

First Draft of May 17, 2003
Second Draft May 21, 2003

SEAHURST WEST ADDITION

MINUTES OF MAY 14, 2003 COMMUNITY MEETING

Bob Krakowski called the meeting to order at approximately 6:10, having a quorum of 14 residents and property owners, represented by Darold Doell, Garnette Lawrence and Judy Seiwerath, Jacky Randall and Knut Ringen, May Mettler, Bill Stadler, Vickie Fisher and Alex Reid, Bob Krakowski, Mike and Maria Little, Ann El-Moslimany, Steve Nardi, Joe Swanzy, Jim and Margaret Emch, Jay O'Donnel, and Carol Sanders. Beth Williams was also present. The meeting was also attended by Samia El-Moslimany and Fouad Dahlawi and their architect, Andy Kovach, and part of the meeting was attended by Russ Pritchard and Ron Malaspino from Water District 20.

Welcome to New Neighbors. The community welcomed its new members, Judy Seiwerath and Garnette Lawrence, who have bought the former Howell home at 2605 SW 151 Place.

Resolution of System Ownership Issue with Water District 85. Mike Little reported that we had successfully resolved the issue of ownership of our water line, with Water District 85 acknowledging backdated ownership of the system in a quit claim and easement for the old and replacement lines. He reported that it had been necessary for the community to expend approximately \$1600 in attorneys' fees to accomplish this. The community applauded Mike's efforts in negotiating this successful resolution, and Mike thanked Ron Malaspino (General Manager of WD 20) for his contribution to the outcome.

Plans for Replacement of Our Water Line. Ron Malaspino went on to brief the community about Water District 20's plans for replacement of our water line. He said that the contract went out for bid on April 15, and that a highly professional contractor with expertise in concrete jobs had been selected. A pre-contract meeting will be held at 2:00 p.m. on Tuesday, May 20, for which a community member should be selected, and the work will start approximately 10 days thereafter. The steep grade of the street (23%) makes it an extremely difficult job, but that he anticipates that the community will be fully satisfied with the work quality. The job will take approximately 45 days and will start at the bottom of the hill and move up. The contractor will work weekdays from 8 to 4:30. The road will be blocked for a few minutes at a time, but the contractor will make every effort to minimize blockages and keep one lane accessible. Emergency vehicles will be able to pass through, but the community needs to advise Water District 20 of any households where emergency vehicles may be necessary, or where community members may need to exit quickly.

Malaspino said that any voids found under the road will be filled with CDF, which should fix some of the existing settlement problems. Malaspino is determined to get the

job done quickly, and done right, since he says he does not want the liability if the line breaks. The replacement line will be much stronger than the aging, obsolete line, and is designed to withstand a size 7 or 8 size earthquake. It should last 100 years. Additional fire hydrants will be added which will fully meet fire department standards, and the line will have a great amount of pressure.

Welcome from Water District 20. Russ Pritchard, who is a water commissioner from our new district, welcomed Seahurst West Addition to the water district and invited them to Commissioners' meetings which are held at 9 a.m. on the first and third Tuesdays of each month.

At this point, Malaspino and Pritchard left the meeting.

Plans for Repair of our Street. Mike Little stated that in the process of replacing the water line, Water District 20 will be likely to repair the roadway crack adjacent to the El-Moslimany home and vacant lot. In addition, he thinks that many of the other problems with our road may well be fixed during the replacement process. We should wait and watch what happens, and if, and only if, necessary, consider entering into an additional agreement with the concrete contractor to fix remaining problems.

Upon motion duly made and seconded, the community unanimously authorized the expenditure of funds from the community account to repair our roadway, if such an expenditure was deemed necessary and the amount bid was cost effective. If additional amounts are necessary over and above the balance of approximately \$15,000 in the fund, community approval for a special assessment will be sought.

Upon motion duly made and seconded, the community unanimously selected Mike Little to be its representative in coordinating with Water District 20, with the understanding that he will thereafter resign from the Board and his position as manager of work projects.

Mike noted that if Water District 20 damages any individual property owners' improvements, it is supposed to address these issues with the property owner, and reach agreement on what is necessary to make it right. His general coordinating role is not intended to supersede those dealings.

Financial Report. Bob Krakowski reported that there is a current balance of \$15,131.86 in the community account. The financial report was unanimously approved.

Minutes of Previous Meeting. The minutes of the meeting of September 26, 2002 were unanimously approved.

Annual Dues. Bob Krakowski said that the Board was recommending that an assessment of \$400 be continued for this year, in light of the potential road repair expenditures. The community members unanimously approved the recommendation, and a due date of 90 days (August 12) was set in light of the potential that we may need to make expenditures soon.

At this point, Beth Williams asked what would be necessary for a buyer of her home to become a community member. Mike Little responded that the community would have to approve the addition, and the buyer would have to pay for a 1/18 share in the beach and vacant lots. He speculated that this might cost \$10-12,000, or more.

