

OAKMONT

IN THE VALLEY OF THE MOON

Oakmont Village Association (OVA)

Board Business Meeting Minutes

Tuesday, July 18, 2017 – 1:00 PM - Central (Berger) Auditorium

6633 Oakmont Drive, Santa Rosa, CA 95409

1. Roll Call – Establishment of a Quorum – Call to Order

President **Ellen Leznik** called the meeting to order at 1:07 PM, noting a quorum of seven Board members were present: President **Ellen Leznik**, Vice-President **Ken Heyman**, Secretary **Carolyn Bettencourt**, and Directors **Frank Batchelor**, **Gloria Young**, **Greg Goodwin** and **Kathleen Connelly**. Also present were OVA Attorney **Steven Weil**, Attorney **Natasha J Baker**, with Hirschfield, Kraemer LLP, Association Manager **Cassie Turner**, EAA **Cathy Dougherty** and more than 250 Members/Residents. OVA Treasurer **Elaine Bennett** was absent.

2. Adopt Meeting Agenda: Appoint Time Keeper & Task Master – President **Leznik** appointed **Rich Laden** Sergeant-at-Arms and Timekeeper and EAA **Cathy Dougherty** as Task Master and Minute taker. **President Leznik** asked for a show of hands those who wished to speak in open forum. Seeing several members wished to speak, **President Leznik** limited their time to two minutes, instructing the Timekeeper to monitor two minutes per person.

3. Announcements & Executive Meeting Summary

A. President Message- President **Leznik** read a lengthy statement about Board members unfair treatment from members of the community. She called for the community to work with the Board to resolve issues of concern.

B. Secretary's Summary 2017-05-16 Executive Session Minutes - Secretary **Bettencourt** stated the Board discussed two contracts and one personnel matter.

C. Announcement about OVA Legal Counsel Representation – President **Leznik** describe OVA's history Perry Law Firm and Attorney **Malcolm Manwell**. She explained the Board received accepted Attorney **Manwell's** recent letter of resignation and that the Board now accepts Berding-Weil Law Firm as the new Association Counsel. She added that Berding-Weil has extensive HOA law experience. She introduced Attorney **Steven Weil**. She recommended the Board not discuss AM **Turner's** resignation in public. She announced that the Board's engaged a legal specialist in employment law and introduced Attorney **Natasha Baker**. Director **Batchelor** was reminded by Attorney **Weil** that the Board not comment on why Perry Law resigned. Director **Batchelor** welcomed Attorney **Weil** adding the firm has been handling HOA business since 1984.

4. 1:34 PM - MEMBER OPEN FORUM – Comments About Today's Announcements and Unfinished Business Items - The following 24 members spoke on a variety of topics: **M Neufeld**, **W Schilpp**, **M Monkacsy**, **R Hastings**, **L Oneta**, **J Kraus**, **E Sutter**, **A Easland**, **P Copen**, **P Pierce**, **I Harrell**, **T Lachowicz**, **J. Darby**, **L Kingsberry**, **L Berman**, **T Somers**, **J. Felton**, **W Schilpp**, **V Katz**, **C Pence**, **B Stinson**, **P Clothier**, **N Lyons**, **Jean Michel Poulnot**.

2:31 PM President **Leznik** closed Open Forum

OAKMONT VILLAGE ASSOCIATION

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5. Unfinished Business

A. Berger Seismic Retrofit

Leznik moved and Heyman seconded a motion to proceed with seismic retrofit of the four corners of the Berger auditorium as recommended by ZFA Structural Engineers. The motion passed unanimously.

Director **Batchelor** asked to place the BAC Charter on the Board next meeting Agenda.

B. Pickleball Project Update

Bettencourt moved and Young seconded a motion that, subject to OVA attorney opinion, the Board put whether to proceed with pickleball at the CRC to a vote of the membership.

Director **Batchelor** stated he will abstain from voting on the motion due to conflicting attorney opinions. He cautioned against making a membership vote binding on the Board.

In response, Attorney **Weil** cited Civil Code Section 7210, OVA By-Laws Sections 5.11 and 3.3.

Discussion among the Board resulted in Directors **Bettencourt** and **Young** withdrawing their motion.

2:04:05 President **Leznik** asked Attorney **Weil** to draft a motion regarding membership vote for pickleball.

Bettencourt moved and Heyman seconded a motion to submit to the members a vote to decide whether either the East Rec Center or the Central Rec Center the pickleball courts will be constructed. The vote to be binding or not depending on the advice of counsel and conducted by written ballot.

2:18:24 In the discussion that ensued Directors **Batchelor** and **Young** objected to a vote being allowed since this was not on the Agenda. Directors **Bettencourt** and **Heyman** withdrew their motion. President **Leznik** said the motion, as described, will be placed on the next regular Board Agenda for action.

3:25 PM President **Leznik** announced the Board will take a 10-minute break.

3:43 PM President **Leznik** resumed the meeting

C. IDR Update and Resolution – President **Leznik** explained the background concerning this item.

Leznik moved and Young seconded as a gesture of good will a motion to waive \$2,600 in mailing costs and that each of those who requested the recount will be responsible for \$1,500 the Inspector of Elections cost for the recount. The motion passed unanimously.

Leznik moved and Heyman seconded a motion to proceed with revising OVA Election Rules to insure they are in full compliance with all current laws, including recount provisions.

After discussion among Board members, President **Leznik** asked that Revision of Election Rules be placed on the next Business meeting Agenda.

