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May 3, 2023

Mary Wesolick, President
Lake Bonanza Water Supply Company

Re: Opinion on Recent Voting Irregularity

Dear Ms. Wesolick,

In response to the information, you have provided I give you the following opinion and advice.

According to the company practices and definitions within the election code only members have a right to vote. Residents who are not established as customers through the billing process are not members. Only one member is allowed per household. So, for example if a water account is in the name of a wife, the husband would not be able to vote and vice versa. Merely showing identification which might indicate residence is not adequate to attain the right to vote. This is unlike political elections for county or state government positions.

There is no provision in the *Election Procedures* for voting by proxy. Therefore, a person may not simply show up and vote based upon the membership status of his or her spouse.

My understanding is that an individual appeared approximately 20 minutes after the quorum for the meeting had been determined and called. That act officially closes the voting poll per the election rules set out in *Election Procedures for the Annual Meeting*. Although that vote was initially allowed, it was an error to do so.

Based upon the facts presented to me and my application of the election rules, the aforementioned ballot must be set aside as being invalid on two counts as described, above.

I would further like to point out that it is a criminal offense to disrupt a public meeting by making an utterance. This is set out in Penal Code Section 42.05. If you anticipate disruptions of this nature in the future, I recommend that a law

enforcement officer be made present to restore order, eject an offender or arrest an offender.

Please feel free to call me if you have any questions.

Sincerely,

Oscar "Jack" Sommers
Attorney at Law