

Deer Creek Landowners, Inc.
Fall General Meeting Minutes
November 9, 2019

A. The meeting was called to order at 11:00 AM by President, Tys Sniffen. Meeting Notices were sent to DCLI and 845 Landowners. Fall 2019 DCLI and 845 Landowner Check-In sheets were used to identify meeting participants who signed into the meeting at the door and Proxies were added to check for a quorum. Since there were no competing candidates for Officers up for election, ballots for voting were not prepared. Handout ballots were available if they were needed for the election. If necessary, the Proxy Voting Eligibility spreadsheet would be used to distribute eligible ballots to Proxy assignees. Only Paid-up (and those with a valid payment plan in place) Members are allowed to vote.

(Secretary's Note: 24 DCLI Members are required for a quorum at the General Meeting. 11 Members Checked-In at the meeting plus 6 proxies were counted as participants. This count was insufficient to constitute a quorum.)

B. Cal Fire (Tom Bird had previously invited Cal Fire to talk at the beginning of the meeting)

1. All Landowners are encouraged to follow Cal Fire property clearance recommendations. 15 ft above roof. Truck access: 10 ft wide, 12 ft high.
2. Available turnouts are important to move equipment around.
3. If fire fighters don't have easy entering and exiting access to property, it becomes a safety issue for them, which they are unlikely to pursue.
4. Wood sheds are better than open piles, which can collect embers.
5. Deer Fire Incident Commander: 1st person that called in was from across the canyon. Calls to 911 are traced to nearest cell tower to establish contact. Land line calls require "nearest address" from 911. Aircraft are quickly sent to spot the fire with accurate coordinates.
6. Locals in the area are helpful to fire fighters, but fire fighters may need to evacuate the area.
7. Fire Fighters need road signs to give directions to fighters coming from outside the area.
8. Fire Fighters want to know who lives on each road, so they know who needs to be contacted.
9. Eves are not a major concern; ground clearance is the main concern.
10. Calls to Cal Fire regarding open burns are responded to by Cal Fire checking for burn permits and necessary precautions. If a fire on your property gets out of control, you are responsible for any damages.
11. What kind of air support does Cal Fire have in our area: Two air tankers (from Hollister or Sonoma) and a helicopter out of Lexington Reservoir are initiated as soon as a serious call comes into 911 on an "open

space" fire. Cal Fire can have air tankers any place in California in 25 minutes. Air Tankers will not launch after sunset.

12. Cal Fire is concerned about the bridge-out on Favor Ridge from BCC to Mt Lion Rd. to LCCC Favor Ridge Fire Exit. It needs a sign and Cal Fire help.

13. Reminder: Primary and secondary signage. No open flame stoves outside.

C. President Comments:

1. DCLI and the roads are in the best condition that they have been in for years. DCLI finances are in good shape. About 50% of Members are up-to-date on their Road Dues payments. Emergency Funds are again funded.

2. We have agreement with WG&E to redo repairs on Deer Creek, Ramble and Hartman. Timing is now an issue. More will be said later in this report.

3. We don't have a Road Manager. We are asking Board Members to manage projects in which they they have a special interest.

4. This is a Membership driven organization. Even if we don't have a quorum according to the By Laws, we will make decisions necessary for the organization to function and Members forming a future quorum at a future meeting can dispute our proceedings.

5. We'll have a Report from each Officer and then Elections for Road Manager, Secretary, and Director #2 (Les).

D. Secretary's Report by Ron Chandik

1. Check-in Registers and Proxy tracking of meetings and elections: Proxies are especially important. 30% of all DCLI Landowners (currently 78) Paid up or not are required to initiate financial transactions. This gives DCLI the legal right to assess Road Maintenance Fees, to collect and utilize the funds for road maintenance, and to record Liens for non-payment. **If you can not attend a DCLI General (Spring and/or Fall) meeting, PLEASE give your proxy to a trusted friend and notify the DCLI Secretary at Secretary@dcli.org**

2. Master List updates, work with realtors on changes in property ownership

3. Work on Liens and Releases

4. Prepare the Minutes for each Board and General meeting, ask the Board to review and approve the Minutes and give them to Tys to post on the DCLI web site.

