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CALIFORNIA DESERT ASSOCIATION  
OF REALTORS®

**POLICIES &  
PROCEDURES  
MANUAL**

**Approved June 19, 2017**

## **DATES REVISED BY BOARD OF DIRECTORS**

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TERMS:

CDAR – California Desert Association of REALTORS

C.A.R. – California Association of REALTORS

N.A.R. – National Association of REALTORS

## **I. ADVERTISING AND NON-DISCRIMINATORY**

1. The California Desert Association of REALTORS® is pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, sexual orientation or national origin. The California Desert Association of REALTORS® recognizes that real estate advertising is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, sexual orientation, limitation or discrimination. In addition, California has extended protection to people based on marital status. We are firmly committed to an advertising policy that adheres to the Federal Fair Housing Act. We will not knowingly accept any MLS listing or advertising for real estate, which may violate the law.
2. The Association email system may only be used for sponsored or associated California Desert Association of REALTORS® events.

## **II. AUDITORIUM**

1. Meetings of the California Desert Association of REALTORS® committees, task forces/advisory groups, and the Board of Directors shall be held at the offices of the Association (unless approved in advance by the Association Executive).
2. Auditorium may be rented for real estate oriented events only. Rental rates are set by the Board of Directors as are amended from time to time. {See attached Rental Agreement – Exhibit A}
3. Non-real estate related requests for non-recurring use of the auditorium shall be considered on an individual basis by the Board of Directors.
4. The following disclaimer must be used on any promotion of events held at CDAR: California Desert Association of REALTORS® does not endorse the view, opinions, policies or activities of the person or entity by the use of our facility or marketing materials.

### **III. BUDGET & FINANCE**

1. The presentation of Financial Statements to the Board of Directors shall be monthly and should be emailed to the directors with the BOD monthly packet, if completed by the accounting firm. If the financials have not been completed by the accounting firm at the time the BOD packet is sent they should be email to the directors as soon as available.
2. Charity events that include staff paid time, outside of 8-5 M-F work schedule, be deducted from the proceeds of the event. A 2% administration fee will be deducted from the gross profit of every Charity event for staff time, association materials, etc. The administration costs will stay in the general fund. After staff and administration fee are deducted 100% of the profit there after goes to Charity. (Charity includes scholarships).
3. Any funds raised at a fundraiser event by CDAR should be for the benefit of the CDAR Scholarship Fund.
4. All committees are required to price all proposed programs, products or services at a break-even or better prior to recommending them for approval to the Board of Directors.
5. The Association credit card use shall be limited to payment for expenses related to Association activities.
6. Association members may use an acceptable credit card for payment of Association dues, MLS Access fees, educational offerings, and store supplies.
7. There will be no refunds for Association dues.
8. Desert area multiple listing fees may be pro-rated on a monthly basis.
9. The President, President-Elect, and Treasurer are check signatories for the Association.
10. Two signatures are required for all checks over \$1,000.
11. The Association shall maintain a Building Reserve Investment Fund based on information provided by the CPA, financial advisors and as recommended by the Strategic Planning & Finance Committee and approved by the Board of Directors.
12. Expenses are to be turned in within 30 days of the last day of the event for reimbursement. {See attached Expense Report -Exhibit B}

#### IV. TRAVEL

1. C.A.R./N.A.R. meeting travel per diem shall be \$75.00/day.
2. C.A.R./N.A.R. meeting travel expenses shall be reimbursed on the basis of actual cost not to exceed the amount booked by the Association for transportation and accommodations. If it is necessary for any State Directors to be in attendance longer or in advance of the usual number of days allotted, because of an appointment to a special committee, the Association Executive shall make payment only upon advance approval of the Board of Directors.
3. Airfare is booked by CDAR, unless otherwise directed. Airfare is booked at the lowest fare available. Early Bird fees are paid by CDAR. Coach seat assignments will be paid by CDAR and assigned by staff, for airlines that allow for assigned seats when booking. Baggage fees are paid for by CDAR. If a member wants to upgrade a flight from coach the member will be required to pay the additional charges. **(Copied from State Director Funding Section)**
4. All requests to change travel booked by CDAR staff, including flights, rooms, etc., must be received in writing from the person named on the reservation.
5. Mileage reimbursement will be computed based on the U.S. Government rate as from time to time amended.
6. The Association Executive will review and process C.A.R./N.A.R. meeting travel expense reimbursement reports. {See attached Expense Report - Exhibit B}.
7. Valet parking shall be a covered travel expense.
8. Travel expenses will include Basic Internet charges up to \$15 per day when traveling on CDAR business.
9. CDAR to purchase each CDAR appointed State Director a C.A.R. Installation Dinner ticket, provided C.A.R. does not already fund the director to attend.
10. CDAR to purchase each CDAR appointed State Director a Region 28 Luncheon Ticket at the C.A.R. midyear.
11. CDAR to host a CDAR dinner at the C.A.R. midyear meeting. CDAR to cover the cost of a CDAR appointed State Directors attendance at the dinner. The dinner is typically held on Tuesday night.
12. CDAR to purchase one luncheon ticket for each CDAR appointed State Director at the C.A.R. fall meeting. If there are two luncheon options available the CDAR State Director will be given the option as to which meeting to attend, provided the State Director is scheduled to be at the meetings on that day.



13. CDAR to purchase the President, N.A.R. Director and Association Executive a ticket to attend the N.A.R. Installation Dinner, provided C.A.R. does not already fund the director to attend.
14. Full Registration for the NAR Expo will be paid by CDAR for the President, President-Elect and the Association Executive.
15. Luncheon and dinner events paid for by CDAR will not affect the daily meal per diem given to the State Directors.

## **V. INVESTMENT**

### **1. PURPOSE**

The purposes of the following investment guidelines, which are to be reviewed annually by the California Desert Association of REALTORS (CDAR) Board of Directors, are to:

Establish the investment objectives, policies, guidelines and eligible securities relating to any investments owned, or controlled by CDAR and any of its subsidiary organizations.

- Identify the criteria against which the investment performance of the organization's investments will be measured.
- Communicate the objectives to the Board of Directors, staff, and investment advisor(s).
- Serve as a review document to guide the ongoing oversight to the management of CDARs' investments.

### **2. DEFINED ROLES**

The parties involved in the management of the plan assets include, but are not limited to:

**Board of Directors (BOD)** shall retain oversight control of this Policy Statement and all other activities of the Association Investment program.

The **Strategic Planning and Finance Committee (SPF)** through the **Investment Subcommittee** shall monitor the implementation of the Association's Investment program. The Investment Subcommittee shall review investment balances and returns on a quarterly basis and may recommend revisions of this policy or to the investment amounts to the BOD as needed.

The **Association Executive** shall act on behalf of the Association to oversee revisions approved by the BOD with the investment advisors.

The **Investment Advisor(s)** will oversee and implement the Association's investment funds and policy. The Investment Advisor(s) may offer guidance and recommendations to the BOD or Strategic Planning and Finance Committee in the selection and retention of investment options under this policy.

Investments and Investment Advisors:

- A. Investment Advisors will stay within the guidelines of this policy.
- B. The management of funds will be discretionary in nature.
- C. All income received will be maintained in the portfolios allowing for compounding of returns.

### **3. OPERATING FUND**

#### **Purpose:**

The purpose of the Operating Fund is to provide sufficient cash to meet the day-to-day financial obligations of CDAR in a timely manner.

#### **Allowable Investments:**

The Treasurer and Association Executive as authorized by the Board of Directors will invest the Operating Fund as follows:

1. Interest bearing Savings Account;
2. Certificates of Deposit at insured commercial banking organizations;
3. Money Market Funds;
4. Interest bearing checking accounts;
5. Direct obligations of the U.S. Government, its agencies and instrumentalities.

#### **Maturity:**

The maturities on investments for the Operating Fund shall be 12 months or less.

### **4. SHORT-TERM RESERVE FUND**

The purpose of the Short-term Reserve Fund is to meet the expenses occurring as a result of unanticipated activities and to improve the return on the funds held for expenditure for up to five years.

#### **Investment Objectives**

The investment objectives of the Short-term Fund are:

- Preservation of capital;
- Liquidity; and
- To optimize the investment return within the constraints above.

## **Investment Guidelines**

### **Allowable Investments**

The Treasurer and Association Executive if authorized by the Board of Directors will invest the Short-term Fund as follows:

- a) Interest bearing savings account
- b) Certificates of Deposit at insured commercial banking institutions;
- c) Money Market Funds that invest in government backed securities;
- d) Interest bearing checking accounts;
- e) Direct Obligations of the U.S. Government, its agencies and instrumentalities;
- f) Mutual funds that invest in direct obligations of the U.S. Government, its agencies and instrumentalities.

The Short -Term fund shall have a weighted average maturity of three years or less. The maximum maturity shall be 5 years.

## **5. LONG-TERM RESERVE FUND**

### **Purpose of Long-term Reserve Fund**

The purpose of the Long-term Reserve Fund is to provide secure long-term funding for the mission of CDAR. The assets of the Long-term Reserve Fund shall be managed in such a way as to facilitate the organization's goals and objectives as outlined by the Board of Directors. Expenditure of the principal is to be used for purposes of conducting the affairs of the organization unless otherwise designated by the Board of Directors.

### **Investment Objectives**

In order to meet its needs, the investment strategy of the Long-term Reserve Fund is to emphasize total return; that is, the aggregate return from capital appreciation and dividend and interest income.

### **Investment Classes**

#### **Cash: Allowable Range: Minimum 12%; Maximum 50% of total assets**

- Certificates of Deposit insured by FDIC
- Certificate of Deposit Account Registry Service (CDARS) Investments

- Money Market Funds
- Interest bearing checking accounts, money market and savings accounts that are FDIC insured

**Bonds: Allowable Range: Minimum 10%; Maximum 50% of total assets**

- Mortgage-backed securities – Ginnie Mae pooled mortgage-backed investments and similar instruments. No more than 25% of the fixed income portfolio shall be invested in mortgage-backed securities. All mortgage-backed securities must have a rating of A- or better
- Global & Inflation-related Fixed Income – A portfolio of fixed income securities diversified across geography, maturities, credit ratings and sector in US dollars or local currencies, developed and emerging-market countries, Treasury Inflation-Protected Securities (TIPS) and other inflation-related securities.
- Collateralized Mortgage Obligations – Collateralized mortgage obligations must be rated A- or better. No more than 10% of the fixed income portfolio shall be invested in collateralized mortgage obligations.
- US Treasury bills, notes and bonds
- Corporate Bonds with a credit rating of A- or better

**Equities: Allowable Range: Minimum 10%; Maximum 45% of total assets**

Equities refer to common stocks. No more than 8% of any investment of any investment advisor's portfolio shall be invested in the common stock of any one company. No more than 43% of an investment advisor's portfolio shall be invested in Equities.

