



# At Dockside

*A Monthly Publication of The Ballena Bay Townhouse Association #1*

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**Protecting property values and the quality of life in Ballena Bay – May 2008**

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

*By Richard Bacigalupi*

Last month's meeting was productive with approval given for a number of capital repair projects which involved safety concerns. Unfortunately, Richard Fong, the association's attorney, did not attend as promised and there was no discussion of the proposed by-laws as planned. To ensure that homeowners have the opportunity for questions; a Q&A session has been rescheduled for the May 8<sup>th</sup> meeting. Mr. Fong has assured me that he will be present for questions. He will also use this time to respond to questions he has received via email from homeowners.

The draft of the by-laws you received is a rewrite of the association's current by-laws so that it conforms to the current California law. As the current by-laws have not been updated since their inception our attorney has recommended, and the board has approved, a number of amendments which would make them more consistent with newer associations. A copy of the amendments is attached. You will be asked to vote to approve the restated by-laws and separately for each of the proposed amendments. Mr. Fong will be available for any questions you may have on the specific amendments.

Last week action was taken to address concerns of the individual directors and numerous homeowners regarding our property management. At an emergency executive meeting the board approved Lori Johnson, an experienced manager with Massingham, as the association's property manager. Lori has proven experience and a management style which fits our association. While we thank Ric for his effort in helping us through to a transitional period it was felt that we need a manager who will be more responsive to the association's needs. While there will be a learning curve as Lori becomes familiar with the BBTA, I am confident with her enthusiasm it will be short. I would like everyone to welcome Lori and her assistant Courtney. Below is a brief biography they provided.

**Lori Johnson** started in the community association management industry three years ago as an Assistant Manager, was promoted to Corporate Setup Coordinator a year later, and earned her CCAM a little over a year ago. At that time, she began managing a portfolio of 10-13 associations ranging from 24 to 140 units. Currently, Lori and her Administrative Assistant, Courtney Robinson, manage 9 homeowner associations, ranging from 31 to 242 units, with Ballena Bay rounding out the portfolio to 10 homeowner associations.

In her past careers, Lori was a paralegal for ten years and owned a quality used and rare bookstore for three years. Lori and her husband (of two years as of April Fool's Day - that should tell you something about her!), Kurt, live in Livermore. Their only child is Alexandria ("Alex"), who is 8 years old and has long red and white hair. . . she's a Cavalier King Charles Spaniel! Lori's hobbies include laughing, cross-stitching, beading,



art/drawing, camping at the family property just outside of Auburn, and enjoying time with her family and friends.

**Courtney Robinson** has been with Massingham & Associates Management, Inc. since March 14, 2006, starting off as an Administrative Assistant for 18 Associations ranging from 30 to 620 units. In June of 2006 she began managing 3 associations ranging from 19 to 53 units and providing administrative assistance for 10 Associations. She is currently in the process of earning her CCAM certification.

Before working at Massingham & Associates Management, Inc. Courtney worked as a Facilities Manager, Resident Director, Resident Manager and Resident Assistant at Carlos Bee Hall, a dormitory operated by Cal State University East Bay. Courtney enjoys spending time with her family, friends and dogs, reading, dancing and watching the Golden Girls when she is not at the office.

The next meeting is May 8th. The closed executive session will begin at 7:00 PM with the general meeting starting at 7:30 PM. I look forward to you meeting our new property manager and answering any questions you may have regarding the by-laws.

### ***Treasurer Message***

*By Gary Flanigan*

With May's meeting occurring so early in the month the April financials were not available for a report to be prepared for the Dockside. I anticipate that they will be available by Thursday and can give a report on the association's financial condition at the upcoming. If you are unable to attend the meeting Massingham has been directed to include a copy of the financial statement on their website.

The board approved various capital repairs at the last meeting which required prompt attention due to safety concerns. As some of these items were unplanned, the cost of these projects need to be included in the cash flow projection so that the extent and timing of the FY08 repairs can be planned. While it is anticipated that there will no delay in the planned repairs we need to be assured that we do not make financial commitments the association cannot pay.

### ***Waterside***

*Terry Klaus - Chairman*

Given the occasional high winds mixed with occasional Indian Summer days, things have been relatively quiet on the waterside.

