

# COWELL HOMEOWNERS ASSOCIATION, INC.

Open Session Board of Directors Meeting • Thursday, October 22<sup>nd</sup>, 2020

## BOARD MEETING MINUTES

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<b>Board Members Present</b>	Mike Kindorf	President
	Mike Cannon	Vice-President
	Edward Baluta	Treasurer
	Brian Beckon	Secretary
	Rebecca D'Lima	Director at Large
	Ken Dixon	Director at Large
	George Fulmore	Director at Large

**Others in Attendance** Bill Mazza of Common Interest Management Services

**Meeting Location** Teleconference

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### CALL TO ORDER

The meeting was called to order at 7:00pm. It was determined that a quorum was present.

### HOMEOWNER'S OPEN FORUM

The Homeowner's Open Forum was held for those in attendance.

### APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes from the September 24<sup>th</sup>, 2020 Board of Directors meeting. **The motion carried.** Director Fulmore abstained as he was not a member of the Board at the time of this meeting.

### COMMITTEE REPORTS

Committee Chairman Dixon provided the Board with an update from the October Architectural Committee meeting, and the General Manager provided the Board with an update regarding ongoing maintenance and projects for the month of October.

### TREASURER'S REPORT & FINANCIAL REVIEW

#### **Item: Treasurer's Report**

Director Baluta provided the Treasurer's Report to the Board.

#### **Item: Delinquent Accounts/Record Lien Approval**

No action was taken for any delinquent accounts at this time.

#### **Item: Financials as of September 30<sup>th</sup>, 2020**

The Board received and reviewed the Association's financials dated September 30<sup>th</sup>, 2020.

### NEW BUSINESS / ACTION & DISCUSSION ITEMS

#### **Item: IRS Revenue Ruling 70-604 Resolution**

Because a quorum of the Membership was not met during the Annual Meeting of the Members, no motion could be made by the Members regarding IRS Revenue Ruling 70-604. As such, the Board indicated that this item would then be discussed at the immediately following Open Meeting.

A motion was made and seconded to approve rolling over any excess member income (as defined by the IRS) from the current tax year to the next tax year per IRS Revenue Ruling 70-604. **The motion carried unanimously.**

#### **Item: Appoint Officer Positions**

Following the completion of the 2020 Board Election at the Annual Meeting, the Board discussed Officer

positions for the current term.

A motion was made and seconded to appoint Director Kindorf as President. **The motion carried unanimously.**

A motion was made and seconded to appoint Director Cannon as Vice-President. **The motion carried unanimously.**

A motion was made and seconded to appoint Director Beckon as Secretary. **The motion carried unanimously.**

A motion was made and seconded to appoint Director Baluta as Treasurer. **The motion carried unanimously.**

#### **Item: 2020 Pool schedule**

As a follow up to this discussion item at the September 24<sup>th</sup> meeting, the Board discussed the possibility of keeping the pools open into the month of November. After consideration of the continued use of the pools by residents through the month of October, and the impact of the shelter orders as a response to COVID-19 on the community as a whole, a motion was made and seconded to keep all three pools open through November 1<sup>st</sup> with the operating hours of 7am to 8pm, to reduce the operating hours for all three pools starting November 2<sup>nd</sup> to 9am to 6pm, and to delegate the authority to close all pools for winter to the General Manager. **The motion carried.** Director Beckon abstained as his son is currently employed by the Association as a Pool Monitor.

The Board also instructed management to request that the pool vendor reduce the temperatures of the East and West pool by several degrees effective immediately, ideally around 78° or 79°.

The General Manager will monitor the weather and pool usage into the month of November and make a determination for closing the pool facilities at that time, should the weather stay consistently cool or usage of the pool drop significantly.

#### **Item: Main Pool Remodel/Repairs Project Discussion**

The Board discussed the ongoing Main Pool remodel/repairs project and provided all in attendance with an update. The Board continued to discuss the recommendation by Aquatic Technology (the design/engineering firm hired to assist the Board with creating a site plan/design for this project) to shallow the deep end of the main pool to about 6' or 6 1/2', to ease the installation of a new main drain line and reduce energy and chemical expenses.

After the previous meeting, the Board obtained a legal opinion regarding whether this decision to shallow the pool might require an official vote of the membership. Counsel advised that while it would not be legally required, it would be wise to ensure that homeowners are made well aware of this potential change.

After a discussion of the Main Pool project's purpose and scope of work, a motion was made and seconded to delegate the authority to establish and clarify the requirements and scope of the Main Pool project to Directors Kindorf, Dixon, and Fulmore. **The motion carried unanimously.**

The intent of this delegation is to ensure that the project is moving forward efficiently, as there are still considerable details to be decided on and a scope of work that needs to be clarified prior to the Board being able to obtain any bids or take any tangible action.

After discussion and a consideration of the significant impacts the main pool depth might have on the project, a motion was made and seconded to approve making no change to the Main Pool's existing depth when obtaining bids or designs for this project. **The motion carried.** Director Fulmore abstained.