- International Equities – sponsored and unsponsored American Depositary Receipts (ADR's) or American Depositary Shares (AD's) or other depository securities of non-U.S. based companies traded in the U.S. and closed-end country funds. Equities of foreign domiciled companies may also be purchased so long as the securities are registered (or filed) with application foreign body governing securities regulation in that country and traded on a recognized exchange or over-the counter-market. Non-US dollar denominated equity securities traded on recognized exchanges may also be purchased. International Equities shall be limited to no more than 30% of the equity portion of the portfolio.
- Common Stocks

- Convertible notes and bonds
- Convertible preferred stocks

**Alternatives Allowable Range: No more than 10% of total assets**

- Alternatives Allocation – An alternative investment is an asset that is not one of the conventional investment types, such as cash, bonds/fixed income, and stocks/equities. Alternative investments include private equity, hedge funds, managed futures, real estate, commodities and derivatives contracts.

**Exclusions:**

The following Asset Class Exclusions are to be excluded from the portfolio mix:

- Short sales
- Purchases of letter stock, private placements (including 144A securities), or direct payments
- Calls, straddles or other option strategies unless utilized in mutual funds
- Purchases of real estate, oil and gas properties or other natural resources related properties of Real Estate Investment Trusts (REIT) or marketable real estate securities
- Investments in limited partnerships except for publicly traded Master Limited Partnerships
- Investments in use of margin not explicitly permitted in this policy statement
- Investments in Yankee bonds and notes
- Investments in private placement issues
- Non-US dollar denominated equity securities traded on over-the-counter markets outside the U.S. are prohibited (unless utilized in mutual funds)
- Investments by the investment ad in their company securities, their affiliates, or subsidiaries (excluding money market funds).

## 6. Diversification

<b>Asset Class</b>	<b>Minimum</b>	<b>Maximum</b>
Cash and Cash Equivalents	12%	50%
Fixed Income	10%	50%
Equities	10%	45%
Alternatives	0%	10%

## 7. Implementation and Account management

- Asset Allocation Study: At the inception of the assignment and thereafter deemed necessary by the Investment Subcommittee, the Investment Advisor shall conduct a detailed Asset Allocation Study which shall examine all relevant and appropriate asset classes available to the Fund and propose a wide variety of allocation alternatives for the consideration of the Investment Subcommittee, SPF and BOD.
- The study should reflect expectations for a wide range of potential experiences with returns and volatility of the various portfolios. While historical returns and relationships of asset classes should be considered in constructing this study, the results should be firmly based on current market conditions and expected future relationships among these asset classes. The purpose of this study will be to provide the Investment Subcommittee with information related to the probability of each asset class in achieving its related goal.
- Investments must be in one or more of the listed approved investments and may be direct or indirect through a Registered Investment Advisor.
- "Registered Investment Advisor" means a major investment house or commercial bank that is subject to regulations by the U.S. Government or agency thereof, is a member of the New York and/or approved by the Investment Subcommittee, SPF and the Board of Directors.
- Brokered CDs, Certificate of Deposit Account Registry Services and multiple CDs in a given institution are subject to the current FDIC insurance coverage and must therefore be limited to that amount.
- The BOD may occasionally retain the services of a separate Investment Advisor to review the balances, positions, transaction and performance of the investment portfolio.
- An investment advisor will be granted discretionary authority to initiate transaction in accordance with the policies, guidelines and restrictions mandated in this policy. The approved investment advisor will be provided with a copy of this policy. The Investment Subcommittee and the AE will periodically review transactions for compliance with policy.

- Interest/dividends realized and unrealized gains earned above the allotted amounts of each tier may be moved and utilized by any other tier.

## **8. Reporting Requirements and Performance Review**

- On an annual basis, the advisor(s) performance will be reviewed by the Investment Subcommittee to determine results. It is understood that the Association should invest to minimize the likelihood of low negative total returns, defined as a 12-month return worse than negative 10%. In the event the overall portfolio drops below 90% of the initial investment (and net of all 3<sup>rd</sup> party related fees), the committee shall conduct an immediate review of the overall/individual parts of the portfolio and investment advisor.
- The members of the Investment Subcommittee will meet with the advisors as needed.
- The investment advisor(s) will manage the Association's assets in a manner consistent with this document
- The Association's Investment Subcommittee Chair and Association Treasurer shall make a report to the BOD on all activity within the Investment Portfolio on a quarterly basis. The Investment Subcommittee Chair may include any recommendations for revision made by the Investment Subcommittee.
- A quarterly view of investments shall be performed by the Investment Subcommittee as compared but not limited to the following: the CPI, 10 Year T-Bill Index, S&P 500 Index. Comparisons will show results for the latest quarter, year-to-date and since inception. The Investment Subcommittee will also review beginning and ending balances since the last report and will be provided by the Investment Advisor(s) a statement that the underlying investments in each fund are in compliance with the restrictions imposed by this Policy.

## **9. Reserve Policies and Asset Allocation Guidelines**

There should be minimum exposure to market risk or interest rate risk with short-term funds. In other words, the asset allocation should be 100% cash and/or short-term fixed income such as CDs or Certificate of Deposit Account Registry Services. Short term investments should not exceed a weighted average of 6 months in length.

**10. Performance Target Goal – Long Term**

The long-term portfolio's total return is expected to exceed an average of 4%+CPI (net of fees) over a three to five year rolling time period.

**11. Portfolio Rebalancing**

Rebalancing will occur in accordance with the investment advisor's internal rebalancing rules.

**VI. RESERVE**

1. The Association Reserve Policy is intended to provide for a continuity of services to its members, plan for future expansion, and to weather any economic changes in the industry or the general economy.
2. Reserves should be adequate to meet a minimum of 9 months of adjusted operating expenses and not exceed 18 months of adjusted operating expenses. The target reserve level should be approximate 12 months. The reserve position should never drop below 3 months of adjusted operating expenses.
3. In the event the operating reserve drops below 9 months; the Strategic Planning and Finance Committee should develop a plan to bring the reserves back up to the 9-month minimum. The plan to re-build reserves can be accomplished through a net operating surplus over several years, through a targeted expense reduction or a dues and fees assessment or increase.
4. In the event reserves exceed 18 months the Strategic Planning and Finance Committee should develop a plan to provide new programs or services to the members/subscribers. It is not recommended to provide a dues/fee reduction or holiday.
5. Any plan developed by the Strategic Planning and Finance Committee will be presented to the Board of Directors for review and consideration.
6. In calculating operating reserves the Association agrees upon the following formula: All non-designated cash and investments plus accounts receivable, minus all current liabilities, deferred revenue and other liabilities. This result is called the organizations available cash position.
7. Adjusted operating expenses should take annual expenses into consideration, less depreciation expense and extraordinary expenses that are unusual in nature and not anticipated to be ongoing in nature.



8. Once the adjusted operating expenses are determined, it would be divided by 12 months, the result is the Association's average monthly expense. The average monthly expenses would then be divided into the available cash position. The result is the Association's number of months' reserves.

## **VII. COMMUNICATIONS**

1. All announcements at the General Membership Meetings should be requested in advance of the meeting and be approved by the President and/or the Association Executive.
2. A disclaimer shall be used for Association sponsored articles in non-Association publications.
3. The CDAR President and/or the Association Executive are the official spokesperson of the Association.
4. No member of the Association or staff, acting as an Officer, Director, committee person, or member, may represent themselves as presenting the California Desert Association of REALTORS® opinion/position in public testimony, or in written or oral communication with any governmental agency or representative or any segment or the media or to the public, without prior approval of the Board of Directors.
5. Any representation (emails, written correspondence, social media, and advertisement) made on behalf of CDAR by any member of the Board of Directors, Committee Chairs or Committee Members must not include any reference to individual brokerage affiliation, businesses, affiliates or other organizations or associations.
6. The C.A.R Summary of Action Items from the C.A.R. Business meetings shall be given to the Board of Directors as an "Information Item" on the Board of Directors Agenda.
7. Key action items from the C.A.R. Business meetings to be published on the CDAR Newsletter and announced at the following CDAR General Membership meeting. The President to determine, and provide a list to staff, the key action items to be published and announced.
8. All Policies will be reviewed annually to insure they are still relevant. The board of directors will review a portion of the policies at each meeting of the board of directors, beginning with the March meeting each year. The committees will review their own policies annually, preferably sometime during the third or fourth quarter of the year. The committee review will be provided to the board of directors for ratification or amendment consideration.
9. The President has authority to add or remove the CAR Disaster Relief and/or the NAR REALTORS Relief Foundation donation

information/button to any CDAR Communication including the Multiple Listing Service homepage.

## **VIII. SOCIAL MEDIA**

1. CDAR social media accounts are, but not limited to, Facebook, Twitter, Instagram, and LinkedIn (other social media accounts may be added in the future based on relevance).
2. Association social media accounts are to be used solely in furtherance of the goals of CDAR and its interests.
3. Posts must only pertain to association-related notifications, events, business, or Board-approved content.
4. All social media and internet postings must respect copyright, privacy, and other applicable laws, must not violate any and all confidentiality or conflict of interest policies in place, or involve any material or information that may violate the integrity of CDAR in any way.
5. Only authorized CDAR employees are allowed to speak/write/post/act as an agent of CDAR Social Media communications.
6. Exceptions to who may be authorized to post may only be made at the discretion of the Association Executive, in advance and in writing, based on circumstance (i.e. live event, regular poster unavailable, etc.).
7. CDAR-related social media accounts must originate from CDAR directly (unless expressed via approval) and require an agent of CDAR designated with administrative privileges.

## **IX. EDUCATION**

1. The Association may offer to members an education course co-sponsorship program in which the co-sponsor(s) would a) assist with flyer distribution; b) provide refreshments; c) make a financial contribution to reduce the price of the seminar per student; d) be able to display and distribute their promotional material during the seminar and e) would have their name included on all course promotional materials and efforts.
2. CDAR Members will be charged a member rate and non-CDAR members will be charged a non-member rate. Rate to be determined based on event or activity.
3. Reservations for courses requiring payment will not be processed until payment received. If an attendee must cancel or reschedule

- the reservation, a full refund will be issued if notification is received, by email or in writing (not by phone), 3 days prior to class. In the event that a student should fail to attend a class, the tuition for said class will be forfeit and cannot be transferred to future classes. CDAR reserves the right to cancel or reschedule any course. If CDAR cancels a class, CDAR will issue a full refund. In the event CDAR reschedules, CDAR will send immediate notification and transfer all reservations (including payment) to the new date.
4. The Education Committee and CDAR Staff shall consider conflicts of interest or perceived conflicts of interest when hiring speakers for a CDAR Event and/or Education Program. It is the policy of CDAR that no affiliate, broker, manager, officer, or agent of a real estate firm may be hired as a speaker of a CDAR Education Event and/or Education Program, unless previously approved by the Board of Directors.
  5. Affiliate Membership is for the purpose of providing ancillary services to the real estate industry.
  6. CDAR may allow for brokerages to sponsor CDAR events. The cost of the sponsorship is determined by the event and will be provided to the brokerage in advance. Sponsorship may only be a print type sponsors. Brokerages will not be allowed to pitch at any CDAR Event.  
The intent of this policy is to ensure that brokerages are not provided a CDAR stage to solicit agents when sponsoring CDAR events.
  7. Seminar Policy Statement

CDAR wishes to thank you for your interest in presenting an educational program to the REALTORS® and Affiliates of the California Desert Association of REALTORS®.

