
Gardeners' Respite: PMC Garden Club

The PMC Garden Club is a gentle community of gardeners, offering a respite from trying to grow at home only to have the wildlife claim your bounty. The Garden Club was created with features to make things easier and sure in growing vegetables and herbs.

First, the club grow area is fence protected, keeping out large foraging animals (i.e., bears and deer). Just as important, the Garden Club has an organic mandate, alleviating the concern of poisons and toxins. Other features and amenities are grow boxes automatically watered via a drip system, a lockable shed with tools and supplies, a greenhouse for starting and/or growing, and much more.

Best of all, there are knowledgeable, friendly people to help you succeed (including a "Master Gardener"). So, come and join us; get involved (or not); be proud of what you grow, and have fun! Membership signup forms are in the clubhouse.

2018 Lilac Festival

Saturday-Sunday, May 19 & 20
9 a.m. to 5 p.m.

Parade 11 a.m. Saturday

Arts & Crafts booths, international food vendors, live music,

kiddie amusement area

Admission and parking free

www.pmcilacfestival.com

Spring Clothing Exchange

The annual Spring Clothing Exchange will take place on Sunday, April 22 from 10 a.m. to 3 p.m. at the PMC Clubhouse in the Pool Pavilion. This event is sponsored by Let's Live Local, and offers a chance to clean out your closet, or just come by and shop.

Men's, women's or children's clothing and accessories, including sweaters, hats, gloves, mittens, long-sleeved shirts, jackets, umbrellas and boots can be dropped off before or during the event. Nothing to drop off? That's ok too, just stop by and pick up something new for your closet. Drop off donated items by contacting Pamela at 661-242-2035 or Tara at 661-242-6901. This clothing exchange is for the community, where you can give, take, or both, for free!

the Condor

The official publication of the Pine Mountain Club Property Owners Association, Inc.

2524 Beechwood Way . PO Box P
Pine Mountain Club . California . 93222
www.pinemountainclub.net
661.242.3788 . 661.242.1471 (fax)

**Dinner Theater is
Back! See details on
page 3.**



the Condor

The official publication of the Pine Mountain Club Property Owners Association, Inc.

VOLUME 40 . NUMBER 4 . APRIL 2018

Check out PMC's website at www.pinemountainclub.net

PMCPOA Board of Directors Election Filing Deadline 4/9

The filing deadline for potential PMCPOA Board of Director candidates is Monday, April 9 at 5 p.m. Letters of Intent, the Candidate Filing Form, the biography/resume and the signed Acknowledgement of Election Materials form are all due at that time.

Once the Board of Directors approves the Election Packet during its April meeting, the Corporate Secretary will direct that the approved packet be submitted for printing.

The next step in the PMC election process will be the "Meet the Candidates" members' open forums, which are scheduled this year for Saturday, April 28 from 1-3 p.m. and Friday evening, May 11th, from 6:30-8:30 p.m. Both are in the Condor Room. The forums are hosted by the Election Committee and moderated by the Corporate Secretary.

The Election Packet is mailed by the Inspector of Elections to the members no later than 30 days prior to the annual meeting of the members.

The Annual Meeting of the Members is held at 1 p.m. on the third Saturday in June, which is June 16 this year.

Meet the Candidates Forums

Saturday, April 28, 1 to 3 p.m.

Friday, May 11, 6:30 to 8:30 p.m.

Reminder: The Clubhouse Task Force

**Meets Every Second Saturday
at 1 p.m. in the Condor Room.**

All are welcome.

(Through June)

Join us for Easter in PMC Sunday, April 1

Champagne Brunch 10 a.m. to 1 p.m.

Omelet station, carving station with ham and turkey, breakfast and lunch entrees and sides, salad bar, desserts, kids' table

\$39.95 for adults; \$15.95 children ages 4 to 12; free for 3 and under

Reservations required

Easter Egg Hunt

Lampkin Park, 2 p.m.

Clubhouse Task Force Offers Ongoing Updates

Brent J. Bennet, Clubhouse Task Force Chair

The Clubhouse Task Force had its third open meeting, which once again was very successful. The task force members quickly reviewed the past meetings and moved on to how much area was going to be needed with the potential clubhouse remodel, and where the space would be coming from. Gwynne Pugh, architect, had some beautiful slides of overlays showing the spatial needs on the current areas where they would be located within the clubhouse complex. James McGarry, another architect in the task force, echoed Gwynne's presentation.

The meeting ended up with questions and comments from the audience regarding those spatial needs and about how much it was going to cost. Since there is no definitive design as yet, all that could be said was a very general estimate of from \$200 to \$300 per square foot. The Task Force will be more price exact as they proceed with a definitive design and the processes of how each step fits into the whole program.

There seemed to be a very positive attitude in the audience. The task force is looking forward to the next meeting, which will be April 14, again at 1 p.m. All PMCPOA members are invited to attend and ask questions.

Is Your Home Prepared For a Wildfire? Come Find Out!

Emergency Preparedness Committee

There will be a very important community meeting on **Saturday, April 14th at 10:00 a.m. in the Condor Room.** The topic will be "Preparing Yourself and Your Home for a Wildfire."

The Emergency Preparedness Committee and Pine Mountain Club CERT will be hosting the event. Kern County Fire Department and the United States Forest Service will be there to answer questions on clearances and how to protect your home.

We will show a couple of short films titled "Wildfire Behavior" and "Ready, Set Go." After the films, there will be an open forum time to ask questions of our fire personnel and gather information. Do you know the latest Kern County Fire Hazard Reduction Guidelines?

We have experienced another dry warm winter with very little snow or rain. Our area is listed as being in the severe drought stage. As everyone knows, this increases the danger of wildfires in our community. Just think about what happened this past year in Napa, Ventura and Santa Barbara Counties.

Are you and your home prepared for a wildfire? There are many things you can do to help protect your home during a wildfire. The first of which is to attend the April 14th meeting and gather information. There will be emergency preparedness information handouts and goodies. There will also be a children's activity table.

GREAT DOOR PRIZES AND REFRESHMENTS!

