

SAN LORENZO VILLAGE HOMES ASSOCIATION

MEETING MINUTES NO. 1240

MINUTES

1.1 CALL TO ORDER- The regular meeting of the San Lorenzo Village Homes Association Board of Directors was held Thursday, January 20, 2011. President Kathy Martins called the meeting to order at 7:42 p.m.

1.2 SALUTE TO THE FLAG- President Martins led the Board and the audience in the pledge of allegiance.

1.3 ROLL CALL -Directors Kathy Martins, Mel Medeiros, Margaret Wright, Brenda Carr and Art Wydler were present. There was no recording for the first part of the meeting.

2.0 MINUTES OF THE PREVIOUS MEETING

2.1 Approval of Minutes of Meeting #1238 on December 16, 2010 and work sessions #1237 on December 8, 2010.

Director Wright makes a motion to approve the minutes and work sessions. Director Medeiros seconds, the motion carries unanimously.

Director Carr noted that she still had concerns that no minutes are taken at the work sessions.

3.0 COMMITTEE REPORTS

3.1 Community Engagement Committee (CEC)- President Martins stated that there will be a meet and greet prior to next month's meeting on February 17, 2011. The new Supervisor for San Lorenzo, Wilma Chan, will be present for residents to meet. Martins announced that the CEC is also helping the San Lorenzo Little League with a Casino Night fundraiser that will be held in the Community Hall on April 1, 2010. (Recording was started for the meeting).

3.2 H.A.R.D. (Hayward Area Recreational District) Advisory Committee- Director Wydler noted that there was no meeting last month however, he wanted to address some questions from the last meeting about Measure WW funds. There were 1 billion-plus funds that were allocated from the measure on a per capita basis. Approximately 125 million dollars of these funds was allocated for San Lorenzo and Wydler stated that to date no funds have been expended for the area. He said that Measure WW funds can only be used for capital improvements and developments for existing parks or facilities, but not for maintenance. HARD has asked that residents come forth with ideas on where to spend these funds.

It was discussed as to whether WW funds could be used for acquisition of property, and whether the property recently purchased by HARD at Hacienda and Via Toledo was done so with these funds. Director Wydler stated that he would bring back this information at the next meeting in February so that the Board and the membership could be clear on the issue.

3.4 Library Advisory Committee- Director Wright stated that there was no meeting this past month. The next meeting will be held on 2/24/11. Director Medeiros stated that he is still concerned about how the money is going to be used for the new proposed library. President Martins noted that the library is in lease negotiations which will enable the board and the community to have a final say on how the funds are spent.

3.5 Redevelopment Committee- President Martins said there was no report, no meeting this past month.

3.6 Unincorporated Committee- Director Wright reported that there was no meeting held this past meeting. The next meeting will be January 23, 2011, where Supervisor Chan will be present at 6 pm in this Community Hall.

3.7 Youth Advisory Committee- No report

4.0 COMMENTS FROM PUBLIC AGENCIES

4.1 CHP Report

Sgt Paula Sins introduced herself as the acting Sergeant for the Castro Valley area, and Officer Bauers as the officer for the San Lorenzo area. She said that unfortunately they did not have statistics this evening due to technical difficulties. The Sgt stated that the DUI arrests are up, although DUI traffic citations are down, which notes that they are citing those driving drunk, prior to any traffic violations occurring. Sins also stated that the traffic collisions in San Lorenzo are also down for the past month.

Officer Bauers stated that they are targeting school areas for any traffic violations/speeding etc, which is helping with student safety.

Director Medeiros noted that there continues to be jay-walking in front of Grant Elementary and there will be a meeting held at the school on January 27, 2011. At this meeting they will discuss the problems with parking, the dropping off and picking up of children before and after school.

Director Carr thanked them for their enforcement in the San Lorenzo area.

4.2 Sheriff's Department- Officer JD Stewart left a print out of statistics for the past month. He also spoke about their success with the Toys for Tots programs and their work during the holiday season.

Resident Lisa Gudjohnsen on Via Nube stated that there was a burglary on her block on December 22, 2010. There were a group of individuals dressed in "orange vests" that were going door to door. Stewart stated that there had been no report that he knew of, but he would look into this for the next meeting.

Deputy Stewart announced that his department lost Officer Mark Ortiz this past month in a motor vehicle accident. He asked the audience to pause for a minute of silence in honor of the Officer. There will be a dinner/fundraiser this coming Friday at the Portuguese Hall off of Grove at 6pm for his surviving wife and children.

President Martins offered her condolences on behalf of the staff and board, to Officer Ortiz his family, fellow officers and friends.

4.3 Supervisor Chan- Staff member Gene Calderon, said that Supervisor Chan will retain the office in San Lorenzo. Calderon is currently working in Oakland until they finish some renovations at that office and can be reached at 510-272-6693. He said that the Supervisor is looking forward to working with San Lorenzo.

Director Wright wanted to confirm she will be at the unincorporated meeting. Calderon stated yes the Supervisor will be present.

4.4 Zoning Enforcement Report- No report was left for the audience

4.5 Public Comment-Items not on agenda-

Avani Desai from COMPRE stated that on Monday, February 7, 2011 at 6 pm, the Alcohol Ordinance will be reheard. She invited the audience and board to attend.

Resident Lois Moser from Via Sorrento stated that the KIPP school renovations were approved, even though pink slips have been issued to get rid of some teachers in the district. Moser wanted to know if Measure O funds were being used for the project. She asked whether Superintendent Byas was aware of what was going on with KIPP and how residents felt about the new construction. She wanted Byas invited to an Association meeting to discuss this issue. President Martins stated that they would agendaize the item for an upcoming meeting.

Resident Mr. Gomes on Via Corta asked about corporation laws. He is concerned about certain members' right to vote and cited corporation law that he believes supports his claims.

Resident Lisa Ratto from Via Redondo, asked to see the recall petition and its signatures. She gave the board a written letter requesting the same.

5.0 FINANCIAL REPORT

5.1 Approval of December 2010 Expenditures-

Director Medeiros made a motion to approve the December 2010 expenditures, Director Wright seconded. The motion carries with the following vote:

Ayes: Martins, Medeiros, Wright, Wydler; Abstain: Carr; Nays: None

6.0 OTHER BUSINESS (motions may be required)

6.1 CC&R and By Laws Legal Update- Director Wydler reported that the Association's CC&Rs were written a long time ago and the board has been discussing how it feels they no longer reflect the community at this present time. They will be looking at having the CC&Rs and the Association By-Laws reviewed. Wydler stated that he has looked into a firm to help with this. The Board would like to look into the legal aspect to see if anything should be changed with the current laws as well as to look into the content of the CC&Rs to see if anything can be done about the content and how they affect our residents currently.

Resident Howard Beckman from Via Dolorosa stated that we have a superb set of CC&Rs the problem that we have is the interpretation and thus the enforcement of the CC&Rs. He felt that Bohannon wrote a very good set of CC&Rs and is opposed to any revision of the CC&Rs. If there is any opposition to whatever proposed changes that occur in the CC&Rs it will be very difficult to get the sufficient vote needed to change them from the membership. He stated that the fact that the CC&Rs are not consistent with case law is irrelevant.

