



MAGEE RANCH

Board of Directors

Christopher Cross
Kent Rezowalli
Andy Rodgers

Meeting Information

The next Board meeting will be held:

January 10, 2024
6:00 PM

HOA Services Conf Room
2266 Camino Ramon

Management

Homeowner Association
Services
2266 Camino Ramon
San Ramon, CA 94583
925.830.4848

Stacey Lint
Manager
slint@hoaservices.net

Cheryl Franklin
Assistant Manager
cheryl@hoaservices.net

Mychele White
Architectural Liaison
Architectural@hoaservices.net

Jennifer Bouchard
Accounting
Jennifer@hoaservices.net

Emergency Line:
925-831-2309

FAQ Round Two

We heard your questions at the Town Hall loud and clear. We did our best to answer the questions, but realized some information was not available to us at that time and we needed to go back and do some research. We have done that and would like to offer more complete answers to a few of your very good questions.

Why didn't you reach out to Magee Ranch residents with expertise for help?

We did! Terry Woram, a retired engineer, former HOA Board member, and Landscape Committee lead has served as our GHAD committee chair since 2019, working closely with several geotechnical companies who supported the Magee Ranch GHAD. He has gained considerable knowledge after many hours spent with geotechnical experts walking our hills and ravines and inspecting our extensive drainage systems along with the GHAD co-chair Ron O'Dell. He has reviewed the engineer's annual observation reports covering the entire Magee Ranch district, presenting these findings to the Board and following up with contractors to perform the recommended maintenance. Terry was involved with every aspect of the work described below, starting on New Year's Day with hours of muddy field work, inspecting and documenting the extensive hillside failures and the performance of our extensive drainage systems. The Magee Ranch community has been fortunate to have him managing the important work of the GHAD as a volunteer during this time. The HOA Board expressed its appreciation for his dedication and assistance with a "Community Award" earlier this year. As President of the Board this year I would like to personally thank Terry for his tireless work.

Was a good inspection of the ENTIRE community done after the rains?

Yes. The latest Annual Observation was conducted by CE&G and summarized in a September 2022 report. Their recommendations, including removal of soil and silt from numerous retention basins were implemented in November 2022 and mitigated what would have been more severe damage had they not been cleaned out. During and after the rains a series of complete inspections were performed by CE&G and their findings documented in field reports provided to the GHAD. A number of temporary measures were recommended to stabilize and prevent further mudflows such as placement of plastic sheeting, straw wattle barriers, and clearing of debris from drain inlets. These inspections included common areas identified by several homeowners whose properties backed up to these areas. A number of these common areas were assessed as not needing regrading but are being monitored annually for any change in status. Yearly inspections continue and will be performed by CE&G.

Did the Board use competitive bidding in awarding the contracts?

Yes. There were three main classifications of the hillside work. First, emergency work needed to be performed to stabilize the hillsides during the rain. There was little time to do competitive bidding and there weren't many companies available as many other communities needed to have hillside stabilization work done at the same time. The emergency work was performed by New West, Williams Grading, and Cowan and Thompson. The next job that needed to be done was an engineering design to repair the hillsides. This stage involved inspecting the hills from the air and at grade, designing retention structures and drainage improvements, and identifying areas for regrading, geo-grid installation, compaction, and hydro seeding. Bids for this work were requested from the two companies with pre-existing knowledge of our GHAD, ENGEO and CE&G. No other available companies were found to give us a third bid. ENGEO's bid came in considerably lower than CE&G and given their experience, the Board voted to award them

the engineering design contract. The third type of work is what you have seen over the last several weeks—actual construction work required to properly stabilize our damaged hillsides and improve drainage systems to prevent future damage that could threaten Magee Ranch homeowner properties. McCosker was the only qualified company available to do this work within the timeframe identified. McCosker is very experienced, has done a lot of other jobs for ENGeo, and has a very good reputation. Their work and the ENGeo testing and project management work were bid on a Time and Materials basis, with not-to-exceed caps, which is a common arrangement for work of this nature. If the work comes in below the estimate, then funds can be placed into the GHAD reserves to help defray future mudflows should they develop. It should be noted that the CA Public Resource Code which governs GHADs does not require a bidding process for hillside repairs because the emergency nature of these events tends to impact multiple communities, limiting the number of available contractors with the specialized equipment and skilled staff to perform this work.

Why is this an Emergency?

As you can see from the included photos on the last page, there are several areas where the mudflows were extreme and there was a significant threat to property and personal safety. This is one definition of emergency. However, legally the CC&Rs and Civil Code provide for another “definition” of emergency. “An extraordinary expense necessary to repair any part for which the association is responsible that could not have been reasonably foreseen by the Board in preparing and distributing the annual budget” is categorized as an emergency situation.

