# Who can attend Terrace Homeowner Meetings?

- Only individuals on title. If not on title, not a member.
- "Owner" is defined in the CC&Rs to mean the record owner.
- In order to be the *record* owner, your name must appear on the deed. Per the CC&Rs, every "Owner" of a unit which is subject to assessment is a member. If a spouse, child, etc. is not on title, he/she is not an Owner and, thus, not a Member.
- Pursuant to the Civil Code and case law, only members have the right to attend Board or Membership meetings.

CC&Rs: Article I, Section 1.14

By-Laws: Article III, Section 1

Terrace at Canyon Hills Association Attorney

Jackie Pagano, Esq. Partner

Roseman Law, APC

# Terrace at Canyon Hills Homeowners Association Meeting

Monday July 25, 2022

# Gas or Electric Powered Blowers **NOT Permitted at any time** in Laguna Beach

Applies to landscapers, roof/gutter cleaning vendor, <u>and residents</u>.

October 19, 2021

**SERVICE VIA FIRST CLASS MAIL**

Platinum Management Group
65 Enterprise
Aliso Viejo, CA. 92656

RE: **Property Maintenance at Terrace Properties by Quizada Pro Landscaping, Inc.**
**Alleged Leaf Blowers**

Dear Platinum Management Group,

This letter is sent in regard to a complaint our office received concerning the alleged use of leaf blowers at the subject property noted above. The following violation of the **Laguna Beach Municipal Code** is noted:

> **Section §7.25.070 (D) Real property maintenance noise regulations.** *The use of electrical or gasoline powered blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the City limits.*

To avoid further action, we ask for your cooperation in correcting this violation by **immediately** ensuring leaf blowers are not used in the City of Laguna Beach on any property by either you or other landscape personnel you employee.

Please be advised that failure to correct the violation will result in the City proceeding with further action. The City reserves all remedies it may have available, including issuing an Administrative Citation, which could carry a daily fine amount of $100.00-$500.00 per day per violation.

If you have any questions, please call me directly at (949) 497-0387. Your cooperation towards compliance is appreciated.

Regards,

Susan Josipovich
Code Enforcement Officer
sjosipovich@lagunabeachcity.net

**CE-2021-3613/sj**

encl: Noise Regulation Handout
cc: Quizada Pro Landscaping, Inc.

To avoid further action, we ask for your cooperation in correcting this violation by **immediately** ensuring leaf blowers are not used in the City of Laguna Beach on any property by either you or other landscape personnel you employee.

Please be advised that failure to correct the violation will result in the City proceeding with further action. The City reserves all remedies it may have available, including issuing an Administrative Citation, which could carry a daily fine amount of $100.00-$500.00 per day per violation.

**Code Enforcement**

Department of Community Development

**Leaf Blowers**

The use of electric or gas powered leaf blowers is prohibited in the City of Laguna Beach. LBMC 7.25.070 (D) prohibits the use of electric and gasoline powered leaf blowers within the city limits of Laguna Beach.

**7.25.070 Real Property maintenance noise regulations.** *(D) The use of electrical or gasoline powered blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city limits.*

The preferred method to remove vegetative matter is to rake and sweep the debris and dispose of the debris in a green waste receptacle.

**********

**Sopladores de hojas**

El uso de sopladores de hojas eléctricos o de gas está prohibida en Laguna Beach. LBMC 7.25.070 (D) prohíbe el uso de sopladores de hojas eléctricos y de gasolina con los límites de la ciudad de Laguna Beach.

**7.25.070 de Bienes Raíces mantenimiento de los equipos de ruido**. (D) El uso de sopladores de energía eléctrica o de gasolina, como comúnmente utilizada por los jardineros y otras personas para el césped de limpieza, jardines, calzadas, cunetas y otros bienes está prohibida en cualquier momento dentro de los límites de la ciudad.

El método preferido para eliminar la materia vegetal es el rastrillo y barrer los escombros y disponer de ella en un recipiente de residuos verdes.

# TCH: Meeting Guidelines

- Let's be respectful and not speak over someone else
- The Board wants to hear Homeowners (HO) thoughts and opinions. Here are ways to ensure your voice is heard:
  - Homeowners Open Forum: **One HO per unit will have 3 minutes to speak** and be given a 30-second warning.
  - HOs will be muted (Microsoft Teams)at the conclusion of the Open Forum.
  - **If you have a question or comment that will take more than 3 minutes, or you want the Board to review any correspondence before the monthly meeting, please submit 7 business days in advance of the meeting to Paige Fields at Powerstone Property Management; it will be forwarded to the Board.**

