



Odd Fellows Sierra Recreation Association Newsletter



Phone: 209-586-3098

September 2012

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

To all the shareholders who made the effort to attend and/or send in your proxy for the shareholders meeting on Sunday, September 23, a big THANK YOU from the Board. Not often can an organization brag that 80% of their shareholders care enough about something to participate at that level. There were/are few options to consider, but doing nothing isn't one of them. - Thank You.

There was an 85% approval of the motion to transfer OFSRA assets to a new organization [see a copy of the Motion in the minutes].

The major projects for the first half of the year are complete. Question: How long has it been since you have seen so much done in so little time? Buildings painted, roads sealed, etc., etc..., and we are ready for Winter; and your timely paying of assessments, along with our care taking staff allowed it all to happen. Can we do more? You bet, and we'll plan for Spring.

There are some "sour" moments. We have been involved in six law suits. Two were dismissed by the courts (Judges), one settled for what we originally planned/offered and one judgement in our favor for \$213,770.00. We recently subpoenaed the records of the defendant (HOA) to see where our (yours and my) hard earned assessment dollars were spent. You will know when we know.

In the meantime, enjoy the Park. We are on track, the Rebekah's are doing a superb job in bringing fun events to the Park, i.e.. Oktoberfest, Christmas Dinner, etc., and the C.S.D. ad hoc Committee is working hard to bring a new organizational structure to fruition for the benefit of everyone.

~Del Wallis



Rebekah's Corner



The Rebekah's and the Rec. Assoc. are putting on this years Holiday Dinner. Turkey, stuffing, mashed potato's and gravy, and dessert will be provided. B.Y.O.B. and a dish to share. Donations of raffle prizes would be greatly appreciated; all proceeds will benefit next years Fish Derby. If you have a raffle prize or are interested in playing Santa Claus, please contact Yvonne Peter at 209-586-5950.

Please put this event on your calendar, December 8th, 5:00pm we look forward to seeing you there.

**ODD FELLOWS SIERRA RECREATION ASSOCIATION BOARD OF DIRECTORS
REGULAR MONTHLY MEETING
September 22, 2012**

The meeting was called to order at 9:00 AM by President Wallis. Board members present: Adams, Barrett, Cloak, Hawke, Velayas, Ordwein, Wallis, and Peter. Board member McDougall resigned.

INVOCATION: Given by Director Hawke

HOMEOWNERS AND OTHERS PRESENT: Caretaker Mark Higgins, County representative Doug Oliver (Chief Building Official), and homeowners Paul Emery, Michael Lechner, Chris Kiriakou, Cliff Opland, John Morgenroth, Pamela Logan, and (arriving excessively late) Shaun Velayas and Andrea Miller.

Paul Emery wanted to know the intent of the OFSRA Board to collect the judgment against the OFSHA. President Wallis replied that to his knowledge, all OFSHA Board members had resigned except one, and that the complete tally of the judgment should be provided to OFSRA from the judge around September 24th or 25th. A subpoena was obtained to access the OFSHA's financial records. President Wallis expects the records will be available the week of September 24th. Mr. Emery believes that the prior Directors of the OFSHA should be held personally liable for the judgment if their insurance company will not pay the judgment. Mr. Emery also feels that the CSD should not move forward until the judgment has been settled with the OFSHA.

CORRESPONDENCE: Secretary Velayas reported that she has responded to all correspondence.

MINUTES OF BOARD MEETINGS of August 18, 2012: Hawke moved that the minutes be accepted with the correction that rather than Director Hawke reporting that 70% of the assessments had been collected, it was Director Ordwein who reported, Peter seconded, motion carried.

CARETAKER'S REPORT: Mark was asked to inspect the grader. Mark reported that there is a leak in the ram. Directors Peter and Wallis requested that Mark report what will be required as far as labor and equipment to repair. President Wallis has asked Mark to clear the culverts and bar ditches. Mark will call and order some sand for the winter's road clearing. The tree on Rebekah will be addressed under Health and Safety.

