

Report of the LCPOA Ad Hoc Committee to Establish Proxy Rules

On November 2, 2022, the LCPOA Board of Directors, in an open session Board meeting, requested a volunteer group of LCPOA property owners to serve on the Ad Hoc Committee to Establish Proxy Rules (the “Committee”) for future LCPOA voting. Six community volunteers were identified at the November 2nd meeting, and a seventh volunteer joined prior to the Committee’s first in-person meeting. The seven members of the Committee were:

Mark McLeavy (co-chair)	Jeff Wax (co-chair)	Fletcher Satterwhite	Barbara Bowers
Steve Marvin	Robert Fairfield	David Boyd	

The Committee worked independent of the Board, but Board President, Cal Westra, served as the liaison to Management (Avalon Management, as represented by Traci Russell) and to the LCPOA legal counsel (as needed).

Committee Charge

Review all 2022 proxies that were counted in the last LCPOA Board of Directors election, review existing LCPOA practices regarding use of proxy voting and identify proposed rules for LCPOA Board of Director consideration with respect to future elections.

Background

The 2022 Board of Director election was determined in large part by proxy voting. In total, the number of LCPOA members entitled to vote in the 2022 election was 887. The Adjourned Annual Meeting required a 25% quorum which was reached with a total of 390 ballots tabulated. Of these 390 ballots, 166 ballots were cast via proxy voting. The top two vote getters received 188 and 178 votes, respectively. The third and fourth place vote getters – neither of which were elected to the Board – received 174 and 126 votes, respectively. And, the top vote getter in the 2022 election was a write in candidate. Thus, 2022 marked the third consecutive year that a Board Director was *likely* elected as a result of proxy voting.

Proxy voting is clearly allowed in the LCPOA By-Laws. See By-Laws, Article II, Section 10. Regulation as to the “manner of execution and filing of proxies and the validation of the same” is expressly identified as a Board of Director function by the By-Laws. The LCPOA Articles of Incorporation do not cover proxies. The CC&R’s for LCPOA do not expressly cover proxies, except to the extent that the CC&R’s state that LCPOA has all the powers identified in, and shall be operated pursuant, to the By-Laws. CC&R Article V, Section (c).

For the 2022 election, HOA Elections of California (“HOA Elections”) was selected to function as the Inspector of Elections. Among their assigned tasks was to determine the authenticity, validity and effect of each of the proxies cast in the election. HOA Elections followed the “Election Rules and Procedures” adopted by LCPOA on May 6, 2020 (a copy of which is attached as **Annex A**). HOA Elections supplied a proxy form that was used by LCPOA in a prior Board election (a copy of which is attached as **Annex B**). Based on their review of all proxies cast, the election of Board Directors was certified by HOA Elections on October 18, 2022.

While the actual vote cast by proxy is secret and not disclosed to LCPOA residents, the fact that a proxy was used to cast a vote for a LCPOA resident is not secret. The LCPOA Board of Directors has in the past reviewed the proxies presented during an election and, the Committee was told, plans to do so in the future.

For the 2022 election, 166 proxies were counted. Copies of all such proxies were received from HOA Elections. These proxies were redacted as to proxy giver signature only. Proxy irregularities were noted as follows:

1. The “Instruction to appoint a proxy holder” near the top of the proxy form specifically requires the proxy giver to identify how he or she would like the proxy holder to vote on their behalf. Three boxes are provided and initials of the proxy giver are required per the proxy instruction. The exact instruction reads as follows: “3. Please **INITIAL** how you would like the proxy holder to vote on your behalf:” (the bolded, all caps word “INITIAL” is shown above precisely how it appears in the instructions).

For the 2022 election, there were only 2 of the 166 proxies where initials were provided. In 3 instances, there were no marks of any kind in this field. In 79 instances, a handwritten mark (an “X” or a “√”) were used. In 82 instances, a pre-printed checkmark was used.

