

**TIMBER COVE HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
Saturday, April 25, 2015
Fort Ross School, Multipurpose Room
11 am Executive Session
12:00 – 2:00 pm Regular Session**

Board Members Present: Tom Giacinto (TG), Sal Culcasi (SC), Fred Leif (FL), Tim McKusick (TM); Susan Moulton (SM), Sylvia Todd (ST), Linda Willes (LW)

Staff: Sharon Lynn (SL)

Visitors: Stephen Tom, Cindy Culcasi, Joe Pearson (JP), Claudia Giacinto (CG), , Anne Vernon (AV), Brian Todd (BT), Hanna Clayborn (HC), Roger Simpson (RS), Katie Seymour,

Abbreviations used: TCCWD: Water District, Malcolm Manwell, attorney (MM)

Executive Committee Meeting: Summary

- Discussion of legal representation and threats of litigation. Decision to hire the Perry Law Firm to represent TCHA.
- Accepted and approved recording of secession of Unit One, the agreement acknowledging keeping the TCHA easements and road agreements intact
- Director contacting for a survey without permission. Discussion.
- Contracts and notification to our contractors about generating of appropriate legal contracts. The Board needs to include oversight; the Board can only offer one year contracts. All work needs to be open to review and bid based on identification of specific tasks to be done with proper details.
- Attorney McOmber opinion accepted by the board.

Regular Meeting: Call to Order (12:05)

1. Election of new board member to fill vacant seat term ending 2015. SM moved, TMcK, 2nd SC appointment of Linda Willes, (vote: unanimous ayes)

Approval of Agenda TMcK moved, ST seconded approval. SM suggested the agenda for the next meeting be determined at the end of this meeting.

Approval of Minutes February, 2015 FL moved with corrections, ST 2nd (ST ab.) and **March, 2015** (SM moved, TMcK 2nd, 4 aye, SC, FL no) approved

President's Report

TG reported:

- Discussion and actions taken in the Executive Committee.
- A letter went out to members of Unit 2 which contained misinformation and appeared to come from the TCHA. Many homeowners were very confused. Several were returned to the TCHA office. The letter was anonymous. TG will turn the letter

over to the Perry Law firm for considered action. Malcolm Manwell of the Perry firm is the new attorney for the association. No discussion of trails. The McOmber brief is the official opinion of the board regarding easements and trails. If anyone wants this legal brief they may request it from Sharon Lynn. SC commented on McOmber letter that it is public. It can be requested.

- ST asked if this would be the right time to send information out to the community to clarify the facts of the anonymous letter that went out. Selected people did not receive a packet. There is confusion about its source; many believe it came from the HOA. We should clarify it came from an anonymous group. TMcK commented a third hand letter noted it was Timber Cove HOA which is a registered corporation; it is illegal to use our name and they should be told to cease and desist. ST will draft a letter to go out to the membership to clarify the issues.

- TG reported the Board has approved final recordation of Unit 1 cancellation of CC&Rs and the acceptance of Section 14 of the easements where it allows Unit 2 to use the roads and utility easements. There are no trails in Unit One. The responsibility to maintain the roads remains with Unit 1. The Board approved recording that document. SC commented that he would like to see our lawyer review that. TG clarified our attorney is bound by the law to do the right thing and there is no conflict of interest.

- The Board decided to rewrite all contracts to follow the law, with specific requests for action and work to be done, and not to exceed 2 years. All work will be subject to bid. We have a responsibility to follow our By Laws. We will give notice to our contractors that all work will go out to open bid.

Announcements (T. Giacinto, S. Lynn)

SL reported:

1. Emails: She emailed the agenda and some people didn't receive it. Some people were pretty nasty about it. We use Gmail and the software developers did an update. It opens up another browser window. In the case of some people with multiple emails the software combines the email addresses and creates a conflict so some people did not receive emails. The problem should be resolved soon.

