

FINAL Meeting Minutes

**PARK ACQUISITION CORPORATION**

Regular Meeting

7:00 PM

Wednesday, November 6, 2013

Fireside Room, 100 Marin Valley Drive

ATTENDEES:

- Board Members: Jack Brandon, Larry Cohen, Tom Miller, Jim Olson, Jay Shelfer
- 17 Non-Board Residents
- Park Manager: Matt Greenberg
- Recording Secretary: Susan Windman

A. CALL TO ORDER: 7:06 PM

B. APPROVAL OF FINAL AGENDA

Jim indicated the following Agenda changes:

1. Miriam Spross' name was misspelled in the Agenda (and minutes). Jim conveyed his deepest apologies to Ms. Spross and indicated the correction has been noted and made.
2. On the Agenda document, "GENERAL BUSINESS" was inadvertently not assigned the letter "F" (or any other letter). To correct this error and update the Agenda document accordingly, Jim indicated that GENERAL BUSINESS is now Agenda topic "F." The other Agenda topics are also updated, as follows: Agenda item "REPORTS FROM OTHER BOARDS" is now "G," Agenda item "PAC BOARD MEMBER COMMENTS" is now "H" and Agenda item "ADJOURNMENT" is now "J." The Agenda item assigned to "I" is described below.
3. GENERAL BUSINESS item #9 (Board member conduct) is moved to the end of the meeting, just before ADJOURNMENT. It is more of a personnel issue and should be discussed in a closed session. This item would now become "I" in the Agenda, after PAC BOARD MEMBER COMMENTS ("H"). Jim made a formal motion to move it to a closed session at the end of the meeting.

**Motion entered and seconded for discussion of item #9 (Board member conduct) to be moved to a closed door session at the end of the meeting after PAC Board Member Comments. Motion carried 5-0.**

C: PUBLIC COMMENTS

Jim asked that when a resident wants to provide comments during the meeting and wants to ensure their name is captured in the meeting notes, they need to come up to the microphone to speak and indicate their name. Otherwise, it is difficult for the recording secretary to capture the name of the resident speaking from the audience and their name won't appear in the minutes.

No public comments were made.

D: CONSENT CALENDAR

1. Receive Approved Minutes of September 4, 2013 meeting

These previous minutes are located on the website.

2. Approve Minutes of October 2, 2013 meeting.

Jack made the following comment/correction: When Jack abstained during voting of the Brown Act motion, Jack made a particular statement about why he was abstaining. Not only did he abstain, but he did so to protest. He thought it was absurd that the PAC Board would think it could resolve the Brown Act issue through written questions and not through direct interaction with people who are expert on it. His comment had not been included in the minutes and Jack would like it inserted.

**Motion made and seconded for approval of the minutes, with corrections.  
Motion carried 5-0.**

E. REPORTS

1. PAC Treasurer's Report (Larry Cohen):

PAC Final Balance	\$5,375.00
PAC Actual Balance	\$2,540.50
Humanitarian Fund Starting and Final Balance	\$2,834.50
Total Spent Current Fiscal Year	\$1021.74

Jim asked how much there is for the entire year. Larry indicated there is \$4,000. Jim mentioned there is now a monthly expense for a recording secretary that needs to be tracked.

## 2. MVMCC Administration and Finance Report (Jay Shelfer)

Jay indicated he hadn't yet received the monthly financial figures, so he doesn't have the report concerning the finances yet and that when he receives the report he will review the figures. Another Board member indicated the report has been received and is in the office.

Debt to Service Ratio is being maintained and is currently 3.02. This figure is well above the 2 that needs to be maintained by the end of the year, so the Park is in good financial shape.

