



SURFSIDE III NEWSLETTER



November 2007

FROM THE BOARD OF DIRECTORS

ELECTION OF BOARD OF DIRECTORS

The annual ballot-counting meeting to elect our Board of Directors will be held in the Surfside III Clubhouse at 10:00 am on Saturday, February 9, 2008. The hour from 9:00 to 10:00 am on Saturday, February 9th will be used for an open question and answer session with the candidates. Although the anniversary date of the election of the current board is December 16, 2007, the date in February has been selected for several important reasons. The primary reason for this date is to allow the Superior Court to rule on the Association's Petition to Approve the CC&Rs based on the vote of the majority of members. This Petition process is permitted under Civil Code Section 1356 to prevent a minority of the members who vote no or who do not vote, to override the will of the majority of members. The court has scheduled the hearing on the petition for December 3, 2007 and the manner of voting in this election will be determined by the court's ruling on the petition. If the Petition is granted, the new CC&Rs will control and cumulative voting will no longer be available. It is the unanimous position of the Board of Directors that the fact that a majority of the members (160) and 91% of the valid ballots were in favor of the new CC&Rs (and only 18 votes against) and thus the elimination of cumulative voting, the will of the majority deserved to be given deference so as to allow the Court to rule on this issue first rather than simply proceed with another cumulative election when only a short delay would result to allow the ruling to take place. A second reason for the Board's decision to select this date is based on the membership's approval of the new Bylaws, which are now in effect and which permit the Board to notice the annual meeting within sixty days of the prior annual meeting. Again, the Board feels that membership would not have approved the Bylaws if it did not want the Board to have and exercise this discretionary power under these facts. The final reason for the selection of this date is due to the statement by one of your fellow members that she will oppose the Petition and will seek to delay the hearing currently set for December 3, 2007. Because of this stated intent and an inability to know the potential length of the delay, if any, the Board felt that it was appropriate to move the election meeting back to a date that created a likelihood that the interests of the majority of members who voted to eliminate cumulative voting would be recognized.

The approved bylaws are posted on the website and are being mailed to each owner. The petition to have the court accept our vote and implement the new CC&Rs is posted on the committee page of the website. Please see the documents pertaining to the CC&Rs, By-laws, Rules & Regulations Update Committee. A notice of this website posting can be found on the bulletin board in the clubhouse and at each entrance.

Should the Association's petition not be approved or not be decided in time to hold the election on February 9, we will continue to follow our current CC&Rs and hold an election with cumulative voting on February 9th.

Note: There will be no meeting on Wednesday, December 26th, 2007 or February 13, 2008.

Please see the Board Meeting Schedule on the Information page of our website <http://www.surfsideiii.com>

INTERIOR WALLS TO BE FINISHED AFTER PLUMBING RENOVATIONS

The Board would like to clarify a question that came up a couple of meetings ago concerning what will be done to the interior walls following plumbing renovations. The contract reads: "Affected gypsum walls and ceilings shall be taped, textured, and painted to match existing. Provide one coat of sealer (to new materials) and two coats of paint to all drywall walls and ceilings."

ACE DURAFLO COATING

The copper pipe re-coating is currently in process in the town homes. As we move forward on schedule, some requests have been made to change out sink or tub faucets. If you have such a request, you must contact Ace DuraFlo directly and make arrangements for your special plumbing requests as well as paying them directly for that work.

While Ace DuraFlo does provide water for drinking and water for flushing, it would be prudent to do any washing and fill the coffee pot before they arrive. This includes laundry, dishwasher, shower, and watering plants.

PRIVATE COMMUNICATION WITH ANY BOARD MEMBER

Normally concerns and problems are shared among all board members and management. If you do not want your information shared, please start your subject line with "CONFIDENTIAL-NO FORWARD." If you also request, Ira Green can give you personal e-mail addresses for any particular Board member so that you do not have to use their surfsideiii.com address.

The board does take seriously information provided and does care. That being said, no action can be taken without details. Also, without a number of similar complaints, nothing can be done without some substantiation. Allegations are just that.

BALLOTING TO UPDATE CC&Rs AND BYLAWS

Did your vote count? Do committees make a difference?

The answer is a resounding yes!!!!

