



# AT Dockside

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Protecting property values and the quality of life in Ballena Bay – March 2007

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## ***President's Message***

*By Dick Bacigalupi*

The new Reserve Study was the major discussion topic at the March 8<sup>th</sup> meeting. Those who attended were able to listen to a detail presentation of the study from Mr. Pollard who prepared the report. The study reflected a detail description and financial assessment of the association's buildings, roofs, fences, roads docks and wave maze. Mr. Pollard's candid responses to questions from the board and homeowners were very informative. A number of questions were raised which will require additional study, particularly in identifying the priority of the repairs required. To properly address the association's needs, it is important that the dollar amount and timing of repairs be as complete and accurate as possible. With that objective the board has met and has identified the open reserve items. The respective committee chairs are working to obtain the necessary information. My thanks to the prior board for engaging Mr. Pollard to prepare the reserve study. This establishes the point from which we can begin addressing our short and long term maintenance issues.

So not to lose time, the board will be simultaneously exploring financing alternatives to fund the Reserve Study requirements. Although the study is not finalized, it provides sufficient information for the preliminary work to begin. Gary Flanigan, Treasure, will lead this task and is in process of forming a finance committee. As stated at prior meetings, there are no financing preferences and all alternatives will be reviewed.

During the homeowners session it was asked if an Architectural Request form was needed to change a garage door. The question was appreciated as this was not clear from past practices. Yes, a form should be completed. The specifications for replacement garage doors are outlined in the association's Architectural Guidelines as well as the specific paint code by unit.

In closing I would like to thank those who attended last month's meeting for being concise and brief during the homeowner's time. The time was very constructive and the board was able to hear everyone's concerns. It made for a very efficient meeting and allowed the board to get through a lengthy agenda. I look forward to seeing each of you at April 12<sup>th</sup> meeting.

## ***Treasurer Message***

*By Gary Flanigan*

For those who could not make the March board meeting, a short recap of the Feb. YTD financial statements (net of interfund transfers):

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For letters to the Board or to report needed repairs, use this contact information:  
Massingham & Associates Management, 2247 National Avenue Hayward, CA 94545

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- 1) We have current assets of approximately \$149K, mostly made up of cash in the operating accounts and receivables from the members.
- 2) We have approximately \$12K in current liabilities. This amount represents prepaid assessments.

Our expenses are shown as \$28K under budget, but almost all of this represents \$22K timing differences in the loan payments. The only real expenses significantly over budget are Legal Expense (over budget by \$1,300) and the Reserve Study (no budget provided for, cost was \$1,000), Roof Repairs (over budget by \$1,000) and Refuse Disposal (over budget by \$1,700). There are a number of items under budget at this time as well.

The board members have all been studying the reserve report, and we have requested additional information about what repairs will need to be made in particular years on particular houses. This will allow us to finalize our cash flow needs and begin to explore funding options.

As we look at the projected costs of doing some very needed repairs to our houses (primarily but not exclusively roofs, siding, and painting), the amounts needed for the repairs will very possibly require some combination of assessments and dues increases. There is also on the horizon possible legislation to require 100% funding of our reserves. And of course part of any overall discussion of our financial condition will be the loan that we took out to pay for the dock replacement.

I am forming a Finance Committee to look at the numbers and prepare some funding options for the community to consider.

### ***Waterside Message***

*By Terry Klaus*

We continue to lay the necessary groundwork to address the repair of the Wave Maze. Since the last Dockside communication we have engaged in some important steps to move the process forward. First, last year's initial dive inspection contained ambiguities and led to speculation that lacked sufficient information to communicate to the builder. In follow-up discussions, the diver agreed to perform a subsequent inspection to obtain some objective data to better communicate to the builder. The diver is performing this follow-up service at no-charge to the association. Results and follow up actions will be reported to the Board at the April meeting.

With the repair of the system being a top priority, the Board has engaged the professional marine consulting services of TranSystems/ Concept Marine Associates (CMA) to review the history and explore what permitting may be necessary to perform the repair. CMA has a long history with our association. They studied the problems associated with our prior concrete dock system and proposed the shallow-draft type system currently installed. They also designed the structural support arrangement for our landings. At the time our last tire wave maze was at the end of its useful life, they were engaged to study a replacement. They ultimately recommended



the system currently installed, sourced the contractor to build it and engaged in the initial permit process. They share in our concern regarding the early issues we are experiencing.

### ***Architectural and Landside Message***

*By Michael Brownlee*

Spring is here! If you decide to upgrade your home this season please remember to use the architectural guidelines when making changes to the exterior of your home. The guidelines are available online at [www.ballena.net](http://www.ballena.net).

