



***Minutes of the Annual Meeting of the Lava Springs Owners  
Association Corporation***

**May 5, 2022**

**I. Call to order**

Bob Patrick called to order the Annual Meeting of the Lava Springs Owners Association Corporation at 6:30 PM on Thursday, May 5, 2022 at Legacy Charter School.

**II. Roll call**

Member roll call was completed via the validated sign-in sheets. There were 65 member homes in attendance, including proxies, as validated by Debra Tortolini, Board of Director and HOA Secretary. The total number of homes represented to meet a quorum of 30% is 84, therefore, and per Section 2.4 of the Bylaws, the Board of Directors was unable to conduct the business of the Corporation.

Bob Patrick, Board of Director and President, notified the attendees that the meeting would be adjourned and advised that per the Bylaws, any member may request that the meeting be adjourned to a date not less than 5 days and no more than 30 days from May 5<sup>th</sup> without written notice to the members. Scott Carl made a motion to adjourn the meeting to June 1, 2022 at 6:30 PM, Harold Curtis seconded the motion, and the majority of members present voted in favor of the change. Buddy Boyd from Legacy Charter School agreed to the use of the facility's gymnasium for the June 1<sup>st</sup> meeting. The members were advised that the Bylaws require the second meeting to have a quorum of 50% of the original 30% which is 42 homes represented.

Bob Patrick let the attendees know that the Board members were available for questions following the meeting and the results of the election and ballot measures would be posted on the website and in the bulletin board by the pool.

**III. Adjournment – the meeting was adjourned for members at 6:37 PM.**

## **RESULTS OF BALLOT MEASURES FROM MAY 5, 2022 ANNUAL MEETING OF LAVA SPRINGS OWNERS ASSOCIATION**

- Bylaws Article 4 Section 4.5 (2nd paragraph) Nomination, Election and Term of Office – proposal for a 2 year term for the Board of Directors
  - **RESULTS – Measure did not pass** – received less than required 3/4 (210 affirmative votes) of total voting power
    - **66 votes in favor and 7 against**
  
- Bylaws Article 3 Section 3.3 (4<sup>th</sup> sentence) Administration – proposal for a 2 year term for the Board of Directors
  - **RESULTS – Measure did not pass** – received less than required 3/4 (210 affirmative votes) of total voting power
    - **66 votes in favor and 7 against**
  
- CC&Rs Article V Section 5.7 – proposal to allow RV parking in a driveway for 48 hours
  - **RESULTS – Measure did not pass** – received less than required 2/3 (186.66 affirmative votes) of total voting power
    - **60 votes in favor and 7 against**

While the votes in favor of all three ballot measures represented a majority of votes collected, they did not meet the threshold of total affirmative votes required per the Bylaws and CC&Rs, see below:

### **Article 7 – Amendments to Bylaws states:**

These Bylaws may be amended by the Corporation at any annual meeting or at a duly constituted meeting of the Corporation for such purpose as provided in the Articles of Incorporation. 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 the Members.

### **Article IX, Section 9.2(b) of the CC&R's states:**

(b) By Owners. Except where a greater percentage is required herein, 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, provided, that so long as the Grantor owns a Lot within the Subdivision, such amendment is approved in writing by the Grantor.