

Bollinger Hills Voting Procedure March 2007

The following voting procedure is hereby adopted by the Bollinger Hills Board of directors to comply with California Civil Code requirements, Civil Code sections 1363.03 -1363.09 and is adopted in compliance with sections 1357.100 – 1357.150.

CANDIDATE QUALIFICATIONS

All candidates must be a member of Bollinger Hills HOA in good standing which includes being current on all dues, fines, fees and assessments and being compliant with all CC&R's, rules and all other areas as stated in the governing documents.

QUALIFICATIONS FOR VOTING

To qualify for voting, you must be an owner as stated on the deed to a property covered by Bollinger Hills HOA governance documents. Also, to vote you must be a member of Bollinger Hills HOA in good standing which includes being current on all dues, fines, fees and assessments and being compliant with all CC&R's, rules and all other areas as stated in the governing documents.

VOTING POWER OF EACH MEMBERSHIP

Each property shall have one vote for each candidate of issue presented for. When more than one (1) person holds title to a Lot, all such persons collectively shall be the member for that Lot. The vote shall be exercised as the Owners among themselves decide, but in no event shall more than one (1) vote be cast with respect to any Lot. The Association is entitled to presume that any ballot tendered by one or more Owners of a Lot was the result of agreement by all other Owners. If conflicting ballots are cast by Owners of a Lot, none will be counted.

VOTING AUTHENTICITY

Authenticity of ballots will be checked by the Elections Inspection team including checking the use of original forms (not copies) and that the forms are signed by the owner or owners.

EQUAL ACCESS TO MEDIA

Bollinger Hills HOA will ensure that if any candidate or member advocating a point of view is provided access to association media, newsletters, or Internet Web sites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and members advocating a point of view, including those not endorsed by the board, for purposes that are reasonably related to the election. The association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the association, is responsible for that content.

Bollinger Hills HOA will ensure access to the common area meeting space during a campaign, at no cost, to all candidates, including those who are not incumbents, and to all members

advocating a point of view, including those not endorsed by the board, for purposes reasonably related to the election.

THE INSPECTOR OF ELECTIONS

The Bollinger Hills HOA Board will appoint an Elections Inspector who shall nominate two (2) additional persons to form a committee of three to be chaired by the Election Inspector. The Board will appoint the Treasurer of the Association who shall nominate 2 elections inspectors that meet required State criteria, to be presented for Board approval. The appointees may be a member of the association, but may not be a Board member.

The inspector of elections committee will be responsible for the following:

1. Receive ballots
2. Determine the membership qualified to vote
3. Determine the authenticity and validity of ballots
4. Count and tabulate the ballots
5. Determine when the voting is closed
6. Determine the results of the election and/or vote
7. Perform all other acts as may be proper to conduct the election with fairness to all members and candidates.

THE ELECTION AND/OR VOTING PROCESS

1. Annually, voting documents will be prepared by the inspector and mailed to all owners at their current addresses utilized by the Association for all mailings including assessment statements, budgets, financials statements, newsletters and other documents mailed to the membership at large.
2. Ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the association to every member not less than 30 days prior to the deadline for voting. In order to preserve confidentiality a voter may not be identified by name, address, or lot, parcel, or unit number on the ballot.
 - a. The ballot itself is not signed by the owner, but is placed into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter prints and signs his or her name, address, and lot, or parcel, or unit number that entitles him or her to vote.
 - b. The second envelope is addressed to the inspector or inspectors of election, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector or inspectors of election. The member may request a receipt for delivery.
3. All votes shall be counted and tabulated by the inspector or inspectors of election or his or her designee in public at a properly noticed open meeting of the board of directors or members. Any candidate or other member of the association may witness the counting and tabulation of the votes. No person, including a member of the association or an employee of the management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated. The inspector of election, or his or her designee, may verify the member's information and signature on the outer envelope prior to the meeting at which ballots

are tabulated. Once a secret ballot is received by the inspector of elections, it shall be irrevocable.

4. The tabulated results of the election shall be promptly reported to the board of directors of the association and shall be recorded in the minutes of the next meeting of the board of directors and shall be available for review by members of the association. Within 15 days of the election, the board shall publicize the tabulated results of the election in a communication directed to all members.
5. The sealed ballots at all times shall be in the custody of the inspector or inspectors of election or at a location designated by the inspector or inspectors until after the tabulation of the vote, and until the time allowed by Section 7527 of the Corporations Code for challenging the election has expired, at which time custody shall be transferred to the association. If there is a recount or other challenge to the election process, the inspector or inspectors of election shall, upon written request, make the ballots available for inspection and review by an association member or his or her authorized representative. Any recount shall be conducted in a manner that preserves the confidentiality of the vote.
6. After tabulation, election ballots shall be stored by the association in a secure place for no less than one year after the date of the election. In the event of a recount or other challenge to the election process, the association shall, upon written request, make the ballots available for inspection and review by association members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

QUORUM AND PROXIES

The presence at the public meeting to count votes of the Members entitled to cast, or of proxies entitled to cast, twenty-five percent (25%) of the Membership shall constitute a quorum for any action unless a specific different quorum is stated in any section of the Articles of Incorporation, the Restated Declaration, these Amended Bylaws or by California law. If, however, such quorum shall not be present or represented at any meeting, the Board shall have power to adjourn the meeting (voting process) to a time not less than five (5) days nor more than thirty (30) days, without notice other than announcement at the meeting until a quorum of at least 135 Members (25% of the total Membership) shall be present or represented.

