

HIDDEN VALLEY VILLAGE OWNERS ASSOCIATION
Board of Directors Meeting
MINUTES

Date of Meeting: Saturday, June 9, 2018

Time: 10:00AM or immediately following Executive Session Board Meeting

Location: **Home of Tony Cole**, 205 S Juanita Ave, Redondo Beach, CA 90277

Call in information: (515) 604-9024, Access Code 284183#

1. General

- a. Call to order by President Tony Cole: 11:07am
- b. Roll call. Board Members, Management, owners and guests present: At Tony's Home: Randy Balik, Steve Latshaw, Ruth Wheeler Tony Cole. Via skype: Kinoka Ogsbury, Dave Natali, Call in: Steve Black, Jeff Fulton, and Mike Murphy: Matt Desario, Unit owner of 128 called in during the meeting.
- c. Approval of Minutes for March, 24 2018 Board of Directors Meeting

Motion: Steve Latshaw- Approve Minutes from March, 24, 2018 meeting

Second: Randy Balik

Passed: 6-0-1

2. Announcements/Orders of the day:

- a) Items discussed in Exec. Meeting: Owners in arrears. Procedural concern regarding use of email for board members. Management. Warnings/fines
- b) Recusals- None
- c) Changes to order of agenda-None

3. Treasurers Report

a) **Financial Report**

1. FINANCIAL SNAPSHOT FOR MONTH ENDED		32.9%	Into Annual Budget period
April 30, 2018			
-		25%	Operating Expense budget spent
Operating Fund	\$109,996	\$319,550	2018 Total Operating Expense Budget
Contingency Fund	\$35,000	\$79,923	YTD Operating Expenses
Replacement Fund	\$315,292	\$25,134.53	YTD UNDER Budget
Total Funds	\$460,288	7.9%	YTD Under/Annual Operating Budget
2	Units Past Due for HOA Dues	\$600	2.7% Replacement Expense budget spent
14	Units Paid in Advance for HOA Dues	(\$5,351)	\$160.50 2018 Replacement Expense Budget
<u>Past Due Items of Note:</u>		\$4,245	YTD Replacement Expenses
-		\$48,374	YTD Under Replacement Budget Spending
		2.7%	YTD Repl Exp/Annual Replacement Revenue

b) Owners in Arrears. Action to be taken: Unit #130 was in arrears 1 month. Butner sent a reminder notice. I don't have any further updates.

c) Warning Notices and Fines: None

d) MRB request needs to be voted on: "Pool filter replacement: Mammoth Spa Creations can perform this job at any time we specify. Equipment has to be ordered in advance. Proposal dated April 9, 2018 in the amount of \$1650 does not include shipping. Please confirm that this expenditure is approved." \$6764 is currently budgeted in the Reserve Fund for pool heater and filter replacement (See Reserve Study - Scheduled in 2022 but bumped up to 2017 Budget due to constant repairs - Deferred from 2017 Budget). Kinoka suggested that we vote to approve this expenditure. Per Tony and Steve, no need to replace pool heater at this time.

Motion: Kinoka Ogsbury; Spend \$1,650 plus the cost of shipping on new pool filter from Mammoth Spa Creations

Second: Ruth Wheeler

Passed 7-0

Management is directed to communicate with Mammoth Spa Creations to have the pool filter purchased and installed in coordination with the pool deck repair and pool resurfacing

e) Reviewed 2017 taxes and Signed 2017 Tax Engagement Letter. The engagement letter asked specifically about liability due to potential lawsuits. To the best of my knowledge no pending legal actions at this time.

f) Adjusted items misclassified on the Financial Reports: worked with Butner to reclassify a few items that had been misclassified and were causing us to show over budget in certain areas.

g) Transfer of Funds from Union Bank to Union CD: Need to confirm final amounts and durations with Cindy as we transferred fewer funds due to large # of large projects coming up this summer: painting, pool etc.

CD Plus* Rates:

30 days:	0.90%	9 months:	1.55%
3 months:	1.15%	12 months:	1.65%
6 months:	1.45%	18 months:	1.80%
2 yr :	2.00%		

i) List of Deferred Maintenance Items: really making progress here so none to my knowledge

4. Reports from Standing Committees

a. Newsletter: Tony Cole

i) Communications to homeowners: Newsletter and welcome to new owner letters were written and distributed, as well as posted to the HVV website after the last meeting.

ii) Items to be covered in next newsletter: Driveway slurry, parking decals, Information about rules adoption process. TOML toilet rebate.

b. *Web Master/communications: Randy Balik*-Randy is waiting on getting information from Kinoka and Mike to update the Board Member section. He will put the engineering report from Cathy Cage on the website as well as the draft rules and the letter from Erin regarding homeowners who are not notifying management about upcoming unit occupancy on the website

c. Operating Rules: Ruth Wheeler

i) Draft Operating Rules-Have been completed and reviewed by the attorney. Tony and Erin have reformatted and corrected details. Attorney Tim Sanford has suggested more precise language. Items of concern which were brought to the board, such as “hotel/condo” designation and service animal regulations have been addressed by Sanford and reviewed by the Board. The Draft Rules are attached.

Motion: Ruth Wheeler; Submit the draft rules to homeowners for review.

Second: Tony Cole

Passed: 6-1

ii) Cost to date of rules-Ruth did not have this information. She will collect the data and present it at the August board meeting.

iii) Distribution of board accepted rules to homeowners for review- Rules and a cover letter written by Tony Cole will be emailed to homeowners who have indicated that they will accept email communications from the board. The homeowners who have not submitted email acceptance forms will receive the rules via US mail. The required review period is 30 days.

d. Architectural/Landscape and Grounds Maintenance and Improvements: Ruth Wheeler

i) Follow up on structural engineer report-The structural calculations provided by Cathy Cage will be posted to the website. Management did not complete inspections of units to find out which owners needed to be contacted regarding post removal. Ruth requested that Management check all upstairs units to find out which units have removed the kitchen post which supports the loft in the upper level units. There were several post

removal configurations which were of concern, but the removal of the upstairs post adjacent to the kitchen counter was the most obvious, and easy to identify. Management will contact the board within the week to let them know which units have removed the kitchen post. Kinoka Ogsbury recommended that the board not require the removed posts to be replaced because the post supports the interior loft, not the roof and is therefore not a common area concern. Randy Balik maintained that if a loft collapsed it would damage adjacent units and was therefore a legitimate common area concern.