It has been our practice and policy to provide the best information available to our Agents and Affiliates. With that said, as you complete an application for consideration, please be mindful of the following:

1. The topic presented should be of current information; i.e., the updated laws, best standard of practices, current trends, financing, etc.
2. The topics should not be a "bait" or solicitation to attendees to buy into the business of the presenter.
3. Promotional and Informational Materials based on the presentation can be made available for distribution, and paid for by the instructor.

4. A syllabus or outline of the presentation must be given to CDAR staff two (2) weeks in advance for review and approvals.
5. Presenter/Instructor may also "sponsor" the meeting by providing refreshments, breakfast or lunch if he/she chooses and will have their name posted and recognized.
6. Members of CDAR will be charged the CDAR Member rate for each event, Non-CDAR members will be the Non-Member rate. Rates will be determined based on event, class or activity.
7. Presenters shall not be in a position to present a conflict of interest. CDAR Brokers, Managers, Agents, and Affiliates wishing to teach/present a class must be approved by the CDAR Education Committee.
8. Affiliates are allowed to "sponsor" an event, and will be allowed a few minutes time to "pitch" their products or services.
9. A minimum number of attendees shall be arranged prior to the class. In the event of cancellation, notice of such will be given 24 hours in advance of the class.
10. Attendee reservations will be taken up to the day of the event if possible. If there is a space limit, reservations, will be on a first come first serve basis. Attendee cancellations must be submitted in writing at least 72 hours in advance for any refund to occur.
11. CDAR reserves the right to cancel or reschedule any course and will issue a full refund to attendees, or apply the fee to the new rescheduled date.

## **X. ALCOHOL**

1. CDAR events can be allowed, if they so choose, to include one alcoholic beverage ticket included in the cost of the admission to attendees.
2. Alcohol must be served by the venue or a professional bartender.
3. All requests to serve alcohol at a CDAR event must be presented to the Board of Directors for consideration before any advertising of the event are published. All details of how, who, when, where, cost and distribution must be presented in written detail by the Committee well in advance of the event for BOD consideration. The Accident Waiver and Release of Liability Form must be signed by all participants at any CDAR event where alcohol is being served. Waiver is attached to the Policy Manual {See attached Accident Waiver and Release of Liability Form - Exhibit D}.

## **XI. GENERAL OFFICE**

1. Association office hours are 8:30 a.m. to 5:00 p.m., Monday – Friday, excluding observed holidays.
2. Affiliates may sponsor General Membership Meetings.
3. Affiliates shall be given the opportunity to introduce themselves at the General Membership Meetings.
4. Staff working hours are assigned by the Association Executive.
5. All internal office equipment (computers, scanners, telephones, copy machines, etc.) may not be used by anyone other than a staff member unless specifically approved by the Association Executive.
6. The fee for NSF check shall be \$25.00
7. Any ad submitted for publication in the “Desert REALTOR® Newsletter” is subject to approval and acceptance by the Association Executive and/or Officers.
8. The Association shall not accept ads for real property for sale as part of the Newsletter advertising policy.
9. Product and service pricing shall be based on cost plus a percentage markup for members and a higher percent for non-members.
10. All contract/s agreements involving the Association must be approved by the Board of Directors and upon its recommendation reviewed by Association counsel.
11. In the absence of the Association Executive, the President, President-Elect and Treasurer are authorized to sign all documents based on the above criteria.
12. REALTOR Members who have served CDAR for a minimum of 30 years and attained the age of seventy (70) shall be eligible to be elected a CDAR Honorary Member-for-Life.
13. Association endorsed products shall carry the following disclaimer on all written flyers and announcements:

*“This product has not been tested or inspected by the California Desert Association of REALTORS®. No representation is made or intended regarding the performance of the product or suitability for a particular purpose or use. This announcement is only for the purpose of advising members of the availability of the product and the California Desert Association of REALTORS® strongly recommends that all prospective purchasers and users conduct their own independent investigation into the suitability and performance of the product.”*

14. Motions presented to BOD to be reported back to the Committee Chair via staff liaison within five business days.
15. Post BOD agenda on website at least one week prior to the meeting on the CDAR website member’s only section.

16. Staff will include list of committees with meeting date and time on the weekly email blast.
17. Board of Directors meeting minutes to be disseminated to the President within 5 business days following meeting for approval. Once the President approves the minutes, in writing, the minutes will be disseminated to the Directors within two business days following the President's approval. The Board of Directors is to be notified within the 7 Business Day timeframe allowed if the minutes will not be disseminated per policy.
18. The agenda and packet are to be out to the Directors the Friday prior to the meeting.
19. CDAR will join all of the Chambers of Commerce in Valley and renew them every year.
20. Incorporated herein by reference is the Document Retention Policy {Exhibit E}
21. No REALTOR member, Affiliate or non-member may use the CDAR Corporate Office or equipment for personal use.
- 22.
23. CDAR Members running virtual CDAR Committee Meetings or Events are prohibited from operating motor vehicles while participating in CDAR video conferencing meetings or events. California has various laws prohibiting distracted driving. (Vehicle Code Sections 27602, 23123, 23123.5, and 23125, amount others).
24. The following disclaimer will be added to CDAR Video Conferencing meetings and events:  
DO NOT PARTICIPATE in any CDAR Video Conferencing Committee Meetings or Events while operating a motor vehicle. California has various laws prohibiting distracted driving. (Vehicle Code Sections 27602, 23123, 23123.5, and 23125, amount others).
25. **Whistleblower**  
If a director, officer, member, or employee of CDAR has information which she/he reasonably believes identifies a violation of state or federal law, the employee "whistleblower" should contact the Association Executive, President, or the Association General Counsel.  
Director, officer, member, or employees are also permitted to contact the appropriate law enforcement or government agency. The director, officer, member, or employee must exercise sound judgment to avoid baseless allegations. A director, officer, member, or employee who intentionally files a false report of wrongdoing will be subject to discipline up to an including termination.  
**Confidentiality**
  - a. The confidentiality of the whistleblower will be maintained to the fullest extent possible.

- b. The identity may have to be disclosed to conduct a thorough investigation, to comply with the law or to provide accused individuals their legal rights of defense.

**Retaliation**

- a. The Association will not retaliate against a whistleblower or any director, officer, member, or employee who refuses to participate in an activity that would result in a violation of state, federal or local law.
- b. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, demotion, or work assignments and threats of physical harm.
- c. Any director, officer, member or employee who believes he/she is being retaliated against must contact the Association Executive, President or Association General Counsel immediately. The right of the whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated, or disclosures that would constitute a violation of the attorney-client privilege.

**XII. PRESIDENT**

**THE PRESIDENT** is the chief elected officer of the Association and is charged with the responsibility for the general direction of its affairs and to preside at all Board of Directors, General Membership, and Travel Team meetings. The President is authorized to appoint committees and committee chairmen subject to the approval of the Board of Directors, and is an ex-officio member of committees (except the nominating, professional standards, grievance, and REALTOR® of the Year). The President is expected to perform such duties as may be assigned by the Board of Directors. Other duties of the President are:

- 1. Must be a member in good standing of the Association with no unsatisfied ethics or arbitration decisions.
- 2. Provide objective leadership and administration.
- 3. Provide sound fiscal leadership.
- 4. Delegate authority but maintain sufficient supervisory contact to create successful performance.
- 5. Represent the Association in community activities, in person or through a representative.
- 6. Encourage membership participation to the fullest.
- 7. Cooperate with state association and national association in joint programs as recommended by the Association Executive and approved by the Board of Directors.

8. Become proficient with operation and policies of the state and national associations.
9. Attend State and National Association of REALTORS-conventions and appropriate meetings.
10. Report to the Board of Directors and the membership on the conduct and management of the affairs of the association.
11. Serve as a Director of the California Association of REALTORS® representing the California Desert Association of REALTORS®.
12. The President shall select a parliamentarian from the current Board of Directors to serve for the year.
13. Familiarize themselves with the following documents:
  - N.A.R. President's Leadership Manual
  - N.A.R. Code of Ethics
  - C.A.R. Professional Standards Procedures/Manual
  - Parliamentary Procedures
  - CDAR Bylaws
  - CDAR MLS Rules and Regulations
  - MLS Regional Agreements (of any kind)
  - CDAR Policies and Procedures Manual
  - CDAR Strategic Plan
  - CDAR Annual Budget

### **XIII. PRESIDENT-ELECT**

**THE PRESIDENT-ELECT** shall serve in the absence of the President and familiarize him/herself in other duties and responsibilities of said office. The President-Elect shall also:

1. Must be a member in good standing of the Association with no unsatisfied ethics or arbitration decisions.
2. Serve as Co-Chair, along with the Treasurer, of the Strategic Planning and Finance Committee.
3. Keep abreast of all Association activities to aid the President.
4. Familiarize themselves with the following documents:
  - N.A.R. President's Leadership Manual
  - N.A.R. Code of Ethics
  - C.A.R. Professional Standards Procedures/Manual
  - Parliamentary Procedures
  - CDAR Bylaws
  - CDAR MLS Rules and Regulations
  - MLS Regional Agreements (of any kind)
  - CDAR Policies and Procedures Manual
  - CDAR Strategic Plan
  - CDAR Annual Budget



5. Attend all meetings of the Board of Directors, membership and special meetings.
6. Serve as a Director of the California Association of REALTORS® representing the California Desert Association of REALTORS®.
7. Perform such duties as may be assigned by the President.
8. The President-Elect shall select his/her committees for the following year. His/her choices for committee chairmen will be announced on or before the October Board of Directors meeting for Board of Directors approval.
9. The President-Elect shall select Vice Chairs of the Standing Committees for the year they serve as President-Elect. The President shall be notified of all selections prior to submission to the Board of Directors for consideration.

#### **XIV. TREASURER**

**THE TREASURER**, in coordination with the Association Executive and the Strategic Planning & Finance Committee, is responsible for the maintenance of the official records of the association. The Treasurer should, or direct the Association Executive to, handle all official correspondence for the Association with the California Association of REALTORS® and the National Association of REALTORS®. The Treasurer is designated the custodian of the association funds and ensures those funds; physical assets and other properties of the Association are appropriately safeguarded and administered. Other duties and responsibilities of the Treasurer are:

1. Must be a member in good standing of the Association with no unsatisfied ethics or arbitration decisions.
2. Serve as Co-Chair, along with the President Elect, of the Strategic Planning & Finance Committee.
3. Ensures that the association operates within the limits of the annual approved budget.
4. Performs other duties as may be assigned by the President or the Board of Directors.
5. Keeps abreast of all association activities to aid the President.
6. Familiarize themselves with the following documents:
  - N.A.R. President's Leadership Manual
  - N.A.R. Code of Ethics
  - C.A.R. Professional Standards Procedures/Manual
  - Parliamentary Procedures
  - CDAR Bylaws
  - CDAR MLS Rules and Regulations
  - MLS Regional Agreements (of any kind)
  - CDAR Policies and Procedures Manual

- CDAR Strategic Plan
  - CDAR Annual Budget
7. Attend all meetings of the Board of Directors, membership, and special meetings.
  8. Participate in the presentation of a financial summary report of the association operations at the Board of Directors' meetings and review annual report.

