

Minutes of the Reconvened Annual Meeting of the Timber Cove Homes Association

Held Saturday, September 22, 2018 at 10:00 a.m.
At the Fort Ross School, Jenner, CA 95450

Attendees:

Directors Present:

Ron Case, President
Russell Wells, Vice President
John Gray, Treasurer
Cindy Culcasi, Secretary
Margaret Grahame

Rosemary Gorz was absent
Bob Leichtner was absent

We were unable to start the conference call because the center door was locked blocking access to the telephone line.

Prior to the call to order of the meeting, James Ernst explained the reason for the reconvened meeting and the application of the By-Laws. The prior Annual Meeting on September 15 did not have a quorum of ballots. 91 ballots were received for the September 15 meeting, but 100 were needed to meet the 51% requirement. 4 more ballots were received the past week. There is a 33% required quorum for the reconvened meeting (61 ballots) which has already been met.

Mr. Ernst explained the ballot counting process and the importance of confidentiality when opening and getting the ballots ready to count. This process is covered by the California Civil Code as well as the By-Laws. Once the ballots are separated from the envelopes and ready to be counted, Mr. Ernst and two volunteers (John Rosson and Chris Feddersohn) will count and record the votes. Anyone may observe the vote counting and tabulating of the votes. A volunteer does not need to be a member of the Association. The ballots must be counted in the meeting and visible to the members during the process.

Call to Order

The meeting was called to order at 10:07 a.m.

Review and Approval of Agenda

Upon motion duly made and seconded, the agenda was approved (5-0).

Public Comment

A member asked about Yammer comments made regarding insurance. She submitted the comments to the Board. The Yammer comments stated our insurance had lapsed and the Board did not notify the

members. Mr. Gray responded. Last year, the prior Board received a retaliation claim by Carmen McKay. Next, she submitted a very public resignation accusing the Board of civil and criminal misconduct. The prior Board also completed the insurance application with incorrect information. The number of lots and employees are incorrectly noted on the form. When Mr. Gray was seated on the Board, he went to the HOA Attorney to bring the issue to his attention, and then to the insurance company to correct the misinformation (as required by the insurance agreement). The insurance company then notified TCHA that they were cancelling our insurance. The prior Board said the information included Unit 1 in error. Mr. Gray said that Unit 1 had been gone for 2 years at that point, so that didn't make sense. The insurance agent told Mr. Gray that he checked the boxes on the insurance form while sitting across from Sue Ellen McCann and asking her the questions. He did not fill out the form on his own. The information stated in Yammer is false. There is lots of false information in Yammer. Our insurance did not lapse in 2017 or 2018.

A member asked for clarification regarding the form and the incorrect information. Mr. Gray confirmed the information he just shared. Ms. Grahame said that at the end of the day, Tim McKusick as President was responsible to ensure the information on the form was correct.

A member asked about the Reserve Funds and the legal requirements. Mr. Gray responded the By-Laws allow borrowing from the Reserve Fund, but it must be replenished within 12 months. We had to replace it by special assessment since we were short of funds and had to borrow from the Reserve Fund to pay our bills. James Ernst confirmed the Reserve Fund must be replenished within 12 months unless it is not in the best interest of the HOA. The emergency assessment was needed since we have to defend the HOA from the McKay Lawsuit and need the money to pay legal fees.

President's Report

Mr. Case discussed the reason for a second meeting. We did not have a quorum for the first Annual Meeting, so a second meeting was needed. The Treasurer's Report is posted on the Timber Cove Homes Association website (timbercovehomes.org) from last week's meeting.

Mr. Case thanked members for joining the meeting today. He stressed it is very important that members stay involved and step up when needed.

There was a brief break in the meeting while members waited for the vote count to be completed.

Election Results - James Ernst

Mr. Ernst again reviewed the confidentiality of the ballots. He explained how the envelopes were opened and the envelopes set aside. There were water marks on the ballots and two of the ballots had odd water marks so those were not counted.

79 ballots had 2 votes on the ballots for each of the two candidates. All the ballots with two votes were stacked together for counting. Other ballots were stacked separately. Ms. Culcasi had 3 ballots with only a vote for her and another one. Ms. Gorz had 4 ballots with only a vote for her and another one.

The total came to:

Cindy Culcasi - 83 votes
Rosemary Gorz - 84 votes

There were 7 write in candidates:

Tom Giacinto - 3
Tim McKusick - 3
Hannah Clayborn - 1

Ms. Clayborn wasn't on the roster (John Howland was listed), but it was confirmed she is a member and the vote was good.

Of the two ballots with the improper water marks, both were for the two candidates.
One ballot was returned blank.

Both Cindy Culcasi and Rosemary Gorz were elected to three-year terms.

Mr. Ernst asked if there were any questions about the process. All envelopes were double checked, and the votes were triple checked.

Mr. Ernst asked that all owners names be added to the roster. Ms. Collett will update the roster.

Seating of Officers

Upon motion duly made and seconded, the new Board was seated, and all Officers will remain the same.
The Board approved (5-0).

Adjournment

Upon motion duly made and seconded, the meeting was adjourned at 11:03 a.m.

Respectfully submitted,

Cindy Culcasi, Secretary

