



Odd Fellows Sierra Recreation Association Newsletter



Phone: 209-586-3098

November 2013

WWW.Recreation Association-PARKMGT.ORG

email: Recreation Association: ofsra-parkmgt@sierrapark.org

Board of Directors - 2012-2013:

President: Del Wallis

Buildings: Dick Barrett

Health and Safety: Larry Adams

Vice President: Ron Hawke

Equipment: Friedhelm Peter

Gate: Bill Ordwein

Secretary: Claire Veleyas

Roads: Larry Adams

Water: Ron Hawke

Treasurer: Bill Ordwein

President's Message

The weather is turning, colors are beautiful and life is good in the Sierra's. Now for some down to earth comments. Our logging is complete for the year. We decided not to masticate along the property line until after fire season. Our bank account has been re-supplied and it will be a discussion item at the Annual Meeting.

By now, some of you may have heard that we had a very spirited exchange at our recent B.O.D. meeting. I have chosen to include some excerpts of correspondence your Board received during an ATV, Cycle/Non-Highway licensed vehicle use review. This subject comes up from time to time. The Board and shareholders have overwhelmingly voiced their objection to allowing Non-Highway licensed vehicles on roads inside the park.

The sequence of events went like this:

- 1st week of October, I received a call from a Director of the Board to let me know he was interested in revisiting the restrictions on not allowing "non-highway licensed vehicle's" (ATV's, etc.) travel on our streets. He knew I had strong belief's regarding the restrictions and I appreciated the forewarning.
- I e-mailed our attorney the following on October 8th:

"There has been interest shown by one of our Directors to liberalize our current rule prohibiting ATV's, etc. on our roads. Please review our existing policy to prohibit ATV's, cycles and drivers that are not street legal on public roads from our timberland and subdivision roads for liability and risk if the existing policy is changed."

- Our attorney gave a detailed response, but summed it up stating: "I do not recommend allowing ATV's to operate on the private roads within the Park".
- I e-mailed our insurance broker on October 8th the following:

"There has been interest shown by one of our Director's to liberalize our current rule prohibiting ATV's, etc. on our roads. I have asked our attorney, Tim Trujillo, to review our existing policy to prohibit ATV's, cycles and drivers not street legal on public roads from our timberland and subdivision roads for liability and risk if the existing policy is changed. Please provide us your view on how such a change may affect our coverage and cost."

- His reply starts out stating:

“Other people in your association have recently asked me similar questions. The following is a cut and paste of the questions and answers I addressed at that time. If you have other questions, please let me know.” [I was unaware “others” were inquiring until his reply. When I questioned this in our meeting, I was told the Sierra Park Services Corp. was inquiring.] His reply can be summed up in the following way; a change to allow non-highway licensed vehicles (ATV’S, etc.) to operate on our roads or in the Park will necessitate notifying our insurance carrier about that change. The question then becomes, with the existing risk exposures (lake, playground, basketball court, roads and common areas) will the insurance carrier add one more exposure, at what price, or simply cancel our coverage.

- In the week of October 28th, I notified the interested Director in the matter, that I was making the topic an agenda item for the November 2nd B.O.D. meeting.
- See minutes under New Business for policy change.

I believe we need to recognize that the Federal, State and County governments do not allow non-highway licensed vehicles (ATV’s, etc.) on their roads; the Stanislaus National Forest in this area prohibits them on their roads (eg. 3N90) and in their forest; our insurance broker suggests it may well have a bearing on our premium and/or a possible cancellation; and our attorney recommends not allowing non-highway licensed vehicles (ATV’s, etc.) on our roads and property.

This may not be what some of you wanted to hear, but I believe a fiduciary responsibility to our shareholders is involved, and quite frankly, I can’t imagine the remorse one would have should a child, or anyone get hurt in an accident while knowing we were given professional advise not to approve the use of such vehicles on our property.

Del Wallis

Have the Happiest of Holidays and A Prosperous New Year

This years Holiday Dinner is scheduled for December 7th, at 6:00pm in the Recreation Hall. Make plans to attend this annual celebration.

