

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

Held Saturday, June 8, 2019 at 10:00 a.m.
At the Fort Ross School and/or Conference Call

Attendees:

Directors Present:

Ron Case, President
Russell Wells, Vice President
John Gray, Treasurer
Cindy Culcasi, Secretary
Bob Leichtner
Margaret Grahame
Rosemary Gorz

Rosemary Gorz joined via the conference call.

A new cord was used to connect the phone and there was no static.

Melany Collett, Office Manager, was absent.

Call to Order

Mr. 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 with the following update:

- A new business item was added at the request of Grace O'Malley. Ms. O'Malley has requested the phone number of TCHA members to add to the One Call Now database which is used to report a forest fire or other disasters.

Review and Approval of Previous Minutes

Upon motion duly made and seconded, the April 13, 2019 minutes were approved 7-0.

President's Report – Ron Case

The Board has requested HOA attorney Peter Walls to assist with preparation of amended and restated By-Laws.

Public Comments

A member has a suggestion regarding the roads. Since there are not currently sufficient funds to maintain the roads, Anne Vernon and John Rea proposed establishing a Go Fund Me Account which they are willing to help seed. The entire money collected (minus the 3% fee) would be used to help fund repair and maintenance of the roads. For example, if 200 people put in \$50.00 each, that is \$10,000

towards the roads. People with means may want to put in more. People could continue to put in funds as they see fit since there is not an end date. Ms. Vernon is aware that we are working on the By-Laws and CCRs, however, this may be an interim, alternative way to fund the roads while the road reserve fund is inadequate. Go Fund Me may be a way to function communally without the animus and broken structure of the past. Ms. Vernon suggested the Board could set up a separate banking account where the funds from Go Fund Me can be moved directly on a regular schedule. A link on timbercovehomes.org could provide an overview of the process. The money would be used for the worst roads first. The details of the road's maintenance would be posted on the Go Fund Me Account and the timbercovehomes.org website. Donations could be made by name or anonymously. This would be a volunteer, innovative approach to enable the community to help address urgent road repair needs which the Association currently lacks sufficient funds to address.

A Board member asked if we could bypass the Go Fund Me and donate directly to the HOA. Ms. Vernon thinks that Go Fund Me is a better process, less work for the Board, very transparent. Other Board members expressed interest in this as a short-term option to fund the roads. Ms. Vernon noted that Go Fund Me does not require insurance or tax filing, but it is a temporary fix. Board members raised questions about the precise relationship of the fund to the Association and the Board, including questions of responsibility for oversight, agreed use of funds raised, liability considerations. Legal advice might be necessary.

Mr. Case believes this is a good idea which deserves to be explored. Ms. Vernon will formerly request the mail list and submit an email with the purpose and how the mailing list will be used solely to establish a Go Fund Me Account to fund needed TCHA road repairs and maintenance. After the request to release the mail list is received, the Board will consider the request and confer with the HOA Attorney if necessary.

Some further points were raised:

- A Board member asked if a member can hire a contractor with their own funds and fix a road. Another Board member suggested the roads are public access road easements under the management of the Association; an individual member may not have the right to make repairs on their own initiative and might be personally liable if they fix a road without the approval of TCHA.
- A Board member asked if a member can give TCHA a check and ear mark it for the roads only. The member might even suggest a contractor who would do the work.

Chris Feddersohn, a member of the Timber Cove Water Board, announced that there is now a County-sponsored Fire Abatement process in Timber Cove, and it is managed by the Timber Cove Volunteer Fire Department. Mr. Feddersohn, John Rea, Carolyn Abst, and Warren Doyle spent countless hours working to get this new process in place. Mr. Feddersohn suggested that the Fire Department be invited to speak at the Annual Meeting in September. Also, an informational presentation by the Water Board should be on the agenda to update the community on the condition of the system, recent equipment and operations improvements, and future plans. A Board member suggested that the Water Operators also be invited to meet the community. The Operators have done an incredible job.

A fire abatement brochure (Sonoma County Fire Code Chapter 13A) is available containing the new regulation and the requirements to comply.

- The brochure is also available on timbercovehomes.org under the Fire/Disaster Safety tab. Additionally, there is a link to the Sonoma County information that includes additional details named Sonoma County Hazardous Vegetation and Abatement (go to timbercovehomes.org for the direct link).
- The brochure includes the details to comply with the new fire code
- Requirements apply to lots of 5 acres or less
- The Timber Cove Volunteer Fire Department is authorized to perform the fire abatement inspections. The priority will be the highest fire danger areas which includes the roads. The first inspection (most likely starting in June) will include Hwy 1 and Timber Cove Road. Sonoma County can place a lien on property if the lot owner does not comply
- This new program implements the strictest fire abatement policy in the state of California.

Mr. Case asked about the recent TCCWD backflow source survey and the letter included. He found the letter confusing and had questions. Mr. Rea responded that the survey questions will trigger an inspection if the answers indicate there may be a problem with backflow going into our water system. The survey is a state requirement.

