

SIENA OWNERS ASSOCIATION



Rules & Regulations

Revised March 26, 2010

INTRODUCTORY PARAGRAPH

These Rules and Regulations are adopted by the Board of Directors (the “Board”) of the **Siena Owners Association** to establish the rules and procedures for all Owners, family members and other occupants, including lessees and tenants at **Siena** under the Declarations of Covenants, Conditions and Restrictions for the **Siena Owners Association** (CC&R’s). These Rules and Regulations are enforceable in accordance with the provisions of the CC&R’s.

GENERAL APPLICABILITY

1.1 Persons Included

All residents of **Siena**, whether Owner, family member, lessee, tenant, employee, or other category, are subject to the Declaration of Covenants, Conditions, and Restrictions (“CC&R’s”), the By-Laws, the Articles of Incorporation, and these Rules and Regulations.

1.2 Exceptions

Any exception of these Rules must be approved by a majority of the Board sitting in a duly constituted meeting. Any such exception must be made part of the minutes of such meeting. Any exception shall be granted at the sole discretion of the Board.

1.3 Responsibility of Owners and Residents

Owners and all other Residents are responsible for ensuring that their employees, contractors, tradesmen, guests and all other visitors (their ‘Invitees’) have knowledge of, understand, and abide by these Rules. Owners are liable for any loss or damages which may occur as a result of their Invitees’ failure to observe these Rules. Owners are responsible for ensuring that their lessees, tenants, and all other Residents have knowledge of, understand and abide by these Rules. All violators shall be liable for all losses and damages, including after notice and hearing by the Board, fines which may be levied by the Board as a result of failure to observe these Rules. Owners and all other violators shall be responsible for all losses and damages.

ARCHITECTURAL STANDARDS

Living in a planned community such as **Siena** offers many privileges. In order to maintain these privileges certain restrictions are required. In order to preserve the architectural integrity of **Siena**, standards have been incorporated in addition to the Covenants, Conditions and Restrictions (“CC&R’s”). The Architectural Review Committee is vested with the power to enforce the Architectural Standards on all new construction and ALL improvements in **Siena**.

The guidelines that follow are for the benefit of the whole community. It is to every resident’s benefit to take the time and carefully read the following information. Please note that these guidelines support the CC&R’s but do not cover that entire document. The CC&R’s should also be read carefully.

The Architectural Review Committee does not seek to restrict individual creativity or personal preference, but rather to assure a quality of design that will enhance the appearance of **Siena**.

Prior to the beginning of any construction, or doing any improvement, modification, decoration, redecoration, or reconstruction of any type you must have the approval of the Architectural Review Committee. Even if your proposed work falls within the architectural guidelines described in this document, you still must obtain written approval from the Committee before beginning work.

Failure to obtain the approval of the Architectural Review Committee may constitute a violation of the CC&R’s and shall require modification or removal of existing work or improvements at your own expense. In addition, a building permit may be required by the City. The approval of the Architectural Review Committee does not assume any responsibility for city approval, or the structural engineering of the application.

ESTABLISHED GUIDELINES

In order to maintain the architectural character of the community it is necessary to provide guidelines that are more exacting than are presented in the CC&R’s and By-Laws of the Association. These guidelines have been established to protect your investment and keep **Siena** attractive to all residents.

The following activities, uses and improvements are a set of guidelines for your review. **EVEN IF YOUR PROPOSED WORK FALLS WITHIN THESE GUIDELINES, YOU MUST STILL SUBMIT AN ARCHITECTURAL APPLICATION TO THE ASSOCIATION AND RECEIVE APPROVAL PRIOR TO MODIFYING YOUR HOME’S EXTERIOR.**

1.1 Landscaping

No owner shall grade or fill or otherwise alter the slope or contour of any Lot, construct or alter any drainage pattern or facility, construct or alter any foundation or permanent structure (including, but not by way of limitation, irrigation system, swimming pools, ponds and spas), or perform any earth work without first (I) submitting a completed architectural application to the Architectural Committee, and (II) obtaining the written approval of the Architectural Committee.

1.2 Vehicle Towing

Vehicles improperly parked in fire lanes and marked/posted towing zones will be towed at owner's expense.

