



# YLOA Board Meeting Minutes



30250 Yosemite Springs Parkway  
Coarsegold, CA 93614

Meeting Type: Members Meeting  
Meeting Date/time: August 1, 2023 7 p.m.  
Location: Clubhouse and Virtual

## 1. CALL TO ORDER 7:01 p.m.

### DIRECTOR ROLL CALL & ESTABLISHMENT OF QUORUM

Cheryl Bluhm, President  
Kathy Miller, Vice President  
Pamela McDaniel, Secretary  
Beate Olivas, Treasurer  
Ken Sartain, Director  
Randy Sacks, Director  
Rose Mackey, Director

**Additional Attending:** Jonathan Penrose, GM, Tammie Harrell, Chief of Security, Gerad Benak, Field Ops Supervisor, Beth Hatch, Customer Service & Support Supervisor, Whitney Lecat, Human Resources/Office Manager, Corey Johnson, Maintenance Supervisor, Gene Holt, Golf Course Manager, Marty Pol, Fairway Café Manager, David Pol, Blue Heron Restaurant Manager

## 2. PRESIDENT'S COMMENTS

Thanks members for being here and community coming together. It is an honor and privilege to be President and looking forward to a great year together.

## 3. MEMBER COMMENT

- A. Lot 1424 – Thanks the new board for stepping up and volunteering. The golf course has never looked better over the last 26 years. SGM currently is on a month to month contract. Previously the contract was 3-5 years. The golfers and committee would like us to be back on a 3-5 year contract versus month to month. They could just drop us and walk away. Their expertise is an asset to our community.
- B. Lot 0639 – Pool has never been so clean and wants to thank whoever cleans it. The trail from the equestrian center to the lake is not accessible now. It has been used since he moved here but is not available for the last couple of months. Member would like the board to follow up and get us access once again.
- C. Lot 0292 – Member has lived here about 2.5 years and has heard lots of talk about audits. Congratulates the board and encourages the board to take seriously customer confidence (audit or no audit). Put accountability in place and understandable to the



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regular person not an accounting professional.

- D. Lot 0197 – Congratulates the board and echo’s the previous member’s comments. He urges this board to hold people accountable and receive accurate financials.
- E. Lot 2130 – Member loves living in YLP and nature. Member would like security to be working thru the night patrolling the streets.

Director Bluhm and the board will do their due diligence in responding to those who ask questions.

#### 4. APPROVAL OF MINUTES

- A. July 11, 2023 – **Motion to approve with corrections (Director Olivas seconds motion, motion passes 5-0)**
- B. July 15, 2023 Members Meeting– **Motion to approve (Director Olivas seconds motion, motion passes 5-0)**
- C. July 22, 2023 Members Meeting– **Motion to approve (Director Miller seconds motion, motion passes 5-0)**
- D. July 22, 2023 Regular Meeting – **Motion to approve (Director Olivas seconds motion, motion passes 7-0)**

**(Director Bluhm) Recording of Meeting Minutes Motion** – Whereas Yosemite Lakes Owners Association’s board meetings involve a great amount of information and engagement for Directors, to enable all board directors to review draft meeting minutes or other board business for clarity and accuracy, I motion, effective immediately, that all Yosemite Lakes Owners Association’s (YLOA) Open, Special and Emergency Meetings will be digitally recorded with a copy of the recording to be sent to all directors as soon as the meeting link/video becomes available. The recordings are to be kept in its original format with all original content in place. All recordings are to be kept/stored in a secured digital location only for YLOA Board use and will be destroyed after those meeting minutes have been approved and finalized. The log in and password information to the conference software (Zoho, Zoom, etc.) is to be shared with the board president and secretary.

Director Olivas seconds motion

Discussion

**Motion to approve (Director Olivas seconds motion, motion passes 5 Yes, 2 Abstain – Director Sartain & Director Sacks)**

#### 5. FINANCIAL REPORT

Director Olivas motion to have a hard copy or “digital copies” on Director’s request of the YLOA board packets made available to the board directors at least 5 days prior to the regular monthly board meeting. The packets are to include the association’s monthly financial records on a monthly basis.

