

**Fairwood Village Association Board of Directors Meeting Minutes**  
**10:00 AM Thursday, September 15, 2022**  
**Bay Club Boardroom**

1. **Call to Order:** 10:05 AM by Mike Raymond, President
  
2. **Roll Call:**
  - a. Board of Directors: Mike Raymond - President, Charlie Mayfield - Treasurer, Elaine Raymond - Secretary
  - b. Members: Jill Bryson, Dick Reynolds, Mary Lee Sondergard, Rob Hamilton, Wynne Stevens
  - c. Quorum established.
  
3. **Approval of Agenda:** The agenda was approved.
  
4. **Approval of Last Meeting's Minutes:** The June 16, 2022 FVA Board of Directors Meeting Minutes were reviewed and approved.
  
5. **Presentation of Reports:**
  - a. **Treasurer's Update:** Charlie Mayfield, Treasurer reviewed the balances on the FVA accounts. All bills have been paid, leaving no outstanding debts.
  - b. **Landscape Maintenance Committee:**
    - i. The FVA Board of Directors is responsible for the landscape contract with Robert Gomez for the common areas only.
    - ii. Individuals are responsible for the landscaping on their own lots, whether services are done by Robert Gomez or not.
  
6. **Architectural Committee:** No new applications submitted.
  
7. **Old Business:**
  - a. Par Four Ct OWSI replanting: See attached report by Ken Sondergard.
  - b. Road and storm drain repair: Repairing the cracks in the road and the storm drain at the end of Dogleg Lane was completed by Lakeside Industries and Little Dog Excavators. The storm drain project was more complicated than expected and cost more than expected. The total cost was \$10,248.45.

- c. County takeover of Dogleg Land and Par Four Court: Wynne Stevens investigated and found that the county will not take over any private roads at this time and is not planning to take over any in the future.

**8. New Business:**

- a. Landscape maintenance modifications for next contract: The landscaping contract with Robert Gomez expires at the end of March 2023. A Task Team of Mike Raymond, Charlie Mayfield and Wynne Stevens was formed to develop a new landscape contract and research available and interested landscape companies to obtain bids. Wynne Stevens volunteered to oversee the work being done by Robert Gomez.
- b. Capital Reserve Study and associated Dues Increase: The Capital Reserve Study results showed that the Fairwood Village Association's current plan to fund road repair is inadequate. A Task Team of Mike Raymond, Charlie Mayfield and Rob Hamilton was formed to develop several options to adequately fund the road repair with combinations of increased dues and a one-time assessment. The options will be voted on by the membership at the Annual Membership Meeting in December.
- c. Fairwood Village Association HOA Board Members Election planning: The following schedule was proposed:
  - October 20, 2022 - Open nominations. Prepare and send out Annual Meeting Notice in advance of 30-day notice requirement.
  - November 17, 2022 - Close nominations and prepare ballots to send out. Ballots are due to the FVA Secretary on or before December 8, 2022.
  - December 8, 2022 - Announce election results.The FVA Board of Directors is requesting input from the membership on the desired number of Board members. Please provide your opinion to any of the Board of Directors by October 20th. The FVA Board will determine the number of FVA Board positions by resolution on October 20th based on the input received from the membership.

**9. Open Forum:**

- a. Dick Reynolds reported the halogen light fixture for the monument at the entrance of Dogleg Lane needs to be replaced, preferably with a waterproof LED light fixture.
- b. Jill Bryson expressed concern about the pile of dead branches near the

common area left of the entrance. Robert Gomez's crew have not disposed of them. However, it is unknown who cut and placed them there and should have disposed of them.

- c. A work party will gather at 9:00 AM Saturday, September 17th to trim the tree branches along the right side of the entrance of Dogleg Lane and haul away the branches.

10. **Adjourn:** The meeting was adjourned at 11:45 AM.

Next meeting: **October 20th, 2022 - 10:00 AM at The Bay Club.**

**Submitted by Elaine Raymond, Secretary**

**Attachment:**

1. Par Four Ct OWSI Sewer Report

August 18,2022

Subject: #12 Par Four Ct (lot # 16), Sewer Issues, Final Report.

Summary: On 11/19/21 the property owner of lot #16 informed the board that they were having a plumbing problem and unable to use their residence. Reference the initial project report distributed in January 2022. Reference attached Fairwood Village Association Common Area Project Application and site map of Par Four common area. The sanitary sewer pipeline located in the utility easement in the common area behind #24 Par Four Court collapsed in early November 2021 adversely affecting service to lot # 16.