## **XV. IMMEDIATE PAST PRESIDENT**

**THE IMMEDIATE PAST PRESIDENT** shall automatically serve as a Director with the Association for one additional year. In the event the immediate past president is not available to serve; the position will be filled in accordance with the Association's bylaws. It is recommended that the most recent CDAR Past President willing and able to serve shall receive the appointment. The primary role of this individual is to advise and recommend to the association leadership based upon the experience gained as an Association president. In addition, other duties and responsibilities include:

1. Must be a member in good standing of the Association with no unsatisfied ethics or arbitration decisions.
2. Keep abreast of all Association activities to aid the President.
3. Familiarize themselves with the following documents:
  - N.A.R. President's Leadership Manual
  - N.A.R. Code of Ethics
  - C.A.R. Professional Standards Procedures/Manual
  - Parliamentary Procedures
  - CDAR Bylaws
  - CDAR MLS Rules and Regulations
  - MLS Regional Agreements (of any kind)
  - CDAR Policies and Procedures Manual
  - CDAR Strategic Plan
  - CDAR Annual Budget
4. Attend all meetings of the Board of Directors, membership and special meetings.
5. Perform such duties as may be assigned by the President.
6. Encourage CDAR members to get involved in Association, Committees, and Board of Directors.

## **XVI. CDAR BOARD OF DIRECTORS**

**THE BOARD OF DIRECTORS.** The primary responsibility of the Board of Directors is to serve as the governing body of the California Desert Association of REALTORS®. It has the authority over and above all committees to carry out all duties expressed or implied that are included within the total management jurisdiction of the Association. The Board of Directors approves policies and plans which provide the framework within which major Association operations must be accomplished.

Although the Board of Directors is responsible for the general overall management of the Association affairs, it is not responsible for the day-to-day operations. The overall management is accomplished by the Association Executive in close coordination with elected officers and committees. Specific duties and responsibilities of the directors are:

1. Must be a member in good standing of the Association with no unsatisfied ethics or arbitration decisions.
2. Familiarize themselves with the following documents:
  - N.A.R. President's Leadership Manual
  - N.A.R. Code of Ethics
  - C.A.R. Professional Standards Procedures/Manual
  - Parliamentary Procedures
  - CDAR Bylaws
  - CDAR MLS Rules and Regulations
  - MLS Regional Agreements (of any kind)
  - CDAR Policies and Procedures Manual
  - CDAR Strategic Plan
  - CDAR Annual Budget
3. Approval of annual audit.
4. Approval of new policies and procedures as required.
5. Serve in the best interests of the membership.
6. Be aware of the goals and objectives established by the Association.
7. Keep abreast of all Association activities to aid the President and other elected officers in accomplishing plans and goals.
8. Attend all meetings of the Directors, membership, and special meetings.
9. Attend the annual Professional Standards/Director training seminar.
10. Officers and Directors, not presently serving, shall be invited to attend the last three Board of Directors' meetings of the year, as observers for the purpose of acquainting themselves with Association operations.
11. The Affiliate Chair will be a nonvoting member of the Board of Directors. The position is considered advisory only and will be named: Affiliate Advisory. The Affiliate Advisory representative will

- not be allowed to be present during any closed sessions of the board.
12. In the event it is deemed that urgent action is needed relative to any matter affecting the Association, especially in the area of expending funds or to increase the amount of funds already allotted for expenditure, the President shall be empowered to a) call a special meeting of the Directors, or b) obtain vote of the Directors by via email.
- 1) In the event the President is unavailable or involved adversely in the subject matter the President-Elect shall be empowered to call a special meeting of the directors.
  - 2) In the event the President is adversely involved in the subject matter the President-Elect shall be empowered to consult with the Association Council and the Association Council may be present at the board of director meeting addressing the issue.

## **XVII. ASSOCIATION EXECUTIVE**

**The Association Executive (AE)** is responsible for all administration and management of the Association, based on member needs, with some focus on community and real estate industry issues. The AE manages the organization with parameters set by the volunteers and based on volunteers' determination of the future direction of the organization.

### **Governance of Association Structures and Organizational Operations**

- Works with volunteers on the development and implementation of the strategic vision as developed by the Board of Directors.
- Manages the operations of the organization based on the parameters set by the Board of Directors.
- Provides administrative support to Association committees.
- Updates governing documents and policies on a routine basis, to match the Association's mission and manage goals.
- Ensures that the Board of Directors, Executive Committee, and Officers are fully informed of Association conditions and of all important factors influencing them.
- Attends all meetings of the Board of Directors, Executive Committee and General Membership Meetings, unless excused by the President.
- Participates in, formulates and recommends for the approval of the Board of Directors basic policies and programs that will further Association objectives.
- Executes all decisions of the Board of Directors assigned to AE.
- Assists in developing specific administrative policies,

procedures, and programs to implement the general policies of the Board of Directors.

- Establishes a sound organizational structure for the Association office.
- Plans the general administration of the Association operation.
- Executes contracts and commitments as authorized by the Board of Directors or within established policies.
- Maintains official minutes of the Board of Directors and other official Association meetings.
- Carries out other general responsibilities as Officers and Board of Directors may specify.
- Serves as an ex-officio, non-voting, member of the Executive Committee and the Board of Directors.
- Annually reports the status of CDAR contracts to the Board of Directors.

### **Physical and Financial Resources**

- Ensures reliable revenue sources to operate the Association at optimum and future levels, with research and development funds in place for new initiatives.
- Ensures that sufficient financial reserves are maintained.
- Ensures that all funds, physical assets and other Association property are appropriately safeguarded and administered; operates within the approved budget.
- Monitors and implements control of budget and all arrangements to meet financial objectives as directed.

### **Staff Competencies**

- Demonstrates a comprehensive knowledge of office management skills and is able to delegate or outsource as necessary.
- Demonstrates a clear understanding of legal and regulatory issues and is able to impact the development of these policies.
- Ensures that professional development opportunities focusing on supervisory skills are funded by the Association as approved by Board of Directors.
- Develops and implements cross- training of staff.
- Directs and coordinates all approved staff programs, projects and major activities.
- Recruits, hires and trains all Association personnel including responsibility for promotions and terminations.
- Defines staff duties, establishes performance standards, conducts performance reviews and maintains competitive salary structure.
- Provides the necessary liaison and staff support to committee Chairmen to enable committees to properly perform their

functions; ensures that committee decisions and recommendations are submitted to the Board of Directors for approval.

- The Association Executive is authorized to sign tax returns, quarterly payroll tax reports (state and federal), maintenance of office equipment, agreements for pre-approved Board of Directors capital equipment purchases, personal-related matters, and subpoenas issued in Professional Standards hearings, insurance policies.

### **Member Services**

- Manages new-member recruitment and retention programs with volunteer participation, including one orientation model for all.
- Develops orientation materials and programs with supporting materials from other sources.
- Provides strong skills in professional standards enforcement and is a certified professional standards administrator; participates in services via co-op enforcement agreement.
- Knowledgeable about various marketing services and provides access to related services and business tools developed by others.
- Works with volunteer committees and staff to identify and analyze trends from which member service decisions are made and industry issue initiatives are implemented.
- Plans and manages, with volunteers, networking and social opportunities to enhance members' career success and future needs.
- Serves as supervising editor of the official publication.
- Conducts research and related projects on subjects deemed of importance to the membership and prepares and publishes the results as approved by Board of Directors.
- Oversees education programs to advance the professional, technical and managerial skills of the membership, operating within the budget and program objectives that the Board of Directors approves.
- Assists, develops, organizes and directs membership promotion and retention programs and evaluates results and recommends policies, procedures and actions to achieve membership goals.
- Oversees the collection of dues and terminates delinquent memberships.
- Plans and coordinates the annual membership meeting.
- Plans, promotes and administers all official Association meetings.
- Plans and executes all communications to membership, including newsletters, general mailings and media.

### **Internal and External Relations**

Approved by Board of Directors June 19, 2017 (BOD revision dates following title page )

- Manages key programs and delegates management functions to other members of management and clerical functions to support staff.
- Identifies and recruits volunteer leaders; works with volunteer leaders to forge strong partnerships.
- Collaborates with CDAR, C.A.R. and N.A.R.; participates in local, state and national meetings.
- Coordinates with a CPA firm and an attorney to support Association operations and alert leadership to new and emerging issues.
- Participates with volunteer leaders in effective and synergistic relationships with local government leaders and legislators; service providers, vendors, consultants and contractors; industry leaders and allied real estate groups; media and community groups.
- Ensures that the Association, the volunteer leadership and the AE are valued resources to brokers.
- Supports special political-action fundraising efforts and grassroots mobilization efforts.
- Supports political awareness and fundraising plans developed in collaboration with volunteer leadership and staff.
- Provides effective government advocacy to further the Association's mission, either directly or as an active participant, with other levels of the REALTOR® family.
- Represents the Association as assigned in local government matters affecting the real estate industry.
- Develops and maintains a master calendar to include AE vacations; N.A.R., C.A.R. and CDAR meetings and events.
- Develops and coordinates along with Strategic Planning and Finance Committee the annual budget.
- Promotes interest and active participation in Association activities to membership and local/chapter groups; reports Association activities through the Association communications media.
- Maintains effective relationships with other organizations, both public and private, and ensures that Association and membership positions are enhanced in accordance with the policies and objectives of the organization.
- Implements, coordinates and assists in planning public relations programs to enhance public acceptance of the industry.
- Provides security and maintains organization of all files, legal and historical documents, and membership and mailing lists.
- Acts as Association spokesperson when assigned or when Association officers are unavailable.
- Serves on state and national committees as approved by Board of Directors.
- Establishes positive working communications of mutual respect with the following:

- Leadership of CDAR, C.A.R. or N.A.R.
- Executive Officers of other Associations
- Association counsel
- Appropriate local Government Officials and Association Staff
- Leadership of subordinate or allied groups and organizations

## **XVIII. STATE DIRECTORS**

**STATE DIRECTORS.** The President and President-Elect of the Association shall automatically serve as State Directors. If the Region 28 Regional Chair is a CDAR primary member, that member shall automatically be funded as a State Director, but not part of the C.A.R. assigned allotment. All other State Directors shall be recommended by the State Director Selection Task Force whose members shall be appointed by the President. In accordance with the allocation as determined by the California Association of REALTORS® annually, the Board of Directors shall determine, prior to the State Director Selection Task Force meeting, the number of State Directors the Association will fund based on the SPF recommendation. (SPF will provide a suggested travel budget in June which will give guidance to the Board of Directors and the State Director Selection Committee when determining the funding for number of state directors, prior to the members being selected). Not all C.A.R. allocated positions need to be filled. Subject to the approval of the Board of Directors, State Directors will be funded by the California Desert Association of REALTORS® for travel expenses.

The CDAR Board of Directors shall consider funding any CDAR primary member who has been appointed by C.A.R. Leadership as a:

- 1) C.A.R. Committee Chair
- 2) C.A.R. Committee Vice Chair
- 3) C.A.R. Liaison to Executive Committee
- 4) C.A.R. member of Strategic Planning and Finance
- 5) C.A.R. Director at Large
- 6) C.A.R. Executive Committee
- 7) CREPAC Trustees
- 8) IMPAC Trustees

The above will act in the capacity of a C.A.R. Director representing CDAR with all travel expenses and associated costs to be covered by CDAR

The CDAR Board shall consider a C.A.R. Director appointment to those CDAR primary members receiving appointments by C.A.R. leadership for, multiyear service, i.e. EXPO committee, or other committee members, selected by



C.A.R. leadership i.e. Standard Forms Advisory, if those selected are not already CDAR C.A.R. Directors.

