
Minutes
Deer Creek Landowners, Inc. Board Meeting
Tom and Manuela's
1495 Don's Rd.
Boulder Creek, CA 95006
1 March 2011

MEETING WAS CALLED TO ORDER AT 7:15P

Present: Dave, Joseph, Manuela, Tom, Joy, Tys

Future meetings

We shifted the general meeting to 5/14, from 4/30, to provide more time for us to gather input from the community, and communicate back to them before the meeting. Manuela will check with Scopazzi's to confirm the room is available on 5/14. Else 5/7 or 5/21.

(Note from March-14: 5/21 is the date. Scopazzi's room was booked on 5/14.)

SECRETARY'S REPORT (MANUELA)

Minutes for the Feb-2011 meeting were approved and should be posted asap.

Liens for nonpayment of 2010-2011 dues:

- 19 liens were filed in 2011, for \$16,888.44. Some landowners had existing liens.

Landowner	2010-11 lien amount	Total lien amount
Augustino	407.20	407.20
Bishop	1,753.60	1,753.60
Brunette	2,054.80	2,054.80
Daly	576.00	1,289.00
Dowell	446.80	969.80
Favorito	374.80	3,335.80
Foraker	407.20	7,570.35
Guzman	1,568.81	1,568.81
Lafever	727.60	1,722.60
Lincoln trust	407.20	407.20
Liversedge	364.00	1,108.00
Merritt – paid, to be released asap	407.20	407.20
Miller	684.40	1,330.40
Radzinsky	511.60	511.60
Roy-Corbell	1,225.60	1,225.60
Sanchez	874.79	874.79
Sanchez	650.00	650.00

Szoke	374.44	374.44
Talberg (estate)	3,072.40	4,588.62
Schwarzmann	-	3,900.00
Total	16,888.44	36,049.81

- The lien letters (notifying property owners that the liens were going to be placed) netted us \$5500.
- Merritt paid off his entire lien as soon as he was notified by the Recorder’s office that it had been filed.
- To remind the readers, the purpose of a lien is to protect DCLI in the event a parcel changes hands and a title company is used, or if the property is refinanced. An escrow will not close if there is an outstanding lien on a property, so we will be able to collect back dues with accompanying fees for late charges and interest, which in some cases amount to thousands of dollars. Without the lien, the arrears will pass to the subsequent parcel owner who will be responsible for all charges.

Suing non-DCLI members (“845s”) who don’t pay road improvement fees:

- We aren’t able to place liens on non-DCLI members (the “845s” at the front of the road). Some of those landowners have never paid any costs associated with the maintenance of the road. Other 845s, of course, have diligently paid their share of the costs.
- In the past, DCLI and other neighboring road associations have sued non-paying 845s in small claims court, with mixed success (some wins, some losses). Each small claims court stands on its own -- a small claims court case sets no precedent.
- For non-paying 845s, we need to win a Superior Court case, to set a precedent. Unfortunately this requires legal assistance, which would cost \$10-25k.
- Once again, the best solution is for an Association of road associations to hire an attorney (because we are a corporation, we need an attorney to represent us) and sue a non-compliant landowner. When we are successful, that case will set a precedent and simplify future recovery of funds for all of us. Approximate cost of atty \$10-25K.
- Manuela is in the process of coordinating with 3 other road associations which have expressed interest in joining together.
- The board briefly discussed the possibility of having an individual bring a non-payer to small claims court, since an individual does not require legal representation. This idea was rejected

Approval

Tys moved to accept, Dave seconded, approved.

TREASURY REPORT (TYS)

Current status

- We have \$14,023 in the bank, after paying the liability insurance (approximately \$3k).
- Outstanding financial commitments total \$5k (emergency fund)
- Thus, we have about \$9k for remaining work in the 2010-11 budget year.

Liens

- Tys told a long story about filing the liens, involving the stunningly inefficient bureaucracy of the county employees. Because she is familiar with the process – and with the employees - Manuela graciously offered to henceforth do the filing.

Approval

Joy moved to accept, Dave seconded, approved.

ROAD MANAGER (TOM)

Potholes on the paved sections of DCR

- See last month's board minutes for a discussion of various ideas for patching potholes during the winter.
- Tom threw a bag of Quickcrete in a large pothole, and it actually looks pretty good. He wants to check it in a few days; this may be a good solution for the worst offenders (by which he means potholes).