Consent Items and Reports:

- a. **Security and Fire Abatement** (N. Lee) (Attachment) TG noted we haven't gone full swing into Fire Abatement yet. Ruoff has some burn piles. The Fire Abatement report and policies we had in the past, was adopted recently by the Water Board, and we are affirming that Unit 1 and optionally Unit 2, has the authority to represent the community relative to Fire Abatement. The Water Board is a public agency, bound by the state and county to fulfill their legal obligations and they can write grants to support work for water, fire abatement and roads. Some roads aren't wide enough to pass. Brian Todd

and TG will be going to the Supervisors to get authority for the Water Board to do this. It is the next step below a “service district.” NL will be reviewing and noticing the lots that need work. Our fire danger in interior lots is very high. The Water Board would have the authority to send people on to lots and clear the fire danger if homeowners don’t address the problem. SM noted that we can write grants through the Water District that we can’t write as an HOA. TG and TMcK have gotten almost \$40,000 in grants in the past. ST commented that it is the nature of people to take on a lot, and she believes TG is taking on a lot and she worries he may become burned out. She hoped he would ask for help in whatever way is possible. We need to divide some of this work up. TG reported he is getting assistance from a number of people. There will be a notice, a 30 day period for response from homeowners. If no response, our people will bid on the work. SM suggested we include names of people and phone numbers who can do the work and the names of people who can offer opinions on what to cut or not to cut. The Forest Management and Fire Abatement Policy will be posted on the website. TMcK noted he attended a committee meeting where it was announced funding is available, and our report is key to us receiving financial support from the state. The county cut a fire break on the county property when the report was officially filed. TG will ask them to come back and redo the firebreak. TMcK noted new funding will focus on evacuation routes. With the drought the trees are dying and the fire hazard is increasing. We want to insure homeowners safety first.

b. Written Correspondence (S. Lynn)

a. SL reported letters sent to the mailer sent out on behalf of TCHOA homeowners are being returned to her. That mailer went out at the same time as the 5300 packet; people were confused about what they were receiving. There were correspondences included in Board packets. Mark Cleveland is planning a second meeting for the State Parks. She will email and post this to the membership. It will be May 7 at 6 pm at Fort Ross School.

b. **Architectural Report (S. Lynn) (Handout)** We had 2 more escrows close on open lots one on TC Road, one on Umland.

1. Assistant to John Howland: Discussion. SM noted we don’t have resources now for additional people, there have been no complaints, he has done well and so we should stay with the status quo. ST believed consistency is important. If anyone has a complaint there is an Internal Dispute Resolution policy and procedure in place.

c. Treasurer’s Report (F. Leif)

a. **Payment of Bills (Handout)** With the secession of Unit 1, the budget will change because of reduction of revenue. Overall, there are 48 fewer properties, reducing our budget by 20%. How do we absorb 20% less? Many of our budget categories are essentially fixed, some have flux to them. Dues go down to \$97,350; the proposed revenue of

\$99,608 will mean reduction of spending categories. Architectural Review will be a push; Legal in the past has been a varied amount of money. Legal has the potential to be interesting. \$3,000 budgeted last year, \$4,000 this year. That would be about 16 hours of legal assistance. Roads budget will taper down. FL asked on the advised budget that we continue to discuss it, get feedback from the board and come back with a budget to present to the association, maybe next time. There have not been any unusual expenses. It will be difficult to figure out unexpended categories for this year. SL reported the unexpended for this year is \$34,000. \$13,000 of that is left from the road budget. FL suggested the roads may be where we can shift some revenues. He requested authorization to pay the bills: TG asked what the specific road maintenance bills were for: SL sweeping and cleaning ditches (3/23/15 and 3/29/15) FL moved we pay the bills. TMcK 2nd. SC asked about Canyon Rock charges. TG noted it was for Unit 1 to correct exposed conduits under utility lines. TG, TMcK, SM, LW, ST aye, SC no. Motion passes.

b. Roads and Signage: Roger Simpson reported they have made progress with fonts and are almost at a point to develop and do a small prototype sign to present in the next month or two.

c. Emergency road repairs (TG) SC noted there was no road report until the survey is done. Nothing is scheduled right now. Discussion of chip sealing Rust. The cost for additional work will be emailed to the Board. SC moved to do the hammerhead on Rust if there are funds to do it in the budget. TMcK asked that property owners that are affected be consulted and contacted. He heard a rumor about an abandoned house on Ruoff; he is having trouble getting utilities because other property owners won't sign off on the use of the easements. BS commented that that section of the road does not have a PUC or easement. PG&E won't honor it. PG&E told the owner to get written permission from the neighbors. One won't give it. TMCK noted that corner is dangerous; it is a blind corner that should be shaved back. BT noted the subdivision map dedicates all roads as public easements.

OLD BUSINESS

- 1. Legal Representation** (TG and Board Members) already discussed
- 2. Forest Management and Fire Abatement** (T. Giacinto) discussed
- 3. Lyons Court Office** (T.Giacinto): We cannot sell this the way it is. He had commented we should turn it over to the Water Board so the community can use it. The HOA paid \$92,000. TG noted homeowners in the HOA are the same people in the Water District. The Water Board can get grant money to

make this a viable entity. TG designed it, got the Ansel Adam family to donate it; without his permission the HOA cannot sell it. He is happy to share it with the TCCWD. ST wants us to be able to utilize it. It costs HOA money to maintain. ST and TMcK will investigate our best option for this disposition. They will report at our next meeting. TG wanted to have all that property turned into a park. TMcK suggested we use it to store emergency supplies.

