
MINUTES OF KONO TAYEE HOMEOWNERS ASSOCIATION BOARD MEETING
February 27, 2016

Held at the Lucerne Senior Center, 3984 Country Club Drive, February 27th at 10:00 am.

PRESENT AT MEETING

Board Members (Pres.) Bob Sullivan, (VicePres.) Jim Hiss, (Sec.) Beth Shaver, (Treas.) Debbie Pryor, (Dir.) Tony Marchese

Members: Becky Hiss, John Cormack, Debi Cormack, Brenda Reyes, Joe Reyes, Joe Ramhorst, Tom Atteberry, Carol Benson, Mike Braley, Mike Morarity, Lynn Morarity and Jim Johnson

1. CALL TO ORDER

Pres. Bob Sullivan called the meeting to order at 10:00 am.

2. OPENING OF MEETING AND WELCOME

Bob Sullivan welcomed those in attendance and led the Pledge of Allegiance. With all Board members present, he announced we have a quorum.

3. APPROVAL OF PREVIOUS MINUTES

Jim Hiss motioned to approve the minutes of the previous meeting (January 9, 2016) and it was seconded by Tony Marchese, and passed by all.

4. TREASURER'S REPORT Debbie Pryor

Debbie Pryor gave the current financial report as of January 31, 2016.

Current balance total in our accounts is \$102,918.78. This includes \$11,244.23 in our Chase Business account, \$91,514.72 in our Chase Reserve (MM) account, and \$159.82 in petty cash. Changes in our income and expenses in the past month include \$3.16 in interest income and expenses of landscape maintenance (for Nov. and Dec.), PG&E, and attorney fees.

Debbie Pryor made a motion to replenish the petty cash fund of \$200. The motion was seconded by Beth Shaver and passed by all.

The Budget Committee will meet in early March to recommend the next year's budget to the Board. Committees need to put in their requests prior to this time.

5. FRIENDS AND NEIGHBORS COMMITTEE Debi Cormack

Since the meeting of January 9, 2016:

Get-Well cards were sent to Bill Ellis, who suffered a stroke and Lena Holden for a hospital stay.

Sympathy cards were sent to Bill Ellis's family for their loss of Bill and Lena Holden's family for their loss of Lena.

Please contact Debi Cormack at 707-274-6680 if you know someone who is ill, has lost a loved one, or is new to the neighborhood so she can send out a card on behalf of Kono Tayee's Friends and Neighbors Committee.

6. PRESIDENT'S REPORT Bob Sullivan

Presidents Comments:

a) The Architecture Committee met to clarify the Rules being updated with the rest of our documentation per the Davis Stirling Act. Weed inspections will be done next week and letters sent to residents if clean-up is needed.

b) The Board received a letter from Doug Kues, real estate broker, concerning the easement between lots 8 and 9. (Note: our Kono Tayee documents have had an easement there, and between lots 41 and 42, in the event we needed to pump water out of the lake into the canal.) The letter stated that all expenses of installing a pipeline on the easement would be the responsibility of the Association and not the property owner of lot 9, and requested the Board to sign it. Jim Hiss made a motion to add an addendum to state "any unusual unforeseen circumstances that arise with the construction of the pipeline will be discussed and resolved with the Board and the property owner at that time". Debbie Pryor seconded the motion. The motion failed with Tony Marchese, Beth Shaver, and Bob Sullivan voting against the motion. Tony Marchese motioned to accept the letter as is. Beth Shaver seconded the motion. The motion passed. Jim Hiss and Debbie Pryor voted against the motion. The Board signed the letter.

c) The Roads Committee hasn't met yet but intends to ask the Budget Committee to assign extra funds for fixing the private roads. These roads need concrete footings on the approaches to the houses to stop the asphalt from breaking. Additional discussion was on the Richard Drive extension and Alston Way where numerous trucks have to turn around and are beating up the road.

7. PETITION FOR GUARD RAILINGS Brenda Reyes

Brenda Reyes reported that she is working with Phil Frisbee, the Public Information Officer for Caltrans. She has been collecting data of accidents heading off Highway 20 and onto Kono Tayee property. Anyone that has photos or experiences with vehicles going off of the highway is requested to send a short email explaining the dates and the event. Dates are very important even if they are just estimates. Please send them to brendareyes911@yahoo.com.

