



February 2014
SURFSIDE III e-NEWSLETTER
Daniel Kessner – Editor



FROM THE BOARD OF DIRECTORS

Inspector Of Elections Report For Surfside III Reconvened Annual Meeting On Date: 01/11/2014

Number of Units: 309 less 13 owners who have had their voting rights suspended = 296 owners voting

Number for Majority Quorum: Majority = $296/2+1=149$ Quorum not met for 1st meeting on 12/14/2013

Number for 25% Quorum: $296/4=74$ Quorum met for reconvened meeting on 01/11/2014

Total Ballots cast: 148 Number of Votes necessary to Elect: Plurality

Illegal Ballots: 0

Blank Ballots: 0

CANDIDATE NAME

VOTES RECEIVED

Ira Green	Elected	105
Alex Urmersbach	Elected	97
Mike Madrigal	Elected	92
Tony Truex	Elected	86
Bill Betts	Elected	85

Al Galluzzo	83
Nathan Bruck	76
Linda Kaplan	69

The organizational session of the new Board will take place at the open meeting on Saturday, February 8, 2014.

CC&R Draft Review

Our attorney, Gabrielle Mezger-Lashly, will be discussing the draft CC&Rs at the next Board meeting on Saturday, February 8th. Her presentation will start at 10:00 am during the open Board meeting. Several owners led by Terry Smith generated a document which was carefully studied by our attorney, Gabriele M. Mezgar-Lashly of Slaughter and Reagan LLP, and the Board member appointed as legal liaison, Ira Green. Every one of the points in that document was carefully reviewed. Our insurance agent was also involved in making sure that our CC&Rs were consistent with our insurance policy and also the subrogation of other insurances. Our work resulted in a considerable number of changes. The document that Terry Smith's committee submitted was responsible for many of these changes. When you review this updated draft, I suspect that a number of the Board members will be surprised that items that were originally proposed are no longer present in the draft. There were of course a number of items that did survive that Terry's group would have preferred not be in the draft. These will all be discussed along with the reasons some things survived and some did not! This document must ultimately be embraced by all of us. It must get the vote of a large percentage of homeowners that will be needed to carry this document. This will NOT be the last discussion meeting on these critical documents.

The drafts of the CC&Rs and the Bylaws are posted on the records page on our website. The direct links are <http://www.surfsideiii.com/docs/records/2014-01-2014Draft.CCRS.redlined.htm> and <http://www.surfsideiii.com/docs/records/2014-01-31Draft.Bylaws.redlined.htm>. Note that they are drafts and still must be thoroughly discussed and understood. It is the culmination of input from many different sources, and clearly is still a draft until it is understood and is supported.

J Street Canal Schedule

The construction for the J Street Canal has begun. Barriers are being put up. The schedule for 2014 in Adobe pdf format is posted on the website in the records section. The direct link is: [2014 JSDP Schedule](#). You should also note that the latest presentation by Mike Gilbert about the landscaping around the J Street project from November 23, 2013 is also on the website.

Safety Of Our Children

It has recently been reported that there has been running on the streets by foot, skateboards and bikes. The on-site office has also received reports of playing in the carport areas, running between the parked cars, down the condo staircases, and screaming. Please use the Lighthouse Way or Clubhouse Park area for recreational purposes. Safety is foremost and we need to refrain from harmful activities. When we can identify those that are violating our safety rules, either by our own observation or by reports from others, we will call the parents of offending young adults and send out violation letters!

FROM THE ON-SITE OFFICE

BEAUTIFICATION COMMITTEE

Saturday, February 22nd, 9:00 am until Noon

Located in Picnic Area behind Clubhouse

Set some time aside on Saturday, meet some neighbors and support the committee for a fun morning. Meet at the picnic area behind the Clubhouse and wear working pants or shorts and gloves. Bring some planting tools with you along with a desire to dig, dig, and dig. Colorful perennials/annuals will be planted at the main entrance gate and other selected areas. The costs of the plants are covered as part of the contract with Valley Crest.

And if you've got an overabundance of plants on your patio/balcony that you may want to donate, please bring those with you too.

The plan is to have low water/drought tolerant plans on the property. Some locations have been completed and are looking great. Keep in mind, we aren't talking about prickly desert plants, but some beautiful and colorful flowering plants which require minimal water. If you wish to donate some, the on-site office has a list, or just email the office and we'll send it to you. Email: carol.short@surfsideiii.com. Pictures of the recommended plants are posted on the Bulletin Board in the Clubhouse.

