

**CAMERON PARK COMMUNITY SERVICES DISTRICT
CC&R PROCEDURES HANDBOOK**

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**CAMERON PARK COMMUNITY SERVICES DISTRICT
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PROCEDURE: CC&R ENFORCEMENT

ARTICLE I

OVERVIEW

- A. **Authority:** Pursuant to Government Code Section 61601.10, in November 1986, the residents of Cameron Park voted to extend the authority of the Cameron Park Community Services District (“District” or “CPCSD”) to include enforcement of the Declarations of the Covenants, Conditions and Restrictions (“CC&Rs”) which are recorded in each subdivisions comprising of Cameron Park.
- B. **Funding:** The Cameron Park Community Services District can collect anywhere from \$7.00 to \$12.00 dollar fee per parcel to fund the CC&R enforcement program. In addition, the District will continue its efforts to seek fining authority through approved legislature of the Davis-Sterling Act. Monies received, if any, from the payment of fines levied against property owners for CC&R violations, will be used solely for the purpose of funding the Districts CC&R enforcement program. In addition, should the District be successful in recovering its attorney fees or costs of suit in a CC&R enforcement action, the recovered funds will also be re-deposited in the CC&R enforcement fund.
- C. **Goals & Objectives:** The objective of the District is to enforce all CC&Rs in a uniform, consistent and non-discriminatory manner. CC&R enforcement is necessary in order to preserve and enhance property values throughout the community, to protect and maintain the quality of all residential areas in Cameron Park.
- D. **Open Communication:** The District encourages members of the community to communicate to the Board and staff any concerns or suggestions they may have concerning the enforcement of the CC&Rs or actions taken by the District, and the District encourages members of the community to report, by telephone or written complaint, possible CC&R violations to the CC&R Compliance Officer.
- E. **Enforcement Personnel:** The District employs a CC&R Compliance Officer who shall perform duties in a reasonable, timely and non-discriminatory manner. The District’s principal objective in appointing a CC&R Compliance Officer is to provide resident property owners with a means of impartially overseeing enforcement of the CC&Rs. To this end, every agenda for a regular CC&R Committee meeting shall provide an opportunity for members of the public to directly address the committee on items of interest or concern. Whenever an interested community member desires to address the CC&R Committee the community member shall notify the CC&R Compliance Officer at least one (1) week prior to the next regularly scheduled committee meeting in order to allow the committee to allocate sufficient time on the agenda for the member’s presentation.

- F. Meetings:** The CC&R Committee shall meet, once a month to address items of interest or concern except as follows: If (a) there are no agenda items requiring a vote by the CC&R Committee and (b) the District has not received any requests from community members desiring to address the CC&R Committee, then the decision may be made to cancel the meeting. However, if two successive meetings are cancelled for any reason(s), the CC&R Committee shall convene the next regular scheduled monthly meeting. The CC&R Compliance Officer in conjunction with the CC&R Committee Chairperson may make the decision to cancel meetings. All CC&R Committee meetings shall be public.
- G. Agendas:** The committee shall post, on District bulletin boards, an agenda for each meeting at least seventy-two (72) hours prior to each meeting per Gov't. Code 54954.2.

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PROCEDURE: CC&R VIOLATIONS

ARTICLE II

A. Investigation of CC&R Violations: When the CC&R Compliance Officer receives a complaint regarding an apparent CC&R violation or if the Compliance Officer observes a possible violation, the following steps shall be taken:

- 1.) Determine which CC&R provisions apply to the tract and if a violation exists.
- 2.) Perform a visual inspection before taking further action.
- 3.) Resident complaints may be presented orally, via telephone or in writing. Complainant is not required to leave name, address or telephone number. If complainant chooses to leave name, address and telephone number it becomes public record. Complainant will be advised prior to leaving their name and address that doing so creates a public record of said name and address.

B. Monthly Reports to CC&R Committee: The CC&R Compliance Officer shall be responsible for the preparation of a monthly report. The report shall specifically identify each complaint or violation received, any action taken, current disposition of all pending complaints, dates, times of hearings, if applicable, and any other relevant information which the CC&R Compliance Officer deems necessary. Copies of the report shall be maintained at the District's office and shall be made available to interested community members for three (3) years upon request.

