

DCLI Board Meeting

Tuesday, July 19, 2016 @ 7:00 PM at Tys Sniffen's House

Members Present: Bird, Chandik, Marshall, Moscoe, and Sniffen

Members Absent: McClelland, McGuire Visitor: Earl Powell

A. Road Manager's Report

1. Road Work Update

- a. JC to give Tom Invoice once a week to minimize last minute payment anxiety. Tom gave invoice to Mac. James Camrack (JC) invoices go to Valarie Wildflower.
- b. Shaping roadway and putting down more rock. Between third bridge and Ramble needs "carving" in hard rock if funds are available later.
- c. Various mechanical breakdowns impacted work progress.
- d. Current plan is to rent roller for five days to be delivered to Deer Creek.
- e. Five transfers of Felton base rock to be delivered; two more transfers to be delivered around Van Slooten. Five transfers of drain rock from the third bridge to Ramble, capped with base rock, watered and rolled in. Total of twelve transfers. Estimated cost = \$14,900.
- f. Cost includes JC, Walters, materials and rentals.
- g. With only \$7K available in DCLI bank account, plan is to stop work at the yellow gate until more funds are available. Tys wants to keep working and he will pay for the additional costs and get reimbursement later. Primary issue is stopping work in coordination with equipment rental.
- h. Moe also volunteered to help subsidize the continuation of the road work for "a few grand" with later reimbursement as Road Dues are collected or other funds (Talberg ?) become available. Tom: about \$10K of costs are for rock and we have 30-45 days to pay for that. \$2K is for the roller which Tom charged to his credit card and payment isn't due for 30 days. General discussion supported "floating" the road work costs until additional funds are available "soon".
- i. Tys: Is Ramble work in the future ? Moe: Scotch Broom at beginning of road makes it difficult to see. Tom: Work is pending.
- j. Summer Work Party: Tentative date: Saturday October 1

B. Treasurer's Report

1. Mac has received checks and invoices, which he is processing and working on a spreadsheet to show transactions.
2. Tys: Please distribute spreadsheet and bank balances to Board via e-mail periodically (weekly ?).
3. Tys is working on the FY2016/17 Road Maintenance Fee billing which will include the Extraordinary Use Fee of \$320 times mileage. Moe: People in the front of road may be interested in paying more for a larger than 10 number of deliveries. Bills will be out by the end of the week. Minutes and Policy will be part of billing.

C. Secretary's Report

1. 20Jun16 DCLI Board Meeting Minutes Approval
 - a. Minutes approved by acclamation.
2. Resolve discrepancies in Residency Codes between Master List and Tys preliminary FY2016/17 billing spreadsheet.
 - a. Brown Map #82 Residency: Non-Resident
 - b. Dgheim Map #90 Residency: Resident
 - c. Foraker Map #43 Residency: Resident
 - d. Fuji Map #66 Residency: Resident
 - e. Johnson,L Map #61 Residency: Resident
 - f. Manning Map #23 Residency: Resident
 - g. McMahon Map #145 Residency: Resident
 - h. Merritt Map #33 Residency: Resident
 - i. Nichols Map #29 Residency: Resident plus renter
 - j. Roy-Corbell Map #85 Residency: Resident
 - k. Walters,C Map #38 Residency: Resident
 - l. Residency Code decision list was given to Tys for billing.
3. Request to have Manuela Raquelle officially designated by the Board as Assistant Secretary for purposes of dealing with title companies on DCLI land sales and the Santa Cruz County Recorder on title and lien issues.

Agreed upon wording: **Resolved that Emmanuela Raquelle as Assistant to the Secretary is hereby authorized to act** in the

same capacity as the Secretary of Deer Creek Landowners, Inc. with respect to signing Demands (Requests for Balances Due Amounts to DCLI) from First American Title Co. and/or any other Title Company Processing DCLI land sales, and to sign Release of Liens that will be recorded with the Santa Cruz County Recorder, and to sign any other DCLI land sale or Lien related documents that the current Secretary of the DCLI Board, Ronald W Chandik, is authorized to sign.

a. Motion made, seconded and passed 4 in favor; none opposed; one abstention.

4. 18Jun16 DCLI Master Lists Update was offered to Board Members present.

D. New Business

1. Tys: Landowner billing issue:

a. Chandik says standard process used for the past 50 years was to bill the Landowner as a Resident or as a Non-Resident depending upon whether or not the LANDOWNER was physically living on the land. **In addition** any other person(s) living on the land were billed as a "Renter" with associated mileage charges, but no Admin charges.

b. Earl's comments were excluded.

c. Tom: He thinks a court would rule DCLI was "double dipping" in billing both Landowner and Renter for road maintenance and improvement expenses. In addition he thinks that a judge would look to section 845 to determine a fair road usage assessment.

d. Moe: Owner is responsible for a low rate for road usage if he doesn't live on the land OR a higher rate of road usage if he or anyone else does live on the land.

e. Chandik: Improving the road only economically benefits the Landowner. Renters/non-landowners do not participate. Enhancing the economic worth of private property and NOT assessing the Landowner for that benefit is unfair and inequitable.

f. Vote to support Chandik's position as stated above to bill the Landowner a separate road usage fee **in addition** to a separate road usage fee for any additional road user associated with the property:
For: 1; Against: 3; abstained: 1

2. Tys: Half cut tree feel down. Much discussion of motivation for cutting tree. Tree is on Misha's land.

3. Tys: A property owner on Skyview with Airbnb listing resulting in people unfamiliar with unpaved mountain roads getting stuck and lost on other DCLI Landowners' property, and in addition holding Rave entertainment on his property resulting in late night noise and disruption to the peace and tranquility of the environment.

- a. Tom has talked with the Landowner with no cooperation.
- b. Moe: County has noise abatement ordinances which require a formal complaint to be filed with the Sheriff.
- c. Tys: There are many community issues plus road usage issues.
- d. Moe: What's needed is a Board communications to the Landowner stating our concerns and requesting some cooperation in resolving the issues without getting county law enforcement involved.
- e. Much discussion on possible resolution.
- f. Board wants to use county law enforcement only as a last resort, but ordinances being violated are county's responsibility.
- g. Tom offered to try to open a dialog with the Landowner and to report back to the Board. Moe offered to help Tom in this endeavor.
- h. Tys: The Landowner is planning another Rave for the following weekend and seems to be planning a party every two weeks.
- g. Action Plan: The disruption seems to be important enough to the community for the Road Association to get further involved. Tom will attempt to initiate a dialog.
- h. The Landowner also has a tractor which he used to try to "smooth" Skyview, but ended up creating a huge dust pile that will turn to mud with winter rains.

E. Tys: Next meeting **Wednesday August 17**.

F. Tys declared the meeting over, but discussion continued with some remaining members.

Submitted August 17, 2016
Ron Chandik, DCLI Secretary