



Connection

Discovery Bay Property Owners' Association, Inc.
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Web Site www.discoverybay-ca.com

February 2005

Working To Improve Your Association

Your Board has been hard at work looking at ways to improve the services to the membership. The overriding task of the Board and the DERC is to make decisions about property improvement and compliance with the CC&Rs. Our primary objective is to see that timely decisions are made and issues are settled before any fining or other actions are necessary. With that in mind, we have focused on the following areas to be studied for change:

- ◆ Having property improvement plan delivery be available to the Association during normal working hours and having someone able to answer questions.
- ◆ Having the ability to readily contact someone to discuss CC&R compliance and planned improvement issues.
- ◆ Reducing the time it takes the Association to make property improvement and compliance decisions.
- ◆ Improving the Association's consistency of property improvement and compliance decisions.
- ◆ Having more current information available in the newsletter and on the web site.

These points deal with the comments we have received from various membership sources. We encourage you to forward any comments to us relative to these areas, or others, which you feel could enhance the effectiveness of the Association.

January 2005 Home Pride Award

Home Pride Award winners are Robert and Cecelia White, 1934 Seal Way. Their front yard landscaping is very neat and colorful in the spring and summer with many roses. Even during the winter months, the two of them maintain their property with a lot of pride.

Robert is a building inspector for the City of San Ramon and has been in that business for 30 years. He currently works 3 days a week and is contemplating full retirement soon. Cecelia retired from the City of Dublin Building Department in 1999, primarily due to the long commute. She works part time now for the City of Oakley, you guessed it, "in the Building Department."

Congratulations on a job well done on the landscaping maintenance. Robert takes great pride, as the person responsible for 'his' lawn, and helps out on a couple of his neighbor's lawns. Cecelia is in charge of the flowers, plantings, and trimming. They look great!

Thank you from the DBPOA .



Board of Directors

<u>President</u>	Bob Lyman
<u>Vice-President</u>	Paul Amthauer
<u>Secretary/Treasurer</u>	Chris Provencher
<u>Membership Director</u>	Bill Honeycutt
<u>Director at Large</u>	Rich Kier
<u>Director at Large</u>	Mark Lee
<u>Real Estate Liaison</u>	Susan Marie Denkhaus
<u>Contract Secretary</u>	Vicki Laganowsky
<u>CC&R Compliance Inspector</u>	Dale Welin

Design & Environmental Review Committee

(D.E.R.C)

<u>Chairman</u>	Marston Myers
<u>Member</u>	Ward Messersmith
<u>Member</u>	Vince Vargas
<u>Member</u>	AL Box
<u>Member</u>	Dave Evans

Highlight

Our web site is up and running. Check it out!
www.discoverybay-ca.com

CC&R Violation Complaint Form
http://www.discoverybay-ca.com/dbpoa_complaint.htm

CALENDAR OF EVENTS

DBPOA MEETINGS

Regular Board meetings are held the second Tuesday of each month.

Place: Delta Community Presbyterian Church
Located: 1900 Willow Lake Road, Discovery Bay
TIME: 7:00 P.M.

DERC MEETINGS

Meetings are held the 2nd and 4th Mondays of each month

Place: Delta Community Presbyterian Church
Located: 1900 Willow Lake Road, Discovery Bay
TIME: 7:30 P.M.

Financial Report

FOUR -MONTH PERIOD 10/1/04 THRU 1/31/05

REVENUE SOURCE	<u>ACTUAL</u>
DUES	26,465
FINES & JUDGEMENTS	10,845
PLAN REVIEW FEES	800
DOC, DEMAND & TRANSFER FEES	10,400
OTHER FEES	899
TOTAL REVENUE	<u>49,410</u>
OPERATING EXPENSES	
COLLECTION FEES	1,610
CONTRACT STAFF	13,941
FEES, PERMITS & SERVICES	569
INSURANCE	2,515
OFFICE SUPPLIES	564
POSTAGE	1,516
PRINTING & REPRODUCTION	2,427
PROFESSIONAL - LEGAL & ACCTG	5,460
PUBLIC REL / COMMUNICATION	832
RENT & STOARGE	1,014
TELEPHONE	475
TOTAL OPERATING EXPENSES	<u>30,923</u>
OTHER INCOME (INTEREST)	178
NET SURPLUS	<u>18,665</u>
CASH BALANCES 1/31/05	
CHECKING	29,102
SAVINGS	41,245
CD TERM ACCTS	22,530
TOTAL	<u>92,877</u>

"The DBPOA's operations, for the current Fiscal Year (beginning October 1, 2004), have just surpassed one third of the year (four months) this past January 31, 2005. This represents a more meaningful period of performance for the year. As compared to our original time-phased budget plan for the first four-months, things are generally "favorable" in all areas. Just a few comments and observations - On the revenue side, the revenue exceeds expectations mostly due to greater than expected amounts successfully collected from Fines, Penalties and Judgment awards than budgeted. The Board doesn't deliberately "plan" on significant collections here - it would rather simply have our members in compliance. On the operational expenditure side, the total expenses paid out through January are nearly \$5,000 favorable (under budget); mostly with anticipated legal expenses. The Board does expect to continue incurring further legal cost throughout the year, and as such consuming this reserve."