## 3. Maintenance and Capital Projects (Matt Greenberg)

Matt introduced himself as General Manager to the residents attending the meeting, and provided observations concerning the Park and summarized his current activities:

- Matt is slowly posting flyers on abandoned or long-term parked cars, in an effort to help relieve congestion from parked cars, including during events.
- The gym has new equipment, including a new bike, lap machine, chest exercise machine.
- While installing new walls, Matt has been seeing problems with deep shale and rock. A new engineering firm has been hired that has expertise in designing different types of walls for difficult areas, including those difficult to drill.
- There's a new sprinkler system being installed in the Clubhouse, to better manage water usage so it is more efficient.
- Matt was pleased to find, while doing a water main repair on Marin Drive, that the quality of the water main is galvanized pipe. Matt had been concerned about it but he indicated it looks in very good shape and will be around for a good number of years.
- Regarding the Comcast contract, the Park currently receives a bulk-rate per month package from Comcast. In the Park, out of 315 spaces, 176 residents are currently paying. Thirty-six residents somehow have boxes but are not paying, and management does not know who they are and neither does Comcast. Matt is thinking of writing a letter and putting it in their boxes.
- Clubhouse Renovation: There is a new floor (blue-gray) scheduled for the mens changing room – a tile floor similar to the existing floor, and ADA compliant. It will cover the current vinyl, as well as the lavatory rooms, and will be clean/sanitary. The interiors will also be painted and will be much more user friendly.
- Matt is hoping in the coming year there will be more funds for retaining wall repair and/or replacement.

- Washers/dryers in the laundry room were installed in 1992, so Matt has ordered new ones that should arrive in 60 days.

Discussion:

In response to a question about the current Comcast contract, Matt indicated that Comcast is willing to renegotiate the contract, currently by a small percentage. Comcast expressed interest in not losing customers to Dish teaser rates, etc., and appears open to discussing possibly changing the rate they are charging. They have some programs where they can refund some of the money for people not participating and/or who have opted out. They are also speaking about a new type of contract that may only include the people using the service, because they don't want to lose them. Matt mentioned Comcast is being very proactive and they speak with Matt almost every other day.

Tom mentioned there is a clause on the last page of the contract that deals with liquidated resources and what happens if the Park bails out sooner. Matt said he understands Al Frei initially contacted Comcast around a year ago and Comcast seemed pretty hardlined and indicated they would not cancel the contract at that time, and even mentioned legal stuff. Matt doesn't think renegotiation of the contract was discussed at that time for possibly a longer term (even if it were to benefit both parties). The loss the Park is taking on each month is quite substantial. Tom mentioned that any new contract needs to address liquidated resources. Matt indicated they aren't yet at the negotiating stage; Comcast is just now in the process of putting the first level of their discussions with Matt in writing.

A resident complimented Matt on the job he has been doing and Jim concurred.

4. City of Novato/MVMCC Update (Jim Olson)

- 20 mph Park sign -- No 20 mph sign yet. Jim is wondering about it and will check again with the City. Once the 20 mph sign is installed at the bottom of the hill, then that covers it for the Park and enforcement can start. Connie asked if there will be only one sign. Jim indicated that one is all that is needed. One reason why the decision for the 20 mph sign was made, instead of different speeds for different streets throughout the Park, is that only one sign would be needed for the entire Park.
- Billing for City services – Jim spoke with Cathy and Veronica. When the Park uses Veronica (attorney), her time is billed per minute and the Park pays for it. Cathy's time is also billable, but her time is compiled at the end of the week. The Park receives a statement at the end of the year that shows collective billings, but the Park doesn't receive monthly or detailed statements.

- Process for Planning – Jim had understood that the City was very interested in getting going on a major ADA project and that the elevator was their target. Looks like, instead, the first stage will be architectural work. Starting after the 1<sup>st</sup> of the year, the City is moving into their new offices and then will start with architectural work. The elevator won't be coming in at least two years.
- Brown Act – Cathy (City of Novato) agreed with Tom and Jack in that the City would like to have a meeting to discuss the Brown Act. The City is looking for a date – a Thursday after the new year – for a meeting at the Park. At the same meeting, they will have financial staff to explain some of the mysteries of what happens when a resident writes a check and drops it in the box and it gets spent on something.
- City is Owner -- At the conversations Jim has with the City, including those concerning Clubhouse rules, the City repeatedly reminds Jim/the Park that the City of Novato is the owner. The City wants the residents to keep in mind that if residents don't do what the City likes, the City can come in and change it.