The Board was unable to reasonably foresee the need for hillside repairs and budget for them in November of 2022. And the Board believes these hillsides, left untouched, were a threat to personal safety. For both of these reasons, an Emergency Assessment was passed. **The Assessment amount is due now and if you have not made a payment, please do so promptly.**

The SBA Loan Secured by Special Assessment

There was a lot of discussion around the SBA loan option secured by a special assessment and we understand some homeowners would have preferred to pay for the repairs via a 30 year loan. The decision of the Board to move away from the SBA loan secured by a Special Assessment was for the following reasons:

- ◇ The SBA loan would have required an affirmative vote for a Special Assessment roughly in the amount of \$7,620.
 - \$56 per home per quarter for 30 years = \$6,720 for the full repair work.
 - + \$900 per home for legal costs of preparing liens for each property
- ◇ It is important to note that Special Assessments are in force against the Owners of Record at the time the Assessment is passed.
 - They are not passed along to future owners.
 - Selling your home would not pass your remaining portion of the Special Assessment along to the next owner.
- ◇ The HOA would need to record liens against every property at a cost of roughly \$900 per lien.
- ◇ The liens would be enforced when a homeowner sold their lot. The Owner of Record that approved the Special Assessment would be required to pay off their remaining 30 year balance at that time.
- ◇ If owners refused to record the lien, then they would have to pay the total Special Assessment amount up front.
- ◇ It is also important to note that the SBA loan would not have funded the GHAD reserves at a level significant enough to forego substantial dues increases.
 - The fully funded balance of the GHAD reserve account is projected to be \$4,000,000.
 - The SBA loan would have left the GHAD reserve account at around \$250,000.

Non-monetarily, there were further concerns about a loan and the impact it would have on the HOA and property values.

- ◇ The SBA would use **all future assessments** over the term of the loan as collateral (in addition to the Special Assessment signed over to the SBA).
- ◇ The loan would have to be disclosed to all prospective buyers for the life of the loan, possibly affecting buyer interest.
- ◇ The HOA would not be able to take out another loan without SBA approval for the life of the loan.

The Board, in their role as decision makers for the community, used their best judgement to make their decision. We understand not everyone may agree with those reasons or agree with the decision. Ultimately, we hope as a community we are able to move forward from this with understanding, even if there isn't full agreement.

Trash and Littering

Over the past few weeks we've received increased reports of trash and litter along Magee Ranch Road. Homeowners have even taken to walking with trash bags and filling them up with discarded In & Out burger bags, boxes, utensils, condiments,

and napkins. Please avoid littering as it pollutes our environment, disrupts ecosystems, and detracts from the beauty of our community. Let's dispose of our trash at our destination instead of out our windows.

Parking Reminders – Fire Hydrants

Throughout our community are fire hydrants, set back from the curb, the first line of defense against a fire emergency and disaster. High pressured fire hoses cannot attach to normal hose bibs and as such, fire hydrants are a vital source of water for crews near an emergency. Please remember to look for these hydrants, always marked by a small blue reflector in the middle of the street, and avoid parking in front of them. Doing so is not only dangerous, but could result in the vehicle getting ticketed by Danville PD!

Email Sign Up!

Homeowner Association Services is committed to reducing our Copies and Postage costs. Care to help? If you received this newsletter via USPS mail – [do your part in saving the HOA money by scanning the QR Code to the right](#) to automatically generate an email to Management signing up for [electronic delivery of HOA correspondence!](#) Just add your address! In addition, email communications will help to keep you better informed, with immediate delivery of up to date information.



Annual Meeting and Board Seats

The Annual Meeting of the Membership was held on November 1. At that meeting, there was supposed to be two interested candidates for the Board and two open seats. Just prior to the meeting, both candidates rescinded their candidacy. In order to maintain a quorum, another homeowner volunteered to join the Board. Kent Rezowalli was appointed to a one year term on the Board with a seat up at the Annual Meeting in 2024.

Just prior to the Annual Meeting, Jim Losi resigned from the Board. A big thank you to Jim Losi, Ron O'Dell, and Deidre Woram for their service over the years on the Board.

Given this resignation and the candidacy withdrawals, there are two vacant seats on the Board with terms up at the Annual Meeting in 2025. We are looking for interested homeowners who may wish to fill these seats. **If you are interested, please reach out to Management at the sidebar address by December 15.** If there are multiple interested homeowners, the Board will interview and choose replacements for appointment at the January 10, 2024 meeting.

Walking Safety Tips

We love to see the number of walkers and runners out in the community regularly. And with all those hills, how do you do it?! A few weeks back, there was an incident with some dogs that had escaped their yard and bite a nearby homeowner. We've also heard about recent sightings of coyotes, bobcats, and foxes in the community and we'd like to remind everyone of some walking safety tips.

1. Keep a Safe Distance:
 - Maintain a safe distance from animals. Do not approach or attempt to feed them, wild or domesticated.
2. Carry Bear Spray or Other Deterrents:
 - In areas with bears, mountain lions, or other large predators, carry bear spray or other wildlife deterrents and know how to use them effectively.
3. Keep Pets on a Leash:
 - If you have a pet with you, keep it on a leash to prevent it from chasing or disturbing wildlife. Remember that the CC&Rs require pets to be on leash, held by someone capable of controlling the animal, when within the community. Town Ordinance also requires pets be on leash.

2024 Meeting Dates

January 10

March 6

May 1

July 10

September 4

November 6

