



# SURFSIDE III NEWSLETTER



January 2008

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## FROM THE BOARD OF DIRECTORS

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### BOARD OF DIRECTORS DECEMBER 22<sup>nd</sup> ELECTION RESULTS

A very smooth and professional ballot counting procedure was conducted by a professional parliamentarian, who has already handled more than 100 elections at other associations. The parliamentarian, James H. Stewart, was assisted by Patricia Fomin and Linda Veatch, who were nominated by the Board as well as James to be our inspectors of election. Patty and Linda said that James really made the process more efficient and easier than we have ever had before. The polls closed at 10:15 AM and the counting was completed a half hour later. Of the 188 ballots turned in, two were disqualified because they were not signed, and the third was disqualified because it had voted for 6 people. The results from the remaining 185 ballots were as follows:

Bill Betts	168
Ira Green	161
Karl Twyman	143
Ira Rubinson	132
Joe Dehorty	127

**elected**

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Linda Kaplan	120
Susan Salehi	062

The organizational meeting to select officers will be conducted at the beginning of the open meeting on Wednesday, January 9<sup>th</sup>.

The Board wishes to thank everyone that contributed to our democratic process.

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### Observations From Your 2007 Vice-President

As 2007 Vice-president and the board member responsible for the newsletter and legal matters, among other things, I would like to make a few observations as we begin 2008.

I want to thank all of the homeowners that gave unselfishly their time and effort while contributing to all the committee work.

I personally work each month with our newsletter editor, Daniel Kessner. Dan gives me a final newsletter about the 12<sup>th</sup> of each month. I then add some last minute items about which Dan had no knowledge. This month it is the election results above and my comments after re-election. I make sure that I agree with Dan regarding the content and then send it back to Dan with my additions and corrections and also to the board for final scrutiny and approval. This month I have released this letter to Lordon at 10:00 AM on 12/26 as well as posted it on the website. Lordon then included this newsletter with your statement and you got it along with your billing.

Your Board, including every member, works very hard to make the best decisions possible. We clearly need to communicate better with the owners. Evidence of this is the contribution in the Owners Corner by Robert Alumbaugh. I am the board member assigned as the legal interface to our attorneys and was handling the issues regarding our attempt to update the CC&Rs. Please see our website under governing documents and then go to Board Policies and Procedures to see Board assignments. I came back after two weeks of being out of touch, when I was with my family in Mexico, to a Board meeting. After 5 hours of board meeting on a litany of issues your board made a decision to withdraw the petition for the CC&Rs. While I can not say for sure, but if I had been here and up to the minute on the facts, the decision may have been different. I do research and study some of the critical issues which the Board must decide and obtain the latest legal position. We certainly should have made the CC&R committee part of our decision process, but we did not, but acted in a manner that we felt at that moment was financially prudent. What we have discussed since then is to meet with the CC&R committee now, and any other interested homeowners and discuss the risk and rewards of different ways to proceed at this point. This issue is not dead; we must achieve updated CC&Rs. My first order of business is to get approval from the board to bring complaints to our attorney which were made in court and recently discussed with our president from one of our owners. Then I will see that we call the meeting I described above. One of my personal goals for Surfside III in 2008 is to see this project completed and I am reaching out again to all sides of this issue to join the process and come together. Arguing and fighting among ourselves is costly and divisive. We must come together.

While the election just completed brought out a number of homeowners who contributed to the democratic process, it also brought out the worst of what we see in our own local and national elections. There were at least three and maybe four election letters being mailed out. I actually only received one of these and a homeowner upset about what was said in another, sent me that one. Sometimes negative campaigning works just the opposite of what you would like. I would like to set the tone for us next year to discuss the accomplishments of incumbents, their goals, and the goals of those newly running for the board. We need to "think out of the box" and be very creative to accomplish what we must for Surfside III and work together.

Enough lecturing from your VP, but please take it in the spirit of moving forward. On behalf of the 2007 Board and the newly elected Board, I want to wish everyone the best of the holidays and a great New Year. Life, Love, Happiness, Health & Peace. Ira

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#### **Letter from the Treasurer**

2007 was a very challenging year for our association with on-going plumbing and interior repairs, special assessment collections, and on-site staffing. Our key successes were the initiation of the special assessment work (elevators, water supply and sewer drain lines), re-establishment of the capital reserves (from \$18K to \$350K), recruiting a competent on-site staff, and keeping our 2008 HOA dues to only a 2.5% increase.

