



APRIL 2004

# NEWSLETTER

Discovery Bay Property Owners' Association, Inc.

P. O. Box 1977 • Discovery Bay, CA 94514

(925) 634-7585 • (925) 634-5532 Fax • Web site: [www.DBPOA.org](http://www.DBPOA.org)

**President**

Bob Lyman  
513-1939  
Term Expires 2005

**Vice President**

Craig Klooster  
634-4755  
Term Expires 2004

**Secretary/Treasurer**

Bonnie Morford  
634-9229  
Term Expires 2004

**Membership Chairman**

Kelly Hammett  
(408) 872-0722  
Term Expires 2005

**Welcome Wagon Chairman**

Susan Marie Denkhau  
634-9045  
Term Expires 2005

Jeanette Brandt

516-7500  
Term Expires 2005

Joe Minarik

240-0999  
Term Expires 2004



**DERC MEMBERS:**

John Ross, Chairman  
Paul Amthauer  
Ward Messersmith  
Marston Myers  
Sandee Visintin



**Contract Secretary**

Vicki Laganowsky

**Compliance Inspector**

Dale Welin

## New Board Member

Two term Board member Rex Brehmer resigned in January and DERC member Joe Minarik's whose term was up the end of the year expressed an interest in the open Board seat. He was appointed to serve out the term of Rex and brings his experience as a DERC member to the Board. We want to thank Rex for his service and wish him well.

Joe has lived in Discovery Bay for four years and is an avid wake boarder and water skier. He is in the Internet service provider business as both a consultant and an independent provider in several communities including Discovery Bay.

The Board is now at its full membership of seven, but the terms of three members will expire on Sept 30<sup>th</sup> this year.

## DBPOA Mission Statement

The purpose of the Discovery Bay Property Owners' Association is to create a community environment that provides a quality of life which allows all members to enjoy the unique living and recreational opportunities in Discovery Bay. The Association administers the CC&Rs that provide a framework for everyone to live with mutual respect for each other and each others property. The CC&Rs sets guidelines that balance the rights of property ownership with the best interests of all property owners in the Association.

## 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 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 its potential. Getting rid of weeds, pruning shrubs that have gotten out of control, as well as fertilizing lawns and plants are a few of the tasks that don't take very long to do, but seem to be required every year. A lawn care article follows in the Newsletter. 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 please contact Vicki, the Contract-Secretary, at 634-5598, and she will be happy to send you one.



## Talk to Me!

Maybe your wife has said this to you! Maybe your husband said it to your son or daughter. We all have a need to communicate, and it's no different for the Association, particularly the Design and Environmental Review Committee (DERC). With over 1,600 properties in the Association, much of the DERC'S communication must of necessity be by letter. But when there is a specific issue with a particular member there is just no substitute for a face-to-face discussion.

DERC members have been making a concerted effort this year to meet with members on their property and review the situation which has come to the Committee for handling. What the Committee asks is that the members also make an effort to meet with the Committee by coming to a DERC meeting (held the second and fourth Mondays of every month at the Presbyterian Church on Willow Lake Road) to talk about their overall concerns, to review a specific current problem, or to give suggestions for improvements in the way the Committee is dealing with issues. Some of you send a letter from time to time and the Committee welcomes all communications. **But the Committee is strongly encouraging you to make direct contact with the Committee or one of its members.**

Probably the easiest and best way to arrange for a meeting is to call Vicki, the DERC Secretary, at 634-5598. If you will leave a contact phone number she will see that a Committee member returns your call. If you want to attend a meeting she will advise you of the schedule. You can come unannounced if you like, but making an appointment will help ensure that the Committee is up to speed on your particular case.

TALK TO US! The DERC would like to hear from you.

-John Ross, Chairman of DERC

## Compliance Inspections

Seeing the Association's Compliance Inspector approaching your front door is not likely to be the high point of a wonderful day! But with a lengthy set of Covenants, Conditions and Restrictions it's not too surprising that members fall out of compliance from time to time with one section or another of the CC&Rs.

While it is the job of the Compliance Inspector to verify whether a condition is in or out of compliance, he can be helpful in many non-compliance situations in suggesting the extent and type

of remedy that will fix a problem. Dale Welin is the part-time contractor who performs the compliance inspections for the Association. As a result of his extensive experience over the past several years he can be a valuable resource to any member who needs some helpful advice.

Most of the members never see the Inspector, for which they are probably most thankful. However, you may be surprised to learn about the number of inspections that are made each month. Some are for the purpose of determining if a violation does in fact exist, others are to see if corrective action has been taken and the property is still in compliance. The table following lists some statistical data related to Association inspections. Data shown is for the calendar year 2003. Keep in mind that there are over 1,600 member properties in the Association.

