Timber Cove Homes Association  
22150 Amanita Circle  
Jenner, CA 95450  
(707) 847-3062

Board of Directors Meeting Agenda  
Saturday, July 16, 2011 9:00 a.m.  
Fort Ross School Multipurpose Room

Directors Present:  Mike Anderson (Via conference call) Donna Riley, Charles Swanson, Anne Vernon, and Richard Welch.  
Staff Present:  Cathy Schezer and Nick Lee  
Guests Present:  Dave Hoppes, Tim McKusick, Diane Feddersohn, and Ray Seto. Claudia Giancinto joined at 9:15 a.m. Tanna Drapkin joined at 9:25 a.m.

1.  **Call to Order:**  Donna called the meeting to order at 9:03am.  
2.  **Approval of Minutes of April 30, 2011 regular meeting minutes:**  Anne moves to approve the minutes as edited.  Charles seconds.  All in favor.  
3.  **Public Comment:**  Much discussion on the issue of weed spraying.  Public concerns are for watershed and effects on pets and children.  Discussion was regarding time of application, use of pesticides and other alternative ways to abate weeds in our road easements.  Property owners are responsible for weed abatement, and if not done or mentioned in a fire abatement violation, then the owner would be charged for clearing.  Agenda item to be included for next board meeting.  It was suggested that a policy be drafted so the public can view prior to the next meeting.  It was suggested that the association members be made aware of activities affecting the entire community.  Anne, Renata and Donna will prepare a draft and a history of how this came about.  Richard asked that the pampas grass issue be addressed with this as well.  Bob Ferguson’s email is incorporated here as part of public comment.

Hi,

I hope that you do not mind if I make some observations concerning Timber Cove.  
You can take them or leave them as you like.  
1.  Someone cut a lot of trees on the hill overlooking the Timber Cove Inn.  While it looks bad, that is not my concern.  If we have a lot of rain that soaks into the soil, the entire hill could come sliding down. The home owner should be required to plant vegetation that would prevent this from happening.  
2.  Many properties along highway one have not cut the grass next to the road.  This is just one cigarette away from a forest fire.  
3.  Pampas grass is appearing along the roads.  This is a very invasive grass.  Just look at Jenner.  We should have a roundup party to take care of this before it gets totally out of control.

Thanks.  
Have a great weekend.
I love the roofline of that new Pacific View Drive home. It really adds to the community.
Bob Ferguson

Tim advised that Trails are not on the agenda. Ray suggested that Ray and Tim write a proposal for the board to consider regarding trails. Claudia mentioned shrubs cut down at Amanita and Ruoff that are interfering with the roadway. Claudia asked if we could have more community communication, and discussion ensued. Anne suggested a Facebook site, Ray belongs to a user group/open forum where dialog is posted. Facebook can have a closed group by invitation only. Diane mentioned a newsletter put out by Mary Fink quite some time ago which was helpful to the community. Ann will investigate a Facebook group site.

4. **Architectural Report**: Cathy reports at the last meeting, she brought Andrew Todd’s remodel project to the board for approval, and based on neighbor notification, it is now approved. The final status report has been submitted to the board, and Cathy will stamp the plans next week that includes a small roofing variance. About a year ago, Grace O’Malley and Tim Winterer requested a fence on the northern side of their property on Pacific View that was approved. They are now requesting a similar fence on the south side. It is requested that two fronts be screened for privacy and security reasons. Based on CC&R issues underway, John and Cathy are asking the board to approve. Richard will address the CC&R issue under the appropriate agenda item. Donna suggests that this item be postponed to address the CC&R issue and also to have Grace present to discuss. Charles inquired about the possibility of a solar wind policy. Cathy is working with John to reword the Architectural Guidelines for an update. Cathy will include Charles in this specific effort.

