thank you for your understanding!

Note to pet owners who walk their pets.... Please remember all pets must be on a lease whenever they are on the outside of their property and most important, the person who walks the dog must pick up any droppings and dispose of them in a sanitary manner

Welcome back to everyone returning to the desert after a long hot summer. We wish everyone living in Montage a great holiday!

If you have questions, please contact you're A&L Committee Chair, Al (Sonny) Mazzarella at 760-328-5666 or al.mazz55@yahoo.com

Parking Patrol Update

By Tom Tousignant-TD2znot@aol.com

Please pay respect to the Montage Parking Rules. If you live on one of these streets and notice many vehicles parked on the street, please talk to your neighbors about the Montage Rules. If vehicles belonging to you, your employees or guests receive a Warning notice do not delay – stop parking in the street or contact Personalized Property Management at 760.325.9500 or a Board member and explain your situation.

2015 - 16		2015		2016											
	NOV	DEC**	JAN**	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT			
Garage door left open*	1	2	0	2	1	1	1	0	1	5	2	0			
Vehicles parked in street overnight	84	50	98	78	104	72	65	81	86	63	80	121			
Vehicles with out of state licenses	(21)	(8)	(20)	(4)	15	(4)	(8)	(4)	7	1	2	6			
Homes with cars parked on street	31	19	33	30	37	34	29	32	32	25	31	37			
Illegal parking warnings issued	0	1	0	2	5	0	1	0	0	0	0	0			
Tow warnings issued	0	0	0	0	0	0	0	0	0	0	0	0			
Illegal parked vehicles towed	0	0	0	0	0	0	0	0	0	0	0	0			
Top 3 homes with most vehicles parked	nightly per month														
Number 1 – Home on	8 Dali	10 Artisan	12 Artisan	12 Artisan	12 Artisan	10 Dali	11 Artisan	8 Artisan	8 Dali	10 Van Gogh	11 Van Gogh	12 Artisan	15		
Number 2 – Home on	7 Artisan	9 Van Gogh	8 Artisan	11 Artisan	7 Dali	8 Chagall	5 Artisan	7 Artisan	6 Artisan	8 Artisan	5 Artisan	11 Artisan	14		
Number 3 – Home on	5 Chagall	6 Artisan	7 Artisan	8 Monet	6 Van Gogh	8 Matisse	4 Van Gogh	7 Matisse	6 Matisse	8 Matisse	5 Artisan	8 Van Gogh	9		

* When Garage doors are discovered open the Patrol Service calls the phone number(s) for the

** Street parking not counted during holiday period Dec 22-Jan 2

CATHEDRAL CITY Vacation Rental Rules

By Tom Tousignant-TD2znot@aol.com

Cathedral City vacation rental rules give power to HOAs **The Desert Sun** *October 12, 2016*

Cathedral City homeowner's associations got a little more powerful Wednesday with the city's approval of an ordinance amending its vacation rental regulations. City Council voted 4-0 to approve the revised ordinance, which -- in addition to the permit application already required by the city -- requires that vacation rental unit owners to get a letter from their homeowner's association or other community association stipulating that they have informed the group of their intent to operate a vacation rental and that the governing association allows such residences in the neighborhood.

Though the vacation rental industry in Cathedral City is not as extensive as it is in neighboring Palm Springs, the city has received similar complaints about noise, safety issues and what some residents perceive as the degradation of their neighborhoods.

Cathedral City could pursue further regulations or enhanced enforcement protocols in the future, depending on advice from community members and industry representatives.

City Manager Charlie McClendon updated the council on the creation of a new task force, which is comprised of City residents and representatives from the vacation rental industry. The group met for the first time Oct. 19 and in the coming months will discuss how best to inform people about the new vacation rental ordinance and if there should be stricter enforcement protocols.

McClendon estimated the task force would have recommendations for council in January or February and recommended the council not make any other permanent changes to the ordinance until then.

A copy of the revised ordinance can be downloaded and viewed by [Clicking Here](#) or by cutting and pasting this link into your browser.

<http://www.cathedralcity.gov/Modules/ShowDocument.aspx?documentid=6109>

Proposed Governing Documents Update

HOA Board

In early 2017 Montage homeowners will be asked to vote on proposed changes to the Associations Bylaws and Conditions. The results of the vote will be announced at the 2017 Annual Homeowners Meeting. The Board is again recommending that you vote for approval of the updated documents.