The Board also discussed bringing in a third-party pool professional for consultation and expert assistance

when reviewing potential replacements, changes, or upgrades to pool components. A motion was made and seconded to engage with Eric Yecny of Sun Pointe Services, LLC (the Association's current pool maintenance vendor) for consultation services for the Main Pool project with a rate of \$150.00/hr with a Not To Exceed (NTE) of 8 hours per month. **The motion carried unanimously.**

**Item: Upper Tennis Court Windscreens**

The Board discussed the possibility of replacing the upper tennis court windscreens, as they have neared the end of their useful life per the most recent Reserve Study and are tearing in several spots. A motion was made and seconded to delegate a spending authority of \$11,000.00 to the General Manager to purchase and install replacement windscreens at tennis courts #1-4. **The motion carried unanimously.**

**Item: Preschool Repairs/Upgrades Discussion**

During a walkthrough of the Preschool with the General Manager, Director Kindorf, and Director D'Lima, the Walnut Country Preschool Director pointed out several areas of concern that she would like the Board to discuss. The Board reviewed these requests prioritized several that were deemed most urgent.

A motion was made and seconded to approve proposal #14384-OL from JetMulch in the amount of \$2,280.54 to install 36 cubic feet of wood fiber at the Walnut Country Preschool playground. **The motion carried unanimously.**

The Board directed management to begin looking into replacing the lawn area at the back of the Preschool with concrete, proposals for refurbishing the frontage landscaping facing Oakbrook Ct, and to talk with pest control vendors about rodent abatement in and around the building.

**Item: Vendor Proposal Policy Discussion**

The Board discussed creating a standard for how it would like proposals to be detailed before they are reviewed. A motion was made and seconded to instruct all vendors providing a proposal to the Association for review to break down the costs between labor and materials (which should be further broken down by item whenever possible) and to include pictures/designs if it is a visible/exterior project. **The motion carried unanimously.**

**Item: Tree Trimming/Maintenance Policy Discussion**

The Board reviewed potential policies for how it handles tree trimming requests from owners, especially when those requests come in during or after a large tree trimming project. The Board suggested that resident tree trimming requests be presented to the Landscape Committee for discussion at their next meeting, and whether the Committee would be comfortable reviewing these requests as they come in. Management will confirm with the Landscape Committee at their next meeting.

The Board also discussed situations where tree roots from the Common Area enter into the backyard of a homeowner. The Board directed management to discuss this item with the Association's insurance broker to see if there was any information regarding whether potential damage caused by an Association tree root might be covered by the Association's insurance.

**Item: Pickleball Court Discussion**

The Board discussed the possibility of installing additional pickleball courts or converting an existing tennis court into a permanent pickleball court. The Board also reviewed a petition received from residents requesting the addition of a permanent pickleball court. After a lengthy discussion and feedback from those in attendance, the General Manager and Board President will perform additional research and continue looking into the best suited options available for adding pickleball playing areas to Cowell HOA, including visiting other pickleball courts in the area for additional design feedback. This item will continue to be on the agenda for Board discussion going into 2021.

**Item: Food Donation/Collection Discussion**

The Board reviewed the possibility of organizing or working with a non-profit organization to collect

food donations from the membership for those currently impacted by COVID-19. No specific action was taken by the Board at this time. Director D'Lima will provide the General Manager with non-profit organizations and charities currently in need of donations/supplies to be included in the November *Signal*.

#### STANDING ITEMS

##### **Item: Rental Requests**

A motion was made and seconded to approve the following Lot Rental Requests:

- 4405 Striped Maple Court
- 4419 Willow Glen Court

**The motion carried unanimously.**

##### **Item: Association Committees**

No action was taken at this time.

##### **Item: Late Fee Waiver Requests**

A motion was made and seconded to deny a late fee waiver request in the amount of \$10.00 for 4499 Silverberry Ct. **The motion carried unanimously.**

##### **Item: Good of the Order / Director's Comments**

The Good of the Order / Director's Comments portion of the meeting was held for those in attendance.

#### MOTION TO ADJOURN

There being no further business and no objections, a motion was unanimously carried to adjourn the meeting at 10:06pm.

#### EXECUTIVE SESSION SUMMARY

*Per Civil Code § 4935(e), any matter which was discussed in Executive Session must be generally noted in the minutes of the immediately following open Board meeting.*

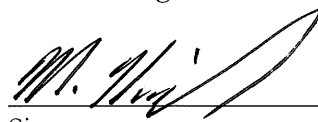
The Board of Directors met in Executive Session on Monday, October 19<sup>th</sup>, 2020 and discussed an ADR (Alternative Dispute Resolution) request from a homeowner, as well as a Lot with an ongoing violation. The Board approved imposing additional monthly fines should this lot not be brought into compliance by November 1<sup>st</sup>, 2020.

The Board of Directors met in Executive Session on Wednesday, October 21<sup>st</sup>, 2020 and participated in a presentation by Dave Phelps of Garden Enlightenment, who specializes in organic, eco-friendly pest/weed control methods and landscape design focused on water use reduction. The Board reviewed Mr. Phelps' proposal for consultation services and will revisit this item in 2021, so it has a clearer picture of the Association's financials going into the year.

#### BOARD CERTIFICATION

I do hereby certify that the foregoing is a true and correct copy of the Minutes of the Cowell Homeowners Association Board of Directors meeting as approved by the attending Directors.

MICHAEL KINDORF  
Director's Name

  
Signature

BOARD PRESIDENT  
Office / Position

04 DECEMBER 2020  
Date