ODD FELLOWS SIERRA RECREATION ASSOC.
STATEMENT OF REVENUE AND EXPENSES
FOR THE PERIOD ENDED
OCTOBER 31, 2013

	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	YEAR TO DATE
REVENUE													
Maintenance income	1,099	2,620	0	1,024	1,024	0	0	0	0	0	0	0	5,767
Property rental	0	531	531	531	531	0	0	0	0	0	0	0	2,123
Timber revenue	0	0	0	60,000	30,000	0	0	0	0	0	0	0	90,000
Water tank easement	417	417	417	417	417	0	0	0	0	0	0	0	2,083
TOTAL REVENUE	1,516	3,567	947	61,971	31,971	0	0	0	0	0	0	0	99,973
EXPENSES													
Accounting	0	2,352	0	1,490	225	0	0	0	0	0	0	0	4,067
Credit card fees	55	15	0	0	0	0	0	0	0	0	0	0	70
Depreciation	237	237	237	237	237	0	0	0	0	0	0	0	1,185
Employee benefits	0	0	0	191	0	0	0	0	0	0	0	0	191
Health and safety	0	0	0	40	0	0	0	0	0	0	0	0	40
Insurance	5,194	-3,772	0	-812	0	0	0	0	0	0	0	0	610
Interest/bank charges	0	60	15	255	0	0	0	0	0	0	0	0	330
Maintenance - common area	0	10,500	0	0	0	0	0	0	0	0	0	0	10,500
Member communications	0	413	0	678	70	0	0	0	0	0	0	0	1,160
Outside service	547	0	0	0	0	0	0	0	0	0	0	0	547
Professional services - Consulting	0	0	0	1,552	-1,552	0	0	0	0	0	0	0	0
Professional services - Legal	14,531	-680	0	0	0	0	0	0	0	0	0	0	13,850
Recreation	0	0	0	238	0	0	0	0	0	0	0	0	238
Utilities	968	0	0	0	0	0	0	0	0	0	0	0	968
Franchise tax	0	0	0	800	0	0	0	0	0	0	0	0	800
TOTAL OPERATING EXPENSES	21,532	9,125	252	4,669	-1,020	0	0	0	0	0	0	0	34,556
OTHER REVENUE													
Interest income	2	9	2	3	75	0	0	0	0	0	0	0	92
Timber interest income	1	1	1	1	1	0	0	0	0	0	0	0	7
Miscellaneous income	25	227	704	227	0	0	0	0	0	0	0	0	1,183
TOTAL OTHER REVENUE	28	237	707	231	76	0	0	0	0	0	0	0	1,282
TOTAL EXCESS REVENUE OVER EXPENSE	-19,988	-5,320	1,402	57,533	33,067	0	0	0	0	0	0	0	66,699

ASSETS

Current Assets

Checking/Savings

102 · Petty Cash-Caretaker	140.00
122 · Wells Fargo Invest. - Timber	168,860.05
124 · Wells Fargo Invest. - Roads	840.95
125 · Wells Fargo Invest. - Equip	901.89
133 · Oak Valley Community Bank M.M.	157,727.62
134 · Oak Valley Bank Checking	6,898.25
135 · Wells Fargo Investments - Water	967.08

Total Checking/Savings 336,335.84

**ODD FELLOWS SIERRA RECREATION ASSOCIATION BOARD OF DIRECTORS
REGULAR MONTHLY MEETING
November 2, 2013**

INTERIM MINUTES

The meeting was called to order at 10:00 AM by President Wallis. Board members present: Velayas, Ordwein, Wallis, Harvey, Adams, Hawke, and Peter. Board members Barrett and Cloak excused.

INVOCATION: Given by Director Peter.

Please note that no recordings of the meeting are allowed.

HOMEOWNERS AND OTHERS PRESENT: Homeowners Mike VanGundy, Charles Varvayanis, Nina O'Regan, Mark Logan, Cliff Opland, and Yvonne Peter.

Mr. Varvayanis had some concerns with the application to the PUC mentioning the claiming of an easement along his property. He says there is no easement. The application is 140 plus pages. Mr. Varvayanis wasn't sure if his concern was in the text or exhibits. No new easements are being declared within the subdivision by OFSRA on private property.

Mrs. Peter has short sleeve t-shirts and long sleeve t-shirts to sell through the Fire Auxiliary from Mi Wuk benefitting the Volunteer Fire Department to obtain fire-retardant suits. If anyone would like to order one, please contact her at (209) 586-5950.

CORRESPONDENCE: Director Ordwein reported there was no correspondence. President Wallis reported on a letter from Dambacher, Trujillo and Wright by Timothy T. Trujillo, and an e-mail from Caldwell Insurance by Glenn Caldwell. Both were read under New Business.

MINUTES OF REGULAR BOARD MEETING of August 24, 2013: Hawke moved that the minutes be accepted with no corrections. Director Peter seconded, motion carried.

DIRECTOR REPORTS

TIMBER -- WALLIS: President Wallis reported that logging is complete. Net profits look like they will be approximately \$90,000. Mastication behind the private property lines has been postponed until after fire season. Director Harvey will pursue another grant for brush-clearing.

