



Niguel Shores Community Association

33654 Niguel Shores Drive
Dana Point, California 92629-4221
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February 2025

NOTICE OF PROPOSED RULE CHANGES

Dear Niguel Shores Community Association Member:

Our annual review of the rule set has concluded. The following proposed rule changes are currently under review by the Board.

Process for Rule Changes:

As required by Civil Code, the proposed rule changes will contain the original rule, proposed revised rule, and rationale for the proposed change.

The following steps must be taken for the Board to adopt, amend, or change an existing rule:

1. The proposed changes are submitted to the membership for a 28-day review and comment period.
2. The Board reviews all comments submitted during the designated review period.
3. The Board will then vote during an open session meeting to either accept the rule as published or reject the proposed change.
4. Accepted rules are published and mailed to membership within fifteen (15) days of their adoption.

Membership Review and Comment Period:

Comments from the membership, either for or against any rule, are one of the many tools used by the Board when deciding whether they will adopt or reject a proposed rule change. The membership is encouraged to provide written comments that are submitted either via mail, fax, or email (kdecker@niguelshores.org – reference ‘Proposed Rule Changes’). All comments must be provided prior to 5:00 p.m. on March 31, 2025, to be considered by the Board. For those who chose to submit a written response, a form has been included with this package for your convenience. Please note this form is not required. Handwritten, typed, or email responses are also accepted.

The Board will vote to either accept or reject proposed changes to the rules during the April 2025 General Session Meeting.

On behalf of the Board of Directors, thank you, and your comments and opinion will be greatly appreciated.

Sincerely,

On Behalf of the NSCA Board of Directors

Karen Decker
Architectural Manager

Enclosure: Proposed Rule Changes



2024-2025 PROPOSED RULE CHANGES

RULE NAME	REASON
Covid-19 Emergency Rule Section	Delete: Rule section is no longer needed
Membership Meetings, Annual Meeting, Election of Directors and Membership Votes	Change to Existing Rule: To comply with Civil Code
Inspector of Elections	Change to Existing Rule: To comply with Civil Code
Secret Ballot Process	Change to Existing Rule: To comply with Civil Code
Registration of Proxies/Determination of Quorum	Change to Existing Rule: To comply with Civil Code Combine with <i>Adjournment for Lack of Quorum</i>
Adjournment for Lack of Quorum	Delete Rule: This rule has been combined with <i>Registration of Proxies/Determination of Quorum</i>
Consultation with Association Counsel	Change to Existing Rule: Adjusted to comply with legal requirements
Violations and Hearings	Change to Existing Rule: To clarify the information that is required in a violation and/or hearing notice.
Use of the Association Facilities	Change to Existing Rule: Additional rules are needed to address the new facilities and to clarify boundaries for use.
Swimming Pool and Spa Use	Change to Existing Rule: To comply with State requirements
Tennis Court Use	Change to Existing Rule: The rule <i>Tennis and Pickleball Court Use</i> will be eliminated and replaced with two separate rules regarding the court use for each sport.



2024-2025 PROPOSED RULE CHANGES

RULE NAME	REASON
Pickleball Court Use	Change to Existing Rule: The rule Tennis and Pickleball Court Use will be eliminated and replaced with two separate rules regarding court use for each sport.
Sports Court and Bocce Court Use	New Rule: This new rule will provide the boundaries for use of the new facilities.
Clubhouse Use	Change to Existing Rule: To comply with Civil Code
Beach Bluff Use	Change to Existing Rule: The rule amendment will address current behavior that is causing damage to Association property.
Human Propelled and Motorized Vehicles	Change to Existing Rule: This rule amendment will confirm that electric bicycles (e-bikes) and motorized scooters are not permitted to be operated other than on a roadway.
General Parking Regulations – Overnight Parking	Change to Existing Rule: The rule has been adjusted to reflect a limit of two (2) parking waivers per property
General Parking Regulations – Beach Parking	Change to Existing Rule: Grammatical change only
General Parking Regulations – Recreational Vehicle (Motorhome) Parking	Change to Existing Rule: The rule amendment will solidify the prohibition in the recorded CC&R's (Article IX, Section 8) that only permits RV access into the community for loading and unloading only. Parking in the community for more than 24 hours is prohibited.
Passes-General	Change to Existing Rule: This revision removes redundant verbiage and adjusts the wording to clarify the requirement for all vehicles in the community to display a valid pass.
Barcode Decal	Change to Existing Rule: This revision removes redundant verbiage and consolidates necessary information to provide clarity as to the eligibility requirements regarding vehicle barcodes.



2024-2025 PROPOSED RULE CHANGES

RULE NAME	REASON
Permanent Guest List	Change to Existing: To clarify how many permanent guests are permitted per lot <i>Note: The edit was submitted by legal. The Rules Committee is recommending the Board eliminate the permanent guest list altogether.</i>
Special Event or Group Entry	Change to Existing Rule: Further clarifies the intended requirements for use of a group event entry list.
Vandalism and Damage to Common Area	New Rule: To clarify what activity qualifies as vandalism and the consequences for those actions
Applications and Project Review (introduction paragraph only)	Change to Existing: This revision clarifies the requirement for final applications and final approval of exterior modifications to any lot.
Modification Restrictions – Fences and Walls	Change to Existing Rule: The rule amendment provides additional requirements to installation of glass fences to ensure that the glass is not etched or treated with a glaze that would create a visual impairment.
Modification Restrictions – Roof Material	Change to Existing Rule: The rule amendment will provide clarification regarding the permitted reflective quality of a standing seam metal roof material.
Modification Restrictions – Roof Projections	Change to Existing Rule: Local building code no longer permits new wood burning fireplaces or the relocation of an existing wood burning fireplace. Direct vent fireplaces do not require a chimney, rendering a new/relocated chimney as an unnecessary decorative feature projecting into a view. The revision to the rule will clarify that new or relocated chimneys are not permitted.
Atlantic Garden Homes Modification Restrictions – Easement Area (1)	Change to Existing Rule: To clarify the requirements regarding easement modifications
Atlantic Garden Homes Modification Restrictions – Setbacks and Building Restrictions (6)	Change to Existing Rule: To clarify the requirements regarding replacement of a zero lot line block wall with a standard stub wall



2024-2025 PROPOSED RULE CHANGES

RULE NAME	REASON
Shores Garden Homes Modification Restrictions – Easement Areas (1)	Change to Existing Rule: To clarify the requirements regarding easement modifications
Breakers Isle - Slope Control Easement (2b)	Change to Existing Rule: To clarify the requirements regarding covenants for easement modifications
BOD-1-025 Board Hearing Procedures	Change to Approved Board Procedure: Adjustment to enforcement penalties



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Covid-19 Emergency Rule Section

State Rule with recommended changes:

Delete rule section

Rationale for change:

This section is no longer needed.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Membership Meetings, Annual Meeting,
Election of Directors and Membership Votes

State Existing Rule:

- 1) The Association will hold an Annual Meeting of the membership to elect Directors and to conduct Association business.
- 2) The Board of Directors consists of five Directors. Directors are elected for two (2) year terms. In years ending in even numbers, three (3) Directors are elected. In years ending in odd numbers, two (2) Directors are elected.
- 3) Director/Candidate Qualifications:
 - a. Must be a Member of the Association at the time of nomination.
 - b. Must be a natural person, not a corporation or a trust. A corporation or trust may be represented by the appointment of a natural person, including a trustee if a trust or natural person appointed pursuant to a corporate resolution.
 - c. Candidates for election to the Board of Directors shall be disqualified for any of the following reasons:
 - i. If a Member for less than 1 year at the time of nomination.
 - ii. If the Candidate discloses or the Association becomes aware of a past criminal conviction that either prevents the purchase of fidelity bond coverage or terminates the existing fidelity bond coverage should the person be elected. The Association shall have no obligation to investigate the background or possible history of any candidate.
 - iii. If the Candidate would be serving on the Board at the same time as someone else on title for their separate interest and the other person is properly nominated or an incumbent director.
 - iv. A member who is delinquent in the payment of the regular assessments and special assessments (not including nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party) is not qualified to be a nominee. Likewise, directors shall not be more than sixty (60) days delinquent in the payment of the regular assessments and special assessments. A member shall not be disqualified for failure to be current in payments of the regular assessments and special assessments if either of the following circumstances is true: The member has paid the regular common assessments or special assessments under protest pursuant to Civil Code section 5658; the member has entered into and is in compliance with a payment plan pursuant to Civil Code section 5665; or prior to disqualifying any member from being a nominee, the Association omitted to offer the member an opportunity to engage in internal dispute resolution pursuant to Civil Code section 5900 et.Seq.
- 4) The Board of Directors will appoint a nominating committee approximately 110 days prior to the Annual Meeting date, for the purpose of placing names into nomination for election to the Board pursuant to the Association's Bylaws. The Association will send out to all members a request-for-candidates form, seeking candidates for the Board, approximately 105 days prior to the Annual Meeting date. All forms must be completed by the candidate and must be received by the Association by the deadline stated in the form in order for a candidate's name to appear on the Notice of Annual Meeting and the Ballot. If the fully completed form is not received by the

Association by the deadline date, a candidate may still be nominated by himself, herself or by someone else from the floor of the Annual Meeting or by submittal of a written nomination to the Inspector(s) of Election prior to the deadline described in Rule 5 below. Nominations will be valid so long as the nominee has either nominated himself/herself or provides written notice of acceptance of the nomination prior to the close of nominations. Nominations may also be made by a petition delivered to any officer of the Association, signed within eleven (11) months prior to the Annual Meeting by at least two percent (2%) of the voting power of the Association, pursuant to the Association's Bylaws.

