

WYNOLA WATER DISTRICT BOARD OF DIRECTORS

SPECIAL MEETING

MONDAY, MAY 24, 1999

7:00 P.M.

THE GANS RESIDENCE:
1634 OAKFOREST ROAD
WYNOLA ESTATES
SANTA YSABEL, CA.

1. **The May 24, 1999 Special Meeting of the Board of Directors**, Wynola Water District was held at the Gans residence, 1634 Oakforest Road, Wynola Estates, and was called to order at 7:10 p.m. by the Vice President. Attending the meeting were: Malcolm Dyos, vice president; Bob Franke, Robert Gans, Ray Mitchell, directors, Joyce Gans, secretary/treasurer to the Board, with guests Jackie Dyos, Pete Miller, and Marion Moore. Vice President Dyos conveyed President Ellis' regrets for his absence due to a prior commitment.
2. **Approval of Agenda:** The Vice President called for corrections and/or additions to the Agenda for this Special meeting. A motion by Director Gans, and second by Director Franke to accept the Agenda as written.
3. **Approval of Minutes:** The Vice President called for additions/deletions to the May 15, 1999 minutes of the Special Meeting. A motion was made by Director Franke and seconded by Director Mitchell to accept the minutes as written.
4. **Letter to County Counsel:** Director Gans presented a letter he proposed sending to the County of San Diego, Office of the County Counsel asking Counsel's opinion as to whether the board could spend Water District funds on legal and administrative costs regarding enforcement of the Covenants, Conditions, and Restrictions. There followed much discussion/opinions, ending with a **MOTION** by Director Franke that we table this subject until the next quarterly board meeting where all members would be present, seconded by Director Mitchell.
5. **Grandfathering:** Director Gans presented a report on the issue of grandfathering. Discussion followed on the importance of maintaining the old CC&Rs for historical purposes. Director Dyos stated that we still have the requirement to come up with a paragraph that would encompass the comments we made tonight. Basically, the grandfather clause in the new CC&Rs will not impose penalties on homeowners' existing violations. In

6. certain cases, we will identify areas where we will encourage homeowners to make changes so they comply in the spirit of the new CC&Rs

7. **Updates of Redlining of Last Meetings:** Vice President Dyos stated that the phrase “grandfather clause” needs to be put into the definitions. Mr. Miller would like the grandfather clause taken out of the definition section and put into the clause section with a new name, such as Retroactive Clause. Vice President Dyos agreed. Paragraph 1,2,3, are okay. In paragraph 4, the last sentence we agreed will be deleted, “the garage may be attached or detached “. Items 6 & 7 no other questions also, 8, 9, 10, &11. Regarding item 12, Vice President Dyos states that he is representing President Ellis’ concerns on this item in his absence, he would like it to read, “No billboards or signs of any kind should be erected or allowed to remain on any lot or in any of the public spaces of Wynola Estates for more than 24 hours”. Vice President Dyos states that he is not sure that the Board has right to specify what happens in the public spaces of Wynola Estates because these roads have a 60 foot right of way that is not under the jurisdiction of Wynola Estates. Director Gans states that he believes we do have some jurisdiction under our action of CSA 16, Vice President Dyos agrees, and asks the secretary to add, “to remain on any lot or in the public spaces of Wynola Estates”. To continue, 13, 14, 15, no comments. On item 16 Vice President Dyos if no trash receptacle of any kind will be kept in public view, I would add, “except during construction “ there is a need for a dumpster during construction. Items 17, 18, 19, okay. Item #20, place on agenda of next regular meeting that the Wynola Water District accepts the charge of running the District and the CC&Rs – the control committee. Item 21; remove the phrase “one or more buildings”. Item 22, had title change, 23, 24, 25, and 26 no change, 27 no liability. Discussion on liens on property, Vice President Dyos agrees it requires legal action. We need to get legal advice on this paragraph. Paragraph XX: new paragraph, Director Gans would like to argue that this important paragraph limits anyone testing the board’s administration of the CC&Rs. Vice President Dyos asks that the lawyers write the right words on this one. Items 29 and 30 okay lot owner vs. homeowner? XX? Vice President Dyos comment for editing Subparagraph 1 the word appellant is a new word. Item 31 ok, 32 again legal issue “25 years....”. Items 33, 34, and 35 ok. Item 36 new paragraph on next agenda. Item 37...the last sentence is important, puts the responsibility on lot owner...Okay for now. Time to refer to a CCR attorney find 2 or 3 that specialize and research amount it will cost for them to review and make recommendation. Director Gans to identify at least 2 and maybe 3 attorneys that seem able

to do the job and what their numbers might be, then he will phone each board member see what they think.

8. **Pump #6**: installed today.
9. **Planning/Growth Rate**: Vice President Dyos has been asked by President Ellis to do some planning. Need from secretary some records to establish what our district growth rate is and projections of water usage. He stresses that one thing that we want to do, as a Board is to talk about what sort of margins, reserves and budgets we should have. He is in the process of getting the study on water rates around California to get some comparisons statewide. Hopefully, then we can project, once all 87 lots are full, what is the maximum water consumption we can provide for. Director Mitchell also points out that the CDF has standards for water supply for Water Districts for fire insurance. He will acquire a copy of it to compare how close we come to compliance with it.
10. **Research Checking/Investment Account**: Secretary requests permission to research the advantages of moving at least the checking account to Julian Valley Independent Bank and perhaps have the Investment Account at a Credit Union, at least one that pays a higher yield. **MOTION**: Vice President Dyos moves to allow movement of checking account to VIB seconded by Director Mitchell.
11. **Motion to Adjourn**: made by Director Franke, seconded by Director Gans. Meeting adjourned at 9:03 p.m. Second quarterly meeting to be held at the Gans house, 1634 Oakforest Road, Wynola Estates, on July 17, 1999 at 9:00 a.m.