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PROCEDURE: CC&R ENFORCEMENT PROCESS

ARTICLE III

- A. Initial Notice to Owners:** When the CC&R Compliance Officer determines that a property owner and/or resident is engaging in conduct or activity or has created a condition which reasonably appears to be a violation of the CC&Rs applicable to the owner's property, the Officer shall first issue an initial notice, via first class mail, written to the recorded owner of the property. The Notice shall specifically set forth the following:
1. Specific nature of the CC&R violation including a reference to the paragraph or section number alleged to be violated.
 2. A request that the conduct or activity constituting the alleged violation be resolved and rectified.
 3. Appellate steps available to the resident in relation to the violation
- B. Final Notice to Owners:** In the event the property owner/resident fails to comply with the First Notice of the CC&R violation, the CC&R Compliance Officer shall issue a Final Notice informing the property owner he/she has ten (10) days to contact the CC&R Officer and comply to the violation unless the owner has contacted the CC&R Officer and a longer time is needed, depending on the situation and is granted by the CC&R Officer. Appellate steps will also be listed within the Final Notice.
- C. Pre-Legal Notice to Owners:** In the event the property owner/resident fails to comply to the Final Notice of CC&R violation, the CC&R Compliance Officer shall issue a Pre-Legal Notice informing the property owner of the date, time and place of the meeting and the District's intent to forward said CC&R violation to Districts legal counsel. All Pre-Legal Notices are to be sent by Certified Mail. The meeting will be held in open session unless otherwise advised by legal counsel to meet in closed session

in accordance with existing law set forth in the Brown Act. The Committee shall open the meeting and allow a reasonable time for all information as follows:

- Compliance Officer presents all facts and circumstances comprising of the alleged violation of the CC&Rs.
- The property owner shall then be given the opportunity to present any evidence, witnesses or comments.
- The Committee shall afford interested community members and each member of the committee an opportunity to address issues, questions, evidence or make a relevant comment.
- The CC&R Committee recommendation, by motion and vote, shall be forwarded to the Board of Director's by the CC&R Compliance Office

D. Hearing Continuance: If the property owner/resident demonstrates, to the CC&R Compliance Officer good cause as to why he/she cannot attend the scheduled meeting, the requesting party shall be granted one continuance as a matter of right. The hearing shall be rescheduled to the next regularly scheduled CC&R meeting and notice of meeting shall be sent by first class mail to the property owner at least ten (10) days prior to the date scheduled for the meeting.

E. Failure to Appear: If the property owner/resident fails to appear at the meeting or to request continuance, the Committee shall proceed with the meeting and may reach a decision based upon the presentation of the CC&R Compliance Officer and the testimony, if any of other interested parties.

F. Failure to Comply (Pre-Legal Notice): If the property owner/resident fails to participate in a meeting to resolve the alleged CC&R violation or the property owner/resident has been adjudged in the CC&R meeting to be in violation of the applicable CC&Rs, or if the property owner/resident fails to correct the condition or to cease the activity constituting the alleged violation, the CC&R Committee's recommendation shall be referred to the CPCSD Board of Director's for final disposition. The Board, in its discretion, can either affirm or overturn the decision of the CC&R Committee and if the Committee's action is upheld, refer the matter to legal counsel with instructions to pursue all appropriate legal and/or equitable remedies to compel compliance.

G. Repeat Offenders: If the property owner/resident repeats a prior violation, then the CC&R Compliance Officer shall issue a notice via first class mail, written to the recorded owner of the property. The notice shall specifically set forth the following:

1. Specific nature of the CC&R violation including a reference to the paragraph or section number alleged to be violated.
2. A request that the conduct or activity constituting the alleged violation is resolved and rectified.
3. Appellate steps available to the owner/resident in relation to the violation.

4. A statement that if the property owner/resident fails to timely comply, then the District's next enforcement step will be the step after the last step that the District had previously taken upon the prior violation that has been repeated.

The notice applies no matter when the prior violation occurred. A repeat of a prior violation is a violation that is the same or substantially similar to the prior violation. For example, a repeat of a prior violation is when an owner/resident had parked a recreational vehicle without it being properly screened in violation of the CC&Rs and then later parks a different recreational vehicle without screening in violation of the CC&Rs.

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PROCEDURE: CC&R COMMITTEE

ARTICLE IV

General Description of the CC&R Citizen Committee Selection & Appointment:

- A notice shall be placed in the local newspaper soliciting volunteers to the CC&R Committee.
- All Members of the committee must live in Cameron Park.
- Three residents shall be appointed by the CC&R Committee in a volunteer capacity.
- Members shall be appointed by the CC&R Committee via a quorum vote of the Committee.
- If a volunteer cannot participate on the committee, a notice will be placed in the newspaper soliciting volunteers to the CC&R Committee. All residents must submit an application to be a committee member wherein:
 - a. Previous experience on volunteer committees
 - b. Reason for wanting to be a committee member are specified.
 - c. Availability to participate in the meetings and other likely responsibilities of a Committee member.

Tasks to be performed by CC&R Committee Members:

- Conduct initial meetings referred to the Committee by the CC&R Compliance Officer.

