

# 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 June 27, 2022

# 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](mailto: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.



# 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/>

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



## **THE TERRACE AT CANYON HILLS HOMEOWNERS ASSOCIATION**

*Board Governance & Fiduciary Duty  
Seminar*

Terrace at Canyon Hills Website

<https://www.theterraceatcanyonhills.com/>

# 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](mailto:pfields@powerstonepm.com)

# 5/18/22 Landscape/Maintenance Committee Report

Chairs – Marcia Hollander & Paige Strayer

- Landscape/Maintenance Walk 6/2/22 – Paige Fields, Javier (Quezada), Randy (Protec), Eimi, Marcia, Mark S, Paige S, Terri
- Gravity/crib wall trimmed by Quezada, weeds killed, pine tree removed
- 2 agave plants from 104 planted by Magnolia tree near 223
- Doggie sign placed near unit 223
- 615 vines – Quezada believes rodents ate the vine roots, new vines to be planted at top of wall. Homeowner has offered to cover the cost if requested new vines do not live.
- Received bids from 4 new landscape companies

Next walk,  
July 7th, 2022  
9:00am  
Lower pool



- Drain Hydrojetting successfully completed by Partners Plumbing at upper pool. Recommend Board vote to continue the hydrojetting throughout the remaining community and on a yearly maintenance schedule
- 311 & 521 San Nicolas – waiting for siding to complete. Protech working to obtain new siding sample for comparison to existing siding
- 108 Santa Rosa Detached Garage – Cement drying, waterproofing will be completed once dryout complete (June 27<sup>th</sup>)
- V-Ditch cracks – cracks identified in American Geotechnical report from April 2022 Board Packet, requesting Protech to provide bid to repair these cracks as soon as possible
  - This appears to be a major infrastructure concern that should be completed before any other major projects are considered
- Need American Geotechnical Report completed for lower gravity wall

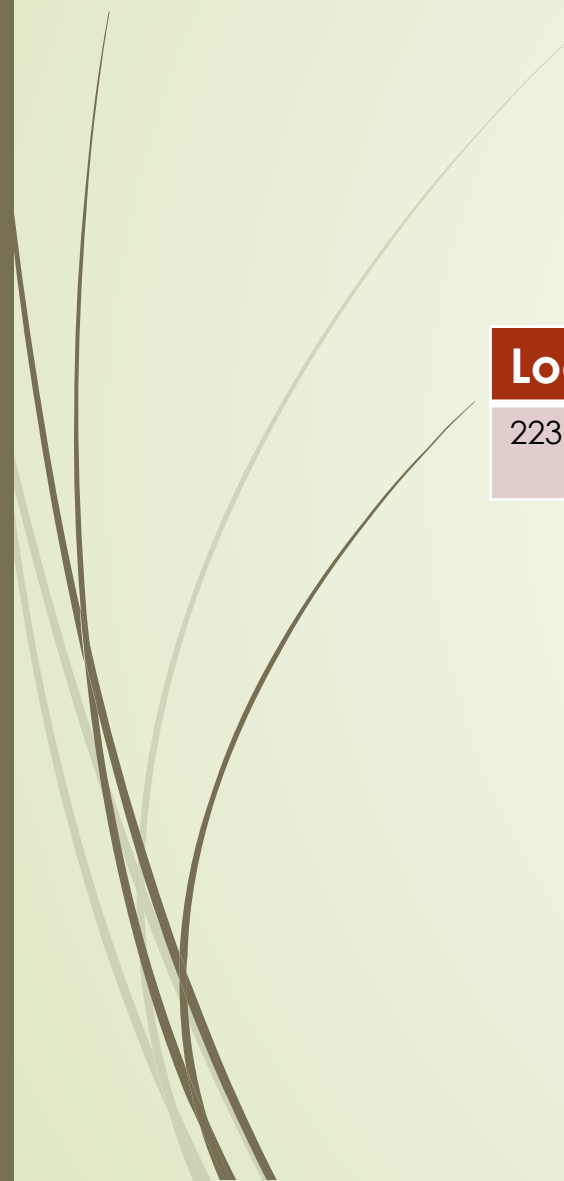
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# Landscape Extras June 2022



Location	Qty	Description	Size	Unit Price	Total
223	1	Dog Stay off Grass Sign	N/A		\$41.75

Next walk,  
July 7th, 2022  
9:00am  
Lower pool

# 6/2/2022 Landscape/Maintenance Committee Reminders

## Planting

Planting anything in common areas (defined as the space outside a unit) without approval from the Board of Directors is strictly prohibited. Failure of residents to comply with this rule has resulted in removal/remediation efforts costing the Association thousands of dollars.