Board of Trustees Role. Mike Little introduced the subject by saying that the current covenants, which were written some 37 years ago by the developers, envisioned a paternalistic, authoritative role for the Board of Trustees which had been followed in some cases over the years, but ignored for the most part. Discussions between the Doells and the El-Moslimanys over remodeling plans by the El-Moslimanys had resulted in the Board's evaluation of its role and of the disparity between Board practices and the covenant requirements. He said that the Board had concluded that it should not have a policing power, and that disagreements should be handled between individual residents, as had occurred at many times over the years. Given the fact that the Board was voluntary, was not indemnified, and could be sued for its actions or inactions, it had developed a statement of policy which it would like to have considered by all community property owners.

There was considerable discussion over the Board role and the covenants, with some community members expressing a desire to amend the covenants and others expressing a desire to keep costs down. The covenants could be amended in 2006, when they expire by their own terms (unless automatically renewed), or the community could unanimously decide to amend them at an earlier time.

Darold Doell said that on the advice of his attorney, he would not sign the proposed memorandum on the Board role. He said that the covenants had been arbitrarily enforced, but that the covenants were developed to protect property investments and provide stability. He said that the covenants should be amended, and that the Board of Trustees should not be liable, given the history of varied compliance.

In response to various questions, Mike said that the Board was seeking unanimous, written agreement on the proposed policy on the Board's role, and that if individual property owners did not wish to sign the memorandum, they should discuss their concerns with Board members. The Board would evaluate the response and decide how and whether to proceed.

Upon motion made and duly seconded, and without deciding on the merits of the Board memorandum, the community authorized its distribution, with the added requirement that individuals make their decisions whether or not to sign within 30 days.

El-Moslimany Remodeling Plans. Andy Kovach presented the elevations and plans for the El-Moslimany remodeling to interested community members who had not already seen them. There was general agreement that the plans would significantly improve the property, and widely-expressed concern that enough space be provided to keep the residents from parking on the community street as a matter of course.

Community Work Projects. Lee Sanders organized a bulkhead repair project earlier in the year, in which several community members participated. A great deal of rock and concrete was added to repair the bulkhead. The community thanked the participants for their efforts.

New Business.

Ann El-Moslimany will be hosting students from her school for a beach outing on June 3-4. The community agreed with her plans to rent a Port-a-Potty for the use of the kids.

Upon motion duly made and seconded, an *ad hoc* committee composed of Vickie Fisher, Jay O'Donnel and Knut Ringen was established to evaluate options to amend the community covenants. No access to attorneys or expenditure of funds was authorized. Additional volunteers will be welcome.

There being no further business, the meeting was adjourned at approximately 9:15 p.m.

Bob Krakowski, President

Jacky Randall, Secretary

Minutes Approved at Seahurst West Addition community meeting of _____
_____.

COVENANTS REVISION DISCUSSION ISSUES

MAY 17, 2004 ANNUAL MEETING

1. WE NEED AGREEMENT ON THE PROCESS FOR PREPARING TO AMEND THE COVENANTS IN 2006.

2. WHAT IS ESSENTIAL TO PRESERVE IN THE CURRENT COVENANTS?

- Road/common lots maintenance (Covenant XIV, att.)
- Views and architectural integrity (X re views; no current provision on architecture)
- Prohibition on subdividing (IX)
- Restriction to use as single family homes (IX)
- Prohibition of business enterprises (XII)
- New structures (IX) (modifications?)
- Safety (XVII)
- Signs (XII)
- Pets (XI)
- Trees (no current provision)

3. HOW SHOULD THESE RESTRICTIONS BE ENFORCED?

For each of the preceding covenants, and any additions, who should have the primary responsibility for enforcement, and what sort of role should the Board have? Should it have an affirmative duty to enforce the covenant at its own initiative, or instead a duty to respond to a request for intervention? Should the Board or some other entity have a mediation role?

4. GOVERNANCE STRUCTURE/FUNDING RESTRICTIONS

SEAHURST WEST ADDITION ANNUAL MEETING
Monday, May 17, 2004, 6 p.m..
Home of Bob Krakowski and Susan St. Clair
2640 SW 151 Place

AGENDA

Welcome to new neighbors (Bruce Beck, Debbie Conway, and Marc and Jennifer Kropack)	All
Call to order and establishment of quorum	Krakowski
Approval of Draft Minutes of Last Meeting (att.)	Krakowski
Financial Report (to be dist. at meeting)	DeVaney
Authorization to Obtain Officers and Directors Liability Insurance and to Consult a Lawyer	Krakowski
Annual Dues	Krakowski DeVaney
Authorization to Revise Covenants	Krakowski Fisher
Initial Consideration of Covenants Issues (att.)	Fisher
Nominations for New Trustees	All
Community Work Projects	All
Other	All

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SEAHURST WEST ADDITION

NOTICE OF 2004 ANNUAL MEETING

The annual meeting of our community will be held at **6:00 p.m. on Monday, May 17, 2003** at the home of **Bob Krakowski and Susan St. Claire, 2640 SW 151 Place**. We will be discussing the revision of our covenants, community work projects, and the annual dues.

An agenda, draft minutes from our previous meeting, and materials related to the covenants revision are all attached.

Please mark your calendars and call me (206-439-3598) if you will have additional agenda items.



Jacky Randall
Board of Trustees Secretary
May 3, 2004