

# **Minutes of The 2019 Annual Meeting of The Timber Cove Homes Association**

Held Saturday, September 21, 2019 at 11:00 a.m.  
At the Fort Ross School

## **Attendees:**

### **Directors Present:**

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

## **Call to Order**

Mr. Case called the meeting to order at 11:03 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, minutes of the September 22, 2018 Reconvened Annual Meeting were approved 7-0.

## **President's Report – Ron Case**

Mr. Case welcomed the members and our guest speakers.

## **Fire Safety – Caerleon Safford**

The links below are available on the timbercovehomes.org website:

<https://www.firesafesonoma.org/>

Although we don't have a copy of Ms. Safford's presentation to post, please see the "Living with Fire in Sonoma County" pdf under Documents and Resources on the timbercovehomes.org website. It contains her discussion points regarding fire abatement steps to create a defensible space around your home.

<http://sonomacounty.ca.gov/PRMD/Fire-Prevention/Vegetation-Management-Services/Curbside-Chipper-Program/Chipper-Program-Guidelines/>

Ms. Safford is a Director for Permit Sonoma, Fire Prevention Division. That is her day job. She works for James Williams, Sonoma County Fire Marshal. Ms. Safford also works with Fire Safe Sonoma doing outreach and education to the community.

#### **Fire Chief TCFPD - Erich Lynn**

Ron Case asked Mr. Lynn to give an overview of his responsibilities with the county. Caerleon Safford also responded to questions.

TCFPD has contracted with the county to perform the inspections. There is a team trained to perform the inspections for the new fire abatement ordinance. The fire district has been split into 3 sections since it is not possible to complete the fire abatement inspections in one year. This year the inspections include Hwy 1, up Timber Cove Road, and south of Timber Cove Road. Next year will include the remainder of the subdivision and Kruse Ranch Road. The following year will include the Seaview Ridge.

Question from a member - What happens if a resident ignores the inspection report and doesn't address the issues?

This is a new ordinance. It's not perfect coming out the door. The inspection is intended to bring fire hazards around your home to your attention so you can address them. If residents refuse to address fire hazards, the County's inspection and enforcement response will become more aggressive over time.

Per Ms. Safford, the plan this year, in the roll out phase, is to get people educated and get them used to the idea that the new plan is coming. Timber Cove has been good about addressing fire abatement. Any enforcement activities this year will be to the most serious problem parcels only and there are none currently identified in Timber Cove. The county has found that once most people learn what needs to be done, they start doing it. There will be some significant changes to the ordinance and related procedures as time goes forward.

Chief Lynn noted that more members take their fire abatement seriously. He said it is frustrating when a member has spent significant time and money to clean up, but additional problems are found during the inspection, e.g. pine needles under a deck. A lot of the items that the inspection team is finding may only take 20 minutes here and there to clean up. They are not big items. Remember when clearing that a big fire truck may need to fit through your driveway to fight the fire. If the mirrors don't fit through and they are broken when trying to fight a fire, that truck is out of commission. Emergency access is critical.

Wood chips should not be placed in big piles (not higher than 3 feet) because they generate heat and can self-combust. They are a fire hazard and could ignite. A big pile may be cool on the top, but about 2 feet down the pile may be heating up and smoldering. If the pile is moved while hot, a fire could result. Dig a little hole down the middle of the chip pile and the pile should cool off by morning. Then it will be safe to spread out the pile with no result of fire.



Campfires - Legally a Timber Cove resident may be allowed to build a campfire even on a red flag day. The county is looking into an ordinance (probably implemented in 6 months to a year) that would require safeguards, including a contained fire with a screen on it, water nearby, and other safety factors. Be aware that if you smell smoke in the summer, it could be that your neighbor has a campfire. Be aware that if a fire starts on your property and leaves your property, you may be responsible for paying for fighting the fire and resultant damages to others.