5. Prepare mailings to Landowners and other correspondence as necessary and other documents such as meeting announcement packages including still delinquent Landowner Balances Due invoices.

6. Non-standard property sales including self-financing and loan defaults and large outstanding Balances Due create additional administrative effort to collect unpaid past Road Assessments (including 10% Interest and 10% Penalties) and to identify the correct owner of the land for lien purposes.

7. Monitor Secretary@dcli.org email correspondence.

8. Many of our Board Members have been serving in various positions for many years (I've been involved for 50 years) and have extensive, critical

functions (like Tys) that impact all of us. We need more volunteers to generate new ideas and provide vitality to the organization.

E. Treasurer's Report by Jeff Schulken: (See attached Treasurer's Report)

1. Prior Balance in account May 11, 2019 is \$43,611.56 plus \$32,554.77 Road Dues received thru 11/6/19 less Total Expenses Paid of \$21,512.14 less SBA Loan Payment of \$12,579.00 thru 11/6/19 leaves a 11/6/19 Account Balance of **\$42,075.19**. Plus about \$4,500 collected today for a rough total of about \$46,575.19.

2. Tys: Thanks to Jeff and Ron for amazing clear and accurate and transparent data for DCLI.

3. Ron: Tys has created computer programs that accurately track far more complicated processes than we have in the past, and makes much of the information more easily available.

4. Several DCLI Member compliments were directed toward the current Board from the audience.

F. Road Manager's Report (Board Members are managing projects in lieu of an active Road Manager)

1. WG&E Paving will be discussed in another Agenda item.

2. Mac and Tys worked on the Upper Ramble project with Joey to do about \$3K worth of work. Note the FY2019/20 Budgeted Road Projects list on the Agenda.

3. Ginny: Upper Deer Creek and Front of the road at Bear Creek: \$16K budget. Instead of trying to put down rock now it was decided to wait until after some rainfall to install the rock. Joey did about \$1.5K of smoothing at the front of the road. About \$9,500 worth of rock is scheduled for delivery 3 weeks from now and Joey will smooth it out. Jim Walters doesn't think that all of the rock should be delivered at once. There is no place to store it. Since there doesn't appear to be enough money budgeted to do a good job on Upper Deer Creek, she would like to hold off that project and spend more on the front of the road. Tys: Past Road Managers have had the flexibility to change budgeted plans as the road environment becomes clearer, so unless we get strong pushback from the Membership, the Board agrees with Ginny's plan.

a. Comments from the audience supported putting down the rock when it is needed regardless of the planned calendar schedule.

4. Tys: For the maintenance, ditching, and culvert cleaning Joey will do that work as he progresses down the road for other projects. Mo is monitoring this activity and working with Joey to make sure it gets completed.

5. Ron: Existing potholes in the old paved sections need repair before they get too large to navigate. Tys: Cold patching from Felton Quarry may work, but we need a project manager and a work party.

6. Mo: We need to get the plastic tarp down at the Locatelli slide and the 1st bridge fencing still needs to be repaired. Tys: Dave intended to fix the

fence and Mo agreed to talk with Dave. Tys agrees to try to find additional resources if needed. Joey has the plastic tarp and will put it down before the rains.

G. Election of Officers

1. Road Manager (currently None); No nominations; The rest of the Board Members must pick up the Road Manger's tasks and hire and manage people to do the work.
2. Secretary (currently Ron); Tys nominated Ron. No other nominations; Elected by acclamation.
3. Director #2 (currently Les); Tys nominated Les. No other nominations; Elected by acclamation.

