



Timber Cove Homes Association
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**Timber Cove Homeowner's Association
Board of Directors Meeting
Saturday August 15, 2015
Timber Cove Homes Office
22098 Lyons Court (moved to Timber Cove School)
9:00 am
MINUTES**

BOARD ACTIONS:

- 52 notices sent out for Fire Abatement. Property owners will receive letters with the names and contact information of crews who can do the clean-up if they choose not to. If the lots are not cleaned up the work will be done and owners billed.
- 2015-16 Adjusted Budget Approved
- Draft of Capital Improvement Plan for Roads accepted.
- The Water Board has officially accepted the Office and will be upgrading it to make it Disability Accessible with a bath. Necessary permits have been reactivated by the County.
- Consideration of consolidation of resources into a Security/Fire Abatement/Road Maintenance position to oversee the community. ST, SM and TG will research job descriptions and property management.
- Discussion of commemorative naming of a site for John Sperry.
- Camping policy to be discussed at next meeting.

PRESENT: Tom Giacinto (TG) president; Tim McKusick (TMCK) vice president; Susan Moulton (SM) Secretary; Sylvia Todd (ST); Sue Ellen McCann (SEMC); Sal Culcasi (SC); Sharon Lynn (SL) administrative assistant

ABSENT: Fred Leif, resigned.

GUESTS: Ann Vernon, John Rea, Hannah Clayborn, John Howland, Ron and Carolyn Case, Katie Seymour

Executive Session (8:45 pm)

1. Personnel discussion of Davis-Stirling Violations: Sal Culcasi was censured for violation of Davis-Stirling Act.

2. Litigation potential and legal response to violation of CC&R's and Bylaws: With the refusal to enter into Dispute Resolution, this is now in the hands of the attorneys.

CALL TO ORDER 9:15 am

Approval of Agenda-SM moved, TG seconded; All ayes with addition of approval of June minutes.

Approval of Minutes June 29, 2015 (all ayes for approval, SC abstain). July 20, 2015. ST moved approve, SM second. Discussion: All ayes.

President's Report (T.Giacinto)

Executive Session Summary (see above)

Update on our legal counsel's advice on Trails, DSA violations

Trails: it takes the majority of property owners to change anything. We have a possible mediation going on; This has cost thousands of dollars and it applies to one section of the trails. Notices of the trails have been sent. TG noted it takes a real estate attorney to rule on private easements. In response to an audience member's desire to speak, TG requested all comments be held until Public Comment since we started late due to the change in meeting site.

Announcements (T. Giacinto, S. Lynn)

Introduction of resident Sheriff, Mark Provost (deferred)

REPORTS:

a. Correspondence (S. Lynn)

a. **Security and Fire Abatement** (N. Lee) Written report. Nothing significant has happened this month.

TG noted there are 52 notices out for Fire Abatement. Each lot will be bid individually and owners will receive registered letters. This is being done through the Water District resolution that was reinstated at the last meeting. In 1998 it was enforced and it was very successful. TC got cleaned up for the first time in many years. The HOA is an agent of the Water Board and both bodies are overseeing this. Megan Babin has contacted the HOA and wants permission to park her RV while she is actively putting a house on her property on 22147 Ruoff. She has applied for a water meter and building permit. She wants to clear her property of tan oaks. JH noted previously you needed an active building permit to be able to park your RV. ST noted with the support of her neighbors and because she is clearing her land the issues such as bathroom facility (in her RV) were covered. The neighbors are all ok with it. SM moved she be given a 30 day approval with the right of renewal. SC seconded. All ayes.

b. **Website (S. Lynn, S. Moulton):** She has looked at non-profit free websites and will work with Sharon to choose one and initiate it through the office. ST thanked AV for forwarding the information about the TC Facebook page which we are developing. SL will assist.

c. **Architectural Report** (S. Lynn; T. McKusick) Update on new procedures for undergrounding power and other variances: TMCK noted PG&E Rule

20A is stalling underground retrofitting. So we will approach it differently. He was looking at Homeland Security Site for natural and homeland disasters which has some grant money available. FEMA sites, also are possible. SM asked if this could be done under the authority of the Water District also. TG has been speaking with PG&E engineers and engineers with the county; and they are actively looking at undergrounding wires. As lines need to be replaced, we will try to underground them. Lorrie Uribes will be helping out with this with his prior contacts with the state. ST asked if we need people to help with grant writing—ask for help at the Annual Meeting.

d. Treasurer's Report (F. Leif resigned)

