

DISCOVERY BAY PROPERTY OWNERS' ASSOCIATION, INC.

BOARD OF DIRECTORS MEETING

OCTOBER 14, 2008

Delta Community Presbyterian Church

**MINUTES**

The meeting was called to order by President, Mark Lee, at 7:01 p.m.

1. ROLL: PRESENT: Mark Lee, Chris Provencher, Peter Baylacq, Firoz Bharwani, Omar Hindiyeh, Dominic Carano, and Jack Parker. Staff: Vicki Laganowsky, Bob Lyman, and Dale Welin.

ABSENT: Staff: Dewel Morgan.

GUESTS: Frank Visintin, Carey Harris, and Michelle Carlson.

2. DIRECTOR RESIGNATION: The Board received a letter from Michelle Carlson regarding her resignation from the Board due to personal reasons effective October 14, 2008. Chris Provencher moved, seconded by Jack Parker and carried to accept Michelle Carlson's resignation. (5-0)
3. DIRECTOR APPOINTMENT: Chris Provencher moved, seconded by Omar Hindiyeh to appoint Dominic Carano to the Board of Directors to replace Michelle Carlson, term expiring September 30, 2010. (5-0)
4. RECOGNITION OF OUTGOING DIRECTORS: Mark Lee presented a thank you gift to Carey Harris and Michelle Carlson for their two-year service to the Association.
5. ELECTION RESULTS: The following Directors were elected to the DBPOA Board of Directors with terms expiring September 30, 2010: Peter Baylacq (328 votes), Chris Provencher (315 votes), Michelle Carlson (302 votes). The following write in ballots were received: Dominic Carano (3 votes), John Jolly (1 vote), and Bob Doran (1 vote).
6. OATHS OF OFFICE: Mark Lee gave the Oath of Office to Peter Baylacq, Chris Provencher, and Dominic Carano.
7. ELECTION OF OFFICERS: Chris Provencher moved, seconded by Jack Parker and carried to elect Mark Lee as President. (6-0)

Chris Provencher moved, seconded by Omar Hindiyeh and carried to elect Firoz Bharwani as Vice-President. (6-0)

Firoz Bharwani moved, seconded by Chris Provencher and carried to elect Jack Parker as Secretary. (6-0)

Firoz Bharwani moved, seconded by Jack Parker and carried to elect Chris Provencher as Treasurer. (6-0)

- Chris Provencher moved, seconded by Firoz Bharwani and carried to elect Dominic Carano as Membership Director. (6-0)
8. HOME PRIDE APPRECIATION AWARD: Paul and Sherry Hetzer at 1110 Discovery Bay Blvd. were selected as recipients for the September Home Pride Appreciation Award. The Compliance Inspector will present the Hetzers with their certificate.
9. MINUTES: Chris Provencher moved, seconded by Jack Parker and carried to approve the minutes of September 2, 2008 as corrected to add under item 9B the word “80%” positive response.
10. ORAL COMMUNICATIONS:
- A. COMPLIANCE INSPECTOR: The Board received the monthly inspection reports for August 2008 and September 2008. The Compliance Inspector reported an Association-wide inspection was made in August for front yard parking and there were 39 violations. A majority of the complaints received in August were new complaints by individuals and anonymous complaints.
- B. ASSOCIATION MEMBER COMMENTS: None.
11. CONSENT CALENDAR: Chris Provencher moved, seconded by Jack Parker and carried to approve the consent calendar items listed below (6-0):
- A. The Executive Session minutes August 12, 2008 as written, which included discussion of individual member compliance and legal issues.
- B. The Board approved taking a property owner to Small Claims Court on Double Point Way.
12. SECRETARY’S REPORT:
- A. The Board received the outgoing correspondence. There were no comments.
- B. INCOMING CORRESPONDENCE: The Board received a letter dated August 5, 2008 to Charles McElroy from J. David Hammett regarding Mr. McElroy’s property stored onto Mr. Hammett’s property. No action required by the Board.
13. TREASURER’S REPORT: Omar Hindiyeh moved, seconded by Firoz Bharwani and carried to approve the Treasurer’s Report as presented for the period ending August 31, 2008. (6-0)
- Omar Hindiyeh moved, seconded by Jack Parker and carried to approve the Treasurer’s Report as presented for the period ending September 30, 2008. (6-0)

Omar Hindiyeh moved, seconded by Peter Baylacq and carried to remove Carey Harris's and Michelle Carlson's names from all ECC Bank accounts. (6-0)