Chris Provencher, DBPOA Treasurer

**Discovery Bay Property Owners' Association
Christmas Decoration Awards**

The Discovery Bay Property Owners' Association would like to recognize the following winners of the Christmas Decoration Award. The proud winners are, with a tie for first place, Udo and Natalie Jaquet of 1464 Discovery Bay Blvd and David and Christine August of 2176 Sand Point; third place going to Marston and Lynda Myers of 4977 South Point. We congratulate you for this gift of lighting up the community with your spectacular holiday lights and decorations. It's wonderful to see so many members in the association decorating their homes and getting into the holiday spirit. We also want to recognize the additional homes that made it onto our list of homes vying for consideration of the award.

Honorable Mentions

Addresses

Home Owner

740 Beaver Lane	Debra Lemos
4930 Cabrillo Point	Edith Grustas Nelson
4931 Cabrillo Point	Rachelle Soper
5127 Cabrillo Point	Roger and Karole Tavares
475 Discovery Bay Blvd.	Bradley Young
575 Discovery Bay Blvd.	Jeremy and Jacklin Kirk
1734 Seal Way	Lonie and Leslie Mecham
756 Willow Lake	Mike and Nancy Carignan

Thank you from all of us in the Discovery Bay Property Owners' Association.

**DBPOA Street Sweeping Schedule
2nd Friday of Each Month**

Contra Costa County has announced a new street sweeping schedule. All of the streets in our Association will be swept on Friday of the second week of each month. Let's help them get the streets swept by seeing that all vehicles are off the street on this day of each month.



2176 Sand Point



1464 Discovery Bay Blvd.



4977 South Point

DERC Support

The DERC and the Board are negotiating an arrangement with new Board member Mark Lee and his firm to provide the DERC with architectural review support. This review help will add a level of professionalism and should continue our effort to improve the consistency of the approval process. It is anticipated that this help will be utilized on new homes and most modification projects where there are footprint or elevation changes affecting the appearance.

Discovery Bay Property Owners' Association Board Goals for 2005

1. Define, document and implement improved business practices related to DBPOA Board activities.
2. Develop a proposal on how to improve management of the Discovery Bay Property Owners' Association.
3. Define, document and publish required criteria for the Southwest Quadrant parcels to join the Discovery Bay Property Owners' Association.
4. Complete the DBPOA database project.
5. Implement methods of increased contacts between the Board and the membership.
6. Develop and document a process to provide more interaction between the Board members and the DERC.
7. Develop a marketing plan and present this plan to the other homeowner associations regarding utilization of the current Discovery Bay Property Owners' Association's web site.

Palm Tree Care

It is that time of year again when we all start looking around to see what to do to our properties for spring. I would like to address some concerns we have received from some of our members regarding palm trees. We have hundreds of these beautiful trees in our Association of many different varieties. Most are trimmed neatly every couple of years. However, some are, shall we say, a bit more "natural". Just like weeds in our yards or unkempt lawns, our palm trees can become a real problem. When the treetops get heavy with dead branches, two specific problems occur. Number one is that when the wind blows, as it always will here in Discovery Bay, these branches which can weigh many pounds finally get ripped off the trunk and come plummeting down on the sidewalks and streets, hitting whatever is in the way such as vehicles or passing pedestrians. OUCH! The other problem is that these dead branches provide a perfect nest for pigeons and climbing rats. The birds and rats create piles of blowing "waste" as it dries. "YUCH".

The DERC, based on neighbor input and complaints, is formulating a standard for the upkeep of palm trees. In the meantime, please consider the liability and health issues and take a look skyward if you own a palm tree and consider having it trimmed this spring. Marston Myers – Chairman, DERC

Landscaping Maintenance

The annual association-wide landscape maintenance survey has been scheduled by the Design and Environmental Review Committee (DERC) for the end of this coming May. By that time, we expect that the vast majority of properties will be looking very attractive with the lawns full and green again, many flowers in bloom, and shrubs and trees fully leafed. It's the time of year when Discovery Bay usually looks its best.

But it does take at least a little maintenance effort on everyone's part to get the landscaping up to the Landscaping Standards. Getting rid of weeds, pruning shrubs that have gotten out of control, and fertilizing lawns and planters are a few of the tasks which don't take very long to do, but seem to be required every year. The DERC asks for your help in putting your property in shape before the May survey. If you need a copy of the Association's Landscaping Standards, it can be downloaded from the web site at www.discoverybay-ca.com. You could also contact Vicki, the Committee Secretary, at 634-5598, and she will be happy to send you one.

