

PLA-VADA COMMUNITY ASSOCIATION/PVCA BOARD OF DIRECTORS MEETING
Minutes – June 26, 2010, 2010 - 9:00 AM Donner Summit PUD

Board of Directors:

Chik Brenneman – CB
Mike Anderson – MA
Jim MaGee – JM
Brian Gebhart - BG
Eric Lombardi - EL
Jerry Keen – JK
Steve Headen – SH
Sunnie Skiles – SS

Members Present

John Kirrene – Lot 025
Pat & Teri Bueb - Lot 249 – election Inspectors
Roger and Claudia Hatfield Lot 192, 193

Board Members Absent:

Bob Wagenman – BW

Staff

Terri McGuigan - TM
Brian Silsby - BS

Call to Order: Meeting was called to order at 9:06 am - CB

Review of the Minutes from May 1, 2010 –

SH requests that the minutes for today’s meeting reflect he was not, and has not been in favor of any Board approvals for Kennedy-Jenks Consultants.

Motion to approve, JK 2nd BG Motion passes 6-2

Additional Agenda Items:

Except as described in paragraphs (2) to (4), inclusive, the board of directors of the association may not discuss or take action on any nonemergency item at a nonemergency meeting unless the item (s) were placed on the agenda included in the notice that was posted and distributed pursuant to subdivision. CC 1363.05 (h) (i) (1). Emergency items may be considered.

INFORMATION/VISITOR PRESENTATIONS:

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The board of directors of the association shall permit any member of the association to speak at any meeting of the association or the board of directors, except for meetings of the board held in executive session. A reasonable time limit for all members of the association to speak to the board of directors or before a meeting of the association shall be established by the board of directors. Members have 5 minutes to present information. Additional time may be granted by the Board. CC 1363.05 (h)

This subdivision does not prohibit a resident who is not a member of the Board from speaking on issues not on the agenda. The board may not take action, unless an emergency exists on any item presented. Time restriction may apply. If possible, please notify the Board President or Board Secretary in writing prior to the meeting if you wish to testify. CC 1363.05 (h) (i) (1).

Communications/Discussion:

PlaVada Common Areas/Vehicle codes – 6/24/10 - Discussion centered around a letter received by Board members about alleged inappropriate use of ATV's in the community. JK contacted Nevada County Sheriff. The Sheriff informed that vehicle code laws cannot be enforced unless it is a DUI, hit and run or reckless driving. If there are other situations that do not fit these criteria, the Board will consider sending a good neighbor letter to the alleged offending. Then there is the possibility of fines, and in extreme cases, civil action.

Finance Committee (Claudia Hatfield, Connie Allison, Mike Downs, Art Newman)
3/13/10 – No report 5/1/10 – Will want to reconvene via conference call or in person meeting prior to June general meeting. CB to facilitate communication 6/24/10 – **CB requested that the committee convene to review expenditure reports and discuss a payback schedule scenario, and report back to the Board.**

Access road to well - Carry over from 9/12/09 – Some property owners are concerned about increased OHV traffic along the road on the power lines. Dust and noise being the most notable concerns as well as unintended access to member's properties from the road. This will be addressed in the spring after snow melt, and all agreed that is was a valid discussion item, but no action could be taken as yet. CARRY till snow melt spring of 2010. 5/1/10 – If any trees are removed during the construction process for phase two, it was suggested that we chip the trees on site and save for potential erosion control in various locations of the project. **6/24/10 Follow-up; The Board asked that the trees chipped from Phase II be staged in the Unit 6 parking lot. PV will distribute to areas.**

Staff Reports:

General Manager (10 Minutes) – Terri McGuigan. We have 12 parcels that are past due, 4 owners are making payments. 2 properties have requested payoff demand In order to protect our position there are two properties that need to have board approval to file the Notice of Default on Lot 035 & 223.

Motion to file the board approved Notice of Default for Lot's 035 & 223. EL, MA
Second – All Approved – Motion passes 3 are not a year past due

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1 parcel - Elect to foreclose

2 properties have gone back to the bank and have requested payoff demands.

DOE – The Directors insurance is up for renewal and the cost is under 3000.00 again this year.

Caretaker – (10 Minutes) – Brian Silsby

Water Usage – The water usage for wells 3 & 4 during the month of May was 7,200,000 gallons

Sewer Inflows –

May – 1,918,800.00 for a daily Average of 61,871

We have been patching roads; we sanitized the new 130,000 gallon tank for the tie in to the new lines which could happen as soon as Monday. There is some question on who is going to train me on how to run the equipment as the contractor does not know how that works.

