



COPPER COVE ASSOCIATION

Board Minutes of the Board of Directors Meeting on April 29, 2021

PRESENT: Mary Braly, Bert Soske, Andrew Bunch, Denise DeMartini, Sheldon Toso

Call to order at 6:00 PM

Mary welcomed all the in-house members. Masks are recommended but not required. It is your choice.

Flag Salute

OPEN FORUM: Mary reminded members of the 5-minute limit. We will be listening but we will not comment unless we have a specific question.

Lot 671: Member has heard that there has been a letter sent to the ranch owner. He is questioning why we would sue the rancher when the easements are clearly marked in the CC&Rs. He feels this is shameful. Members were notified by letter by the HOA of the encroachment. In 1969 the HOA was established. Wants to verify the pending lawsuit. Why are we spending money on this??? Wants to enforce the existing rules. This last year he sent in 2/3 of his dues because that is what he feels he is getting in return.

Lot 660: Member wants to follow up from what Lot 671 said. His primary goal is safety and the easements. He feels that the easement is prescriptive. Easements cannot be blocked on property. Feels letters must be sent to members who are on the P&E easements. We shouldn't have the survey to determine where the easement is. He is offering his experience from his PGE background.

Lot 701: Member asked for confirmation whether this is a lawsuit against Airola. She is totally against any lawsuit.

Lot 671: Safety. Easements are a fire break.

APPROVAL OF PRIOR MINUTES:

Bert motioned to approve March 25, 2021 minutes

Sheldon seconded the motion

Further discussion: None

Approved: 5 ayes 0 Nay

Motion carried

REVIEW OF FINANCIALS:

- Andrew reported on the financials regarding accounts that do not exist. 5450 – Elevator is under revenue and expense. (\$19)
- 5235 for Sanitation (\$255) account wasn't in this year's forecast
- 5835 for Accounting: Other (\$1550)
- Annual Elections is not in the revenues
- 5140 Weed and Pest Control, although approved it already shows that \$6500 has been paid. It shouldn't show as paid.
- 5830 Legal and Professional Services – double what it should be \$15,000 should be \$7,000
- Worker's Comp is showing up now as a separate line item. Payroll fees should also be detailed.
- February and March documents both show March's check register on them.
- Andrew suggests contacting CID for clarification and correction. Mary stressed that Andrew write a letter to CID from the board notifying them of the errors. We cannot approve financials

with all of these errors. Bert explained that we purposely changed the meeting dates so that we can get the financials in a timely manner. CID is not doing their job so the issue needs to be escalated.

Mary motioned to have Andrew addresses the accounting issues on behalf of the Board

Sheldon seconded the motion

Further discussion: Account 5830 should be \$10,989

Approved: 5 ayes 0 nay

Motion carried

DIRECTOR'S REPORTS:

Sheldon: Thanked Aaron for the masks on the golf course. He also asked if there will there be a grand opening for the course? We are still a couple of weeks away from completion. Signage and maps need to be created. Andrew would like an agenda item for grand opening.

Andrew: Issues were already addressed. The bottom line looks fine. We are within our budget.

Bert: Just returned from Hawaii. Financials were already covered. Rancher situation will be addressed later in the meeting. Very happy that we are having meetings in person.

Denise: Denise mentioned she was in contact with two members that would like to see a pool at Black Creek Park. If this is not possible, they would like Aaron to approach 8A on their behalf to see if they can pay either daily, monthly or seasonally for the use of their pool. Denise also stressed just how excited the Board is to finally have open meetings. Denise then recommended to add Rocky Road office space to the next agenda.

Mary: Gave a report on Airola ranch issue. The easement closure issue has forced horses onto public streets. She reiterated that horses should be given wide berth and slow down when you see a horse on the street. Safety is an issue and was addressed approximately 2 meetings ago. She has noticed a difference. She stressed that issue this has been reported on at many meetings in the past year if not 2. This is not an issue that has been taken lightly. Homeowners were contacted but Mary was also in contact by phone, letter, and in person with the rancher. Statute of limitations is in place. Back in 2007, if that information was given to the property owners why wasn't this addressed back then?

Mary explained she went to the Board a few years ago asking to create a committee. They started a charter and a committee. \$3000 was allocated. Nothing was in place to maintain the trails. Different boards have different priorities. Unfortunately, due to some of the properties changing hands, we don't have any recourse with members at this time. The Airola fence was erected by CalTel without any notice to our HOA. We did send letters to members affected at this time to attempt to resolve the situation. We even offered to pay for fence relocation. This has been going on since 2019. Mary had an in-person meeting with Airola while he was driving his property after receiving the map from the Board. There are several properties that are encroaching on Airola's property. He is using their fencing for years without any action. These owners are subsequent owners (not original owners). We were trying to be neighborly. Mary sent him the foreseeable costs. Unfortunately, the costs for the HOA to move member's fences were exorbitant. Mr. Airola "ghosted" Mary at this time. Mary feels that Airola is calling our bluff. We spoke to legal to see if we had a case. There were three different cases that we could file. This has taken a long time and the complaint has now been filed. Nobody notified us, including CalTel, that these fences were being moved. This would have been the "neighborly" thing to do. Although he was open to our conversations in the beginning, he is now ignoring us. Mary asked Kevin what was the outcome when the letters went out during his tenure on the Board. Kevin replied that Kiva was the priority at that time. Everything else fell through the cracks. Mary and the Board have tried to do our best and Kevin as a past board member should know that we cannot make everybody happy. Mary stressed that are not in litigation. It is a legal complaint to force Airola to communicate with the Board. During the conversation with Mary, he was open to the fence relocation. The survey is just to verify boundaries. We have had zoom meetings for months reporting on this issue. We are just trying to do our best. During this director report, members became combative and out of order on several occasions. These 5 members then left the meeting in anger.

