

MINUTES OF MONTHLY MEETING
SMPOA BOARD OF DIRECTORS
March 7, 2012

1. The Meeting was called to order at 6:35 p.m. by Natasha Roit. It was held at 18402 Wakecrest Drive, Malibu, CA 90265.
2. A quorum of Directors was present: Barbara Belcher, Lisa Doctor, Ron Doctor, Nancy Posner, Becky Rickley, Natasha Roit, Paul Rudzinski, and Helen Tartavull.
3. Directors absent: None.
4. Owners present: Katherine Amber, Layton Dix, Sylvia Dunbar, Ruth Erb, Pat Hackel, Fay Herzog, Chirelle Alana Looney, Len and Sharon Ovsowitz, John Peed, and Frank and Katherine Price.
5. Roit introduced new Board members Lisa Doctor and Ron Doctor. Both were elected at a Special Meeting of the Board on February 15, 2012. Ron Doctor will serve as AC Liaison to the Board, replacing Karen Harding.
6. A Motion was made by R. Doctor and seconded by L. Doctor to adopt the minutes of the Special Meeting of February 15, 2012. The Motion was unanimously approved.
7. Roit reported on activities relating to the CC&R re-vote in Tract 26458.
 - A law firm specializing in HOA matters, Kaiser, Swindells & Eiler, has been retained. Criticisms leveled during the Andrew Shayne litigation concerning mailing and vote counting procedures are being addressed to ensure an orderly and open process.
 - Ballots will be mailed on or about March 22. Materials to be sent to the 99 owners will include the ballot, rules of voting, the amended CC&Rs, and a stamped and addressed return envelope.
 - The CC&Rs to be voted will be the amended CC&Rs, submitted in 2004, without changes. It is important that all tracts be governed by the same CC&Rs.
 - The revote is being held in 2012 in order to preclude a challenge previously made under a clause in the old CC&Rs under which Tract 26458 is now operating.
 - An independent company will be retained to receive and count votes. Ballots will be mailed to this company, not to be opened until April 25 when it will tally the results.
 - The owners of the 99 lots have been identified from a search of grant deeds.
 - A "yes" vote by a majority of owners, 50 or more, is required for the amended CC&Rs to pass. Under conditions set in the CC&Rs, ballots not cast are equivalent to "no" votes.
 - Information about the revote also will be communicated through Town Hall meetings (described below), the *Sunset Mesa-ge*, and e-blast messages.
 - A firm specializing in HOA elections, BallotBox, has been recommended as Inspector for the revote. After speaking with them and with their references, they were asked to submit a proposal. The scope of work and the cost have been reviewed by the Board.
8. A Motion was made by Belcher and seconded by Posner that the firm BallotBox be hired as the inspector of the revote in Tract 26458. The Motion passed unanimously.
9. A question was asked whether further litigation by Mr. Shayne was anticipated. Roit responded that the agreement with Mr. Shayne was confidential and he continues to not waive

confidentiality. However, the Board does have the right to reveal portions necessary to fulfill its duties to the Association. Because this question directly impacts owners' decision-making in the re-vote it can be stated that Mr. Shayne has waived his right to argue a stability clause and cannot sue over a claim that a majority has infringed on minority rights. Litigation on other issues could occur.

10. Another owner asked whether the amended CC&Rs now in place in the other tracts could be challenged. Roit said that it would appear that the time for taking such action has long-since elapsed.

11. A third question concerned the conditions for further amending the 2004 amended CC&Rs. Roit said that further modifications were allowed until 2014.

12. Rudzinski said four Town Hall meetings have been scheduled for late March through mid April, to be held in the homes offered by owners in Tract 26458. Locations for these small gatherings are to be listed in the March and April *Sunset Mesa-ge*. All interested Mesa owners are invited.

13. Rickley reported that the County has agreed to repair the several locations where sidewalks, curbs and driveway aprons have been uplifted by tree roots. Concrete, rather than asphalt, will be used. The County also will replace the recently completed asphalt repairs with concrete. Prior to the work, trees causing the damage will be removed. A list of removals has been provided and is posted on the Sunset Mesa web site, www.sunsetmesa.org. The County will replace trees during the fall planting season, if requested by the adjacent owner, with ones more appropriate to our area. Removal and repairs are estimated to take four months.

