

DEER CREEK LANDOWNERS, INC.
Minutes of General Meeting November 12, 2011
Scopazzi's Restaurant, Boulder Creek, CA 95006

Meeting called to order at: 1:15 p.m. by President Joy Mundy. All board members were present at the meeting (Tom, Gary, Dave, Simon, Arden, Amit, and Manuela). Represented landowners (either in person or by proxy): Armanini/Ballestrase, Chandik,, Field/Wolf, Fitch, Freeman/Kay, Gutierrez, Isaksen, L Johnson, Kelly, Marshall, McClelland/Feldman, McGuire, Moustirats, Parnello, Tucker, Vachher-Gnanathurai, Navarette/Mundy, Pierce, Raquelle/Bird, Speck, Motion to approve minutes from November general membership meeting by Dave, 2nd by Arden, approved. It was determined that quorum was not present. Joy addressed the event that happened earlier that day: a contractor that Amit had hired did not follow directions (to trailer the D6), and drove the D6 on the road, damaging part of Deer Creek Rd. The contractor has promised to begin repairs on Monday, Nov 14th. Joy asked that the Road Manager be contacted *only* when there is an emergency on the road – otherwise, use your chainsaw to cut up a downed tree, and your shovel to unblock a culvert. Joy asked that there be no shouting at the meeting, and if she feels things are getting out of hand, she will stop the discussion.

Secretary's report: Manuela reiterated Joy's request that Board members be contacted *only* in emergency – please do not call any Board at their home – instead, use email; deercreek95006@gmail.com. The email address will also be posted on the Digest. Sheriff's Dispatch number for emergency: 831 471 1121 – number will also be posted on the Digest. Manuela said that she would be presenting an Amendment in the Spring so that the agreement between the Lost Valley landowners and DCLI that has been in effect for the past 17 years, since March 16, 1994 will be formalized by recording an Amendment to our JMA. During the 17 years, those landowners, at their request to 'secede' from DCLI have paid no dues, nor has Lost Valley Road been maintained by DCLI. Joy explained further that the Lost Valley people don't use Deer Creek Rd. – they use Bear Creek Canyon and are billed by that road association. Arden then explained that the LV people were officially released from DCLI by the membership in 1994, and that information wasn't taken to be recorded with the County. Lost Valley and DCLI have been operating that way for the past 17 years and it's time to get the I's dotted and T's crossed. Joy opined that Manuela's Secretary's report was awesome. Dave moved to accept the Secretary's report, Arden 2nd, passed.

Treasurer's report: (hard copy attached and posted on website – and it was projected onto the screen (the days of handing out papers are obviously now obscure). Gary said that he doesn't know what to do about the people who don't pay – that we can lien them and continue to lien them, but that doesn't get us our money. We have plenty of money to do the projects that have been approved, and \$5K for emergencies, and we can move forward with the projects. Much work has been done on Ramble and many of the Ramble landowners have paid over and above their dues to get the work done so it's not coming out of everybody else's pocket. Gary explained how much money we've spent on each zone. Gary explained why Josh Norman wasn't billed: – it was a newly created parcel (bought the property from Victor Smith) and the transfer took place right at the time that bills were sent out. Because of the way our billing is done, each one of us is affected when there is an error, e.g., a \$200 error affects each of us \$2.00. So we'll carry it over til next year and take care of it then. Gary explained that he himself

had been billed as a non-resident but he is in fact a resident, so next year everybody's bill will be \$2.00 less because of the discrepancy. He was concerned, but was given a hearty reassuring round of applause. Tom mentioned that he has some bills for approx \$10K that Gary had not included in his Treasurer's report, and Gary said that he had just found out that our insurance is due and that there were some dues checks in the PO Box. Motion to accept by Manuela, second by Dave, approved. Gary was given yet another round of applause for his report. Gary acknowledged Ron as being the behind the scenes Treasurer Man. The cost by section will be found on the attached document of the Treasurer's Report posted online.