4. Unit One/HOA (opinion letter): This was a legal opinion regarding Unit One and the easements and trails issue. SM, TMcK 2nd we ask Manwell to review all documents regarding trails with a two hour limit. Discussion. SC nay; TG, TMcK, SM, ST, LW aye. Motion passed.

5. McOmber Legal opinion: Discussed in Executive Report.

6. Austin property Annexation to unit two. No longer an issue. He is in Unit 1.

NEW BUSINESS

1. Grants and outside funding opportunities (including Fire Abatement/Forest Management). (T. Giacinto, T. McKusick) Discussed.

2. Improvements and streamlining the TCHA (efficiency, contracting services, streamlining communication, etc.) (T. Giacinto, T. McKusick) Discussed

3. Written consent to obtain approval of work through emails: TG moved, ST 2nd (SC abst, TG, TMcK, SM, LW, ST ayes. Motion passes. The board can give itself that ability *in the case of an emergency*, with a cost up to \$5,000.

4. Other: SC questioned an old \$10,000 loan to the Water Board. If the Water Board has money to hire a manager they should pay off the loan first. TG reported that the TCCWD found out with turn over of Directors, they needed consistency and someone qualified to manage the employees, the engineers, to be local and available to offer oversight for sub-contractors. ST noted this is a discussion for the Water Board first.

5. Public Comment : TG reminded each speaker had 3 minutes to address whatever issues were important to them.

BS is confused about the closed session action re. contract. ST noted the Board members do not have to respond to public comment. BS has had a contract for about 15 years with little or no issues from anyone. He has been commended for his work.

BT commented that the fact the comment came from the floor does not mean it came from the board.

AV noted you have to post an agenda for Executive Session. She did contact SM for minutes. Once they are approved they have to be sent out. She received them early last week. She was recorded as voting twice; she did not. She will send corrections and asked they be republished. She received the letter sent by TG. The process they are going through is the vacation of a “public easement, public right of way.” She believes he published a false statement of what she said. AV did talk with Mark Cleveland and said they were misrepresented. They talked about private easements, not public.

Hannah Clayborne noted there was no communication between Mark Cleveland and Tom Giacinto. Cleveland sent an email to her and she shared it with TG who may have shared it with others. Cleveland was referencing her (HC) conversation with AV and AV alone. What drives her (HC) nuts is the misinformation that goes on. You do need to produce the record. Clayborn didn’t state anything about suing anyone. He only saw a letter from McOmber. He was praising McOmber’s letter only. He told HC he was happy to see she had good legal representation.

Joe Pearson noted, there are a lot of secrets going on around here. How is Unit 1 going to maintain the roads? TG clarified independent contractors will be hired and Unit 1 will pay for it. It will cost each homeowner about \$100 a year to maintain the roads. Stasiawski: Not everyone in Unit 1 knows about the costs of roads. She could see how the roads could cost more.

Time and Place of Next Meeting and Agenda Items: May 16, 2015, 9:00 AM?

May 16 Agenda:

Call to Order

Executive Session (if necessary)

Approval of Agenda

Approval of Minutes of April Meeting

President’s Report (TG)

Correspondence (SL)

Written correspondence

Website

Architectural Report (SL)

Treasurer’s Report (FL)

Payment of Bills

Reserve Fund

Security and Fire Abatement (TMcK)

OLD BUSINESS

Letter to membership (TG, ST)

Roads Report (TG)

Signage Report
Lyon's Court Office (TG)
Emergency Response (FL)
Outside Grants and Contracts (TMcck)
County Coastal Trail Update (TMcK)

NEW BUSINESS

PG&E Underground cable (TMcK)
Annual Members Meeting
Other (?)

Time and Place of next meeting

Agenda for next meeting

Adjournment

Adjournment SM moved, ST 2nd. Unanimous vote. Meeting adjourned at 2:00.

Members may speak for **three minutes** or less on any item on the published agenda **only** after they are recognized by the President. If you wish to speak for 3 minutes or less about a matter not on the published agenda, please make your comments during the portion of the meeting designated for Members (Public) Comments. Please limit your remarks 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.

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 9pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact [Sharon Lynn], Executive Assistant.