



**November 2008**

# **SURFSIDE III NEWSLETTER**

**Daniel Kessner - Editor**



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## **FROM THE BOARD OF DIRECTORS**

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### **Ameritek Contract Terminated**

Ameritek was the prime contractor for the interior work of the special assessment. In an emergency executive session the Board decided to terminate the contract in accordance with its terms and conditions. Our construction management company, Stonemark, will commence the search for a replacement contractor. Work in progress will continue if the unit is close to being finished.

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### **Oktoberfest**

The Oktoberfest on October 11 was a lot of fun. The duet was excellent. There were lots of laughs, and plenty of dancing.

Special thanks to Conny Ortiz, and Nathan and Martina Bruck for organizing this event. Nathan and Martina extended their hospitality by opening their home for an after-party.

This event was attended by about thirty people. This is hopefully the beginning of a series of community based fun oriented events.

To support such events the Board has revised our rules and regulations to allow the consumption of beer and wine on common grounds. This rule change as well as others are being prepared for mailing to all owners for the thirty day owner review period

Conny and Nathan, when is the next party?

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### **Special Assessment Repairs**

Building 5 is underway and proving to be a real challenge. Four units had cracked underground sewer laterals. These were dug up and replaced. Only one unit had mold.

Building 1 has started with the epoxy process. Due to the contract termination with Ameritek the drain line re-pipe for building 1 will be delayed beyond its late November completion date.

The clubhouse supply lines have been epoxied. Drain lines on the pool side have been replaced.

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### **Accounts Receivable**

The amount of monthly dues owed to the association by owners has increased by more than \$100,000 in the last two months. This increase is due to the fact that about a third of the owners did not pay the \$2,000 special assessment

payment in August. As a result, the Board will hold up any further re-pipe work until this situation improves. We will continue with work in progress but will not move into a new building until the accounts receivable situation improves.

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## General Manager

We continue to search for a general manager. The Board made a contingent offer to one of the candidates interviewed at the September open meeting. This offer was contingent on successful completion of a reference and background verification process. The candidate backed out during that process.

Carol Short, our administrative assistant in the on-site office, has taken over many of the manager's tasks and has done very well. While she is working full-time until we find a manager, she does not want to do so permanently and does not want the manager position. She has dealt with a lot of issues unfamiliar to her. Please be patient, we are actively recruiting to fill the vacancy.

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## Water Meter Meeting

The City of Port Hueneme and their engineer Boyle / AECOM are hosting an information session with regard to the Water Meter Installation Project. Please come join us for refreshments and beverages and have all your questions answered. Learn about what's going on in Port Hueneme and how this project may affect you! We look forward to seeing you!

Where: Clubhouse

When: October 29, 2008 at 6 pm

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## Farewell Old Friends

There are three new Board members. Inna Giler and Skip Perry have returned to the Board after a two year absence. Welcome back. Mike Madrigal has joined the Board as well.

We say good bye to Karl Twyman, Ira Rubinson and Joe Dehorty. Thank you for your help and support this past year.

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## Update To Rules And Regulations

This update to the Rules and Regulations has been submitted by the CC&Rs/By-laws/Rules and Regulations Update Committee. It was presented to the Board, which approved these changes to be sent out for a 30 day comment period. Please e-mail your comments to [ira.green@surfsideiii.com](mailto:ira.green@surfsideiii.com). You may also bring them to the on-site office or mail them to Donalea Bauer of Lordon Management to her Covina address, Lordon Property Management, 1275 E. Center Court Drive, Covina, CA 91724. The Board will review all comments. If there are changes to be made to any rule submitted herein, the change will be once again sent out for a 30 day comment period before it is adopted. Those rules not changed are expected to be adopted at the open Board meeting on December 13, 2008. The changes which are included at the end of this newsletter are ***Bold Italics, underlined.***

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## Petition to Implement Popular Voting Accepted at Monday, October 6th, Hearing

The CC&Rs, Bylaws, Rules & Regulations Committee submitted the following change to the owners:  
Article IV, Section 4 of the Declaration shall be amended to state as follows:

"In the election of directors, each member shall not be entitled to cumulate his votes. Each member shall be entitled to cast one vote per each candidate, up to the number of directorships to be elected at a particular election. The candidates receiving the highest number of votes up to the number of board members to be elected shall be deemed elected.