• Total inspections made during 2003: .....	3241
• Average new complaint inspections (per month).....	24
• For Parking .....	10
• For Landscaping .....	2
• Follow up inspections after	
• Courtesy Notice sent (per month).....	48
• Number of 2003 association-wide inspections .....	6

## Treasurer's Report

For the period of 11/1/03 to 2/29/04:

Beginning Cash Balance	\$63,957.55
Total Receipts	\$45,351.10
Total Disbursements	[\$30,200.27]
Ending Cash Balance	\$79,108.38

## Association Review

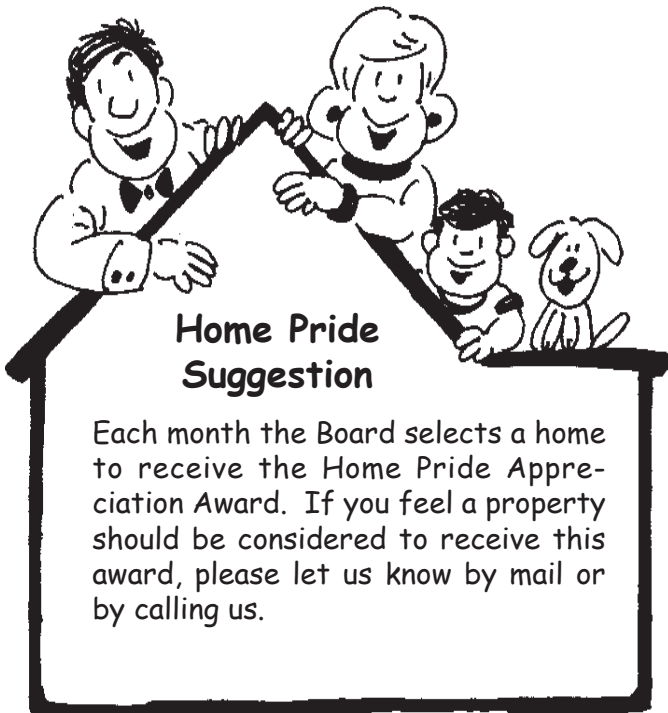
Your Board, partly in response to the discus-

### CALENDAR

**Board of Directors** meetings are held the first Tuesday of each month at 7:00 p.m.

**D.E.R.C.** meetings are held the second and fourth Monday of each month at 8:00 p.m.

Above meetings are held at the Delta Community Presbyterian Church (1900 Willow Lake Road) in Discovery Bay.



## Topic of the Month by Valley Crest Landscape Maintenance Company

**(Discovery Bay)** - There is one plant in our yards that isn't paid much attention. We prune it nearly every week we water it almost daily. We love it when it's healthy and hate it when it's sick. It is the fabric connecting our homes to one another, the welcome mat to friends and family, and the play area to many of our children. This plant is our lawn. Most people expect their lawn to perform flawlessly without any help. A few throw down fertilizer to green it up in the springtime, and most everyone waters, but little else is done.

Lawns are often not fertilized when they should be. They are frequently over watered or under watered. They often are cut too low or left to grow too tall.

Heavy soils such as clay found in Discovery Bay are slow to soak up moisture. This soil is also slow to dry out. The proper watering schedule for your lawn should be very consistent over long periods. Run-off is a main indicator of the amount of water lawns can take in. To avoid run-off, try watering for short periods of time, 5 minutes two to three times a day, two to three days per week. If your lawn is still in need of water, increase the start times per day and then the amount of days per week. The main objective here is to keep your lawns green and at the same time keeping the gutters free of run off.

Fertilizing your lawn is just as important as watering. A yellow lawn is often watered exces-

sively in hopes it will green up when in reality the water is actually washing many beneficial nutrients down the drain. When temperatures in spring are in the 70 degree range it is a good time to fertilize. Ask your local nursery or home improvement store for the correct blend. They will often stock up heavy on the fertilizer that should be used at the time.

The biggest pest to lawns has to be weeds. There are broad-leaved weeds and grassy weeds. The grassy weeds are very difficult to eliminate because they blend in so well with the surrounding turf. By the time you actually see them they may have taken a good percentage of your lawn.

Most undesirable annual grasses and broad-leaved weeds can be controlled with preemergent herbicides. Crabgrass being the most prevalent weedy grass in Discovery Bay can be controlled with preemergence. Applications should take place before the crabgrass seeds germinate.