Help us plan with your RSVP and any planned donations in an email to lynnehaile@hotmail.com, or stop by the office and leave your information with Carol or by phone at 805-488-8484.

CITY OF PORT HUENEME REPORTS

The City of Port Hueneme occasionally reports any unusual Water usage in either a Condo Building or Townhome. Recently, we were notified of a leak in a Condo building and sent notices to the entire Building. It is important that you report any leak to the on-site office, who in turn will advise if you need to contact a plumber, or we will stop by to take a look. The townhomes are easier to remedy!

We recommend that you turn off the water at the angle stops when you are gone for any length of time. Thank you in advance for your cooperation!!

REPAIR AND MAINTENANCE

Frequently, the on-site office receives calls on plumbing, electrical and repair and maintenance issues. Some of these repairs can be handled directly by the homeowner/property manager rather than the office.

Plumbing – if you are experiencing a leaking faucet, flex line (under sink and behind toilet), a running toilet, leak in drain pipe under the sink, leaking shower/tub handles, shower head ... anything visible can be handled by the homeowner. If you hear gurgling or abnormal sounds, a stop-up – these should be reported to the on-site office.

Any repairs involving the shower/tub valves are the responsibility of the homeowner but should be reported to the on-site office in advance to insure that water does not leak downstairs, and the plumber needs to be made aware that the supply lines have been coated with an epoxy liner.

Plumbers used by the homeowners' association are: Donlon Plumbing [805-985-8885](tel:805-985-8885) and Victor's Plumbing [805-432-1432](tel:805-432-1432).

Electrical – If you experience that a breaker in the unit is not working, or the receptacle is worn, these are homeowner issues. Anything inside the wall is the Association's responsibility, outside is the homeowner. When in doubt, contact the on-site office.

Electricians used by the association are: Straight Line Electric: [805-639-0995](tel:805-639-0995) and J&L Electric: [805-431-2399](tel:805-431-2399).

Repair & Maintenance – If you are installing flooring, cabinetry, or carpeting the contractors that are used by the association are: All Concepts: [818-540-5164](tel:818-540-5164) and Monreal: [805-217-2964](tel:805-217-2964).

Always contact the on-site office in advance of Repairs and upgrades to insure that any paperwork required is filled out in advance for the Architectural Committee and Board of Directors.

ELEVATORS

As a result of the number of problems with several of the elevators over the past several months, we've asked our vendor to provide us with a list of the most common problems. They reported back by stating: (1) ocean air which increases oxidation to sensors and rapidly deteriorates circuit boards; (2) leaves can be blown in naturally; (3) security locks – the elevator key is the same key for the beach gate and gym, and it is a special high security key and lock and must be turned to the right SLOWLY to work properly. If it's not done correctly, it may not work.

PETS

During the evenings when dark, many residents are finding that when the pet owner is taking their pet for a walk, they are not cleaning up. All pet owners are personally responsible for immediate clean-up after their pets. Likewise they are responsible for keeping their patios or balconies free of urine and feces. Anyone violating this rule will be subject to the initial fine "without the benefit of a warning for special circumstances" of \$100. And as important, all pets MUST be on a leash and accompanied at all times when outside the confines of the individual units, patios and balconies. - \$25 initial fine.

CONDO HEATERS

It's that time of the year and homeowners are contacting the on-site office requesting vendor information for inspections of their heaters. In all of these cases, the heaters are the original ones installed when the complex was built. It's been reported that the heaters either had a slow leak, burned wires, or other work which needed to be done. After some [investigation](#) it was recommended by a vendor that if the heaters are 30 years or older they most likely would need to be replaced. We request that homeowners pay particular attention to this matter and consider an inspection of their heaters. It is inevitable that the older the heaters are, the more dangerous they become. Please consider a "Safety Inspection." The Gas Company will come out for a one-time free of charge inspection to determine if there is a potential problem. If the heater needs to be replaced, we can provide you with names of vendors that some homeowners have used. Feel free to contact the on-site office.

DRYER VENTS

Cleaning the lint trap is important for your safety. If not routinely cleaned, it can cause water damage, water condensation, possible fire hazard, health risk, higher electrical costs and possibly damage to your dryer. We need everyone's cooperation to take responsibility in your unit to maintain the dryer properly. If anyone would like to give us their recommendation, please contact the on-site office. We can then pass on that recommendation if you visit the onsite office.