The County has also agreed to expedite the permitting process for tree pruning and tree replacement. The Association will develop a list of three arborist companies for pre-approval. If an owner agrees to use one, the permit will be quickly granted.

14. Tartavull handed out a spread sheet detailing the Treasurer's report. She highlighted the substantial increase in advertising income and the greatly reduced premium for a much better D&O insurance policy. The paid membership numbers for FY2011-12 are being rechecked.

15. L. Doctor said the P.U.P. Committee placement of dog waste disposal bags has significantly reduced the problem.

16. John Peed described the plans of the Beautification Committee for improving the parkway along Coastline from Surfview to Castlerock. A walk-around Saturday provided impetus to the project. Rickley added that the County has approved it in concept and that the Doctors were obtaining approvals from the condominium associations on Coastline.

17. An owner described traffic problems along Malibu Vista approaching Wakecrest. After discussing various approaches, including signs and crosswalks, Rickley said the matter would be raised with the County.

18. Roit asked that when residents patronize *Mesa-ge* advertisers they mention the source.

19. Belcher said the Annual Meeting was set for Monday, June 18, from 6 p.m. to 8 p.m. It will be held at Gladstones. An hors d'oeuvre buffet will be provided and there will be a no-host bar; it is hoped that free, self-parking can be arranged.

20. The meeting adjourned at 7:50 p.m.

21. The minutes were prepared by Barbara Belcher.

Attachments: Sunset Mesa Property Owners Association Treasurer's Report; Concrete Repair Work in Sunset Mesa Community; Tree Removals [to be] performed by County contractor, West Coast Arborists.

A handwritten signature in cursive script that reads "Barbara Belcher". The signature is written in black ink and is positioned above a horizontal line.

