



At Dockside

A Monthly Publication of The Ballena Bay Townhouse Association #1

Protecting property values and the quality of life in Ballena Bay – January 2013

President's Message by Dick Bacigalupi

The board ended the year calmly and hopes yours was the same. As in previous meetings, collection activity on past due accounts was a major topic. Good news is that we were successful and/or are in position to collect on some of the past due amounts. While we still have some accounts past due, the association is beginning to see the positive results from the board's firm position taken on collection efforts. With a full board in attendance we were able to again discuss the draft of the proposed Fine Policy for violations of our CC&Rs. Another draft will be prepared for review with tentative approval at the January meeting.

I would like to thank all the homeowners who have elected to receive their BBTA correspondence via email. Currently there are 57 (66%) homeowners who have opted to receive their correspondence via email. Not only this is saving trees, the association had a savings of \$271 for the fourth quarter. We will continue to have a cost savings each month. Special thanks go to Jeff Frankel for initiating and implementing the change. If you want to be added to the email list contact Jeff.

Everyone is again warned to be diligent in securing their property. We continue to have burglaries in our neighborhood. Another outboard was stolen from a dock on Tideway and a vehicle was broken into for the second time. While a thief may not be 100% preventable at least make it as difficult as possible. We are a small community so if you see anyone who appears suspicious do not hesitate to notify the police.

I also want to thank my fellow board members for their attendance at the December 18th meeting. We had a 100% attendance for a very busy time of year. Our next meeting is January 15th. Hope you can attend.

Communications Report by Lu Abel

By now you should have received a request to update your information for our private homeowner's directory. Please be sure to respond to Jeff Frankel either by email or in writing with your information. Understandably, some people may have privacy concerns. Your information goes nowhere except into the directory which is distributed only to BBTA residents and owners. The benefit of being in it? How about the ability of a neighbor to reach you if something happens to your home? I don't know about you, but if a neighbor saw water gushing out from under my garage door because a washing machine hose had burst, I'd sure be thankful for a call telling me.

I hope 2013 is off to a great start for you!



Treasurer's Report by Ann Kenyon

Attached are the Year-to-Date financials for BBTA through the end of November.

Landside Report by Jeff Frankel

No report.

Landscape Committee by Pat Faustman

The cold weather has arrived and our plants and lawns show the effects. Our gardeners will finish taking out the last of the impatiens, cleaning up the leaf drop and weeding. The tree crew finished trimming the large eucalyptus trees on Cola Ballena. The landscape committee is planning a volunteer day for all of us to trim the newly planted triangle at Cola Ballena and Ballena Blvd. If you have any questions or concerns, please contact us. The landscape committee: Pat Faustman, Patty Corrigan, Patti Klaus, Isabella Foster, Kathy Walker and Jennifer Flanigan

Waterside by Rob Larsen

We are waiting to hear from the divers when they are going to resume the maintenance schedule on the wave maze. Just a reminder about all the debris in the water. If you end up with anything that you can't manage up against your dock or boat please call for assistance.

If you see anything regarding the waterside that needs some attention, please call or email.

Please continue to inspect your and your neighbors dock lines.



Property Manager Contact Information
Massingham & Associates Management (Management Company)
1855 Gateway Blvd, Suite 300, Concord, CA 94520

David Boone (Property Manager) davidb@massingham.com
Kathleen Car (Community Assistant) (925) 405-4716
Office (925) 405-4900
FAX (925) 405-4747
Emergencies:
Business Hours 9:00 am – 5:00 pm (925) 405-4900
Non Business Hours (925) 405-4900

Board Members:

President Dick Bacigalupi dickbacigalupi@hotmail.com 510.521.2426
Vice-President/ Jeff Frankel jfrankel@pacbell.net 510.769.6096
Landside
Secretary/ Jennifer Flanigan jgflanigan@yahoo.com
Architectural
Treasurer Ann Kenyon kenyon2@pacbell.net
Landscape Pat Faustman pgfaustman@gmail.com
Communications Lu Abel luabel@ymail.com
Waterside Rob Larsen relarsen@comcast.net

CALENDAR

BBTA Executive Committee January 15, 2013
7:00 PM Ballena Bay Yacht Club

BBTA Board of Directors Meeting January 15, 2013
7:30 PM Ballena Bay Yacht Club

BBTA Executive Committee February 19, 2013
7:00 PM Ballena Bay Yacht Club

BBTA Board of Directors Meeting February 19, 2013
7:30 PM Ballena Bay Yacht Club

For letters to the Board or to report needed repairs, use this contact information:
Massingham & Associates Management, 1855 Gateway Blvd, Suite 300, Concord, CA 94520
davidb@massingham.com