The financial records include:

- A current reconciliation of the operating accounts,
- A current reconciliation of the reserve accounts,
- The current year’s actual operating revenues and expenses compared to the current





year's budget,

- The latest bank statements for operating and reserve accounts,
- An income and expense statement for the association's operating and reserve accounts, and
- The check register, monthly general ledger, and delinquent assessment receivable reports.

Whereas, there has been numerous instances that the Board of Directors have not received timely and completed financial records required by Civil Code 5500.

Therefore, in order for the YLOA Board of Directors to meet their fiduciary duty to provide good stewardship of the fiscal health of the association, hard copies/digital copies of all financials records need to be provided 5 days prior to the regular monthly board meeting by the General Manager. This will give the Board of Directors sufficient time to review and to meet their fiduciary obligation. This motion will take the place of the 03/19/2018 Board Packet Distribution General Manager Directive.

**Director Miller seconds motion**

Discussion

**Motion passes 7-0**

GM Penrose - Bank accounts are reconciled through the end of June. We have completed the migration of YSPUC to Zoho and will be turned over to the accountants for review. We can finalize the 2022 & 2023 for YLOA, both which depend on the financial statements for YSPUC for 2022. Agrees we need clarity on these things and timely financials. Financial forecast we are better than budgeted. By the end of this month he is still targeting to get YLOA financials to our accountants for review. We are looking to outsource portions of our accounting (Finance Manager Role) with an outside firm. One accounting firm does not have the staff to do this and the other one is interested but does not currently have staff to take it on at this time. We will stay in contact and continue looking for an accounting firm to take over the Finance Manager Role.

6. GM REPORT: Department Manager Reports

Tammie Harrell, Chief of Security – She would like to share the hours security is on but it puts everyone in jeopardy when people know when security is not present in the park. The biggest challenge is retaining people. Security does not just patrol, they are first responders for structure & vegetation fires, burglaries & vandalism. We have calls ranging from dog barking complaints, home invasions, squatters, burglaries, identity thieves, mailbox theft (we have caught about 80% of the mail thieves) etc.. Employee loves working here and takes things to heart. If you can't get ahold of us please get ahold of Tammie and she will do what she can to help.

Gerad Benak, Fields Ops Supervisor (Pipeline, roads, aerobics, safety, meter readers) - Favorite part of his job is to help put out "fires" face to face with members. It is challenging to fill staff positions. It is hard to get qualified workers and pay a livable wage to work here (similar for each department). Loves living where he works and enjoys meeting and talking to members. He is open to people contacting him day or night; we are neighbors and love the vibe of working in a small community.

Beth Hatch, Customer Service & Support Supervisor – Oversees the front office and escalated customer issues. Worked for Fresno Pacific University for many years and then





came to work at the association after moving to YLP. She loves living and working in YLP. Customer service is challenging & difficult at times. Staffing is an issue, customers can be verbally abusive, throw things at staff, and so retaining staff is difficult. Please have patience, when there is a concern, we are here to help you and find an answer and resolution. We care about the community we live in and want to always do better for everyone.

Whitney Lecat, Human Resources/Office Manager – Works in HR and oversees the upstairs admin team (AR/AP). She enjoys working in a capacity where she can help people (staff & community members) or make things run smoother. Enjoys her relationship with fellow employees and being able to assist in whatever is needed. Staffing has been a challenge but has navigated through it and is currently fully staffed. She is excited to go through our current procedures and processes, to make things more accessible and to help make YLP run smoother and better for everyone.

Corey Johnson, Maintenance Supervisor – Has worked for the association for 13 years. Maintenance maintains the grounds at the Clubhouse, Fairway Café, Rec Center (field & playgrounds), maintain equestrian center & drag the arenas at the equestrian center weekly, maintains pool and buildings, janitorial daily, remove trees as needed, maintain evap coolers in all of the buildings, maintains walking trails, maintains walk-in coolers and all restaurant equipment, maintains aging maintenance vehicles (we still have trucks from the 90s), spray lakes for duckweed. Manages special projects as needed (cabinets, bathrooms, etc.), works with and hires outside contractors as needed. Schedules and manages employees, manages projects, orders equipment & tools as needed for projects. None of this would be possible without his team (Alex, Thomas, Gibron, and Troy).

