

RULES ENFORCEMENT POLICY

As Adopted by the Board of Directors on May 12, 2026

Clear Lake Keys Property Owners Association

The Board of Directors adopted Rules and Regulations to ensure harmony between neighbours. In the event there are individuals who have difficulty respecting the rules, the Board adopted the following enforcement policies to discourage discord and restore harmony in the community.

1) Enforcement Committee

- a) The president may, with the approval of a majority of the board of directors then in office constituting a quorum, resolve to create an enforcement committee to oversee enforcement of the rules. The committee shall consist of three people who are members in good standing of the Association. At least one member of the committee shall be a director of the Association and shall serve as chair of the committee.
- b) The committee, if formed, shall oversee all aspects of enforcement other than those specifically designated to the Board of Directors.
- c) The committee shall be authorized to meet as frequently as necessary to perform their functions and is authorized, to the extent permitted, to meet electronically (via zoom or similar methods.)
- d) The committee shall keep a written record of all actions, and shall report to the Board at each scheduled Board meeting, or such emergency or special meeting as called by the Board, as to the activities of the committee. This report shall include reported violations of association rules and Declaration of CC&Rs, the results of violation investigations, and actions taken by the committee. The committee shall provide their recommendation on individual enforcement actions.
- e) If no committee is formed, or if formed there are insufficient association members willing to serve on the committee, the duties and obligations of the committee shall fall to the Board of Directors. The president may nominate, with the consent of the board, a director to oversee primary responsibility for enforcement.
- f) Responsibilities of Enforcement Committee, if formed, and Board of Directors.
 - i) The Enforcement Committee is responsible for:
 - (1) Investigating reports of violations.
 - (2) Making an initial determination of merit of any reported violation.
 - (3) Authorizing initial courtesy notices.
 - (4) Reporting to the Board and responding to the Board's requests for information.

- ii) The Board of Directors is responsible for conducting and resolving enforcement hearings.

2) Violation Reporting and Determination of Merit.

- a) *Reporting a Violation.* Anyone reporting a violation of the rules must notify the Association's manager or to the Board of Directors during regular business hours. No anonymous reports will be acted upon unless the information can be independently verified. Reports must be made through the Association's web page or otherwise in writing to the Association's manager or Board of Directors.
- b) *No obligation to monitor or investigate social media posts.* Posting a complaint on-line in social media, such as on Facebook, Nextdoor, or other social media does not comply with the preceding reporting provision. If the Board of Directors sees a complaint posted on-line they may, but are not required to, make inquiry into the violation unless the post is made anonymously. Nothing requires the Board of Directors, their agents, or the Association's Manager to monitor social media or other on-line channels, except for the Association's on-line abatement form on the Association's web-age, for alleged violations or other complaints. Nothing in this provision is intended to prohibit a member from using social media or other online resources to discuss matters specified in Civil Code § 4515(b)(6)(A) even if the content is critical of the Association or its governance.
- c) *Violation by Inspection.* The Board of Directors may, but is not required to, also issue a violation based upon the visual inspection of a property made from the street or canals to a property reasonably thought to be in violation of the rules. This does not authorize any board member, the member of a committee, or the association's manager (or manger's agent) to enter onto any property without permission of the property owner, their tenant, or agent.
- d) *Determination of Merit.*
 - i) If the alleged violation has merit the person in violation will be sent a courtesy notice or otherwise contacted unless the violation presents an imminent threat to the safety of persons or property in the community.
 - ii) If the alleged violation has no merit, the Association shall attempt to contact the complaining party with a letter or e-mail explaining why the complaint was rejected.
- e) *Preference for Informal Resolution.* The association prefers informal resolution of violation disputes. Persons sent a courtesy notice shall be provided with contact information for the appropriate representative. The enforcement committee, or its designated person, shall work with persons sent a courtesy notice to resolve the violation.

3) Meritorious Violation Notice and Resolution Procedure:

- a) *Courtesy Notice.* Upon the determination that an alleged violation has merit, the person in violation shall be first sent a courtesy notice requesting that the

violation be cured. The courtesy notice shall specify a reasonable time for the owner to comply. Thirty (30) days shall be considered a reasonable time.

