



FAMD #1
Fire Access Maintenance District
An Agency of the City of Indian Wells
Indian Wells Country Club Community

November 4, 2021

Dear IWCC Property Owner:

The Board of Directors of the Fire Access Maintenance District (“FAMD”) is calling for nominations to fill three (3) Seats on the Board. Two (2) seats are for terms ending February 28, 2022 and one (1) seat that has been vacated early due to a board member resignation. The two (2) candidates receiving the most votes will receive four (4) year terms. The third-place candidate will finish the term of the resigned board member (term ends 2025.) To be a candidate for a Director Position, a Candidate shall be the legal or equitable owner of real property within the FAMD District at the time the Candidate self-nominates to be a Director. At the time of nomination, a Nominee shall not be in default for payment of real property taxes on property within the FAMD. Enclosed is the FAMD Rules of Procedure’s that explains the duties/responsibilities of the FAMD Board; please see “Qualification of Directors” and “Definition of Legal or Equitable Owner” sections on page 4-6 to assist you in determining your qualification to be a candidate.

Also enclosed is a Self-Nomination form. Completed Nomination Form must be received by Monday, December 6, 2021 to be considered a viable candidate.

Ballots will be mailed to all property owners no later than Wednesday, December 15, 2021; completed ballots must be received no later than Monday, January 17, 2022; with the canvass (counting) of the ballots scheduled for Friday, January 21, 2022 at 11 AM which will be open to the public. The Fire Access Maintenance District Board of Directors will confirm the results of the election at their meeting on Thursday, February 10, 2022 at 1:30 PM and the new Directors will be sworn in at the Fire Access Maintenance District Board Meeting on March 10, 2022 at 1:30 PM.

If you have any questions, please contact me at (760) 346-1161.

Respectfully,

Scott Matas

Scott Matas
District Manager/ FAMD #1 Indian Wells Country Club Community
Desert Resort Management (760) 346-1161

FIRE ACCESS MAINTENANCE DISTRICT NOMINATION APPLICATION

TO BE COMPLETED BY CANDIDATE

Name

Date

Residence Address

Mailing Address if Different from Residence

Email Address

Day Phone

Evening Phone

OFFICE USE

Ownership will be checked by: Scott Matas, District Manager or designated representative from the City of Indian Wells

Material issued by: Scott Matas

- Cover Letter Explaining the Process
- Nomination Application
- FAMD Qualification of Director & Definition of Legal or Equitable Owner
- FAMD Policy Selection of Officers and The Duties of the Directors

TO BE READ AND SIGNED BY CANDIDATE

To the best of my knowledge, I meet the eligibility requirements for the office I seek. The nomination documents listed above have been issued to me and I am aware that they must be filed with the FAMD District Manager, Scott Matas, during normal business hours no later than Monday, December 6, 2021 at 4 PM. Please mail or drop off this form to: Desert Resort Management/Associa, 42-635 Melanie Place, Suite 103, Palm Desert, CA 92211. *Attn. Scott Matas, FAMD District Manager.*

Signature of Candidate

Date of Signing

CHAPTER 1.02 MEMBERS OF BOARD OF DIRECTORS

Sections:

- 1.02.010 Qualifications of Directors.
- 1.02.020 Selection of Directors.
- 1.02.030 Director Compensation.
- 1.02.040 Financial Protection.
- 1.02.050 Terms of Office.
- 1.02.060 Vacancies.
- 1.02.070 Failure to Fill Vacancies by District.
- 1.02.080 Recall of Directors.
- 1.02.090 Removal of Directors.
- 1.02.100 Interpretation of Rules.

1.02.010 QUALIFICATIONS OF DIRECTORS.

As of the date of the adoption of City Council Resolution, the Board of Directors consisted of seven (7) members. However, if a Director position is or becomes vacant following the adoption of City Council Resolution, either due to a determination of vacancy by the Board and the City Council or due to the expiration of a Director position term on the last Friday of February 2022, a single vacant position shall remain vacant, thereby reducing the number of Directors from seven (7) to six (6).

