

February 4, 2026

Re: Concerns re Pool Usage Vote

Dear Members of the PUD Board
President Jim Stubbs
PUD General Manager:

This letter is in response to the recently distributed letter from Jim Stubbs to PUD homeowners describing the upcoming “Pool Usage Project Vote” and the actions the Board may take based on its outcome.

I appreciate the effort that has gone into studying pool usage and costs, as well as the outreach conducted through meetings and presentations. My concern, however, is not with the process undertaken to gather input, but with the **legal effect of the vote as described** and the manner in which it is being presented to the membership.

The PUD’s letter expressly states that the vote being requested “is not in any way an effort to change our CC&Rs.” That statement is significant. Under the IR PUD CC&Rs and California law, the common-area pools are subject to recorded, non-exclusive easements of enjoyment in favor of all owners. Any action that permanently removes, repurposes, or otherwise impairs those easement rights requires a **properly approved and recorded amendment to the CC&Rs**, adopted by the required membership vote.

A vote that does not amend the CC&Rs, regardless of how it is characterized, cannot lawfully authorize:

- the elimination of common-area pools,
- the impairment or extinguishment of member easement rights, or
- the conveyance of pool parcels free of those easements.

Absent such an amendment, the pool parcels remain encumbered, and any attempted sale or permanent repurposing would raise substantial legal and title issues, including the inability to convey clear, marketable, and insurable title.

In addition, the mailing goes beyond neutral notice by presenting a single, detailed plan for pool repurposing, including projected savings, phased implementation, and anticipated future Board actions. The mailing does not, however, address the legal limitations of the vote or provide an equal opportunity for opposing viewpoints to be communicated through the same association channels.

In this context, I respectfully note that California Civil Code §5105 requires equal access to association communication channels when a membership vote is conducted, so that members may fairly consider differing perspectives before casting their ballots.

Accordingly, I respectfully request that the Board clarify for the membership, before ballots are cast:

1. Whether the Board intends to seek a formal CC&R amendment to remove or modify the common-area pool easements; and
2. If not, how the Board believes the proposed vote can lawfully support the permanent removal or repurposing of common-area pools.

This clarification is essential to ensure that members understand both the **scope and the limits** of the vote they are being asked to cast, and to protect the Association from avoidable legal and procedural challenges.

Thank you for your attention to these concerns. I raise them in the interest of ensuring that any action taken is fully consistent with the Governing Documents, California law, and the property rights of all PUD members.

Respectfully,



Michael Ross
PUD Member