1.3 Play Equipment

Play equipment must be kept behind the fence, and may not exceed fence height. No basketball standards are authorized anywhere in the project.

1.4 Dog Houses / Runs

Dog houses / dog runs in the rear yards only. All dog houses must be constructed so that no single dimension exceeds 48 inches. Chain-link fence dog runs shall be approved in rear yards, provided that the fence is no higher than five feet, and must not affect drainage of the lot.

1.5 Garden Sheds

A garden shed may be permitted in the rear yard ONLY, provided it does not exceed the height of the fence.

1.6 Spas / Hot Tubs / Pools/Other Water Features (ponds, waterfalls, fountains)

Spas or hot tubs may be approved in rear yards only, provided they are in compliance with all city codes and regulations, including without limitation, setback requirements. All appurtenant mechanical equipment, pipes and wiring must be screened from view by landscaping.

1.7 Other Water Features

Other water features (Ponds, Waterfalls, Fountains) may be approved in rear yards only, provided they are in compliance with all city codes and regulations. All appurtenant mechanical equipment, pipes and wiring must be screened from view by landscaping.

1.8 Patios / Decks

Patios and decks may be allowed in rear yards, subject to current City code and setback requirements and as long as the work includes NO land filling and does not affect the drainage of the lot. Above-ground decks not exceeding 12 inches in height may be allowed, provided foundation landscaping is installed. This restriction shall not prohibit walkways less than three-and-a-half feet wide in side yards, where appropriate.

1.9 Gazebos

No gazebos will be permitted within the project.

1.10 Trellises

No trellises will be permitted within the project.

1.11 Water Softeners

Any water softeners installed on a Lot must be commercially serviced. No Owner shall deposit or dispose, or permit to be deposited or disposed, any salts or other chemicals from water softeners in the sewage systems and must be in the garage.

1.12 Fences

Fences visible from the roads may NOT be altered without the written permission of the Board of Directors or Architectural Committee.

1.13 Concrete

Installation of concrete or bricks may be approved in the rear yard and side yards, provided that all Association and local setback requirements are met and the modifications do not affect the drainage of the Lot.

1.14 Mechanical Equipment

Air conditioning units, spa equipment, and other mechanical equipment may be approved on the exterior of a lot, provided that it is located at ground level and screened by landscaping.

1.15 Landscaping

Back yard landscape improvements, which do not exceed the height of the fence line, may be approved as follows:

- a. Groundcover
- b. Lawn / Sod
- c. Shrubs
- d. Plants

(unless such landscaping is specifically prohibited by deed restrictions, e.g. endangered species habitats.)

No additional trees may be planted.

Homeowners may NOT make changes to the front yard landscaping; this area is the maintenance responsibility of the Association.

1.16 Colors for Exterior Surfaces

The exteriors of all structures may be repainted only in their original color, unless changes are approved by the Architectural Committee.

1.17 Satellite Dish Antennas Policy.

1. To the extent it is possible to receive a signal, the Association will require that all satellite dishes of one meter or less in diameter and antennas be placed in the backyards or back of the home. If an owner

believes that a sufficient signal cannot be obtained in the backyard, the Association reserves the right to seek an outside opinion from someone well versed in the industry on the particular type of antenna desired.

2. The Association reserves the right to require painting or reasonable screening of the antenna or satellite dishes if it must sit in an area where it can be seen from the street or common area.
3. TV antennas posted on masts 12 feet above the roof line will be prohibited.

1.18 Planters

Planters/planter boxes are **not** permitted adjacent to, attached to, or incorporated into the walls of the house.

1.19 Animals

An owner may keep not more than a total of two (2) dogs, cats, and other customarily uncaged household pets within the owner's lot. Each owner may also keep a reasonable number of small caged animals, birds or fish. No other animals or pets are permitted in the project. The Board shall have the right to prohibit the keeping of any pet which, after notice and hearing, is found to be a nuisance to other owners. No animals may be kept for commercial purposes. No dog shall be allowed on the Common Area unless it is under the control of a responsible person by leash or other means. Each owner or invitee shall restore the common area to the condition it was in immediately preceding its use by any dog permitted on the Common Area by the owner or invitee.

1.20 APPLICATION PROCEDURE

If your construction or improvements are not any of the items listed above, or you are not sure, before you begin any work on your lot, submit to the Architectural Review Committee.

The Architectural Review Committee will endeavor to review and respond to all plan submittal within sixty (60) days after receipt of all materials required by the Architectural Review Committee. PLEASE NOTE THAT NO WORK MAY BEGIN PRIOR TO ARCHITECTURAL APPROVAL.

This review is in no way intended to approve architectural request for structural engineering or in lieu of any required City permits or City inspections. The intent is to maintain the visual quality of the **Siena** community.

In order to process your application for approval the Architectural Committee will need three (3) copies of the **Siena Owners Association – APPLICATION TO MODIFY THE EXTERIOR**, color scheme, drawings, and specifications. Applications should be mailed by Certified Mail to the Association at the following address:

1.20[a] Trees Suitable for Siena Backyards

The list of trees on “Exhibit 1.20E” have been recommended by landscape professionals for the relatively small (private area not common area) backyards found at Siena. Prior to planting a tree from the list on “Exhibit 1.20E”, an Architectural Application must be submitted. Please contact the HOA for a copy of the most up to date list of trees (Exhibit 1.20E)

Prior to planting a tree not found on Exhibit 1.20E, written information about the tree’s characteristics from at least 2 authoritative landscape or botanical sources must be submitted with an Architectural Application. Specific information about the tree’s characteristics must be submitted in the following six categories:

- (1) Silhouette (columnar, narrowly oval, cone shaped, globular, horizontally spreading, weeping)
- (2) Height
- (3) Species resistance to bugs & diseases
- (4) roots (e.g., aggressive or invasive)
- (5) litter (e.g., not wanted fruit or berries and characteristics of leaves)
- (6) Growth rate

Exhibit 1.20E

- 1 Acer palmatum
- 2 Acer p. (Maples) ‘Disectum’ (a dwarf)
- 3 Acer p. (Maple Japanese)
- 4 Chinese Hackberry – Celtis sinensis
- 5 Citrus (Lemons, Oranges, Limes, Grapefruit)
- 6 Crepe Myrtles
- 7 Dwarf Mugo Pine
- 8 Eastern Redbud – Cercis Canadensis “Forest Pansy”
- 9 Flowering Pear
- 10 Flowering Plum – P. cerasifera “Purple Pony”
- 11 Fruitless Olive – Olea europaea “Swan Hill”
- 12 Geijera (Australian willow)
- 13 Geijera parviflora (evergreen)
- 14 Ilex x a. ‘Wilsonii’ (Holly)
- 15 Japanese Pagoda Tree – Sophora Japonica
- 16 Magnolia grandiflora ‘Little Gem’ (evergreen)
- 17 Ornamental Pear – Pyrus calleryana
- 18 Podocarpus g. (Podocarpus)
- 19 Prunus caroliniana (Carolina Cherry)
- 20 Raywood Ash – Fraxinus angustifolia
- 21 Red Maple
- 22 Robinia pseudoacacia ‘Purple Robe’ (Locust)
- 23 Sapium sebiferum
- 24 Serviceberry – Amelanchier Canadensis
- 25 Topiaries, shaped, spiral: Junipers, etc.
- 26 Weeping (Betula) Birch
- 27 Weeping (Cedrus) Cedar
- 28 Weeping (Prunus) Cherry

1.21 Littering is not allowed. Some examples of litter are as follows:

1. Some smokers are throwing their cigarette butts in the common area landscaping, on sidewalks, on court driveways and in the street on Bianco Circle.
2. A refuse or recycling container should not be filled so full that its top can not close all the way.
3. All owners are required to mark their refuse containers with the street number of their home's address. The HOA will supply each owner with 3 sets of labels with their street number, one for each of the owner's 3 refuse containers.
4. Owners should pick up after their dog(s).

1.22 Registering Vehicles with Homeowner Association Board

All Siena residents, including owners and tenants, shall provide the HOA board with the following information

- [a] Vehicle's license plate number.
- [b] State that issued the license plate.
- [c] Color of vehicle.
- [d] Vehicle's make and model.
- [e] Year vehicle was manufactured.
- [f] Name of person or company who owns or is renting or leasing the vehicle.