- 5) The Association may, but need not, provide individual notice of the election and procedure for nominating candidates, at least ninety (90) days before the deadline for submitting nominations, stating (i) the number of positions to be filled, (ii) the deadline for submitting nominations, (iii) the manner in which nominations can be submitted, and (iv) a statement that if, at the close of nominations, the number of candidates does not exceed the positions to be filled, the Board of Directors may vote to elect those candidates by acclamation without balloting. Between seven (7) and thirty (30) days prior to the deadline for nominations, the Board may, but need not, send a reminder notice including these statements, and a list of all qualified candidates.
- 6) The Board of Directors may (but is not required to) approve a motion to elect the qualified candidates by acclamation if: (i) following the deadline to submit nominations (per Rule 5, above) the number of qualified candidates does not exceed the number of open seats; (ii) the Association has sent the individual notices required by Rule 5, above; (iii) the Association has held a regular election for directors within the past three (3) years; and (iv) the agenda for the meeting where the motion and includes the name of each qualified candidate.
- 7) The candidacy form will include the opportunity for each candidate to submit a 150-word written statement which is reasonably related to the election, including advocating a point of view. Candidate's statements will be included with the Association's mailing of the Notice and Ballot materials. The Association will not edit or redact these statements but may include a statement specifying that the candidate is responsible for that content.
- 8) Meet the Candidates Night - The Association will hold an informal gathering not less than 15 days prior to the Annual Meeting. All candidates may participate, including those who did not submit a candidate's form but who have advised the Association of their intention to be nominated from the floor of the Annual Meeting. Each candidate may give an oral statement of his/her qualifications of no longer than five minutes per candidate. Questions may also be directed to any candidate by the members present at the meeting. The candidates are not required to attend the Meet the Candidates Night, to make a statement, or to answer questions but are encouraged to do so.
- 9) Secret Ballots: The Association will utilize a secret ballot process, which is now required by California law, as described below, for:
 - a) A vote of the membership regarding assessments legally requiring a vote per Civil Code Section 5605(b)
 - b) Election and removal of members of the Association's Board of Directors
 - c) Amendments to the governing documents
 - d) Grant of exclusive-use common area property pursuant to Civil Code Section 4600
 - e) Any other membership votes, including removal of directors, which may be required or allowed by law.
 - f) The Association's Annual Meeting will be set by the Board to occur each year on a date and at a time in the month of May. The Association will send out a Notice of Annual Meeting/Instructions for Voting, not less than thirty (30) days nor more than ninety (90) days prior to the deadline for voting, which will advise all members of times when polls will open and close. The Notice will also state the dates and times when the members and candidates may attend the Annual Meeting and/or Board of Directors' meeting to witness the inspectors' registration, review, count and tabulation of the Ballots. The notice may also state the specific dates and times at which access to common area meeting space will be made available to all

- candidates and members advocating a point of view at no charge for purposes reasonably related to the election.
- g) Other meetings of the members ("Special Membership Meetings") may be noticed and held by the Association to vote on matters which are proper for member vote. The Board may also determine not to notice/hold membership meetings for votes on matters, except for election and removal of directors/annual meetings, and may conduct the vote by secret ballot process and have the ballots counted and tabulated at a regular open Board meeting.
 - h) The Directors must be elected by secret ballot and cannot be elected by voice vote or show of hands at the Annual Meeting.
 - i) Other business at the Annual or other membership meeting, such as approval of minutes, motions to close registration, motions to cease balloting, motions to adjourn and other parliamentary procedures required by a recognized system of parliamentary procedure may be conducted by a show of hands, voice vote or other recognized method, including a roll call vote.
 - j) All membership meetings and votes will be conducted in accordance with the Association's Governing Documents and California Corporations and Civil Codes, as appropriate.
 - k) Members will have one vote per Lot owned. In no event shall more than one vote be cast with respect to any particular Lot.
 - l) Cumulative voting is not permitted pursuant to the Association's Bylaws.

State Rule with recommended changes:

- 1) The Association will hold an Annual Meeting of the membership to elect Directors and to conduct Association business.
- 2) The Board of Directors consists of five Directors. Directors are elected for two (2) year terms. In years ending in even numbers, three (3) Directors are elected. In years ending in odd numbers, two (2) Directors are elected.
- 3) Director/Candidate Qualifications:
 - a. Must be a Member of the Association at the time of nomination.
 - b. Must be a natural person, not a corporation or a trust. A corporation or trust may be represented by the appointment of a natural person, including a trustee ~~if~~ of a trust or a natural person appointed pursuant to a corporate resolution.
 - c. Candidates for election to the Board of Directors shall be disqualified for any of the following reasons:
 - i. If a Member for less than 1 year at the time of nomination.
 - ii. If the Candidate discloses or the Association becomes aware of a past criminal conviction that either prevents the purchase of fidelity bond coverage or terminates the existing fidelity bond coverage should the person be elected. The Association shall have no obligation to investigate the background or possible history of any candidate.
 - iii. If the Candidate would be serving on the Board at the same time as someone else on title for their separate interest and the other person is properly nominated or an incumbent director.
 - iv. A member who is delinquent in the payment of the regular assessments and special assessments (not including nonpayment of fines, fines renamed as assessments, collection charges, late charges, or costs levied by a third party) is not qualified to be a nominee. ~~Likewise, directors shall not be more than sixty (60) days delinquent in the payment of the regular assessment and special assessments.~~ A member shall not be disqualified for failure to be current in payments of the regular assessments and special assessments if either of the following circumstances is true: The member has paid the regular common

assessments or special assessments under protest pursuant to Civil Code section 5658; the member has entered into and is in compliance with a payment plan pursuant to Civil Code section 5665.

v. Prior to disqualifying any member from being a nominee, the Association ~~emitted to~~ shall offer the member an opportunity to engage in internal dispute resolution pursuant to Civil Code section 5900 et. Seq.

vi. Directors shall also comply with these requirements.

- 4) The Board of Directors will appoint a nominating committee approximately 110 days prior to the Annual Meeting date, for the purpose of placing names into nomination for election to the Board pursuant to the Association's Bylaws. The Association will send out to all members a request-for-candidates form, seeking candidates for the Board, approximately 105 days prior to the Annual Meeting date. All forms must be completed by the candidate and must be received by the Association by the deadline stated in the form in order for a candidate's name to appear on the Notice of Annual Meeting and the Ballot. If the fully completed form is not received by the Association by the deadline date, a candidate may still be nominated by himself, herself or by someone else from the floor of the Annual Meeting or by submittal of a written nomination to the Inspector(s) of Election prior to the deadline described in Rule 5 below. Nominations will be valid so long as the nominee has either nominated himself/herself or provides written notice of acceptance of the nomination prior to the close of nominations. Nominations may also be made by a petition delivered to any officer of the Association, signed within eleven (11) months prior to the Annual Meeting by at least two percent (2%) of the voting power of the Association, pursuant to the Association's Bylaws.
- 5) The Association may, but need not, provide individual notice of the election and procedure for nominating candidates, at least ninety (90) days before the deadline for submitting nominations, stating (i) the number of positions to be filled, (ii) the deadline for submitting nominations, (iii) the manner in which nominations can be submitted, and (iv) a statement that if, at the close of nominations, the number of candidates does not exceed the positions to be filled, the Board of Directors may vote to elect those candidates by acclamation without balloting. Between seven (7) and thirty (30) days prior to the deadline for nominations, the Board may, but need not, send a reminder notice including these statements, and a list of all qualified candidates. If the Association provides the notices described in this Rule, the Association shall provide, within seven (7) business days of receiving a nomination, (x) a written or electronic communication acknowledging the nomination to the member who submitted the nomination, and (y) a written or electronic communication to the nominee, indicating either of the following: (1) the nominee is a qualified candidate for the board of directors; or (2) the nominee is not a qualified candidate for the board of directors, the basis for the disqualification, and the procedure by which the nominee may appeal the disqualification.
- 6) The Board of Directors may (but is not required to) approve a motion to elect the qualified candidates by acclamation if: (i) following the deadline to submit nominations (per Rule 5, above) the number of qualified candidates does not exceed the number of open seats; (ii) the Association has sent the individual notices required by Rule 5, above; (iii) the Association has held a regular election for directors within the past three (3) years; and (iv) the agenda for the meeting where the motion ~~and is made~~ includes the name of each qualified candidate.
- 7) The candidacy form will include the opportunity for each candidate to submit a 150-word written statement which is reasonably related to the election, including advocating a point of view. Candidate's statements will be included with the Association's mailing of the Notice and Ballot materials. The Association will not edit or redact these statements but may include a statement specifying that the candidate is responsible for that content.
- 8) Meet the Candidates Night - The Association will hold an informal gathering not less than 15 days prior to the Annual Meeting. All candidates may participate, including those who did not submit a candidate's form but who have advised the Association of their intention to be

nominated from the floor of the Annual Meeting. Each candidate may give an oral statement of his/her qualifications of no longer than five minutes per candidate. Questions may also be directed to any candidate by the members present at the meeting. The candidates are not required to attend the Meet the Candidates Night, to make a statement, or to answer questions but are encouraged to do so.

- 9) Secret Ballots: The Association will utilize a secret ballot process, which is now required by California law, as described below, for:
- a) A vote of the membership regarding assessments legally requiring a vote per Civil Code Section 5605(b)
 - b) Election and removal of members of the Association's Board of Directors
 - c) Amendments to the governing documents
 - d) Grant of exclusive-use common area property pursuant to Civil Code Section 4600
 - e) Any other membership votes, including removal of directors, which may be required or allowed by law.
 - f) The Association's Annual Meeting will be set by the Board to occur each year on a date and at a time in the month of May. The Association will send out a Notice of Annual Meeting/Instructions for Voting, not less than thirty (30) days nor more than ninety (90) days prior to the deadline for voting, which will advise all members of times when polls will open and close. The Notice will also state the dates and times when the members and candidates may attend the Annual Meeting and/or Board of Directors' meeting to witness the inspectors' registration, review, count and tabulation of the Ballots. The notice may also state the specific dates and times at which access to common area meeting space will be made available to all candidates and members advocating a point of view at no charge for purposes reasonably related to the election.
 - g) Other meetings of the members ("Special Membership Meetings") may be noticed and held by the Association to vote on matters which are proper for member vote. The Board may also determine not to notice/hold membership meetings for votes on matters, except for election and removal of directors/annual meetings, and may conduct the vote by secret ballot process and have the ballots counted and tabulated at a regular open Board meeting.
 - h) The Directors must be elected by secret ballot and cannot be elected by voice vote or show of hands at the Annual Meeting.
 - i) Other business at the Annual or other membership meeting, such as approval of minutes, motions to close registration, motions to cease balloting, motions to adjourn and other parliamentary procedures required by a recognized system of parliamentary procedure may be conducted by a show of hands, voice vote or other recognized method, including a roll call vote.
 - j) All membership meetings and votes will be conducted in accordance with the Association's Governing Documents and California Corporations and Civil Codes, as appropriate.
 - k) Members will have one vote per Lot owned. In no event shall more than one vote be cast with respect to any particular Lot.
 - l) Cumulative voting is not permitted pursuant to the Association's Bylaws.

