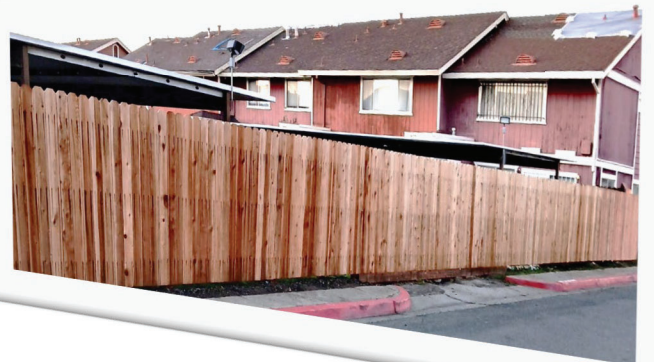


01-29-2025 SOME OF THE LATEST PROJECTS!



PAGE 2 – NEW WORK
PAGE 3 – NEXT PROJECTS
PAGE 4 – AGENDA
PAGE 5 – MINUTES
PAGE 6 – OTHER NEWS
PAGE 7 - EDUCATION CORNER
PAGE 11 EVIDENCE OF ONGOING MAINTENANCE -
GO TO <https://www.lisafranchoa.com/maintenance-and-transparency-docs>

NEW ROOFS

4085 WEYMOUTH – 5685.00

4109 BROOKFIELD – 6500.00

TARPED:

BROOKFIELD

4109

4149

4159

4181

4183

BU

4195

CE

60

64

68

SAVANNAH

4075

4078

4081

WEYMOUTH

4050

4072

4076

4097

4098

4101

4105

4081

TOTAL = 15625.00 or the equivalent of the cost of 3 new roofs. The weather won't give us a break.

I DON'T THINK WILDWOOD "LOOKS LIKE HELL"



AWAITING NOTIFICATION OF START DATES FOR “TRIP & FALL” REPAIRS



NEXT NEW ROOF WILL BE SELECTED FROM THIS LIST BASED ON SEVERITY OF THE CONDITION OF THE ROOF:

BROOKFIELD

4109
4149
4159
4181
4183

BU

4195

CE

60
64
68

SAVANNAH

4075
4078
4081

WEYMOUTH

4050
4072
4076
4097
4098
4101
4105
4081



Wildwood HOA Board
Meeting Agenda
January 29, 2025

Call to order: Time:

Attendees:

Open forum Rules

During open, forum, each attendee may address the board for up to 3 minutes. A director or manager may briefly respond to statements made or questions posed.

Speakers must observe rules of decorum and not engage in obscene gestures, shouting, profanity, or other disruptive behavior. If a speaker is in the middle of a sentence when time is Called, he/she may finish their thought before sitting down. The time guidelines ensure that others have an opportunity to speak. Speakers may not allot their time to others. All persons must follow Meeting Rules "Roberts Rules".

- Approval of minutes
M
S
C
- Treasurer's report
M
S
C
- Manager's report to include a presentation by
Board Member Fred
- Liens
M
S
C
- Adjournment of open meeting

KEY:

M= MOTION

S= SECOND

C= CARRIED

A= ABSTAIN



Wildwood HOA
Board Meeting Minutes
September 25, 2024

Present: Patrick Bohner, Fred, Tania Hicks, Lisa L, Dianna B. Owners
present from SA4092

Meeting called to order at 3:05 p.m.

The Board resolved to approve the minutes from the previous meeting.

M- Fred
S- Tania
C – All
A - None

The Board resolved to accept financials as submitted for previous and current Board Meetings.

M- Tania
S- Fred
C – All
A - Dianna

The Board resolved to accept the Manager's report as submitted.

M- Fred
S- Tania
C – All
A - Dianna Liens – None

Motion made to close open meeting.

M- Fred
C – All

Meeting closed @ 3:29pm

Secretary

L. Lindsay for

Christian Gore

KEY:
M= MOTION
S= SECOND
C= CARRIED
A= ABSTAIN

OTHER NEWS

OUT OF 136 UNITS, ONLY 90 HAVE PAID THE SPECIAL ASSESSMENT

PREPARING FOR THE ANNUAL CPA AUDIT OF ASSOCIATION FINANCES

LIENS AND FORECLOSURES

049-0320-050-0000	4200
049-0310-025-0000	6200
049-0320-035-0000	5130
049-0310-020-0000	6624
049-0320-020-0000	6500
049-0320-032-0000	6550
049-0320-038-0000	1882
049-0330-015-0000	1680
049-0320-007-0000	2530
049-0320-037-0000	11636
049-0310-007-0000	3956.00

