

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on Tuesday, February 10th, 2009 at the meeting room of the Havana Library, Havana, FL.

PRESENT: Linda Ritchie, Earl Mills, Rob Combs, Tom Scott, Neil McDonald, and Larry Jones Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Rick Kornmeier

The meeting was called to order at 7:03 pm by President, Linda Ritchie.

Debbie Robinson introduced the new Board: President is Linda Ritchie, Vice-President is Earl Mills, Secretary is Rob Combs and Rick Kornmeier is Treasurer. The remaining Directors are Neil McDonald, Larry Jones and Tom Scott.

Corporate Secretary is recording the meeting for the purpose of accurate minutes. No one else is recording.

Approval of Agenda:

Add item #2 under New Business: Larry Jones-Resignation from Board

There was discussion about a resignation that will take place some time in the future and since this has just been placed on the agenda, there is to be no vote at this meeting. Item #2 is for discussion only.

TOM SCOTT MOVED TO APPROVE THE AGENDA AS REVISED. ROB COMBS SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Approval/Corrections of January 2009 Minutes:

No corrections.

Larry questioned the accuracy of a quote taken from the August minutes on page 6. Debbie confirmed that what was printed in the January Minutes was taken directly from the approved minutes from August 2008 and that what was written in the August minutes was taken from the recording of that meeting.

NEIL McDONALD MOVED TO APPROVE THE MINUTES AS WRITTEN. TOM SCOTT SECONDED THE MOTION. IN FAVOR: TOM SCOTT, NEIL McDONALD, EARL MILLS AND ROB COMBS. OPPOSED: LARRY JONES. MOTION CARRIED.

Treasurer's Report: Debbie reported for Rick Kornmeier the total deposit for January was \$11,870.00, routine operating expenses of \$3,876.27, \$982.50 in major project expenses, checking account balance is \$1,880.54, Money Market balance is \$64,143.94 and the balance in CDs/Savings is \$53,246.71. The separate account for the 12-pipe spillway repair has a balance of \$75,056.00.

Debbie reported that other than the routine operating expenses there were no notable expenses.

LARRY JONES MOVED THAT THE TREASURER'S REPORT BE ACCEPTED AS GIVEN. EARL MILLS SECONDED. THERE WAS NO OPPOSITION, MOTION CARRIED.

Neil said that during a phone conversation with Rick Kornmeier, Rick wanted Neil to ask what "Split" meant on the report. Debbie clarified which report Neil was referring to and explained that QuickBooks shows "Split" on the Check Register report when there are multiple expense accounts for that one check, or such as the postage account; when there is more detail needed such as a certain amount for the newsletter mailing and a certain amount for the quarterly billing.

Correspondence/Phone Calls:

1. Rob Combs reported a phone call from the residents of 250 Audubon Drive who expressed concerns about trespassers on their property under the power line easement. They said that they believe there have been deer hunters on their property and they have found deer parts. Rob related the incident to Scott Ivey and Mike Fish.
2. Neil reported the receipt of an email, which he would address under Lake Management. Neil passed copies of the email to the Board Members prior to discussion.
3. Linda Ritchie reported the receipt of a letter from Mr. & Mrs. Voight concerning the Emergency Exit, which is adjacent to their property. Linda said that further discussion would come later under Roads, Grounds and Dam. Linda mentioned that a plat of the Emergency Exit is on a table in the back of the room and available for members to review.

BOARD REPORTS

Legal: Linda Ritchie

A. Lambert runoff – Linda reported on her conversation with Sean McGlynn, who is attempting to work things out with Mr. Lambert without going to mediation. Linda said that she has not yet had the chance to discuss the Lambert issue with the attorney. Diane Sheffield added that Sean did meet with Mr. Lambert on the property. The area thought to be the source of our most recent runoff is not any bigger and therefore, most likely not the source of the sand in our D-8 sediment pond. Sean confirmed that there is running water to the cattle and that they are completely fenced from the creek. Diane suggested that the sand may be coming from Magnolia Creek and will hike the creek to find out.

B. Mason Drive – Linda reported that there has been no response to our attorney's letter from the attorney representing Mason Drive residents. At this time, it is not known if the Mason Drive residents have an attorney.