Management noted a post removal in a downstairs unit in building A which was a potential hazard they will check with the engineer, Cathy Cage and inform the owner of the unit of the potential problem.

ii) Drain Maintenance performed by Mountain plumbing-The Company completed the work on buildings: B-dig up sewer in front of building and cut in clean out allowing access to the sewer. F: dig up sewer where exits building/deck and install clean out. I: Cut in clean out under building. Mountain Plumbing still needs to complete Managers Unit: Install clean out in equipment room and camera scope the line. Steve Black recommended that the board wait to approve payment for service until all work was completed.

iii) Follow up on Roof repairs by Freeman-fascia realignment on the back side of Building B- Completed

iv) Follow up on driveway slurry performed by Black Gold Asphalt: Work will take place after Labor Day holiday. Date not yet determined by Black Gold Asphalt. Should take two mid-week days to complete project. Onsite management will paint an orange circle around a putty knife that was imbedded in the driveway during the original paving work. Black gold will repair this spot prior to applying the slurry coat.

v) Interior unit repairs due to 2016-17 snow load damage. Completion of units so far: all are finished except unit 121.

vi) Follow up on servicing main electric heaters in all manager and owner units: Heaters have been serviced. The Cost was \$3,000.

vii) Architectural change requests from owners

a) Unit 47: There was a mix up on unit numbers for this request. Management has rectified the problem.

b) Unit 120: The board discussed some complaints from owners regarding daily construction debris clean up. These items have been adequately addressed by the owners and workers. Ruth asked the owner if the Kitchen post was going to be removed. The owner indicated that it might be. Ruth recommended that the post be left in place. The owners have provided the board with the Town of Mammoth permits as well as assurances that the floor acoustical underlayment exceeds the minimum requirements. They also stated their intention to install acoustic insulation in the common area walls with other units adjoining theirs.

Motion: Ruth Wheeler, Accept the request for change including the upgrade of acoustic insulation in the common area walls with adjoining units and acoustical noise underlayment under floors.

Second: Randy

Passed: 6-0-1

viii) Removal of Dead tree East of building I: The dead tree adjacent to I Building has not yet been felled and removed. Staff has been in contact with Sherine at TOML, who in turn has followed up with the property owner of the property on which the tree stands. The property owner will look at the tree and have it removed. If she doesn't remove the tree the town will remove the tree and bill the owner.

ix) Painting of buildings B, K and I-Painting Buildings B, K & I: Four Points forecasts completion of all three buildings by the end of June. Management is notifying homeowners of each building as work progresses. Jeff and Tyler will restack balconies when painting is finished. Building I firewood will be moved inside of units, placed on heavy plastic sheeting. Erin will notify homeowners in advance of moving wood into their units. Management has requested that Butner HOA Services draft progress payment checks for Contractor and forward them to two Board members for signature, to be returned to Steve Black for distribution after inspection of each phase of work, per contract with Four Points Painting. Building K is getting Clark & Kensington paint. (The board intends to keep track of which type of paint holds up best)

Motion: Tony Cole; Accept bid for \$48,195 for buildings I, K, and H using specified paints.

Second: Ruth Wheeler

Passed: 7-0

x) Repair of block walls bordering driveway: Lower wall is completed upper wall (corner damage should be completed in 4 days)

xi) Safety covers for intake pipes located on the steps of the lower Jacuzzi: Jeff has installed a safety cover over the return line opening in the lower spa. In addition, he has been replacing sections of dried, broken caulking underneath of the coping around the lower spa.

xii) Status of landscape planting that was done last fall: The small one gallon Jeffrey Pine trees that were planted last fall all survived the winter and have increased in size. The bulbs that were planted in the old sign planter flowered. The Manzanita plants that were planted on the bank in front of building did not survive because the roots were nibbled by rodents. Ruth will follow up with plant costs and will present a planting proposal for this fall.

xiii) Time frame for project start and end times.

Painting: Building B-Finish time should be Friday June 15, Building K Finish time should be Friday June 15, Building I Finish time should be Friday June 22. These dates are tentative and subject to change due to weather. Management has notified owners and will keep them posted of changes.

Pool: Work will begin after Labor day, but the pool deck repairs should begin June 8 or June 11. The pool will be closed during the deck repair.

Driveway: Start date is after labor day. The slurry project should take 2-3 days

Reserve Study: September or October.

e. Pool resurfacing project: Steve Latshaw

Pool Deck repair will be done by the end of June by Clair Concrete. Aqua Creations will begin the pool resurfacing project, split drain lines, Dec-O-Seal installation after Labor Day. The exact start date has not been set. A deposit is requested by Aqua creations, management will communicate with Aqua Creations to facilitate the deposit and establish the start time. Housing for workers is not included in the bid.

Motion: Tony Cole; accept bid for \$38,513 from Aqua Creations for resurfacing the pool

Second Ruth Wheeler

Passed 7-0

Motion: Kinoka Ogsbury; Approve housing cost for workers up to \$800 (4 workers for 8 nights)

Second: Ruth Wheeler

Passed 7-0

Motion: Tony Cole; Accept pool deck repairs bid of \$4,500 to Clair Concrete Inc.

Second: Ruth Wheeler

Passed 7-0

f. Reserve Study: Ruth Wheeler:

i) Scheduled date for the study team to perform the study is still TBA the study will be performed in September or October. Management will solidify the date and let the board know as soon as possible

e. TOML Quality of life Ordinance - complaints of non-compliance and nuisance: Dave Natali

No complaints have been received.