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- Recommend legal action to the CPCSD Board to compel compliance of CC&R infractions.
- Review and update policies and procedures for ultimate approval by the Board
- Conduct open communication with the public to hear any concerns regarding CC&Rs.
- Empowerment: to resolve any matter through action that the CC&R Compliance Officer and resident, specific to a particular violation, cannot resolve between themselves the committee may propose, by a majority vote, a resolution of violation. If the property owner consents in writing to the resolution, it shall be binding. Any citizen of Cameron Park, or property owner of Cameron Park, may appeal the resolution by providing written notice to the compliance officer who will have the appeal placed on the next appropriate regularly scheduled CPCSD board meeting for consideration.

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PROCEDURE: CC&R OFFICE DESCRIPTIONS:

ARTICLE V

Offices and Description of Each Office

- Chairperson - Conduct all meetings
- Vice-chairperson - Shall back up Chairperson

Officer Nomination Procedures - The officers shall be elected at the January meeting by a quorum vote of the committee, and shall take over responsibilities immediately after officer selection.

Quorums - For valid action, the Committee can only take action if a quorum of at least three (3) voting members are present at a duly noticed meeting. A valid action requires a unanimous vote with three (3) members present.

Role of District Staff - The CC&R Compliance Officer or an individual appointed by the General Manager shall act as secretary, take notes of meetings, create and issue all correspondence and other memoranda to and from the Committee. Publication through the Cameron Courier to heighten the residents' awareness of the CC&R rules shall be published.

Attendance Requirements - If a member of the Committee fails to attend three consecutive regular meetings, without good cause, a new member will be chosen as a replacement to fill the vacancy.

Relationship to District Board of Directors - The CC&R Committee shall be advisory to the CPCSD Board and shall follow all policies, rules and regulations established by the Board.

Procedures for Amending Policy - All policies must be approved by the Board of Director's. The Committee shall submit any policy recommendations to the General Manager to forward to the Board.

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PROCEDURE: ARCHITECTURAL REVIEW/CC&R PROCESS:

ARTICLE VI

- A. The District has primary responsibility for seeing that all properties included within the District comply with the tract CC&Rs applicable to the parcel. The Cameron Park Community Services District Architectural Review Committee, does not grant variances. It exercises its duties only to the extent that the Architectural Review Committee is authorized to do so by the CC&Rs for the specific unit.

- B. Upon notice by the CC&R Compliance Officer of nonconformance with existing CC&Rs relating to an architectural review matter, the property owner shall submit an application request to the Architectural Review Committee. The property owner must submit an application with a full set of plans showing that all requirements are being met by the CC&Rs for that unit. The Architectural Review Committee shall render a decision, in writing within thirty (30) days of receipt of the request.
- C. **Appeal of the CPCSD Architectural Review Committee:** If any property owner is not satisfied with the decision of the Architectural Review Committee, he/she may file notice of appeal, within ten (10) days of the date of the decision, with the CC&R Compliance Officer, who shall place the appeal on the CC&R Agenda. Written notice shall be mailed to the property owner ten (10) days prior to the meeting. The meeting shall be conducted in accordance to meeting procedures. Architectural Review Committee decisions, appealed to the CC&R Enforcement Committee ~~will require~~ may be accompanied by a written legal opinion by counsel as necessary. The CC&R Committee may have the authority to override or affirm the decision of the ARC Committee.
- D. If the property owner/resident fails to appear at the meeting or to request continuance, the Committee shall proceed with the meeting and may reach a decision based upon the presentation of the CC&R Compliance Officer and the testimony, if any of other interested parties.
- E. **Amendment to Existing CC&Rs:** CC&Rs may be amended in accordance with the amendment provisions contained in the CC&Rs and other legal requirements, if any. The District however, may respond to inquiries and offer suggestions concerning proposed amendments when such input or comment is requested by the proponents of the amendment. It shall be the responsibility and obligation of property owners to provide the District with a copy of any amendments passed by the necessary percentage of property owners within the affected CC&R jurisdiction, within ten (10) days of the passage of the amendment. When the amendment is duly approved by the appropriate vote and recorded with El Dorado County it becomes effective and binding on property owners.
- F. **Meetings:** The Architectural Review Committee shall meet, twice monthly to review project applications. Meetings shall be public. Once the committee has reached a decision a copy will be forwarded to the applicant/property owner with the committee's reasons for approval/disapproval. A written record of each meeting of the Architectural Review Committee shall be kept by the CC&R Compliance Officer. The committee may meet and act on proposed property improvement applications only if a quorum of two (2) committee members are present.
- G. **Agendas:** The committee shall post, on District bulletin boards, an agenda for each meeting at least seventy-two (72) hours prior to each meeting per Gov't Code 54954.2.
- H. **Goals & Objectives:** The Cameron Park Community Services District believes that the expeditious and accurate processing of property improvement applications is essential to protect and maintain the quality of residential areas in the community and that it is the Architectural Review Committees responsibility to process all property improvement applications in a timely, reasonable and nondiscriminatory manner.