

# AFFIDAVIT

The State of California

County of El Dorado

April 27<sup>th</sup>, 2021

I, Dennis L. Janca, of Placerville, in El Dorado County, California, MAKE AN OATH AND SAY THAT:

1. On April 8, 2021 as a Director for the Swansboro Country Home Owners Association(SCPOA) I attended an orientation meeting with all board members conducted by SCPOA attorney, Andrea O'Toole, Esq.
2. In the course of the meeting, exclusive use of certain common areas was discussed. Designated use areas such as the Kiddy Playgrounds and the Airport should be reserved for their intended purpose and not usurped for other activities. The board has the authority to close these areas for events but council advises against it.
3. The business judgement rule stated in the Davis-Sterling Act does not indemnify board members who act outside of their fiduciary duties and they can be held civilly and potentially criminally liable.
4. On Monday, April 19, 2021 I held a meeting with Chief Rosevar to discuss the possible closing of Swansboro Airport due to events sponsored by the fire department. Regarding the evacuation drill he stated that he never advocated closing the airport for a drill. In the case of an actual event that decision would rest with the Sheriff Department and CalFire.
5. When I asked the Chief about the fitness challenge on Memorial Day he appeared flustered as this was the first time he had heard of it.

Signed

/Dennis Janca/