DIRECTOR REPORTS

WATER-HAWKE: Director Hawke reported that since the August 18th meeting, there was one leaking water valve and it was replaced by Mark. The lake has been sampled again this month. So far it is safe to swim in it.

Water pumped for the month of August 2012 was 1,129,200 gallons.

Respectfully submitted by Ron Hawke, September 22, 2012.

Owners are encouraged to keep their phone numbers and addresses up to date by sending changes to the OFSRA BOD at P. O. Box 116, Long Barn, CA 95335

BUILDINGS-BARRETT: Director Barrett reported that he met with Jeff Wunder regarding the work that has been done on the Lodge. The work on the Lodge, including the termite spraying and the exterior work, has been completed. Work on the Caretaker's cabin has been completed, including the work on the north side. Work which should be considered is a concrete drain on the north side of the cabin to eliminate the potential damage from water drainage. The concrete work would cost approximately \$500.

The work to the stairway would cost approximately \$600-700. Construction of a water diversion from the parking lot around the Lodge has yet to be awarded to a contractor. Jeff Wunder will be asked for a schematic and a price. Director Velayas moved to get the stairway and the north side water-diversion work on the caretaker's cabin be done, Director Barrett seconded. Motion carried unanimously. Director Barrett reported that work to connect generators to Lodge, Caretaker's cabin, and sand shed is complete.

ROADS-ADAMS: Director Adams reported that the road work by Simunaci was completed, and homeowners are happy with his work. The total bill came to approximately \$35,000. People need to be aware that while work is being done, they absolutely need to follow instructions with regards to the detours.

EQUIPMENT-PETER: Director Peter reported that the grader needs work again. He would like to stop putting any money into it. He thinks the grader should stay parked where it is so as to avoid damaging the blacktop. It is currently operational and will be moved only if necessary. A half bucket of cross-bar chains to repair the snow-chains will be ordered.

TIMBER – WALLIS: President Wallis has nothing to report.

GATE-ORDWEIN: Director Ordwein reported that approximately 300 gate cards have been deactivated. Gate is in good repair. If anyone has any problems with the gate, please contact Bill Ordwein. His number is (209) 586-1618.

HEALTH AND SAFETY-ADAMS: President Wallis brought up the safety of the bridge behind the pond. Director Velayas had reported to him earlier in the week that her guest the weekend of September 15th, who is a civil engineer, told her that the bridge is unsafe and should be closed until repaired or replaced. President Wallis has closed the bridge with an explanatory note.

RECREATION-MCDOUGALL: No report, as Sharon has resigned. President Wallis suggested that the position does not need to be filled immediately, and the Rebekahs are willing to assume that duty. Director Hawke moves to allow the Rebekahs to handle the Christmas party and to pay for the expenses incurred not exceeding \$1,000. Director Barrett seconded; motion passed unanimously. The Board suggests that Saturday, December 8th be the date of the Christmas party. Please remember that Oktoberfest is going to be October 6th. President Wallis reported that there is a dead tree at Rebecca and Deborah that should come down. Mark obtained bids from tree removal services as PGE won't remove the tree. Warne's tree service provided a bid to drop the tree only in the amount of \$300. He will fell the tree and remove all refuse for \$1,100. Director Adams moves to have Warne's tree service and make it available for local property owners for wood. Director Hawke seconded. Motion passed unanimously. Please remember that the needle dump is for needles and slash only; someone has been dumping construction materials there. Please remember that the garbage is for wet garbage only, not appliances or furniture. Please refrain from placing discarded appliances or furniture near the garbage can, even with "free" signs attached.

FINANCE-ORDWEIN: Director Ordwein reported that this month's bills amounted to \$125,529.38. Of that, approximately \$35,000 was expended to repair the roads, and approximately \$53,000 was subsequently reimbursed from the Timber funds to cover Cedarbrook expenses. Currently, unpaid assessments total approximately \$44,000 (about 12%). Collections options are being reviewed. Director Hawke moves to pay all bills except the one from Larry Buck which is still being reviewed; Director Peter seconds. Motion carries unanimously.

LEGAL ACTIONS

SMALL CLAIMS COURT

PLAINTIFFS: Charles Varvayanis and Patricia T. Jones

DEFENDANTS: Odd Fellows Sierra Recreation Association, Inc.