RENTAL PROPERTY -- PETER: A Committee was formed to consider obtaining a home inspection and an estimate of value for the cabin. Directors Adams, Peter, and Velayas will be on the Committee and will provide the information by March of 2014.

FINANCE -- ORDWEIN: Director Ordwein reported that bills amounted to approximately \$430 for the combined months of August through October. Director Hawke made a motion to accept the draft expense report. Director Adams seconded. Motion passed. Tax bills are coming due, and a motion was made by Director Peter to pay the tax bills in a single installment. Director Hawke seconded; motion passed. Director Ordwein moved to pay the bills; director Harvey seconded. Motion carried. Bank balances through October 31, 2013 are a little more than \$336,000. Two parcels (APNs 031-052-16-00 and 031-074-20-00) which were not specifically included in the discussion of property transfer to the Services District were discussed. The value of the properties is negligible, and the properties are

located within Park boundaries. The previous transfer agreement was understood to include all properties within Park boundaries, so the Board is of the opinion that the properties are also to be transferred to the Sierra Park Services Corporation.

LEGAL ACTIONS:

PUBLIC UTILITIES COMMISSION

PLAINTIFFS: Fred Coleman, Ruth Dargitz, Steve Wallace and Larry Vaughn

DEFENDANTS: Odd Fellows Sierra Recreation Association, Inc.

COMPLAINT: Odd Fellows Homeowner's Association ("OFSHA") is a non-profit mutual benefit corporation whose Director's are democratically elected by owners of all 281 lots within the Odd Fellows Sierra Park. The water for all the lot owners is supplied by the Odd Fellows Sierra Recreation Association (OFSHA). The water system is required to be regulated by the CPUC under California Public Utility Code 2701 and 2702, but it is not. OFSRA consists only of Odd Fellows and Rebekah's; OFSRA provides no financial transparency concerning costs it incurs in providing water to lot owners.

DISPOSITION: Certificate of Public Convenience and Necessity to Operate a Public Utility Water System has been submitted and Rebuttal to the Joint Filing has been submitted to the CPUC by Plaintiffs.

In Progress

Case No. CVL58100 in Superior Court of California.

PLAINTIFFS: Odd fellows Sierra Recreation Association, a California corporation

DEFENDANTS: Charles P. Varvayanis and Patricia Jones; Freddie Glen Coleman and Barbara Ann Coleman; Jewel Ruth Dargitz; Larry Lee Vaughn and Karin Louanne Vaughn; Steven P. Wallace; Rudy Aldama, Glenn Dalzel, Christine Foreman, Juan Tovar and Mae Tovar; Harold Babb and Mary Babb; Philip Barthman, Susan Bolt-Barthman, Richard Quinn, and Christine Quinn; Joseph G. Bonjean and Gloria Bonjean; Patricia L. Bremicker, Eric Canales and Catherine Canales; Gregory J. Collins, Sr. and Heidi M. Collins; Jose Angel Garcia and Deborah L. Garcia; Larry V. Giacomino and Jill S. Forester; Louis J. Kazas and Cleo Kazas; Mildred Kern; Onita Pombo and Dorothy K. Leighton; Gerald W. Johnston, Steven G. Johnston and Sharon Lorenz; Deanna G. Mooney; Joseph M. Nelson, Jr.; Michael J. Perry and Katherine M. Perry; William D. Piech and Clare Thompson; Timothy J. Plaza and Darann P. Plaza; Betty L. Salomon; Joseph F. Schultz and Karin V. Schultz; Scott R. Thomas and Brandi L. Thomas; John David Weitzel and Nancy Anne Weitzel; and does 1 through 30 inclusive.

COMPLAINT: Complaint for Damages for: (1) Quantum Meruit; (2) Maintenance of Right of Way Easement; (3) Common Counts-Account Stated; (4) Common Counts-Open Account. (This is the complaint filed against the property owners who have delinquent assessments.)

DISPOSITION: Request for production of documents by defendants.

In Progress

OLD BUSINESS:

None

NEW BUSINESS:

Questions arose about whether or not vehicles which are not street-legal should be allowed to utilize Park roads. Answers were received from the insurance agent, an attorney, and the Forest Service. Current advice suggests that non street-legal vehicles should not be allowed. Director Hawke moves to defer any decision regarding non street-legal vehicles on Park roads to the Services Corporation and to continue to allow access to dirt roads crossing the OFSRA-owned timber property to highway licensed vehicles only. Motion was seconded by Velayas; motion passed.

THE NEXT REGULAR OFSRA BOARD MEETING WILL BE MARCH 22, 2014.

Executive Session was convened at 12:10. No actions were taken.

There being no further business, President Wallis adjourned the meeting at 12:30 P.M.

Claire Velayas, Secretary

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