Barbara Belcher

SUNSET MESA PROPERTY OWNER'S ASSOCIATION
TREASURER'S REPORT

		BUDGET ENDG 6/30/10	BUDGET 12 MONTHS 2010-11	ENDG 6/30/11	PROPOSED		2012		
					BUDGET 3 MONTHS 2011-12	ENDG 9/30/11	Jan	Feb	QTD
RECEIPTS:									
MEMBERSHIPS	1	\$22,125.00	\$24,235.00		\$22,125.00	\$10,800.00	\$75.00	\$ 750.00	\$825.00
ADVERTISING INCOME	2	\$8,200.00	\$9,850.00		\$8,500.00	\$2,130.00	\$2,186.00	\$ 1,664.50	\$3,850.50
INVESTMENT INCOME	3	\$8,300.00	\$9,929.93		\$8,500.00	\$3,401.08	\$3,834.97	\$ 3,739.77	\$7,574.74
MISC INCOME	4	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$ -	\$0.00
	5								\$0.00
TOTAL RECEIPTS	6	\$38,625.00	\$44,014.93		\$39,125.00	\$16,331.08	\$6,095.97	\$ 6,154.27	\$12,250.24
	7								
DISBURSEMENTS:	8								
CATERING AND SUPPLIES - ANNUAL MEETII	9	\$900.00	\$1,923.42		\$1,750.00	\$0.00	\$0.00	\$ -	\$0.00
MES-AGE SETUP, PRINTING & DELIVERY	10	\$4,100.00	\$4,444.58		\$4,500.00	\$983.13	\$1,081.26	\$ 693.39	\$1,774.65
INSURANCE	12	\$17,500.00	\$16,009.00		\$17,000.00	\$0.00	\$0.00	\$ 3,153.00	\$3,153.00
TAXES AND FEES	13	\$3,500.00	\$3,655.00		\$3,750.00	\$864.00	\$0.00	\$ -	\$0.00
TELEPHONE-ARCH. COMMITTEE	14	\$420.00	\$813.28		\$600.00	\$0.00	\$780.06	\$ -	\$780.06
CHECK PRINTING, BANK CHARGES	15	\$75.00	\$25.00		\$75.00	\$0.00	\$0.00	\$ -	\$0.00
RENTAL OF RECORD STORAGE SPACE	16	\$529.00	\$529.00		\$550.00	\$0.00	\$388.88	\$ -	\$388.88
OFFICE EXPENSE AND MISCELLANEOUS	17	\$460.00	\$889.43		\$750.00	\$0.00	\$107.10	\$ 120.73	\$227.83
PLAQUES & BANNERS	19	\$35.00	\$17.30		\$35.00	\$0.00	\$0.00	\$ -	\$0.00
LEGAL & PROFESSIONAL	20	\$11,313.76	\$12,867.16		\$6,000.00	\$710.00	\$0.00	\$ -	\$0.00
HOLIDAY GIFTS	21	\$0.00	\$80.00		\$80.00	\$0.00	\$0.00	\$ -	\$0.00
WEB SITE EXPENSE	22	\$1,500.00	\$0.00		\$1,500.00	\$0.00	\$0.00	\$ -	\$0.00
DOG WASTE BINS AND BAGS							\$ -	\$ 423.46	\$423.46
TOTAL DISBURSEMENTS	23	\$40,332.76	\$41,253.17		\$36,590.00	\$2,557.13	\$2,357.30	\$ 4,390.58	\$6,747.88
	24								
RECEIPTS LESS DISBURSEMENTS	25	<u>-\$1,707.76</u>	<u>\$2,761.76</u>		<u>\$2,535.00</u>	<u>\$13,773.95</u>	\$ 3,738.67	\$ 1,763.69	\$ 5,502.36
	26								
CASH IN BANKS	31		\$635.01			\$1,548.13	\$ 2,543.90	\$ 2,434.43	
BROKERAGE ACCOUNT BALANCE	32		\$231,577.73			\$236,938.56	\$ 247,800.61	\$ 245,602.27	
UNDEPOSITED DUES CHECKS	33								
ACCOUNTS PAYABLE	34								
DUES/AD REV. RECEIVED IN ADVANCE	35		<u>-\$8,100.00</u>			<u>-\$600.00</u>			
	36		<u>\$224,112.74</u>			<u>\$237,886.69</u>	\$ 250,344.51	\$ 248,036.70	

PAID MEMBERS FISCAL YEAR 2006-2007 309
PAID MEMBERS FISCAL YEAR 2007-2008 317
PAID MEMBERS FISCAL YEAR 2008-2009 277
PAID MEMBERS FISCAL YEAR 2009-2010 307
PAID MEMBERS FISCAL YEAR 2010-2011 323
PAID MEMBERS FISCAL YEAR 2011-2012 226 estimated

Respectfully Submitted:
Helen Tartavull, Treasurer
Starting January 2012

Concrete Repair Work in Sunset Mesa Community

Location	Sidewalk	Curb & Gutter	Driveway Apron
Work performed by County forces			
Cloudcroft Drive			
3404 Cloudcroft Dr	X		
Castlerock Road			
3900 Castlerock Rd	X		
3912 Castlerock Rd			X
3916 Castlerock Rd	X		X
Coastline Drive			
18000 Coastline Dr	X		
Across from 18000 Coastline Dr	X		
18002 Coastline Dr	X	X	X
18004 Coastline Dr		X	
18034 Coastline Dr	X	X	
Across from 18034 Coastline Dr - Vacant lot owned by Complex Properties LLC	X		
18042 Coastline Dr	X	X	
18050 Coastline Dr	X	X	
18057 Coastline Dr	x		
18065 Coastline Dr	X		
18060 Coastline Dr		X	
18068 Coastline Dr	X	X	X
18069 Coastline Dr	X		
18079 Coastline Dr	X	X	
18074 Coastline Dr	X		
18101 Coastline Dr	X		
18100 Coastline Dr	X	X	
18109 Coastline Dr	X		
18126 Coastline Dr	X	X	
18125 Coastline Dr	X	X	X
18133 Coastline Dr	X		
18139 Coastline Dr		X	
18146 Coastline Dr	X		
18147 Coastline Dr	X	X	
18200 Coastline Dr	X		
18203 Coastline Dr		X	
18219 Coastline Dr	X		
18222 Coastline Dr	X		
18239 Coastline Dr	X		
18244 Coastline Dr	X		
Across from 18244 Coastline Dr - Work on Coastline Drive, owner at 3912 Castlerock	X	X	
18254 Coastline Dr	X		
18262 Coastline Dr	X	X	
18268 Coastline Dr	X	X	
18300 Coastline Dr	X		
18334 Coastline Dr			X
18341 Coastline Dr	X		
18348 Coastline Dr	X		
18354 Coastline Dr	X		

