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📍 31512 Railroad Canyon Road, Canyon Lake, CA 92587

📞 951.244.6841

🌐 [www.canyonlakepoa.com](http://www.canyonlakepoa.com)

**DATE:** August 6, 2024

**ACTION:**

**TO:** Board of Directors

**FROM:** Member Services Manager

**RE:** 28 Day Reading – Rule Revision Gr.2.9 Malicious Mischief

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### **Background**

The Board of Directors requested that legal review rule Gr.2.9, as attached. Legal made the following recommended edits to rule Gr.2.9 Malicious Mischief, as shown in the redlined version. The Board of Directors approved legal's recommended edits.

### **Fiscal Impact**

None

### **Recommendation**

It is recommended that the Board of Directors approve the 28-day reading to revise rule GR.2.9 as attached.

*Mary Castaneda*

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Mary Castaneda, Member Services Manager

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## Current Rule

### **GR.2.9 No Malicious Mischief**

Every person who: (1) defaces, with paint or any other material, any CLPOA property; or (2) damages any CLPOA property; or (3) destroys or impairs any CLPOA property; or (4) aids and abets any of the foregoing (including being present during the event and encouraging its commission), is in violation of this rule. In addition to the fine set forth below, cost of damages, clean-up, labor, and materials incurred by CLPOA will be billed to the Prime Member of the residence from which the violator originated or is a guest or invitee of, or is an Associate or Sub-Associate as to. If multiple people are found to be at fault for the same incident, the cost of damages, clean-up, labor and materials incurred by CLPOA will be split equally among the responsible Prime Members, however, to deter vandalism, a \$1,000 fine will be imposed on each responsible Prime Member.

## Proposed Revision (Redlined)

### **GR.2.9 No Malicious Mischief / Public Disturbance**

Every person who: (1) defaces, with paint or any other material, any CLPOA property; or (2) damages any CLPOA property; or (3) destroys or impairs any CLPOA property; or (4) **causes a significant public disturbance on CLPOA property; or (5) intentionally or negligently creates an unsafe condition on CLPOA property; or (6)** aids and abets any of the foregoing (including being present during the event and encouraging its commission), is in violation of this rule. In addition to the fine set forth below, cost of damages, clean-up, labor, and materials incurred by CLPOA will be billed to the Prime Member of the residence from which the violator originated or is a guest or invitee of or is an Associate or Sub-Associate as to. If multiple people are found to be at fault for the same incident, the cost of damages, clean-up, labor, and materials incurred by CLPOA will be split equally among the responsible Prime Members. **However, to deter the conduct addressed in this rule, a \$1,000 fine will be imposed on each responsible Prime Member, regardless the amount, if any, of physical damage caused.**

## Revised Rule

### **GR.2.9 No Malicious Mischief / Public Disturbance**

Every person who: (1) defaces, with paint or any other material, any CLPOA property; or (2) damages any CLPOA property; or (3) destroys or impairs any CLPOA property; or (4) causes a significant public disturbance on CLPOA property; or (5) intentionally or negligently creates an unsafe condition on CLPOA property; or (6) aids and abets any of the foregoing (including being present during the event and encouraging its commission), is in violation of this rule. In addition to the fine set forth below, cost of damages, clean-up, labor, and materials incurred by CLPOA will be billed to the Prime Member of the residence from which the violator originated or is a guest or invitee of or is an Associate or Sub-Associate as to. If multiple people are found to be

at fault for the same incident, the cost of damages, clean-up, labor, and materials incurred by CLPOA will be split equally among the responsible Prime Members. However, to deter the conduct addressed in this rule, a \$1,000 fine will be imposed on each responsible Prime Member, regardless the amount, if any, of physical damage caused.