#### Discussion:

Jay asked if Veronica indicated how much she billed the Park for. Jim responded that Veronica did not mention the amount. Tom asked that when the Park receives a statement from the City at the end of the year, is it broken down. Jim responded he doesn't think so. Another question was asked about when the City bills for time to discuss Park matters with PAC Board members and residents -- Does that amount get added to time cards and does it include City staff other than Veronica and Cathy. Jim said yes, because those people have to fill out time cards. The exception would be those people whose time had already been budgeted elsewhere. A question was asked about autopay. Jim had previously asked about this and he spoke with Cheryl, who is Al's right-hand person. Cheryl suggested some system where you sign up and it pays bills. This will be examined again when the budget is discussed further.

#### 5. Clubhouse Guidelines / Rules Committee (Jim Olson)

The Clubhouse Guidelines/Rules Committee was formed last month. Jim was assigned to work with the two other organizations – the City and the Park – to work on rules and guidelines primarily concerning use of parties, use of rooms.

Jim met with Cathy and Veronica, from the City of Novato, who indicated that much depends on how much risk the PAC Board is willing to assume. Jim commented that “this may seem to give us more latitude but it also gives us serious responsibility for accurate risk assessment.” The City is concerned when alcohol is served during an event, which definitely requires insurance.

At a subsequent meeting, the following ideas were formulated:

- A private event is defined, by the City, as “any activity not generally open to all MVMCC residents.”
- Only two spaces may be reserved for private events, the Ballroom, and what is now called The Ladies Card Room. Either of these may also include use of the Kitchen. All other spaces in the Clubhouse are to be free for residents to use at any time.
- A resident may reserve another space for a small resident activity, such as a card game but that space must be available for use by other residents during that activity.
- There is discussion of an interim policy for the Fireside room until the elevator is constructed.
- Reservation of these spaces will be subject to PAC, Mar Val and HOL sponsored activities and events.
- Reservation, deposit and Insurance for a private event will be required for each of these two spaces just as it is now for the Ballroom and continuous attendance of the responsible resident is required.
- All reservations, even those for resident only use, will need a reservation form with a named resident who is in charge of the activity and who will be responsible.
- Memorial Services for deceased residents will need a reservation but need not pay deposit or Insurance. A potential exception to this is the serving of alcohol.

Jim mentioned that the Park Rules and Regulations states that “requests from outside organizations and clubs will not be approved.” However, this has not been strictly observed and is an area of concern. The City suggested that it may be OK to have a limited number of available dates and that the Park could allow some exceptions, perhaps by a lottery. However, several questions arise: Which organizations? (Those with significant resident membership? Those who make financial contribution to a Park organization?) At what point are we simply renting the facility?

The Committee meets again this Friday morning.

Discussion:

Jay asked if the meeting is open and Jim responded yes. Jack asked if copies of Committee materials can be made available and Jim said yes.

## 6. Status of MVMC Insurance (Tom Miller)

The insurance policies are broken down into various components. They are now in the hands of a broker. Tom has looked at them and has no hard numbers, but he commented he feels the Park can do better -- from the perspective of premium coverage and the Park having a history of favorable claims -- more so than what the Park is getting back. Tom indicated there should be something in writing, hopefully by the 1<sup>st</sup> of December, so that the Park can make a comparison and then make a proposal to the City. The City is very amenable to changing brokers and using someone the Park can show saves money and doesn't compromise coverage.

Jim asked if what we have now is through City contacts (vs. Tom and Matt's insurance contacts to see if the Park can do better elsewhere with the same coverage, through other reliable companies). Tom responded yes. We currently have two primary policies. One is a master plan and Marvel has its own policy. By the next meeting, hopefully further insurance details will be available. Tom indicated this is an enormous task.

### Board Comments:

Jay wondered if companies have records of payout – i.e., number of claims they pay or will pay. Are some companies more difficult to deal with when needing actual payments from them? Tom responded that brokers in brokerage agencies have relationships with claims managers of various companies. The reputation of the claims managers is known throughout the industry. Many times a broker will recommend a policy based on the history of a claims manager specific to a claim. Brokers know this information. Some companies will dig in their heels on certain types of claims in hopes you will walk away, others will pay it just to avoid the hassle.