Other road maintenance

- Tom and Joseph looked at the raveling on the edges of paved road sections (see minutes from Feb-2011 board meeting). Yup, they're raveling.
- Tom investigated with contractors. The raveling is caused by the margin beyond the asphalt sloping away from the road. When anyone drives on the edge (for example to let another car pass), it crumbles the edge.
- It's virtually impossible to fix sections already paved.
- For any new pavement, we need to build up the outside edge with fill to the level of the pavement, compact it, etc.
- Dave suggested that clearing the duff from the road margins should help a little bit, so that water doesn't sit at the road edge and soften the grade underneath. This is something that a work party would do (not a formal project).
- Dave agreed to organize a work party to clean ditches. The downspout at the yellow gate (see "stabilizing slides" below) may be done at the same time.
- We discussed the bad section on the lower part of Middle Ramble above Little Buck -- this section is a mess. We spend money on this section year after year, and it always deteriorates. There are several guys with 2WD cars who seem to be the worst offenders here. This is a high priority section for paving -- at the very least, the next repair has to include rolling with water and a real roller. This area needs to go on the list of potential projects for 2011-2012.
- The S-section through the woods on Upper Ramble (above Deer Creek Heights) also needs work.
- No other significant infrastructure projects besides these two and slide stabilization

Stabilizing slides

- Tom still plans to install the downspout on the culvert outflow at the slide before the yellow gate. Still plans to do it before the general meeting. This is a very low cost project, and will probably happen in concert with a work party.
- Deadman's cage at 3rd bridge -- the project that was voted on by the membership costs \$13k, which is fine if the depth of the piers is 10'. However, we don't know if 10' is enough (it probably isn't). If we need to go 20' the cost is \$20k.
 - Agreed to drill a test hole to find out where the bedrock is
 - Depending on results, we may be able to afford the project by installing fewer piers (adding on to them in future years if we need to).
 - Realistically, this is not going to be done in 2010-11. We'll have to roll over the project to next year, budget for additional funds once we know how deep the piers need to go.

Paving

- Tom has been looking for additional bids / cost estimates for paving our roads.
 - Jacobson hasn't responded to requests for proposals (multiple phone calls).
 - Sasso agrees to meetings and then doesn't show. Tom's given up on him.
 - Beasley came out to look at the roads. He is not willing to work past the 3rd bridge -- the roads are steeper than he's comfortable with. He will work up a bid for the front section.
 - Joseph suggested Silver Bullet Paving, based in Watsonville (831-728-9446). They do the work in his other road association. Tom will follow up.
 - Tom has calls in to several other paving companies, and will keep looking.

Paying for Paving

- At the last board meeting, Tys was tasked (in his absence) with investigating loan terms. As Tys would surely vote against taking out a loan, he really didn't want to do this. Joseph & Dave agreed to perform this investigation.
- Grant possibilities
 - As you may recall, in 2010-2011 RCD offered a grant for us to re-grade the section of DCR from the 3rd bridge to Ramble. However, because of geological instability along that section, RCD required a formal engineering report before the project would begin. DCLI would have had to pay for that engineering report, which would likely have cost as much as the grant from RCD was worth. Hence, the membership voted against this project.
 - Tom talked to RCD about getting them to transfer that grant to the front of the road. We (DCLI) would come up with funds to pave on top of that grading.
 - RCD looked at that section and said that it looks fine -- unsurprising, as it was just regraded this year.
 - However, the section on lower Middle Ramble (discussed previously) may be a real candidate for this kind of agreement. Tom will see what he can wrangle. Again, this is

only a feasible idea if we can avoid a formal engineering study on the section in question.

Approval

Tys moves, Joy 2nds, approved.

OTHER BUSINESS

- We discussed Jose's recent email about his lien, dues, and bill for his work on DCR between the 3rd bridge and Ramble. Tys will respond.
- Email list: Let's reverse our decision from last month (which was to create a new, board announcement only, email list). Instead, we'll leave the list and its policies alone. We'll rely on members to filter out email threads that are not interesting to them.
 - Joy commented that if she weren't a board member, she'd have unsubscribed to the list. But she doesn't want to talk about it any more, so the status quo is fine.
 - Tys will send out a message to the email list saying the board thought about it and decided not to change the policies of the list, nor create a new list.

845 Issues

- Some 845s have asked to join DCLI.
 - Manuela will research past JMA and find out the procedure; she believes it will need an amendment to the JMA.
- 845s at the general meeting
 - For several years we've tried to segregate the 845s from the general meeting. This was primarily in response to Gordy's unpleasantness. We decided this is a silly approach -- we need to address the root cause, not come up with a penny ante workaround.
 - 845s will be invited to the general meeting; no separate meeting for them.
 - In addition, Joseph is willing to talk to 845s separately if that's helpful. Joseph said he would be diligent in not permitting disturbances in future meetings, and if someone is behaving in less than a polite, adult manner, he will ask them to leave.

Billing algorithm

- Joy will try again with basically the same proposal as Nov-2010. She'll include a discussion of the proposal in the materials to be distributed to members 30 days before the general meeting.
- At the Nov-2010 meeting, Jose had proposed an alternative structure. He convened a committee to discuss and submit a proposal. The board was not invited to attend these meetings, so we have no idea who participated nor what they decided. Assuming Jose does have an alternative proposal to make at the May-2011 general meeting, we need to make sure he knows the date by which he has to give us his write-up so we can send it to the membership with the other informational materials about the meeting.