Treasurer's Report by Ann Kenyon

**Ballena Bay Townhouse Association
Income and Expenses Compared to Operating Budget
Year to Date 11/30/12**

Income & Expenses:	Actuals	Budget	Favorable/ (Unfavorable) Variance	Comments
Total Income	\$612,114	\$604,091	\$8,023	Income from late charges & other charges reimbursed by homeowners.
Expenses:				
Administrative Expense:				
Bank Loan	\$125,950	\$125,950	\$0	
Bad Debt Expense	\$1,147	\$18,333	\$17,186	Bad Debt Expense primarily booked at end of year by CPAs.
Insurance	\$38,225	\$42,167	\$3,942	Insurance quote came in less than budgeted amount.
Legal Expenses	\$13,530	\$9,625	(\$3,905)	Collection fees continue to be more than anticipated.
Management Contract	\$25,744	\$25,744	\$0	
All Other Administrative Expense	\$10,107	\$11,250	\$1,143	
Total Administrative Expense	\$214,703	\$233,069	\$18,366	
Landscaping Expense	\$44,000	\$49,087	\$5,087	Timing of tree service work.
Operational Expense	\$0	\$275	\$275	
Repairs and Maintenance	\$25,123	\$15,538	(\$9,585)	Building repairs \$6k over budget and wave maze repairs \$6k over budget.
Utilities	\$28,174	\$26,562	(\$1,612)	
Reserve Funding	\$280,483	\$280,483	\$0	
Prior Year Expense	(\$1,400)	\$0	\$1,400	
Total Expense	\$591,083	\$605,014	\$13,931	
Total Net Income	\$21,031	(\$923)	\$21,954	

Cash Accounts:

Operating Funds	\$75,377
Reserve Funds	\$130,536
Total Cash Accounts	\$205,913

Other Noteworthy Items:

Members Receivable	\$122,893

Delinquent dues assessments from homeowners as of October 31, 2012. Total cost to each homeowner represents an average cost of \$1,536.

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Meeting

7:30 P.M. Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda, CA

MINUTES

December 18, 2012

Board Members

Dick Bacigalupi	President	Term expires 2013
Jeff Frankel	Vice President	Term expires 2014
Ann Kenyon	Treasurer	Term expires 2014
Jennifer Flanigan	Secretary	Term expires 2013
Rob Larsen	Director	Term expires 2013
Pat Faustman	Director	Term expires 2014
Lu Abel	Director	Term expires 2014

MSC = Means a **Motion was made, Seconded and Carried** *denotes absence

Also present was David Boone of Massingham & Associates Management, Inc. and the one owner listed on the sign in sheet.

Call to Order: The Board of Directors Meeting was called to order at 7:32 P.M. by President Dick Bacigalupi.

Homeowner Forum: An open forum was held and one owner was present but they had nothing to bring to the Board.

Minutes: After careful review it was **MSC** to approve of the November 20, 2012 Regular Session minutes with corrections and the November 20, 2012 Executive Session minutes as presented.

Financial Statements: Treasurer Ann Kenyon reported to the Board on the financial state of the Association and the Board carefully reviewed the Financial Statements for the periods ending November 30, 2012 including the balance sheets, income statements and delinquency reports. It was **MSC** to accept the November Financial Statements as presented.

Collections: After careful consideration it was **MSC** to take the following collection actions:

Resolved, the Board of Directors ("Board") for Ballena Bay Townhouse Association No.1 authorizes and instructs ATC Assessment Collection Group, LLC to record a Notice of Delinquent Assessment in the full amount of unpaid assessments, late charges, interest and collections fees and costs against that property bearing the Assessors Parcel Number 074-1312-006 as authorized by Civil Code Sections 1367.1 and 1367.4 if such account has not been reinstated by the Notice of Intent to Lien expiration date of 1/11/2013.

Resolved, the Board of Directors ("Board") for Ballena Bay Townhouse Association No.1 authorizes and instructs ATC Assessment Collection Group, LLC to Publish Non-Judicial Foreclosure Sale and proceed forward with the Posting, Publishing and Actual Sale of that property bearing the Assessors Parcel Number 074-1311-026.