Rationale for change:

These changes are required to comply with current Civil Code.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Inspector(s) of Election

State Existing Rule:

- 1) One (1) or three (3) inspector(s) of election ("Inspector(s)") will be selected and appointed by the Board of Directors at an open Board meeting, approximately ninety (90) days prior to the date of the Annual Meeting, other membership meeting or vote.
- 2) The Board may, but is not required to, select non-member third parties as the Inspector(s), which may include, but are not limited to, a volunteer poll worker with the County registrar of voters, a licensee of the California Board of Accountancy, or a notary public.
- 3) The Board will not select as an Inspector, a member of the Board of Directors, a candidate for the Board of Directors, a relative of a member of the Board or of a candidate, or a person currently employed by or under contract to the Association for other compensable services other than serving as Inspector(s).
- 4) The Board may determine to pay compensation to the non-member third party Inspector(s), if any. If the Board determines to appoint and pay an independent third party, the Board will require the following terms to be met by the independent third-party Inspector(s):
 - a) A formal written contract for the Inspector(s) to be hired as independent contractor(s);
 - b) The Inspector(s) will maintain insurance with at least \$1 million CGL coverage, including completed operations coverage, and \$1 million D&O/E&O (naming the Association and its management company as additional insured's on both policies);
 - c) The Inspector(s) shall receive and store election envelopes and ballots for at least twelve (12) months, then turn the documents over to the Association;
 - d) Contract to require independent third-party Inspector(s) to indemnify Association if independent third-party Inspector(s) is grossly negligent or commits malicious and/or willful misconduct.
- 5) If an Inspector is unwilling to, unable to, or does not, perform his/her duties as stated in these rules, or becomes ineligible to be an Inspector at any time after appointment the Board may remove that Inspector without notice, and may appoint another Inspector in his/her place.
- 6) Inspector(s)' Duties:
 - a) Make corrections to the candidate registration list and voter list;
 - b) At least thirty (30) days before an election, deliver to each member (or cause to be delivered) a Ballot or Ballots and a copy of these Rules. Delivery of these Rules may be accomplished by: posting these Rules to the Association's internet website and including the corresponding internet website address on the Ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here."; or via individual delivery as specified at Civil Code Section 4040.
 - c) Determine number of memberships entitled to vote and the voting power of each;
 - d) Determine the authenticity, validity, and effect of proxies, if any;
 - e) Receive Ballots and proxies, if any;
 - f) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
 - g) Count and tabulate all votes;
 - h) Determine when the polls shall close;
 - i) Determine the results of the election;
 - j) Perform any acts as may be proper to conduct the election with fairness to all members, in

- accordance with California law and these rules;
- k) All duties must be performed in good faith, to the best of the Inspector(s)' ability, and as expeditiously as practical, and in a manner that protects the interest of all members;
 - l) Prior to the mailing of the Ballots by the Association, the Inspector(s) will determine the location where the sealed ballots will be mailed or delivered and where the Inspector(s) will maintain custody of the sealed ballots before and after the tabulation of the vote by the Inspector(s). The Inspector(s) may select the Association's management company or a private post office box to receive the sealed ballots on behalf of the Inspector(s). Where the Inspector(s) are volunteers, the Association's management company or a private post office box shall be the preferred receipt and storage location. Management will not organize, register, open, review or count the ballots. The Inspector(s) will not select his/her/their own residences as the location where the ballots will be mailed/received. Professional Inspector(s) may designate their business address as the location where the ballots will be mailed/received.
 - m) In the event of an election challenge, the Inspector(s) shall, upon written request, make the Ballots available for inspection and review by an Association Member or Member's authorized representative. In order to protest the security of the Secret Ballot, one or more Association representatives must be present during such review.
- 7) The Inspector(s) may appoint additional personnel to assist them in their duties, including registration, counting and tabulating, but the Inspector(s) will oversee and be responsible for all actions of such personnel. Any additional persons appointed to assist the Inspector(s) must meet the qualifications stated above. Only the Inspector(s) may sign the Inspector(s)' report of the election, but additional persons must sign an oath regarding his/her/their duties.
 - 8) If there are three Inspectors, the decision to act must be by a majority of the Inspectors and is effective, in all respects, as the decision of all.
 - 9) The Inspector(s)' report of the election shall be prepared for all votes, and once signed to certify the election, is prima facie evidence of the facts stated in the report.

State Rule with recommended changes:

- 1) One (1) or three (3) inspector(s) of election ("Inspector(s)") will be selected and appointed by the Board of Directors at an open Board meeting, approximately ninety (90) days prior to the date of the Annual Meeting, other membership meeting or vote.
- 2) The Board may, but is not required to, select non-member third parties as the Inspector(s), which may include, but are not limited to, a volunteer poll worker with the County registrar of voters, a licensee of the California Board of Accountancy, or a notary public.
- 3) The Board will not select as an Inspector, a member of the Board of Directors, a candidate for the Board of Directors, a relative of a member of the Board or of a candidate, or a person currently employed by or under contract to the Association for other compensable services other than serving as Inspector(s).
- 4) The Board may determine to pay compensation to the non-member third party Inspector(s), if any. If the Board determines to appoint and pay an independent third party, the Board will require the following terms to be met by the independent third-party Inspector(s):
 - a) A formal written contract for the Inspector(s) to be hired as independent contractor(s);
 - b) The Inspector(s) will maintain insurance with at least \$1 million CGL coverage (***naming the Association as additional insured***), including completed operations coverage, and \$1 million D&O/E&O; (~~***naming the Association and its management company as additional insured's on both policies***~~)
 - c) The Inspector(s) shall receive and store election envelopes and ballots for at least twelve (12) months, then turn the documents over to the Association;
 - d) Contract to require independent third-party Inspector(s) to indemnify Association if

- independent third-party Inspector(s) is grossly negligent or commits malicious and/or willful misconduct.
- 5) If an Inspector is unwilling to, unable to, or does not, perform his/her duties as stated in these rules, or becomes ineligible to be an Inspector at any time after appointment the Board may remove that Inspector without notice, and may appoint another Inspector in his/her place.
 - 6) Inspector(s)' Duties:
 - a) Make corrections to the candidate registration list and voter list;
 - b) At least thirty (30) days before an election, deliver to each member (or cause to be delivered) a Ballot or Ballots and a copy of these Rules. Delivery of these Rules may be accomplished by: posting these Rules to the Association's internet website and including the corresponding internet website address on the Ballot together with the phrase, in at least 12-point font: "The rules governing this election may be found here."; or via individual delivery as specified at Civil Code Section 4040.
 - c) Determine number of memberships entitled to vote and the voting power of each;
 - d) Determine the authenticity, validity, and effect of proxies, if any;
 - e) Receive Ballots and proxies, if any;
 - f) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
 - g) Count and tabulate all votes;
 - h) Determine when the polls shall close;
 - i) Determine the results of the election;
 - j) Perform any acts as may be proper to conduct the election with fairness to all members, in accordance with California law and these rules;
 - k) All duties must be performed in good faith, to the best of the Inspector(s)' ability, and as expeditiously as practical, and in a manner that protects the interest of all members;
 - l) Prior to the mailing of the Ballots by the Association, the Inspector(s) will determine the location where the sealed ballots will be mailed or delivered and where the Inspector(s) will maintain custody of the sealed ballots before and after the tabulation of the vote by the Inspector(s). The Inspector(s) may select the Association's management company office or a private post office box to receive the sealed ballots on behalf of the Inspector(s). Where the Inspector(s) are volunteers, the Association's management company office or a private post office box shall be the preferred receipt and storage location. Management will not organize, register, open, review or count the ballots. The Inspector(s) will not select his/her/their own residences as the location where the ballots will be mailed/received. Professional Inspector(s) may designate their business address as the location where the ballots will be mailed/received.
 - m) In the event of an election challenge, the Inspector(s) shall, upon written request, make the Ballots available for inspection and review by an Association Member or Member's authorized representative. In order to protest the security of the Secret Ballot, one or more Association representatives must be present during such review.
 - 7) The Inspector(s) may appoint additional personnel to assist them in their duties, including registration, counting and tabulating, but the Inspector(s) will oversee and be responsible for all actions of such personnel. Any additional persons appointed to assist the Inspector(s) must meet the qualifications stated above. Only the Inspector(s) may sign the Inspector(s)' report of the election, but additional persons must sign an oath regarding his/her/their duties.
 - 8) If there are three Inspectors, the decision to act must be by a majority of the Inspectors and is effective, in all respects, as the decision of all.
 - 9) The Inspector(s)' report of the election shall be prepared for all votes, and once signed to certify the election, is prima facie evidence of the facts stated in the report.

Rationale for change:

These changes are required to comply with the current Civil Code and to specify that the Association is managed on-site and not through a management company.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Secret Ballot Process

State Existing Rule:

- 1) At least thirty (30) days before the Ballots are distributed, the Association shall provide general notice of the date and time by which, and the physical address where, Ballots are to be returned by mail or handed to the Inspector(s); the date, time, and location of the meeting where the Ballots will be counted; and the list of candidates that will appear on the Ballot.
- 2) At least thirty (30) days prior to the Annual Meeting, other membership meeting, or vote taken, the Association will mail to members by first-class mail, the Ballots, along with two pre-addressed envelopes. The Annual Meeting date, other membership meeting date, or deadline date for other votes taken without a meeting will be considered the due date for completed ballots to be received by the Association. A Notice of Meeting will also be sent which will include instructions on how to return Ballots.
- 3) The Ballot itself will not identify voter by name, address, Lot and Tract, parcel number or unit number, or other identifying information.
- 4) The Ballot and Notice will contain the names of any candidates known to the Association at the time the Ballot/Notice is mailed. If no candidates are known or if there are less candidates than the number of directors to be elected, the Association will send out a Ballot which has the names of the candidates known and/or blank lines for write-in candidates.
- 5) Any write-in candidate must be nominated from the floor of the Annual Meeting, by himself, herself or another member, or by written notice which is received by the Inspector(s) prior to the close of nominations, and must be present at the Annual meeting to accept the nomination or have sent written acceptance of the nomination to the Association in advance.
- 6) The Ballot itself is not signed by the voter but is inserted into an envelope which is pre-addressed to the Inspector(s) (Envelope #1).
- 7) The voter then seals Envelope #1 and inserts Envelope #1 into a second pre-addressed envelope (Envelope #2) which is then also sealed by the voter.
- 8) In the upper left-hand corner of Envelope #2, the voter shall sign his or her name, indicate his or her name, and indicate the address or other property identifying account number or Lot and Tract number that entitles him or her to vote. A proxy holder voting on behalf of a member at a meeting shall indicate the name and address or other property identifying account number or Lot and Tract number, of the proxy giver in the upper left-hand corner of Envelope # 2 but shall sign the proxy holder's name on Envelope # 2.
- 9) The owners of multiple properties must submit separate Ballots in separate sealed Ballot Envelopes #1 and #2 for each property owned.
- 10) Envelopes #1 and #2 are pre-addressed to the Inspector(s) at the location selected by the inspector(s).
- 11) Ballots may be mailed to the selected address or delivered by hand by the member to the location selected by the Inspector(s).
- 12) The member may request a receipt for hand delivery of the sealed Envelope #2 to the location selected by the Inspector(s). Any member desiring a receipt for mail delivery should send the Ballot by certified mail, return receipt requested, to the location selected by the Inspector(s).