2. The proxy form requires the specific naming of the proxy holder. There is no instruction that permits a named proxy holder to redelegate his or her authority under the proxy to a third person. To the contrary, the relevant instruction provides the following: “The Proxy gives the appointed Proxy Holder the power to represent the Member below at the referenced Annual Meeting in the manner initialed above”

For the 2022 election, there were 94 out of the 166 reviewed proxies where the named proxy holder was crossed out and a new name was written in. In 2 other instances, a second name was added as an “or” without crossing out the first name (which was pre-typed with the “or” on the proxy). There was no instance where any of the alterations described in this paragraph appear to have been approved in writing by the proxy giver (either by initials or otherwise).

3. The proxy form clearly requires the proxy to be completed by the proxy giver. There is a specific instruction on this form that says “This Proxy **MUST** be completed by the undersigned owner on title” (the bolded, all caps word “MUST” is shown precisely how it appears in the instructions).

For the 2022 election, there appeared to be 22 instances (of the 166 proxies reviewed) where, due to the use of different color ink or a pre-typed form, it seemed *possible* that the proxy giver simply signed a blank proxy form and the proxy holder, or some third party, completed the remainder of the form.

Because of the irregularities noted immediately above, the Committee determined that direct contact with all LCPOA property owners should be made. On December 30, 2022, a letter was transmitted by Avalon to all property owners (a copy of which is attached as **Annex C**). The December letter was sent by U.S. mail and by email. An email mailbox (LCPOAProxyCommittee@yahoo.com) was established to receive property owner feedback.

The December letter resulted in 16 emails to the Yahoo account, two replies directly to Avalon’s email blast, and one telephonic interview. In addition, Committee members reached out to LCPOA property owners for verbal feedback. In general, the feedback received from the community questioned the utility and integrity of the proxy process. Sample excerpts from the written email communications received are as follows:

- “I strongly disapprove of the methods . . . use[d] to procure proxy votes.”
- “We had no idea a community member could be elected via proxy when they didn’t run like the rest of the candidates.”
- “Someone used a proxy vote in my name that I never authorized.”

- “They called my cell phone and showed up, un-announce[d] to spread gossip and slander.”
- “The vote selection must be made by the homeowner, not a third party.”
- “I feel proxies in the last election were abused and damaging to our community.”
- “I also believe that residents were misled when a proxy was offered to them.”
- “[I]f the Corporations Code allows it, limit the number of proxy votes that may be assigned to a single eligible voter to no more than five proxies.”
- “I actually would prefer if we could eliminate proxy voting altogether.”
- “[We] are strongly opposed to the lack of transparency with the current proxy system in place for our La Cresta association.”
- “[A]llow a limited number of proxy votes to be carried so one person cannot bring an unbalanced number of votes.”

Two persons replied to the December letter in support of the existing proxy process:

- “Many LCPOA members appreciate those who devote their time volunteering to collect proxy ballots”
- “I am in favor of Proxy Voting as it is currently allowed within the Bi-Laws and California Code.”

The Committee felt that the limited response, while illuminating, did not provide enough feedback to truly understand the views of the LCPOA property owners. Accordingly, on January 24, 2023, a second letter was transmitted by Avalon to all property owners (a copy of which is attached as **Annex D**). As was done with the December letter, the January letter was sent by both U.S. mail and email. A significantly greater number of responses were received with respect to this second communication. Sample excerpts from the written email communications received are as follows:

- “We do not favor proxy voting. If members are truly active and care about their community they will take the time to vote. Proxy voting tends to be a ballot harvesting technique used by those who want their agenda for the community without regards to what the true majority of active members would like.”
- “I was not happy how this last election was won by proxy. We voted based on who was presented to us. We were able to read their qualifications, etc.”
- “I do not prefer to select a proxy to vote for me. I’ll read up on issues and make my own decisions.”
- “We are not in favor of proxy voting. We have concerns regarding the security of such actions.”
- “I was solicited to sign a proxy by my neighbor clearly because they don’t want any money to go into the horse trails. My property has horses, so I was not in agreement with their opinions.”
- “As for signing a proxy, it will never happen again for me.”
- “We both believe proxy voting should be minimized in favor of active community members taking the time to vote.”
- “It is my opinion that the B[oard] should eliminate the use of proxies entirely in any of the Director's elections moving forward.”
- “I’m against the PROXY!”
- “I’m not for proxy voting except in uncontested elections. If there are multiple people running and someone is getting votes for one candidate and no one is getting votes for the other candidates, it does not seem fair.”
- “I would request that the person that is giving their vote be provided with an information sheet regarding what appointing a proxy will mean.”

- “With [a winning candidate] being a write in and getting elected it sounds to me like there was some under the table campaigning. Therefore I feel proxy votes should be handled differently. I feel this was not a fair election.”
- “It seems to me voting by Proxy promotes a very closed and private election. Without the all of the community having the opportunity to vet all candidates and make a decision based on open and honest information feels [n]efarious. It promotes distrust and raises all kinds of questions.”
- “I know proxies have a purpose, but when the system is abused, as it has been in our community, it can lead to corruption.”
- “I do not understand why proxy voting is allowed. It only takes a few minutes to read and complete a ballot.”
- “My experience has shown me that folks who are gathering proxies, can be aggressive in their approach and make assumptions that others hold their same beliefs. It can be difficult to say no to a neighbor or friend for fear of damaging a friendship.”
- “I am against any elections that are determined by proxy. I do not believe that a proxy representative would necessarily represent my best interests.”
- “In my opinion, proxies in our elections should be frowned upon.”

In the second round of comments, responses supporting proxy voting were received as follows:

- “I believe, proxy voting is necessary for which many of our member are new or too busy with their own business that helping the HOA achieve a consensus is helpful.”
- “The ballot only provided me with names and very little information about each candidate and the issues and proposed solutions of the community. I was able to understand some of the issues and potential solutions surrounding the community when they sought my proxy.”
- “I appreciate it when helpful caring folks volunteer their personal time to solicit for a proxy.”
- “I have completed proxies. Simply for the reason that I may not have felt that I had enough knowledge to cast a fair and understandable vote.”
- “Proxies are fine with me. Why are you trying to change old rules. Because someone doesn't like them?”

The Committee met in person on November 18, 2022. Follow-up meetings in person occurred on November 30, 2023, January 18, 2023, and February 22, 2023. Additionally, there was significant exchange of information by email between Committee members. After full and complete discussion among Committee members, and after reviewing the 2022 proxies received from HOA Elections and the email, telephonic, and verbal feedback from LCPOA property owners, the Committee believes that putting in place updated rules regarding proxy use in future elections is of utmost important to ensuring that the will of the LCPOA property owners is actually reflected in the voting for members of the Board of Directors.

Recommendations

There are both general and specific recommendations made by the Committee to the Board regarding the adoption of proxy rules for future elections. The general recommendations are presented in the form of proposed instructions to both proxy givers and proxy holders regarding the expectations associated with proxy voting. These recommendations address the concerns expressed by some proxy givers in the 2022 election that they were unaware that the fact of proxy use was public in nature, or that they did not understand the significance of granting a proxy.

The specific recommendations are rules that the Committee believe should be adopted by the Board to govern future elections. These rules address the concerns expressed by many LCPOA property owners that they felt deceived by the proxy solicitation process and that proxy voting unfairly impacted the outcome of the election.

It is the Committee's recommendation that the failure to follow any of the rules adopted by the Board for proxy voting should result in the invalidation of the offending proxy and the refusal by the Inspector of Elections to provide a ballot with respect thereto.