- a. Payment of Bills (Handout):** TG moved, SM seconded: 5 ayes; SC no. Motion passed. Discussion: TG noted we should get a sizeable rebate on insurance. SL will check into this and she clarified the funds were kept separately so it was easy to identify Unit One from Unit Two funds. The surpluses were clearly identified. 18% of the Reserve Funds as of March 31, 2015 was put into a Road Fund for Unit One.
- b. Revised budget for 2015-2016:** FL did most of the work for the budget. TG distributed a Capital Improvement plan (Handout) for the Roads. Discussion. He proposed this many years ago. He suggested we prioritize widening roads for emergency vehicles and fire escape. Main arteries need to be widened. In the initial Fire Abatement, Forest Management Plan this was a top priority for Fire Protection. Two cars need to be able to pass and emergency vehicles need to be able to pass and make the turns. TG reviewed the elements of the plan and reported they are seeking prices. One new element is the hiring of a road manager, part time/per job person who is a Civil Engineer. That person could get competitive bids for every job to be done. He suggested we hire a Security/Fire Abatement/Road Maintenance position to oversee the community. This would save the HOA funding and insure work would be done when needed. SM commended TG for his work in drafting a CIP and she asked about more precise costs and a position description. TG clarified that once we hit each annual cap we would stop work until the next budget year. Bids and prioritizing safety needs need to be done first. Most of the roads are not bad so that after a few years the roads would all be in good shape. ST had researched HOA management companies to help with the process or defining the job. She suggested a small committee to work with TG on drafting a job description. To clean the ditches is \$134 per property. SM, ST and TG could draft a job description and have the CIP and the position ready for the next meeting. Civil Code 845 says if you live on an easement you are required to maintain that easement. SEMcC asked about the funding. SL noted that it brings us to only \$1000 more than what

we collected. ST noted with a position of this sort there would be continuity from one board to the next.

- c. **Budget:** SL explained that the Budget has been presented and not approved. It had to be recalculated with the loss of Unit One. This is a broad brush stroke budget format that removes Unit One funding, reduces the variable expenditures down to reflect their loss. She and FL worked on this. SM moved we approve, TMCK second. Discussion. SC asked about the water bonds (note: these are handled by the Water District); TG noted we will save on insurance. SL explained the negative \$10,000 amount was there because we were assuming the amount that would go into roads. If we go with TG's proposal, then we would only need about \$1000 from the reserve fund, but the savings from insurance may off set this \$1000, entirely. We may break even or even have money left over at the end of the year. The budget can be revised during the year. All ayes. Motion on budget passed.
 - d. **TG noted the CC&Rs** are a contract. The Board does not have the authority to nullify a contract. We cannot enforce a third party contract. The County sent a letter out from Diminovich that said the Board must approve any changes covered by the CC&Rs. The county will not take up the slack if an HOA is dissolved—they won't take a trailer off your lot, enforce Fire Safety, etc. The Board is the only body with the ability to enforce the CC&R contract. The attorney will handle situations in which contracts aren't followed. This Board is new and will enforce CC&R violations equitably. It was observed that in past years the CC&Rs were selectively enforced. If there is a complaint from a property owner, the Board is required to investigate.
 - e. **Security and Fire Abatement** (T.McKusick) Discussed earlier. Another reminder about Free chipping. TC will try to schedule them for mid September. Discussion of how to remove large trees in canyons, particularly Cemetery Creek. Fish and Game has given permission to us to clear out watersheds carefully to minimize fire danger after nesting period is over. TG will be meeting with them along with TMCK for further details and permission.
1. **Trail update and survey status** (T. McKusick, Hannah Clayborn): HC put her report in writing for the newsletter. She discussed letter from Leonard Gabrison who is new to the project. He did confirm he had inadvertently sent out a very old letter. He noted whatever process we are going through now does not affect private trail easement. The Trail Committee had 18 enthusiastic people who helped on the Trail marker finding weekend. They don't meet to talk, these are work teams. They have over 40- people on their committee and they will be asked to contribute something. They found two dozen old survey markers from Lyons Court to Frost Court to Davis Way. Another team went from Umland to Ruoff to Bufano. They borrowed two expensive pieces of

equipment. They have engineers working with them. The next Trail Marker session is August 22, meeting at the Lyon's Court clubhouse at 10 am.

2. Naming a trail for John Sperry. SM had received a suggestion from the community that we name a trail after him since he particularly loved the Smith Court trail and worked regularly with the Trail Committee. This will be discussed at the Annual Meeting.

PUBLIC COMMENT

John Rea believed the reservoir should be named after John Sperry.

Katie Seymour asked who were the signers on Unit One? She stated they do not run a business on their property. ST noted the Board tried to enter into a Dispute Resolution but the property owner (Seymours) refused. KS claimed they were not given copies of the property owners' complaints. ST noted this issue should properly be handled in Executive Session. Had the Seymours agreed to Dispute Resolution these questions would have been addressed. ST clarified that the issue was inequitable application of holding people accountable to the CC&Rs. This is a new board, there are previous boards that were very selective. TG reported Board members review and neighbors affirmed the property is being used as a gravel yard and for the storage of large equipment. The issue is what appears to be a clear violation of the CC&R's. With the rejection of Dispute Resolution, it has been handed over to the attorney for future action.