Cal Fire approved address signs - Chief Lynn said Cal Fire signage is important. It needs to be visible at night and easy to read. The signage (about \$20) is best placed on a metal post so it won't burn in a fire. Chief Lynn stressed even if you know everyone in the area, you need a Cal Fire approved address sign. An ambulance could be coming from Gualala to your home or fire fighters from outside the area who are assisting may be coming and they may not know you or the area. The signs are available in the area at various stores. For a driveway with multiple homes, the addresses should be located on the street with an additional sign in front of each house on the driveway.

Gates - All electric gates should have a nox box to allow the fire department to open the gate with a key and get on the property in case of a fire. The fire department may tear down an electric gate if needed to get to a fire.

Prepping the immediate perimeter of your house within the first 5 feet is important. If a fire is advancing, the fire department will take preventative measures for as many houses as they can, but if there are lumber and other items surrounding a house making a quick prep impossible, the fire department will simply move on to the next house. Help the fire department help you.

90% of the tasks in the presentation can be done by the homeowner. The work may take time and money, but it is important to get it done. It may take a while. The more residents who complete fire abatement, the safer the entire community. It is not impossible to clean up, it just takes time.

A member asked what TCHA can do about fire abatement. A Director responded that TCHA doesn't have the authority to enforce fire abatement by itself, but we can coordinate with Cal Fire and the County to inform residents of issues and educate them and alert the agencies to problems found.

A member asked about an adjoining ranch with many dead tan oaks and other fire hazards and what TCHA could do about this. When an inspection is done, the frontage along the road needs to be cut (first 10 feet) for all properties. Since the ranch is bigger than a 5-acre parcel, it does not fall under the new ordinance and no inspections are done on the property.

**Chief Lynn suggested members sign up for [socoalert.com](https://socoalert.com). The link is also on [timbercovehomes.org](https://timbercovehomes.org).** You will only get alerts for emergencies in Timber Cove, e.g. fires, evacuations, overturned tanker blocking Hwy 1, etc.

The Timber Cove alert system is One Call Now. TCHA will be sending the contact information of the Timber Cove residents (residents who opted out of sharing information will not be included) to the fire department. A resident who would like to have their information included should contact

[timbercovehomes@gmail.com](mailto:timbercovehomes@gmail.com) and Melany Collett will respond. Residents may also contact the fire department directly at TCFPD4500@gmail.com if they are currently not included.

An Evacuation process will be created by the County and other agencies in the near future to ensure orderly and safe evacuations. Currently there is no established process, and this can create traffic jams. All Fire Abatement information is posted on the [timbercovehomes.org](http://timbercovehomes.org) website. TCHA will also send out an email with details to the members.

#### **Introduction of our new resident Deputy Sheriff Jeremy Lyle – Ron Case**

Mr. Case introduced Jeremy Lyle to members at the meeting. Deputy Lyle will be full time in the Timber Cove area in mid-October. In the meantime, he will be in the area periodically more and more as Mark Provost winds down before retiring. Deputy Lyle will use the same numbers as Mark Provost when he takes over as resident Deputy. The members thanked him for taking the time to stop by the meeting.

#### **Timber Cove County Water District (TCCWD) Update – Chris Feddersohn**

Mr. Feddersohn, President of the District, introduced himself and gave some history about Timber Cove. When Mr. Feddersohn and his wife Diane bought their lots in 1980, there was a building moratorium along the coast (not just Timber Cove) and no building was allowed. Around 1984, the Sonoma County Coastal Commission lifted the ban and building was allowed again. Sea Ranch was required to create trails and also allow beach access. Timber Cove was not required to do the same.

When the Feddersohns purchased their lot, all the roads were gravel. At the time, Mr. Feddersohn remembers attending an HOA Meeting where Richard Clements (Developer of Timber Cove) stated he liked the gravel roads. The moratorium ruined the Timber Cove Water Department. There were a couple of tanks and some drilled wells. There were about 18 houses build at that point in time. When wells were drilled, they accommodated a limited number of homes. That was not a reliable way to get water for all residents so something else had to be done.