Wondering What To Do With Hazardous Waste? Here are Helpful Guidelines

Connie Baldin

The Emergency Preparedness Committee reminds us that hazardous materials from around the house cannot be thrown into the trash and cannot be taken to our PMC Transfer Site. These toxic materials must be disposed of properly, either at a special waste facility or during one of the hazardous waste collection events at the Lebec Transfer Station.

What is Residential Hazardous Waste?

According to Kern County Waste Management, residential hazardous wastes are products purchased for use in or around the home that, when improperly discarded, may threaten human health or the environment.

These products include: household cleaners, deodorizers, personal hygiene products, pesticides, herbicides, insecticides, pet care products, paint products, photographic chemicals, swimming pool chemicals and automotive products and fluids, including motor oils and antifreeze.

Even though a product can be easily purchased at the local store, it can still be harmful to you, your family and the environment. This danger happens when hazardous waste is put in your trash or dumped down the drain into your septic system. Thrown into your trash can, residential hazardous waste can pose a threat to Transfer Site workers. Dumped on the ground or street, residential hazardous waste can be absorbed into and pollute the ground wa-

'WASTE' Continued on page 3

the Condor

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The Condor is published monthly by PMCPOA, Inc. and is the official publication of the corporation. Opinions expressed do not necessarily reflect the views of the Condor Committee, the PMCPOA Board of Directors, or the management. The Condor is mailed to members in good standing. Please contact the PMCPOA office with change of address. PMCPOA, Inc. does not endorse the products of advertisers in *The Condor*.

The PMCPOA Board of Directors meets on the third Saturday of every month at 10 am in the Condor Room of the Clubhouse. All members are invited to attend the open session. The executive session is a closed meeting for the discussion of and action on legal and personnel matters, third party contracts, and member-requested hearings.

Members may request copies of the open Board Meeting minutes. These requests should be made in writing to the Corporate Secretary. There is a charge per page for making copies of the minutes.

Mountain Theater Alliance, in association with PMCPOA, presents...

**Noel Coward's
Blithe Spirit
A Farce in Two Acts**

**An Evening of
Dinner and a Show**

**6pm Dinner, 7pm Curtain
Thursdays – Saturdays
April 5-7 and April 12-14**

**4pm Dinner 5pm Curtain
Sunday April 15**

Tickets: \$30

**Ticket price includes
performance, dinner,
dessert, tea or coffee**

**RESERVATIONS
REQUIRED**

*For tickets, come by the
PMC Office or call
661-242-3788*

**MIL POTRERO MUTUAL WATER COMPANY
NOTICE OF ANNUAL ELECTION**

In accordance with the By-Laws of the Mil Potrero Mutual Water Company, Inc., the Annual Shareholder's Meeting is scheduled for July 14, 2018 at 10:00 a.m. at the administrative office of the Mil Potrero Mutual Water Company, 16275 Askin Drive, Conference Room, Pine Mountain Club California. The deadline for clearing the Water Company accounts of overdue charges, to be eligible for submitting a proxy, shall be June 6, 2018. Shareholders in good standing desiring to place their names in nomination for a seat on the Board of Directors should submit their resume, as defined by the Equal Access Policy adopted by the Board of Directors on May 26, 1987, to the Water Company office no earlier than 8:00 a.m. April 16, 2018 and no later than 4:00 p.m. on May 18, 2018. The resume must be typed on a single 8 1/2" x 11" page and must include the candidate's signature. The Equal Access Policy is available for review upon request.

The resumes may be mailed to: Secretary of the Board, Mil Potrero Mutual Water Company, P. O. Box "W," Pine Mountain Club, CA 93222, or may be taken to the business office located at 16275 Askin Drive, Pine Mountain Club, CA 93222.

Nominations will be accepted from the floor at the Annual Meeting before the close of the proxy box.

Robert Lame, Secretary
Mil Potrero Mutual Water Company

'WASTE' Continued from page 2

ter supply.

Safe Transport of Hazardous Waste

In transporting your waste to the Collection Event or a special facility, here are rules to follow:

* A maximum of 15 gallons or 125 pounds of waste/material may be transported per vehicle, per trip.

* The contents of any single contain-

er of waste/material may not exceed 5 gallons.

Do not mix waste/materials

Waste should be in the original container. If not, label the container as to its contents.

Containers must be closed, sturdy, not leaking and protected from breakage. Keep waste away from passengers.

For more information, contact Kern County Waste Management at 661-862-8900 or visit www.KernCountyWaste.com.

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Pine Mountain Club POA, Inc.
Draft Estimate Comparison for 2018/2019
As of April 1, 2018