Gene Holt, Golf Course Manager – 5 Golf Marshalls (1 full-time, 4 part-time). Working together we have brought the golf course to the current state it is in. With Jonathan's help we have improved the condition of the course (always be improving). We have great, hard green keepers. Gene handles issues with homeowners regarding the golf course. He also interfaces with SGM about 1-2 times a quarter. He is on call whenever needed.

Marty Pol, Fairway Café Manager – She has lived in the park since 1995 (grew up in the area). She has worked for YLOA since 2000. She develops menus, supervises employees, inventory, ordering, works a shift. Struggles to pay people enough to keep them (staffing issues). She has a great crew, open 7 days a week (7am-2pm). The remodel has been great as they are able to run more efficiently.

David Pol, Blue Heron Restaurant Manager – Has lived in the park for 28 years, took over the restaurant in 2000. In charge of the food and beverage operations at the Clubhouse (including events), has around 25 employees (many are part time). They do not do enough volume to show a profit (they are not set up to show a profit). We are here to take care of our homeowners and give you place to go close to home. He loves YLP and one of the reasons he came back was he did not like where the BHR was headed. Great staff (some for almost 20 years)!

## 7. TREASURER REPORT

- A. Director Olivas would like to make a motion for the YLOA board to approve Jacob Dixon for Treasury Advisor volunteer.

His qualifications and achievements (see CV attached)

He has extensive knowledge in the daily operations of Middle Market & Business Banking companies, as well as the financial services industry. Extensive management, consulting and





business development.

**Director Miller seconds motion**

Discussion

**Motion passes with conditions (Live Scan and background check to be done) 7-0**

**B. (Director Olivas) Audit YLOA Motion:**

WHEREAS, it is the YLOA Board of Directors fiduciary duty to provide good stewardship of the fiscal health of the association by providing periodic audits of the financial records vs. doing reviews only; and

WHEREAS, the last audit performed was in 2014. The results of that audit did not have positive results and was not in favor of providing the owners of this corporation a healthy fiscal report; and

WHEREAS, on November 2, 2021 Tom Bell the association's CPA came to our open board meeting and spoke to the members. He mentioned he's only two months into the books, however, he will come back to speak to the members. His review does not have the same GAAS Standards as an audit or forensic audit.

As of this day Tom Bell has not attended another open board meeting to discuss his reviews with the members; and

WHEREAS, our CPA Tom Bells, Moore, Grider & Company accounting firm disclaimer states their review is substantially less in scope than an audit. Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America: this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error. The review standards require them to perform procedure that obtain limited assurance; and

WHEREAS, a review gives "limited assurance" that the financial statement is materially correct.

An Audit, the CPA performs an extensive examination of the association's financial records. An audit provides a "reasonable level of assurance" that the financial statements are materially correct. As a result, audits are more expensive than reviews. A forensic audit is more intrusive than a regular audit and uses an investigative approach to financial records. It is often conducted for the purpose of ferreting out fraud, embezzlement or other financial improprieties.

Neither audits nor reviews guarantee that, and

WHEREAS, the financial review requirements are not being met. Beginning January 1, 2019, all of the directors on the board must review their association's financial records on a monthly basis. (Civ Code 5500.). There were only a couple of occasions during my two-year term July 1, 2021 – June 30, 2023 that the Board of Directors received the required monthly financials to perform their fiduciary duties and to satisfy the compliance of Civ. Code 5500 and Civil Code 5501. The ratification of the monthly financials at subsequent board meeting ceased at the beginning of 2023; and

WHEREAS, several directors were not receiving the information they submitted on the "Request for Records" form. The constant delays and having to resubmit their request are a violation of Civil Code 5205 and Inspection of Records & Civil Code 5210 time for producing association records; and

WHEREAS, YLOA Corporate returns were not timely filed; and





WHEREAS, the late filing of the Form SI-100 (Statement of Information Corp. Code 8210) and the Statement of Interest with the Secretary of State created problems with our financial institutions and government agencies.