If you have landscape concerns/requests, please contact Powerstone Management rather than the gardeners who are on a tight schedule to complete specific tasks.

## Plumbing

Having a plumbing issue? **Call Powerstone** first to see if it's covered by the Association or the Homeowner's responsibility. If you do not contact Powerstone Management to identify the source of the plumbing issue, Homeowner will be responsible for all costs.

Next walk,  
July 7th, 2022  
9:00am  
Lower pool

# Gas or Electric Powered Blowers **NOT Permitted** at any time in Laguna Beach Applies to landscapers, roof/gutter cleaning vendor, and residents.



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.

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**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.

# Architecture Committee Report

Chair - Evelyn Saunders

Committee Members: Steve Telish and Marcia Hollander

Meet on ad  
hoc basis.

- The AC received one application for replacement windows, approved.
- Just a reminder, avoid delays by submitting a complete and detailed application.

Architectural Plan Application is available on the TCH Website

## 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

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

Continue to see residents, frequently same residents, parking in GUEST parking; recent uptick in vehicles parked in Fire Lanes.

# 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).



# 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**

# The Finance Committee

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

## History of Terrace at Canyon Hills Finances:

- ▶ The association has been spending more money than it has been collecting for **AT LEAST** the last three years.

2018-2019	2019-2020	2020-2021	Current YTD (as of 05/31/2022)
(107,601)	(34,326.00)	(93,210)	(waiting to review May financials)

- ▶ Due to underbudgeting/overspending, we have severely underfunded our reserves. This is like operating a business or household without any savings. We will not be able to afford big repairs or capital projects without better reserves.
- ▶ There was a lack of checks and balances with previous property manager which caused overspending and work being authorized without any watch over the budget



- ▶ Lack of transparency with the HOA's funds

- ▶ Transfers to reserves were not called out clearly by the former PM the months they were not made
- ▶ Lack of reinvesting CDs (PM went against board approval)
- ▶ Lack of PM supplying other vendor bids to get more competitive quotes



# The Finance Committee

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## Where the Money is Going:

- ▶ Special assessment money is **ONLY** being used to repay back the reserve funds borrowed for the large insurance premium.
  - ▶ It will be transferred to reserves separately than the monthly reserve transfer
- ▶ We have raised the amount of money we are putting away in reserves each month to:
  - ▶ Get us in better financial place for future capital projects
  - ▶ Get us in better financial place for any major repairs that will be needed
  - ▶ Have a safety net for February 2023 when we most likely will face another high insurance premium bill
  - ▶ Cut back on unneeded spending and get bids from different vendors to make sure we are not overpaying for services



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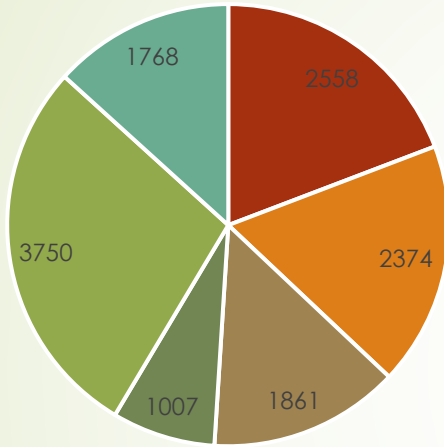
## Plan for this fiscal year:

- ▶ Track expenses during the current month instead of reviewing the previous month's financials.
  - ▶ This will give us a "live" view on where the money is going, and if we are staying in budget. We need to be proactive with where the money is going!
- ▶ Update homeowners each month during the meeting to show how we are staying on budget and what the expenses are. It is very important to be as transparent as possible!