D. Reduce OVA Annual Locker Rental Fee from \$60 to \$30

Director Young moved and Director Batchelor seconded a motion to reduce annual facility locker fees from \$60 to \$30 effective January 1, 2018. The motion passed unanimously.

E. Club Recognition - "Investoak" – 100% OVA

VP Heyman moved and Director Goodwin seconded a motion that the Board approved Investoak as a recognized club. The motion passed unanimously.

6. Consent Calendar – Director **Batchelor** asked to remove Item 6.D.1. & 2. from the Consent Calendar. Director **Young** asked to remove Items 6.B. and 6.C. from the Consent Calendar.

A. Ratify 2017-05-16 Executive Meeting Minutes

President Leznik moved and Secretary Bettencourt seconded a motion to approve Item 6.A. on the Consent Calendar. The motion passed 6 "For"; 1 "Abstain" Connelly.

B. Ratify 2017-05-16 Business Meeting Minutes

2:58:52 President **Leznik** asked that the reappointment of the **Elaine Bennett** to the APC be placed on the next business meeting Agenda.

President **Leznik** moved and Directory **Young** seconded a motion to accept 2017-05-16 business minutes. The motion passed unanimously.

C. Committee Minutes: 2017-07-13 FC Minutes

Director **Young** asked for clarification of a portion of the minutes from **Tom Woodrum**, which he provided and she accepted.

Director **Young** moved and Secretary **Bettencourt** seconded a motion to approve 2017-07-13 FC Minutes. The motion passed unanimously.

D. Committee Appointments

(1) CMC (Herbert Brasche)

VP **Heyman** moved and President **Leznik** seconded a motion to appoint **Herb Brasche** to the CMC. The motion passed 5 "For", 1 "Abstain"- **Connelly**; 1 "Opposed"- **Batchelor**.

President **Leznik** announced that Directors should not be chairs of a committee and that item be on the next business Agenda. She added she will remove herself from the CPC and ask Director **Young** to remove herself as chair of the LPC.

(2) CPC (Larry Souza)

President **Leznik** moved and VP **Heyman** seconded to appoint **Larry Souza** to the CPC.

Director **Batchelor** asked Secretary **Bettencourt** if she will recuse herself from voting on any future CPC recommendation. President **Leznik** said she didn't feel there's a conflict of interest. Secretary **Bettencourt** redrew her recommendation. President **Leznik** and VP **Heyman** withdrew their motion.

7. MEMBER OPEN FORUM - Comments About New Business Items – the following eight members commented on a variety of topics: **D Aasland, S Sebastian, W Schilpp, I Harrell, A Medeiros, P Clothier, D Green, T Somers.**

4:47 PM President **Leznik** announced second Open Forum is closed

8. New Business

A. Contract with Marbor, Inc. for Italian Coffee Cart Services – **Melissa Lepley-Schirtz** described what will be offered by the new CAC Coffee Cart operators.

President **Leznik** moved and Director **Batchelor** seconded a motion to proceed with drafting a contractual agreement with **Marbor Inc** for providing a coffee cart services in the CAC. Director **Batchelor** redrew his second.

President **Leznik** moved and Secretary **Bettencourt** seconded a motion to proceed with drafting a contractual agreement with **Marbor Inc** to provide coffee cart services at the CAC. Director **Batchelor** suggested having **Marbor Inc** bring his proposal to OVA and perhaps Association Manager and Attorney should look at it. President **Leznik** withdrew her motion.

President **Leznik** moved to amend her motion and Secretary **Bettencourt** seconded a motion to proceed with drafting and negotiating a contract with **Marbor Inc** for providing Italian coffee cart services in the CAC. The motion passed 4 "For"; 3 "Opposed" - **Batchelor, Connelly & Goodwin.**

B. 2017-06-19 Oakmont Health Initiative (OHI) WRC Tree Planting Proposal – Facilities Manager **Aubert** sees no problem with having True North determine a location for three deciduous trees at the West Rec by the horseshoe pits. FM **Aubert** will add cost of the project to his Facilities landscape budget.

Director **Connelly** moved and Director **Young** seconded that OVA plant three trees that meet the height and shade specifications for OHI proposal at the West Rec. The motion passed unanimously.

9. 2017 JUNE - AM Turner Manager's Report – (A copy is in today's handout) AM **Turner** believes her report is self-explanatory. However, she corrected a typo in her resignation letter that she is voluntarily resigning her position, when it should read she is *involuntarily* resigning her position.

President **Leznik** mentioned that she thought similar language was included in AM **Turner's** E-Blast. AM **Turner** responded on advice of her attorney she's not going to comment on that.

Directory **Connelly** asked that the East Rec Deck be put on the next business Agenda.

10. MEMBER OPEN FORUM – Comments About Non-Agenda Items

The following twelve members commented on a variety of topics: **A Medeiros, J Felton, W Schilpp, I Harrell, V Katz, M Thompson, W Schilpp, N Caldwell, D Aasland, P Clothier, T Somers, P Olive.**

4:14:37 President **Leznik** announced the last Open Forum is closed.

11. Future Board Meeting Agenda Recommendations

- Atty Weil's motion

12. Review Meeting's Task-Master List

13. Adjournment - President **Leznik** adjourned the meeting at 5:19 PM.

Gloria Young
Gloria Young, President

9-26-17
Date

Carolyn Bettencourt
Carolyn Bettencourt, Secretary

9-26-17
Date