

Minutes of Meeting Board of Directors Jan 1, 1985

The meeting was called to order by the President at 7 44 p.m. Attending at the Roger home were Ian Roger, Don McHugh, Fritz Mason and Bob Descombes.

Homeowners Business. Bob Descombes presented to the Board and the Board reviewed, the applications of Dr Gallup and Mr McGrew of 415 & 421 Cola Ballena, to alter the configuration of the docks in front of their residences. Both applications had the approvals of all affected neighbours. The president reported discussing the proposed changes with B.C.D.C. who, having taken note of the fact that the changes would not result in any more water area being covered and also that the channel would as a result be widened said that this change could be considered part of the approval for the new development. The board therefore decided to approve both applications subject to the following conditions, 1. That no part of the cost of these changes should devolve on the Association but that such costs be borne by the applicants (neither applicant had proposed anything to the contrary) 2. That the work would be put in hand at the same time as the new developments docks were placed. 3. That in the case of Dr. Gallup's application the approval be conditional on his signature being affixed to his application. The lack of his signature was considered inadvertant since he had in fact signed the other application.

Minutes of Previous Meeting. The minutes of the previous Board meeting were accepted and approved.

Matters Arising from the Minutes. There were no matters arising from the minutes.

Correspondence. No correspondence was received.

Treasurers Report. The treasurers report was presented by Don McHugh and accepted. The subject of the 1985 budget was then discussed at length and after much discussion the board unanimously adopted the budget and set the 1985 dues at \$80 per month.

Grounds and Maintenance. The Grounds and Maintenance Report was presented by Mr Roger who noted that we were starting to paint the railings on the decks. Many homeowners have been very complimentary of the painting program being carried out on the homes by the staff. This kind of appreciation makes a volunteer boardmember's job worthwile. The problem of the roofs will be brought before the membership at a special meeting devoted to that one topic in February. Homeowners are once again urged to report leaks as soon as possible in order to facilitate prompt action. Grounds appear satisfactory, we have carried out a scalping program on the ivy, this is designed to promote new growth. The irrigation systems are being checked and repaired in order that the systems will be in condition to take over when the Good Lord stops the rain. Lawns have been fertilised and bald spots are receiving attention and seed.

City, Other Associations and Authorities. There was nothing to report.

President's Report. Mr. Roger reported that the Developers were proceeding with the land pilings and that apparently the water pilings could be expected after the houses were commenced. At last the cable vision seemed to be completed and that our homeowners could expect the salespeople to take their orders.

Old Business: There was no old business to report.

New Business: There being no new business to discuss the meeting was adjourned at 8:29 p.m.the next meeting to be at the call of the Chair.

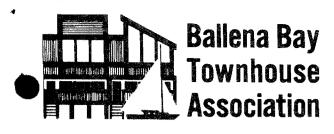
Submitted by:

Elwood Hopkins

Secretar

Approve¢

Ian Roger



Minutes of Meeting Board of Directors March 27th, 1985.

The meeting was called to order by the President at 7.40 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, Fritz Mason and Bob Descombes.

Homeowners Business. There was no homeowners business to be considered.

Minutes of Previous Meeting. The minutes of the previous Board meeting were accepted and approved.

Matters Arising from the Minutes. There were no matters arising from the minutes.

Correspondence. No correspondence was received.

Treasures Report. The Treasurers report was presented by Don McHugh and accepted. The subject of the unexpected rise in the earthquake premium was discussed and the decision reached by the board when polled individually was ratified. This decision was to make three extra assessments of \$15 per residence these to be collected with the three remaining quarterly dues.

