**Aero Valley POA 2021 Annual Meeting Minutes**

Meeting Date: November 11, 2021

Meeting Time: 1900 Hours

Call to Order: 1903 Hours

Attendance: 51

Meeting Followed PowerPoint Presentation – “2021 POA Annual Meeting.pptx”

Financial

* Larry Martin gave financial update. Runway note paid off April 2023. 2022 Budget was discussed. Need to spend money on Douglas Dr. collapse and sealing the runway.

Discussion

* Collections – Al DeMarzo and many other property owners voiced their concerns over past and present efforts with collections.
* Cleveland-Gibbs Road – New road held up due to court delays in condemning land, which also delays efforts to correct drainage issues
* Glen Hyde offered to buy a VASI or PAPI for the airport
* John Sloan – POA’s Legal Counsel spoke and took questions
	+ Motion for Summary Judgment (MSJ) will be filed soon
	+ Property owner questions and answers:
		- Stan Price – Do we all have easements
			* Yes, either by original AVDCO/Edna Whyte grant, bankruptcy settlement with Hyde (NW) or by judicial ruling Hawk v. Hyde which determined the RTL was an easement.
		- Tim Wade – Explain easements and associated assessments
			* Easements are granted by a landowner and documented in the deed. At our airport easements to hanger owners were granted for unlimited use of the runway, parallel taxiways and ramp areas. The granting of the easement also includes the responsibility to maintain that easement. The AVPOA assessments provide an integrated approach for all owners to fulfil their obligation to maintain their easements for safe operation of aircraft. The AVPOA provides for the integrated management of the assessments and maintenance operations (eg. Runway replacement)
		- Pat Keefer – If MSJ won can it be appealed
			* Yes, any ruling by a lower court can be appealed to a higher court, that is a normal part of our legal process
		- Tim Blake – Is it law until appeal completed
			* Yes the ruling is fully enforceable until an appeal is completed.
		- Scott Doores – Could Judge order mediation
			* As part of the legal process, the judge could require mediation
		- Mike Welch – Are we asking for the POA to assess on the IDR’s
			* The IDRs ceased to be used at the last appeal, however, all our deeds have deed restrictions that provide for the establishment of an integrated organization to act on behalf of all owners and some guiding rules for consistent use and appearance of the properties. The easements in the deeds provide for use of the common areas, but also a responsibility to maintain those common areas. The POA assessment is based on the easement responsibility to maintain the common areas. The POA provides an integrated organization for all property owners to fulfill their easement obligations.
		- Carey Sharp – Explain prior appeal decision
			* The prior appeal invalidated the method by which the IDRs were implemented. The court ruled that a majority of the owners in each individual sub-area would be required for approval, rather than a majority of owners for all combined areas. After the appeal ruling all properties reverted to their original deed restrictions. Since most of the areas were covered by the AVDCO deed restrictions that did not include the RTL, it was not necessary to amend them. The NW owners voted by a majority to amend their deed restrictions to align with the AVDCO versions and eliminate the RTL.
		- Bob Smith – NW amended deeds due to no previous existing easements
			* No, the NW amended their deed restrictions to primarily eliminate the RTL. Most NW properties have easements specifically documented in their deeds due to various financial settlements with Mr. Hyde and his companies. Those that don’t have a specific easement in their deed have an easement by virtue of the RTL which during Hawk v. Hyde was ruled to be an easement.
		- Stan Price – Did the Board have the power to delegate ACC to POA
			* Yes, All of the property owners have an obligation by their deed restrictions to participate in an integrated organization to facilitate their joint obligation to maintain their easements. When the IDRs were eliminated by the appeal, many properties returned to deed restrictions to that required participation in an ACC. To ensure proper implementation of that requirement, the AVPOA board facilitated an election of the ACC. The candidates included the AVPOA board which ran uncontested. After the ACC had been elected, they delegated all authority to the AVPOA to provide for integrated maintenance of all easements for all owners on the airport.
		- Mike Love – Will the MSJ make the POA the sole airport manager
			* The airport has an owner, but that property is encumbered by many easements for use of the runways, parallel taxiways and ramp areas by hanger/airport property owners. Those property owners have the responsibility to maintain those common areas in a fashion to facilitate safe aircraft operations. The petition filed seeks to declare that the AVPOA has the authority to maintain the common areas documented in their easements and the authority to assess and collect from all property owners the funding necessary to maintain the easements. The Motion for Summary Judgement, is a judicial practice to accelerate the ruling and avoid an expensive jury trial (currently scheduled for April 2022).
* Lia Rardin – Thanked Mitch and Board for all of their work
* Top Priorities for 2022
	+ Douglas Dr. culvert collapse
	+ Drainage
	+ Collections
	+ South end trees
	+ Ending litigation

Board Nominations

* Up for re-election: Carey Sharp, Scott Miller

Motions:

* Minutes from 2020 meeting approved. Will post all minutes on the website as soon as reviewed and approved by the board. Bob Smith motion. Larry Martin second. All in favor.
* On the 2022 Budget move $30k from Capital into Legal Expenses. Stan Price motion. Bob Smith second. All in favor.
* To increase the airport maintenance and operations assessments from $0.14 to $0.19 per sq. ft. Larry Martin motion. Ray Foster second.
* 2022 Budget approval. Pat Keefer motion. Ray Foster second. All in favor.
* Ratification of Board actions. Bob Smith motion. Ray Foster second. All in favor.
* Re-election of board members Carey Sharp and Scott Miller. New election for Bob Smith and Mike Welch. Tim Wade motion. Scott Doores second. All in favor.
* To Adjourn at 2034 Hours. Lia Rardin motion. Mike Love second. All in favor.