

Solano Verde Ranch Homeowners Association

May 2008

**ROSS MORGAN &
COMPANY, INC.**

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AFTER HOURS EMERGENCY
IN THE EVENT THERE IS AN
AFTER-HOURS EMERGENCY,
PLEASE CALL (818) 907-
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BOARD OF DIRECTORS

Bill Taylor - President
Steve Sharpe - Vice President
Jonathan Bergman - Treasurer
Tom Godecki - Secretary
Michael Nostrant - Member at Large

Community Manager

Michelle Atkinson
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Architectural Questions

Michelle Atkinson x 101

Ross Morgan & Company,
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Corporate Office

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Josh Spies x 209

Escrow

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HOA Homefront

Q. Dear sir, I read your articles every week. Twice you have mentioned the open meeting law, but you still have not addressed secret meetings called Executive Sessions. Our board has been doing it for years and they even tell everyone in attendance to go home while they have their Private meeting. - D.P., Anaheim

A. In the HOA world, there is a law which unfortunately is ignored at one time or another by far too many associations. The law, the OPEN MEETING ACT, Civil Code Section 1363.05 confirms members' rights to:

- Attend Meetings
- Speak to the Board at some time during the meetings
- Receive advance notice of meetings.
- Receive draft minutes soon after meetings.
- Know that closed meetings occur only under certain circumstances.

It is this last requirement of the Open Meeting Act which seems to be the most widely abused, as Boards all too often conduct important business in closed sessions. The comments, criticism or even disruption caused by some members. A closed session insulates them from having to "take any guff," and is argued to be more efficient.

Negative Results

Illegal closed door meetings produce mistrust and further division. Such meetings deprive members of valuable information pertaining to their homes, and deprive the Board of member input.

Four Narrow Subjects

Executive Sessions only address four narrow subjects: Litigation, Personnel Issues, Formation of Contracts, and Hearings on member discipline or arrearages payment plans. ***EVERYTHING ELSE MUST BE IN OPEN SESSION.***

Litigation

The preservation of the attorney-client privilege in discussions involving actual or potential claims against the association is important, but not all attorney advice involves claims. Some advice may best be handled in open session, if it provides general legal guidance to all members. Rule of thumb: if it pertains to discipline, a dispute or to only one member, it is potential litigation and should be kept in closed session.

Personnel Issues

The statute protects the privacy of association employees but most associations do not have employees, but hire vendors and they are not "personnel."

Formation of Contracts

This does not mean the Board can hire a new vendor in secret. The best approach is to conduct the vendor interviews and selection discussion in open session, until the first choice bidder is selected. Then the board, in closed session, discusses what terms will be offered, negotiating strategy, and any legal input on the contract form. That last step in the "formation of contract" process.

Member Discipline & Dues Arrearages

Members privacy should be protected.

Consequences of Improper Closed Meetings

The Open Meeting Act does not have any explicit penalty for violations; however, the consequences could be severe. A court might decide that an action in an improper executive session was not corporate action, but only a personal liability of the directors, or a court might even set aside actions made during illegal closed sessions.

Why Not in the Open Meeting?

Some Boards prefer closed sessions to avoid the comments, criticism or even disruption caused by some members. A closed sessions insulates them from having to "take any gruff" and is argued to be more efficient.

Annual Meeting Announcement

Please be advised that the Annual Meeting has been scheduled for Wednesday, June 18, 2008 at the Somis Elementary School, located at 5268 North Street, Somis, CA 93066 at 7:00 p.m.

Gardening Tips

HERE ARE FIVE THINGS THAT YOU CAN DO IN YOUR GARDEN THIS WEEKEND

1. Plant: Put this on your calendar: Tomato mania!! It's a big draw every year. If you are looking for heirloom and other unusual tomatoes, this is the weekend to get out and start your vegetable garden.
2. Spray: Keep ahead on fungus ailments on roses and fruit trees by spraying with fungicide every 10 days until mid- June. Effective spray materials have triforine or chlorothalonil as the active ingredient.
3. Apply: Aphids multiply quickly, sapping the strength from a variety of plants and producing sticky honeydew. Aphids are easily controlled with ladybugs, or by applications of insecticidal soap or malathion.
4. Teach: Take your kids or grandchildren to garden center to look at all of the flowering plants and let each child choose one or two to take home and plant. Periodically go out into the yard with them and see how "their" plant is doing and give them pointers on it's care.
5. Feed: Camellias perform best with a springtime feeding, using a slower- acting, balanced plant food. There may also be time to do some pruning. Remove dead and fallen flowers- they harbor spores that can rekindle the fungus next season.