Grounds and Maintenance. The grounds and Maintenance Report was presented by Mr.Roger who noted that we were still engaged in painting the railings on the decks. Many homeowners have been very complimentary of the painting program being carried out on the homes by the staff. This kind of appreciation is very much appreciated. The problem of the roofs on Cola Ballena and Ballena Blvd has been brought before the membership at two special meetings devoted to that topic, one in February and one in March. We are currently attempting to find a solution acceptable to all by talking to all the owners. A previous course of action followed by a board some years ago took the effect of using all the then reserves and levying an assessment on all the homeowners including the

36 homes of the Tideway addition which had just joined the Association and therefore received no benefit from the arrangement. The problem is exacerbated by the fact that the same houses that received roofs under the previous arrangement now need reroofing again. Our legal counsel, having studied the provisions of the C.C.& Rs. is of the opinion that the previous assessment was illegal and advises against attempting to assess for this purpose again, unless the membership should ammend the C.C.& Rs to allow for it. Our current reserves are barely sufficient to cover the liabilities that we have for capital repairs and replacements to the common property and therefore cannot be expended for individual roofs. A possible and logical solution might be that of a voluntary assessment by owners needing replacement at the time that it is found necessary to do so. Mr. Roger has broached this suggestion to some homeowners and has received favourable reaction. However a small minority have so far been unable to agree with this proposal. In the meantime Homeowners are once again urged to report leaks as soon as possible in order to facilitate prompt action.

City and Other Associations. Mr Roger reported on his attendance at the School Board meetings with reference to the relocation of the Adult School at the Paden School site. He also reported that we had proposed that the lower playgound area might be made available to the homeowners Associations for tennis and badminton courts and that the developers had offered to make the conversions if this were approved.

President's Report. Mr Roger reported that the Associations affairs appeared to be in good shape but expressed concern over the possibility of rather large increases in insurance premiums.

Old Business. There was no old business to report.

New Business. There being no new business to discuss the meeting was adjourned at 9.15 p.m. the next meeting to be at the call of the Chair.

Submitted by:

Don Mchugh for Elwood Hopkins III

Secretary

Approved by

Ian Roger President.



Minutes of Meeting Board of Directors April 25th, 1985.

The meeting was called to order by the President at 7.45 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, Fritz Mason and Elwood Hopkins.

Homeowners Business. There was no homeowners business to be considered.

Minutes of Previous Meeting. The minutes of the previous Board meeting were accepted and approved.

Matters Arising from the Minutes. There were no matters arising from the minutes.

Correspondence. No correspondence was received.

Treasures Report. The Treasurers report was presented by Don McHugh and accepted. Already most homeowners have paid their extra assessment of \$15 per residence.

Grounds and Maintenance. The grounds and Maintenance Report was presented by Mr.Roger who noted that we had been compelled to concentrate our staff efforts on the areas on the island side of the bridge. Due to a complaint registered with the city over our mulching area. This had involved the association in a lot of extra work and expense and caused us to have have to take to the dump a lot of burnable logs which had been available to homeowners with woodburning fires. It had also delayed our normal work program. In accordance with the wishes of the membership we have solicited bids from various roofers to ascertain the cost of reroofing. So far we have received three bids. Ian is continuing to talk to the homeowners and a good number are showing interest in a possible of voluntary assessment where the Association will acting as agent

for the individual owners arrange for the roofer to replace the roofs in a set of homes and the homeowners concerned will pay for the roofs. This would allow for a better price than would be available to individuals and would also make it possible for homeowners to get a bonded roof. In the meantime Homeowners are once again urged to report leaks as soon as they become aware of them in order to facilitate prompt action.

City and Other Associations. Mr Roger reported on his attendance at the School Board meetings with reference to the relocation of the Adult School at the Paden School site. He also reported that we had proposed that the lower playgound area might be made available to the homeowners Associations for tennis and badminton courts and that the developers had offered to provide the improvements at no cost to the association.

President's Report. Mr Roger reported that the Associations affairs appeared to be in good shape but expressed concern once again over the possibility of rather large increases in insurance premiums.

Old Business. There was no old business to report.

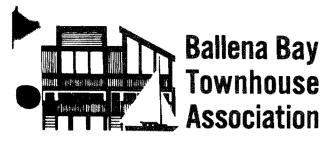
New Business. There being no new business to discuss the meeting was adjourned at 9.05 p.m. the next meeting to be at the call of the Chair.