Joe Reyes also gave a report on the Home Safety Checklist he prepared for Kono Tayee residents. This will be sent out to everyone through email (and mail for those without email). He is also working on installing blue reflectors for our fire hydrants. Joe has arranged to have the Battalion Fire Chief meet at Kono Tayee on March 2 to discuss our fire hydrants, and the egress on Richard Drive extension.

On a safety note, Joe Reyes mentioned that he found numerous cigarette butts on the wood pilings at the pier. We have a sign that states NO SMOKING but more signs are needed.

Mike Morarity mentioned that Caltrans needs to remove dead wood and brush on their side of the property line above Richard Drive extension.

8. SOCIAL AND ELECTION COMMITTEES Mike Braley

Mike Braley stated that the BBQ dates this year are: June 11, July 9, August 13, Sept 10 and the Oktoberfest on October 1 (beer will be provided on this last date). As usual, bring your own drinks, meat and utensils and a dish to share.

A chili cook-off was discussed and is now planned for May 14. More information on this event will be sent later.

The 2016/2017 Board of Directors election is coming up. Nomination forms will be mailed April 9th and are expected back May 16th. Please consider volunteering to run...you can nominate yourself. Ballots will be mailed May 30th.

The cutoff date for the address roster for elections is April 1st. Please make sure we have your correct address. The latest roster was sent by email on February 23. Any changes should be sent on our Kono Tayee Information Update Form found on our website

<http://www.konotayeeestateshoa.com/KTMembersInfoUpdateForm2-2010.pdf>

Please send this to ktsecretary@gmail.com.

At this time, Vice President Jim Hiss reported out on the attorney fees spent on updates of our documentation to be in compliance with the Davis Stirling Act. In April the Board approved the expense of \$4500 for attorney fees. To date this has been all spent. The attorney provided drafts of the Articles (the legal foundation that established the Board), CCRs (property owner rights), and By-Laws (defines directors, committees, operating rules). We have been redlining these documents since November at our Board Meetings. Jim Hiss stated that the attorney will not charge us to incorporate redlines to the documents (CCRs and By-Laws). The last document, Rules of Homeowners of Kono Tayee (includes Architectural Committee rules, Canal rules, etc.) was drafted by Jim Hiss and will be reviewed as the last item of the agenda of this meeting.

Discussion started on needing more money for the attorney to finish the documents. Jim Hiss stated the Rules need to be processed by the attorney. We are not legal experts and the Rules should be drafted and reviewed by the attorney in the same way the CCR's and Bylaws. The Rules do contain references to Davis Stirling and are written into sections. We cannot finish this process correctly without legal guidelines and help. It is a legal document. Beth Shaver pointed out that the attorney is not charging any more for incorporating redlines to the "legal" documents (CCRs and By-Laws) and that the Rules do not need to be reviewed by the attorney (as they only concern Kono Tayee restrictions and not laws of the state).

Jim Hiss made a motion to approve 5 more hours (or \$1500) for the attorney to finish the documents. Debbie Pryor seconded the motion. The motion failed with Beth Shaver, Tony Marchese and Bob Sullivan opposing it.

9. RESIDENT'S QUESTIONS, INPUT AND OR COMMENTS

Joe Reyes stated we need the dog leash law enforced. Pet owners need to be responsible to pick up after their pets. This is a big issue in the community. We have several animals seen off leash (pit bulls from across highway 20 and a black poodle mix) defecating the area. Bob Sullivan suggested calling Animal Control when you see this happening.

Tom Atteberry suggested we put cement on the Richard Drive extension and Alston Way circle instead of asphalt. The Roads Committee will look into that.

John Cormack stated that 6 trucks come through that circle every week. Tony Marchese asked if we can meet with the garbage company to perhaps change their route to save erosion on the road. Bob Sullivan will have the Roads Committee take that action.

10. Old Business

None.

11. New Business

None.

12. ANNOUNCEMENTS

Bob and Pat Sullivan are working on holding a Rib Cook off, with prizes for the winners. Brenda Reyes offered to help. More information on this later.

Spring Volunteer Cleanup Day will be held on April 30th. Meet at 10:00am at the BBQ area. Bob Sullivan will make up a list of chores that need doing. Email him at bobsullivan33@aol.com if you have suggestions for chores.

