



Board Minutes of the Board of Directors Meeting on September 11, 2021

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

ABSENT: Aaron Green

Call to order at 11:00 AM

Mary thanked everyone for coming to hear facts not fiction. Moment of silence for 9/11 and Flag salute. Mary addressed the cancellation of the last meeting due to the power outage. She made the call after receiving the text from PG&E stating the power would not be back on until the following day. She instructed Aaron to put the sign on the door. She explained Aaron's situation. Innocent until proven guilty is being overlooked. She clarified the arrest had nothing to do with the teenage dirt bikers. He is working from home. CID is also assisting in our governance management. When we have factual information to report on this we will. Stressed everything on social media is erroneous.

OPEN FORUM:

Lot 702: Executive meetings/board meetings must be posted. Notice of executive meetings with a general description of topics should be notated in the next regular board meeting minutes.

Lot 671: He believes in justice and innocence until proven guilty. States the minutes are incorrect.

Lot 660: Will give lot 671 his 5 minutes. Stated that there wasn't anything on the website regarding the cancellation and rescheduling of the meeting.

Lot 671: Continued after lot 660 waived his 5 minutes. The association was told to enforce our own rules.

Both Andrew and Mary stressed that the trails are not considered common areas.

APPROVAL OF PRIOR MINUTES:

Sheldon motioned to approve July 22, 2021 minutes

Andrew seconded the motion

Further discussion: None

Approved: 5 ayes 0 Nay

Motion carried

REVIEW OF FINANCIALS: Andrew stated there are errors. Just received it the day before. Comments as to being over budget are true. Kiva compensation is the biggest overage, insurance and maintenance staff. Interest revenue looks low because we do not receive statements yearly in July.

DIRECTOR'S REPORTS:

Denise:

- It's come to our attention that although the minutes are on the webpage and updated regularly, the agendas were not. All agendas have now been uploaded They can be located under Association Documents on the HOA Website.
- Minutes: Stands by the minutes taken.
- Bert/Andrew/Denise are all up for reelection. Denise encouraged members who like the direction this Board is taking to vote for them so they can continue representing the membership.

- Read the Brown Act excerpt regarding board members in social gatherings:

Social or Ceremonial Occasions Attendance by a majority of the members of the legislative body at a purely social or ceremonial occasion is not deemed to be a meeting, so long as the members do not discuss among themselves specific business within the jurisdiction of the body. (§ 54952.2(c)(5).) This has long been the law in California. (Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs. (1968) 263 Cal.App.2d 41; 43 Ops.Cal.Atty.Gen. 36, 38 (1964).) In practice, this prohibition may sometimes be difficult to observe since persons attending social or ceremonial occasions frequently wish to discuss specific issues with their governmental officials. However, where a majority of a legislative body is present, the members must not discuss specific business within the jurisdiction of the body to avoid violating the Act.

- Read the Davis Stirling excerpt regarding Conflict of Interest for Board Members:

Not a Conflict. Oftentimes board members vote on matters that result in a benefit to them that is not a conflict of interest because the matter also benefits the membership as a whole. For example, if a board member votes to add security patrols to the development, there is no conflict of interest since the benefit he receives from the patrol is same benefit received by all.

- Read the Davis Stirling excerpt regarding limitation on Meeting content:

Directors may ask a question for clarification, make a brief announcement or make a brief report on the person's own activities, whether in response to questions posed by a member or based upon the person's own initiative.

- Denise and the entire Board is solidly supporting our HOA Manager.

Lot 702 questioned some of Denise's remarks regarding executive agendas being posted and being in the minutes, etc. Denise will check into the executive minutes being on the following board agenda.

Lot 671 stressed the illusion of a closed meeting.

Andrew: Waiting on statements for the financials

Bert: Ballot Box needs to send out the ballots 30 days before the election not the 60 days in the past. Bert has been on the board the longest. When he sees on social media the comments about what the board is or is not doing it is disturbing. His integrity is more important to him than anything else in life. He is here to help others. He states there are certain things that cannot be addressed. We have tried to be as good of a board as possible. We are doing the best we can. We have no personal agendas. We try to do the best for the most of the members. He will always be available to the membership. He makes his own decisions. He has noticed many members on social media stating erroneous facts but they have never been to a meeting.

Sheldon: Sheldon stated civil code states that members must be notified of rule changes and has 30 days to make comments to the board. 5% of the membership has to repeal the rules.

There are 2049 lots and of those lots 2035 are billable lots. Wants to reinstate the trail committee. Is willing to head the committee. Would like to prepare a draft budget. Would like the assistance of Mike Butterworth and Aaron.

Mary: Executive agendas must be posted. Mary explained the circumstances. Mary explained that Aaron has only been a certified manager for approximately 2 years. The gate company is backed up at this time. There is an election coming...3 incumbents.

Mary also stated that member on lot 671 has thrown his hat in the arena again. She stated that Lot 671 has been on the board before. His board left without a budget in place for the trails. In 2017 members were noticed that people will be encroaching on the trails. She now has the staff taking care of the trails instead of volunteers. She questioned why weren't these trail issues not taken care of during his tenure? As time passes, it gets very difficult to go after home owners because we as an association never enforced the easements in the past. Easements have been allowed to be blocked in the past or members have created their own easements. If you look at the open trails, they are walkable. Prior to 2017 they were not walkable or clear. Some of these trails were dangerous. They are now open, clear, enjoyable and an asset to this community. She

also reiterated that her personal property has also been attacked. She invites anyone to walk the trail on her property. Her building is not on the easement. It is clear and passable.

Kevin responded: when he was on the board, he was told by Gary Whitley to work on the trails of the "least resistance". Every one on the trail was notified. Members wanted the Kiva wanted to have 24/7-hour access. This took all of that Board's time. Their hands were completely full with the Kiva.

Mary responded we are dealing with the trails, the Kiva and all other workings of the association. Sheldon has asked for a copy of the 2007 letter. Sheldon will put his request in writing.

EXECUTIVE MEETING WAS HELD ON 9/11/21

This Board spoke to our attorney before this meeting regarding the rancher/P&E issue. It's still confidential at this time.

MANAGER'S REPORT: None

NEW BUSINESS: Member requests

Line Dancing: They are requesting an additional day for hall use

Mary motioned to approve additional day for line dancing (Wednesday after Bingo) 1:30-2:30.

Subject to availability

Andrew seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

National Garden Club: They are requesting to use the hall for children's poster contest

Sheldon motioned to approve hall rental for children's poster contest (12/14/21 and 1/4/22)

9:30-11:30 subject to availability

Mary seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

Architectural Review

Lot 48 – Member is requesting approval for new construction on undeveloped property. 2500 sq. foot home with attached 3 car garage and separate 2 car garage.

Sheldon motioned to approve new construction of 2500 sq ft home with attached 3 car garage and separate 2 car garage subject to any variances

Andrew seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

Lot 519 – Member is requesting approval to set up a 12' above ground pool with fence to enclose it.

Andrew motioned to approve the 12-foot ground pool

Sheldon seconded the motion

Further discussion: None

Approved: 5 ayes 0 nay

Motion carried

Lot 660 – member is requesting approval to replace roof on an existing shed and add extension to roof for covered outdoor area.

Mary motioned to approve request to replace roof on existing shed and add extension to roof for covered outdoor area

Andrew seconded the motion

Further discussion: None

Approved: 4 ayes 0 nay 1 abstention (neighbor)

Motion carried

NEXT MEETING: September 23, 2021 @ 6:00 PM

MEETING ADJOURNED: 12:30 PM

Secretary Signature: Denise DeMartini