

Montevelle of Scotts Valley, Inc.

RULES AND REGULATIONS

UPDATED OCTOBER 25, 2018 PER CIVIL CODE

Attested to by *Arlene Steele*

Date: 10/25/2018

Secretary, Board of Directors
Montevelle of Scotts Valley, Inc.

MONTEVALLE OF SCOTTS VALLEY, INC.
RULES AND REGULATIONS

I. GENERAL

- A.** The City of Scotts Valley ordinance supersedes Montevelle Covenants, Conditions and Restrictions, the Bylaws, the Rules and Regulations and other adopted rules.
- B.** Montevelle of Scotts Valley, Inc. abides by the California State Codes and Federal law.
- C.** The proper deed language to be used exclusively for the transfer of property rights by the Corporation is, "Montevelle of Scotts Valley, Inc., a California Corporation, which acquired title as Montevelle of Santa Cruz, Inc., a California Corporation."
- D.** Rules and Regulations may be created or changed by a vote of the Board of Directors. The Montevelle Bylaws, as well as Covenants, Conditions and Restrictions take precedence over these Rules and Regulations. Changes to the Bylaws and the Covenants, Conditions and Restrictions require a vote of the Owners.
- E.** To preserve our 55/45 "Senior Park" status, the Office Manager shall maintain a record of the age of all Owners and Residents. Upon request it shall be available to the Board of Directors and/or Federal or State regulators.
- F.** There is no additional monthly assessment for extra family members living in a Home since the Lot and Home are privately owned. CC&R 6.6
- G.** Violation of any rule of the Bylaws, the Covenants, Conditions and Restrictions or the Rules and Regulations may be subject to fines in accordance with the "Montevelle Complaint and Rule Enforcement Procedure." Copies of this document can be found in the Homeowner's Handbook and are also available in the Montevelle office.

II BOARD MEETINGS Bylaws 3.4

- A.** Procedure for transfer of Board responsibilities to new Board of Directors:
 - 1.** Outgoing President calls organizational meeting within fourteen days after election results are final. (*Attendees are the outgoing President, continuing Board Members, and newly-elected Board Members.*)
 - 2.** Outgoing President chairs meeting, reviews Board responsibilities, reminds new Members of the importance of becoming familiar with the Davis-Stirling Act (<https://www.davis-stirling.com/>), distributes any relevant paperwork to newly-elected Board Members, and calls for election of officers by the new Board.

3. After the new President is elected, the outgoing President turns the meeting over to the newly-elected President and, unless he or she is a continuing Board member, withdraws from the meeting.
 4. The new Vice President, Secretary, and Treasurer are then selected by vote of the new Board Members.
 5. The new President emphasizes the importance of incoming Officers contacting their outgoing counterparts for briefing and exchange of paperwork before the December meeting.
- B. The Office Manager or a member of the Board posts an agenda on the Mill Bulletin Board for each regular Board meeting no less than four (4) days in advance of the meeting. No other business will be acted upon at the meeting except cases involving time expediency or emergencies. Bylaws 8.1
 - C. For the Secretary to be able to participate at the Board meetings, the minutes may be taped and transcribed or taken by a paid scribe.
 - D. The Secretary shall include in the minutes the number of people in attendance at all Board of Directors meetings.
 - E. Monthly Committee reports are due seven (7) days prior to the Board of Directors meeting.
 - F. The Board of Directors may appoint Ad Hoc Committees to work on a single issue. The duty of an Ad Hoc Committee is to make recommendations to the Board of Directors and to carry out directives from the Board of Directors. When its work is finished the committee is thanked and dismissed.
 - G. Executive Sessions of the Board of Directors are meetings held so that the Board may discuss, in private, any of the following considerations: potential or pending litigation matters, personnel issues, formation of contracts, disciplinary hearings of Owners, or requests by Owners for consideration in the payment of their assessments. These meetings do not require prior notification to anyone except the members of the Board, but the Agenda for the Executive Session must be posted four (4) calendar days prior to the meeting. Minutes shall be recorded and filed confidentially in the office, though any item discussed must be generally reported in the minutes of the immediately following Board meeting that is open to the entire membership. Bylaws 8.7

III. CONTRACTS AND BIDS

- A. A minimum of three (3) bids shall be sought for any contract work that is estimated to cost more than \$2,500.00 (two thousand five hundred dollars). The Montevelle Office, Park Services Foreman, or the committee most involved with the project obtains the bids and makes its recommendations to the Board of Directors for the final decision. If less than (3) bids are obtained, an acceptable explanation must accompany the recommendation to the

Board. (Per Bylaws: Board of Directors cannot contract for more than one year, Article 7.2 k.)