<u>Revenue</u>	<u>2017/2018 Budget</u>	<u>2018/2019 Second Draft</u>	<u>Fiscal Year Difference</u>
Assessment Income	4,191,924	4,226,568	34,644
Interest	12,000	12,000	0
General & Administrative	80,000	81,600	1,600
Condor Ad Income	5,400	5,400	0
Location Film Shooting	7,500	2,500	(5,000)
Association Business	2,500	2,500	0
Patrol	1,200	1,200	0
Maintenance Operations	14,300	6,000	(8,300)
Environmental Control	6,000	5,100	(900)
RV & Campground	18,000	19,100	1,100
Refuse & Recycling	25,000	25,800	800
Equestrian Center	53,400	56,400	3,000
Equestrian Rental String	3,550	6,000	2,450
Pro Shop	95,000	79,445	(15,555)
Lounge	131,000	150,000	19,000
Bistro	288,100	205,000	(83,100)
Recreation	4,250	2,400	(1,850)
Pool	2,000	0	(2,000)
Events	22,100	0	(22,100)
Fitness	7,550	0	(7,550)
Post Office	76,500	76,500	0
Total Revenue	5,047,274	4,963,513	(83,761)
<u>Departmental Expenses</u>			
General & Administrative	1,227,433	1,393,585	166,152
Association Business	145,537	155,005	9,468
Patrol	289,136	309,678	20,542
Clubhouse Maintenance	216,043	354,495	138,452
Maintenance Operations	842,793	850,650	7,857
Environmental Control	102,025	131,445	29,420
RV & Campground	27,899	27,185	(714)
Refuse & Recycling	145,860	148,415	2,555
Equestrian Center	166,721	175,923	9,202
Equestrian Rental String	35,000	40,000	5,000
Golf Maintenance	282,088	294,280	12,192
Pro Shop	122,345	106,894	(15,451)
Lounge	154,026	165,525	11,499
Bistro	515,799	413,800	(101,999)
Recreation	90,989	133,633	42,644
Pool	36,428	27,830	(8,598)
Fitness	13,717	0	(13,717)
Events	27,350	0	(27,350)
Post Office	96,500	112,270	15,770
Project Expenses	25,000	312,700	287,700
Project Contingency	50,000	50,000	0
Total Departmental Expenses	4,612,689	5,203,313	590,624
<u>Non-Departmental Items</u>			
Reserve Funding	400,000	0	(400,000)
Bad Debt Expense	46,585	46,200	(385)
Reserve Interest	(12,000)	(12,000)	0
Forecasted Cash Balance FY 2017/2018	0	(634,000)	(634,000)
Cash Reserve - Budget Year 2018/2019	<u>0</u>	<u>360,000</u>	<u>360,000</u>
Net Cash Available for Projects Approved by BODs in Previous FYs	0	(274,000)	(274,000)
<u>Net Income Over Expenses</u>	<u>0</u>	<u>0</u>	<u>0</u>
Assessment Amount	1,452	1,464	12
Billable Lots	2,887	2,887	0

***The editorial
and advertising
deadline for
the May 2018
Condor is
Monday, April
16, 2018.***

**Golf Shop
Winter Hours:
9 a.m. to 5 p.m.
Every Day
Call 242-3734
for tee times.**

**Golf Rounds Played:
February 2018 Stats**

**123- Annual Golf Rounds
59- Monthly Golf Rounds
29 -Member 9 Hole Rounds
5 - Member 18 Hole Rounds
3 - Guest 9 Hole Rounds
0 - Guest 18 Hole Rounds
9 - Member Twilight Rounds
2 - Guest Twilight Rounds
17- Monthlies were sold, so
of those 17, they played 59
times.**

**March 2018 Stats (to date
3/16/18)**

**43- Annual Golf Rounds
18- Monthly Golf Rounds
9 - Member 9 Hole Rounds
0 -Member 18 Hole Rounds
0- Guest 9 Hole Rounds
0- Guest 18 Hole Rounds
Played
5 - Member Twilight Rounds
Played
0 - Guest Twilight Rounds
Played
9- Monthlies were sold
(playing 84 times, so far)**

HELP WANTED:

**Accounting
Professional/
Temporary Position,
Two to Three Months**

PMCPOA, Inc. is looking for a self-starter with incredible attention to detail, financial acumen, aptitude for technology, and a desire to work within a dynamic environment.

We need someone who can hit the ground running and assist the CFO with special projects including account reconciliations and preparation for our upcoming external audit. A minimum of eight to 10 years of experience working in accounting and/or audit at a management level is required. Please contact the Business Office for details, 242-3788.

Cinco De Mayo!

**Saturday, May 5
5 to 10 p.m.
PMC Clubhouse**

Live band 6 to 10 p.m.

Drink specials
all night!

**\$15 buffet includes
tacos, enchiladas,
fajitas, green chile
casserole, rice
& beans, chips
& salsa, special
desserts and more.**

Senior Board Games

2:00 p.m.

**Aging in Place
Task Force Meeting**

3:30pm

**Second Sunday of each
month**

**Sunday, April 8
Pool Pavilion**

The Helen Morgan Agency



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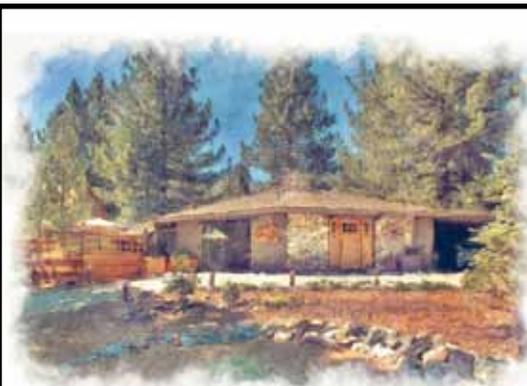
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~ owner ~
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Serving Pine Mountain Club

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TwoGirlsRentals@gmail.com

Carolyn Gilbert/Elizabeth Gilbert

P.O. Box 6741

Pine Mountain Club, CA 93222

TwoGirlsMountainVacationRentals.com



A Message from the Board Chair

The March Board meeting was long and complex. We addressed the difficult issue of the Bistro amendment and the actions the Board has taken in response to it. In addition, I reported to the members the results of the review conducted by our general counsel of the four new bylaw amendments offered by petition for the upcoming ballot.

However, before I discuss that, I want to make a few comments regarding the development of amendments or changes to existing ones. Developing bylaw amendments is a difficult task. Our Governing Documents Committee can attest to that fact. They spend months debating how to change a sentence or word in an effort to make it fit within all of the limitations that result from the constraints presented by our CC&R's, Bylaws, Davis Sterling, the Corporations Code and State Law. My point is that when a member comes up with a good idea, or a specific view as to how the association should deal with a given situation, it is not that easy to draft a change that will work.

The reality is that words matter. It is especially difficult when the proposed amendment is worded in such a way that it limits the action of the Board in absolute terms. This is the case with the Bistro amendment. The Board does recognize the intent of the amendment

and, through the Bistro Task Force, has made a concerted effort to be responsive to the intent of the amendment. At the same time, we are faced with the problem that the amendment in question is still on the books and complicates our ability to establish a budget for the coming year. As a result, the Board passed a resolution that recognizes that the amendment as written cannot be implemented. In order to understand the actions of the Board, members want to know the reasoning of general counsel. That is only reasonable. However, documents that are "Attorney-Client Privileged" cannot be released outside of the Board because doing so would jeopardize our ability to protect such communications, and would put the association at risk in any future litigation and or discovery. I can, however, relay the findings of Counsel without jeopardizing the attorney-client privilege. I will address two legal opinions in two sections: First, a review of the Bistro amendment, and second, the response of our general counsel to the four proposed amendments for the June ballot.