Resolved, the Board of Directors ("Board") for Ballena Bay Townhouse Association No.1 authorizes and instructs ATC Assessment Collection Group, LLC to proceed with the next collection action on account #182-2342.

Ballena Bay Townhouse Association No. 1

Board of Directors Meeting Minutes

December 18, 2012

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Bad Debt: There were no accounts for the Board to consider writing off as bad debt at this meeting.

Insurance Proposals: The Board determined that insurance quotes would be requested and considered after the first of the year. If the association were to switch policies now any savings would be cancelled by the early termination fee. The present policy comes up for renewal in March. The Board asked management to start requesting quotes including earthquake after the first of the year.

Proposed Fine Policy: The Board discussed further aspects of the proposed Fine policy and Lu Abel will revise the present draft and present it to the Board at the January meeting.

Roofing and Siding Project: Committee Chair Jeff Frankel reported to the Board on the status of the final work on roofing, siding and painting and what the schedule and bidding process was looking like for 2013.

Adjournment/Next Meeting: With no further business before it the Board adjourned at 9:45 p.m. The next regular Board of Directors meeting was set for December 18, 2012 at 7:30 p.m. at the Ballena Bay Yacht Club.

Director Signature

Date

DRAFT

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Meeting

7:30 P.M. January 15, 2013

Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda, CA 94501

AGENDA

1. **Call to Order** 7:30 p.m.
2. **Homeowner's Open Forum** 7:30 p.m.
3. **Secretary's Report** 7:45 p.m.
Once approved and signed by the secretary the regular meeting minutes will be available for homeowner's viewing and placed in the corporate record book.
4. **Treasurer's Report** 7:50 p.m.
The law requires the board to review and accept the reconciled financial statements at least once per quarter.
5. **Management Report** 8:00 p.m.
Action Items
 - A. Approval of December 18, 2012 Regular & Executive Session Minutes
 - B. Review of Financial Statements for December 2012
 - C. Approve Collection Actions
 - D. Write Off Bad Debt
 - E. Discuss Requiring Owners to Submit Lease Agreements to the Board
 - F. Review Insurance Proposals
 - G. Review Proposed Fire Policy
 - H. Review Roofing and Siding Project
 - I. Review Parking Issues and Policy
 - J. Architectural Committee Report – Formally Approve 342 Tideway Garage Door
 - K. Review Landscaping Committee Report
 - L. Review Landside Committee Report
 - M. Review Waterside Committee Report
 - N. Review Neighborhood Communications Committee Report
 - O. Review Community Preparedness Committee Report
6. **Next Meeting Date & Location** – February 19, 2013, Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda.
7. **Adjourn** 8:50 p.m.

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Executive Session

7:00 P.M. January 15, 2013
Ballena Bay Yacht Club
1150 Ballena Blvd, Alameda, CA 94501

AGENDA

1. **Call to Order**
2. **Items Requiring Board Action**
 - A. Review and Approve Collection Actions
 - B. Review Legal Issues
 - C. Review Contracts
 - D. Review Disciplinary Matters
 - E. Discuss New Business
3. **Adjournment**

Executive sessions of the board of directors are provided by statute so boards can address issues involving privileged information and matters of a private nature. As a result, members do not have a right to attend executive sessions. As provided for in [Civil Code §1363.05\(b\)](#), boards may go into executive session for the following matters:

1. Legal Issues. This preserves [attorney-client privilege](#), litigation strategy and settlement strategies for current and potential litigation matters. The association's attorney does not need to be present either in person or by phone for the board to meet in executive session to discuss legal issues.
2. Formation of Contracts. Boards may consider matters relating to the [formation of contracts](#) with third parties.
3. Disciplinary Hearings. Boards should meet in executive session for all [disciplinary hearings](#). The accused member is entitled to attend the executive session for that portion of the meeting dealing with member's hearing.
4. Personnel Issues. Personnel matters which include, but are not limited to, hiring, firing, raises, disciplinary matters and performance reviews.
5. Payment of Assessments. Board may meet with members in executive session to discuss requests by delinquent members for [payment plans](#).
6. Foreclosure. The decision to initiate foreclosure shall be made only by the board of directors of the association and may not be delegated to an agent of the association. The board must approve the decision by a majority vote of the directors in executive session. [Civ. Code §1367.4\(c\)\(2\)](#).