General Recommendations

The following general instructions and notices shall appear on the face of the proxy form:

1. No LCPOA member has any obligation to give a proxy to anyone. Member voting by supplied ballot is both effective and secure, and eliminates any question that the vote is recorded as intended by the member.
2. Proxies are not confidential. While the vote cast by the proxy holder is done by secret ballot (and, therefore, confidential), that fact that a proxy was given, the name of the proxy giver and the name of the proxy holder are all public and available for inspection by any LCPOA member eligible to vote.
3. Proxies are legally binding for the limited purpose of the election described and should be given only to someone trusted by the proxy giver to vote consistent with the proxy giver's interest.

Specific Rules for Future Elections

The following specific rules shall apply to future LCPOA elections:

1. A vote by ballot or by proxy for a LCPOA Board of Directors election may only be cast for a LCPOA property owner who has been announced and officially listed on the LCPOA ballot so that all property owners are aware of the complete candidate slate for a given election. The Committee intends that this rule should eliminate "write in voting" and election day "nominations from the floor" and the updated LCPOA election rules should make this point clearly.
2. Proxy forms may only be issued by the Inspector of Elections (or the management company currently used by LCPOA, if appropriate) directly to the proxy giver upon request. All such issued proxies would be watermarked to prevent duplication.
3. Completed proxies must be delivered to the Inspector of Elections to be validated no later than five (5) business days prior to the date of the election count.
4. Neither the proxy form, nor any completed and signed proxy, may be altered in any way.
5. Proxies must be issued to a specific proxy holder (or holders) and may not be redelegated by the proxy holder to any third party.

Further Items for Board Consideration

In addition to the General Recommendations and Specific Rules for Future Elections, the Committee feels strongly that the Board should encourage the return of completed ballots for all elections. Incentives like (1) drawing for gift cards among the property owner ballots received, (2) ballot collection gatherings where all officially listed LCPOA Board candidates are invited to attend/speak, and (3) in-person voting gatherings on the day of the election should be considered.

The Committee further encourages the Board to consider adding a new LCPOA standing committee, similar to a Nominating Committee, to solicit candidates for Board elections. This new standing committee could also assist with vetting potential Board candidates, helping candidates prepare position statements for property

owner review, coordinating events to encourage ballot submissions, and facilitating candidate “meet-and-greet” events. This recommendation addresses the concerns expressed to the Committee that property owners may not feel that they have sufficient information to cast an informed vote.

Furthermore, the Committee encourages the Board to request that the LCPOA counsel attend future election counts to ensure voting is conducted consistent with the LCPOA By-Laws and election rules.

Finally, the Committee encourages the Board to explore with Legal Counsel the limitation of the use of proxies for quorum determinations only.

Caveat

No Committee member has expertise in this area of California law. Moreover, the Committee was not provided direct access to counsel. Accordingly, it is the expectation of this Committee that the LCPOA Board of Directors will seek and obtain legal counsel regarding the legality under California law of the changes suggested above.

Annexes

- A. LCPOA Election Rules and Procedures (as used in the 2022 Board of Director’s election).
- B. LCPOA Proxy Form (as used in the 2022 Board of Director’s election).
- C. The Committee’s initial contact letter to all LCPOA property owners, dated December 30, 2022.
- D. The Committee’s follow-up contact letter to all LCPOA property owners, dated February 24, 2023.

Unanimously submitted to the LCPOA Board of Directors on February 23, 2023.

