



COPPER COVE ASSOCIATION

Board Minutes of the Board of Directors Meeting on February 17, 2022

PRESENT: Mary Braly, Denise DeMartini, Andrew Bunch, Sheldon Toso, Kevin Gause

Call to order at 6:00 PM

Flag salute

Mary welcomed the members in attendance. She apologized that some of the Kiva Rules and Policies did not stipulate that they were a "draft". She also explained the process of a 28-day review. Stressed that many members requested changes to the Kiva rules after the town hall meetings. Our goal was to make the Kiva more enjoyable for members and associate members.

OPEN FORUM:

Lot 1614: Member explained that the rules were being changed because many members were abusing the Kiva. Likes the 7-day clause. Disagrees with the \$50 per night fee, possibly \$25 per night. **Wants to have a process to extend docking and be able to complete this at the Kiva.** Questioned where the funds will go.

Lot 2082: Member feels that most of the rules are reasonable. When is it appropriate to levy a "user fee"? Kiva is owned by the members not the association. Boat stickers have been historically kept low. The fees are significantly increased (900%). If there is a fee for boats then will there be fees for other uses? (Equestrian trails, Black Creek Park, baseball diamond, playground, fitness room, Black Creek Hall, etc.) **Suggested putting the vessel ID number on the decals.** Kevin responded and agreed that the decal cost is too high. Explained the funds that have been made in the past vs what would be brought in if this fee passes are exorbitant. **Boat docking: have online rental capability**

Lot 2155: Questioned operating hours for the Kiva. Denise explained many members at the Town Hall meeting stressed that they were against 24-hour access. 24-hour access caused many problems and violation hearings. Members in the audience suggested 10 pm. **Suggests leaving the ramp and docks open 24-hour access but rope off the Kiva Beach area at 9 pm.**

Lot 2106: Wants 24-hour access. Questioned overnight docking fee. \$50 is too high. Questioned reserved docks.

Lot 2137 2138: Read a statement. Specifically, the \$45 fee. Feels it is discriminatory to boat owners. All members are responsible for the Kiva. Feels the increase is exorbitant. **Suggested \$5-10 per boat.** Mary stressed that short term rentals will not be allowed access cards.

Lot 0451: Wants verbiage changed for man-powered items. Asked if long term renters can have access? **Wants a key reader on the bathrooms.**

2969 Salmon: Asked about the key cards. Suggested that the access card match the vessel numbers. **Access cards for boaters would get 24 hours access.**

Lot 303 302: Agrees with everything that has been said but feels the docking fee is too high. Possibility \$10 for weeknights and \$30 for weekends.

Lot 1878 1879: Questioned if juveniles will have access. Current rules have a recommendation under 16 should be accompanied by an adult. Every registered associate member should be issued a card. Possibly have multiple names for all members in a household imprinted on the card. Coming up with rules for all is next to impossible. Questioned putting stickers on inflatable paddle boards etc.

5122 Little John: Questioned enforcement. Staff will be on site monitoring.

Miscellaneous comments: Security was brought up. \$300 per night. Possibly have Sheriff's department drop by from time to time. Possibly have the Sheriff's Department provide training for Kiva staff. Ray offered to train Kiva staff.

Lot 1677: Security: park rangers?

APPROVAL OF PRIOR MINUTES:

Mary motioned to approve January 20th Board Meeting Minutes with changes

Denise seconded the motion

Further discussion: strike comments during further discussion and chain of command,

Approved: 4 ayes 0 nay 1 abstention

Motion carried

Mary motioned to approve the January 20th Executive Meeting Minutes

Andrew seconded the motion

Further discussion:

Approved: 4 ayes 0 nay 1 abstention

Motion carried

EXECUTIVE MEETING WAS HELD ON 2/17/22

Agenda item: Legal

FINANCIAL REVIEW: Tabled. Mary explained that our meeting is early this month and we did not receive them in time.

DIRECTOR'S REPORTS:

Sheldon: Reported on our financial clinic with Don Haney. He was disappointed.

Denise: None

Andrew: Was looking forward to seeing the financials but they did not arrive in time for our "early" meeting.

Mary: Explained that we attended a financial clinic to better understand our financial status. Will try to schedule another clinic. Financial clinics are open to all members. Financials are on our homeowner portal.

Kevin: Was also present at the clinic. Questioned the annual review. Feels this firm should not be recommended by CID. Aaron explained that the HOA received three different proposals. Kevin will look into a firm for the next review.

OLD BUSINESS: Kiva Rules and Policies. Proposed changes by members will be incorporated if possible. There will be a special meeting to revise these documents. Due to the fact that there will be many changes a new 28-day review will be necessary.

NEW BUSINESS:

Zumba Class - An owner is requesting use of the Black Creek Hall to host association sponsored Zumba classes.

