

TITLE: A Condominium and Its Governance INDEX NUMBER 1.100

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1.101 Governance

California Civil Code (Section 783 and Sections 1350-1370) defines and governs the administration of condominiums. In short, under the condominium concept, all property, both real and improved, is common property. Each owner has an undivided interest in the common property and owns, or has title to the space, including the surface of interior walls, which is defined by their unit. The recorded description of the condominium property of Huntington Marina assigns a dock and a garage to each unit. These assignments are irrevocable and non-transferable. In summary, each owner has a 1/92 undivided interest in Huntington Marina with certain, non-separable rights of usage.

Management and administration of the common property is controlled by the Declarations of Covenants, Conditions and Restrictions (CC&Rs) of the developer of the condominium as recorded with the Orange County recorder. The CC&Rs vest management authority of Huntington Marina in the Board of Directors of the Huntington Marina Association (HMA), a non-profit California corporation. Each owner is automatically a member of the Association and has the right to vote upon Board members and other business at the annual meeting held each November. The conduct of business of HMA and its Board are further regulated by the By-Laws of HMA.

The five-member Board elects the officers who carry out the responsibilities of the HMA. Broadly, these responsibilities consist of: maintenance of all common property; construction of improvements; payment of insurance, taxes, and lease-hold rents; and collection of monthly maintenance charges. The specific powers of the Board are defined by the CC&Rs and By-Laws.

The Board does not function as a building superintendent. Owners are responsible for the maintenance and upkeep of all that is interior to the unit. Specifically, garbage disposals, dishwashers, furnaces, water heaters, washers, dryers, plumbing and electrical are the owner's responsibility. Owners should not expect an Officer or Board member of HMA (all of whom serve without compensation) to handle these problems.

The Board does not have police power. In the event of excessive noise or other misconduct on the premises, the appropriate course of action is to call the City of Huntington Beach police department.

In order to receive maximum enjoyment of Huntington Marina by all residents, certain rules and regulations are required to be observed by members, residents, and guests. Some of these rules are established by the CC&Rs and must be enforced by the Board. Other rules are dictated by the special circumstances of Huntington Marina, e.g. use of the waterfront, vehicle parking, speed limits, etc. Rules and the reasons for them are described more completely in these Rules and Regulations.

1.102 Indemnification

Every past or present HMA volunteer (director, officer, or committee member) of the Association shall be indemnified by the Association against expenses and liabilities, including reasonable attorney's fees and costs incurred or imposed upon them in connection with any proceeding in which such HMA volunteer may be a party, or may become involved, by reason of them being, or have been, a director, officer, committee member or volunteer of the Association, or any settlement thereof, except in such cases wherein the HMA volunteer is adjudged guilty of gross negligence in the performance of their duties. Indemnification shall be in addition to and, not exclusive of, all other rights to which such HMA volunteers may be entitled.