

Minutes of a Meeting of the Board of Timber Cove Homes Association In General Session

Held Saturday, March 14, 2020 at 10:00 a.m.

At the Ron Case Residence, Timber Cove

Attendees:

Directors Present:

Ron Case, President

Russell Wells, Vice President

John Gray, Treasurer

Cindy Culcasi, Secretary

Bob Leichtner

Rosemary Gorz

Rosemary Gorz called in by phone

Margaret Grahame was absent

Due to the State of Emergency in California, the Department of Health set restrictions on meetings. Anyone considered high risk (over 65, which includes most of the Board) cannot attend a meeting that includes more than 10 people. Participants must keep a distance of 6 feet apart. The meeting had been scheduled to be held in the Lyons Court Office. Due to the small size of the office, the meeting was moved to President Ron Case's home. Meetings by telephone are appropriate and not in violation of the Open Meetings Act due to the State of Emergency. The Brown Act has been suspended.

Most Members attending called via a conference call line. One Member was present.

Call to Order

Ron Case called the meeting to order at 10:10 a.m.

Review and Approval of the Agenda

Upon motion duly made and seconded, the Agenda was approved by the Board 6-0

Review and Approval of Previous Minutes

Upon motion duly made and seconded, the February 8, 2020 General Session Meeting Minutes were approved 6-0. Later in the meeting, during Public Comment, a member pointed out an error in the minutes. The minutes will be corrected and reapproved during the April 2020 Meeting.

President's Report – Ron Case

The Closed Executive Session included a discussion of a few legal issues.

Office Manager's Report – Melany Collett/Board

Twelve escrows have closed in 2020 amounting to fees of \$1,500.00. There are 3 escrows pending.

Eight statements for the annual dues were returned due to an incorrect address. Ms. Collett will be calling the members on Monday to follow up. Members can also send an email to timbercovehomes@gmail.com with their correct address.

Public Comment (Due to the State of Emergency, members on the conference line may participate. Generally, members must be present in the meeting to offer a public comment)

- A member stated that anyone who wants to know what was said in the deposition of Hannah Clayborn should read the actual deposition.
- Jianna Satore is working with some of her neighbor/members to create an emergency phone tree. She is happy to share her contact information when requested.

Business Items

Treasurer's Report - John Gray

Mr. Gray delivered the Treasurer's Report. The PowerPoint presentation of the Report and the Budget Update will be available on the timbercovehomes.org website under Board Meetings.

20/21 Budget Approval

The approved 20/21 Budget is posted on the timbercovehome.org website under the Governing & Business Documents page (Financial/Insurance)

There was a discussion by some Board Members regarding raising the dues by 20% again as was done last year. The Board had decided not to raise the dues this year. This is a tight budget and does not include emergency or excess funds. The Board believes TCHA is headed in the right direction and things will continue to improve as long as we have no new lawsuits.

Upon motion duly made and seconded, the Board approved the 20/21 Budget 6-0.

February Bills

- IRS - \$1,925.66 (payroll tax)
- EDD - \$243.39 (state payroll tax)
- Office Depot - \$25.00 (autopay on office card)
- Fort Ross School - \$300.00 (annual fee for use of room)
- O'Sullivan Insurance - \$1,927.92
- Walls Law - \$750.00
- Frontier - \$245.43
- Payroll - \$3,513.22
- Transfer to reserves - \$583.79

Upon motion duly made and seconded, the Board approved the payment of February bills 6-0.

Lawsuit Conclusion – Legal Committee

Status of the McKay Lawsuit - The lawsuit is almost complete. There is a settlement pending for the indemnification of Hannah Clayborn. The amount of the settlement has been tentatively accepted. It

will not be finalized until the settlement is agreed upon, signed, and a dismissal of the Cross Complaint has been filed with the Court. The last two steps have not been completed yet. The terms of the settlement are confidential at this point. There is no cost to the HOA. Our Insurance is covering the legal costs and any settlement payment.

Trails – Legal Committee

Item added in error. Nothing to discuss.

Architectural Update - Architectural Oversight Committee

Driveway Request - Ron Case

A request has been made to move a driveway on Timber Cove Road to Davis Court. The original plans for the driveway came off Davis Court. Mr. Case said he doesn't see a problem with the request; however, the request must include:

- A plan for the repair of the existing driveway off Timber Cove Road.
- A plan for the creation of the new driveway off Davis Court

There is a second driveway request which was given to John Gray. The driveway would go between two existing homes. The new driveway would go over a water main pipe, other utilities that serve the two homes, the switches for the telephones for the entire community, and result in the removal of the existing screening between the two homes. The property owner did show Mr. Gray that an easement does exist between the two homes. The homes are also somewhat close together and the driveway would go between them. Mr. Gray and Chris Feddersohn went to the lot to survey the issue. There is an existing driveway that is located on Timber Cove Road. The members are concerned about visibility and safety when using the driveway. Mr. Gray believes with the trimming and shaving of the roadside, the issues can be solved. Ron Case requested that the members send an appropriately revised proposal to the Architectural Oversight Committee. Mr. Gray received the request directly from the member and will forward to Ron Case, a member of the Architectural Oversight Committee.

New Inquiries

Does TCHA allow tree houses? – Ron Case

In concept, Mr. Case does not have a problem with a tree house, but a member must submit their plans to the Architectural Oversight Committee and follow CCR requirements as well as County permit requirements.

Garden Shed – Ron Case

Mr. Case was requested to look at a garden shed, however upon review, it had a deck around it and was set on pillars. It looked more like a living area. Upon review, the garden shed would require a permit. Further information is needed by the Architectural Committee to proceed.

