

**INDIAN SPRINGS  
MOBILE HOME PARK  
HOMEOWNERS  
ASSOCIATION**

**BYLAWS**

**ADOPTED AT THE SPECIAL GENERAL MEETING  
OF THE ASSOCIATION MEMBERSHIP PENDING  
ATTORNEY REVIEW**

**Date: 2/15/2020**

**ADOPTED WITH FINAL ATTORNEY CHANGES**

**Date: 12/31/2020**

**DOCUMENT APPROVED BY ASSOCIATION  
BOARD OF DIRECTORS**

**Date: 1/11/2021**

**EFFECTIVE DATE: 1/11/2021**

**INDIAN SPRINGS MOBILE HOME PARK  
HOMEOWNERS ASSOCIATION  
PALM DESERT, CALIFORNIA**

**BYLAWS**

**ARTICLE I**

**Section-1: NAME, ADDRESS AND PURPOSE**

- a) The name of this association is the Indian Springs Mobile Home Park Homeowners Association, herein after called the Association.
  
- b) The address for all communication pertaining to and of this Association shall be the address of the President of the Board of Directors, which is: P.O. Box 1824, Palm Desert, CA 92261.
  
- c) The Association's Federal Employer Identification Number FEIN is 95-3834084. The Association's State of California Corporation Number is C2239624.
  
- d) This Association is a Non-Profit Mutual Benefit Corporation, under Section 23701F of California Revenue & Taxation Code, and Section 501(c)(4) of The Federal Internal Revenue Code. The specific purpose of this corporation is to represent the rights and privileges of mobile home property owners of the Indian Springs Mobile Home Park community located in Palm Desert, California. All funds received from any source are to be used for the sole purpose of improving and protecting the quality of life of the residents at Indian Springs Mobile Home Park. Membership in this

Association is voluntary. This association does not contemplate gain or profit to the members thereof and is organized for non-profit purposes only.

## **Section-2: DEFINITIONS**

- a) Homeowner: one who is the registered owner with the park management and the legal owner of the coach, including a trust, LLC or a corporation.
- b) Resident(s): adult residents who live in the park and are registered with the park management.
- c) Household: the residents residing in one coach.
- d) Member: a homeowner or resident designee in good standing who chooses to join the Association by paying their current annual dues to the Association. This is usually the Homeowner but can be any resident sharing that residence and who is designated by the Homeowner in writing to the Board President, other than a person under the age of 55 and/or a caregiver.
- e) Annual Dues: 100% of the current annual dues amount. If an individual is unable to pay the full amount, as reflected in the Resident Information and HOA Membership Application, their dues may be covered if funds are available.
- f) Board of Directors: an elected body that shall act on behalf of the Association Membership regarding numerous issues. The Board of Directors is also referred to as “the Board” or simply “Board” depending on the context.

## **Section-3: MEMBERS**

- a) Each household of one or more homeowners as stated herein is entitled to one vote at a General Membership, Annual Election, Special Meeting or Emergency Meeting provided the Member has paid their current annual Association membership dues. No Owner/Member owning multiple coaches shall have more than two votes or be counted more than twice for quorum purposes.
- b) The Homeowner Member may designate a registered resident over 55 with whom they share their home as the Member for that household. A renter may become a Member if the owner submits a letter to the Board requesting the renter be so designated and the annual dues are paid.
- c) Each household will receive a current copy of the Association Bylaws. All Members agree to comply with the Bylaws of the Association as approved by vote of the membership.
- d) The names of the Members of the Association shall be confidential. The membership list and all personal information therein shall not be released to anyone for purposes other than Association business pursuant to CC 5210 (b) (6).
- e) All homeowners, registered residents, and renters are welcome and encouraged to attend the Board of Directors meetings and General Membership or Special meetings of the Association, and all Association Functions. Meetings of the Executive session are not open to public attendance as explained in Article II, Section 1c) i.