H. Paving Plan Update

1. After extensive negotiations with WG&E regarding their SBA Loan supported work on Deer Creek, Ramble and Hartman, WG&E agreed to do extensive re-work. Initial repairs were started on Ramble but were again found to have insufficient base and compacting and asphalt. We again stopped the work and told WG&E that they would either have to redo the entire project or return our SBA Money to DCLI. WG&E agreed to grind up the work done on Deer Creek before Van Slooten's and to put down 5 inches of base rock and 3 inches of asphalt. That work has been done satisfactorily and WG&E agreed to make comparable adjustments to Ramble and Hartman in 2020 after the winter rains.
2. Ginny: She feels that WG&E will live up to their commitments and repair the DCLI roads to our satisfaction.
3. Tys: Monkey wrench idea: We have already told WG&E that they would have to redo their original work and they agreed. They redid part of Deer Creek (and per Ginny they still have a section before the 3rd bridge to redo) in addition to Ramble and Hartman. Because the rework on Ramble, while not perfect, appears to be holding up, Tys thinks we should ask Matt to repair a comparable square footage of the deteriorating old asphalt pavement on Deer Creek instead of redoing Ramble. Can we agree on this proposal ?
4. Landowner comment: Ramble is a steep, difficult road to navigate as is and delaying repairs will make it worse, although the advantages of repairing Deer Creek old asphalt are compelling. Bird: We could see how Ramble does through the winter and address it in next years road projects. Other comments: The main road is used by more people and although the other roads need to be addressed, it seems like Deer Creek is a more critical issue. Too much money has been spent in the past with no lasting results and had to be continuously re-done.

5. Tys: Another factor is the \$5K we have in the current budget for Sealant to preserve the new paving. It can't be done too soon after paving, but shouldn't wait longer than a year or two.
6. Landowner inquiry on logging plans: Tys: He hasn't heard anything regarding Victor Smith's and Greg Haagenson's original logging and plans to relog that area. They were waiting for some sort of approvals, but it doesn't seem likely that this work can be done during the winter.
7. Tys: Other Points: Treating Landowners fairly and accurately: What do we do when Landowners are billed for several years with no complaints or contacts with the Board, but then decide to dispute several previous years of billings when they decide to sell or re-finance currently ?
8. Tys: Example is a situation arising from a discussion with Greg Haagenson regarding why he is refusing to pay his prior years DCLI road Dues invoices including \$3.9K Heavy Vehicle policy logging fee, which Victor Smith did pay, and Water Delivery. Tys is willing to talk with anyone regarding the fairness of their bill, but Tys will not make any decision without a vote of the Board.
9. Tys: Another example is Travis Nichter who disputes previous years' assessments for having renters and water deliveries. Now he is selling his land and disputes the Balance Due DCLI has presented to the Title Company.
10. Tys: Another issue is the 10% Late Payment Interest and 10% Penalty, which accumulates quickly over a few years. Tys says that he is going to be open to negotiate the "whole interest and penalty thing".
11. Ginny: It doesn't seem fair that some people will pay, but others will negotiate their way out of it.
12. Ron: The Real World is such that if anyone does not pay amounts owed to another legal entity (or dispute it in court), there will be severe consequences for the non-paying party. Try not paying your income taxes and see what happens.
13. Tys: Over the 30 years of the SBA Loan DCLI will owe the SBA \$357K, which is the \$250 loan plus interest. All DCLI Landowners are responsible for a prorated portion of the repayment to the SBA. DCLI will include the Annual SBA payment in its annual Road Dues assessment to all DCLI members.
14. Tys: The "agreements" or invoices received from WG&E are posted on the DCLI.org web site. Also included on the site is the SBA Loan Agreement which the Board has signed on behalf of the corporation. Miller and Haagenson keep asking for this detailed (and in some aspects convoluted data because of the several different scenarios pursued) and Tys has agreed to provide it to them.

I. Other

1. Andrew: We were really lucky with the Deer Fire because there was nothing else going on in the state to require fire fighting resources and Cal Fire was quickly able to bring aircraft in to control the spread. Directly after the fire there was a Boulder Creek meeting of County Representatives to address Code Enforcement issues in the Deer/Bear Creek area. It is in our own best interest to do as much as we can to mitigate the Bear/Deer fire situation to not attract the attention of Code Enforcement.
2. Bird: We need a fire safety czar to inform residents of dangerous situations as they are developing. Andrew seems like a good person to assume this role. Prepositioning a substantial water supply is also a major factor in surviving fires in our area.
3. Tys: Jeff has done some research on Road Signs and we can get them made for about \$30 each.
4. Andrew: It would be a good idea to place a sign on a main road close to your house identifying a structure and to place a big sign on the house to identify whose property it is.

J. Tys formally closed the meeting.

Respectfully Submitted by DCLI Secretary,

Ron Chandik

14Dec19

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