# Auxiliary Garages Electricity Use (FY 2022)

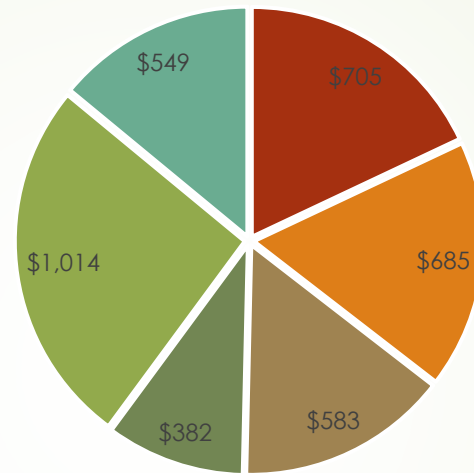
Total kWh Used

100 200 300 400 500 600



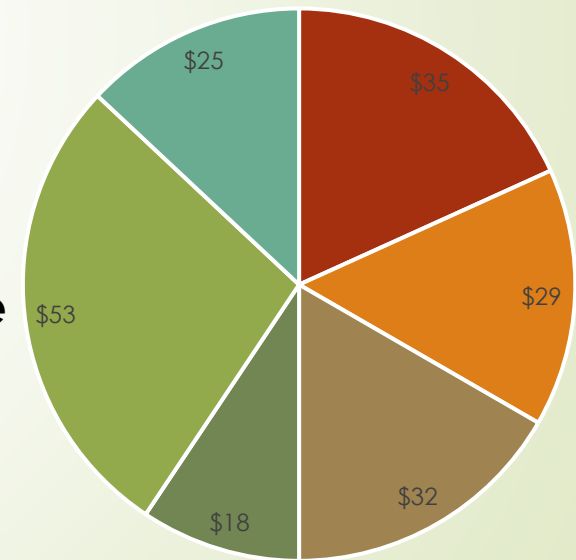
Total Cost per Circle

100 200 300 400 500 600



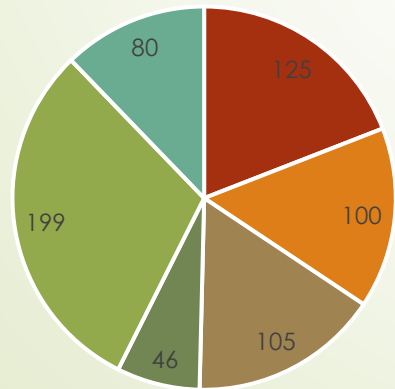
Average Cost/Garage

100 200 300 400 500 600



Avg kWh Used/Garage

100 200 300 400 500 600



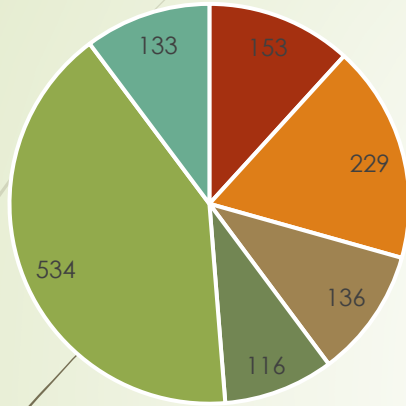
**High 500 Circle**

**Low 400 Circle**

# Auxiliary Garages Electricity Use (June 2022)

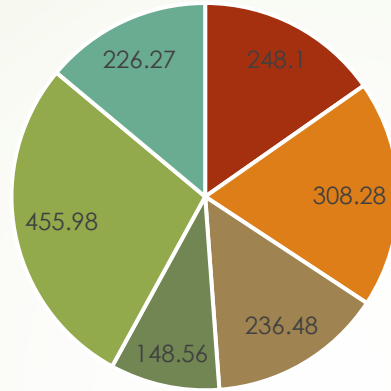
Total kWh Used

■ 100 ■ 200 ■ 300 ■ 400 ■ 500 ■ 600



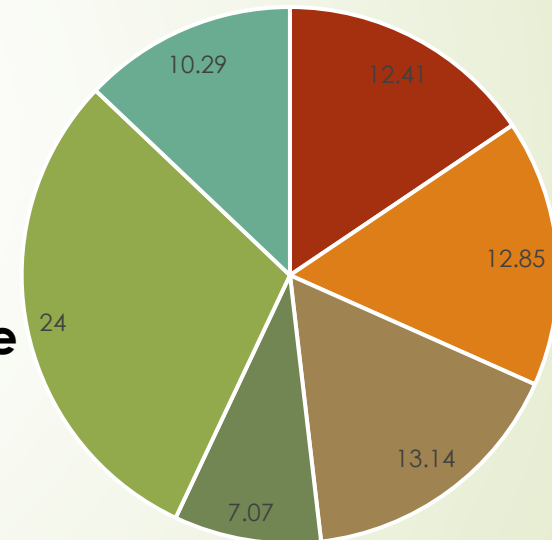