Beckman stated that the last time there was discussion of changing the By-Laws there was not sufficient discussion prior to the changes being made. The desire to go forward with these revisions needs to have a strong reasoning behind it. He did not feel that there was strong enough reasoning discussed tonight.

Director Carr stated that she realizes that we have 48 sets of CC&Rs and in order to get revisions for any of these, there needs to be 75% agreement in that particular tract.

Many residents commented on the CC&Rs from the desire to change what some people see as "targeting" certain residents, to looking at bringing them "up to date" with violations that are now relevant to today's population versus those that were considered when they were first written in the 1940's and 1950's.

Director Wydler made a motion to have the Administrator find three law firms to do the service of rewriting and the updating of the CC&Rs and the By-laws and to obtain sample pricing and contracts from those firms and report back to the board and that money be set aside in next year's budget to undergo this review. Director Wright seconded.

Director Carr asked a point of clarification, whether the board could just concentrate on the CC&R's. Director Wydler stated that the firms that he has looked into do both at the same time as a package. He was unclear if they would offer to review each individually. President Martins noted that the motion would allow them to look into quotes from firms to move forth and they could make a separate decision after they look at these quotes.

The motion carries unanimously.

6.2 Appointment of CCR Ad Hoc Committee- Director Wydler stated that since a new board will be seated in February 2011, he is opting to hold off on making a motion for the new committee until after this new board is sworn in.

6.3 Resolution Process for Ballots to be counted February 1, 2011 (detailed minutes)

President Martins: Item, 6.3 Resolution Process for Ballots to be counted February 1st, 2011.

President Martins: During our work session we received some questions for proper resolutions from UniLect regarding how we deal with irregularities in the balloting process. During that time, Director Carr stated that you weren't comfortable voting on any of those resolutions, is that still your position?

Director Carr: That is my position. It is my position that I am concerned that I actually read off some information, do you want to talk about this now or do you want to finish this statement.

President Martins: I just wanted to quickly because there were some questions regarding whether we would need to have a unanimous vote of directors so I just needed to know if your position remains that you will not be voting on any of the resolutions?

Director Carr: My position is that there needs to be a neutral party and that we are not in compliance with what corporate says. Specifically, Civil Section 1363, In reference to the procedures on this recall has transpired to date.

President Martins: So would you be voting on the resolution?

Director Carr: I will abstain.

Director Medeiros: Did Nancy give the information on the resolution if we need all the five votes?

President Martins: Nancy and I have spent considerable time talking to UniLect. Before we move on to the process for ballots to be counted, I would like to make a statement. After doing considerable research with UniLect, the company consulting our attorney with the position the board has, I would like to make the following statement. I apologize to my fellow directors who have not heard this yet. It certainly is not going to make me or the board more popular, but I accepted it by seeing it as my fiduciary responsibility as the current seated President of this Board, to make the best possible decisions for the Homes Association and its 26,000 people. This is the first recall in the association's history and a new experience for many of us. While the association believes and it has a history behind the process to back it up, that there are adequate safeguards in place to ensure the most credible of elections. It seems

as though we have no choice at this time but to call this election process to a halt. If I could finish my statement please. Procedural issues have arisen, specifically the 300 missing ballots. There are many theories regarding these ballots, ranging from the nefarious to the completely circumstantial. If there were any attempts to defraud the system attested, our safeguards so far will prevent them from being successful, examples, stolen ballots, taking ballots to submit or look at, etc. etc. In addition, as an extra safeguard, our independent elections inspector has agreed to open each ballot envelope themselves without the assistance of staff or volunteers. However, Director Carr believes that there could formally be a reason to challenge the process or resort to the courts. The elections inspector proposed four resolutions that would result in issues prior to the counting of the new ballots. Ms. Carr indicated that she did not sign off any of these resolutions, which she reaffirmed tonight because she wanted to reserve all the rights to challenge the election in courts. We hope that all parties would agree on how the election would proceed, and be fair to everyone involved in order to avoid any more cost, however, that doesn't seem to be a possibility at this time. Thus, we the board, are faced with a very difficult decision. If we proceed with the election and Director Carr decides to challenge it in court, this could cost the association untold amounts of money. In addition, to continue the election at this point, we need to pay an inspector of elections to count ballots. If we cancel the election and start the process from the beginning, contacting all the responsibilities to an independent contractor, then we are looking at an additional \$15,000-\$20,000. We know that no matter what we decide, our homeowners will be unhappy about this type of expenditure as we are. When homeowners petitioned to recall Director Carr, we had and still have a legal obligation to hold an election. The members that presented that petition did so at a time where it could coincide with our regular election in order to save some money. Our volunteers mailed out the ballots which they have done so in the past and previous elections in order to save our association a significant amount of money. In hindsight, that probably was not the best way to proceed with this election. I am going to ask the board shortly to make a motion to stop this recall process. If this means that we are going to be stopping the recall process as a whole, but the fact of the matter is that there are too many questions arising from this election. I have struggled with myself over the last month, shortly before Christmas, when I found out about the 300 missing ballots, I struggled at that point whether to call the election. In the beginning, the hope was that the recall either way would be that the 300 ballots didn't matter. Spending a considerable amount of time in researching and spending a considerable amount of effort, the fact is that 300 ballots are missing and it shows that there are irregularities in the election. And allowing the election to go on, I believe it is irresponsible on my part as your president and our part as a board. I know that this economic crisis is difficult for many people at this time to come up with the \$100 a year. I know that several people have fixed incomes. We've seen that the loss of jobs is damaging our economy and I know that the \$100 was not to run our election but to increase our CC&R enforcement and continuing to make San Lorenzo the best possible place we can. However, I feel at this point it is irresponsible, with all the questions arising, to allow us to be in litigation which will cost us far greater than stopping the election now and restarting it. I want this recall to be over, I want it to be over for everybody involved, not only is it dividing the board, but it is dividing the community.

I can't publically go places now without being told people are being totally harassed. Neighbors who used to be friendly now have taken sides. People have taken this personally, blamed it on either side, you have to realize that this is nobody's fault. This was a petition started by the members, we as a board had no choice once the petition was given to us to go forth with the recall. There's been a need to blame the board for the recall. Again, it was started by the members. What I am asking the board now, and I

apologize for springing this on everyone today, but I have spoken with UniLect, they have consulted with the independent attorney, not the association's attorney but another attorney and I feel that at this point it would be irresponsible to let us continue with the election .

So what I will ask this board to do is to pass a motion to stop and halt this recall process and then make another motion to reinstate this process using an independent third party for the stuffing, the mailing, and the receiving so that no one on the association, no one on the board and no one from the public has their hands on the ballots.

President Martins: I need a (second to the) motion.

Director Wydler : I second that motion.

President Martins: I have a second for that motion, is there any discussion on this issue from the board?

