



# Connection

Discovery Bay Property Owners' Association, Inc.

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

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Web Site [www.discoverybay-ca.com](http://www.discoverybay-ca.com)

July 2005

## May 2005 Home Pride Award

Home Pride Award winners are Dale and Gale Wingard who live at 4851 Cabrillo Point and have been there for 18 years. The family includes two daughters who are avid slalom skiers. Dale visited Discovery Bay while in high school in the early 70's to ski and said to himself, "I want to live here in the future." Dale is very handy around the home and he has had to overcome many obstacles during their work in process, both inside and outside. Their home is beautiful.

Dale is self-employed and owns a construction company in Bethel Island. They install traffic signals for many municipalities and developers in Contra Costa County.

The front yard has been well designed during a recent make over a couple of years ago. And they maintain their front yard very, very well.

Congratulations!

Thank you from the DBPOA.



## Part-Time Services Needed

The Discovery Bay Property Owners' Association Board of Directors seeks a Services arrangement for an anticipated Part-Time Communications Director. The likely candidate (or candidates) would be a resident of Discovery Bay with a passion for the community and with experienced communication "out-reach" capabilities. We are looking for someone to assist the Board to facilitate a better awareness of the Association to its members and provide a positive promotion of the Association. We anticipate a support level varying from 10 to 30 hours a month. Please contact CHRIS PROVENCHER at 634-5658 ext 4 or email him at [pro-taxea@comcast.net](mailto:pro-taxea@comcast.net). Compensation is negotiable.

## Garbage Cans Becoming a Problem Again

A large number (in excess of 100) of garbage cans are being permanently left in the front yards in full view of the neighbors. This is in direct violation of CC&R Article 3.8, which clearly states that all garbage containers are to be kept from public view. We are urging your cooperation for compliance and to those of you who are landlords please see that your tenants also follow the rules. We have chosen not to do an Association-wide inspection for over a year, but if the problem persists the program will need to be re-instituted.

"Lets all get the Garbage Cans put away"

## Board of Directors

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

## Design & Environmental Review Committee (D.E.R.C)

Chairman	Marston Myers
Member	Ward Messersmith
Member	Vince Vargas
Member	Al Box
Member	Dave Evans
Alternate	Bob White

## Highlight

Our web site is up and running. Check it out!  
[www.discoverybay-ca.com](http://www.discoverybay-ca.com)

CC&R Violation Complaint Form  
[http://www.discoverybay-ca.com/dbpoa\\_complaint.htm](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 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month

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

## Four Positions on Board of Directors

Four terms of office will expire on September 30. The four seats on the Board are currently held by Susan Marie Denkhous, Mark Lee, Rich Kier, and Robert Lyman.

Members interested in serving two-year terms beginning October 1 on the Board of Directors are encouraged to mail or fax a statement of interest not to exceed 70 words to the Election Committee at the Association's office by August 22, 2005

Here is your opportunity to get involved with the Association's activities. For more details call (925) 634-7585 and leave a message.

## COMPLIANCE SNAPSHOT FOR 2<sup>ND</sup> QUARTER ENDING 6-30-05

	No.	% of total
Confirmed infractions	110	6.7%
Parking	43	2.6%
Landscaping	19	.01%
Other	48	2.8%
Properties in Enforcement Process	145	8.8%

Association Comprised of 1640 Properties  
Other = vacant lots, trash, loud parties, etc.

The number of new complaints by homeowners increased in the 2<sup>nd</sup> quarter.

## Directors Election Calendar

August 22	Deadline to apply for Candidacy
August 20	Candidates Night 7:30PM
September 1	Mail out Ballots
September 27	Board Election Results Announced

## Financial Report Year to Date

10/1/04—5/31/05

## THE MAJOR COMPLIANCE ISSUE

Non-compliance with the vehicle parking "rules" is far and away the greatest source of all the complaints received.

When the Covenants, Conditions and Restrictions (CC&Rs) were originally drafted they were intended to limit the number of vehicles parked throughout the Association. Garages are required to hold two cars as a minimum. Driveway parking is essentially limited to cars and pickup trucks regularly used by the homeowners. The basic exception to this rule is that boats on trailers and boat trailers may be parked in the driveway if the overall height from the ground does not exceed six (6) feet to the highest part of the boat (ski racks are excluded from this measurement provided they are not canvas covered and presenting a large, unattractive appearance). Parking that is not permitted, and is the source of most of the complaints, is:

- ◆ Trailers, that are not boat trailers, parked in the driveways
- ◆ Vehicles "stored" (that is, very seldom used, and/or, not licensed) in the driveway
- ◆ Vehicles not parked on approved concrete parking pads (that is, sitting over the landscaping or on graveled areas)
- ◆ Recreational vehicles over six (6) feet high (which is almost all of them) parked anywhere on the property.
- ◆ Vehicles parked in the front yard on the access drive to the side yard.

