

**MINUTES VIA VIDEO CONFERENCE**  
MEETING ID: 1448408389  
**BOARD OF DIRECTORS**  
**COMMUNITY OF HARBOR BAY ISLE OWNERS' ASSOCIATION**  
**AUGUST 24, 2022**

**BOARD MEMBERS PRESENT:** Paul Beusterien, Vice President  
Gary Lym, Secretary/Treasurer  
Walt Jacobs, Director  
Cheryl Paterson, Director  
Michael Robles-Wong, Director

**BOARD MEMBERS ABSENT:** Bill Pai, President

**STAFF PRESENT:** Dawn Jaeger, Executive Director  
Jacqui Vasquez, Office Manager

**OTHERS PRESENT:** Jon Hamilton, CLASS  
Jay Garfinkle, Clipper Cove

**CALL TO ORDER**

Vice President Beusterien called the meeting to order at 6:46PM.

**ROLL CALL / APPROVAL OF AGENDA**

Roll Call was conducted by Ms. Vasquez. The Board reviewed the agenda.

**Vice President Beusterien motioned to approve the agenda as submitted. Director Jacobs seconded the motion.**

**VOTE:** Motion carried unanimously (5 in favor-Beusterien, Lym, Paterson, Jacobs, Robles-Wong); none opposed or abstained

**OPEN FORUM**

Mr. Jay Garfinkle, homeowner at Clipper Cove, addressed the Board regarding the recently approved ADU policy and the procedure by which it was approved.

**CONSENT CALENDAR**

**Treasurer/Secretary Lym motioned to approve the consent calendar as submitted. Director Jacobs seconded the motion.**

**VOTE:** Motion carried unanimously (5 in favor-Beusterien, Lym, Jacobs, Paterson, and Robles-Wong); none opposed or abstained.

**CLASS REPORT**

Mr. Jon Hamilton was present and advised the Board of the following:

- A summary of the survey results will be presented in the upcoming issue of The Gull's Call.
- On August 13<sup>th</sup> and 14<sup>th</sup>, there were 13-14 overflights each day. When CLASS questioned the airport, their response was that it was due to congestion at the South Field. CLASS wondered what will happen in the next 20 years during the planned airport expansion.

**FINANCIAL REVIEW**

The Board reviewed the June and July, 2022 financials and the delinquency report provided to them.

Ms. Jaeger reported there is an excess of \$417,427 in the budget, divided by the year-to-date budget of \$3,334,462, which equals being 12.5% under budget currently. This is because we have been unable to hire for our vacant positions and we have not participated in the shredding event, the Tilman Picnic, the Garage Sale event, or the Summer Staff Outing. We did have the breach, and it is showing in office supplies, computer services, professional services, and breach (we will be adjusting when we are able to delineate how much of certain bills are breach related and how much are not.)

Regarding delinquencies, Ms. Jaeger advised the Board there is one item in bankruptcy. Two items are scheduled to come before the board tonight in executive session for authorization to record a notice of delinquent assessment.

**Treasurer/Secretary Lym motioned and Vice President Beusterien seconded to accept the June and July, 2022 financials in accordance with Civil Code Section 5509.**

**VOTE:** Motion carried unanimously (5 in favor-Beusterien, Lym, Jacobs, Paterson and Robles-Wong); none opposed or abstained.

**Vice President Beusterien motioned and Director Robles-Wong seconded to accept the delinquency report as submitted.**

**VOTE:** Motion carried unanimously (5 in favor-Beusterien, Lym, Jacobs, Paterson and Robles-Wong); none opposed or abstained.

### **DIRECTOR REPORTS**

Ms. Jaeger advised the Board of this new section on our meeting agendas for directors to discuss topics that may not have a place otherwise on the agenda-for notification of the board only.

Director Robles-Wong updated the Board on the first meeting of Beat 34 held with Alameda Police Department. Twenty-four people attended. CHBIOA will be hosting next month's meeting. Details will be forthcoming.

### **E.D. COMMENTS**

Ms. Jaeger advised the Board of the following:

- We have 80 feet of fencing going in on Pudding Stone behind the bus stop.
- The Lagoon Analysis shows that we have regular non-toxic algae. The lagoon will remain on lock down until the oxygen levels are depleted to the point of fish starting to die as a way of keeping the red tide/toxic algae out of the lagoon system. Once in, it will be near impossible to eradicate.
- Sidewalks along the lagoon are all complete.
- Ms. Jaeger will be attending the SHRM Certification Study Class in San Diego in October. Testing is in 2023.
- **Andrea Godoy** received her California Community Association Manager certification today.