    pfields@powerstonepm.com or 949-508-1609

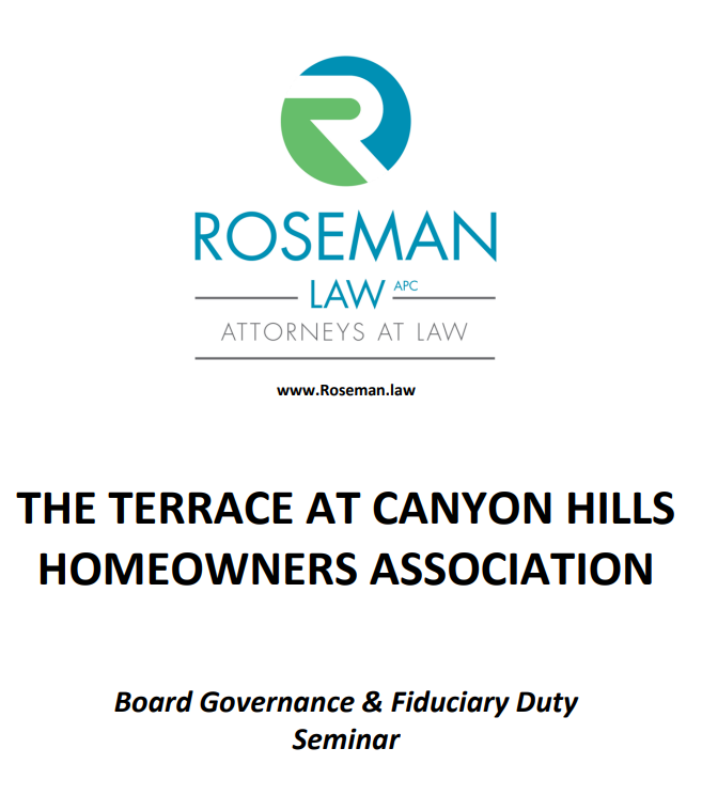
  In order to conduct business efficiently, during the general session, the Board will stick to the agenda.
- The Board will follow parliamentary procedure (Robert's Rule of Order).
- Paige Fields will facilitate the meeting.

# Board Governance and Fiduciary Duty Seminar Packet Uploaded to the TCH Website

**Conflicts of Interest**

1. A director has a conflict of interest if he or she has a material financial interest in contracts or transactions with the HOA.
    a. An exception exists if the contract or transaction was objectively reasonable for the HOA at the time it was authorized or approved, the director disclosed the conflict of interest to the Board, and the director recused self from the discussion and vote.
2. A conflict of interest also exists if the director has a personal interest in the outcome of a decision by the Board or committee, such as:
    a. Friends, relatives, neighbors, impacted by Board decision.
    b. Non-monetary relationship with vendor.
    c. Business contact with a vendor outside the Board. (Example: Board member/insurance broker who steers insurance of HOA to his/her firm)
    d. Board member should disclose and recuse self from vote.