Tom was asked if he has reviewed the coverage the Park has and Tom said yes. Tom was asked if the damage from the last party held at the Clubhouse, when there was water damage inside, would be covered by any of the insurance policies. Tom replied he thinks it would be covered but that Matt is working on it and knows more. Matt mentioned that so far it looks positive.

### Resident Questions/Comments:

Connie asked if the insurance includes all the Board members. Tom answered yes. A question was asked if the Marvel policy includes separately from Marvel. Tom answered yes and that there is a million per occurrence per event. A comment was made that the policy covers the PAC Board and because HOL is a subcommittee of PAC Board they are covered under the same. One policy covers two organizations and a second policy covers the third one. Tom mentioned that the Marvel policy is

pretty simple, with a two million aggregate for Board members. It has \$100,000 for damage and for the money paid for the policy, it's a good one. Could the Park do better? Yes. How much better, Tom doesn't know. But for the \$7400-plus premium per annum, Tom stated that the Park could either get the same coverage for less money or more coverage for the same money through a better company.

#### 7. Community Development Consulting Committee (Jack Brandon)

A committee meeting was held November 5. Jack's committee report is attached separately to the minutes. In the report, the Committee requests that the PAC Board "assist this committee in fulfilling its responsibility by requesting a liaison be provided by the City of Novato. That person would have the knowledge, experience or expertise to give guidance with regard to how to incorporate life safety issues as well as the ADA compliance report into our evaluations and recommendations with regard to both the structure and grounds of MVMCC properties into our reports to the PAC Board."

Jack described some of the issues that need clarification. For example, in doing the renovations downstairs at the Clubhouse, two of the bathrooms could be incorporated into one unisex, ADA-compliant bathroom. An ADA consultant could be helpful and cost effective in exploring this issue. Guidelines and guidance are needed.

#### Discussion:

A question was raised about what the Committee is doing regarding the downstairs renovation vs. what Jay's Committee (Downstairs Renovation Facilitation Committee) is doing. Is there coordination between the two groups? Jack responded that his Committee hasn't gotten involved with what Jay is doing. His Committee isn't making any plans, but is surveying the building to make recommendations to the City, with a focus on the entire building. Jay is focusing on just one small area. There isn't conflict between what the two groups are doing.

Tom mentioned that when Nancy Bingham toured the downstairs, she made a suggestion about creating a small utility service room for snacks. Jay indicated that there is a Park resident who is an architect and Jay went through the building with this resident. This architect mentioned it might be acceptable if there is one ADA-designated bathroom (located upstairs). Jay also indicated that the resident/architect is available to consult. Additional Board discussion occurred regarding ADA, who to consult with about it (including who at the City of Novato), and recognition that the Clubhouse is a "public" building and the City should thus indicate what is required and what they will/will not do. Suggestions, such as creation of one unisex bathroom and other ideas, could be drafted and sent to the City architect. Jack mentioned it



would be great if the City architect provided creative input as to renovations (and uses) for the Clubhouse.

Jim mentioned he would have a conversation with the City about this for Jack and inquire about a City contact. He thinks the City will only be interested in planning for ADA and possibly some seismic work rather than looking at a broader picture when they do planning for this budgeted work. Jim also mentioned that couple of years ago, one bathroom was converted to unisex, which temporarily satisfied whatever requirements there were. Regarding the outside deck, Jim indicated that it was totally built with plans approved by HCD (Housing & Community Development) three-four years ago. There were no choices in how to rebuild the deck in that the bracing was rotten. It was completely taken out, and the plans came from HCD. Jim is concerned that if too much is requested to the City, beyond ADA work, that we might not get what we ask for.

Tom responded that why not ask the question and let the City say no, and let them tell us what the parameters are.

Comments/Questions:

A resident commented that in San Francisco (and San Rafael), there are restaurants that use unisex bathrooms. Bill Davis (Committee member) wondered about the decision process involving PAC and HOL (vs. the City). Jim responded that HOL provides recommendations to PAC and PAC provides recommendations to the City. Bill indicated that money needs to be spent wisely and that there is a need to prioritize which is most important. Jim agreed that what the Park needs and likes should be presented to the City (architect), first.