The CDAR Board shall consider funding CDAR primary members who are C.A.R. Directors for Life and the CDAR N.A.R. Director if those individuals are not already CDAR C.A.R. Directors.

### **Qualifications:**

- Must be a primary member in good standing of CDAR with no unsatisfied ethics or arbitration decisions.
- A CDAR State Director must have served either on the CDAR Board of Directors for one year or have served on CDAR Committee(s) for 24 months immediately prior to applying to be eligible for appointment and funding.
- C.A.R. Directors are encouraged to make an annual voluntary investment to the REALTOR® Action Fund of \$148.00 ("The True Cost of Doing Business") or above.
- Must complete and submit the State Director Selection application as approved by the Board of Directors. {See State Director Selection Application - Exhibit F}

### **Serving:**

- C.A.R. Directors serve at the pleasure of CDAR and may be removed at any time. Removal of a C.A.R. Director is initiated by the president and ratified by the Board of Directors.
- C.A.R. Directors are to volunteer to attend other C.A.R. Committee meetings and report back when coverage is needed.
- Any Director with an unexcused absence at the C.A.R. Business Meeting shall be automatically deemed removed.
- The President may excuse an absence if ratified by a majority of the Board of Directors. An excused absence, is deemed proper, if a Director has an illness or serious injury to oneself, spouse, child or parent, a death in the family, is called to jury duty, or subpoenaed to testify in a court-type hearing.
- Director must attend the ENTIRE C.A.R. Board of Directors session (no early departures).
- Director must attend all Regional Caucus meetings unless otherwise excused in advance by the Association President.
- Director must attend all meetings of any committee on which they serve, attend other committee meetings as assigned by the Regional Chair or as agreed upon at the Association Travel Team meeting.

- Director must attend Legislative Day events, unless otherwise excused by the President.
- Directors must be prepared to report about appointed committee meetings or other attended C.A.R. meetings.

### **Funding:**

- The Association office will make the hotel reservations for Travel Team. Every effort will be made to secure accommodations at the headquarters hotel(s); however, it cannot be guaranteed this will occur in every instance.
- Single occupancy lodging shall be available and budgeted.
- The Association to provide a per diem payment of \$75.00 for each day away. This is for meals and incidentals.
- Each Director is required to attend the Annual Installation at the January C.A.R. Business meetings. Cost of the ticket will be covered by CDAR
- Each Director may attend one C.A.R. luncheon event at the Sacramento Business Meetings. Cost of the luncheon will be covered by CDAR CDAR to make the reservations.
- Each Director may attend one C.A.R. luncheon of their choice at the C.A.R. Business meetings in Fall. Cost of the luncheon will be covered by CDAR. CDAR to make the reservations.
- Attendance at the annual C.A.R. Expo is not paid by the Association.
- Airfare is booked by CDAR, unless otherwise directed. Airfare is booked at the lowest fare available. Early Bird fees are paid by CDAR Coach seat assignments will be paid by CDAR and assigned by staff, for airlines that allow for assigned seats when booking. Baggage fees are paid for by CDAR If a member wants to upgrade a flight from coach the member will be required to pay the additional charges.
- If a Director chooses to drive instead of flying, CDAR will reimburse for mileage, provided mileage expenses do not exceed the price of airfare.
- Personal automobile mileage expenses are reimbursed at the prevailing rate specified by the IRS.
- Additional Reimbursements
  - Airport shuttle
  - Airport parking
  - Hotel parking
  - Travel to and from departing airport mileage
  - Hotel internet connection
- Non Reimbursable Expenses
  - In Room Movies
  - Room Service/Mini Bar
  - Laundry Service
  - Tips

### **Responsibility Following the Meetings:**

- Director must certify in writing their attendance at each assigned C.A.R. Committee, Forum or Board of Director meeting to the Association within two weeks of return. Unless otherwise excused by the Board of Directors, in the event the Certification submitted by the CDAR Director or funded individual is inaccurate, and it is determined the funded individual did not attend any meeting or function set forth on the Certification, the funded individual shall forfeit their right to reimbursement and shall immediately refund any amounts paid by CDAR to the funded individual. {See Meeting Certification Form - EXHIBIT C}
- Expense reports, including receipts, must be completed and delivered to the Association within two weeks of return for reimbursement. Reimbursement will not be made after the two week timeframe.

**STATE DIRECTOR SELECTION TASK FORCE.** The President shall select five members to serve and the composition shall include the President-Elect, and four current, or past C.A.R. Directors that will not be applying for a position. The President shall select the Chair.

### **XIX. N.A.R. LARGE BOARD DIRECTOR(S)**

**N.A.R. LARGE BOARD DIRECTOR(S).** The President shall select the N.A.R. Large Board Director Selection Task Force. The National Association of REALTORS® shall determine annually, the number of N.A.R. Large Board Director positions to be recommended by the Task Force and approved by the CDAR Board of Directors. The California Association of REALTORS® currently funds all California N.A.R. Directors and all California N.A.R. Directors are accountable **only** to the California Association of REALTORS®.

#### **Qualifications:**

- Must be a member in good standing of the Association with no unsatisfied ethics or arbitration decisions.
- Must be a current CDAR State Director.
- Must attend all N.A.R. Director meetings, C.A.R. N.A.R. Director meetings, assigned N.A.R. Committee meetings, N.A.R. briefings, C.A.R. N.A.R. briefings, Region 13 Caucus meetings, California

Congressional Reception and be prepared to report about appointed committee meetings or other attended N.A.R. meetings.

- Must complete and submit the N.A.R. Large Board Director application as approved by the Board of Directors. {See N.A.R. Large Board Director Application - Exhibit G}

**N.A.R. LARGE BOARD DIRECTOR SELECTION TASK FORCE.** The President shall select three to five CDAR members to serve. The composition shall include current or past N.A.R. Directors or past CDAR Presidents that will not be applying for a position. The Task Force members shall be selected and ratified by the CDAR Board of Directors no later than their February meeting. The recommendations of the Task Force will be presented to the CDAR Board of Directors for ratification at their March meeting.

## **XX. NOMINATING COMMITTEE**

**NOMINATING COMMITTEE STRUCTURE:** (Verbatim with CDAR Bylaws)

At least two (2) months before the annual election, a Nominating Committee of at least seven (7) REALTOR® Members, of which two (2) must be Past Presidents, shall be appointed by the President with the approval of the Board of Directors.

### **NOMINATING COMMITTEE DUTIES:**

- Before agreeing to serve on the Nominating Committee the member must agree to the following:
  - Not run for an open position on the Board of Directors.
  - To participate in all interviews of the Board of Director candidates. The Nominating Committee is aware that interviews may take hours and possibly days.
  - That interview dates will be provided to potential Nominating Committee members before the Nominating Committee is approved by the Board of Directors.
  - If a Nominating Committee member is unable to participate in all interview, they will not be allowed to participate in the deliberations.
- Nominating Committee Interview Process
  - CDAR Staff to provide the Nominating Committee a form on each candidate verifying that the candidate meets the qualifications for the position they request.

- If a candidate participates in the interview and meets all the qualifications outlined in the CDAR Policy and Procedures Manual for the position for which they are applying, the Nominating Committee is to move the qualified candidates forward to the ballot.

The President should be available as a resource but shall not be present at the Nominating Committee meetings or participate during any deliberations regarding a possible slate. The Association Executive, or their designee, shall attend the Nominating Committee meetings, interviews, and deliberations, will be a resource to the Nominating Committee, and take minutes of the meetings. The Association Executive, or their designee, will be present at the interviews but will not participate in interviewing (asking questions) of the candidates. The Nominating Committee shall work independently from the Board of Directors.

The report of the Nominating Committee will be presented to the Board of Directors for ratification.

1. Annual election will be held in June.
2. The Nominating Committee members shall keep all discussions, deliberations, and decisions of the Committee completely confidential.
3. The Nominating Committee Chair must be present to provide a full report of the Nominating Committee meeting and interview process during a closed meeting of the Board of Directors.
4. The Association Executive, or their designee, to provide minutes of the Nominating Committee meeting.

## **XXI. BOARD OF DIRECTORS QUALIFICATIONS**

- You must be a licensed agent for 3 or more years prior to the first day of the term. (Term traditionally begins on January 1<sup>st</sup>)
- You must be an active CDAR REALTOR® member in good standing for at least one year (12months), or a member of another AOR in good standing for at least two years (24 months) prior to the first day of the term. (Term traditionally begins on January 1<sup>st</sup>)
- You must have served on at least one CDAR standing committee and/or CDAR Leadership Academy for a period of at least 12 months prior to the first day of the term. (Term traditionally begins on January 1<sup>st</sup>)

The following Committees are considered Standing Committees:  
Community Service; Desert Area Commercial Information

Approved by Board of Directors June 19, 2017 (BOD revision dates following title page )

Exchange (DACIE) Committee; Desert YPN Advisory Board; Education; Government Affairs; Grievance; LCRC; Membership; Multiple Listing Service; Professional Standards; Scholarship and Strategic Planning and Finance.

The following are considered Standing Subcommittees: Golf (Subcommittee of Scholarship) and Investment (Subcommittee of Strategic Planning and Finance).

- NAR Code of Ethics. All Final findings of NAR Code of Ethics violations and violations of other membership duties in this or any other A.O.R. within the past three years, and any unsatisfied discipline pending at any A.O.R. shall be taken into consideration when determining qualifications.
- You must honor fiduciary duties to the CDAR and adhere to appropriate conflict of interest and disclosure rules.
- You must be a REALTOR® member whose financial obligations to the CDAR are paid in full and whose dues and assessments are current and remain current throughout the duration of service on the Board.
- Candidates are strongly encouraged, at a minimum, to make the \$148.00 "true cost of doing business" investment to the C.A.R. REALTOR® Action Fund.
- Candidate must complete and submit the Board of Director Application to the Association by the due date to be considered by the Nominating Committee. {Exhibit H.}
- Candidate must agree to and be interviewed by the Nominating Committee.

### **Officer (President-Elect or Treasurer) Qualifications:**

- Meet all CDAR Director qualifications
- Must have served as a CDAR Director for 12 months by the time their term would begin.
- Must have served as a CDAR SPF Committee Member for 12 months by the time their term would begin.
- Term Limits – No person may serve in a particular capacity on the Board of Directors for more than three consecutive terms. The President may serve no more than (1) term consecutively but is not precluded from future service if re-elected as President-Elect If a person serves as a Director, President-Elect, President, Treasurer for less than one-half (1/2) of the term applicable to the office, such

portion of term served shall be disregarded for purposes of the preceding limitations.