Submitted by:

Secretary

Approved by:

Ian Roger



Minutes of Meeting Board of Directors May 31st, 1985.

The meeting was called to order by the President at 8.30 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, Fritz Mason and Elwood Hopkins.

Homeowners Business. An application by Mr. Donald Shiley to remove two small windows from each of his residences at 320 and 400 Tideway was approved by the Board Permission to install a weathervane at 403 Cola Ballena was provisionally granted to Mr. Ed Ringo subject to the inspection of the board and the acceptance of his immediate neighbours. Mr. Bill Maynard's request to place a dock locker on the fillet of his dock was approved provided that this does not obstruct passage on the dock. After discussion the board decided to grant an after the event approval to Mrs. Joan Albin for her deck extension. It was noted that the same contractor had once again begun work without approval and without City permits.

Minutes of Previous Meeting. The minutes of the previous meeting were accepted and approved.

Matters Arising from the Minutes. There were no matters arising from the minutes.

Correspondence. The Board accepted with regret the resignation of Mr. Bob Descombes. His help will be missed. However service on a volunteer board should not be made so burdensome that it interferes with a well earned retirement.

Treasures Report. The Treasurers report was presented by Don McHugh and accepted. We are operating a little under budget. Two homeowners have refused to pay the additional assessment for earthquake insurance. Letters have been sent to them indicating the boards intention to place liens on their property if these obligations are not paid promptly.

Grounds and Maintenance. The grounds and Maintenance Report was given by Ian Roger who noted that a broken dock was being repaired on Cola Ballena. Also that Fritz Mason had promised to supply the needed hoops to secure the docks to the pilings that required them. We are proposing placing a new fence around the property at the west end of the bridge. The grounds are improving with the addition of the mulch that we are developing from waste vegetable matter taken from the association property.

City and Other Associations. There was no contact or business to report.

President's Report. The President reported on an agreement that appeared to have been overlooked by previous boards since its inception in 1970. It concerned the obligation of the Marina to pay 20% of the maintenance expense of Cola Ballena. This they have failed to do. Mr. Roger is negotiating with the current owners of the Marina seeking a fair settlement.

Old Business. There was no old business to report.

New Business. The Board appointed Elwood Hopkins to chair a committee with power to co-opt to inspect the docks for hazardous conditions and to make recommendations as needed with particular emphasis on dock and spring lines. Efforts will be made to find a volunteer to replace Bob Descombes on the Board. The Meeting was adjourned at 9.45 p.m. the next meeting will be at the call of the Chair.

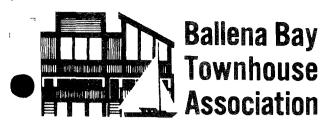
Submitted by:

Elwood Hopkins III

Secretary

Ian Roger

Approved



Minutes of Meeting Board of Directors July 12, 1985.

The meeting was called to order by the President at 7.40 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, Fritz Mason and Elwood Hopkins.

Homeowners Business. There was no homeowners business to consider

Minutes of Previous Meeting. The minutes of the previous meeting were accepted and approved.

Matters Arising from the Minutes. There were no matters arising.

Correspondence. There was no correspondence to bring before the meeting.

Treasures Report. The Treasurers report was presented by Don McHugh. It was approved as presented. The matter of the outstanding insurance dues of two members has been dealt with by sending a demand letter and warning the offending members that lien action will be taken if the obligation is not discharged promptly. As a result one of the homeowners has already paid bringing his account up to date.

Grounds and Maintenance. The grounds and Maintenance Report was given by Ian Roger who noted that we had substantially completed the painting and that the roofing maintenance was under way.

City and Other Associations. There was no contact or business to report.

President's Report. The President reported meeting with a number of Homeowners to discuss reroofing.

Old Business. There was no old business.

New Business. There was no new business. The Meeting was adjourned at 8.55 p.m. the next meeting will be at the call of the Chair.