In the June 2017 election, the Association membership voted to approve proposed Bylaw Amendment #2 as submitted by one individual association member. Exactly as submitted by the member, the text of that Bylaw amend-

ment says:

"No PMCPOA assessment money is to be used to supplement either the Bistro or the Lounge. These departments must be self-sustaining, and expenses must not exceed revenues."

Importantly, the Board is obligated to comply with CC&R section 7.7, which says: "If there is any conflict between the provisions of these CC&RS and the ...Bylaws... these CC&Rs shall control."

As I will explain in a moment, Bylaw Amendment #2 does conflict with seven separate provisions of the CC&Rs. Therefore, as required by section 7.7, it is the CC&Rs which "shall" control, and as a result Bylaw Amendment #2 cannot be implemented by the Board.

I will now describe each of the seven instances where Bylaw Amendment #2 conflicts with provisions of the CC&Rs.

First, CC&R section 3.1 states that the Board has the duty to "manage the development..." This includes the Board's right to decide how much assessment money should be used to support the management of the Bistro and Lounge. Bylaw Amendment #2 conflicts with CC&R section 3.1 by absolutely prohibit-

'CHAIR' Continued on page 11

PMC Board of Directors Meeting Highlights

Grace Wollemann, Recording Secretary

These are highlights of the Board of Directors open meeting of March 17, 2018. Complete minutes are available at the business office or online at www.pinemountainclub.net after their approval at the next board meeting. In the regular open meeting, Chair Bill Gurtner called the meeting to order at 10:00 a.m. Nine directors attended: Richard Ballard, Stephan Bates, Sandy Browne, John Cantley, Bill Gurtner, Garry Kemmer, Bryan Skelly, Phyllis Throckmorton and Doug Wilde. Also in attendance were CFO Kim Ryan, General Manager Karin Shulman and recording secretary Grace Wollemann.

CFO Kim Ryan presented the draft Budget.

There were three (3) committee applications approved. The board acknowledged receipt of "Committee-Approved Committee Minutes for Board Review." There were five (5) Environmental Control Committee Projects and one (1) Cottage Industry Per-

mit submitted for approval.

Chairman Bill Gurtner presented the Chair's report.

General Manager Karin Shulman presented the General Manager's report.

Treasurer Steve Bates presented the Treasurer's report.

MOTION by Director Browne, **SECOND** by Director Bates to approve proceeding with the budget to pass the minimum wage increase to the assessment of \$12 per lot. Directors Ballard, Kemmer, Skelly and Throckmorton **opposed**. **MOTION** carried.

BOARD ACTION ITEMS:

OLD BUSINESS: None

NEW BUSINESS:

MOTION by Director Browne, **SECOND** by Director Bates that the agenda for the Board of

Directors Meeting of March 17, 2018 be adopted. **MOTION** carried.

MOTION by Director Browne, **SEC-**

OND by Director Bates to approve the Board of Directors Regular Board Meeting minutes of Feb. 17, 2018. **MOTION** carried.

MOTION by Director Skelly, **SECOND** by Director Ballard to approve the committee applications. **MOTION** carried.

MOTION by Director Browne, **SECOND** by Director Kemmer to approve the committee minutes. **MOTION** carried.

MOTION by Director Skelly, **SECOND** by Director Bates to approve **RESOLUTION #01-03-17-18** replacing Reserve Study #1009, split rail fence with vinyl fencing to match the north side of the golf course fencing, NTE \$22,200 from the Reserve fund. **MOTION** carried.

MOTION by Director Bates, **SECOND** by Director Skelly to approve **RESOLUTION #02-03-17-18**, refurbishing Reserve Study #1413, Golf Course Restroom, NTE \$8,500 from the Reserve

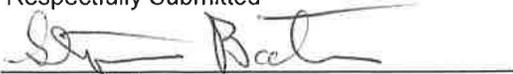
'HIGHLIGHTS' Cont. on page 13

PMCPOA Treasurer's Report

Pine Mountain Club POA, Inc.
Treasurer's Report and Y-T-D Budget vs Actual Summary
Year to Date Through February 28, 2018

	<u>Actual</u>	<u>Budget</u>	<u>Over (Under) Variance</u>	
Revenue				
Current Year Assessment Revenue	2,794,616	2,794,616	0	
Operations/Maintenance	61,780	112,243	(50,463)	
Social Activity	388,050	397,575	(9,525)	
Post Office	51,000	51,000	0	
Interest Income (Operating)	1,533	8,000	(6,467)	
Total Revenue	3,296,980	3,363,434	(66,454)	
Operating Expenses				
Operations/Maintenance	1,975,477	2,091,036	(115,559)	
Social Activity	838,728	932,623	(93,895)	
Operating Projects	8,376	49,996	(41,620)	
Designated Fund Projects	28,491	0	28,491	
Worker's Comp Safety Incentive	0	0	0	
Bad Debt Expense	3,882	31,056	(27,174)	
Post Office	72,282	65,404	6,878	
Capital Improvements	0	0	0	
Transfer to Property Fund	0	0	0	
Reserve Contribution	0	0	0	
Total Operating Expenses	2,927,237	3,170,115	(242,878)	
Net Operating Revenue Over Expense	369,743	193,319	176,424	
Assessment Collection Update				
	2017/2018 Assmt Billing	YTD Collected	YTD Receivable	
	4,191,904	3,987,494	204,410	
Payroll Summary				
	Actual	Budget	Variance	
Payroll Wages	1,165,773	1,232,581	(66,808)	
Payroll Benefits	202,480	214,374	(11,894)	
Taxes	95,427	96,351	(924)	
Worker's Compensation	70,532	88,401	(17,869)	
Total Payroll Expense	1,463,680	1,543,306	(79,626)	
Reserve Fund Update				
	Beginning Balance July 1, 2017	Interest and Contributions	Less YTD Trnsfrs and Purchases	Ending Balance February 28, 2018
	2,459,060	409,189	16,031	2,843,929
	Operating Fund Cash Balance		2,211,329	
	Reserve Fund Cash Balance		2,852,218	

Respectfully Submitted



Stephan Bates
March 14, 2018

-----General Manager's Update -----

Karin Shulman

I have been approached by members who believed that my comments last month about a director who is micro-managing me was a certain director whom they mentioned by name. However, the director people thought it was has been extremely supportive of me and my job and there is absolutely no micro-managing from that individual. He believes in me, trusts me and knows I will ask if I need help. That is all I have to say about that.