## **XXII. ELECTION (12/19)**

### **Campaign Policies:**

1. The CDAR Logo may not be used by a Candidate on any campaigning materials, including print and social media.
2. The name of the organization "California Desert Association of REALTORS®" may be used on all campaigning materials, including print and social media.
3. A Candidate may market by video. (Not at the Candidates Forum).
4. Candidates may hold their own meet and greet events. No meet and greet events may be held at the CDAR Office.
5. Candidates may not run with other candidates as a slate.
6. A Candidates Forum shall be held at the GM meeting in June, unless otherwise determined by the Board of Directors.
7. Candidates Forum Guidelines:
  - a) Speech must be 3 minutes or less.
  - b) Staff will time the speech.
  - c) President will stop the speech if over the 3-minute allotment.
  - d) The speeches will be conducted in the following order:
    - Director
    - Treasurer
    - President-ElectThe order of speakers, per position, will be by random draw conducted by the President, President Elect and AE. (If one or more of the drawing members is unavailable, the President may select another member or staff member to participate in the drawing process. If the President is unavailable the President-Elect or AE may select who will participate in the drawing process).
  - e) Videos will not be allowed
  - f) Only the candidate may speak at the Candidates Forum. No Proxies allowed.
  - g) Candidates may distribute campaign materials at the CDAR Candidates Forum. Distribution of the materials may be conducted by the Candidate or their representatives. (Allowed: Flyers left on tables and flyers distributed by hand at the meeting. Flyers distributed by hand must be distributed before the meeting is called to order, or after adjournment).

- h) Staff may not assist with distribution of the Candidates materials.
- 8. CDAR Staff is not allowed to help produce candidates' materials.
- 9. The following disclaimer must be added to the front page of all candidate material distributed at any CDAR sanctioned events, in no less than 10-point font:  
The California Desert Association of REALTORS® does not endorse any specific candidate for any position on the CDAR Board of Directors.

**Publication of Election Results:** CDAR Officer and Director Election Results "published" to the membership will include the following:

- 1. Name of the winning candidate (photo if available) along with the position.
- 2. Total number of members who voted in the election and the percentage of membership that voted in the election.

Definition of Published for this Policy: CDAR produced newsletter or email blasts that are sent to the entire members, and on website.

The complete election results will be made available to any CDAR Member, in good standing, upon written request to the Association Executive provided the request is received within 30 days of the election. The results will include:

- 1. The total number and percentage of members who voted in the election.
- 2. The overall percentage of votes for each candidate.
- 3. The overall number of votes tallied for each candidate.

### **XXIII. LEGAL COUNSEL AND FINANCIAL COUNSEL**

The Directors may retain and employ legal counsel and financial counsel and arrange terms of compensation.

**Legal Counsel:** A qualified attorney shall be retained by the Board of Directors to oversee legal matters involving the Association. Association Counsel guides, and advises the Board of Directors, the Association Executive, and California Desert Association of REALTORS® hearing panel members (upon request).

Counsel reviews documents, agreements, leases, forms and contracts. Governing documents may be submitted to Counsel for review; however the



National Association of REALTORS® is the final authority regarding compliance.

Counsel assures that the Board of Directors adheres to federal and state laws, as well as the requirements of the State and National Association of REALTORS®.

Counsel brings recent court decisions affecting Associations and MLS's to the Board of Directors' attention.

Counsel intercedes for the Board of Directors when other attorneys are involved with client members and interacts with other Association counsels on inter-board matters.

Only the President or the Association Executive is authorized to submit matters to Counsel on behalf of the Association and thereby incur expense. If an individual member contacts the Association Counsel requesting legal advice regarding actions or activities of the California Desert Association of REALTORS®, Counsel must, prior to rendering advice, inform the member of the above. If a member engages Counsel on his/her own behalf, that individual will be billed accordingly.

Association Counsel attends the California Association of REALTORS® Board Legal Affairs Meetings and related conferences at Association's expense. Legal Counsel travel expenses for the C.A.R. and N.A.R. meetings are divided amongst the associations he/she represents.

**Financial Counsel:** A qualified Certified Public Accounting firm shall be retained by the Board of Directors and will be responsible for the following functions:

1. Close the year-end books and make an annual report to the Board of Directors each year.
2. Attend January Board of Directors' meeting for the purpose of giving brief orientation on California Desert Association of REALTORS® financial statements.
3. To prepare State and Federal tax returns; file quarterly reports on withholding, social security, state disability insurance and pension plan with federal and state as required by law.
4. Review income and expense quarterly and/or monthly reports.
5. Work closely with the Association Executive and accounting staff; act as a liaison between governmental entities when necessary.
6. Provide advice and answer questions on California Desert Association of REALTORS® finance-related items from Association Executive, accounting staff, and Treasurer on "as needed" basis.

## **XXIV. LOCKBOX SERVICE**

Lockbox and Entrycard policies are contained in the MLS Rules & Regulations and in the Key Safe and Lease Agreement.

1. The retail price for SUPRA Entry products shall be set by the Board of Directors.
2. Agents may have only one Supra key.

## **XXV. MEMBERSHIP**

1. Each member application shall be accompanied by a valid California real estate license and valid Driver's License.
2. There will be a \$30.00 Late Fee/Reinstatement to be assessed to all members suspended for failure to pay dues by the deadline date noticed on the dues invoice. Incorporated herein by reference is the Membership Fee Schedule as time to time amended by the Board of Directors. {Exhibit I}
3. All Designated REALTORS® or managers shall notify the Association in writing of any changes, additions or deletions to their licensed sales staff within two (2) working days of such change.

## **XXVI. GENERAL MEMBERSHIP MEETINGS**

1. Held the 2<sup>nd</sup> Thursday of each month, unless approved by the Board of Directors.
2. Only CDAR REALTORS and Affiliates in good standing may attend the meeting, with the exception of the Scholarship GM Meeting.
3. The cost for the CDAR REALTORS and Affiliates is free.
4. Sponsors: Up to two CDAR Affiliates in good standing may sponsor the event for \$500 per sponsorship. Each Sponsor will be introduced at the General Membership meeting and given 3 minutes per Sponsor to introduce themselves and their company. Each Sponsors logo will be placed on the General Membership Flyer and CDAR website.
5. It is the preference to hold the General Membership Meetings at the CDAR Corporate Office. If a meeting is going to be held offsite it will need to be brought to the Board of Directors for approval.
6. The Membership Committee to assist the President with selection of venues and speakers if requested.

7. The Association shall allow members to bring prospective members to CDAR General Membership Meeting one time only as an introduction and inducement to joining the Association.

## **XXVII. INSTALLATION**

1. Recognition pins will be purchased for the following award recipients and given at the annual Installation Event.
  - Realtor of the Year
  - Affiliate of the Year
  - Incoming President
2. The following Complimentary tickets will be provided for the Installation Event:
  - Incoming President and Guest
  - Outgoing President and Guest
  - Incoming and Outgoing Board of Director Members
  - CDAR Past Presidents who are current CDAR REALTOR Members
  - Master of Ceremonies
  - Installing Officer
  - Dismissal Officer
  - Dignitaries – Coachella Valley Representatives for Federal Congressman, State Senators and Assemblyman, City Council Members (No spouses, water or school board members)
  - CDAR Staff Members
  - Palm Springs Regional AOR – up to 10 attendees
  - Imperial AOR – up to 4 attendees
3. Awards given at Installation may not exceed \$2500 designated as a separated line item on the budget.
4. The awards given will include:
  - Realtor of the Year
  - Affiliate of the Year
  - Board of Directors (Given to each member of the Board of Directors as a thank you for their support/time).
5. The President's Gift shall not exceed \$250 and will be given at the annual Installation Event.

## **XXVIII. AWARDS SELECTION PROCESS**

The REALTOR® of the Year and Affiliate of the Year shall be selected by the Award Selection Committee. The Award Selection Committee will consist of the no less than 5 and no more than 7 Members. The Award Selection

Committee Members shall be designated by the CDAR President, and shall include at least two (2) Past CDAR Presidents. All Members shall have been a CDAR Board of Director Member or Chairman or Vice Chair of a CDAR Committee to participate.

No member of the Awards Selection Committee may nominate anyone for either REALTOR® or Affiliate of the Year Awards during the same time as serving on the Awards Selection Committee.

Following communications by CDAR, REALTOR Nomination forms {Exhibit J} and Affiliate of the Year Nomination Form {Exhibit K} (which may be submitted by the Nominee or other active Member in good standing) shall be received by CDAR no later than the 1<sup>st</sup> week of October. Following initial review by the Award Selection Committee, selected Nominees shall receive and complete the applicable Questionnaire form {REALTOR of the Year Questionnaire Form-Exhibit L} {Affiliate of the Year-Exhibit M}, and shall return this form no later than the end of October. Nomination questionnaires shall be reviewed by the Award Selection Committee and determines the recipients of the REALTOR® of the Year and Affiliate of the Year awards in November, based on the cumulative criteria on the individual questionnaires.

Deliberations, and the name of the REALTOR® of the Year and Affiliate of the Year, shall be held in the strictest confidence until the award is presented at the Annual Installation of Officers and Directors or at the January General Membership Meeting. The most recent recipient of the award shall present the award. If the person is unable to make the presentation, it may then be presented by the next most recent recipient.

The CDAR REALTOR of the Year Award can only be won once in a lifetime – winners of previous years are excluded.

The CDAR Affiliate may not be considered for the Affiliate of the Year award if that person has received the award within the past five (5) years.

## **XXIX. COMMITTEES**

1. All committees serve at the pleasure and direction of the Board of Directors.
2. The following Committees are considered Standing Committees: Community Service; Desert Area Commercial Information Exchange (DACIE) Committee; Desert YPN Advisory Board; Education; Government Affairs; Grievance; LCRC; Membership; Multiple Listing

- Service; Professional Standards; Scholarship and Strategic Planning and Finance.
3. The following are considered Standing Subcommittees: Golf (Subcommittee of Scholarship) and Investment (Subcommittee of Strategic Planning and Finance).
  4. The following is considered Advisory Group and called upon by the President, if needed: Past President's Advisory Group
  5. Election and Nominating Committees are outlined in the CDAR Bylaws.
  6. Attendance Policy: Committee members with two unexcused absences or a total of three absences will be removed from the committee.
  7. Committee meetings must be held at the CDAR Corporate Office unless otherwise approved by the Association Executive.
  8. Budgeted funds not used by a Committee during the fiscal year will not carry over to the next year.

### **XXX. AFFILIATE COMMITTEE**

Job Description: Provides input into the Association's activities, meetings and events.

1. Only CDAR Affiliates may serve and vote.
2. The Affiliate Chair will be a nonvoting member of the Board of Directors. The position is considered advisory only and will be named: Affiliate Advisory. The Affiliate Advisory representative will not be allowed to be present during any closed sessions of the board.
3. Size of Committee: Unlimited
4. Not a budgeted committee.

### **XXXI. COMMERCIAL COMMITTEE**

Job Description: Assists commercial members through advocacy of CDAR-SPONSORED Desert Area Commercial information Exchange (DACIE). DACIE develops and implements services to meet the needs of the Commercial/Investment real estate community. CDAR is accredited with N.A.R. Commercial Real Estate.

1. DACIE Advisory Board members be DACIE REALTORS and DACIE Affiliates may serve and vote. The Chair and Vice Chair must be a CDAR REALTORS.
2. Size of Committee: 5 to 9

3. Incorporated herein by reference is the DACIE Membership Fee Schedule as time to time amended by the CDAR Board of Directors. {EXHIBIT N}
4. Only BRE licensed Brokers and Salesperson, OREA licensed Appraisers and Clerical Users to a member Broker may join DACIE MLS.
5. Not a budgeted committee.