13. VICE PRESIDENT'S REPORT Jim Hiss

The action of The Davis Stirling Committee is to update our documents to be in compliance with the Davis Stirling Act as updated in 2014. The documents include: Articles (the legal foundation that established the Board), CCRs (property owner rights), By-Laws (defines directors, committees, operating rules), and Rules (to include Architectural Committee rules, Canal rules, etc.)

The process is that the Board receives recommendations from the Davis Stirling Committee and will review, discuss, and vote for the draft changes to be submitted to the attorney. This process of Committee recommendations, community input, and the Board voting for changes will continue at Board meetings so the final draft can be presented to the association. To pass and be implemented the redrafted document has to receive 2/3 positive members' votes for adoption.

On February 1 the committee supplied the Board with redlines to the Rules as written by Jim Hiss. At the meeting the Board agreed to the following redlines:

Rules: Referenced by page number, section, line, word.

Table of Contents SECTION 13 (h) lists (iv), (v), (vi)...MOVE to be under SECTION 13 (f).

Table of Contents SECTION 11. Change title to read "Vehicle and Boat Trailer Parking at the Launching Ramp Area.

1. Section 2 (a), pg 1, line 2, after Declaration ADD of Covenants, Conditions, and Restrictions (CCR's).

2. Section 2 (g), pg 2, line 2, after Declaration ADD of Covenants, Conditions, and Restrictions (CCR's).

3. Section 2 (f), pg 2, line 1, **OUT duplicate "mean"**. **OUT "center"**. **Replace "seawall" with "property line"**.

SECTION 2 (g), pg 2, delete total section and renumber following sections. It was determined by the Board that the Architectural Committee will handle all canal issues and there will not be a "Canal Advisory Committee".

4. Section 2 (h), pg 2, line 1, **OUT "center"**.

5. Section 2 (i), pg 2, line 5, **OUT "center"**.

6. Section 2 (l), pg 2, line 2, after Declaration ADD of Covenants, Conditions, and Restrictions (CCR's).

7. Section 2 (m), pg 3, line 1 After Declaration ADD of Covenants, Conditions, and Restrictions (CCR's).

8. Section 2 (n), pg 3, **OUT line 2, "landscaping, fixture, equipment"**

9. Section 2 (n), pg 3, **OUT line 4, "shed, hedge, lawn, planter, deck, patio"**. **KEEP deck, patio.**

10. Section 2 (s), pg 3, **OUT line 1, "center"**.

11. Section 3 (a), pg 3. **ADD under (a), (i) Canal Lots #41 through 49 may request a variance for dock construction extending into Parcel B from the Board of Directors after consultation with the Canal and Architectural Committees. DELETE this addition.**

Section 3 (a), pg 3, OUT line 1 "exclusively". OUT line 2 "for the Owners....." through "family members".

12. Section 3 (b), pg 4, line 7, add after Parcel B with the exception to any variance granted to Lots 41 through 49. **DELETE this addition (see above discussion on #11).**

13. **ADD Diagram of the 4 types of docks, pg 4 A, after pg 4. (This defines Exhibits)**

14. Section 3 (ii), pg 4, line 3, **CHANGE "Exhibit A" to "Exhibit B"**.

15. Section 3 , pg 4, Change V-Docks (iii) to (iv) and ADD Straight Docks Wider Than 5' (iii), Straight docks wider than 5' may be placed into the water portion of a Lot by the owner of that lot and shall at no time be closer than ten (10) feet from the neighboring property lines and may not extend into Parcel B as depicted in "Exhibit C".

16. Section 3, pg 4, CHANGE V-Docks to (iv), Also, line 2 CHANGE "Exhibit A" to "Exhibit D".

SECTION 3 (e), pg 4. CHANGE "Improvements" to "Structures on Water Portion" in the title. CHANGE "Improvements" to "Structures" in line 2. ADD "(boathouses, storage sheds, etc.) after "Structures". Add as last line "No fences shall be permitted to be built outwards from the sea wall into the water portion of a property."

17. Section 3, pg 4, CHANGE (iv) Measurement to (v) Measurement.

SECTION 4, pg 4, Nuisance Mooring Devices make SECTION 6 and move to after Canal Maintenance. Line 3 ADD "and lake" after "the canal".

18. Section 5 (b), pg 5, line 4, CHANGE "free of weeds and trash" TO "free of trash, and weeds no more than 6" tall." (There was much discussion on this and Bob Sullivan disagreed. The consensus was we need some vegetation to stop erosion.)