Expenditures for repair items reported in the prior months have all been approved by the Board and are in the hands of our community manager to carry out repairs. Specifically these items are: a landing/ramp connection on the 400 block of Tideway – a decayed dock pile at the south end of Cola Ballena – the procurement of ramp wheels and metal runners for the older-Brock dock systems.



On Saturday May 10<sup>th</sup>, the annual KFOG KaBOOM! sky concert will be held in San Francisco, just south of the Bay bridge. More detailed information can be found at [www.kfog.com](http://www.kfog.com).

Please enjoy the pleasant days ahead and remember to observe a safe/No Wake speed when transiting the channel. Also email any concerns to Lori Johnson, our new Community Manager, at [lorij@massingham.com](mailto:lorij@massingham.com).

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

*By Jay Cherrie*

As we continue to enjoy better and better weather, those deferred repair and update projects are no doubt looking more attractive to commence. Please remember that any work that affects the exterior of your home requires an approval from the Board via an architecture review request. The forms are available at our community website on [www.massingham.com](http://www.massingham.com). For convenience, one is being included in this issue of Dockside as well. Your help in keeping the Association's approval records complete and offering the courtesy of a review to your neighbors is very much appreciated. Also, please keep in mind that in addition to the Association review the City of Alameda and other entities such as the San Francisco Bay Conservation and Development Commission require permits and approvals. Apologies for sounding like a bureaucrat, but it is usually much less expensive to pursue such matters prior to work than pay fines afterward.

The website still needs significant work and improvement. Our new property manager assures us she has excellent relationships with the technical staff at Massingham and that they will address our comments regarding organization and function in a more timely manner. In the meantime, please feel free to contact a board member should you require a copy of a document or form and cannot find it on the website.

### ***Landscape***

We are close to making a decision on a new landscape company. Seven quotes have been received and the Landscape Committee is scheduling walk-through with the strongest candidates. Care is being taken to ensure that not only are we getting the most value for the fee, there is a clear definition of the scope of the work to be done. The company walk-throughs and contract reviews should be completed with a decision made prior to the June meeting. My thanks to the committee's time and work to date.

### ***Community Directory***

*By Dick Bacigalupi*

HELP! We need your updated information to prepare a new Ballena Bay & Pointe Ballena community directory. It has been over a year since the last update and we had many new



neighbors to meet. Please complete the Community Directory Information form distributed with last month's Dockside and or fax the form to Massingham by the end of the month. Our management company has also requested your emergency contact information and automobile license numbers for their files. If you want to save postage you can drop it in my mailbox or bring it to the May 8<sup>th</sup> meeting. As always, the directory is furnished for the private use of the members and is not to be distributed for any other purpose.

***Ballena Bay Community Garage Sale***

*By Sue Cherri*

It's Spring Cleaning time! Ballena Bay will host a community wide garage sale on SATURDAY MAY 17, 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 week prior. Cost to participate is \$10.00 per household. Send or drop your checks by to Sue Cherrie at 1205 Ballena Blvd by May 3rd.

Do you have an article for the Dockside? We welcome your submissions. Please forward in electronic format to dickbacigalupi@hotmail.com. If you would like to receive the Dockside via email please contact Lori Johnson at Massingham & Associates. [lorij@massingham.com](mailto:lorij@massingham.com).

***Classifieds***

Got something to sell? Forward your ad to dickbacigalupi@hotmail.com

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

***Property Manager***

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

2247 National Avenue, Hayward, CA 94545

Lori Johnson (Property Manager) (510) 780-8558 [lorij@massingham.com](mailto:lorij@massingham.com)

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 2007/2008***

Richard Bacigalupi	President	Communication & Legal
Jay Cherrie	1st Vice President	Architectural & Landside
Terry Klaus	2nd Vice President	Waterside
Gary Flanigan	Treasurer	
Erik Coker	Secretary	Landscape

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**CALENDAR**

BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	Second Thursday of Each Month
KFOG KaBOOM! Fireworks	May 10, 2008
Park Street 8 <sup>th</sup> Annual Spring Festival	May 10 – 11, 2008
Community Garage Sale	May 17, 2008
Community Social / Picnic	TBA
Fleet Week	October 10 – 12, 2008
Annual Meeting	TBA

# BALLENA BAY TOWNHOUSE ASSOCIATION # 1

Executive Session immediately followed by  
BOARD OF DIRECTORS REGULAR MEETING  
MAY 8, 2008

