



August 2008

SURFSIDE III NEWSLETTER

Daniel Kessner - Editor



FROM THE BOARD OF DIRECTORS

RESULTS OF THE BALLOT ON THE PROPOSED CHANGE TO POPULAR VOTE

Before the start of the July 19 Open Board Meeting, the Parliamentary Inspector Of Elections announced that this was the last chance to vote on the proposed change to popular vote, either by submitting a ballot or signing previously unsigned ballots. The voting period was officially closed at 10:00 am, right at the beginning of the meeting. Counting of the votes commenced immediately, and the Parliamentary announced the following results later in the meeting.

Of the 241 ballots submitted, there were: 191 yes votes, 47 no votes, 2 illegal ballots, and 1 blank ballot. In addition there were 22 unsigned ballots. We had 79% of the ballots cast in favor of the "Popular Vote Amendment" or 62% of the total number of units. This was short of the 75% required to adopt the amendment under the present CC&Rs.

The Board then approved a motion that will have our attorney petition the court to accept these results as sufficient to enact the "Popular Vote Amendment."

Regardless of how you voted on the matter of Cumulative to Popular Voting, it was great to see 263 homeowners from Surfside III get involved in an issue. We very much appreciate your participation, and hope everyone keeps this involvement. There is an annual election in October. It would be great to see 263 owners vote, rather than the typical 155-160 count of homeowners that usually vote.

Thank you again.

BOARD MEETINGS RESCHEDULED FOR THE SECOND SATURDAY OF THE MONTH AT 10:00 AM.

The Board of Directors is hereby giving notice that beginning with the August 2008 Board Of Directors meeting on August 9th, all meetings will now be scheduled for the second Saturday of the month. This includes the annual meeting, which is scheduled for October 11th. The new schedule is posted on the website, <http://www.surfsideiii.com>

The change in the day on which the Board meeting is held was motivated by the response we had at the July 19, 2008, meeting. The Board wants your participation and hopes that this change will provide an incentive for you to become part of the process. During the hour preceding each meeting we will provide a continental style breakfast to encourage a cordial exchange in a more informal setting.

If you are interested in running for the Board you will find a form that is enclosed for that purpose as well as posted on the website under governing documents. Please click on the "Annual Board Of Directors Regulation" link. Please note that this is to be mailed or e-mailed to Donalea Bauer at Lordon Management Company. The deadline is August 22, 2008.

SPECIAL ASSESSMENT PAYMENTS

The following table is a reminder of where we are with the special assessment payments:

2006	Year 1	\$2,000 due on August 1, 2006, and \$200 per month over the next 10 months, 9/1/2006 through 6/1/2007 -- done
2007	Year 2	\$2,000 due on August 1, 2007, and \$200 per month over the next 10 months, 9/1/2007 through 6/1/2008 -- done
2008	Year 3	\$2,000 due on August 1, 2008, and \$200 per month over the next 10 months, 9/1/2008 through 6/1/2009
2009	Year 4	\$2,000 due on August 1, 2009, and \$200 per month over the next 10 months, 9/1/2009 through 6/1/2010
2010	Year 5	\$2,000 due on August 1, 2010, and \$200 per month over the next 10 months, 9/1/2010 through 6/1/2011.

LONG RANGE FINANCIAL PLANS

At the July 19th meeting long range financial plans were discussed. While the minutes have not yet been approved by the Board and can not be posted, the presentations have been posted on our website. If you look on the "Meeting Minutes" web page, click on the minutes for July 19th and you will see the links for the presentations. The minutes will be added to this page when they are approved. The plan recapitalizes the association and allows us to do repairs while we set aside funds for future capital replacement. This plan will not result in a special assessment or increased monthly dues.

The repairs that will be done include painting, stucco color coating, paving, building envelope repairs, sprinkler system renovation, termite extermination, and railing replacement. There will be additional presentations at each of the next Saturday Board meetings in August, September and October.

SPECIAL ASSESSMENT REPAIRS UPDATE

We have completed re-piping buildings 2, 3, 7, and 6. Building 5 will start in early August. The re-pipe part of the special assessment repairs is under budget by \$870,000. This is a great help since the elevators and underground sewer repairs put us over budget. We expect to re-pipe six buildings this year.

COMMITTEE BRIEFS

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

Neighborhood Watch Committee - Val Lameka; 805-986-2855 or v.lameka@yahoo.com

Neighborhood Watch Meeting, July 10, 2008.

Attendees: Valerie Lameka, Scott Grolock, Mary Grissinger, Karl Twyman, Columbia Stenberg, Miriam Mabrey, Mary Remya, Sheri Nichols, Officer Burns.

Scott Grolock and Mary Remya reported gas siphoning incidents recently from their vehicles while parked in the Building 1 lot. Officer Burns took the reports and phoned them in to his office.

Officer Burns mentioned that a dangerous situation of lighting outage existed on our premises, and that muggings under the current conditions could result in lawsuits. Karl Twyman stated he would note the lights that are out after the meeting and report to office management next morning to have bulb replacements done immediately.

Graffiti was reportedly found in the back park area.

Officer Burns requested we be on the watch for a bicyclist who is setting fire to dumpsters in south Oxnard. Scott mentioned that the dumpster lid for Building 1 looks burned, in bad shape.

Officer Burns stated he did not understand how siphoning works. Several attendees explained, and Sheri offered to pull her car around to his for a live demo (her tank is lower than his). Officer Burns refused.

Strategies were discussed on how to attract more renters to Neighborhood Watch meetings. It was decided to add "Tenants Welcome" to the Meeting Announcement banner on the front gate, and to lay flyers on doorsteps ahead of the meeting next month.

