

Approved Minutes of the Regular Meeting of May 16, 2009

BLUE LAKE SPRINGS HOMEOWNERS' ASSOCIATION
MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

DIRECTORS PRESENT: President Norm Friberg, Vice President Dave Ryniec, Treasurer Matt Salayko, Directors Dick Lawlor and Doug Rischbieter

DIRECTORS ABSENT: Secretary Angela Logan and Director Teresa Rossi-Clay

General Manager: Tony Abila

President Friberg called the Regular Meeting of the Board of Directors to order at 9:00 a.m.

1. **Member/Guest Introduction:** John & Bev Vasquez, Lot 182, Unit 10; Frank & Alice Hengel, Lot 127, Unit 2, Marilyn Larson, Lot 119, Unit 13; Bill & Martha Votaw, Lot 205, Unit 2; Roy & Sheila Silcox, Lot 785, Unit 7; Sandi O'Neill, Lot 68, Unit 4; Anne Friberg, Lot 785, Unit 7; Mary Peterson, Lot 151, Unit 11; Tom & Marie Jones, Lot 785, Unit 7; Larry & Bobbie Haskell; Lot 731, Unit 5; Bob Asher, Lot 468, Unit 3; Claudette Lawlor, Lot 83, Unit 8; Clint & Kaaren Babb, Lot 620, Unit 5; Harry Tittle, Lot 12, Unit 1; Pete Padelford, Lot 30, Unit 11; Charlotte Hunt, Lot 199, Unit 13; Dan Wendin, Lot 400, Unit 3; Duane & Darice Harlan, Lot 226, Unit 13; Dick Watson, Lot 222, Unit 2; Ed & Michele Stahlberg; Luanne & Katherine Baugher; Joe Morgan Lot 282, Unit 2.

2. **Member/Guest Forum:** Comments from several of the members present included the following:

Bev Vasquez: An article written by member Vasquez was submitted to the Association Office on April 1, 2009 for inclusion in the next Lodge Log. The Board of Directors advised the manager to put the article in the July Lodge Log. She questioned why the Board took the liberty of deciding when the article was to go in.

President Friberg responded that the feeling of the majority of the Board was that the letter would be better served if more information was obtained from the lawyer before the article was published. He stated that the Board cannot deny a letter being published but they have some latitude as to when it would be published.

Director Ryniec and Rischbieter, in turn, explained their perception that the letter had missed the deadline for the current issue. Director Rischbieter also contended that since the letter posed several questions, it would be inappropriate for the Board to publish the letter without preparing an accompanying article addressing those questions, for the purpose of fully informing the Membership, but that was not possible in the publication deadline timeframe.

Member Vasquez expressed her opinion that the members were not better served and that she did not think there was any more information from the lawyer that would make a difference whether it was in the June issue or the July issue; she also replied that the "Why???" in her letter wasn't intended to be a question.

Kaaren Babb: Inquired about what facts from the attorney is the Board waiting for.

President Friborg responded that the attorney did not answer certain questions adequately. Therefore the Board submitted more questions to the attorney for clarification purposes.

Member Padelford stated that in reference to Bev Vasquez' article, there was no legal advice that needed to be answered. The article was informational only.

3. Approval of Minutes:

a) Approval of Minutes for April 2009 Meeting: **Director Rischbieter made a motion to approve the Minutes of the April 18, 2009 regular meeting. Director Lawlor seconded the motion. The motion passed unanimously.**

4. President's Report:

a) Communication from Attorney: President Friborg stated that there is no response from the attorney yet. It had been expected and promised in the preceding days. He recommended that when the attorney does respond, that information be provided to the newly elected Board Members. It was agreed that this could be done at the new Board's Organizational Meeting on June 6th.

5. General Manager's Report:

- a) Operations Review: The auditor's report is expected on Tuesday, May 19, 2009. A request for a new permit from Calaveras County has been filed. The permit will allow BLS Homeowners to clean the county right of way in front of their property. New pool drain covers will be installed to stay in compliance with the new pool laws. A bid is being obtained; the installation must be done by a diving contractor. The pool heater gas line was mismarked by JS West Gas Co in response to a "USA" service request. It was hit and bent during the preparation of the new pool lawn, and was irreparable. It was replaced by Ebbetts Pass Gas at a cost of \$750. JS West Gas Co. will be notified of their error in case their liability insurance might cover the damages.
- b) Recreation Department Cooling System: Still waiting for two more bids. There was discussion on how many bids the Association is required to obtain. The Board agreed that the manager should obtain one more bid and then they would consider whether to move forward with the project.
- c) Tennis/Basketball Lighting: The electrical for the lighting does not meet current codes. Two bids were presented for replacement cost to reinstall the electrical panel for both areas. A recommendation and information about whether this is a Reserve Item will be presented at the next regular Board Meeting.
- d) Easements within BLSHOA Development: Follow-up from a member's concern from the last Board Meeting. Manager Abila will submit a letter to the Ebbetts Pass Fire Department for their review.
- e) ARC Variances: Tabled – Manager Abila is seeking additional ARC input before bringing this issue before the Board. He will arrange a meeting with Director Rischbieter, Chair of the ARC to discuss.
- f) ARC Policies: Tabled – See above.

6. Member Forum: Comments from several members included the following:

John Vasquez asked if the planned teleconference with the Association attorney is an open meeting.