COMPLAINTS: **Sc18553** - Claims Defendant owes them \$8,860.00

Plaintiffs claim OFSRA fraudulently billed and collected assessments, special assessments and late fees for two parcels that did not exist.

Defendant: Requested a continuance for Appropriate "Serving" of Odd Fellows Sierra Homeowner's Association

Disposition: Court granted request

Trial date: October 18, 2012.

Sc18586 - Claims defendant owes 9 devices or \$270.00.

Plaintiffs claim OFSRA changed its' gate policies and procedures forcing the deactivation of their gate devices and a reduction in value in their property. They are accustomed to the previous number of devices and desire the devices over the money.

Defendant believes 33 gate opening devices far exceeds what is necessary for a property owner. Mr. Varvayanis owns four original subdivided lots, thus 24 opening devices are automatically allowed. Reimbursement for any of the 9 opening devices disconnected should be commensurate with proof of payment (receipts) for the number of disconnected openers.

Disposition: Trial Date - August 23, 2012 - Judgement: 24 gate opening devices and re-imbursement for 7 opening devices @ \$6.00 each to match receipts for a total of \$42.00.

PUBLIC UTILITIES COMMISSION

PLAINTIFFS: 1)Odd Fellows Sierra Homeowner's Association; 2)Fred Coleman, Ruth Dargitz, Steve Wallace and Larry Vaughn

DEFENDANT: Odd Fellows Sierra Recreation Association, Inc.

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

DISPOSITION: Odd Fellows Sierra Homeowner's suit dismissed. Plaintiff's Coleman, Dargitz, Wallace and Vaughn suit "Stayed" for a time to be determined.

OLD BUSINESS:

No old business.

NEW BUSINESS:

Doug Oliver described the difference between home repairs or renovations requiring permits vs those not requiring permits. Generally anything structural in nature (over 200 sq-ft of siding or roofing, water heaters, sheet rock replacement, etc.) requires a permit. Sheds of dimensions less than 10x20 with no electrical generally do not require permits as long as they are placed within the correct distance from property lines. Generally retaining walls less than 4 feet high do not require a permit, unless it has a surcharge (such as from bearing the weight of a car) or has slope exceeding a certain amount.

Changing out plugs, painting, replacing light fixtures, etc. generally do not require permits. Should your water heater fail, you can replace it first, then obtain a permit and have the County inspect the repair to make sure your house won't burn down. Should you begin work without a permit, there is no immediate punitive fine.

You will simply be required to obtain a permit and make sure your work meets County requirements for safety. As a rule, the County tries hard to make sure you don't have to remove non-permitted work but rather to help you make the work safe with as little extra work and expense to you. If repair-requests from the County are ignored, fees will be assessed, and repairs will be required before the property is sold. You should contact the County before building anything to see if a permit will be required. Doug Oliver's phone number is (209) 533-5633 and email address is doliver@co.tuolumne.ca.us. If Doug is out of the office, ask for Brian Bell, and he can help you as well. There is a lot of information to be had from the State's licensing website as well. The website is www.cslb.ca.gov. Call or email him immediately with any questions or to report any safety concerns you might have.

Joan Muggleton needs to be asked to upload newsletters to the website and asked to ensure the password for homeowners to access the website is correct. Director Velayas will do so. Homeowner Shaun Velayas has volunteered to review the website and provide a report as to what actions should be taken.

Director Velayas will obtain a list of pond specialists, for further review.

Sunday September 15th, a coyote was seen near the pond and did not shy away when people approached. Please use caution when coyotes are seen, and PLEASE do not put out food for them, as that encourages them to be unafraid of people. If you own pets, please also make sure to bring in their food in the evenings.

President Wallis learned that Sierra Nevada Communications had received an unsigned letter several years ago declaring that the Board did not want them to continue any attempts to improve services to the Park. President Wallis sent a letter to Sierra Nevada Communications authorizing them to improve services to the Park so long as any and all damages caused by Sierra Nevada Communications would be rectified immediately. Director Hawke moves to approve such actions necessary to improve services to the Park. Director Ordwein seconded; motion passed unanimously.