Mary motioned to allow a Zumba class to be held in the Black Creek Hall (M, W, F 3-4pm)

Andrew seconded the motion

Further discussion: none

Approved: 5 ayes 0 nay 0 abstention

Motion carried

Annual Community Clean-Up – An owner has requested the association's assistance in hosting or participating in an annual clean-up project to be held last week in April. (Eblast, posting on website and marquee)

Andrew motioned to assist in the Annual Community Clean-up planning with eblast, website and marquee advertising

Denise seconded the motion

Further discussion: none

Approved: 5 ayes 0 nay 0 abstention

Motion carried

Rocky Road Service District – The Rocky Road Board has requested use of the Black Creek Hall for their Board Meeting on March 10th at 6:00 pm.

Mary motioned to approve the use of Black Creek Hall for a Rocky Road meeting on 3/10 at 6 pm including marquee, eblast and website advertising

Kevin seconded the motion

Further discussion: none

Approved: 4 ayes 0 nay 1 abstention

Motion carried

ARCHITECTURAL REVIEW:

Lot 993: Member is requesting approval to build an unattached garage.

Sheldon motioned to approve the request to build an unattached garage (If County permits required).

Andrew seconded the motion

Further discussion: none

Approved: 5 ayes 0 nay 0 abstention

Motion carried

Lot 1102: Member is requesting to build an unattached garage. Variance is required.

Sheldon motioned to approve the request to build an unattached garage with variance for building size, roof pitch and wall height (If County permits required).

Kevin seconded the motion

Further discussion: none

Approved: 5 ayes 0 nay 0 abstention

Motion carried

Lot 1678: Member is requesting to build a manufactured home. Garage and driveway are already on the property. All construction was completed without prior approval.

Sheldon motioned to retroactively approve the construction of a manufactured home and garage on the property. Management to contact member to get copies of permits. (If County permits required). Member to comply within 45 days

Kevin seconded the motion

Further discussion: none

Approved: 5 ayes 0 nay 0 abstention

Motion carried

P&E Trails: A director has requested a review and discussion of the rules and fines that pertain to the pedestrian and equestrian trails outside of Black Creek Park.

Historical Records: A director has requested the review and discussion of a letter from the association to the membership in 2008 regarding the pedestrian and equestrian trail easements.

Declaration of Covenants and Restrictions Review: A director has requested the review and discussion on the use restrictions/architectural guidelines regarding the trail easements.

Association Rules and Fines: A director has requested a discussion on how to handle violations of all rules and fines within the association.

Kevin read the 2008 letter sent to members regarding the P&E trails and mentioned the minutes (September 18, 2008) where the Board approved the letter in 2008. Read excerpts from the CC&Rs and mentioned a legal opinion from the attorney at the time. Feels that the rules need to be enforced equally. Believes that the Board President has a conflict of interest. She has a fence and building sitting on the easement. She is not enforcing our rules.

Kevin motioned to drop the Airola lawsuit, enforce the rules and that Mary should be recused.

Sheldon seconded

Further Discussion: Mary questioned when the trails were closed as stated in the letter? Kevin didn't feel that they were ever closed. Mary addressed the conflict of interest. The ranch property has changed hands many times. The Airola fence line was not put in place by the developer but by the rancher. It has been in place since 1969. These easements utilized the 30-foot county set back. These were never "walked". Some areas are impassable. In 2008 the HOA attempted to open up any trails whenever possible. We still have to mitigate areas that did not have a 30-foot set back. Some trails remained closed. Mary does not recall receiving the letter. The rules that are posted are the existing rules. Mary explained the process of the Airola fence movement (litigation). CalTel moved the fencing in 10 weeks. Explained that the HOA was never notified of the fence movement. Mary spoke to the CalTel construction manager. He said he spoke to a female in the office (there wasn't a female in the office at this time) and told Kevin Gause. If we had been notified of movement, then this may have alleviated the current problems. The first attempt was to contact the homeowners. We sent letters to approximately 10-12 members asking for them to work with us to open up the trail. The unanimous response was "no, take me to court". The statute of limitations is 5 years according to Davis Sterling which supersedes the CC&Rs. If over 5 years, then the HOA is financially responsible. Explained the statute stating a board member can vote on items without it being a conflict of interest. Mary spoke personally with Rancher Airola at least two times. For months he kept on telling her to give him more time. He requested more information after a 45-minute conversation. Each time a house closes escrow that is blocking the easement, we send a letter to escrow explaining that it is the owner's responsibility. Each time a new owner comes in, we take that lot out of the Airola request. We spoke to our legal representative. We were told that we had a promising case for a prescriptive easement. We were also told that the 5-year statute passed and that if we went after the homeowners, we would lose. We started the negotiation process. We set up an appointment and walked the trails. We tried to handle this the best we could. As of today, we have not received a response. We have been told by Airola's attorney that we would get a response on Wednesday, February 23rd. The trail behind her house is totally open, the building is unpermitted. The building is 22 years old.

Sheldon asked Kevin to modify his motion to allow the attorney to respond on 2/23. Kevin refused.

Approved: 2 ayes 3 nay 0 abstention

Motion rejected

Kevin motion to reorganize the board and nominated Sheldon to be president.

Sheldon declined the nomination

Motion was not valid as this was not an agenda item

NEXT MEETING: March 24, 2022 – 6:00 PM

MEETING ADJOURNED: 9:00 PM

Secretary Signature: Denise DeMartini