

Welcome to The La Crestan

President's Message by Stan Kensic

Recently, I received a complaint that the Board is not addressing the concrete spills on Avenida La Cresta's steep hill near the entrance. It has been a relevant subject, with the Road Committee reporting as recently as the February and March open meetings. The Board and Road Committee attempted in February to remove the spills, using a contractor who specializes in concrete repair, removal and grinding. However, the test was determined to be ineffective and cost prohibitive. The contractor recommended removal by a work crew with hammers to chip the material off the surface. At this time, your Board is awaiting recommendations from the Road Committee. In addition, it would be great to have those who frequently experience the nuisance volunteer to help resolve the problem. Contact me or Chuck Whitney to volunteer.

Although the gate issue has repeatedly been addressed in prior messages, I want to make a couple of comments on some lingering issues. A few individuals consistently portray efforts of the Board on the gating in a negative light, suggesting that the Community/LCPOA Members do not or *did not* support past gating efforts. Boards, since 1998, have opted to gate the community. Board candidates have run their campaigns, clearly stating their positions. The Community, through their votes for the candidates, has historically selected a majority of Board members who are proponents of a gated community. In effect, the Community continues to send a message through their elected Board members to pursue building an entry gate.

Another criticism from this vocal minority revolves around the "vacation" of our roads, which is a County-stipulated step in the gating process. Part of the protocol is a poll from the County, asking for a vote from LCPOA and adjacent property owners. The official County-facilitated poll resulted in 80.3% "in favor" of the vacation. In addition to the vote, property owners were given an opportunity to make their voices heard at a public hearing before the County Board of Supervisors. Not one LCPOA member raised an objection. The only objection heard that day was a non-property owner from Riverside, who opposed the change because he feared the Spanish street names would be changed. I attended those hearings, witnessed this first hand and came away with a clear understanding of the Community's majority desire.

Subsequently, in March 2004, the County granted the road vacation. Later that year, the LCPOA Board voted unanimously to gate La Cresta. An easement agreement to secure the safest and most logical gate location was executed with the Trails Association, allowing for (but not requiring) the construction of an entry gate, to be maintained and managed by LCPOA.

Where did the Board get their authority to move forward with this decision? Two legal firms were queried to insure that this was appropriate and legal. It was explained that, although the Association has CC&R's with specific mandates, the Board also derives its authority from the CA Corporation Code and from the Davis Stirling Act. Both empower Boards to carry out functions that benefit the communities they serve. Case law also cites precedence with examples of Boards entering into agreements outside the boundaries of their Associations. In summary, the Board acted on legal advice before executing an Easement Agreement with The Trails.

During these times of dramatic propaganda, it is imperative to form your own opinions based on truth and record. Innuendo, misstatements and half truths harm the reputation of our Community and can cause a negative and significant impact on property values and goodwill. Maybe the complexity of Property Owner Association law adds to the confusion. The California Law Revision Commission points out that "...a homeowner who knows about the Davis-Stirling Act but is ignorant of Corporation Law will have an incomplete understanding of governing law...and how the two sources are intended to interact." Thus, education and involvement by community members is critical.

Confusion could also be caused by our legacy CC&R's, written in 1969. As laws and the dynamics of our community have changed, the CC&R's are outdated and in need of revision. We are no longer a primarily agricultural community, and have evolved into a community of residential homes with acreage, used for a variety of recreation and/or farming. The Davis Stirling Act was implemented in 1985, did not exist when our CC&R's were drafted and often now supersede our CC&R's. A classic example is the recent election changes made by the Act. The new election changes supersede our requirements, yet the CC&R's outline a different set of election rules. In all cases, the Davis Stirling Act is enforced over the CC&R's of an HOA/POA.