# Board Governance & Fiduciary Duty Seminar (December 2021 document)



ROSEMAN LAW APC
ATTORNEYS AT LAW

www.Roseman.law

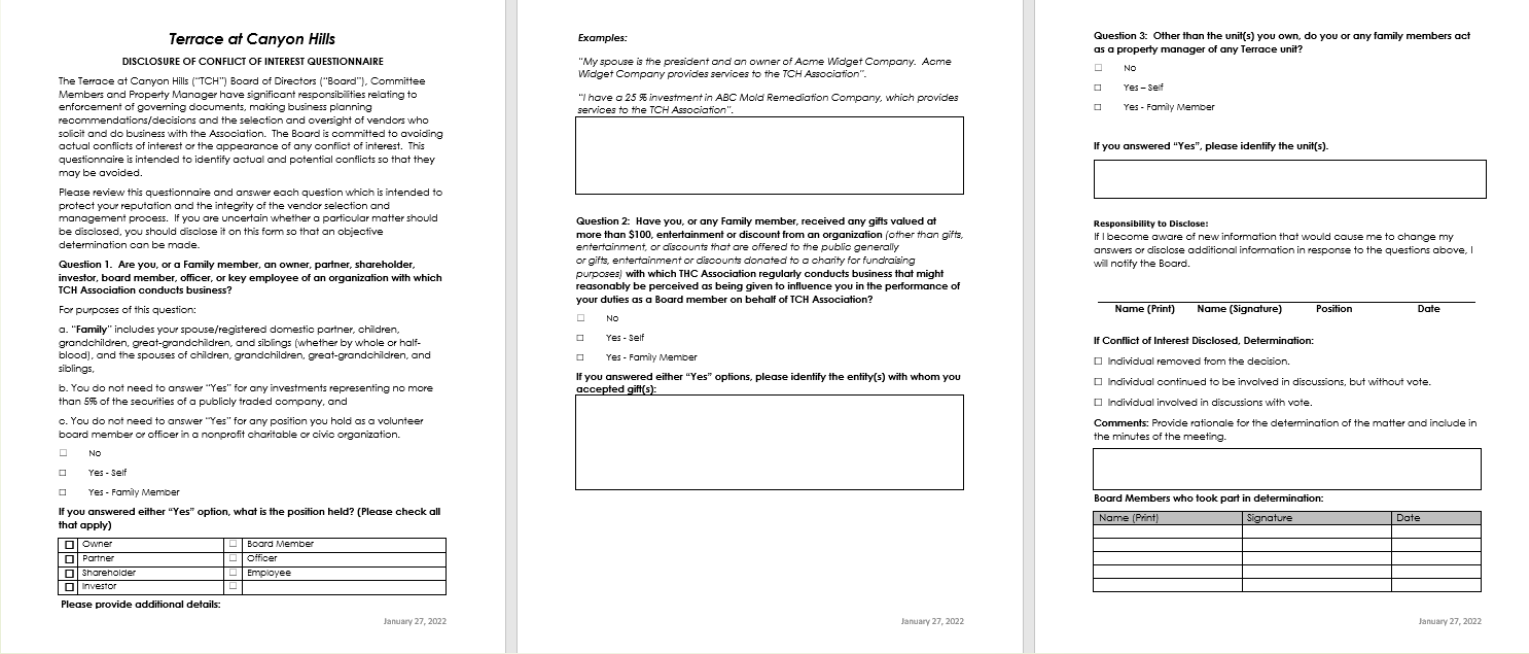
**THE TERRACE AT CANYON HILLS HOMEOWNERS ASSOCIATION**

***Board Governance & Fiduciary Duty Seminar***

Terrace at Canyon Hills Website
https://www.theterraceatcanyonhills.com/

# Conflict of Interest Form

- Signed by Board of Directors
- Recommend Committee members sign as well



***Terrace at Canyon Hills***

**DISCLOSURE OF CONFLICT OF INTEREST QUESTIONNAIRE**

The Terrace at Canyon Hills ("TCH") Board of Directors ("Board"), Committee Members and Property Manager have significant responsibilities relating to enforcement of governing documents, making business planning recommendations/decisions and the selection and oversight of vendors who solicit and do business with the Association. The Board is committed to avoiding actual conflicts of interest or the appearance of any conflict of interest. This questionnaire is intended to identify actual and potential conflicts so that they may be avoided.

Please review this questionnaire and answer each question which is intended to protect your reputation and the integrity of the vendor selection and management process. If you are uncertain whether a particular matter should be disclosed, you should disclose it on this form so that an objective determination can be made.

**Question 1. Are you, or a Family member, an owner, partner, shareholder, investor, board member, officer, or key employee of an organization with which TCH Association conducts business?**

For purposes of this question:

a. "**Family**" includes your spouse/registered domestic partner, children, grandchildren, great-grandchildren, and siblings (whether by whole or half-blood), and the spouses of children, grandchildren, great-grandchildren, and siblings,

b. You do not need to answer "Yes" for any investments representing no more than 5% of the securities of a publicly traded company, and

c. You do not need to answer "Yes" for any position you hold as a volunteer board member or officer in a nonprofit charitable or civic organization.

☐ No

☐ Yes - Self

☐ Yes - Family Member

**If you answered either "Yes" option, what is the position held? (Please check all that apply)**

| | | | |
|---|---|---|---|
| ☐ | Owner | ☐ | Board Member |
| ☐ | Partner | ☐ | Officer |
| ☐ | Shareholder | ☐ | Employee |
| ☐ | Investor | ☐ | |

**Please provide additional details:**

January 27, 2022

***Examples:***

*"My spouse is the president and an owner of Acme Widget Company. Acme Widget Company provides services to the TCH Association".*

*"I have a 25 % investment in ABC Mold Remediation Company, which provides services to the TCH Association".*

**Question 2: Have you, or any Family member, received any gifts valued at more than $100, entertainment or discount from an organization** *(other than gifts, entertainment, or discounts that are offered to the public generally or gifts, entertainment or discounts donated to a charity for fundraising purposes)* **with which THC Association regularly conducts business that might reasonably be perceived as being given to influence you in the performance of your duties as a Board member on behalf of TCH Association?**

☐ No

☐ Yes - Self

☐ Yes - Family Member

**If you answered either "Yes" options, please identify the entity(s) with whom you accepted gift(s):**

January 27, 2022

**Question 3: Other than the unit(s) you own, do you or any family members act as a property manager of any Terrace unit?**

☐ No

☐ Yes – Self

☐ Yes - Family Member

**If you answered "Yes", please identify the unit(s).**

**Responsibility to Disclose:**
If I become aware of new information that would cause me to change my answers or disclose additional information in response to the questions above, I will notify the Board.

**Name (Print)** **Name (Signature)** **Position** **Date**

**If Conflict of Interest Disclosed, Determination:**

☐ Individual removed from the decision.

☐ Individual continued to be involved in discussions, but without vote.

☐ Individual involved in discussions with vote.