CC&R VIOLATIONS, DUES DELINQUENT

UNITS BEING REPORTED TO CREDIT AGENCIES ARE REDUCING COLLECTIONS BY 25%

ONGOING PROJECTS

FRONT DOOR ROOFS

REPAIRED OR REPLACED 15 TO DATE – ON HOLD UNTIL FUNDING IS AVAILABLE

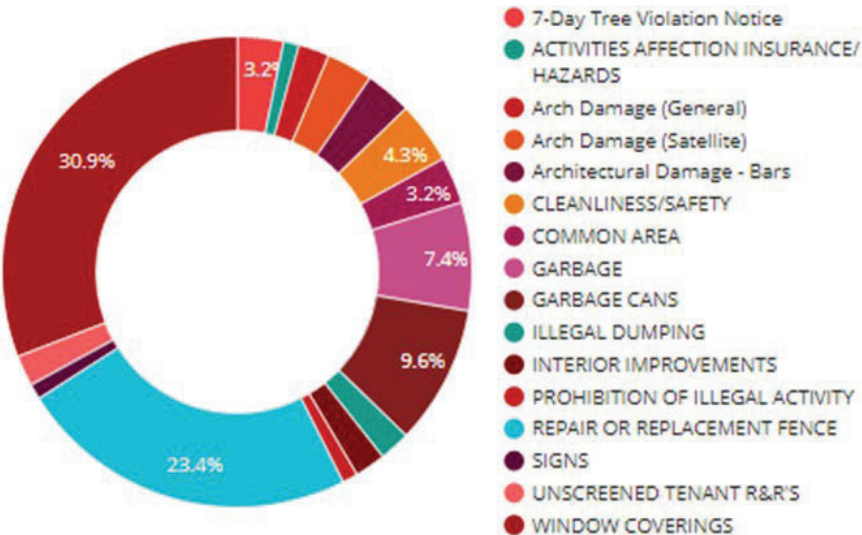
DRYROT/PAINT

4175 BROOKFIELD
4095 WEYMOUTH
4076 WEYMOUTH

CLEANING UP UNHOUSED ENCAMPMENTS ON WW PROPERTY – ONGOING AND

ENFORCEMENT

Total Open CCRs	
Violations	94
Outstanding Hearings	49
Completed Hearings	10
Largest Violations:	
Window Coverings	30.90%
Repair/Replace Fence	23.40%



Petitions Must Be For a Lawful Purpose

Members can petition the board to schedule a [special membership meeting](#) for any “lawful purpose.” ([Corp. Code § 7510\(e\)](#).) Because of the division of authority between the membership and the board, members' ability to petition the board for a special membership vote is limited. The allocation of powers is found in [Corporations Code § 7210](#), which states that except for matters requiring member consent or approval by some statute or by the corporation's documents, all corporate powers are exercised by, or under the direction of, the board of directors. Powers allocated to the membership (by their governing documents and various statutes) generally include electing and recalling directors, amending governing documents, and approving assessments above a certain percentage. The most common lawful petition is one to remove one or more directors from the board.

Invalid Petitions

To Amend CC&Rs. Petitioning the board for a special membership meeting to amend the governing documents with a membership-proposed amendment is invalid. When it comes to amendments, the board has access to legal counsel to evaluate and word amendments correctly so as not to conflict with existing law and for the association's best interests. In addition, directors have a [fiduciary duty](#) to act in the best interests of the members, whereas members do not. Individuals not serving on the board have no similar obligation to act in the community's best interests. Instead, they are free to act in their own best interests. There is good reason to restrict amendment drafting powers to the board. If members could propose and vote on their amendments, they could amend the CC&Rs to eliminate all assessments and cease maintaining the common areas. If members want to amend their governing documents, they must present their ideas to the board so they can go through a proper legal evaluation. If the idea is good, the board can properly draft language and prepare ballots for presentation to the membership for approval.

To Reverse Board Action. Except for [rule changes](#), members cannot call a special membership vote to veto a board's decision. Instead, the power to veto is indirect. If members are unhappy with the board's actions (or inaction), the membership can remove the board or wait until the annual meeting to elect a new board.

To Fire a Manager. Members cannot call a special membership vote to fire a manager. Managers, whether employees of the association or employees of a management company are not subject to firing by the membership. Such matters fall under the board's authority. If members are unhappy with management, they ultimately have recourse by electing directors who agree with their position.

