***Concord Mt. Diablo Trial Ride Association***

BOARD OF DIRECTORS MEETING MINUTES

June 1, 2010

Present: Brian, Mary C, Tracey, Jim L, Jim B, Larry, Synthia, Diane, Mark, Kathleen, Mike.

Absent: Chris H; Nancy D

Guests: Paulette, Toni & Ken Gillory, Ellen, Denise Pesmark, Clayton Canyon Pony Club (3).

SECRETARY’S REPORT - May minutes were submitted to the board, motion made to accept the May minutes, seconded and approved. Thanks to Chris H for typing up the minutes for me.

PRESIDENT- A mobile light tower has been donated by P G & E. It can be hooked up to the water tank as a generator. Mark will verify all electrical issues. CCCHA Jr’s. were here over the Memorial Day weekend. Bricks and sand by the tie stall area will be removed by Jim B with help from Jim L. The weeds below the upper and lower barn, Jim will handle. Need to open up the trails/roads to the round pen above the arena and the road below the Harvey & Pesmark property, enough to get fire trucks through. Synthia knows an event planner that will come up and take a look at the clubhouse and give recommendations on what could be done, to increase the rentals. Will be looking into replacing the ovens soon. Need to check out Airport Appliance or Los Medanos College for prices. Toni Gillory has offered to check out some appliance options/prices. We can get a big trailer donation, if it can be moved. Trost Trucking is checking to see if it can be moved. The trailer needs to be moved from Myrtle Drive by 6/12.

GUESTS: Clayton Canyon Pony Club made some suggestions that the lower arena needs to have sand put down. There are some rocks coming up and there is a dip in the center. The Pony Club offered to work as a pass-through for a sand donation. Brian will check with Finta to see if there is any donation interest.

TREASURER’S REPORT-Synthia presented a copy of the P & L, balance sheet and check register. All bills are paid. NATRC totals are not yet available. Motion made to accept the treasurer’s report, no discussion, seconded and approved. **Note to general membership- Treasurers report not included in the meeting notes for privacy and security reasons.  Copies of the Treasurers reports are available for viewing at general Membership meetings or upon request.**

MEMBER COMMUNICATIONS/MEMBERSHIP - Brian presents the report for Chris. Lanyards are coming. The Clayton Pioneer is going to put an article in the paper about the summer memberships. There was a discussion on what is considered designated parking areas for members and guests. Larry made a suggestion that there be a sign in board installed somewhere. Something that lists: name, phone number and location on the mountain. A suggestion was made to put license plate numbers on rental liability forms.

BUSINESS REVIEW – Larry spent approx $1,705 for new picnic tables. All are painted and installed. Six went to Cardinet Oaks, two are above the arenas and the old tables have been moved to the lower tie stalls. Larry bought six new umbrellas and spent approx. $1,015 for umbrellas and stands. A new neon colored sign has been installed at the bottom of Russelmann Rd. A motion was made to look into purchasing tables for the clubhouse. Discussion, Diane talked about waiting to purchase table until later due to waiting for the event planner to make suggestions. Motion was tabled until a later date.

RENTALS- Rentals coming up on the 5 & 6th of June. See club calendar via website for details.

A rental during the week coming up. The Fire Dept. is having training days during June.

WEBSITE - Nancy, not present.

INSURANCE - Mary – has papers to be filed. Emailed Doug Sweet about corp. rentals. Also, does each person need to sign a form? Do members need to sign a release for rentals? With horse or without horse? The Boy Scouts will be asked to fill out release forms. Ask the event planner what other group do about insurance. Diane read a letter from Doug S. regarding the club’s liability exposure. Discussion. Need to look at options. Item tabled for now. **Doug’s letter is attached to the end of the minutes.**

GROUNDS-Mike/Jim Bone –There is a leak at the lower tie stalls. Jim B will dig around to see what’s happening. Might need to replace the pipe. There is some erosion on the road between Cooney’s and Bone’. Jim will work on it. Jim needs to prioritize projects and ask for help. A container needs to be rented for the weed removal.

