

# **Palisair Home Owners Association**

A NON-PROFIT CORPORATION

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The association itself is a "Tract Committee" under the Declaration of Restrictions covering Tracts 15944, 15948 and 19890, and operates as such through its Board of directors and its Officers

## **PHOA ANNUAL MEETING**

**FEBRUARY 5, 2018**

### **MINUTES**

**I. President Howard Weisberg called the meeting to order at 7:10 p.m.** at the Palisades Presbyterian Church at 15823 Sunset Blvd. Board members present: Howard Weisberg, Suzanne Weisberg, Chuck Emerick, Miriam Schulman, Diana Ungerleider, Kathy Wedeking, Roger Broderick, Brian Bradford and Dawn Hill. Also present: Kim Bantle, Jeff Edelstein and about 26 home owners.

Howard reported on 2017 accomplishments and read a report he wrote titled "2018 Highlights for the Year" (see addendum).

### **II. Election Report for 2018 Board of Directors**

Howard reported on the results of the 2018 election, in which Miriam Schulman, Dawn Hill and Kathy Wedeking were elected to the Board. The results were:

Miriam Schulman:	56 votes
Dawn Hill:	45 votes
Kathy Wedeking:	52 votes
Michael Cohen:	26 votes
Abstentions:	5

### **III. Guest Speaker**

Jeff Edelstein of SOS Survival products gave a presentation on disaster preparedness, displayed products available in his store, and answered questions from home owners.

### **IV. Treasurer's Annual Report**

Chuck distributed copies of PHOA's 2017 Profit and Loss/ Budget to Actual Statement and reviewed. He also described ongoing efforts to collect unpaid assessments.

### **V. Landscape Committee Report**

Suzanne reported on activities of the Committee of the past year. She described the new system of holding violation hearings to assess view problems, and she also explained the new fine policy.

### **VI. Plans Committee Report**

Kim reported on the Plans Committee activities and described changes in the process for getting plans approved, including neighborhood meetings, evaluation of potential view blockages, and site visits by the Board.

### **VII. CC&R Rewrite Update**

Howard reported that the first draft of the rewrite is complete and has been reviewed by the Board. Progress has been delayed due to other pressing issues and the change in presidency (Francine Kirkpatrick resigned in late 2017). All home owners will receive a voting packet later this year.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Diana Ungerleider, PHOA Secretary

### **ADDENDUM:**

## **HIGHLIGHTS FOR THE YEAR**

### **Howard Weisberg**

Welcome to the fifty-eighth annual meeting of the Palisair Home Owners Association. I am Howard Weisberg, President of the Association. Tonight, I will take about twenty minutes to give an overview of the accomplishments of the Association since the previous meeting, and of our plans for the future. Then, we will enjoy a twenty to thirty-minute presentation by Jeff Edelstein of SOS Survival Products on disaster survival, a topic that should be of interest to all homeowners in today's

world. After that, there will be five to ten-minute presentations by our Treasurer, Chuck Emerick, our Trees Committee chairperson, Suzanne Weisberg, our Plans Administrator, Kim Bantle, and again by me on the CC&R restatement.

**Administration.** There have been a number of administrative changes. Our previous President, Francine Kirkpatrick has moved to Oregon and is selling her house. Francine spearheaded the transition in 2011 to conformance with the Davis-Stirling Act governing California homeowner associations, and the concomitant change from optional dues to mandatory dues, with the strong ability to enforce collection. Francine led the Association to a great recovery after the dark days just a few annual meetings ago when it was announced that a significant fraction of the Board was resigning, new Board members were needed, but that no one on the Board could recommend serving because of the thanklessness. Since then, under Francine's leadership, we introduced transparency and regularized procedures that now make membership on the Board a doable commitment.

I am happy to say that we now have a full contingent of nine Board members including four officers. Recently added are Chuck Emerick, Dawn Hill, and Kathy Wedeking. Chuck took on the job of Treasurer early in the year. We expect Dawn to take over as Secretary, starting with the next monthly meeting, with our current Secretary, Diana Ungerleider, staying on to provide continuity. Kathy is our newest Board member, and brings impressive experience to the Board.

**Election results** are as follows: Ballots submitted, 78, Miriam Schulman 56, Dawn Hill 45, Kathy Wedeking 52, Michael Cohen 26, Abstentions 5. The Board-nominated candidates were reelected by a significant margin. This election reminds us of what we already have found out in past elections, surveys, and other feedback, namely that, among the Members that are interested enough to vote, support for keeping the Association strong, and diligently enforcing the CC&Rs, especially regarding view protection involving trees and remodels, runs anywhere from two to one to six to one. However, as we also already knew, there are some Members that are strongly oppositional, and we are obligated to respect their opinions and requests for information.

**Treasury and assessment collection.** Our new Treasurer has probably contributed more than anyone else in the past year to helping regularize our operations. He has spent countless unsung hours improving our QuickBooks database and reports so that our financial operations can now be routine and assessment collection can be fully tracked and invoiced. We will now have monthly General Ledger reports and quarterly Budget vs Actual reports. These will provide additional transparency, and will help the Board carry out its duty to review the Association's financial records. In addition, Chuck and I have put in many hours on working to collect past-due assessments and to create an environment in which, going forward, all Members will pay promptly.

You can find much more detail about the topic of collections in the Minutes of recent Board meetings, and I will not go further over this here. I do remind the small remaining number of Members that have still not responded to our requests to pay past due amounts that in the near future we will be turning your files over to a law firm that specializes in collecting unpaid HOA assessments and that you will be responsible not only for past due assessments, penalties, and interest, but also for the legal fees of collection.