5. **Security Report and Fire Abatement**:
   a. **Report**: Nick reports there’s a trespassing problem on one property. He notified officials. The water district has been clearing valves. An unauthorized vehicle was parked on Ninive. Memorial weekend was quiet for Timber Cove. In June, tree trimming started on both sides of Koftinow. Large vehicles can now make it all the way up the street. On the 4th of June, power lines came down on Timber Cove Rd. Power outage was extensive. On June 16th another unidentified car was parked on Ruoff. The Pacific View gate was broken and subsequently fixed. No fireworks signs posted for 7/4 week before and after. Two loud noise complaints were received from a Timber Cove Rd. residence. Grass is very long on uphill side of Hwy. 1. Tina has sent a flyer that grass needs to be cut immediately, but in most cases, it has not. Diane mentioned a possible trespassing violation and asked for better security coverage in the area of her home. Discussion regarding Bob Ferguson’s email comment. The property with trees down is owned by Timber Cove Inn. It is not the same area that we’ve been asking them to clear, rather the lot that where their water storage tank is on. A huge tree fell on the tank, which resulted in them clearing more trees. This is not a TCHA issue.
   b. **Trailers not authorized**: Nick reported that over the years, there’ve been quite a few RVs, trailers and campers parked on many lots. Many have had camping or construction permits, but some do not. Currently, there are 13 lots with trailers.
Much discussion regarding this issue. Richard inquired if there are governing rules that can be used to communicate these issues with each of the homeowners. The board asked that Tina create a notification letter about these issues. Richard moves that the board investigate and notify the list of trailers and vehicles that Nick has provided and that appropriate letters be sent to the owners requesting either screening or removal. Anne seconded. All in favor.

6. Administrative Assistant’s Report:
   a. Report: Donna read Tina’s report: Tina reported that she has received a check from a tree company that TCHA hired two years ago to remove a tree on behalf of a property owner, who had directly paid the tree service as well. Tina assisted two property owners in contacting their neighbors regarding dangerous trees overhanging their properties. The Federal and State quarterly payroll taxes were filed and paid. The call for nominations mailing was prepared and mailed. Both Donna and Charles submitted candidate statements. The financial statement and ballot mailing was prepared and completed. A red flyer was included in this mailing asking all to cut tall grasses. A bankruptcy notice was received by the HOA which we already have a lien on. A letter was received from an attorney representing a TCHA owner who is being sued by another TCHA owner regarding easement rights. In addition, Donna reviewed the bylaws change to include September for the annual meeting. The TCHA ‘office’ received a fire abatement violation. Discussion regarding another work party. Nick says the lot is not that bad, but it does look messy. It is suggested that we wait until the wet season to burn as the chipper won’t handle the large stuff. Money is set aside for fire abatement that might be used. Richard moves that the condition at the office be abated as necessary, and if a volunteer party is unsuccessful at organizing to do that, that the admin be authorized to hire labor to accomplish. Mike seconds. All in favor. Cathy will donate her time to get folks to get an estimate for costs. Mike suggests using the ‘office’ funds that are allocated for lot clearing. Donna will ask that Tina print the agenda for each board member at the meeting.
   b. Correspondence Received: Covered above.

7. Treasurer’s Report
   a. Approve Lien or Pro Solutions for AP#109-380-29: Donna moved that a lien be placed on this property should we not hear back from the owner within two days of the meeting. Anne seconds. Vote: 4 ayes, Richard abstained. Motion passes. (The owner subsequently paid in full.)
   b. Payment of Bills: Donna presented the monthly budget report and the bills to be paid since the last meeting. Donna moved that we accept and pay the bills as presented. Richard seconded. All in favor.

8. Roads Update: Charles reported on behalf of Renata, that Timber Cove Excavating is getting ready to begin work on Amanita and Ruoff and then Hudson. There is still concern about the vehicles on Hudson and whether the board can assist in getting those vehicles moved. Anne mentioned that she is going to start working with Renata.