The information in sections [a to f] shall be provided for vehicles as follows:

- [1] Any vehicle owned, rented or leased by a resident and parked in the resident's garage.
- [2] Any vehicle owned, rented or leased by a resident and parked anywhere at Siena outside the resident's garage.
- [3] Any vehicle, such as a vehicle used for work, owned, rented or leased by a resident's employer.
- [4] Any frequent guest's vehicle. (a frequent guest is one who stays 7 consecutive days or longer or a guest expected to visit 7 or more times in a calendar year)
- [5] Any other vehicle as may be determined by the board.

Residents with a brand new vehicle, not yet issued a license plate, shall be responsible for providing the HOA board with the name of the person or company who owns or rents or leases the vehicle, the vehicle's color, make, model and year manufactured, within one week of possession of the vehicle and parking the vehicle inside the resident's garage or anywhere else at Siena.

Residents shall provide to the HOA board, the license plate number within one week after a license plate has been issued.

Parking at Siena at Green Valley

The streets and Courts at Siena at Green Valley (hereafter "Siena" or the "Development") consist of the following:

Abruzzi	Dolcetto	Nero	Refosco	Terrano
Barbaresco	Malvasia	Orvieto	Ribolla	Tocia
Bianco Circle	Moscato	Picolit	Rosato	Verduzzo
Chianti	Nebbiolo	Primitivo	Sangiovese	

- (a) Parking Chart identifies parking spaces for all 148 homes
The attached Parking Charts identifies the parking spaces for the use of Residents and Guests of each lot/home.

- (b) Parking Permits
All vehicles driven by Residents and parked at Siena shall have an official "Parking Permit" issued by the Association. Residents must submit (and update when appropriate) a Vehicle Information Form to the Association, which shall include information about all the vehicles they park at Siena in order to be eligible to receive a Parking Permit. Failure to provide vehicle information may subject the Resident/Owner or Landlord/Owner to reimburse the Association for the cost of obtaining the vehicle information from the Department of Motor Vehicles, and may subject the owner to a fine.

- (c) Fees for Parking Permits

Initial parking permits for 1 st and 2 nd vehicle	No cost to Owners/Residents
Lost parking permits	Nominal fee – actual cost to Association
Parking permit for 3 rd vehicle	No cost to Owners/Residents
Parking permit for additional vehicle(s)	Board reserves the right to institute a fee for extraordinary circumstances.

- (d) Consecutive hours parking in the same parking space
No vehicle may remain parked in any parking space on Bianco Circle for more than forty-eight (48) consecutive hours. No vehicle may remain parked in any parking space on any Court for more than twenty-four (24) consecutive hours. A parked vehicle may not block or impede the access to any other Lot or parking garage or extend into a street or across any portion of a sidewalk.

(e) Resident and Guest Parking – Bianco Circle Homes

All seventeen (17) homes with a Bianco Circle address have a driveway on their lot. Residents of these homes must park their 1st and 2nd vehicles inside their garage.

(e)(1) Resident and Guest Parking – Five (5) Bianco Circle Homes with a Private Driveway

Residents of these homes must park their 1st and 2nd vehicles inside their garage. Five (5) Bianco Circle homes neither share a driveway nor an entrance to their driveway. These Bianco Circle addresses are as follows:

5032 Bianco 5036 Bianco 5047 Bianco 5067 Bianco 5091 Bianco

Residents with more than 2 vehicles may park their additional vehicle(s) on the Resident's private driveway or on Bianco Circle on a first come, first served basis. Guests may park on the Resident's private driveway or on Bianco Circle on a first come, first served basis.