DATE	AMOUNT	DESCRIPTION	COMMENTS
11/10/2011	(\$86.92)	Check Paid #2232	Gary Fitch: Lost Valley Gate
11/10/2011	\$3,584.20	Deposit	FY2011/12 Road Maintenance Cost Sharing Payments
10/31/2011	(\$4,800.00)	Check Paid #2231	Houlihan Development & Engineering Inc.
10/4/2011	\$2,135.40	Deposit	FY2011/12 Road Maintenance Cost Sharing Payments
9/24/2011	(\$30.00)	Check Paid #2288	John Kriegsmann, Notary: Lien Release
9/18/2011	(\$50.00)	Check Paid #2287	Santa Cruz County Recorder: Lien Release
9/13/2011	(\$10.00)	Check Paid #2230	Calif. Franchise Tax Board
8/27/2011	(\$61.25)	Check Paid #2229	Manuela Raquelle: Small Claims Court Mileage & DCLI Post Cards
8/27/2011	(\$33.00)	Check Paid #2228	Joy Mundy: Small Claims Court Mileage
8/25/2011	\$3,592.60	Deposit	FY2011/12 Road Maintenance Cost Sharing Payments
8/17/2011	(\$219.73)	Check Paid #2227	Tom Bird: Base & Drain Rock Hartman
8/17/2011	(\$340.00)	Check Paid #2226	Shanti McCormick: Inv #None Dated 15Jul11 Hartman Rock
8/17/2011	(\$581.20)	Check Paid #2225	Jim Walters: Inv 4905 Dated 16Jul11(Base&Drain Rock Deer Crk F
8/4/2011	\$2,320.30	Deposit	FY2011/12 Road Maintenance Cost Sharing Payments
7/26/2011	\$5,865.10	Deposit	FY2011/12 Road Maintenance Cost Sharing Payments
7/18/2011	\$1,114.00	Deposit	FY2011/12 Road Maintenance Cost Sharing Payments
7/18/2011	(\$520.00)	Check Paid #2224	Bauldry Engineering, Inc: 3rd Bridge Landslide Study
6/14/2011	(\$303.40)	Check Paid #2223	Emmanuela Raquelle: Admin Expense
6/10/2011	\$100.00	Deposit	FY2010/11 Road Maintenance Cost Sharing Payments
5/21/2011	(\$120.00)	Check Paid #2222	John Kriegsmann, Notary at Spring General Mtng
5/21/2011	(\$100.00)	Check Paid #2221	Scopazzi's Restaurant: Mtng Rm Rental for DCLI Spring Gen Mtng
5/20/2011	\$105.00	Deposit	FY2010/11 Road Maintenance Cost Sharing Payments
4/29/2011	(\$440.00)	Check Paid #2220	Shanti McCormick: Inv #5661 Dated 04Apr11 Ramble Repair & Ro
4/29/2011	(\$735.80)	Check Paid #2219	Jim Walters: Inv 4880 Dated 02Apr11(Base&Drain Rock Ramble R
4/29/2011	(\$52.25)	Check Paid #2218	Tom Bird: Cement for Asphalt Repair Section #6
4/29/2011	\$125.00	Deposit	FY2010/11 Road Main. Cost Sharing Payments & Broker Admin Fe
4/22/2011	\$75.00	Deposit	FY2010/11 Road Main. Cost Sharing Payments & Broker Admin Fe
4/22/2011	(\$60.25)	Check Paid #2217	Tys Sniffen: P.O. Box Annual Fee & Domain Name Renewal
3/22/2011	\$41.00	Deposit	Santa Cruz County Lien Fee Refund
3/7/2011	\$407.20	Deposit	FY2010/11 Road Maintenance Cost Sharing Payments
2/19/2011	(\$2,930.88)	Check Paid #2216	Powers&Co: 2011 Directors&Officers Liab and Gen Liab Insurnce
2/18/2011	(\$558.00)	Check Paid #2215	Tys Sniffen: FY2010/11 DCLI Lien Filing Chrg to Santa Cruz Count
2/16/2011	\$250.00	Deposit	FY2010/11 Road Maintenance Cost Sharing Payments
2/10/2011	(\$660.00)	Check Paid #2214	Shanti McCormick: Inv #5693 Dated 09Jan11