So why the bad press lately? Generally, we have a small and predictable number of agenda-driven activists who attend the Board meetings. This group is not representative of the Community at large. While the few are often the most vocal, I personally believe the majority of LCPOA -members are satisfied with the decision-making process of their elected Board. I and my fellow Board members are always interested in hearing from the silent majority, so I encourage you to attend the meetings. Make your voice heard on topics like:



- ? Do you want us to chart a course of action that will add value to our community?
- ? Do you want us to continue developing the community along the theme of being an Equestrian Community?
- ? Do you want enhanced traffic control measures such as an entry gate?
- ? Maybe you want us to work on getting a Community center or to update the CC&R's.
- ? Maybe you want the Board to govern and let you decide at election time that is or is not doing what you want.



Before closing, I would like to share a story for newcomers. When I moved to La Cresta nine years ago, the big issue was the resurfacing of Avenida La Cresta, which was a mess – falling apart with pot holes and ruts. You couldn't drive on it without having to take your car in for frequent wheel alignments. The Board at that time tried to get the road re-paved but was short of money. A proposal was made to obtain a loan for the project. Loud cries were heard from some of the same people who are critical of the Board today, saying this was illegal and outside the scope of the CC&R's. The Board procured legal opinions, which showed that they clearly have this type of decision-making authority. I watched the Board exercise their decision to finance the road and was impressed by their courageous demonstration of leadership and insight into what was in the best interest of the community. Thank goodness for their courage, as our main transportation artery was saved.

Sadly for La Cresta, it has become clear that the constant "Bash the Board" messages are delivered by the same cell of "Monday morning quarterbacks". Nothing is done right for them and nothing ever will be. That is simply their mentality. Please remember that those who appear to have all the answers are often the ones who possess the least amount of knowledge and often have the gift of "the spin". Their attempts to influence others' opinions may represent motives that are not in your best interest. It is easy for those who do not have to be responsible for the end result to be generous with their advice.

Your elected board members are responsible for the end result and intentionally proceed with caution.

Purpose & Power of the LCPOA Howard Ogden, Vice President of LCPOA Board

There have been many opinions over the years regarding the purpose and powers of the LCPOA. The CC&R's and Articles of Incorporation are quite clear and opinions cannot change the intent of these documents.

Boise Cascade bought this area from Kaiser-Masco and recorded our set of CC&R's in 1969. There was never any specific developer to bring the infrastructure necessary for residential growth (initially zoned Residential Agricultural -20 (RA-20) later amended to RA-5). At that time, no one was considering anything but agricultural uses to lure investors by the initial tax credits and write-offs associated with grove development.

CC&R's Section V (b): "The general purpose of the Association is to further and promote the community welfare of the property owners in the Development and to provide for the maintenance, repair and upkeep of the private roads, drainage improvements, slope easements, temporary water facilities and fire protection retreat areas within the boundaries of the Development."

Articles of Incorporation: The articles of Incorporation restate the purpose of the LCPOA with additional restrictions. A California Nonprofit Mutual Benefit Corporation was established in 1988. "With the expressed purpose of maintenance, repair and upkeep of the private roads, drainage, slope easements, water acquisition areas, and fire retreat areas within the boundaries of the La Cresta Development, County of Riverside, California." The article of incorporation also state: Notwithstanding any of the above statements of purpose and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not furtherance of the specific purpose of this corporation. Some limitations and interesting facts:

- ▶ The Association shall not spend substantial sums of memberships funds outside the boundaries of the LCPOA.
- ▶ Annexation only to the existing development within one year of August 7, 1969
- ▶ Special Assessments for Capital Improvements exceeding \$1,000 may not be levied by the board without the consent of a majority of owners.
- ▶ Guidelines do not modify the CC&R's but detail that which is outlined in the CC&R's.
- ▶ Modification, Amendment or Cancellation of any CC&R requires approval of 55% of the total area. Bylaw changes require 75% of voting power.
- ▶ Cannot enter into easement agreements outside the boundaries of the LCPOA.
- ▶ Board Policy Sept 1985: The Property Owners will not maintain any roads made necessary by the subdivision of any existing lot or lots.
- ▶ \$1 per acre was allocated for trail maintenance, later increased to \$2; CC&Rs, Articles of Incorporation or Bylaws do not provide for trails.
- ▶ The Visitors Center was established by a vote of the membership.