President Friberg responded that it is not an open meeting. It is privileged information between the Board of Directors and the attorney.

John Vasquez stated that the Board got a response from the attorney initially. Some of the Board members did not agree with the attorney's response. "What is to say that the response you get this time is going to be any less agreeable or disagreeable with the Board members. Will you abide by the attorney's comments or not?"

Director Rischbieter responded that it was not a matter of agreement, it was a matter of clarification.

7. Financial Report, Treasurer:

a) Review of April 2009 Financials: Treasurer Salayko gave the following report:

Total income for April 2009 was \$81,816.25, exceeding the budgeted amount by \$725.25 or 0.9%.

Total expenses for April 2009 were \$71,909.32; under the budgeted amount by (\$346.68) or (0.5%).

P/L for April 2009 was \$9,906.93, exceeding the budgeted amount by \$1,071.93 or 12.1%.

YTD income for 2009 was \$354,130.06, a shortfall against the budgeted amount by (\$39,396.94) or (10%).

YTD expenses for 2009 was \$310,155.73, under the budgeted amount by (\$2703.27) or (0.9%).

YTD P/L for 2009 was \$43,974.33, a shortfall against the budgeted amount of (\$36,693.67) or (45.5%).

The beginning balance in April 2009 in the Reserve Account was \$458,683.61 and the ending balance in April 2009 was \$466,124.15.

There was discussion about maintaining the Association's operating account at a level modestly above the FDIC insurance coverage limit. Management will research the options for moving any amount over the FDIC limit.

Treasurer Salayko gave the following Finance Committee Report:

The committee addressed the issue of the implications that may arise if BLS becomes a taxable entity.

It was decided that any outcome was difficult to assess without legal or auditor input. The conclusion was to wait for the auditor's correspondence and then Consider whether to ask the Association's attorney to consult the tax expert in their firm.

8. Committee Reports:

A. Summer & Winter Recreation: Vice President Ryniec reported that Michele Stahlberg is working on a July Fourth float for the Independence Day Parade.

B. Marketing: No report. Chair absent.

C. Human Resources: No Report. Chair absent.

D. Architectural Review/CC & Rs: Director Rischbieter reported that he will meet with Manager Abila next week about other ARC issues.

E. Facilities:

1) Long Range Planning Committee: Vice President Ryniec reported that the Committee will request that the new Board of Directors authorize the continuation of the planning committee's work. Director Lawlor suggested placing a condensed version of the Long Range Planning Committee report in the Lodge Log, or portions of the report placed in a series of subsequent Lodge Logs.

F. EPPOC: Vice President Ryniec reported that Merita Callaway spoke about pending layoffs in the county. The main speaker at the meeting was SPI Jim Tate, a regional forester who spoke about the Love Creek Logging Management Plan.

9. Facilitator: No report.

10. Old Business: Vice President Ryniec informed the Board that the BLS VIPs were presented with a certificate of recognition from Dave Cogdill, the State Senator of the 14th District and a similar award from Tom Berryhill, the Assembly Member from the 25th District for recognition of achievement in their work in the prevention program.

Vice President Ryniec reported that the VIP started their inspections on May 11, 2009. He stated that there were more write ups this year. Cal Fire wanted the inspections completed by May 15, 2009.

11. New Business:

a) Qualifications of Directors: Tabled. This matter concerning the ineligibility of one sitting Board Member was not addressed because the Director bringing it to the Agenda was not present.

b) Picnic tables/seating and recreation area music/sound system: Manager Abila informed the Board that there are an adequate number of chairs for members to use around the pool and other areas. He also reported that an earlier Board had reviewed and addressed the music issue and that the conclusion had been that piped music would be a distraction for the lifeguards, potentially disruptive to other members, and difficult to choose the type of music given the differences in musical preference.

12. Member Comments:

Kaaren Babb asked if items on the agenda were not addressed during this meeting, will those items roll over to the next meeting.

President Friberg responded that the decision is up to the Board Member who brought the item to the agenda.

John Vasquez asked that if the attorney gives direction to the Board of Directors during the teleconference is the Board willing to convey that information to the membership the next day at the Annual Meeting?

President Friberg responded that it is hoped that the Directors get a written response from the attorney and that the information is made available to the new Board of Directors.

Sheila Silcox asked if the letter written by Bev Vasquez would be in the next Lodge Log.

Manager Abila responded that the letter would be published as submitted in the next Lodge Log.

Bob Asher asked if Manager Abila was pleased with the Association's Attorney.

Manager Abila responded that he was not pleased with the timing of the attorney's responses.

Peter Padelford thanked the departing Board members for the time they have donated to the Association.

President Friborg thanked the members present for coming and that the Board values what they have to say.

13. Adjournment: Director Lawlor made a motion to adjourn the meeting. Treasurer Salayko seconded the motion. The motion passed unanimously. President Friborg adjourned the meeting at 10:50 a.m.

14. Closed Session: The Board reviewed two long-standing dead tree violations. In one case, cooperating neighbors were allowed to pursue a tentative resolution they had agreed to that will be expected within 30 days. In the second case, Board acted to send a 30 day notice letter to the owner of a property in Unit 4 concerning a dead tree on that property before taking removal action at the Owner's expense. **The motion passed unanimously.**

Respectfully Submitted:

Recording Secretary Marsha Hampton

Approved for Posting: June 20, 2009