Business Items

Treasurer's Report – John Gray

The Treasurer's Report is available on timbercovehomes.org

Mr. Gray thanked Mr. Feddersohn and the group for all their hard work on the fire abatement requirements and the great work by the Water Operators.

Mr. Gray presented the Treasurer's Report. Below are additional details that were discussed when reviewing the report with the Members:

Additional Discussion Points:

- After the beginning of the new fiscal year, the dues in the Dues 2018/2019 Account were transferred to the Dues 2019/2020 Account. The old account will be closed since the funds will apply to the current budget going forward.
- The National Partners Insurance payment appears to have been paid twice in one month. The payment is automated, and the June payment was paid on May 30, so the payment is correct.
- The credit card payment is an automatic payment and Mr. Gray believed it was set up to pay the entire balance, not the minimum amount paid in May (\$25.00).
 - The remaining balance credit card bill of \$689.00 was later paid. It was decided to combine the approval of the credit card payment and the roads repair in one motion during the roads expense discussion later in the meeting.
- All the legal bills pertaining to the McKay Lawsuit have now been paid. There are no more outstanding bills
- The bills noted on the June Treasurer's Report were previously approved to be paid during the May Meeting

Motion to approve the Record Date for voting at the Annual Meeting

Upon motion duly made and seconded, the Board approved 7-0 the Record Date for voting privileges at the Annual Meeting to be August 1, 2019. Members who remain delinquent in assessments or fees invoiced by the Association as of that date will not be entitled to vote on candidates for election, or on other matters submitted for Membership vote at the Annual Meeting on September 21, 2019

Motion to Pay Bills

Upon motion duly made and seconded, the Board approved payment (5-0) of \$689.00 for the Office Depot Credit Card (see these minutes - Treasurer's Report under additional discussion points for details).

Motion Authorizing Road Repair

Upon motion duly made and seconded, the Board also authorized an amount up to \$5,000 to repair Lee Drive (this is over and above the \$2,500 already approved for repair) with John Gray and Margaret Grahame abstaining since they own homes on Lee Drive.

Motion to return bond to Mr. and Mrs. Crouch

Mr. and Mrs. Crouch are canceling their home construction project on Umland and have requested, in writing, the return of their \$5,000 bond. Mr. Gray has requested a motion to return the bond. There was a question by a Board member when the bond money should be returned, now or at the time the property is sold. Mr. Gray would like to return the bond immediately. A Board member asked about the process to submit their plans. He stated that since the preliminary plans were submitted formally and now the Crouch's have formally rescinded their request to build, the bond should be paid back immediately.

Upon motion duly made and seconded, the Board approved 7-0 the return of the bond to Mr. and Mrs. Crouch.

Discussion of Roads Repair and Maintenance – John Gray

- A discussion ensued regarding obtaining a contract to maintain the roads. Mr. Gray noted that contractors are very busy, and it is currently difficult to get a commitment to repair the roads. A member suggested TCHA seek to commit to a more comprehensive signed roads repair/maintenance contract for \$20,000. Mr. Gray said TCHA doesn't have that amount of money available currently to commit \$20,000.
- Mr. Gray is waiting for Piazza Construction to respond with a final estimate to fix Lee Drive. They were supposed to respond in the past week but did not call. He has another call into them to confirm the cost. Mr. Gray believes the amount won't exceed \$5,000
- There was some discussion regarding sweeping the roads and the value it brings.

Motion and Approval of Roads Sweep

Upon motion duly made and seconded, the Board approved, 7-0, \$2,500 to perform a road sweep

There is a patch cut out of the side of the road on Umland; this condition was man-made, not natural deterioration. A member asked about repairing the patch. A member stated that the contractor who removed the patch is responsible to repair it. The Board was not aware of the issue or the background. Another member with a home on Umland said he contacted a previous Water Board to repair the patch, but nothing was done. Mr. Gray will follow up to see that the repair is completed. A Water Board member in attendance stated that the repair is scheduled to be completed next week and they will take care of it. Mr. Case suggested that the TCHA Board coordinate with the Water Board if these types of repairs are required in the future.

A member asked if the funds approved to repair the roads could be maximized to repair more than just Lee Drive. A Board member asked if there are additional funds that can be used for the roads. Also, he asked if there is a specific plan for the funds approved for repairs. Mr. Case agreed that we coordinate and fix other potholes that need to be filled at the same time.

Anne Vernon suggested that the Board follow the past example when she was a Board member and there was a committee that created a plan for each year and budgeted the funds needed to cover the plan. A Board member agreed that a committee should be reinstated since it worked in the past. The Board can start gathering information from previous members of the Roads Committee so we can implement a new committee. Ms. Grahame said she would volunteer to be a committee member.

Based on this discussion, a member suggested the amount should be revisited and increased to \$10,000 with a plan if we currently have sufficient funds in our account. After discussion, the Board concurred.

Motion to increase the amount spent for urgent roads repair to \$10,000

Upon motion duly made and seconded, the Board approved 7-0, the amount to repair the roads will be increased to \$10,000 (in addition to the \$2,500 already approved) for urgent roads repairs and the details will include Lee Drive and supplemental projects to be identified prior to the funds being spent. The TC Water Board will be invoiced for the patch work on Umland.

