

Voices Community Meeting Agenda

June 11, 2024

6:00 pm

NEW! Now virtual via Zoom

Meeting Norms: No personal criticism will be allowed • Limit each instance of speech to 3 minutes to ensure everyone has opportunity • Facilitator may request hands be raised if many want to speak
• Meetings are open and comments may be repeated outside the meeting

Voices Vision Statement: To provide a forum for discussion of positive outcomes focused on improving and enhancing the quality of life at Woodside.

A. Welcome and Meeting Norms

B. Introductions and Ice Breaker

C. Discussion

1. 2024 Election

- Results: THREE new Board members! Congratulations to Jennifer Choy, Darren Keenan, Jadwiga “Gigi” Wieczner, and also to re-elected director Bill Sessa.
- Inaccurate statements by candidates – Should an opportunity be allowed for other candidates to provide corrections? How can facts be presented to voters without introducing negativity? Accuracy and accountability by our Board members is vital since we’re trusting them to manage our association and our association finances.
 - a. Bill Sessa said in his candidate statement that he downsized to a condo, and he and his wife love “their tree house.” Yet it is believed that Bill’s primary residence is in Petaluma and he’s in Sacramento only 2 days a week, and his wife lives in Petaluma full-time.
 - b. At the May 2 Candidates Night, Bill Sessa said that Jennifer Choy couldn’t attend because she was taking the bar exam, and that reason was repeated to attendees. However, the California bar exam is given in February and July.
 - c. At the May 2 Candidates Night, Bill Sessa said the association has a CPA on staff. The association bookkeeper isn’t a CPA. The company that prepares our annual financial review isn’t on our staff.

2. Budget for 2024-2025 Fiscal Year (FY25)

- Regular assessment increased 10%; special assessment of about 4.7% (based on FY25 budgeted operating expenses of \$3,512,955 + reserve contribution of \$995,004)
- No cuts in expenditures; no plan for tackling our underfunded reserve fund
- The annual budget report is missing these legally required items:
 - a. Instructions regarding how to request a complete copy of the full pro forma operating budget at no cost to the member per Civil Code § 5320.
 - b. Reserve summary, reserve funding plan, major component repairs that are being deferred, reserve funding mechanism, and procedures for calculating reserves
 - The Reserve Study Special Meeting was held April 17. Surely a month was long enough for the Board to finalize the study with Browning Reserve Group.
 - The reserve disclosures are required to be included in the annual budget report per Civil Code § 5300 and in the format required by Civil Code § 5570.

3. Landscape contract

- The contract was awarded to Fernandez in closed session. It wasn't clear whether there were any competing proposals. If the new contract includes the 7.5% increase stipulated in last year's contract, the monthly payments are \$26,359 and the annual cost is \$316,308.

4. 2025 Election

On January 1, 2020, a law requiring HOAs to amend their election rules took effect. (Election rules have been required since July 1, 2006.) It is believed the 2020 annual meeting was delayed to comply with the new law. The Board adopted new election rules on February 25, 2020, and the 2020 annual meeting was held in May, meeting the 180-day election period required by law.

Since 2020 the annual meeting has been held in May. However, according to Woodside bylaws (4.1), the annual meeting must be held in January. Corporations Code § 7510 requires the annual meeting be held on the date stated in the bylaws.

There are three benefits to returning to our legally required annual meeting date beginning with the next election:

- a. The three seats that will be open for election in 2025 are all held by appointees. None of the incumbents were elected. Therefore, returning to the scheduled date now won't deprive any elected director of service time.
- b. Whenever director elections are held, new officers are elected by the Board. A treasurer elected in May has no input on the budget for the next fiscal year, which begins July 1 and must be distributed to homeowners by May 17 (Bylaws 8.2.2; bylaws may be more stringent than Davis-Stirling, which has a May 31 deadline). Returning to the required January date solves this problem of the treasurer working with a budget they didn't help prepare.
- c. The Board will demonstrate its respect for the rule of law.

Corporations Code 7510 does allow some leeway on the date. The annual meeting can be held up to 60 days after the scheduled date. To avoid having important election dates occur during the winter holidays, the annual meeting could be held in February. That would still allow time for the treasurer to learn their duties and obligations while complying with the law.

To meet a February annual meeting date, the early notice of nomination deadline will need to be distributed by August 30, according to the Election Timeline Calculator.

5. Voices via Zoom

- Feedback?

D. Adjournment (7:30)

Woodside Covenants, Conditions, and Restrictions (CC&Rs)

https://woodsidehoa.com/wp-content/uploads/2023/07/cc_rs_restated.pdf

Woodside Bylaws

https://woodsidehoa.com/wp-content/uploads/2023/07/restated_bylaws.pdf

Civil Code § 5300 – <https://codes.findlaw.com/ca/civil-code/civ-sect-5300/>

Civil Code § 5320 – <https://codes.findlaw.com/ca/civil-code/civ-sect-5320/>

Civil Code § 5570 – <https://codes.findlaw.com/ca/civil-code/civ-sect-5570/>

Corporations Code § 7510 – <https://codes.findlaw.com/ca/corporations-code/corp-sect-7510/>

Election Timeline Calculator – <https://www.davis-stirling.com/HOA-Election-Timeline-Calculator>

Davis-Stirling.com – Plain-language explanations of HOA laws – <https://www.davis-stirling.com/>