- b) *Non-compliance with Courtesy Notice-Notice of Violation.* If the person in violation fails to comply with the courtesy notice or request a hearing within the time limit stated in the courtesy notice, the person in violation shall be sent by personal delivery or individual delivery a Notice of Violation requesting that the violation be cured in 15 days. The "Notice of Violation" shall state the nature of the alleged violation or damage to the common area, the provisions of the governing documents violated and their right to attend and address the Board.
- c) *Non-compliance with Notice of Violation-Notice of Hearing.* If the person in violation fails to comply with the Notice of Violation or request a hearing within the time limit stated in that notice, that person shall be sent by personal delivery or individual delivery a Notice of Hearing. The "Notice of Hearing" shall state the nature of the alleged violation or damage to the common area, the provisions of the governing documents violated and their right to attend and address the Board. The Notice will be sent at least 15 days in advance of the hearing.
- d) *Request for Hearing.* Any person in violation may contact the Association and request a hearing on the violation within the time for compliance stated in a courtesy notice or Notice of Violation. If requested, the hearing shall be set at the next board meeting of the Association.
 - i) *Continuance.* Upon timely written request (at least 5 days before scheduled hearing) and for worthy cause, a party may be granted a continuance to a new hearing date. The Board cannot promise it can reschedule a hearing. In the event a person fails to appear for a hearing, the Board will review the evidence presented and makes its decision accordingly.
 - ii) *Correction Prior to Hearing.* In the event the violation is fully corrected prior to the hearing date, the Board may, if appropriate, discontinue the disciplinary proceeding. If the disciplinary proceeding is not discontinued and the violation was nevertheless corrected in full, then no discipline shall be rendered at the hearing. If fully correcting the violation would take longer than the scheduled hearing date, and the member provides a financial commitment to cure the violation, then no discipline shall be rendered at the hearing.

4) **Hearing Procedure.**

- a) *Hearing in Executive Session.* All disciplinary hearings will be held in executive session. The member responsible for the alleged violation may appear in person or virtually or may send a written response to the Board.
- b) *Attorneys.* Attorneys are not entitled to represent any party to the hearing.
- c) *Conflicts of Interest.* If a Board member has a conflict of interest in the matter (i.e., the director filed the complaint, or the complaint was filed against the

director), the conflicted Board member may not deliberate or vote on the Board's decision whether to impose disciplinary measures with respect to that matter.

- d) *Statement of Violation.* At the start of the hearing, the chair of the meeting will describe the alleged violation.
- e) *Presentation of Evidence.* The person accused of a violation is entitled to view evidence of the alleged violation and, in turn, present evidence, including evidentiary witness testimony and documents, opposing the allegation.
- f) *Deliberation.* After receiving all evidence, the parties will be excused so the Board can discuss the evidence and decide whether or not a violation occurred and, if so, what action should be taken.
- g) *Failure to Appear.* If the person accused of a violation chooses not to attend the hearing, the Board must review the evidence of the alleged violation and make a decision based on the evidence.
- h) *Decision:*
 - i) If the Board and the person are in agreement at the hearing, the board shall draft a written resolution. The written resolution, signed by the board and the member pursuant to procedures not in conflict with the law or governing documents, binds the Association and is judicially enforceable
 - ii) If the person is found to have violated the Association's governing documents and the Board and the person are not in agreement after the hearing, the Board may take appropriate action, such as
 - (1) Allowing the person a reasonable period of time to correct the violation.
 - (2) Imposing fines and/or suspending privileges.
 - (3) Proceeding to internal dispute resolution, alternative dispute resolution, and/or civil action as appropriate. The person shall have the opportunity to request internal dispute resolution.
 - (4) Referring the matter to the Board's attorney.
 - (5) Such other relief as may be appropriate under the circumstances and constant with the law and governing documents.
 - i) *Notice of Decision:* The member will be notified of the Board's decision within 14 days following the decision.

5) **Penalty Schedule.** If the Board determines that a violation occurred, the following penalties may be imposed:

1st Violation	Fine up to \$100
2nd Violation (same offense)	\$100
3rd Violation (same offense)	\$100
Additional Violations (same offense)	\$100
Health or Safety Violation	Fine up to \$500

- 6) **Pursuit of Simultaneous Remedies.** The Association may pursue one or more enforcement remedies simultaneously. The selection of one enforcement remedy does not preclude the Association's right to pursue any other remedies.
- 7) **Reimbursement Assessment.** A reimbursement assessment may be levied against individual members to reimburse the Association for expenses it incurred correcting a member's violation or repairing damage caused by the member or member's, family, guests, or invitees.
- 8) **Imminent Harm Exception.** Nothing in this policy prevents or restricts the association from taking reasonable actions to cure or mitigate any violation that presents an imminent threat to the safety of persons or property in the community.