5. Old Business

a. Email communications to homeowners: email list preparation-Erin has completed the list. There are less than ten owners who do not have email contacts with the authorization to use email for communication.

b. Water usage: Management follow up on possible leak. Water usage report:

Staff has inspected most HVV units and identified minor water leakage in a few, primarily from running toilets and dripping faucets. Recently we found a leak in a hose bib under the pool enclosure. Erin is sending emails to owners who have in-unit leakage; staff has rectified the leak from the hose bib. Mammoth Water District is willing to send a field employee to help identify where leakage may be occurring. After speaking with their representative regarding the water usage reports, apparently we're actually wasting less water than most Complexes in Town. Individual homes are identified as having excess leakage by Water District when they reach 15 gallons per hour. We have (in effect) 84 residences totaling 50 gph or less. The board would like to minimize all water waste. Management is directed to check units for leaks when they do the weekly walk throughs and notify unit owners and the board when water usage is detected.

The town of Mammoth Lakes has a water saving rebate for the purchase of water saving toilets.

c. Property management Contract: The Board will seek proposals from other management companies prior to approving the contract for Hidden Valley Management. The Board will put out requests for proposals which delineate the required scope of services and select a management company by September. MRB is encouraged to submit a proposal.

d. Board Code of Ethics, Board Member Commitment Pledge: Board members should read, sign and return the two code of ethics documents to Erin to be kept in the office files. Code of ethics documents are attached at the end of these minutes. Management is directed to resend documents via email to board members who have not returned their signed form.

e. Parking stickers for homeowner cars: These are ready to be distributed by management. Homeowners should pick up their passes from the Hidden Valley office.

Motion: Ruth Wheeler; Approve cost of \$284.25 for parking stickers
Second Steve Latshaw
Passed 7-0

f. Electronic options for board communication- the use of skype by board members to attend the meeting remotely is preferable to a call in system. The board will attempt to use it in the future.

6. Management Report: See attached

7. Property Management project/item updates & related property matters

a. Truck usage: 1,249 in 11 weeks months. This was brought to Steve's attention He will have Jeff keep a log of his truck usage.

b. Management will repair cracks in the showers in the upper and lower spa areas.

9. New Business

a) Follow up on owners who are not notifying management of occupancy: An excessive number of homeowners are not notifying management of the occupancy of their unit. Erin is using the following letter to let homeowners know when their unit is being used without notification to management:

Dear Hidden Valley Homeowner:

This is to advise you that it is the Hidden Valley Village policy to have all units provide occupancy information to onsite management. Upon performing unit security inspections, onsite staff discovered that your unit was occupied, contrary to our records. Hidden Valley Management inspects unoccupied units weekly to ensure that windows are closed, heaters are properly set and under-sink cabinet doors are open to prevent frozen or burst pipes which could be catastrophic for both your unit and others in your building. Occupancy information helps direct staff when emergencies occur such as fire or earthquakes. It also allows us to know that your condominium is legitimately occupied.

For these reasons, we ask that you please notify management in advance of your occupancies, whether a guest or homeowner. We appreciate knowing arrival and departure dates, last name for the party, contact phone number for one occupant in case of emergency and whether or not a key and parking pass should be issued by our office. You can email this information to Management at the email address listed below or call it into the Hidden Valley office at (760) 934-7303 and leave a message if you reach voicemail.

We greatly appreciate your cooperation with this policy.

Best,

Erin Farrel

10. Homeowner Forum.

a. Open floor for homeowner comment – Matt Desario thanked management and recognized Erin for her expertise in office management and computer skills.

11. Announcements:

a) Next Board Meeting Date: Thursday, Aug 23, 2018, Location: Hidden Valley, Time: 6:00

12. Adjournment

Motion to Adjourn: 1:29

Attachment 1) MRB Management Report

MAMMOTH RESERVATION BUREAU

Property Management Division

PO Box 1608, Mammoth Lakes, CA 93546 (760) 934-1603 www.mammothvacations.com

HIDDEN VALLEY VILLAGE

Property Management Report

As of May 31, 2018

1. Status of major projects:

Painting Buildings B, K & I: All 3 buildings have been power washed to loosen peeling paint. Painters are now working on building B. Scraping and brushing loose paint has been completed; they are now applying primer over bare wood surfaces. Masking of windows and trim will be followed by spray painting of building B during the first week of June. Workers who perform scraping, brushing and priming have moved to Building K and begun that process. Building K will receive the Clarke and Kensington paint application. Four Points forecasts completion of all three buildings by the end of June. Management is notifying homeowners of each building as work progresses. Jeff and Tyler will restack balconies when painting is finished. Building I firewood will be moved inside of units, placed on heavy plastic sheeting. Erin will notify homeowners in advance of moving wood into their units. Management has requested that Butner HOA Services draft progress payment checks for Contractor and forward them to two Board members for signature, to be returned to Steve Black for distribution after inspection of each phase of work, per contract with Four Points Painting.

Drain lines and cleanouts: Mountain Plumbing will come back to HVV on June 5 & 6 to complete the cleanout installations and drain tests.

Pool deck: Vendor Clair Concrete advises that the start date for replacing a portion of the cement decking around the pool is either Friday, June 8 or Monday, June 11. During the demolition portion of the work the entire pool/ spa enclosure will be closed. It would be preferable to keep it closed until the cement is poured and dries. Jeff is removing the pool cover anchors from the existing deck, carefully so as to prevent damage to them and keep them in reusable condition.

Slurry coat parking lot: Will take place after Labor Day holiday. Date not yet determined by Black Gold Asphalt. Should take two mid-week days to complete project.

Pool and spa resurfacing, split drain lines, Dec-O-Seal installation: all to be performed by Aqua Creations starting immediately after Labor Day holiday. Date not yet determined.

Pool filter replacement: Mammoth Spa Creations can perform this job at any time we specify. Equipment has to be ordered in advance. Proposal dated April 9, 2018 in the amount of \$1650 does not include shipping. Please confirm that this expenditure is approved.

Fascia realignment has been completed by Freeman Roofing.

Reserve study walk-through: Date still not determined by Chris Andrews, other than late September or early October.

2. State Farm Damage Claim:

Invoices submitted to S. F. Claims Division via our local agent Dave Easterby were Freeman Roofing, \$770; Mammoth Screen & Glass for Unit 2 window replacement, \$205. Unit 127 broken window was damaged prior to winter 2016-'17 and determined to be the owner's responsibility. Management recently answered a few questions from S. F. Claims and expects to hear from them shortly with payment information.