With 217 voting before the close of polls and 5 rejected that were late, another 32 ballots were disqualified leaving 185 ballots being counted. This is a scant 30 ballots more than the 155 required for passage of the By-laws or for a quorum for the By-laws. It is nowhere near the 232 required for the passage of the CC&Rs. The outcome of 158 in favor of the By-laws and 17 against allowed them to pass by a scant 3 votes! However the vast majority of those that submitted a valid ballot did vote for them. In the case of the CC&Rs we received 160 votes in favor and only 18 against. In this case since a majority of the owners did vote for them, we will go forward to petition the court to approve them. In this case the majority vote was only exceeded by 5 votes. Your vote made a difference!

It is unfortunate that 87 owners apparently were not interested in voting and we encourage you all in the future to vote. We will again need 155 valid ballots for a quorum in the election for directors on December 8.

This all was made possible when Marion Kelemen and Polly Pride volunteered to be co-chairs of the CC&Rs/By-laws/Rules & Regulations Update Committee. They made a presentation and a proposal to the Board which was accepted and the Board funded their effort. Our attorney developed a draft set of CC&Rs and By-laws and the Board, the committee, and many volunteers recruited by the committee reviewed the documents and came up with the documents that were sent to each owner for owner approval by ballot. These documents were also posted on the website for review. The committee with many recruited volunteers knocked on doors and they and the office staff made many telephone calls to get in the vote. Without this enormous effort Surfside III would not have been able to bring their old documents up to the current law. Without this committee, the Board could not have accomplished this task. Committees are crucial to our success at Surfside III.

The Board wishes to thank the co-chairs Marion Kelemen and Polly Pride, and active committee members, Robert & Sharon Alumbaugh, Lynn Cannon, Skip Perry (a great driving force and organizer in this effort), and Tony Truex. Many volunteers include: Bill Betts, Al Galluzzo, Ira Green, John & Conny Ortiz, Bill Shanks, Marcy Sherbok, Carol Short, and Karl Twyman. Our apologies if we missed you in this list.

Two owners have submitted a lengthy article which is highly inflammatory and critical of the proposed CC&Rs and comes after the vote on the CC&Rs was conducted with a majority of the owners approving the CC&Rs. These owners did not attend the open forums to discuss the proposed CC&Rs nor did they submit any written opposition or comments

regarding the proposed CC&Rs. Since this article was submitted well after the voting on these issues were completed, this article is no longer relevant to the vote on the CC&Rs and as such will not be published. The Board has Petitioned the Superior Court to approve the restated CC&Rs approved by the majority of owners, and any dissenting owners will have the opportunity to present their opposition in that legal proceeding. You will all receive a notice of the Petition and be able to review its content to decide whether or not you wish to oppose the petition.

Committee Briefs

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

Landscape Committee - Chair: Dan Kessner, dkessner@csun.edu

The last two emergency tree trims for 2007 should be happening in the coming week or two. The Landscape Committee presented a plan to the Board that features a comprehensive trimming of all trees on the complex in early 2008, followed by maintenance trimming in future years. It is hoped that this will avoid some of the problems we've been experiencing the last couple of years.

Budget Committee - Chair: Ira Rubinson, irarubinson@yahoo.com

The subject of additional revenue sources has been discussed in some Budget Committee meetings. No ideas have yet been proposed but I may have one that warrants some research. It will require input from owners and tenants; hence it's appearance in the Newsletter.

Proposal: Establish an onsite "hardware store".

Pros:

Should not require a large selection because the units are all built the same.

Stock drywall scraps so we don't have to buy 4'X8' sheets to perform small repairs.

Stock serviceable hardware and fixtures discarded during upgrades that would be fine for most units.

Stock surplus material from remodels.

Should keep owners and tenants from bothering on-site maintenance staff for these materials.

Will help do-it-yourselfers from making excessive trips to the hardware store.

Cons:

Requires a location on-site.

Requires labor to organize and sell the stock.

Requirements:

Must pay for itself.

I myself have a louvered hall door, a half sheet of drywall and several ABS fittings that I'd much rather donate than let sit in my garage and I don't think that my situation is unusual.

Feasibility: Would it be used? If you would use such a site, please email to irarubinson@yahoo.com

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, 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.

Contact Information

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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600 Sunfish Way
Port Hueneme, CA 93041
<http://www.surfsideiii.com>
manager@surfsideiii.com

Management Company:

Lordon Property Management
1275 Center Court Drive
Covina, CA 91724
Phone: 800-729-5673
For after hours emergencies, hit 0

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

Wayne Matayoshi - Treasurer wayne.matayoshi@surfsideiii.com

Karl Twyman - Secretary karl.twyman@surfsideiii.com

Linda Kaplan - Director linda.kaplan@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