Each Director, (other than the Club Manager or their designated representative for the Indian Wells Country Club, if applicable), shall be the legal or equitable owner of real property within the FAMD at the time of nomination and during the entire period the Director serves. All Directors shall be elected at large by electors within the FAMD and shall each collectively represent in the aggregate the various Director Districts (the "District") within the FAMD, which the City Council established and depicted on the Map entitled "FAMD Sub-District Boundary Map" dated April, 1996, which Map is hereby adopted and made a part of these Rules.

In order to be a Candidate for Director, a proposed Candidate meeting all qualifications set forth hereinafter shall file with the Election Official a self-nomination letter or similar document signed and dated by the proposed candidate. A Candidate for Director shall be a registered voter within the FAMD and qualified to vote for matters related to the FAMD Special Tax as required by California Proposition 218. A Candidate shall also be the legal or equitable owner of real property within the FAMD at the time the Candidate self nominates to be a Director. At the time of nomination, a nominee shall not be in default for payment of real property taxes on property within the FAMD.

Candidates shall be required to sign a declaration under penalty of perjury that they are "qualified" under the provisions of these Rules. Board Members shall be responsible for notifying the Board immediately upon any change which affects their qualifications to serve as a Director. [City Council Resolution No. 2021-01, 02/18/2021]

1.02.010(a) Definition of Legal or Equitable Owner.

Legal or equitable ownership of property shall consist of any of the following:

1.02.010(a)(1). Listing of ownership in the name of the Candidate/Director on the County of Riverside certified tax rolls, or

1.02.010(a)(2). Recorded deed showing the Candidate/Director as fee owner, or

1.02.010(a)(3). Escrow papers, showing that property purchase has been completed together with deed showing the Candidate/Director as fee owner (if deed has been recorded but not yet returned by the County Assessor's Office).

For each residential dwelling unit owned by a corporation, family trust or partnership, only one person may qualify as the legal or equitable owner of property and qualification may be established by one of the following and shall require the filing of a Multiple Ownership Document (in a form established by the City) signed by all parties possessing fractional ownership as determined by official corporate, family trust or partnership documentation.

1.02.010(a)(4). The corporation or family trust bears the name of the person seeking to qualify as the legal or equitable owner of property.

1.02.010(a)(5). The proposed legal or equitable owner of property is a shareholder of the corporation or a partner of the partnership, and a resolution/certification of the board of directors or the partnership designates the Candidate/Director by name as the person who qualifies as the legal or equitable owner of property for purposes of eligibility to declare candidacy and/or hold the position of Director.

1.02.010(a)(6). A trustee of the family trust, executes a declaration under penalty of perjury that the proposed Candidate/Director qualifies as the legal or equitable owner of property for purposes of eligibility to declare candidacy and/or hold a position as Director.

The requirements which establish the legal or equitable ownership of property for purposes of serving as Director shall be the same as those required by City Council Resolution No. 97-14 adopting a policy for the issuance of Property Owner Identification Cards. The same person who qualifies under that Resolution and these Rules, and no other person, shall be entitled to hold simultaneously the Indian Wells Property Owner Identification Card and eligibility for Candidate/Director.

1.02.020 SELECTION OF DIRECTORS.

Unless a Director position is not eligible to be filled, on or before November 10 of the calendar year immediately preceding the year in which a Director's term expires, the Board shall advertise by U.S. mail and additional means selected by the Board to reasonably give notice to all property owners within the FAMD, that nominations for a Director position will be accepted by the Board on or before December 1. Such notice shall include a summary description of the duties required of all Board Members and any additional information the Board deems necessary.

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All nominations shall be received in writing by the Election Official on or before December 1 of the calendar year immediately preceding the year in which the Director’s term expires. The Election Official shall be responsible for certifying that each candidate is qualified as defined in Section 1.02.010 of these Rules. All certified candidates shall be provided a copy of the FAMD Policy Manual.