Last month, a member stood up and said her assessments have tripled in 17 years. I pulled out the history of assessments, and they have not tripled in 17 years, but did a little more than double during that time. That is the fact. Also, if anyone would like to have the assessment history, you can pick up a copy in the office.

A little trivia for all of us: The average median price of a home in California in 2000 was \$211,500, and the average median price today is in the \$500,000 range. That is more than a 100% increase. Gasoline in 2000 was \$1.51 per gallon, and Sunday I paid \$3.09 per gallon at the Flying J. That is a 49% increase. One gallon of milk in 2000 cost only \$2.79, and today milk costs \$3.16 for a gallon. That is a 9% increase. Minimum wage in 2000 was \$5.75, and today is \$11.50. That is a 100% increase. My point is, prices do not stand still. I found all this information on the internet.

I also found an article about why we build and run clubs. The answer is this: "To build community. The promise of club mem-

bership is access to a special setting, but the potential of that setting is only realized by participating in it with others with similar passions and interests." I took this information in part from The McMahon Report.

Mil Potrero Park

I contacted Supervisor Couch's office to see who owns Mil Potrero Park. They thought the Forestry Department did, so I called them, and they said if there are issues at the park to call the Sheriff's office. I also called Kern County Parks and Recreation, with no call back, as well as Taft Parks and Recreation. Most of us carry cell phones, so the next time you are walking through Mil Potrero Park and see anything that may cause you alarm, please call the Sheriff.

Well Update

The well construction on the golf course is for the most part finished. Doors will be up next week. Now we are just waiting for permits from the state, which can take some time. The well at the baseball field is on hold right now, as there was an equipment failure, and we are still waiting for the repaired equipment to come from the east coast. Also, the water company is in its budget season, so the well may not be ready until July or August.

The satellite kitchen work will start in a couple of weeks. We are still waiting on the contractor's computer-aided design (CAD) specialist to draw pictures of the satellite kitchen; then the contractor will take the pictures to Kern County for Permits.

Bistro Update

Lots of rumbling about the budget, and I understand. We all want it fixed right now. As I have said before, it certainly didn't get where it is overnight, and it is not going to be fixed overnight. Please remember that when we did the draft budget, we only had six months of actuals to work with to come up with a budget. We are still working diligently to get the subsidy down, and it is going to take time. Also, the buffet is dependent upon the satellite kitchen to rein in the costs. My personal opinion is that the Bistro will never break even, but we certainly can get the subsidy way down. This is my opinion only, as a couple of the directors do not agree.

Golf Course Updates

I have been requested by the Board to come up with a plan for increasing revenue on the golf course. The first thing we did is put Nancy Moore in charge of the Golf Shop. I went to the golf shop twice this week, and it was like old times. I saw golfers in there who I had not seen for several years. There were probably 10-15 people socializing in there and buying drinks and snacks while they visited. Several of the golfers came up and told me they were so happy that Nancy is back. It was a great atmosphere. So, the plan to increase revenue for the golf course is to market "Old-Fashioned Friday Night Scrambles," "9 'n' Dine," "Chip 'n' Sip," and "Sweeps." Fliers and emails will be made and sent to advertise. Consistency is the key.

'GM' Continued on page 9

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We're Ready to Help.

'GM' Continued from page 8

Junior golfers are few in number at this time. When we secure a coach for Junior Golf Camp, we can advertise dates and instructional information. We can reach out to Peak-to-Peak School, advertise in the Condor and through Email Blasts.

PGA Pro and previous PMCPOA Golf Shop pro Chad Sorensen has given us a verbal confirmation of interest in being a "guest pro."

Golf – February Stats: Please see Page 4 of this Condor.

Fern's Lake

The permitting process is ongoing. Our water attorney thinks we will be able to dredge Fern's Lake in October. The dying fish are minimal now. Water tests on Fern's Lake came back with everything being normal. As I explained last month, a fish kill is not a rare occurrence and can happen when there is a lack of oxygen in the water, a severe drought, too many fish in the lake and from a few other causes.



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EC Office Recap

Permits: 1 Single-Family Residence, 3 fences, 2 sheds, 3 Cottage Industry, 2 Yard Sale, 23 Escrow Property Inspections, 2 Tree Permits

- 12 - 1st Notice Letters
- 5 – Complied on 1st Notice
- 2 – 2nd Notice/Warning
- 1 – Complied after 2nd Notice/Warnings
- 1 – 3rd & Final Notice/Warning
- 1 – Complied after 3rd Notice/Final Warning

Patrol Recap

- 12 – Animal Control
- 1 – Written Warning
- 22 – Misc. Calls
- 1 – Agency Assist
- 1 – Conflict
- 3 – General Complaint
- 108 – Misc Calls
- 11 – Suspicious Incident
- 3 – Traffic Incidents

PROFESSIONAL SERVICES

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Tree Service Contractor
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Greg and Monica Brackin
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Jennings Realty/Jeff Mowry
www.jenningsrealty.org
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Professional Services ads are \$5 per line per month, two line minimum, when paid by the year. Otherwise, \$6 per line per month. No refunds. The fee includes the name of your business and phone number. PMCPOA does not guarantee the accuracy of the information nor does it endorse any business or service listed here. To place an ad here, call 242-3788.