**Comments:** Provide rationale for the determination of the matter and include in the minutes of the meeting.

**Board Members who took part in determination:**

| Name (Print) | Signature | Date |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

January 27, 2022

# Open Meetings Act
# Excerpts from Civil Code Sections 4910, 4920 and 4930

- 4910a The board shall not take action on any item of business outside of a board meeting
- 4920a The association shall give notice of the time and place of a board meeting at least four days before the meeting.
- 4920d Notice of a board meeting shall contain the agenda for the meeting.
- 4930a The board may not discuss or take action on any item at a nonemergency meeting unless the item was placed on the agenda included in the notice that was distributed pursuant to subdivision (a) of Section 4920.

**Board members may contact each other outside of meetings for information, and of course, for social reasons**. They should must not make decisions or agreements to act on board business outside of a called meeting.

https://roseman.law/an-introduction-to-serving-on-an-associations-board-of-directors-part-iii/

# Committee Reports

Landscape

Maintenance

Architecture

Parking

Communication

Finance

If you would like to volunteer on a committee (3 or 5 per committee), please contact Paige Fields:
Powerstone Property Management
949-508-1609
pfields@powerstonepm.com

# 7/25/22 Landscape/Maintenance Committee Report

Chairs – Marcia Hollander & Paige Strayer

Landscape/Maintenance Walk 7/7/22 – Paige Fields, Javier (Quezada), Randy (Protec), Marcia, Kimberly P., Terri

- Harvest starting 7/29/22
  - Full irrigation audit
  - Set up notifications for excess water usage/leaks
  - Monthly report for v ditch/slope maintenance
  - $5,000 planting credit for 1st year – can be used to replace any plants lost to current water restrictions with drought tolerant plants