LOTS / LEASES-Jim Lee – Jim passed out the new revised terms and conditions of the water use on leased lots. Jim will set up a leaseholders meeting to give the leaseholders a chance to look over the final changes that will be going into effect. Ellen asked that a revision date be added to show that it supersedes other versions. Also at the leaseholders meeting, Jim is going to bring up several issues regarding bank loan refinancing problems.

BARNS- Kathleen/ Mark- The barns are almost full, we have 3 stalls open. Suggestion has been made to put in turnouts at the barns.

**OLD BUSINESS:**

The water survey/audit will be done one of the upcoming weekends. The areas around the fire hydrants need to be cleaned out. Postpone water issue until the leaseholders meeting. There will be a work party in June. Need to pressure wash the pool deck. More cutback is needed to fill in potholes. Motion made to order 5 yards of cutback, seconded, discussion, approved. Brian would like job descriptions for board positions by 10/15.

**NEW BUSINESS**:

Motion made to increase the lease fees by 2%. The increase will offset the water increase, seconded, approved. Ellen passed out a letter regarding member input at board meetings.

Diane’s presentation on the manure plan is not ready. Diane hopes to meet with the County person before the leaseholders meeting. The manure issue will go on the agenda next month. Jim made a manure suggestion. Due to continued trespassing, the main gate will be closed full time starting June 15th, except for special events. Notice will go out to the membership about the new hours. Motion made to change the gate times, seconded, approved.

Meeting adjourned 9:25PM

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Insurance letter from Doug Sweet:

**From:** Sweet,Douglas S
**Sent:** Tuesday, May 18, 2010 3:39 PM
**To:** Jorgensen, Diane
**Subject:** RE: Club's liability as a provider of power tools to others

Hi Diane,

            As regards the club’s liability exposure, the Club is responsible for its grounds, real property,

and equipment.  Doesn’t matter if someone is an invited guest or not or a member or not, if someone is hurt or someone’s property is damaged on or by club property, the club is potentially liable for any damages. This includes the club’s equipment of course, with or without an operator.

            The club’s property is currently insured against damages based on our club’s operations. Our current operations do not include any contracting operations for hire. My opinion is that contracting operations for hire, if embraced, would necessitate acquiring additional insurance, as our current policy is for a horse farm/ranch/boarding facility, and rightly so. If we were really performing grading or landscaping work for others (ie contracting work for someone other than the named insured) and did not get appropriate coverage for such, there is the potential for a claim to be denied based on material misrepresentation of what our ops are.

            In my opinion, the club should not be lending, loaning or hiring out of any people OR EQUIPMENT, without first securing the appropriate insurance to transfer the risk of doing so back to the insurance company, or the person who is having the work done. Our current horse boarding policy does not anticipate any contracting work or equipment rental exposure.

            It does not matter if there is money involved or not, the liability on the club’s part is exactly the same, in fact its worse if it’s a loaner…but either way, make no mistake, the club is liable for any work that tractor does at an individual’s property….so if the tractor slips out of gear, and runs over a toe, or if it irreparably damages someone’s property, even because of operator error, the Club is responsible and liable…..its the club’s tractor that did the damage, it’s the club that will pay for it.

            If we were to consider pursing this, the first thing to transfer risk would be to require that anyone using the tractor for their own personal benefit be required to show a cert of insurance evidencing at least $1mil in GL coverage, and that they also name the club as an A/I. This is no different from the current insurance requirements that we should be asking for any corporation renting the clubhouse, or other organizations that may be riding through our property, etc. If we can’t transfer the exposure back to the user (ie they have no $1mil GL insurance in place), then we need to transfer this to the insurance company….ie buy coverage for it.

            I suggest we should be focused on transferring risk AWAY from the club, not bringing more

risk to the club, and letting individuals use our equipment for their own purposes is exposing us to a relatively severe liability exposure.  Contractors insurance isn’t cheap….and if our equipment is being used by others in landscaping or grading jobs, we are in the contracting business, at least as far as our liability goes.

            I hope this helps generate some ideas……and I would like to again thank all the Board members for doing what you do…..we do truly appreciate it.

Regards,

Douglas S. Sweet
Travelers Select U/W
Walnut Creek, CA