

PLA-VADA COMMUNITY ASSOCIATION/PVCA BOARD OF DIRECTOR MEETING
Approved Minutes June 27, 2009 - 9:00 AM Donner Summit PUD 7/25/009

Board of Director Present

Chik Brenneman – CB
Jerry Keen – JK,
Jim MaGee – JM, ,
Eric Lombardi –EL,
Sunnie Skiles – SS
Hugh McGuigan - HM

Staff Present

Terri McGuigan - TM
Brian Silsby -BS

Board Members absent

Nick Nieffenegger,
Brian Gebhart
Bob Wagenman
Mike Anderson

Members Present

Jim Valenti, Mark Thomas,
Teri & Pat Bueb Election Inspector
Jim Faulkner

Call to Order: Jerry Keen, VP @ 8:58 AM – We do not use Robert rules of order. The president can vote on all matters and make motions.

Adjourn to Closed Session:

- Certain property owner matters
 - Lot 235 -
 - Lot 182
 - Lot 062

Additional Agenda Items:

None

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.

Approval of Minutes:

Motion - CB to approve the minutes of April 11, 2009 meeting Jim MaGee 2nd - all approved

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.

Information and Presentations:

None

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).

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Communications: (2min)

- TM - these dumpsters are not permanent, they are only here until the old ones are worked on.

Staff Reports:

General Manager (10 Minutes) – Terri McGuigan

We have spent for the 1st quarter of our year \$56,244.72 which is approximately 23% of our approved budget.

Cash on hand as of June 26, 2009 is as follows:

General fund we have approximately \$63,465.99. On the 25th we paid the engineers \$94,399.59 for work performed on Phase I & II of the water project. The 63K will be the balance after I received the 94K from reserves.

Reserves

Cash -	\$244,938.52	after the 94 is received from Raymond James.
CD's -	\$487,690.00	maturing in 2009 125,000.00
Asset back Securities	\$16,655.55	
Total	\$749,283.87	

Certified letters sent out to the following lots for non-payment of dues for the 2008/2009 dues period. The mailing date was 6/17/09. In the letters where options to attend this meeting to discuss the delinquency and possible set up payment schedules.

Lot 024

- Lot 069
- Lot 098 Paid in full
- Lot 110 Will Send Check before 30 days is up
- Lot 111

Lot 150 Called wants to make payment arrangements

- Lot 165
- Lot 168 Setting up payment pay
- Lot 199
- Lot 223
- Lot 224
- Lot 248 paid
- Lot 320
-

Total for outstanding invoices \$19,053.25

With the state of the economy, we do not want to be put into position of losing these funds due to foreclosures or bankruptcies. I recommend to the board that if payments are not received by July 15, 2009 that we start the collection process.

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Motion - SS - to start the lien process on owners who have outstanding balances from the 2008/2009 fiscal year if you paid by July 30, 2009 HM 2nd no objections all approved.

Directors Insurance will renew in July of 2009, the agent has received a quote of \$2460.00, however; the agent is still reviewing the quote and will get back to me the 1st of the week.

I have not been able to really start the training on the web-site, however I will be getting the web-site designer to start that process, hopefully this week.

JK internet training, you could pay for that out of the education line item on the budget.

Caretaker (5 minutes) – Brian Silsby

The residence is in good shape with the exception of the living room carpet. When the carpet was installed, the seams were in a traffic area and are not holding up. The upstairs carpet is fine. The deck needs to have some maintenance and sealed before next winter.

Replaced sewer and water lines to the house.

Water Usage

Well 3	Well 4	3&4		
April	650,600		85,000	735,600
May	721,900		84,400	806,300

Total Usage for 2009 to date is 4,112,300 gallons.

As a comparison, I looked at the 2008 usage from January 2008 to May 2008 and we used 7,026,900 gallons this is a savings of just under 3 million gallons of water.

Sewer Usage		Average Daily
April	1,676,400	57,807
May	1,609,200	51,910

2009 daily average from January through May is 40,966
2008 as a comparison the daily average 38,324

Due to excessive rain and a couple of I&I areas were detected and will work on them during the summer season.

Need to do some work on the loader brakes, break pads – Brian feels that this is work that can perform in house.

JK – Thanks for removing the signage that was out of date. Railing in front of the caretaker’s house needs to have something done to it. We could replace the rail with something that can be removed for snowfall

Director Reports:

- President – CB no report
- Vice President – JK some legal issues, some issue with Lot 256, we will need to resolve this before this summer’s end. Other issues will be dealt with in closed session.

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- Secretary – SS – no report
- Treasurer – EL, In the past we have sat down to see if what our options were as far as long term investments, however we need to now continue to keep the money liquid.
- Caretaker Supervisor –JM - Brian and Doug have been cutting weeds and brush along the roads. We are also cleaning out culverts that were plugged after the spring rains.

We are always looking for any sign of water leaks and cleaning out sewer and water lines which is mostly caused by the tree roots.

As the weather warms for a long period of time they will fill the cracks in the roads with tar.

There is a sewer repair on Tamarack Crescent that before we do any work we need to have some trees cut down. PG&E will not top them as they are not interfering with high voltage lines. I received a price to have the trees taken down for \$1000.00. This is a necessary repair and cannot wait. Cottonwood and pine trees. Also, get a price to clean up the tree on Tamarack Crescent to be included. Recommend using some of the money allocated for the snow plow.

