



Timber Cove Homes Association
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**Timber Cove Homes Association
Board of Directors Meeting
Saturday, September 24, 2016 Lyon's Court Office
10:00 am**

Present: TMcK, SM, ST, JP, LM, SEMcC (phone), SC (phone)

Guests: Ron Case, Diane Feddersohn

Executive Session (9:00) Tim McKusick, Sylvia Todd, Susan Moulton, Joe Pearson, Luciano Moretto, SueEllen McCann (phone)

1. Status of trail litigation: Have requested Declaratory Relief.
2. Status of Internal Dispute Resolution: The HOA has been required to spend about \$20,000 for trail litigation and IDRs. We will revise the process to require petitioners include more information about the issue, similar to a legal brief. Any expenses incurred by the property owner requesting an IDR will be paid by the property owner since one required we contact her only through her lawyer.
3. Personnel review: Discussion of employees' reviews and status.

CALL TO ORDER (10:00) SEMcCann (internet connection); SC phone

Approval of Agenda: Under New Business add Revising the IDR process; Clarification of Artist Studio definition vs. Shed Description (Architectural); Lee Drive owner who passed away some time ago (under Escrow Reports). Under Budget: \$2,373.36 (500 in interest; dues not paid since 2103)

Approval of Minutes of Regular Board meeting and Annual meeting presentation: SM moved to postpone until next meeting since members only received them at 10:15 the evening before; TMcK seconded: Unanimous approval.

Reports:

1. President's Report (T.McKusick)
 - 1.1 Executive Session Summary (see above)
 - 1.2 Forest Management Collaboration with TCCWD: Update: TMcK has been meeting with Joe Gowen, Forest Specialist. Notices have been sent to those who need to clean up their properties, particularly houses that Cal Fire has noticed and some they have missed. Homeowners are responding positively. BT has submitted a Fire Abatement Report with the TCCWD Report (attachment). Kris Kilgore is pursuing funding for TCCWD projects; they have hired a full-time bookkeeper/administrator; Fire Abatement is underway. Our lives and all homes are at risk if people do not make their properties fire safe. SM praised the professional handling and presentation of B. Todd's reports for Roads and Fire Abatement.
2. **Administrative Assistant** (Sharon Lynn)
 - 2.1 Correspondence: Received a notice from the county about the Water Plant's new building; Amanda Russell's emails and mailed notices have been returned
 - 2.2 Escrow reports: Feldstein house closed plus adjoining lot off Lee Drive; House on HWY 1; plus the parcel mentioned by TMcK. Alex Bain has inquired about minutes from the August meeting. Russell Anguiano had an escrow demand for one of the homes.

2.3 ST sent posting for Facebook page; SL has given TMCK codes and keys requested; Stephen Drapkin is the overseer in discussions with SL as second person stuffing the ballots, etc. SD is available Oct 4-7th after 2 pm. ST noted there are companies that handle elections. We will investigate this for next year.

2.4 She has been backing our computer up to the TCCWD hard drive in the office. Once the new TCCWD person begins, they may or not bring their computer; but will put billing software on the computer in the office. TCCWD and HOA will be completely separate.

2.5 Status of CPA/Auditor/Insurance: Insurance is in place; she is investigating Sue Gorenson's office—they are reviewing the information to work with. Mailboxes: have been new requests. We need at least one new box. SM moved we buy another mailbox unit; ST seconded. Discussion: Eric Lynn may mill the wood to house one more box. We need to include a box for large packages since Amazon and UPS are handing this off to the USPS. Ron Case volunteered to design the frame for the units. Vote: All ayes. Motion passed.

ST moved that property owners who request a mailbox pay a onetime fee equal to the cost of purchasing a mailbox. TMCK seconded. ST offered a friendly amendment to the motion to read that anyone with an existing mailbox as of 9.24.16 is exempt and others would pay a onetime fee of \$100.00. SM seconded. Discussion: RC noted the existing boxes are not lined up and some are falling down. There are several mailboxes that were empty. Each mailbox in the set costs \$87.57 (\$1,400 per unit without installation); keying is done. Installation would be done by volunteers. SM noted the boxes are actually legally owned by the USPS. They may not approve additional individual mailboxes and may request the old ones be removed for safety reasons. RC suggested uniformity is important, as well. SC wants everyone to pay for the new box, regardless of whether they have an existing mailbox. ST suggested we build this into the Architectural Guidelines that only HOA provided mailboxes are permitted. Amended motion dies, 2 ayes, rest no. TMCK moved that the charge be part of the Architectural Guidelines and that once homeowners submit the plans, the cost be included in the Architectural fees based on costs to be determined. JP seconded. Passed unanimously. JP will figure out the total costs for the next meeting.

