

9-11-2018 Approved More Mesa Shores BOD Meeting Minutes

Board Members Present: Diane Keep, Charles Stolar, Tom Condon, Molly Rothman, Gail Johnson

Architectural Committee Members Present: Cathy Moseley, Sandra Austin, Doug Keep, Jonathan Mills

1. Call to order & approve August 9, 2018 Meeting Minutes: Meeting called to order at 7:05pm. Tom Condon moved to approve the minutes; Charlie Stolar seconded. Minutes approved.
2. Open Forum: No speakers
3. DRAFT "Road Widening Guide for More Mesa Shores Homeowners Association" Review: Architectural Committee (AC) and BOD

Reviewed DRAFT "Road Widening Guide for More Mesa Shores Homeowners Association" with the AC. BOD thanked AC members for their time, effort, and expertise in preparing the draft.

Cathy Moseley reported that guidelines are broad and emphasized they are guidelines; document is not a set of rules or proposed changes to the CC&Rs.

The following items were discussed:

Safety Buffer: Item 3.a of the guideline recommends a 6' buffer that aligns with SB County's standards. Size of the safety buffer likely is predicated on specific conditions and on a case-by-case basis. Molly clarified that the East Austin Road Widening design is an exception, where a 3' buffer was requested in the road widening design plan; 5225 Austin Road project's 3' buffer is not precedent setting.

Item 7 Costs/Who Pays? Legal position is that the property owner for the related project is responsible for costs. It was noted that the Goodman's project is an adhoc/one-off decision and doesn't set a precedent for the HOA. More discussions are needed at future BOD meetings with a representative from the AC.

Questions raised about what legal basis/authority in the law has informed Steve Wiley's opinion? Is there established case law? There are concerns about fairness of project owner paying for the road-widening project when all neighbors living on the affected street benefit. Recommended that the BOD engage with Association members about the cost question to better inform any BOD decision(s). Recommended removing the "cost/who pays" section from the Guideline and discuss separately.

Triggers for road widening by Santa Barbara County: An increase in the existing square footage of a structure in the Coastal Zone may trigger a Fire Department review. Any project enlarging the footprint of a residence might also trigger a review by any of the various County departments, for example, Public Works when a Coastal Development Permit (CDP) application is submitted. There are many unknown variables.

Inform the Community: Inform Association of what has happened, in terms of the Fire Department requirement for Austin Road. Inform of possible safety issues. Talk about how do we get from where we are to where we need to be? Association needs to know that many other variables could trigger a requirement to modify the roads. It will be beneficial for Members to know; e.g., if a road needed to be revamped anyway, the property owners could take safety issues into consideration at that time.

Other suggestions: Recommendation that an updated survey of MMS roads be considered to understand the scope of the problem(s). No top down view of the roads exists and the BOD's due diligence requires that they not ignore the problem or create legal problems for the Association through non-action.

9-11-2018 Approved More Mesa Shores BOD Meeting Minutes

Draft “Road Widening Guideline”: County documents will be used as references; include as addendums. Remove the “cost/who pays” section and attach a copy of the “Road Widening Agreement” to the Guidelines with an explanation that the applicant must sign it.

If the BOD decides recommends that the guideline become a policy, it must be circulated to the community for a 30-day review period.

Updated Austin Road Widening plan from Donald and Andrea Goodman’s project: Agreement has not been signed and returned.

Sandra Austin gave the latest East Austin Road Widening Plan submitted by the Goodman’s to the BOD. Not on agenda to discuss at this meeting. BOD acknowledged the need for an Emergency Meeting to not further delay the project. Diane recused herself from attending the Emergency Meeting and from voting on BOD motions where the Goodman road widening plans were discussed.

Action Items:

- Ask Mr. Wiley to elaborate on his opinion and provide further explanation that includes case law and precedents for his legal opinion on the question of “who pays” for road widening: Diane Keep
- Request that SB County Fire Department look at roads in the community and identify what roads are at risk for widening? One or two BOD members to do a field trip with the Fire Department. – Continue discussion at future BOD meeting.
- Engage Association Members to gather input about costs/who pays. Before that, have better information to convey to the HOA: Continue discussion at future BOD meeting.
- Schedule Emergency Meeting: Scheduled for Sept 13, 2018 at 7:30pm at Molly Rothman’s house. Diane is recused from meeting.
- Edit DRAFT “Road Widening Guide for More Mesa Shores Homeowners Association Revision 9/7/2018: Tom to edit the document and distribute to the rest of the BOD.

4. Treasurer’s Report

Reviewed Profit and Loss and Balance Sheet Financial Statements through Sept. 22, 2018. Paid some bills including those for the Summer Social.

Sent certified letters to Members with overdue assessments (1140 Orchid Dr, 5160 Via Valverde, 5160 & 5135 Camino Floral, 5292 Louisiana Place). Next step is to serve Small Claims Court papers. Discussed fees and penalties for unpaid assessments; authorized in CC&Rs.

