



April 1, 2023

Dear Lava Springs Homeowner,

As mentioned in our letter dated February 4<sup>th</sup>, and in compliance with the Bylaws, the Annual Meeting of the Lava Springs Owners Association Corporation will be held on May 11, 2023 at 6:30 PM. The Notice of Annual Meeting is on the reverse side of this page providing the date, time, location, and agenda for the Annual Meeting.

Under the Bylaws, in order to conduct business at the Annual Meeting we are required to have a quorum which is currently set at 30% of the total votes entitled (84 owners present - 1 owner counted per home) and to make any changes to the Bylaws requires affirmative votes from 3/4 of the total voting power (210 votes - see section from Bylaws below) and for changes to the CC&Rs requires affirmative votes from 2/3 of the total voting power (186.66 votes - see section from CC&R's below). We understand attending a meeting on a Thursday evening may be difficult for some and we want to ensure every homeowner has the opportunity to vote for important matters like the election of your HOA Board of Directors, and proposed changes to the Bylaws and CC&Rs. To ensure optimum opportunity, we will again vote by mail.

**Bylaws:**

Article 7 states:

"No amendment to these Bylaws shall take effect unless approved by the affirmative votes of not less than three-fourths (3/4) of the total voting power of the corporation as cast by members"

**CC&Rs:**

Article IX, Section 9.2 states:

"...the provisions of this Declaration may be amended by an instrument in writing, signed and acknowledged by the Owners, including the Grantor, owning at least two-thirds (2/3rds) of the lots within the subdivision..."

Enclosed you will find the Ballot for the Board of Directors election. You will note a box at the bottom of the Ballot for a write in nomination. This will take the place of a nomination from the floor had we had voting during the meeting. You will also find enclosed a Ballot for proposed changes to the Bylaws and CC&R's along with a Proxy form and stamped return envelope. Please place the completed and signed Ballots and Proxy form in the stamped envelope addressed to Riverside Management. **Your Ballots must be received by Riverside Management no later than April 14, 2023 in order to be included in the final vote.** Riverside Management will tally the votes and present the outcome during the Annual Meeting. Information about each candidate was mailed to you on March 6, 2023 and is available on the Lava Springs web page at <https://lavaspringshoa.com> or at Riverside Management.

If for some reason you would like to assign a Proxy to vote for you, please complete and sign the enclosed Proxy form and return it with the Ballot to authorize another homeowner to vote on your behalf.

Thank you,

Lava Springs Nomination Committee

**SEE NOTICE OF ANNUAL MEETING ON REVERSE SIDE** 



**Notice of Annual Meeting of Lava Springs Owners Association Corporation  
May 11, 2023**

**NOTICE IS HEREBY GIVEN**, that in accordance with Article 3 Section 3.3 and 3.5 of the Bylaws of Lava Springs Owners Association Corporation, the Annual Meeting will be held at the following date, time and place.

**DATE:** Thursday, May 11, 2023  
**TIME:** 6:30 PM  
**PLACE:** Legacy Charter School

**Please plan to attend this important meeting and get to know your Board and the important matters being managed for our community. Without your participation, we will not meet the Quorum needed (84 homes) to continue the meeting and conduct the business of the organization. The meeting will begin promptly at 6:30 PM and any homeowner not signed-in prior to 6:30 will not be counted to determine if a quorum has been met. No weapons of any kind are allowed on the school property.**

In accordance with section 3.6 of the Bylaws of Lava Springs Owners Association Corporation, the "Order of Business" will be:

1. Roll Call to determine the voting power represented at the meeting
2. Proof of notice of meeting or waiver of notice
3. Reading of minutes of preceding meeting
4. Reports of Officers
5. Reports of Committees
6. Election of Directors – results announced
7. Unfinished Business
8. New Business
  - a. Member voting results on Committee and Board recommended changes to Bylaws and CC&Rs
    - i. Bylaws Article 4 Section 4.5 Nomination, Election and Term of Office – proposal for a 2 year term
    - ii. Bylaws Article 3 Section 3.3 Annual Meetings – proposal for a 2 year term
    - iii. Bylaws Article 2 Section 2.4 Quorum – proposal to reduce quorum from 30% to 10%
    - iv. CC&Rs Article V Section 5.7 – proposal to allow RV parking on a public road or in a driveway for 48 hours
  - b. Member comment period
    - i. No member comments received
9. Adjournment

**Etiquette:** Out of respect for all members' time, it is important that we follow our agenda and timelines. Any member who speaks out of turn, or is disrespectful to fellow members, be they homeowners, Board Members, or Committee Members, will be escorted from the meeting by the Sergeant At Arms. Failure to maintain proper decorum will result in adjournment of the meeting.

