

KBCA BOARD OF DIRECTORS MEETING

November 1, 2008

LOCATION: Harry Samelson's home

DIRECTORS ATTENDING: Harry Samelson, Richard Thompson, Sandi Barsell, Steve Revenaugh, Joy Dillon, Rose Clarke, Francis Chang Thomas. Some Community members present: John Barsell, Roger & Terri Meeker, Jack Christenson, Dean Witt, Merrill & Glorius Schrieber, Chris & Mauri Rand, Pat Kelly, Steve Marcotte, Dick Christensen, Priscilla Drum, Thea & Dan Shapiro, Mark & Nancy Blackwell, Francine Nichols, Jack Acree, Barbara Bell, Mohammad Yunis, Stuart & Ilse Oles, Sylvia Akiona, Dan Rokovitz

CALL TO ORDER: 10:00 am

AGENDA ADDITIONS: None

SECRETARY REPORT: Rose made a motion to approve the Minutes of October 4, 2008, as amended. Joy seconded; Minutes were unanimously approved.

Amendments: Board Action taken after October 4, 2008, meeting:

a) October 19, 2008, via email, Sandi Barsell made a motion that the four candidates be appointed without a vote. Rose Clarke 2nd. After discussion via email the motion was defeated 4-1.

b) On October 28, 2008, via email, Sandi Barsell made a motion to block the pedestrian access path with boulders immediately. After discussion via email the motion was defeated 4-2.

OFFICERS' REPORTS

Harry Samelson, President –No Report

Richard Thompson, Treasurer- Richard reported we have a little over \$200,000 in the General Fund.

Rose Clarke – Mailboxes. – Rose reported 99 boxes paid; 11 not paid. Rose will continue to press the Post Office for details on new Homeland approved boxes.

Joy Dillon – Coquis – Joy prepared a letter to be sent out to Community Members requesting funding for coqui eradication. A copy is attached to the minutes. Rose volunteered to work with Joy on the mailing.

Sandi Barsell – Secretary – No report.

Francis Chang Thomas– Neighborhood Watch. – Francis reported she will be forming group teams and phone trees. She stressed consistency throughout the community giving the same stance to the public in a uniform way. She will be meeting with Police Officer and others interested in participating in Neighborhood Watch on November 12th at Terri Meeker's residence.

Steve Revenaugh– Clickers - Steve reported sale of clickers \$205.

COMMITTEE REPORTS

a) Gate Committee – Steve distributed the written Gate Committee report which is attached to the minutes.

b) By-Laws Committee – Joy asked Roger to give the report. Roger reported they are exploring a way to create a new community organization in addition to the road association. They may bring this to the KBCA annual meeting. The by-laws cannot be amended if it conflicts with the Declaratory Judgment.

NEW BUSINESS

a) John & Sandi Barsell's Request to the Board.

- 1) The pedestrian path be shut down immediately.
- 2) A guard be posted on weekends.
- 3) The Planning Department be advised of the Board's position (regarding Condition 12, public access)

Sandi told us she met yesterday with Chris Yuen and Jeff of the Planning Department (PD) and her attorney in Chris Yuen's office to discuss Condition 12 of Barsell's permit application for a second dwelling. The Condition provides for a "10-foot wide pedestrian public access easement to and along the shoreline on the subject property." According to Chris Yuen, the PD intends to pursue public access on Beach Lots Road regardless of Barsell's permit; they are relying on an 1895 map of the area. Sandi presented a proposed letter to the Planning Commission from KBCA President for the Board to consider sending before the Commission's hearing on Nov. 6th.

Discussion brought up issues of:

- prescriptive rights (pedestrians coming through our main gate unimpeded)
- legal documents which speak to the subdivision's private roads
- KBCA Attorney Tom Yeh's email to the Board recommending a guard at the gate (dated October 31, 2008)

Comments from community members present were heavily in favor of doing whatever we can legally to maintain the private nature of our roads. In addition, 14 written comments all in favor of maintaining the private nature of our roads were received.

Rose made the following motion:

Motion: The Board immediately follow Tom Yeh's recommendation in order to avoid having adverse possession or claims of prescriptive rights from being advanced. (Guard at the gate)

Steve 2nd. Yes = 5/ No = 1 J.D. Motion carried.

Discussion regarding the proposed letter to the Planning Commission from KBCA:

- letter is just informational; not in support of the permit
- KBCA's response is setting the record straight

Joy made the following motion:

Motion: The Board send the letter to the Planning Commission.

Rose 2nd. Yes = 5/Abstain = 1 S.B. Motion carried.

b) Pedestrian Path at Entrance Gate

Discussion of pedestrians coming into the subdivision by way of the widened access path include:

- block completely with boulders
- eliminate parking spaces outside gate
- install gate on path and signage "for residents only"

Rose made the following motion:

Motion: Expeditiously install an unlocked pedestrian gate on path with appropriate signage. Richard 2nd. Motion carried unanimously.

Rose made the following motion:

Motion: Remove parking spaces outside of the gate. Richard 2nd. Motion carried unanimously.

c) Merrill Schreiber: (1) Gate; (2) The Board is not being run correctly.

Merrill expressed concern regarding the recent widening of the pedestrian path at the gate. He wanted to know how much it cost to do this. He also asked of the Board that before any major removal of trees/plants is done on KBCA road easements, that someone determine where the property lines are. Our roads widths are not uniform throughout the community. This should be taken into account to prevent unnecessary expenditures to correct errors.

Merrill read an excerpt from Robert's Rules of Order and claimed that the Board does not follow them in accordance with our By-Laws. His comments in particular were focused on the Rule against the Chair's Participation in Debate.

Merrill stressed that we are a Road Association and we need to keep that as our main focus. He also said the road assessment has not been raised in 12 years and suggested we consider doing this.

No action was taken by the Board. The issue of raising the road assessment may be a topic at our Annual Meeting in February.

OLD BUSINESS

a) Bulletin Board – Joy

Joy asked for volunteers to help her with building a new bulletin board. Dan Rokovitz and John Barsell volunteered to work with Chris Rand. Merrill suggested it be put by the mailboxes. This will be considered by the group.

ANNOUNCEMENTS – None

MEETING ADJOURNED: Motion made to adjourn at 1 pm.