

# **Montevelle of Scotts Valley, Inc.**

## **RULES AND REGULATIONS**

**UPDATED and ADOPTED April 24, 2025 PER CIVIL CODE**

**Attested to by**

*Shelly M. Revick*

**Date:**

*4/30/25*

**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. 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 lot owners.
- E.** To preserve our 55/45 "Senior Park" status, the Community Manager shall maintain a record of the age of all lot owners and Residents. Upon request it shall be available to the Board 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 on the Montevelle website (Montevelle.org) and are also available in the Montevelle office.

**II BOARD MEETINGS Bylaws 3.4**

- A.** Procedure for transfer of Board responsibilities to new Board:
  - 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 January meeting.
- B.** The Community 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 Community Manager and Secretary to be able to participate at the Board meetings, the minutes may be recorded, and transcribed either by machine or a paid scribe.
- D.** The Community Manager and Secretary shall include in the minutes the number of people in attendance at all Board meetings.
- E.** Monthly Committee reports are due seven (7) days prior to the Board meeting.
- F.** The Board 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 and to carry out directives from the Board. When its work is finished, the committee is thanked and dismissed.
- G.** Executive Sessions of the Board 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 the lot owners, or requests by lot 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 two (2) 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 Park Services Foreperson obtains the bids and makes their recommendations to the Board for the final decision. If less than (3) bids are obtained, an acceptable explanation must accompany the recommendation to the Board. (Per Bylaws: Board cannot contract for more than one year, Article 7.2 k.)
- B.** When reviewing bids to choose the best, the Board 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.** Performance appraisal of employees shall be handled by the Personnel Committee and/or Board.
- C.** When a Board member is notified of the intention of an employee to resign, either in person or in writing, the Community Manager should be notified immediately so that a termination interview can be completed as quickly and smoothly as possible.
- D.** When a Board member is notified of the intention of the Community Manager to resign, either in person or in writing, the supervising Board member 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 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, 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 Montevelle Office 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** – The Board and Community Manager / Park Services Foreperson must approve in advance, and the affected property lot owner must be notified in advance.
  - 2. **Common Area trees** - Montevelle Park Services Foreperson 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 lot 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 Foreperson 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 Services Foreperson posts information concerning the tree removal on the Mill 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 Services Foreperson 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 Park Services Foreperson.
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 Foreperson works with the Community 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 Foreperson of his/her intent to remove a tree, using the appropriate Montevelle form which is available from the office. The lot 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 lot owner's property, the Park Services Foreperson will return to the lot 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 Foreperson must have been posted for at least 5 days to allow other residents to discuss the removal with the lot owner.
3. If the tree removal requires a City of Scotts Valley tree removal permit, the lot owner's Montevelle form will be submitted by the Park Services Foreperson to the Board for review and consideration for approval at the next regularly scheduled Board meeting.

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

The lot owner shall advise the Park Services Foreperson 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 lot owner must contact the Park Services Foreperson.
- F.** Replacement trees may be required for any tree removed in Montevelle. You must contact Park Services Foreperson for approval prior to planting.

## **IX. SELLING A HOME**

- A.** When a Member is selling a home, they need to follow the steps noted below.
  - 1.** The Members need to report to the Community Manager of the intent to sell.
  - 2.** Per the Bylaws and CC&Rs, the seller must supply all relevant documents to the new buyer. The documents are available at Montevelle.org, and shall be reviewed by the buyers prior to the Board orientation.
  - 3.** Insure that the prospective buyer must receive an orientation by a Board member(s) (current or past) as soon as the sale seems certain. Escrow will not close without buyer's orientation.

## **XI. MILL BULLETIN BOARD AND LIBRARY**

- A.** The Mill library is on an honor system - borrow and return. Donations of books or 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 Mill bulletin board are to be dated and signed by a resident who has used the service.

## **XII. RESIDENTS' RESPONSIBILITIES**

- A.** Monthly assessments are due on the 1<sup>st</sup> of each month and are overdue on the 15<sup>th</sup>. Any month that a lot owner's monthly assessment is received by the Montevelle office later than the 20<sup>th</sup> 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.
- D.** 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.
- E.** 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.
- F.** Lot 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 from 8:00 AM – noon on Thursdays for street sweeping and Fridays for garbage pickup.
- G.** Dry growth is to be removed from around homes, carports, etc.
- H.** Before 8:00AM and after 10:00 PM are "quiet times". Sounds are to be kept to a minimum while walking, driving, and entering or leaving cars.
- I.** Directly following parties, all directional signs, balloons or decorations that have been placed in the Park or nearby streets, shall be removed.