FUTURE MEETING DATES

- Board meeting 21 March.

- General meeting 14 May 2011 (subject to availability at Scopazzi's)
 - We need to plan for this to be an especially long meeting. Much like the current board meeting.
- By 10 April 2011 we will send out and post information about the proposed business for the May 2011 general meeting.
 - Summary of status for 2010-11
 - List of possible and recommended projects
 - New business

ADJOURNMENT

Joy moves, Tys seconds, approved 9:09p.

FEB-2011 ACTION ITEMS

Who	What	Status
Manuela	Enter into the record the full list of liens filed in Jan-2011	Done
Tys	Create the new email list for board announcements to the community	Not going to do -- decided to leave the list alone
Joy? Tys?	Announce the new email list once it's available	Not going to do -- decided to leave the list alone
Joseph	Check into the place in Oakland that sells rebar cages that could be used in the deadman's cage. Provide contact info to Tom	Done
Tom	Deadman's cage at 3rd bridge	Developed more detailed plans, and cost estimates. See discussion in Road Manager's section of the minutes.
Tom	Downspout at the yellow gate	Not done, still on the to-do list
Tom	Investigate whether it makes sense to put some rock in the worst potholes on DCR, as a temporary patching measure until spring	Done. Quickcrete looks like a better bet (see Road Manager's report)
Tom and Joseph	Walk the paved sections of DCR, looking for edge raveling. Develop a plan for fixing.	Done. See discussion in Road Manager's section.
Tom	Scan Earthworks paving estimates and post on website	Done, but then pulled off the website. It's not fair to the contractors to share cost estimates while we're still soliciting bids.
Tom	Get paving quotes from Jacobson & Daughters	Jacobson won't return calls.
Tom	Investigate whether there's some way to get a grant from RCD that would help defray the costs of the paving project	Done, see discussion in Road Manager's section.
Joy	Joy will draft a response to Jose's email of 12/22/2010. We promised we'd get back to him after the next Board meeting.	Done.

Joy	Contact Jose asking for status of resident group to investigate changes to the billing algorithm	Done.
Tys	Investigate with SBA and perhaps directly with a bank or two, the possibility of obtaining an \$80k loan. <ul style="list-style-type: none"> • Is it possible? • What approximate terms? 	NOT done. Reassigned the task to Joseph and Dave.

NEW ACTION ITEMS

Everything is high priority because the general meeting is coming up soon.

Who	What	Priority
Tys	Post the board minutes for Feb-2011	High
Manuela	Shift the Scopazzi's reservation for the general meeting to 5/14. If that date isn't available, 5/7 or 5/21. (Note from after the board meeting: 5/21 is the date.)	High
Manuela	Send out a "save the date" email on the yahoo list, as soon as the meeting date is confirmed at Scopazzi's.	High
Manuela	Push the peanut on the "association of associations" to present a case in Superior Court for non-paying 845s.	Low
Tom	Confirm that Quickcrete is a tolerably cost-efficient method of patching potholes in the wet season.	High
Tom	Fix the worst potholes. (May be a work party task.)	High
Tom	Install the downspout at the yellow gate slide	High
Dave	Organize a work party to clean ditches, perhaps assist with the downspout at the yellow gate, clean duff from road margins so water drains better. Maybe quickcrete some potholes.	High
Joseph	Organize a work party for Hartman Creek	High
Tom	Drill a test hole at the 3rd bridge slide to find out where the bedrock is.	High
Tom	Contact Silver Bullet Paving, (831-728-9446) to get quotes on paving costs	High
Tom	Keep looking for other paving contractors to submit bids	High
Tom	Talk to RCD about the steep section on lower Middle Ramble. Is it possible to get a grant (or transfer the existing grant) to that section? RCD would pay for grading, DCLI would match funds and then pave on top.	High
Joseph, Dave	Investigate with SBA and local banks, the possibility and possible terms for a loan to do paving.	High
Tys	Respond to Jose's recent email, requesting that DCLI pay him for the (unapproved) grading work he did last spring between the 3rd bridge and Ramble.	High
Tys	Send a message to the yahoo list, saying the board talked about various options and decided not to change the policies of the email list.	High
Manuela	Investigate whether a quit claim is required for 845s to become a member of DCLI.	High

Joseph	Clarify with all attendees of the general meeting (including 845s) that reasonable adult behavior is required for attendance.	High
Joy	Check with Jose to confirm he plans to submit an alternative billing algorithm proposal at the general meeting. Notify him of the date by which he needs to send materials to Manuela in order to be included in the informational mailing.	High
Joy	Document the proposal for the revised billing algorithm.	High