These documents were presented for homeowners to consider in the 2016 election. The documents failed to get the required 67% yes votes needed for approval. Montage has 128 homes. It is necessary to secure votes from 86 of 128 homes (67%) for adoption of the new Bylaws and CC&R's.

Last year the proposal received 70 yes votes and 12 no votes for a total of 82 votes. Forty-six (46) homeowners DID NOT VOTE. The Board again stresses the importance of the approval of this proposed update. The Board has spent over \$10,000 of your money on lawyer fees to date in the development of these updates. Your money will continue to be expended until the documents are approved.

In very general terms the updated documents:

- Remove language protecting the developer.
- Upgrade the non-discrimination statement to the current standard language.
- Reduce some of the quorum requirements for the Annual Member Meeting.
- Delete, modify and add covenants and restrictions to be relevant in today society.
- Make changes necessary to be in compliance with current State law.
- Establish 30 day minimums for vacation lease/rentals.

Ballots for the annual election will be mailed to all homeowners in February. The current 2002 Governing documents and the proposed 2017 Update to the Governing documents will be mailed to homeowner's address of record on file with PPM along with the ballots. Please make sure your address of record is correct for the location you wish to receive your ballot mailing during February.

A summary of the changes is attached to this Newsletter. Please review this information and be sure to review the proposed CC&R's before your vote and review this summary for future reference. We will also be holding a town hall meeting to discuss and answer any questions the community may have. Stay tuned for that date and time.

The complete current 2002 documents and the proposed 2017 governing documents are available on the Montage website. Visit www.Montageatmissionhills.org

NEXT BOARD MEETING

The next Board meeting will be Thursday, November 10th at 9:30 AM at the offices of Personalized Property Management, 69850 Adelina Road, Cathedral City.

Several important items will be discussed at the next Board meeting, among them will be:

- Replacing one date palm at the corner of Gerald Ford and Da Vall – The perimeter date palms were mature when they were installed by the developer 14 years ago. They are now beginning to die. It is proposed to replace the 50-foot date palm with a 25-30 foot Mexican palm. In 2011 five date palms were replaced with similar tree all at the ends of the development on Gerald Ford and on Da Vall. Those were much less noticeable than this latest one will be.
- The proposed 2017 budget will be presented by the Finance Committee for approval.
- The 2017 Reserve Study update developed by Association Studies, a professional Reserve Study Analyst firm will be presented for approval

Meeting notices and agendas are posted on the community message board on the wall at the DaVinci/Van Gogh corner or the web site at least four days before the meeting.

HOMEOWNERS ASSOCIATION CONTACT INFORMATION

Community Management

Shelly Ruegsegger, Community Manager - sruegsegger@ppmineternet.com 760.325.9500

Jasmine Meza, Assistant Community Manager - jmeza@ppmineternet.com 760.325.9500

Association Board Members

Michelle Madison, President - michelleymadison@gmail.com

Alan Horwitz, Vice President - ahorw58518@aol.com

Nicke Nickerson Secretary - nnickerson@naiconsulting.com

Tom Tousignant, Treasurer - td2znot@aol.com

Mary Weiler, Director - mpweiler@yahoo.com

Association Committees

A & L Committee – Al Mazzarella, Chair al.mazz55@yahoo.com 760.328.5666

Emergency Preparedness/Neighborhood Watch – Mike Gialdini, Chair MikeGialdini@gmail.com.
760.413.0100

Welcome Committee – JoAnn Horwitz, Chair - JoAnnWLV@aol.com 760.992.5199

Web Masters - Scott Reese scott.o.reese@gmail.com 760-992-5255

Website – www.MontageatMissionHills.org

CATHEDRAL CITY COMMUNITY SERVICES CALENDAR

City of Cathedral City - Recycling, Trash & Energy page www.cathedralcity.gov

To have a Guide and Calendar mailed to your home please contact Deanna Pressgrove with the City of Cathedral City at 760.770.0369 or email dpressgrove@cathedralcity.gov

CATHEDRAL CITY CONTACT INFORMATION (also on Nextdoor.Montage)

Cathedral City Emergency 911

Cathedral City Police 760.770.0300

Police Emergency Only 760.202.2411

Fire 760.770.8200

Update of Governing Documents for Montage at Mission Hill, Inc. Homeowners Association

The developer of Montage at Mission Hills, Inc., the Ford-Da Vall Group LLC, wrote the current governing documents in May 24, 2001 and recorded them on March 18, 2002. They were written with the intent to protect the developer from any eventuality that may occur during the development and sale of all homes. As this has long been completed much of the language contained is no longer applicable.