LCPOA members are given a copy of the amended Covenants, Conditions and Restrictions with the By-Laws and Architectural Guidelines at the close of escrow. Resolutions are mailed by the Management Company to members.

CHANGES OF THE PURPOSE AND POWERS OF THE LCPOA ARE UP TO THE MEMBERSHIP, NOT THE ELECTED BOARD MEMBERS.

Communications Committee Asks:

Are you on the LCPOA email list? Have you Opted In for the Directory? If not, email: webmaster@lcrestapoa.org and visit www.LaCrestapoa.org often! Stay plugged in!



Spring is Springing all around us! The fire department will be touring the Plateau looking for brush violations. We also have some Spring fun around the corner!

April 21st is La Cresta Clean Up & April 28th is the famous Plateau Garden



GOT DIRT?

Road Committee *Chuck Whitney, Chair*

If you are doing some grading, digging a swimming pool, or you just want to get rid of that pile of clean, rock free dirt give Dave Smith a call at 677-9317. The Road Committee will use it to build up some of the road shoulders that have washed away over the years.

As many have noticed we have finished the rehabilitation of Via Majorca from Via Baya to Via Vista Grande. In Mid April Avenida La Cresta will receive a fresh coat of Slurry to extend the life of the asphalt roadway. In addition, the Road Committee developed a new Five Year Plan and forwarded it to the Board of Directors. We hope to continue to rehabilitate as much roadway per year as the budget will permit.

www.LaCrestapoa.org

Your source for News, Alerts, Classifieds, Contacts, AC downloadable docs & more!

Trails Committee *Marge Etchandy, Chair*

Your Trails Committee has been hard at work getting new trail easements and Rights to Pass.

- Kelly Smith & Steve Fulgham are donating a trail easement which will ensure permanent access from Vista del Bosque to Los Alamos Canyon. Los Alamos Canyon is priceless, running next to the forest, with Companero on one end and Hombre Lane/Via Serena on the other.
- Carolyn & Ken Drake gave an easement which will keep us safely off the roadway by giving an interior access from Bonita to Lobo.
- Craig & Tony McAllister set their fences back at Paseo de Flores and Ave La Cresta.

Please everyone, thank these individuals for their generosity. If you are willing or know someone who may be willing to move fences, set new fences back, give a permanent easement or a right to pass, contact your Trails Committee. If we all work together, we can create a safe, interconnecting, value-enhancing trail system!

Architectural Committee *Linda Bertorello, Chair*

For the first quarter of 2007, the Architectural Committee (AC) reviewed a total of 73 plans with 89% being approved and 11% being denied with a request for additional information. Of the 73 plans, 4 were for houses, 14 were for grading, 16 were for outbuildings, 12 were for fences/entry gates, and 27 were for miscellaneous projects.

The new La Cresta web site (lcrestapoa.org) has a wealth of information available to property owners regarding the information required for AC plan submittals or to file a complaint. The Architectural Guidelines, application forms, complaint forms, fee schedule, etc. can be found under "LCPOA Public Docs" and can be downloaded in PDF. Watch the web site for new features and information relating to the AC.

Upcoming AC meetings in April, May, and June are: April 7 & 22; May 5 & 19; and June 2, 16, & 30.

Please remember -- in order for plans to be reviewed at any of these meetings, they must be delivered to Equity Management by 5 P.M. on the Thursday before the meeting.

Beautification Committee *Marion Hansen, Member*

It's time again for our annual spring effort to pick up roadside litter in our community. Saturday April 21 is the big day. Please mark your calendars and come to Centro & Arboles at 7:30am for doughnuts, juice, coffee, visiting with your friends & neighbors and meeting newcomers. At 8:00am street assignments will be made, trash bags distributed and off you go to improve and clean our environment. Wear appropriate shoes, gloves & bright-colored clothes.

All members of your family, as well as visiting friends are welcome. In addition to a lot of fun, this activity qualifies for volunteer community service hours for teens.