Member Relations: Tom Scott

There were 1,596 visits to the website in January.

Tom mentioned that at the Annual Meeting, several members signed up to volunteer for various committees. The committee chairpersons have been given a copy of the sign-up sheet so that they may contact the members interested in volunteering.

Linda mentioned that under Member Relations, she would like to develop sub-committees in order to involve more people and to help the Board. She said that one sub-committee would be legal to help her in that area and Earl would like to have a sub-committee under Roads, Grounds and Dam.

Larry spoke about the website and expressed his distaste for those who post on the message board but do not give their name. Larry has put his property up for sale and stated that the property values in Tallavana are decreasing due to the bickering that has been taking place on the website message board. Larry wants the website to be closed down or the portion of the website with the message board to be closed down. Neil stated the topics of some of the specific negative messages. Linda stated that it is impossible to turn off the negative comments in most neighborhoods. Neil reported receiving a phone call from a realtor who told him that the neighborhood needs to come together.

Tom Scott said that this was the first he has heard of this. Larry said the messages need to be removed, that the message board needs to be shut down so that our property values remain high. Skip Sheffield asked Larry if he had any real evidence that the negative comments on the message board were decreasing our property values.

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Linda said the website is a great way to communicate to the majority of the members. She would hate to see the website shut down. Larry insisted that if anyone read the comments on the message board then they would decide not to buy a home in Tallavana.

LARRY JONES MOVED TO REMOVE THE MESSAGE BOARD FROM THE WEB SITE.

Linda Ritche asked if this was not something that should be reviewed and discussed before we just remove the message board from the web site. She said she would like the opportunity to view the messages and comments before any decisions are made. She asked that this discussion continue at the March Board meeting.

THERE WAS NO SECOND, MOTION DIED.

Lake Management: Tom Scott & Neil McDonald

Tom stated that most members know why the level of the lake had to go so low as the trees were removed from the backside of the dam. For the safety of the dam, there could be no pressure on the dam from the lake as the work progressed on the backside. Besides the tree removal, the slope of the backside will be restored to the original plans. Tom said this was a project that had to be done.

Neil said the approximate cost of the construction (12-pipe spillway) was \$235,000 but is closer to \$239,000. The contractor is asking for a change order for \$34,000 as the original bid did not include the granite that was not specified on the specs. Tallavana would be responsible for 25% of that.

Neil reported receiving a phone call from a friend who used to work high up in the state government but left to work in the Federal government. Neil said he explained everything that is going on in Tallavana with the lake and pollution, the runoff from the nurseries and everything.

Neil's friend sent him an email following their conversation. The email suggests that we get all the information we have up to this date and Neil added that was to include Lake Watch data, reports from Sean, copy of the grant, copy of the grant refusal, pertinent information on the D-8 Pond and anything else relevant to the lake. Neil said that all this information is to go into a packet with a letter explaining that we applied for a grant but was turned down, that we are polluters of waters down stream and we petition the Governor's office.

Neil suggested that we put Sean McGlynn on hold, save money; get the paperwork to the Governors' office. He continued that if this does not work, then we could go back to Sean McGlynn and let him proceed with what he wants to do. It was questioned if this was a motion; Neil said he was putting the suggestion out for discussion.

Diane reported that Sean has very recently been hired by Gadsden County to do a water quality study of the Little River Basin, which will include Hurricane Creek and Lake Tallavana. Since Sean would be doing the TMDL testing for the county, Tallavana would not be responsible for the testing costs but the county.

NEIL MCDONALD MOVED TO TRY THIS PROCEDURE OF PREPARING THE PACKET TO BE SUBMITTED TO THE GOVERNOR'S OFFICE AND IN THE MEAN TIME, PUT THE SERVICES OF SEAN MCGLYNN ON HOLD. NEIL SAID THE LETTER TO BE INCLUDED IN THE PACKET WOULD ADDRESS WHAT IS GOING ON WITH THE LAKE.

Discussion followed before second to the motion.

Linda Ritchie asked how far back we should go for information. Neil replied we should go back as far as the Lake Watch data, which is 1992.

Debbie Robinson asked if Tallavana was totally off the list for the possibility of receiving the 319 grant. Tom said no.

