

Minutes of the April 4, 2013 Meeting of the Board of Directors of the Silver Creek Valley Country Club Geologic Hazard Abatement District.

A meeting of the Board of Directors of the Silver Creek Valley Country Club Geologic Hazard Abatement District (“District”, “GHAD”) was held at 5640 Country Club Parkway, San Jose, California, on April 4th, 2013 and was called to order at 6:36 PM.

Agenda item 1: The following Directors were present at the beginning of the meeting and constituted a quorum for the transaction of business: Bruce Apkarian, Reyad Katwan, Stephan Kay and Richard Manso. Ulf Sandberg was absent. The General Manager of the GHAD, Ed Abelite was present at the meeting and was asked by Mr. Katwan to be the Secretary of the meeting and to keep the minutes of the meeting. From the public, Mr. Steve Moore was in attendance. Mr. Moore was attending because he was considering joining the Board.

It was noted by the Directors that the agenda had been properly posted by Mr. Abelite at the guard gate at least 72 hours prior to the meeting.

Agenda item 2: The minutes of the January 24, 2013 meeting were then reviewed by the Board of Directors. Mr. Manso made a motion to approve the minutes. Mr. Apkarian seconded the motion. The Board voted to approve the minutes as follows: Voting yes: Messrs. Apkarian and Manso. Abstaining: Messrs. Katwan and Kay. Absent: Mr. Sandberg.

Agenda item 3. Comments from Public and Correspondence: Mr. Abelite noted there were no public comments received. Mr. Abelite reported that since the previous meeting, Mr. Kay had expressed his desire to resign from the Board when a replacement Director could be found. The Board was introduced to Mr. Moore as a possible replacement Director for Mr. Kay. Board members described to Mr. Moore what the GHAD is and does. Mr. Moore indicated he would like to attend a few meetings before making a decision to join the Board.

Agenda item 4. Reserve Fund Study Inspection and Maintenance: This was a continuation of an agenda item from the previous Board meeting. The issue had to do with the GHAD’s Plan of Control which included a requirement to inspect and maintain sub drain systems including clean outs and outlets within the District boundaries. The Board discussed this item in terms of the potential scope of the project and whether there was an actual need to located and monitor all the sub drains. Discussions included the difficulty of finding all the drains, how the GHAD might go about finding the drains, how the GHAD would monitor those drains, etc. The Board noted that notwithstanding the Plan of Control, the District’s slopes have performed well. The Board decided to continue this discussion item until after Mr. Abelite gathered some further information for the Board. Specifically the Board directed Mr. Abelite to find out if the GHAD’s geologist has old soils reports that might identify subdrain locations and if the monitoring of subdrains is essential.

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Agenda item 5. Results of the Fall Inspection project: The Board was presented with a summary of the findings of the Fall Inspections in the form of a Field Observation letter dated January 23, 2013 from C2 Earth, Inc. Mr. Manso reported to the Board on the Home Owners Associations (HOA) status on the repair and servicing of ditches. Mr. Manso mentioned that the HOA was still working to define a better scope of work and was also waiting for dryer weather to continue working on the project. Mr. Katwan volunteered to provide the HOA with some other potential contractor contacts for doing the work. Mr. Manso mentioned there were funds earmarked by the HOA to work on this project.

The Board reviewed and discussed the various sections of the letter. The only action item was the Board directed Mr. Abelite to forward the Field Observation letter to the HOA.

Agenda item 6. 2013 Elections: Mr. Abelite reported to the Board that this is an election year for the GHAD and 4 seats were up for election in the November 5th 2013 County General Election. The Board seats that are currently up for election are those occupied by Messrs. Apkarian, Katwan, Kay and Sandberg. Mr. Abelite reported that should there be more than four candidates interested in running for the seats on the GHAD Board, then the GHAD would engage in the election process. Mr. Abelite reported that the GHAD has never had enough interested candidates that would warrant an election and as a result, the GHAD has never participated in an election.