LA CRESTA PROPERTY OWNERS ASSOCIATION**ELECTION RULES AND PROCEDURES**

1. **Application of Rules:** These rules shall apply to any meeting of the membership or solicitation of membership approval by a ballot vote (i) regarding matters specified in California Civil Code Section 5100(a), and (ii) any other matter unless the Association's Board of Directors has elected to conduct such vote or solicit such member approval for such other matter in accordance with California Corporations Code Section 7513, in which case the provisions of (A) Corporations Code Section 7513, (B) the Association's Bylaws, and (C) other applicable provisions of the California Corporations Code will apply to the exclusion of these Election Rules and Procedures. The Election Rules contained herein are intended to be in compliance with Civil Code Section 5100 et seq., and should be interpreted as such.
2. **Membership Voting:** Pursuant to the Association's governing documents, every person who acquired title, legal or equitable, to any lot in the Development shall become a Member of the Association. Each owner shall be entitled to cast one (1) vote for each lot owned. When more than one (1) Person owns any lot, all of those Persons are Members. The vote of such lot shall be exercised as they among themselves determine in accordance with the Governing Documents, but in no event shall more than one (1) vote be cast for any lot.
3. **Record Dates:** In the absence of a specific resolution of the Board for any given election, the record date for determining the right of a Member to receive notice and to vote shall be the date that ballots are distributed, and shall include all separate interests reflected in the Association membership list as of such record date. Members may verify and update their individual information contained in the Association's records anytime up to the date ballots are distributed, and are encouraged to review their personal information by the deadline set for submitting nominations of candidates to ensure Members review their personal information at least thirty (30) days before the ballots are mailed. The voter list shall include for each separate interest: (1) name; (2) voting power; (3) the separate interest address, parcel number or both; and (4) the mailing address, if different. The voting period shall start when ballots are distributed and shall close when the ballots are counted. The polls shall close for any Member vote as specified in the ballot materials or as determined by the Inspector(s) of Election at any Member meeting.
4. **Candidate Qualifications:** The affairs of the Association shall be governed and managed by a Board of Directors composed of five (5) Persons. The Directors shall be elected to serve a term of two (2) years. The Directors will be elected at the annual lot owners meeting. Three (3) Directors shall be elected in the odd numbered years and two (2) shall be elected in the even numbered years.

Subject to Civil Code §5105, all Candidates for the Board must meet the following qualifications:

- a. The Candidate must be an Owner. If title to a separate interest is held by a legal entity, such entity may appoint a natural person to serve or vote on such entity's behalf by delivering evidence of an appropriate written appointment to the Association;

Adopted May 6, 2020

- Adopted May 6, 2020*

In the absence of more restrictive limitations adopted by the Board for any particular matter, each Candidate and/or Member shall be limited to no more than 200 words for any one publication. The Board may, in its sole discretion, present a candidacy questionnaire with questions for all interested Candidates and/or Members to complete. If such a questionnaire is provided, then the Association will only print the answers to such questions and may impose a limitation upon the number of words for the response to any question presented.

9. **Proxies:** Every person entitled to vote or execute consents shall have the right to do so either in person or by one or more agents authorized by written proxy executed by such persons or his duly authorized agent and filed with the Secretary of the Association. In order to be valid, proxies must satisfy the requirements of California Civil Code Section 5130. The granting of a proxy shall not authorize the retrieval of any ballot previously cast. Ballots, once cast, are final and irrevocable.
10. **Availability of Meeting Space:** Access to common area meeting space shall be made equally available, at no cost, to all Candidates and/or Members desiring to use such space for any reason reasonably related to a membership vote. The Association may meet the requirements of this section by hosting a “Meet the Candidates Night”, or other such special meeting, so long as every Candidate and/or Member is provided with an equal opportunity to participate in the event.
11. **Inspector(s) of Election:** Prior to the presentation of any issue to the Members for a membership vote, the Board may appoint one (1) or three (3) Inspector(s) of Election. In the absence of a specific appointment by the Board, or in the event that an appointed Inspector is unable or unwilling to serve, then the Members in attendance at any duly held meeting of the Members at which a quorum is present may elect an Inspector or Inspectors to serve.

Any Inspector(s) of Election must be an independent third party. An independent third party may not be a person, business entity, or subdivision of a business entity who is currently employed or under contract to the Association for any compensable services other than serving as an Inspector(s) of Election. An Inspector may not be: (1) a Director; (2) a Candidate; (3) a Director’s relations; or (4) a Candidate’s relations.

