

# **NOTICE OF FORUM TO DISCUSS PROPOSED BALLOTS FOR UPDATE OF CC&Rs AND BYLAWS FOR BELL CANYON**

January 7, 2019

Dear Bell Canyon Homeowner:

The CC&Rs and Bylaws Amendments Committee is writing to alert you to an important homeowner meeting scheduled for January 27, 2019, at 2:00 PM in the Social Hall, at which the Committee will present the proposed ballots for the (i) Secret Ballot Amending Declaration of Covenants, Conditions and Restrictions, and (ii) Secret Ballot Amending Bylaws. Copies of these draft proposed Ballots are enclosed herewith. These Ballots will present a once in a generation opportunity to update our CC&Rs and Bylaws to reflect:

1. updated operations and standards within Bell Canyon;
2. the governing policies and procedures the Community wishes to see incorporated into its Governing Documents; and,
3. changes in California law over the many decades since these documents were last amended.

At this Forum, the Committee will present the result of its work on the CC&Rs and Bylaws and will solicit your input before the Ballots are finalized and submitted to you for a final vote. The Committee has spent more than 18 months working on these materials, during which it solicited and considered input from homeowners, Board members and legal counsel as well as reviewing the existing documents and applicable California law. The Committee has attempted to identify higher priority items and to put them in a form that allows homeowners to understand the proposed changes and to vote on each independent of the others. The Committee is very interested in hearing your thoughts about the content and format of these proposed documents before they are placed in final form for a vote to be had later in the year.

If you only have time for one meeting in your schedule, it is critical that you make room for this Community Forum. The changes to the CC&Rs and Bylaws will affect the foundational documents of Bell Canyon for years to come. Participation at the Forum will be your chance to personally affect the manner in which Bell Canyon and its governing Board operate. As an example, some of the important topics considered in the proposed amendments include:

- FIRE PREVENTION, BRUSH AND RUBBISH CLEARANCE
- SIZE OF BCA BOARD (9 VS. 7)
- TERM LIMITS FOR DIRECTORS OF THE BOARD
- PROTECTION OF VIEW PROVISIONS

- ESTABLISHMENT OF A LEGAL COMMITTEE TO ASSIST THE BOARD
- UPDATE OF ARCHITECTURAL COMMITTEE OPERATIONS AND QUALIFICATIONS
- REDUCTION OF SUPERMAJORITY REQUIREMENTS FOR FUTURE MODIFICATIONS
- ELIMINATION OF PROXIES
- ELIMINATION OF CUMULATIVE VOTING
- INDEPENDENT ELECTION OVERSIGHT
- RESTRICTIONS ON ACCESSORY BUILDINGS
- SIZE OF FRONT YARD EASEMENTS
- PROHIBITION AGAINST RESIDENTIAL DRONES
- PROHIBITION AGAINST MEMBERS (NOT BOARD) TAPING MEETINGS
- RULES AND RESTRICTIONS RE DUAL DIRECTORSHIPS ON HOA AND CSD BOARDS

As will be further explained at the Forum, the Ballots will provide the residents with the ability to vote for or against each of the proposed modifications as an individual proposition, and there is no requirement that the Ballot pass or fail in its entirety as an integrated proposal. Therefore, each vote on each matter will be critical and it will be important that your voice is separately heard on each matter put before you. Also, if some matters pass by a majority of votes, but not the supermajority required by the existing governing documents, this may trigger a court hearing process that will entail more time and attorneys' fees. Therefore, it is important that we have full participation in the voting process by all homeowners in Bell Canyon. **Please join us for this important meeting.** The Committee is anxious to receive your feedback and input on our work and to get your help in making sure that we present the best possible proposals to our neighbors for their consideration.

Following the Forum, the Committee will review comments received and further revise the draft Ballots as may be appropriate. The draft Ballots will then be submitted to HOA counsel to finalize. The Ballots will then be submitted to the Board at which time the Board will be asked to set a date for a formal vote by Members.

**In advance of the Forum, should you have any questions, please submit them to Michael Glassman by phone at (757) 373-2246 or in writing addressed to michaelglassman@yahoo.com.**

Respectfully submitted,

*Michael Glassman*

Committee Chairman: Michael Glassman on behalf of the Committee

Committee Members: Dennis Roy—Vice Chair; Cindy Hoffmann; Ginger Oldham; William Raff; Azam Sher; Ian Shrago; Katherine Stark