## F. GENERAL BUSINESS

### 1. Permanent Name Plates (Jack Brandon)

Jack priced nameplates at a local business and brought a sample to the meeting. The cost would be around \$100 (not to exceed \$150). Jack moved to purchase the nameplates and the motion was seconded, and discussion then ensued. A Board member indicated the amount was too high. Larry mentioned he thought there probably is a Park resident who could produce something effective for less.

**Original motion made and seconded to authorize purchase of nameplates, at a cost not to exceed \$150. Motion failed at 2-3.**

**New motion made and seconded to investigate an alternative method for producing the nameplates, such as by an artist in the Park. Motion passed: 5-0.**

2. Regular Report in *The Echo* (Jack Brandon)

Jack indicated that a concerted effort should be made to have a regular report published monthly in *The Echo*. Jim indicated he has been working with *The Echo* on this and will submit the reports monthly.

3. Adhering to Robert's Rules of Order, as stated in By-Laws (Jack Brandon)

Jack mentioned that the Bylaws state the Board should run the meetings according to Robert's Rules of Order, which are much simpler than the Brown Act, and he urges the Board to abide by them (not a motion but a plea).

Jim indicated he went and read the Bylaws again. The Brown Act would supersede Rules of Order. The PAC meetings are now being run much more organized and business-like, and Jim mentioned he has been modeling PAC meetings similarly to the meetings held by the Novato City Council – same format, same back-forth discussion. Jim mentioned he has intentionally been freer with resident communications than the City. There are two sections in the Bylaws dealing with rules of order – a major section talking about meetings of the entire residents (this section mentions Roberts Rules of Order, which would be correct for groups over 300 people) and a section about directors (which doesn't mention Roberts Rules of Order). Jim's interpretation is that the PAC Board is thus not required to follow Roberts Rules. Jim mentioned he is comfortable running the Board meeting not following Roberts Rules, but if the other Board members are uncomfortable with this he would appreciate knowing this now. Jim indicated he believes it would be inefficient to adhere to all the rules in Roberts Rules.

Discussion:

Jay mentioned he has not sat down and read through the Rules, and he suggested that all Board members obtain and read the Rules. He offered that instead of stating officially that meetings be held in accordance with the Rules, that it be stated that the Board would attempt to use the Rules as guidelines. Jay reiterated that the members should be aware of the Rules since they've been around a long time and have much value.

Tom mentioned that Roberts Rules would in very significant ways make this a strict business meeting, with time limits for discussion, procedures and protocol that need to be followed, etc. The problem with the Rules, Tom added, is where are the lines drawn for convenience and conviviality. He mentioned that the meetings have been evolving into a more business-like approach, while not strictly adhering to the

Roberts Rules approach. Larger meetings are a different discussion. He agreed with Jim's approach.

Jack mentioned he's been on a wide variety of Boards, all operating by Robert Rules of Order. Jack gave an example of when it might have been useful to use the Rules: during the discussion this evening of purchasing nameplates, when Larry started speaking during the middle of a vote to make additional comments. Another example – the largest violation Jack has seen at the Park -- occurred during a large meeting when Al Frei came and one resident was allowed to dominate the entire meeting. If Robert Rules of Order had been invoked, that resident could have been called out of order.

Jim mentioned there is a procedure by which there can be two motions on the table at the same time. Jack responded by saying that the person who has the motion can call a question.

**Jim entered a motion to say the Board would continue doing business as they do now, move toward better observance of Roberts Rules, and appoint Jack as parliamentarian. Motion seconded. Motion passed: 5-0**

4. Disposition of Water Dispenser Purchase / Stop Purchase of Bottled Water (Jack Brandon)

Jack inquired about the status of the project to stop purchasing bottled water every month and replace it by a water filtration system. The topic was discussed about a year ago and at the time the Board agreed to purchase a water filter system. At the last Board meeting the topic was brought up again and Matt was asked to look into such a system. Jim mentioned one of the issues was the current water contract and how much longer it goes on. Matt indicated he has questions and concerns about the location and placement of the filtration system. Jim mentioned he thinks the idea is to replace what is currently used and that the new system would probably need a table to go on. Jack agreed it would need a table and added it wouldn't require plumbing for heating. Matt indicated he would look further into it. Jack mentioned he has contact info for the dispenser and can provide the details to Matt.