It is proposed to update the CC&Rs and Bylaws to:

- Remove language protecting the developer.
- Upgrade the non-discrimination statement to the current standard language.
- Reduce some of the quorum requirements for the Annual Member Meeting.
- Delete, modify and add covenants and restrictions to be relevant in today society.
- Make changes necessary to be in compliance with current State law.
- Establish 30 day minimums for vacation lease/rentals.

The homeowners must cast a vote of 67% of the community in order to obtain approval of the changes proposed. The basic changes to the conditions and restrictions were proposed by the Rules Committee during 2014. The Montage at Mission Hills Homeowners Association attorney, Fiore, Racobs and Powers, made suggested changes to the legal language in late 2014 and early 2015. The Board approved the final draft documents in November 2015.

To date over \$9,500 has been expended on attorney fees in the development of the updated documents.

Association Board Bylaw Change Summary

The current Bylaws are 12 pages; the proposed revision is 22 pages. The changes recommended and approved by the Board are as follows:

- **MEMBERSHIP VOTING** section
 - Change in the quorum requirements for a Member meeting from 50% to 25%
 - And for a rescheduled Member meeting from 25% to 10%
 - Eliminates cumulative voting.
 - **BOARD OF DIRECTORS** section
 - Begin elections of 2 Directors in even number years and 3 Directors in odd number years
 - Adds qualifications for Directors
 - Member in good standing for at least 1 year
 - Not related by blood or marriage to any other Director
 - **Combines MISCELLANEOUS and AMENDMENTS** section
 - Changes amendment of Bylaws voting requirement to 50% of Members that attend a Member Meeting
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- Eliminates requirement to obtain approval of 50% of the First Mortgage holders
 - All other changes and additions were made by our attorney to:
 - Remove language protecting the developer
 - Delete, modify and add language currently recommended
 - Changes necessary

Association Covenants, Conditions and Restrictions (CC&R's) Change Summary

The current CC&Rs are 70 pages, plus the 10 page Exhibit "B", the Agreement with Mission Hills Country Club for Social Membership of Montage at Mission Hills members. The proposed CC&Rs are 39 pages. The 10-page Exhibit "A", the Agreement with Mission Hills Country Club remains unchanged.

The changes recommended and approved by the Board are as follows:

The preamble that prefaces the CC&Rs is changed to reflect current laws on discrimination.

Current Section 2.03 Delegation of Use states:

"An Owner may delegate his/her rights of use and enjoyment of any Common Area facilities to members of his/her immediate family, and guests and invitees. If an Owner has rented or leased his/her Lot, such rights shall be automatically delegated to the tenants or lessees for the duration of their tenancy, and Owner shall forfeit any rights to use and enjoy any such facilities for the duration of such tenancy. With respect to an installment land sales contract, the seller under the contract shall be deemed to have delegated his/her rights to use and enjoy any such facilities to the purchaser under the contract."

And current Section 3.14 Leasing states:

"An Owner may rent a Lot for residential purposes provided:

- (a) There is a written agreement
- (b) The Lease states it is subject to all the provisions of the Governing Documents;
- (c) Owners must give the Board the names and telephone numbers of all Occupants and tenants; and
- (d) The Association and each Owner shall have a right of action directly against any tenant/Occupant for any breach of any provision of the Governing Documents."

The proposed Section 2.3 Delegation of Use states:

"The Owners acknowledge and agree that Montage at Mission Hills is a private, gated community and that the Owners have a vested interest in assuring, to the extent possible, that access to the community is limited to Owners and to those persons authorized and identified by an Owner as having the right to enter the Development in the Owner's absence. Consequently, Owners' rights to lease their Lots, and to provide regular access to other persons, including invitees, guests and family members, are subject to the requirements of this Section 2.3. The provisions of this Section 2.3 are included to protect and promote the Owners' interest in privacy and limited access to the Property, as described in Recital E of this Declaration.