- B. Montevelle policy is that whenever possible, we shall request bids and/or do business with firms licensed in the City of Scotts Valley.
- C. When reviewing bids to choose the best, the Board of Directors should compare the services described in each of them as well as the proposed price of the bid.

IV. EMPLOYEES

- A. Office staff, contractors, and employees are always to be treated as professionals and given respect. Conversations with employees should be kept at a minimum to conserve the employees' work time, as well as the Park budget.
- B. Residents should allow the Committee liaison, Committee Chairperson or the Board of Directors to handle performance appraisal of employees.
- C. When a Board member is notified of the intention of an employee to resign, either in person or in writing, the Personnel Committee should be notified immediately so that a termination interview can be completed as quickly and smoothly as possible.

V. COMMITTEES

- A. When committee action or change is needed, the committee involved should study the proposition, and if a vote of the Board of Directors is necessary, make a recommendation to them. The Board should not initiate action on committee matters until after the committee involved has been consulted.
- B. Residents who have inquiries about Park business should make them to the Committee Chairperson or the Board Liaison to that committee rather than directly to the President. No Committee member or Board member should be called at night except when the subject needs immediate attention.
- C. When a Committee Chairperson notifies a Board member of his or her resignation, the Board President or the Committee Liaison must notify all members of the Committee to be sure they are aware of the resignation. A new Chairperson is appointed immediately.
- D. The Election Rules document, as approved by the Board of Directors, will be followed by Members and the Election Committee for all elections held in Montevelle. This document is issued and maintained separately from, and has the same authority as, these Rules & Regulations.
- E. The Architectural Committee shall maintain a set of guidelines, approved by the Board, which will govern exterior changes to all Montevelle privately, owned properties. This document shall be maintained separately from these Rules & Regulations and included with Montevelle's governing documents. See CC&R Article 10.

VI. HOME BUSINESS

Any business conducted in a home residence must follow the ordinance of the City of Scotts Valley with the following exception: No business signs may be displayed on the home or lot or on Park property. (Ref.: City of Scotts Valley Home Occupation Ordinance 1198.18 of the Municipal Code and CC&R 6.4).

VII. TREE TRIMMING FOR NEW UNITS

- A.** Removal of tree limbs or other pruning necessary to facilitate transport of any new or replacement unit through Montevelle requires advance notification and/or approval as follows: CC&R 10.22
 - 1. Private property trees** - Board of Directors must approve in advance and affected property Owner must be notified in advance.
 - 2. Common Area trees** - Montevelle Park Services Foreman must approve in advance
- B.** Any pruning by the new unit contractor or transporter, which results in loss of structural or visual symmetry, cuts that are unlikely to heal properly, and/or other damage to the tree, shall be corrected at the expense of the owner of the new or replacement unit. Any pruning must be conducted by a tree service licensed for business in the City of Scotts Valley.

VIII. TREE PLANTING AND REMOVAL

- A.** For tree removal from a Common Area the procedure is as follows:
 - 1.** The Park Services Foreman determines the need for removing a tree from a Common Area and obtains several bids if the estimated cost of the work is more than \$2,500.00 (two thousand five hundred dollars).
 - 2.** The Park Foreman posts information concerning the tree removal on the Park bulletin board and requests that the Board place the item on the agenda of the next regularly scheduled Board meeting. At the Board meeting the tree removal proposal is reviewed for approval.
 - 3.** The Board discusses the tree removal and votes. If bids are involved and the removal is approved, the Board also votes to accept the best bid.
 - 4.** If a City of Scotts Valley Tree Removal Permit is required, the Park Foreman files an application for it. Once a date is set for tree removal in a Common Area, the neighboring homes close to the tree removal shall be notified by Park Services as directed by the Foreman.
 - 5.** Wood from trees that are cut in any Common Area may be sold to the highest bidder to help offset the cost of removal. The Park Services Foreman works with the Office Manager to facilitate the bidding process.