3. Safety cover, lower spa return line:

Jeff has installed a safety cover over the return line opening in the lower spa. A photo will be forwarded to you in a separate email. In addition, he has been replacing sections of dried, broken caulking underneath of the coping around the lower spa.

4. The dead tree adjacent to I Building has not yet been felled and removed. Staff has been in contact with Sherine at TOML, who in turn has to follow up with the property owner on which the tree stands.

5. Water usage report:

Staff has inspected most HVV units and identified minor water leakage in a few, primarily from running toilets and dripping faucets. Recently we found a leak in a hose bib under the pool enclosure. Erin is sending emails to owners who have in-unit leakage; staff has rectified the leak from the hose bib. Mammoth Water District is willing to send a field employee to help identify where leakage may be occurring. After speaking with their representative regarding the water usage reports, apparently we're actually wasting less water than most Complexes in Town. Individual homes are identified as having excess leakage by Water District when they reach 15 gallons per hour. We have (in effect) 84 residences totaling 50 gph or less.

6. Jeff is working on the retaining wall below B Building. He still has old rebar and concrete to cut away and new rebar to install before cementing in new cinder blocks. The lower retaining wall has been repaired and painted. Debris behind the wall has been removed.

7. Flowers that were planted last fall are blooming in the entry planter where the old HVV sign was located. Other flowers have not yet begun to bloom. New flower baskets were purchased and hung in lower spa area.

8. The upper spa area metal gate has been sanded, primed and painted by Jeff. It was peeling and faded. Rest room heaters have been dismantled, cleaned and reinstalled. One of the fans had to be replaced. Floor tile grout was chemically treated and scrubbed to removed dirt and mildew.

9. Staff has discovered a crack in the upper ladies shower and a chip out of the surface of the shower in the men's room shower. Jeff will repair the two areas with epoxy sealant. Malfunctioning timers have been replaced in upper sauna along with the control panel cover.
10. Hoses have been set in place for summer watering. Broken sprinkler heads have been replaced. Rocks lining the parking lot have been set out and railroad tie barriers are being installed.
11. The pool has been readied for use over Memorial holiday. Filter grids were cleaned, algaecide introduced, water chemistry balanced and heater turned on. We'll keep the water chemistry balanced and heat turned off during the deck replacement.
12. State of the Complex:

Truck mileage, May 31: 92251.

of rental units: April 30, 37; May 31, 37.

of rental companies, April and May, 37.

of rental nights: April '18, 248; May' 18, 103.

Rental occupancy %, April '18, 22.3%; May '18, 11.1%.

Units for sale, May 31, #18, price unknown.

Units sold, May 31, #132, price unknown.

Respectfully submitted,

Erin, Valerie, Jeff, Tyler, Steve B.
HVV Property Management

Attachment 2) HVVOA Rules, Regulations, Policies & Procedures

HIDDEN VALLEY VILLAGE OWNERS ASSOCIATION [HVVOA] RULES, REGULATIONS, POLICIES & PROCEDURES

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V. **Unit Modifications**

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Introduction

The Hidden Valley Village Owners Association Board of Directors and management is resolved to protect the rights and privileges of all Association members and to promote fair and equitable use of all facilities for the benefit of all Association members, immediate family members and bona fide guests. It is each Association member's responsibility to make members of their immediate family, their guests and tenants aware of these Rules and Regulations and to ensure their compliance when using the Hidden Valley Village facilities.

- Each HVVOA member, family member, authorized guest and tenant of a member shall be responsible for their own safety and well-being. All persons using HVVOA facilities do so at their own risk. The HVVOA assumes no responsibility for injuries, damages or loss to individuals or the private property of individuals while on HVV premises.
- HVVOA Members will be held financially responsible for any damages to common area property caused by them, members of their family, their guests or tenants.
- Any accident/incident involving personal injury or property damage must be reported immediately to the on-duty managers.
- These Rules and Regulations may be amended from time to time by the Board of Directors.
- Any inquiries concerning the overall operation of common area facilities should be directed to the HIDDEN VALLEY VILLAGE BOARD OF DIRECTORS at P.O. Box 9151, Mammoth Lakes, CA 93546-9151, (760) 934-7303 or (760)-914-1776

I. General Enforcement of Governing Documents:

It is the intention of the HVVOA to establish and implement procedures to assure due process in situations in which there is a question of compliance by a member, his family, his guests or tenants with the provisions of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) Bylaws, and other governing instruments of the Hidden Valley Village Owners Association, in an effort to assist the Board of Directors in effectively managing and conducting the affairs of the HVVOA without the necessity of seeking action in or through a court of law.

All members/units owners are responsible for compliance with the Hidden Valley Village Owners Association Bylaws, CC&Rs, and Rules and Regulations (the "Governing Documents"), by themselves, their families, their guests, their tenants and any individuals associated with their particular unit. The member/unit owner will be penalized and held responsible for the action of all of the individuals identified above. Written notices, including those that contain proposed fines and/or other disciplinary action, will be initiated by the Board of Directors action. The Board of Directors may direct management to deliver the notices.

In cases where a violation(s) of the Governing Documents expose others to immediate threat to health & well-being or danger of injury, the managers or other authorized representatives of the Board shall immediately instruct the violator(s) to vacate the area of the violation following established procedures and a fine may be assessed to the owner of the unit occupied by or associated with the violators.

1.1 Procedure Re: Violations of the Governing Documents (“Violations”)

At the sole discretion of the HVVOA Board of Directors, first violations may result in a verbal warning and a notice of complaint, with a written follow-up to the owner of the unit to which the offender(s) is or are associated. However, violations for which the Board seeks disciplinary action beyond a warning shall be processed in accordance with the hearing procedure described below.

1.2 Notice of Hearing

In all instances in which the Board seeks disciplinary action against a member, the Board shall notify the member in writing, by either personal delivery, first class mail, or, if member has authorized, email, of a hearing before the Board to consider such discipline. The Notice of Hearing shall be delivered at least 10 days before the hearing, and shall contain the date, time and place of the meeting, the nature of the alleged violation for which the member may be disciplined, and a statement that the member has a right to attend and may address the Board at the meeting. The owner may also submit a response to the Board in writing.