The complete parking rules can be viewed on the Association's web site, [www.discoverybay-ca.com](http://www.discoverybay-ca.com), under the CC&R's Article 3.12, and in DERC's Construction and Usage Standards, Section IV-H.

You can certainly help the Association in its efforts to maintain an attractive community by following the parking rules.

<u>REVENUE SOURCE</u>	<u>ACTUAL</u>
MEMBER DUES	\$ 40,006
FINES & JUDGEMENTS	\$ 17,657
PLAN REVIEW FEES	\$ 2,840
DOCUMENT, DEMAND & TRANSFER FEES	\$ 21,710
OTHER FEES	\$ 1,841
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TOTAL REVENUE	\$ 84,054
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<u>OPERATING EXPENSES</u>	
COLLECTION FEES	\$ 4,171
CONTRACT STAFF	\$ 27,031
FEES, PERMITS & SERVICES	\$ 1,168
INSURANCE	\$ 2,515
OFFICE SUPPLIES	\$ 902
POSTAGE	\$ 3,665
PRINTING & REPRODUCTION	\$ 4,475
PROFESSIONAL - LEGAL & ACCTG	\$ 12,528
PUBLIC RELATIONS / COMMUNICATION	\$ 832
RENT & STORAGE	\$ 1,964
TELEPHONE	\$ 948
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TOTAL OPERATING EXPENSES	\$ 60,199
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OTHER INCOME (INTEREST)	\$ 280
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NET SURPLUS	\$ 24,135

### **CASH - BANK BALANCES:**

**May 31, 2005**

CHECKING ACCOUNT	\$ 35,028
SAVINGS & CD ACCOUNTS	\$ 63,878
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TOTAL CASH BALANCES	\$ 98,906

"The DBPOA's operations, for the current Fiscal Year (beginning October 1, 2004), have just surpassed 2/3rds of the year (8 months) this past May 31, 2005. When compared to our original time-phased budget plan for the first 8 months, things are generally "favorable" in all areas and have been running this way all year. Just a few comments and observations - On the Revenue side, the Revenue exceeds expectations by nearly \$15,000 mostly due to greater than expected amounts successfully collected from Fines, Penalties and Judgment awards. 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 May are nearly \$8,000 favorable - under budget - this is mostly with lower than expected Printing, Reproduction, and Legal expenses. The Board does expect to continue incurring further Legal support throughout the year, and as such, possibly consuming some of this reserve."

Chris Provencher, DBPOA Treasurer

## Palm Tree Care

In the February issue of the CONNECTION Newsletter, Marston Myers, the Chairman of the DERC, pointed out some concerns with respect to the issue of maintaining palm trees in Discovery Bay. The article discussed the potential damage that can occur from falling palm branches and the concern of rats and birds nesting in the dead fronds. In addition, there is the general appearance of the palm trees and how they can detract from the community appearance if not maintained. Although "beauty is in the eye of the beholder" for landscaping, the DERC has the responsibility to maintain a minimum standard for the benefit of the community as a whole. The "Discovery Bay Design & Environmental Review Committee Construction & Usage Standards" were recently updated to include a palm tree maintenance standard:

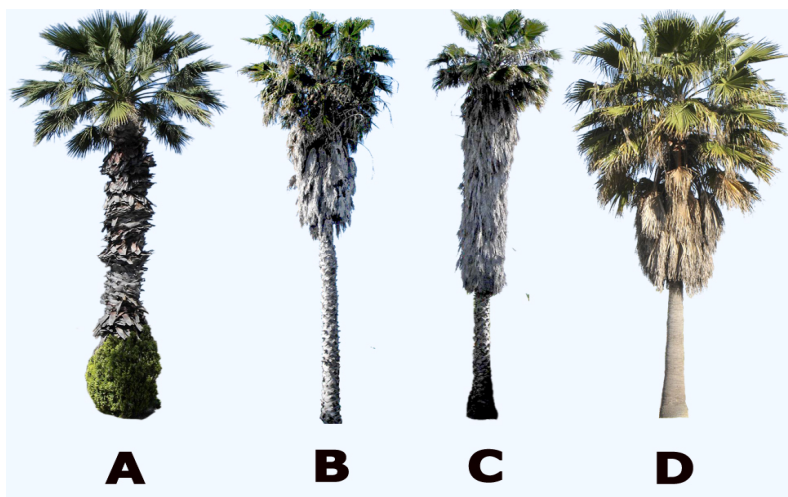
Minimum requirement: Dead fronds should be removed to minimize the hazard of falling fronds.