Submitted by:

Elwood Hopkins III

Secretary

Approved by:

Ian Roger



Minutes of Meeting Board of Directors August 23, 1985.

The meeting was called to order by the President at 8.52 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, Fritz Mason & Elwood Hopkins III.

Homeowners Business. A letter was received complaining of a noisy dog that is left in a neighbours yard. While this is probably more correctly covered by City ordinance, it may well be part of the nuisance provision of the C.C.& Rs. The President was therefore directed to write a letter to the dog's owner apprising him of the problem, in the hope this might obviate the necessity for further action. Don Gutleben applied for permission to enclose the balcony of his master bedroom. This was approved with the provision that the new wall and window depicted in his plan be set back at least the eight inches of the facia board and that the existing rail be left in place.

Mrs Charles Gallup had applied to alter the plantings on the common area bank between 415 and 421 Cola Ballena and to add a tree to replace a tree in the common area adjacent to her home. The Board decided to approve the tree addition, but deny permission for the alteration to the bank on the grounds that the present ivy coverage does not require extra watering and is in keeping with the rest of the bank areas.

An application was received from the developer at the East End of Tideway to alter the configuration of the proposed docks to be placed adjacent to the new homes currently under construction. Although it appeared that the proposal should not have the effect of narrowing the channel. The Board, after a great deal of discussion, decided to defer action on the matter until it could be satisfied that this proposal would not vary the size of any vessel that might be berthed in the fifth slip. The president was instructed to discuss the matter further with the developer.

The color and material design scheme for the new homes was presented and was approved with certain reservations.

Minutes of Previous Meeting. The minutes of the previous meeting were presented by Dr. Hopkins accepted and approved.

Matters Arising from the Minutes. There were no matters arising from the minutes.

Correspondence. Under correspondence the board reviewed the new insurance rates which took effect on August 8th. Noting that the basic insurance premium had more than doubled, the board voted to transfer the difference from the reserve account in order that the premium could be paid. Also the president was authorised to consult with legal opinion, as to whether the Association could self insure for dock damage but not liability

Treasurer's Report. The Treasurers report was presented by Don McHugh. It was approved as presented. The outstanding earthquake insurance dues have been paid, One homeowner is delinquent but has promised Mr Roger by telephone to bring his account up to date.

Grounds and Maintenance. The grounds and Maintenance Report was given by Ian Roger who noted that the painting and roofing maintenance was under control. He also reported receiving instructions from the homeowners of one building on Cola Ballena to put reroofing in hand. These homeowners had agreed to pay the cost of this operation. The Board agreed to give a letter to these homeowners guaranteeing that they would not be subject to assessment for roofing replacement of any homes other than their own. Mr. Roger reported that he expected to meet with with the residents of another building in the near future to discuss a similar arrangement.

City and Other Associations. The President has met with the Police Chief of Alameda and agreed on a course of action to deal with the influx of illegal fishermen and undesirables. Which same has resulted from the closure at night by the Navy, of the Encinal boatramp and the rock wall. Also a meeting with the developer has resulted in the prohibition of fishing from that property.

President's Report. The President reported that as the result of the request of an attorney who is also a C.P.A. acting on the instructions of Mrs Gallup, to look over the books and records of the association. He, Mr.Roger, had met with the attorney and made available all the books and records. The President reported to the board that the gentleman had reviewed these records and told him that they were in a very satisfactory condition and that he had found no irregularities. Mr Roger said that the C.P.A. concerned had the capability of reviewing computer records and had quoted a reasonable fee for such a service. The president asked for authority to engage the firm of Joseph West and Associates to conduct our annual review, It was moved seconded and carried that this action be taken.

New Business. Under New Business the board decided to ask Mr John Conner to assume the duties of Chairman of Security. Mr. Roger agreed to meet with Mr Conner to discuss this possibility.

Old Business. The question of the appointment of a Director to fulfill the balance of the unexpired term replacing Bob Descombes, was discussed and it was decided to ask Mrs John Russell to accept this appointment. The Meeting was adjourned at 10.55 p.m. the next meeting will be at the call of the Chair.