Total Cost (\$) per Circle

■ 100 ■ 200 ■ 300 ■ 400 ■ 500 ■ 600



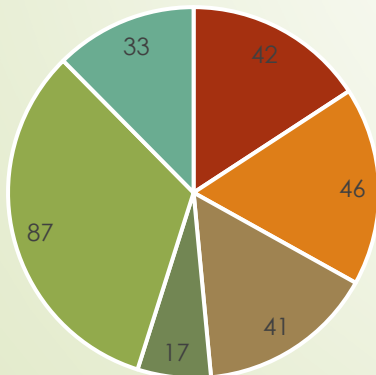
Average Cost (\$)/Garage

■ 100 ■ 200 ■ 300 ■ 400 ■ 500 ■ 600



Avg kWh Used/Garage

■ 100 ■ 200 ■ 300 ■ 400 ■ 500 ■ 600

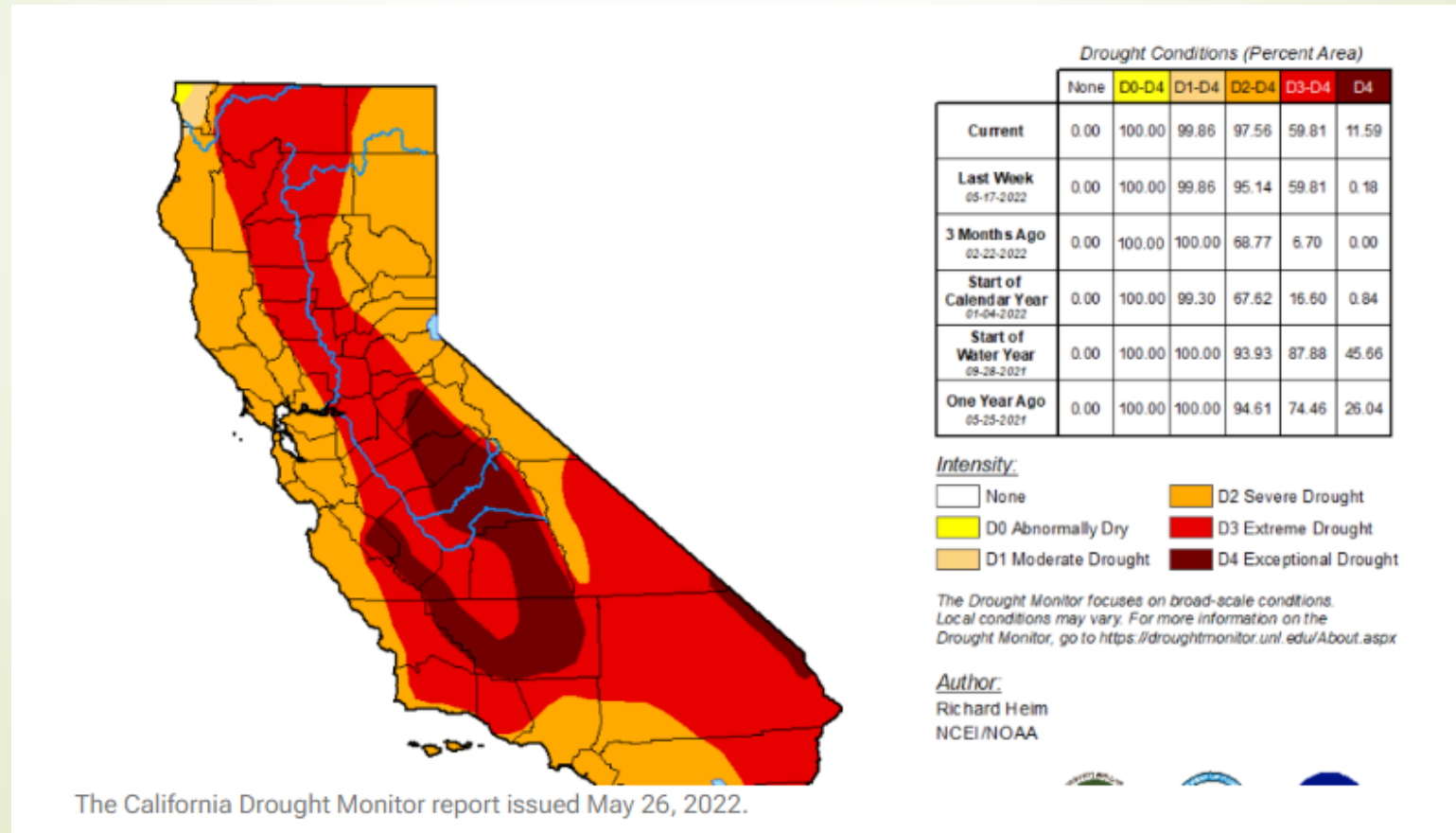


**High 500 Circle**

**Low 400 Circle**

# Next Steps: Water Usage Analysis

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





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

- Trash receptacles must have a secure lid and be properly screened from view.
- 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 must be put away by the evening trash is collected.