B. For tree removal and tree trimming from private property, the procedure is as follows:

- 1.** The Lot Owner notifies the Park Services Foreman of his/her intent to remove a tree, using the appropriate Montevelle form which is available from the office. The owner should notify at least the 5 nearest neighbors of the intended removal and note such on the form before submittal to Park Services. Note that this form will have attached to it a City of Scotts Valley list identifying trees that require a tree removal permit.
- 2.** If the tree removal does not require a City of Scotts Valley tree removal permit and it has been determined that the tree is on the requesting owner's property, the Foreman will return to the Owner a signed copy of the Montevelle form and post a copy on the Montevelle Bulletin Board. Before tree removal is started, the form signed by Park Services Foreman must have been posted for at least 5 days to allow other residents to discuss the removal with the owner.
- 3.** If the tree removal requires a City of Scotts Valley tree removal permit, the Owner's Montevelle form will be submitted by the Park Services Foreman to the Board of Directors for review and consideration for approval at the next regularly scheduled Board meeting.

If Board approval is given the Owner may apply to the City of Scotts Valley for a tree removal permit.

The Owner shall advise the Park Services Foreman of the date scheduled for removal.

- C.** If immediate tree removal is required for safety reasons, the Board may be polled for a decision and Residents notified immediately of the Board's action by a notice on the bulletin board as well as emails for those who have requested email notification for all community-related issues/information. Ratification will occur at the next Board meeting.
- D.** As part of its permit procedure, the City of Scotts Valley notifies the five nearest neighbors of the proposed tree removal. The procedure also allows Residents to appeal, subject to a filing fee, the City's approval of the proposed tree removal.
- E.** When an existing tree needs to be trimmed the owner must contact the Park Service Foreman.
- F.** Replacement trees may be required for any tree removed in Montevelle. You must contact Park Service Foreman for approval prior to planting.

IX. SELLING A HOME

- A.** When a resident is selling a home, he/she needs to follow the steps noted below.
 - 1.** Owners need to report to the Montevelle Office of the intent to sell and receive instructions for selling of property.
 - 2.** Seller needs to bring Homeowner's handbook to Montevelle Office and exchange for an updated book. The Montevelle Homeowners' Handbook must be made available to prospective buyers to review before the Board interview and give it to the buyers upon transfer of property ownership.
 - 3.** Remind the Realtor that the prospective Buyer must be interviewed by a Board member(s) (current or past) as soon as the sale seems certain, Escrow will not close without buyer's interview.

XI. MILL BULLETIN BOARD AND LIBRARY

- A.** The Mill and Lodge libraries are on an honor system - borrow and return. Donations of books or good magazines are placed on the Mill library table for the resident volunteer librarian to shelve.
- B.** The Mill Bulletin Board is sectioned according to subject matter. A volunteer removes items weekly, but you are welcome to remove your own postings. All items placed on the board are to be signed and dated.
- C.** Business cards placed on the Bulletin Board are to be dated and signed by a resident who has used the service.

XII. RESIDENTS' RESPONSIBILITIES

- A.** Our monthly assessments are due on the 1st of each month and are overdue on the 15th. Any month that a Lot Owner's monthly assessment is received by the Montevelle office later than the 20th of the month, a one-time late charge of 10% of the monthly assessment shall be added to his or her account. The late charge must be paid within one month. CC&R 14.2
- B.** The monthly assessment fee is to be placed in the brightly-colored envelope provided by the Montevelle Office and dropped unsealed at the Office each month. Do not submit loose checks or checks in odd-sized or sealed envelopes. The same envelope will be placed in the residents' boxes a week before the next month's assessment is due.
- C.** Door-to-door solicitations are not permitted in Montevelle. Solicitors should be reported to the police and to a Board member or the Office.
- C.** Estate or garage sales shall be confined to indoors, decks, garages or carports and are limited to two consecutive days no more than twice a year. Residents must contact the office to receive detailed instructions prior to

posting any signs or advertising a date for their sale. No items are to be sold that were purchased or acquired with the intent to resell. Sales must not cause any traffic or parking problems. Selling areas shall be left in order at the end of each day.

