

**Timber Cove
Board of Directors Meeting
Saturday, May 16, 2015
Fort Ross School Multipurpose Room
9:00 am – 11 am
MINUTES**

Members and Staff Present: Tim McKusick (TMcK) VP acting as President; Susan Moulton (SM) Secretary; Sylvia Todd (ST); Sal Culcasi (SC)
Sharon Lynn (Executive Assistant); Nicholas Lee (Security)
Absent: Tom Giacinto, Linda Willes, Fred Leif

Guests: Katie Seymour, John Rea, Chelsea Seymour (10:15), Anne Vernon (10:35)

Executive Session – 8:30am – 9:00

- 1. Employee contract clarification**
- 2. CC&Rs and County Code violations by homeowners**
- 3. Trail Issue litigation clarification**

Call to Order: 9:05 am

Approval of Agenda: SM moved, ST 2nd, 3 ayes, SC no (motion passed)

Approval of Minutes: February, 22015, ST moved, SM 2nd, SM, ST, TMCK aye, SC no. April, 25, 2015, ST moved we accept minutes and determine who seconded the motion regarding the hammerhead work, SC, 2nd, SM, TMcK, ST, aye; SC no (motion passed).

President's Report (TMcK): Executive Session Summary (no motions made)

- 1. Employee contract clarification:** restatement of CC&R and By Law requirements and that the Board will follow our policies.
- 2. CC&Rs and County Code violations by homeowners:** Board responsibility to act when violations are brought to its attention
- 3. Trail Issue clarification:** Possible litigation; easements are deeded rights of all homeowners. Recommend new policy for marking trails. A letter did go out from our attorney that clarified the trail issue.

Announcements (T. Mck) none

Reports:

- a. **Correspondence** (S. Lynn) received an email copied from SC about a downed tree on Lee Drive. SC contacted Bill Seymour to remove it.
- b. Correspondence regarding underground retrofitting Title 20A and County meeting.
- c. An email regarding the trails and request from a member regarding vacation of trails and County action; Response from Laura Putnam at the County, noting she hadn't spoken with her people or followed up with county counsel.
 - a. **Security and Fire Abatement** (N. Lee) No written report. One down tree was removed by Bill Seymour after notification by SC.

- d. **Website:** SL has been giving information to Russell and she will send more regarding Fire Study, Fuel Management Study to be posted, as well. SM suggested we consolidate the Water District and HOA websites for one TCHA website to save money and make the activities of the subdivision more easily accessible to homeowners. SL will investigate if this is possible.
- e. **Architectural Report** (S. Lynn)
Very quiet this month. No new submittals.
- f. **Treasurer's Report** (F. Leif) deferred. Printed report handed out. April 30 is our year end. The year-end numbers are shown on the report. Insurance is currently out for bid. We have one carrier for everything. Worker's Comp is covered through State Fund. When SL began to ask questions, our current insurers dropped out. SL will have bids by the middle of next week.
 - a. **Payment of Bills** (Handout) SM moved TMcK 2nd pay the bill. SM, ST, TMcK, ayes SC no. (Motion passed)
 - b. **2015/2016 Dues:** SL noted we have collected 87% of the dues. (appx. \$87,000 of the \$98,000.)
- g. **Security and Fire Abatement** (T.McKusick): Report will be on the web soon. Individual lots will be evaluated in the near future with help by a retired Fire Fighter and notices will be going out. We will get the chipper program up and running soon. We haven't had an opportunity to burn because of the drought conditions. TMcK said we should get a hold of Kara Leon and let her know we want to take full advantage of the Chipper Program. We might be able to put the chips on our trails. We will re-implement our fuel reduction program. TMcK spoke with Supervisor Efren Carillo about people whose adjacent lots with dead timber or overgrown foliage are endangering our association. We should send them letters requesting they clean their lots, as well. A member of LAFCO was at the County meeting as was the attorney from Camp Meeker who said the danger was so intense there, a fire would compromise their water system. So the Water Board can take action relative to people outside the subdivision whose property conditions impact our watershed.