(e)(2) Resident & Guest Parking – Twelve (12) Bianco Circle Homes with a Shared Entrance Driveway

Residents of these homes must park their 1st and 2nd vehicles inside their garage. Twelve (12) Bianco Circle homes share the entrance to their driveway and there is a need to respect the ingress/egress easements on these dual-home courts. These Bianco Circle addresses are as follows:

5050 Bianco 5054 Bianco 5058 Bianco 5062 Bianco 5084 Bianco 5095 Bianco
5051 Bianco 5055 Bianco 5059 Bianco 5063 Bianco 5088 Bianco 5099 Bianco

Residents of these homes with more than 2 vehicles may not park their additional vehicle(s) on their driveway and must park on Bianco Circle on a first come, first served basis. Guests of residents of these homes may not park on the residents' driveway and must park on Bianco Circle on a first come, first served basis.

(e)(3) Resident & Guest Parking–Eleven (11) Bianco Circle Homes with an Extra Parking Space on their Lot.

Residents of these homes must park their 1st and 2nd vehicles inside their garage. Eleven (11) homes with a Bianco Circle address have an extra parking space on their lot. These Bianco Circle addresses are as follows:

5047 Bianco 5051 Bianco 5055 Bianco 5059 Bianco 5063 Bianco 5088 Bianco
5050 Bianco 5054 Bianco 5058 Bianco 5062 Bianco 5084 Bianco

Residents with more than 2 vehicles may park one additional vehicle in the extra parking space on the Resident's own lot and their other vehicles on Bianco Circle on a first come, first served basis.

Guests may park in the extra parking space on the Resident's lot or on Bianco Circle on a first come, first served basis.

Only one (1) vehicle, belonging to either a Resident or Guest, may be parked in the extra space.

(f) Section (f) has been deleted from the previous version of Rule & Regulation 1.23

(g) Resident and Guest Parking – Court Homes with a “Garage Apron”

This section pertains only to the following homes:

571 Abruzzi	5084 Moscato	569 Primitivo	550 Sangiovese
568 Barbaresco	5085 Moscato	548 Refosco	551 Sangiovese
568 Chianti	574 Nero	549 Refosco	574 Terrano
569 Chianti	575 Nero	550 Ribolla	575 Terrano
5049 Dolcetto	568 Picolit	551 Ribolla	530 Toccia
5050 Dolcetto	569 Picolit	548 Rosato	531 Toccia
515 Malvasia	568 Primitivo	549 Rosato	528 Verduzzo
			529 Verduzzo

Residents of these homes must park their 1st and 2nd vehicles in their garage. If Residents of these homes have more than 2 vehicles, they may park one (1) additional vehicle in front of their own garage door (apron). If a Resident has a 2nd or 3rd vehicle that is too large for their garage they may park one (1) on their garage apron.

A Guest of one of the homes listed in this section may park one (1) vehicle in front of the Resident’s garage on the “garage apron”. Even though it may appear there is space available for two (2) or three (3) vehicles, at no time is it permitted that more than one (1) vehicle (either a Resident’s vehicle or a Guest’s vehicle) park in front of the garage door on the garage apron. Residents or Guests may not park in any other parking space on the Court. If there are more than one (1) Guest vehicles the additional vehicle(s) shall park on Bianco Circle on a first come, first served basis. Any vehicle parked in front the garage door on the garage apron should be parked as far away as possible from an adjacent home to allow clear access to the adjacent home’s walkway and garage entrance. The Board must consider complaint(s) from neighbors of adjacent homes.



OK



OK



NO



NO

(h) Resident and Guest Parking – Court Homes without a “Garage Apron”

This section pertains to all Court homes other than those listed in Rule & Regulation 1.23 (g) above. Residents of these homes must park their 1st and 2nd vehicles in their garage. If Residents of these homes have more than 2 vehicles, they may park one (1) additional vehicle on their own Court. If Residents have more than 3 vehicles they must park any additional vehicles on Bianco Circle on a first come, first served basis. Parking spaces on the Courts are also for Guests’ vehicles. Parking on Courts shall be for a maximum of twenty-four (24) consecutive hours to facilitate guest’s vehicle parking.

There will be no parking in the parking spaces between homes in Courts on Wednesdays or Thursdays so that residents may move their refuse containers between their back yards and Bianco Circle for garbage pick up.

(i) Commercial Vehicles and Large Vehicles

2 designated parking areas are given preference for commercial and large vehicles (17 parking spaces total).

A “large” vehicle is one that can’t fit inside a Siena garage with any of the resident’s other vehicles. The Board will make the determination about whether a vehicle is “large”.