#### **Section-4: FINANCES**

- a) Funds received by this Association shall be derived from the following sources:

- i. Annual dues paid to the Association;
  - ii. Voluntary contributions which may be designated for a specific purpose at the discretion of the donor. If not specifically designated, the Board will decide the best use of the funds;
  - iii. Proceeds from all fundraising events sponsored by the Association through any of its standing committees or subcommittees; and
  - iv. Advertising revenues in the Association newsletters, Annual Directory, and online (Facebook and website).
- b) All funds shall be paid by check, money order or United States paper currency.
- c) The amount of dues shall be determined by the Board of Directors. This amount, whether changed or not, will be ratified by a vote of the attending Members at each February General Membership meeting. If there are no changes of the dues amount from the previous year, the Board will ratify the amount of the dues currently in effect. The Association's fiscal year is from January 1 through December 31. Annual Association dues are due by January 1 but can be paid at any time prior to the start of a General Membership meeting in order to be a Member. Dues are made payable to: Indian Springs Mobile Home Park Homeowners Association or ISHOA. For any new members making their first full payment of dues after October 1 of the year that they join, this payment shall be deemed payment for the balance of that year and full payment of the following year.
- d) The Association maintains four bank accounts: Operating Account, Legal Fund, Park Owner Settlement Fund, and City Settlement Fund.

e) Funds will be distributed for only legal and general Association needs. All funds received from any source will be deposited into the Operating Account. Distribution of sums to the Legal Fund shall be at the discretion of the Board of Directors, but in no event shall less than 50% of the dues received be distributed to the Legal Fund Account. Distributions from the Park Owner Settlement Fund and City Settlement Fund will be made to the Operating Account, subject to approval of the majority of the Board, if the balance of Operating Account falls below \$7,500. Further explanation can be found in the Policies and Procedure manual.

f) Regarding expenditure of Funds:

- i. All checks must be signed by two Board members;
- ii. All Operating Account expenditures must be approved by the Treasurer and one other Board member prior to expenditure;
- iii. All expenditures made from the Legal Fund Account shall be for legal matters affecting the Association and must be approved by a majority vote of the Board;
- iv. All capital expenditures for any one item with a life of five or more years which cost \$500 or more must be approved by a majority of the Board. Capital expenditures in excess of \$1,500 for any one purpose must be approved by a majority vote of the Board of Directors and a majority vote of the membership at any General Membership Meeting, at any Special Membership Meeting, or at any Emergency Membership Meeting; and
- v. All Expenditures from the Park Owner Settlement Fund or the City Settlement Fund shall be used for the benefit of the Park or Association provided, however, such expenditures fall within the

limitations and restrictions pursuant to the Settlement and Release Agreements of February 27, 2009.

- g) The annual financial reports will be reviewed by an independent financial adviser to the Association.
- h) The tax filing will be prepared by an independent financial adviser to the Association.

## **ARTICLE II**

### **Section-1: MEETINGS DEFINED**

- a) Membership Meetings:
  - i. General Membership Meeting: a routine meeting where the Board of Directors and Association Members meet to discuss and vote on major issues such as the coming year's budget, election of new or replacement of directors, and revision and approval of the Bylaws.
  - ii. Special Membership Meeting: a meeting for matters that cannot wait for the next regularly scheduled General Membership Meeting.
  - iii. Emergency Membership Meeting: an immediate meeting to address emergencies (example: after a major earthquake).
- b) Board of Directors Meeting: an open meeting wherein Members and Residents can attend to observe the Board conduct business. As with Membership Meetings, there are three types of meetings as follows:

- i. Board of Directors Meeting: a regular meeting of the Board of Directors routinely scheduled on the same day of the month;
- ii. Board of Directors Special Meeting: a meeting to address matters that cannot wait for the next regularly scheduled meeting;
- iii. Board of Directors Emergency Meeting: to address emergencies with no notice required. (example: after a major earthquake)

c) Sessions:

- i. Executive Session: held by the Board of Directors to address certain items of business that involve confidential and/or sensitive information which should not be disclosed to Members for numerous reasons.
- ii. Informal Sessions: upon adjournment of a General Membership Meeting or Board Meeting, Association Members may informally discuss issues relevant to the community. Only one Board member shall remain, and no minutes will be taken. Otherwise this may appear to be a Board meeting.

d) Annual Election: an event to elect members to the Board of Directors which is held during the February General Membership Meeting.

## **Section-2: GENERAL MEMBERSHIP MEETING**

a) There shall be no fewer than four General Membership meetings per year. These will occur in November, January, February and April. The January



meeting will include the approval of the annual budget. The February meeting will include the Annual Election.