- 13) Only the Association's Ballots and envelopes which are sent out to the membership by the Association or are provided by the Association at the membership meeting will be accepted by the Inspector(s).

State Rule with recommended changes:

- 1) At least thirty (30) days before the Ballots are distributed, the Association shall provide general notice of the date and time by which, and the physical address where, Ballots are to be returned by mail or handed to the Inspector(s); the date, time, and location of the meeting where a quorum will be determined and the Ballots will be counted; ~~and~~ the list of candidates that will appear on the Ballot; and a statement that the Board of Directors may call a subsequent meeting at least twenty (20) days after the election if the required quorum is not reached, at which time the quorum will be twenty percent (20%) of the Association's membership.
- 2) At least thirty (30) days prior to the Annual Meeting, other membership meeting, or vote taken, the Association will mail to members by first-class mail, the Ballots, along with two pre-addressed envelopes. The Annual Meeting date, other membership meeting date, or deadline date for other votes taken without a meeting will be considered the due date for completed ballots to be received by the Association. A Notice of Meeting will also be sent which will include instructions on how to return Ballots.
- 3) The Ballot itself will not identify voter by name, address, Lot and Tract, parcel number or unit number, or other identifying information.
- 4) The Ballot and Notice will contain the names of any candidates known to the Association at the time the Ballot/Notice is mailed. If no candidates are known or if there are less candidates than the number of directors to be elected, the Association will send out a Ballot which has the names of the candidates known and/or blank lines for write-in candidates.
- 5) Any write-in candidate must be nominated from the floor of the Annual Meeting, by himself, herself or another member, or by written notice which is received by the Inspector(s) prior to the close of nominations, and must be present at the Annual meeting to accept the nomination or have sent written acceptance of the nomination to the Association in advance.
- 6) The Ballot itself is not signed by the voter but is inserted into an envelope which is pre-addressed to the Inspector(s) (Envelope #1).
- 7) The voter then seals Envelope #1 and inserts Envelope #1 into a second pre-addressed envelope (Envelope #2) which is then also sealed by the voter.
- 8) In the upper left-hand corner of Envelope #2, the voter shall sign his or her name, indicate his or her name, and indicate the address or other property identifying account number or Lot and Tract number that entitles him or her to vote. A proxy holder voting on behalf of a member at a meeting shall indicate the name and address or other property identifying account number or Lot and Tract number, of the proxy giver in the upper left-hand corner of Envelope # 2 but shall sign the proxy holder's name on Envelope # 2.
- 9) The owners of multiple properties must submit separate Ballots in separate sealed Ballot Envelopes #1 and #2 for each property owned.
- 10) Envelopes #1 and #2 are pre-addressed to the Inspector(s) at the location selected by the inspector(s).
- 11) Ballots may be mailed to the selected address or delivered by hand by the member to the location selected by the Inspector(s).
- 12) The member may request a receipt for hand delivery of the sealed Envelope #2 to the location selected by the Inspector(s). Any member desiring a receipt for mail delivery should send the Ballot by certified mail, return receipt requested, to the location selected by the Inspector(s).

13) Only the Association's Ballots and envelopes which are sent out to the membership by the Association or are provided by the Association at the membership meeting will be accepted by the Inspector(s).

Rationale for change:

These changes are required to comply with the current Civil Code.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Registration of Proxies/Determination of Quorum

State Existing Rule:

- 1) If a person brings proxies to the membership meeting, the Inspector(s) will review and make all necessary determinations regarding those proxies, including the validity of those proxies.
- 2) The Inspector(s) will determine prior to or at the meeting, based upon the count of the number of members voting in person, by proxy, or by a mailed or delivered Ballot as shown on the registration list, that quorum has been obtained.
- 3) The quorum consists of not less than fifty percent (50%) of the voting power of the membership. At an adjourned meeting, the quorum shall be one-half (1/2) of the required quorum at the preceding meeting.
- 4) If a member has cast a Ballot by mail or delivery which is received by the Inspector(s) prior to the Inspector(s)' receipt of a Ballot cast by the member's proxy holder, the member's Ballot will supersede and control over any proxy submitted or any Ballot later cast by the member's proxy holder. A member may revoke a proxy at any time prior to the Inspector(s)' receipt of a Ballot submitted by the member's proxy holder.
- 5) Upon determination that a quorum has been obtained, the Inspector(s) may close registration at the polls.

State Rule with recommended changes:

Registration of Proxies/Determination of Quorum/*Adjournment for Lack of Quorum*

- 1) If a person brings proxies to the membership meeting, the Inspector(s) will review and make all necessary determinations regarding those proxies, including the validity of those proxies.
- 2) The Inspector(s) will determine prior to or at the meeting, based upon the count of the number of members voting in person, by proxy, or by a mailed or delivered Ballot as shown on the registration list, that quorum has been obtained.
- 3) The quorum consists of not less than fifty percent (50%) of the voting power of the membership. **Unless the Board determines to call a subsequent meeting pursuant to Secret Ballot Process Rule 1,** at an adjourned meeting, the quorum shall be one-half (1/2) of the required quorum at the preceding meeting.
- 4) If a member has cast a Ballot by mail or delivery which is received by the Inspector(s) prior to the Inspector(s)' receipt of a Ballot cast by the member's proxy holder, the member's Ballot will supersede and control over any proxy submitted or any Ballot later cast by the member's proxy holder. A member may revoke a proxy at any time prior to the Inspector(s)' receipt of a Ballot submitted by the member's proxy holder.
- 5) Upon determination that a quorum has been obtained, the Inspector(s) may close registration at the polls.
- 6) **Any Ballots which are cast in person at the Annual Meeting and put directly into the ballot box without Envelopes #1 and #2 for that meeting will not be counted at or used for any adjourned meeting. Ballots which are put directly into the ballot box or received by the Inspector(s) in properly completed, sealed Envelopes #1 and #2 will be valid for adjourned meetings.**
- 7) **The Ballots will be counted during duly noticed Board or membership meetings. The Inspector(s) may request that any meeting be recessed to allow the Inspector(s) to complete the**

counting and tabulation of the Ballots at another time. Notice of the recessed meeting will be given to all members and candidates of the location, dates and times when the counting and tabulation will be performed. The Inspector(s) will continue to maintain custody of all Ballots until the counting and tabulation is complete.

Rationale for change:

These changes combine two existing rules (Registration of Proxies/Determination of Quorum and Adjournment for Lack of Quorum). The wording has been adjusted to comply with the current Civil Code.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Adjournment for Lack of Quorum

State Existing Rule:

- 1) Any Ballots which are cast in person at the Annual Meeting and put directly into the ballot box without Envelopes #1 and #2 for that meeting will not be counted at or used for any adjourned meeting. Ballots which are put directly into the ballot box or received by the Inspector(s) in properly completed, sealed Envelopes #1 and #2 will be valid for adjourned meetings.
- 2) The Ballots will be counted during duly noticed Board or membership meetings. The Inspector(s) may request that any meeting be recessed to allow the Inspector(s) to complete the counting and tabulation of the Ballots at another time. Notice of the recessed meeting will be given to all members and candidates of the location, dates and times when the counting and tabulation will be performed. The Inspector(s) will continue to maintain custody of all Ballots until the counting and tabulation is complete.

State Rule with recommended changes:

Delete rule

Rationale for change:

This rule has been combined with rule *Registration of Proxies/Determination of Quorum* and is no longer needed.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Consultation with Association Counsel

State Existing Rule:

The Inspector(s) will have the authority to confer with Association legal counsel in advance of or at the meeting. Legal counsel represents the Association and does not represent the members, Inspector(s), Board members, management or any other person. By the adoption of these rules, Association legal counsel has been authorized by the Board of Directors to provide advice to and to waive the attorney-client confidential communication privilege as determined necessary or prudent by the attorney to inform and advise the Inspector(s) regarding issues related to the Inspector(s) performance of their duties for the Association. The Inspector(s) may confer with Association legal counsel outside the presence of the members.

State Rule with recommended changes:

The Inspector(s) will have the authority to confer with Association legal counsel in advance of or at the meeting. Legal counsel represents the Association and does not represent the members, Inspector(s), Board members, management or any other person. By the adoption of these rules, Association legal counsel has been authorized by the Board of Directors to provide advice ~~to and to waive the attorney-client confidential communication privilege~~ as determined necessary or prudent by the attorney to inform and advise the Inspector(s) regarding issues related to the Inspector(s) performance of their duties for the Association. The Inspector(s) may confer with Association legal counsel outside the presence of the members.

Rationale for change:

The wording has been adjusted to comply with the legal requirements.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Violations and Hearings

State Existing Rule:

Each notice of violation shall specify the nature and date of the violation, or the date said violation was determined, and, if applicable, shall state a reasonable time in which to comply.

If a violation is not corrected, a hearing will be scheduled before the Board of Directors. The notice of hearing will be sent via USPS first class mail and email if owner has requested such delivery option. The hearing notice will contain the following information:

- 1) Nature of the violation.
- 2) Required corrective action.
- 3) When the corrective action completion date.
- 4) Date and time of the hearing.
- 5) Location of the hearing.
- 6) Potential enforcement action or monetary fine to be assessed during the hearing.
- 7) Attendance requirements.

The hearing will be held before the Board of Directors and shall be in executive session unless the member requests it be in general session. Prior to the hearing, the member shall have access to relevant material, except for material and correspondence that is protected as privileged, confidential, and/or by a nondisclosure requirement. Members shall have the right to representation of their choice, including legal counsel but must notify the Board no less than five (5) days in advance if legal counsel will attend.

The decision by the Board of Directors after hearing shall be provided in writing to the member within fifteen (15) days of the date the decision is rendered.

State Rule with recommended changes:

Each notice of violation shall specify the nature and date of the violation, or the date said violation was determined, and, if applicable, shall state a reasonable time in which to comply.