Desirable: Palm trees should be trimmed neatly, i.e., when fronds are cut off they should be cut close to the trunk with minimal projecting stubble. If the tree is "skinned" (the frond stubble removed from the trunk), the skinning should be continued so that the tree trunk has a uniform appearance.

The DERC compliance inspector will be doing an inspection of palm trees the first week of August. If you have a palm tree that does not meet the Standards, please take the necessary steps to have it maintained. In some instances the homeowner can perform the needed maintenance, but if the tree is too tall a professional should be consulted. They are listed in the yellow pages under tree service.

By maintaining the community at a uniform standard it improves the value of all our properties. Your cooperation is appreciated.

The following photos will provide examples of trees that need additional maintenance.



**A) Stubble needs to be trimmed**

**B, C, & D) Dead branches need to be removed**

### DBPOA Street Sweeping Schedule 2<sup>nd</sup> Friday of Each Month

All of the streets in our Association are swept on Friday, the second week of each month. Lets help them get the streets swept by seeing that all vehicles are off the street on this day of each month.

### Scheduled Association-Wide Inspections

- July - Parking (street, driveway, access drive, front yard, side yard, vacant lot)
- August - Exterior surfaces, fences & walls (painting, roofing, all parts of home structure)
- September - Palm tree maintenance

## Dock Safety Ordinance

Contra Costa County has created a new Dock Safety Ordinance that will impact every homeowner that has a dock in the county. This proposed ordinance is in draft form and has been distributed to public agencies for review and comment. The ordinance as written will require a building permit for the construction of any new docks, piers or gangways and any modifications or additions to existing docks. The ordinance also requires a building permit for anything that is attached to a dock such as a hydro-hoist or boat shade cover.

The ordinance also includes construction standards for all new docks. The standards require all flotation to be encapsulated, all dock framing to be constructed only with bolts with bolt fasteners, nails and screws to be used only to attach surfacing materials and all docks and gangways shall be lighted.

All existing docks in Discovery Bay will be exempt from this ordinance since they were constructed prior to this new ordinance; however, any modifications to the existing structure, including the repair or replacement of 25% or more of any deck surface, will require a permit in compliance with the ordinance construction standards.

The Town of Discovery Bay and REC. 800 had a joint meeting on June 1, 2005 in order to hold a public hearing on the proposed Dock Safety Ordinance. Public comments were received and noted by the county staff at the hearing. The county staff is presently making revisions to the draft ordinance based on these comments and other input from communities in the county.

REC. 800 will hold another public hearing on the revised ordinance when it is available. DBPOA will have the hearing date published in the Discovery Bay Press and the Contra Costa Times. When you see the notice for the hearing you may go to our website at [www.discoverybay-ca.com](http://www.discoverybay-ca.com) to review the latest ordinance prior to the hearing.

Hope to see you there.

### Need a Copy of The CC&Rs or Other Association Documents

Best method is to download a copy from the website. Another option is to call or email and request a hard copy.

Website: [www.discoverybay-ca.com](http://www.discoverybay-ca.com)

Phone: (925) 634-7585

Email: [Bobl@discoverybay-ca.com](mailto:Bobl@discoverybay-ca.com)

### CC&R Violation – Complaint Form

Address: DBPOA P.O. BOX 1977, Discovery Bay, CA. 94514

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

Description of alleged violation: \_\_\_\_\_

Your Name: (Optional) \_\_\_\_\_

Phone: (Optional) \_\_\_\_\_

The Association's 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. Can also be filed via the web site ([www.discoverybay-ca.com/dbpoa\\_complaint.htm](http://www.discoverybay-ca.com/dbpoa_complaint.htm)).

Letter to the Editor

When we purchased in Discovery Bay we were not told that our home was covered by CC&Rs or that we belonged to any Homeowner Association. We have now been told we can resign. How do we go about doing that?

Homeowner



Dear Homeowner:

There are two issues here, one, your not learning of the CC&Rs or the Association and two, being told you can resign. First, it is unfortunate that before you purchased you did not learn about the CC&Rs and the Association charged with the responsibility to see that compliance is maintained. However, during the process of signing your closing documents that information was part of what you were required to acknowledge receiving and your title policy lists the recorded CC&Rs and the homeowners Association responsibilities. Secondly, the information about resigning is inaccurate. There is no provision, either in the CC&Rs or in California law, which permits members to resign their membership unless they sell their property. Accordingly, you remain obligated to pay the annual assessment levied by the Association and to comply with the terms and provisions of the CC&Rs. We hope this clears up any misconceptions.

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