- b) Eighteen Members plus at least three Board Members for total of 21 Members shall constitute a quorum by which Association business may be conducted. If a quorum cannot be established, the President will call the meeting to order, announce the absence of a quorum and adjourn the meeting.
- c) After adjournment, an Informal Session may be conducted.
- d) All General Membership meetings shall be held in the Park Clubhouse if available.
- e) Written notice of the General Membership and/or Special Meetings, including the February Membership & Annual Election meeting, shall be given to all households at least ten days in advance of said meetings. Agendas for the meeting will be posted at least five days prior to the meeting and shall be given through any of the following:
  - i. Newsletter or community update bulletin
  - ii. Hand delivery
  - iii. Mailbox postings
  - iv. Email for those whose email addresses are on record with the Association
  - v. The HOA bulletin Board in the Clubhouse
  - vi. Community Website

- f) A Membership Proxy may be requested by a Member if that Member anticipates that they will not be able to attend a General Membership or Special Membership meeting. The proxy will only count towards a quorum at that meeting. No Member attending a Membership meeting may hold more than one proxy for the purpose of a quorum.

### **Section-3: SPECIAL MEMBERSHIP MEETING**

- a) Special meetings may be called by a majority of the Board, or the President, or a petition of 15% or more of the Association's Members. Meetings called by petition must meet the requirements stated in the Association Policy and Procedures Manual. Notice shall be given at least five days prior to the meeting.
- b) Special Membership Meetings must be conducted as a General Membership Meeting and meet the requirements of such a meeting.

#### **Section-4: EMERGENCY MEMBERSHIP MEETING**

- a) Emergency Membership meetings may be called by a majority of the Board or the President.
- b) Emergency Membership Meetings must be conducted as a General Membership Meeting and meet the requirements of such a meeting.

#### **Section-5: BOARD-OF-DIRECTORS MEETINGS**

- a) The Board of Directors meetings shall be held at least five times a year.
- b) Board meetings shall be held in the clubhouse if available and shall be open to all Association Members and other Residents. Notice of the date and time of each Board meeting will be given through any of the following:
  - i. Newsletter, or community update bulletin
  - ii. Hand Delivery notices
  - iii. Mailbox posting
  - iv. Email for those whose email addresses are on record with the Association
  - v. The HOA clubhouse bulletin Board or kitchen counter
  - vi. HOA web site and or Facebook page
- c) Changes to the schedule require at least a five-day notice.

- d) Three Board Members must be participating at the Board meeting to constitute a quorum to transact Association business. Any meeting of the Board of Directors may be conducted by conference call if at least one director is physically present at an open meeting. The conference call can be on speaker phone and other devices for the meeting so all the attendees can hear the Board's discussions and actions.
- e) Any resident who wishes, when duly recognized, may address the Board during the open forum portion of the meeting. However, the resident may not be allowed to participate in the Board's discussion or agenda unless requested to do so by the Board. Residents may be allowed three minutes to address the Board unless extended by the Board. The Board may elect whether or not to act on or discuss the matter. The Board may elect to take the comments under advisement for further discussion at a subsequent Board meeting or General Membership or Special Membership meeting.
- f) All Board members shall maintain communication with the President when on vacation or extended leaves.
- g) Board of Directors Special Meetings address matters that cannot wait for the next regularly scheduled meeting. These require at least a 5-day notice. Board Emergency Meetings will conform with all other requirements of the Board Meetings described above.
- h) Board of Directors Emergency Meetings address emergencies, and no notice is required. Board Special Meetings will conform with all other requirements of the Board Meetings described above and pursuant to CC 4923 and may be called by either the Board President or any two Board members.

## **Section-6: EXECUTIVE SESSION**

Executive Sessions: The Board of Directors may hold an Executive Session or adjourn any General Meeting, Special Meeting, or Emergency Meeting into an Executive Session. These are held by the Board of Directors to address certain items of business that involve confidential and/or sensitive information which should not be disclosed to Members for numerous reasons. Members cannot attend these meetings due to confidential nature of topics discussed pursuant to CC 4925. Executive Sessions can be held before or after an open Board meeting or as a stand-alone meeting on a different day from an open meeting, provided 2-day notice is given. Notice of executive session must state the general reason for the executive session. No action will be taken by the Board while convened in executive session. Any matter discussed in executive session shall be generally noted in minutes of the following meeting that is open to the Membership pursuant to CC 4935.

