

DISCOVERY BAY PROPERTY OWNERS' ASSOCIATION, INC.

BOARD OF DIRECTORS EMERGENCY MEETING

NOVEMBER 10, 2009

DISCOVERY BAY CHAMBER OF COMMERCE OFFICE
2465 Discovery Bay Blvd., Suite 200, Discovery Bay, CA

UNAPPROVED MINUTES

Since the regular Board meeting of November 4, 2009 was terminated early by the lack of a quorum and some items needed attention, an emergency meeting was called to order by President, Dominic Carano, at 6:00 p.m.

1. ROLL: PRESENT: Dominic Carano, Jack Parker, Omar Hindiyan, Peter Baylacq, Dave Ciruli, Bobbi Nugent, and Shirley Eaton. Staff: Vicki Kaganowsky and Dale Welin.

ABSENT: Staff: Dewel Morgan.

GUESTS: Bob Lyman, Michael Kury, Ward Messersmith, and Vince Vargas.

2. OATH OF OFFICE: Doninic Carano gave the Oath of Office to Jack Parker.
3. IRS AUDIT: Peter Baylacq moved, seconded by Dave Ciruli and carried to terminate Chris Provencher's services on the IRS audit.
4. DAVIS-STIRLING COMMON INTEREST ACT: Dave Ciruli moved, seconded by Jack Parker and carried to adopt the following Resolution to address the rules and procedures to follow contained in the Davis-Stirling Common Interest Act. (5-1 Bobbi Nugent opposed)

WHEREAS, the Superior Court of California, County of Contra Costa found in Case Number C08-0160 Discovery Bay Property Owners' Association, Inc. (DBPOA) v. Ronaldi Fate Sr., was decided by Judge Judith Craddick on September 18, 2009; that the Davis-Stirling Common Interest Development Act (civil Code 1350 et seq.) governs the actions of the DBPOA; and

WHEREAS, in the past the governing documents were not written with this decision in mind; and

WHEREAS, it is now the intention of the DBPOA to follow the rules of the Davis Stirling Common Interest Act,

BE IT RESOLVED, that the Elected Board of Directors of the DBPOA, hereby state that any of the current Davis-Stirling rules not addressed by the current governing documents of the DBPOA will become the rules of the DBPOA; and

BE IT FURTHER RESOLVED, that any of the current DBPOA Governing Documents which are in conflict with the act, shall be modified to meet the rules of the Act, and, in the interim the act will control where any conflict exists.

5. DUES INCREASE PER DAVIS-STIRLING: Bobbi Nugent moved, seconded by Dave Ciruli and carried not to increase the annual membership dues in January 2010. (6-0)
6. NOTIFICATION TO MEMBERSHIP PER DAVIS-STIRLING: Peter Baylacq moved, seconded by Omar Hindiyeh and carried to review at the next regular Board meeting the required documents that need to be distributed to the membership per the Davis-Stirling Common Interest Act. (6-0)
7. BYLAWS ELECTION BALLOTING PERIOD: Omar Hindiyeh moved, seconded by Jack Parker and carried to extend the ballot period for the Bylaws Election another 30 days. (5-1) Peter Baylacq opposed.

ADJOURNED: 6:55 p.m.

The next regular meeting of the Board of Directors is scheduled for Wednesday, December 2, 2009 at 7:00 p.m. at the Discovery Bay Chamber of Commerce Office.

Respectfully submitted,

Vicki Laganowsky

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