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Neil said that the Governor does not like departments that turn down people in need of work and we are one of the major polluters of downstream. Neil said this needs to be made clear to the Governor when we present all this information.

Diane stated we need to know what we are going to be asking the state to do. Neil said that we would be asking for help. He said we should be asking the Governor to send his people out here and look and see why we have been turned down by DEP and Water Management for grants and everything else. Neil said that if we could get all this information together for the packet, he could get an appointment with the Governor and deliver the packet in person. He welcomed any Board member to go with him. Larry Jones said he would go with Neil and...

LARRY JONES SECONDED THE MOTION.

Debbie reminded the Board that they are going against what they put in place regarding motions and voting by voting on this item that was not on the Agenda. Neil said that when he mentioned an email under Correspondence, this issue was then on the Agenda. Neil said that we should move on this.

Debbie asked Neil what specific information he wanted concerning the D-8 pond. Neil pointed out that the email specifies the type of information. There was discussion about the lack of specifics on the email. Neil agreed and then asked why would someone send an email from the Governor's office if we didn't have a chance of getting it.

Neil said that the packet is to contain Lake Watch information to show that the lake has been going down since 1991. The packet is to be directed to the Governor.

Debbie mentioned that we do not have solid proof that the pollution is coming from the nurseries. Larry said Sean has already done his work. We've got maps. We know where the pollution is coming from. We need to get this to the Governor so that he can get his troubleshooters on it and fix the lake.

Earl asked if there was a chance that they will find our real problem is created by septic tanks and then we will be responsible for a sewer system. Neil said that there would be grants available for that. Linda Ortiz asked if we really wanted to admit that we were polluters. Neil said that we are not the polluters but that it is coming from upstream. Mark Studley also expressed concerns and said if we are going to imply that we are polluting, and then we may have to begin all types of monitoring and reporting. Larry said we need to point to the problems upstream.

There was additional discussion, questions, and comments.

Linda Ritchie stated we have a motion on the floor but she wanted to be clear on voting this issue. She said she was told that information was to be in the Board packets 3 days prior to the meeting if the issue was to be voted on. This issue was presented at the Board meeting. Larry said only if it is in the packet and only if it is something that is to be brought up as new business. Linda said this is new business and wanted to make sure that we were following the rules that the previous Board laid down. Neil said that this was introduced to the Board under correspondence.

Tom Scott said that if the Board votes tonight that we should proceed with this packet, then when the packet is ready, it can be brought to the Board for approval before forwarding to the Governor's office. Neil said that the packet should be ready for review by the next Board Meeting.

CALL FOR THE VOTE. THERE WAS NO OPPOSITION, MOTION CARRIED.

a. Carp report – Tom reported that we received the renewed permit for 2009. With the lake so low, the shocking boat is stuck in the mud. Neil said that Bill Oswald would remain as a volunteer to harvest carp.

Tom reported a discussion he had with Bob Rousseau and said that the lower lake level makes this the perfect time to hit the carp hard. Tom said that in addition to what Bill and Mac harvest, a hard hit from our fisheries biologist, Bob Rousseau could put a huge dent in the carp population. It was confirmed that the 2009 Approved Budget had provision for a one-time carp shocking by Rousseau.

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TOM SCOTT MADE A MOTION TO HIRE BOB ROUSSEAU FOR A ONE-TIME CARP SHOCKING WHILE THE LAKE LEVEL WAS CONDUCIVE TO MAKING A LARGER IMPACT ON THE CARP POPULATION. NEIL MCDONALD SECONDED THE MOTION. MOTION CARRIED.

b. Cormorant report – The cormorant population is a major problem with the impairment of many small fish. Even some larger fish have damage done by the cormorants. There is still no one to volunteer for the chasing and depredation of the cormorants. It was confirmed that the current depredation permit expires March 31, 2009 and that the new permit application has been submitted.

Lake Watch – Pat Powell: Pat reported that the Lake Watch committee has been able to go out due to the lower lake level. She said that the last check for e-coli was 2001. Tom said that we should have Lake Watch check for e-coli again as soon as the normal lake level returns.