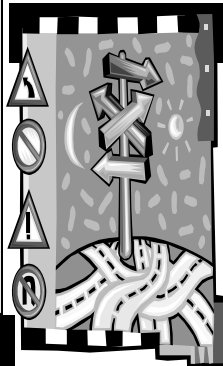
Our Spring Cleanup is especially important because it will be exactly one week prior to the Santa Rosa Plateau Foundation's annual fundraiser, the Plateau Garden Tour on April 28th, when hundreds of visitors will be touring selected outstanding gardens in various areas of the Plateau.

The Spring Street Cleanup is sponsored by the LCPOA Beautification and Road committees. Last October we had a great turnout and we're hoping for even more willing

Safety Committee *Gidget Thompson, Chair*

Gidget and her team have been working with other LCPOA committees to assure that Safety is Priority One in La Cresta.

They are finalizing Firesafe Areas and coordinating maps to be included in the new Directory, due out early Summer 2007. Safety Committee has also secured a great deal on Solar Address Lights, which the Fire Department recommends. They are only \$22! Call Gidget to get yours! In addition, Safety and Road Committees are installing Bot Dots to identify every La Cresta fire hydrant.



SANTA ROSA PLATEAU RIDING CLUB SRPRC President Steve Smith

Barn Dance June 2nd We are looking for donations to auction or raffle!

This is our big fundraiser for the year and everyone on the Plateau is invited. Please contact me at 698-7896 if you have any products or services that you would like to donate. \$30 ticket includes filet mignon dinner with all the fixins, dancing to a live band, dance lessons, etc. Last year we had around 350 people. This year we expect more.

Please contact Linda Smith at 698-7896 for tickets—price will increase at the door.

The Rattlesnake clinic will be held Friday June 15th and Saturday June 16th at Arboles & Centro (La Cresta Fiesta/Walker lot) Get your dogs registered asap, as the schedule fills up quickly. We had to turn away a number of our neighbors last year because they waited too long to make a reservation. Please contact Elin Motherhead at 677-9849 to make your reservation.

Remember, many of the Plateau's trails exist due to the generosity of the owners allowing access. Please be considerate.

The trails are currently in excellent condition so get out there & enjoy the beautiful plateau trails. Please the SRPRC board if you are aware of any trails that require work.

THE LA CRESTAN

OFFICIAL NEWSLETTER
FOR
LCPOA

c/o Equity Management
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webmaster@lacrestapoa.org



Mailing Address Line 1

Mailing Address Line 2

Mailing Address Line 3

Mailing Address Line 4

Mailing Address Line 5

Save these Dates:

- ☑ *1st Wednesday of the month—LCPOA Board Meeting*
- ☑ *2nd Monday of the month—Friends of the Forest & Plateau*
- ☑ *2nd Tuesday of the month—SRP Riding Club Potluck*
- ☑ *2nd Wednesday of the month—Ladies Luncheon*
- ☑ *3rd Monday of the month— FireSafe Council Meeting*
- ☑ *Saturday April 21st LCPOA Clean Up Day*
- ☑ *Saturday April 28th Plateau Garden Tour*
- ☑ *May 13th MOTHERS DAY*
- ☑ *June 2 SRPRC Barn Dance*
- ☑ *June 15 & 16 Rattlesnake Clinic for dogs*
- ☑ *4th of July Parade & Talent Show—a great day in LC!*
- ☑ *Monthly SRP Riding Club Rides & Lunch*
- ☑ *Monthly—Another opportunity to donate a trail easement*
- ☑ *Daily—Another day in Paradise!*

Volunteers at Work for La Cresta

LCPOA Board of Directors

President:	Stan Kensic
Vice President:	Howard Ogden
Secretary:	Judy Pittman
Treasurer:	Fletcher Satterwhite
Member at large:	Michael Ghafouri

Committee Chairs

Architectural (A/C):	Linda Bertorello
Beautification:	Dierk Peters
Communications:	Kelly Smith
Gating:	Vince Scarpino
Roads:	Chuck Whitney
Safety:	Gidget Thompson
Trails:	Marge Etchandy
Welcoming:	Buytenhuys'