Our key financial concerns for the next three years will be the monthly loan payoff to complete most of the special assessment work by the end of 2008, plus the future townhouse building envelope repairs that will need to be addressed in the coming years. It is hoped that as this plumbing work is completed, these recovered costs could be transferred to supplement the loan payoff. The challenge to stay within budget based on this tradeoff will be critical to our success in 2008-2011.

The new Board must remain focused on ensuring that the special assessment loan with monthly operating allotments are addressed before considering other future HOA needs. Additional allocation of capital reserve funding for townhouse building envelopes and other priorities (parking, paving, security) must be set aside before considering other less important projects. The Board, committees, and homeowners must put aside all personal differences/politics and work together in 2008 and beyond to meet these goals in order to avoid additional emergency/special assessments or 20% increases in HOA dues.

Reflecting on my experiences as the treasurer in 2007, I would like homeowners to know that the current Board and on-site staff have made great strides in ensuring our recovery. With an average of 100-200 emails per week, bi-monthly open meetings and late night executive sessions, the duties of a Board member are thankless and endless at no cost to the HOA. I ask people to understand this in the future before voicing negative generalities for these folks who have families and full time careers outside of Surfside III. These positions are voluntary and elected by the owners. I would hope that more owners in the future could consider a term on the Board to provide selfless and valuable service for these upcoming critical years in our HOA.

## Committee Briefs

For more committee information visit <http://www.surfsideiii.com/docs/committee/committee.htm>  
Please contact the committee chair to volunteer

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The Neighborhood Watch needs only two hours of your time a month. We need building captains to let us know what is happening in your area of Surfside each month. By talking to your neighbors, you can give us an early heads-up on any safety issues (like insufficient lighting), in getting the word out on Neighborhood Watch meetings, passing on techniques for personal safety as presented by our Port Hueneme police each month, or even just letting new residents know that we have a wonderful site at [surfsideiii.com](http://surfsideiii.com) which contains a wealth of information useful to all residents.

Please call or write Valerie Lameka at 805 986-2855, or [v.lameka@yahoo.com](mailto:v.lameka@yahoo.com) if you can spare a couple of hours a month to help Surfside III be the safest and best beach community in California.

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## FROM THE EDITOR

Please send all newsletter submissions to me at [dkessner@csun.edu](mailto:dkessner@csun.edu). Please avoid any special formatting and use Arial 10-point font if you have it. The deadline for submissions is the 10th of the month for the following month's issue.

Thanks, Dan Kessner, Editor

Also, many owners have expressed interest in seeing current Surfside III real estate listings. Sondra Briggs has offered her considerable expertise and experience in this area. You may contact her directly at: [sondrabriggs@kw.com](mailto:sondrabriggs@kw.com).

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## OWNERS' CORNER

The Owners' Corner is a place in the newsletter for owners to voice their observations and suggestions about the association operations or make announcements about any Surfside III social event or activity. While the newsletter Editor and the Board do review these submissions, the opinions and content only represent the author and not the association. We will refuse and return to the author for re-writing any material that is not factual or is in bad taste or denigrates any individual. We are not perfect and apologize in advance if you find the content of anything in this section offensive.

The Surfside III Condominium Association ("association") is not responsible for the content and accuracy and any information provided by owners or third parties. The association and its Board of Directors will not accept any liability for any direct, indirect, incidental, special or consequential damages that result from or are related to material submitted by the owners or other third parties. By submitting any material for publication in this newsletter, all individuals agree to indemnify, defend and hold the association, its officers, directors, members, representatives, managers and agents, harmless to the fullest extent permitted by California Law, from any and all claims, actions, and/or lawsuits, arising out of or related in any way to their material published in this newsletter.

