

**Timber Cove
Board of Directors Meeting
Monday, June 29, 2015
Timber Cove Homes Office
22098 Lyons Court
2:00 pm**

MINUTES

Members and Staff Present: Tom Giacinto, Tim McKusick (TMcK) VP; Susan Moulton (SM) Secretary; Sylvia Todd (ST); SueEllen McCann nominated and appointed by unanimous vote to replace Linda Willes.

Sharon Lynn (Executive Assistant) (2:05 had to leave)

Absent: Sal Culcasi (SC), Linda Willes, Fred Leif

Guests: Scott Black (SB), Claudia Giacinto (CG); Warren Doyle; Brian Todd (BT); Joe Pearson (JP); Bob Leichtner (BL); Hannah Clayborn (HC)

Executive Session (1:30 pm)

1. **Employee contract clarification.**
2. **CC&Rs and County Code violations by homeowners.**
3. **Release of homeowner addresses.**

Call to Order: 2:02 am

Approval of Agenda: SM moved approve the amended agenda that had been emailed to members several times to include: outsourcing architectural review; developing new road committee; capital improvement plan for roads; outsourcing roads fire abatement. SB 2nd, 4 ayes. Motion passed.

Approval of Minutes May 16, 2015 SM moved approval of amended minutes; ST 2nd; 3 ayes, 1 abstention SMcC).

President's Report (T.Giacinto)

a. Summary Report on Executive Session:

1. **Employee contract clarification:** Roadwork will be approved after we have reviewed the budget and have a capital improvement plan. We must abide by the CC&Rs and By Laws as must our contractors
CC&Rs and County Code violations by homeowners: Violations will be turned over to dispute resolution process.
2. **Release of homeowner addresses:** The Board cannot release names to anonymous sources or for negative purposes. We must be assured these will not be used to adversely affect the association or for purposes not provided under Davis-Stirling.

- b. **Board member Appointment:** TG moved we nominate Sue Ellen McCann as a Board member replacement for Linda Willes. TMcK 2nd; Unanimous approval.

- c. **Nicholas Lee Written Report and Fire Abatement:** 52 Violations for Fire. Notices will be sent out soon to property owners with the names of crews who can do the necessary work.

Announcements (T. Giacinto)

Introduction of resident Sheriff (postponed to next meeting)

Reports:

1. Correspondence (TG)

- a.1. Security and Fire Abatement (N. Lee) Written: Nicholas Lee Report Fire Abatement: 52 Violations for Fire; we had some rain.
- a.2. Letter from a homeowner regarding trouble with neighbor who has been in violation of CC&Rs about which she has complained for years but has been disregarded. We will pursue the issue and take it to dispute resolution.

2. Website: SM reported that we are working on developing this. We have had difficulty getting access to the password. It will be developed in the future.

3. Architectural Report TG: reported the CC&Rs note that art studios are allowed in Timber Cove. It depends on the interpretation of what constitutes a dwelling structure. TG read a letter from John Howland, Paragraph 4, clause 4 citing the CC&Rs that states a studio is allowed. Discussion about what constitutes a habitation or dwelling. Studios are excluded by the county from building requirements. In years past the Board has allowed sheds 10 x 12 to be built without homeowners seeking approval as specified by the county. The previous HOA board turned in a homeowner for his shed which was later approved by the county. What is an art studio? TG moved that we consider the art studio concept and that people within 300 feet within a property are the architectural committee if it fits with the CC&Rs, which are interpreted by our consultant, John Howland and it must be a temporary facility. It will have to go through the same architectural process as every other submittal. The Studio must comply with the original CC&R's with natural siding, no comp roofing, offsets on every side, full 42" overhangs, in the building envelop and must comply with the original intent of the Timber Cove philosophy. If the studio is more than 120 square feet it would be subject to the rules of Sonoma County PRMD. The purpose is to allow people to store their tools and supplies and be able to improve their properties. Anyone who is building or camping on their property must have some type of sanitation facility available. ST seconded the motion. JP noted there needs to be provision for disposal of refuse for sanitation. Some people have been living in their sheds. TMcK asked if there must be design review. TG: The same as with all structures. Anyone with an unimproved lot can put a structure up to 120 square feet, single story without permits or approval by the county. ST believed over the years some people have been given permission others have not. To formalize this makes it fairer for the community. 4 ayes; motion

passes. TG also moved we adopt the description of a dwelling described by International Law:

“Dwelling House: ‘Habitual residence’ or “being the place where the individual ordinarily resides and routinely returns to after visiting other places for a reasonably significant period of time. It is used to determine the law which should be applied to determine a given legal dispute. The *Hague Conference on Private International Law* has deliberately refrained from offering a definition so that the concept may be flexible and adaptable to practical requirements.”

