

Americana Gardens Homeowners Association

October 6, 2023

RE: Proposed Surveillance Cameras Policies

Dear Americana Gardens:

Pursuant to Civil Code §4360 the Board of Directors will be considering the adoption of the proposed Surveillance Cameras Policies as attached hereto, at the Board Meeting to be held November 13, 2023, at 2 p.m. via Zoom or in person in the Clubhouse.

You may attend the meeting and during Open Forum provide your constructive comments. Any and all comments made at the Meeting will be subject to the standing rules of the Board, related to member comments at meetings.

The proposed new Surveillance Cameras Policies have been created to provide parameters for access and use of surveillance cameras by the residents and the association. The proposed policies will be incorporated into the Governing Documents, in which a homeowner specifically chose to enter into when they purchased their home in Americana Gardens.

Member comments: If you wish to provide written comment, please indicate your comments in the space designated below and return this form to Americana Gardens HOA c/o Premier Community Association Management, 40-004 Cook Street, Palm Desert, CA 92211, or you may return the comments via email at rdrews@brcpcam.com no later than November 6, 2023. Please date, identify your unit, print your name and sign this form. Anonymous/unsigned comments will not be considered.

I/We comment on the proposed Rules and Policies as follows:

Date: _____

Americana Gardens Unit Address: _____

Owner Printed Name

Owner Signature

If you have any questions or need additional information, please contact me at 760-345-2449 x1013 or via email at rdrews@brcpcam.com.

Thank you,



Rhonda M. Drews, PCAM™

Premier Community Association Management

Americana Gardens Homeowners Association

Surveillance Camera Policy, Rules and Restrictions for Access and Use By Residents

(Adopted _____)

Americana Gardens Homeowners Association (the Association) has received requests from Homeowners and Residents for permission to install surveillance cameras in the common areas of the Property. The Board of Directors has taken note of a number of "Ring" type cameras already installed by some Residents for the protection of the Resident's property. These residents are in violation of current policy may be in violation of the updated policy. The Board agrees that video surveillance provides a deterrent to inappropriate behavior and can potentially be used as a means of identification in the event of theft, damage or other criminal activity. However, the presence of the cameras can never be relied upon as a guarantee of safety or against the loss of personal property.

The Association recognizes a need to balance the desire to ensure the safety and security of ones property with another's right to privacy. The Association, therefore, has adopted a policy that upholds this right and provides the individual resident the necessary mechanisms for protecting their own property. In order to ensure that video surveillance by individual residents is not abused or misused, the Board of Directors has adopted the following rules and restrictions governing the use and access of video equipment by individual residents in the community.

This surveillance camera policy applies to all cameras installed the **Americana Gardens HOA** by individual residents. The policy does not apply to surveillance equipment installed by the Association.

Homeowners must apply with an AVR to the HOA Board for the approval to install a surveillance camera system.

Cameras must be installed in a non-intrusive manner and should not invade the privacy of neighboring homes or common areas. The use of surveillance cameras is not permitted on the exterior of the Homeowners residences within the common areas of the community so as not to damage the buildings. Cameras must be placed within the Homeowner's separate interest.

Homeowner may only use the cameras for the purpose of surveillance and monitoring of the Homeowners separate interests. The camera system must not record or monitor beyond the property of the Owner, unless authorized by a court with proper jurisdiction. The HOA or any other party must not be allowed to use the Homeowners/Residents camera system for any purpose other than the agreed upon surveillance, unless authorized by a court with proper jurisdiction.

Homeowners must ensure that the camera system does not interfere with any electronic equipment used by the HOA or neighboring property owners.

Footage from the surveillance camera system must be stored securely and should not be accessible to unauthorized individuals and should be provided upon request of the HOA or Law Enforcement.

Homeowners or residents found to be misusing or abusing their camera system may be subject to disciplinary action, including removal of the cameras. This policy is subject to change by the Board of Directors of the HOA. Any changes will be communicated to the Homeowners in a timely manner.