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- (a) Leasing of Residences. Any Owner may delegate the Owner's rights to use

and enjoy the Common Area, in the absence of the Owner, to members of the Owner's family or guests or to the Owner's tenants, lessees or contract purchasers who reside in the Owner's Residence, provided that any rental or lease may only be for Residential Use and for a term not less than 30 days. No Owner may lease his Residence for transient or hotel purposes, defined as any lease for a term less than 30 days. Further subletting by an Owner's lessee shall be prohibited.

(i) Any rental or lease of a Lot shall apply to not less than the entire Lot, including its appurtenant rights (except voting rights in the Association that may not be transferred to a tenant or lessee). Any rental or lease of a Lot shall be subject to the provisions of the Governing Documents, all of which shall be deemed incorporated by reference in the lease or rental agreement. Each Owner shall be responsible for compliance by the Owner's tenant or lessee with all of the provisions of the Governing Documents during the tenant's/lessee's occupancy and use of the Lot. The lease or rental agreement shall provide that any failure of the tenant to comply with the terms of any Governing Document shall constitute a default and material breach of the lease or rental agreement and shall entitle the Owner to terminate the tenancy. The Owner/lessor's right to terminate a lease or rental agreement on account of the tenant's violation of the Governing Documents shall in no way restrict the right of the Association or any Owner to enforce the Governing Documents in accordance with Article XIII if the Owner's tenant violates the Governing Documents.

(ii) Not less than five (5) days before the commencement of a rental or lease of a Lot, the Owner shall report the tenancy to the Association and provide the Association with a copy of the lease or rental agreement and with such other identifying information as may be required under the Rules and Regulations adopted from time to time.

(iii) Prior to commencement of a rental or lease of a Lot, the Owner shall provide the tenant with a copy of the current Rules and Regulations of the Association and the Association with a signed statement that this has been completed.

(b) Access by Owners' Invitees, Guests and Family Members. Owners shall provide the following information to the Association concerning individuals (other than renters) to whom the Owners provide access codes or access devices that allow for regular or unlimited access to the Property in the Owner's absence:

- (i) The names and addresses of the individuals;
- (ii) The specific access code or access device number provided to the individuals.
- (iii) Such other information as may be required by the Rules.

Current Section 3.02 Business or Commercial Activity states:

“Subject to Declarant’s rights herein, occupations and businesses that do not interfere with the residential nature or character of the Property or quiet enjoyment by other Owners may be carried on within a Lot, provided that all applicable laws, ordinances, zoning regulations and rules are satisfied and that there is no external evidence of any such occupation, such as an unreasonable increase in visitors, or on increase in the sound or smell emanating from the Lot affecting other residents.”

Proposed Section 6.6 states:

“Business Activities. No business or commercial activities of any kind whatsoever shall be conducted in any Residence or on any portion of any Lot, provided that the foregoing restriction shall not apply to the activities of the Association in the discharge of its responsibilities under the Governing Documents. Furthermore, no restrictions contained in this Section 6.6 shall be construed in such a manner so as to prohibit any Owner from (a) maintaining his or her personal library in his or her Residence, (b) keeping his or her personal business records or accounts in his or Residence; (c) handling his or her personal or professional telephone calls or correspondence from the Residence, (d) leasing or renting his or her Residence in accordance with Section 2.3, or (e) conducting any other activities on the Owner's Lot otherwise compatible with residential use and the provisions of this Declaration which are permitted under applicable zoning laws or regulations without the necessity of first obtaining a special use permit or specific governmental authorization. The uses described in (a) through (e), above, are expressly declared to be customarily incidental to the principal residential use of the Lot and not in violation of this Section 6.6.”

Current Section 3.08 Nuisances states:

- (a) Illegal, offensive, or obnoxious actions that interfere with an Occupants quiet enjoyment, or may impair the structural integrity of any building, are not permitted on the Property.
- (b) Construction work on the property may only be done during hours determined by the Architectural Committee.