A resident suggested the Board might want to table it [a pun?!] for a bit to investigate if the water dispenser would be ADA compliant. Jack mentioned the table would make it ADA compliant. Jim responded that ADA compliance is worth looking into while investigating the new system and that he would pass on to Jack the name of a liaison.

## 5. Report/Action: Downstairs Renovation Facilitation Committee (Jay Shelfer)

Several months ago, Jay chaired a committee proposed by the PAC Board to renovate the downstairs portion of the Clubhouse. The committee proceeded slowly because they were concerned about ADA requirements and how the requirements might impact how the renovations are done. It is going to be at least two years. The goal is to make the space more friendly and attractive for the residents.

From their investigation, the committee has prepared a proposal to the PAC Board, copies of which Jay has provided to PAC Board members and has provided copies for meeting attendees. A copy will also be posted on the bulletin board for review by residents. Jay indicated he would like the proposal reviewed and updated during the month, and then voted on at next month's PAC Board meeting to see if the renovation projects can proceed.

Jay summarized the projects:

- Pool Room: Starting with this room, one pool table is acceptable while the other three need to be redone. The proposal would be to redo two tables so they are able to be used. A new carpet would be installed, which would improve the look/feel of the room. Pool tables are very heavy – very well made, substantial, top grade pool tables -- and not easy to move. Jay had the owner of the San Rafael pool hall come and look at the tables. He said he can help move the tables to the side during renovation. Cost of an individual table would be approximately \$600, but the owner said he would do it for less than \$500 (includes renewal of cushions, new felt). Also, remove some of the furniture.
- Ping-Pong: Move ping-pong table closer to outside for better lighting.
- Pool Room, Mens Card Room, Ladies Card Room: Would like to paint these rooms an off-white to brighten things up, and also remove pictures/paintings from the walls.
- Mens Card Room: Remove some of the furniture and make the room friendlier-looking as a card room. When the elevator is installed, several of the current upstairs spaces currently used for cards will be gone.
- Access to Mens Card Room: Because of ADA requirements, the step-down from the landing into the Mens Card Room is such that if a ramp were added inside the room, half the floor space would be used for the ramp. Access from the outside seems much more feasible, by bringing a ramp down, replacing the porch outside the Pool Room and Mens Card Room, and making one of the sliding glass doors ADA compliant (usable by wheel chairs). Jay thinks work on the floor probably should be on hold until ADA compliance issues are better understood.
- Ladies Card Room: Remove pictures/paintings from wall, paint the room, put speakers in the ceiling, change out the lighting so it is recessed and dimmable, add

mirrors on back wall for folks who are dancing, install a hardwood floor for dance and exercise, and add shelves to the wall for amplifier and tape deck (music).

All of the above is outlined in the report. Total cost of renovations would be around \$11,500, well under the \$25,000 allotted for the renovation. Jay indicated he is confident that what is proposed would not be negatively impacted by changes from installation of an elevator, especially if the elevator is installed outside. The experts and architects looking briefly at the issues and ADA compliance have mentioned that the elevator would need to be outside, which would not impact the Pool Room, Mens Card Room or Ladies Card Room.

Jay encouraged everyone to look at the report and pass comments on to him. The report will be posted on the wall outside the kitchen, PAC Board bulletin board across from the office, and on the website.

#### Discussion:

Tom suggested that bids should be encouraged to come from local contractors (City of Novato). Jim clarified that it is not the PAC Board's task to collect bids but that it is a management task. Tom is concerned that there won't be three bids and he also reiterated that he hopes bids are encouraged from local suppliers and contractors. Jim responded that it's fine and that it's Matt's concern. Jay commented that since it is City owned, there are guidelines as to which contracts require three bids, etc. What Jay did was get rough estimates for the various work tasks. And the experts and contractors involved so far all reside in the local area.

#### Comments/Questions:

Nancy agreed the work downstairs involving the three rooms should be done, but wondered if the bathrooms, etc., should also be started now because there are other suggestions for that area. For example, where the furnace is there is a storage room that might be also looked at.

