



# *Peacock Gap Homeowners Association*

[www.PeacockGapHOA.org](http://www.PeacockGapHOA.org)

**MINUTES - BOARD MEETING  
WEDNESDAY JANUARY 13, 2010 7 PM  
Peacock Gap Country Club**

1. Call to Order - The meeting was called to order by the president at 7:00 pm.
2. Attendance – Faulkner, Husby, Weigle, McBride, Colton, Isotalo, Lang, Brinck, Loucks, E.O’Neil, Treasurer T.O’Neill, Youchi, and Emeritus Corporate Secretary Johnson.
3. President’s Report – the president reported that the Association’s attorney’s hourly rate has gone up to \$275/hour and that she will be speaking at a Davis-Stirling workshop on January 30. The president also sought volunteers for the office of corporate secretary and no Board member volunteered. Colton agreed to take meeting notes on an interim basis and the president agreed to investigate expanding the service contract with EBMC.
4. Treasurer’s Report – the treasurer reported that the Association has about \$16,000 carried over from 2009, mostly earmarked for median maintenance. He is familiarizing himself with the Association’s accounting and has identified several minor anomalies that he will resolve with EBMC.
5. Report from Medians Committee – the chair of the committee reported that the City has issued bid requests and that the bids were due on January 20, 2010. The committee will continue to work with the City on the bid responses. The Chair also reported that the monument at the corner of Point San Pedro Road and San Marino Drive will have to be bid separately as it was a late addition to the overall project.
6. Regarding a public access way, the president and McBride will ask to meet with the homeowner to attempt to resolve the situation.

7. Emeritus Corporate Secretary reported on the following topics with recommended actions:

- a. Davis-Stirling Act: The legislature adopted these statutes long after PGHOA came into existence, and the issue of whether they apply to PGHOA has been reviewed several times by board members and the Association's counsel, all of whom have concluded that the Act does not apply to PGHOA. The Emeritus Corporate Secretary noted, however, that on occasion, PGHOA has in the past looked to the provisions of the Act for guidance on several issues. The Emeritus Corporate Secretary recommended that the Board adopt a resolution finding that, on the advice of counsel, the Davis-Stirling Act does not apply to this Association and that no further action on this issue is warranted.

Board Action: the Board adopted the recommendation, with all members in favor, except Colton voting nay.

- b. Ratification of Previous Board Acts: Consistent with previous board practice and good corporate governance, the Emeritus Corporate Secretary recommend that the Board adopt the following resolution: "Resolved, we, the Directors of the Peacock Gap Homeowners Association ratify and approve all decisions, resolutions, actions, and/or inactions made, taken, not made and/or not taken by all Directors and Officers, since establishment of the Association to the present."

Board Action: the Board adopted the recommendation, with all members in favor, except Colton voting nay.

- c. Insurance Endorsement to Cover Individual Members of Association: the Emeritus Corporate Secretary reported that an insurance rider may be available that could extend the Association's liability insurance coverage to individual Association members.

Board Action: the Board unanimously directed the Emeritus Corporate Secretary to investigate obtaining a liability insurance endorsement for members in good standing of the Association.

- d. Corporate Bylaws: the Emeritus Corporate Secretary reported that the corporate bylaws are in need of substantial revision and to effectuate the Board's plan to limit voting, office-holding, and other privileges to members that are current with all membership obligations.

Board Action: the Board unanimously approved creating a By-laws Committee to follow through on these issues. The Committee will be comprised of McBride, chair, Brinks and Johnson.

8. Collections Policy – the president reported that he has two samples of collections policies. The Board unanimously approved creating a Collections Committee to draft immediately a collections policy. McBride will also chair this committee.

9. Architectural Review Committee: the Chair reported on the following issues with recommendations

- a. Landscaping at 20 Peacock Drive – the improvements are consistent with the CC&Rs and the Chair recommended approval.

Board Action: the Board adopted the Chair's recommendation, with Loucks recusing himself from voting.

- b. \$75 Fee on Transfer of Property: the Chair reported that this Association has historically charged a fee on transfer of property to supplement the budget. With the increased assessments, this fee is no longer justified and she recommended eliminating the fee.

Board Action: the Board unanimously adopted the Chair's recommendation and eliminated the fee.

- c. Long-term Parking/Storage of Boats and Recreational Vehicles Within Sight from Street: the Chair reported that several addresses located within our Association have parked or stored boats or other recreational vehicles in driveways or otherwise within sight from the street, and that stored boats or recreational vehicles are unsightly and detract from the neighborhood.

Board Action: the Board discussed the issue and concluded that the only means to prohibit this type of visible storage was for the Board to adopt a resolution interpreting the nuisance provision of the CC&R's to preclude storage of vehicles, including boats, in plain sight. The Board unanimously approved this course of action with the Committee to bring appropriate language to the next board meeting for consideration.

- d. Collection of Unpaid Assessments on Transfer of Property – the chair reported that the practice of EBMC has been to collect any unpaid Association assessments at the time of transfer of any property within the Association. The Board supported this practice as an efficient and certain means to collect all assessments.
- 10. Historian Appointment – the president recommended and the Board unanimously approved the appointment of Lois Anderson as the Association’s Historian.
- 11. Refund Policy – the Board reiterated its long-standing policy that annual assessments are not subject to refund.
- 12. Next Meeting and 2010 Schedule– the Bylaws and Collections Policy documents committee hope to meet before the March 3 meeting, and the Board adopted the following 2010 meeting schedule, all at 7 pm and, if available, at the Country Club:

- March 3
- April 7
- May 5
- June 2
- [July 7, Aug 4] tentative, if necessary
- September 1
- October 6
- November 3 Annual Membership Meeting

- 13. The meeting adjourned at 10:40 pm.