## **Section-7: INFORMAL SESSION**

Pursuant to CC 7512 a Membership Meeting, whether it be General, Special, or Emergency Meeting, cannot conduct business in the absence of a quorum. If any meeting is held without the required quorum materializing, the meeting may officially adjourn as detailed in CC 7512 and then continue as an open discussion, herein referred to as an Informal Session.

## **Section-8: ANNUAL ELECTION**

- a) To hold an election, a quorum must be present at the opening of the meeting. Eighteen Members plus three Board Members for a total of 21 members must be present to constitute a quorum by which Association business may be conducted.
- b) Members nominated for the Board of Directors shall be elected during the Annual Election in the February General Membership Meeting for a term of one-year. Voting may be executed in the following three ways:
  - i. in person at the February Annual Election Meeting;
  - ii. by Absentee Ballot; or
  - iii. by Acclamation Vote.
- c) If a Member anticipates that they will not be able to attend the election, they may request that the Secretary provide an absentee ballot packet. This will include a ballot, response and privacy envelopes, and instructions. For proper processing of these ballots, the request should be at least one week prior to the February General Membership and Elections Meeting. The absentee ballot will reflect the names of the candidates for the Board of Directors known at the time the request for the ballots are received. The absentee ballot will include an outer envelope, a request for absentee ballot, a privacy envelope and the absentee ballot. The Member will complete the ballot and placed it in the privacy envelope. The request for absentee ballot should be completed and signed by the Member. Both the signed request for ballot and the ballot in the privacy envelope shall be placed in the outer envelope and delivered or mailed to the Secretary prior to the February

General Membership and Election Meeting. The Absentee ballots shall remain sealed and will be presented to the Election Monitor at the General Membership and Annual Election meeting to be counted and recorded with all other ballots.

- d) At the Annual Election meeting, if there are no more than five nominees for the Board of Directors, the President may accept the slate of Directors by entertaining a motion for an Acclamation Vote of the majority of Members present.
- e) Each household containing a Member is entitled to one vote. The exception to this is found in Article I, Section-3(a) regarding Members who own multiple coaches.
- f) If there are more than five nominees for the Board, a ballot count is required. A monitor and two counters shall be appointed by the President and approved by the Board. They must not be candidates for office.
- g) The Annual Election process follows:
  - i. A list of the candidates shall be arranged in alphabetical order on a tabulating sheet in the same order as shown on the ballots.
  - ii. A list of the Association Members shall be provided to the counters to verify that an absentee ballot is valid.
  - iii. Voting ballots are handed out to Association Members at the time they check in at the meeting.
  - iv. The secret ballots are marked by the Members and placed in the ballot box.

- v. The ballots are then collected and counted by the counters under the supervision of the monitor.
  - vi. The monitor will certify the results and deliver the results and the ballots to the President who will announce the names of the successful candidates.
  - vii. The five candidates receiving the highest number of votes shall be considered the elected members of the Board.
  - viii. The counted ballots, tally sheets and results shall be saved as a matter of the Association's records for three years.
- h) If there is no quorum at the General Membership and Annual Election meeting, the President calls the meeting to order, announces the absence of a quorum. The President adjourns the meeting until a later date. The current Board members continue to serve until an election can be held.

## **Section-9: MEETING PROTOCOLS**

- a) All meeting formats will be conducted according to Robert's Rules of Order where applicable. Agendas and other appropriate documents will be made available to those members attending the meeting.
- b) The President at his or her discretion may recess, adjourn, or adjourn to Executive Session.
- c) If the Board President determines a meeting cannot continue due to the disruption by any attendee(s), the President can request that the disruptive



member to leave the meeting. If the attendee refuses to leave, the President can either recessed the meeting until the disruption has ended or adjourn the meeting.