WHEREAS, due to all the above circumstances, it is the Board of Directors fiduciary duty to give the owners of this Corporation the highest level of assurance that our corporate financial reports and budgets are accurate,

Now, therefore, be it resolved that the YLOA Board of Directors immediately approve an audit of YLOA financial records for the following dates as of July 1<sup>st</sup>, 2020 to June 30, 2023. It will be at the discretion of the CPA what financial records need to be audited.

Allocations between YLOA and YSPUC to be included. The cost not to exceed \$50,000.

The owners of this Corporation will be notified of the results.

**Director Miller seconds motion**

Discussion

- a. GM stated he has a personal interest in an audit. Generally, an audit is done for the beginning and ending numbers and an audit should be done every year.

**Motion to extend the meeting to 9:15 PM (Director Olivas seconds, 7-0)**

Continued Discussion

**Motion passes with edits included in the motion above, 7-0**

8. COMMITTEE REPORTS

A. ECC Committee Chair(s)

- a. Director Bluhm, Director Miller, Director McDaniel

**Director Mackey seconds (passes, 7-0)**

B. Golf Committee Chair(s)

- a. Director Bluhm (Board Liaison), John Wandler & Neil Ordway Co-Chairs

**Director McDaniel seconds (passes, 7-0)**

C. Engineering Committee Chair(s)

- a. Director Sartain, Director Miller (co-chairs)

**Director Mackey seconds (passes, 7-0)**

D. Governing Docs Committee Chair(s)

- a. Director Miller (chair)

**Director Miller seconds (passes, 7-0)**

E. Trails & Rec Committee Chair(s)

- a. Director Mackey & Marie Touitou (co-chairs)

**Director Olivas seconds (passes, 7-0)**

F. Pool & Tennis Courts Committee Chair(s)

- a. Director Miller, Director Mackey, Director Sartain, Jennifer Schwabe

**Director Olivas seconds (passes, 7-0)**

G. Equestrian Center Committee Chair(s)

- a. Director Miller (Board Liaison), Camille Anderson (chair)

**Director Olivas seconds (passes, 7-0)**

H. DASH Committee Chair(s)

- a. Director Sacks (chair)

**Director Miller seconds (passes, 7-0)**

I. Fire Safety Task Force Chair(s)

- a. Denis Ciccarelli (chair)





- b. Director Miller nominated Director Sacks (Director Sacks agreed, Denis to resign if Director Sacks is the board liaison, Director Bluhm stated she will be the board liaison)

Director Bluhm nominates herself to be the board liaison for the Fire Safety Task Force

**Director Olivas seconds (passes, 7-0)**

J. Election Committee Chair(s)

- a. Director Olivas (chair)

**Director Miller seconds (passes, 7-0)**

K. Communications Committee Chair(s)

- a. Director Sacks/Director Bluhm (co-chair)

**Director Mackey seconds (passes, 7-0)**

L. Finance Committee

- a. Motion (Director Bluhm) to dissolve the Finance Committee as it is all of the directors due diligence to be review the financials

**Director Olivas seconds the motion**

- b. Discussion

- c. **Motion to extend meeting to 9:30 PM (Director Mackey seconds, passes, 7-0)**

- d. Discussion

- e. **Motion passes (5 yes, 1 nay, 1 abstain) – Director Sartain was the nay &**

**Director Sacks abstained from voting**

M. YLOA Motion (Director McDaniel) – Restaurant Committee

Whereas, YLOA restaurants incur a loss of over \$400,000.00 annually, whereas YLOA has a defunct pizza cooking facility on the back deck of the clubhouse that needs to be addressed, whereas YLOA owners have expressed concerns for lessening our losses and ideas for increasing the usability of our restaurant amenity.