Excluding a Director position that is not eligible to be filled, an election by mail for each Board position vacancy shall be conducted by the Board. Each ballot shall list the names of all qualified nominees, and shall specifically permit other names of qualified candidates to be written-in by voters. Ballots shall clearly indicate instructions to voters concerning how to complete and return to the Board each ballot. In order to be valid, each ballot shall conspicuously indicate thereon the address or parcel number of the property for which the ballot is cast.

Property owners shall be entitled to receive and vote a ballot for each lot they own within the FAMD. Each ballot shall be signed by at least one of the legal or equitable owners of the property, (as shown on the last equalized property tax assessment roll) on or before December 15 of the calendar year immediately preceding the year in which the Director’s term expires.

Voted ballots must be received by mail or in person by the Election Official on or before January 15 of the calendar year in which the Director’s term expires. The Board shall establish such other procedures and standards for conducting elections as the Board deems reasonable and appropriate.

The election of Directors shall be confirmed by the Board. The Board shall enter into its meeting minutes the total number of valid ballots received, and the number of valid ballots voting for each candidate. The Board shall give all ballots, whether valid or not, to the City Clerk for retention in a secure place for a minimum of three (3) months or as specified by the City’s Record Retention Policy. In the event the FAMD Board does not confirm the results of the election within thirty (30) days of the deadline for receipt of ballots, then the City Council may confirm the election results. [City Council Resolution No. 2021-01, 02/18/2021]

1.02.030 DIRECTOR COMPENSATION.

The Directors shall serve without compensation. No Director shall become a paid employee of the District while serving as such.

1.02.040 FINANCIAL PROTECTION.

The Directors shall operate under the same statutory protection as that presently (or in the future) applicable to members of the City Council and shall continue to be covered under the City of Indian Wells Blanket Faithful Performance Bond for their term of office.

1.02.050 TERMS OF OFFICE.

The term of office for each Director shall be four (4) years. The Directors shall serve in staggered terms. The terms of the Directors, who took office on the last Friday in February 2018, shall expire on the last Friday in February 2022. The terms of the remaining three elected Directors shall next expire on the last Friday in February 2020.

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If no Director position is or becomes vacant between the date of adoption of City Council Resolution and November 10, 2021, then one (1) of the three (3) elected Director positions, the term of which expires on the last Friday in February 2022, shall not be eligible to be filled and shall remain vacant thereby reducing the total number of elected Director positions from six (6) to five (5).

The Director representing the Indian Wells Country Club shall be the Club Manager or their designee and shall serve until further notice from the Club Manager. [City Council Resolution No. 2021-01, 02/18/2021]

1.02.060 VACANCIES.

Board Member vacancies created by resignation, dismissal, recall or removal shall be confirmed by the Board. The Board shall enter into its meeting minutes applicable documentation to substantiate the cause of such vacancy. The City Council reserves the right to determine that a vacancy exists for any District Director.

If, after the adoption of City Council Resolution, the Board and the City Council determine that a vacancy exists or is created prior to November 10, 2021, then the vacant Director position shall not be eligible to be filled thereby reducing the total number of elected Director positions from six (6) to five (5). If the Board and the City Council determine that more than a single vacancy exists or is created between the date of adoption of City Council Resolution and November 10, 2021, then the Board and the City Council shall determine which vacancy was created first. The vacancy that the Board and City Council determine was created first, shall not be eligible to be filled. However, any remaining vacancies created prior to November 10, 2021 shall be eligible to be filled, and all vacancies that occur on or after November 10, 2021 shall be eligible to be filled.