Our CC&Rs note this (Clause IV Paragraph 4): Excludes studio from the list of outbuildings “prohibited prior to erection of such Dwelling House” indicating that the CC&Rs intended to allow studios as the only structure on a lot so long as the studio (Clause IV Paragraph 3 of the CC&Rs) “is used only by immediate family, servants or guest of the property owners or his tenants.”

TG moved approval of allowing studios which have to undergo the architectural process provided they conform with our CC&Rs and the International Law definition of a Dwelling House. SM 2nd. 4 ayes. Motion passed.

4. **Treasurer’s Report (F. Leif absent) (Handout)** The Treasurer’s report handout reflects the absence of Unit 1 funds. Unit 1 had invested in the Sinking Funds for roads that were never done. Some of the older projects that remained undone have a safety element for the whole community. SM suggested the Road Committee and Fire Safety representatives talk about priorities to be listed in a Capital Plan and that we prioritize the funds from Unit 1 to specifically cover projects that involve them, particularly those that impact the safety of the whole community. We will discuss this at the next meeting. TMcK noted Ruoff Drive is our evacuation route. We need to make sure it is passable in an emergency and that we can get equipment in and out for fire or other emergencies. ST noted we need a big chart of urgent needs and then priorities with costs attached. TG noted we are looking at every expense to determine what is essential. TG voluntarily power washed the office a few days ago. TMcK noted this property belonged to the Ansel Adams family. TG had to convince them to give it to the HOA for an office. BL noted the HOA is overloaded with projects and there are only a few permanent residents here. The challenge is how can you possibly get a critical mass to keep it going. TMCK noted one thing that is clear is that after attending meetings of the Fire Dept. and Emergency Services that if we have a big earthquake and the earth shifts here as it has in other places, we will need to have stockpiled emergency supplies for people out here, including visitors, who may be stranded. We could stockpile it here in the office building. Costco has some inexpensive canisters of emergency supplies that could be stored here. HC noted that even if you get rid of the HOA, a group to run things will arise. At least with an HOA we can elect or un-elect them. A clubhouse is central to building the community. CG asked who should have ownership of this? The Water District can take donations which are tax deductible. ST proposed we have an annual meeting coming up. At which time we can put out a request for committees: fire abatement,

trails, emergency preparedness, etc. TMcK reported in 1990 we had a community center in the middle of the subdivision. Dick Alcorn sold it off and we lost the center. SM suggested we start with the Office idea and share it with the Water Board. We could have the annual meeting here. The Water Board can take donations. JP asked about Water Board's ability to take over the building. TG was just speaking with the Supervisors along with TMcK, Brian Todd, and TG. LAFCO stipulated what was possible. They suggested a Service District; the Water Board cannot take over the HOA activities concerning roads. The Water Board can do Fire Abatement, it can own property, and it can work with the HOA, etc. SM suggested we begin to use this space as an office for the HOA and Water Board. ST noted this is a time of restructuring and the vision of Unit 2 needs to be clear and in alignment with the CC&Rs. It would be a terrible loss to not pay attention to what was the vision of this place. TG noted we need someone to manage our resources here; some HOAs have hired management companies to do this. Once we have TC structured to a point as a Service District that is possible.

5. **Payment of Bills (Handout):** SM moved pay the bills: TMcK 2nd. 4 ayes. Motion passed.
6. **Insurance:** TG noted we had an oversight in insurance coverage; the notice to renew was going to past board members and past secretaries and we did not receive the necessary correspondence until the insurance had lapsed. They needed a certificate of non-liability and no lawsuits, both criteria of which we meet. However, missing the renewal proved to be cost effective. We have a new carrier for a better price; one recommended by our attorney. We now have insurance. Sal had a question about liability and easements. If a property owner uses an easement for recreational purposes, the land owner is not liable according to California law.
7. **Security and Fire Abatement** (T.McK) Discussed.
8. **Trail update;** individual liability relative to equestrian/pedestrian easements discussed above: TG moved, TMcK 2nd we take up to \$6000 to cover the surveying of our trails to be determined by a trail committee. 4 ayes. Motion passed.
9. **Clarification of use of membership private information** and response to abuse of this information (ST, SM) Discussed earlier.