Director Medeiros: Yeah, I would like to say something. I kind of agree with you, this has split our community. And what has split our community is all that crap that you read in the Patch. I love the Patch, I read it every morning, but it is getting out of hand, all of those innuendos, misquotes, things that are said that aren't true, are outright lies. They will take one part of a saying out of a paragraph and call it the truth. I find it very irritating, I can't go anywhere without people asking me what's going on, what's going on with the board? If I had known all of this was going to happen, I wouldn't have stayed another three years. I had no idea this was coming I had no idea that there were so many people out there that are vicious, that could care less about San Lorenzo, that they just care about their little issues. San Lorenzo is our community. I always liked Brenda Carr. I asked her to come on the board, like I said it's been a real problem. I want to tell everybody out there, transparency, I have been on here three years and not once, not once has this board kept anything from their community. And its shame on all of you people that have said we have. I find that irritating. Thank you. [applause]

President Martins: Thank you.

Director Wydler, you would like to make a statement before the passing of the motion.

Director Wydler: I have a question that I hope you could answer.

President Martins: Sure go ahead.

Director Wydler: I know there were some timelines once. A petition once submitted, if that process is halted and restarted do the timeline that we are obligated to fulfill, are we within that time period to accept, act on the petition that was given to us?

President Martins: From what I understand, is that we have followed the time table to a tee, however to preserve due diligence it's our responsibility to stop this election, the timeline starts again once we stop it. And we would go forward with contracting a company and getting it done as soon as possible. Was that your question?

Director Wydler: I think that answers the question, yeah.

President Martins: We don't start the entire process over again, when the petition has been inspected, we have to move forward. The only reason we are not falling within the guidelines is because we believe that there are irregularities with the election. Again, everyone has their opinions but the fact of the

matter is nobody knows. And for me and probably other board members there's too much of a question there, there's too much of an irregularity. So many of you have come just for this issue, neighbors have turned into enemies. People who were cordial have turned into people who aren't speaking, it needs to stop. I don't think this will stop people from choosing a side but we need to choose a side and agree to disagree respectfully. I think continuing with this election will not make anybody any happier. So yes, we are. Once we stop we have to move forward with that part of the process again as soon as possible. More comments? Director Wright. I will get to the public after the entire board has spoken.

Director Wright: So you're proposing that we just start the whole process from giving the ballots out to the public.

President Martins: UniLect is an independent third party that was recommended by Echo, which Director Carr indicated in the previous work session as excellent organization, which is why we wanted Echo in the first place. Director Carr did bring up the County Registrar of Voters, and I just wanted to say that after doing some research, the registered voters signatures on file but those are only for registered voters. They cannot guarantee us that a majority of our homeowners are registered voters. So while that may be something that she requested we look into recently, we have looked into it and it is unreasonable to expect that every person who has voted in San Lorenzo home owners is a registered voter in Alameda County. So again, we are going to go with an independent third party and I need to call a special meeting of the board, which I have the right to under Robert's Rules of Order, with less than...with 48 hours of notice on the board, to elect a new inspector of the election that is agreeable to everyone that is what we will do. We are going to start the process over, there is no room for error on anybody on this board, in our staff. Again, nobody knows what's happened. Did I answer your questions? Thank you. Director Medeiros.

Director Medeiros : I just wanted to thank this board. I don't know if you all know it, this board stands neutral the whole time, all five of us. So I just wanted to thank everybody for staying out of the mix.

President Martins: Well, that might exclude you [laughter], considering your opinion earlier. Director Carr.

Director Carr: I would just like to add, the motion that you have on the floor right now is inclusive, to call or recall and would you repeat that motion.

President Martins: Okay, if I could restate what I said because I don't remember exactly what I said. I rule that the board halt the current recall election and begin the recall election and with an independent party handling each and every step of the election from the printing to the mailing to the receiving of the ballots.

Director Carr: As I would want to abstain to be part of, which is the stopping of the recall and you know my position on that, I would support and I do support that the recall process go through from the very beginning in accordance to Corporate Code, so we know who has asked and has provided us with a petition and I support this position. And that is my concern as a board member. I will continue to follow proper procedures. So I guess my question is you had asked me if I was going to vote one way or the other, and I would not vote on, it would be very difficult for me to want to vote on that particular motion because the motion to me would be in two parts: one would be that the recall is halted, which I choose to abstain to. The second part is that the recall move forward which I agree to, the recall

procedure in accordance to the law, move forward, to include, though I would have to add that the signatures be verified by an outside neutral party.

President Martins: I am going to add that the petition signatures be verified by a neutral third party, they were verified prior to appointing an inspector of elections. There are many people who are quoting the law, I am not a lawyer. I am going to say it again. People have claimed that I don't know the law that is probably the most reasonable thing I have heard about myself in a long time. I do not know the law, I am a volunteer; I am not a lawyer. We will look to the professionals to interpret the law. The only thing I can say is that we have discussed the petition, there has been a request for copies of the petition, the request was denied. There's been another request for the petition, the request was denied. The point that the petition needs to be looked at by an inspector of to validate however we didn't determine we needed an inspector of election until we knew there was a valid petition. So I do not wish to amend the motion to include another verification of the petition, that is your right, we talked in the work session to request that yourself, you can do that and pay for that out of your own pocket. That's per our association's attorney. Because in order to have another verification, we are talking about another \$800 to \$1,000. The petition was verified by the Homes Association's staff, it was verified by several members of the staff. No one on the board has actually physically seen the petition. Is that correct? Response by the Administrator: correct. Brenda Carr is not the only person being denied the right to look at this petition. I have a letter here, if you will bear with me here for just a minute. There seems to be a fundamental misunderstanding about the recall process. This is from Glenn Youngling, our Association attorney with 20 years of experience, who represents several home associations, I believe 200, is that correct?

Administrator: I can't verify that.

President Martins: I can get the number if anyone is looking for it. He sent letters on December 15th, I'm sorry I wasn't prepared for this, December 13th and December 21st all about requesting the petition. And basically what it is is that there is a case in 1995, the legislators emphasizing for privacy in the voting process, and since 2006 section code 1363.03, requires secrecy of the process of voting material and extending the roles of inspectors of elections to save the integrity of the process to maintain secrecy. I want to state again Director Carr is not the only person who has not seen this petition. The only people who have seen this petition are the staff members who verified the petition, of which there were three. I am not willing to at this time amend the motion. If someone else would like to amend the motion to include the petition that is well within their rights.

Administrator: If I may, one clarification, director Carr, I believe you said that you wanted a neutral party to verify the signatures. Did I hear you correctly?

Director Carr: Yes.

Administrator: And you have been told that can be done. You were just sent an email a couple days ago by myself saying that you could absolutely do that.

Director Carr: At my cost, correct.

Administrator: At your cost, that is correct.

President Martins: Okay so there is a motion. Is there anyone else on the board who has anything in regards to this motion? Okay we will take comments from the public but I will ask again, go to the right (of the podium). I will use my gavel much to the distress of some members because we want to keep on point.

Administrator: Do you want a time limit?

President Martins: I do would appreciate a time limit.

Administrator: Three minutes.

President Martins: Yes.