As many of you know the reserve study is nearing completion. Several issues need further examination before the report will be published. There are many homes in immediate need of maintenance. Please bear with us until sufficient funds are available. The board will report as soon as possible.

#### ***Maintenance & Repair Issues:***

For all maintenance and repair issues please contact Massingham & Associates Management, the association's management company directly by calling (510) 780-8587 or by Fax at (510) 780-7535.

### ***Neighborhood Communications***

#### **General News**

*By Dick Bacigalupi*

#### ***Board Meetings***

Following the plan to meet the second Thursday of each month, the next board meeting will be April 12<sup>th</sup> at 7:30 at the Ballena Bay Yacht Club. The date has been double-checked and, unlike last month, no corrections are planned. Admittedly, I will miss the evening stroll through the neighborhood. I look forward to seeing those who can attend.

#### ***Community Directory***

You will find your copies of the new March 2007 community directory for the Ballena Bay and Pointe Ballena Townhouse Associations. I would like to thank Deidre Dixon for forwarding the work that was begun last year. Thanks also go to Jeff Frankel and Dave Wiard for updating the changes recently submitted and handling the printing. As with prior years, our good neighbors at Pointe Ballena are included. With the new directory we have no excuse for not knowing our neighbors. Please remember that the directory is furnished for the private use of the homeowners and residents and is not to be distributed for any purpose.

#### ***Dates to Remember***

A calendar of "Dates to Remember" has been added to the end of the Dockside to help you plan for association and other community events. It will be updated as more information



becomes available. If there are events I have missed or you feel the community may be interested please let me know.

## **Return of the Ballena Bay Community Garage Sale**

*By Sue Cherrie*

Its Spring-Cleaning time! Ballena Bay will host a community wide garage sale on SATURDAY MAY 19, from 8:00 am to 2:00 PM. We will be advertising in a number of publications including the Alameda Journal, the Penny Saver, Classified Flea Market and Craig's List. Signs will be posted in the neighborhood the morning of the sale. Cost to participate is \$10.00 per household. Send or drop your checks by to me at 1205 Ballena Blvd by May 5th.

## **Restaurant Review**

*By Al Dente (Jennifer "Scoop" Flanigan)*

### **Ching Hua**

**1650 Park Street, Alameda (at Lincoln)**

**Tel. (510) 522-8777**

Ching Hua is a Chinese restaurant specializing in the spicy cuisines of Beijing and Sichuan. However, the restaurant also has many not so spicy dishes more familiar to American diners, such as sweet and sour pork, fried rice, etc. So potential visitors need not be fearful of an unavoidable exposure to fire on the palate! While relatively new to Alameda, a location in Berkeley has been very popular for years. The Alameda restaurant is located in the same building as Alameda Marketplace, which has a number of upscale food establishments selling high quality vegetables, wines, cheeses, meats, breads, fish, etc, as well as some excellent prepared foods.

While there are too many dishes to discuss in this brief review, some of the standouts we have enjoyed in our several visits include:

Hot & Sour Soup	A very tasty version of the classic.
Appetizers	Pretty much all of the appetizers, including the spring rolls, the pot stickers, and shrimp and pork dumplings are first class.
Noodles	In general, the noodle dishes are great, although the Tan Tan Noodles, which come dressed in a spicy peanut sauce, can be a bit heavy.
Meat Dishes	Among these, the particular standout for us was the Hunan Lamb, which is served in a sauce rich in garlic and ginger but not overpowering.
Vegetables	There is a very nice selection of vegetarian dishes, making this a great place for those eating less meat or none altogether. The dishes stressing tofu and mushrooms are particularly excellent. So is the spicy eggplant.

There is too much on the menu to list here, but if you are interested you can view it at:  
<http://chinghuaonpark.com/index.htm>



Finally, since this is directed toward a boating community, I should mention that the restaurant has an excellent bar. While Ching Hua is not inexpensive, the high quality of the ingredients and the excellent preparation and presentation of the food make it a very nice addition to Alameda. Open for lunch as well as dinner. Recommended.