### **XXXII. COMMUNITY SERVICE COMMITTEE**

Job Description: Plans, recommends and implements community service programs to enhance the public image of REALTORS®. Sponsors special events to support community service programs.

1. Only CDAR REALTORS and Affiliates may serve and vote on the Committee. The Chair and Vice Chair must be a CDAR REALTOR.
2. Size of Committee: Unlimited
3. More than 50% of the committee members must be REALTORS.
4. The charities that benefit from our special events are subject of final determination by the Board of Directors.
5. All distribution of proceeds of fundraising events will be designated and approved by CDAR Board of Directors.
6. Contributions are on behalf of the entire membership of the California Desert Association of REALTORS®. It is incumbent upon the presenter to clearly enunciate this to recipients.
7. This is a budgeted committee.

### **XXXIII. DESERT YOUNG PROFESSIONAL NETWORK**

Job Description: Plans, recommends, and implements education and networking events to promote professional growth, membership participation and new leadership with the CDAR

1. CDAR REALTOR and CDAR Affiliate members in good standing may serve and vote.
2. Advisory Members: Chair, Vice Chair, Sponsorship Leader, Events leader and Marketing Leader.
3. YPN Membership Size: Unlimited
4. YPN be allowed if they so choose to include one alcoholic beverage ticket included in the cost of the admission to attendees.
5. YPN Sponsorships will be used to support Desert YPN Events.
6. This is not a budgeted committee.

#### **XXXIV. EDUCATION COMMITTEE**

Job Description: Recommends and implements real estate education programs and seminars to meet the educational needs of the membership.

1. CDAR REALTOR members and CDAR Affiliates in good standing may serve and vote.
2. Committee Size: Unlimited
3. This is a budgeted committee.

#### **XXXV. GOLF COMMITTEE**

Job Description: Organizes and conducts the annual golf tournament and other events to raise money for approved charities.

1. CDAR REALTOR members and CDAR Affiliates in good standing may serve and vote.
2. Net Proceeds of the tournament will be donated to the Scholarship Fund.
3. Committee Size: Unlimited
4. This is not a budgeted committee.

#### **XXXVI. GOVERNMENT AFFAIRS COMMITTEE**

Job Description: Monitors government activity in desert cities to ensure that REALTORS® have input into matters affecting the real estate industry and private property rights.

1. Only CDAR REALTORS® in good standing may serve and vote.
2. Affiliates may serve and not vote.
3. Committee Size: Unlimited
4. This is not a budgeted committee.

#### **XXXVII. GRIEVANCE COMMITTEE**

Job Description: Reviews ethics complaints and determines whether a complaint should be referred on for a formal hearing.

1. Only CDAR REALTORS® in good standing may serve and vote.
2. All Committee Members are required to attend and complete the Professional Standards training every two years.
3. Committee Size: Unlimited

4. Grievance review panels should consist of 3-5 panel members. The small panel will reduce the exposure of confidential information.
5. The Grievance Committee reviews written complaints, properly submitted on the Discipline Complaint Form, on alleged violations of the N.A.R. Code of Ethics. Complaints submitted unanimously will only be reviewed on alleged violations of Article 12 of the N.A.R. Code of Ethics. (July 25, 2017)
6. This is not a budgeted Committee.

### **XXXVIII. LCRC**

Job Description: California Desert Association of REALTORS® Local Candidate Recommendation Committee, hereinafter referred to as the "LCRC." It is a subcommittee of the California Real Estate Political Action Committee ("CREPAC") organized under the CREPAC Cooperative Agreement (COOPERATIVE AGREEMENT), which is updated and approved each year. LCRC is not a "Political Action Committee" as defined by state law and administers no political contributions. However, by written agreement with California Real Estate Political Action Committee ("CREPAC"), a small contributor committee sponsored by the California Association of REALTORS ("C.A.R."), this LCRC recommends contributions or independent expenditures to be made by CREPAC.

#### **DEFINITIONS:**

"LCRC Contributors" refers to CDAR REALTOR members who have voluntarily contributed at least \$148 to the REALTOR ACTION FUND ("RAF") in the current contribution year.

#### **PURPOSES:**

The purposes of this Subcommittee are:

1. To support the legislative policies and the mission of the California Desert Association of REALTORS® (hereinafter CDAR), C.A.R. and the National Association of REALTORS® (hereinafter N.A.R.);
2. On behalf of CDAR, to endorse, oppose or remain neutral on the campaigns of candidates for election to city and county offices;
3. To make recommendations to CREPAC for contributions or independent expenditures to support or oppose candidates for election to city and county offices, board of education and other offices as appropriate;
4. To make recommendations to CREPAC regarding candidates for State and Federal office when appropriate;



Should these purposes conflict in any form with the most recently adopted COOPERATIVE AGREEMENT between LCRC and the CREPAC (as identified by the COOPERATIVE AGREEMENT), provisions in the COOPERATIVE AGREEMENT shall prevail and be considered as adopted amendments to these bylaws.

**AUTHORIZATION TO RECOMMEND USE OF LCRC FUNDS IN CREPAC SUBACCOUNTS:**

1. CREPAC Fund Requests: LCRC shall have full authority to recommend direct candidate contributions and independent expenditures from CREPAC. These recommendations include funds managed by CREPAC in CDAR's designated sub-account as well as any other available funds managed by CREPAC
2. N.A.R. Campaign Support Requests: LCRC shall have full authority to request independent expenditure funds and other local candidate campaign support managed by N.A.R.
3. Authorized Trustees: Only those LCRC Trustees whose signatures appear on the current CREPAC/LCRC Cooperative Agreement are authorized to recommend disbursement of funds from the LCRC account.
4. CREPAC Authority. The CREPAC Trustees will have full and final authority to accept or reject recommendations of LCRCs, and to establish policies governing the use of LCRC funds.
5. Should any section of CDAR LCRC Policies and Procedures conflict in any form with the most recently adopted COOPERATIVE AGREEMENT between LCRC and the CREPAC (as identified by the COOPERATIVE AGREEMENT), provisions in the COOPERATIVE AGREEMENT shall prevail and be considered as adopted amendments to these bylaws.

**BOARD OF TRUSTEES:**

1. Composition. LCRC shall be composed of nine voting Trustees selected per the procedures set forth in Section 6 below.
2. Qualification. Each voting Trustee must be a member of CDAR and be a \$148 or greater contributor to RAF at the time they apply for LRCR and in each year in which they serve as Trustee.
3. Restrictions on Trustee Political Activity. During their term of service, Trustees shall not engage in any political campaign activity for candidates eligible for LCRC funding prior to LCRC decisions in a given election cycle. Once LCRC has made endorsement, opposition and/or funding recommendation decisions, Trustees may only become involved in campaigns consistent with LCRC decisions.
4. Duties and Powers. The LCRC Trustees shall have supervision and control over the affairs of the Subcommittee, and shall

establish and carry out a" policies and activities of the Subcommittee," with the exception of the maintenance of records of the LCRC account, which shall be administered by CREPAC. The Trustees shall serve without compensation. The LCRC Trustees are empowered to set basic policies with respect to recommendations to be made by LCRC, to recommend disbursements to specific candidates, to credit CREPAC with any of its account and to credit another LCRC with any of the funds in its account.

5. Term of Office. The term of office of each voting Trustee shall be three years commencing on January 1<sup>st</sup> of the first calendar year for which they are selected to serve and ending on December 31<sup>st</sup> of their third year in office. Terms shall be staggered so that not all of the vacancies occur every year.
6. Selection. A Nominating Committee of five persons shall be appointed by the LCRC Chairman by July of each year. The Nominating Committee shall consist of the LCRC Chairman, the current CDAR President and at least one other LCRC Trustee. All members of the Nominating Committee must meet qualifications for a Trustee. If the LCRC Chairman is in the final year of a Trustee term and seeking a new term, the Vice Chair or another Trustee shall serve in their place on the Nominating Committee. The Nominating Committee shall select from the CDAR membership one nominee for the office of Trustee to fill each vacancy that will occur in the current year. The nominees' names shall be announced each year prior to the November CDAR Board of Directors meeting at which time the nominees shall be reported to the CDAR Board of Directors.
7. Vacancies. Should a vacancy occur, the LCRC Trustees shall convene and select a new Trustee to complete the remaining term. Any new Trustees approved by LCRC shall be reported to the Board of Directors at the next available meeting of the Board of Directors.
8. Meetings. Meetings of the LCRC Trustees shall be called by the Chairman as needed or may be called upon the request of two (2) Trustees. A majority of the voting members of the LCRC Trustees shall constitute a quorum. A majority vote of those present and voting is required for action. The LCRC Trustees may meet through the use of telephone conference call, email poll or similar communications equipment or may take action by written ballot without a meeting.

#### OFFICERS:

1. General. The officers shall be a Chairman and a Vice Chairman. Any officer so appointed shall hold office until his successor has been elected and is qualified to act.
2. Chairman and Vice Chairman. A Chairman and Vice Chairman will be duly elected by the Trustees. The Chairman or Vice Chairman must have served as a Trustee during the year immediately preceding taking office as Chairman or Vice Chairman and must also remain a Trustee while in office as Chairman or Vice Chairman. If no existing Trustee is available to serve as Chairman or Vice Chairman pursuant to this section, a Chairman or Vice Chairman may be appointed from among any other Trustee. The term of office of Chairman and Vice Chairman shall be one year.
3. Vacancies and Removal from Office. A Chairman and/or Vice Chairman may be removed from office with or without cause by a majority vote of the LCRC Trustees present and voting at any duly called meeting. In the event of a vacancy, a new Chairman and/or Vice Chairman shall be selected in accordance with Section 2 of this section.
4. Secretary. The Secretary shall be the Executive Officer or Government Affairs Director and is not a Trustee. The Secretary, subject to the control of the Trustees, shall be responsible for keeping minutes of meetings, preparing all documents necessary for regular business of the LCRC and shall have authorization to access records related to all LCRC accounts for the purpose of reporting to the Trustees.

Should any language in CDAR LCRC Policies and Procedures conflict in any form with the most recently adopted COOPERATIVE AGREEMENT between LCRC and the CREPAC (as identified by the COOPERATIVE AGREEMENT), provisions in the COOPERATIVE AGREEMENT shall prevail and be considered as adopted amendments to these policies and procedures.

#### AMENDMENTS:

1. These Policies and Procedures may be amended by a majority vote of the LCRC Trustees present and voting at any duly called meeting. The amended policies and procedures must be submitted to the Board of Directors for ratification.

#### DISSOLUTION:

The Committee shall be dissolved and cease to exist upon a vote of the CDAR Board of Directors.

### **XXXIX. MEMBERSHIP COMMITTEE**

Job Description: Reviews REALTOR membership applicants prior to the Board of Directors. Works to facilitate new member orientation and assure member compliance with required attendance. Works to encourage member participation in association events and meetings. Works to develop and maintain association benefits awareness. Acknowledge long term members and members achieving professional designations and awards.

1. Only CDAR REALTORS and Affiliates in good standing may serve and vote.
2. Committee Size: Unlimited
3. This is a budgeted committee.

