

## **Livingston Bay Community Association**

### **Minutes for April 19<sup>th</sup> Board Meeting**

Board Members present: Dave Clemens, Greg Cannistraci, Tracy Biga MacLean and Elaine Glasow

Community members present: John and Ginny Henderson, Frank and Francis Frament, Forrest MacComber, Barry Wood, Luanna and Carl Golsch, Jerri Bertram, John Gablehouse

Meeting called to order at 7:30pm

Meeting is being recorded by John Henderson

#### **Electronic Communications Disclosure Document discussions:**

Washington State Law requires corporations such as the LBCA to have an ECDC for all of its members on file. (Dave read the pertinent RCW out loud for the board members.) A copy of the ECDC form will be sent to all community members the first week in May with a return date of May 31<sup>st</sup>. Each member who wishes to receive electronic communications from the LBCA, including email and other LBCA electronic communications, must have a signed consent form on file with the Board Secretary. If a signed consent form is not received by the LBCA by May 31<sup>st</sup>, the LBCA will revert back to sending members communications via regular mail. There are specific requirements for receiving electronic communications including having the hardware and software necessary to open documents including PDF's.

Tracy asked if members need to select electronic or regular mail for receiving LBCA communications. Currently we have 9 members who receive US Mail copies. All other members receive communications via email. Any communications sent will also be posted on the website.

#### **Community Property Survey and Proposed Community Property Committee:**

The Majority of Board members agreed a survey of the community property (CP) is the correct direction to head in and will clearly define the boundaries between the CP and individual properties.

The community property survey (an approved 2014 budget item) previously scheduled for March was postponed until after the Town Hall meeting held on April 27<sup>th</sup>. The postponement is the result of a letter the board received from four community members. These members have asked for a postponement to give the community a chance to weigh in on the topics of survey, and encroachment on the community property. Due to the high cost of surveying every lot in the community, the board determined a better course would be to do a partial survey of the community property only. The partial survey would place 8 monument markers on Tract B (water side) and 8 monument markers on Tract A (non water side). The monuments will be used as the basis for a string line which will establish a definitive line between individually owned and community owned property.

The letter also asked the Board to consider the formation of a Community Property Committee (CPC) which could assist the Board in addressing Community Property issues and again offer a chance for

community members to weigh in. A call for committee volunteers will be made at the upcoming Town Hall meeting to encourage others to consider joining the CPC.

The Board members discussed who is responsible for the community property and agreed all community members have responsibility for it, but in accordance with the governing documents, the Board is ultimately responsible. It was reiterated the primary focus for a CPC committee will be to offer solutions for encroachment removal, but it will be necessary to move forward within the laws of Island County, the LBCA governing documents and the ownership rights of all 68 members.

#### **Water Related Projects:**

Budgeted and approved water related projects for 2014 are the completion of the water meter project (9 meters) and replacement of the rear manifold at the pump house. Meter replacement is scheduled for May and the manifold project is scheduled for June. (Some system shutdowns may be necessary while these two projects are being completed.)

Completion of the water meter project will get us out ahead of the 2017 State mandate requiring meter reading and charging for water usage.

The green sand media needs to be replaced, but was not a 2014 budget item, so will be a proposed budget item in 2015.

#### **Voting procedures for establishing a Quorum and Forming a Voting Committee:**

The Board received a letter from some concerned members who have raised questions in regard to the procedural process used for the agenda at the February 9<sup>th</sup> Special Meeting. The concerns focused on the procedure outlined in the By-Laws, Section 4 which states: Notice of all special meetings of the members, stating the time and general terms and the purpose there of shall be mailed by the Secretary to each member.

The February 9<sup>th</sup> agenda stated there would be discussion on the issue of using proxies for quorum, but did not specifically state there would be voting on the issue.

The February 9<sup>th</sup> vote on using proxies for quorum only was 32 in favor and 13 against, but with the procedural issue raised, the Board agrees a remedy is required to resolve this issue in accordance with the By-Laws. Since a vote was already taken, some members may not send in a proxy to the July meeting thinking it will be used for quorum only. The Board agrees the best option would be to put this issue on a ballot which will be sent to all members, so every member would have an opportunity to vote on this issue.

Currently, there is a call for volunteers to form a voting committee, whose prime purpose would be to develop a voting protocol for voting on initiatives. As soon as the committee is formed and voting protocol is developed and approved by the Board, votes on initiatives such as spending over the 7k limit, changes to the CC & R's and By-Laws would revert to a mail ballot.

A ballot will be sent out to the community on the issue of using proxies for quorum only. Voting on this issue will be handled by the Voting Committee, whose members will report directly to the Board and will be responsible for sending out ballots and working with the volunteer ballot counters. The voting committee needs to have a voting protocol completed by June 29<sup>th</sup>, so it is ready prior to the July 13<sup>th</sup> Community Meeting.

**Legal Opinion of LBCA Attorney of Bylaws Enforcement:**

At the request of Community members, the board was asked to seek a legal opinion from the LBCA attorney in regard to the Board's ability to enforce the LBCA By-Laws and CC & Rs.

Letters from Attorney dated March 12th and 21st 2014 Letters will be placed on the website.

**Community Rules and Regulations:**

In the past month, Dave has received 7 calls regarding issues of community members violating the leash laws and smoking on the driftwood. Homeowners have stated that they will communicate with the renters through the property manager. Nothing has changed, and renters are not following the laws of Island County, such as dogs being off leash. There is no animal control on Island County. The sheriff's department handles all animal related issues. These issues could be addressed through the CC&R's.

**Community Property Grounds Maintenance:**

Otto and Ollie have decided to not renew a contract with LBCA for 2014. Through the three bid process, Bell Mowing has been selected to handle grounds maintenance for the Community Property

**Treasurer's Report:** Greg reviewed the quarterly financial report.

**Community Comments:**

- Luana Golsch is wondering if we are going to combine any funds from the checking account to add to the current CD. Coyotes or other animal issues are handled by the Sheriff's Department. The beaver dam that was started in the ditch has washed away. Who will be responsible for contacting new owners in the community? Luana asked about a timeline for encroachment resolution.
- Francis Frament commented she does not like the bill from King Water due to the format. Dave said there will be a new format that will be broken out and show due dates by quarter. We will put an example of the new bill on the website.
- Frank Frament wonders if we are going to dig up the pipes and put in 6" pipes. Dave responded that we need a majority interest to make a project of this size happen. He also questioned about ongoing issues with manganese.

Meeting adjourned at 9:25 pm.

Submitted by Elaine Glasow