- D. To maintain high standards of appearance and safety within the park: home exteriors, yards, and all structures on property, including carports and driveways, are to be well maintained and neat. Unsightly items are to be kept out of sight.
- E. Owners shall keep streets and walks along their property in a safe and tidy condition especially during and upon completion of work involving accumulation of debris, building materials, etc. Yard waste may not be blown or swept into the street except on the day before the street sweeper is scheduled. All vehicles must be removed from roadway on street sweep days.
- F. Before the yearly fire season, dry growth is to be removed from around homes, carports, etc.
- G. After 10:00 PM is "quiet time". Sounds are to be kept to a minimum while walking, driving, and entering or leaving cars.
- H. Directly following parties, all directional signs, balloons or decorations that have been placed in the Park or nearby streets, shall be removed.
- I. Messages may be left in the Office door mail slot for the President, and notes about maintenance may be left clipped to the Park Service Foreman Workroom door.
- J. Each September, residents may submit to the Nominating Committee names of Owners they would like considered as nominees for the Board of Directors.
- L. Sewer maintenance and repair
 - 1. Maintenance and repair of sewer laterals or lines outside of the utility easement will be at the expense of the owner of the lot where the sewer lateral or line originates; due to the lining of Montevelle sewers, if a plumbing issue occurs and the lines need to be snaked, owners are responsible to contract Montevelle Park Service Foremen prior to any snaking of line. If Park Services is not available, you will be required to have the lined videoed or Montevelle will not be responsible for any charges that may accrue due to damage of Montevelle sewers.
 - 2. Maintenance and repair of sewer mains and portions of sewer laterals or lines within the utility easement will be at Montevelle expense.
- M. Letters to the Board of Directors: Residents should first voice their concern or opinion to the relevant Standing Committee Chair. If that is unsuccessful or not relevant, then residents should submit signed letters to the Montevelle

office. The signed letter to the Board of Directors will be copied and distributed to the Board of Directors. The President will determine if the letter contains material that should only be discussed in executive session or if the letter should be passed on to a committee chair or office manager for a response. If you have a suggestion or comment, fill out a suggestion card and place it in the suggestion box located in the Mill hallway and the Board will review.

- N. **Digging:** Owners are advised to consult with the Park Services Foreman and Underground Service Alert (USA) at 1.800.642.2444, or on line at www.USAnorth.org, prior to any digging. Failure to do so could result in personal injury or damage to utilities, at the owner's liability. Properties may have gas, electric, cable, telephone, water or other facilities that are buried under their property.

XIII. PARKING AND SAFETY

- A. Overnight parking on all streets is prohibited except as outlined in the CC&R for Recreational Vehicles. (See **CC&R Article 9, 9.2 Restricted Parking**, for other parking regulations.)
- B. Penalties and fines for speeding, reckless driving, or other safety offenses shall be dealt with in accordance with **Section I.I.** herein that specifies warnings before a possible fine. For serious violations, the standard procedure may be bypassed, and the police notified immediately.
- C. Parking is allowed on one side of the street only. The first vehicle to park may choose either side and all other vehicles must park on that side. Temporary attended loading and unloading is allowed on either side of the street.
- D. A permit to authorize extended parking is required if a vehicle is to be parked longer than 3 consecutive days anywhere on common property.
 - 1. Extended parking is permitted only in lined spaces at the Mill, Lodge (front) or swimming pools.
 - 2. After considering safety and accessibility concerns, the Safety Committee will approve and disapprove the request for extended parking in a specific location for a specific period.
 - 3. Extended parking will not be authorized for parking spaces behind the Lodge as these are reserved for those renting bedrooms.
 - 4. Extended parking privileges require that the owner move the vehicle to another location when Montevelle clubs have scheduled events or during open hours at either pool.
 - 5. Parking permits are available with approval from the Safety & Emergency Preparedness Committee and must be visible through the front windshield.
- E. No parking is allowed in a red zone. If there is a definite safety concern, the Safety Committee will assign certain places as No Parking.

- F. Posted speed limits and all other traffic signs are to be observed. Guests and workmen should be reminded of our one-way streets and other parking regulations.
- G. Residents should consider making off-street parking places available for guests or workers by parking their own cars elsewhere.
- H. During parties, neighbors often agree to share their driveways and parking areas.
- I. The access road at the south entrance is owned by a private corporation and is for their use. Follow the posted signs.
- J. Electric motorcycles are allowed in the Park, Gas powered is not permitted.

XIV. MAIL

- A. It is a privilege that the Scotts Valley Post Office allows the Residents to place unstamped notices relating to Montevelle business and/or events, as well as personal notes to other residents, in our mailboxes. Any other unstamped items, such as political campaign or advertising material, may be placed on the counter outside the mailroom, or stamped and sent through the US Mail. Removal of mail shall be done only by the box holder or with his or her consent. If each of us is careful about following these policies, we should be able to keep our mailbox privileges.
- B. Residents planning a vacation should arrange for a neighbor or friend to pick up their mail or have the Post Office put a hold on it. Residents should not ask the Office Manager to collect their mail or have anyone put it in the parcel boxes in the mail room.