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COMPLIMENTS, CONCERNS, COMPLAINTS

PMCPOA welcomes member input. Drop ideas off in the CCC Box in the Clubhouse Lobby, or click on the "CCC Box" menu item on PMC's website at www.pinemountainclub.net.

Thank you for your submissions to the Compliments, Concerns and Compliments Box. It takes a village to run a village, and your care and concern help keep PMC the wonderful place we love.

If you are a PMCPOA member in good standing, look for responses in the Condor. Please be sure to include your contact information. While your name will not be published or posted, we don't respond to anonymous submissions. Please note that we do not respond to renter's submissions; the CCC Box is for members only.

If you have a concern that involves maintenance, sanitation or safety issues, or is of a confidential nature, please contact the Business Office at 661-242-3788

immediately. Thank you!

SUGGESTIONS

- The Equestrian Center appears to be underutilized and loses a large amount of money. This, coupled with the demographics and decreasing interest in horse riding, will only increase. I would like to suggest that we rent mountain bikes and utilize the trails for mountain bikes, creating additional revenue and offering a new amenity that is becoming popular. The bikes could be stored at the Equestrian Center.

Response: We like this idea. We would like to look into it and examine the costs associated with doing it. Also, once we re-

search this and do the homework, it would need to be approved by the Board.

- Board meetings are important to many members. At the last meeting, some members kept opening the door from the Condor Room to the lounge. This would be fine except some people had a conversation right outside the door and the conversation could be heard in the Board meeting. The second issue is that a member went down to get a grilled cheese sandwich to go and brought it up into the Condor Room to chomp it down during the meeting. I am sorry, but this is totally inappropriate: a Board meeting is not a lunch break. Suggestion: put up a sign on the door to the Condor Room that says, "Board meeting in progress, please keep door closed." A second sign should read, "No food permitted at the Board meeting." This, along with the no cell restriction, should make for better meetings.

Response: Thank you for the suggestions. We will make a sign and have it posted on the door of the Condor Room for future Board meetings. As far as eating during a Board meeting, I agree that it is inappropriate, but we do not know if there are health issues, such as diabetes. If that is the case, the individual must eat every few hours. We need to be tolerant, as we don't know the whole story.

- Too bad the Sunday Jams have been cancelled. We really look forward to Jam Sundays. Hopefully, you can bring the jammers back in the spring. Thanks.

Response: We are glad you enjoyed the Sunday Jams. Our attendance is very low on Sundays, so we are working on marketing the Sunday Jams. We are hoping to bring them back in the summer.

COMPLAINTS

- The Transfer Site is not run correct-

'CCCs' Continued on page 11

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'CCCs' Continued from page 10

ly. I had to wait 10 minutes while some people who I suspect are not members of PMC unloaded eight trash cans. I know that type of trash can is not allowed here. The man who works in the Transfer Site should be checking IDs to make sure people are in good standing. He should also see that the traffic keeps moving so people are not waiting.

Response: We apologize that you had to wait 10 minutes at the Transfer Site. We are down one compactor at the moment, so a bit of a wait might occur at times. It does take time for people to unload; especially those who are re-cycling. Some members are adamant about recycling. Also, a reminder that, for safety reasons, we close the Transfer Site down completely when performing container change-outs. This can take as long as 30 minutes, and we must turn people away and ask them to return later if we are doing a change-out.

If there is a problem with the trash that people are bringing to the Transfer Site or if we do not recognize people, we do check member IDs. However, our staff often recognizes folks who are members.

Sometimes, the Transfer Site attendants can get very busy. Here are the duties performed by the Transfer Site attendant on a typical day: Monitoring traffic (sometimes there are so many vehicles that they fill the site parking area); running compactors; changing out filled containers and moving them to the storage area; moving the empty containers back into place; dealing with members trying to unload non-permitted items; answering questions posed by newcomers; extinguishing fires started in the ash bin caused by careless members who dump hot ashes; re-sorting items misplaced in recycling containers; keeping the area swept and looking somewhat presentable; crushing aluminum cans for transport to the re-cycling facility; keeping an eye on the slash area; moving metals from the upper yard to the lower yard; and baling plastics and cardboard in preparation of transferring them to the recycler. Often, these duties are performed by just one attendant.

'CHAIR' Continued from page 6

ing the Board from using any assessment money to support management of the Bistro and Lounge.

Second, CC&R section 3.2(a) states that the Board has the right to "maintain, restore, and repair all Association property." This includes the Board's right to decide how much assessment money should be used to pay for the maintenance, restoration and repair of the Bistro and Lounge.

Bylaw Amendment #2 conflicts with CC&R section 3.2(a) by absolutely prohibiting the Board from ever using any assessment money to maintain, restore and repair the Bistro and Lounge.

Third, CC&R section 3.2(d) states that the Board "shall" have the duty to "purchase all materials, supplies, furniture, equipment and labor" to the extent that the Board of Directors deems "necessary for construction, upkeep, maintenance and operations." In other words, under CC&R section 3.2(d), the Board has the right to decide how much assessment money should be used to pay for Bistro and Lounge

materials, supplies, furniture, equipment and labor.

Bylaw Amendment #2 conflicts with CC&R section 3.2(d), because it absolutely prohibits the Board from ever deciding to use any assessment money to pay for Bistro and Lounge materials, supplies, furniture, equipment and labor.

Fourth, CC&R section 3.2(q) states that the Board "shall" have the duty to "pay for such other materials, goods or services as may be reasonable or necessary for the Association to perform its duties as may be prescribed by law." One of the duties that the Association has under the law is the duty to pay to repair, replace and maintain the common area. The common area includes both the Bistro and the Lounge.

Bylaw Amendment #2 conflicts with CC&R section 3.2(q), because it absolutely prohibits the Board from ever using any assessment money to pay to repair, replace or maintain the Bistro and Lounge.

Fifth, CC&R section 2.3 states that all As-

'CHAIR' Continued on page 12

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'CHAIR' Continued from page 11

sociation members, guests, and invitees "shall" have the "exclusive right to use Association property," which includes the Bistro and Lounge.