DBPOA

There are those in our community who continue to promote the message that your Association is somehow not legitimate, effective, nor needed. The measurement of effectiveness or need takes a long-term view and will be made by the membership as a whole.

The legitimacy of the Discovery Bay Property Owners' Association is quite clear and has been further clarified in recent legal action by the Superior Court. The court found that individual property owners are automatically members of the Association as long as they own property in a subdivision (or tract) in the Association. The court also stated that individual members cannot simply "quit" the Association. The court also found that the Association may assess its members to cover reasonable administrative expenses and that the CC&Rs provide that the Association may lien the property for unpaid dues. The court further held that any amendment or changes to the current CC&Rs require approval of a majority of all property owners in the Discovery Bay Property Owners' Association.

In the end, the court declared that the CC&Rs are valid and enforceable.

Community Landscaping Progress

A recent letter to the editor implied that our Association was making an attempt to do something about the community landscaping. Our Association was not, although some past active members in the Association and the current president along with some others did work to help the Town of Discovery Bay get a more precise handle on the estimated cost to do the previously completed Landscape Master Plan. The secondary goal was to also help get the existing landscape maintenance effort underway.

At a recent Town's Community Services District workshop, the directors recognized the need to refurbish and better maintain the existing landscaping along with their desire to move forward with the Landscape Master Plan. Several directors agreed that spending some of the existing \$1 million landscape reserve on refurbishing was a good idea and said they would work to see that this was done.

We have been informed that the Town's landscape architect has completed the preliminary design of the first phase of the Landscape Master Plan that covers Discovery Bay Blvd. from Willow Lake Rd. to Hwy. 4. The architect will be presenting this design and a preliminary construction cost estimate at the next Park #8 meeting. This is a good chance to see what the Town is considering for our community and the meeting is open to the public. It will be held on February 23rd at 7 p.m. at 1800 Willow Lake Rd, behind the Delta Community Presbyterian Church.

Homeowner Associations

There are ten homeowner associations in Discovery Bay representing about 70% of all properties in the area we call Discovery Bay. The Discovery Bay Property Owners' Association (DBPOA) is the largest at 1,640 properties. In California, there are approximately 37,000 homeowner associations working to help maintain the quality of life and property values for the owners they represent. Many of these HOAs have some form of common property (streets, landscaping, signs, with some having recreational areas such as tennis courts etc.), and they all have mandatory membership and some form of review of property improvement and CC&R compliance similar to the DBPOA.

Our County and Town of Discovery Bay services take care of health and safety issues; i.e., water, sewer, sheriff, street repair, planning, etcetera. In our Association the primary objective is to see that the appearance of our association meets the standards set by the CC&Rs, which is not a task of any of the public agencies. The other HOAs in Discovery Bay have this same task, as well as maintaining some common properties.

The number of homeowner associations in the nation has grown from about 500 in 1964 to 250,000 today, representing about 50 million Americans. This trend to local governed rule is also driven by the interest in maintaining the long term appearance and values of the communities they serve.

CC&R VIOLATION - COMPLAINT FORM

Address: DBPOA PO Box 1977, Discovery Bay, CA 94514

Address of alleged violation: _____

Description of alleged violation: _____

Your Name (Optional) _____

Phone (Optional) _____

The Associations Compliance Investigator will investigate this complaint. If the complaint is deemed valid, the owner of the property will receive a Notice and the complaint will proceed through the Enforcement Procedures until compliance with the CC&Rs is achieved. We accept anonymous complaints but do prefer a name and/or telephone contact number in case there are questions regarding the complaint.

Letter to the Editor

I have been an owner in Discovery Bay for over ten years and want to know what you can do about the appearance of the vacant lots, with boat docking facilities regularly used, with no apparent effort being made to maintain them except keep the weeds removed. Some have very nice lawns. Shouldn't the CC&Rs require you to treat these areas as "front yards" and hence require them to have some type of landscaping?

Homeowner

Dear Homeowner:

The CC&Rs are essentially silent on the issue you bring up and would require the Association to make a finding and establish a standard to deal with this issue. We do feel that your inquiry has merit and will look into the issue you bring up.



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ADDRESS CORRECTION REQUESTED

Bylaw Change

To have the Association meet the requirements of the California court system and also to follow our last independent audit recommendation on management structure, the Board has adopted the following change to the Bylaws. This change allows the Board to appoint our contract employees to the position of Officer which allows them to officially represent the Association carrying out their duties. The only change is to add the words "employees or" to Article V Section 2 as follows:

Article V Officers of the Board

Section 2. Qualifications, Election and Term of Office

Officers of the Board shall be employees or Members in good standing of the Association and elected annually by the Board of Directors at the first regular meeting of the Board following the annual election of Directors. Each officer of the Board shall hold office until he or she resigns, is removed as an officer by the Board, or is otherwise disqualified to serve.

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