



CRUMMACK HUSEBY

EVERGREEN COMMUNITY ASSOCIATION  
GENERAL SESSION MEETING MINUTES  
A California Nonprofit Corporation  
THURSDAY, MAY 23, 2024

**NOTICE OF MEETING**

In accordance with Civil Code §4920, the Meeting Notice and Agenda was posted for the General Session of the Board of Directors of Evergreen Community Association, held via teleconference.

**ROLL CALL**

A quorum of the Board was established with the following Directors in attendance:

Directors Present:            Russell Drouillard, *President*  
                                     Tom Levitt, *Vice President*  
                                     Clyde Roe, *Secretary*

Directors Absent:            *Two (2) Vacant Seat*

Crummack Huseby:         Bridget Frost, CMCA®, *Community Manager, Crummack Huseby*

**EXECUTIVE SESSION MANAGEMENT DISCLOSURE**

The Board met in Executive Session prior to this meeting to discuss the approval of Executive Session minutes, Delinquent Accounts, CC&R hearings, third-party contracts, or enforcement matters.

**CALL TO ORDER**

President Russell Drouillard called the General Session of the Board of Directors to order at 6:00 PM.

**HOMEOWNER FORUM**

In accordance with California Civil Code, the homeowners were given an opportunity to address the Board of Directors during General Session. No homeowners were in attendance.

**CONSENT CALENDAR**

By general and unanimous consent of the Board, the Consent Calendar was accepted, consisting of the following items:

1. Approve the General Session Meeting Minutes dated: April 25, 2024;
2. (*Financials Tab*) Treasurer's Report
  - a. Civil Code §5500/5501 – Each member of the Board (the Financial Committee) reviewed and acknowledged the monthly financial statements for April 2024 subject to audit; (*Financials Tab*)
3. Acknowledgement of the resignation of Board member Dennis Yunker as of May 14, 2024 at 6:50 p.m.

The approval of General Session Meeting Minutes dated May 14, 2024 was pulled from the consent calendar. A motion was made by Russell Drouillard and seconded by Clyde Roe to approve the May 14, 2024 minutes. Tom Levitt abstained due to not attending the meeting. The motion carried.

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### COMMON AREA MAINTENANCE/ MAINTENANCE MATRIX UPDATES

A motion was made by Tom Levitt and seconded by Russell Drouillard to approve the resolutions regarding common area maintenance as attached to these minutes and send them for attorney review.

### PARKING RULES

A motion was made by Russell Drouillard, seconded by Tom Levitt, and unanimously carried to enter into the agreement with Titanium Security for non-active parking enforcement during Northpark's security times at no cost to the Evergreen Association. Prior to signature, the agreement should be edited to read "Spring Valley and Hidden Valley" as Location under Section 1, subsection d. and under "Association's Address" on the signature page of the agreement, and to update Exhibit A, Scope of Work, to state "Provide parking enforcement for stored vehicles, fire lanes, and no parking areas, upon request."

### STREET REPAIR PROJECT

The Board discussed the street repair project. An additional walk will be set up.

### EVERGREEN COMMUNITY RULE UPDATE

A motion was made by Tom Levitt and seconded by Russell Drouillard to adopt the following rule change that was posted for 28 day review. The motion carried unanimously.

1. If a fine is imposed the following schedule will apply:
  - First occurrence; \$200 plus an additional \$250 for each 30 days or fraction thereof beyond the due date that the violation is not corrected
  - Each additional occurrence within a one year period; \$300 plus \$350 for each 30 days or fraction thereof that the violation is not corrected.

### ANNUAL MEETING

The Board discussed the annual meeting which will be held on June 27. A letter will go out with the ballot discussing the lack of candidates.

### RESERVE STUDY

A motion was made by Clyde Roe and seconded by Russell Drouillard to accept the reserve study as presented by Advanced Reserve Solutions. Tom Levitt made an amendment to the motion that it be accepted subject to Board review, discussion, and possible revision within 120 days, with the current version being used for the budget and budget mailer. The motion carried unanimously as amended.

### 2024-2025 FISCAL YEAR DRAFT BUDGET (pg. 66)

A motion was made by Russell Drouillard and seconded by Clyde Roe to raise assessments by 4.3%. The motion carried, with Tom Levitt voting against.

