

Marla Bay Protective Association

General Meeting Minutes

SUNDAY July 7, 2019, 631 Lakeshore, Marla Bay

1. Meeting was called to order by Ryan Davis, MBPA Acting President at 9:09 am
 - a. Marijeanne Rende, MBPA Secretary, conducted roll call of MBPA Board members
 - b. Board members present: Ryan Davis, Dick Barnard, Piper Smith, Ron Borsos, Katy Clark, Ed Wheelbarger, Marijeanne Rende
 - c. Board members absent: Brendan Riley (resigned 6/22/19) (2 vacancies total at this time)
 - d. Ryan reviewed former board members and their contributions with attendees and explanation of current board makeup with Brendan's and Scott's departure from the Board of Directors in past year; reviewed historical locations for the general meeting and thanked the Daley's for hosting meeting this year and many past years; Ryan also reviewed contributions of general membership and those, in particular, that have served on Board over it's history
 - e. General Membership in attendance introduced themselves
2. Marijeanne Rende, MBPA Secretary, reviewed status of the 2018 General Meeting minutes with everyone
 - a. Marijeanne mentioned that the 2018 minutes were sent out with meeting announcement and requested review before the meeting in the interest of shortening this required part of the meeting
 - b. Marijeanne asked if anyone wanted to review any part of those minutes or had questions, corrections, changes – no review or changes requested by membership
 - c. Scott Smith made motion to approve the 2018 General Meeting minutes; Scott Hindes' second, general membership in attendance approved
3. Piper Smith, MBPA Treasurer reviewed highlights of the MBPA Financials with the membership
 - a. She mentioned that \$8500 in buoy fees collected; No expenses this year for pine needle cleanup which was cancelled
 - b. She mentioned the MBPA estimate of legal costs has been projected to run as high as \$100,000
 - c. Scott Smith made motion to approve Treasurer's report, Carol McQuirk second, all meeting attendees approved
4. Piper Smith reviewed the Buoy Committee Report with membership
 - a. It's been a challenging year; TRPA shore zone ordinance passed; MBPA applied for 10 additional moorings; current permit allowed 49 moorings plus Passen dock; ordinance allows us to manipulate rows depending on low water or high water years

- b. This year, our Permit consultant informed us that our buoy field layout had to adhere to our permit; consequently decided not to raise E row this year; because A row raised; skeleton field this year
- c. Do not yet have approval for 10 extra buoys—application still in review, probably won't have updated status until September;
- d. Ryan Davis commented that MBPA was first application submitted to get extra buoys after shore zone ordinance adopted

5. Old Business:

- a. Dick Barnard reviewed the recent water district consolidation plan of Douglas County - Douglas County/Zephyr Water Utility District(ZWUD) Rates
 - Ryan explained why Board has been working on these issues, duties required of Board member by Bylaws which includes attending to utility decisions on behalf of MBPA
 - Dick reviewed history of water district issues over past years; differences in water systems at Lake; County wanted originally to consolidate and average rates for everyone just at Lake; MBPA got into negotiations to ensure equitable decision for MBPA 5 years ago;
 - Dick explained that the issue came up again due to Cave Rock suit against County; as a result County decided to consolidate districts to include 4000 valley users in county-owned water districts;
 - Fred Schmitt, expert in Water System planning and management was very helpful
 - Dick explained that our water rates will go from \$88 to \$79 initially due to consolidation; with 6% increase each year to do capital improvements;
 - MBPA/ZWUD representatives went to last County meeting and argued that they needed to revisit the annual 6% increase in 3 years
 - Dick suggested to MBPA that we follow-up proactively in 3 years to make sure county does fair assessment on continuing need for 6% annual increase
 - Carol McQuirk thanked Dick and team for hours spent working the Water District Consolidation issues and keeping us informed; she asked if County plans included capital improvements for Marla Bay; answer yes, preliminary report has projects planned for each section of District; Dick suggested this bears watching how the County prioritizes the capital improvement plans to ensure the "Marla Bay" get the improvement they paid for years ago but didn't receive; Dick suggested we stay on top of County reports to review County priorities
 - Scott Smith mentioned that he talked to Cave Rock representatives; they explained the background of their lawsuit against County that prompted consolidation; consolidation qualifies county to apply for grants
- b. Ryan Davis reviewed existing Board Vacancies and Appointments made over the past year due to Board member departures of Scott Smith and Brendan Riley
 - Ryan discussed the 2 vacancies and recent appointments and how vacancies were filled in the past