If a violation is not corrected, a hearing will be scheduled before the Board of Directors. The notice of hearing will be sent via USPS first class mail and email if owner has requested such delivery option. The hearing notice will contain the following information:

- 1) Nature of the violation.
- 2) Required corrective action.
- 3) ~~When~~ ***The*** corrective action completion date.
- 4) Date and time of the hearing.
- 5) Location of the hearing.
- 6) Potential enforcement action or monetary fine to be assessed during the hearing.
- 7) ~~Attendance requirements.~~ ***A statement that the owner has the right to attend and may address the Board.***

The hearing will be held before the Board of Directors and shall be in executive session unless the member requests it be in general session. Prior to the hearing, the member shall have access to relevant

material, except for material and correspondence that is protected as privileged, confidential, and/or by a nondisclosure requirement. Members shall have the right to representation of their choice, including legal counsel but must notify the Board no less than five (5) days in advance if legal counsel will attend.

The decision by the Board of Directors after hearing shall be provided in writing to the member within fifteen (15) days of the date the decision is rendered.

Rationale for change:

The wording change will clarify the information that is required in a violation and/or hearing notice.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Use of the Association Facilities

State Existing Rule:

Association facilities are defined as the Community Center Facilities and Recreation Grounds, the Beach Bluff and all Common Areas.

- 1) Community Center hours are 6:30 am – 9:30 pm, daily. Hours for the Beach Bluff are 6:00 am to 10 pm daily. Any individual who enters during unauthorized hours is trespassing. Trespassing will result in a hearing and fine, and local law enforcement will be requested to remove criminal trespassers.
- 2) Guests using any of the Association facilities, must be accompanied by a resident, or be registered at the office by the resident (registering a guest is only for use of the Community Center facilities). A member is responsible for the conduct of his/her guests, lessees or invitees, and their observance of the rules.
- 3) The NSCA staff has the authority to enforce all rules and regulations. Residents are requested to report infractions of the rules to the NSCA staff.
- 4) Smoking of any kind is prohibited in and around all Common Areas, which includes but is not limited to streets, sidewalks, parking lots, and community parks.
- 5) Activities that interrupt the right of the other individuals to enjoy the facilities or present a safety issue are prohibited.
- 6) The maintenance area, all storage areas, pool filtration rooms and staff office space are restricted to staff.
- 7) Loitering is prohibited.
- 8) Individuals using the Association facilities may be required to furnish proof of residence.
- 9) Bicycles are not permitted inside the Community Center gates, must be parked against bike racks, and may not be left on sidewalks or pathways.

State Rule with recommended changes:

Association facilities are defined as the Community Center Facilities and Recreation Grounds, the Beach Bluff and all Common Areas.

- 1) **Hours of Operation:**
 - a) **Community Center pool, spa, and patio with fireplace hours are 6:30 am – 9:30 pm, daily.**
 - b) **Playground, sports court, bocce courts, tennis courts, pickleball courts, and park area hours are 8:00 a.m. to sundown daily.**
 - c) **Beach Bluff hours are 6:00 am to 10 pm daily.**
 - d) **Any individual who enters during unauthorized hours is trespassing. Trespassing will result in a hearing and fine, and local law enforcement will be requested to remove criminal trespassers.**
- 2) Guests using any of the Association facilities, must be accompanied by a resident, or be registered at the office by the resident. (~~registering a guest is only for use of the Community Center facilities~~). A member is responsible for the conduct of his/her guests, lessees or invitees, and their observance of the rules.
- 3) The NSCA staff has the authority to enforce all rules and regulations. Residents are requested

- to report infractions of the rules to the NSCA staff.
- 4) Smoking of any kind is prohibited in and around all Common Areas, which includes but is not limited to streets, sidewalks, parking lots, and community parks.
 - 5) Activities that interrupt the right of the other individuals to enjoy the facilities or present a safety issue are prohibited.
 - 6) The maintenance area, all storage areas, pool filtration rooms and staff office space are restricted to staff.
 - 7) Loitering is prohibited.
 - 8) Individuals using the Association facilities may be required to ***provide*** proof of residence.
 - 9) Bicycles, ***E-bikes, scooters, and skateboards*** are not permitted inside the Community Center gates, ***in the park area, on the sports court, on the bocce ball court, on the walking path or on the playground.*** ***Bicycles, E-bikes and scooters*** must be parked against bike racks and may not be left on sidewalks or pathways.

Rationale for change:

Additional rules are needed to address the new facilities and to clarify boundaries for use.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Swimming Pool and Spa Use

State Existing Rule:

- 1) Use of these facilities is at your own risk. The Association does not provide a lifeguard.
- 2) Swim diapers and/or rubber covers are required for anyone incontinent or not toilet trained. If failure to comply results in pool/spa contamination, the responsible member will be charged a decontamination fee.
- 3) Glass is not allowed in pool/spa areas.
- 4) Nothing is permitted in the pool or spa except people, pool toys, or swim aides.
- 5) Swimsuits are required in pool, spa, and sauna.
- 6) Persons under 14 years of age must be accompanied by and under direct supervision of a person 18 years of age or older when in pool/spa areas.
- 7) Pets are prohibited in the pool, spa and deck areas.
- 8) Running, horseplay or any activity detrimental to the safety and enjoyment of residents and guests, is grounds for removal.

State Rule with recommended changes:

- 1) Use of these facilities is at your own risk. The Association does not provide a lifeguard.
- 2) Swim diapers and/or rubber covers are required for anyone incontinent or not toilet trained. If failure to comply results in pool/spa contamination, the responsible member will be charged a decontamination fee.
- 3) Glass is not allowed in pool/spa areas.
- 4) Nothing is permitted in the pool or spa except people, pool toys, or swim aides.
- 5) Swimsuits are required in pool, spa, and sauna.
- 6) Persons under 14 years of age must be accompanied by and under direct supervision of a ~~person 18 years of age or older~~ parent or guardian when in pool/spa areas.
- 7) Pets are prohibited in the pool, spa and deck areas.
- 8) Running, horseplay or any activity detrimental to the safety and enjoyment of residents and guests, is grounds for removal.

Rationale for change:

Wording change needed to address State requirements.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule: Tennis Court Use
- Change to Existing Rule:

State Proposed New Rule:

Tennis Court Use

The tennis courts are a community asset. It is expected that they will be used with reasonable care and with consideration for others who use them. A resident must be present on the court at all times during play.

- 1) Court Reservations:
 - a) Reservations may be made online by logging into the Association's website at www.niguelshores.org. Reservations may be made for up to seven (7) days before the playing date/time. It is the responsibility of each resident to ensure reservations are within this timeframe.
 - b) Reservations are made on a first come, first served basis.
 - c) Reservations are made in one (1) hour increments. Players in a doubles group may sign up for two (2) hours consecutively.
 - d) Only current residents may make court reservations
 - e) If a court is not occupied within ten (10) minutes after reserved time, it is automatically opened until the next scheduled time on a first-come, first-served basis for any waiting players.
- 2) Players are expected to wear appropriate shoes. Shoes with soles that leave black marks on the court surfaces are not permitted.
- 3) Bottled water is permitted on the courts. Food and other beverages are not permitted.
- 4) The courts are to be used for tennis only. Other activities are not permitted.
- 5) Nuisance activities, such as boisterous play and amplified music, are not permitted.
- 6) Residents may use their reserved court time for individual playing lessons.
- 7) Association members will be held responsible for any damage they or their household members, tenants, or guests cause to the courts or equipment.

Rationale for change:

The rule *Tennis and Pickleball Court Use* will be eliminated and replaced with two separate rules regarding the court use for each sport.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule: Pickleball Court Use
- Change to Existing Rule:

State Proposed New Rule:

Pickleball Court Use

The pickleball courts are a community asset. It is expected that they will be used with reasonable care and with consideration for others who use them. A resident must be present on the court at all times during play.

- 1) Hours of play and guidelines for Rotation Play, Drop-In Play, and Organized Play are posted in the Community Center.
- 2) Players are expected to wear appropriate shoes. Shoes with soles that leave black marks on the court surfaces are not permitted.
- 3) Bottled water is permitted on the courts. Food and other beverages are not permitted.
- 4) The courts are to be used for pickleball only. Other activities are not permitted.
- 5) Nuisance activities, such as boisterous play and amplified music, are not permitted
- 6) Association members will be held responsible for any damage they or their household members, tenants, or guests cause to the courts or equipment.

Rationale for change:

The rule *Tennis and Pickleball Court Use* will be eliminated and replaced with two separate rules regarding the court use for each sport.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule: Sports Court and Bocce Court Use
- Change to Existing Rule:

State Proposed New Rule:

Sports Court and Bocce Court Use

- 1) Both the sports court and the bocce courts open at 8:00 a.m. and close at sundown.
- 2) The use of the sports court and bocce courts are at your own risk. Players are urged to be mindful of the presence of others to avoid accidents or injury.
- 3) Any item that can cause damage (i.e. E-Bikes, bicycles, skateboards, strollers, etc.) is not permitted on the sports court or bocce courts.
- 4) Dogs are not permitted on the sports court or bocce courts.
- 5) Use procedures are posted in the Community Center reader board and on the Association's website. Paper copies are available in the management office.
- 6) Equipment for volleyball, shuffleboard, and corn hole games are available for check-out in the NSCA Management Office during regular business hours.

Rationale for change:

This new rule will provide the boundaries for use of the new facilities.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Clubhouse Use

State Existing Rule:

The Clubhouse includes the Multi-Purpose Room (MPR), interior lobby and restroom facilities, exterior individual restrooms, kitchen, fireplace, saunas and locker rooms. The Clubhouse may be used only for social purposes and cannot be used for business functions nor for meetings of non-NSCA organized groups

- 1) Reservations can be made by a resident for use of the MPR (including interior lobby, lobby restrooms and limited use of the kitchen facility only). Use of this Common Area for a private event must comply with the following:
 - a) The kitchen facilities are available for limited use. Use is limited to the electric ovens, counters, sinks, icemaker, refrigerator (do not use or remove any items already in the refrigerator). Use of the gas stove and griddle unit not permitted.
 - b) The resident reserving the MPR must be present at all times during the event.
 - c) Reservations may be made no more than six (6) months in advance and no less than seven (7) business days prior to the event. A maximum of four (4) reservations may be placed per property in a calendar year. Reservations are not valid unless deposits and fees are paid, and all paperwork is submitted.
 - d) An endorsement naming Niguel Shores Community Association as an additional insured with liability coverage of \$1,000,000.00 or more is required at the time the reservation is made.
 - e) Confirmation of the reservation and verification of liability insurance must be made with the NSCA Management Office no earlier than fifteen (15) business days prior to the event and no later than seven (7) business days prior to the event.
 - f) Setup, decorating, and clean up must take place within the reservation time. Items may not be stored in the facility.