OLD BUSINESS

1. **Letter to membership** ST had talked about drafting a letter to the membership to clarify the misstatements made in an anonymous mailer that went out and appeared to come from the HOA; it was then decided the necessity wasn't really there. She personally, as a board member, contacted the anonymous "concerned members" who wrote the flyer asking to put her on their distribution list. She also asked that there be accurate information put out to the public and that they contact any board member if there is a question or concern. She also addressed the issue of secrecy and who was behind these letters and that even the post office thought the HOA had sent these letters out. She did not get a response from the anonymous "concerned members" although others who requested to be on their list have received information from them. SM was concerned that homeowners who had opted out of receiving information complained to SL that they had received the flyer, contrary to their wishes. They were concerned that their privacy had been disregarded. The names and addresses of membership cannot be released without Board permission that was not solicited by the anonymous members.

2. **Roads Report** (T. McKusick) SC noted we have started a new year. It is the board responsibility to draw up what needs to be done so we can resubmit for a bid. SM suggested the road committee meet and reprioritize the work to be done and reconsider the funding for Fire Abatement. SC was concerned that since BS no longer has a contract, who will look at the culverts? The Roads Committee will meet before the next meeting.
 - a. **Signage Report--deferred**
3. **Lyon's Court Office** ST reported that she has received information from SL and input from all the board members. There is still more information to gather to put into a report that is complete. SL reported there are files stored in the Lyon's Court Office and the filing cabinets are built into the walls. TMCK The property next door has been acquired and taxes have been assessed at a low rate, so carrying costs have been minimized. ST will help SL locate additional documents relevant to the office. TMCK noted it is worth more to us than it is for storage. SC asked for clarification about the deed of trust and paperwork on what has been donated. TMCK noted the value of the asset to us for storage and as a storage space for emergency response equipment and as a center for the subdivision. SC will do whatever the homeowners decide they want to do.
4. **Emergency Response:** ST noted FL sent an email asking that emergency radios be housed in the office and there be a course offered for community members. It would help if neighbors could do whatever they can to encourage other neighbors to be prepared for emergencies. TMCK asked for volunteers to be Pod Captains. SM this should be a topic for the Annual Meeting. She noted 10 years ago we had an emergency phone tree. We should bring that back. We will invite Grace O'Malley to come address the board.
5. **Outside Grants and Contracts.** (T. McKusick): TMCK reported he is researching Fire related and Emergency funding through State Carbon Fund. SL will follow up on this to insure we qualify for grants by having Fuel Reduction Plan in place.
6. **County Coastal and TCHOA Trail Update** (T.McKusick) TMck was unable to make the meeting but did communicate with Mark Cleveland before the meeting regarding issues along the shoulder of HWY 1 pinch points. He made Cleveland aware of the neighbors and Kelly Ct. who want to underground their power lines. Everyone would be on board if they could move the PG&E lines underground into the side of the street. That would provide a trail area as well. So if Cal Trans and PG&E could get together they would have a trail and underground wires which would help with fire safety and minimizing power loss during wind storms... This was just a feasibility study.
7. **TCHA Trails:** ST suggested we have private pedestrian easements. The Vernon/Rea proposal is the first situation in which an easement has been requested to be relocated. As a Board it is important to set some procedure for this to happen. She thought that given the struggle here, the goal is to represent the membership and we don't know how the membership feels about the relocation of the easement. As a community when we build we have to put story poles to mark the building envelope. So she suggested we mark the current easement with red flags and the proposed relocation marked with another color. We could then put it out to the membership that they have an opportunity to view what existed and then what is being offered; they could be given a couple of months to consider then put it out to a vote seeking : (1) approval, (2) no, (3) alternative suggestion(s). This will be brought up as Old

Business at the next meeting. SC has opened up a claim on his title insurance regarding the trail next to his property to investigate individual liability issues relative to our private pedestrian/equestrian easements.