Resident Howard Beckman: I think this is an extraordinarily wise recommendation. It's not going to change much and I will tell you why. When you say that you have an ability of encountering a great deal of animosity, that animosity was there years ago and it has been building and it's not going to go away. I dealt with many non-profits that have become fractured by factionalism or personality complex. Regardless of the outcome of this election, we are going to live with negative consequences for years to come. But I still think that it is a very wise decision to remove the extremist problems and start the election process over again, of the manner in which this election has gone forward. I want to say with respect to the petition, much of my lawyering is directed towards free speech and the process. Traditional practices, fair play, I have serious problems with the petition and I may or may not challenge the petition, regardless of the election. I think that the manner in which the signatures are verified is really not important and I would recommend against including that in any new process that goes forward. I don't see the point of that and for those who would like to have the signatures verified in another way ought to explain more what the advantage of that is.

President Martins: I just motioned for a new election process (not to include the recount of the petition)

Resident Beckman: I don't see it, but I will encourage you to restart the election process with the understanding, and this is my personal opinion, that it's not going to lead us into a better place regardless of the outcome of the election. When I first moved back here 12 years ago, my first meeting with Nancy was to talk with her about the shocking news that I got here about how negative people were about the association. I wanted to talk to her about ways of improving that and educating people. And like I said to you before over the years, I don't think the association has done a bad job.

President Martins: Thank you.

Resident Mark Mitchell: –Via Corta: this is the first meeting I have been to in several months so I haven't seen some of the issues of Brenda Carr versus some of the board members.

President Martins: It is not Brenda Carr vs. the Board Members, this is a petition started by the membership the Board has nothing to do with the petition.

Resident Mitchell: Okay, most of what I have known about it is from reading comics and the seminars, as far as the opinion people have either way you look at it, of certain board members, but I think there is one which heralds some people to come together and I separate that with whether Brenda Carr is the best person on the board or is she the worst person on the board, are there better board members than

her or worse board members. I think that the biggest issue really is that simply we should give everybody some air..is it worth it. Whether she should be the one removed or everybody else should be removed and she should be kept, a few days ago my wife and I we were talking about the fact that about 20 years ago she was seeing red lights. This is certainly not something worth arguing about, no hard feelings, I mean I think everybody should not be getting so mad at each other, we are damaging the community...I would try to blow the whole house down [laughter].

President Martins: As a point of clarification, we have no choice but to continue once the recall petition was verified but thank you very much Mark for your comments. We are glad to see you back.

Resident: I would just like to say thank you very much Kathy for making that decision and for helping us out. As a community member, I am ready to talk about the folks that are going to be leaving this spring instead of all of this stuff and getting ready to be a part of the neighborhood and community.

President Martins: Thank you.

Resident: I guess the only comment that I had was I am glad whatever is happening honestly, you said it is dividing us, so if it is diving us then why are we going to redo it again?

President Martins: We have no choice, once the petition was submitted and verified; we had no choice but to move forward. You know the very complaint that the people have about the board is that we have no accountability and transparency. That's what's been said, however I understand your question, and we don't have a choice. It's mandated by law.

Resident: No, I work hard in the community with the high schools and I want to see the community together. It's hard getting it together.

Resident: I understand that you can't show people whose signatures are on this petition but as far as the people who did the verifying, we all are allowed to know that and we are also allowed to know how they were verified and we are also allowed to know what was the criteria on the paper.

President Martins: We discussed that. I would be happy to discuss that when your turn is up as a point of clarification.

Resident Okay, well I am interested in their phone number and whether they were the head of the household, you know what I mean. Stuff like that that. Okay, second of all, if we are going to recall this election we need to recall the whole election, the entire thing and if somebody is going to get these signatures we can't pick choose which parts of the recall we want to do. We need to go through the whole process over again.

President Martins: Okay so let me answer your question, the first thing is the verification was done by association staff. Names were matched up to titles of homes, so no your sixteen year old son could not have signed the petition, stuff like that. I am trying to remember all your questions, I should have written them down. Stuff like that is verified through titles, to make sure that they were in fact home owners, anyone who was not a home owner was thrown out, make sure that the person on the petition is listed on the title. Did I miss anything, oh, you talked about picking and choosing the only part of the process right now that is in question is the balloting and the election, so that is the part we are choosing, we have to at this point, to start over.

Resident: You said the whole recall process, and the whole recall process is inclusive.

President Martins: No it isn't. Okay, go ahead and finish.

Resident: I don't understand your thinking. The recall process...

President Martins: If you would like to speak, we are going to have some order here. Okay that means everybody. If you would like to respond, respond. Just one second. The recall process was initiated by a petition. The recall process is the process by which we have a recall election.

Resident: Well, I have one other question too, when people have requested this copy of the paperwork where people sign the petition, how come they weren't letting know that they couldn't receive the actual copy but what their rights were?

President Martins: It has been told to people several times. It has been told in writing, it has been told to anyone requesting the petition.

Resident: Okay, can I see a copy of that paperwork? Can I get a copy of that?

Administrator: It's on the web.

President Martins: Your turn is actually up. There are copies of the letter...

Resident: What's on the Website?

President Martins: You know what, I am trying my best to accommodate you, if you don't want to work with me that's fine. I could let you see my copy this very minute that is if you can't wait till the web, but I have my copies right here, right now.

Resident: That's fine.

President Martins: You can see it right now.

Resident: That's fine.

President Martins: Okay. Order please everyone, we don't need to be mean. Go ahead please.

Resident Wydler: My name is Diana Wydler and but I guess it is a good idea to start the ballot all over again because of the discrepancies. It is up to the Home Owners Association to elect people they want to see on the board, we can also unelect people. Not necessarily through a recall, but when their term is up, you can elect somebody else. As for the normal time, you would unselect somebody and then select somebody else. This happened to be in the middle of the term which is causing so much conflict and complications. I would also like to point out that I think that a lot of this is happening, look at all of the people here. Who wanted to run to be on the board? Nobody. Nobody voted for me. I am just going to do it because nobody came and submitted paperwork and so I said okay I'll submit the paperwork. So I just want to say that when you are interested, come to the meetings, join the community, and volunteer to be on the board, put your name out there. We only just have five people who are trying to handle everything on the go. Going back, I think that it is proper that we do restart the re-balloting process over again. I am just sorry that this whole thing is coming back. [applause]

President Martins: Thank you. I am just trying to maintain order.

Resident Keith Barros: I wanted to repeat something because for some reason it doesn't seem to get in print and people begin to believe that the board has initiated this regardless of what has happened. This recall started with a petition. By the way, for clarification, for the concern of this gentleman, what you are doing is you are stopping the ballot process, you are not stopping the recall process and that needs to be clear. The recall is going to start, the ballot process is being stopped and being restarted. And I need to know which signatures is it that you were talking about verifying, I need to know that, signatures of what?

Administrator: Would you like to stop the clock to answer him.

President Martins: What's the question, which signatures are you talking about?

Resident Barros: I am talking about future verification of signatures, I don't know whose those are, are the signatures on the ballot envelope, signatures on the petition, and what are we talking about?

President Martins: I believe what he was speaking about was the original petition. He asked how they were verified, I answered that question.

Resident: Okay, it's not future verification you are talking about changing [directed to member of audience]?