5160 Camino Floral Road Bond Research: Paid a \$1000 road bond in 2010; did not receive refund.

Also discussed Moremesashores.com ownership: Paid for and owned by Chris Tacelli. Discussed possibility of purchasing other relevant domain names (.org, .net. etc.) and redundancy plan for Webmaster backup.

9-11-2018 Approved More Mesa Shores BOD Meeting Minutes

Action Item:

- Prepare road bond refund check for 5160 Camino Floral Property Owner: Tom Condon
- Purchase relevant domain names for the Association from GoDaddy: Gail Johnson
- Discuss webmaster backup: Future BOD meeting discussion

5. Secretary's Report

7-12-2018 Meeting Minutes posted to the website.

Beach Access Control Policy vs. Beach Access Information on the MMS website for lost key charges need to be aligned; Policy is correct and website to be corrected.

Action items:

- Post 8-9-2018 Meeting minutes to the website: Gail Johnson
- Ask webmaster to correct Beach Access information on the website so it is consistent with the policy: Gail Johnson
- Post "Beach Key Access Control Policy" on the website: Gail Johnson
- Refund property owner at 1300 Orchid drive \$50 refund for beach cardkey replacement overcharge: Tom Condon

6. Homeowner Survey

Diane handed out draft survey questions and suggested process for distributing surveys to the Association and Members sending them back. Recommendation that survey and responses be done using U.S. Mail.

Discussed changes and rewording of the submitted questions, added new questions, added definitions for clarity. Also discussed format of the questions and draft of a preamble/introduction explaining why the survey is being done.

Action items:

- Continue editing and rewording survey, distribute revised document to the BOD, and discuss revised draft at the next BOD meeting: Molly Rothman

7. Annual Disclosures & Davis-Stirling

- A. Discussed revisions to "CC&R Compliance, Due Process, and Enforcement Policy": Modify policy so it is worded similarly to other MMS policies; ensure it includes language provided by Steve Wiley.
- B. Election Process: Important to distribute information to Association in a timely fashion and set a date for the Annual Association Meeting. Reviewed checklist and timing of notifications to the Association Members. Acknowledged that BOD Election Ballots are sent to the Association separate from Annual disclosures.

9-11-2018 Approved More Mesa Shores BOD Meeting Minutes

Decided to use the same process as last year; ballots can be mailed or picked up.

Need to better define "Proxy" and processes for identifying and assigning proxies.

Discussed qualifications for new BOD members and reviewed DRAFT "Solicitation for candidates for one open position in 2019 and MMS voting procedure".

Discussed Inspector of Elections: Davis-Stirling requires one or three Inspectors; possibility of asking same people who served last year and/or using the Santa Barbara League of Women Voters.

C. Checklist and Assignments

Reviewed draft "Annual Policy Statement 2019" document. Questions asked about items g, i, j, and k on the draft. Some of these items may be included in the CC&Rs and may not have related policies and procedures? Do policies and procedures need to be developed?

Amount of 2019 Annual Assessment: Discussed line items for next year's budget; a rate increase will be driven from review of this year's expenses; the 2019 projected budget including new line items; the Reserve Study; and the rate of inflation. Assessments have not been increased since 2015.

Gardening services: Cleanup of area around the beach access was overdue; Patricia Feingold to approve all gardener invoices for payment. Gardeners to provide business license and insurance certificates.

Action items:

- Modify CC&R Compliance, Due Process, and Enforcement Policy based on meeting feedback and input from Steve Wiley: Diane Keep
 - Review and Modify "Solicitation for candidates for one open Board of Director position in 2019 and MMS voting procedure: Charlie Stolar
 - Contact League of Women Voters about the services they provide for HOA Board Elections: Charlie Stolar
 - Revise "Annual Policy Statement for 2019" and distribute to the BOD: Gail Johnson
 - Get business license and insurance information from gardeners: Diane Keep
8. G Drive Responsibilities: BOD members responsible to save their working documents/final documents.
9. Old Business
- A. New Bulletin Board Installation: Contract signed with Nomura & Associates; Wade Nomura needs to initial contract changes. Will be installed the week of Sept. 17.
- B. Escrow document transfer fees: Discussed charging a flat fee for preparation and transmittal of the escrow demand documents. Add additional expenses for paper, copying, postage, etc., to the flat fee. Decided to charge a \$300 document transfer flat fee and add related costs, as appropriate.

9-11-2018 Approved More Mesa Shores BOD Meeting Minutes

- C. Trash enclosure completion: Fence Factor installed enclosure and Diane and Doug Keep painted it. Gail has an extra copy of the key for the new lock that was installed. Need a graffiti officer. Molly Rothman and Charlie Stolar volunteered.

10. New Business

- A. Newsletter: Possible topics are Road Widening, Annual Meeting Date, reminder to return updated contact information to HOA, reminder to clean up dog waste, Summer Social "thank yous", interesting MMS historical information, etc.

Action item: Draft newsletter and circulate: Diane

- 11. MMS Summer Social Summary: Thanks to Laurie Rose!! Form a Summer Social Committee for 2019; consider increase in 2019 budget.

Schedule next meeting: Oct. 9, 2018 at 7:00pm at Diane Keep's house