Security: Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association and 16 hours while on duty in January. Scott reported 11 traffic stops and 71 house checks. Mike Fish worked 20 hours in January.

Rob received a report of 4-wheelers running on the lake bottom where the water has receded and in the 12-pipe spillway construction area. Rob said that he would contact security personnel to have this activity stopped.

Gate: As stated at the Annual Meeting, Bill Oswald would no longer volunteer to work on the gate. Gary Robinson, volunteer, who worked with Bill on the gate, has offered to step in. There are also other volunteers who have previously worked on the gate and may be interested in helping.

Skip Sheffield presented the Board with a name and proposal of a professional who could work on the gate as a back up to the volunteers. When Skip spoke with this person about using the phone to open the gate, he said while he was not personally familiar with the one at Tallavana, he has installed that feature on others. It was discussed that a formal bid spec should be drafted and ready for the Board's review at the next meeting. Debbie said she would work on the bid spec form.

Roads, Grounds & Dam: Earl Mills (or Project Chairperson)

Earl said he has been trying to get up to speed and thanked Kimsey for his valuable help and input. Earl said he met with the contractor and the field inspector concerning the 12-pipe spillway and all indications are that things are going as planned.

a. 12-Pipe Emergency Spillway update: Neil reported that the contractor is on schedule to finish before the due date of March 9th. He continued his report on the tree removal stating the contractor has started to pull trees from the backside of the dam.

Neil reported on a meeting he had with Lance Laird from the Water Management District. Also attending the meeting: Linda Ritchie, Diane Sheffield, Bobby Boatright, and Debbie Robinson. Lance said the overflow pipe and the pipe to the spillway, which is under the road, should be replace and soon. Although he could not give a time frame, he said the sooner the better. Replacement of the spillway pipe would require a breach of the dam and a disruption of traffic across the dam. The emergency exit would have to be in place before this project could be considered.

Linda said we would have to come up with some schedule for replacement and a plan to pay for it. Neil said Tallavana was to receive a set of engineer drawings for the project and will check on where those plans are.

Earl reported on the slope issues surrounding the exit of the spillway pipe on the back of the dam. A backsplash has eroded around and under the pipe. He discussed with the contractor the possibility of using some of the existing rip-rap to stabilize the area around the pipe as well as using some of the larger

concrete pieces as a backsplash.

Concerning the sod installation on the back of the dam as the contractor gets sections graded, Neil suggested that as soon as a section is graded, the sod be installed immediately. Neil thought that the installation of sod on the backside of the dam would be an extension of Marc Cocke's contract that there would be no need to bid the project. There was discussion about the size of the project and the need to bid the project. Earl said he would draft the specifications for the bid form.

Linda Ritchie expressed concerns about the need for fencing along the 12-pipe spillway. She said she fears kids would find that area a great place to play even when water was rushing through. Neil said although the guardrail along the road is to be re-installed, he saw no need for concern beyond our road as the property did not belong to Tallavana. He said the property owner would be liable. Linda said it might not be our property but that we had the spillway built and water was from our lake and that Tallavana could be liable. Larry said that we should install warning signs to cover our liability. Linda Ritchie asked the Board to consider the liability issue for further discussion.

b. Emergency Exit Plans update: Kimsey reported that the survey was done. Earl reported that Mr. & Mrs. Voigt sent a letter expressing their concerns for our plans for the Emergency Exit adjacent to their property. They asked Tallavana to look at other options. Earl reported meeting with Bonnie Fowler, owner of adjacent property from the direction of Reston. There are some possibilities in that direction; Earl, Linda and Bonnie will continue to discuss the issues.

Even with the possibility of an alternate route, Linda said Mr. Butler, representative of the Bert Family, is still interested in selling the easement leading from Beaver Creek Road to the boundary of Tallavana. Mr. Butler wants all dealing to go through the attorneys.

TOM SCOTT MADE A MOTION FOR THE TALLAVANA ATTORNEY TO DRAFT AN OFFER TO PURCHASE THE EASEMENT AT THE COST OF \$8,500 AND TO CONTACT THE ATTORNEY OF THE BERT FAMILY WITH THIS OFFER. LARRY JONES SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Linda said if it turns out we cannot use the property, then we could sell it.