Introductions all around. Arden asked for the floor while she was introducing herself and Hiram and announced that Hiram had made up a map showing all the parcels and the current owners' names, and to please help ourselves to the stack of maps; Arden and Hiram will

donate the maps to DCLI.. Gratitude and round of applause for Hiram.

Road Managers' report: (hard copy attached and posted on website). Tom explained that the Ramble folks have donated \$3,900 toward that road work. He explained that we are waiting until the maple leaves are thru dropping to continue ditching; wants to get a geologist's report on the slide before we begin work there. Tom acknowledged all the people who have been out on the road helping keep things fine. He emphasized that the landowners who are responsible for extensive heavy vehicle traffic: water, delivery trucks, etc., water, delivery trucks, those people need to step up and pay their fair share for the heavy vehicles they are bringing in and out.. People should step up and work with the Treasurer. Tom said that the Road Manager is not the Labor Department. When you see something, take care of it – unplug the culverts if you see they're plugged. Round of applause for Tom. Tom added that 2 wheel drive vehicles are digging up the road, and they're the fastest drivers – be aware. Tom announced that this was his last day as Road Manager – big round of applause for all his work, and Joy presented him with a bottle of champagne for his years of service.

Dave moved to accept; Arden seconded; Approved. Below is Road Manager's status report that was projected onto the screen:

Approved Projects for 2011-2012 – 11/12/11 Status

First, the approved policy is to ensure that the emergency fund of \$5,000 is fully funded at the beginning of each fiscal year.

Where	What	Cost estimate	Comments	Status 11/12/11 Cost to Date
All	General Maintenance, including ditching	4,000		In Progress \$551.16
DCR: Slide at 3 rd bridge	Testing the site	4,000	Testing only, not fixing it	Not Started
Upper Ramble, the S-curve above Deer Creek Heights	Grade, rock, water, and roll.	4,200	This section is almost as bad in summer as in winter, very soft road surface.	Complete with \$3,900 pledged by Ramble users \$8,183.29
Upper Ramble, the last few turns before Skyview	Base rock	1,050	This is a sloppy turn when it's wet and bumpy when it's dry.	Complete \$924.24
Jack's Road	New culvert	1,200	Very high priority. Need a backhoe to do the work.	Complete \$743.14
DCR, 3 rd bridge	Swale/ditch to dump water into	430	Improve drainage	Complete

upstream side	creek at the bottom of the Willis driveway			\$750.00
DCR, 3 rd bridge, downstream side-	Regrade with drain rock (one load), improve ditching, full xfer	1,250	Improve drainage	Complete \$1,023.54
DCR: BCR to first bridge	Ditching	60		Not started
Option C: DCR: 3 rd bridge to Ramble	2 culverts plus ditching	4,000	Must do before any other improvement to this section	In progress \$3,948.54
DCR: Ron's Road / yellow gate to 3 rd bridge	Repair drainage and add culvert	2,000	Double-ditching, get water from ditch #2 into the culvert. The source of the problem is on Ron's Rd, not DCLI roads.	Not started
DCR, new culvert installed by Shanti before the 2 nd bridge	Add downspout	-	Work party	Not started
Total		\$26,090 *	YTD Budgeted \$20,030	YTD Costs \$16,123.91

*** Includes \$3,900 donation from Ramble Users**

Elections: it was determined (after much counting) that we had a quorum.