When a quorum is present, a majority of the voting Members in attendance (in person or by proxy) shall decide questions brought before the Membership unless a different percentage of approving votes is required for the specific act under these Amended Bylaws, the Restated Declaration, the Articles of Incorporation or California law. In those cases, the more specific requirement shall control.

At all meetings of Members, each member may vote in person or by proxy. If voting in person, the ballot must be delivered in the sealed envelope for that purpose. All proxies shall be in writing and filed with the Secretary before the meeting. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his/her lot. No proxy shall be valid after eleven (11) months from the date of execution unless proxy specifies a later date, which in no event shall exceed three (3) years.

Unlike ballots, proxies convey the right to vote to another party. In order to keep the proxies confidential, they will be tabulated and maintained only by the Inspector of Elections. The proxy

holder (the individual or Board) will only be told how many proxies they have to cast votes. The identity of the person assigning the proxy will not be known.

INSTRUCTIONS FOR THE VOTING PACKAGE ENVELOPES:

BALLOT ENVELOPE

<p>BALLOT ENVELOPE</p> <p>PLEASE PLACE YOUR BALLOT IN THIS ENVELOPE AND SEAL IT. THEN, PLACE THIS ENVELOPE INTO THE LARGER ENVELOPE ADDRESSED TO THE INSPECTOR OF ELECTION AND SEAL THAT ENVELOPE.</p>
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OUTER ENVELOPE FOR INSPECTOR

<p>Owner Name (please print) _____</p> <p>Owner Mailing Address _____ _____ _____</p> <p>Property address _____</p> <p>Owner Signature _____</p>	<table border="1"><tr><td>Mailing Address label</td></tr></table>	Mailing Address label	<table border="1"><tr><td>FRONT</td></tr></table>	FRONT
Mailing Address label				
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BOLLINGER HILLS HOMEOWNERS ASSOCIATION PROXY

The undersigned, a Member of the above HOA, hereby appoints _____ as my/our proxy. If no name is filled in, the Inspector(s) of Election shall serve as proxy. My proxy, if other than the Inspector(s) shall vote on my behalf according to my instructions given separately. If my proxy is the Inspector(s), the instructions are to count/tabulate the secret ballot enclosed as cast by me. In any event including if the ballot is blank when it is turned in to be counted, and no choices may be made, this proxy is to be counted toward the quorum. I understand the ballot once provided to the Inspector(s) is not revocable.

Printed Name: _____

Signature _____

Lot/Unit Number and/or Street Address

Date: _____

BACK

THE BALLOT

BALLOT

CANDIDATES

Vote For Three (3)

Joe Doe

John Doe

Judy Doe

MEASURES

Vote Yes or No

The measure below if approved by 51% of the membership will result in adoption of the restated Declaration of Covenants Conditions and Restrictions, the Restated Articles of Incorporation and the Amended Bylaws for Bollinger Hills Homeowners Association.

1. The By-Laws currently in effect shall be replaced by “Amended Bylaws” included with this ballot.
2. All Covenants and Conditions & Restrictions and Amendments currently recorded with the official records of Contra Costa County shall be replaced by the Restated Declaration of Covenants Conditions and Restrictions provided with this Ballot.
3. The restated Articles of Incorporation shall be approved as Amended and Restated.

() Yes, I approve the Amended Articles, Amended By-Laws and Restated CC&R’s

() No, I do not approve the Amended Articles, Amended bylaws and Restated CC&R’s

The adoption of this Rule was approved on the 14th day of March 2007.

By the following vote:

DIRECTOR

Victor Peterson	Yes _____	No _____	Absent/Not Voting <u>__X__</u>
John Youngblood	Yes <u>__X__</u>	No _____	Absent/Not Voting _____
Janet Miller	Yes <u>__X__</u>	No _____	Absent/Not Voting _____
Thomas von Thury	Yes _____	No _____	Absent/Not Voting <u>__X__</u>
Renee Rovai	Yes <u>__X__</u>	No _____	Absent/Not Voting _____

WHEREUPON, the Treasurer declares the foregoing Rule duly adopted, to be effective March 14, 2007.

Dated: March 14, 2007

Terry S. Cunningham
Terry S. Cunningham - Treasurer

ⁱ Final March 14, 2007