COMMITTEE REPORTS

1. ACC:

a. ACC Report – Since the full report is attached to minutes, a brief summary follows:

Approved Submittals:

Hilton and Peggy Parish, 221 Tallavana Trail, submittal for replacement of deck over water. Old one was damaged during TS Fay.

Mark and Susan Isaac, 2357 Tallavana Trail, submittal for repairs to deck over water. Damage done during TS Fay.

Justin Strickland, 305 Honeysuckle Dr., submittal for carport with storage.

Pending:

Other ACC Issues:

With the election of two ACC members to the Board of Directors, it was necessary to fill the vacancies. Also there were additional vacancies on the ACC due to term limits expiring.

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PRESIDENT LINDA RITCHIE APPOINTED LINDA ORTIZ TO THE ACC FOR A 2-YEAR TERM. EARL MILLS SECONDED THE APPOINTMENT. THOSE IN FAVOR: TOM SCOTT, NEIL MCDONALD, EARL MILLS, ROB COMBS. OPPOSED: LARRY JONES. APPOINTMENT APPROVED.

PRESIDENT LINDA RITCHIE APPOINTED KIMSEY HELMS TO THE ACC FOR A 2-YEAR TERM. NEIL MCDONALD SECONDED THE APPOINTMENT. THOSE IN FAVOR: TOM SCOTT, NEIL MCDONALD, EARL MILLS, ROB COMBS. OPPOSED: LARRY JONES. APPOINTMENT APPROVED.

See full report attached to the minutes.

2. **Lake Management Committee:** Diane reported that the committee will be meeting to discuss with Sean what he has found so far; meeting date and time to be announced. Diane said that she would like to take the opportunity while the lake is down to measure the depth of the muck using a soil auger.

3. **Budget Committee:** Debbie asked Board Members, Earl or Neil, to provide a cost estimate on replacing the overflow pipe and the pipe under the dam. Since this is going to be a high dollar project, the Budget Committee needs to work it in the 10-year model. Debbie said she would contact Don McEwen to schedule the next budget meeting.

4. **ESO (Neighborhood Emergency Preparedness Planning):** Cheryl Roberts reported that she would be contacting Talquin regarding larger water pipes from the gate to the dam in order to accommodate fire hydrants. Cheryl said that NEPP has asked Tallavana to come up with written plans for emergencies but Cheryl wants to wait until the emergency road is in place.

OLD BUSINESS

1. Gate between Mason Way and Hickory – Neil said that he would put up the extension this next week. Also, the gate will be installed across the entrance to Sheffield Preserve but will not be locked. Neil said he has posted “No Dumping” signs at the Sheffield Preserve entrance.

2. Light pole at pavilion restrooms – Debbie reported that after the Board approved the expenditure of a pole light at the January meeting, she was contacted by Butch Parrish who pointed out possible problems if a new pole were to be installed near the restrooms. He said that the plumbing, septic tank and drain field would have to be considered when choosing the location for the pole. He suggested that an existing pole could be used for a light.

Debbie met with Kimsey on site and it was determined that a light on the pole across the road from the restrooms would give adequate light for the restroom area. Debbie mentioned that by using an existing pole, the Association would not be charged for the installation of the new pole. It was the consensus of the Board to use the existing pole for the installation of another security light near the restrooms at the pavilion.

NEW BUSINESS

1. For Discussion Only

Richard Healy addressed the Board and especially Neil McDonald as past president. Richard asked how the proxies were handled for the last Annual Meeting, what were the parameters, prerequisites and how it was determined they were voted. Neil said that from his experience is that different people go out and collect proxies, including him. He said that he did campaign to be on the Board and that some members signed their proxies to him. Neil started to name others that went out to collect proxies but was

told by those people that they did not seek proxies and some did not have any.

Richard asked how the unsigned proxies were handled, who determines who gets to vote the unsigned proxies. Earl asked for clarification if Richard meant the proxies that were not designated; yes, that was Richard's question. Richard further clarified the undesignated proxies that get mailed in. Neil said that Debbie gets all the mail and she would be the one receiving the proxies that were mailed in.

