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## The Glenshire/Devonshire Residents' Association, Inc. Emergency Rules Use of Common Area and Association Facilities

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### RECITALS

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- A. The Glenshire/Devonshire Residents' Association, Inc. (the "Association") is the entity formed to manage and govern the Glenshire/Devonshire development (the "Development") in accordance with the *Second Restated Declaration of Covenants, Conditions and Restrictions for Glenshire/Devonshire*, recorded on April 9, 2014, as Document No. 20140006464 in the Official Records of the County of Nevada, State of California (the "Declaration" or "CC&Rs").
- B. Section 3.05 of the Declaration authorizes the Board of Directors (the "Board") to adopt rules and regulations that regulate the use of Common Area and Association facilities.
- C. In response to the COVID-19 global health emergency, the State of California imposed restrictions on the operation of businesses and activities throughout California.
- D. As the sole entity authorized to regulate the use of Common Area and Association facilities, the Board is tasked with the responsibility of ensuring that the use of Common Area and Association facilities complies with relevant public health orders and are operated in a manner to reduce the harm COVID-19 may cause to individuals using Association facilities and Common Area.
- E. The Association's insurance carrier also recently imposed a requirement that the Association have all participants in swim lessons sign waivers of liability, and it is critical for the Association to maintain its insurance. Swim lessons will be starting shortly and it is necessary to have requirements for waivers in place immediately. If the Association's insurance were to be cancelled, it would face an imminent substantial economic loss.
- F. In an effort to balance the Board's responsibility to protect Association Members and prevent the spread of the virus that causes COVID-19, and to protect the Association from harm that would result from an individual filing a lawsuit against the Association because of harm from COVID-19 in connection with the use of Common Area and Association facilities, which would likely force the Association to levy special assessments to fund its defense of such a lawsuit, the Board is adopting these operating rules.
- G. In light of the current public health crisis COVID-19 poses, and in an effort to protect public health and safety and protect the Association and its Members from substantial economic loss, the Board has determined that an immediate rule change is required to address "an imminent threat to public health or safety, or an imminent risk of substantial economic loss to the association." Under Civil Code section 4360(d), the Board can make an emergency rule change and is not required to provide notice under Civil Code section 4360(a).
- H. The terms defined in the Declaration shall have the same meaning when used herein unless context clearly indicates a contrary intention. The Board adopted these Rules in accordance with its Governing Documents and the California Civil Code.

**RULES**

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1. Application of Rules. These Rules apply to all individuals that intend to enter or use the Common Area clubhouse and pool areas, including, but not limited to, for purposes associated with swimming lessons. It is the intent of these Rules to comply with the Association's insurance carrier's requirements, and to protect the Association and its Members from harm associated with an individual not complying with applicable public health orders and guidance and the risk of substantial economic loss that may arise from a lawsuit filed against the Association claiming the Association improperly acted in operating its facilities and the Common Area, regardless of whether the lawsuit has merit. In the absence of these Rules, if an individual filed a lawsuit against the Association claiming that they contracted an infectious disease after using the Common Area and Association facilities, the Association would likely be required to levy special assessments to fund a defense against the lawsuit.
  
2. No Use of Common Area Without Waiver. No individual shall use Common Area clubhouse or pool area, including for swim lessons, without signing and acknowledging the *Release of Claims and Assumption of Risk - COVID-19 and GENERAL* waiver attached to these Rules as Exhibit A. If an individual fails or refuses to sign and acknowledge the waiver, they shall not use or access the Common Area clubhouse or pool areas that are not essential for the individual's ingress or egress to their separate interest and/or accessing essential services in the Development, such as mailboxes that may be located in the Common Area or Association facilities.
  
3. Compliance with County, State, and Other Posted Requirements. All individuals that use Association facilities or Common Area shall act in accordance with all applicable health orders and guidance, and all additional restrictions the Association posts.
  
4. Enforcement. The Board shall be entitled to enforce these Rules in compliance with the Declaration and California law.
  
5. Termination of Rule. These Rules shall be effective for one hundred twenty (120) days, with the first day of the Rules occurring on the date the Board adopts this Rule, or if the Board terminates these Rules at an earlier date.

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CERTIFICATE OF ADOPTION

The undersigned declares that they are the duly elected Secretary of Board of Directors for The Glenshire/Devonshire Residents' Association, Inc. and that the foregoing Rules were duly approved on June 16, 2021, by the vote of the Directors at the regular meeting of the Board at which a quorum of the Board was present.

Dated: 06/21, 2021

By: Kathleen Raber

Kathleen Raber, GDRA, Secretary

Exhibit A

Release of Claims and Assumption of Risk - COVID-19 and GENERAL