Any director or the entire board of Directors may be removed from office by the affirmative vote of fifty one percent (51%) of the owners entitled to vote at any election of the Board. If any or all of the Directors are so removed, new Directors may be elected at the same meeting."

The committee went all out and got the largest number of people to submit ballots that we have seen in our recent history. While the vast majority voted for this amendment to the CC&Rs, it was not enough to pass the change. Our attorneys petitioned the court to accept this change with the number that we had. At the hearing for the petition, seven owners from Surfside III were in attendance. Of those, two were board members. Both Susan Salehi and Linda Kaplan submitted briefs to the court as objectors to the petition. While Linda Kaplan was in attendance at the court, Susan Salehi called the court earlier and said she would call in. After waiting for Susan's call for more than 30 minutes, the judge proceeded and approved the petition without comment. However, as a result of the objections, our attorneys were required to perform additional legal work on our behalf.

With the acceptance of the petition and this distribution of the language of the amendment to the CC&Rs, our Board of Directors will now be elected by popular vote in 2009 and thereafter. A recorded copy of this amendment will be sent out to each owner.

We owe a debt of gratitude to Marion Kelemen, the chair of this committee, and all of the members, Lynn Cannon, Al Galuzzo, Conny Ortiz, John Ortiz, Skip Perry, Bill Shanks, and Tony Truex. I am sure there are many others as well. Had the original CC&Rs effort prevailed, changes would now be much easier because changes could now have been made by a simple majority. However, the main document still requires update. Next year, our attorney will look at comments made on this document, including those that were in Susan Salehi's brief filed in objection to that document. An updated version will be generated, and with what we have learned it would be an outstanding goal for the committee to take the full document on next to have it approved and bring that effort finally to fruition.

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### **New Board Elected at the Annual Meeting on October 11, 2008**

163 ballots were turned in; all but one was valid.

Bill Betts received 222 votes

Ira Green 181

Mike Madrigal 145

Skip Perry 145

Inna Giler 117

Bill Betts will continue as President and Ira Green as Vice-president. Mike Madrigal will be the new Secretary and Skip Perry our Treasurer.

We appreciate all that promptly sent in their ballots and gave us a quorum.

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### **From our Management Company**

Lordon Management wants to assist members in regard to their billing and account questions as quickly as possible. Please note that any correspondence pertaining to your account should be mailed to Lordon Management, ATTN: Donalea, at 1275 Center Court Drive, Covina, CA 91724. It will then be forwarded to the appropriate party for research and response. Please do not forward correspondence to the lockbox address in San Francisco, as that mail goes directly to the bank and not to Lordon Management. Thank you and we look forward to assisting you in any way possible.

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## **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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**Neighborhood Watch Committee** - Val Lameka; 805-986-2855 or [v.lameka@yahoo.com](mailto:v.lameka@yahoo.com)

Sr. Officer Burns brought the crime Stats for August, and briefly touched on the September incidents. Although Surfside III had no thefts reported in August, there were 4 in September.

Andy Michrina, a volunteer at the Port Hueneme PD, gave a short presentation about the program, and said the PHPD

was looking for ride-along volunteers. Anyone interested in this and other opportunities within the department can contact Andy through the department phone number (986-6530).

The next Neighborhood Watch meeting will be at 7 pm in the clubhouse on November 6. Building captains please phone your reports to Valerie Lameka at 986-2855 before the meeting if you are unable to attend.

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**Landscape Committee** - Dan Kessner; 818-274-6048; [dkessner@csun.edu](mailto:dkessner@csun.edu)

A number of problems have been surfacing as a result of plants on townhome patios. We would like to remind townhome owners that they are responsible for any damage caused by shrubs or trees on their patios. Arborists have advised us that ficus trees are especially problematical, as their roots often do major damage. We advise you to inspect your patio landscape and remove trees and large shrubs before they cause damage. We would also like to remind all Surfside III residents that nothing may be planted in the common area without Landscape Committee/Board approval.