Bylaw Amendment #2 conflicts with CC&R section 2.3 because if implementation of the Amendment cause the Bistro and Lounge to close, then such a closure would improperly eliminate Association members, guests, and invitees "right to use" the Bistro and Lounge as guaranteed by CC&R section 2.3.

Sixth, CC&R section 6.1 states that one of the purposes of assessments is to enable the Board "to manage, administer, preserve, repair, replace, construct, maintain and improve Association property...."

Since both the Bistro and Lounge are Association property, CC&R section 6.1 authorizes the Board to decide how much assessment money should be used to "manage, administer, preserve, repair, replace, construct, maintain and improve" the Bistro and Lounge.

Bylaw Amendment #2 conflicts with CC&R section 6.1, since it absolutely prohibits the Board from deciding to use any assessment

money to "manage, administer, preserve, repair, replace, construct, maintain and improve" the Bistro and Lounge.

And seventh, CC&R section 6.3 states that the Board of Directors "shall" levy regular assessments in an amount "sufficient to provide for the performance by the Board of its duties." The duties of the Board include the duty to "manage, administer, preserve, repair, replace, construct, maintain and improve" the Bistro and Lounge.

Bylaw Amendment #2 conflicts with CC&R section 6.3 since it absolutely prohibits the Board of Directors from ever using any regular assessment money to "manage, administer, preserve, repair, replace, construct, maintain and improve" the Bistro and Lounge.

For all of these reasons, Bylaw Amendment #2 conflicts with the CC&Rs and cannot be implemented by the Board.

The Board has received four proposed Bylaw amendments from individual members accompanied by written petitions for the June 2018 ballot.

Association Bylaw section 5.06 states that after the Board receives such proposed Bylaw amendments, it shall "Cause the proposed changes to be considered by the Association's general counsel for [the] general counsel's opinion as to the legality of the proposed amendment. In the event that the general counsel determines that the proposed amendment would be illegal, the Board of Directors will not place the proposed amendment on the ballot."

Consequently, the Board requested that the Association's general counsel provide their opinion as to whether any of the four proposed Bylaw amendments would be "illegal." In response, the Association's general counsel provided the Board with their opinion on whether the proposed amendments would be illegal. Consistent with Bylaw section 5.06, and based on the opinion of the Association's general counsel, the Board of Directors has decided that it will not place proposed Bylaw Amendments 1, 3, and 4 on the ballot.

Bylaw section 5.05A states: "If the proposed matter is legal, the Board of Directors may, in its discretion, choose not to place the proposed matter on the agenda or ballot. If the proposed matter is not placed on the agenda or ballot, the petitioner has the right to discuss the matter during the Open Forum portion of the meeting."

Consistent with Bylaw section 5.05A, since proposed Bylaw Amendment 2 is legal, the Board in its discretion has chosen not to

place the matter on the ballot since it is moot.

With respect to proposed Bylaw Amendment #1, the Board believes that this proposed amendment would be illegal because it is in violation of the "equal access" provisions in California Civil Code section 5105(a)(1).

Proposed Bylaw Amendment #1 violates the "equal access requirements" of section 5105(a)(1) since it requires that the Association provide access to a membershipwide association mailing to only two members (one author of a ballot measure, and one member opposing the ballot measure), while also requiring that the Association deny equal access to that mailing by all other members advocating a point of view relating to the election.

With respect to proposed Bylaw Amendment #2, the Board does not believe that this proposed amendment would be illegal because it is not in violation of a statute.

However, the Board has exercised its discretion by choosing not to place this proposed amendment on the ballot because it is moot. Specifically, proposed Amendment #2 seeks to amend current Bylaw section 14.01 titled "Effective Date." That section simply states in one sentence the "Effective Date" of "these" current Bylaws (ratified on June 18, 2016), and has no further applicability.

Nevertheless, proposed Bylaw Amendment #2 incorrectly seeks to amend section 14.01 by retroactively purporting to change when "these" current Bylaws (ratified almost two years ago) became effective. The effective date of "these" current Bylaws has long passed and cannot be changed retroactively. Therefore, this proposed amendment is moot.

Furthermore, if the intent of this amendment was to change the effective date of any future amendments to these existing Bylaws, or change the effective date of any new Bylaws that may be adopted in the future, then the drafters should have attempted to amend Bylaw section 14.02 titled "Adoption and Amendment of bylaws."

With respect to proposed Bylaw Amendment #3, the Board believes that this proposed amendment would be illegal because it is in violation of California Corporations Code section 7222(d), which generally states that a director may not be removed prior to the expiration of the director's term of office.

Under this proposed Amendment, members would be barred from serving on the Board for more than 10 years. For example, since directors are elected for three-year terms,

'CHAIR' Continued on page 13

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'HIGHLIGHTS' Cont. from page 6

Fund, which is fully funded at \$37,500 with 0 life in the Reserve Study. **MOTION** carried.

MOTION by Director Skelly, **SECOND** by Director Browne to approve **RESOLUTION #03-03-17-18**, a contract for spraying the greens once a month for six months, NTE \$9,000 from the Operating Fund. **MOTION** carried.

MOTION by Director Cantley, **SECOND** by Director Skelly to approve **Resolution #04-03-17-18**, the Delinquency Policy for the Annual Assessment mailing package for the 2018-2019 fiscal year. **MOTION** carried.

MOTION by Director Browne, **SECOND** by Director Kemmer to approve **RESOLUTION #05-03-17-18**, replacing Reserve Study #1107, pool filter, NTE \$30,000 from the Reserve Fund, which is fully funded at \$10,000 with 0 life left in the Reserve Study. **MOTION** carried.

MOTION by Director Skelly, **SECOND** by Director Wilde to instruct the general manager to outsource the Café Condor and Lounge. Directors Ballard, Bates, Browne, Cantley, Gurtner, Kemmer,

Throckmorton and Wilde **opposed. MOTION** failed.