Vacancies on the Board that are eligible to be filled shall be filled using procedures set forth in Section 1.02.020; provided, however, that following the Board's determination that there is or will be a vacancy, there shall be at least a twenty (20) day nomination period, followed by a fifteen (15) day period for ballots to be mailed to all property owners, followed by at least a twenty-five (25) day period for receipt of voter ballots by the Secretary of the Board. [City Council Resolution No. 2021-01, 02/18/2021]

1.02.070 FAILURE TO FILL VACANCIES BY DISTRICT.

If after the prescribed nomination period, there are no nominations to fill the Director vacancy and the Director vacancy is eligible to be filled, the FAMD Board of Directors may appoint a Director from within the FAMD, provided that the Director meets the requirements set forth in Section 1.02.020. Such appointed Director shall serve the remainder of the vacated term. [City Council Resolution No. 2021-01, 02/18/2021]

1.02.080 RECALL OF DIRECTORS.

Directors shall be subject to recall as follows. If a recall petition expressly seeking the recall of a Director is, within a forty-five (45) day period, signed by the legal or equitable owners of real property within the FAMD (as shown on the last equalized property tax assessment roll) equal to at least twenty-five percent (25%) of the number of valid ballots at the most recent regular election of

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Directors within the FAMD received by the Secretary of the Board, then the Board shall conduct a recall election using the procedures set forth in Section 1.020.060 concerning vacancies. The recall ballot shall ask voters to indicate whether the named Director shall be recalled. The ballot shall then allow voters to indicate their selection of a replacement Director if the recall is approved by the voters. [City Council Resolution No. 2017-32, 06/23/2017]

1.02.090 REMOVAL OF DIRECTORS.

The Board may remove any Director for cause upon the affirmative vote of at least two-thirds of the total number of Directors then in office. "For cause" shall be deemed to include, without limitation, three (3) or more unexcused absences from Board meetings within any twelve (12) month period, participating in any decision in which the Director has a conflict of interest, and participating in any violation of law in his/her capacity as Director.

1.02.100 INTERPRETATION OF RULES.

In the event of any dispute concerning the interpretation or implementation of these Rules, the City Council may, in its discretion, make a final determination.

CHAPTER 3.05 ELECTION OF CHAIRPERSON AND DUTIES

Sections:

- 3.05.010 Election and Term of Office.
 - 3.05.020 Duties and Responsibilities of the Chairperson.
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3.05.010 ELECTION AND TERM OF OFFICE.

The FAMD has a six (6) member Board of Directors. Six (5) of the six (6) members of the Board of Directors are elected at large to four (4) year terms; the sixth (6th) member of the Board of Directors shall represent the Indian Wells Country Club and shall at all times be the Club Manager or their designated representative. The Chairperson is elected by the Board during the March meeting of the Board for a one (1) year term. The Chairperson can be changed at any time through a majority vote of the Board. The Chairperson remains as one member of the Board and has no rights or authority different from any member of the Board. [City Council Resolution No. 2017-32, 06/23/2017]

3.05.020 DUTIES AND RESPONSIBILITIES OF THE CHAIRPERSON.

The duties and responsibilities of the Chairperson are as follows:

3.05.020(a) Presiding Officer.

Acts as Presiding Officer at all Board Meetings assuring the meetings are conducted in an orderly manner and in accordance with legal requirements.

3.05.020(b) Ceremonial Head or Representative.

Acts as the ceremonial head or representative of the FAMD at any District events.

3.05.020(c) Spokesperson for the Board.

Acts as spokesperson for the Board when appropriate media or external organization requests are made.

3.05.020(d) Signatory Function.

Acts as signatory to all documents requiring Board execution.

3.05.020(e) Unofficial Appointments.

Makes appointments to Ad Hoc and special advisory committees that do not have official advisory capacity.

3.05.020(f) Declarations and Proclamations.

Makes declarations, extends official recognition of groups or events and issues proclamations.

3.05.020(g) Preparation of the Agenda for the Meetings of the Board.

The Chairperson shall prepare an agenda for each meeting with input of the Board Secretary.

CHAPTER 3.06 ELECTION OF THE VICE-CHAIRPERSON AND DUTIES

Sections:

- 3.06.010 Election and Term of Office.
 - 3.06.020 Duties and Responsibilities of the Vice Chairperson.
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3.06.010 ELECTION AND TERM OF OFFICE.