### **ARTICLE III**

#### **Section-1: DUTIES OF THE BOARD OF DIRECTORS**

- a) The Board of Directors shall act on behalf of the Association Membership regarding the following matters: Legal Representation, Rent Control, Hardship and/or Capital Improvement Issues, Park Conversion Issues, Quality of Life and Security issues, Disaster Emergency Management and other related matters.
- b) The Board of Directors will consider proposals relating to these matters, whether made by the Park Owner, Park management or other third-party participants. These proposals shall then be presented to the total Membership at a regular General Membership, Special Membership, or Emergency Membership Meeting for consideration and/or any appropriate action that the Board determines shall be taken.
- c) In matters in addition to those noted above, the Directors shall be authorized to act for all Members of the Association pertaining to the Association business.
- d) Descriptions of all Board Officers, Directors, and Committees duties are outlined in the ISHOA Policy and Procedures.

## **Section-2: COMPOSITION OF THE BOARD OF DIRECTORS**

- a) The Board of Directors shall consist of five members elected from a list of candidates presented by a nominating committee or ballot write-in candidates at the February Annual Election Meeting.
- b) The outgoing President of the Association may serve as an advisor to the Board of Directors for one year. The outgoing President shall not be a Member of the Board of Directors and, therefore, not have voting rights.
- c) Members elected to the Board of Directors will serve a one- year term. Each Director shall serve no more than six consecutive one-year terms on the Board. No more than one person per household may serve on the Board at one time. No Board member may hold more than one office at a time. Every Board member shall be a homeowner or the resident designated as the Member by the homeowner. Such Member shall have been a Park resident five months of the twelve months prior to election or appointment. Homeowners must be in good standing and current on dues to be a member of the board. Non-owner resident designee may not serve as an officer of the Board, i.e., Board President, Vice President, Treasurer or Secretary. However, such designee (over 55) may serve as a Director at Large on the Board with current Board approval.
- d) Board member vacancies for the remainder of a term shall be filled by appointment to the Board by the President upon approval of the Board at a Board of Directors meeting. The appointment shall not count as one term. The appointee may run for election to the Board at the next General Membership and Annual Election Meeting in February and may

then serve a full one-year term. The Appointee must be a Member in good standing.

### **Section-3: OFFICERS OF THE BOARD**

- a) The elected members of the Board shall recess the February General Membership and Annual Election meeting and elect the following officers and a Director-at-Large to serve one-year terms: Officers are, President, Vice President, Secretary, and Treasurer. The results will then be presented to the meeting attendees and communicated to the community as provided in Article II, Section-2, paragraph (e).
- b) All officers of the Board must be Members who are in residence a minimum of five months out of twelve months prior to the election.
- c) Board members who are the designated Member of the Association by a homeowner are not eligible to be an officer.
- d) The Directors elected at the February Annual Election meeting shall take office immediately following the Election meeting.
- e) The outgoing Board and the newly elected Board shall hold a joint installation meeting following the February Election meeting to ensure a smooth transition of Association business and activities.
- f) All actions of the officers and the Directors of the Board shall be governed by the provisions in the Bylaws and Policy and Procedures Manual.
- g) All outgoing officers shall turn over, within two weeks of the election, all Board documents and writings, including electronic and digital records or

documents that they have received or created in their capacity as a Board Member.

#### **Section-4: NOMINATION FOR THE BOARD OF DIRECTORS**

- a) The President of the Association shall appoint a Nominating Committee of at least two Association non-Board Members in good standing approved by a majority vote of the then current Board of Directors. This Committee shall be appointed by November 30th of each year prior to the February General Membership and Annual Election Meeting. Their nominees must be submitted to the President no later than January 5th.
- b) Candidates nominated must agree to serve a one-year term and be Members in good standing.
- c) The list of Nominees for candidacy shall be announced as provided in Article II, Section-2, Paragraph (e) no later than January 15th prior to the General Membership and Annual Election Meeting.
- d) At the Annual Election Meeting, the President may take "Nominations from the Floor" which will be added to the write-in portion of the ballots, provided the write-in candidate is qualified and willing to serve on the Association's Board of Directors. Those nominated from the floor must be members in good standing and current on dues to be considered for election.

## **Section-5: BOARD ATTENDANCE AND REPLACEMENT**

Any Board member who has two unexcused meeting absences or any Board member who is not performing the duties of his/her office may be removed by a majority vote of the Board of Directors or a majority vote of the general membership. Whenever there is a Board vacancy, a replacement Director may be appointed by the President upon ratification by the Board of Directors.

