

**APPROVED BOARD MEETING MINUTES  
JULY 20, 2009**

- I. Call to Order.** President Robert C. Blain called the meeting to order at 7:00 p.m. Directors present were Judith Choate, Murray Kane and Max Weintraub. Mike Cartmell, Neil Straus and Ariane Zand were absent. Also present were General Manager Tim Sutherland, Controller Lisa Trabert, Assistant General Manager Jeff Kiel and 21 residents.
- II. Approval of Minutes.** Kane moved, and Weintraub seconded, to approve the June 22, 2009 Regular Session minutes. The motion to approve was unanimous.
- III. Secretary's Report.** General Manager Sutherland provided a quick summary of Board business conducted since the June 22, 2009 Regular Session:
- ❑ **The Board approved a Resolution to Record Three Notices of Default and Election to Sell for APN #049-1528-326 and APN #049-1529-332 and APN #049-1529-519.**
  - ❑ **The Board reviewed, discussed and approved wage and benefits changes to labor contracts with SEIU local 1877 representing grounds, janitorial, recreation, maintenance, paint and one office employee, and Teamsters local 665 which represent the security employees. The new labor agreements run through 3/31/2012 and 4/30/2012 respectively.**
  - ❑ **The Board met in an Internal Dispute Resolution ("IDR") meeting requested by the owner of D368 to dispute the Special Individual Assessment and fines imposed by the Board. The owner failed to attend their requested IDR meeting, therefore the Special Individual Assessments and fines remain unchanged.**
- IV. Treasurer's Report.** Treasurer Kane reported a favorable operating budget variance of \$172,436 through 6/30/2009. Kane also reported an operating fund balance of \$117,817 and replacement fund balance of \$3,140,664. The full report is available at the WCA office and website.
- V. Manager's Report.** General Manager Sutherland reported the following:
- ❑ Utilities - All common use utilities show usage improvements for this fiscal year ending June 30, 2009 compared to the prior fiscal year in the following amounts:
    - Water use was down 4 gallons per unit per day, which is 4.2% below last year.
    - Natural gas use was down 21 therms per day for the whole complex, which is 3.3% below last year.
    - Electric use was down 130 kilowatt hours per day for the whole complex, which is 2.8% below last year.
- VI. Old Business.** None.
- VII. New Business.** The following items were presented for Board review and consideration:
- ❑ **Board Resolution to Record Three Notices of Delinquent Assessments.**
    - President Blain read the following resolution:

**“Resolved, the Board of Directors (“Board”) for Watergate Community Association authorizes and instructs Allied Trustee Services to record a Notice of Delinquent Assessment in the full amount of unpaid assessments, late charges, interest and collection fees and costs against the following three properties bearing Assessors Parcel Numbers 049 -1528-384, 049-1528-062, 049-1528-108 as authorized by Civil Code Sections 1367.1 and 1367.4 if such accounts have not been reinstated by the Notice of Intent to Lien expiration date.” Kane moved, and Weintraub seconded, to approve the aforementioned three Notices of Delinquent Assessments. The motion to approve was unanimous.**
  - ❑ **Anchor Pool Change Order Request.** Request was for an additional \$20,730 for additional management and construction costs needed to install a new dual storm water drainage and collection system around the pool. Kane moved, and Weintraub seconded, to approve the additional \$20,730 from the replacement fund for construction management, design work and the installation of a new pool deck drainage system as required by the City of Emeryville. The motion to approve was unanimous.

- ❑ **Directors and Officers Liability Insurance.** Various quotes were received for D & O liability insurance coverage. Staff recommends CNA Insurance with \$1,000,000 in coverage with a \$10,000 deductible for the policy period 8/12/2009 through 8/12/2010. **Kane moved, and Choate seconded, to approve CNA Directors and Officers (“D & O”) liability policy with a renewal premium of \$3,723 to be funded from the operating fund. The motion to approve was unanimous.**
- ❑ **Tennis Court Resurfacing Repairs.** Request withdrawn to study other repair options.

#### VIII. WCA Committees.

- ❑ **Architectural Control Committee.** Chair Judi Oser reported three unit modifications for July 2009:
  - **D378** - Work requiring Board approval includes replacing tub in the master bath with a walk in shower, new tub in the other bathroom. **Weintraub moved, and Kane seconded, to approve the modifications to unit D378 pending receipt of all necessary building permits. The motion to approve was unanimous.**
  - **C212** - Work requiring Board approval includes removal of the kitchen wing walls, electrical and stove vent changes. Structural report indicates shear wall placement. Wall changes on top of the post tension slab also require the following:
    - Strict adherence to Watergate construction specifications and regulations;
    - Any appropriate building permits must be obtained before work begins, and copies of same be delivered to the WCA office for our files;
    - Evidence of liability insurance in the amount of \$1,000,000 that specifically names Watergate Community Association as secondary insured for all principal contractors (Structural Engineer, General Contractor, X-ray Contractor, etc);
    - Consultation with WCA Construction Manager Jim Ellis in regards to the proposed work that involves the X-ray and drilling of the post-tension cable foundation slab (for a consulting fee of \$100 payable to the WCA) prior to any x-ray and drilling work.

**Weintraub moved, and Kane seconded, to approve the modification to unit C212 pending receipt of all necessary building permits and adherence to all requirements noted above. The motion to approve was unanimous.**
  - **C353** - Work requiring Board approval includes replacing tub with a walk in shower. **Kane moved, and Choate seconded, to approve the modification to unit C353 pending receipt of all necessary building permits. The motion to approve was unanimous.**
- ❑ **Landscape Committee.** Sue Kelly reported that the committee recommends removal of a declining plum tree (#731) located south of 6 Commodore Drive. **Kane moved, and Weintraub seconded, to authorize the removal of tree # 731. The motion to approve was unanimous.**
- ❑ **Common Area Renovations and Signs.** Co-Chair Jean Goldman reported that the subcommittee has completed their work on a revised scope of work and letter to Huntsman Architectural Group. **Choate moved, and Kane to approve the revised scope of work as submitted with the addition of evacuation maps to the signage and way finding areas. A minor change was made to the letter to Huntsman by replacing the word “concurrent” for the word “parallel” for clarity when speaking about the sequencing and coordination of the interior renovations and fire suppression projects. The motion to approve the revised letter and scope of work was unanimous.**
- ❑ **Renewable Energy Committee.** The next meeting is scheduled for July 23, 2009 at 7:00 p.m. in the Clipper Club.

**IX. Statements and Requests.** Topics raised by residents included a proposed City of Emeryville parcel tax for lighting and park maintenance and interior renovations.

#### X. Upcoming Meetings

- ❑ Executive and Regular Session – August 24, 2009

#### XI. The meeting adjourned at 8:02 p.m.

Respectfully submitted,

/s/ Neil Straus, Secretary