Proposed Section 6.3 Prohibition of Noxious Activities states:

“No illegal, noxious or offensive activities shall be carried out or conducted upon any Lot or Common Area nor shall anything be done within the Property which is or could become an unreasonable annoyance or nuisance to neighboring property Owners. Without limiting the foregoing, no Owner shall permit noise, including but not limited to barking dogs, the operation of excessively noisy air conditioners, stereo amplifier systems, television systems, motor vehicles or power tools, to emanate from an Owner's Lot or from activities within the Common Area, which would unreasonably disturb any other Owner's or tenant's enjoyment of his or her Lot or the Common Area.”

Current Section 3.15 California Vehicle Code and Parking Restrictions contains:

- a) All applicable provisions of the California Vehicle Code will be enforced on any private streets on the Property in accordance with California Vehicle Code Section 22658.2 (or any successor statute regarding removal of parked cars and required warning signs).
- b) The Association (through the Board) may establish parking Rules and Regulations.
- c) The Association has the right and obligation to enforce all parking restrictions and to remove any violating vehicles in accordance with the California Vehicle Code, or other applicable laws.
- d) The relevant City or County has the right (but not the duty) to enforce parking restrictions in accordance with the California Vehicle Code and all other applicable laws.
- e) Parking is permitted in driveways, as long as it does not obstruct free traffic flow, constitute a nuisance, violate the Rules and Regulations, or otherwise create a safety hazard.
- f) Only passenger motor vehicles may be parked in the parking areas.
- g) The following vehicles and actions are not permitted unless parked wholly within garage with the doors closed or within the backyard. so as not to be visible from neighboring Property:
 - (1) Buses, trailers, campers, boats, mobile homes, recreational vehicles and the like, inoperable vehicles, or any vehicle the Association deems a nuisance.
 - (2) Restoring or repairing vehicles on the Property, or any repair activity the Association deems a nuisance.
- h) The Association may establish "Parking" and "No Parking" areas within the Common Area(s), in accordance with California Vehicle Code Section 22658.2 (or successor statute).
- i) Garage doors, if any, may not be left open, except as temporarily necessary or while used for entering or exiting."

Proposed Section 6.12 revises these passages to:

"6.12. Parking Restrictions. All streets within the Property are private and are subject to all applicable laws, ordinances and regulations of all governmental agencies having jurisdiction over the Property. Except in such areas as designated by the Board, no Owner of a Lot in the Property shall park, store or keep any vehicle except wholly within his garage or driveway. No Owner shall park, store or keep any large commercial type vehicle, any recreational vehicle (including, but not limited to, any camper, motor home, trailer, boat trailer, mobile home or other reasonably similar vehicle, boat or aircraft) or any vehicle other than a private passenger vehicle on his Lot or on any portion of the Association Property except temporarily as may be allowed by the Rules or special permission from the Board.

"No Owner shall conduct major repairs or major restorations of any motor vehicle of any kind whatsoever upon the Association Property, except that an Owner may work on motor vehicles in his or her garage with the garage door closed, and except for emergency repairs thereto and then only to the extent necessary to enable movement thereof to a proper repair facility.

"No inoperable vehicle shall be stored anywhere on the Property in such a manner as to be visible to neighboring property outside of the Property or any of the Lots. In any event, all vehicles shall be parked in compliance with applicable City ordinances"

Should request FRP to add back in paragraphs:

3.15 (i) Garage doors may not be left open, except as temporarily necessary or while used for entering or exiting.

3.06 (d) Driveways must be kept clean and free from oil stains.

Current Section 5.04 Right of Entry states:

- “(a) The Board has the right to authorize entry onto any Lot to determine compliance with the Governing Documents and to perform its duties.
- (b) In case of emergency, or by Court order, a Lot may be entered immediately. Otherwise; a Lot may only be entered at reasonable hours after the Owner has received three (3) days notice, and if the entry will not result in a breach of the peace.
- (c) Entry must be made with as little inconvenience as possible to the Occupant.”

The proposed Section 3.5 Powers and Authority of the Association:

“(b) Association's Limited Right of Entry. The Association, and/or its agents shall have the right, when necessary, to enter any Lot to perform the Association's obligations under this Declaration, including (i) obligations to enforce the architectural and land use restrictions contained in this Declaration; (ii) any obligations with respect to construction, maintenance and repair of adjacent Common Area; or (iii) to make necessary repairs that an Owner has failed to perform which, if left undone, will pose a threat to, or cause an unreasonable interference with, Association property or the Owners in common.