If crabgrass does come up, a postemergent can be applied. Two or three applications may be needed for crabgrass that has become well established. Remember with bad cases you will need to patch up the voids where the crabgrass once grew with sod. Follow up the next spring with a preemergent. Broad-leaved weeds can be controlled in the same manner by a granular or a liquid. This should be a yearly ritual. Weed and feed combinations are the most practical for on-going control. This practice will pay big dividends. It will allow the lawn to grow thicker and healthier and in return become more difficult for weeds to establish themselves. Consult your local nursery or home improvement center for further information. These chemicals can hurt ornamentals, so take full precautions. Spray on calm days and read the label.

## What's in the Covenants, Conditions and Restrictions (CC&Rs)?

If you're like the majority of us, you got a copy of the CC&Rs with your preliminary title report when you purchased your home in the Association. And if you're like the majority of us you filed them away with the other 100 pages (or so it seems!) of information you got when you closed your deal. But the CC&Rs are important! There are restrictions on what you can build on on your property, and (continued on page 4) on the activities that are engaged in there. Most of the CC&Rs are common-sense rules for a largely

single-family residential community, but some are not so obvious.

In an effort to help the membership get a look at the highlights of the CC&Rs, the Association has prepared a "CC&Rs Digest". A copy is enclosed with this Newsletter. As noted in the introduction to the Digest, these are just the highlights - not the full CC&Rs. If you want additional copies of the Digest, or you need a complete copy of the CC&Rs you can contact Vicki, DERC'S Secretary, at 634-5598.

You are encouraged to take just a few minutes to read through the Digest. You might be surprised at a few of the items. If you have any questions, please call Vicki, and if she cannot answer your questions she will have a member of the DERC return your call.

You know, of course, that by purchasing your home within the limits of the Discovery Bay Property Owners' Association you have agreed to abide by the CC&Rs. By like token, your neighbors who are in the Association have agreed to do the same. If you find others that are not conforming to the CC&Rs we would encourage you to talk to them about it. If you are hesitant to do this, you can send a Complaint Form (there is one in this Newsletter) to the Association and they will (1) determine if it really is a non-conforming situation and (2) if it is, get in contact with the property owner to fix it.

The DERC would like to hear any comments you have about this Digest - Is it helpful? Did you learn anything new? Can it be edited in some ways to make it more useful? You can call Vicki, or send a note to P.O.Box 1977, Discovery Bay, CA 94514.



## CC&R VIOLATION COMPLAINT FORM

Clip and Mail to: D.B.P.O.A., P. O. Box 1977, Discovery Bay, CA 94514.

Address of alleged violation: \_\_\_\_\_

Describe alleged violation: \_\_\_\_\_

The Association's Compliance Investigator will investigate this complaint (Step 2). If the complaint is valid, the owner of the property will receive a Courtesy Notice (Step 3) and the complaint will proceed through the eleven step Enforcement Procedures until compliance with the CC&Rs is achieved. We accept anonymous complaints but do prefer a signature and/or telephone contact number in case there are questions regarding the complaint.

sion created during the last election, is making an effort to assess the association's responsibilities and its effectiveness in carrying out those responsibilities. First, we reviewed the Association Bylaws and CC&Rs. The Board then adopted a mission statement covering the current responsibilities of the Association. This mission statement (on page 1) acknowledges the responsibility the Association has to each property owner and became the basis for discussion questions used with 15 members invited to review ways to improve upon the methods used to achieve the mission of the Association. The discussion questions covered member communication, CC&R compliance, enforcement issues and a time for open discussion.

One of the main communication issues was the desire for a property owner to be able to visit face to face with someone who could describe what corrective action would be required in a compliance issue. Additional information thought to be helpful would be a list of those vendors who could do various construction and repair projects.

Additional points discussed were: to monitor other agencies whose actions might impact our quality of life; provide information about the validity of the association and improve on the ability to communicate effectively both to and from the Association.

Some ideas presented by members who feel they could do without the Association were a concern that enforcement seems inconsistent, CC&Rs are too subjective and too complicated to follow and that the DBPOA should be a political voice to work towards seeing the area becomes a city.

Your current Board's position is more focused and that our responsibility is to each property owner to see that all in the association follow the CC&Rs.

The Association has a committee of the Board and DERC currently reviewing the enforcement procedures, which will address the appropriate issues raised. The Board is also looking at ways to improve on the communication methods. Both DERC and the Board agree that more personal contact is desirable but with only part time help and volunteer member input there is a limit on what can be done in this area.