Timber Cove Creek produced lots of water in the winter and it was discussed that perhaps that could be captured as a source of water. It was difficult to build a home at this time since there was not a reliable source of water. Richard Clements, the developer, sold the remaining 30 to 40 lots to John Gallo and Greg Kelly. There was no water source. As a result, the reservoir was built around 1994 to ensure there was enough water for the entire community (225 lots including Units 1 and 2). The reservoir holds 9 million gallons of untreated water. There are 3 holding tanks for treated water: The tank near the Reservoir holds 100,000 gallons; Next to John Howland's home on Timber Cove Road holds 22,000 gallons; On Hwy 1 holds 62,000 gallons. 45% goes to the Timber Cove Inn and the rest of the water goes to Timber Cove residents. The average water used per day is 10,000 gallons.

Over many years, we only had one Water Operator. It was difficult for this one person to run/maintain the water system. It was also difficult for this one person to maintain the plant and conditions deteriorated. Until recently, it was assumed by previous Boards that Timber Cove needed a new water system. Our system was held together by duct tape and bubble gum. The current Board has since learned that this was actually not true. We don't need a new water system.



A year ago, we had a high paid water operator who was training students to run our water system. We found his expertise wasn't what he said it was. In time, he decided to move on.

About a year ago, we found a new operator and hired him, Tanner Hiers. Tanner has a wealth of experience and the licenses required to run the Timber Cove water system. We had 3 students running our water system who were getting their licenses, in addition to Tanner. All got their licenses and for a while we had all 3 students working for us while we were deciding who to keep. They worked on the system and did a lot of deferred maintenance and upgrade work from painting fire hydrants to finding valves that we didn't know where they were located.

About a year ago, Chris Feddersohn got a letter from the County notifying TCCWD that it would be assessed a large fine for a diversion of the Timber Cove Creek that wasn't reported. The fine was \$399,000. Tanner had given a 30-day notice to Weeks, his employer and was not on board as an employee yet. Mr. Feddersohn called and asked Tanner to help respond to the letter. Even though Tanner was not officially on board yet, he addressed the letter and was able to respond and the \$399,000 fine was alleviated. Shortly after, two more letters arrived with \$399,000 fines. Tanner addressed them all and was able to respond alleviating both fines. Thanks to his outstanding efforts, the District avoided imposition of over a million dollars in fines.

Shortly, a State of the TCCWD Newsletter will be sent to the community. Additionally, the TCCWD meets the 4<sup>th</sup> Saturday of every month at the Fort Ross School.

Chris Feddersohn introduced Tanner Hiers, Chief Plant Operator, to speak about TCCWD and his experiences. Tanner said the jobs he had in the past prepared him well to work at TCCWD. It was a unique experience when he first started. His previous job was trouble shooting problems that occurred. In Timber Cove it was great that Tanner could start where he left off the day before and develop long lasting improvements overall. In his previous job, he waited a year until he returned to look at the status of the problem.

When Tanner first started, the plant kept turning off among other issues. Tanner worked with the operators who had been around longer than he had, and they were able to fix many issues, e.g. the time needed to start the plant went from 5 to 8 hours, to 15 minutes and the team figured out the source of the false alarms and fixed it. Tanner and the Operators kept working and were able to fix the system. Many of the problems were a result of historic lack of maintenance.

Ron Case acknowledged how Tanner and the Operators saved the members a great deal of money. Mr. Case also thanked Melany Collett, TCCWD office administrator, and how well they all work as a team. Tanner has also created a comprehensive maintenance manual. A member stated that Tanner is a self-starter and has done many of the improvements with no one requesting them. Tanner continued noting that all are working in sync now, the Board, Water Operators, and Administration, to one goal. A member added that the customer service is excellent. Tanner also complemented Corey Cresswell, Shift Operator, as a quick learner and very hard worker. He is a valuable asset.

The team has been working on improving the water quality and taste. A member spoke up and agreed that the water quality and taste has improved.