State Rule with recommended changes:

The Clubhouse includes the Multi-Purpose Room (MPR), interior lobby and restroom facilities, exterior individual restrooms, kitchen, fireplace, saunas and locker rooms. The Clubhouse may be used only for social, **political, or educational** purposes and cannot be used for business functions nor for meetings of non-NSCA organized groups

- 1) Reservations can be made by a resident for use of the MPR (including interior lobby, lobby restrooms and limited use of the kitchen facility only). Use of this Common Area for a private event must comply with the following:
 - a) The kitchen facilities are available for limited use. Use is limited to the electric ovens, counters, sinks, icemaker, refrigerator (do not use or remove any items already in the refrigerator). Use of the gas stove and griddle unit not permitted.
 - b) The resident reserving the MPR must be present at all times during the event.
 - c) Reservations may be made no more than six (6) months in advance and no less than seven (7) business days prior to the event. A maximum of four (4) reservations may be

- placed per property in a calendar year. Reservations are not valid unless deposits and fees are paid, and all paperwork is submitted.
- d) An endorsement naming Niguel Shores Community Association as an additional insured with liability coverage of \$1,000,000.00 or more is required at the time the reservation is made.
 - e) Confirmation of the reservation and verification of liability insurance must be made with the NSCA Management Office no earlier than fifteen (15) business days prior to the event and no later than seven (7) business days prior to the event.
 - f) Setup, decorating, and clean up must take place within the reservation time. Items may not be stored in the facility.

Rationale for change:

This rule change is required by the Civil code.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Beach Bluff Use – General Conditions

State Existing Rule:

The beach bluff is a common area amenity for residents of Niguel Shores Community Association and is intended for passive and moderately active usage. A resident may reserve the park area located at the northern end of the bluff for temporary exclusive use. The following regulations for use of the beach bluff park are based on the ideals of common courtesy, consideration and respect that have founded the sense of community within Niguel Shores. These rules are meant to be congruent with other existing rules governing the use of common area, parking, animals in public places, etc.

1) **General Conditions:**

- a) Tables must be attended at all times for continued use. Items left unattended will be removed by an Association patrol service member or staff member and use of the table forfeited.
- b) Guests must be accompanied by a Niguel Shores resident at all times. Unaccompanied guests will be requested to vacate.
- c) Casual games and activities that do not interfere with the right of other individuals to enjoy the bluff area are permitted.
- d) The following are prohibited:
 - unrestrained or unleashed dogs
 - bounce houses or other inflatables
 - wood or charcoal fires
 - smoking of any kind
 - generators or items that require the use of an engine or live electricity
 - altering, disabling or interfering with the access gates or fences
 - barbecues on Association tables
 - team sports or team practices
 - staking or inserting items into the grass or other landscape areas
 - amplified music or sound systems (community sponsored events exempt)
- e) Upon Board or General Manager approval, the Association reserves the right to allow use for memorial services honoring residents and for community events.

State Rule with recommended changes:

The beach bluff is a common area amenity for residents of Niguel Shores Community Association and is intended for passive ~~and moderately active usage~~ use. A resident may reserve the park area located at the northern end of the bluff for temporary exclusive use. The following regulations for use of the beach bluff park are based on the ideals of common courtesy, consideration and respect that have founded the sense of community within Niguel Shores. These rules are meant to be congruent with other existing rules governing the use of common area, parking, animals in public places, etc.

1) **General Conditions:**

- a) Tables must be attended at all times for continued use. Items left unattended will be removed by an Association patrol service member or staff member and use of the table forfeited.

- b) Guests must be accompanied by a Niguel Shores resident at all times. Unaccompanied guests will be requested to vacate.
- c) Casual games and activities that do not interfere with the right of other individuals to enjoy the bluff area are permitted.
- d) **The beach bluff may not be used for fundraising activities or functions.**
- e) The following are prohibited:
 - unrestrained or unleashed dogs
 - bounce houses or other inflatables
 - **wood or charcoal burning fire bowls or barbecues, including hibachi type grills**
~~wood or charcoal fires~~
 - smoking of any kind
 - generators or items that require the use of an engine or live electricity
 - altering, disabling or interfering with the access gates or fences
 - barbecues on Association tables
 - team sports or team practices
 - staking or inserting items into the grass or other landscape areas
 - amplified music or sound systems (community sponsored events exempt)
- f) Upon Board or General Manager approval, the Association reserves the right to allow use for memorial services honoring residents and for community events.

Rationale for change:

The rule amendment will clarify the purpose of use for the bluff and will address current behavior that is causing damage to Association property.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Human Propelled and Motorized Vehicles

State Existing Rule:

Human propelled bicycles, skateboards, scooters, etc. are permitted for transportation within the community, except for the following:

- 1) Use is not permitted on sidewalks or other Common Areas where use presents a safety issue.
- 2) No gas or electric powered scooters, mini motorcycles, bikes, go carts, hover boards, skateboards or other vehicles of this nature (excluding golf carts/low speed vehicles registered with the Association) may be operated on any Common Area.
- 3) No skateboard ramps or acrobatic skateboarding is permitted on any Common Area.

Electric bicycles may be operated in the community under the following conditions:

- 1) The bicycle cannot be used to tow a person.
- 2) The bicycles must be operated in the roadway and not on any sidewalk or any park or Association landscaped area.
- 3) The operator will observe and follow all stop signs and all other traffic regulating devices or signage, including speed limits.
- 4) The bicycle must be operated in compliance with State and local ordinances.

Motorized scooters may be operated in the community under the following conditions:

- 1) The operator has a valid driver's license.
- 2) The operator is wearing a helmet.
- 3) No passengers are permitted (one person per scooter).
- 4) The scooter is operated in the roadway and not on any sidewalk.
- 5) The operator will observe and follow all stop signs and all other traffic regulating devices or signage, including speed limits.
- 6) The scooter is parked in a marked parking space.

Vehicles used to assist disabled persons are exempt.

State Rule with recommended changes:

Human propelled bicycles, skateboards, scooters, etc. are permitted for transportation within the community, except for the following:

- 1) Use is not permitted on sidewalks or other Common Areas where use presents a safety issue.
- 2) No gas or electric powered scooters, mini motorcycles, bikes, go carts, hover boards, skateboards or other vehicles of this nature (excluding golf carts/low speed vehicles registered with the Association) may be operated on any Common Area **sidewalk, walkway, park or landscaped area.**
- 3) No skateboard ramps or acrobatic skateboarding is permitted on any Common Area.

Electric bicycles (**e-bikes**) may be operated in the community under the following conditions:

- 1) The bicycle cannot be used to tow a person.
- 2) The bicycles must be operated in the roadway and not on any sidewalk or any park or Association landscaped area.
- 3) The operator will observe and follow all stop signs and all other traffic regulating devices or signage, including speed limits.

4) The bicycle must be operated in compliance with State and local ordinances.

Motorized scooters may be operated in the community under the following conditions:

- 1) The operator has a valid driver's license.
- 2) The operator is wearing a helmet.
- 3) No passengers are permitted (one person per scooter).
- 4) The scooter is operated on the roadway and not on any sidewalk.
- 5) The operator will observe and follow all stop signs and all other traffic regulating devices or signage, including speed limits.
- 6) The scooter is parked in a marked parking space.

Vehicles used to assist disabled persons are exempt.

Rationale for change:

The rule amendment will confirm that electric bicycles (e-bikes) and motorized scooters are not permitted to be operated other than on a roadway.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: General Parking Regulations – Overnight Parking

State Existing Rule:

2) Overnight Parking:

Common area space shall not be used for overnight parking of resident vehicles with decals between the hours of 1:00 am and 6:00 am. Residents may apply for a parking variance waiver if the number of vehicles owned and registered by the resident is greater than the number of parking spaces original to the property. The following is required for all waiver requests:

a) Waiver request application.

b) Current registration for each vehicle registered to the property.

The following is required annually in order to renew an existing waiver:

a) Current vehicle registration on each vehicle registered to the property.

b) A garage inspection.

c) Payment of the renewal fee. Properties that were originally constructed without a driveway are eligible for up to two (2) parking waivers without payment of a renewal fee.

State Rule with recommended changes:

2) Overnight Parking:

Common area space shall not be used for overnight parking of resident vehicles with decals between the hours of 1:00 am and 6:00 am. Residents may apply for a parking variance waiver if the number of vehicles owned and registered by the resident is greater than the number of parking spaces original to the property. **A maximum of two (2) barcode waivers are permitted per property.** The following is required for all waiver requests:

a) Waiver request application.

b) Current registration for each vehicle registered to the property.

The following is required annually in order to renew an existing waiver:

a) Current vehicle registration on each vehicle registered to the property.

b) A garage inspection.

c) Payment of the renewal fee. **No renewal fee is required for** properties that were originally constructed without a driveway. **are eligible for up to two (2) parking waivers without payment of a renewal fee.**

Rationale for change:

This change will assist in addressing the limited street parking throughout the entire community.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: General Parking Restrictions-Beach Parking

State Existing Rule:

Beach Parking:

Parking is only permitted between the hours of 6:00 a.m. – 10:00 p.m. Guests displaying a valid guest pass are required to park in the top parking tier. Guest parking is prohibited in the entire beach lot on the Fourth of July. Loitering is not permitted in the parking lot areas.

State Rule with recommended changes:

Beach Parking:

Parking is only permitted between the hours of 6:00 a.m. – 10:00 p.m. Guests ~~displaying a valid guest pass~~ are required to park in the top parking tier ***and must display a valid guest pass***. Guest parking is prohibited in the entire beach lot on the Fourth of July. Loitering is not permitted in the parking lot areas.

Rationale for change:

The change is to correct grammar.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: General Parking Regulation – Recreational Vehicle (Motorhome) Parking

State Existing Rule:

Recreational vehicles (motor homes included) are allowed to be temporarily parked provided that:

- a) An appropriate pass has been issued.
- b) Such parking is for the purpose of short-term loading and unloading of passengers and/or equipment only.
- c) There is no electrical or other utility hook-up between the vehicle and any property.
- d) There is no overnight sleeping or residing of persons in the vehicle.
- e) Such parking does not exceed twenty-four (24) hours.
- f) Such parking is otherwise in compliance with these rules.