#### **This topic should be agendized.**

#### 6. Report/Action: Spa Cover (Jay Shelfer)

Jay reported that he's been working with Matt about the spa cover, spoke with a local expert and investigated costs. He located a similar sized spa in Sausalito and reviewed their heating costs, with/without a cover. They saved \$3000/year with the cover. Matt is investigating cover material options. The cost would be around \$1000. With the material lasting around 3-7 years, the cover would save around \$7000 usage costs. Matt spoke with a City of Novato expert -- Scott from

Environmental Health – and asked if the cover would meet City standards. Matt was told yes. A professional could be hired to custom fit the cover.

Discussion:

Tom commented that the spa cover should be strong enough to support enough weight for one or more people, for safety reasons.

Comments/Questions:

A resident thought that Environmental Health doesn't want a cover on a hot tub/spa.

**A motion was made and seconded that, assuming that work downstairs comes in enough below the approved \$25,000 budget for downstairs, Matt should be encouraged to pursue the spa cover within that budget amount. Motion passed: 5-0.**

7. Scheduling of Clubhouse Renovations/Upgrades (Tom Miller)

Tom made a statement that making renovations and doing upgrades and repairs -- particularly when it involves ADA work -- should be done, if possible, in conjunction with other projects, to get a better bang for the buck. He mentioned that from the discussion occurring so far during the Board meeting, it sounds like it is already being done with the renovations and spa cover and some of the ADA work. Tom was wondering if it needed to be a policy. Jim answered by agreeing that this is simply good use of funds and a sound method of operation, and that he believes it is the direction the PAC Board is intending to go. Jim added he believes it is a policy that the Board is heading towards. No motion proposed.

8. Park Management Fees (Tom Miller)

Tom introduced the topic of management fees. It is costing, on an annual basis, more than 20% of the Park's net income to run the Park (around \$200,000), which seems like a lot of money. Tom was wondering if PAC might entertain looking into this further to gain additional information and appointing a committee or person to discuss (with the City) Park management fees.

A motion on the table was restated as follows:

**A motion was made and seconded for the PAC Board to appoint a committee or person to research similarly-sized Parks' management costs. Motion passed 5-0.**

**A second motion was entered and seconded for Tom and Jim to be appointed to the task of researching management costs. Motion passed 5-0.**

Tom and Jim agreed to act as the committee to investigate Park management fees.

9. Request for Change to Park Rules: Operation of sound-producing devices  
(Miriam Spross)

At the October Board meeting, Miriam described a sound issue at the Park. Subsequent to the October meeting, Miriam requested that there be an amendment to the Park rules concerning the operation of sound-producing devices and asked for this topic to be agendaized. At this evening's meeting, Miriam distributed a handout addressing "Diffraction of Sound" and the health impacts of sounds. Miriam talked about the handout, and she described sounds generated within the Park and how it easily goes through the walls of the mobile homes.

Miriam indicated she was contacted by several residents when they noticed the topic on the November Agenda. One resident mentioned their concern about construction and yard workers loudly playing boomboxes over the sounds of their tools. Another resident indicated the desire for a quieter Park. Another resident described sounds from loud speakers facing out a window, in addition to sounds from a loud television inside that residence. Another resident mentioned sounds from windchimes.

**A motion was made and seconded to hear from Matt concerning his research about this issue: 5-0.**

Matt mentioned he has been involved with manufactured communities for over 15 years. Matt indicated that sound is always an issue because of the close living quarters and less sound insulation in walls. It is very easy to hear your neighbors. He mentioned there is no one solid answer to sound issues. Matt indicated that from a management perspective, he can't get behind the 10.4.2 amendment because it is too site specific.

**A motion was made, and seconded, for the PAC Board to back the Park rules amendment change requested by Miriam Spross.**

Discussion about the motion:

Jack mentioned that the proposal is a logical one. Sound is a problem when living in a community with close neighbors. However, the PAC Board has less power than a Home Owner's Association (HOA). If the Board passes the motion, Jack doesn't see any way that it could be enforced. A problem may exist, but Jack doesn't know of a solution. For that reason, Jack would probably vote against the motion, although he indicated he is in sympathy with residents who are disturbed.