“The Association's rights of entry under this subparagraph 3.5(b) shall be immediate in case of an emergency originating in or threatening the Lot where entry is required, or any adjoining Lots or Common Area, and the Association's work may be performed under such circumstances whether or not the Owner or his or her tenant is present. In all nonemergency situations, the Association or its agents shall furnish the Owner or his or her tenant with at least 24 hours' written notice of its intent to enter the Lot, specifying the purpose and scheduled time of such entry and shall make every reasonable effort to perform its work and schedule its entry in a manner that respects the privacy of the persons residing within the Residence located on the Lot.

New Sections add to the proposed CC&Rs:

“6.10. Burning. There shall be no exterior fires whatsoever except barbecue fires or in fire pits located upon the Owner's Lot and contained within receptacles designed for such purposes. No Owner or resident shall permit any condition to exist on his or her Lot, including, without limitation, trash piles or weeds, which creates a fire hazard or is in violation of local fire regulations.

“6.11. Diseases and Pests. No Owner shall permit any thing or condition to exist on his or her Lot, which shall induce, breed, or harbor infectious plant diseases, rodents or noxious insects.

“6.14. Drones. Subject Board shall be authorized to adopt rules and regulations governing

the use of drones in the Property, including rules prohibiting the use of drones in the Property, subject to any superseding federal, state or local laws or ordinance.

“6.15. Solar Energy Systems. The Board is empowered to adopt guidelines for the installation of solar energy systems, subject to Civil Code Section 714. The guidelines may include provisions that encourage owners to place panels and collectors in locations where they are not visible from the Common Area, and require that accessory conduits and equipment be painted to match exterior adjacent walls.”

Current Section 7.04 Architectural Committee contains:

- “(d) Architectural Committee Members appointed by the Board must be Owners.
- (h) The number of Architectural Committee Members shall be three (3) to five (5), as determined by the Board.”

The proposed update Section 5.2 Committee Membership states:

“The Architectural and Landscape Committee shall be composed of Members of the Association appointed by the Board. Committee members shall serve subject to the Board's power to remove any Committee member and to appoint his or her successor. Neither the members of the Committee nor its designated representatives shall be entitled to any compensation for the services performed. In the event the Board does not appoint an Architectural Review Committee, the Board shall serve as the Committee.”

Current Section 7.05 Certain Procedures for the Architectural Committee.

- “(b) If the Architectural Committee (or representative) fails to rule on a proposal within thirty (30) days after complete plans and specifications have been submitted as outlined below, the plans will be considered automatically approved.”

The proposed Section 5.7 Time Limits for Approval or Rejection states:

“Within 45 days after the Committee's receipt of plans and specifications satisfying the requirements of this ARTICLE V, the Committee shall transmit to the applicant/Owner written notice of either approval or disapproval. If the Architectural Review Committee disapproves the Owner's plans and specifications, the Committee shall do so in a written decision that shall include an explanation of the reasons for the disapproval, and the procedure for reconsideration of the decision to the Association's Board of Directors. On request from an Owner who submits plans and specifications to the Committee, the Association shall provide the Owner with written evidence of the Association's receipt of such plans and specifications. An Owner's inability to produce written evidence from the Association that it received plans and specifications shall be prima facie evidence that the Association did not receive such plans and specifications.”

Current Section 7.11 Appeal.

“(b) Unless the composition of the Membership of the Committee is identical to the Board, the Board must review and decide upon the proposal within forty-five (45) days after the decision by the Committee.”

Proposed Section 5.8 Reconsideration of Disapproval by Board of Directors states:

”An Owner whose plans and specifications have been disapproved by the Architectural Review Committee may submit a written request for reconsideration of the Committee's decision to the Board. Such request for reconsideration must be submitted to the Board within 30 days of the date of the Committee's written disapproval. The Board shall act on the request for reconsideration within 45 days of receipt of the Owner's request. If the Board does not act on the request for reconsideration within such 45-day period, the Board will be deemed to have decided in favor of the applicant. Provided, however, the applicant shall not have a right to reconsideration if the initial determination to disapprove the application was made by the Board of Directors or by a Committee with the same composition as the Board of Directors, at a meeting open to the Members.”