Darwin Mecham  
Secretary, Lava Springs Owners Association Corporation



## LAVA SPRINGS OWNERS ASSOCIATION CORPORATION

### 2023 BALLOT FOR THE ELECTION OF THE BOARD OF DIRECTORS

*Instructions: Place an X in the box beside each of the candidates you are selecting, including any write in that you add, for a total vote count not to exceed seven (7).*

*Please return the completed ballots in the stamped return address envelope addressed to Riverside Management. **Ballots received by Riverside Management after April 14, 2023 will not be counted.***

*If you plan to attend the Annual Meeting on May 11, 2023 at 6:30 PM, please check this box and indicate the number of attendees.*

YES I will attend. Number of attendees: \_\_\_\_\_

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## MARK MAXIMUM OF 7 BOXES ONLY

- Bob Patrick (current Board of Director and President)
- Doug Broetje (current Board of Director and Vice President)
- Sal De Los Angeles (current Board of Director and Treasurer)
- Jim Peterson (current Board of Director)
- Charles (Mike) Dulin (current Board of Director and Sargeant at Arms)
- John Cecil (current Board of Director)
- Darwin Mecham (current Board of Director and Secretary)
- Write in: \_\_\_\_\_

**SEE PROXY FORM ON REVERSE SIDE**



**LAVA SPRINGS OWNERS ASSOCIATION CORPORATION**  
**PROXY**

I, the undersigned, being a member of the Lava Springs Owners Association Corporation do hereby appoint:

\_\_\_\_\_ as my true and lawful attorney-in-fact, with power of substitution, for me and on my behalf to vote on all 2023 Ballot measures and election of the Board of Directors, with all the powers I should possess if personally signed and mailed by me.

\_\_\_\_\_  
Owner (Please Print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**ALL PROXIES MUST BE TURNED IN WITH BALLOT AT TIME OF VOTING**





# 2023 BALLOT FOR LAVA SPRINGS OWNERS ASSOCIATION CORPORATION

## PROPOSED CHANGES TO BYLAWS & CC&Rs

Please mark your vote "in favor" or "against" the proposed changes to the Bylaws and Declaration of Covenants, Conditions & Restrictions" (pages 1 and 2), complete and sign the acknowledgement on page 3, and return with the Board Member Election Ballot in the self addressed stamped envelope to Riverside Management.

**Ballots received by Riverside Management after April 14, 2023 will not be counted.**

### Bylaws

#### Article 4 Section 4.5 (second paragraph)

At the first annual meeting of the Corporation, and thereafter at each annual meeting of the Corporation, new Directors shall be elected by secret written ballot by a plurality of the votes of the Members present and entitled to vote at such meeting as provided in these Bylaws. Cumulative voting is not permitted. The term of the Directors shall be for one (1) year. In the event that an annual meeting is not held, or the Directors are not elected at the annual meeting, the Directors may be elected at any special meeting held for that purpose. Each Director shall hold office until a successor has been elected or until death, resignation, removal or judicial adjudication of mental incompetence. Any person serving as a Director may be re-elected, and there shall be no limitation on the number of terms during which a Director may serve.

#### **Proposed Amendment of said Section 4.5 (second paragraph) of Article 4 to read as follows:**

At the first annual meeting of the Corporation, and thereafter, at each ~~every~~ **every other** annual meeting of the Corporation, **effective with the May 2023 annual meeting**, new Directors shall be elected by secret written ballot by a plurality of the votes of the Members present and entitled to vote at such meeting as provided in these Bylaws. Cumulative voting is not permitted. The term of the Directors shall be for ~~one (1) year~~ **two (2) years**. In the event that an annual meeting is not held, or the Directors are not elected at the annual meeting, the Directors may be elected at any special meeting held for that purpose. Each Director shall hold office until a successor has been elected or until death, resignation, removal or judicial adjudication of mental incompetence. Any person serving as a Director may be re-elected, and there shall be no limitation on the number of terms during which a Director may serve.

**Vote in favor of change to Article 4 Section 4.5 (second paragraph) \_\_\_\_\_**

**Vote against change to Article 4 Section 4.5 (second paragraph) \_\_\_\_\_**

**NOTE: PAGE 2 IS ON THE REVERSE SIDE OF THIS PAGE** 

# 2023 BALLOT FOR LAVA SPRINGS OWNERS ASSOCIATION CORPORATION

## PROPOSED CHANGES TO BYLAWS & CC&Rs (Page 2)

### Bylaws

#### Article 3 Section 3.3 (3<sup>rd</sup> and 4<sup>th</sup> sentence)

At each annual meeting there shall be elected by ballot of the Members a Board of Directors in accordance with the requirements of these Bylaws. At the first annual meeting, the Directors shall be elected to serve until the second annual meeting, and at the second annual meeting, and annually thereafter, Directors shall be elected for a term of one (1) year beginning with such annual meeting.

#### **Proposed Amendment of said Section 3.3 (3<sup>rd</sup> and 4<sup>th</sup> sentence) of Article 3 to read as follows:**

At each ~~every other~~ annual meeting **beginning in 2023** there shall be elected by ballot of the Members a Board of Directors in accordance with the requirements of these Bylaws. ~~At the first annual meeting, the Directors shall be elected to serve until the second annual meeting, and at the second annual meeting, and annually thereafter,~~ **Effective with the May 2023 election and annual meeting,** Directors shall be elected for a term of ~~one (1)~~ **two (2) years** beginning with such annual meeting.