To Permanently Remove a Director. The Corporations Code does not provide for the permanent removal of directors. So long as the person meets the qualifications of a director and there are no [term limits](#), they can be elected to the board even if recalled by the membership. If an association has cumulative voting, almost anyone can be elected, no matter how dysfunctional they might be. To avoid this problem, associations should amend their bylaws to [eliminate cumulative voting](#).

To Adopt a Rule. Only the board has the authority to adopt and amend rules. ([Civ. Code § 4360](#).) Members can, however, veto a rule if they follow the steps described in [Civil Code § 4365](#), but that is the extent of membership authority. Although members can petition for a special meeting for any lawful purpose ([Corp. Code § 7510\(e\)](#)), forcing a ballot to add or change rules is not within their authority (unless the governing documents state otherwise). Indirectly, members can change the rules by electing board members who agree with their position.

A Recycled Petition. If a petition to recall the board was submitted, a meeting was held but failed to achieve quorum, and was adjourned, the same petition cannot be recycled to launch another recall meeting. If the petitioners want to launch another recall, they must circulate a new petition and obtain new signatures.

Online Petitions. Members cannot use online petitions to call a special meeting. Associations have the right to verify signatures. With paper-and-ink petitions, members sign their names in their distinctive handwriting styles, which can easily be verified. A petitioner can easily forge electronic signatures, and anyone can “sign” a petition (children, non-member spouses, tenants, etc.) with the click of a mouse. Electronic signatures cannot be verified.

Validating Petitions

For a petition to be valid, it must contain signatures representing at least 5% of the association's total voting power. ([Corp. Code § 7510\(e\)](#).) For stock cooperatives, the petition requirement is 10%. ([Corp. Code § 600\(d\)](#).)

- **Members Only.** Petitions to call special meetings of the membership must be signed [by members only](#). Signatures by spouses not on title and by tenants are not valid.
- **Original Signatures Only.** Electronic or typed signatures are not acceptable, the signatures must be original. (Calif. Code of Reg. 20930(a)(1).) Copied forms can be used, provided they contain original signatures. (Calif. Code of Reg. 20920(b)(5).)
- **Delivered to Association.** Completed petitions with original signatures must be delivered to the board or its managing agent to verify signatures. Personal delivery to any officer, director, or managing agent is sufficient to put the board on notice and start the clock running on the board's duty to [set a date](#) for the meeting. The petition may also be sent to any officer, director, or managing agent by certified mail.

- Verify Signatures. Since only members can sign petitions, associations have the right to verify signatures.
- Multiple Owners of One Unit. Any person on title to a property can sign on behalf of the property, but it counts only once. If there are ten owners on title for one unit, all of whom sign a petition, it counts as one signature not ten. Accordingly, husbands and wives (or any co-owners of a property) get only one signature on petitions and one ballot on election issues. It is the number of units (or lots) that count, not the number of owners. If multiple owners of a property sign a petition, it does not invalidate the petition--it means that only one signature is counted.
- One Owner of Multiple Units. If an owner of five properties lists all five properties and signs a petition, the signature counts five times, one for each property.
- Withdrawing Signatures. A member who has signed a petition may submit a written request that their name be removed from the petition. (Calif. Code Reg. 20970(a).)
- CC&R Petition Signatures. While signatures on a recall petition can be withdrawn, CC&R petition signatures cannot. Before the 2006 change in the Davis-Stirling Act's election requirements, CC&Rs could be amended by petition. In a 1990 case, a court ruled that signatures on a petition to extend CC&Rs were irrevocable. ([La Jolla Mesa v. La Jolla Mesa Vista](#).) This issue became moot since CC&R amendments and restatements now require secret ballots. ([Civ. Code § 5100\(a\)](#).)

Signature Comparison

Using California election rules as a guideline, exact matches are not required to confirm a valid signature. (Cal. Code of Reg. § 20960.) The fact that signatures share similar characteristics is sufficient to determine that a signature is valid. In comparing signatures, the board may consider the following characteristics when visually comparing a signature to determine whether the signatures are from the same signer:

- Slant of the signature.
- Signature is printed or in cursive.
- Size, proportions, or scale.
- Individual characteristics, such as how the "t's" are crossed, "i's" are dotted, or loops are made on the letters f, g, j, y, or z.
- Spacing between the letters within the first and/or last name and between first and last name.
- Line direction.
- Letter formations.
- Proportion or ratio of the letters in the signature.
- Initial strokes and connecting strokes of the signature.
- Similar endings such as an abrupt end, a long tail, or loop back around.
- Speed of the writing.
- Presence or absence of pen lifts.
- Misspelled names.