Public Comment: Scott Black reported the people around him dump their wood and debris on his property and he gets noticed by Nicholas Lee for fire abatement needs. TG has spoken with CDF for funds available to help SB clean up his lots. There is an electrical transformer on his property in the easement from one property to another. The easements are under the power lines. HC read California Civil Code 845-846 which deals with liability for homeowners using pedestrian easements. There has been no comprehensive survey of trails ever. For liability reasons, alone, we should make sure we know exactly where the trails are. There are a lot of fears

by homeowners of trail use. They are strictly for the use of HOA members only, not the general public.

OLD BUSINESS

1. **Outside Grants and Contracts** (T.McK): TG noted we are pursuing overhead power. A letter is going into the county. C. Holmes is undergrounding her power. TC is on the list to put utilities underground. When they met with Carrillo and LAFCO they discussed fire danger in TC because of trees falling on power lines. As the Water Board puts in new lines they will investigate putting in conduits for power as well. There will be 16 new hydrants so we can reduce fire insurance. The top of Koftinow has an easement to do work for Water Board and we can piggyback onto this for underground power.
2. **Roads and Signage Report** (T. McK): Ron Case, Joe Pearson, Roger Simpson, Tim McKusick and Ann Vernon were on a committee. Joe Pearson will make new signs for us. New signs are being investigated. We will ask Ron to report on it at next meeting.
3. **Lyons Court Office** (T.G, T.McK) Discussed earlier.
4. **PG&E Underground Cable** (T. McKusick) See 1: Outside Grants. PG&E retrofitting overhead to underground, Rule 23A. We are pleading our case to them formally for priority.
5. **Emergency Response** (F. Leif) Discussed earlier.
6. **Annual Meeting Date and Place:** September 5, 2015.
7. **By laws** (SM) SM reported the Board spent thousands of dollars having the By Laws redrafted. Previous board members also changed the By Laws without proper HOA membership approval. We have deferred review until we have all board membership clarified. There has been an unusual turnover of board members in the last 6-7 months.

NEW BUSINESS

1. **Return to Robert's Rules or continue Rosenberg's:** TG moved we return to Robert's Rules, **SM 2nd**, SM noted both the Brown Act and SDA reference Robert's Rules rather than Rosenberg's. Robert's Rules allows for a month of deliberation and notification of homeowners about actions considered by the board before these can be passed. Given the confusion of the past two years regarding the issues passed by the HOA, she suggested we align ourselves with the protocol referenced by The Brown Act and Stirling-Davis and allow time for homeowners to become informed and tell us how they feel about the issues we are discussing. **4 ayes. Motion passed.**
2. **Other: Beach Access** was brought up by a property owner. TG noted that this is guaranteed to property owners, but we have had difficulty in securing it for decades. We could discuss it at the Annual meeting.

Time and Place of Next Meeting and Agenda Items: Saturday, July 16, 2015, 9:00 in the Office space. The independent group that sent out the other newsletter and

wishes to discuss dissolving Unit 2 is meeting the following Saturday at 9 am in the Timber Cove School Auditorium.

Adjournment: 4:04 SM moved, TG 2nd we adjourn. Motion passed.

**Timber Cove
Board of Directors Meeting
Saturday, July 18, 2015
Timber Cove Homes Office
22098 Lyons Court
8:00 am
AGENDA**

Executive Session (8:30 am) if necessary

1. **Contracts/personnel**
2. **Litigation potential and legal response to violation of CC&R's and Bylaws.**

Regular meeting 9 am

Call to Order

Approval of Agenda

Approval of Minutes June 29, 2015

President's Report (T.Giacinto)

Announcements (T. Giacinto, S. Lynn)

Introduction of resident Sheriff

Reports:

- a. **Correspondence** (S. Lynn)
 - a. Security and Fire Abatement (N. Lee) Written
- b. **Website** (S. Lynn, S. Moulton)
- c. **Architectural Report** (S. Lynn) (Handout)
- d. **Treasurer's Report** (F. Leif)
 - a. Payment of Bills (Handout)
 - b. Insurance
- e. **Security and Fire Abatement** (T.McKusick)
- f. **Trail update and survey status**

Public Comment

OLD BUSINESS

1. **Status of Outside Grants and Contracts** (T.McKusick)
2. **Roads and Signage Report** (T. McKusick)
3. **Lyons Court Office Update** (T.Giacinto, T.McKusick)
4. **PG&E Underground Cable** (T. McKusick)
5. **Emergency Response** (F. Leif)

6. **Capital Improvement Plan** (T. Giacinto/Sylvia Todd)
7. **Annual Meeting Report: Date and Place** (S. Lynn, T. Giacinto)

NEW BUSINESS

1. **Beach access**
2. **Camping Policy**
3. **Other:**

Time and Place of August Meeting and Agenda Items:

Adjournment

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