Vote in favor of change to Article 3 Section 3.3 (3<sup>rd</sup> and 4<sup>th</sup> sentence) \_\_\_\_\_

Vote against change to Article 3 Section 3.3 (3<sup>rd</sup> and 4<sup>th</sup> sentence) \_\_\_\_\_

# 2023 BALLOT FOR LAVA SPRINGS OWNERS ASSOCIATION CORPORATION

## PROPOSED CHANGES TO BYLAWS & CC&Rs (Page 3)

### Bylaws

#### Article 2 Section 2.4

Quorum. Except as otherwise provided in these Bylaws, the Articles of Incorporation or the Declaration, prior to the termination of the Class B Member, the presence in person or by proxy of the Class B Member shall constitute a quorum. After the termination of the Class B Member the presence in person or by proxy of the Class A Members holding at least thirty percent (30%) of the total votes entitled to be cast shall constitute a quorum of the Membership. The Members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough Members to leave less than a quorum. If any meeting cannot be held because a quorum is not present, the Members may adjourn the meeting to a time not less than five (5) days nor more than thirty (30) days from the time the original meeting was scheduled, without notice other than announcement at the meeting. At such second meeting, the presence of Members representing no less than fifty percent (50% of the quorum required at the preceding meeting shall constitute a quorum.

#### **Proposed Amendment of said Article 2 Section 2.4 to read as follows:**

Quorum. Except as otherwise provided in these Bylaws, the Articles of Incorporation or the Declaration, prior to the termination of the Class B Member, the presence in person or by proxy of the Class B Member shall constitute a quorum. After the termination of the Class B Member the presence in person or by proxy of the Class A Members holding at least ~~thirty percent (30%)~~ **ten percent (10%)** of the total votes entitled to be cast shall constitute a quorum of the Membership. The Members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough Members to leave less than a quorum. If any meeting cannot be held because a quorum is not present, the Members may adjourn the meeting to a time not less than five (5) days nor more than thirty (30) days from the time the original meeting was scheduled, without notice other than announcement at the meeting. At such second meeting, the presence of Members representing no less than fifty percent (50% of the quorum required at the preceding meeting shall constitute a quorum.

**Vote in favor of change to Article 2 Section 2.4** \_\_\_\_\_

**Vote against change to Article 2 Section 2.4** \_\_\_\_\_

**NOTE: PAGE 4 IS ON THE REVERSE SIDE OF THIS PAGE**



**2023 BALLOT FOR LAVA SPRINGS OWNERS ASSOCIATION CORPORATION**

**PROPOSED CHANGES TO BYLAWS & CC&Rs (Page 4)**

**Declaration of Covenants, Conditions & Restrictions for Lava Springs Subdivision**

**Article V Section 5.7**

Section 5.7 Prohibited Buildings and Activities. No trailer or other vehicle, tent, shack garage, accessory building shall be used as a temporary or permanent residence. No noxious or offensive activities shall be conducted on any Lot nor shall anything be done thereon which maybe or become an unreasonable annoyance or nuisance to the Occupant(s) of the other Lots within the Property by reason of unsightliness or the excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid waste, smoke or noise. No building shall be moved onto a Lot. Boats, recreational vehicles, all terrain vehicles and similar recreational equipment, trailers, riding lawn mowers, and haulers may not be parked on any road within the Subdivision and may only be parked in a driveway on a temporary basis, no longer than twenty-four (24) hours. Any such vehicles or equipment may only be stored on a lot if said vehicle or equipment does not exceed the height of the fence and is stored only behind a fence and behind the back elevation and the side elevation of a home.

**Proposed Amendment of said Section 5.7 of Article V to read as follows:**

Section 5.7 Prohibited Buildings and Activities. No trailer or other vehicle, tent, shack garage, accessory building shall be used as a temporary or permanent residence. No noxious or offensive activities shall be conducted on any Lot nor shall anything be done thereon which maybe or become an unreasonable annoyance or nuisance to the Occupant(s) of the other Lots within the Property by reason of unsightliness or the excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid waste, smoke or noise. No building shall be moved onto a Lot. Boats, recreational vehicles, all terrain vehicles and similar recreational equipment, trailers, riding lawn mowers, and haulers may not be parked on any **private** road within the Subdivision and may only be parked **on a public road or** in a driveway on a temporary basis, no longer than ~~twenty-four (24)~~ **forty-eight (48)** hours. Any such vehicles or equipment may only be stored on a lot if said vehicle or equipment does not exceed the height of the fence and is stored only behind a fence and behind the back elevation and the side elevation of a home.

**Vote in favor of change to Article V Section 5.7** \_\_\_\_\_

**Vote against change to Article V Section 5.7** \_\_\_\_\_

**As required in Article IX 9.2 (b) of the Declaration of Covenants, Conditions & Restriction for Lava Springs Subdivision, by my signature below, I (print homeowner name here) \_\_\_\_\_ acknowledge receipt of the 2023 Ballot for Lava Springs Owners Association containing proposed changes to the Bylaws and CC&Rs and do hereby cast my vote.**

\_\_\_\_\_  
Homeowner Signature

\_\_\_\_\_  
Homeowner Address

\_\_\_\_\_  
Date vote cast