CB – ask that the engineers representative to come up on Monday to assist.

Director's Report (40 minutes total)

President – CB- PV has received communication that the owners/operators of the 'chalet', the building adjacent to the shell gas station are requesting permission from the county to open a restaurant. This property is subject to the provisions of a lawsuit against the Association in 1985. The owner must approach PV if they want to receive additional sewer services per the judgment.

Vice President – JK. JK informed the Board that an individual owner cannot grant access across PV common areas. JK to work with counsel and the property owner to resolve. The access road up the power lines to well 5 crosses a member's property which may result in another easement. The Board recommended that the road be re-aligned off the member's property by our crew. Gating the road – Placement of the gate should involve the property owner.

Secretary – SS No report

Treasurer – EL No report

Caretaker Supervisor – JM – We need to cut some tree down that are hanging over the road. The caretaker's cabin needs to be painted.

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CB – Get some estimates to print and paint the caretaker’s cabin
Heavy Equipment – BW No report

Roads – BG. – BG thanks Brian for his efforts on the roads. JK requested that a review of the Cul-de-Sacs be carried out this summer

Architecture/Compliance – Lot 182 was discussed. There is a potential buyer

Sewer – SH - No report

New Business:

Drop Box for member communication – 6/24/10 EL Suggested the installation of a drop box for PV business in the area of the caretaker’s house. EL will price and bring back to the Board a formal proposal. CARRY

Old Business:

Well 3/Easements on 15 ac parcel. The adjoining land owner, (and PV member) proposing to give the legal access and rights to own well 3, extend the easements to actually encompass the well, and resolve some wording for easements to the sewer line that crosses his property in exchange one sewer and water hookup to the 15 acres. . The zoning on the property is currently ‘forest’. Currently the association has vested rights to the well per association counsel. The issues behind the original proposal in 2004 have now changed. Both parties wish to resolve the wording. CB will work with counsel to determine current ownership rights to the well. The owner mentioned that lack of a legal document could be an issue in that if permission to use the well is not granted, the owner of the property can ask for the well to be removed. Counsel has opined on this in the past. The owner does not have that letter any longer. 11/14/10 - CB to send a copy of the letter to owner and work with counsel on ownership. .1/23/10 CB received communication from Counsel regarding possible course of action. Some clarification needed. CB to contact property owner when clarification received. 3/13/10 move to closed session. Report out of closed session. The Board recommends offering the property owner a sewer and water hookup for the sum total of \$10000 in exchange for clarification of the easement language. The property owner will pay the fee at the time of hookup The Board will go to council on the legalities of clearing the existing easement language. 5/1/10 – Property owner has accepted. Association counsel to draft agreement. Board discussed annexation of properties that the association is providing services to in order to ensure water /and or sewer provided is for residential use only.
6/24/10 – An unrelated investigation into area property values found that the current owner has listed the property. The listing shows the property as 15+ acres. Property owner feels that access to property is granted through the existing road easement. PV will research and report back at the next meeting. Action JK.

Water Project update & Phase 2. CB Contractor has missed the 12/5/10 completion deadlines and is subject to fines. A letter will be drafted to the contractor to urge the

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completion of the project in a reasonable timeframe once the weather permits. The board will consider the response of the contractor in its decision as to whether to levy fines at a later date. 3/13/10 – Phase 2 plans were submitted to the county. We are awaiting comments back from California Department of Public Health so that design plans can be finished and we can submit for a building permit. Will be going out to bid for project soon. Pre-bid meeting scheduled for 4/1/10, bids will be opened at 3 pm, 4/16/10. The board reviewed and approved (BG/SH) the Kennedy Jenks addendum for consulting and engineering services for phase 2. The board generally questioned why the increase was necessary and it was explained that much of the increases in engineering costs were the result of additional county and state requirements. The amendment covers additional permitting support, design and construction management services. The board approved the amendment increasing the engineering costs by \$143,290. The current not-to exceed budget of engineering costs is now \$697,015. We are still on schedule to comply with the EPA administrative order on arsenic treatment. Association counsel has reviewed easement agreement for the new tank site and appurtenant pipelines. CB and the property owner have agreed to general terms. After discussion, the board approved the easement agreement. (BG, SH) 5/1/10 – Use permit for lot where arsenic treatment plant has been granted. The State has reviewed the plans submitted by engineering as has the county. Plans have been submitted to the County for our building permit. Contractors bid have been submitted. A total of 5 bids were received. Bid range was \$461,874 to \$619,000. Bid was awarded to Hansen Brothers for the lower bid. (MA/BG) **6/24/10 – Tank leaks have been fixed. The vent on the tank sustained some snow load damage over the winter. Tank vendor has been notified. Aspen is onsite to finish Phase I. PG&E will hook up power to well on 6/29/10. If water some comes back clean, then we will switch over to the new tank on Monday 6/26. The telemetry can then be hooked up. Hansen Brothers was given an extension to their contract. Construction will now begin 7/1/2010 because of the wet condition in the areas affected.**