NEW BUSINESS

1. **PG&E Underground cable.** (T. McKusick) In his discussion with Kelly Court residents and along HWY 1, they made him aware of Title 20A, an Undergrounding Retrofitting program. He was surprised that the program is in effect. They do it for aesthetic purposes; health and safety is prime here for fire issues. He wrote a letter to Supervisor Carrillo to put us at the top of the priority list as a high priority for the subdivision. SM suggested we direct the President to author a letter to the Board of Supervisors and PG&E requesting this. If a resident or director sees downed lines they can call Sal Culcasi who works for PG&E M-F 2 pm-10 pm. Call PG&E first at 1-800-743-5000. Then call any board member, Sharon or Nicholas who can contact PG&E or Sal. SM thanked TMcK for following up on the Retrofitting program.
2. **Annual Meeting:** Sept. 12 or 19, 2015. SM suggested we use the Inn or Ft. Ross. SL will contact the Inn to see what is available. At next meeting we will begin to develop an agenda. There was \$2000 budgeted for the annual meeting last year that wasn't used.
3. **Other:** ST noted regarding Public Comment that it is hard to wait until the end on issues. She would like Public Comment moved to right after the reports. ST noted the President can recognize anyone on a topic. And people can contact Board Members in advance about issues. SM would like us to reconsider using Rosenberg and adopt Robert's Rules instead at the next meeting. Roberts is recognized by D-S and the Brown Act.
4. **Public Comment:**
 - a. Speak with Linda Willes about using her house.
 - b. Katie Seymour asked about the dues. The letter wasn't mailed until April 9, but it was net at 60 days. SL clarified we waited to mail because of the secession of Unit 1. She had them marked due May 10. There is a 60 day net. TMcK suggested we give homeowner's some slack and not apply late fees. She also asked about underground power on Ruoff. TMcK will communicate with new owner on Ruoff and any issues he might be having relative to utilities.
 - c. A. Vernon: Question about the President being involved in the secession of Unit 1 and the lawyer who brought down Unit 1. She believes this board was not elected by the membership and we do not represent Unit 2. She believes the President has a conflict of interest and needs to step down.
 - d. Hannah Clayborne: She had a hard time hearing because there was so much loud talking in the audience. She was sworn at by a member of the audience while the Board was talking. It is hard to hear when other conversations are going on in the audience. There has to be a certain decorum in meetings. Someone called her last night and wanted entered into the record that it has been said the Smith Court trail has been in use for many years. They and others they knew used to use it. When it went into disuse it was because it became difficult to find it, it was blocked or for some other reason. She requested that we put in a request for funds/appropriation for the survey of any part of the trails that has not been surveyed, or which is under contention.

- e. John Rea noted he has not seen anyone use the trails. No one has walked on it that he has seen at any time, and while he does not live here he is here often at least one day during the week.
- f. Katie Seymour: was reading last month's minutes and asked where a vote was taken regarding a private contract. She did not think contracts and votes on them could be done in Executive Session. TMcK noted the CC&Rs and By Laws are our guidelines. SM clarified the contracts were discussed in Executive Session and the topics of discussion and decisions were reported out at the general meeting. Contracts had to be discussed in Executive Session.

Time and Place of Next Meeting (June 20) and Agenda Items: ST suggested we look at the rest of the year and set the meeting on the third Saturday of each month. We will check with other Board Members to determine if June 20 works for them.

AGENDA, June 20, 2015

Executive Session if needed (8:30)

- 1. Contracts/personnel
- 2. Litigation potential and legal response to violation of CC&Rs and By Laws.

Call to Order

Approval of Agenda

Approval of Minutes, May 16, 2015

President's Report (T. Giacinto)

Announcements (T. Giacinto, S. Lynn)
Introduction of resident Sheriff

Reports:

- a. Correspondence (SL)
- b. Website Update
- c. Architectural Report (S. Lynn)
- d. Treasurer's Report (F. Leif)
 - a. Insurance
- e. Security and Fire Abatement (N, TMcK)
- f. Trail update; individual liability relative to equestrian/pedestrian easements
- g. Clarification of use of membership private information by Board Members only and response to abuse of this information (ST, SM)
- h.

PUBLIC COMMENT

OLD BUSINESS

- a. Outside Grants and Contracts (TMcK)
- b. Roads and Signage Report (TMcK)
- c. Lyon's Court Office (T. Giacinto, TMcK)
- d. PG&E Underground Cable (TMcK)
- e. Annual Meeting Date and Place
- f. By Laws (SM)

NEW BUSINESS

- a. Return to Robert's Rules or continue using Rosenberg's

Time and Place of Next Meeting (July 11 or 18) and of subsequent meetings on the third Saturday of each month.

Adjournment

Adjournment: 10:45 SM moved, ST 2nd. Unanimous ayes.

Members may speak FOR THREE MINUTES on any item on the published agenda **only** after they are recognized by the President. If you wish to speak about a matter not on the published agenda, please make your comments during the portion of the meeting designated for Members (Public) Comments. Please limit your remarks to three minutes. Please note that, with some exemptions, the Board does not engage in discussion or take action on non-agendized matters. However, the board may respond briefly to public comments, refer matters to staff, ask questions for clarification or schedule matters for future agendas.

American Disability Act (ADA)

The TCHA Board complies with ADA (America Disabilities Act) requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact [Sharon Lynn], Executive Assistant.