MOTION by Director Cantley, **SECOND** by Director Browne to approve **RESOLUTION #06-03-17-18**, that since Bylaw Amendment #2 conflicts with CC&R sections 2.3, 3.1, 3.2(a), 3.2(d), 3.2(q), 6.1 and 6.3, and based upon the advice of the Association's legal counsel, said Bylaw Amendment #2 will not be implemented and the official version of the Association's Bylaws will be annotated to so reflect. Director Skelly **opposed. MOTION** carried.

WITHDRAWN - MOTION to approve **RESOLUTION #07-03-17-18**, the refurbishing of the new Condor Café, NTE \$35,000 from the Operating Fund.

MOTION by Director Browne, **SECOND** by Director Cantley to approve the Mountain Girls Club as a sanctioned club. **MOTION** carried.

MOTION by Director Throckmorton, **SECOND** by Director Skelly to approve "Condor Café" sign "A" (the one with the smallest condor). **MOTION** carried.

The next Regular Open Board Meeting will take place on April 21, 2018 at 10 a.m. in the Condor Room.

The meeting adjourned at 1:45 p.m.

'CHAIR' Continued from page 12

a director who has served for three successive terms (9 years) could be elected for a fourth term, but would have to be removed two years prior to expiration of that fourth term due to the 10-year limit in the proposed Amendment. Removing a director two years prior to the expiration of his/her term as required by proposed Amendment #3 would be illegal because Corporations Code section 7222(d) expressly prohibits removing a director "prior to the expiration of the director's term of office."

With respect to proposed Bylaw Amendment #4, the Board believes that this proposed Amendment would be illegal since it is in violation of California Corporations Code section 7224(a). Under that statute, unless the Articles or Bylaws state that the Board may fill vacancies occurring by reason of the removal of directors, such vacancies may be filled "only by approval of the members."

Since neither the Articles nor the Bylaws give the Board the right to fill vacancies occurring by reason of the removal of directors, under section 7224(a) such vacancies may be filled "only" by approval of the members. However, proposed amendment #4 violates section 7224(a) by requiring that, instead of filling such vacancies by approval of the members, these vacancies "must be first offered to a candidate who ran for a director position in the previous election but was not elected."

As you can see, there are many implications to consider when it comes to developing a new or revised Bylaw. I hope this information helps to explain the ongoing actions of the Board and the guidance used to take those actions.

The question that is not addressed is this: Can't we do this better in the future? I think we can, and I will ask the Board to think through a better way going forward.



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**Gaming is open
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**Jams/
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2 to 5 p.m.**

*Bar food available
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*Mon-Sun, 8 a.m. to 2 p.m.
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*Friday Night Buffet: 5-7:30pm
Saturday Night Special Menu
6-8:30pm*

*Sunday Bar Food
2-5pm in Lounge*

242-2233

**Entertainment
Line-Up:**

Fri/Sat Nights

Friday, April 6

*6-9pm -- Dinner Theater,
"Blithe Spirit"*

*9pm -- Acoustic Friday:
Michael Joseph*

Saturday, April 7

*6-9pm -- Dinner Theater,
"Blithe Spirit"*

9pm -- Asher Nicholson

Friday, April 13

*6-9pm -- Dinner Theater,
"Blithe Spirit"*

*9pm -- Acoustic Friday:
Vince Venay*

Saturday, April 14

*6-9pm -- Dinner Theater,
"Blithe Spirit"*

9pm -- Asher Nicholson

Friday, April 20

*7pm -- Comedy Night,
Bob Bollub*

*8:30pm -- Acoustic
Friday: Zach and Vanessa*

Saturday, April 21

*6-10pm -- Jimi Nelson
(Country)*

Friday, April 27

*7pm -- Acoustic Friday:
Nightwatchers Band*

Saturday, April 28

*6-10pm -- Hollywood
Hillbillies (Country,
Country Rock)*



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Activities

Mondays

12:45-4:00 pm . Bridge .
Condor Room

Tuesdays

10 am . WOW . Pool
Pavilion

6 pm . Celtic Jam .
Condor Lounge

Wednesdays

12:45-4:00 pm . Bridge .
Condor Room

Thursdays

10:00 am . Skins Golf

Fridays

7 pm . Amateur Radio
Club . Pool Pavilion .
(3rd Friday)

7-10pm . Acoustic
Fridays . Lounge

Saturdays

7-9pm . Sierra Club . PP
(2nd Saturday)

6 pm . Music . Lounge

Sundays

2-5 pm . Sunday Jam
(1-2x per month) .
Condor Lounge

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COMMITTEE MEETINGS

All committee meetings are open to
PMCPOA members in good standing.

Tuesday, April 3 (First Tuesday)

3:00 pm **Equestrian** Equestrian Center

Thursday, April 5 (First Thursday)

10:30 am **Recreation** Lounge

Friday, April 6 (First Friday)

9:00 am **Greens and Grounds** Golf Shop
2:00 pm **Environmental Control** Condor Room

Saturday, April 7 (First Saturday)

9:00 am **Governing Documents** Pool Pavilion
1:00 pm **Planning** Condor Room

Saturday, April 14 (Second Saturday)

9:00 am **Emergency Preparedness** Condor Room
10:00 am **Communications** Pool Pavilion
10 am **CERT** Fire House

Wednesday, April 18 (Wednesday Before Board Mtg)

5:00 pm **Finance & Budget** Pool Pavilion

Saturday, April 21 (Third Saturday)

10:00 am **PMCPOA Board of Directors Mtg.** Condor Rm

Saturday, April 28 (Fourth Saturday)

10:00 am **Youth Advisory** Pool Pavilion

Transfer Site Hours:

8:30 a.m. - 5 p.m.
Every Day

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GUILD ACTIVITIES

Every Monday

10-3 . Lace Guild . Pool
Pavilion

Second/Fourth/Fifth Wednesdays

9-3 . Quilt Comfort Zone .
Pool Pavilion

First Thursday

6:30 pm . Quilt Guild
Business Meeting . Pool
Pavilion

Every Friday

9-3 . Quilt & Chat & More
Pool Pav (9-1:30/3rd Fri)

First/Third Saturdays

1-4 . Knitting Guild .
Condor Room