

LAKE DON PEDRO OWNERS' ASSOCIATION
5182 FUENTES DE FLORES
(209) 852-2312, FAX (209) 852-2771
MINUTES MONTHLY BOARD MEETING
SATURDAY, OCTOBER 17th, 2009

10:00 A.M.

PRESENT: President Ken Kennedy, Vice President Bill Kinsella, Victor Afanasiev, Chuck Day, and Secretary Lew Richardson.

SPEAKERS: Deon Stein, Association attorney, Randy Rattray owner California Elections Company. 13 members in audience.

Ken Kennedy called the meeting to order at 10:03 AM and following the Pledge of Allegiance introduced Deon Stein. Mr. Stein advised of a slight agenda change, briefly explained the ballot process and introduced Mr. Rattray who presented a detailed report on ballot mailing, receipt, eligibility verification, equipment calibration and the counting process.

Total ballots mailed out 3,109 (Eligibility to vote not ascertained)

Re-mailed 34 (Bad addresses, voter mistakes, etc.)

Extra ballots printed 257

Envelopes without signature 24 (Not counted)

"Weird pile" something strange 84 Re-check to count or void (dues, addresses, etc.)

Mr. Stein explained the cumulative voting formula used to determine the number of votes required for a sitting director to retain their position. Total number of eligible voting memberships (2,479) divided by the number of authorized directors (7) plus one, therefore, 2,479 divided by 8 = 310 votes required to retain position. Mr. Stein encouraged membership to amend association bylaws to exclude cumulative voting in the future because of the added difficulties versus straight majority voting.

APPROVAL OF MINUTES

Motion by Bill Kinsella to approve the Minutes of October 10th, Executive and open board meeting; Seconded by Chuck Day, Vote - yes, unanimous.

TREASURERS' REPORT: Operating Account: \$237,674.96, Reserve Account: \$126,551.31, CDs \$21,644.33 and total checks written: \$40,518.23. Relay question regarding reserve transfer to bookkeeper.

COMMITTEE REPORTS:

ACC Lew Richardson (for Chairperson Phil Hill): Four approvals, fencing etc., no homes

CCR Bill Kinsella: Abandoned motor home and trailer blocking P&E Trail on non-association property

PR Ken Kennedy: Upcoming dance for details check with Marci Roberts

SCHOOLS Chuck Day: Attorney James Miller (representing Save Our Schools) preparing a letter of intent which is a precursor to the formal complaint which will be sent to the Superintendent of Schools within two weeks. The law requires a 45 day period of negotiations (Administrative remedies) prior to seeking judicial relief. The attorney drove the bus route from Don Pedro to Groveland and was concerned not only about the road itself, but winter weather conditions and legal time factors regarding school buses.

PARKS & TRAILS Lew Richardson: Trailblazerø P&E Trail culvert project off Avenida Central progressing. Trailblazer proposal for funds to cover initial P&E placards for marking Tuolumne County trails

Motion to accept reports by Victor Afanasiev; Seconded by Bill Kinsella; Vote-yes, unanimous.

OLD BUSINESS

Vandalism repaired on back Hacienda gate, some striping on parking lot has come up, transfer of funds to SOS completed, and new LDPOA sign near completion.

NEW BUSINESS

Discussion of moving monthly meetings to the second Saturday of the month which would assist in a more timely publishing of financial information in the NEW DISCOVERER.

Motion to move the general board meeting to the second Saturday of the month by Victor Afanasiev; Seconded by Bill Kinsella; Vote - unanimous.

GOOD OF THE ORDER

One of the recall candidates questioned the previous agenda, required notification, opinions contained within Minutes, the budget, agendas not being on the website, and if undersignsø publication (blog) of meeting information prior to the posting of minutes was legal. Mr. Stein commented on the age of the internet, rapid dissemination of information, and anyone attending an open membership board meeting could summarize information and put it on a website. Normal approval of minutes takes 30 days, proper notice only requires posting at the common area, (although the Don Pedro Market has also been posted for years), and legal opinions vary as to what constitutes Minutes, but they generally include a factual summary with sufficient background information for understanding what transpired.

Mr. Stein advised ballots for the upcoming election will be mailed as soon as possible, likely the first week of November, to allow sufficient voting opportunity. The ballot count is anticipated to be around December 12th to 19th.

Mr. Stein announced the balloting results: 916 ballots were cast and counted and "each of the five sitting directors is recalled".

Victor Afanasiev 676 YES 225 NO

Chuck Day 638 YES 260 NO

Ken Kennedy 632 YES 262 NO

Bill Kinsella 684 YES 215 NO

Sally Perez (Not read - already resigned)

Lew Richardson 676 YES 217 NO

Official count certified by Randy Rattray, California Elections Company.

Seven seats are available in the next election.

Motion to adjourn by Bill Kinsella; Seconded by Victor Afanasiev, Vote - Yes, unanimous.

Respectfully submitted,

Lew Richardson, LDPOA Board Secretary