Chris Provencher moved, seconded by Jack Parker and carried to add Peter Baylacq and Dominic Carano to all ECC Bank accounts. (6-0)

Jack Parker moved, seconded by Omar Hindiyeh and carried to approve the 2008/2009 Budget as presented. (6-0)

14. STANDING COMMITTEE REPORT

- A. DERC: The Board received the DERC Meeting Minutes of August 25, 2008 and September 8, 2008, and the Hearing Panel Decisions of July 21, 2008 and August 18, 2008.
- B. ADMINISTRATION: The Contract Secretary advised she is in the process of obtaining bids from other printing companies in the area for the Association's supplies.
- C. MEMBERSHIP: The Board received the New Member Reports for August 2008 and September 2008.
- D. CC&Rs UPDATE/DERC GUIDELINES: Mark Lee reported he has not completed the update of the DERC Guidelines.

15. ADHOC COMMITTEE REPORT

- A. WEB SITE: There was no report.
- B. FUTURES COMMITTEE: Bob Lyman distributed to the Board the response data from the 4<sup>th</sup> mailer. 242 responses were received. 76% of the responses were in favor of the Association. Nancie Sailor was awarded a \$100 Safeway gift card in the drawing.

16. UNFINISHED BUSINESS:

- A. WELCOME WAGON: Dominic Carano will contact the Contract Secretary about the welcome wagon program. The Board agreed to change the name from Welcome Wagon to "Member Welcoming Committee."

17. NEW BUSINESS:

- A. HEARING PANEL: Omar Hindiyeh agreed to serve on the October 20, 2008 Hearing Panel.
- B. REVISION TO DERC GUIDELINES: The Board received a memo dated August 27, 2008 from DERC regarding revisions to Section III-Q – Setbacks of the Construction & Usage Standards. Chris Provencher moved, seconded by Jack Parker to adopt the

proposed changes (indicated below) to Section III-Q Setbacks of the Construction & Usage Standards as presented by DERC (6-0):

*(REVISIONS in bold and italic.) If plans submitted make any changes to where the structure's placement is changing, the parcel's Plot Plan must clearly indicate the structure placement, property lines, side, front and back setbacks, slope control area, mooring area, public utility easement, sidewalk, curb, and curb cut.*

*All curb cuts must be approved by DERC. If the approach to the garage is changing, the plans must indicate that the old driveway and curb cut will be removed and a conventional sidewalk and curb restored.*

**1. HOUSES – SIDE YARDS**

The combined total of both sides to be 15 feet (15') minimum with 5 feet (5') minimum on one side.

**2. HOUSES – REAR YARDS**

No part of any principal structure shall encroach into the Slope Control Area (SCA).

**3. HOUSES – FRONT YARDS**

20 feet (20') minimum measured perpendicular to the property line from the closest point of the structure to the property line. On five (5) sided corner lots which front on a street on two sides and have a build able lot on each side down the street, the 20-foot setback will apply to both street frontages. DERC may consider an encroachment variance after processing a variance application (see EXHIBIT H) if the following is met: The location of the garage door face must be at least 20 feet (20') from the front property line measured perpendicular from the property line to the nearest point on the door. *Most parcels in Discovery Bay make this setback measurement 30 feet from the face of curb (F.O.C.) The difference between the 20 feet and 30 feet measurement accounts for approximately five (5) feet of sidewalk and five (5) feet of the public utility easement (P.U.E.).*

The meeting was adjourned to executive session at 8:00 p.m. to discuss member compliance and legal issues. The meeting was reconvened at 9:05 p.m.

18. APPOINTMENT OF OFFICERS: Chris Provenvher moved, seconded by Firoz Bharwani and carried to appoint Bob Lyman, Dale Welin, and Vicki Laganowsky as Officers for the DBPOA Board of Directors with terms expiring September 30, 2009. (6-0)

19. BYLAWS AMENDMENT: Peter Baylacq moved, seconded by Omar Hindiyeh and carried to authorize the Futures Committee to move forward with the membership vote on the proposed amendment to Article II, Section 5 of the Bylaws and the member education program as presented by the Futures Committee. (6-0)

The Board re-adjourned to Executive session at 9:15 p.m.

The next regular meeting of the Board of Directors is scheduled for Tuesday, November 4, 2008 at 7:00 p.m. at the Delta Community Presbyterian Church.

Respectfully submitted,

*Vicki Laganowsky*

Vicki Laganowsky