Concrete Repair Work in Sunset Mesa Community

Location	Sidewalk	Curb & Gutter	Driveway Apron
18359 Coastline Dr	X	X	X
18401 Coastline Dr			X
18418 Coastline Dr	X		
18424 Coastline Dr	X		
18428 Coastline Dr	X		X
18431 Coastline Dr	X		
18440 Coastline Dr			X
18444 Coastline Dr			X
18450 Coastline Dr			X
18456 Coastline Dr			X
18460 Coastline Dr	X		X
Across from 18002 Coastline Dr - Vacant lot owned by Complex Properties LLC	X		
Malibu Vista Drive			
3709 Malibu Vista Dr	X		
3843 Malibu Vista Dr	X		
3905 Malibu Vista Dr	X	X	X
3913 Malibu Vista Dr	X		
3917 Malibu Vista Dr	X		X
3920 Malibu Vista Dr	X		
3925 Malibu vista Dr	X		
Seahorn Drive			
3818 Seahorn Dr	X		
Surfview Drive			
157 Surfview Dr	X		
168 Surfview Dr	X		
Wakecrest Drive			
18218 Wakecrest Dr	X		
18300 Wakecrest Dr	X		
18452 Wakecrest Dr	X	X	
Work performed by County contractor, MINCO			
Castlerock Road			
3703 Castlerock Rd	X		
3722 Castlerock Rd		X	
3723 Castlerock Rd	X		
3814 Castlerock Rd	X		
3815 Castlerock Rd	X		
3827 Castlerock Rd		X	X
3900 Castlerock Rd		X	
3912 Castlerock Rd			X
3916 Castlerock Rd	X		X
Clifftop Way			
18301 Clifftop Way			X
18307 Clifftop Way			X
18311 Clifftop Way			X
18330 Clifftop Way	X	X	
18348 Clifftop Way	X		
18407 Clifftop Way	X		

Concrete Repair Work in Sunset Mesa Community

Location	Sidewalk	Curb & Gutter	Driveway Apron
Cloudcroft Drive			
3404 Cloudcroft Dr		X	
3411 Cloudcroft Dr	X		
3429 Cloudcroft Dr	X		
3430 Cloudcroft Dr	X		
3436 Cloudcroft Dr		X	
3437 Cloudcroft Dr		X	X
3442 Cloudcroft Dr	X		X
3450 Cloudcroft Dr		X	
Malibu Vista Drive			
3633 Malibu Vista Dr	X		
3639 Malibu Vista Dr	X		
3640 Malibu Vista Dr		X	
3652 Malibu Vista Dr	X		
3701 Malibu Vista Dr	X		
3710 Malibu Vista Dr	X		
3715 Malibu Vista Dr		X	
3741 Malibu Vista Dr	X		X
3753 Malibu Vista Dr	X		X
18450 Kingsport Dr (Work is on Malibu Vista Dr)	x		
3839 Malibu Vista Dr	X		
3864 Malibu Vista Dr	X		
Kingsport Drive			
18109 Kingsport Dr	X		
18121 Kingsport Dr	X		
18125 Kingsport Dr	X		
18129 Kingsport Dr	X	X	X
18145 Kingsport Dr	X		
18156 Kingsport Dr			X
18157 Kingsport Dr			X
18162 Kingsport Dr			X
18163 Kingsport Dr	X		
18174 Kingsport Dr			X
18202 Kingsport Dr	X		
18212 Kingsport Dr			X
18406 Kingsport Dr		X	
18424 Kingsport Dr	X		
18425 Kingsport Dr			X
Sandy Cape Drive			
18105 Sandy Cape Dr	X		
18111 Sandy Cape Dr		X	
18123 Sandy Cape Dr	X		
Seahorn Drive			
3608 Seahorn Dr	X		
3649 Seahorn Dr		X	
3735 Seahorn Dr		X	
3736 Seahorn Dr	X		
3747 Seahorn Dr	X	X	
3748 Seahorn Dr	X		