Legal Committee Report – Bob Leichtner

As previously explained, the By-Laws currently in use are the 2003 version. They are not valid since they refer to CCR sections that don't exist, and they were not voted upon by the membership as required under the previous By-Laws. Ms. Culcasi did research to determine the valid By-Laws. The last prior By-Laws that may be valid appear to be 1991; however, they do not reflect established board practices going back several years or relevant changes in applicable law over the past 30 years. The Legal Committee recently met with Peter Walls to discuss the necessity of amending and restating the By-Laws. The Legal Committee is managing their work with Mr. Walls to accommodate our budgetary constraints.

- The Board's objectives in amending and restating the By-Laws include: Updating and correcting the By-Laws so they are compliant with current law and harmonizing the By-Laws with the essential purposes of the CCRs. Mr. Leichtner noted that he spent considerable time reviewing the CCRs. Although they are not well written and do not comply with changes in applicable law since 1965, they do present basic principles that seem clear and of wide acceptability, such as protecting and

preserving our natural environment, architectural design review, maintaining essential roads, and limiting annual membership expenses.

Other considerations for the bylaws project:

- Promoting alternative dispute resolution before litigation can be filed.

Recognizing and balancing the interests of all members, including the fact that half our members own unimproved lots and are not local residents.

- Establishing clear priorities for Board operations and expenditures to ensure that basic, essential responsibilities that benefit all members such as road upkeep, architectural review and proper insurance protection are adequately funded and carried out; allocating approval of new non-essential discretionary initiatives with wide membership impact or major financial consequences to decision by a vote of the full membership
- The Legal Committee is working with Mr. Walls; he will oversee drafting and editing to ensure compliance with laws and TCHA governing documents. The Amended and Restated By-Laws will require adoption by a vote of the membership of the Association. We hope to accomplish that at the Annual Meeting in September.

Aside from the project to Amend and Restate the By-Laws, this Board has already put in place:

- Code of Conduct
- Whistleblower Policy
- Conflict of Interest Provisions

Additionally, the Secretary is preparing a Master Annual Association Schedule, for the benefit of all Board members, which will clearly identify the key legal responsibilities of future Boards and their timing, including Annual Corporate Statement, Tax Filings, Budget, 5300 Report, Assessments, Insurance renewal/application, Annual meeting and elections, etc. This tool will assist both present and future Board Members to become familiar with all the requirements and responsibilities of their positions and to perform them properly and on time.

The above steps should also help bring down the costs of insurance.

Security

A member asked if there is a mechanism to employ and pay for a security person. Mr. Leichtner mentioned past arrangements that have not continued and commented it might be possible to include some language in the By-Laws that would recognize security as a valid Board concern, provided sufficient funds were available and a beneficial and practical plan could be agreed upon. Perhaps the Water Operators could assist in some manner with security since they regularly traverse the subdivision already.

A member asked about a Neighborhood Watch Program. Mr. Case responded that Neighborhood Watch is a good option. Also, members can tell neighbors when they won't be home or notify the Deputy Sheriff.

A member said that a new Deputy Sheriff will be coming to Timber Cove since Mark Provost will be retiring. Since we are fortunate to have a Sheriff who lives in our community, we should welcome them with open arms. We need to discuss the need to drive around the community on a regular basis. Dianne Feddersohn is working with the County Sheriff's Department to schedule a function where the new Deputy will be available to meet the community that he serves. Further details will be available. We should have an ongoing effort to continually communicate with our Deputy Sheriff.

Architectural Review - Ron Case

Nothing to report

Continuing Business

Independent Member's Committee Update

The Committee is waiting for more details regarding the proposed By-Laws update. They are also updating the FAQs since they are now out of date.

Update – Notice to Members - Delinquent Accounts

This information was already covered under the Treasurer's Report

New Business

Disaster Preparedness - Ron Case

Grace O'Malley, Chairwoman of Disaster Preparedness has requested phone numbers of the HOA members so they can be added to One Call Now. This is a system where the Fire Department can hit a button and alert residents of fire danger or other disasters. Phone numbers of Members who have requested that their information not be shared will be excluded.

Motion to share phone list for addition to One Call Now database for disaster preparedness

Upon motion duly made and seconded, the Board approved 7-0 to give the TCHA member phone list (only phone numbers approved to share will be included on the list) to Grace O'Malley so they will be included in the One Call Now database.

Annual Meeting and Board Elections

The date to call for Board nominations will be discussed at the July Meeting. The Annual Meeting is September 21. A member suggested the Annual Meeting be moved to the second Saturday of August since school starts in September and, as a result, some members who are parents and/or teachers may not be able to attend. It was noted that it is too late to arrange that now; the change of date will be considered next year since the Annual Meeting date for 2019 has already been established and announced.

Adjournment

The President adjourned the meeting at 12:11 p.m.

Respectfully submitted,
Cindy Culcasi, Secretary