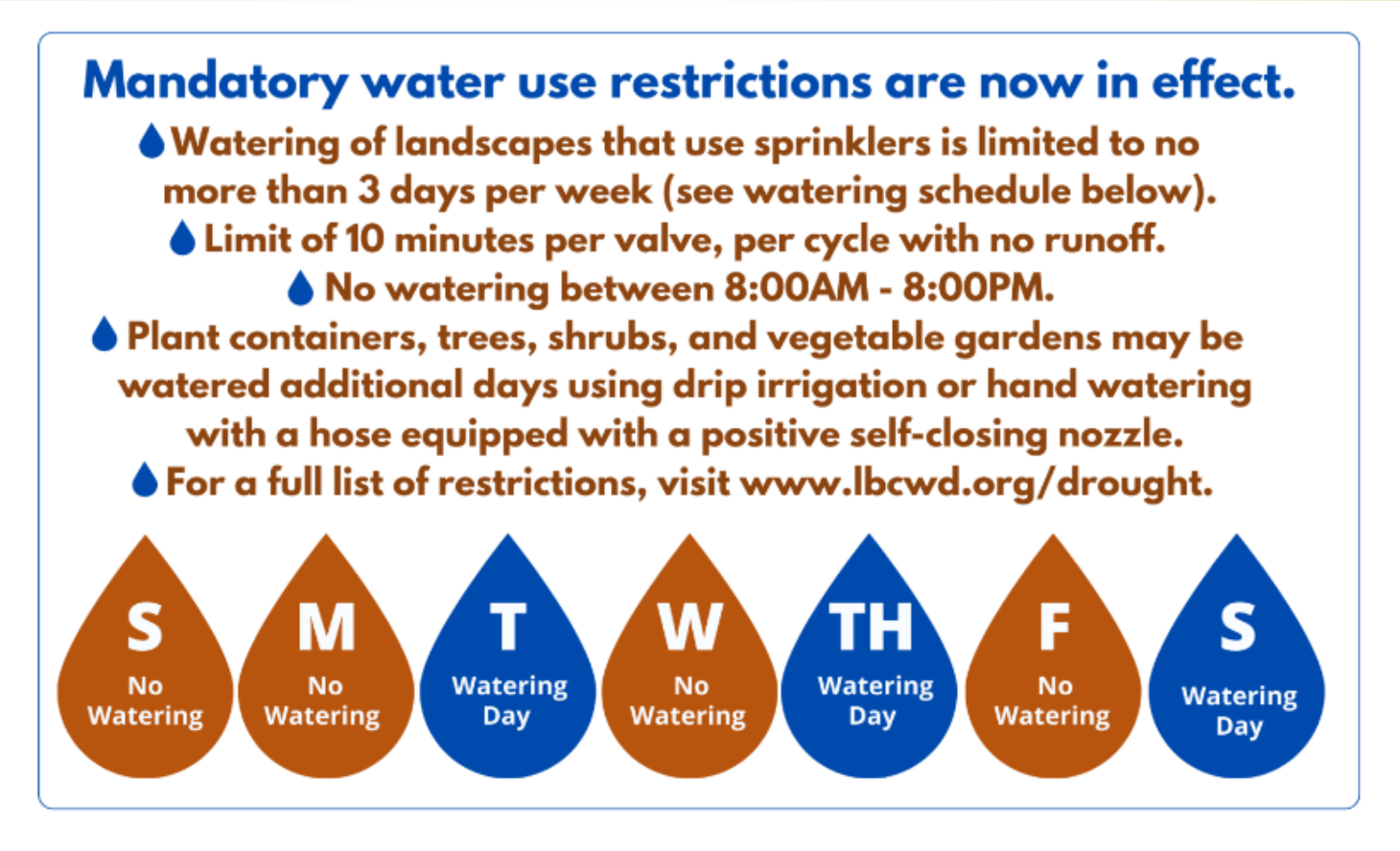
Maintenance

- Siding sample arriving week of 7/18
- Railroad ties by upper pool completed 7/19/22
- Units 606 and 108 water intrusion repair complete
- 618 Fence Option – discussed allowing fence to be installed outside of patio slab to avoid cracking the concrete

Next walk,
Aug 4th, 2022
9:00am
Upper pool

# California Drought Update

➨Link to Laguna Beach County Water District



# Architecture Committee Report

Chair - Evelyn Saunders

Committee Members: Steve Telish and Marcia Hollander

Meet on ad hoc basis.

- Application for Ring/Video cameras to be placed on exterior trim.
- Application for fence around exclusive use patio. Board to determine post placement: on the concrete slab or on Association Common Interest area. See CC&R 4.19 and AC Guidelines
- No Homeowner has turned in a work **Notice of Completion** form. Some work was approved was never done.

Avoid delays by submitting a **complete** and **detailed application**.

**Reminder:**

- Nothing may be attached, removed, or modified to the exterior of the buildings or placed in common areas without prior Architecture Committee (AC) approval. An **ARCHITECTURAL PLAN APPLICATION** for any such changes may be obtained from the Terrace at Canyon Hills Website.
- The AC will review and respond to all written requests within thirty (30) days of their receipt; accordingly, this time-related requirement should be taken into consideration when planning any property improvements or projects or selling a home. It is strongly recommended that plans be submitted with a complete application at least sixty (60) days prior to beginning any work to reduce the risk of any potential inconvenience to the applicant and, also, help ensure an Architectural Plan Application can be reasonably reviewed and approved, and the desired work started timely. Only complete submittals from Homeowners will be considered.

# Parking Committee Report

Chair – Steve Telish
Giovanna Fazio and Sheila Deakin

Meets ad hoc

Continue to see residents, often same residents, parking in GUEST parking. Citations being issued, and violation letters sent.

Received request from new owner (who is renting her SNC unit) for tenants to have dedicated GUEST parking space. Per Parking Rules, the 12 SNC GUEST spots are for GUESTS only (shared by 4 circles, 105 units).

Committee looking at rules, opportunities and best practices for accommodating GUESTS who frequent property regularly during Safelisting periods.

# Parking Committee Reminders

Residents ("Homeowners, Lessees, Renters") are responsible for ensuring their GUESTS comply with the CC&Rs and Parking Rules.

**Parking in Fire Lanes and/or obstructing the Fire Road in the 500 circle is strictly prohibited and subject to immediate towing at the vehicle owner's expense.** Fire lanes are considered any area outside units/garages that do not have a designated parking space with marked boundaries/lines. If unsure DON'T park and risk getting towed; call Powerstone Management to verify.

**Residents are NOT permitted to park in GUEST parking spaces at any time** without prior approval (for extenuating circumstances such as emergencies) from the Board of Directors. Residents who park in GUEST parking and/or safelist their own vehicles(s) may be ticketed, fined, towed at their expense and have GUEST parking safelisting privileges suspended.

Only the resident may safelist a GUEST vehicle, not the guest. The Safelist confirmation number must be displayed on vehicle dashboard.

**Working on vehicles Not permitted** upon any portion of the property or upon the common area, except wholly within the owner's garage, and then only when the garage door is closed; provided, however, that such activity shall at no time be permitted if it is determined by the Board or its agent to be a nuisance."

**Commercial vehicles not permitted to park on property unless they are officially working on the property; they may NOT park overnight. Recreational vehicles are not permitted to park on the property.**

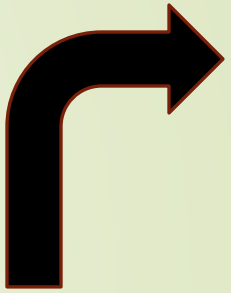
GUEST vehicle safelisting procedures in the Parking Rules located on the Terrace at Canyon Hills Website,

Courtesy Patrol Specialists Website (or you can call Courtesy at 714-669-2736).