1.3 Hearing

At the time and place set forth in the notice of hearing, the Board shall hear and consider evidence of complaint against the member, take evidence by the member in response to the complaint, determine whether the member, or person associated with the member’s unit, has violated one or more of the Rules and Regulations of the HVVOA, and may set the appropriate warning or penalty, if any. The Board shall make its decision after considering all the evidence, whether orally or in writing, received on or before the time of the hearing. All written evidence shall be served on all member parties as well as the board of directors as soon as possible. The hearing shall be held in Executive Session. After the Hearing is concluded, the unit owner will leave allowing the Board to discuss the matter. When the Board discussion concludes, there will be a motion and a second regarding the alleged violation.

1.4 Disciplinary Penalties

If a fine is assessed it will be billed on the monthly billing statement after the due process hearing is held. Owners who do not pay their fine in accordance with the association’s collection policies will be considered delinquent and the association’s policy regarding delinquent owners will be enforced. That owner may have the use of common area amenities suspended for him/herself and all guests and renters. The Board of Directors will utilize any legal remedy to satisfy collection of the fine.

Penalties that may be assessed by the Board in its discretion in accordance with these procedures are as follows:

First Violation: A warning, or a fine not to exceed \$250.00.

Second Violation: A fine not to exceed \$500.00, plus loss of use of the common area facilities for up to 30 days.

Third Violation: A fine not to exceed \$1,000.00, plus loss of use of the common area facilities for up to 60 days. Fourth and Subsequent Violations: A fine not to exceed \$3,000.00, plus loss of use of the common area facilities for up to 180 days. The board may adjust the fine amounts from time to time when necessary as determined by the Board of Directors.

1.5 Continuing Violations

Definition of continuing violations: A violation will be considered a repeat or continuing violation if a similar violation occurs within 12 months after the date of the written notification from the Hidden Valley Village Board of Directors of a previous violation.

Continuing violations, beyond the first four levels of penalty, will accrue fines of up to \$5,000.00 plus the loss of use of the common area facilities for each subsequent month during which the violation continues to exist.

1.6 Imposition of Discipline

The primary purpose of any written notice and/or verbal warning and/or fine or penalty is to correct the behavior or conditions causing the violation. In the event the Board decides to impose discipline in accordance with these procedures, the Board shall provide the member with a written notification of such action, by either personal delivery, email, if member has authorized use of email, or first class mail, within 15 days following the action, and the discipline shall not become effective until 5 days following the delivery or mailing of such notice

1.7 Actions by the Board

Actions by the Board of Directors in connection with any violation of the HVVOA governing documents (CC&Rs, Bylaws, Rules, Regulations, etc.) may include, but are not limited to:

- a) Verbal and written warnings, or written notices proposing fines and/or other actions.
- b) Hearing before the Board in Executive Session.
- c) Fines levied in accordance with the fine schedule noted in Section 1.4

1.8 Other Remedies Available to the Board

- a) Assessments charged to Owners for damage to the Common Area caused by such Owner, or to reimburse the Association for costs incurred in bringing an Owner's residence to compliance, as outlined in CC&R Section 4.6 (B)(1) and 4.6 (B)(2).
- b) Suspension of voting rights and/or rights to use any Common Area facilities.
- c) Instituting Internal Dispute Resolution or Alternative Dispute Resolution.
- d) Other actions, including court action, or a combination of actions, as permitted by law.

1.9 Complaints

Owners, and their tenants, have the right to submit a complaint concerning any person violating the HVVOA rules or policies. It is encouraged that complaints be submitted in writing using the

complaint form available through the management office or online using the HVV website, then delivered to the on-site manager without delay for processing.

HIDDEN VALLEY NUISANCE COMPLAINT FORM	
Name of Person Creating Nuisance _____	
Unit Number _____ Owner of Unit _____	
Date of Nuisance _____ Time of Nuisance _____	
TYPE OF NUISANCE/DISCRPTION	
<input type="radio"/> Noise: _____	
<input type="radio"/> Pet: _____	
<input type="radio"/> Excess People in Unit: _____	
<input type="radio"/> Smoking: _____	
<input type="radio"/> Pool/Spa Violations: _____	
<input type="radio"/> Trespass: _____	
<input type="radio"/> Parking Violation: _____	
<input type="radio"/> Other: _____	
Name of Complainant: _____	
Signature of Complainant: _____	
Unit Number: _____ Owner of Unit: _____	
Date of Form Submission: _____	
Is this a Repeat Offense? _____	
Additional Comments may be included on the back of this form:	

II. General Rules of Conduct

Quiet use and enjoyment of condominium units is a property right for all owners and their tenants. The General Rules of Conduct are designed to help owners, tenants, and management maintain a culture of quiet enjoyment at Hidden Valley Condominiums. Use of the Hidden

Valley Village common areas and facilities are restricted to owners, their immediate family members, tenants and accompanied guests.

2.1 Tenants and Guests

- Owners must notify the HVV management of the name and phone contact of one responsible individual occupying the owner's unit, and confirm that tenants/guests have been advised of the Rules and Regulations of the Hidden Valley Village Homeowners' Association.
- The Board of Directors shall at all times have the power to limit the number of persons (other than immediate family members of the owner) who shall have the right to use the common areas and facilities.
- The Board of Directors does hereby state that guests of owners and tenants shall have no authority to invite or allow any person(s) to utilize the common area and facilities.

Short Term Rental activity is permitted in this multi-family residential property in the TOML, as allowed by Title 17 Zoning.

- Rental activity is permitted by the HOA only after written notification to Management and the Board of Directors of such rental activity and after issuance of a Business Tax Certificate and Transient Occupancy Tax Certificate pursuant to TOML Municipal Code Sections 5.04 and 3.12. Both certificate copies must be delivered to the HVV Management office prior to any rental activity commencing. The Business Tax and Transient Occupancy Tax Certificates must be maintained at all times. Rental activity must adhere to all applicable TOML Municipal Code sections as well as the California Building Code and the California Residential Code and any amendments thereto. Any violation of the aforementioned codes is considered a violation of this rule.