### ***Management Corner***

*By Ric Perez*

#### **NEW LEGISLATION**

##### *Towing Law*

As many of you may have learned by now, the Governor has signed into law Assembly Bill 2210 amending the Vehicle Code (22658) and substantially changing the law regulating the non-consensual towing of vehicles from private property. This law went into effect Jan 1, 2007 and contains new criminal and civil penalties for violating towing provisions. Some of the new changes include:

- 1) Separate written authorization for each and every vehicle at the time the tow is performed. That authorization can come from a property owner or lessee, the Board, or an agent (i.e. Management) who must be present at the time of removal and verify the alleged violation.
- 2) A photograph must be taken of the vehicle clearly indicating the parking violation.
- 3) Proper signage (not less than 17 inches by 22 inches with lettering of not less than one inch) must be displayed in plain view at all entrances to the property. The sign must indicate prohibition of public parking, the tow company's name and telephone number, as well as the number of local traffic law enforcement.
- 4) The storage facility for towed vehicles must accept and display that all major credit cards are accepted (i.e. Visa, Mastercard, Discover, AMEX, etc). The facility must be within 10-mile radius of the towed area. CVC 22658 (l) (1) © (iii)
- 5) The tow company must keep all records (including written authorization) for a minimum of three years and must make them available for inspection and copying within 24 hours of a request.

We are currently striving to put forth some clean up language in the bill so as to address the requirements and rights for towing from private (i.e. grant deeded or assigned) parking spaces within a community.

Please note that these are just some of the major changes and should not be construed as all-inclusive.



*Reserve Study Disclosure*

It seems that each year the reserve funding and disclosures for common interest developments become more and more stringent. The premise (in plain speak) is to assist buyers with a true financial picture and health of an association before they become members, and to promote better funding for deferred maintenance (i.e. long term components such as roofs, asphalt, painting, siding, etc). These are generally big ticket (price) items and many associations don't have the luxury of having large reserve funds built up to handle replacement these major items in a timely manner. For a variety of reasons (common interest developments (CIDs) find themselves in the unenviable position of having to dramatically increase regular assessments and/or levy large special assessments to meet their fiscal obligations with respect to maintenance.

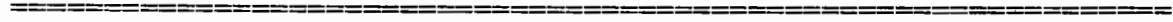
Civil Code 1365 has been expanded to require that the current deficiency in reserves (assuming that there is one as few associations are actually 100% funded) be not only calculated but expressed specifically, and further, armed with that information how it intends to solve the problem (i.e. one or more special assessments).

It is projected that commencing in January 2009 a summary of the actual reserve funding plan (adopted by the Board) must be mailed to all owners with notice that that the full reserve study plan is available upon request.

It is apparent that disclosure requirements will continue to increase and eventually that the members themselves will be participating in the reserve funding plan as part of a voting process.

***Dockside...***

If there is something you would like to have included in the Dockside contact Dick Bacigalupi. If you would like to receive the Dockside via email please contact Ric Perez @ Massingham & Associates.



**BBTA Board & Property Management Contact Information:**

***Property Manager***

**Massingham & Associates Management** (Management Company)

2247 National Avenue, Hayward, CA 94545

Ric Perez (Property Manager)	(510) 780-8587, ext. 308
Office	(510) 780-8587
FAX	(510) 780-7535

**Emergencies:**

Business Hours 8:30 am – 5:30 pm	(510) 315-7316, ext. 350
Non Business Hours	(510) 780-8587



**BBTA Board 2007**

**Dick Bacigalupi - (President)**

Phone (510) 521-2426, email: [dickbacigalupi@hotmail.com](mailto:dickbacigalupi@hotmail.com)

**Terry Klaus - (1<sup>st</sup>. Vice President)**

Phone (510) 523-4230, email: [tgklaus@aol.com](mailto:tgklaus@aol.com)

**Jim Nations - (2<sup>nd</sup>. Vice President)**

Phone (510) 523-2294, email: [jim@jimnations.com](mailto:jim@jimnations.com)

**Michael Brownlee - (Secretary)**

Phone (510) 865-2788, email: [starbord@alamedanet.net](mailto:starbord@alamedanet.net)

**Gary Flanigan - (Treasurer)**

Phone (510) 523-4734, email: [Gary\\_Flanigan@ca9.uscourts.gov](mailto:Gary_Flanigan@ca9.uscourts.gov)

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**DATES TO REMEMBER FOR 2007**

BBTA Board Meeting 7:30 PM Ballena Bay Yacht Club	April 12
Strictly Sail Pacific Boat Show Jack London Square	April 18 – 22
BBTA Board Meeting 7:30 Ballena Bay Yacht Club	May 10
KFOG KaBoom Fireworks	May 12
BBTA Garage Sale	May 19
BBTA Board Meeting 7:30 Ballena Bay Yacht Club	June 14
Alameda 4 <sup>th</sup> of July Parade	July 4
Park Street Fair	August
BBTA Annual Picnic	August/September
Annual Meeting	October
Fleet Week	October
BBTA 'Round the Island	January 1, 2008

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