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## OWNERS' CORNER

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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 of 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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From Dan Kessner

Although Halaco has been in the headlines for years, the proposed dredging project at the Port of Hueneme will involve over a year of constantly siphoning sediment in and around the port. This will expose swimmers at Port Hueneme and the surrounding areas to unknown significant levels of toxic pollution, and a complete environmental review will not be undertaken without an outcry from residents. Please look for contact information necessary to make a public comment to the Regional Water Control Board.

Also, a CD copy of the Re-circulated DEIR (Draft Environmental Impact Report) for a project at Ormond Beach (directly connected to Hueneme Beach) is available for SSIII residents. It can be checked out from the Clubhouse office. The comments made from our community and prominent scientists, will take the Oxnard Planning Commission until 2009 to respond.

This, plus the EPA Superfund status of the Halaco site, is significant projects that impact our health and quality of life. Kesa Ryono has been working on this and other issues (LNG Task Force Steering Committee) since 1992. To make sure that someone is paying attention to our safety, you might consider a vote for her for Port Hueneme City Council on November 4. Kesa and her family are original owners of SSIII. She is a Port Hueneme Parks, Recreation and Fine Arts Commissioner, Volunteer in Policing, Ventura County Fish and Game Commissioner and is employed at the Ventura

County Community Foundation program, currently coordinating a compact for the 10 cities and Ventura County for regional sustainability. It would be great to have one of our own in a position to help us all.

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I would also like to mention what a great time Dolly and I had at the Oktoberfest picnic after the October 11th Board meeting! I know that Conny Ortiz and her family and Nathan Bruck and his wife were at the center of organizing the event, so our thanks to them, and all others who helped as well.

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## FROM THE EDITOR

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Owners and renters should be aware that the Newsletter is always available on the website: [www.surfsideiii.com](http://www.surfsideiii.com). This includes back issues.

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

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## CONTACT INFORMATION

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### 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 Property 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](mailto:manager@surfsideiii.com)  
Phone: 805-488-8484

**Carol Short, On-site Property Manager -- Acting**  
**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](mailto:donaleabauer@lordonmanagement.com)  
Phone: 800-729-5673 x 3342

**Jennifer M. Critchfield, assistant community manager**

Email: [jcritchfield@lordonmanagement.com](mailto:jcritchfield@lordonmanagement.com)  
Phone: 800-729-5673 x 3380

#### **Our Board:**

Bill Betts - President [bill.betts@surfsideiii.com](mailto:bill.betts@surfsideiii.com)  
Ira Green - Vice-president [ira.green@surfsidediii.com](mailto:ira.green@surfsidediii.com)  
Skip Perry - Treasurer [skip.perry@surfsideiii.com](mailto:skip.perry@surfsideiii.com)  
Michael Madrigal - Secretary [michael.madrigal@surfsideiii.com](mailto:michael.madrigal@surfsideiii.com)  
Inna Giler - Director [inna.giler@surfsideiii.com](mailto:inna.giler@surfsideiii.com)

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

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

## Update To Rules And Regulations

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### FOREWORD

The following Rules and Regulations have been established pursuant to Article V of the Declarations of Establishment of Covenants, Conditions and Restrictions (CC&Rs), the Association's By-Laws, and by action of the Board of Directors.

These Rules and Regulations apply to owners, guests, residents, tenants and lessees of Surfside III. IT IS THE UNIT OWNER'S RESPONSIBILITY TO ACQUAINT HIS/HER FAMILY, GUESTS, ***TENANTS, RESIDENTS*** AND DELIVERY PERSONNEL (***Hereinafter collectively referred to as occupants***) WITH THE RULES AND REGULATIONS AND THE IMPORTANCE OF COMPLYING WITH THEM.

It shall be an express condition of the leasing of any unit that the lessee read and agree to abide by all provisions of the Rules and Regulations adopted by the Board of Directors of the Association. Extra copies are always available in the Manager's Office.

Should any dispute arise as to the intent of enforcement of these Rules, final decision shall rest with the Board of Directors.

These Rules and Regulations were updated, approved and adopted by the Board of Directors at the regular meeting on ***December 13, 2008*** and so recorded in the minutes of that meeting.