Submitted by:

Elwood Hopkins III

Secretary

Approved_by:

Ian Roger



Minutes of Meeting Board of Directors September 26th, 1985

The meeting was called to order by the President at 7.50 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, Elwood Hopkins and Fritz Mason.

Homeowners Business. There was no new homeowners business to consider.

Minutes of Previous Meeting. The minutes of the previous meeting were accepted and approved

Matters Arising from the Minutes. There were no matters arising from the minutes

Correspondence. There was no correspondence to bring before the meeting.

Treasurer's Report. The Treasurers report presented by Don McHugh was approved.

Grounds and Maintenance. The Grounds and Maintenance Report was given by Ian Roger. We are proceeding with waterproofing the decks. We have done a complete check on all of the docks to ensure that we are prepared for possible bad weather with the approach of winter.

City and Other Associations. We are having rather a problem with fishermen anchoring in the channel and in some cases coming ashore or landing on our docks. We have had cooperation from the local police with the problem and also with fishermen trespassing on the new development. The President will hold meetings with the appropriate authorities to try to resolve this matter.

President's Report. The President reported that the cooperative reroofing of one building was under way with the owners agreeing to pay for the new roofs. The plan works well with the owners getting a superior roof, the benefit of a group price and also a manufacturer's ten year bond.

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President's Report. The President reported that the cooperative reroofing of one building was under way with the owners agreeing to pay for the new roofs. The plan works well with the owners getting a superior roof, the benefit of a group price and also a manufacturer's ten year bond.

Old Business. There was no old business.

New Business. Under new business the question of setting the date of the Annual Meeting was discussed. It was noted that the meeting in 1984 was held on the 29th of November, and in 1983 on the 30th of November. After discussion the President was directed to approach the Ballena Bay Yacht Club and to attempt to book it for the evening of the 27th of November. There being no further business the Meeting was adjourned at 9.45 p.m. the next meeting will be at the call of the Chair.

Submitted by;

Elwood Hopkins III

Secretary

Approved by:

Ian Roger



Minutes of Meeting Board of Directors November 1 1985

The meeting was called to order by the President at 8.20 p.m. Attending at the Roger residence were Ian Roger, Don McHugh, and Fritz Mason.

Homeowners Business. The board approved the Aronoff change application, being satisfied that it was identical to the approved Gutleben application of the previous meeting

Minutes of Previous Meeting. The minutes of the previous meeting were approved

Matters Arising from the Minutes. There were no matters arising.

Correspondence. There was no correspondence to bring before the meeting.

Treasurer's Report. The Treasurers report presented by Don McHugh was approved.

Grounds and Maintenance. The Grounds and Maintenance Report was given by Ian Roger. We are well along with waterproofing the decks. Our roofing maintenance seemed to have paid off since only two homes had leaked in the heavy rain.

City and Other Associations. Ian has met with the Coastguard, Fish & Game and the local police to discuss ways of dealing with the nuisance of the boats anchoring in the channel. It appears that we may have a solution and we await the return of the police chief from vacation before implementing the plan.

President's Report.

The President reported that the cooperative reroofing of one building was complete and that another was scheduled to start in about ten days.

Old Business. There was no old business.

New Business. There was no new business. The Meeting was adjourned at 9.45 p.m. the next meeting will be at the call of the Chair.

Submitted by:

Elwood Hopkins III

Secretary

Approved by:

Ian Roger



Minutes of Meeting Annual Meeting November 27, 1985

The annual meeting of the Ballena Bay Townhouse Association held at Ballena Bay Yacht Club was called to order at 7:53 P.M. by President, Ian Roger.

Archie Stone certified the achievement of a quorum noting the attendance of 79 of 91 homeowners (83%) including those in attendance and proxies received.

The certification of the quorum was challenged because of the counting of 11 proxies from East Tideway. Therefore, a roll-call vote was conducted, for which vote the presiding officer stipulated that these 11 votes would not be counted. This resulted in 27 votes to sustain the challenge, 38 votes to defeat the challenge with 3 abstentions. The challenge was defeated.