A “commercial” vehicle is one, that usually has a company name or logo markings and is driven by Residents for their employment. On a case by case basis, if a resident’s employer allows the resident to use the commercial vehicle also for personal driving, it could be exempt from parking in these areas. The board will make the determination of whether a vehicle is “commercial”.

These vehicles must have the standard official Parking Permit and may only be parked in one of two following designated areas. The first area are the 10 parking spaces perpendicular to Bianco Circle across from the entrance to Orvieto Court on the West side of Siena – not directly in front of the homes on Orvieto or Nebbiolo Court. The second area are the 7 parking spaces perpendicular to Bianco Circle across from the entrance to Dolcetto Court (on the South-East portion of Siena).



10 parking spaces perpendicular to Bianco Circle across from the entrance to Orvieto Court – not directly in front of the homes on Orvieto Court or Nebbiolo Court. (on the West side of Siena)



7 parking spaces perpendicular to Bianco Circle across from the entrance to Dolcetto Court (on the South-East portion of Siena).

(j) Temporary Parking of Other Vehicles or Items

Any trailer, boat, camper, mobile home, recreational vehicle, golf cart or truck other than a standard pickup truck, or any other vehicle other than a standard passenger car, shall be parked temporarily in accordance with the Rules in one of two designated areas for Commercial Vehicles and Large Vehicles. Any such vehicle, applicable under this section, parked at Siena for more than forty-eight (48) hours, shall require prior written authorization from the Board/Association.

(k) Vehicles of Guests

Residents shall provide the license plate number, state issuing the license plate, manufacturer, model, color and year manufactured, for vehicles of Guests who park at Siena frequently or park at Siena Mondays through Fridays. Vehicles for Guests who park ONLY on weekends at Siena do not have to be provided to the Association. A Vehicle Information Form has been designed to collect the required information and may be obtained from the Association's management company, C & C Property Management.

1.24 For Sale or For Lease Signs

There is an existing CC&R (4.17) about Signs, Banners, Flags with subsections [a] to [i].

The purpose of this Rule & Regulation is to clarify CC&R 4.17

“For Sale”, “For Rent” or “For Lease” Signs

- [a] A sign post shall be placed in the dirt area of landscaping and may not be placed in grass or turf or lawn. Any damage to landscaping as a result of sign placement will be the responsibility of the home owner.
- [b] A sign post without any sign is not permitted.
- [c] A “For Sale” sign placed on one’s own lot, or as per section [e], shall show, within 3 days of acceptance of an offer, that the sale transaction is “Pending” or “In Escrow”. The “For Sale” sign and the sign post shall be removed within one week after the close of escrow.
- [d] A “For Lease/For Rent” sign placed on one’s own lot, or as per section [e], and the sign post shall be removed within one week of obtaining a rental or lease agreement signed by the tenant and owner/landlord.
- [e] A lot/home located on a Court but not visible from the intersection of the Court and Bianco Circle may have one (1) additional sign at or near the Court’s entrance.
- [f] One (1) additional a-frame sign may be placed at the intersection of Mangles Blvd and Bianco Drive on days when an “Open House” is held. This sign is to be removed at the end of the day’s “Open House”.
- [g] One (1) additional a-frame sign may be placed at the intersection of Bianco Circle and Bianco Drive on days when an “Open House” is held. This sign is to be removed at the end of the day’s “Open House”.
- [h] One (1) additional a-frame sign may be placed at the intersection of Bianco Circle and Southlake Court on days when an “Open House” is held. This sign is to be removed at the end of the day’s “Open House”.

Rules for Election of Directors by Secret Ballot

1. No candidate shall be provided access to association media within seventy (70) days of an association election. For purposes of this paragraph, "association media" means the association's newsletters, internet websites and/or association cable channel. The term "within seventy (70) days of an association election" shall mean the thirty (30) days prior to the date the first election ballot material is sent to the membership until the time that ballots are due back to the inspector of the election which will be normally 40 days after the date of mailing. The term "association media" shall not include the official ballot materials sent to the membership, including biographical description and photographs of the nominees that are running for the board of directors.