## **ARTICLE IV**

### **COMMITTEES OF THE ASSOCIATION**

- a) Any Member may serve as Chairperson of any Association committee with approval of the Board. The exception is the Bylaws Revision Committee which must be chaired by a member of the Board of Directors. A Board Director may serve as Chairperson of any Committee except the Nomination Committee. All committees shall be responsible to the Board for the management of their committee.
- b) The Board must approve all Association sponsored functions and budgets for such functions.
- c) Association approved committees are: Finance & Budget; Membership (including Block Captains), Social Committee; Emergency Management; Legal/legislative; Communication (includes Newsletters, Directory; Advertising; Social Media and Website); and Nominating.

## **ARTICLE V**

### **ACCESS, AVAILABILITY AND DISCLOSURE OF ASSOCIATION RECORDS, CONTRACTS AND GOVERNING DOCUMENTS**

- a) Association records and governing documents are the exclusive property of the Association and will be kept and maintained in a secure storage facility. Only the current Board members shall have access.
- b) Association records and governing documents are subjected to inspection by a member in good standing provided such records do not contain sensitive, confidential or privileged information or otherwise not subject to inspection. See CC 5205, CC 5210, CC 5215 or the Association Policy and Procedures Manual.

## **ARTICLE VI**

### **BYLAWS AND POLICY AND PROCEDURE MANUAL REVISIONS, AMENDMENTS, AND/OR ADDITIONS**

- a) Members of this Association must comply with the separate regulations found in the Association's Policies and Procedures Manual to the extent that such separate policies and procedures are not inconsistent with these Bylaws and applicable California codes.
- b) The Bylaws and the Policy and Procedures Manual of this Association shall be reviewed at least every two years by a committee consisting of at least one member of the Board and at least three Members of the Association.

The Bylaws committee members will be appointed by the President and approved by the Board of Directors.

- c) The Chairperson of the Committee shall be a Board member appointed by the President with Board approval.
- d) Any amendments, additions, or revisions to the Bylaws must be presented at one General Membership or Special Membership meeting, discussed and then voted on at the next General Membership or Special Membership meeting. A majority vote of Members present at said meeting is required for any amendment, addition, or revision to the Bylaws to be approved.
- e) Any amendments, additions, or revisions to the Policy and Procedure Manual shall be undertaken as needed and approved by a majority vote of the Board as set forth in the Policies and Procedure Manual.

## **ARTICLE VII**

### **DISPUTE RESOLUTION PROCEDURES**

The Association hereby adopts reasonable and expedited procedures for resolution of disputes between the Association and Members involving the rights, duties and responsibilities under the Association's governing documents as provided in the Association Policies and Procedure Manual.

## ARTICLE VIII

### **PROCEDURE FOR DISSOLUTION OF THE ASSOCIATION**

Should there be cause or imperative reason to dissolve the Association in the future, the following procedures shall prevail.

- a) To initiate dissolution, a resolution of intent to terminate and dissolve the Association shall be adopted by a written affirmative vote of 60% plus one of the bona fide resident membership in good standing of the Association. The resolution shall find that it is in the best interests of the Association and its members that the Association be terminated and dissolved, and shall authorize the officers and directors to take appropriate measures to execute the dissolution in accordance with these Bylaws and all applicable laws.
  
- b) In the event of dissolution, Association funds and assets shall not become a benefit of any private person. All Association funds and assets are to be distributed upon dissolution as follows and in the following order:
  - i. All known debts and liabilities of the Association shall be paid;
  
  - ii. All remaining funds and assets shall be distributed to either of the following:
    - a. bona fide successor non-profit corporate association organized for the benefit of the Park residents and chosen by the Board; or, if such a successor association does not exist,
  
    - b. a non-profit foundation or corporation specifically organized and operated to serve and promote the general well-being of



individuals for charitable purposes, as chosen by the Board and in accordance with California law and the Internal Revenue Code.

Formally Adopted by the General Membership.

Effective Date: 1/11/2021

A handwritten signature in blue ink is written over a solid horizontal black line. The signature is cursive and appears to be 'DW Duke'.

**REVIEWED AND APPROVED AS TO FORM.**

DW Duke  
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