### LANDSCAPE COMMITTEE

A landscape committee update was provided by Tom Levitt regarding landscaping and tree care.

### ARC COMMITTEE

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Temporary non-compliance in regards to architectural items outside of Northpark and/or Evergreen architectural guidelines will be on the July agenda for discussion.

**NEXT MEETING**

The next General Session Meeting is scheduled for Thursday, June 27, 2024, 6:00 pm.

**ADJOURNMENT**

There being no further business to come before the Board of Directors in General Session, a motion was made, seconded, and unanimously carried, to adjourn the General Session to return to Executive Session at 7:23 pm.

**SECRETARY’S CERTIFICATE**

I, Clyde Roe, the duly appointed and Acting Secretary of The Evergreen Community Association, do hereby certify that the foregoing is a true and correct copy of the Minutes of the General Session meeting held on the above date as approved by the Board of Directors.

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_



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## RESOLUTION OF THE BOARD OF DIRECTORS EVERGREEN COMMUNITY ASSOCIATION

### RECITALS

Whereas, Evergreen homes are Single Family properties, in which the Owner owns the land and all the improvements upon it; however, the CC&R's contain provisions for certain maintenance by the Association.

Whereas, on February 6, 2020 Evergreen Board adopted the current Maintenance Responsibility Matrix, which lists specific controlling authority (Evergreen CC&R's). The Matrix was reviewed and approved by previous Counsel.

Whereas, Association Maintenance Areas means the front door, garage door, outside surfaces, structure, and roofs of all Residences. (CC&Rs paragraph 1.8)

Whereas, the CC&R's shall be liberally construed to effectuate... the maintenance of the Common Area and Association Maintenance areas (CC&Rs paragraph 15.4).

Whereas, the Board shall determine, in its sole discretion, the level and frequency of maintenance of the Common Area, Association Maintenance Areas, and Perimeter Wall (CC&Rs paragraph 9.2).

Whereas, on October 25, 2023 a question was posed to Legal Counsel, Matt Ober: "Can the Board decide to only paint doors and require the homeowner to maintain the rest? He replied "Yes", provided we list the responsibilities in our maintenance Rules/Matrix and distribute them to homeowners for comment. This reasoning can apply to other components which Evergreen currently maintains. (Legal Orientation with Matt Ober on October 25, 2023.)

Whereas, Association documents routinely assign maintenance duties between owners and the association. Unfortunately, "Exclusive Use" areas are often left out of CC&Rs or muddled when it comes to who is responsible to maintain, repair, and replace them. This is particularly true with older Association governing documents.

Whereas, "Exclusive Use", may be deemed a subset of Association Maintenance Areas. Some of the Evergreen Association Maintenance Areas lend themselves to being categorized as "Exclusive Use". Examples include, but are not limited to: front doors, garage doors, mailboxes, and balcony decks.

Whereas, any reduction of Association maintenance, and deferral of maintenance to Homeowners, will reduce Association costs. Example: FY 2024 Reserves Fully Funded Balance for garage and front doors is approximately \$186,840; decks is approximately \$65,168. These funds could be applied to other components, and reduce Member assessments.



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RESOLUTION

It is hereby resolved by the Board of Directors for Evergreen Community Association that:

Level of maintenance for Garage Doors and Front Doors shall be as follows: Painting of exterior surfaces by the Association according to the reserve schedule. Repair and replacement (including all hardware and painting) by the Homeowner.

Level of maintenance for Balcony Decks shall be as follows: Painting of stucco areas by the Association according to the reserve schedule. Cleaning, sealing, and resurfacing by the Homeowner.

Level of maintenance for Mailboxes and Posts Shall be as follows: Painting of mailboxes by the Association according to the reserve schedule. Painting and replacement of mailbox posts by the Association according to the reserve schedule. Replacement and repair of mailboxes by the Homeowner.

The Board shall revise the Maintenance Responsibility Matrix, obtain review by Counsel, and distribute it to the membership for the required 28 day comment period.

The Board shall adjust Reserve Component funding accordingly.

This Resolution is adopted and made part of the minutes of the May 23, 2024 meeting of the Board of Directors. Executed this \_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Secretary