- Heavy Equipment – BW – No report
- Roads – BG – No report
- Architecture/Compliance – MA
 - Removal of non-operational vehicles – some of the vehicles that were in question have been removed and some are in the works.
 - ARC update on Lot 255 – Owner has not come forward with the fees for his will serve permit, until that time no action will be taken
- Sewer – NN by BK – wash out at pond 4, 2 valves for pond 2, replaced a valve so that the pond can dry out then we need to be scarified before winter, did find some I&I – which we are working on

New Business – (30 Minutes)

- **Report out of closed session #1**
 - Lot 182 – Hemlock – this lot was invoiced as a cabin per the board request. Owner is requesting that the billing be changed to the lot dues and his fees be refunded – Fee's and deposit are not refundable. The annual fee for the lot is cabin rate.
 - Lot 235 - We have heard back from counsel. Lot Line – Lot 235 – discuss in closed session at the owner request- entered dispute process with the owner set up a committee for the dispute process.
 - Lot 62 - Concrete work has been started but is not germane to the PVCA or the ARC. The shed installed must meet setback requirements. The GM will help to see if the PVCA can help with survey information for the lot lines. The matter may be referred to the Nevada County Code Enforcement Office for resolution.

Return to open Session:

- **Purchasing procedures.**
- Purchases need to run through the office, we are under review annually from the accountants.
- HM – some purchases were not thought out thoroughly before obtaining.
- CB – Before the budget meeting we need to think out what is needed.

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- Motion Hugh – if purchases \$250.00 for non budget items are requested the matter must go through the GM who will issue a purchase order. A purchase order must be developed for large ticket items even if budgeted. The officers of the association will be consulted to determine if it is emergency. Chik 2nd all approved
- Barricade at bridge to prevent unsafe situation. – Wants to put rocks on the south side of the river to protect anyone from falling into the river. CB we need to check on easements for the bridge before placing anything. JK will check easements and contact property owner if appropriate.
- Water project Finance Committee - It is to late for a committee we need to start securing funding while we still can.
- **Old Business: (20 min)**
- Fines (three or more fines were, issued this year. They must be heard by the board before they can be assessed Lot 096, Lot 141, lot 234. All members with unpaid fines will be invited to come to the board at the next meeting to discuss.
 - CB process for fines. Only the Board can levy fines. The owner has the right to address the Board before a fine is levied. We clarified this at the last meeting.
- **Water Project (update on progress and issues)**
 - **Water Project UPDATE:** There has been the usual roller coaster ride with the county regarding permitting. The public hearing regarding the variance has been scheduled for July 15th. This is to discuss the variance we requested with respect to the tank site. Nevada County requires a 100' setback. But do to engineering concerns and slope issues the tank must be placed at 30'
 - Phase I project bidding has commenced. There was a non-mandatory pre-bid meeting on Wednesday June 24th. Three contractors walked the sites with the GM, President and the engineers. Bids are due July 10th. This board needs to decide the best way to accept the bid as soon as possible after the public hearing to that construction can be mobilized.
 - The original plan to include some Phase II tasks this summer has been changed. Due to problems with permitting on Phase I, it was decided that Phase II would be permitted as a complete package.
 - Water pressure – There have been discussions regarding water pressure and fire hydrant placement. The current plans call for a new hydrant adjacent to the water treatment plant at the completion of Phase II. Other communication with the Truckee Fire District revolved around placement of hydrants on the existing system, but depending on where they are placed. They may not be effective because of water pressure. Engineering recommends a hydraulic study to determine best sites for upgrades of water mains, hydrant placements, and ways to determine how best to improve pressures in the Aspen Court Area.
 - Tank update: BH Tank will honor the original purchase price. The tank will need to be ordered very soon.

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- Arsenic Request for Proposals (RFPs): Two of the three original companies that were interested in bidding on the project have back out. We have one bid of \$192K that was received, discussed and revised based on review by engineering. The bid date expires this week. It is recommended that we accept this bid so that pilot testing can be completed as scheduled this summer.
- Motion - HM to approve the arsenic treatment proposal, SS 2nd. all approved.
- Finance Committee development for water project.
- Motion – El To apply and secure a line of credit with Bank of the West for the maximum amount the bank will allow against PV’s asset. (Some general discussion) - SS 2nd All Approved
- Water pressure Hemlock/Aspen (options) discussed in water report.
- Keys (where are we with letters going out with release information) Bring back to next Board meeting.
- **Election Results: (2 min)**
 - Chik Brenneman
 - Eric Lombardi
 - Steve Headen

Pending Items: (2 min)

- Community Cleanup Day – bring this up at the next meeting. JK will call Fire department
- Directors Duties - lines of authority, for each member of the board.
- Director Handbook -

Closed Session: (5 min)

- Certain employee matters:
- Employee performance review
- Caretaker vacation and calendar

Return from closed session:

The Board believes that our employees are doing an excellent job and express its appreciation. Board wants to thank Brian and Terri for a job well done.

Adjournment:

Organizational Meeting (Preliminary):

- **Director Duties:**
Need for description of duties.
- **Informational Note: Director Attendance**

Director Attendance at Meetings?

ANSWER: Your no-show is in breach of his fiduciary duties for refusing to attend meetings. Under Corp. Code 7231(a) "A director



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shall perform the duties of a director . . ." Under the Davis-Stirling Act, he has a further duty to monitor the association's finances (Civil Code §1365.5). His failure to attend meetings means he is missing the treasurer's report, not reviewing financial records, and not asking questions about finances--a further breach of his fiduciary duties. A person who consents to being a director and then refuses to participate loses the protections of Civil Code §1365.7(a). As such, he may face personal liability if something happens.

- **Officers: Chik is happy with what is happening with the organization. Officers to remain the same. Steve Headen will be offered the Director spot and asked to oversee the sewer system.**
- **Meeting Dates: 7/25/09, 9/12/09, 11/14/09, 1/23/10 (Budget meeting) March 13, 2010 May 1, 2010 & 6/26/10 General Meeting.**