2. The nomination process to nominate a candidate to run for the board of directors shall be as follows:

a. Nomination for election to the Board shall be made by a nominating committee. The nominating committee shall consist of a chairman, who shall be a Director, and two or more Members. The committee shall be appointed by the Board and shall be announced at each annual meeting. Members of the nominating committee shall serve from the close of the meeting at which their appointments are announced until the close of the next annual meeting. The nominating committee shall make as many nominations for election to the Board as it determines in its discretion; provided, however, that there must be at least as many nominations as there are vacancies to be filled. Nominations may also be made from the floor. Each candidate shall be identified as a potential Homeowner Director or a potential Declarant Related Director.

b. Any member of the association in good standing may submit to the Secretary of the association, at least 30 days prior to the ballot materials being distributed to the membership, a written statement nominating himself/herself for election to the board of directors. With the adoption of the self-nomination process, any ballot measure submitted to the membership for election to the board would include a slate of nominees recommended by the nominating committee, as well as any nominee who self-nominates himself/herself (the ballot could also distinguish those nominees nominated by the nominating committee versus those that have been nominated via the self-nomination process).

5. The record date for members entitled to receive notice of any association election, as well as to be entitled to vote shall be the date thirty (30) days prior to the day the election materials are sent out by the association.

6. The board of directors shall select one (1) or three (3) inspector(s) of election. The inspector(s) of election shall be any one of the following, as determined by the board of directors at an open board meeting prior to the distribution of the ballot material: one or three volunteer homeowners or a paid consultant retained by the association. The managing agent may assist and provide guidance to the inspector of the election to the extent that the inspector requests such guidance. The inspector(s) of election may not be a member of the board, a nominee for the board, related to a member of the board or related to a nominee running for the board.

7. The inspector(s) of election shall determine the number of memberships entitled to vote and the voting power of each membership, shall receive the ballots, hear and determine all challenges and questions in any way arising out of or in connection with the right to vote, count and tabulate the ballots, determine the results of election and shall further perform any acts which may be proper to conduct the election with fairness to all members in accordance with *Civil Code* §1363.03 and the association's governing documents. To the extent that the inspector of the election feels it is appropriate, they may authorize ballots to be mailed to and safeguarded by the managing agent. The inspector of election or the managing agent will record each ballot as it is received and stamp or mark the date on the outer envelope.

8. Notwithstanding any other law or provision of the association's governing documents, the board of directors election shall be conducted by a secret written ballot submitted to the members without a meeting pursuant to *Corporations Code* §7513 and *Civil Code* §1363.03. Ballots and two envelopes (one pre-addressed and one blank) with instructions on how to return ballots must be mailed by first class mail or delivered by the association to every member not less than thirty (30) days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address or lot, parcel or unit number on the ballot itself.

The balloting materials shall include all of the following:

a. The ballot itself is not signed by the voter, but is placed into a ballot envelope, which is then sealed ("Ballot Envelope"). The Ballot Envelope is then inserted into the second pre-addressed envelope ("Address Envelope")

that is then sealed. In the upper left hand corner of the Address Envelope, the voter prints and signs his/her name, address and lot, parcel or unit number that entitles him/her to vote. The Address envelope can include, above the signature block of owner, a very short sentence that the member appoints the Secretary of the association (or majority of the existing board) as his/her proxy holder limited to establishing a quorum for the annual meeting.

b. The Address Envelope is addressed to the inspector(s) of election for the tallying of votes. The Address Envelope can be mailed by the member to the inspector(s) of election or delivered by hand to a location specified by the inspector(s) of election. Any member can request a receipt for delivery of their ballot.

c. The sealed ballots shall be kept in the custody of the inspector(s) of election or at a location designated by the inspector(s) of election until after tabulation of the vote, at which time custody can then be transferred to the association. After tabulation, election ballots shall be stored by the association in a secure place for no less than one (1) year after the date of the election.

d. Ballots distributed to each and every member shall identify the proposed action, provide an opportunity to specify approval or disapproval and provide at least thirty (30) days upon which to return the ballot to the inspector(s) of election. The voting instructions contained within the ballot materials will show a date by which the ballots must be delivered to the location designated by the inspector(s) of election by either the United States Postal Service, overnight delivery service or hand delivery.