The Inspector(s) of Election may appoint and oversee additional persons to verify signatures and to count and tabulate votes as the Inspector(s) of Election deem appropriate, provided that the additional persons satisfy the eligibility requirements for service as an Inspector of Election.

In the absence of a more specific determination by the Inspector(s) of Election, the Association’s management company shall prepare and retain the association election materials (i.e., the candidate registration list, voter list, ballots, signed voter envelopes, and any proxies) for a period of three (3) years following any election.

Inspector(s) of Election shall perform all duties impartially, in good faith, to the best of their ability, as expeditiously as practical, and in a manner that protects the interest of all Members of the Association.

12. Meeting Conduct: Any counting of ballots shall be done at an open meeting of the membership or the Board of Directors. Any Candidate or Member may observe the count, but shall stand at least five feet away from the Inspector(s) of Election. No person may harass, cajole or otherwise interfere with the Inspector(s) of Election while the count is taking place. Persons not specifically authorized to do so may not touch any secret ballot or other election materials. All ballots will be made available for inspection by any Candidate or Member during regular business hours at the Association's management office once the meeting is concluded. Any person violating this section may be asked by the Inspector(s) of Election or the meeting chair to leave the meeting to prevent further disruption.

Important Proxy Voting Instructions

There has been a Ballot mailed to each member to vote for the Election of Directors however, your Election Rules allows vote by proxy. Because of the potential for election fraud, it is imperative that you trust that your proxy holder will act in good faith on your behalf. While the Proxy Holder is instructed by you on how to vote there is NO way to verify whether or not the Proxy Holder has done so. HOA Elections of California recommends that Proxies are not used due to the ease in which the Proxy Holder can vote in their own best interests. **As Election Inspectors, we highly recommend that you mail your ballot to us directly and do not vote via Proxy. If you have lost your ballot, please request a new one at <https://hoaelections.net/need-a-replacement-ballot>.**

The use of proxies cannot be used in lieu of a Ballot. As required by the Davis-Stirling Act, the proxyholder **MUST** be a **MEMBER** of the Association (Civ. Code §5130(a)(1).) For the purposes of a proxy, a member is by definition the member on title of the property entitled to vote. **A proxy must be filled out by the member on title (proxy giver).**

The proxy holder must submit the proxy to the Inspector of Election, and to vote on the ballot provided for the returned proxy. They are to vote each ballot exactly as directed by the member on the second page of the proxy.

A proxy is revocable and, therefore, shall not be valid if the member (the "proxy giver"), is present at the meeting and chooses to revoke the proxy at that time. Additionally, if the member votes on an Irrevocable Secret Ballot, a proxy shall be automatically invalidated.

*****REMINDER*****

THE ELECTIONS INSPECTOR WILL NOT BE ABLE TO VERIFY WHETHER YOUR VOTE WAS CAST AS INSTRUCTED

Instructions to appoint a proxy holder:

1. Fill in the name of the appointee (proxy holder). **The appointee must be a member of the Association.**
2. Fill in your name, property address, the date which you are completing the form, and sign. **You must be a member/owner on title.**
3. Please **INITIAL** how you would like the proxy holder to vote on your behalf:
 - _____ **Quorum Purposes Only:** no voting will be done.
 - _____ **Proxy Holder's Discretion:** you entrust the proxy holder to vote on your behalf, using their own discretion.
 - _____ **Instructed Proxy:** you indicate how you would like the proxy holder to cast the vote on your behalf, however, **the Inspector of Elections CANNOT verify whether this was done.**

LA CRESTA PROPERTY OWNERS ASSOCIATION REVOCABLE PROXY

The undersigned member(s) of the La Cresta Property Owners Association hereby revokes all previous proxies and acknowledges receipt of the notice of the members for the Annual Meeting to be held on September 25, 2022, or any adjournment thereof and appoints:

_____ as Member's "Proxy Holder".
(Print appointee name here)

This Proxy gives the appointed Proxy Holder the power to represent the Member below at the referenced Annual Meeting in the manner initialed above and set forth on the second page of this Proxy. Any act of the Proxy Holder taken pursuant to this Proxy shall have the same effect as if the Member was present and so acting.