Ballena Bay Yacht Club 1124 Ballena Blvd, Alameda, CA 94501

## AGENDA

- |             |   |                |
|-------------|---|----------------|
|             | <b>Executive Session Items:</b>   | <b>7:00 PM</b> |
|             | Delinquency Action (if necessary)   |                |
| <b>I)</b>   | <b>ROLL CALL/INVITED GUESTS:</b>  | <b>7:30 PM</b> |
|             | <b>Richard Fong, Esq</b>  |                |
|             | <b>Roger Pollard-Construction Manager</b>   |                |
| <b>II)</b>  | <b>HOMEOWNER'S OPEN FORUM:</b>  | <b>7:30 PM</b> |
| 2.1         | Introduce Lori Johnson, new Community Property Manager  |                |
| <b>III)</b> | <b>CALL TO ORDER/COMMITTEE &amp; OFFICER REPORTS:</b>   | <b>7:45 PM</b> |
| 3.1         | Architectural/Landside  |                |
| 3.2         | ACC   |                |
| 3.3         | Landscape   |                |
| 3.4         | Waterside   |                |
| 3.5         | Financial Reports (April 2008)  |                |
| <b>IV)</b>  | <b>ACTION ITEMS:</b>  | <b>8:15 PM</b> |
| 4.1         | By Law Final Draft Rewrite Q&A-Owners & Legal Counsel (Fong)                                    |                |
| 4.2         | Update on Building Repair Projects Summary (Pollard)-Landings, Painting, Dock, Pilings, Roofing |                |
| 4.3         | Approval of Regular & Executive Meeting Minutes (April 10, 2008)                                |                |
| 4.4         | Approval of Emergency Executive Meeting Minutes (April 30, 2008)                                |                |
| 4.5         | Landscape Management Contract ( 7 Bids provided)  |                |
| 4.6         | Master Insurance Payment decision (Finance or Pay off)  |                |
| 4.7         | Earthquake Insurance  |                |
| 4.8         | Homeowner Correspondence/Request(s)   |                |
| <b>V)</b>   | <b>CLOSURE:</b>   | <b>9:00 PM</b> |
| 5.1         | Next Meeting is scheduled for June 12, 2008   |                |

**BALLENA BAY TOWNHOUSE ASSOCIATION**  
**Proposed Amendments to Restatement of By-Laws**  
**May 5, 2008**

**ELIGIBILITY TO VOTE**

This amendment will require members to be good standing before they can vote. The full text of the amendment follows:

**Eligibility to Vote.** Only Members in good standing shall be entitled to vote on any issue or matter presented to the Members for approval. In order to be in good standing, a Member must be current in the payment of all assessments levied against the Member's lot and not be subject to any suspension of voting privileges as a result of any disciplinary proceeding conducted in accordance with applicable article(s) of the Declaration. A Member's good standing shall be determined as of the record date established in accordance with Article V, section 5.8. The Association shall not be obligated to conduct a hearing in order to suspend a Member's voting privileges on the basis of the nonpayment of assessments, although a delinquent Member shall be entitled to request such a hearing in accordance with the Declaration.

A Member who owns more than one lot shall be ineligible to vote if that Member is delinquent with respect to any such lot.

**REDUCTION IN QUORUM**

This amendment proposes to reduce the quorum requirements from a majority of members to 25% when a meeting has been adjourned due to a lack of a quorum so long as the second meeting occurs within 30 days of the original meeting. The full text of the amendment follows:

**Reduction in Quorum Percentage for Action on Other Matters.** If the minimum quorum percentage specified in subparagraph (c)(ii), above, is not satisfied after the meeting may be adjourned to another time and/or place not more than 30 days after the initial meeting date as provided in Article V, section 5.6, and at the reconvened meeting the quorum percentage shall be reduced to 25 percent of the voting power of the Members. If this reconvened meeting is attended by less than one-third of the voting power of the members (but a quorum is present) the only matters upon which action may validly be taken are those matters the general nature of which were described in the notice of the meeting, subject in all instances to the limitations on voting at meetings imposed by Article IV, section 4.4(a).