3. **Architectural** (JHowland): Report deferred to next meeting. Put the distinction between sheds and artist studios on the agenda for next meeting. Artist studios must comply with requirements for a house (coastal permit and approval by HOA). Define the definition of shed vs artist studio referencing the June 29, 2015 Board Meeting Minutes where Artist Studio was passed. Review the County definition of when a building permit is not required. ST will send these documents to Board members and will work with JH to clarify the distinction so the Board is not in the position of arbitrating disagreements about existing structures. JP noted if it is under 120 feet, it does not require a permit. If people live in their structures they must have sanitary facilities. ST noted tool sheds could be approved for people to keep tools, hoses, port-a-potty's etc., while they work on their property.

4. **Security** (N.Lee): (Handwritten Attachment: 9.3.16): There was a wildland fire late in afternoon at Gerstle Cove/Salt Point. 3 acres of grassland burned; what happened to our neighborhood telephone alert system? 9.4/5.16: White van parked on Cundall. Unauthorized. TMCK contacted authorities. They said they were with the Airbnb next door. Hazard at Signaigo and Davis entering onto Timber Cove Rd. Needs a Sonoma County road sign for TC Road; suggests a fine for property owners who have not cut long grass by mid-July. Asked about status of "signs" in TC subdivision. Political signs and real estate signs have been in place for some time. What about the white storage trailers parked in TC properties? SM suggested we have a sign on the Signaigo Road sign identifying TCHA and TCCWD Offices and Ansel Park. "Ansel Park Clubhouse"). SM also suggested we identify each exit/road intersection with a large white rock painted with fluorescent white. ST asked if there was a letter to send to homeowners who have illegal trailers or containers on their property. SL is in the process of drafting a letter to people with the item in CC&Rs noted. ST invited NL to be at our meeting to present his report so we could answer his questions and he could clarify his reports.

5. **Fire Abatement** (B.Todd) done earlier.

6. **Roads Report** (B.Todd) (attachment) No bids received. Mark Mann scheduled walk through of project sites. He looked into possibility of having county accept our roads so they could maintain them. To do this they would have to be brought up to county standards. This would probably run to many hundreds of thousands of dollars. Moreover, the County would probably consider our roads a liability and because of low traffic volume, make them a low priority, so even less than is done now would be the case. ST suggested we discuss this at the next Town Hall with respect to keeping or dissolving the HOA. People in the community could do the homework for this so we could have an informed discussion. LM suggested we see if the county would be interested in taking over our main

roads. JP noted when these were initially done, they were substandard and would have to be completely redone which would cost hundreds of thousands of dollars. Our roads are actually in better shape than the county roads.

7. Treasurer's Report (SE.McCann)

7.1 Budget Update: ST reported that for legal regarding: Easements (since April 2014) is \$9,729.94; IDR expenses because of request for contact through lawyers \$4,105. For SC for censure: \$1072; assault \$4,258, IDR 280. Fee for IDR with Bill Seymour-\$765; IDR for Sal Culcasi: \$280 as of the last invoice 20 August 2016.

RC wanted background on these things. ST said being on the Board is interesting. Once a threat of litigation has been made, you must go to Executive Session, so the discussion can't be public because it jeopardizes the HOA that is potentially at risk of lawsuit. So we are required to consult our attorney to make sure we follow Civil Codes and existing law. Diane Feddersohn was concerned that homeowners don't have information. ST and SM explained we now have very detailed minutes, a Newsletter, Facebook and Yammer for property owners and all are new additions that have been created specifically to address the requests for more information. ST clarified that most people believe the gossip they hear, particularly from those who "campaign" for something that affects them personally, so offering information and facts is difficult for people who have already become convinced of the word-of-mouth versions around issues. ST noted we want another Town Hall for community conversations. The first Town Hall was appreciated by everyone who attended. These are powerful ways to build communication and community. This could be the theme for the next Town Hall. We are trying our best to communicate with everyone in every way possible, but property owners must make the effort to read what is made available to them in these various venues.