## **Neighborhood Watch Update**

These past few months have been very quiet from a property crime standpoint. I wish that I could point to the increase in police patrol, or the

success of Neighborhood Watch as the reason, but I can't. The real reason of course is that the weather has been cold and rainy and as soon as the weather turned nice last weekend there were more rocks thrown through car windows. I am writing this as a warning to my neighbors. As spring and summer in Discovery Bay means that vandalism is back. The home burglary, theft from autos and boats is not far behind. Criminals like the nice weather too and use it to go do what they do. Since it's inception my watch group has been responsible for forming exactly two local Neighborhood Watch groups of approximately 8 people each. Sixteen people out of 14,000 or so in our town is not enough to make a big impact and the Sheriff has put only one more officer in our town that we share with Byron, Knightsen and Bethel Island. All this means that you as an individual property owner are going to have to protect yourself.

Here are a few tips to help. 1. Make sure your home is well lit at night, dusk to dawn or motion lights go a long way towards deterring vandalism and burglary. 2. Lock your cars and take valuables out. 3. Remove valuables from your boat when you are not using it. 4. Keep your garage doors closed and front doors locked. 5. Park your cars and boats in the driveway or garage, not on the street. 6. Call the Sheriff's Department if you see anyone who doesn't belong in your neighborhood or anything suspicious, 646-2441. These few simple precautions will help to protect all of us and make our spring and summer more enjoyable.

As always if you would like more information about forming a Neighborhood Watch group in your area please email me at [watchdiscoverybay@yahoo.com](mailto:watchdiscoverybay@yahoo.com) or call Mike Voss the Crime Prevention Specialist with the Sheriff at (925)313-2723.



## Southwest Quadrant Issues

What is the Southwest Quadrant?

The Southwest Quadrant of Discovery Bay is an area that includes all of the homes on Spinnaker Way, Portside Court, Clipper Drive and Newport Drive or properties on streets that access their homes from either Clipper Drive, or Newport Drive. No homes in Discovery Bay West are in the Southwest Quadrant.

Before we discuss the Southwest Quadrant issues let us review some history of Discovery Bay's growth. Discovery Bay commenced development in 1970. All of the tracts that were developed subsequently had CC&Rs and a Design and Environmental Review Committee (DERC). In 1974 the Declarant (the Veronica Corporation and the Discovery Bay Company) of the CC&Rs appointed a single DERC committee to exercise the rights, powers and duties under all CC&Rs for the then approximately ten tracts in Discovery Bay. This is the same DERC committee that exists today. In 1976 Hofmann Company assigned all rights, title and interest for the CC&Rs for all of the existing tracts to the DERC. In 1985 the Hofmann Company assigned an additional twelve tracts to the DERC.

Also, in 1985, the DBPOA, Inc. formed a committee to prepare revised CC&Rs for all of the tracts subject to DERC review. The revised CC&Rs provided for the DBPOA to be the Declarant and the DERC was designated as a committee appointed by the board of directors of the DBPOA.

In 1987 a campaign was started to obtain approval for all of the tracts to amend their CC&Rs. The amended CC&Rs included membership in the DBPOA and also included the payment of annual dues (presently \$25.00 per year). The result was approval by a majority of the tracts. Eighteen of the original tracts now comprise DBPOA, Inc.

The Hofmann Company continued to construct new tracts in the Southwest Quadrant of Discovery Bay. In 2001, as the Hofmann Company was completing the build-out of homes in the Southwest Quadrant, they requested DBPOA to accept the ten tracts (approximately 800 homes) in the Southwest Quadrant into DBPOA. In reviewing the CC&Rs for these tracts the Board found that there was no provision for required membership in an association or for the payment of dues. The Board informed the Hofmann Company that they would accept the assignment if the CC&Rs in the Southwest Quadrant were amended to include association membership and the payment of dues.

Subsequently a committee of homeowners in the Southwest Quadrant was formed to work on the CC&R revisions and the Hofmann Company agreed to have their attorney prepare the revised CC&Rs and agreed to pay all related election costs.

The Southwest Quadrant committee received the first draft of the revised CC&Rs from the Hofmann Company in the summer of 2003. The second, draft of the CC&Rs will be in the committee's hands by the time you read this article.

The Southwest Quadrant committee plans to canvas their tracts similarly to what was done by the DBPOA in 1987. Seven of the tracts require two-thirds of the vote for approval for amendment and three tracts require three-quarters of the vote for approval.

Your current Board feels that it is in the best interest of the DBPOA to help in the effort to see that the residents of the South West Quadrant area of Discovery Bay have a method to maintain CC&R compliance and we feel the best method will be representation by an association such as ours.

We think there are at least two methods to accomplish the task begun by the Southwest Quadrant Committee and past DBPOA Boards. One, is the direction that has been taken so far, which is to allow the tracts which vote in the affirmative to join the DBPOA. The other is to provide assistance to the Southwest Quadrant Committee in establishing a new Association covering the new area.