President Martins: We don't have, and I am going to say it again a statement of the December minutes, we do not have signatures of each of you in the Homes Association. We do not have the signatures, if I sign something today, and you ask the Homes Association, can I see Kathy Martin's signature? We don't have that. The Registrar of Voters would only have that if you are a registered voter, which I am. But the question which I have right now is that I am registered to vote and I am 18 years old, I guarantee you some 21 years later, that signature looks different. We do not, have not, and let me say ever, verified signatures by signatures. We verified them if they are a home owner, (that is) if they are listed on a title. Okay start the clock.

Resident Barros: The thing I want to remind people of, that doesn't seem to get to the media and the press, or Patch unless it's unless it's me that is writing it, is the reason that it is on the petition to begin with. It was for reasons of ethics, it wasn't for reasons of being disagreeable, and it was for reasons of ethics. I am not going to get into the details of that because it will waste my time up here. Lots of folks have come forward from I don't know where, I am hearing a lot of them from Via Corta, who have not been at any events or have not witnessed any behavior that the ethics charges are based on. None of them were there.

President Martins: Okay I need order in the audience please.

Resident Barros: Anyway, I have lots of respect for the Patch, I read it every day, I get things from it, it's a shame that, you talk about free speech, but there's a lot of stuff on there that people are abusing of all sorts. I refused to stop answering some of the questions, in one case, regardless of all the questions that I answered with correct answers that could not be argued with, he was remained unreasonably argumentative and I told him that he got his last answer and he never got another one from me.

President Martins: Please, Mr. Barros, can we get back on the subject?

Resident Barros: Oh, I am sorry.

President Martins: I believe that Mr. Daniel Carr was given his three minutes.

Resident Barros: I'm just going to say that I didn't have time to do what I did along with Mr. Orselli in initiating this, I didn't have the time to do this. I did it because I believed it was necessary and I did it because it really needed to get done. And if we have to do it over again, I have always been one in favor of openness and I have always been in favor of extreme balance and of security, and I wish the first balloting had been held the way the second balloting is going to be held. So I am going to..and that's all I have.

President Martins: Thank you.

Resident: I feel this whole thing has become a giant cat fight. I think we all need to very seriously stop putting each other down and need to start bringing each other up. I am not in agreement on this recall at all, I find Brenda to be a very warm and caring person, and she has heard all of our first amendment rights, so therefore I would like to see this whole thing recalled and no ballot done again. Thank you, may god bless all of you. No one is a target.

President Martins: Thank you.

Resident Mendez: Good evening, I am Nicki Mendez, Via Segundo, I just want to say that in regards to the re-ballot, I think that is the right thing to do. I know that was not an easy decision for you to make but with 300 votes missing for whatever the reasons are, it is the right thing to do to start the process over because 300 votes may be the deciding factor one way or the other. In regards to all of the comments that all of the directors are receiving. I am going to say that a long time ago I was a soccer referee, no matter what call you decide to make, or even if you try to stay in control, one side is going to love you and one side is going to hate you. You are all in a position that is very visible, and I know that you all are trying to do the very best that you can, and we are trying to go through the process that was started by the Member's of the home association for this recall, it is the right thing to do, continue with the process and the process has to be done correctly so, that's all I am all for it, and I think it's a great thing to do. Thank you.

President Martins: Thank you.

Resident: Mike Ratto, 1734 Via Rodondo, come by any time if you have any questions. I wasn't planning on speaking tonight, but I just want to say in terms of the petition and anything that goes on, you want to make sure that it is valid. When I was reading some comments about why this particular petition is valid, I think this one a piece of paper that I got at this office, they said that each member gets two votes which is incorrect. And really, I realize that this has to do with laws and it has to do with lawyers and stuff, but really, read a law book. It's not that complicated. In terms of the bylaws, it says each member shall be entitled to cast two votes for each lot he owns and if there is more than one person in a house, you still get the same amount of votes which is two votes per house. So what that means is, each member that lives at the same house, again you have two people that live at the same house, that's two votes. Okay, you have one person at one address that is still two votes. If somebody else signs that address, it would be one or the other. If you have three people, that would be two votes. Okay, and the other thing, in the bylaws it says in a recall, you have to follow California corporation code 7222. In California Corporation Code, it says, validity of membership approval may require under this section, meaning that this petition has to be validated. And like I said, I really think it needs to be validated by a

third party that really understands the rules and I have no faith in the way it has been handled so far.
1734 Via Rodondo, come out. [laughter]

President Martins: Thank you.

Resident Don Clowser: You know what, I am really proud of the board. We've come to the board in the past with petitions. This is our only regret; we turn this in every year. As of right now, you are spectators at a board meeting. Everybody is here voting according to law. My daughter, she's an attorney; she told me the law on that. When I told her something, she straightened me out. Attorneys are the only people that can interpret the law. You read one thing, but then you will find out other reasons. One attorney will say one thing and another attorney will say another thing. Well, you are afforded one protection in this community, and that is if you want to exercise your right to send out a petition, you can modify the rules, by petition. Okay, so this is your right: to sit around and petition, to show what the community wants done. I don't like the idea when people come here to meetings and say, you haven't been here before, you don't have a right to speak up, give me a break. We are all in this community, and if we come once a year your voice is heard. But exercise a right to do a petition, and do it right. Get a third party and move on. And that way, the voice is heard from the community, it is addressed. Somewhere according to the law, somewhere I read the board can or maybe never. Am I right?

President Martins: So they can remove them from office.

Resident: Remove who?

President Martins: It's done by the President, not from the director.

Resident: So there you go, if I read it wrong somewhere it's adjusted. I will read the law?

President Martins: Thank you. This is our last comment for this section. You know what, I need order. Please state your name and address.

Resident Natalie: Paseo Del Rio. You know I keep hearing this, I don't know the exact ballot. But won't it continue even if we do a third party because if somebody's voted out, then there's gonna be a challenge, it's going to cost the association more money. There goes more of our dollars.

President Martins: Is that your entire statement? I just want to say again it was not in our power to start the recall so it is not in our power to sit there and say let's just stop it because no one wants to spend money for it. We can't.

Resident: I think a more decent question is, once we get this third party in there, say the recall happens, isn't there going to be an appeal? Unfortunately, they don't want you in office, so if she appeals it, isn't it going to cost...

President Martins: Well, I think there is this right. It's our fiduciary responsibility, which I believe, we can never stop someone from repeating something, that is the system we are in right?

Director Carr: As long as this process is handled by a third party, that includes verification of the signatures, I am concerned not so much about the signatures verification on the petition. My biggest concern is not so much the recall, it's the process. I don't want people to point fingers at the Home Association, at the staff, the administrator, the board. We were brought a petition to 5 members and

the members took the time to get the number of signatures necessary. This petition then needs to be reviewed by an outside party so there is no question. The petition is not weak, because they are not workers of this association, but an outside neutral party needs to look for the signatures to see if the petition was done correctly, to ensure the signatures are all by the members and to move this process forward. This board will not put their hands on anything, and neither did any individuals of this association. At that time it is the neutral party, and whatever the judgment is of the people. And if they choose to recall me, I will respect that position, if they choose not to recall me, I will finish out my term. So that's where I'm at.