e. Since the ballot elections described above are to be submitted to the membership without a meeting pursuant to *Corporations Code* §7513, there shall be no proxies permitted in such balloting process. Ballots must be returned to the inspector(s) of election by the announced date the polls will close, and no further ballots will be accepted. Since the election process will be done by balloting and not at the annual meeting, no ballots will be cast at the annual meeting. Since there is no election conducted at the annual meeting, proxies will not be permitted since all voting will be done by the written ballot process itself. Cumulative voting shall be permitted by ballot.

f. Counting of votes shall be done by the inspector(s) of election, starting at 5:00 p.m. on the day of the announced Board meeting. The actual business of the Board meeting would start at 6:30 p.m. and, if the inspector(s) of election have finished counting, the inspector(s) of election would thereafter announce their results of the election for board of directors during that Board meeting. No person, including any member of the association or an employee of a management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated by the inspector(s) of election. Prior to opening any of the outer envelopes, the inspector of election will determine whether quorum requirements have been met. If quorum requirements have not been met, the Board of Directors will convene another meeting no earlier than 40 days and no later than 60 days from the day of the announced Board meeting. The Association will re-mail ballots to those addresses from which no ballots have been received. If a quorum has not been reached, the period during which candidates are denied access to the association's media shall be extended to the date of the rescheduled meeting.

g. While the membership is encouraged to watch the tabulation process, no member may go within 10 feet of the table where ballots are being counted, and no member may speak to the inspector of the election during the tabulation process. The inspector(s) may ask questions of any member, management, or the association's attorney if they need to do so concerning a specific question in helping to determine the validity of a ballot.

h. Written ballots may not be revoked once they are submitted to the inspector(s) of election (unless such permission is expressly identified and granted within the Articles of Incorporation or Bylaws of that particular community association).

9. The results of any election shall be promptly reported to the board of directors and shall be recorded in the minutes of the next board meeting and shall be available for review by members of the association. Within fifteen (15) days of the election, the board shall publicize the results of the election in a communication directed to all members (this could be done in the form of a newsletter if it is mailed to the members within the 15 day timeline).

10. Association funds should not be used for campaign purposes in connection with any association election, except to the extent necessary to comply with the duties of the association imposed by law. For purposes of this paragraph, the association can use its funds to have corporate counsel (or other Board-designated individuals) prepare and review appropriate ballots as well as the copying, printing and mailing costs necessary to provide the ballots to the membership consistent with the association's governing documents and California law. The association can also add background information and explanation of ballot material. The association may use funds to distribute a biographical description and photograph of the nominees within said election materials.

The board may not advocate the election or defeat of any candidate that is on an association election ballot for the board of directors.

11. If the owner loses his/her ballot, they may request another ballot, along with the appropriate envelopes from the inspector(s) of election, but they must sign a statement, under penalty of perjury that the original ballot was either lost, destroyed or never received. The inspector(s) of the election shall maintain a record of each such request and, if it is determined that the owner voted twice, even by mistake, neither ballot will be counted.

12. At least 60 days prior to the date that Ballot Materials will be mailed to the membership, the association will send to the members a notice of upcoming election. This notice will include the slate of nominees proposed by the nominating committee, as well as a notice that members may nominate themselves and the procedures under which they may do so. This list notice will also include key dates including, but not limited to, the following:

- a. The date that Ballot Materials will be sent to the members
- b. The date the polls will close and all Ballots will have to have been received
- c. The date of which persons will be entitled to vote (must be on title)
- d. The date by which nominees must place their name into nomination
- e. The date after which nominees may not have access to association media
- f. The date and location of the "Meet the Nominees" forum
- g. The dates of and location for candidates to schedule their own meeting
- h. The expected date at which ballots will be counted.

Adopted by the Board of Directors of Siena Owners Association on November 1, 2004.

Revised 10/01/2007 to reflect new management firm – no other changes made

Revised May 2008 to include new adopted rules

Revised September 2009 to include new adopted rules

Revised March 26, 2010 to include revision 2/13/10 to Rule/Regulation 1.23