



AT Dockside

Protecting property values and the quality of life in Ballena Bay – July 2006

President's Message

by *Elise Hall*

Please take note of the waterside message regarding the 2006 FINA Masters Championship 3K Open Water Swim event that will be held on August 11, 2006, in the channel behind our docks.

Also please be advised that due to a new law that went into effect as of July 1st, 2006, BBTA will not be able to conduct our annual meeting for the purpose of electing a new board in September. The legislation of this new law is extensive and Massingham has provided us with an outline of the new law and the requirements the board must meet in order to hold elections. Please see below:

SB 61

New Election Law

Effective date July 1, 2006

What it does: requires secret ballots and other procedural safeguards for selections in common interest developments

1) **Associations are required to adopt rules that:**

A Ensure that any candidate or member advocating a point of view have equal access to Association media, newsletters, and the Association internet web site.

B Ensure equal access to common area meeting space at no charge.

C Specify:

* Qualifications for candidates

* Procedures for the nomination of candidates (candidates must be allowed to nominate themselves)

* Voting power of each membership

* Authenticity an, validity, and effect of proxies

* Voting period for elections including times in which polls will open and close

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Massingham & Associates Management, 2247 National Avenue Hayward, CA 94545

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* Specify the manner in which an elections inspector is appointed (appointment by directors or elected by members)

2) Independent election inspector to control voting process

A The number of election Inspectors is to be one or three

B The inspector (s) may be a member of the Association, expect the inspector:

* May not be a Board member

* May not be a candidate for the Board

* May not be related to a Board member or candidate

* May not be a third person who is employed or under contract with the Association unless specifically authorizes by the Association's election and voting rules.

3) Secret ballots:

Are now required to vote on election of directors, amendment of governing documents, and the granting or re-designation of Common Area to Exclusive Use.

The ballots are not to be identified by name or address (on the ballot proper)

A two, pre-addressed envelope system is to be utilized, and mailed no less than 30 days before the voting deadline.

The vote is to print his/her name and address on the outside envelope, signs it and addresses the envelope to the election inspector(s)

The inside envelope is to hold the ballot itself (solely)

There are many other aspects of this legislation that take too much time and space to print here.

Suffice to say the HOA will need to have the Bylaws reviewed by legal counsel to ensure that the election and voting procedures comply with the new law. Additionally, counsel needs to help the Board draft its election rules

Associations should adopt rules and/or amendments to their Bylaws that would bring them in compliance with the new voting and election procedures.

Some other related topics to this bill include:

* Duties of the election inspector(s)

* Ramifications of Secret Ballots



* Tabulation of Votes

Two other bills which also affect the HOA and became effective July 1, 2006 are:

AB1098 (Production and Inspection of Association Records and Grant of Exclusive Use of the Common Area) and

SB137 (Association Assessment Collection Procedures)

Treasurer Message

By Michael Brownlee

We continue to recover from the cash flow challenge that resulted from the 2nd largest project the BBTA has taken on in a decade; the complete exterior maintenance on the east block of Tideway. We're also benefiting from the increased Operating Cash Flow resulting from the new grounds keeping company.

The next budget schedule is not impacted by SB61; the budget is due by 1 Dec 2006 and will be effective 1 Jan 2007.

Importantly this will also be the first year for the management company to produce the budget. This will be at the guidance of the board but will no longer be produced by the members. This is just one of many benefits we are all getting from the new management company.

Waterside Message

By Shelley Bliss

There are several waterside issues that are currently discussed during our board meetings; Wave maze maintenance, fence replacement on the Ballena Blvd side of the channel (closest to 1200 Ballena Blvd), piers #7 & #13 groundings at extreme low tides, and pending BCDC wave maze permit amendment request #4.

We have received quotes from Buhl Diving & Savage for fence replacement, and pier groundings, and will contact this company to investigate why the section of the wave suppressor is sinking and perform the necessary maintenance.

Earlier this month BCDC has approved our amendment request #4 (permit 22-77) to modify the special condition that required us to submit a certified civil engineer report before each storm season. Now our obligation is to submit a report once every 10 years.



Just a reminder that the August 11, 2006 World Masters open water swim is coming to Alameda. Please restrict vessel traffic from 9am to 3pm in and out of our marina that day.

If you have any questions or concerns, please email me sailingbliss@alamedanet.net

Landscape Message

By Beverly Partridge

The entrance circles to our association are looking very nice, and the gardeners have been working diligently to address complaints and make improvements.

We contracted for geraniums to be planted in the tree wells which should look nice and add some color as soon as they fill in a bit. Please be patient as the board and Massingham continue to work with our gardeners to get our gardening up to the standards we all expect.

Irrigation repairs, upgrades and tree work will be the boards next focal points.

Flowers have and are being planted in tree wells, so please be patient...soon the neighborhood will be alive with color.

On a side note: The board has been advised that control of the common area from a landscaping perspective should be reevaluated.

Architectural and Landside Message

By Audrey Kramer

Maintenance & Repair Issues:

If you have any repair issues that need attention please contact Massingham & Associates directly @ 510-780-8587 Fax 510-780-7535

Neighborhood Communications Message

By Audrey Kramer

Board Meetings...

Board meetings will resume back to our regular schedule, which is the first Tues. of the month. Our next meeting will be held on August 1st, at 7:30pm, at the Ballena Bay Yacht Club. Hope to see you there.



Dockside...

Massingham & Associate's staff & technology offers our association many services and will be providing our monthly "Docksides" and "Board Meeting Minutes". If there is something you would like to have included in the Dockside or you would like to receive the Dockside via email please contact Ric @ Massingham & Associates.

**Next Board Meeting
Tuesday, August 1, 7:30 PM
At Ballena Bay Yacht Club**

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