# Driving Wrong Way and Speeding in the Community

Asking Board to get bid to stencil one-way arrows* on asphalt in the following locations:

1. Going into 400 circle from the 300 and 500/600 circles (need 2)
2. Going into 500 circle from 400/600 circles.



Board had approved getting bids previously, was not done.

* see ones that are located at entrances to SRC and SNC

**What's status of Speed Limit Sign installation?

# Communication Committee Report

Co-Chairs – Sheila Deakin and Ann Marie McKay

TCH Website Admin: Mark Badran (Primary), Ann Marie McKay (Secondary)

Meets Ad Hoc

- Plan is to start transitioning over to Website managed by Powerstone as soon as it's available

- Minutes
  - Posted after they are approved by the Board at the following month's HOA meeting
  - Not seeing past minutes? **Check your browser to ensure it's updated**

Meets Ad Hoc

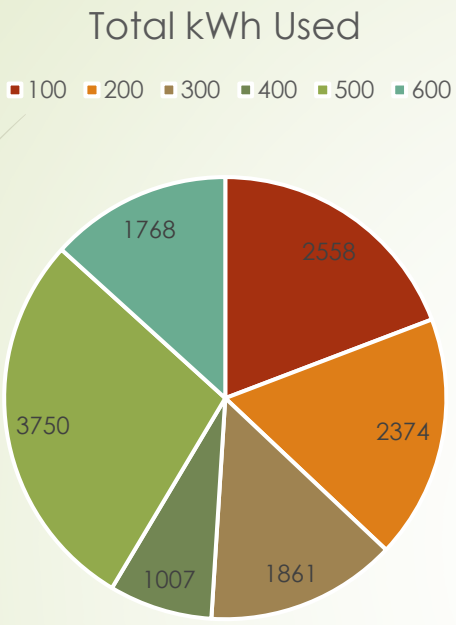
# The Finance Committee

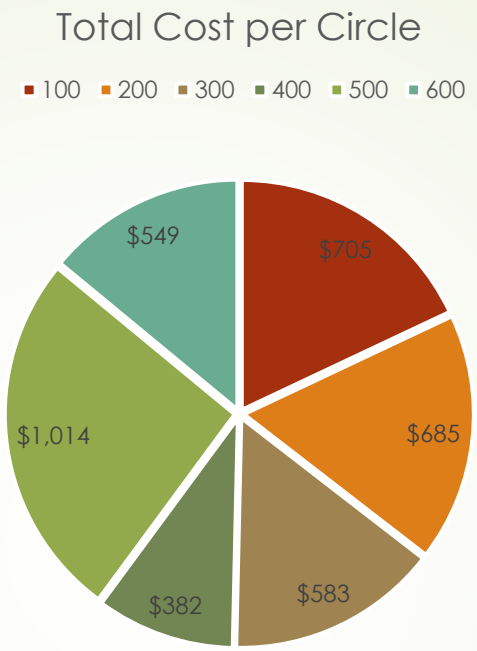
Members: Caitlin Reyna, Paige Strayer, Eimi Elbettar, Frank Aronoff, & Kimberly Pundir

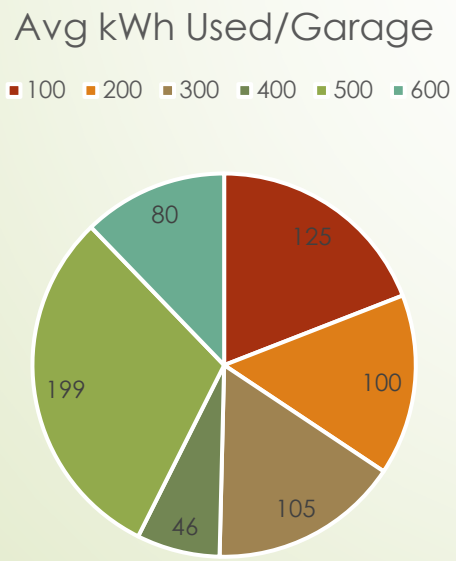
- Reviewed the financials and believe the board can approve them
- Awaiting copies of the May Sunwest bank statements to verify the financials. If anything needs to be corrected, the Board will be alerted.
- **The June reserve transfer was delayed** because it would deplete the operating account. Team working with Powerstone accounting department to recommend a threshold to ensure sufficient funds are maintained in the operating account.
- FYI, the association has a **substantial** contract invoice due which will affect the balance of the reserves.
- There is a **Financial Forum this Wednesday at 8pm*** for any homeowners who have questions regarding the budget, association dues, or special assessment.