Anne Vernon asked about wasting money on mediation. She claimed they tried to meet with us. SM: Noted no formal written request for a meeting or Dispute Resolution was filed with the Board or ever requested by the Vernon-Reas. ST reported that at an earlier meeting Anne Vernon claimed that she talked with Tom, met with Fred Leif and John Howland and others but as ST stated to her at the meeting, none of those meetings were official and ST then again suggested the Dispute Resolution process to Anne Vernon and John Rea who rejected it claiming that the Board was "hostile". (TG had to ask JR to lower his voice since he was yelling loudly. As Parliamentarian, SM also asked JR to lower his voice, refrain from yelling, not interrupt or speak over others or he would be asked to leave. She requested others act respectfully and not interrupt speakers who were recognized by the President and have the floor. Katie Seymour was also asked not to repeatedly interrupt Directors who had the floor.)

ST reminded Public Comment is an opportunity to state your position and the Board takes it in and then considers it. Directors do not usually reply. There is a formal internal dispute policy that requires two board members be appointed for Dispute Resolution. When the group meets and a resolution is developed from that meeting, it is put into writing and it goes back to the board for action. Obviously the prior board last year was not following that procedure. The majority of members of this board were not part of that debate over the Vernon Rea's easement. We are following the Bylaws and CC&Rs as required by Civil Code.

Ron Case (RC): too much time has been spent on this issue at meetings.

Hannah Clayborn: It is very clear the difference of the two previous Board meetings and this one. The earlier two were very positive and constructive. People have been able to say whatever they want to say at the meetings. What she said and her report was put out in writing and to date she has not received anything in writing saying there is something inaccurate. When people just make statements that things are inaccurate, with no evidence to support their contentions, that is inadequate. The negativity is not coming from the trail people. These meetings should not be hi-jacked by those with their own personal agendas.

OLD BUSINESS

1. **Status of Outside Grants and Contracts** (T.McKusick)
2. **Signage Report** (T. McKusick) SC asked it be recorded that he be included in the Signage committee. RC noted one member who was going to bring sample signs has not come forth. They need to meet again.
3. **Lyons Court Office Update** (T.Giacinto, T.McKusick) TG: The Office is being upgraded. The Office has been handed off to the Water Board. They will make sure it is handicap accessible and the plumbing will commence soon (all of this is volunteer work with donated materials); it has been used a lot lately as a clubhouse. The trails committee, a meditation committee, an ice cream social have all taken place there in addition to Board meetings.
4. **PG&E Underground Cable** (T. McKusick) discussed
5. **Emergency Response Planning:** Grace O'Malley will be asked to do a presentation at the Annual Meeting. There has been some talk about storing emergency supplies in the Office. SL explained where the existing emergency staging places for the area are located.
6. **Capital Improvement Plan** (T. Giacinto/Sylvia Todd) discussed. This is a plan for the future depending on what people want to do. It includes trails, clubhouses, other community activities that will incur expenditures. This would include volunteer activities as well as dues investment. TG suggested we separate out the roads and architectural under paid managers, so the board can focus on community activities. ST noted a big piece of the development of a CIP is handling roads. The Annual Meeting will provide a forum for like-minded people to find themselves and move forward with the energy and ideas.
7. **Beach access:** TG needs to speak with Julian Payne (out of town for a month) who is a partner and general manager of the Inn at the end of the month. We have the right to use a "floating easement" by the Inn. We have 13 easements in TC for Beach Access.
8. **Camping Policy:** TMcK noted the County has restated the regulation for clarification. You can camp on your property and give permission for others to camp. Decision on specific policy postponed to next meeting.
9. **Mailbox Keys** – Kelly Court and Ruoff/Hwy 1. SL reported the keys have been found. Non-issue. Available in Jenner Office.

10. Annual Meeting Update: September 5, 2015 at Timber Cove Inn (S. Lynn, T. Giacinto, S. Moulton, S. Todd). SL has received 4 candidates: Sue Moulton, Sue Ellen, Joe Pearson, Bob Leichtner. SM moved, SC seconded ballots be accepted 5 ayes, 1 no. Motion passed.

NEW BUSINESS

3. **Creation of Committees for ongoing TCHA work and social projects** (S. Todd) These will grow out of the Annual Meeting discussions.
4. **Consideration of creation of Capital Improvements Project coordinator and Maintenance position.** Deferred to next meeting.

September 5, 2015 - Board Meeting at 9 am and Annual Meeting at 10 am at Timber Cove Inn – refreshments to follow Annual Meeting. Agenda Items:

Adjournment :ST moved, SEMcC 2nd. Meeting adjourned 11:25 am.

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.