### INTRODUCTION

Condominium living can be a pleasant and carefree experience if we all work together and exercise care and consideration for our neighbors. What you do or don't do has a direct effect on your property values. We sincerely want the residents of Surfside III, owners and ***occupants*** alike, to enjoy living here. To this end, we have published and distributed these Rules and Regulations, in condensed form, as a guide of what we expect from you as ***an occupant***. These Rules apply to all residents and will be enforced without bias as to one's status as owner or tenant. Thank you in advance for your consideration.

### PART I

#### ***VIOLATION OF RULES AND REGULATIONS POLICY***

- 10 Pets in the elevators - \$100.00 initial fine. The ***three*** exceptions are: (1) doctor's statement saying that the Homeowner or Resident is unable to use the stairs, (2) any pet that is carried while in the elevator (The doctor's statement must be in the Surfside III files for that unit located in the Property Management Corporation Office and/or on-site office.), and ***(3) A pet that is unable to navigate steps. In this case, a veterinarian's statement must be in the Surfside III files for that unit located in the Property Management Corporation Office and/or on-site office.***
- 12 Owners and/or their agents are responsible to make certain that their tenants register with the office/on-site manager and/or Property Management Corporation within five (5) working days after occupancy and receive and acknowledge receipt of the Rules and Regulations. Failure to do so with in ten (10) days will result in a ***\$100.00*** fine in addition to the \$100.00 new tenant move-in fee assessed to the owner.
- 13 Lessees'/Renters' conduct that requires the police to be called a second time will result in a \$200.00 fine to be assessed to the

owner. That fine will be waived if the owner evicts the tenant within **120** days.

## PART II

### GENERAL

1. All excessive noise, such as made by stereos and **musical** instruments, etc. is prohibited. No nuisance, illegal acts will be permitted. All City of Port Hueneme Municipal and Vehicle Code Sections as well as California Civil Code rules are to be adhered to.
3. Unit balconies or patios are not to be used for open storage of any kind, or for the drying or airing of clothes, towels, blankets, wet suits, etc. Furniture and plant stands on balconies and patios shall be limited to the normal types of outdoor furniture built for the purpose and maintained in good condition that are normally made of bamboo, willow, cane, wickerwork, pine, spruce, redwood, plastic, wrought iron, aluminum or plastic-covered metal frames. **The mentioned items as well as storage units should not extend above railing or wooden fences.** Padding must be stuffed into a wind and rain-resistant cloth. **Any new plants and trees planted by town home patios after 12/13/2008 should be in pots so as not to interfere with patio and building structures**
11. **Construction and homeowner repairs are allowed Monday thru Saturday from 8 PM to 8 PM and 10 AM to 6 PM on Sundays.**
12. **Alcohol (beer and wine, but no hard alcohol drinks) is allowed in common area parks and exclusive use areas. Alcohol (beer and wine, but no hard alcohol drinks) is allowed in the clubhouse area when it is rented for private parties, however a security service and additional insurance by the persons renting the clubhouse, for that event are required. Alcohol is not allowed on the poolside or in the exercise area of the clubhouse.**
19. **Owners may NOT hang wind chimes, hanging plants, etc from the balcony and framing structure or under an overhang into the stucco or wood effective with the adoption of this rule on 12/13/2008.**

### FLOWER GARDENS

- 2 Residents of ground floor units may apply to the Landscape committee for permission to use a portion of the Common Area for a small flower garden immediately adjacent to their Unit. No such garden may extend more than eighteen (18) inches, or as approved by the Landscape Committee, into the Common Area from the Unit, and no such garden may interfere with existing sprinkler, irrigation lines, **proper drainage** or any other utility.
- 3 Upon approval of the Landscape Committee and prior to installation of a garden **on ground floor units and town homes**, the resident must assure that there will be no damage to any portion of the Common Area and that they will be responsible for upkeep. **Trees and shrubs will not be planted in the ground by townhome patios, but rather in pots or planters as of 12/13/2008. Any planting added by an occupant is the responsibility of the owner, as well as any damage it may cause.**