Resident Natalie: That's good to know because I was hoping that whoever started this all, takes that position too.

President Martins: I believe that our job as the board of the association is not ensure, one way or another that there is not going to be an appeal. I feel our job as the board is to make sure that the election runs as smoothly and as credibly as possible.

Resident Natalie: Right, because I know some appeals can go on for years and it's a no-win situation.

President Martins: I just have one question for the Administrator. Did the attorney validate the petition as well?

Administrator:: No.

President Martins: So it's just the three people who were the (office)staff?

Administrator: That is correct.

Sonja Sharp (SLZ Patch): I am going to be really brief because I am headed to my grandma's funeral in a minute, but I just wanted to address Patch. I know a lot of you have been really hurt by the hurtful comments that appear on this site, if you are not familiar with it, www.sanlorenzopatch.com. I just want everybody to understand that there is a difference between the content I report and produce, that is news content, just like you find on a piece of paper. We do everything in our power to make sure that our quotes are accurate, our facts are accurate, that we are representing both sides. We also have a feature called 'Announcements' where anybody is free to post. This falls to me in New York, I am not allowed to touch it. I am not allowed to edit those posts, I am not allowed to remove them, the only thing I can do is if there is hate speech, then I am obligated to remove it, I won't touch it otherwise. A lot of what has been most hurtful to people were debated in purely in session, so I just hope that everybody understands that I don't produce that, I know that it hurts a lot of people. We are looking at policy at how to fix that. In most communities, that's basically used for announcements, when some kind of event. Just so you know, it is important to us that we represent you fairly and accurately and we regret that our site has been so hurtful in this process. That's all I am saying.

President Martins: Thank you for the clarification and I want to express myself, probably the entire board goes along with me, thank you for attending even though that happened. Your dedication and service to this community has been outstanding. I would actually like to state my motion, I motion that we stop the balloting process and reinstate the balloting process with an independent third party.

Administrator: It seems as though Director Carr has said that she is in perfect acceptance of this, and so I would suggest in the interest of moving this along and concluding this as quickly as possible, number

one, is she agrees that UniLect should continue to serve as an independent party. And number two, I heard her say several times about her need for the verification (of the petition), thus, if we include it (in the motion) it means that everybody will be happy.

President Martins: If you let me finish, my motion being, let the association pay for the cost of the independent inspection of the petition and not have Director Carr pay for it. We need to put this issue to rest and move on.

Administrator: And would you need an independent election person or will with continue with UniLect?

President Martins: I have no issue with continuing with UniLect, let's check with the Board on their thoughts on Echo which supports UniLect.

Director Carr: I don't have an issue with UniLect. The main reason I had brought up the Alameda County Registrar of Voters is because of the signature issues and I wanted to find out about how that worked. I don't have a problem with UniLect, as long as they have a local process for verification.

President Martins: Shall we make this motion again. Okay, my motion is to stop the current balloting process, to restart the balloting process with UniLect. To have them initiate the entire process from beginning to end. That's my personal choice.

Director Medeiros: I'll second that.

President Martins: There's been a motion to second it.

Administrator: For clarification again, the balloting process would be that they would mail out all of the ballots to all the individual homeowners. They then again would be returned to their office, it would include a self-addressed stamped envelope. Okay, I just want to make sure, as we know that will be a cost...

President Martins: about \$10,000 or \$15,000, I believe I had mentioned that earlier.

Director Carr: I do have section 1363.03 which has to do with association elections, it does provide a description of an independent inspector of election and has outlined all of the process so that we would stay out of it.

Administrator: And I believe you did read our San Lorenzo voting policy which doesn't have any of that included, correct?

President Martins: Okay, the motion is to have UniLect do the entire balloting process. They will assemble the envelopes, they will include the ballots, they will include the self-addressed envelopes, and they will receive all of the ballots. No one in the association, none of its members, none of its staff, none of its board will touch this. This is what we all understand?

Board: Yes.

President Martins: So we are all saying the same thing, perfect. The motion has been seconded. Can I get votes? All those in favor of the motion say Aye.

Board: Aye.

President Martins: I believe that's a yes. I would like to make a second motion. I ask that we direct UniLect, we give them the petition, and ask them to verify the petition at a cost to the association.

Director Medeiros: I will second that.

President Martins: There is a motion on the floor. Does anyone have any questions or comments? Does anyone from the public have any questions on that? This motion has been seconded, all those in favor say aye.

Resident:: Quick question, what are you going to compare it to?

President Martins: They will compare it to the exact same thing staff did, the list of the homes. We do not have signatures.

Resident: Just wanted to make sure it was the list of home owners and not the signatures. Thank you.

Resident: The way I understand, the way the petitions are verified, there is an actual legal way the petition is supposed to go out there, and it's supposed to have, supposed to be done on a specific form, it's supposed to have the signatures. That is also my concern, I want it to be verified that the document is in fact a legal document, so that the process is followed, procedures are followed. So any member of our association would know they would need to follow a process, and they would know how to do that. That's what I would ask and I would expect that you will act according to the code, I'm sure the legal document, that the names are those of members of the association.

Administrator: Madam Chair.

President Martins: Yes.

Administrator: UniLect won't be determining whether it's a legal document, as you know you had me refer this to legal counsel.

Glenn Youngling did look at it, in terms of legality, UniLect is not an attorney. What they will be looking at, they have a roster of every home owner in San Lorenzo, they will be verifying if there is 'X' number of signatures on the petition that are homeowners. That's what they will be doing.

President Martins: Okay, I see the question. Give me one second. Mr. Clowser, Mr. Carr, Mr. Cheyney, Mr. Barrows.

Resident: In that order?

President Martins: I don't care.

Administrator: Are your questions subject to the timer?

President Martins: Yes. I'm sorry I didn't mean to say I don't care, that's up to you. Again this is a motion on the verification of signature of the petition to UniLect.

Resident: I'm sorry, you didn't ask for my question. I just want to know if the information of the previous ballots, does that mean the ballots are going to be encrypted in some place, and joined directly to them.

President Martins: No, they will take care of printing, postage, and receiving.

Resident: This might sound like a stupid question or something, but my question is what was the statement the signature was signed upon? You know, what was it about? What was the petition stating across the top?

President Martins: I want to state again that no one on the board has seen the petition.

Resident: Right, well that's why I am asking you. I would like to find that out. How do I go about it?

Administrator: That information is on our December minutes. That is also posted on our web.

President Martins: Thank you. Again, I know this is redundant but please state your name and address.

Resident Don Clowser: I live on Via Vista. As far as petitions go, a lot of people like to strike out petitions because of formal boards and all that stuff. The legal requirement is that if I am correct, that you have all of the legal requirements on the petition. It doesn't matter, what kind of paper it is, as long as the legal requirements are on there. It has to be printed by a printing officer or something like that, just to meet the legal requirements. I am wrong about this? Do you accept that?

President Martins: Do I accept that?