Debbie explained that most of the proxies mailed or returned to her were designated either President or a person's name. There were some where there was no designation and those were used for quorum. There was no indication if the proxy was to go to the President or anyone else so those proxies were not used to vote. There were only 6 proxies that had no indication. Jim Poss said he believes that every proxy that comes in has a right to be voted. Debbie said in reading the rules regarding proxies, she interpreted that designation of the proxy had to be marked in order to be valid. She found this rule in "The Law of Florida Homeowners' Associations". There was no specific designation on the 6 proxies and therefore, used for quorum only. Debbie said that every proxy that was specifically designated went to that person.

Jim Poss said that there has been inconsistency through the years and that we should try to standardize the proxy and how it is handled. Debbie reported that some Presidents have not voted their proxies.

Linda asked if Richard got his questions answered. Richard said that it does need to be standardized. Earl also said that there might need to be more instructions on how the proxy should be completed. Debbie said that first we should do the research and then structure the proxy accordingly. We should go by the rules not by what we want.

2. Board member resignation – Larry Jones – Larry reported that he has accepted a job out of the area and would soon be leaving. His plans are to be moved from the area no later than June. Larry would like to submit his resignation now so that a replacement can be found, but that his resignation does not take affect until he actually leaves. The replacement, determined before Larry left, would be on hold until Larry's official resignation. Larry had someone in mind that he wanted to present to the Board for consideration. Tom asked that the Board be given time to consider other nominations and then the Board could vote on the replacement.

TOM SCOTT MADE A MOTION TO BRING NOMINATIONS TO THE NEXT BOARD MEETING FOR CONSIDERATION AND VOTE BY THE BOARD FOR THE POSITION THAT WILL BE LEFT VACANT UPON THE OFFICIAL RESIGNATION OF LARRY JONES. NEIL MCDONALD SECONDED. THERE WAS NO OPPOSITION, MOTION CARRIED.

Linda Ritchie asked Jim Poss and the nominating committee to work on having some names to submit to the Board by the next meeting.

Linda Ortiz that under Member Relations there should have been the discussion of a volunteer workday. The date was set for Saturday, March 28th, beginning at 9:00 a.m. The Social committee will serve lunch.

Linda Ortiz reminded the Board and members that the deadline for articles for the newsletter is February 15th.

With no further business, meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Debra Robinson, Corporate Secretary

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE**

February 3, 2009

Minutes/Report

Meeting of the monthly Architectural Control Committee (ACC) was held on February 3rd, 2009 at the pavilion of Lake Tallavana.

PRESENT: ACC Members –Pat Powell, Jim Grantham, and Alternate, Linda Ortiz (Earl Mills and Linda Ritchie were also in attendance but were excused from signing the submittals as there were elected to the Board at the January 2009 Annual Meeting.)

THA Members –Jim Poss, Hilton and Peggy Parrish, Rod Pigott, Gary Robinson and Debbie Robinson, Corporate Secretary

Approvals:

Hilton & Peggy Parish, Jr., 2211 Tallavana Trail, submittal for deck over water replacement due to the damage caused by Fay to the existing deck over water. The original size was 16' X 13', the replacement will be smaller and within the original footprints, 14' X 12'. Existing walkway on one side of the deck will be eliminated.

Mark & Susan Isaac, 2357 Tallavana Trail, submittal for repairs to deck over water due to damage caused by Fay. In addition to repairs to the existing deck, there is to be a canoe ramp and ladder as new construction to the deck.

Justin Strickland, 305 Honeysuckle Dr., submittal for carport with storage. Entire unit is 24' X 32', brown wood grain metal siding and green metal roof. Location is in corner of back yard with no encroachments to the back or side buffers. Small scrub bushes will be removed but no large trees. (Earl Mills pre-approved this submittal prior to his election to the Board on 1/31/09)

Pending:

Other ACC Issues:

Note: With the election of two ACC members to the Board of Directors, it has become necessary to fill those vacancies. There may also be vacancies due to term limits expiring. Once it is determined who will be the President of the Board of Directors for 2009, that person will be responsible to appoint members to the vacancies on the ACC. The ACC has five members and two alternates.

Respectfully submitted,

Debbie Robinson,
Corporate Secretary for Tallavana Homeowners' Association