### RENTAL UNITS

1. Unit owners are responsible for a \$100.00 move in fee for each new tenant. **It is up to the owner to decide if they want to pass this cost to a new tenant.**
3. Owners and/or their agents are responsible to make certain that their tenants register with the office/on-site manager and/or Property Management Corporation within five (5) working days after occupancy and receive and acknowledge receipt of the Rules and Regulations. Failure to do so within ten (10) days will result in a **\$100.00** fine which is in addition to the \$100.00 new tenant move-in fee assessed to the owner.
5. Owners are responsible for the administration of their **occupants**, including the initial issuance of gate cards, placards, decals, or other designated material, and Common Area security keys. Mailbox keys are the responsibility of the individual unit owners and additional mailbox keys may be obtained from the Port Hueneme Post Office. All inquiries or complaints regarding mail service or the operation of the mailboxes should be directed to the Post Office.
6. **Any Occupant's** conduct that requires the police to be called a second time, and a validated complaint is filed, will result in a \$200.00 fine to be assessed to the owner. That fine will be waived if the owner evicts the tenant within **120** days.

### KEYS

2. **Owners** must buy all keys. **Owners who have made deposit payments for keys prior to this revision of the Rules and Regulations (9/12/2007) will receive their deposit money back upon return of keys, with or without receipts.**

### ARCHITECTURAL ALTERATIONS, ADDITIONS, OR MODIFICATIONS



11 **Item 11 is removed**

12 **Item 12 becomes item 11, and everything after the second paragraph is removed, starting with "Gate locks may be installed"**

**Item 12 becomes " There are standards on the website under "Committees/Architectural/Architectural Standards, for the following items**

- a) **Satellite Dish installation**
- b) **Condo Security Door and Screen Door Installation and Locks**
- c) **Replacement Windows and Doors**
- d) **Town House gate Locks**
- e) **Patio Wrought Iron Gates (for first floor units)\**
- f) **Patio Blinds**
- g) **Plumbing Repairs following Ace Duraflo upgrades**

**These standards must be met when doing Architectural upgrades and/or repairs, and submitting applications**

### **SIGNS**

2 An owner may submit a sell or rent notice for display in the front entrance glass case by contacting the onsite manager. **"For Sale" signs are permitted in windows, doors, exclusive use gates or railings (as long as they are not attached in such a way as to modify the railing or gate). No other signs except as permitted by civil code are permitted..**

### **PETS**

2 Pets are not allowed in the elevators. The **three** exceptions are: (1) doctor's statement saying that the Homeowner or Resident is unable to use the stairs, (2) any pet that is carried while in the elevator (The doctor's statement must be in the Surfside III files for that unit located in the Property Management Corporation Office and/or on-site office.), and **(3) a pet that is unable to navigate steps. In this case, a veterinarian's statement must be in the Surfside III files for that unit located in the Property Management Corporation Office and/or on-site office.**

### **CLUBHOUSE RULES AND REGULATIONS**

**6** CHILDREN UNDER THE AGE OF 14 ARE NOT PERMITTED **IN THE Clubhouse/Pool** UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT WHO IS AT LEAST 18 YEARS OF AGE (Title 22, California Code of Regulations, Section 65539(c))

**7** Use of the spa is restricted to persons fourteen years of age or older unless accompanied by a responsible adult eighteen years of age or older (Title 22, California Code of Regulations, Section 65539(c)). **Caution should be used by adults when allowing minors in the spa and sauna areas, as they may be more susceptible to the effects of the heat.**

20. Radios and other music playing devices will not be permitted on the south side of the Clubhouse (library, kitchen and office area side), **The exception is when the area is rented for a party. Radios or other music playing devices will be allowed on the north side of the Clubhouse pool table area only. They are prohibited from the pool area for safety reasons.** They may be allowed in the exercise room if headsets are worn.

21. The south side of the Clubhouse (**Library, kitchen and office area**) is reserved for the use of adults eighteen (18) years of age or older. No one under the age of eighteen may be on the south side of the Clubhouse unless accompanied by an adult who will act as a sponsor, except in the case of an emergency. In the event the sponsor of a person under the age of eighteen leaves the Clubhouse that person under the age of eighteen must accompany the sponsor in leaving the Clubhouse.

### **WORKOUT ROOM**

26 The workout room may be utilized by individuals who are otherwise authorized to use the Clubhouse and must be at least eighteen (18) years of age. NO INDIVIDUAL UNDER THE AGE OF 18 MAY USE THE WORKOUT ROOM UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN **and are at least the age of 10 years or older. No person under 10 is allowed to use the exercise room. In addition, adults should not carry or hold a minor while using the exercise equipment.**