

Summary of Question and Answers on Proposed Declarations and Bylaws

The following summarizes questions from residents and the answers that were provided on the “Official” Facebook page as of June 19, 2018. Go to <https://www.facebook.com/groups/149103348760063/> and request access if you want to join the group.

Because the documents were revised over a number of years by different boards, and because the Davis-Sterling law changes regularly too, it made it very challenging to create a clean line-by-line description. The board struggled with that limitation during our own review. We were concerned that if we accidentally missed showing a changed item in the changes document, that the members might feel something was intentionally left out of the listing. There was a lot of discussion on that topic during our review. There are many changes, but many of them are not material. In other words, the language and grammar were updated, but the actual rule was not.

Q1) Why are we having this Declarations and Bylaws update?

A1) While there are some changes in those documents that are not legally required, many of them are required by CA law-so we are already adhering to those. Background: In CA there is a law (Davis-Sterling) that must be followed. We have no choice about that irrespective of how members vote. It is a higher authority, and the Declarations and Bylaws cannot conflict with state law.

We must follow Davis-Sterling. That law is updated just about every year. Our governing documents are from 2001, and there are numerous differences between our POA documents and Davis-Sterling. Therefore, bringing our documents into compliance with the state law is a major objective of this update. It is very confusing when they conflict. Not approving the governing document changes just makes it more confusing for members because we still have to meet the CA state law requirements but our governing documents will be defective.

Some members thought that if they vote ‘AGAINST’ the update that it will decrease the number of rules and regulations they have to follow. That is not true. As I mentioned in #1, Davis-Sterling comes first, so voting ‘AGAINST’ simply to avoid the CA law changes will not work because we have to follow them no matter the vote outcome. Please only vote ‘AGAINST’ if you have a real issue with a change. You can ask about any change, and we will get you an answer.

Q2) Can/will the board get a judge to overrule whatever the vote indicates?

A2) First, the governing documents state that a majority (greater than 50%) must vote for the vote to be considered valid. If that occurs, then the decision falls out based on how people voted. The majority that did vote would need to agree to the change for it to become approved. The POA Board cannot bypass this process by going to a judge to get the documents updated. Some background, years ago (pre-2001) our majority was defined as 2/3. That was reduced by a judge to the simple majority (greater than 50%) it is now and that is reflected in the 2001, proposed

documents, and Davis-Stirling. For that reason, we cannot go back again; we have already been given the one remedy available through that judicial process. Additionally, even if it were possible, this POA Board would not use a judicial process to circumvent a membership vote.

Q3) Regarding the new declarations, 17.9 Annexation of Additional Property - this is not in our documents approved in 2001 unless I missed it. Is there some thought of adding more property to LC for some purpose? Curious why it is there?

A3) There are no plans to annex anything at this time. This 17.9 language probably should have been in the prior documents, but it is not. What this language means is that if a board wanted to add property to LC, that action would need to go out to the members (property owners) and be approved by their vote before the board could act. So, this language protects the members. If these documents are approved, the POA board cannot add property without voter approval. By including 17.9 in the documents, this board is saying that if at a future point annexation is being considered, we believe the voters should decide if it can be performed.

Q4) Regarding the governing documents, 10.6 Airport Easements - this is a new item to allow more easements for taxiways through the airport master plan. Are these easements across common areas? Are airport lot owners looking to build more taxiways? Why is it necessary?

A4) First, this is added to match the governing documents with the Airport Master Plan (AMP) that was approved by the POA Board on 12/20/2016. (The AMP is posted to the website www.lakecalifornia.net). The AMP explains the use of easements to allow aircraft to taxi from their hangars to the airport. So yes, they must go onto POA's airport to get onto the runway. The AMP further explains that the individual property owners are responsible for all costs associated with taxiways/lanes that they must construct to access the runway. For example, the taxilane that we paved for our hangar access was 100% paid by us (the property owner), and we have to maintain it. The POA is not responsible for those costs. The POA just allowed us to improve POA property so that we can get to the runway. The diagram shows where these taxiways/lanes are located.

Second, RE: more taxiways. No, I am not aware of any new taxiways/lanes at this time. However, when/if new homes are built on airport properties it is possible that those owners may need to connect to the existing taxiway to access the runway. If that occurs, it will be adjudicated through the Airport Committee and their established process.

Third, why is it necessary? The FAA requires us to have an AMP, and it was necessary to update the governing documents to reflect the AMP.

Q5) Why has the bylaws section regarding elections been reduced?

A5) The Davis-Sterling law now describes how elections are to be handled. It is imperative that our documents comply with the law. The law changes constantly and we wanted to avoid future situations where our declarations and bylaws would become in conflict with the law. Therefore, we removed the language from the POA documents. The provisions for elections are stated under Davis-Sterling Chapter 6, Article 4, <https://www.davis-stirling.com/.../-Davis-Stirling-Act>. It is those provisions that will be used for POA elections.