"ONE MAN'S TRASH IS ANOTHER MAN'S TREASURE"

If you have furniture or other household items you no longer want or need, contact the local thrift stores in the area to see if they will take them. Please, please, do not put them at the Maintenance Shed, RV Parking Area or the dumpsters. Here are a few names to call:

Pete's Recycle 909-647-6778 (and they may pick up mattresses)

Mar's Major Appliance Recycling Service – 800-960-2125 or 805-986-6500 – Appliances

Goodwill Industries – 805-981-0130 (for drop off locations) Household Goods, Small Major Appliances, Furniture, Misc.

Salvation Army – 800-958-7825 (for pick-ups) Household Goods, Major Appliances, Misc

ARCHITECTURAL APPLICATIONS

If you plan on making any changes/renovations/repairs to your condo unit/townhome, please contact the on-site office in advance. There have been several changes without notification to the on-site office which required the homeowner to tear up the hardwood/laminate flooring only to re-lay it with the appropriate underlayment. Some work requires permits from the City of Port Hueneme and we can advise you. Windows/Doors always require an Architectural Application. Always contact the on-site office in advance of any change. Thank You.

LOST AND FOUND

The on-site office has turned in any wallets or IDs to the Port Hueneme Police Department. If you are an owner who has lost one of these, please contact the PHPD directly at 805-986-6530 and reference report number 14-148.

COMMITTEE BRIEFS

For more information visit: <http://www.surfsideiii.com/docs/committee/committee.htm>

Please contact the chair to volunteer.

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

We had a very quiet holiday season at Surfside III. And, we like it! Police volunteer Dolores Dyer gave us the stats, and we were visited by Officer Chavez and Police Trainee Chris Gunter. It was fun and the donuts were good. Also several of us attended the Christmas BBQ put on by the Police Officers Association.....MMMMMMM - GOOD. Please continue your support for our wonderful Police Department and continue to call suspicious or strange activity to their attention (986-6530). The next Neighborhood Watch meeting will be Thursday, February 6, at 7:00 pm in the Clubhouse.

Questions or reports to Valerie Lameka at the above number.

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 is the 20th of each month for the following month's issue. Owners and renters should be aware that the Newsletter is always available on the website: www.surfsideiii.com. This includes back issues.

The **Owners' Corner** is a forum for all of you to voice your opinions on anything that might be of interest to everyone else. Please feel free to take advantage of this.

The City of Port Hueneme has a free electronic newsletter with information on various city-related matters and events. To sign up to receive it, visit the city website: <http://www.ci.port-hueneme.ca.us>, then in the column at the far left, click on "Sign Up for E-News."

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 Property Manager's Office: 600 Sunfish Way, Port Hueneme, CA 93041

Phone: 805-488-8484

OFFICE OPEN:

Mondays & Fridays – 8 am-12 noon

Wednesdays – 1-5 pm

THERE WILL BE NO ON-SITE TELEPHONE SERVICE WHEN THE OFFICE IS CLOSED.

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

Carol Short, On-site Property Manager

Management Company:

Lordon Property Management
1275 Center Court Drive
Covina, CA 91724
Phone: 800-729-5673
For after-hours emergencies, dial 5 or
626-771-1075

Donalea Bauer, Vice President, community manager

Email: donalea@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@surfsideiii.com

Alexander Urmersbach -

Treasurer alex.urmersbach@surfsideiii.com

Anthony Truex - Secretary tony.truex@surfsideiii.com

Michael Madrigal -

Director michael.madrigal@surfsideiii.com

LORDON MANAGEMENT: OTHER DEPARTMENT EXTENSIONS

All escrow matters: Christina Willey, ext. 3339; escrow@lordonmanagement.com

All insurance and collections: Emily Polchow, ext. 3337; epolchow@lordonmanagement.com

Your account, billing address, etc: Liz Lopez, ext. 3319; llopez@lordonmanagement.com

Liens, legal issues: Donalea Bauer (see above)

FORCE-PLACED INSURANCE

QUESTION: Can an HOA use force-placed insurance? Force-placed insurance is when the banks buy an insurance policy for homeowners to protect the bank's investment. I'm wondering if an HOA can do the same thing if owners fail to insure their units? The HOA needs a way to protect itself.

ANSWER: Banks are able to "force-place" insurance because of two important conditions: (i) the loan agreement gives the lender authority to do so and (ii) banks have an insurable interest in the property because the home is collateral for the loan.

No Authority to Purchase. Unless an association's governing documents grant authority, boards cannot purchase insurance for an owner and charge back the premium to the homeowner. Even if the governing documents allow it, the association does not have an ownership interest in the unit. Without an insurable interest, it's unlikely a carrier would sell them a policy.