Resident Clowser: As a petition from us, the homeowners, as long as we do all the requirements on the petition with signatures, it doesn't have to be a special form.

President Martins: I won't be the judge, and I don't need Director Carr to accept it or not accept it.

Resident Clowser: She is the one opposing it and causing all the problems.

President Martins: Well, I don't think that is necessarily her statement. We are going to turn it over to the election inspector and she will make the determination and she will be agreeing I believe to the inspector's determination.

Resident Clowser: This is, over the years, I see more and more people try to knock down the petitions from the communities because of the special form, or the way it is printed.

President Martins: I will say this according to the law through legal counsel, they verified it as a legal petition.

Director Carr: and to answer your question Mr. Clowser, my concern is that when a petition comes through this association and it has the signatures of the members on it, then in fact the process is followed. When there is a question or a challenge, which in the past there has been, in other petitions that have come through here, there has been no luck with follow-through based on the fact that the petition was challenged the way it was written. So I am curious, because I want to make sure that there is consistency in our procedure and process. That in the event that any member of this association, takes time to talk to other members and submit the petition to us, that they are all treated, each and every one of them, equitable and fairly. So when we have processes in place, that needs to be followed for everyone so, that's what is important is that this petition is looked at by a neutral party.

President Martins: The attorney did say that our verification of the petition was of importance and valid. However, in the interest of, we are going to start over.

Resident: It's the form, it requires specific information. All of the information is on the face of the petition, where who decides to sign can read it.

President Martins: I'm not an attorney and I don't propose to determine the law.

Administrator: Madam President, may I? Any petition ever, at least in my 20 years that the Association has received, has always been turned over to the attorney. I am not an attorney either; there are State laws that have to be followed. And each and every petition we have received has been turned over to the attorney, as was the petition for the recall. And it wouldn't be UniLect verifying (the legality of the petition), she (Ms. Carr) just said the opposite.

President Martins: They would not be verifying the legality of it, just the signatures.

Resident: You mentioned that it is another ten to fifteen thousand dollars more, on top of what the other five thousand, twenty thousand total over the accusations?

President Martins: It's not about the accusations, it's about the process of the petition of the recall.

Resident: Okay, first thing, the person who actually put this petition together, do they have a right to pull back that petition to avoid spending twenty thousand dollars?

President Martins: I believe that some 500 odd people signed up for the petition and they all have to break it. I want to say it again, that once the petition was presented, everything was out of our hands.

Resident: so far as the other types of petitions, that Nancy (Administrator) talked about, it seems as though every year the costs of these types of petitions go higher and higher because of the cost of lawyers is more.

President Martins: I have been here four years, and this is the first petition I have seen in four years, and nope, I'm sorry, I saw another petition. But this is the first recall in 65 years, and we have no other basis as to look at, this is the first recall in our history.

Resident: so in comparison a recall would cost the association twenty thousand dollars or other types of petitions would cost [did not complete statement]

President Martins: it depends on the nature of the petition, and it's not something I feel comfortable comparing apples to oranges.

Resident: Got it, okay.

Resident: what about the confirmation on that.

President Martins: Please, if you would like to approach the roster please.

Resident Lisa Pacheo Carr: I am curious about the petitions, the accusations, how do you find that those are true on accusations? Where is the proof on that? Because I was at the meeting where Brenda was accused of being in favor of a family member and that is false, I am letting everyone know that is not what happened at that meeting. That was a private executive meeting and our rights were violated

when that information went on that petition. I am very upset about that. I am just curious, where is the proof in the accusations on the petition that the people signed? My neighbor came over today concerned because over at the Farmer's Market today, he was approached by a gentleman with a petition and he kept insisting that he sign this, and he said he finally signed it and he said he didn't know what I signed. He said to get him off my back at the Farmer's Market.

President Martins: What is your question? Do you have a question?

Resident: Yes, where is the proof of the accusations in the petition?

President Martins: There was no proof or defense on either side of the petition.

Resident: So I could just do a petition to remove a board member and not have proof of the accusations?

President Martins: Thank you.

Resident Mike Ratto: This is going to be short. I just wanted to say that you are not going to need to have a lawyer you are going to make it without a lawyer. There has to be a note that the voting power, what it is, it is that the California Code says that you can come up with your own way of determining the voting power, the voting power is two per house. If you have three signatures at one address, that is two votes. They are going to have to know that, because that might mean that you don't have enough signatures, because that third person doesn't count. And they are going to have to have some kind of way of knowing the process.

President Martins: You know what, there is the independent election company, they do this. As Nancy started answering this question numerous times, they will be given the manifest of all of the homeowners, they will match up the signatures to the address. I am not going to go again into legally, I am not an attorney Mr. Ratto. We are going to turn this over to somebody who will interpret this. It has already been given to the attorney who validated a legal petition.

Resident Ratto: Who?

President Martins: Glenn Youngling. He is the association attorney, so yes again.

Resident Ratto: well anyway, he works for the association, he is paid to argue. I had this discussion already. See, I had a legal problem and when you sue somebody [interrupted because off topic]

President Martins: Okay, this needs to be on the issue.

Resident Ratto: It is the issue, what I am saying is, what I've learned is, that voters came to argue, what he is going to say isn't necessarily going to be right, making him have a lawyer also, a third party lawyer.

President Martins: We do have a third party lawyer. Stop, we are not going to do this. If you would like to get verification of the attorney I'm sure..

Resident Ratto: I don't have a lawyer for this whole thing, I can read the law book myself. I keep telling people it's not that hard.

President Martins: I am sure that many people in law school would beg to differ. I am not an attorney; I will not interpret the law.

Resident Ratto: I disagree for what it is, and it really becomes clear, there are also government agencies you can contact that will clarify things for you. I don't want to take any more time but they have to know the rules of how to verify the petition not just signatures, it's not just signatures, it's signatures per house.

President Martins: Thank you. So the motion on the table is to hire UniLect to verify the signatures on the petition. I will add to that motion that this should probably be done before balloting, before the re-balloting. And it's in motion and I would like to second to the amendment.

Director Medeiros: I seconded it already.

President Martins: I made an amendment that should be done before the re-balloting.

Director Medeiros: I second your amendment.

President Martins: Thank you.

Director Carr: I think this might be the best appropriate time at this point, I've given a letter to [inaudible] requesting under the circumstances that, it's my understanding that every director should have the absolute right and in reasonable time to inspect a copy of all the records and documents of every kind and to inspect physical properties of the corporation. With that in mind, it is my understanding that this petition and signatures were accepted by the San Lorenzo Board of Directors in the October 2010 meeting, that this document actually became a document of the Homes Association. So I am presenting you with this letter tonight asking you again, if you would please verify the, I do want copies and I do want to see the petition as well as the signatures.

President Martins: I will take it] that you already presented this. It's been ruled out by the attorney, if you want me to submit it again at your cost to the attorney, then we will submit it again but he has already answered your request.

President Martins: So I have motioned a second, are there any more comments on the motion or discussion? Okay, I need a vote. All those in favor:

Directors: Aye.

President Martins: All those opposed; abstentions?

Director Carr: I abstain.