**STAGGERED BOARD TERMS**

This amendment will "stagger" Board terms so that in even numbered years two directors will be elected and in odd numbered years three directors will be elected. The purpose in staggering Board terms is to provide Board continuity so that it will not be possible for all five Board positions to be changed in a single year. The full text of the amendment follows:

There shall be staggered Board terms. Two directors shall be elected in even numbered years and three directors shall be elected in odd numbered years. At the first election following

the adoption of this amendment, if such election is an odd numbered year, the three directors receiving the highest number of votes shall be elected for a period of two years and the two directors receiving the lowest number of votes shall be elected for one year. If this amendment is effective at annual meeting of an even numbered year, the two directors receiving the highest number of votes shall have a term of two years and the three directors receiving the lowest number of votes shall be elected for a term of one year. Thereafter, the terms of the directors shall be for one year.

### **GOOD STANDING REQUIREMENT FOR CANDIDACY**

This amendment would require all Board candidates to be in good standing with the Association. The full text of this amendment follows:

**Good Standing Requirement for Candidacy.** To be eligible for nomination and election to the Board, a candidate Member must be certified by the Association Secretary that he or she is in good standing with the Association and is current in the payment of Assessments both at the time his or her name is placed in nomination and as of the election date.

### **MEMBERSHIP ACTION TO RECALL OR REMOVE A DIRECTOR**

This amendment will recall or remove a director when he/she fails to attend three consecutive regular meetings. This amendment would be added to the end of Section 7.6(c):

(iv) fails to attend three consecutive regular meetings of the Board of Directors that have been duly notified in accordance with California law.

### **LEVY AND COLLECT ASSESSMENT FOR MEMBERS**

This amendment will levy and collect assessments for members and it replaces Section 9.1(k) in its entirety. The full text of the amendment follows:

(k) Levy and collect Assessments for the Members of the Association in accordance with the Declaration and establish and collect reasonable use charges for any or all of the Common Area as the Board may deem necessary or desirable from time to time for the purpose of equitably allocation among the users the cost of the maintenance and operation thereof.





# Ballena Bay Townhouse Association ARCHITECTURAL REVIEW REQUEST FORM

From: \_\_\_\_\_ Address \_\_\_\_\_ (please print)  
To: BALLENA BAY TOWNHOUSE ASSOCIATION #1 ARCHITECTURAL COMMITTEE

Date: \_\_\_\_\_

I, the above named Owner, request approval to make the following exterior addition, change or alteration on my home:  
Description of addition, change, or alteration: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(If additional space required, attach additional numbered pages)

Owner shall attach copies of all available plans and/or specification showing the nature, kind, shape, height, materials, and location to this request. All work shall be done in conformance with building codes and regulations and pursuant to all required permits. Owner shall be responsible for any damage to the exterior of the building or other property that may arise as a result of the above stated addition, change, or alteration, and shall be responsible for maintenance of same in conformance with the architectural requirements of the BBTA. Owner agrees to notify, as part of any offer or acceptance of sale, any future purchaser of the above stated home, that the responsibility stated herein is carried forward to the new Owner(s), and will obtain written agreement of same from new Owner also, as part of any such offer or acceptance of sale. Owner agrees to obtain and produce copies of all City permits and other documents required hereby, to the BBTA. Owner recognizes that this addition, change or alteration may be effected only upon written approval of the Association Board of Directors and that said Board may require its removal, at the Owner's expense, should it become necessary for safety, maintenance of surrounding structures, or lack of compliance herewith by the above named Owner or subsequent Owner(s).

The above named Owner agrees to indemnify and hold harmless the BBTA, its Board of Directors, Architectural Committee, Members, employees and agents harmless of any liability, injury, damage or costs that may be incurred as a result of the above stated addition, change or alteration. It is also understood that upon completion of the above stated addition, change or alteration, the Architectural Committee will inspect the final results.

Signature of Owner: \_\_\_\_\_

Neighbors Approval - Immediate or adjacent neighbors, including 2 across the water as appropriate.

Signature \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_ Address \_\_\_\_\_

Permits - Please list type of City Permits Required (Attach If any / available):

-----For Association Use Only-----  
Architectural Committee: Approval (circle one) **Recommended / Not Recommended**

Members Present \_\_\_\_\_

Comments or Conditions:  
\_\_\_\_\_  
\_\_\_\_\_

Board Approval: (circle one) **Approved/ Disapproved** Date \_\_\_\_\_ Informed Date \_\_\_\_\_

Completion Deadline \_\_\_\_\_

*Not an Official Document*