Failed Petitions

Insufficient Signatures. If a petition fails to have a sufficient number of signatures or some of the signatures are not valid and it falls below the 5% threshold, it fails. Members would need to start over with a new petition if they wished to pursue a recall election.

Withdrawing Signatures. Using California's election rules as a guideline, once a valid petition has been submitted to the board, petition signers can have their name removed from the petition. (Cal. Code of Reg. § 20970(a).) If a sufficient number of members who signed the petition submit a request in writing withdrawing their names from the petition such that the number of signers falls below 5% of the membership, the request for a special meeting can be canceled.

Moot Petition. If members are collecting signatures to recall the board, and before the petition is submitted the makeup of the board changes due to resignations and appointments or because an election is held, the petition is no longer valid because the board being recalled no longer exists. A different board is in place. If members want to recall the new board, a new petition must be circulated.

Serial Recall Petitions

Because only 5% of the membership is needed to trigger a recall, the low percentage can lead to abusive recall petitions, where persons launch recall after recall to torment boards. They hover over each ballot count with another recall petition in hand in case the board survives the recall. Abusive petitioners will serve three or four recalls in a row to wear down directors and pressure them to quit. Associations can adopt election rules to deal with serial recalls.

Because neither the Davis-Stirling Act nor the Corporations Code address excessive recalls, we can turn to California's Elections Code for guidance. California puts the following restrictions on its recall elections: "Recalls may not be started ... if: (a) the officer has not held office during the current term for more than 90 days; (b) a recall election has been determined in the officer's favor within the last six months; (c) the officer's term ends within six months or less." ([Elections Code § 11007](#).) Accordingly, it would be reasonable for associations to adopt similar restrictions. Associations should amend their election rules to add a provision

addressing serial recall elections.

Publishing Names

There is a difference of opinion in the legal community on publishing the names of petition signers.

Opinion #1. Members have a right to know who signed the petition. The United States Supreme Court heard a case that originated in the State of Washington, where petitioners sought to preserve the traditional definition of marriage. Signers of the petition did not want their names released because they feared retaliation. Writing for the majority in [Doe v. Reed](#), The Court concluded:

The State's interest in preserving the integrity of the electoral process suffices to defeat the argument that the PRA [Public Records Act] is unconstitutional concerning referendum petitions in general. That interest is particularly strong concerning efforts to root out fraud. But the State's interest is not limited to combating fraud; it extends to efforts to ferret out invalid signatures caused not by fraud but by simple mistake, such as duplicate signatures or signatures of individuals who are not registered to vote in the State. The State's interest also extends more generally to promoting transparency and accountability in the electoral process.

... Disclosure also helps prevent difficult-to-detect fraud such as outright forgery and "bait and switch" fraud, in which an individual signs the petition based on a misrepresentation of the underlying issue. And disclosure promotes transparency and accountability in the electoral process to an extent other measures cannot.

Opinion #2. The *Reed* decision applies only to Washington because California does not have a statute similar to Washington's public access law cited in the case. More importantly, California's state constitution codifies a right to privacy. This means one's right to privacy in California is afforded a high degree of deference. For instance, California Election Code Sec. 18650, which governs public referendums in petitions (so it's not automatically applicable to an association's recall election), protects signatories' privacy and makes it a misdemeanor to permit the list to be used for anything other than validation purposes. This statute applies to the people submitting the petition.

Other laws not applicable to common interest developments expressly exclude public referendum petitions from being classified as a public record, making them subject to inspection. (see Govt. Code Sec. 6253.5.) The only case on point, *Bilofsky v Deukmejian* (1981) 124 Cal. App. 3d 825 upheld the statute and precluded using signatures on a referendum petition for anything other than validation purposes. Further, the State of California's recall process (see [Recalling State and Local Officials](#)) makes it clear that only people who sign the recall petition can inspect it under California Elections Code Sec. 11301. Because the general public is not permitted to inspect a state recall petition, this presents an argument against publishing the names of petition signatories in association recalls.

Recommendation: Because the matter regarding California's homeowners' associations is unsettled, boards should consult legal counsel before responding to a request to inspect or publish petition names.

Meeting Date and Agenda

Setting Meeting Date. Once a proper petition has been submitted to the board, the board must [set a date](#) for the meeting and send notice to the membership. The board must also prepare and send ballots as provided for in [Civil Code § 5115\(a\)](#).