XV. PETS

- A. Pets shall not be allowed to wander free. Penalties and fines charged to Owners of wandering pets shall be dealt with in accordance with **Section I.** Herein that specifies warnings before a possible fine. After warnings an animal may be taken to the Santa Cruz County Animal Shelter. The pet owner is responsible for any fees for the return of the animal.
- B. Private pet yards are to be kept clean and odorless.
- C. When walking pets, a leash must be used as well as a "pooper scooper or dog waste bag. Dog waste stations are located in common areas around park.
- D. Pets should be kept quiet, especially after 10:00 P.M.

XVI. USE OF MONTEVALLE FACILITIES

A. Common Areas.

1. Owners are responsible for the actions of their guests, pets, Property Caretakers, Health Caregivers, and for repair or replacement, if necessary, of property damaged by such persons or pets.
2. Riding horses, roller skating, and skateboarding are prohibited in the Park.
3. Paths and roads should be used for walking, rather than walking on lawns or garden areas.
4. Non-residents of all ages who use any Montevelle recreational facility must have a valid Proximity card (key card) or be accompanied by their Resident host.
5. Littering is prohibited.
6. Children under eighteen (18) years of age must always be accompanied by a responsible adult while in the Common Area. Responsible Adult is defined as an Owner, Resident, or a guest who is over age 18.
7. When residents see unsupervised youngsters in the Park, they should politely tell them this is not allowed and send them home.
8. No pets are allowed in the Common Area buildings, except for licensed service dogs.
9. Fees may be charged whenever applicable to offset costs; i.e., for use of guest bedrooms, recreation rooms, kitchens, washers, dryers and copy machines.
10. The volume of music should be kept at a minimum, especially after 10:00 PM.
11. Owners and Residents may fish in our lakes if they use the catch and release method and follow appropriate safety and cleanliness guidelines. Guests may also fish, following the same guidelines, provided they have the owner/resident with them, or they have a Guest Pass.

B. Swimming Pools and Areas.

1. Swimming pool Proximity Cards (key card) are available to Residents. They may be obtained from the Office Manager.
 - a. A maximum of one Proximity Card (Key card) per lot may be issued by the Office.
 - b. Cards are not transferred to the new Owner upon purchase of the property.
 - c. The Card must remain in the possession of the Resident and may not be given to Non-Residents except for temporary use with a Guest Pass.

- 2. Swimming pool hours are as follows:**
 - a.** The South Pool and Spa will be open between 7:30 AM and 10:00 PM all year, except pool service days. Pool maintenance is done between 7:00 AM and 8:30 AM, Tuesday and Friday.
 - b.** Quiet swimming only from 9:00 PM to 10:00 PM.
 - c.** The South pool shall be heated between the second Saturday of April through the first Monday of November.
 - d.** The North pool shall be heated from the Friday before Memorial Day through the first Monday of October.
 - e.** Water temperature at South pool shall be maintained at 84 degrees between 8:00 AM and 10:00 PM. Water temperature at North pool shall be maintained at 84 degrees between 9:00 AM and 10:00 PM every day the pools are heated.
 - f.** The Spa at the South Pool will remain open and heated year-round from 7:00 AM to 10:00 PM. Quiet hours are from 9:00 PM-10:00 PM.
 - g.** Adult only hours are 2:00 PM to 6:00 PM at the South pool and 2:00 PM to 5 PM at the North pool, with exceptions noted below.
 - h.** The Board of Directors has the power to alter the hours the pools and spas are open or heated if Health Department rules, climate changes, energy costs, or other factors require a change.
- 3. Children under 18 are allowed in the pool areas (defined as anywhere inside fences):**
 - a.** With a responsible, supervising adult present with them always.
 - b.** From 7:00 AM to 2:00 PM and 6:00 PM to 10:00 PM daily at the South pool except on Mother's Day when children are allowed all day after 11:00 AM (unless the North pool is open and heated)
 - c.** From 9:00 AM to 2:00 PM and 5PM to 10:00PM at the North pool except that every Saturday, Sunday, Memorial Day, 4th of July and Labor Day they are allowed all day.
 - d.** Children 5 and older are allowed in the spas with a responsible, supervising adult in the spa with them, subject to the posted capacity of the spa. Priority is given to adults.
- 4. No more than 8 guests total, children and adults, per lot, may be in the pool area at any one time.**
 - a.** If there are more than 8 guests, the Member must reserve the Redwood Grove and use the North pool.