### **XL. MULTIPLE LISTING SERVICE COMMITTEE**

Job Description: Oversees operation of the MLS and its technological aspects and recommends enhancements, policies and procedures.

1. Only CDAR REALTOR members in good standing may serve and vote.
2. Size of Committee: No more than 12
3. Staff will promote the Broker/Agent Tour via all avenues i.e.: website, sign-on page, CDAR Member benefit flyer and weekly email updates.
4. The Virtual Caravan Meetings are a member benefit for all CDAR Realtor and/or CDAR MLS Member. This includes attendance at the virtual meetings and the ability to pitch your listing.
5. CDAR will hold MLS training for members at no charge.
6. All MLS Violation generated income will be used to offset the expenses of the Listing Data Checker system. If there is income remaining after the Listing Data Checker bills are paid the remaining funds will be donated to the Scholarship Fund.
7. The listing default on syndication will be opt-in.
8. All vendor contact with members shall include an unsubscribe link in all contracts.
9. This is not a budgeted committee.

## **XLI. PAST PRESIDENTS COMMITTEE**

Job Description: Assist as an advisory group to the Association and assist the President as requested.

1. Only CDAR Past Presidents in good standing may serve and vote on the committee.
2. Size of Committee: Unlimited
3. No member of the CDAR Board of Directors may serve on the Past Presidents Committee during their term on the CDAR Board of Directors.
4. The Chair will be the most recent Past President willing and able to serve.
5. All Primary CDAR Past Presidents in good standing will be invited to serve on the Past Presidents Committee.
6. This is not a budgeted committee.

## **XLII. PROFESSIONAL STANDARDS COMMITTEE**

Job Description: Members of the Professional Standards Committee shall be selected to serve on hearing Panels, as required, to hear matters of alleged membership duty and ethical misconduct by Association members that may result in discipline. In addition, the Committee hears alleged violations of MLS rules by MLS Participants and Subscribers.

1. Only CDAR REALTORS® in good standing may serve and vote.
2. Size of Committee: Unlimited
3. All Committee members are required to attend and complete the Professional Standards training every two years.
4. All Committee members are required to serve a minimum of two years on the Grievance Committee at CDAR or another AOR, before serving on the Professional Standards Committee.
5. The fee for filing an arbitration complaint shall be \$300.00.
6. Continuances granted for the Complainant or Respondent will be charged a \$200 fee.
7. CDAR does not accept mediation/arbitration complaints from members of the public.
8. Professional Standards appointed hearing panels shall consist of a Presiding Officer (P.O.), two panel members and one alternate.
9. All Members of the committee will serve as a Presiding Officer or panel member as allowed per case.

10. If a Complainant or Respondent is being represented by an attorney at a professional standards hearing than the CDAR attorney will also be present to represent CDAR
11. CDAR will enter into reciprocal agreements with other Associations. This will allow for CDAR to borrow/lend panel members with other associations when needed.
12. CDAR will participate in the C.A.R. Ombudsman Program.
13. This is not a budgeted committee.

### **XLIII. SCHOLARSHIP COMMITTEE**

Job Description: Annually selects Scholarship Awards to individuals to attend an educational institution – a school that has a facility, student body, a physical location and a curriculum. This could be a public or private college or university or a vocational school.

1. Only CDAR REALTORS® and Affiliate Members in good standing may serve and vote. The Chair and Vice Chair must be CDAR REALTOR Members.
2. Size: Unlimited
3. CDAR will give up to two Scholarship Awards for each of the traditional public high schools in Coachella Valley. One Scholarship Award will be granted to one student from the combined group of continuation schools in the Coachella Valley.
4. Scholarship recipients shall have 12 months to pick up their checks from the date of the award ceremony. If the check is not picked up within the time allotted the funds will remain in the Scholarship fund and the student will lose the right to the Scholarship Award.
5. The Association will maintain a Scholarship Fund in a separate account and \$100,000 of the account will be considered restricted funds.
6. 50/50 funds collected at the General Membership Meetings will be designated to the Scholarship Fund.
7. This is not a budgeted committee. Funds are raised and assigned to support the Scholarship Fund.

### **XLIV. STRATEGIC PLANNING AND FINANCE COMMITTEE**

Job Description: Assures the most effective and efficient allocation of Association resources; develops a strategic long range plan to be reviewed by the Board of Directors annually; Proposes an annual budget to be considered by the Board of Directors;

Conducts reviews of monthly and yearend financial statements; analyze financial impact of proposed Association programs and projects, and make recommendations regarding them to the Board of Directors.

1. Only CDAR REALTOR® Members in good standing may serve and vote.
2. The Treasurer and President-Elect shall serve as Co-Chairs.
3. If the newly elected Treasurer is not currently sitting on the SPF Committee then he or she shall be automatically added as a voting SPF Committee member for the remainder of the year. This addition will supersede the 14 committee member limit for this purpose only.
4. Committee Size: No more than 14.
5. Unbudgeted Committee.

### **XLV. INVESTMENT SUBCOMMITTEE**

Job Description: The Investment Subcommittee has the responsibility to advise the SPF Committee and the Board of Directors on the operation and performance of the CDAR Investment Account(s). The members will discharge their duties solely on behalf of CDAR Investment and Reserve Policies.

The Investment Subcommittee will consist of five (5) CDAR Members in Good Standing taken from SPF Committee. The Treasurer shall be an automatic appointment on the Investment Subcommittee to a one-year term. If the Treasurer is elected to serve as Treasurer during his/her 2-year term on the Investment Subcommittee, the position must be vacated on January 1<sup>st</sup> of his/her term as Treasurer. The remaining term of the vacated position will be filled by an appointment by the President and ratified by the Board of Directors.

Four members shall be appointed by the President and ratified by the Board of Directors. The terms of the members shall be staggered two-year terms. (Effective 1/1/19)

#### **Organization**

The Investment Subcommittee shall hold regular quarterly meetings and shall meet more frequently as circumstances require. The Investment

Subcommittee shall keep minutes of the meetings and provide quarterly reports to the SPF Committee and the Board of Directors.

### Authority and Responsibilities

#### A. Investment Duties

1. Adopting, periodically reviewing, and revising an Investment Policy Statement for Board of Director consideration.
2. Adopting, periodically reviewing, and revising a Reserve Policy Statement for Board of Director consideration.
3. Retaining or replacing, with Board of Director approval, investment advisors and/or investment funds for the portfolio.
4. Reviewing the backgrounds of Investment Subcommittee members and staff to ensure no conflicts of interest exist.

#### B. Administrative Duties

1. Resolve all questions of interpretation of policy under the portfolio.
2. Determine the amount of contributions necessary for the portfolio.
3. Review all fees incurred by or on behalf of the portfolio for reasonableness.

## **XLVI. SUNSHINE COMMITTEE**

Job Description: Provide support to CDAR REALTOR Members and Affiliates in emergencies.

1. Remembrances (floral arrangement, memorial donation, cards, etc) will be sent on behalf of CDAR for the following occasions:
  - First hospitalization of a CDAR REALTOR and Affiliates in good standing (floral arrangement not to exceed \$100). On subsequent hospitalization a card will be sent.
  - Death of a REALTOR Member or Affiliate in good standing (Floral arrangement or memorial donation, not to exceed \$100)
  - Death of a REALTOR or Affiliate Members immediate family (spouse, children) flowers will be sent to the member, not to exceed \$100.
  - Birth/Adoption of a Child – Congratulations Card will be sent.
  - Serious Illness of REALTOR or Affiliate Members immediate family (spouse, children) a “Thinking of You” card will be sent to the member.



2. Only CDAR REALTORS and Affiliates in good standing may serve and vote.
3. Committee members are not responsible for knowing the circumstances of all members but will respond with a remembrance if notified.
4. Committee Size: Unlimited
5. This is a budgeted Committee

## **XLVII. SUPPLY CENTER**

The Association will sell store items at a discounted rate to CDAR REALTOR Members.

## **XLVIII. INAPPROPRIATE CONDUCT**

1. INAPPROPRIATE CONDUCT TOWARD STAFF: In the event an employee, independent contractor or other agent of the Association, other than a Member or Affiliate, believes they have been the victim of any form of harassment, unwanted touching, bullying or other workplace misconduct by a Member, they shall file a Complaint with the Association Executive. If the allegations of the Complaint involve any alleged misconduct by the Association Executive, the Complaint shall be filed with the current Association president. The Association may, but is not required to provide a form to facilitate the Complaint process. Upon receipt of the Complaint, the matter shall be referred to the current Executive Committee for investigation and disposition. The Executive Committee shall have sole and exclusive responsibility for investigation and disposition of the matter. Disposition may include, but is not limited to, dismissal of the Complaint or the imposition of discipline to and including expulsion and termination of membership and MLS services. The Executive Committee shall consult with legal counsel on the processing of the investigation and imposition of discipline and the Executive Committee shall follow best available human relations practices while investigating and resolving the Complaint. In the event any member of

the Executive Committee has a conflict of interest, the individual shall be precluded from participating in any aspect of the Complaint. A conflict of interest shall be deemed to exist when, by appearance or otherwise, a person cannot be deemed to be impartial or disinterested. Examples include relationships by blood, family, current or past relationships, past encounters of an acrimonious nature or any other situation when a member of the Executive Committee cannot be impartial by appearance or otherwise.

2. INAPPROPRIATE CONDUCT TOWARD A MEMBER OR AFFILIATE: In the event a Member, an Affiliate Member, or employee of an Affiliate Member believes they have been the victim of any form of harassment, bullying, unwanted touching or other inappropriate behavior by a Member during a meeting, event or other sanctioned Association activity, they shall file a Complaint with the Association Executive. If the allegations of the Complaint involve any alleged misconduct by the Association Executive the Complaint shall be filed with the current Association president. The Association may, but is not required, to provide a form to facilitate the filing of the Complaint. Upon receipt of the Complaint, the matter shall be referred to the current Executive committee for investigation and disposition. The Executive Committee shall investigate and determine a disposition of the matter. Disposition may include, but is not limited to, dismissal of the Complaint or discipline to and including expulsion and termination of membership and MLS services. The Executive Committee shall consult with legal counsel on the process of investigation and imposition of discipline, and the Executive Committee shall follow the best available human relations practices while investigating and resolving the Complaint. Written notice of the disposition shall be provided to the Complainant and alleged perpetrator by overnight courier service providing tracking and proof of delivery. If either the Complainant or alleged perpetrator disagree with the disposition determined by the Executive Committee, within five (5) days of delivery of the disposition notice, either party may request, in writing, a Review. The Review panel shall consist of three current directors or past presidents, or combination thereof. The parties shall be entitled to submit a written narrative or other written evidence. Neither the parties, nor their counsel or members of the Executive committee shall be present during the Review. The Review shall be completed within fifteen (15) days after the Association receives a request for Review. The decision of the Review panel shall be by majority vote and shall be the final determination of the Association. In the event any member of the Executive Committee has a conflict of interest, the individual shall be precluded from participating in any aspect of the Complaint. A conflict of interest shall be deemed to exist when, by appearance or otherwise, a person cannot be deemed to be impartial or disinterested. Examples include relationships by blood, family, current or past relationships, past encounters of an acromion's nature or any other situation when a member of the Executive Committee cannot be impartial by appearance or otherwise.