- Ryan explained that recently we have presented full Board slate for ratification at general meeting after appointments were made
 - Ryan asked for comments from attendees – Piper likes idea of approving slate of board members
 - Jeff Glover nominated Jeffie Glover DeGrazia to Board; Sean Ledin also nominated to Board position
 - Scott Smith made motion to approve existing Board slate with 2 new nominations (Sean and Jeffie) added, Dennis Farnesi second; general membership approved
- c. Marijeanne Rende, MBPA Secretary, discussed important issues in regard to the MBPA Roster and Website
- Marijeanne reviewed Katy Clark’s addition to team as webmaster in December and her recent contributions including getting up to speed on website updates with no handoff
 - Marijeanne reviewed importance of email and roster updates and requested everyone make sure their email addresses were current on the roster as important and critical updates are sent out via email;
 - Marijeanne also discussed the need to reserve the MBPA email account for critical, mission urgent messages to membership; this avoids a deluge of non-urgent messages in which urgent messages may be lost
 - Marijeanne mentioned that Katy has some website updates planned for this year
- d. Ryan Davis reviewed the status on the Tahoe Douglas District Sewer Line Replacement Project in Marla Bay on Lakeshore
- Ryan explained recent Sewer line problems for beachfront owners south of the ramp and our MBPA participation in working with the Sewer District personnel to come to an acceptable solution
 - Sewer District agreed to replace sewer line on beach in place versus installation of individual owner’s pump stations
 - Work is estimated to be done in the Fall, 10-12 days total; Sewer District is currently in the design and planning stage);
 - Scott Smith asked if Sewer District will improve sewer laterals to each home? Steve Willey said homeowners will be paying extra cost for laterals
6. Ron Borsos of the General Improvement District (GID) provided a report to membership
- a. Ron (GID Chairman) introduced GID board; Ed Wheelbarger, Gregg Kendall, Barbara Sourikoff, Chuck Bloch
 - b. Ron provided a review of Fourth of July Security statistics: guards turned away 170 autos, turned away 14 walk-ins
 - c. GID now has email address: marlabayGID@gmail.com
 - d. Ron explained that GID responsibilities address roads, snow removal, signs
 - e. Ron mentioned that street sweeping is scheduled for this Tuesday (July 9) and asked that residents please be aware no parking on streets in particular that day
 - f. Ron acknowledged and thanked Jack and Carol McQuirk for 14 years of GID service (they were termed out at the end of 2018)

- g. Donna Hawksford suggested that next year we consider keeping the security guards at gate longer on July 4th – this was noted as action item for next year
- h. Andy Firestone asked about Pinewild owners accessing Marla Bay beach and streets; Ron explained that we have a good neighbor agreement with Pinewild as we also walk their beach
- i. Ryan explained importance of GID/MBPA projects; he explained this year we didn't do the pine needle pickup due to extraordinary expenses and avoided the \$15,000 expense

7. **New Business:**

- a. Ryan Davis reviewed the Beach Ownership Litigation with attendees
 - Ryan reviewed the Frequently Asked Questions (FAQs) handed out to meeting attendees
 - Ryan reviewed problems and history of communication issues to membership about litigation and the history of the litigation and the work the Board has done in answering ongoing litigation requests including discovery and deposition activities since last November/2018;
 - Ryan explained that the Board received a complaint and was subsequently sued as corporate entity
 - Ryan commented that a hearing on summary judgement is scheduled for later in July; settlement conference in September
 - Joel Glover asked for an explanation of why MBPA was sued? Ryan reviewed the history of litigation/discussions over beach; 1961 and 2006 lawsuits
 - Cherie Hayes stated Vogel position
 - Steve Willey asked for clarification about 1982 litigation decisions which are identical to current litigation; Zephyr Cove 1/Wittemore decision in that case upheld Zephyr Cove Properties 1 deed
 - Piper made additional comments on the outcome of the 1961 litigation – backlot owners; decision was split between plaintiff and backlot owners
 - Ryan reviewed the TRPA and Nevada State Lands littoral[Lakefront ownership] requirements for management of a buoy field
 - Andy Firestone asked if MBPA was paying insurance on the community beach parcel – answer yes
 - Ryan wrapped up discussion – MBPA will do a better job of communicating status of litigation to membership
- b. Scott Hinds made a motion that the annual dues should be increased to \$200/year; Ryan and Piper clarified that the membership directive to raise dues will be carried out by Board vote/agreement per Bylaws; Scott Hinds motion to raise dues for 2020(effective July 1) to \$200/year; Liz Ledin second; All approved

8. Shon Ledin made motion to adjourn general meeting, Tom Proulx second, all approved, Meeting adjourned at 11:16 am