5. Cover for the therapeutic spa is to be completely removed from the spa. It must be replaced upon the user leaving the area.
6. If not accompanied by a Resident, guests shall identify themselves with the owner's proximity card (key card). Resident must be available on site for verification if needed.
7. A shower must be taken before entering a swimming pool or therapeutic spa.
8. Use of oils prior to entering a pool or spa is not permitted.
9. Any person with long hair must tie it up or wear a bathing cap if head is immersed in the water.
10. No pets are allowed in pool areas except for licensed service dogs.
11. Running on pool decks and "cannonball" jumps into the pool are prohibited. A standing dive or jump performed with caution is allowed in the deep end of the pool.
12. Food and drinks are permitted in the pool areas, but no glass containers or chewing gum is allowed. All containers, paper and food scraps must be collected and carried out by the residents/guests.
13. Adhesive bandages and bobby pins are not to be worn in the pool.
14. Bathing suits or hemmed cut-offs must be worn; un-hemmed cutoffs are not allowed.
15. Gear such as scuba or diving equipment, plastic float toys, rafts, etc. are not to be used except if no one else is in the pool, Residents only may use scuba and diving equipment.
16. Tampering or playing with swimming pool equipment or life-saving equipment is not allowed. Pool sweep must always remain in the pool.
17. When using pool furniture, please cover the cushions with a towel before sitting or lying down on them.
18. All pool users are asked to self-monitor behavior, noise, and cleanup of pool area and bathhouses. Limited cleaning of these areas is provided on some weekdays, so we are responsible for the cleanliness and atmosphere of our pools.

C. Picnic Area, Old Mill, and Lodge – General Information

1. The official calendar for Montevelle business is in the Montevelle office. Other calendars such as in the Mill hall and the Montevelle Mirror may not be up to date or accurate. The calendar for each year is to be scheduled in the following order of precedence:

- a. The Board of Directors schedules Board meetings, Board events, the Budget Meeting, other budget presentations for the members, the Nominating Meeting, and other membership meetings to count the ballots.
- b. The Social Activities Committee schedules Montevelle social events.
- c. Other Montevelle organizations and clubs schedule their regular meetings and events.
- d. Informal groups composed entirely of Montevelle residents, including block parties, schedule their own events.
- e. Owners schedule rental of facilities for private events, and unlike all the groups listed above, shall be charged the current fees for use of our facilities.

Once a facility has been properly reserved in the Office for a certain time, neither the Board, a club, a group or a person shall be allowed to displace that reservation.

2. Only Owners may reserve Common Area facilities. Reservations are to be made in advance for use of any facility. Reservation forms may be obtained from the Office.
3. Recreation halls and the Redwood Grove Picnic Area are for use by Owners, their families and friends, and are not to be used for regular meetings by outside organizations. However, they may be used by others on occasion if an Owner makes the reservation and attends the function.
4. A confirmed reservation for the use of the Mill, the Lodge or the Redwood Grove Picnic Area requires a signed Rental Agreement as well as a Certificate of Liability Insurance for at least \$100,000. The insurance requirement is usually covered in your homeowner's insurance policy.
5. There is a rental charge for use of the Mill and the Lodge.
6. Deposits are charged for use of the Mill and the Lodge. They are returned after a satisfactory inspection of the facilities used.
7. All facilities, including kitchens and fireplaces, are to be left clean and orderly.
8. All posted instructions at each area are to be followed.
9. No smoking is allowed inside any Montevelle common building or within 25 feet of any entrance to it, in the Redwood picnic area, in any outside Common Area, or within the fenced area of either of our swimming pools. The volume of music shall be controlled, especially after 10:00 PM.
10. Lights are to be turned off and doors are to be locked upon leaving any facility used.
11. Children under eighteen (18) are permitted to use the Redwood Grove area only when accompanied by a responsible adult.
12. Maximum or room capacity is determined by the Fire Department and is posted at each facility.