Please note you must give a separate proxy for each lot you own. This proxy holder should vote as instructed on the attached second page. The Inspector will only verify that the directions on page two match your initialed choice above and then provide a blank ballot/envelope to the proxy holder at which point there is no way for the Inspector of Elections to verify that the proxy holder has voted per your instructions as the Proxy Holder.

This proxy will be turned in by the PROXY HOLDER to the Inspector of Elections.

Notes:

1. This Proxy **MUST** be completed by the undersigned owner on title.
2. This proxy supersedes all proxies previously issued for the property indicated below.
3. This proxy is revocable and, therefore, shall be of no effect if the undersigned is present at the meeting and revokes the proxy at that time. *Additionally, if the undersigned votes on an Irrevocable Secret Ballot, this proxy shall be of no effect.*
4. Proxies cannot be mailed to the Association inside ballot envelopes.

Print Last Name, First

Signature

Property Address

Executed this _____ day of _____, 2022.

LA CRESTA PROPERTY OWNERS ASSOCIATION
REVOCABLE PROXY FOR THE SEPTEMBER 25, 2022, ANNUAL MEETING

☐ **I: QUORUM PURPOSES ONLY**

No votes will be cast and the Member's Irrevocable Secret Ballot will be counted towards quorum purposes only. If this box is checked, the Proxy Holder will not vote on any measure below.

☐ **II: PROXY HOLDER'S DISCRETION**

The appointed Proxy Holder may act on behalf of the Member and cast their vote(s) by Irrevocable Secret Ballot as the Proxy Holder deems proper. If this section is selected, no votes shall be instructed below in Section III.

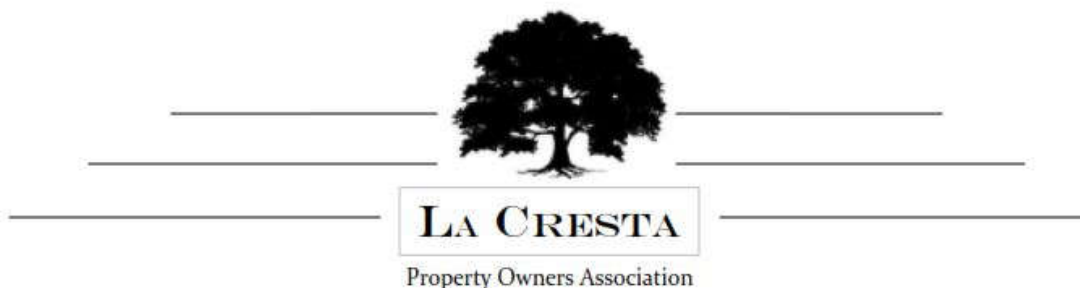
☐ **III. Instructed Voting**

On the Member's Irrevocable Secret Ballot, vote for the following measures must be cast as instructed below:

I. ELECTION OF DIRECTORS: There are two (2) Board Seats to be filled. Cumulative voting is permitted. You may cast all votes for one candidate or distribute the votes among the candidates. *Denotes incumbent.
(1 shade circle = 1 vote)

The total number of shaded circle(s)
may NOT exceed two.

David Jahanbakhsh	<input type="radio"/>	<input type="radio"/>
Steven Johnson	<input type="radio"/>	<input type="radio"/>
James Kramer*	<input type="radio"/>	<input type="radio"/>
Jonathan Pittard	<input type="radio"/>	<input type="radio"/>
Emilio Rodriquez	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>
(Write In)		
_____	<input type="radio"/>	<input type="radio"/>
(Write In)		



LCPOA Ad Hoc Advisory Committee to Establish Proxy Rules

December 30, 2022

Dear LCPOA Property Owners,

The LCPOA Ad Hoc Advisory Committee to Establish Proxy Rules (the “Committee”) was established by your current LCPOA Board of Directors (the “Board”) to review existing LCPOA practices regarding the use of proxy voting and identify proposed rules for Board consideration with respect to future elections. To accomplish that objective, we would greatly appreciate your assistance.