- J. Messages may be left in the Office door mail slot for the President, and notes about maintenance may be left clipped to the Park Services Foreperson Workroom door.
- K. Each August residents may submit to the Nominating Committee names of lot owners they would like considered as nominees for the Board.
- 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 lot 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, lot owners are responsible to contact Montevelle Park Services Foremen prior to any snaking of line. If Park Services Foreperson is not available, you will be required to have the line 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: Members 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 Community Manager. The signed letter to the Board will be copied and distributed to the Board. The Board 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 Community Manager for a response. If you have a suggestion or comment, in writing, please place in the suggestion box located in the Mill hallway and the Board will review.
- N. Digging: Lot owners are advised to consult with the Park Services Foreperson and Underground Service Alert (USA) at 1.800.642.2444, or online at [www.USAnorth.org](http://www.USAnorth.org), prior to any digging. Failure to do so could result in personal injury or damage to utilities, at the lot 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 (only when the pools are closed for the season).
  - 2.** After considering safety and accessibility concerns, the Community Manager shall approve or 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 lot 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 Community Manager and must be visible through the front windshield of the vehicle.
- E.** No parking is allowed in a red zone. If there is a definite safety concern, the Montevelle Office or Board will designate certain places as No Parking.
- F.** Posted speed limits and all other traffic signs are to be observed. Guests and workers 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 motorcycles are 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 Community 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 lot 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 before 8:00 A.M and after 10:00 P.M.

## **XVI. USE OF MONTEVALLE FACILITIES**

### **A. Common Areas.**

- 1.** Lot 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 under the age of 18, must be accompanied by a Resident host at all times.
- 5.** Littering is prohibited.
- 6.** No pets are allowed in the Common Area buildings, except for licensed service dogs.
- 7.** Fees may be charged whenever applicable to offset costs; i.e., for use of guest bedrooms, recreation rooms, kitchens, washers, dryers and copy machines.
- 8.** The volume of music should be kept at a minimum, especially before 8:00A.M and after 10:00 PM.
- 9.** Lot 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.

## **B. Swimming Pools and Areas.**

1. Swimming pool Proximity Cards (key card) are available to Residents. They may be obtained from the Community Manager.
  - a. A maximum of one Proximity Card (Key card) per lot will be issued by the Office.
  - b. The Card must remain in the possession of the Resident and may not be given to non-residents.
  - c. There is a charge of \$25 if a card needs to be replaced or for new homeowners.
2. Swimming pool rules are as follows:
  - a. All guests at the pool must be accompanied by a resident at all times.
  - b. The South Pool and Spa will be open between 7:30 AM and 10:00 PM all year.
  - c. Quiet swimming and spa use only from 9:00 PM to 10:00 PM.
  - d. The North and South pool heating schedules will be determined by the Board no later than the March meeting.
  - 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 that the pools are heated.
  - f. The Spa at the South Pool will remain open and heated year-round from 7:30 AM to 10:00 PM.
  - g. Adult only hours are 2:00 PM to 6:00 PM daily at the South pool.
  - h. The South Pool is reserved for water aerobics classes from 10:00 AM – 11:00 AM Tuesday, Thursday and Saturday, and from 2:00 PM – 3:00 PM Tuesday and Thursday.
  - i. The Board 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 resident present with them at all times.
  - b. From 8:00 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 10:00 PM at the North pool.
  - 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 Retzlaff Redwood Grove and use the North pool.
5. Use of oils prior to entering a pool or spa is not permitted.
6. Any person with long hair must tie it up or wear a bathing cap if head is immersed in the water.
7. No pets are allowed in pool areas except for licensed service dogs.
8. 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.
9. 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.
10. Adhesive bandages and bobby pins are not to be worn in the pool.
11. Bathing suits or hemmed cut-offs must be worn; un-hemmed cutoffs are not allowed.
12. 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. Pool noodles are permitted.
13. Tampering or playing with swimming pool equipment or life-saving equipment is not allowed.
14. When using pool furniture, please cover the cushions with a towel before sitting or lying down on the furniture.

15. 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. The calendar for each year is to be scheduled in the following order of precedence:
  - a. The Board 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. Lot 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.
  - f. If a lot owner wishes to rent a facility, a club or group may be asked to move to a different location or to reschedule their event.
  - g. 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 lot 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 Retzlaff Redwood Grove Picnic Area are for use by lot 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 a lot owner makes the reservation and attends the function.
4. A confirmed reservation for the use of the Mill, the Lodge or the Retzlaff 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, the Lodge and Retzlaff Redwood Grove. 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 Retzlaff Redwood Grove 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 before 8:00 A.M and 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 Retzlaff Redwood Grove area only when accompanied by a resident.
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 Montevelle office.
2. Only Montevelle members may use the bedrooms for themselves or their guests. The lot 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 lot 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: lot 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 lot 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.
8. Any questions or concerns, please contact the Montevelle Office.

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

1. Non-residents may use the game areas and equipment during scheduled open hours, only if accompanied by a resident/owner.
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 at your own risk. Montevelle is not responsible for any injury caused by use of the equipment.
2. Follow all posted rules located in room.
3. Turn off lights and TV and close the windows when you leave.
4. No one under the age of 18 is permitted in the exercise room.
5. Nonresidents may use the exercise equipment only if accompanied by a resident/owner.
6. Contact Senior Resources Committee Chair for any questions.

**H. Medical Shed**

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

**XVII. POLICY ON DISPUTE RESOLUTIONS**

**ADR (ALTERNATIVE DISPUTE RESOLUTION) 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 (Internal Dispute Resolution) 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 (Internal Dispute Resolution) 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.