

**VINEYARDS OF SARATOGA HOMEOWNERS' ASSOCIATION
BOARD OF DIRECTORS MEETING
June 2, 2022**

BOARD MEMBERS

Jim Foley	President
Michael Toback	Vice President
Laurel Smith	Secretary
Gloria Felcyn	Treasurer
Charles Sudderth	Director
Tom Schmidt	Director
Pam Nomura	Director

OTHERS PRESENT

Bill Oldfield	Community Management Services, Inc.
Jeff Klopotic	Homeowner
Chris Burns	Homeowner
Deborah Matheson	Homeowner

ITEM I - Call to Order – President Jim Foley called to order the Board of Directors meeting at 7:00 PM via GoToMeeting

ITEM II – Open Forum

Deborah Matheson reported that the garbage company makes a lot of noise that wakes her when they was picking up yard waste at 6AM on a regular basis and asked that they be contacted about picking up later in the day. The Association Manager told her he would contact the garbage company. ~~about~~

ITEM III – Hearing

A hearing about placing a member Jeff Klopotic in a not a good standing status was held. Michael Toback recounted the events regarding a hearing held for Jeff Klopotic about posting on social media as a Board member without the consent of The Board of Directors. At this that meeting, a special assessment to recover costs incurred by the HOA was placed on Mr. Klopotic's HOA account. Since this special assessment had not been paid, there were grounds for finding Mr. Klopotic to be not in good standing.

Mr. Klopotic responded that he believed he was entitled to post on social media, citing civil code 4515, and the special assessment was not justified based on the CC&Rs.

A hearing related to trespassing on exclusive use common area by Jeff Klopotic was held. Michael Toback let the Board and members present know that he had reviewed two legal opinions and spoken to several other licensed attorneys about the situation. They all had the opinion that, based on the CC&Rs and California law, exclusive use common area is private property, and no one has the right to enter without permission. He went on to read the legal opinions from James Hillman (counsel for the Vineyards), with White & MacDonald and Sharon Pratt, with Pratt & Associates.

Gloria Felcyn briefed the Board on the history of trespassing on her exclusive use common area by Jeff Klopotic and her attempts to resolve the matter. She had obtained the legal opinion provided by Sharon Pratt, and the attorney's office had sent Mr. Klopotic a letter with the opinion and asked that he immediately cease and desist his trespassing.

Jeff Klopotic made a statement about accessing Ms. Felcyn's exclusive use common area to use her water spigot. Mr. Klopotic cited several sections of the CC&Rs related to easements for access to utilities. He further stated that he did not agree with the attorneys' opinions. Instead, he said all of Vineyards members have the right to enter someone's exclusive use common area to access water.

As he has no specific legal expertise, as he is not or ever has been a licensed attorney, the Board determined that it has a duty to accept the opinions that the attorneys presented, and since Mr. Klopotic agrees with Ms. Felcyn's statements, he did in fact enter onto her land property uninvited.

ITEM IX – Adjournment

Jim Foley motioned to adjourn~~ed~~ to executive session at 7:55 PM. Tom Schmidt seconded, and the motion passed unanimously. The next meeting of the Board of Directors is scheduled for June 9, 2022. The means by which the meeting will be held are to be determined and will be posted with the agenda and notices about the meeting.

Vineyards of Saratoga Homeowners Assoc.

Date