Director Ordwein brought up that if the Board registered the truck as agricultural rather than highway use, we could save money on registration, diesel, and insurance expenses. Any trucking that needs to be done outside of the park will be hired out.

Director Ordwein wanted to discuss our classification with regard to worker's compensation. Director Ordwein will contact the accountant to review the classification and see if we can't get our expenses reduced.

There is a meeting scheduled for September 23rd to discuss the CSD. President Wallis reported that there was a suggestion that Rebekahs and Oddfellows be granted free access to the Lodge after the CSD is formed. There are several possible options should the CSD fail to be formed. Many of these are untenable. These will be discussed at the meeting tomorrow.

THE NEXT REGULAR OFSRA BOARD MEETING WILL BE OCTOBER 20, 2012.

No Executive Session was called.

There being no further business, President Wallis adjourned the meeting at 12:28 P.M.

Claire Velayas, Secretary

**ODD FELLOWS SIERRA RECREATION ASSOCIATION BOARD OF DIRECTORS
SPECIAL SHAREHOLDERS MEETING
September 23, 2012**

The meeting was called to order at 9:04 AM by President Wallis. Board members present: Adams, Barrett, Cloak, Hawke, Velayas, Ordwein, Wallis, and Peter.

INVOCATION: Given by Director Hawke after Pledge of Allegiance

HOMEOWNERS AND OTHERS PRESENT: Ninety-one property owners, seventy-one of whom are shareholders.

Yvonne Peter made the following motion: see attachment

Bob Cloak seconded the motion.

Discussion

Vote called

Votes counted by Bob Hintz and Dick Barrett and Daryl Clark and Ron Hawke.

Sixty votes were counted in favor of the motion, and eleven votes opposed.

The motion passed.

There being no further business, President Wallis adjourned the meeting at 10:51 A.M.

Claire Velayas, Secretary

a) I move that the Corporation transfer all real property located within I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 1 and I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 2 (collectively, the "Park") which is owned by the Corporation together with all improvements and fixtures located thereon (collectively, the "Assets to Be Transferred") to **Sierra Park Community Services District** (a community services district to be formed by the Corporation for, among other things, the operation and maintenance of such real property, improvements and fixtures and the repair and replacement of such improvements and fixtures), *excepting only*, Lot 67 Block 21 (APN 031-064-10) of the Park which is owned by the Corporation (the "Caretaker's Lot"). The Corporation will retain an easement over the streets and roads of the Park for ingress and egress and removal of timber from certain real property adjacent to the Park owned by the Corporation. **The Corporation will also retain the right to use the Recreation Hall free of charge at time upon notice to Sierra Park Community Services District.** The Assets to Be Transferred will *not* include any other real property owned by the Corporation, including, but not limited to, certain other real property owned by the Corporation adjacent to the Park (commonly referred to as the "Timber Land" and the "Camp Cedarbrook").

b) **If the transfer to Sierra Park Community Services District is not feasible, I** move that the Corporation transfer the Assets to Be Transferred **to a new corporation** (an entity to be formed by the Corporation for, among other things, the operation and maintenance of such real property, improvements and fixtures and the repair and replacement of such improvements and fixtures), *excepting only*, the Caretaker's Lot. **Each lot owner within the Park would be offered one share for each lot owned by them in the Park at no or nominal cost.** The Corporation will retain an easement over the streets and roads of the Park for ingress and egress and removal of timber from certain real property adjacent to the Park owned by the Corporation. **The Corporation will also retain the right to use the Recreation Hall free of charge at time upon notice to such new corporation.** The Assets to Be Transferred will *not* include any other real property owned by the Corporation, including, but not limited to, certain other real property owned by the Corporation adjacent to the Park (commonly referred to as the "Timber Land" and the "Camp Cedarbrook").

c) I further move to transfer, along with the Assets to Be Transferred as set forth above, those certain water tanks and water lines located on certain other real property owned by the Corporation adjacent to the Park to Sierra Park Community Services District or the aforementioned new corporation together with an easement to maintain, repair and replace such water tanks and water lines. The transfer of the water tanks and water lines will *not* include the transfer of ownership of the real property on which said water tanks and water lines are located.