7.2 Payment of the Bills: JP moved, SM seconded we pay the bills. Discussion: Tow vehicle charges were to remove the abandoned vehicle and will be billed to the property owner. Go Daddy cost is for 5 years for our website. HOA News and Assistance is a website SL subscribes to with news for HOAs. SM suggested the HOA News and Assistance be linked to our website. Perry Law \$1170 was clarified; Motion to pay the bills passed. All ayes, SC no.

8. Trail Report (H.Clayborn) Trail workday today as a crew continues clearing and marking the trails.

9. Water District Report (B.Todd) (attached). The TCCWD is in the final design phase for the new Treatment Plant, also in Environmental Review a County along with the Koftinow pipe loop to bring water to the top of Koftinow. They are replacing asbestos-cement water lines on Amanita and Cypress. Kris Kilgore continues to work to find funds for these projects from the State Water Resources Control Board's pool of available funds. Homeowners have received notification from TCCWD and RCAC of an income survey, a critical step to obtain a low interest loan. If our collective incomes are low, we qualify for low interest rates. This will help pay the almost \$2 million the projects will cost. The TCCWD has hired a full time bookkeeper/administrator named Kendra. The Fire Abatement program is underway and the first round of letters have been sent out. We need to remove surface and "ladder" fuels, or dead vegetation and brush that would allow a surface fire to reach the tree crowns. If this happens, a fire is very difficult, almost impossible to stop.

10. Communications (S.Moulton, STodd): SM will do the next Newsletter this week. Her computer died and she has been out of town. SM suggested the Coastal Hills Community Bulletin be linked to our website. Diane Feddersohn was asked to tell the Coastal Hills Community Bulletin publishers how much we appreciate what they are doing for everyone.

PUBLIC COMMENT (Please limit comments to 2 minutes on agendized topics)

OLD BUSINESS

11. Annual Election of Officers: update on process. Call for nominations has gone out; outside over viewer is Stephen Drapkin. Ballots go out Oct. 7, 2016. We will check on the ballots for multiple lots. If people pay dues for one lot, they get one vote. People who were running have to resubmit their candidacy.

12. Policy regarding decorum at meetings and compliance with Civil Codes: governing behavior at meetings and of Directors in public; clarification of “good standing” for Directors. TMcK and SM reported that we do not tolerate bullying, speaking out of turn, profanity, harassment or rude behavior at meetings. People who do not conduct themselves with decorum and respect will be asked to leave. The HOA has a fiduciary responsibility to follow Civil Codes.

NEW BUSINESS

13. Davis-Stirling Requirements regarding recording of meetings (S. Culcasi/S. Moulton). Clarification of law and facts. SM clarified that before being appointed to the board, she had informed an HOA meeting she was recording a meeting because the minutes of the previous meetings did not report the multiple concerns of the members present, particularly with respect to Fire Safety and easement rights. As a community member, she posted her transcription of the meeting on Yammer so people in the community could have an idea of the discussions that took place and be privy to the concerns of their neighbors, particularly those that had long range implications for everyone in the community. This occurred for one meeting only. Currently, this Board has voted to follow Davis-Stirling, according to which only the Secretary records the meeting to insure accuracy in the minutes. As a Board member she is required to follow the law. Davis-Stirling notes that when meetings are recorded by those other than the Secretary it can inhibit people from speaking freely and there is no guarantee that those recordings would not be edited. Sharon Lynn keeps the recordings on file until the Minutes are approved. The issue was on the August meeting agenda, but the regular meeting ran way over time due to the lengthy discussion of the election issue and the item was automatically postponed until the next meeting. SC claimed the issue was not on the agenda and that not discussing it as he had demanded, was a violation of Davis-Stirling. He believed SM was “filled with hypocrisy” since she no longer advocated that anyone could record meetings after she had done so. TMcK noted the issue and the text of Davis-Stirling will be made available at the next meeting where the item will be discussed again under Old Business. SM reminded, as Parliamentarian, that while anyone can request an item be included on an agenda, each of the items on the agenda itself must be approved by a vote of the full board. The Board can vote to include or remove a newly suggested agenda item. The approval of the Agenda is the first order of business at every meeting according to Robert’s Rules of Order.