Mr. Abelite presented the Board with a draft resolution 2013-01 which requests and consents to consolidate elections. Mr. Kay made the motion to approve the resolution and Mr. Apkarian seconded the motion. The motion was approved by Messrs. Apkarian, Katwan, Kay and Manso. Mr. Sandberg was absent.

The Board directed Mr. Abelite to run advertisements in the HOA newsletter seeking Board candidates.

Agenda item 7. Manager's report.

Mr. Abelite reported he worked on concluding steps for the Reserve Fund Study. Mr. Abelite reported that final document revisions were received and the study was published on the GHAD web site and filed away.

Mr. Abelite reported on the noteworthy issues contained in the fall inspections Field Observation letter dated January 23, 2013 from C2 Earth, Inc. This matter was discussed earlier in the agenda.

Mr. Abelite reported he began working on the 2013 Elections with the Office of the Registrar of Voters and as a result produced resolution 2013-01.

Mr. Abelite reported he received a letter from the GHAD's geotechnical Engineer regarding his findings along the rear slope of three homes in the District. This was a GHAD initiated inspection and letter request having to do with homes located at 5199, 5217 and 5235 Vicenza Way. Mr. Abelite presented the letter to the Board. The Board directed Mr. Abelite to send a copy of this letter to each of the three referenced home owners.

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Mr. Abelite reported he received the requested “SOIL CREEP – A non-technical Description” article from the GHAD geotechnical engineer. The article was presented to the Board. The Board accepted the article and directed Mr. Abelite to post it on the GHAD’s web site and to insert it into the upcoming GHAD Newsletter. The Board also directed Mr. Abelite to work into the newsletter article the example of Birkdale Way and what the GHAD is doing there.

Mr. Abelite reported that he worked on routine GHAD financial business for the previous period. He presented standard financial reports and a copy of the most recent bank statement. Mr. Manso directed Mr. Abelite to reclassify the \$3,000 Reserve Study cost to a newly created account.

Mr. Abelite reported that he is about to start working on a proposed budget for 2013-2014.

Mr. Kay initiated a discussion regarding Mr. Abelite’s compensation. The Board briefly discussed compensation and Mr. Abelite’s results in the last few years. Mr. Abelite pointed out that there was a meeting of the Association of California GHADs later in the month and that it may be a good place to explore what other GHAD’s are doing in terms of budgets and General Manager costs. Mr. Kay volunteered to attend this association meeting in an effort to explore this matter further.

At this point, the Board unanimously voted to add an agenda item for a Closed Session for a conference regarding personnel matters. It was specifically noted that the Board was going into closed session under Government Code Section 54957.7 to discuss personnel matters and that there was one item to be discussed. On a motion duly made, seconded and unanimously carried, the Board moved into closed session.

Following the closed session, the Board, on a motion duly made, seconded and unanimously carried, reconvened into open session whereupon the Chairmen announced that the Board had taken the following action: a) The Board has decided to increase the pay of the General Manager to a yet to be determined rate; b) The Board decided to direct Mr. Abelite to move forward with the budget process and any increase in General Managers pay would be handled at the upcoming Board budget meeting; c) Mr. Katwan also announced that the GHAD shall begin annual General Manager performance reviews. Said reviews will be conducted in meetings before the annual budget meetings are held.

There were no field items to report.

This was the end of the manager’s report.


Agenda item 8. Home Owners Association Presentation: Mr. Abelite presented his proposed HOA / GHAD power point presentation to the Board. Mr. Manso and Mr. Apkarian both commented that the presentation was too long. They advised Mr. Abelite to shorten the number of slides. Mr. Manso indicated he would be willing to assist Mr. Abelite in preparing a shorter slide presentation.



The meeting was adjourned at 8:14 pm.

Respectfully Submitted,

and

DocuSigned by: <i>Ed Abelite</i> 	, Secretary of the Meeting	5/24/2013
DocuSigned by: <i>Ulf Sandberg</i> EFBC835EE420428...	, Clerk of the Board	6/9/2013