- Tom enthusiastically endorsed Amit for the position of Road Manager and he was elected by acclamation. Amit asked that he be kept informed about what ideas and suggestions we have, especially on the roads he doesn't drive and with which he is not familiar. He offered his contacts and said that he will be available after 6 a.m. and before 9 p.m. His phone number: 510 926 1500 and email address: amitvachher@gmail.com. (Obviously this is an exception to the 'please don't contact the Board directly')
- Gary nominated Manuela for Secretary and she was elected by acclamation.
- Board member Dave's position was up for election and Dave was elected by acclamation.
- Amit's Board position was now vacated since he became Road Manager, and Tom offered to step into Amit's Board position and was elected by acclamation; Tom offered

to be a consultant/advisor for Amit.

New business: There were no items of new business that required a vote.

- **Speeding:** Jill Corbell gave an angry and impassioned plea that people slow down on the road – that her dog was almost run over by a speeder.
- **Heavy Vehicle Policy:**
 - Joy explained how the HVP works: heavy vehicle fees apply to any vehicle > 10,000 pounds (a pickup weighs about 4000 pounds), after your first 8 round trips in a year. The fee is based on the weight of the vehicle and the miles driven. Aside from logging – where the permitting process requires the logging company to report each round trip and weight – the current policy is to self-report heavy vehicle round trips.
 - HVP fees paid this year: \$0. Nichters were billed and have not yet paid – Gary and Amit will talk to them in person. Joy said that there is a significant amount of money that should be paid by the landowners – rough estimate \$5K.
 - (Joy's presentation attached here).
 - Additional comments: 2 wheel drive vehicles do as much if not more damage that heavy vehicles – take responsibility; Ramble resident wants to make sure the money that was donated by the Ramble people go for Ramble Road. Joy asked for guidance from the membership as to what to do about collecting from the people who are responsible for heavy vehicle. Comments: there should be a difference between business and residential use; a sur-charge for 2 wheel drive; don't want to be cops; some people who come up only in the summer might not know about the need for 4 wheel drive; speed bumps.
 - Joy asked for volunteers to get together and come up with ideas about how to solve the problem of speeders, 2 wheel drive, and excessive use of the road. Joy said that if there are no volunteers, shall the Board come up with ideas? Amit said he'd get together with some of the people and discuss the issues.
- **Paving:** Joy asked for a discussion about whether to pave or not.
 - Jill adamant that isn't legal to pave the easement without a landowner's approval.
 - Dave talked about erosion problem with the dirt road, and as quaint as it is, it's becoming untenable with all the traffic.
 - Cal Fire does an evaluation each year on each road so they can determine if they can get up to us in case of emergency, and they want anything over 15 degrees to be paved; will protect people from potential red tagging; the cost of paving and that it is tenable to be able to cover the costs.
 - Joy's presentation about cost of paving included here.
 - Jill vociferously voiced her objection to paving; again, that it isn't legal to pave a landowner's easement, and that if people want a paved road they should move to Los Gatos; that she moved up here to get away from paved roads. Tom said to read the JMA and read her deed and she'll see that it is legal.
 - Ron will not support an assessment and DCLI will drag him to hell before he'll pay as assessment, and DCLI better find a way to make sure the money is there before the project is started. Tom asked, "Does that mean you disagree?"
 - Whether it's paved or not won't make any difference as to whether more people will move up here – more people are moving up here and it's not paved.

- Joy: we're simply having in order to hear these diverse viewpoints, so the Board should know whether or not to move forward.
- Arden: if the road above Palm Drive hadn't been paved, the road wouldn't be there today; that the biggest argument for paving is erosion control and decrease maintenance on the road.
- Kate said that there will be many people who will show up if the road is paved and that we are protected by our bumps and dirt road.
- Dave said that if the paved road brings Celine Dion up here, he's adamantly opposed to paving, and he thinks we should have a 3 lane road with jumps and loops, and further, he said that if anybody is listening to the tape or readding these minutes, don't move to the mountains. Stay in the city.

Dave moved to adjourn, 2nd by Tony. Adjourned: 3:05pm