Occupancy Limits by Unit Type:

The maximum number of person who may occupy any condominium unit as a renter or guest occupant shall be limited to two persons per bedroom plus two. Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation.

- | | |
|----------------|---------------------|
| • Studio | 2 occupants maximum |
| • Studio+Loft | 4 occupants maximum |
| • One Bedroom | 4 occupants maximum |
| • One Bed+Loft | 6 occupants maximum |
| • Two Bedroom | 6 occupants maximum |

- Each rental occupancy unit must have a notice posted within the unit in a location clearly marked and accessible to the tenants and guests containing all HOA Rules and all information as specified in TOML Municipal Code Section 5.40.040 Par B.
- The non-owner occupancy Operator, which may be a rental management company, the unit owner, or other designated party managing rental activity, is required to notify Management in writing (email preferred) of each occurrence of occupancy for the unit.

Information shall include:

1. Unit number
 2. Arrival date
 3. Departure date
 4. Number of occupants
 5. The contact name of one occupant
 6. The contact phone number of one occupant
 7. The local operator contact name and phone number
- Any vehicle parked on property associated with tenants and guests must display a parking permit identifying the unit number and dates of occupancy.
 - Parking permits are provided to the tenants and guests by management or the rental management company as applicable.
 - Issuance of parking permits and parking of vehicles shall be limited and administered in accordance with the **Parking Rules as set forth in Section 2.5 of these Rules and Regulations**.
 - Any tenant or guest vehicle that does not have the necessary and appropriate parking permit visibly displayed shall subject the Owner of the Unit to which the vehicle is associated to fines in accordance with Section One of these Rules and Regulations

2.2 Homeowners

Homeowners and homeowner family members must notify management of their arrival and departure dates and number of unit occupants via email, phone or personal conversation. Homeowners may use a special, non-dated homeowner parking pass, which must be displayed on their vehicles when parked on Hidden Valley Village property. Homeowners must provide management with contact information.

2.3 Nuisance – Quiet Enjoyment

Quiet use and enjoyment of condominium units is a property right for all owners and their tenants. Rules regarding nuisance are designed to help owners, tenants, and management maintain a culture of quiet enjoyment at Hidden Valley Condominiums.

The noise nuisance definition and enforcement can be found in the Town of Mammoth Lakes Municipal Code, Chapter 8.16 Noise Regulations. It is important to realize that HVV building construction allows easy transfer of noise to adjacent units, especially lower units with upper units above them.

Types of noise include, but are not limited to:

- | | | |
|-------------------------------|------------------------------------|---------------|
| *Television and stereo volume | *Foot traffic especially on stairs | *Loud Talking |
| *Slamming of doors/cabinets | *Movement of Luggage | *Appliances |
| *Barking/howling dogs | | |

Although it is not practical or feasible to eliminate all noise, minimizing noise when possible is deserved and appreciated by all those residing at our complex. Between the hours of 10:00 PM to 8:00 AM it is particularly crucial to minimize all noise as to not disturb other occupants in adjoining or nearby condominium units. This simply means be considerate of one's neighbors.

On occasion excessive noise is caused by persons using the pool and the upper and lower jacuzzi. In any event of noise nuisance a courteous reminder to the person or persons creating the disturbance is acceptable and appreciated if possible. It is advised that anyone experiencing excessive noise and/or nuisance contact the onsite manager. The onsite manager will investigate and document the complaint asking the occupant(s) to discontinue the excessive noise/nuisance. In some cases, it may be appropriate for the complainant to contact the local police for unreasonable and excessive noise especially after 10:00 PM. In addition to Management documentation of nuisance issues the complainant should document noise and nuisance problems by filing the Hidden Valley Nuisance Complaint Form with the onsite Managers.

The Association shall hold owners of condominium units strictly responsible for the control of excessive noise or other nuisances generating from their condominium unit or from their guests or tenants using any common area. Complaints of excessive noise may result in fines assessed to the owner. Owners leasing or renting their units shall assure compliance to all rules and policies by their tenant(s)/guest(s). In addition to fines levied by the Association, the municipal code allows for enforcement and fines by the local authorities.

2.4 Vehicles

Movement of autos, motorcycles, or other power driven vehicles are restricted to appropriate common areas only and are limited to 10 mph, in a safe manner and operated only by licensed drivers.

Owners, tenants and guests shall IMMEDIATELY comply with requests from the managers to move vehicles to accommodate snow removal, construction or other activities. Managers shall try to afford at least 72 hours prior notice of such requests when circumstances permit but may not always be able to do so and owners and guests shall comply regardless.

2.5 Parking

Each unit is allowed two (2) parking spaces. All vehicles parking on Hidden Valley Village property must display an approved parking pass. No trailer, camper, mobile home, commercial vehicle, truck (other than standard size pickup truck or standard size van), boat, inoperable automobile, or similar equipment shall be permitted to remain upon any area within HVV, other

than on a temporary basis (Section 7.4 of the CC&Rs). “Temporary basis” shall mean no longer than 48 hours in any 30 day period.

Any vehicle not displaying the approved parking pass shall subject the owner of the unit to which the vehicle is associated to a fine in accordance with Section One of these Rules and Regulations. The managers have the right to require the identification of any owner, tenant, or guest and to confirm their right of parking by demonstration of unit occupancy.

2.6 Vehicle Repair

Any major repair or maintenance of motor vehicles in the parking area is not allowed except on an emergency basis.

2.7 Management Authority Shall Be Respected

The Board of Directors has delegated authority to the managers to supervise and police the use and activity of Hidden Valley Village common areas as necessary to maintain order, ensure the safety and comfort of users and protect the physical state of the common area. Each individual utilizing the Common Area shall comply with directions given by the managers during the performance of their duties.

Owners, guests and tenants shall call upon and respect the authority of the managers, including the assistant manager, to police and implement conformity with the CC&Rs, the Bylaws and these Rules. The managers have the authority, in their sole discretion after such warning as he or she shall deem appropriate, to temporarily revoke or restrict use by anyone of all or any portion of the common area and, where necessary, to call for police assistance, in the event of any use of the common area in contravention of these rules and regulations or the CC&Rs.