There are pros and cons to both methods and the Board will be addressing them and sharing what is learned with a special mailing on the issue in the coming months.

There are a few points which the Board feels everyone should be aware of: 1) Before anything can happen each new tract will need to approve a change in their CC&R's. 2) If having them join our association seems to be the best alternative the Board will have a vote of our current membership to be certain it is acceptable. 3) Any new tracts will be required to pay their share of the operating reserve. 4) It is felt a separate DERC will be appointed to work with the new area. 5) Board membership will be available to any member in the association.

Well, there you have it, a little history, and maybe more than you wanted to know about the Southwest Quadrant issues.

Do you support having our neighbors from the Southwest Quadrant join our Association, or do you feel it would be detrimental to our current status? Please let us know your thoughts.

**Home Pride Appreciation Award  
for January  
Glenna Martinez  
755 Beaver Lane**



Glenna Martinez has lived at this Discovery Bay address for 14 years. She works in the medical business, traveling a good deal of the time. Glenna has a regularly scheduled gardener care for the front yard and back yard lawns. She herself plants and cares for all the yard flowers in the front and back. Glenna has flowers year round and takes great pride in her wonderful results. During the spring and summer, the front yard is very colorful and beautiful.

Thank you Glenna for the caring of your beautiful yard in our Association.

**Home Pride Appreciation Award  
for February  
Chris McMullen  
1265 Willow Lake Road**



Chris McMullen has lived in the home at 1265 Willow Lake Road for about seven years, some of those early years were as a weekender. He has recently gutted the interior of the house, as he remodeled and redecorated the interior. At the conclusion of completing the interior, the front yard landscaping was redone and completed in July, 2003. Chris owns a wire and cable business in Livermore.

Thank you Chris for your efforts in adding to the Discovery Bay Property Owners' Association.

**Home Pride Appreciation Award  
for March  
Ralph and Diana Cernera**



Ralph and Diana Cernera have lived at 2115 Sand Point Road for three years. The inside of the house saw significant remodeling prior to their arrival. Major changes and improvements were made to the exterior, both in the front yard and back yard. The deck was expanded and a new fountain/waterfall was installed. And the front yard was completely re-landscaped.

The Discovery Bay Property Owners' Association and neighbors appreciate the efforts for the landscaping contribution made in the area. Congratulations to Ralph and Diana.

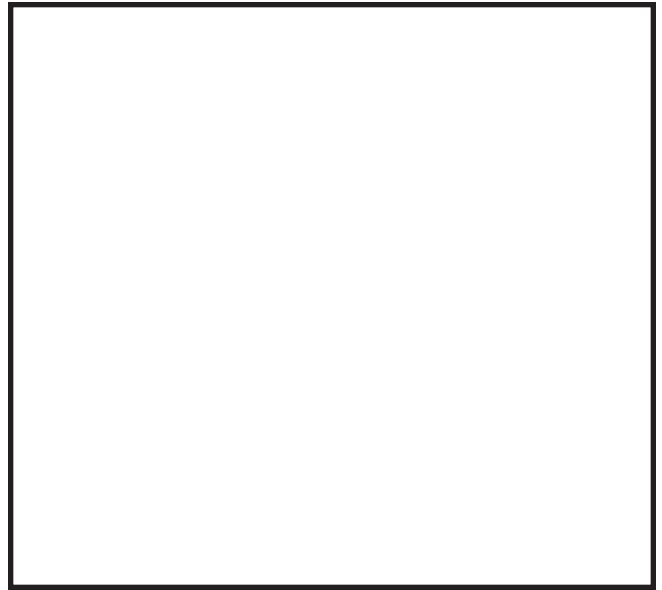
## Letter to the Editor

If you are going to be one of the Directors of the DBPOA, you should abide by the rules. Why can the president of the association, Bob Lyman, park his 5<sup>th</sup> wheel trailer on his driveway?

-A concerned homeowner

Dear Concerned Homeowner:

The DERC Usage Standards and the CC&Rs allow for a RV to be parked up to 48 hours on your property while loading and unloading. The Association, if notified, also allows a few extra days of onsite parking when needed and if the extra time request is not abused. This request should be directed to the DERC at 925-634-5598.



*Discovery Bay Property Owners' Association, Inc.*  
*P. O. Box 1977*  
*Discovery Bay, CA 94514*

Address Correction Requested

PRESORTED  
STANDARD  
US POSTAGE PAID  
BYRON CA  
PERMIT NO 17

home of the month for  
January 2001.