D. Lodge Bedrooms

1. Reservations for the guest bedrooms are to be made in the Mill office.
2. Only Montevelle Owners may use the bedrooms for themselves or their guests. The Owner is responsible for preparing and cleaning up the bedroom and the bathroom that is used. A use fee will apply.
3. The use period shall not exceed three consecutive days per Owner. If a longer rental period is needed because of extreme inconvenience or personal emergency, an exception may be allowed.
4. Bedroom reservations do not include use of the Lodge living room or kitchen unless a separate reservation is made for them. Exception: Owners (not guests) using the rooms because of a personal emergency may use the kitchen and living room when they are not reserved by others. The Owner will be responsible for cleaning them when he/she vacates.

E. Ceramic (Pottery) Room

1. All users shall follow the procedures outlined below.
2. The Ceramic facility (Pottery Room) is for the use of those who sign both the guidelines included in the Safety Data Sheet binder and the form concerning your health.
3. Abide by all rules posted in room.
4. Use equipment only after instruction in proper use and qualification is verified.
5. Respect supplies and/or equipment owned by other people or Montevelle.
6. Turn off lights and other equipment when not in use.
7. Leave all rooms in a clean and orderly condition.

F. Recreational Games: Shuffleboard, Croquet, Horse Shoes, Golf, Ping-Pong and Pool/Billiards.

1. Children under eighteen (18) can use the game areas and equipment during scheduled open hours, but only if accompanied by a responsible adult.
2. Play is limited to two (2) games if others are waiting to play.
3. Posted rules shall be followed.
4. All areas shall be left clean and orderly; equipment shall be returned to its stored position. If the facility or equipment is inside a building or is a storage area, upon completion of use the area shall be locked and the lights turned off.

G. Exercise Equipment

1. Use of exercise equipment is used at your own risk, Montevelle is not responsible for any injury caused by use of equipment.
2. Follow all posted rules located in room.

3. Turn off lights and TV when you leave.
4. Contact Senior Resources Committee Chair for any questions.

H. Medical Shed

1. To check out/return or donated medical equipment, contact the names posted on the shed door and listed in the Montevelle Phone directory.

XVII POLICY ON DISPUTE RESOLUTIONS

ADR SUMMARY of Civil Code 5925-5965

Sections 5925 to 5965 of the Civil Code require that before owners and associations file lawsuits against each other for declaratory relief or injunctive relief in connection with a claim for money damages under \$5,000 or for enforcing the association's governing documents, the filing party "shall endeavor" to submit the dispute to alternative dispute resolution ("ADR"). Forms of ADR include mediation, negotiation, and binding or nonbinding arbitration. This provision does not apply to the filing of cross-complaints.

The ADR process is initiated by one party serving a request for resolution upon the other parties to the dispute. The request must include (i) a brief description of the dispute, (ii) a request for ADR, (iii) a notice that a response must be received within thirty (30) days or it will be deemed rejected, and (iv) a copy of Civil Code Sections 5925 to 5965.

If the individual receiving the request agrees to ADR, the process must be completed within ninety (90) days unless otherwise extended by agreement. The cost of ADR is to be paid by the participating parties. If a civil suit is filed, the filing party must submit to the court a certificate of compliance indicating the party has complied with the requirements of Sections 5925 to 5965. Failing to do so would be grounds for challenging the lawsuit.

Although the prevailing party is entitled to reasonable attorneys' fees and costs, the court may consider a party's refusal to participate in ADR when making the award. A description of the Association's internal dispute resolution process, as required by Civil Code Section 5920, is attached.

IRD SUMMARY of Civil Code 5920

(1) The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.

(2) A member of an association may refuse a request to meet and confer. The association may not refuse a request to meet and confer.

(3) The board shall designate a director to meet and confer.

(4) The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute. The parties may be assisted by an attorney or another person at their own cost when conferring.

(5) 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.

Written Resolution. Any agreement resolving the dispute must be in writing and signed by both parties. The agreement cannot conflict with the law or governing documents and within the authority of the board. (**Civ. Code §5915(c).**)

"Appealing" a Penalty. There is no specific appeals procedure described in the Davis-Stirling Act for penalties imposed by an association against a member for violation of the rules and regulations. However, the IDR procedures described above could be used to appeal a decision since a meet and confer is mandatory if requested by a member. When it comes to ADR (mediation and arbitration), the association has no obligation to accept a request for ADR. If, however, the member is planning to sue the association, the member may be obligated to request ADR before filing suit, at which point the association should accept the request for ADR.