Concrete Repair Work in Sunset Mesa Community

Location	Sidewalk	Curb & Gutter	Driveway Apron
Shoreheights Road			
3417 Shoreheights Rd	X		
3418 Shoreheights Rd	X		
3424 Shoreheights Rd			X
3447 Shoreheights Rd	X		
3516 Shoreheights Rd	X		
3524 Shoreheights Rd	X		
3543 Shoreheights Rd	X		
3608 Shoreheights Rd	X		
3616 Shoreheights Rd	X		
Surfwood Road			
3502 Surfwood Rd	X		
3505 Surfwood Rd	X	X	X
3512 Surfwood Rd	X	X	X
3535 Surfwood Rd	X		
3546 Surfwood Rd	X		
3550 Surfwood Rd	X	X	X
3603 Surfwood Rd		X	
3604 Surfwood Rd		X	X
3615 Surfwood Rd		X	
3630 Surfwood Rd			X
3640 Surfwood Rd		X	
3641 Surfwood Rd		X	
3643 Surfwood Rd	X		
3648 Surfwood Rd		X	
3652 Surfwood Rd		X	X
3702 Surfwood Rd	X		
3703 Surfwood Rd	X		
3704 Surfwood Rd		X	
3707 Surfwood Rd	X	X	X
3710 Surfwood Rd	X		
3711 Surfwood Rd	X	X	
3728 Surfwood Rd		X	
3808 Surfwood Rd	X		
3809 Surfwood Rd		X	
3813 Surfwood Rd	X	X	
3818 Surfwood Rd	X	X	
3824 Surfwood Rd		X	X
3831 Surfwood Rd	X	X	X
Wakecrest Drive			
18136 Wakecrest Dr	X		
18142 Wakecrest Dr	X		
18236 Wakecrest Dr	X		
18247 Wakecrest Dr	X		
18270 Wakecrest Dr	X		
18283 Wakecrest Dr	X		
18300 Wakecrest Dr	X		
18301 Wakecrest Dr		X	
18339 Wakecrest Dr	X	X	
18351 Wakecrest Dr		X	
18354 Wakecrest Dr		X	
18419 Wakecrest Dr	X		
18439 Wakecrest Dr		X	

Tree Removals performed by County contractor, West Coast Arborists

Location	Proposed Tree Removal
3815 Castlerock Rd	Remove 1 tree
18330 Clifftop Way	Remove 1 tree
18348 Clifftop Way	Remove 1 tree
18407 Clifftop Way	Remove 3 trees
18002 Coastline Dr	Remove 1 tree
18004 Coastline Dr	Remove 1 tree
18109 Coastline Dr	Remove 1 tree
18042 Coastline Dr	Remove 2 trees
18069 Coastline Dr	Remove 1 tree
18068 Coastline Dr	Remove 1 tree
18146 Coastline Dr	Remove 1 tree
18125 Coastline Dr	Remove 1 tree
18239 Coastline Dr	Remove 1 tree
Across from 18244 Coastline Dr - Owner address 3912 Castlerock Rd	Remove 1 tree
18244 Coastline Dr	Remove 3 trees
18254 Coastline Dr	Remove 3 trees
18348 Coastline Dr	Remove 1 tree
18125 Kingsport Dr	Remove 1 tree
18449 Kingsport Dr	Remove 1 tree
3652 Malibu Vista Dr	Remove 1 tree
3710 Malibu Vista Dr	Remove 1 tree
3750 Malibu Vista Dr	Remove 1 tree
3818 Seahorn Dr	Remove 1 tree
3767 Seahorn Dr	Remove 1 tree
168 Surfview Dr	Remove 1 tree
18452 Wakecrest Dr	Remove 1 tree