Chris Feddersohn added a few final comments. Tanner has created:

- A Book of daily tasks completed
- A Schedule for Fire Hydrant maintenance which results in water saved
- Brainstorm Meeting weekly to discuss how to improve processes
- A Whiteboard in office with important information for the staff

Members are welcome to call Ms. Collett and schedule a tour of the Water Plant with Tanner.

#### **Treasurer's Report – John Gray**

Our Financial Reports are completed and posted on [timbercovehomes.org](http://timbercovehomes.org). Mr. Gray didn't go over them, but members can review online, and they were also included in the September Annual Meeting Board packet.

Mr. Gray reviewed the approved Budget Revenues and Expense for fiscal year May 1, 2018 to April 30, 2019, the approved Budget Revenues and Expenses for fiscal year May 1, 2019 to April 30, 2020, and the Treasurer's Report.

Both Budgets are posted on the [timbercovehomes.org](http://timbercovehomes.org) website under documents under Financial/Insurance. The Treasurer's Report is posted under Board Meetings.

Some of the items from approved 2018/2019 budget that were called out:

- There are no longer any substantial assets owned by TCHA to depreciate in Timber Cove.
- Some of last year's budget has been deferred to this year because the cost of the insurance was high due to our past history of litigation and as a result, we are making monthly installment payments for the insurance.
- Office expenses were higher than expected because the old printer stopped working and we had to buy a new one.

#### **Treasurer's Report – Items called out**

- **Slide - Bills Expected in September** - Mr. Gray reminded members that prior to the lawsuit and other claims and threats of litigation, annual insurance cost about \$5,000 - \$6,000. Now insurance costs around \$30,000 annually.
- **Slide - Bills Expected in September** - Caulfield Law Firm is the firm that helped us secure our insurance to cover the continuing legal fees in the McKay litigation, and to enable out attorney to settle TCHA out of the lawsuit with no cost to members, and also to get coverage from the Clayborn cross complaint that was filed against us. They have also helped assess options for attempting to recover past attorney fees incurred by the Association before the insurance stepped in.
- **Slide - Bills Expected in September** – Peter Walls: \$2,320 (\$300 an hour) Bob Leichter and John Gray both commented on the reasonable cost to amend and restate the bylaws.



### **The motion to pay the bills will be voted upon in the General Session following the Annual Meeting**

Proposed Budget Revenues and Expenses – Fiscal Year May 1, 2019 to April 30, 2020 – Items called out

- The special assessment was kept separate from the Operating Fund. The remaining funds will be moved to the Reserve Fund.
- In general, the budget has turned more favorable. Our costs are coming down and we are in better condition than last year

### **Public Comment**

Kris Kilgore talked about Aging in Place which is now called Aging in Community. There is a meeting once a month at Fort Ross School and it is well attended. The intent of this group is to develop support for seniors so they can stay in the Timber Cove area. There is also a group called Coastal Seniors in Point Arena. They do not support Timber Cove, but they are a well-developed group and have been able to obtain grants. Ms. Kilgore joined their Friendly Visitors Group.

If you know of a senior that needs help, let them know. Ms. Kilgore has cards she can share with the contact information. This is a very rewarding experience.

Mr. Case added a comment about RCMS (medical clinic in Gualala) and how they are struggling to fund their visiting nurse services. They need our support. For example, visiting nurses in the area help seniors by giving shots to their partners. He also said that RCMS is interested in feedback from the community and they do listen.

### **Election Results – Ron Case/Brett Chairez**

Brett Chairez, Inspector of Elections, reported the election results:

- Russell Wells – 84 votes
- Margaret Grahame – 82 votes
- There were 7 write in candidates
  - Hannah Clayborn – 3 votes
  - Spenser Lipps – 1 vote
  - Gayle White – 1 vote
  - Tom Giacinto – 1 vote
  - Ivan Trujillo – 1 vote
  - Kris Kilgore – 1 vote
  - Chris Feddersohn – 1 vote
- Bylaws passed - 77 approved to 18 opposed

The quorum was 89 with 111 ballots received.  
102 ballots were valid.

