

# CONTEMPO HOMEOWNERS ASSOCIATION

4190 Gemini Drive, Union City, CA 94587 Phone: 510-489-4440

## IDR POLICY AND PROCEDURES GUIDELINES

### **IDR – INTERNAL DISPUTE RESOLUTION:**

In the event that a dispute arises between the Association and one of its members, the Association has adopted the following **Internal Dispute Resolution Process** [IDR] that is intended to provide a fair, reasonable, and expeditious procedure for resolving disputes.

*How to initiate the process: Either you as Owner(s) can start the process by requesting, in writing, to the other party or parties (i.e., the Board of Directors) to the dispute for all parties to meet and confer. Or the Board can initiate IDR.*

*Do I (as an Owner) have to participate? No. You, as an Owner may decline the request to participate in an IDR. On the other hand, if an Owner requests that the Association participate in an IDR, the Association (its Board) may not decline; the Association must participate.*

*Cost: You, as Owner(s) will not be charged any fee to participate in the internal dispute resolution process with the Association.*

### **IDR Deadlines, etc.:** If the Association is party to the dispute:

1. Within thirty-five (35) days from receipt of the written request, the Association will respond to any Member's written request.
2. The Association's Board of Directors will appoint at least one Director from the Board as the Association's representative to meet and confer.
3. In the Association's response, the representative Director(s) [Board Member(s)] shall provide the Member with at least two (2) dates within the next sixty (60) days from the date the Association received the Member's written request, unless the parties agree to a longer period of time.
4. The meet and confer shall occur within ninety (90) days from the date the Association receives the Member's written request.
5. Unless the representative Director(s) has (have) been given written settlement authority from the Board of Directors pertaining to the dispute, any solution acceptable to the representative Director(s) must be presented to the Board of Directors and must be ratified in writing by the Board of Directors in order to be binding on the Association.
6. The Board will review any proposed solution at the next Board Meeting and shall provide the other party (or parties) to the dispute with the Board's decision to: (a) Ratify; (b) Reject the proposed solution, or (c) Offer an alternative solution within fifteen (15) days after the Board meeting.
7. If, after receiving a written request to meet and confer, you [as Owner(s)] do not respond within fifteen (15) days, the Association will consider the request rejected by you and may then proceed with other options available for resolving the dispute.

**The IDR Meet and Confer:** The parties to the dispute will meet at a mutually convenient time and place. The parties will discuss their respective positions with each other, confer in good faith, and try to resolve the dispute. Parties have the right to have legal counsel present. Homeowners opting to have legal counsel accompany them in an IDR process must notify the Association in writing of their intention to do so at least ten days in advance of the scheduled IDR.

**Settlement or Resolution of the Dispute through IDR:** Pursuant to the requirements of the Civil Code 5900 once the parties have settled or resolved the dispute, the resolution or settlement must be:

1. Set forth in writing
2. Signed by all parties to the dispute
3. It will be judicially enforceable under the following circumstances:
  - a. The agreement is not in conflict with the law or the governing documents; and
  - b. If the Association is a party to the agreement, the scope of the agreement must be (1) within the authority granted to the representative director; or, (2) ratified in writing by the Board.

If a dispute is resolved without the agreement of a Member that participated in the meet and confer, that participating Member has the right to appeal the results before the Board of Directors.

**Mediation Services:** If appropriate and available, the parties to an Internal Dispute Resolution process (IDR) can use local dispute resolution programs, including low-cost mediation services which involve a neutral third party to assist in the process.

**Dispute Resolution/Mediation First:** The Association or an Owner/Member may not file an enforcement action [i.e. lawsuit] in the Superior Court unless the parties have attempted to submit their dispute to some form of **Alternative Dispute Resolution (“ADR”)**. ADR options include mediation and arbitration.