State Rule with recommended changes:

Recreational vehicles (motor homes included) are allowed to be temporarily parked provided that:

- a) An appropriate pass has been issued.
- b) Such parking is for the purpose of short-term loading and unloading of passengers and/or equipment only.
- c) There is no electrical or other utility hook-up between the vehicle and any property.
- d) There is no overnight sleeping or residing of persons in the vehicle.
- e) Such parking does not exceed twenty-four (24) hours **and recreational vehicle is not permitted more than one entrance into the community in a seventy-two (72) hour period**
- f) Such parking is otherwise in compliance with these rules.

Rationale for change:

The rule amendment will solidify the prohibition in the recorded CC&R's (Article IX, Section 8) that only permits RV access into the community for loading and unloading only. Parking in the community for more than 24 hours is prohibited.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Passes-General

State Existing Rule:

The owner or operator of any vehicle to be parked, maintained, used or operated upon property and streets within Niguel Shores shall obtain a valid barcode decal or pass. All vehicles entering and using the common areas of Niguel Shores shall comply with the following barcode decal and pass requirements. These rules shall not apply to vehicles owned by public officers or entities. Barcodes and passes are not transferable and are considered void if removed. Any unauthorized use or other violation of the rules may result in a fine or withdrawal of barcode use privileges temporarily or permanently, depending upon the circumstances and the ruling of the NSCA Board of Directors.

State Rule with recommended changes:

All vehicles parked or operated within Niguel Shores that have not been issued a barcode decal must have a valid pass displayed on the dashboard. Passes are not transferable and subject to revocation if transferred. Any unauthorized use or other violation of the rules may result in a fine or withdrawal of barcode use privileges temporarily or permanently, depending upon the circumstances in the discretion of the NSCA Board of Directors.

Rationale for change:

This revision removes redundant verbiage and adjusts the wording to clarify the requirement for all vehicles in the community to display a valid pass.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Barcode Decal

State Existing Rule:

A barcode decal will be issued to each validly registered vehicle upon presentation of proof of vehicle ownership and if otherwise qualified. A current Information Declaration must be on file with the NSCA office.

At the close of escrow, two (2) resident barcode decals will be issued at no cost (applies to lot owner vehicles). Additional access barcode decals for owners and resident household members may be applied for in the NSCA Management Office. Tenants may apply for barcode decals on vehicles registered to the named tenant.

Upon approval of application, a full-time resident may obtain a barcode decal for a guest. Up to four (4) guest barcode decals may be issued to properties occupied by full time residents. All guest barcode decals are subject to an annual renewal fee and submittal of a valid vehicle registration to maintain active status.

Barcode decals are issued only to authorized persons and their vehicles. Rental vehicles or vehicles belonging to a rental company are not eligible for a barcode decal. The vehicle must be brought to the NSCA office, where staff will affix a decal.

State Rule with recommended changes:

At the close of escrow, two (2) resident barcode decals will be issued to owners at no cost upon submission of the information required below. Each full-time resident is required to register their vehicle and obtain a barcode decal. Rental vehicles or vehicles belonging to a rental company are not eligible for a barcode decal. The vehicle must be brought to the NSCA office, where staff will affix a decal. Loose barcodes cannot be provided to an owner or resident. Barcodes are not transferable. Barcodes removed from the vehicle are considered void and must be replaced at the same cost as a new barcode.

Rationale for change:

This revision removes redundant verbiage and consolidates necessary information to provide clarity as to the eligibility requirements regarding vehicle barcodes.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Permanent Guest List

State Existing Rule:

- 1) Residents may authorize admittance of regular visitors online without a prior call to the Mariner Gate or by submitting written authorization to the NSCA office on the visitor Permanent Guest List.
- 2) Residents may authorize up to five (5) permanent guest passes.
- 3) Visitors on the Permanent Guest List will be issued a pass by the gate attendant upon entry into the community. Passes must be displayed in an easily visible manner on the dashboard of the vehicle at all times.
- 4) Residents will not be issued guest passes. Admittance of owners and tenants shall be in conformance with applicable rules.
- 5) Visitor permanent status may be denied or revoked if the visitor fails to comply with the CC&Rs and/or the NSCA's rules.

State Rule with recommended changes:

- 1) Residents may authorize admittance of regular visitors online without a prior call to the Mariner Gate or by submitting written authorization to the NSCA office on the visitor Permanent Guest List.
- 2) Residents may authorize up to five (5) permanent guest passes ***per lot.***
- 3) Visitors on the Permanent Guest List will be issued a pass by the gate attendant upon entry into the community. Passes must be displayed in an easily visible manner on the dashboard of the vehicle at all times.
- 4) Residents will not be issued guest passes. Admittance of owners and tenants shall be in conformance with applicable rules.
- 5) Visitor permanent status may be denied or revoked if the visitor fails to comply with the CC&Rs and/or the NSCA's rules.

Rationale for change:

This revision clarifies how many permanent guests are permitted per property/lot.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Special Event or Group Entry

State Existing Rule:

Niguel Shores community access to “Special Events/Group Entry” is handled as follows when more than ten (10) non-resident guests arriving on the same day in any area of the community:

- 1) A written guest list, physical or electronic, showing both first and last names, and in alphabetical order by last name, must be delivered to the NSCA business office one (1) business day prior to the date and time of arrival.
- 2) Events at a private residence: Guest lists submitted for twenty (20) or more vehicle entries may require additional parking instructions.
- 3) Events at Community Center, Beach Bluff or other Common Area locations: Guest lists must include all participants, attendees and service providers (contracted or not). An owner or tenant must ensure that their guests observe the rules and regulations of the community and that event participation will be conducted in such a fashion so as not to interfere with the peaceful use and enjoyment of the common areas by other residents.

State Rule with recommended changes:

Niguel Shores community access to “Special Events/Group Entry” is handled as follows when more than ten (10) non-resident guests ~~arriving~~ **will arrive** on the same day in any area of the community:

- 1) A written guest list, physical or electronic, showing both first and last names, and in alphabetical order by last name, must be delivered to the NSCA business office one (1) business day prior to the date and time of arrival.
- 2) Events at a private residence: Guest lists submitted for twenty (20) or more vehicle entries may require additional parking instructions.
- 3) Events at Community Center, Beach Bluff or other Common Area locations: Guest lists must include all participants, attendees and service providers (contracted or not). An owner or tenant must ensure that their guests observe the rules and regulations of the community and that event participation will be conducted in such a fashion so as not to interfere with the peaceful use and enjoyment of the common areas by other residents.

Rationale for change:

This revision further clarifies the intended requirements for use of a group event entry list.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule: Vandalism and Damage to Common Area
- Change to Existing Rule:

New Rule:

Vandalism is defined as an act that damages, defaces, or destroys property not belonging to the individual committing the action. It includes, but is not limited to chalk, markers, paint/spray paint, graffiti, egging, arson, damaging signage, defacing buildings/walls/gates/sidewalks/equipment, disabling access gates (vehicle and pedestrian), propelling items in the pool/spa, damaging saunas, intentional plugging of plumbing systems, etc.

Any individual caught in person or on surveillance damaging Common Area or private property is subject to legal prosecution at the discretion of the NSCA Board of Directors. In the case of damage to Common Area, the owner of the lot that the individual is associated with is further subject to costs for repair or replacement of the Common area, costs for any legal action required to collect on repairs or replacements, and suspension of Common Area privileges including automated (barcode) vehicle entrances.

Rationale for change:

To provide clarity regarding the prohibition of vandalism in the community and the consequences for committing vandalism



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Applications and Project Review (introduction paragraph)

State Existing Rule:

There are three types of applications submitted for consideration by the AC. A Preliminary Application is required for all changes to the exterior profile and/or footprint of a property. The preliminary review is less formal and results in the AC providing advice and counsel about the suitability of the plan. A Final Application for a formal approval or disapproval by the AC. Application must be submitted to the NSCA Management Office by noon at least five (5) business days prior to the scheduled AC meeting. Any change to an approved modification requires submission of a change order application.

State Rule with recommended changes:

There are three types of applications submitted for consideration by the AC. A Preliminary Application is required for all changes to the exterior profile and/or footprint of a property. The preliminary review is less formal and results in the AC providing advice and counsel about the suitability of the plan. A Final Application **must be submitted** for a formal approval or disapproval by the AC. ~~Application must be submitted to the NSCA Management Office by noon at least five (5) business days prior to the scheduled AC meeting~~ **Application deadlines are published in the monthly community calendar. No demolition, construction, or external modification may be commenced unless a Final Application has been submitted and approved by the AC.** Any change to an approved modification requires submission of a change order application.

Rationale for change:

This revision clarifies the requirement for final applications and final approval of exterior modifications to any lot.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Modification Restrictions – Fences and Walls

State Existing Rule:

Fences and Walls:

- b) Clear and transparent fence (e.g. tempered glass or synthetic equivalent) may be used in place of, or in conjunction with, other permitted materials with a total height not to exceed six (6) feet. Clear and transparent fencing must be maintained in a clean and orderly manner, and in good condition and repair, so that it does not constitute unreasonable view interference or a nuisance to neighboring properties. Clear and transparent fencing cannot be used in place of privacy fencing.

State Rule with recommended changes:

Fences and Walls:

- b) Clear and transparent fence (e.g. tempered glass or synthetic equivalent) may be used in place of, or in conjunction with, other permitted materials with a total height not to exceed six (6) feet. Clear and transparent fencing must be maintained in a clean and orderly manner, and in good condition and repair, so that it does not constitute unreasonable view interference or a nuisance to neighboring properties. **Reflective glazing, coatings, or colored glass are not permitted.** Clear and transparent fencing cannot be used in place of privacy fencing.

Rationale for change:

The rule amendment provides additional requirements to installation of glass fences to ensure that the glass is not etched or treated with a glaze that would create a visual impairment.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Modification Restrictions – Roof Material

State Existing Rule:

Roof Material:

- d) Pitched Roofs – Clay, concrete, dark colored metal, or simulated wood material is permitted.

State Rule with recommended changes:

Roof Material:

- d) Pitched Roofs – Clay, concrete, *dark matte colored standing seam metal with a Light Reflective Variable (LRV) of 15 or less* ~~*dark-colored metal*~~, or simulated wood material is permitted.

Rationale for change:

The rule amendment will provide clarification regarding the permitted reflective quality of a standing seam metal roof material.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Modification Restrictions – Roof Projections

State Existing Rule:

Roof Projections:

No construction shall be placed or permitted to remain above the roof structure of any residence except for the following: solar panels, satellite dishes with a diameter measurement of 36” or less, weathervanes, chimneys, and vent stacks. Chimneys, including the cap and any fire arrester, shall be no higher than the minimum height of the chimney required by the City of Dana Point Building Code. No items may be attached to or project from the chimney. Roof decks are not permitted.