As you may know, proxy voting is allowed under the existing By-Laws and the California *Corporations Code*. The 2022 election was determined in large part by proxy voting. In total, 887 LCPOA members were entitled to vote in the 2022 election. A total of 390 ballots were tabulated, 166 of which were cast via proxy voting.

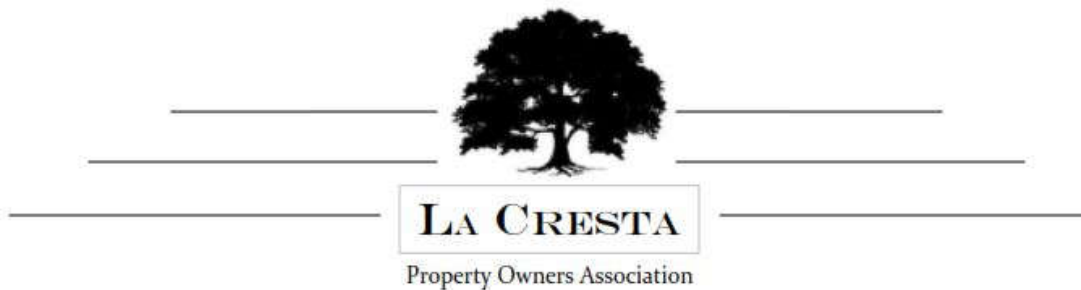
These numbers demonstrate that enough ballots were cast by proxy to heavily influence the outcome of the election. Because of the importance of proxy voting in LCPOA elections, the Board wants to ensure that the proxy process complies with the By-Laws and California law, gives the Inspector of Election adequate time to review and tabulate all proxy forms and ballots, and allows the election to be completed in a reasonable time.

The Committee invites your written comments on the proxy process. If you would like to offer your perspective to the Committee regarding proxy voting, please reach us by email at LCPOAProxyCommittee@yahoo.com.

We look forward to hearing from you.

Respectfully,

Mark McLeavy and Jeff Wax
Co-Chairs of the LCPOA Ad Hoc Advisory Committee to Establish Proxy Rules



LCPOA Ad Hoc Advisory Committee to Establish Proxy Rules

January 24, 2023

Dear LCPOA Property Owners,

On December 30, 2022, we wrote to all LCPOA property owners to introduce the LCPOA Ad Hoc Advisory Committee to Establish Proxy Rules (the "Committee") and to provide a contact email address for use in expressing views on proxy voting in LCPOA elections.

Several property owners reached out to us to offer comments. Those comments were very helpful as the Committee works to prepare its report for the LCPOA Board of Directors (the "Board").

On January 18, 2023, the Committee met and decided that further input from the community might help us better understand why proxies were either used, refused or not considered. Specifically, we would like to hear from you with respect to the following topics:

- Have you provided proxies for past elections? If so, what were your reasons for doing so as opposed to completing and mailing the ballot yourself?
- Have you ever been solicited to provide a proxy but declined to do so? If so, why did you decline to provide a proxy?
- Please provide any comments you have on elections that are determined in large part by proxy voting.

Please reach out to us at LCPOAProxyCommittee@yahoo.com to provide your feedback. If a telephone call is easier for you, please send us an email with your contact information and provide a preferred contact time. A Committee member will reach out to you promptly.

We look forward to hearing from you.

Respectfully,

Mark McLeavy and Jeff Wax
Co-Chairs of the LCPOA Ad Hoc Advisory Committee to Establish Proxy Rules