Roads Update – John Gray

Last month the Roads Committee did a drive around of the community. They determined their priorities and what areas needed the most work. The Committee determined that Lee Drive is by far in the worst

condition of any roads in the community. The secondary concern was Koftinow, however, the Water District had extra materials to patch the road after completing another project and addressed the road maintenance. A minimal road patch will be completed on Ruoff. TCHA has received one bid from a contractor so far. No new work will be completed until after the new fiscal year begins (May 1). There are funds to fix Lee Drive in the 20/21 budget. This will be a multi-year prioritized program since we don't have funds to address all of the current road maintenance issues in one year.

Continuing Business

Tree Cutting Policy Update – Architectural Oversight Committee

The Committee has been meeting and has come up with a number of items which they would like to present to the community for feedback. A question was asked about cutting down non-native trees, does a member need approval? Mr. Case said they are simplifying the process. For dead or dangerous trees, and fire abatement, approval would not be needed. Approval would be needed to cut redwood trees, and also screening (to protect neighbor's privacy). He would like members to notify the Board and give them a heads up prior to cutting any trees. This is not for approval, just awareness.

Mr. Case would like to determine what enforcement authority TCHA has regarding tree cutting. Mr. Leichtner suggested the Committee frame the issues, so it is cost effective when the TCHA HOA Attorney reviews the issue.

Return of Performance Bond to Member – Ron Case/John Gray

There is an Owner's Checklist for Members to complete. The Board was thinking a final permit was needed but have determined that is not the case. Mr. Case gave the Owner's Checklist to the member for completion, but they have not returned the checklist yet. Later in the meeting, Melany Collett confirmed that she did receive a copy of the checklist via email from the Member. The checklist will be reviewed as soon as possible, and a response will be sent to the Member.

Lot Mergers – Legal Committee

A member has asked about paying dues for two lots when the lots have now been legally merged. Historically, they were created as separate lots in the 1965 subdivision map. The member stated now that they have legally one lot, why should they pay for two. This is a reasonable question and we have reviewed it with Counsel. Based on Counsel's advice, on both reasons of policy and law, our finding is that the members must still pay for both lots dues. This is based on the 1965 subdivision map and the map has not been amended. If everyone started combining lots, this would shift the financial burden to everyone else, including members who do not have that option. The members still have the benefit of the Association, e.g. roads, fire abatement, etc. The result is that going forward a member who owns two adjoining lots and legally merges them will not result in reduced dues for one lot, the dues for two lots will still be required. The HOA Attorney pointed out that there is a section in the CCRs addressing this issue which refers to the 1965 subdivision map. The member has been contacted with the decision.

New Business

Sonoma County Coastal Plan Update – Cindy Culcasi

Recently while reviewing the Coastal Plan with Margaret Grahame, Ms. Culcasi read the description of Timber Cove in the Public Services and Service Elements Section of the Report. The description

erroneously alluded to small lots, claiming most not buildable, had septic system problems, and that water supplies were limited. Ms. Culcasi emailed PRMD with a cc to Lynda Hopkins and other important County contacts with her concerns about the harmful inaccuracies. The response received from the coastal plan official did not confirm the description would be corrected. Ron Case and Chris Feddersohn will both send an email response to the County regarding the incorrect information and the need to update the Coastal Plan to reflect the correct information. We will press the County to get this right. This misinformation does have an impact on our property values and reflects on the perception of Timber Cove as a viable potential homesite.

A member suggested we contact the Real Estate Community on the coast for support and share this issue with them. This is a good point and possibility. Cindy will move forward to address the issue with the support of the community. A member added that a community response is needed for this issue.

Timber Cove Sign (Hwy 1 at Ruoff) – Ron Case

Mr. Case is looking at this issue as part of Architectural Oversight. He has been looking for feedback regarding fixing the sign or leaving as is and closing the issue. A Director stated that he believes it is not our obligation to fix or remove the sign. Since Unit 1 is no longer a part of TCHA and the sign is on private property, legally TCHA may not have any authority. The donor and the landowner would need to approve any changes to the sign. Another Director said there is concern that the damaged sign reflects badly on the neighborhood, but TCHA has no authority over the sign. Ron Case corresponded with the donor of the sign to fix the letters, but no resolution resulted.

This issue has been open ended for quite a while and has been discussed a couple of times. The minutes reflect this issue has been discussed. This agenda item is considered closed.

Adjournment

The President adjourned the meeting at 11:25 a.m.

Respectfully submitted,
Cindy Culcasi, Secretary



Additional Comments After Adjournment

John Gray noted that while on a conference call for TCCWD the Coronavirus was discussed. State guidance was given regarding large meetings. As a result, a conference call meeting was scheduled instead of the regular open meeting. See the State of Emergency paragraph on page 1 of these minutes for further details.

The location of the next meeting scheduled for April 11th will be determined and communicated.

In a post adjournment comment, a member stated there was a vitriolic email that was sent to some Members (but not to any Board members) during the course of the meeting regarding the McKay

Lawsuit and the Clayborn Deposition. The Member asked about obtaining a transcript copy. Bob Leichtner said he believed the transcript of the deposition is available from the Court Reporter for a fee.

A member wanted to make it very clear that at no time did Hannah Clayborn steal McKay's Gmail password. The member requested the minutes be corrected that Ms. Clayborn did not steal the password. The member stated that the lawsuit should not continue to be discussed, but two Directors disagreed. There are grounds for discussing this since the community suffered the very substantial cost of \$150,000 in legal fees to fight this lawsuit. The minutes will be re-reviewed and revised as needed.

A neighbor whose property adjoins Timber Cove asked if he could have a point person to contact regarding the tree cutting policy. He has had some damage in the past to his property as a result of tree cutting by TCHA Members. Speaking informally, Ron Case said he would be happy to be the point person.