Tom agreed with Jack's premise about PAC's lack of power over this topic. If this motion is added to Park rules, Tom's understanding of the management agreement and the agreement with the City is that the manager makes the request to change the Park rules and follows the process (makes the request in writing that goes out to the residents, etc.). Tom stated he doesn't think PAC unilaterally has the authority to change Park rules. He also mentioned that he didn't think it wise for PAC to supersede the Park manager's authority. Tom indicated that while he sympathizes with the spirit and nature of the motion, he doesn't see how he could get behind it.

Jim read some thoughts he earlier put in writing after speaking with a resident who had contacted him: Jim stated that he believes the proposal is far too general and overreaching. He mentioned that what it does is make it possible for one resident to complain about another for almost anything. Jim indicated there are already laws that govern this in the City of Novato just like in most cities the proposal would be a major restriction above and beyond those laws. It is functionally impossible to implement this and if passed it would be a major inconvenience for residents and management. Additionally, MVMCC has no way of enforcing this. The process of changing Park rules and regulations is time consuming. It involves management, the PAC Board, and communications to all residents. Jim indicated he would not support it, particularly as written.

#### Comments/Questions:

Gary Appleman (resident on Scenic Drive) thanked the Board President for his articulate statement and mentioned that the Board President stated what he (Gary) wanted to say.

A resident asked about the process for changing a Park rule. Jim responded that the Board would recommend a change, then the Board would offer that to management, management then would have to notify all residents of the proposed change and call a meeting. 180 days later (Jim thought this is the length of time) the change could be implemented. The resident asked if the residents have to vote on it. Jim responded that the residents would not technically have to vote on it, unless there was an enormous amount of reaction from the residents. The resident mentioned that residents are inconvenienced at times by Park sounds and asked if there are ways of distinguishing (regulating) different types of sounds. Jim responded that the way the proposal is written is very general and even if it were more specific it would be unenforceable.

A resident (Anita) indicated she would like to hear what Matt's solutions are. Matt responded that mainly it comes down to enforcement of Park rules -- not site-specific but general rules. At this time, Matt indicated he doesn't have a solution but can do further research and talk further with residents.



A resident described a site-specific sound irritation. Jim mentioned that the only recourse is whatever the City of Novato will enforce (per the City's noise ordinance). The PAC Board has no enforcement.

Jay commented that legally he doesn't think the PAC Board could enforce a law that goes against a civil code of Novato, or the State of California.

**Jim asked the Board for votes for the Amendment proposal. There were none. The Amendment does not stand.**

10. Determination of next meeting date:

Next meeting date is: Wednesday, December 4, 2013, at 7 PM.

NOTE: In January, the first Wednesday is January 1. Jim is exploring possibly holding the meeting on Thursday January 2.

G. REPORTS FROM OTHER BOARDS

1. HOL

HOL needs a new secretary. The next meeting is November 18.

2. MAR VAL

No representative was present.

3. MVSC

No news, no update.

H. PAC BOARD MEMBER COMMENTS

Jack mentioned three life-safety-related issues he suggested should probably be agendaized:

- Generator for the Clubhouse: For emergency purposes, in event of earthquake, etc.
- Loose pebbles and sleek mats at entry way of Clubhouse create safety hazards.
- Proliferation of junipers, which are very flammable and should be removed.

Jim responded that the pebbles/mat issue might be one for Matt and would not necessarily be something for PAC. Jim mentioned that the generator is budgeted and

probably goes into the planning for the ADA work. Jim stated he has been trying to get the generator and is willing to look further into it and/or put it onto the Agenda. Jack stated he would like the topic put onto the Agenda and that he thinks it supersedes the ADA renovation in the building, and should be considered separately as an action item.

I. BOARD MEMBER CONDUCT (Closed Session Meeting)

PAC Board reconvened in open session: 10:30 PM

**Resolution adopted 5-0: PAC Board members should always act in the best interests of MVMCC.**

J. ADJOURNMENT: 10:33 PM

**Motion to adjourn, seconded and passed: 5-0**