- The managers have the right to require the identification of any owner, tenant, or guest and to confirm their right of use by demonstration of Unit occupancy.
- Aggressive and/or threatening conduct directed at the managers or other Association representatives shall not be tolerated.
- Penalties in violation of any item of section 2.7 after a Board hearing as required in the Bylaws shall be as follows: a fine in accordance with the monetary fine schedule shown in Section 1.4, plus loss of use of the common area for 30 days.

2.8 Vandalism

It shall be a violation of these rules and regulations for any person to damage Association property through vandalism. The penalty for each violation shall be the cost to repair or replace Association property to like condition before damage, plus any other related Association costs, plus a fine in accordance with the monetary fine schedule. All such penalties shall be in addition to penalties that might arise from any criminal prosecution.

2.9 Disruptive Conduct

Fighting, drunkenness, profanity, loud music, and/or other activities within the Association common areas and facilities that may be or become a nuisance to owners, their guests, immediate family or tenants is prohibited.

2.10 Smoking

The smoking of any product including but not limited to cigarettes, electronic cigarettes, cigars, or pipes is strictly prohibited in any Common Area in the development that is within twenty feet 20 feet of any condominium unit or building. Common Areas include, but are not limited to; condominium unit decks, stairways, porches, pathways, pool/spa areas, barbeque areas, and driveways. TOML Ordinances may also prohibit or restrict smoking in areas outside the development.

2.11 Bear Control Regulations

No person shall leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement for Bears. This includes, but is not limited to: failing to clip the dumpsters closed, leaving food in vehicles, leaving ice chests or other food containers visible in cars and trucks, leaving food or trash in the common area including decks, walkways and the pool/spa areas. Those responsible for bear damage may be held financially responsible for damage done. Fines for bear enticement violations will be in accordance with the monetary fine schedule

2.12 Delinquent Owners:

The association's policy regarding delinquent owners is as follows: Common area assessments are due on the first day of each month and are considered past due if not received by the 15th day of the month. If payment is not received within 15 days of the due date, a 10% late charge is assessed. If an owner is delinquent for 30 days (that is, has not paid within 30 days of the original due date), the delinquent owner is mailed a letter putting him on notice that unless payment in full is received in 15 days, the matter will be referred to the Association's attorney or to a collection service. If the matter is referred, the collection action may take the form of an assessment lien and foreclosure proceedings (either judicial or non-judicial), and/or a suit against the owner personally either in small claims court. More than one method of collection may be pursued until recovery of all delinquent common area fees, late charges, interest, collection costs and attorney fees. The Board of Directors may temporarily suspend a delinquent owner's right to use the common area after notice and hearing, as provided in the Bylaws (5.2E of the CC&Rs). Where delinquent owners have assigned their rights of use to a tenant or guest, the tenant or guest is likewise not entitled to the use and enjoyment of the common area.

III. Pets

Restrictions on pets are created to eliminate nuisance to others and promote safety. CC&R requirements in section (7.6) require that only owners and tenants on a yearly lease are allowed to have one pet at Hidden Valley. The following rules governing pets, and pet owner behavior will be enforced by HVV Management.

3.1 Clean Up After Pet

Those attending to pets are responsible for the immediate pick-up and proper disposal of their pet's leavings

3.2 As judged by management, pet noise must be kept to a minimum to avoid becoming a pervasive nuisance. Dog owners **MUST BE IMMEDIATELY RESPONSIVE** to complaints about excessively barking or howling dogs.

3.3 Service Animals are allowed at Hidden Valley Village subject to reasonable regulations. Persons who own service animals must submit the required HVVOA registration form to the on site manager. It is a crime (misdemeanor) for someone to lie about whether his or her animal is a legitimate service animal (Penal Code Section 365.7).

Hidden Valley Village Service Dog Registration Form

Dog Owner Information:

Last Name: _____ First Name: _____

Hidden Valley Unit Number: _____

Home Address: _____

Phone Number where dog owner can be reached in emergency: _____

Email where dog owner can be reached by management: _____

Service Dog Name: _____

Service Dog License and/or registration numbers if available: _____

Specific List of all disabilities that the owner of the dog has that require the assistance of a Service Dog:

Details of how the service dog has been trained to assist its owners with his/her disabilities:

I (owner of Dog) _____ guarantee that I will comply with the CC&Rs, the bylaws and the operating rules of HVVOA, including Pet regulations while on the Hidden Valley premises.

Signature: _____ Date: _____

Unit Owner Information:

Last Name: _____ First Name: _____

Hidden Valley Unit Number: _____

Home Address: _____

Phone Number where unit owner can be reached in emergency: _____

Email where unit owner can be reached by management: _____

I _____ owner of unit _____ guarantee that my tenant/guest is authorized to have a service dog and will comply with the CC&Rs, the bylaws and the operating rules of the HVVOA, including Pet regulations while on the Hidden Valley premises.

Signature: _____

Date: _____

3.4 Leash Law in Effect.

Mammoth Lakes Leash Laws will be enforced within the common areas. Loose dogs shall be reported to the Mammoth Lakes Animal Control for collection after a reasonable attempt has been made to contact the owner.

3.5 Pets to be Under Control

No person may allow his/her pet on Association property unless:

- a. Said pet is restrained by a substantial leash and is in the control of a person competent to restrain such pet; or
- b. Said pet is properly restrained and enclosed in a car, cage or other suitable enclosure.
- c. Pets must be kept a reasonable distance from those who request that an animal be kept away.

3.6 Pets of Owners and long term renters

Unit owners and long term tenants (long term tenants are defined as renters who occupy the unit continuously in excess of 30 days) must supply management with the name and description of their pet.

<u>Hidden Valley Village Pet Registration Form</u>
<u>Pet Owner Information:</u>
Last Name: _____ First Name: _____
Hidden Valley Unit Number: _____
Home Address: _____
Phone Number where pet owner can be reached in emergency: _____
Email where pet owner can be reached by management: _____
Pets Name and description: _____
Pet License and/or registration numbers if available: _____
I (owner of Pet) _____ guarantee that I will comply with the CC&Rs, the bylaws and the operating rules of the HVVOA, including Pet regulations while on the Hidden Valley premises.
Signature: _____
Date: _____

IV. Swimming Pool, Spa, and Sauna:

Pool Rules are created to eliminate nuisance to others and promote safety.

