

Mystique Community

An **EMERGENCY** BOARD MEETING has been called for



Laws and bylaws

Emergency Defined. An "emergency" is defined as "circumstances that could not have been reasonably foreseen which **require immediate attention** and possible action by the board, and which of necessity make it impracticable to provide notice" to the membership. ([Civ. Code §4923](#); [Civ Code §4930\(d\)\(1\)](#).)

CC&R 10.7 Emergency Situations. The following shall constitute emergency situations: (i) an **immediate and unreasonable infringement of or threat to the safety or peaceful enjoyment or Residents of the Development**, (ii) a **traffic or fire hazard**, or (iii) a **threat of material damage to or destruction of the Development or any portion thereof**.

Notwithstanding any other provisions of the Governing Oocumems, under circumstances involving conduct that constitutes an emergency situation, the Association may undertake **immediate corrective action**. Hearings with respect to such corrective action shall be held following the corrective action in accordance with [Civ. Code §1363](#), and no disciplinary action may be taken without compliance with [Civ. Code §1363\(h\)](#).

Justin Capella
5651 Whimsical Ln
justincapella@gmail.com
(707) 695-2388

www.mystiquecommunity.org

Urgent unforeseeable circumstances:

- Missing records
 - [Contracts](#)
 - [Board Meeting Minutes](#)
 - ??? - Identify what other records are also missing

Requires immediate attention and possible action by the board:

- Parking in driveways/firelanes by developers, dumpsters, and other **fire** hazards.
- Review of record keeping practices
- Review of actions taken by board
 - Termination of former management company
 - Was the contract renewed 2/26/2020? Received **draft** minutes.
 - Hiring of Anthony
 - Was there a [bidding process](#) for the [contract](#)? [How was this decision made?](#)
 - Notice requirements (bylaws 4.11 “Action without a meeting”?)
 - [Open Meeting Act](#)
 - *Bylaws 4.3 “Notice of meeting”*
 - *Change of rules*
 - *CC&R 12.12 “Delivery of documents to members”*
 - *Bylaws 9.1 “Duties of the board of directors - Records and Minutes”*
 - *Bylaws 10.10 “Secretary”*

Items suggested for next meeting agenda

- Adoption of an [ethics policy](#)
- Ask that the *secretary* resign, and/or call for a vote for their dismissal by written ballot *bylaws 5.4 (a)*.
- [Residential parking permit program Sacramento City Code 10.48](#).

Example Ethics Policies

[CAI developed the Model Code of Ethics for Community Association Board Members.](#)

<https://www.caionline.org/HomeownerLeaders/ResourcesforHomeownerLeaders/G2G_ModelCodeEthics.pdf>.

[Sample Ethics Policy](#). <<https://www.davis-stirling.com/HOME/Ethics-Policy>>.

Feel free to add information, it's open for public editing, a poor man's wiki.

The Secretary shall keep or cause to be kept, at the principal office or such other place as the Board of Directors may prescribe, a book of minutes of all meetings of Directors, Members, and Committees of the Board setting forth the time and place of holding of such meetings; whether regular or special, and if special, how authorized; the notice thereof given; the names of those present at meetings of the Board or of Committees of the Board; the number of memberships and votes present or represented at Members meetings; and all the proceedings thereof. The Secretary shall give, or cause to be given, notice of all meetings of the Members and of the Board of Directors required by the Bylaws or by law to be given and shall maintain a proper record of the giving of such notice, and shall keep the books, records, and documents of the Association in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or the Bylaws.

[Calendar](#) - Google calendar with known board meetings

[Missing Minutes](#) - What to do when there are missing minutes

Board Meeting Minutes

2018 - **Oct 30, 2018** MISSING

No record of meeting.

2019 - **June 26** RECEIVED

Approval Of Minutes: Minutes from the **Oct 30, 2018** regular board of Directors meeting.

TIME AND PLACE OF NEXT MEETING: The next meeting will be on **August 28th** at 6:00 PM.

2019 - **August 28th at 6:00 PM** MISSING

No record of meeting.

2019 - **September 25** RECEIVED

OPEN FORUM: The following open forum items were raised:

- Parking
- Holidays

TIME AND PLACE OF NEXT MEETING: The next meeting will be in **February 2020**.

2020 - February 26 RECEIVED

OPEN FORUM: The following open forum items were raised:

- Parking
- Fire alarms
- Panel door not locked
- Birds
- ARC applications:
 - (Architectural Review Committee) is An Architectural Control Committee (ACC) is a standing committee within the HOA, of people appointed by the HOA Board, who sit in judgment of modifications that owners want to make to their homes

TIME AND PLACE OF NEXT MEETING: The next meeting will be **May 27**, 2020 Management Agreement – The board reviewed the new proposed contract with [former management company]. On a Motion made by Director [privacy] and seconded by Director [privacy] the Board unanimously approved the management agreement.

Parking Patrol – The board reviewed the need for parking patrol in the future but are aware that they cannot afford it at this time. The Board would like management to put the parking rules in the next newsletter.

2020 - May 27 MISSING

No record of meeting.

2020 - ? ? ? MISSING

Former management company is terminated somehow.

2020 - July ? ? ?

NCM is hired to manage the community.

2020 - August 21

[Tony](#) filed as “managing agent”.

2020 - November 11

Yesterday.

2020 - December “Early”

Supposed date of board meeting, maybe via zoom?

Contracts

Managers

Former - **MISSING** - Renewed 2/26/2020

[NCM/Anthony/Tony](#) - **MISSING** - Effective sometime around 07/2020, signed 8/17/2020
filed 8/21/2020.

Agents

[C2997912](#)

MYSTIQUE COMMUNITY ASSOCIATION

Registration Date: 05/16/2007

Jurisdiction: CALIFORNIA

Entity Type: DOMESTIC NONPROFIT

Status: ACTIVE

Agent for Service of Process:

ANTHONY ZOGOPOULOS

1700 EUREKA ROAD #130

ROSEVILLE CA 95661

Entity Address:

1700 EUREKA ROAD #130

ROSEVILLE CA 95661

Entity Mailing Address:

PO BOX 727

ROSEVILLE CA 95661

Secretary

[Kevin Webb](#), Interested Director

Secretary, Mystique Community Association.

[President, Watt Communities](#).

Responsible for record keeping.

Personally benefits from exclusive use of common area parking

Likely caused Anthony to be hired as “managing agent”.

Previous business, [Cortile at Artisan Square](#)

Same PO box

Managing Agent

[Anthony Zogolopoulos](#) hired as an individual

Managing Agent, Mystique Community Association

President, Network Community Management, Inc.

- Quick to suggest the front lot was “just a demo lot” while simultaneously claiming to not have any supporting documentation.

[CID AMENDMENT](#)

08/21/2020