14. Annual Dues discussion: deferred to next meeting. SL will provide a list of those who are delinquent and the disposition of dues for lot mergers. TMcK reported we have been asked to forgive the backlog of dues on property on Lee Court in which the owner had an untimely death and the woman who was no longer the title holder foreclosed on the property. They owe HOA fees and water fees. The woman and her accomplice were recently arrested for Grand Larceny. She had no legal title to the property but was foreclosing on it, anyway. The Board requested more information about the situation from the new purchaser. SM noted since TMcK is tangentially involved in the transaction, he will have to recuse himself from voting on it. We are not using Pro-Solutions for collecting overdue dues, although a few outstanding debts from some time ago are still being pursued by them. ST reported raising the dues has been on the table for some time. We need to think about what this means.

15. Camping Policy, procedures and forms: Recommended changes. SM was reluctant to approve camping permits for any campers who feel they need a warming fire given the high fire danger in our area. There should be no fires at all permitted during high fire conditions which puts the whole community at risk. Campers can easily go to a regional campground nearby where controlled campfires are permitted. If a camper believes they need a warming fire, we will not approve their permit to camp. ST moved we remove warming fires and any reference to permitting fires from the camping policy and make sure campers know they cannot camp if they want a warming fire. ST moved, TMcK seconded to approve amended Camping Policy with warming fires and fire information removed. All Ayes. SC “Unh.” (Indecipherable over the phone).

16. Fall Town Hall Meeting: Date/Agenda: ST suggested November 19, 2016.

17. Develop timeline for setting new mailboxes—done earlier

18. Set date, time of next meeting October 15, 2016.

Agenda: Add: **Short Term rentals**. County has new policy; our CC&Rs are very clear it isn't allowable. It would be helpful to bring this forward as an issue. Dianne Feddersohn is opposed to denying anyone the right to rent their homes under any circumstances.

ADJOURNMENT MSP 12:50

October Agenda:

Executive Session 9:00

1. Private Investigator's Report
2. Personnel review

CALL TO ORDER

Approval of Agenda

Approval of Minutes of Regular Board Meeting and Annual Meeting, August 27, 2016

Approval of Minutes of Board Meeting, September 24, 2016

REPORTS

1. President's Report (T. McKusick)
 - 1.1. Executive Session Summary
 - 1.2. Status of Election
 - 1.3. Other
2. Administrative Assistant (S. Lynn)
 - 2.1 Correspondence
 - 2.2 Escrow Reports
 - 2.3 Status of CPA/Auditor
3. Architectural (J. Howland)
 - 3.1. Definition of Shed vs. Artist's Studio
 - 3.2. Language for conforming mailboxes and costs included within Architectural Guidelines.
 - 3.3. New projects proposed
4. Security (N. Lee)
5. Fire Abatement (B. Todd)
6. Roads Report (B. Todd)
7. Treasurer's Report (S. E. McCann)
 - 7.1. Budget
 - 7.2. Payment of Bills
 - 7.3 Annual Dues Increase implications
8. Trail Report (H. Clayborn)
9. Water District Report (B. Todd)
10. Communications (S. Moulton, S. Todd)

OLD BUSINESS

11. Election status; Meet the Candidates hour?
12. Tape Recording Meetings (Davis-Stirling handout) (S. Moulton, S. Culcasi)
13. Annual Dues Increase discussion
14. Request to forgive past debts of Lee Drive residence.
15. Revised Camping Policy Forms
16. Management recommendations: Lisa Krikos
17. Town Hall November 19, 2016: Topic(s), location, time
18. Strategic Planning Implementation: Committees

NEW BUSINESS

19. Raising Annual Dues
20. By Law Changes: Conformity with Davis-Stirling
21. Setting date, location for November Meeting
22. Agenda for November Meeting

ADJOURNMENT

Public participation: Meetings of the Directors of the Timber Cove Homes Association are for the purpose of conducting the business of the entire membership of the TCHA. Members are invited to attend. Members may speak on any item on the published agenda only after being 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. Remarks are limited 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. Disruptive or disrespectful members will be asked to leave.

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.