Thanks to the groundwork by Chuck, we will soon be able to train a paid assistant or bookkeeper on carrying out most of the detailed workload that currently falls on the Treasurer. This will mean that the Association will no longer depend on always being able to find a volunteer Treasurer that is an expert in QuickBooks and is willing to spend large amounts of unpaid time each month on responsibilities beyond those of an ordinary Board member. **Legal counsel support.** A big benefit of collecting all 140 assessment amounts due each year is that we are now able cover our legal expenses without running a deficit or requiring a further increase in the annual assessment.

We now have a General Counsel, provided under retainer with a law firm that provides General Counsel service for hundreds of California homeowner associations. The General Counsel knows our Association and is on call for brief telephone consultations with our Board at no cost. The firm provides us with information any changes in the law with which we must comply, provides free annual training for directors, and provides additional legal assistance at low discounted rates. They also build and

maintain the very useful website [Davis-Stirling.com](http://Davis-Stirling.com). I recommend that you visit this website if you are interested in homeowner association law.

The Davis-Stirling Act provides many hoops that a homeowner association must jump thru, and new ones are added each year. These include holding the proper insurance, observing specified time limits for various responses to homeowner requests, following requirements for annual reporting, and following proper procedure leading up to rulings on possible CC&R violation by overgrown trees and by proposed remodeling projects. With the help of advice from our General Counsel, we can comply with these requirements and many others. By doing so, we greatly minimize our risk of legal action against us and the significant expense that comes along with it. I strongly believe this modest amount of legal support that we now receive is essential to the success of our efforts to keep the Association strong, enforce our CC&Rs effectively, and minimize our expenses.

**Plans committee.** This year, plans for three major remodeling projects were submitted, and, ultimately, approved. Construction has not started on any of the three projects yet but as far as we know construction of each will start soon.

In each case, the entire Board membership, acting as the "Tract Committee," views the proposed project from adjacent properties and hears comments from possibly affected neighbors. Where issues of view obstruction exist, we require the erection of "story poles" to help us visualize the potential obstruction. In each case the Board then deliberates and votes on whether the project "would be unsightly, or detrimental to, or unreasonably obstruct or unreasonably diminish the nature or quality of the view from any other land in this or an adjoining tract, or otherwise tend to lower the value of any land of the tract." As usual, the primary emphasis in the three projects this year was on view obstruction.

In the first project, the owners presented a remodeling plan that would add height and extend the existing residence. After story poles were erected, it was seen that the proposal would create new obstructions of the view from several neighboring properties. The Board, after a contentious deliberation, voted to reject the plan. We asked the owners and architect to come up with a new plan that stayed closer to the existing grade and exploited the downslope at the rear of the property, building down. A new plan was submitted and it was approved.

In the second project, , the owners submitted plans to demolish the existing residence on the property, one of the largest lots in the Association, and to construct a new, very large residence, including a second story. Story poles revealed view blockages from several neighboring properties, and various other view obstructions were found. The owners and their architect, responding to preliminary finding by the Board, eliminated the second story and made various other changes to mitigate possible view obstructions. The revised plans were approved, subject to various restrictions including the choice of a non-glaring material for the flat roof.

In the third project, the new owner submitted plans for a remodel of the existing residence that kept the same roof outline but extended the residence, which is built at the top of an uphill slope from the street, out toward the street. Story poles were erected. There were no neighbor complaints. The project was approved.

**Trees committee.** Early in the year, the Board resolved to take vigorous steps to enforce the CC&Rs regarding view obstruction by trees, including addressing violations where homeowners have been advised by past Boards that a violation exists, but have not taken action.

As a first step, we followed the procedure provided by the Davis-Stirling Act to adopt operating rules permitting fines for violations of the Governing Documents.

Since our fines rules have been adopted, we have held two Enforcement Hearings. These are meetings of the full Board in Executive Session where both the tree owner and the affected neighbors may attend. Preferably, they are held on site so all members of the board can view the alleged violation. The Board then deliberates and, if a violation is found, may impose monthly fines that continue until the violation is cured.

In the hearing, all tree-owning neighbors in attendance agreed to trim or cut down their trees and no action was taken about them. In the second, the Board voted that a large tree unreasonably obstructs the view from two neighboring properties and that trimming or pruning the tree would not cure the violation. If the violation is not cured, within thirty days, the Board will start levying a monthly fine.

**CC&R restatement.** We have received first draft of our CC&R restatement from the attorney. Since then, the Board has reviewed it and put together an extensive list of changes. Further work has been on hold because of the

diversion of effort to the initiatives in 2017 regarding assessments and trees. I hope the effort will get back on track very soon.

The next step will be that members will receive a voting packet and the final draft. The voting process is somewhat similar to the process we have just completed for our annual elections, but with tougher voting requirements. To adopt the restatement, more than half the membership of 140 homeowners must submit valid ballots and vote Yes, meaning at least 71 Yes votes. For comparison, in the 2011 vote, 106 ballots were submitted, with 80 Yes, 24 No and 2 abstentions. The ratio of Yes to No was 3.3 to 1.

**Conclusion.** Everyone that has not already done so, please fill out and return an email permission form, giving us your latest e-mail address and giving us permission to send routine Association notifications by email rather than US mail. This saves us money on printing and postage. The law now requires us to renew this information every year, even if nothing has changed.

Also, if you would like to volunteer to help out with a board responsibility and eventually, perhaps, eventually serve a term on the Board, please fill out the sign-up sheet. Thank you.