SECTION 6, pg 5, Disputes only talks to disputes with respect to the Common Area and Canal Rules and the "Clear Lake Shoreline Ordinance". This section will be expanded to include ALL rules dispute resolution per Civ. Code §5915(b) (IDR).

19. Section 7 (d), pg 5, line 1, CHANGE seven(7) consecutive days to four(4). Add The owner must be present in the Association during this mooring period. Line 2 CHANGE "WEST" TO "SOUTH".

20. Section 7 (e), pg 5, line 1 and line 3, CHANGE "EAST" to "NORTH".

SECTION 7 (J) (ii), pg 6, line 2, OUT "recommended".

SECTION 9 (b) (iv), pg 8, OUT "new".

SECTION 10 on Dogs: The Table of Contents lists (a), (b), and (c) but it is not broken up that way on page 8, SECTION 10. Add (a), (b), and (c) "Dogs must be licensed". Line 7, OUT "or pier".

SECTION 11, pg 8, Retitle "Vehicles and Boat Trailer Parking at the Boat Launching Ramp Area."

SECTION 11, pg 8, ADD last line "Green curbs at the launching area are reserved for beach parking, not boat trailer parking."

SECTION 12 (a), pg 9, ADD “tent” to “ No camping”.

SECTION 12 (a) (i), pg 9, REPLACE “slip” with “sleep”.

SECTION 12 (b), pg 9, REPLACE “or” with “of”.

SECTION 12 (b) (i), pg 9, REPLACE “two” with “three” and REPLACE “two (2) weeks” with “14 days”.

SECTION 12 (b) (ii), pg 9, OUT line 1 in entirety. Line 3, ADD “undeveloped” between “their” and “property”. OUT “as specified in (i) and (ii) above”. Line 5 fix “secretary” spelling. Line 6 ADD “vehicle” between “at” and “owner’s”.

SECTION 12 (b) (iii), pg 9, line 2, and “undeveloped” between “their” and “property”.

SECTION 12 (b) (iv), pg 9, line 1, REPLACE “additional” with “temporary”. Line 3, REPLACE “two (2) weeks” with “14 days”.

SECTION 12 (c), (i), pg 10, line 2 REPLACE “or” with “of”.

21. Section 13, pg 10, line 4, OUT “During any period....in another Residence.”

22. Section 13 (f)(ii), pg 11, OUT whole section to be REPLACED WITH, “The Owner is to be contacted by the tenant or lessee, or the Association, in the event of need.”

SECTION 15 Architectural Rules needs words.

SECTION 16, pg 11, after Declaration ADD “of Covenants, Conditions, and Restrictions (CCR’s)”.

SECTION 16, pg 11, second paragraph, line 5, REPLACE “Lake County Sheriff’s Department” with “Animal Control” and ADD “to the California Highway Patrol” after “speeding”.

SECTION 17 TITLE, pg 11, change “Bylaws” to “Rules”.

SECTION 17 (a) (iv) OUT “Any standards for”.

SECTION 17 (a) (v) OUT “Any procedures adopted by the association for”.

SECTION 17 (a) (vi) OUT “Any procedures for”.

SECTION 17 (a) (vii) REPLACE “Procedures” with “Rules”.

SECTION 17(c), pg 12, Make this match the TOC, put the title as “Requirements for a Proposed Rule Change” for clarity. In Line 1, OUT “If the subject to the members’ right to hold a vote on

such action, except in an emergency situation,” Start the sentence with “The Board is required to provide the members with noticed of the proposed change”.

23. Section 17 (c), pg 12, Line 2, After “with notice” ADD “the text and a description and effect “of the proposed rule change”.

Line 5 “owing” CHANGE to “owning” .

Line 7 “or” CHANGE to “of”. At the end of paragraph ADD “The Board must give notice of a special meeting and send out ballots not less than 35 days but no more than 90 days before the meeting. Results of the election must be reported to the members within 15 days.” (DS Sections 4045(b), 4360, 4365, 4265 (b), (d), (g)

Note that the Architecture Committee recommendations for the Rules were not reviewed at this meeting. It was agreed a follow up meeting needs to be set.

11. ADJOURNMENT

The meeting was adjourned at 1:45 pm.

The next Board meeting is slated to be held April 23, 2016.

Respectively submitted by Beth Shaver, Secretary