MANAGER'S REPORT: Aaron clarified the statute of limitations regarding the Airola fence line. Deeded easements tell us that these easements exist. We also received a legal opinion before we started any processes. The Statute of Limitations are very clear. Aaron reported that the Kiva will be staffed this weekend. We will not charge for overnight docking until May 14th. We have done a slow rollout in the past in regards to rules after the rules were updated. We held many disciplinary meetings last summer. He has streamlined the process for violations. We will be holding numerous disciplinary meetings on a regular basis. Most new owners are now using the Kiva. Holiday weekends can have over 400 people using the Kiva. Rules will be strictly enforced. The water level is only 3 feet low at this time. There is still one position available for the Kiva. Signage for the Kiva and Black Creek Park are being worked on. The disc course – 5 out of 9 baskets are already installed. Weed abatement - Foothill Sierra Weed Control was contracted for weed abatement this year. The problem was the date of completion wasn't on course. Some of the weeds returned. It created an issue. If there are any weeds still showing, Foothill will either spray or weed whack. Aaron apologized for the inconvenience to members.

OLD BUSINESS:

- **P&E Trail Projects** – This was addressed during Director Comments

NEW BUSINESS:

- **Modifications to Facility Closures** – Since the rate of Covid spread has decreased, the Board would like to get the fitness room and Black Creek Park Hall rentals back to normal. With a 50-person minimum. March of 2020, all facilities were shut down due to Covid. Aaron explained what the closures were in 2020. He also explained what he is proposing to the Board for opening facilities.

Denise motioned to approve the reopening of the fitness room and Black Creek Hall. The fitness room will still require appointments but will be open during after business hours (until 9PM). A waiver form will be required for all attendees in the fitness room and the hall. The hall will limit gatherings to 50 people until further notice and members will be responsible for enforcing all guidelines from the CDPH. If we revert to the Orange tier then indoor gatherings will be allowed with a maximum of 25 attendees. The red tier will shut down all indoor activities for facilities.

Sheldon seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

- **Architectural Guidelines** – We were previously discussing variances. Sheldon feels that we should get rid of the variance approval.

Sheldon motioned to carry this item until the next meeting.

No one seconded the motion

Further discussion: Mary feels that the application with variance request should continue.

Denise agrees with the continuance of this procedure. This will enable the Board to request the member to contact their neighbors if necessary, for input. This will protect not only the member but the neighbors. Andrew also agrees with Denise. This will honor the original directive of the ACC in 1989. The articles need to be cleaned up without a complete rewrite. Mary would like to direct Aaron to clean up the document...reducing the size of the document, etc. and bring it back for the next meeting. Sheldon has already submitted changes to Aaron.

Approved: 0 ayes 0 nay

Motion dies

Mary motioned to leave the variance requirement in the document

Sheldon seconded

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

• **New Facility Signs -**

Sheldon motioned to approve not to exceed \$6000 for signs that Aaron deems necessary.

Mary seconded the motion

Further discussion: Andrew asked about the reserves. Aaron replied that this is for 20 years but should be modified next reserve study. (minimum of 10 years) 5-6 signs have been stolen

Approved: 5 ayes 0 nay

Motion carried

Architectural Review

Lot 410 – Member is requesting approval to build a 3-bedroom with an attached 2-car garage replacing a residence that burned down 2 years ago. This will remove one of the three unlivable dwellings in the subdivision due to fire damage.

Sheldon motioned to approve the plans to build a 3-bedroom house with an attached 2-car garage.

Mary seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

Lot 872 – Member is requesting pre-approval of plans for residence, pool and workshop before purchasing the plans from an architect. If pre-approved, member will submit the full set of plans for approval.

Mary motioned to PRE-approve plans for residence, pool and workshop. Final plans must be submitted with all specifications.

Andrew seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

Lot 1823 – Member is requesting approval to change existing fence from cyclone to wood plank. The height will remain at 4'.

Sheldon motioned to approve the change from cyclone to wood plank with a 4' height. Subject to property closing.

Bert seconded the motion

Further discussion: Andrew doesn't feel that he needs to be the owner of record for the motion

Approved: 5 ayes 0 nay

Motion carried

Lot 1909-1910 – Member is requesting approval to build a 30' x 24' x 14' metal garage and to also erect a fence around the backyard. There was no garage built during original development so this will bring the property into compliance. A variance will be needed due to the wall height and roof pitch.

Denise motioned to approve the 30' x 24' x 14' metal garage and the fence with a variance for wall height and roof pitch if improvements are not encroaching on the setbacks. Member to provide a plot plan to show property perimeter and structure location.

Andrew seconded the motion

Further discussion: Sheldon asked Denise to modify the motion to include "if improvements are not encroaching on the setbacks".

Approved: 5 ayes 0 nay

Motion carried

NEXT MEETING: May 27th @ 6:00 PM

MEETING ADJOURNED: 8:00 PM

Secretary Signature:

