

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

Held Saturday, June 13, 2020 at 10:00 a.m.

Via Conference Call due to Covid 19

Attendees:

Directors Present on Conference Call:

Ron Case, President

Russell Wells, Vice President

John Gray, Treasurer

Cindy Culcasi, Secretary

Bob Leichtner

Margaret Grahame

Rosemary Gorz

Office Manager Melany Collett was absent

Sign-in/Participant List attached at the end of the minutes

Call to Order

Ron Case called the meeting to order at 10:05 a.m.

Review and Approval of the Agenda

Upon motion duly made and seconded, the Agenda was approved by the Board 7-0.

Review and Approval of Previous Minutes

Upon motion duly made and seconded, the May 9, 2020 Minutes were approved 7-0.

President's Report – Ron Case

The Executive Session held today was a short meeting. Legal Update and a contract were discussed.

Office Manager's Report – Melany Collett/Board

Ms. Collett was absent. Mr. Gray noted there are about 3 or 4 escrows in process.

Public Comment

A member had a comment on the McKay Lawsuit. Mr. Case asked the member to bring it up during the Legal Update later in the meeting.

Margaret Graham alerted the community that local food and beverage businesses are now open for business. Ms. Graham asked that we support our local businesses as much as possible.

A member suggested that a survey be sent out prior to the Annual Meeting regarding the good parts of Timber Cove and what differentiates our community from other communities along the coast. The survey could ask for what could be changed, stressed, or fixed.

Business Items

Treasurer's Report – John Gray

Mr. Gray delivered the Treasurer's Report for June. The PowerPoint presentations of the Report and the Budget Update will be available on the timbercovehomes.org website.

John Gray reviewed the June Treasurer's Report.

Bills paid in May:

- Office Depot - \$526.79
 - National Partners - \$1,929.15 (Insurance installment)
 - IRS - \$2,361.84 (Second quarter Payroll tax)
 - EDD Payroll tax - \$346.45
 - Frontier office phones - \$134.36
 - Bond return - \$5,000
 - Payroll - \$2,710.66
- Total \$13,009.25

Upon motion duly made and seconded, the Board approved paying the bills 7-0.

Mr. Gray reiterated that the current elevated cost of insurance is greater than the budget for our roads. The cost is less than the previous year by about \$2,000.00 so it is coming down. The head-butting incident will come off our record next year and that will help reduce the cost. The McKay Lawsuit will drop off our record in a few more years and that will help reduce the cost even more.

A Director suggested that we look around and see if we can find cheaper insurance. A couple of Directors responded that we did shop around prior to purchasing to ensure we found the best quote possible. The Association's poor history of claims, litigation and cancellations left us minimal bargaining power.

The Budget Update (as of June 1, 2020) was presented by Mr. Gray and is available on timbercovehomes.org.

Legal Update – Legal Committee

Cindy Culcasi gave an overview of the Election Operating Rules. Recently the Legal Committee met with Peter Walls and requested that he draft TCHA Election Operating Rules. The Election Rules only contain the specifics of the Election requirements per Davis Stirling. There is nothing additional specific to TCHA. In previous years we did not have official Election Rules. The rules will be posted to the timbercovehomes.org website within the next couple of days. Davis Stirling requires that we share the rules with the membership at least 30 days prior to the Annual Meeting, however, the Board decided to post the Election Operating Rules immediately.

Some significant changes effective January 1, 2020:

- In past years, a member could not vote if they were delinquent with their dues or fees. The new rules allow members to vote as long as they are current members of TCHA.
- An additional notification is now required. Thus, in addition to the Call for Nominations and mailing of the Ballot Materials, a notice of the Meeting and Candidate List is required prior to mailing the ballot materials and will be sent in mid-July.
 - a. The Meeting and Candidate List includes:
 - i. Candidate List
 - ii. Notice of date, time, address of where to send the ballots
 - iii. Notice of the time, date, and address of the Annual Meeting
 - iv. Statement of member's right to verify accuracy of their individual information on both the Candidate List and Voter List
 - v. A statement of member's right to request individual delivery of the above items

We will have a new Inspector of Elections this year, HOA Election Experts LLC. This company was recommended by Peter Walls. They are located in Southern California, with an office in Berkeley. With the new requirements in Davis Stirling, we were not able to retain Brett Chairez again since he will be performing our audit. Performing our audit and acting as our Inspector of Elections at the same time is considered a conflict of interest.

A member asked for an update on the McKay Lawsuit. John Gray responded the lawsuit is done. TCHA is completely settled out. Tim McKusick refused to sign the settlement agreement with McKay, so she obtained a formal order from the court entering judgment against him. The cross complaint is done also. The settlement was paid by our insurers, and we are waiting for the court to record the dismissal. We should be receiving an official dismissal of the lawsuit with prejudice. It may be a while before we get the final evidence of the dismissal, but there is no reason to believe it is not done.

The member would like a summary of what took place with the lawsuit. He would also like to point out who was involved so members are aware, and we can move forward. He feels there is a lot of confusion in the community and a summary would clarify what happened over the past three years and how it all ended.

Ron Case believes the community would like to move forward and move on from this ordeal. He does not want to rehash all the details. Another member was concerned if these same defendants run for the Board again, some members would not be aware of the claims against them, the facts developed, and the consequences of their actions. Others spoke up with concerns regarding ensuring new members are aware of the costs, painful issues, and the names of the individuals.

A Board member spoke up and stated the Board must be very careful about what is communicated because an election is coming in September. The Board must remain impartial. If misinformation is being circulated by others, then the Board can reassess their approach and determine how to address any new issues. The new By-Laws include controls and safeguards that were not included in the previous By-Laws. These new controls and safeguards make it easier to hold Board members accountable than in the past.

Architectural Oversight – Architectural Oversight Committee

There were a few inquiries about properties, changing windows, etc. during the past month. The Architectural Oversight Committee took a tour of the community and looked around. The Committee decided that, going forward, all inquiries will go to Melany Collett directly and she will forward them as appropriate. After the Committee discusses any inquiries, they will give Ms. Collett the response and she will follow up with the member. This step will ensure that there are no mixed messages from the Board.

A Director asked how it was determined when the Board would vote to approve a request. Mr. Case responded that the Architectural Oversight Committee would also perform design review on project over a certain monetary amount. These types of inquiries would require a Board approval. Small inquiries such as a broken window or repair would not require Board approval. There was a discussion about adding/enlarging a deck or building a shed. The new guidelines, when completed, should include specifics and guidance for members regarding what should be submitted and what can be completed without notifying the Board. The Committee is keeping in mind when a member should notify their neighbors of a change even if just a courtesy.

Ms. Collett receives many inquiries from potential buyers. The Committee is creating a list of FAQs that will be posted on timbercovehomes.org website that will include basic information for potential buyers to refer to for guidance.

Roads Update - Roads Committee

John Gray stated there was not much to discuss. Covid 19 has delayed progress on the roads. We are looking for a second bid before we perform any maintenance on the roads. Mr. Gray and Mr. Case noted that because of the mild weather, the road sweep could be postponed for a while.

Continuing Business

Tree Cutting Policy – Architectural Oversight Committee

There are two issues, fire abatement and cutting trees. Mr. Case has surveyed the community and all the trees that he saw that have been cut were appropriate. Two Directors mentioned that there is a Coastal Commission size limit when cutting redwoods already in place. Mr. Case believes the community agrees that redwoods should be preserved and not cut.”

Bob Leichtner volunteered to help draft the guidelines for tree cutting. Some suggestions regarding tree cutting include giving your neighbors a heads up when trees are to be cut.

Sonoma County Coast Plan Update – Cindy Culcasi

Chris Feddersohn and Tanner Heirs (Chief Operator and Plan Manager TCCWD) updated members regarding working with the county to correct the description of Timber Cove in the Sonoma County Coastal Plan. Mr. Heirs did some research and was able to contact Cecily Condon. He discussed the current description in the coastal plan with Ms. Condon, and she agreed that Timber Cove appeared to be portrayed in a very negative way. He stressed that the perc information needed to be based upon data specific to Timber Cove. The current description when read by potential buyers could make it more difficult to sell lots and continue to develop the Timber Cove Community. Ms. Condon is scheduling a meeting with the county engineering department to discuss the description and what information it is based upon. She is in the Supervising Planner but is not involved with the perc test results of the lots.

Within the Engineering Division there is a department named the Well and Septic Department. The Well and Septic Department makes the determination if lots perc. Ms. Condon believes the description is based upon general information for the coastal area, not Timber Cove specifically. Going forward, the description might be changed to be based upon specific sections of the coast.

There are public records of the perc tests available. We could pull the records and analyze the data and share the information with the County Engineering Department. Once Ms. Condon meets with the Engineering Department, she will update us, and we can determine next steps. She will find out who the Coastal Inspector is, and we can contact him and discuss the issue including the data available from the past perc test history of Timber Cove. Mr. Heirs will touch base with Ms. Condon in approximately 2 weeks to find out the status of the meeting. Margaret Grahame volunteered to assist Mr. Heirs with follow up.

A Director added that 50% of the existing lots have homes on them and thus did perc. This information alone contradicts the existing statement regarding Timber Cove in the coastal plan.

John Gray noted that David Donovan was the Inspector for the Coast in the past and may still be the contact. Further research needs to be completed.

Chris Feddersohn thanked Ms. Grahame for her offer to help and will take her up on her offer. Mr. Heirs offered to follow up with Cecily Condon. Additional research and further work will be completed by Ms. Grahame and other volunteers. Thank you to Chris and Tanner for their help.

New Business

Annual Meeting/Nominations – Ron Case

The Annual Meeting is scheduled for September 12. There are 3 seats available. The Call for Nominations was emailed to members on June 5, 2020. The seats that are up for election are those held by Ron Case, John Gray, and Bob Leichtner.

Upon motion duly made and seconded, September 12 has been identified as the date of the Election and Annual Meeting. We will proceed to carry out procedures with the new rules and state laws to hold the election on that date. The Board approved the motion 7-0.

Adjournment – Ron Case

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,


Cindy Culcasi, Secretary

Sign-in/Participant List

Members who identified themselves on the Conference Call prior to the start of the meeting.

1. Cindy Culcasi
2. Bob Leichtner
3. John Gray
4. Russell Wells
5. Ron Case
6. Margaret Grahame
7. Rosemary Gorz
8. Anne Vernon
9. John Rea
10. Carolynn Abst
11. Diane Feddersohn
12. Chris Feddersohn
13. Tanner Heirs (guest speaker)

Other members on the Conference Call

14. Linda Saldana