d) I further move to transfer, **after** completion of the transfer of the Assets to Be Transferred as set forth above, any monies remaining in the Corporation's: 1) Oak Valley Community Bank deposit account, 2) Oak Valley Community Bank money market

account, 3) Wells Fargo Bank account commonly referred to as the "Water Reserve Fund", 4) Wells Fargo Bank account commonly referred to as the "Equipment Reserve Fund", and 5) Wells Fargo Bank account commonly referred to as the "Road Reserve Fund" to Sierra Park Community Services District **or** the aforementioned new corporation less:

- i) all costs and expenses incurred by the Corporation in providing water to lot owners of the Park;
- ii) all costs and expenses incurred by the Corporation in maintaining and repairing the roads and streets within the Park;
- iii) all costs and expenses incurred by the Corporation in providing the use to the lot owners of the Park of certain areas of, and improvements to, the Park, owned by the Corporation, including, without limitation, access gate, lake, recreation hall, picnic area, baseball field, playground, and other similar types of areas and improvements;
- iv) all costs and expenses incurred by the Corporation in providing other services to the lot owners of the Park, including, without limitation, pine needle removal, trash disposal, snowplowing, maintenance and repair of vehicles and equipment used to provide services, an onsite caretaker to assist in providing services, improving, maintaining and repairing access gate, lake, recreation hall, picnic area, baseball field, playground, and other similar types of areas and improvements, and certain other services;
- v) all expenses and costs incurred by the Corporation in connection with the formation of Sierra Park Community Services District and the qualification of Sierra Park Community Services District as a community services district, the formation of the aforementioned new corporation and registration with the Public Utilities Commission (for the provision of water), the transfer of the Assets to be Transferred and the water tanks and water pipes referenced above and the granting of the easement referenced above, including, but not limited to, attorneys' fees and costs and surveying fees and costs;
- vi) all attorneys' fees and costs incurred by the Corporation in connection with litigation to which it is now or in the future may be a party to and in certain other legal matters, including, without limitation, collection of past due amounts; and
- vii) such reserves as are determined by the Corporation as necessary to provide for any contingent liabilities with regard to any of the foregoing.

No transfer of any monies will take place until the Assets to Be Transferred have been transferred and the Corporation has paid (or reserved against) all costs, expenses and liabilities referenced above.