4.1 The pool is open to owners and tenants and their accompanied guests from 10:00AM to 10:00PM
Jacuzzi and sauna are open from 2:00PM to 10:00 PM.

4.2 No Glass Containers

No glass containers of any kind are allowed in the pool, spa or sauna areas.

4.3 Children:

Children under the age of 14 are not permitted in the pool, spa or sauna areas unless accompanied by a parent, legal guardian, or an adult assigned by the child's parent. Children under the age of 2 are not permitted in the pool, Jacuzzi or sauna.

4.4 No Roughhousing

Running, roughhousing or excessive splashing is not allowed. Flips or other diving stunts off any side of the pool or spa are not allowed.

4.5 No Pets

No pets of any kind are allowed in the pool, spa or sauna areas, except as may be required to comply with state law.

4.6 Clothing Required

Appropriate swimming attire shall be worn while swimming and while using the pool, spa, and sauna. Individuals not properly attired shall not be allowed to enter or remain in the pool, spa, or sauna.

4.7 No Open Sores

Persons with open sores or other open wounds are not allowed to use the pool, spa or sauna.

4.8 No Skateboards

No skateboards or wheeled toys in pool/Jacuzzi area

V. Unit Modifications

The following rules are designed to insure the structural integrity and uniformity of appearance of the project buildings, as well as the right of project residents to quiet enjoyment of the units.

5.1 Necessary Unit Maintenance

At the direction of the Board, Owners may be required to perform necessary maintenance to their unit, and may be subject to such work being done without their consent, in accordance with the terms of Section 2.4 of the CC&Rs.

5.2 Unit Modifications

Unit modifications that may impact the structural elements of a building, or that may affect the Common Area in any other way, may only be carried out in accordance with the procedure for Board approval detailed in Section 7.10 of the CC&Rs.

5.3 Flooring Restrictions

Consistent with the assurances of quiet enjoyment for each unit as contained in Sections 7.1 and 7.3 of the CC&Rs, no flooring shall be installed within a unit other than with carpeting of at least standard thickness and soundproofing without the prior, written approval of the Board of Directors. Such approval will be given if and only if the Board, acting in the reasonable exercise of its discretion, is satisfied that the proposed new flooring will not cause excessive noise to adjacent units and common areas. The owner seeking such approval will provide the Board with all information requested by the Board in order to make its decision, including flooring samples, a sufficient amount of time before the preparation of the agenda for the Board meeting at which the request will be considered so that such information can be included in the agenda packet for the Board members.

Attachment 3) Board Member Code of Ethics and Board Member Commitment Pledge

BOARD MEMBER CODE OF ETHICS

As a board member, you need to be aware that more is expected of that in leadership roles. Review the following statements. Signing this Code of Ethics solidifies your commitment to honest board service.

As a member of this board, I will:

- Be committed to fulfilling the mission and vision of the Hidden Valley HOA.
- Keep all confidential board information, confidential.
- Focus my efforts on the Hidden Valley HOA and not my personal goals.
- Serve on a committee and/or task force in a leadership capacity.
- Refrain from using my service on this board for my own personal advantage or for the advantage of my friends or associates.
- Respect and support the majority decisions of the board.
- Immediately disclose to the board any perceived or real conflict of interest as soon as I have knowledge of the potential conflict.
- Approach all board issues with an open mind, prepared to make the best decisions for everyone involved.
- Do nothing to violate the trust of those who elected or appointed me to the board or of those we serve.

- Never exercise authority as a board member except when acting in a board meeting or as I am delegated by the board or its President.
- Continue to maintain the Hidden Valley HOA board member candidate qualifications.
- Consider myself a trustee of this organization and do my best to ensure that it is well maintained, financially secure, growing and always operating within the best interest of those we serve.

BOARD MEMBER SIGNATURE

DATE

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BOARD MEMBER COMMITMENT PLEDGE

I, _____, recognizing the vital responsibility I am undertaking in serving as a member of the Board of Directors of the Hidden Valley HOA, hereby pledge to carry out in a trustworthy and diligent manner the duties and obligations of my role as a board member.

My Role:

I acknowledge that my primary role as a board member is (1) to understand, support and ensure fidelity to the Hidden Valley HOA mission and vision, and (2) to carry out the functions of the office of board member and/or officer as stated in the Bylaws.

My role as a board member will focus on the development of the broad policies (e.g., long-term vision, overall financial philosophy, etc.) that govern the implementation of institutional plans and purposes.

My Commitment:

I will exercise the duties and responsibilities of this office with integrity, fidelity and care.

I Pledge To:

- Maintain a good working relationship with other board members.
- Keep up to date on the organization's major programs and services.
- Follow trends and important developments in the HOA industry and substantive fields of interest.

- Educate myself about the needs of the constituents I serve.
- Act knowledgably and prudently when making recommendations.
- Recommend qualified individuals with relevant skills and experience as possible nominees for the board.
- Prepare for and participate at board and committee meetings.
- Participate in the strategic planning process.
- Willingly volunteer and use my special skills to further the organization's mission and vision.
- Complete all assignments in a timely manner.

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- Listen respectfully to others' points of view.
- Take advantage of opportunities to enhance the organization's public image by periodically speaking to leaders in the community about the work of the Hidden Valley HOA.
- Respect the confidentiality of the board's executive sessions.
- Speak for the board or Hidden Valley HOA only when authorized to do so.
- Suggest agenda items for future board and committee meetings.
- Aid and advise the President when my help is requested.
- Avoid burdening the staff with requests for special favors.
- Ensure any communication with the community association manager does not undermine the relationship between the board and the manager.
- Avoid, in fact and perception, conflicts of interest that might violate the trust of the board or organization, and disclose to the board, in a timely manner, any possible conflicts.

If, for any reason, I find myself unable to carry out the above duties as best as I can, I agree to resign my position as a board member/officer.

BOARD MEMBER SIGNATURE

DATE

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