

## **SECOND BOARD DRAFT 4/23/2018**

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# **AMENDED AND RESTATED **BYLAWS** OF THE MENLO COMMONS ASSOCIATION**

### **NOTICE**

If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the California *Government Code*. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

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1 5.3 Qualification of Directors. Only persons who satisfy all of the following  
2 qualifications shall be eligible to be elected to or serve on the Board: (i) is an  
3 Owner, a resident of the Menlo Commons condominium project who is a parent  
4 of an Owner or the spouse or registered domestic partner of an Owner and who  
5 lives with that Owner, or a duly-authorized officer of a corporate Owner, a partner  
6 of a partnership Owner or a member or manager of a limited liability company  
7 Owner, (ii) is an Owner who is a Member in Good Standing or a resident spouse  
8 or registered domestic partner living with an Owner who is a Member in Good  
9 Standing, (iii) is over eighteen (18) years of age, (iv) has not been found by a  
10 court of competent jurisdiction to be of unsound mind, and (v) has not been  
11 convicted of a felony. Co-Owners of one (1) or more Units may not serve on the  
12 Board at the same time. A spouse or domestic partner of an Owner may not  
13 serve on the Board at the same time as their spouse or partner.  
14

15 5.4 Nomination Procedures. Nominations of candidates for election to the Board of  
16 Directors may be made by a Nominating Committee (hereinafter, "Nominating  
17 Committee") or by self-nomination, as follows:  
18

19 5.4.1 By Nominating Committee. Prior to any election of directors, the Board  
20 may appoint a Nominating Committee to nominate candidates for  
21 election to the Board. If appointed, the Nominating Committee shall  
22 nominate as many candidates for election to the Board as it shall in its  
23 discretion determine, but shall endeavor to nominate not less than the  
24 number of positions on the Board that are to be filled in the election.  
25 All nominations shall be made from among persons who satisfy the  
26 qualifications set forth in Section 5.3 ("Qualification of Directors") and  
27 shall be made prior to the deadline for nominations.  
28

29 5.4.2 By Self-nomination. Any Member who satisfies the qualifications set  
30 forth in Section 5.3 ("Qualification of Directors") may place his or her  
31 name in nomination for election to the Board by giving written notice to  
32 the President or Secretary of the Association. Notice of self-  
33 nomination must be received prior to the deadline for nominations.  
34

35 5.5 Deadline for Nominations. The deadline for nominations shall be set by the  
36 Board and shall be not less than five (5) and not more than forty-five (45) days  
37 prior to the date of the mailing or delivery of ballots for any election of directors.  
38 All nominations, whether by a Nominating Committee or by self-nomination, must  
39 be received prior to the deadline for nominations.  
40

41 5.6 Publication of Deadline for Nominations. The date and time of the deadline for  
42 nominations shall be published at least fifteen (15) days in advance of the  
43 deadline in an Association newsletter, or if there is no such newsletter, notice  
44 shall be given in one (1) or more of the following manners: (i) by posting a notice  
45 in one (1) or more prominent places within the Project, (ii) by mailing or delivering