A certification of the election will be sent to the Board within 15 days.  
The ballots are in sealed/signed envelopes and will be kept for a year.

If you have questions about the bylaws, Bob Leichtner, John Gray, and/or Cindy Culcasi can answer your questions.

John Gray had a closing comment. To summarize:

- The new bylaws give the members more power over how funds will be spent. The Board is authorized to spend funds on essential, priority functions, consistent with the CCRs.
- Requiring a review of all financial transactions in the monthly meetings. The Treasurer's Report is presented in all General Session Meetings.
- Limiting Directors from spending more than \$250 without a vote of the Board
- This Board put this in place and now it is included in the bylaws that all Directors must sign the Code of Conduct, Conflict of Interest, and the Whistleblower Policies
- Change when filling Board vacancies by board appointment - Currently a Director appointed by the board to replace a Director who resigned, serves the rest of that Director's term, regardless how long (e.g., up to 3 years). Going forward, the Director will only serve until the next election. For example, if a Director resigns in the first year of their term, their seat will be on the ballot in the next election. This is a more democratic process.
- Indemnification – If a Director commits criminal conduct, they are not eligible for indemnification.
- Fees/Fines - Except for late fee for annual dues, the members must approve any schedule of fines/fees.
- Insurance applications will be reviewed by all Directors for accuracy.
- Requirement of Mediation prior to litigation.
- The references in the 2003 Bylaws to the CCRs were not correct and did not match the details in the bylaws.

Bob Leichtner added a few comments. There were some questions at the last minute regarding how we updated the bylaws. Our HOA attorney used the most recent 2003 Bylaws as his starting point. We did not use the 1991 Bylaws although they appeared to be the last valid bylaws. The 1991 Bylaws are more than 25 years out of date and have not been used in 20 years. They are out of compliance with current law and do not reflect today's TCHA circumstances. There were many inconsistencies, e.g. Annual Meeting to be scheduled in June, a quorum is 20 members (10% of members) which is not democratic, the Board can sign a unanimous consent with no meeting, which is barred by Davis Stirling. That is no longer legal but was at the time. Overall, our attorney relied upon Davis Stirling for the details of the provisions, to avoid any confusion and to ensure our Bylaws stay current as the statutory rules may evolve.

We did not quote the entire Davis Stirling sections for each of the Board rules since that would result in an extremely long and dense document. Instead, the references to the applicable statutory section number was used since the sections can be easily googled for reference.

There are some members that assume that this Board wants to dissolve the HOA and get rid of the CCRs. That was never an accurate perception. The new Bylaws are based on the essential functions of the CCRs. If some members don't like the Bylaws, they can propose changes.



The main thrust of these Bylaws is not to change things so much as to reemphasize the priorities that we all share, and to make sure that this Board and future Boards take care of essential business and stay out of trouble. If a Board has an ambitious project that they think will benefit the community, they should take it to the entire community for their approval. A small Board majority should not decide these issues alone, which can severely impact the entire membership.

Mr. Leichtner thanked Peter Walls (HOA Attorney) for his work. He has been independent and objective, and a good legal representative and an unbiased adviser.

Let's see how these bylaws work out for the next year. If members find defects that need fixing, they can be addressed in the next Annual Meeting.

Ron Case acknowledged the work of Bob Leichtner, John Gray, and Cindy Culcasi in completing the update of the new Bylaws.

**Adjournment – Ron Case**

Mr. Case told members a short General Session of the Board will follow to seat the Board, elect the officers, and vote to pay the bills.

**Upon a motion made, the meeting was adjourned at 1:34 p.m.**

Respectfully submitted,

Cindy Culcasi, Secretary

A handwritten signature in black ink that reads "Cindy Culcasi". The signature is written in a cursive, flowing style.