

**Hiller Highlands I Association
Board Meeting Minutes
8/28/2017**

Attendees:

Kathleen Gilligan, President
Gary Firestone, Board Member
Chuck Scurich, Treasurer
Marlow Schindler, Board Member
Steve Willoughby
Nahid Rezai
David Roth
Rosalind Ono

Meeting Called to Order: 7:05PM

Agenda Items:

I. Homeowner's Forum

- Homeowners reiterated concerns from the last meeting about the Scurich deer fence and project.

II. Approval of last meeting minutes

- Minutes were approved

III. Treasurer's Report

- Treasurer's report was approved

Treasurer's Report for August 28, 2017			
Account Description	Operating Account	Reserve Account	Totals
Operating Account, Union Bank	20,744.65		20,744.65
Reserve Account, Union Bank		209,711.14	209,711.14
Reserve Account, Certificate of Deposit		0.00	0.00
Totals:	\$20,744.65	\$209,711.14	\$230,455.79

IV. Community Maintenance

a. Street resurfacing

- Street resurfacing to take place September 7 and 15. No cars will be allowed to travel on the street from 7-5 PM on the 7th, and from approximately 7AM on the 15th to 7AM on the 16th. We recommend that residents who will need to use their vehicles move them to the street the evening before. Steve Willoughby volunteered to create flyers, and distribute them if he is in town, or give to Kathleen if he is away.

- b. Handyman deployment/repairs
 - i. Wood decking repairs (44)
 - ii. Wood bench repairs (across from #9)
- Gary received two bids that are within \$3K of one another. A motion was made and passed to authorize the repairs, pending some final comparison by Gary of the two bids. Gary will determine final vendor, and initiate the contract.
 - c. Volunteer needs
- The Board is seeking volunteers to take care of lighting, street walkthrough inspections, and ancillary landscape activities. Please consider volunteering. In the event that we do not have volunteers for these roles, the Board will consider budgeting and hiring someone to manage these tasks.

V. Landscaping

- In response to Carole Anderson and Steve Cobbledick's presentation of the "state of the slope" at the last meeting, the Board authorized Cleary Brothers to devote 2 – 3 workdays to clear brush on the north slope. Kathleen and Cleary's account manager walked the street and assessed the work needed, and determined that there are a number of trees that have deadwood and or pruning needs and should also be taken care of to avoid fire hazards and potential storm damage. This level of tree pruning/cleanup is an unbudgeted expense, but necessary, and the Board will get a bid from Cleary Brothers prior to proceeding.
- Standard Maintenance is ongoing, and the Board continues to communicate weekly with Cleary Brothers. Please notify Kathleen if you see something that should be addressed.

VI. Other Business

Board

- a. Scurich deer fence on common property (#60)
- As discussed at the last meeting, the Board sought legal advice from Angius and Terry about whether the approval of the Scurich deer fence approved at the May meeting was within the Board's authority. The Board reviewed the information we received, and it is summarized below.

Information from our counsel:

- The Board has the discretion to grant exclusive use without membership approval in certain circumstances, described in Civil Code Section 4600(b)(3)(E): "To transfer the burden of management and maintenance of common area that is generally inaccessible and not of general use to the membership at large of the association."
- Exclusive use can be mitigated by modifying the fence to allow homeowners full access to the area.

- The Board and the Scuriches should sign a covenant that transfers the management and maintenance of the fence and the land it encloses to the Scuriches.
 - The HOA retains ownership of the land
 - The covenant will be revocable by the Board
 - The exclusive use of the fence will run with the land (i.e. the covenant can be part of a sale of the Scurich property) for a period of time to be determined
- The Board should review any previous grants of exclusive use to determine whether it is appropriate to draft similar covenants in those cases
- Because attorneys for both parties are involved and are in communication, all conversations between the Board and the Scuriches should be held in executive session

Conclusions:

- Civil Code Section 4600(b)(3)(E) provides the Board the right to grant exclusive use of the land that the fence is on, and the approval that was granted was within the Board's authority.
 - The Board should amend the approval of the fence to be contingent on a covenant in which the Scuriches agree to accept the maintenance and liability for the fence and the area surrounding it.
- A motion was made and passed unanimously by the Board to amend the previous approval of the fence to add a signed covenant drawn up by Angius and Terry that transfers maintenance and management responsibility of the fence to the Scuriches, including a gate.
 - The specifics of the covenant will be negotiated between the Board and the Scuriches with the help of counsel
 - Negotiations for the covenant will begin immediately and be completed within 60 days

Meeting adjourned: 8:15 PM

The next Board meeting is scheduled for Monday, September 18.