

Questions from February 19th Town Hall Meeting regarding Governing Documents

Written questions were submitted by attendees at the Town Hall Meeting held on February 19, 2005, but not answered due to time constraints. Each question is repeated below, together with its answer.

1. Does approval of new documents require 67% of total population or 67% of quorum?

The revised Articles of Incorporation require 67% approval at a Membership meeting where a quorum has been established by 10% of the eligible members either present or represented.

The revised Bylaws require majority approval at a Membership meeting where a quorum has been established by 10% of the eligible members either present or represented.

Approval of the revised Declaration requires approval by 67% of the eligible membership **by Section**. Votes will be counted by individual sections and the revised Declaration adopted in those sections receiving 67% approval.

2. The current and future lots owned by the LLC (dues paying) which can be voted comprise the largest block of votes by one entity. Given that the revised documents would substantially increase the control of the board over the community, what controls would the community have to prevent a 'developer picked' board from controlling the community and doing harm to the community? Direct and indirectly such as conveying common land or other assets to the LLC at preferential prices?

The revised documents do not substantially alter the authority of the Board. Indeed, the Board's authority is comparable to that already in place under the current governing documents.

The developer has the same voting rights as any dues paying member for lots owned by the developer for which dues are paid. This is true under the current governing documents and represents an issue for the community that is independent of consideration of the revised governing documents. It is the responsibility of the Membership to solicit and elect a Board of Directors that will represent the interests of the Association.

3. Can the board convey unplatted property (ie: common land), and if so what would be the process for the board to do this?

Yes. If selling, with the consent of 67% of the members in a membership vote. If conveying, but not selling, specific notice and a hearing must be held and it can be conveyed with 2/3 majority of the Board members voting.

4. Vehicles cannot be parked on the roads? What vehicles? What roads?

This applies to all vehicles where off-street parking is available. This does allow guests to park in the setback areas of the roads.

5. Who is developer? Miller and Smith? Who will be building and where? Is there any hope before our demise of water and sewer in sec 6A?