Minutes of Previous Meeting

The minutes of the previous year's meeting were distributed and it was moved, seconded and passed that they be accepted.

Treasurer's Report

The treasurer's report was presented by Don McHugh. Acceptance of the report was moved and seconded. In the ensuing discussion concern was voiced regarding the question of an audit versus a review of the Association's books and records. As had been customary, Mr. Joseph West C.P.A. for the Association had conducted a review. Following a lengthy discussion, the report was accepted.

A motion was made That the books and records of the Association for 1985 be subjected to a full audit. That the records be delivered to the auditor by the end of February 1986 and be distributed to the membership as soon as the audit was completed. It was further moved that the 1986 budget be prepared and presented to the membership. These motions were seconded and passed.

As the result of discussion, the president directed the treasurer to have available for the membership at the next annual meeting, an operational statement of the association's financial affairs. This to be in the normal form that is presented at board meetings in order that the members might have an indication of the current position.

Grounds and Maintenance

The Grounds and Maintenance Report was presented, noting the expenditure was within the budget, painting continued on course, the docks and wave maze were in good repair and the decks were being sealed. There still existed the problem of some pilings not yet attached to the docks. The problem of head-float grounding at the end of Cola Ballena was to be dealt with by suction dredging. Bids for roof replacement had been obtained from several roofing companies. Lengthy discussion ensued concerning the question of general assessment for roof replacement versus individual homeowner responsibility for roof replacement. The CC&R's do not provide clear direction on this issue. A motion was made that a committee of the board should study the whole matter, to discover what the financial impact might be if of all or some structural replacement were to be undertaken by the association. Also to research as to what amendments might be required to our C.C. & Rs if such a course was decided on by the membership. This motion passed with a vote of 48 in favor, 29 opposed and 1 abstention. Acceptance of the Grounds and Maintenance Report was moved seconded and passed.

The President's Report

President Roger reported that the association's affairs were in good shape, he welcomed the addition of the new homes at East Tideway and mentioned some of the problems concerning fishermen. Some concern arose from boats speeding through the channel, unauthorized landings and the blocking of the channel by these fishing boats. He noted that arrests had been made in some cases and that an officer of the Coast Guard had suggested that the area could be signed limiting the speed, forbidding landing and anchoring in the channel. He stated that the Coast guard would not enforce such signs but this would be up to the local police.

The President reported on his attendance at a meeting of the East Bay Regional Park District regarding the possible creation of a new marina adjacent to Crown Harbor. The Environmental Impact Report had not yet been completed on this project, therefore, it was not known if this would go forward.

It was moved, seconded and passed that the President's Report be accepted.

Election of 1986 Board Members

Nominations were opened for the 1986 Board membership. The following names were placed in nomination Dick Aronoff, Jack Coker, Bob Partridge, Ian Roger, Marcie Gerin, Elwood Hopkins, Don McHugh and Fritz Mason. Voting took place and it appeared that those elected were Ian Roger Bob Partridge, Dick Aronoff, Don McHugh and Marcie Gerin. Shortly after the meeting questions were raised as to whether the ballots had been correctly tallied, counted and certified. Therefore after consulting with the association's attorney, Ian Roger and Bob Partridge took the tally sheets and the ballots to the office of the Associations Accountant. Where Mr. Joseph West C.P.A. conducted a recount of the ballots. See attached letter from Mr. Roger dated December 4th 1985 outlining the findings and the revised election result. Elected as a result of the recount were Ian Roger, Bob Partridge, Dick Aronoff, Don McHugh and Elwood Hopkins.

The following new members were present and introduced to the membership Philip and Alison Braverman, Edwin and Browyn Hall.

Adjournment.

There being no further business, the meeting was adjourned at 11:37 P.M.

Submitted by:

Approved by:

Elwood W. Hopkins, III. Secretary Ian A. P. Roger, President.