### **OLD BUSINESS**

- A. Data Breach Update- According to the cyber insurance class I took, most companies that have a cyber breach are down 28 days and have costs greater than \$120,000.** We were down 10 days, but now we are up and running 100%. So far of the 105 individuals impacted for personal identifiers, 50 of them have signed up for protection. Costs are continuing to trickle in, but I believe it will be capped at less than the \$60,000 previously projected. The July financials reflect aspects of the breach, but still need adjusting. For instance, we created a cyber breach line, but things like office supplies and postage have not been moved over yet because we buy in bulk. Additionally, we had to update some software programs like Windows on various computers, which could be seen as either computers or breach, so we are determining if we can parse it out or not.

- B. CC&R Update-** Ms. Jaeger met with Roseman Law. They are working on determining if our CC&Rs consider us to be one of the businesses within the Master Association. The CC&Rs require that 51% of each class of voter must pass the CC&Rs, therefore they want to ensure there are enough votes to pass. If both the Landing and the HB Club choose to vote against it, then we are out voted before we even begin. However, if we are considered a business within the master association, our property far exceeds the other two combined. (5 Votes an Acre for Commercial).
- C. Bridge Update-** We have received our waste disposal certificates for the bridges (they are assumed to have hazardous waste as the green boards are treated). We will receive a new certificate after the first dump because then they will know what the disposals will contain. Bridge work will start mid-September. Signs for detours should go up this week, one bridge at a time, from September through December. The information is on the website.
- D. PSL Update-** We have been watching what is happening with all of the Association's PSLs. At this time the main group of Associations are still working together and have been ironing out how to pay for the upgrades. CHBIOA will handle the collection of any special assessments, and make payments as authorized to the banks for any associational loans. Bay Colony is the only association that seems to still struggle about what they want to do. For the Master Association, in 2019 we were told because the businesses are each responsible for to their own laterals and we have less than 1,000 linear feet that we did not have to participate in the process. We were notified two weeks ago that we have to, after all. We filmed the full 460 linear feet earlier this week. The pipes are in good shape; however, we will need to have them pressure tested next with EBMUD as a witness. We anticipate this will happen prior to November.

#### **NEW BUSINESS**

- A. Communications-**Ms. Jaeger stated that job postings for our current openings are in the agenda package for the Board to review and to forward on if they know of anyone who's looking for employment.

#### **ADJOURNMENT TO EXECUTIVE SESSION-7:23PM**

The Board adjourned to Executive Session.

#### **ADJOURNMENT BACK TO REGULAR SESSION-7:47PM**

The following was read back into the minutes after Executive Session was adjourned and Regular Session was re-convened:

The Board took the following votes on delinquencies and defaults:

082-32529 – Authorization to Record Notice of Delinquent Assessments

**Director Paterson motioned and Vice President Beusterien seconded to approve the Authorization to Record Notice of Delinquent Assessments for #082-32529.**

**VOTE:** Motion carried unanimously: 5 in favor (Beusterien, Lym, Jacobs, Paterson, and Robles-Wong); none opposed or abstained.

095-093641 – Authorization to record Notice of Delinquent Assessments

**Director Paterson motioned and Vice President Beusterien seconded to approve the Authorization to Record Notice of Delinquent Assessments for #095-093641.**

**VOTE:** Motion carried unanimously: 5 in favor (Beusterien, Lym, Jacobs, Paterson, and Robles-Wong); none opposed or abstained.

The Board discussed personnel issues, including the inability to fill the open positions with the current salary ranges.

**ADJOURNMENT**

**Director Robles-Wong motioned and Vice President Beusterien seconded to adjourn the meeting at 7:48 pm**

**VOTE:** Motion carried unanimously: 5 in favor (Beusterien, Lym, Jacobs, Paterson, and Robles-Wong); none opposed or abstained.

The next regular meeting of the Board of Directors meeting is scheduled for September 28, 2022.

Minutes approved on \_\_\_\_\_

\_\_\_\_\_  
CHBIOA Board Member