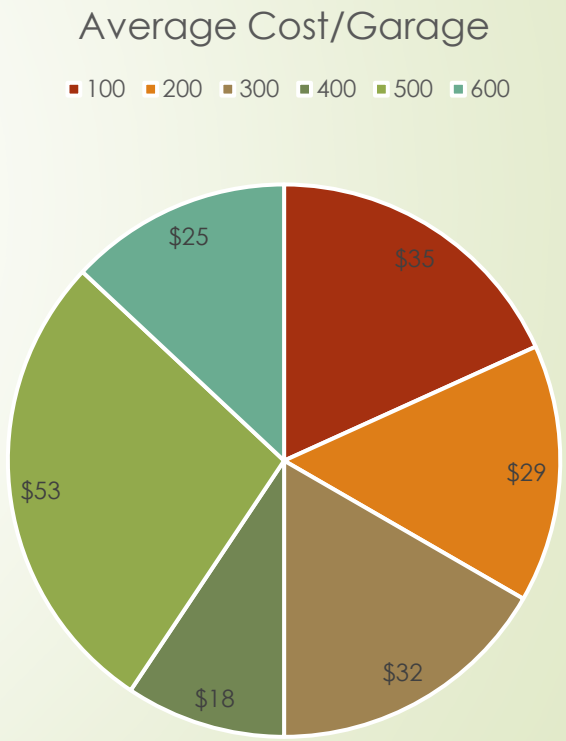
***Email sent to HOs who have opted in to receive email notices and posted in Poll display cases per Civil Code.**