9. Report from Legal: Unit 1 CC&R’s Update: Richard gave a brief history of this issue. He reported that it has been over a year that we’ve been working on this project. Only the Unit 1 CC&R’s are at issue, not Unit 2. In 1985, Unit 1 lot owner Bill Giessner
recorded new CC&R’s for Unit 1 after having acquired sufficient owner approvals as
determined by the area of the lots. The new document established a new governing
entity, Unit 1 Timber Cove Property Owners, or U1/TCPO, in effect seceding from
TCHA. The Association sued to contest this action and the filing, and in 1989 the
Superior Court issued a Decision and a Judgment in the Association’s favor, declaring the
1985 filing to be null and void. The state Court of Appeals sustained the decision.
Recorded documents, even if null and void, remain on the county records and are
superseded by a later document. No superseding document was ever recorded to clarify
that the original 1961 CC&R’s were always the only valid governing rules for Unit 1.
However, the Association properly continued to use the 1961 CC&R’s for at least part of
the period before 2005, but purchasers of property in that interval may have received
either or both versions. In 2005, the Association formed a committee to prepare a new
version of CC&R’s for both Units, and with our attorney’s assistance a version that
brought the documents up to date with legal changes required by the Davis-Stirling Act
was prepared and sent out to the owners. The Association failed to elicit sufficient owner
approvals to adopt this new version, so it was dropped. During this process, the board
mistakenly merged certain elements of the voided 1985 document with the correct 1961
version and sent them out to the then Unit 1 owners. This incorrect combined version
was never recorded, but in error was used as the governing document until now. The
Association, on our attorney’s advice, has authorized the recording of a Notice of
Rescission, which should clarify the county records, and is awaiting confirmation of the
recording. The attorney advised that although certain actions and approvals were issued
by the board in error during this period, we “can forego vigorous enforcement” of any
resultant violations as the error by the board was in good faith. However, the correct
1961 CC&R’s exclusively should govern any new actions or approvals. The emphasis is
that the 1961 Unit 1 CC&R’s were and have always been the only valid document. The
Notice of Rescission does not reinstate the 1961 CC&R’s, it only rescinds the void 1985
version and clarifies the matter in the county records. Richard stated he believes that no
motion or vote is required to adopt or follow a set of CC&R’s that has always been in
effect. The attorney recommended sending out an explanatory cover letter to the Unit 1
owners with a copy of the Notice of Rescission and the 1961 CC&R’s, or that we draft
new CC&R’s. As in 2005, this is not an easy task to accomplish. Richard suggested that
we inform the Unit 1 owners immediately and deal with the revision issue separately.
Richard reviewed a draft of the notification letter. He recommended that the mailing go
out prior to the annual meeting so that the issue can be addressed at that meeting.
Richard will forward the draft to the attorney and confirm that the Notice of Rescission
has been recorded. Richard moved that we confirm the consensus that the board file the
Notice of Rescission, that the attorney should review the notification draft, and that the
Notice of Rescission, the 1961 CC&R’s and the letter be sent to the Unit 1 owners, as
suggested by the attorney. Mike seconded. All in favor.

10. Annual Meeting Update: Donna reviewed the current agenda. Richard would like to
speak about the CC&Rs that Mike has approved. Mike will deliver the treasurer’s report
prior to the CC&Rs. Richard notes that the Water Dept. elected not to give a report this
year. Tina is asked to get a written statement to be read so that the Water Dept. is
included. Tina and Grace met with the new GM, Michael Florian at Timber Cove Inn regarding the meeting, set up and food and beverages. Richard moved to allocate $500 for the annual meeting expense. Anne seconds. All in favor.

11. **Unapproved Signs:** Real estate signs should be adhered to using Sonoma County codes. Clause X of the CC&Rs addresses the fact that signs or other advertising device cannot be erected. Tim will take down the hand-painted sign at Timber Cove Rd.

12. **TCHA Website Update:** Mike is working on this. He likes the Facebook idea, but it’s not all-inclusive, but is great for a forum. Richard will get a proposal for someone to work on the website and its forum. Anne suggested that there’s a two-week board member responsibility for admin of the Facebook or forum site.

13. **Mailbox Project report:** Charles reported that upon review by the Jenner post office, the postmaster believes that our postal boxes (in the office) are not usable to use at Ruoff and Hwy 1. The post office doesn’t think they are appropriate for a collective site – they’re too small. He won’t entertain the notion of using the office location as a mail location, but he would, within 150’ from an established route, entertain an adjustment. The mail carrier doesn’t come down Timber Cove Rd. He’s not opposed to setting up a collection of boxes off of Hwy 1. Mike asks the formal mechanism to make a request of the post office. If the post office would recognize the safety issues, there may be a better option. There is an issue about the mail carrier not getting out of their car to deliver mail. Charles will follow up more with the post office and pricing for boxes. Perhaps the office surplus can be used for this project.

14. **Time and Place of next meeting:** Short business meeting before the Annual meeting, Sunday, August 28, 2011, at 9:30 a.m. at Timber Cove Inn. Next quarterly board meeting is scheduled for Saturday, October 22, 2011 at 9 a.m. at Fort Ross School.

15. **Adjournment:** Donna adjourned the meeting at 12:06 p.m.

16. **Closed Session:** Personnel Review: Postponed due to Renata’s absence. Add to next agenda.

Minutes prepared by Donna Riley