I motion that the Yosemite Lakes Owners Association’s adopt a Restaurant Committee. The committee would be comprised of owners with restaurant and related experience, in order to continue serving our unique community according to our evolving needs. The committee would research ideas and make recommendations to the YLOA Board. This committee would partner with the Governing Docs committee to create a charter to be approved by the YLOA Board of Directors. I nominate Steve Carlson to be Chairman. Steve has over 40 years in food service, catering and executive chef experience, and is eager to volunteer his time for this opportunity to serve our community.

I also volunteer myself, Pamela McDaniel, to be the liaison between the Restaurant Committee and the YLOA Board. I have some experience in restaurant management and would enjoy working with Steve and others in this endeavor.

**Director Olivas seconds the motion**

Discussion

Director McDaniel (Board Liaison), Steve Carlson (chair), Director Mackey

**Director Mackey seconds the motion (passes, 7-0)**

9. UNFINISHED BUSINESS

A. ADA

- a. No updates

B. Transfers





- a. Transfer of money 5502 motion to be made next month
  - i. To give directors time to go over the motion to be voted on in September 2023
  - ii. Discussion

**Motion to move the meeting until 9:45 PM (Director Olivas seconds, passes, 7-0)**

## 10. NEW BUSINESS

### A Director's Resource Reference Guide Motion (Director Olivas)

Motion to the board to approve the Board of Directors Resource Guide whereas the disclaimer of this guide states it is not a legally binding document for YLOA Board of Directors. It is to be utilized as an optional Reference Guide to assist the directors in performing their fiduciary duties. Therefore the only purpose of this guide is to educate the directors by providing research tools and director's job descriptions and duties.

**Director McDaniel seconds the motion**

Discussion

**Motion passes, 7-0**

### B YLOA Director Excused Absence Motion (Director Sacks)

By placing all members of the YLOA board to the YSPUC board that makes all YSPUC meetings also YLOA meetings. I move that the YSPUC meetings not count as YLOA meetings.

By placing all YLOA board members on the YSPUC board, that makes all YSPUC meetings also YLOA meetings, I move that YSPUC meetings not count as missed YLOA meetings for directors of the YLOA not wishing to serve on the YSPUC board. Equally that YLOA meetings not count as missed YSPUC meetings for directors of YSPUC.

**Director Bluhm seconds the motion (passes 7-0)**

### A. LIEN RESOLUTIONS

#### A. Resolution of a Majority of Board Members RE: Decision to Record Lien

WHEREAS, Yosemite Lakes Owners' Association ("Association") is a California nonprofit mutual benefit corporation.

WHEREAS, the Board of Directors has the duty to levy assessments sufficient to perform the Association's obligations under its governing documents and Civil Code 5600(a), and the Association relies upon the payment of assessments by each member in order to meet the financial obligations of the Association.

WHEREAS, assessments levied against the property identified below ("Property") have not been paid to the Association by the owner/owners thereof:

Parcel No. 092-150-026

Parcel No. 093-440-045

Parcel No. 093-380-016

Parcel No. 092-320-004

WHEREAS, as of the date of this Resolution, the debt owed for the Property has not been satisfied.

WHEREAS the Association will be entitled to record a lien pursuant to California Civil Code 5675 and the Association's recorded Declaration of Covenants, Conditions and







Restrictions after a pre-lien demand letter is sent to all record owners of the Property. NOW, THEREFORE, IT IS HEREBY RESOLVED by a majority of the members of the Board of Directors that if the debt is not satisfied within 30 days of the date that a pre-lien demand letter is mailed, a lien shall be recorded against the Property by the Association's counsel, Fiore, Racobs & Powers, and that Fiore, Racobs & Powers is hereby designated as an authorized agent of the Association, and its Board of Directors, to execute and record such lien on behalf of the Association.

The undersigned, the duly appointed Secretary of the Association, hereby certifies that the foregoing resolution as approved this 1<sup>st</sup> day of August, 2023, at a duly noticed open meeting of the Board of Directors.

**Director Bluhm seconds the motion**

Discussion

**Motion passes 7-0**

B. CONSIDERATIONS OF YSPUC PROPOSALS TO YLOA

**PRIOR EXECUTIVE MEETING – Legal, Contracts and Personnel**

C. ADJOURN 9:45 PM