Administrative Nightmare. Assuming an association could purchase individual policies for owners, it creates an administrative problem for the association. To purchase insurance for owners who fail or refuse to purchase their own insurance, the board would have to monitor every owner's insurance. If there are 100 units in the development, there are 100 different insurance policies to monitor with 100 separate expiration dates to calendar and track. Since homeowners could let their coverage lapse at any time during the policy term by simply missing one or more monthly installments, the board would need to monitor their insurance daily and immediately purchase coverage for the owner when it lapsed.

Expensive. Because force-placed insurance is very expensive, the homeowner has incentive to buy his own insurance as soon as the costly back-billed premiums hit. This creates yet another task for the person monitoring the insurance. Once the homeowner buys his own insurance, the force-placed coverage must be immediately removed and any unused premiums refunded to the homeowner. Forced-place insurance is so complex that even lenders don't administer their own programs; they rely on third-parties to oversee them.

RECOMMENDATION: Instead of force-placed insurance, associations should consider amending their governing documents to require owners to carry insurance. To protect the association from administrative headaches and potential liability, the amendment needs to exempt the association from the duty of monitoring the provision. If your association needs assistance with the amendment, [contact me](#).

Thank you to Tim Cline of the [Timothy Cline Insurance Agency](#) for his assistance with this question.

BUILDING ORDINANCE COVERAGE

Condominium associations need "Building Ordinance" insurance coverage if they wish to be compliant with Fannie Mae requirements. It affects the ability of some buyers to purchase in condominium associations. See Form 4335's highlighted description of [Ordinance or Law Coverage](#) and talk to your association's insurance broker to find out if you have such coverage.

DONATED TREADMILL

QUESTION: We have someone that wants to donate a treadmill to us. One board member thinks it's a great idea to put it in the recreation room. I say it is a huge liability.

ANSWER: It is a *potential* liability but not a huge one.

No Risk-Free Environment. It is impossible to be free of risk in an association. If you have common areas, you have risk from sidewalks (trip and falls), lobbies (slip and falls), trees (falling branches), roofs (water leaks), plumbing (water leaks), drain lines (backups), etc.

Weigh & Manage Risk. The more sensible approach is to weigh the risk and benefits. If you have risk with no reward, avoid the risk. If you have low risk and high reward, take the risk. If the risk equals the reward, figure out how to reduce the risk. There are common sense ways to manage risk related to a treadmill. First and foremost, make sure your exercise equipment is covered under your HOA's insurance policy. Second, make sure you properly maintain the equipment by setting up a regular inspection and maintenance program for all equipment. Putting a sign on the wall that equipment is used at the user's own risk offers only limited protection but it can't hurt. Finally, you could have users sign a [hold harmless agreement](#) releasing the association from liability in the event the person is injured.

RECOMMENDATION: For some associations, ensuring that everyone sign a release is manageable. For others, it is impossible. Associations should talk to legal counsel about how best to minimize risk when it comes to exercise equipment.

SMART HOA MANAGEMENT

Associations that want an inexpensive, cloud-based, paperless management system should try [Smart HOA](#). You can test the program at no cost. Contact info@SmartHOA.com for a free trial.

ADOPTING RULES

QUESTION: Our board sent a notice of rule change without giving the text of the change. They simply stated the parking rules were reworded. It is my understanding the board must provide every homeowner with the exact wording of the new rule.

ANSWER: Your understanding is correct; the board must provide the exact wording.

CC&Rs. Although you asked about rule changes, let's start with CC&Rs. Unlike Congress where they have to pass it first to find out what's in it, common sense dictates that members receive and read what they vote on. Under the Davis-Stirling Act, the text of any proposed CC&R amendment must be included with the ballot so people can see what they're voting for. ([Civ. Code §5115\(e\)](#).)

Rules. When it comes to rule changes, the Davis-Stirling Act requires the text of any proposed change be distributed to the membership at least 30 days prior to their adoption by the board. ([Civ. Code §4360\(a\)](#).) "Text of the proposed change" means exact wording, not a general statement that changes were made.

Possible Exception. In addition to the exception for emergencies ([Civ. Code §4360\(a\)](#)), if the board is doing nothing more than correcting grammar or renumbering provisions, I don't believe the 30-day notice period is triggered since the rules are not being changed. Even so, the board must distribute a copy of the "cleaned-up" set along with an explanation of what was done and that no changes were made to the rules.