State Rule with recommended changes:

Roof Projections:

No construction shall be placed or permitted to remain above the roof structure of any residence except for the following: solar panels, satellite dishes with a diameter measurement of 36” or less, weathervanes, chimneys, and vent stacks. **Existing chimneys** ~~Chimneys~~, including the cap and any fire arrester, shall be no higher than the minimum height of the chimney required by the City of Dana Point Building Code. **New or relocated chimneys are not permitted. New fireplaces must be direct vent only.** No items may be attached to or project from the chimney. Roof decks are not permitted.

Rationale for change:

Local building code no longer permits new wood burning fireplaces or the relocation of an existing wood burning fireplace. Direct vent fireplaces do not require a chimney, rendering a new/relocated chimney as an unnecessary decorative feature projecting into a view. The revision to the rule will clarify that new or relocated chimneys are not permitted.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Atlantic Garden Homes Modification
Restrictions – Easement Areas (1)

State Existing Rule:

- 1) NSCA landscaping maintenance area – This area extends from the front sidewalk to the front fence or wall of various residences. For properties with a recorded easement, the landscape and irrigation on this portion of the lot is maintained by the Association unless the lot owner revokes such Association maintenance and accepts maintenance (landscape and irrigation) responsibility in writing. Revocation of the easement will be permanent. For properties without an easement, any modification to the front yard area will require the owner to permanently take over maintenance of the front yard.

State Rule with recommended changes:

- 1) NSCA landscaping maintenance area – This area extends from the front sidewalk to the front fence or wall of various residences. For properties with a recorded easement, the landscape and irrigation on this portion of the lot is maintained by the Association. ~~unless the lot owner revokes such Association maintenance and accepts maintenance (landscape and irrigation) responsibility in writing. Revocation of the easement will be permanent.~~ **No modifications of any kind are permitted in the easement area without approval by the AC. Conditions of AC approval require and include, but are not limited to:**
 - a. **The improvement is fully described in a covenant running with the land that is recorded as part of the title to the property. The covenant provides that the owner and his/her successors and assigns are responsible for future repair, maintenance, and replacement of the improvement or change.**
 - b. **The consent and execution of the covenant by the NSCA Board of Directors shall be recorded in connection with the approved improvement.**
 - c. **All costs associated with the drafting and recording of the covenant will be the responsibility of the owner.**For properties without an easement, any modification to the front yard area will require the owner to permanently take over maintenance of the front yard.

Rationale for change:

The revision clarifies the requirements regarding easement modifications.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule:

Atlantic Garden Homes Modification
Restrictions – Setbacks and Building
Restrictions (6)

State Existing Rule:

- 6) Zero Lot Line House Walls:
- a) The house portion of the zero-lot line slump block wall may be replaced with an alternative building material.
 - b) The new material must be installed flushed with the existing slump block wall and may not exceed to property line.
 - c) Garden portions of the zero-lot line wall must remain a slump block material.
 - d) If the house portion of the zero-lot line wall is changed, the entire zero lot line wall must be covered in the same finish material and color.

State Rule with recommended changes:

- 6) Zero Lot Line House Walls:
- a) The house portion of the zero-lot line slump block wall may be replaced with an alternative building material.
 - b) The new material must be installed flushed with the existing slump block wall and may not ~~exceed to~~ ***extend beyond*** property line.
 - c) Garden portions of the zero-lot line wall must remain a slump block material.
 - d) If the house portion of the zero-lot line wall is changed, the entire zero lot line wall must be covered in the same finish material and color.

Rationale for change:

The revision clarifies the requirements regarding replacement of a zero lot line block wall with a standard stub wall.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: Shores Garden Homes Modification
Restrictions – Easement Areas (1)

State Existing Rule:

- 1) NSCA landscaping maintenance area – This area extends from the front sidewalk to the front fence or wall of various residences. For properties with a recorded easement, the landscape and irrigation on this portion of the lot is maintained by the Association unless the lot owner revokes such Association maintenance and accepts maintenance (landscape and irrigation) responsibility in writing. Revocation of the easement will be permanent. For properties without an easement, any modification to the front yard area will require the owner to permanently take over maintenance of the front yard. Slope Easement – This easement is located on slopes that are owned by a specific lot owner but the requirement for maintenance of the slope has been eased to the Association. No construction of any kind may occur within this easement (includes an 18” maintenance break at the top of slope).

State Rule with recommended changes:

- 1) NSCA landscaping maintenance area – This area extends from the front sidewalk to the front fence or wall of various residences. For properties with a recorded easement, the landscape and irrigation on this portion of the lot is maintained by the Association. ~~unless the lot owner revokes such Association maintenance and accepts maintenance (landscape and irrigation) responsibility in writing. Revocation of the easement will be permanent.~~ No modifications of any kind are permitted in the easement area without approval by the AC. Conditions of AC approval require and include, but are not limited to:
 - a. The improvement is fully described in a covenant running with the land that is recorded as part of the title to the property. The covenant provides that the owner and his/her successors and assigns are responsible for future repair, maintenance, and replacement of the improvement or change.
 - b. The consent and execution of the covenant by the NSCA Board of Directors shall be recorded in connection with the approved improvement.
 - c. All costs associated with the drafting and recording of the covenant will be the responsibility of the owner.

For properties without an easement, any modification to the front yard area will require the owner to permanently take over maintenance of the front yard. Slope Easement – This easement is located on slopes that are owned by a specific lot owner but the requirement for maintenance of the slope has been eased to the Association. No construction of any kind may occur within this easement (includes an 18” maintenance break at the top of slope).

Rationale for change:

The revision clarifies the requirements regarding easement modifications.



REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: Breakers Isle – Slope Control Easement (2b)

State Existing Rule:

- b) Conditions of approval shall require and include, but not limited to:
- The improvement area is fully described in a covenant running with the land that is executed by NSCA and recorded as part of the title to the property. The covenant provides that the owner and his/her successors and assigns are completely responsible for future repair, maintenance and replacement of such improvement or change, and indemnify NSCA against all claims arising from such improvement(s).
 - The consent of the Board of Directors to placement of improvements on NSCA's slope control area easement and execution of the covenant by NSCA to be recorded in connection with the approved improvement.
 - Fees and costs that are to be paid by the owner are:
 - Processing fees covering legal and architectural costs for preparation and recording of the covenant and any other expenses related.
 - Any additional charges in excess of the processing fee pertaining to filing fees, photocopies, legal fees, etc.

State Rule with recommended changes:

- b) Conditions of approval shall require and include, but not limited to:
- The improvement area is fully described in a covenant running with the land that is prepared by NSCA legal counsel, executed by the owner and NSCA and recorded as part of the title to the property. The covenant provides that the owner and his/her successors and assigns are completely responsible for future repair, maintenance and replacement of such improvement or change, and indemnify NSCA against all claims arising from such improvement(s).
 - The consent of the Board of Directors to placement of improvements on NSCA's slope control area easement and execution of the covenant by NSCA to be recorded in connection with the approved improvement.
 - Fees and costs that are to be paid by the owner are:
 - Processing fees covering legal and architectural costs for preparation and recording of the covenant and any other expenses related.
 - Any additional charges in excess of the processing fee pertaining to filing fees, photocopies, legal fees, etc.

Rationale for change:

The revision clarifies the requirements regarding covenants for easement modifications.



Niguel Shores Community Association

Policies (1)/Resolutions (2)/Procedures (3)

BOARD HEARING PROCEDURES

These are guidelines. The Board may, in its discretion, based on the nature and severity of the violation, impose additional hearing penalties at the first hearing, and may at any time bring legal action to correct a violation

VIOLATION PER PROPERTY	1st HEARING HELD PER PROPERTY	ANY ADDITIONAL HEARING PER PROPERTY
<u>Common Area Use Violations</u> <ul style="list-style-type: none"> ▪ Beach Bluff ▪ Clubhouse ▪ Loitering ▪ Nuisance ▪ Trespass 	Fine \$250 and suspend fine pending no further incidents	Fine \$500 and Suspend Common Area privileges for 30 days
<u>Pet Owners Violations</u> <ul style="list-style-type: none"> ▪ Animal bites ▪ Dog off leash/Pet waste 	<ul style="list-style-type: none"> ▪ Fine \$1,000 ▪ Fine \$250 and suspend fine pending no further incidents 	<ul style="list-style-type: none"> ▪ Fine \$3,000 - \$5,000 Refer to legal ▪ Fine \$500 Refer to Legal
Parking/Vehicle Operation	Fine \$100 per citation and suspend fine pending no further citations within twelve (12) months of the hearing date Continued citations will result in the immediate collection of the suspended fine plus \$100 per additional citation issued after the hearing	Fine \$100 per citation Continued citations will result in the immediate fine of \$100 per additional citation issued within twelve (12) months of the hearing date
View Blockage	Fine \$250 and suspend fine if corrected in 30 days <i>to correct</i> Collect suspended fine and Refer to legal if not completed	Fine \$500 30 days to correct Refer to legal if not completed
<u>General Rule Violations</u>	<u>Fine \$250</u>	<u>Fine \$500</u> <u>Refer to Legal</u>

ARCHITECTURAL RELATED VIOLATIONS

VIOLATION	1 ST HEARING HELD
Failure to Complete AC Project	Fine up to \$1,000 Up to 60 days to complete project Refer to legal if not completed
Failure to Maintain Property	Fine \$250 and suspend fine if completed in 30 days <i>to correct</i> Refer to legal if not completed
Unauthorized Modification	Fine up to \$3,000 Up to 60 days to complete Refer to legal for additional incidents



Niguel Shores Community Association

33654 Niguel Shores Drive
Dana Point, California 92629-4221
(949) 493-0122 • Fax (949) 388-7892

PROPOSED RULE CHANGES

MEMBER RESPONSE FORM

Responses must be submitted no later than 5:00 p.m. on March 31, 2025

Comments may be submitted via mail, fax, or email to: kdecker@niguelshores.org.

Email subject line should reference '*Proposed Rule Changes*'

Additional forms may be obtained online or in the NSCA Management Office.

MEMBER NAME: _____

NSCA ADDRESS: _____

RULE NAME: _____

COMMENT: _____

RULE NAME: _____

COMMENT: _____

RULE NAME: _____

COMMENT: _____



NIGUEL SHORES COMMUNITY ASSOCIATION
33654 Niguel Shores Drive
Dana Point, CA 92629

PROPOSED RULE CHANGES ENCLOSED