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The current board should BE ASHAMED OF THEMSELVES!!! The recent decision to withdraw our petition for the change of the CC&R's is a perfect example of why more homeowners do not get involved in Surfside III committees. The community pulled together to accomplish a goal and because of \$5000.00 and two owners objections you are backing

out and not honoring your initial support of a basic and necessary change. YOU SHOULD ALL BE ASHAMED!!!!!! The newsletter did not adequately detail the incompetent decision that was obviously made in a Executive meeting and glossed over the fact that the underlying reason behind the change was to prevent abuses in voting!!!. The system was and is being manipulated by a select few who crave control and the title that belongs to the Board of Directors" The Board has failed us once again on yet another issue that desperately needed to be resolved. The homeowners banded together before to forcefully remove Linda Kaplan and here she is not only on the current board but running again for another term. THIS IS AN OUTRAGE!!!! Why do a select few continue to influence and control the process when a clear message has been sent that the owners want CHANGE!!!! After all of this has had a chance to settle in, I wonder how many of the homeowners will resort to the courts for resolution of important matters such as these. It seems that the threat of a possible lawsuit is all that it takes to sway the decisions of the Board instead of LISTENING TO THE OWNERS!!!! I repeat, THE CURRENT BOARD SHOULD BE ASHAMED!!!!!!

Sincerely, Robert Alumbaugh

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In response to Robert Alumbaugh's article:

I am not ashamed of the decision to dismiss the CC&Rs petition. It was the right decision.

In three years on the Board I have never voted on any issues and been uncomfortable with the decision. I am very comfortable that dismissing the petition was absolutely the right decision for the association. I still support replacing our existing CC&Rs, but a new strategy needs to be developed to improve our chances of success.

The \$5,000 is just for the Salehi/Lewow litigation. Up to that point \$20,000 had been spent.

In a meeting with David Loewenthal and Bob Hillshafer from our legal firm on November 9, they estimated that we could spend an additional \$15,000 if we had other objections or Salehi/Lewow became more protracted either due to more brief filings, or judicial rulings. This could mean a total of \$35,000. They also estimated we had a 50-50 chance of success. I gave that information to the Board on November 14. Potential to spend \$35,000, against a \$7,500 budget. OUCH!

Also, there are three areas of concern that could hurt our chances for court approval of the petition.

We did not come close to the 75% majority. 51.7% of owners voted in favor of the new CC&Rs.

No opportunity for post mailing editing. There was no opportunity provided for changes after the initial submittal to the owners.

Not enough opportunity for owner input. There were only two meetings held on the CC&Rs both with relatively short notice. Most associations spend a year going through this process.

The combination of the three areas of concern, and the cost made continuing the petition risky.

Also, I could not justify spending any more money on the CC&Rs petition when I know unit owners are not getting their units repaired from drain line leaks because we are holding off the repairs due to the drain line replacement project start up in early January. How can we tell them their units must wait but we can spend money on the CC&Rs petition, with a 50-50 chance of success?

Committee members have the luxury of a myopic point of view. The Board does not. We have to balance the cost v. the risk and reward of the effort. Imagine spending \$35,000 and not being successful. What would the committee say then? Would they be any less disillusioned or unmotivated? A court ruling against the petition is rather definitive and final. It means we either drop the issue completely or put it to a vote again. Another vote that does not achieve the required 75% super majority would require another petition. How would the court view another petition in light of the past recent failure? In an association where the needs are so basic and outweigh the resources, how do we justify the expense?

It is clear that some of the committee members were involved in the effort to revise the CC&Rs for personal reasons and had a personal agenda. We need to get beyond this type of childish behavior and think strategically.

The Board would like to meet with the CC&Rs Committee and other concerned owners in January to discuss next steps.

Sincerely Bill Betts

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## Contact Information

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### MAINTENANCE/RESIDENT SUPPORT (PHONE NUMBERS AND E-MAILS BELOW):

Contact Jennifer Critchfield; for e-mails always copy Donalea Bauer

Include your phone number(s) and/or e-mail for response before end of next business day. If you get her voice mail, but would like to speak with her directly, hit zero and talk to the operator.

If more urgent, call Donalea Bauer.

#### **Surfside III Direct Contact:**

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#### **Our Board:**

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### **LORDON MANAGEMENT: OTHER DEPARTMENT EXTENSIONS**

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All escrow issues: Chelia, ext. 3339; [crubalcava@lordonmanagement.com](mailto:crubalcava@lordonmanagement.com)

All insurance, lien, and other legal matters: Patty, ext. 3337; [patty@lordonmanagement.com](mailto:patty@lordonmanagement.com)

Your account, billing address, etc: Cara, ext. 3319; [cwoellhof@lordonmanagement.com](mailto:cwoellhof@lordonmanagement.com)