Low Pressure Area – Carry per JK 1/23/10 – Carry until well and water tank are on-line 3/13/10 General discussion. No significant resolution. The board should look at potential causes. 5/1/10 – JK states wait for new tank to come on line to see if there are any changes. Would like to repeat the pressure tests in summer. **6/24/10 – JK would like to coordinate with other residents on Aspen and Hemlock.**

Parking/Towing Policy – 3/13/10 No draft policy for Board to review; not enough information to proceed. Issues are how we accommodate members who park for a reasonable period of time and don't impede normal association business versus members who apparently leave their vehicles in vulnerable situations that impede association business. Carry CB **5/1/10 - Consolidated with New Business item. 6/24/10 Carry.**

Pla-Vada Office – 3/13/10 A letter was received from the County that a building permit was for work that was done 2 years ago. If PV goes for a permit for the office we will be required to be compliant with the American Disabilities Act (ADA). PV staff looked into potential solutions – The current location of the office would be very difficult to make ADA compliant. Our options are; a) build a new office on the lot next door to the caretaker's cabin - cost estimate of \$160,000. b) Mobile Trailer on the lot next door

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\$35,000.00. c) GM will working home office. At a minimum, we will be required by the county to get a permit for storage space in the re-fitted area, but we cannot use the site as an office. After discussion the board moved that the current ‘office’ would be made into storage area and the general manager would work from home in Colfax. (BW/BG) PV office hours would remain the same. For a personal appointment with the GM, an appointment would be needed. 5/1/10 – Plans for the storage space will be submitted to the county. MA feels an office is necessary for PV. **6/24/10 – CARRY**

Trackless Repairs – 5/1/10 The Board moved that the trackless repairs be completed, but also that other equipment options should be explored. (JK/BG) **6/24/10 Seasonal equipment rentals were discussed.**

CC&Rs/Bylaws Revisions - -5/1/10 A general discussion was held. Board will request formation of a policy committee that will meet periodically to review and recommend revisions of association policies. Will be introduced at the general membership meeting. **6/24/10 - JK volunteered to chair such committee. Will introduce at the afternoon meeting of members.**

Closed Session

Report out of Close Session

6/24/10 - The Board voted to accept the legal agreement between PV and the owner of lot 235.

6/24/10 – The Board voted to accept the agreement for title of two lots adjacent to the unit 6 parking lot in exchange for a total of 16 sewer and water hook-ups. The two lots will site the new arsenic treatment plant.

Project Update: CB

3/13/10- - Aspen letter has been drafted and will go out to the board for review. SH recommends that Association call a meeting with Aspen to set reasonable timeframes for Phase 1 project completion. 5/1/10 – Waiting for weather and snow conditions to improve. **6/25/10 See Above**

Pending Items:

- **Cul-de-Sac conditions** (an issue or parking and snow removal) pending report form BS & BG. 1/23/10 – 3/13/10 Carry 5/1/10 – BG and BS to look at cul-de-sacs and potential for parking/turnaround problems this summer and report. **6/24/10 See Above**
- **Directors Duties** At the organizational meeting the duties of the directors. 11/14/10 Action draft of director’s handbook by next meeting. 1/23/10 Carry 3/13/10 Progress made. Should have draft for general review for next meeting. 5/1/10 – Draft briefly presented and discussed. **6/24/10 - Carry**

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The minutes, minutes proposed for adoption that are marked to indicate draft status, or a summary of the minutes, of any meeting of the board of directors of an association executive session, shall be available to members within 30 days of the meeting. The minutes, proposed minutes shall be distributed to any member, who request and upon reimbursement of the association's costs for making that distribution. CC 1363.05. We try to make these available on the website. They are posted on the maintenance-building bulletin board.

Adjourn: Motion to adjourn (EL 2nd SS) Meeting was adjourned at 11:45 am
Next Meeting – July 31st, 2010