6.4 Approval of Letter to Sheriffs' Department re: Copp Shop: *See Attachment A-*

Director Wright makes a motion to approve the letter, Director Carr seconds, the motion carries unanimously.

6.5 Garage Car Conversion - The Administrator stated that she found out from County Planning that one of our homeowners wanted to do a garage conversion. This was brought up several years ago and

the Association advocated strongly with the county to include several items prior to approving a conversion.

The Administrator introduced resident and Board of Zoning Adjustment member, Frank Pexioto, to discuss this further. Pexioto stated that this issue will be re-heard on February 23, 2011 in the county offices at 224 W. Winton at 1pm. Pexioto gave a history for the tracts in question. He noted that in 1951 there was a resolution passed for Tracts 688-690 that allowed for an 18 inch side yard clearance for the addition of a garage (most of the houses were built without garages). The variance was not for living space, however now we have many residents who want to convert their garages into rooms.

Any conversion must meet several requirements. Off street parking consistent with garage area, a storage shed at the rear of the property to store items that would be otherwise in the garage and no windows at the side wall adjacent to any property. The application on Via Corta does meet all these requirements.

The Administrator asked whether all the requirements must be met prior to the approval of the application. Pexioto noted that all the requirements should be met prior to the approval. The Administrator stated that any approval letter from the board should have the wording that all "three requirements will be met prior to approval of the conversion."

Director Medeiros made a motion to approve the garage conversion on Via Corta with the condition that that wording include all the necessary conditions including a shed "will" be met prior to the approval of this conversion. Director Wright seconded. The motion passes unanimously.

7.0 ADMINISTRATOR'S REPORT

7.1 Redevelopment Update- The Administrator stated that she has emailed the redevelopment department to give her input about what will happen if the Governor closes down all the redevelopment agencies. Many of the cities have already called for emergency meetings to see how and if they can use the funds already allocated for redevelopment projects. She will continue to report on this issue as it unfolds.

7.2 No U-Turn on Washington- The Administrator reported that she had spoken to the Art Carrera at Alameda County Public works. He indicated that his staff had used a template that showed there was not enough space with the new median to make a U-Turn. There were two (2) fatal accidents prior to the new median being put in and it was approved as is due to safety. He also stated that the landscaping would add to the aesthetics of the area and public input was taken into account when planting the sycamores etc.

Both Director Medeiros and President Martins noted that they could still do a U-Turn in that area safely, with large vehicles. Director Wydler questioned whether the financial impacts of "No-U-Turn" were taken into account for the businesses in the area. President Martins asked if the median could be cut, so that vehicles could make the U-Turn.

Resident Ernie Delli Gatti from Via Lucas noted that the large semi trucks that deliver to 7-Eleven now block all four lanes. He questioned where the "extra" safety is with this new median. He also questioned why they installed bike lanes in an area where semi trucks coming from Grant onto Washington can barely make the turn in the lane provided without bike lanes. He questioned what public input was actually considered when they developed these plans.

Jim Rasmussen, the 7-Eleven representative, said that the business has received a 10 percent decrease in business and his customers are complaining. He noted that there are narrower intersections in and around the area without a "No U-Turn" sign. His organization would like to see a cross walk perpendicular to the new median for pedestrians and would like the county to consider cutting the

median so that a U-Turn could be completed by their standards. He said that 7-Eleven will work on coordinating the deliveries so that the trucks do not block the lanes, and invited law enforcement to patrol the area and ticket those trucks in violation.

The Administrator asked that Mr. Rasmussen leave his name and number with her so that she could coordinate a meeting between him and county staff to further discuss this issue.

7.3 Cell Tower contract update- The Administrator noted that they have not been able to get the maps and will continue this next month.

7.4 Other informational items -None

8.0 LIENS AND VIOLATION REPORTS

The Administrator noted that there were no liens released since the last board meeting.

December 2010		
Number	Violation	# of Letters
1/19	Inoperable Vehicles in driveway	7
2/22	Recreational veh/trailer in driveway	2
6	Lack of Gen Maintenance	6
10	Lawn Height	4
13	Holiday Lights	0
14	No signs	0
15	Building Exterior	0
18	Lean/miss fence	0
20/7	Unpaved parking	1
21	Working on vehicles	0
23	Dogs/Cats more than 2	0
24	Barking dogs	0

Number	Violation	# of Letters
25	Prohibited animals	0
26	Excessive noise	0
27	No Home Business	0
28/99	Other/ comments	0
30	Multiple Violations	1
31	Plans needed	0
	Total	21

9.0 HEARINGS AND VARIANCES

9.1 Hearings:

1	591 VIA ACALANES	Inoperable / Unlicensed Vehicle in the front or side yard- <i>All violations cleared, closing.</i>
2	15909 VIA MEDIA	Inop/Stored Vehicle- <i>All violations cleared, closing</i>
3	16082 VIA CONEJO	General Maintenance of Property- <i>Owner had contacted Association, yard being cut back and mowed, closing-but asking owner to contact us about window coverings that are unsightly</i>
4	17467 VIA MELINA	Yard Maintenance- <i>All violations cleared, closing</i>
5	17308 VIA FRANCES	Inop/Stored Vehicle- <i>All violations cleared, closing</i>
6	17443 VIA CARMEN	Yard Maintenance- <i>Violation continues, fine.</i>

10.0 PUBLIC COMMENT- None

11.0 BOARD REPORTS-

President Martins: Board Comments, which should again be “Board Reports” not “Board Comments.”

President Martins: Go ahead, last time I started with Director Carr. Thank you. Board Reports says Comments., Director Wright.

Director Wright: No comments.

President Martins: Director Medeiros.

Director Medeiros: I have only about 15 minutes worth but uh, no, I just want to thank everybody for coming and staying here for so long. You all should get some kind of pin for staying that long.

President Martins: Thank you, Director Carr.

Director Carr: I just wanted to share that the board has been working on, actually we were given a project on tax projects, to check out the businesses in the area, that seekers need new businesses So this is an interesting project that we had to work on, it has to do with(more monies for) the redevelopment (area).

President Martins: It has to do with (business) tax.

Director Carr: people want to know what board members do and this is one project. And I also attended a fundraiser for suffering victims on January 14th, we set the tables up and we set the petitions up too.

President Martins: Thank you Director. I am going to urge everyone again, to our remember our letter to the "Copp Shop," I'm sorry to the Board of Supervisors, regarding the cost unit. If you are involved with your community and if you are happy with our community then please think, it is really important to write this support message. So please, write letters to the Alameda County Board of Supervisors in support of our cost unit. Yup, thank you so much for staying, thank you for bearing with us. I apologize for the longevity of this meeting but we appreciate each and every one of you and I am adjourning officially at 10:32 PM.

12.0 ADJOURNMENT: President Martins adjourned the meeting at 10:32 pm

Respectfully submitted,

Margaret Wright

Secretary-Treasurer

Recorded and Transcribed by: Kathleen Harrigan,.Sr. Admin Clerk

Detailed Transcription (items 6.3 and 11.0) by: A. Madhukansh

Reviewed by: Nancy Van Huffel, Administrator