



Office of Senator Rosilicie Ochoa Bogh
1758 Orange Tree Lane, Suite B
Redlands, CA 92374

July 28, 2023

Dear Senator Rosilicie Ochoa Bogh,

On behalf of Arrowhead Woods Architectural Committee, Inc. (AWAC), I would like to extend our gratitude for your time and consideration with regards to SB 1405. As you are aware, the passing of the bill, now enacted as part of California Code, Government Code - GOV § 6110, has generated considerable interest and discussion among the Lake Arrowhead community, as evident in the town hall held on June 10, 2023.

It is essential to clarify that it was not the intention of our Board to have AWAC assumed by another entity. Instead, our intent was to form a collaborative partnership to safeguard the longevity and stability of AWAC, while maintaining an independent organization. As the organization serves the community, prior to making any final responses, it was agreed that there should be open dialogue with Lake Arrowhead Homeowners, to determine any concerns and take note of all comments related to the content of the bill. Considering the constructive feedback received from the community over the last couple of months, which align with the organizations response, the Board of Directors of Arrowhead Woods Architectural Committee respectfully request all language as included in the California Code Government Code, Section 61105 (k), as applicable to Lake Arrowhead, Arrowhead Woods Architectural Committee and Lake Arrowhead Community Services District be amended/redacted from its purview (fully cited below):

“(k) (1) The Lake Arrowhead Community Services District may enforce all or part of the covenants, conditions, and restrictions for a tract, and assume the duties of the Arrowhead Woods Architectural Committee, to the extent that a tract’s covenants, conditions, and restrictions are legally enforceable by the Arrowhead Woods Architectural Committee. Before the district can enforce covenants, conditions, and restrictions, and assume the duties of the Arrowhead Woods Architectural Committee for a tract, the board of directors shall do all of the following:

(A) Receive a written request from the board of directors of the Arrowhead Woods Architectural Committee, with a petition signed by not less than a majority of the property owners of the parcels within the tracts covered by the Arrowhead Woods Architectural Committee, requesting the district to enforce the covenants, conditions, and restrictions for those tracts and assume the duties of the Arrowhead Woods Architectural Committee for those tracts.

(B) Conduct a public hearing on the question, after giving mailed notice to each affected property owner of the date, time, and location of the meeting.

(C) Submit an application to the local agency formation commission pursuant to Section 56824.10, specifying the exact nature and scope of the intended services to be provided by the district.

(D) Receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3 of Title 5, which may include completion terms deemed appropriate by the commission, to enforce covenants, conditions, and restrictions for a tract, and to assume the duties of the Arrowhead Woods Architectural Committee

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for those tracts.

(E) Adopt an ordinance assuming the power to enforce covenants, conditions, and restrictions for a tract, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, provided that the ordinance requires both of the following:

(i) The property owners within the tracts to finance, in compliance with other state and local law, the enforcement of the covenants, conditions, and restrictions, and the duties of the Arrowhead Woods Architectural Committee through fees, regular or special assessments that may be enforced either pursuant to the authority of the Arrowhead Woods Architectural Committee under its founding documents or applicable law, or pursuant to the authority of the Lake Arrowhead Community Services District, and using any of the procedures set forth in Section 61122 in order to accomplish the purposes authorized herein.

(ii) The Arrowhead Woods Architectural Committee to indemnify the district for the costs of any litigation, settlements, injuries, damages, or judgments arising from enforcement of the covenants, conditions, and restrictions, imposition of any fees, assessments, or other financing mechanism authorized in clause (i), and the district's duties on behalf of the Arrowhead Woods Architectural Committee.

(2) The Lake Arrowhead Community Services District may use the procedures in Section 61115 for the enforcement of any fee, charge, or assessment authorized herein.

(3) The Lake Arrowhead Community Services District may, by ordinance, divest itself of the power undertaken under this subdivision.

(4) The Lake Arrowhead Community Services District shall not enforce any covenants, conditions, or restrictions for a tract, or assume the duties of the Arrowhead Woods Architectural Committee, until all unlawfully restrictive covenants are removed from the covenants, conditions, and restrictions of the properties in those tracts pursuant to the process in Section 12956.2.

SEC. 2.

The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the Lake Arrowhead Community Services District."

Our organization and community appreciate, and further, respect your office and team volunteering your efforts to have this language removed/redacted; it shows your true commitment to our community and the concerns of Lake Arrowhead Homeowners. At your earliest opportunity, if you can please advise of the process moving forward and any assistance AWAC can further offer to assist in the expeditious handling of this request. Thank you for your consideration.

Best regards,

A handwritten signature in cursive script, appearing to read "Crystal Upton", with a long, sweeping underline.

Crystal Upton, Executive Director