

Minutes of Starlight Mesa Board Meeting

Held on September 29, 2008

Present:

Board of Directors: Joe Bergen, Joe Varreveto, Christian Jagenberg, Tom Cwik and Tanya Zimmerman.

Homeowners: Richard & Bobbie Woo, Glenn Cunningham, Bob Blum, Bruce Miller, Charles & Jo Berryman

The following events happened between the August Board meeting and the Sept 29th meeting. They were not discussed at the meeting but the Board feels that they are relevant to the discussion to follow and the Board based decisions on these events. The Board also feels it necessary to record these events for the record because of the threat of litigation. (See attached Berryman, Miller, Goddard letter.)

In April of 2008, the board authorized that the water to the hillside east of the tennis court be turned off. The board felt this was the continuation of a policy of discontinuing watering of hillsides not directly in front of resident's homes.

On or about September 8th, 2008, board member Joe Bergen noticed the irrigation system on the hillside east of the tennis court functioning. Through an immediate phone discussion with Jose Toribios, Mr. Bergen learned that the previous day Mr. Berryman had requested Jose turn on the water to the hill. When Jose informed him that Mr. Berryman would need to speak to the board, Mr. Berryman was reported to have said he would turn it on himself.

After speaking to Jose, Mr. Bergen phoned the Berryman residence. He left a voice mail asking that Mr. Berryman not turn the water on, that the board within its authority had turned it off and if he wanted to discuss the matter further, Mr. Bergen left his phone number. (see attached.)

On September 10th, 2008, each member of the board received a letter delivered by mail signed by Charles Berryman, Jo Berryman, Bruce Miller and Mark Goddard. (See attached.) Among the several claims and citation of CC&R's was a threat of lawsuit. All Board members agreed that the threat of litigation was real. The Board felt this was evidenced by the phrase "...put this Board on notice that we are holding them responsible for any damage..." followed by copying two attorneys with the letter.

The next day a certified copy of the same letter arrived from Mr. Miller with a cover letter stating he was advised to do so by his attorney.

On September 19th, 2008, Mark Goddard came to Mr. Bergen's home. Mr. Goddard stated he accepts that the water was turned off, understands why and is not fighting it anymore. He said that Mr. Berryman came to him to sign the letter and at the time he did so, but now he is okay with our decision.

In the time between the receipt of the letters and the September 29th board meeting, the board attempted through its contractor, Jose Toribios, to turn off the water on the hillside in question. Several times Jose was prevented from carrying out this request by Mr. Berryman. Mr. Berryman and Mr. Miller continued to control the Mesa timer and/or irrigation valves and continued to water the hillside.

In this period, Mesa Crest Water Co. informed the board that Mrs. Berryman had contacted them to insure that they did not turn the meter off. Mesa Crest Water Co. informed Mrs. Berryman that she had no authority over the meter.

On September 17, 2008, a request from LA County Fire Dept. to cut down two dead trees and clear additional brush was delivered to Mr. Varreveto's home.

Meeting was called to order at 7:35 p.m. at Joe Bergen's house.

Minutes of August 20, 2008 meeting were approved.

Hillside watering discussion:

A letter was handed out by Mr. Blum to each Board member. (See attached.)

Bruce Miller gave the board a map of a fire zone given to him by his insurance agent. (See attached.) He expressed concern if his insurance will be renewed or increased. Mr. Miller feared being left without insurance coverage.

Mr. Miller then submitted another letter but immediately withdrew it. No board members read the contents of the letter.

Mr. Bergen asked Mr. Miller if he was insured through California Fair Plan. Mr. Miller stated he was not. His insurance was through a private carrier. Mr. Bergen stated that if his insurance carrier dropped him, Fair Plan was obligated to pick him up. Many homeowners in the Mesa are insured by Fair Plan.

Charles Berryman thanked the Board as the plants are coming back. He must keep watering the plants for them to stay alive. Right now, everyone is happy!

Bob Woo suggested that we perhaps compromise on a watering plan.

Bob Blum disagreed with the April minutes. He stated that it was not a good idea to cut water for savings. If a Mesa resident can not afford the increased costs, it should not be addressed. He thinks this is a bad decision. Mr. Blum offered to pay the increased costs for any resident in exchange for a lien on their house.

Charles Berryman stated that the hill in question is part of lot 92 and that per the CC&R's; it is the responsibility of the H.O.A. to maintain and water.

Jo Berryman distributed a transcript of Joe's Bergen's phone call. (See attached.) She voiced concerns about fire hazards due to not watering.

Bruce Miller complained about Joe Varreveto's letter (See attached.) and asked that we do not dismantle the sprinklers. Mr. Varreveto's letter stated a response to their original letter of September 10th would take 60 days. Mr. Miller said that that was far too long.

Christian Jagenburg stated that no sprinklers had been dismantled and there was no plan to do so.

Joe Varreveto thanked everyone for coming to the meeting. He stated that the board is researching the water policies of previous boards. Also, the board has engaged experts to advise us. A geologist had been retained to examine the hill behind 5201, 5202 & 5203 Starlight Mesa Lane at the expense of the Association. The Board, after the collection of this information, will make the best decision.

Mr. Varreveto further stated that Toribios' Landscaping has been authorized to remove four diseased trees around the Mesa and perform the additional brush clearance near the tennis court as requested by LAFD.

Glenn Cunningham asked if his hillside (behind Starlane Drive) would be included in the findings so that it would be equitable to all owners.

Bob Blum stated that Board's decision not to conflict with CC&R's and that all the hillsides should to be maintained and watered.

Bruce Miller indicated he would prefer raising dues instead of shutting the water off.

Joe Varreveto indicated that the investigation will continue.

At this point, all non-board member homeowners left the meeting except Glenn Cunningham.

New Business:

A question of qualifications to run for the Board was raised. Only qualification is ownership of property in the Mesa.

The 2009 budget was agreed upon by the board. Christian will coordinate MEI.

New pool house plans were reviewed. Joe Bergen informed the board that the roof needed to be a 2% slope to meet code. There is no longer a "flat roof." Also, many upgrades have been incorporated into the plans to meet new building and earthquake codes. The next step is to obtain final plans and put them out to bid.

The board authorized retaining Strata-Tech Inc to perform a geological examination and reconnaissance of the hillside behind 50201, 5202 and 5203 Starlight Mesa Lane at a cost of \$900. The board feels this is a prudent expense to protect all Mesa homeowners due to the litigation implication of the Berryman, Miller and Goddard letter.

The Board authorized requesting proposals from native plant experts/landscape designers for a planting guide or plan specific to the hills around the pool and tennis court. Other hills could be reviewed by experts, as well.

The Annual Meeting was confirmed to be on Wed. November 12, at **La Canada Country Club**.

October Meeting is set for Monday the 20th, 7:30 p.m. at Tom Cwik's house.

Meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Tanya Zimmerman, Secretary