The HOA's Board of Directors is responsible for implementing and enforcing the rules on the use of all video surveillance.

Americana Gardens Homeowners Association

Surveillance Camera Policy, Rules and Restrictions for Access and Use By the Association

(Adopted _____)

Americana Gardens Homeowners Association (the Association) has installed surveillance cameras in the following areas; Parking Lot, Clubhouse, Main Pool, Laundry Rooms and the Maintenance, Utility & Storage Rooms for the protection of the Association and its resident's assets.

Video surveillance provides a deterrent to inappropriate behavior and can potentially be used as a means of identification in the event of damage or criminal activity. The presence of the cameras can never be relied upon as a guarantee of personal safety or against the loss of property. Residents remain solely and totally responsible for any vehicle (including personal and/or private property) parked in the lots upon the HOA property.

The Association recognizes the need to balance the right to privacy and the need to ensure the safety and security of the neighborhood. The Association, therefore, has adopted a policy that upholds this right and provides the necessary mechanisms for protecting the community. In order to ensure that video surveillance by the Association is not abused or misused, the Board of Directors has adopted the following rules and restrictions governing the use and access of video equipment by the Association in the community.

This surveillance camera policy applies to all video systems installed within **Americana Gardens Homeowners Association** by the Association. The policy does not apply to personal surveillance equipment installed by residents.

Installation, Placement & Maintenance of Video Surveillance Equipment

The HOA will use Annke® Network Video Recorders (NVRs) to collect and retain real-time video for a maximum storage of ten (10) days.

Video recording equipment will only be placed in visible locations that allow the cameras to obtain the desired coverage, specific surveillance targets, and adequate lighting. Cameras will be positioned so as to not willfully intrude on any homeowner's property or privacy without express written consent from the homeowner. Signage will be installed in obvious locations to notify people that the area is under video surveillance.

The Association does not warrant that the video equipment will be functioning and recording 100% of the time. There will be times when the cameras are down for maintenance, service, or repair. The Association reserves the right to discontinue video recording at any time.

Association Access to Video Records

Access to video surveillance records shall be secured and restricted to the Board of Directors. Video surveillance footage shall be viewed by board members only upon majority agreement, and only in response to an event that has occurred, including but not limited to theft, property damage and litigation evidence.

Law Enforcement Access to Video Records

If access to video surveillance is required for the purpose of a law enforcement investigation due to criminal activity or potential criminal activity, video surveillance will be reviewed by the Board, and pertinent footage related to the investigation will be provided to the police.

Log of Access

All instances of surveillance footage being viewed by the Board, or provided to police, shall be entered into Board of Directors meeting minutes so that it becomes a part of the public record.

Security/Storage

Active video records shall be stored in secured enclosures with limited access. No video shall be published on the internet or streamed to mobile devices. Video records shall be stored only for investigative or legal purposes, and shall be stored with the Association's property manager.

Fees

Fees to cover the cost of providing video records shall be charged to the homeowner who has requested such records. The fee for each recording is \$10.00.

Timely requests for data

The duration of historical data available is limited to the specific device drive capacity. Requests for data must be made within five (5) days of a specific event, and should be limited to a specific date range and time.

Custody, Control, Retention and Disposal of Video Records

The Association has no desire or intention to retain video recordings except as required for investigations or evidence. In normal operating conditions, video surveillance footage will automatically be erased or overwritten by the recording device when capacity of the device has been exhausted, which is ten (10) days. Specific records relating to evidence or investigations, which must be retained, will be copied onto portable media, such as SDHC Card and stored for as long as required, based on the investigation type. Records requiring long-term retention will be turned over to the Association's property management team for storage and security.

Accountability

The HOA's Board of Directors is responsible and accountable for implementing, enforcing and monitoring the deployment, use and viewing of all video surveillance.

The Board is responsible for deciding when surveillance footage needs to be viewed.