Meeting Agenda. The only business that may be conducted at the special meeting is the recall of the directors and the election of new directors in the event the recall is successful. The [notice of meeting](#) shall specify those matters the board intends to present for action by the membership.

HISTORICAL EVIDENCE OF ONGOING MAINTENANCE

FURTHER EVIDENCE CAN BE FOUND AT: <https://www.lisafrancoa.com/maintenance-and-transparency-docs> UPDATES ARE BEING MADE ON A CONTINUING BASIS.

Board Meeting Minutes **Sent:** Wednesday, September 02, 2015 12:49 PM
To: Matthew Bryant; Bill Busath
Cc: Lisa Lindsay; Susan Goodison
Subject: RE: Bill for swimming pool - 4115 WEYMOUTH LN

The property is owned by Wildwood Homeowners Association. We have reviewed the account and billing for the property at 4115 Weymouth Ln and found that it had not been billed for two water services and storm drainage.

- Background:
1. The property represents the common area of a townhome development;
 2. Although each of the townhomes are currently billed a flat rate for domestic water service rendered to each property, an audit discovered that no water service was billing to the common area, although a service point was identified for both a domestic water line and an irrigation line.
 3. A verification confirmed that the irrigation service only services the common areas, and that the domestic service only services the pool.
 4. The recent verification also confirmed that meters are being retrofitted in the area, including this property.
 - a. However, currently the billing for the two water services is based upon a flat rate. It was also discovered that the common area, which is mostly paved with driveways, had not been billed for storm drainage service rendered. Street sweeping service was also billed for the common area that fronted a public street.

As a result of the audit and field findings, the account was updated as followsThe two water services (domestic and irrigation) were retroactively billed (3 years) effective May 20, 2012 Total retroactive bill = \$3,587.89 for both water services – which reflected on the June 19, 2015 utility bill. The storm drainage and street sweeping service were billed as of the current billing period the services were started, effective June 2015 – resulting in a bill without any retroactive charges.After further investigation – it has been confirmed that the account should not have been billed for Street Sweeping service, since the townhomes fronting Creeks Edge are already paying for the street sweeping service provided to the development. Therefore, street sweeping service will be stopped as of the set-up date, resulting in a credit of **\$10.95** which will reflect on the September utility bill.The wastewater service was identified as not being a service provided by the City; therefore, no charges were assessed by the City for wastewater.Upon request, the account can be set-up on a payment arrangement up to a period of 3 years to assist the HOA in paying off the retroactive charges. The account has not been paid since the May 2015 utility bill generated. The retroactive charges reflected on the June 19, 2015 utility bill. As a courtesy, the late charges totaling **\$373.71**, which are related to the two water services and street sweepcharges billed on the June and July utility bills have been waived.

WW PROPERTIES OBTAINED THRU FORECLOSURE

- XXXX Brookfield is going to tax sale again. I also again up not sell at the County tax sell
- XXXX Weymouth is in a fight with Wells Fargo to gain clear title. A step was missing in one of the many transfers that took place over the years. The manager would like to pay all legal bills, win or lose, to obtain the property for retirement as a home, not an investment.
- XXXX is the next unit up for foreclosure. (See the collection report which does not include interest and legal fees).
- XXXX Weymouth continues to pay the Association rent that is applied to the outstanding dues account.

SEPT TO DEC 2015 VIOLATIONS:

- 15 fence violations
 - 20 window violations
 - 7 patio overgrowth (trees)
 - 4 for unscreened tenant
 - 4 nuisance
 - 23 for satellites on roofs
- COURT/COLLECTION**

- SMALL CLAIMS
- Robie to update

PROJECTS

- Installed new skimmer at the pool
- Installed new HD cameras at the gate
- Quick Entry installed at gate for 1st responders
- Replaced 500 feet of fence on Burgoyne
- Roof repair at 4137 Brookfield
- Repaired common area fence on Brookfield
- Contacted City of Sacramento to repair asphalt at egress gate
- Replaced the office fence and gate
- Siding repair and paint at 4081 Weymouth
- Repaired roof and reinstalled 4 vents at 64 Creeks Edge
- Roof repair at 4092 Savannah
- Roof repaired and trim replaced at 76 Creeks Edge
- Siding repaired at 4119 Brookfield
- Replaced wood on Bldg. 11 (4050 to 4060 Weymouth)
- Repair roof and the “valley” at 4105 Weymouth
- 6 roof repairs
- Planning trim replacement project to begin in Q3 (see attached 1)
- Planning to replace roof at 4088 and 4092 Weymouth