# Auxiliary Garages Electricity Use (FY 2022)



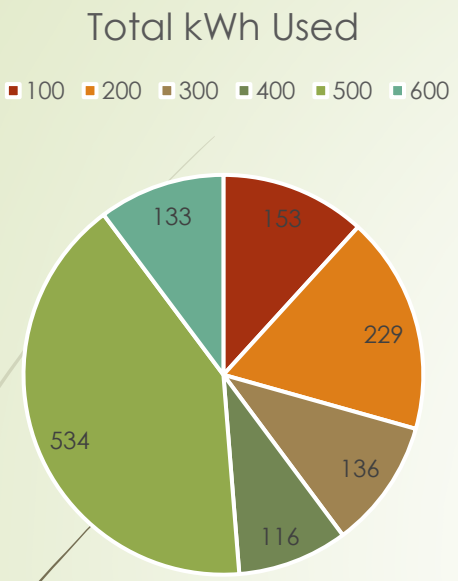



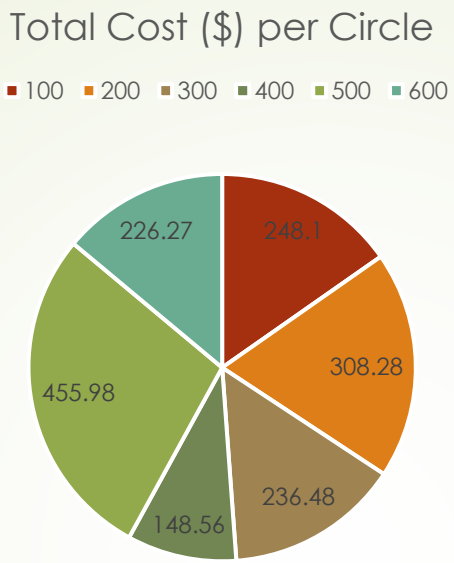



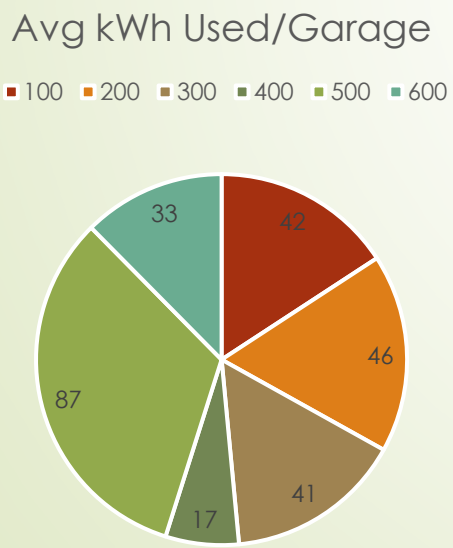

**High 500 Circle**

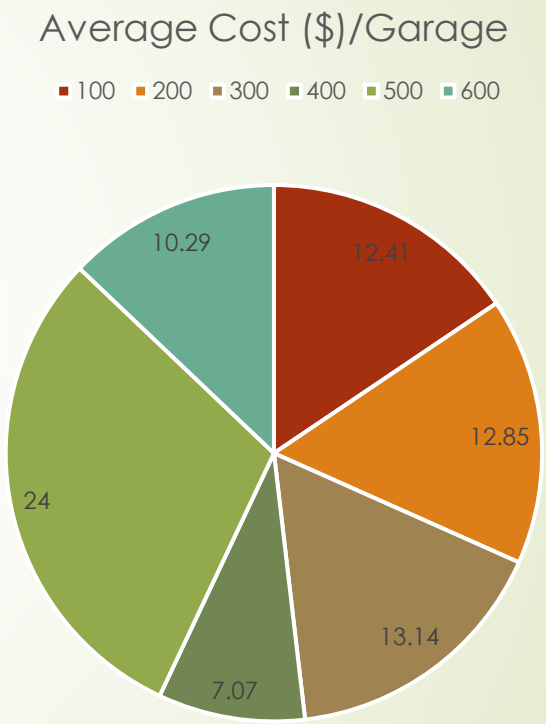
**Low 400 Circle**

# Auxiliary Garages Electricity Use (June 2022)



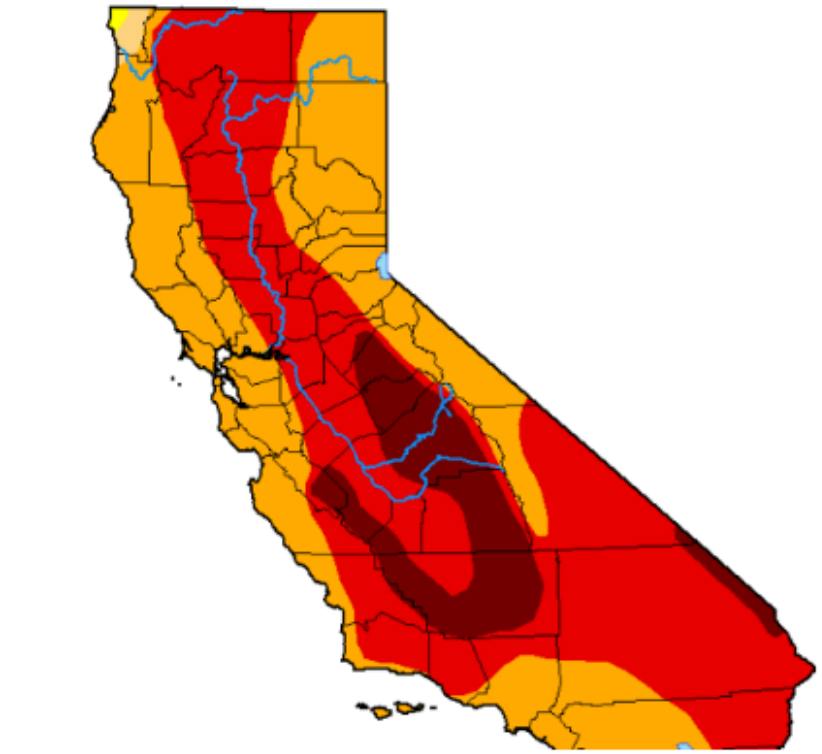




**High 500 Circle**

**Low 400 Circle**

# Next Steps: Water Usage Analysis

- At July HOA meeting, summary analysis of Terrace current water use and 5-year trending



*Drought Conditions (Percent Area)*

| | None | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4 |
|---|---|---|---|---|---|---|
| **Current** | 0.00 | 100.00 | 99.86 | 97.56 | 59.81 | 11.59 |
| **Last Week** 05-17-2022 | 0.00 | 100.00 | 99.86 | 95.14 | 59.81 | 0.18 |
| **3 Months Ago** 02-22-2022 | 0.00 | 100.00 | 100.00 | 68.77 | 6.70 | 0.00 |
| **Start of Calendar Year** 01-04-2022 | 0.00 | 100.00 | 99.30 | 67.62 | 16.60 | 0.84 |
| **Start of Water Year** 09-28-2021 | 0.00 | 100.00 | 100.00 | 93.93 | 87.88 | 45.66 |
| **One Year Ago** 05-25-2021 | 0.00 | 100.00 | 100.00 | 94.61 | 74.46 | 26.04 |

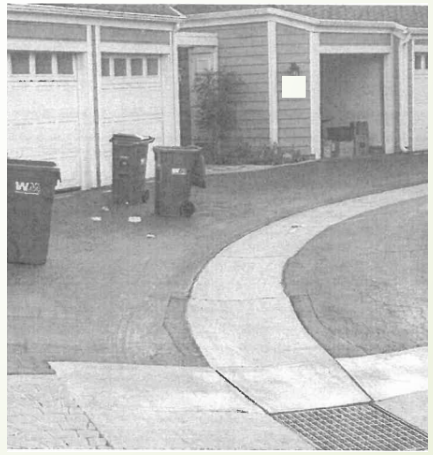
*Intensity:*

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to https://droughtmonitor.unl.edu/About.aspx*

*Author:*
Richard Heim
NCEI/NOAA

The California Drought Monitor report issued May 26, 2022.

# Trash Containers (CC&Rs Section 4.09 and Rules and Regulations (October 2002)

- **Trash receptacles must have a <u>secure lid</u> and be properly <u>screened from view</u>.**
- **If you need a bigger can or need to replace a damaged one, call WM.**
- **Trash receptacles may not be placed out earlier than the night before trash is scheduled to be picked up and <u>must be put away by the evening trash is collected.</u>**