On 11/21/21 an FVA HOA Board member filled out the "Fairwood Village Association Common Area Project Application", and advised the property owner to sign the application. The property owner signed the project application on 11/21/21.

1. The project application describes the work as follows:  
Location of project: #12 Par Four Ct into common area,  
Project description: Sewer pipe in common area has collapsed,  
Work to be performed by: Greg Barton Moving Earth & Excavating  
Estimated start date: 11/23 and 11/24.
2. The "Fairwood Board of Directors Action" section of the project application states: "Excavating contractor is insured and bonded, and will use extreme caution." "Any key plants or trees damaged or destroyed will be replaced with agreement and approval of FWV HOA". Marked the application approved.

#### Observations:

Based on information obtained during the project and a review of the FVA HOA Board's statements on the project application shows:

1. The contractor was not bonded for this project, as stated by the board.
2. The contractor failed to obtain a site utilities clearance prior to starting work. Demonstrating the statement that the contractor "will use extreme caution" was unfounded.
3. The FVA HOA Board did not perform a site/plant survey to verify the types and numbers of plants, and plant spacing in the proposed project area prior to approving the project application. Making the site and plant remediation difficult, and possibly unenforceable.
4. Based on the description of the work the FVA HOA Board failed to perform due diligence by contacting the OWSI directly to verify that the FVA HOA Board had the authority to approve a project application to perform excavations in the OWSI's utility easement, and to perform repairs to OWSI's sewer pipe line.

The owner had their plumber inspect and advise on the problem in November prior to preparation of the project application. In late November the property owner hired a contractor to perform excavation in the common area and extending into lot #16 at the back of the lot. There is no indication that an SBCA-ARC project application was submitted to the SBCA-ARC for approval prior to start of excavations on private property.

On 12/08/21 the previous FVA HOA Board advised the new incoming HOA Board that it should require the property owner of lot #16 plant 100 +/- bushes in the disturbed area. The previous HOA Board did not specify

types and spacing of plants to be required in the planting, and did not provide documentation or information to support their recommendation.

Conclusions:

1. On 11/27/21 an FVA HOA Board member performed a site visit to inspect the project. The property owner advised that OWSI had shut down their contractor. Demonstrating that the FVA HOA Board did not have the authority to approve the work described in the project application. Therefore, the "Fairwood Village Association Common Area Project Application" was unnecessary.
2. The FVA HOA Board misinformed the property owner regarding the project application. The property owner relied on the FVA HOA Board approved project application to perform the work described in the application.
3. The board made incorrect statements in their approval of the application and failed to perform due diligence to protect the property owners from possible liability for damage to private property and for site restoration and replanting.
4. OWSI hydroseeded the disturbed site in the early spring. At the end of May OWSI installed 148 potted plants, similar to the types planted in 2017.

Recommendations:

1. The property owner had a plumber inspect and advise on the problem. Based on the project description the work was on private property and extending into the utility easement in the common area. Based on advice from the OWSI, the proper course of action for the property owner would have been to call OWSI and report the issue with the sewer system in the common area. The proper course of action for the FVA HOA Board would have been to call OWSI and report the issue when first informed that the sewer system in the common area had failed, and at least prior to approving the "Fairwood Village Association Common Area Project Application".
2. The board may have some authority in the common area, but as this case demonstrates the HOA's authority in utility easements is limited.
3. The excavation in utility easements for the purpose of repairing sanitary sewer pipelines is the exclusive responsibility of the owner of the sewer system, OWSI. No approval is required from the FVA HOA Board for OWSI to perform repairs to the sanitary sewer system in the utility easement.
4. The OWSI advised that the property line is typically where responsibility changes hands. Property owners planning to perform repairs to sewer pipe lines on private property should submit an application to the SBCA-ARC for approval prior to start of repairs. SBCA South Bay Design Standards, Revision 5.2, dated 04/12/19, section 4.2.1 approval is required for all types of construction except as specified in section 4.2.2. Based on these requirements and advice from the SBCA general manager a property owner planning to perform repairs to a sewer pipeline on private property must submit a project application to the SBCA-ARC for approval prior to starting work.

Kenneth Sondergard, Vice President

Fairwood Village Homeowners Association