ODD FELLOWS SIERRA RECREATION
ASSOCIATION, INC
BUDGET REPORT
PERIOD ENDED AUGUST 31, 2012

<u>REVENUE</u>	<u>THREE MONTHS ENDED 08/31/12</u>	<u>2012-2013 BUDGET</u>	<u>VARIANCE</u>	<u>% OF BUDGET EXPENDED*</u>
MAINTENANCE INCOME	\$ 304,851	\$ 372,736	\$ (67,885)	81.79%
PROPERTY RENTAL(CARETAKER'S CABIN)	1,608	6,900	(5,292)	23.30%
GATE INCOME	2,565			
RECREATION INCOME	817	-	817	
FISH DONATIONS	1,048			
TRANSFER FEES	100			
INTEREST INCOME	50	-	50	
TIMBER INTEREST	4	-	4	
UNREALIZED GAIN/(LOSS) ON INVESTMENTS		-	-	
MISCELLANEOUS	21,154		21,154	
TOTAL REVENUE	332,197	379,636	(51,152)	
 <u>OPERATING EXPENSES</u>				
ACCOUNTING SERVICE	7,593	18,000	(10,407)	42.18%
BANK CHARGES	33	50	(17)	66.00%
CAMP CEDARBROOK LAND	* 43,322		43,322	
CREDIT CARD FEES	681		681	
CONTINGENCY		3,100	(3,100)	0.00%
EMPLOYEE BENEFITS/HEALTH INS REIM	3,443	12,000	(8,557)	28.69%
EQUIPMENT RENTAL	1,055		1,055	
EQUIPMENT RESERVES		2,000	(2,000)	0.00%
FISH DERBY	2,072	2,800	(728)	74.00%
FRANCHISE TAX		800	(800)	0.00%
FUEL	3,278	9,000	(5,722)	36.42%
GARBAGE	3,627	14,000	(10,373)	25.91%
GATE EXPENSE	694	3,873	(3,179)	17.92%
HEALTH AND SAFETY	1,662	4,000	(2,338)	41.55%
INSURANCE - GENERAL		17,000	(17,000)	0.00%
MAINTAIN BUILDING	607	11,000	(10,393)	5.52%
MAINTAIN BUILDING - CEDARBROOK	* 10,625		10,625	
MAINTAIN EQUIPMENT	689	15,000	(14,311)	4.59%
MAINTAIN LAKE		9,000	(9,000)	0.00%
MAINTAIN ROADS		35,000	(35,000)	0.00%
MAINTAIN WATER	396	8,000	(7,604)	4.95%
MAINTENANCE GENERAL	5,457	25,000	(19,543)	21.83%
MEMBER COMMUNICATION	1,086	4,500	(3,414)	24.13%
NEEDLE EXPENSE		10,000	(10,000)	0.00%
OFFICE EXPENSE - INCLUDES CLERICAL	90	1,500	(1,410)	6.00%
PAYROLL - LABOR	17,632	70,000	(52,368)	25.19%
PERMITS AND FEES		2,500	(2,500)	0.00%
PROFESSIONAL SERVICE - LEGAL	5,207	30,000	(24,793)	17.36%
PROFESSIONAL SERVICE - CONSULTING	32,586	25,000	7,586	130.34%
RECREATION	5,360	1,000	4,360	536.00%
ROAD RESERVES		2,000	(2,000)	0.00%
SUPPLIES SHOP	337	1,500	(1,163)	22.47%
SUPPLIES RECREATION HALL		100	(100)	0.00%
TAXES - PAYROLL	1,554	7,000	(5,446)	22.20%
TAXES - PROPERTY		3,300	(3,300)	0.00%
TAXES - PROPERTY CEDARBROOK	*	3,800	(3,800)	0.00%
TAXES AND LICENSE		1,500	(1,500)	0.00%
TELEPHONE	607	1,200	(593)	50.58%
TIMBER EXPENSE	**		-	
UTILITIES	2,918	14,000	(11,082)	20.84%
UTILITIES - CEDERBROOK	*		-	
WATER RESERVES		3,113	(3,113)	0.00%
WATER TESTING	2,270	8,000	(5,730)	28.38%
TOTAL EXPENSES BEFORE DEPRECIATION	154,881	379,636	(224,755)	

ODD FELLOWS SIERRA RECREATION
ASSOCIATION, INC
BUDGET REPORT
PERIOD ENDED AUGUST 31, 2012

	<u>THREE MONTHS ENDED 08/31/12</u>	<u>2012-2013 BUDGET</u>	<u>VARIANCE</u>	<u>% OF BUDGET EXPENDED*</u>
DEPRECIATION	<u>8,283</u>			
TOTAL EXPENSES	<u>163,164</u>			
NET INCOME FROM OPERATIONS	<u>169,033</u>			
ADD BACK CEDARBROOK EXPENSES	* 53,947			
ADD BACK TIMBER EXPENSES	**			
TOTAL INCOME FOR RESERVE FUNDS	<u>\$ 222,980</u>			

BANK ACCOUNT BALANCES

GENERAL ACCT	\$14,816
MONEY MARKET	189,561
TIMBER RESERVE	121,997
ROAD RESERVE	10,960
EQUIPMENT RESERVE	11,021
WATER RESERVE	11,086
MONEY MARKET - LAND	9,763

*Attributed to Cedarbrook expenses.
(Monies to offset Cedarbrook expenses will be transferred from the Timber/Land purchase accounts.)

** Monies to offset timber expenses will be transferred from the Timber account.

Not to be duplicated or distributed without written approval from the Board of Directors

**Odd Fellows Sierra Recreation Assoc.
P. O. Box 116
Long Barn, CA 95335**