The Vice Chairperson is elected by and serves at the pleasure of the FAMD Board of Directors. All five (5) elected members of the Board of Directors are elected at large to four (4) year terms; the sixth (6th) member of the Board of Directors shall represent the Indian Wells County Club and shall at all times be the Club Manager or their designated representative. The Vice Chairperson is selected by the Board during the March meeting of the Board for a one (1) year term. The Vice Chairperson can be changed at any time through a majority vote of the Board. The Vice Chairperson remains as one member of the Board and has not rights or authority different from any member of the Board. [City Council Resolution No. 2017-32, 06/23/2017]

3.06.020 DUTIES AND RESPONSIBILITIES OF THE VICE CHAIRPERSON.

The duties and responsibilities of the Vice Chairperson are as follows:

3.06.020(a) Presiding Officer in the Chairperson's Absence.

In the Chairperson's absence, acts as the Presiding Officer at all Board meetings assuring all meetings are conducted in an orderly manner, and in accordance with legal requirements.

3.06.020(b) Ceremonial Head in the Chairperson's Absence.

In the Chairperson's absence, acts as the ceremonial head or representative of the FAMD at various District affairs.

3.06.020(c) Spokesperson for the Board in the Chairperson's Absence.

In the Chairperson's absence, acts as spokesperson for the Board.

3.06.020(d) Signatory Function in Chairperson's Absence.

In the Chairperson's absence, acts as signatory to all documents requiring Board execution.

3.06.020(e) Unofficial Appointments in Chairperson's Absence.

In the Chairperson's absence, makes appointments to Ad Hoc and special committees.

3.06.020(f) Preparation of the Agenda for the meetings of the Board.

In the Chairperson's absence, Vice Chairperson shall prepare an agenda for each meeting with input from the Board Secretary.

CHAPTER 3.07 ELECTION OF THE SECRETARY AND DUTIES

Sections:

- 3.07.010 Election and Term of Office.
3.07.020 Duties and Responsibilities of the Secretary.
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3.07.010 ELECTION AND TERM OF OFFICE.

The Secretary is elected by and serves at the pleasure of the FAMD Board of Directors. All five (5) elected members of the Board of Directors are elected at large to four (4) year terms; the sixth (6th) member of the Board of Directors shall represent the Indian Wells Country Club and shall at all times be the Club Manager or their designated representative. The Secretary is selected by the Board during the March meeting of the Board for a one (1) year term. The Secretary can be changed at any time through a majority vote of the Board. The Secretary remains as one member of the Board and has no rights or authority different from any member of the Board. [City Council Resolution No. 2017-32, 06/23/2017]

3.07.020 DUTIES AND RESPONSIBILITIES OF THE SECRETARY.

The duties and responsibilities of the Secretary are as follows:

3.07.020(a) Presiding Officer in the Chairperson and Vice Chairperson's Absence.

In the Chairperson and Vice Chairperson's absence, acts as the Presiding Officer at all Board meetings assuring all meetings are conducted in an orderly manner, and in accordance with legal requirements.

3.07.020(b) Preparation and Posting of Agendas.

The Secretary shall prepare an agenda with the Chairperson for each meeting of the Board and cause it to be published and posted in accordance to section 3.01.020(a).

3.07.020(c) Minutes.

The Secretary shall keep minutes of the meetings and on the decisions made at such meetings and the minutes shall be agendized, reviewed and signed at the following Board meeting. The Secretary shall sign the approved minutes and forward a copy to the City Liaison's office within ten (10) days of approval.

3.07.020(d) Procedural Responsibilities.

The Secretary shall be responsible for ensuring that Board procedures including those prescribed by law are followed and that the proper conduct is maintained at all official meetings. The Secretary shall be responsible for transmitting copies of all official FAMD Documents to the City Liaison's office and shall duly be responsible for maintaining all District records.