After the meeting, Sheri and Karl found the following lights were burned out around the complex: far corner roof of Building 1; tall guy beside the big blue dumpster; tall guy on the LHW wall next to the clubhouse; left light on pole near

the rear exit gate; tall guy on walkway across from Building 7; middle light on LHW end of Building 8; lights above building number on both Buildings 4 and 5; light above dumpster across from Building 8; flagpole light.

FROM THE EDITOR

Please send all newsletter submissions to me at 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

CONTACT INFORMATION

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

Contact Lordon Management, 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 On-site Manager's Office: 600 Sunfish Way, Port Hueneme, CA 93041

Phone: 805-488-8484

Please note that calls regarding maintenance or billing should be directed to Lordon Management.

Surfside III Direct Contact:

Surfside III COA
600 Sunfish Way
Port Hueneme, CA 93041
<http://www.surfsideiii.com>
manager@surfsideiii.com
Phone: 805-488-8484

Marcy Sherbok, On-site Maintenance Manager
Ron Pierson, Construction Services Coordinator

Management Company:

Lordon Property Management
1275 Center Court Drive
Covina, CA 91724
Phone: 800-729-5673
For after-hours emergencies, dial 5

Donalea Bauer, Vice President, community manager

Email: donaleabauer@lordonmanagement.com
Phone: 800-729-5673 x 3342

Jennifer M. Critchfield, assistant community manager

Email: jcritchfield@lordonmanagement.com
Phone: 800-729-5673 x 3380

Our Board:

Bill Betts - President bill.betts@surfsideiii.com
Ira Green - Vice-president ira.green@surfsidediii.com
Ira Rubinson - Treasurer ira.rubinson@surfsideiii.com
Karl Twyman - Secretary karl.twyman@surfsideiii.com
Joe Dehorty - Director joe.dehorty@surfsideiii.com

LORDON MANAGEMENT: OTHER DEPARTMENT EXTENSIONS

All escrow issues: Chelia, ext. 3339; crubalcava@lordonmanagement.com
All insurance, lien, and other legal matters: Patty, ext. 3337; patty@lordonmanagement.com
Your account, billing address, etc: Cara, ext. 3319; cwoellhof@lordonmanagement.com

Below you will find the July 20, 2008 copy of the Davis-Sterling newsletter.

SECURITY CAMERAS

QUESTION: Can associations install surveillance cameras? Doesn't it violate our privacy as owners?

ANSWER: Yes, associations can install surveillance cameras. However, there are limitations on where they can be installed. Cameras cannot be installed in areas where there is an expectation of privacy, such as restrooms and saunas. In addition, there are limitations on recording sound where owners might have expectation of privacy regarding their conversations.



SNOOPING DIRECTORS

QUESTION: The board installed security cameras but won't tell us where they installed the monitors. Can they refuse to give us this information? We are concerned that snoops on the board are watching us from their own condos.

ANSWER: Unlike larger associations that have their cameras monitored by security personnel, smaller associations with limited budgets turn to volunteers to monitor the cameras. This creates an unfair burden on the volunteers and suspicion among owners. Sometimes, directors take their duties too far and become snoops.

Internet Cameras. To avoid such problems, more associations are installing security cameras that feed their signals to a website. This allows all owners to monitor cameras at any time day or night by simply logging onto the site. The website is password protected so that only members can review the cameras. This enhances security and eliminates suspicion about inappropriately aimed cameras. Owners who see breaches can immediately take appropriate action. Your association should explore this solution.

ENFORCING VEHICLE CODES

QUESTION: Can associations hire private security guards to stop vehicles in the community, enforce speed violations with a radar gun, and ticket for Vehicle Code violations?

ANSWER: Yes, associations can hire private security officers to patrol the association's streets and issue tickets. However, boards should be careful about obligating the association to enforcement of California's Vehicle Codes.



Election Rules
are now
required for all
associations



For industry specialists,
see our [Service
Directory](#)



Encourage
others to
sign-up for
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have a
talent for
cartoons,
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Need to amend your
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a quote.

Security companies are not trained or equipped to handle the enforcement of state laws. There is more to the Vehicle Code than speed limits and stop signs. Registration, license requirements, vehicle safety and a host of driving and safety issues are included in the obligations assumed by such boards. Telling the community that the association enforces the Vehicle Code and then failure to do so could result in liability for the association.

The best policy is to adopt specific rules to fit the association's needs. The rules should be reasonable and connected to the association's role in maintaining and governing the common areas. The board can and should adopt rules about speeding, stop signs, parking, and the like. It is much easier and less risky for security companies to enforce a limited set of rules than to enforce the State's Vehicle Code.

RECOMMENDATION. Boards should consult legal counsel when security issues arise. The association should also send an [annual notice](#) to the membership reminding homeowners to take common sense precautions to protect their own safety and security.



Very truly yours,

A handwritten signature in blue ink that reads "Matthew A. Gardner".

Matthew Gardner, Esq.
Adams Kessler PLC

Kessler's Condo Court

THE CASE OF THE OCEAN VIEW DECK DENIAL

An Association's architectural review committee denied a homeowner's application to expand their deck because it would impair their neighbor's ocean view. The homeowners sued the association, arguing that their application should have been approved since the neighbor did not have any right to keep her existing view.



How did the California Court of Appeal rule in the July 16, 2008 unpublished opinion of Fox v. Corniche Sur Mer Homeowners Assn? Find out by reading [Kessler's Condo Court](#).



To learn about court rulings affecting associations, go to:

Condo Court
Condo Court



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