

San Elijo Hills #1 Homeowners Association
Community Newsletter
June 2005



President's Message

by Beth Mascherin

Thank you to everyone who attended our Annual HOA meeting in April. We had a very large turnout and appreciate everyone's interest and involvement in directing the future of our wonderful community. Our guest speaker, Solana Beach Councilman Dave Roberts, spoke about current issues and topics affecting the entire city. He was generous with his time and answered numerous questions that were raised by the attendees.

The election of the HOA Board of Directors was also held during the meeting. Below is a list of the 2005/2006 Board members and their position:

Beth Mascherin	President
Percy Zelnick	Vice-President
Margot Berg	Secretary
Cynthia Harrison	Treasurer
Bill Gregory	Covenants/Architecture
Adrienne Jones	Membership
Marlene Ettari	Social

Please be expecting a ballot in the mail regarding two very important amendments to our PC&Rs. Given the age of our community, our PC&Rs were written over 30 years ago and have not had any revisions for close to a decade. The Board has recognized two areas that they believe should be amended. First, the language regarding the prohibited storage of trailers, RVs, and other similar large vehicles was quite vague and archaic. It has been re-written to be more thorough and include a more current description of today's vehicles. Second, as currently written, our PC&Rs cannot be enforced without pursuing a lengthy and costly legal process. Again, in trying to keep up with the times, and wanting to be fiscally prudent, the Board suggests an amendment that would allow penalties for egregious non-compliance. Any penalty would be used as an absolute last resort and could consist of either suspension of membership rights (voting

rights and ability to run for office) and/or fines.

These issues are very important to the future of our community. When you receive the ballot, please take a moment and vote. Two-thirds of the membership will have to approve of these changes before they could take effect.

Let your voice be heard!!



News from the Social Chair



The height of the social season will occur Sunday, July 31st, with a GARDEN PARTY to be held from 4-7 p.m. at the home of Marlene and Chuck Ettari.

The event will be pot-luck style, with emphasis on heavy appetizers or afternoon tea type hors d'oeuvres. Also, please bring your favorite wine for a wine tasting so that neighbors can sample the various neighborhood favorites. Plastic glasses will be provided as a backup; bringing your stylish stemware is encouraged. Prizes will be awarded for most interesting appetizers and glasses.

Please RSVP to Marlene Ettari..

#FYI . . .

Per requirements of the Civil Code, we are providing the following information and/or disclosures:

Meetings: Association Board meetings are held the 1st Wednesday of each month at 7:00 pm. Members are welcome. Please contact Cal West if you desire to attend. Meeting minutes are usually available a week or two after the meetings and are available to members upon request and upon reimbursement of the Association's costs for making that distribution.

Insurance Info: The Association has a "package commercial policy" with State Farm Insurance. This policy includes \$2 million for general liability with up to \$4 million in coverage for annual general aggregate. We also carry \$2 million in coverage for officers and directors. We are required to add the following language to the above summary of our insurance policies:

"This summary of the Association's policies of insurance provides only certain information, as required by subdivision (e) of §1365 of the Civil Code, and should not be considered a substitute for the complete policy terms and conditions contained in the actual policies of insurance. Any Association member may, upon request and provision of reasonable notice, review the Association's insurance policies and, upon request and payment of reasonable duplication charges, obtain copies of those policies. Although the Association maintains the policies of insurance specified in this summary, the Association's policies of insurance may not cover your property, including personal property, or real property improvements to or around your dwelling, or personal injuries or other losses that occur within or around your dwelling. Even if a loss is covered, you may nevertheless be responsible for paying all or a portion of any deductible that applies. Association members should consult with their individual insurance broker or agent for appropriate additional coverage."

Collection Procedures: If dues or other assessments remain unpaid for more than 30 days after the due date, the Association may recover the reasonable costs of collection, including but not limited to attorney fees; small claims court fees; administrative expenses; a late charge of \$30, and

interest at an annual percentage rate of 12%. For accounts that become more than 60 days delinquent, the Association has the option of imposing a \$50 administrative fee for additional collection efforts. The Association may exercise any other remedy authorized by law.

Dispute Resolution: The Association's protective covenants and restrictions may be enforced by any homeowner or by the Association, or by both, as detailed by California Civil Code §1354. In summary, this section says that prior to the filing of a civil action by either an Association or an owner related to the enforcement of the governing documents, the parties shall submit their dispute to a form of alternative dispute resolution such as mediation or arbitration. The form of alternative dispute resolution chosen may be binding or nonbinding at the option of the parties.

Any party to such a dispute may initiate this process by serving on another party to the dispute a Request for Resolution. The Request for Resolution shall include (1) a brief description of the dispute between the parties, (2) a request for alternative dispute resolution, and (3) a notice that the party receiving the Request for Resolution is required to respond thereto within 30 days of receipt, or it will be deemed rejected. Service of the request for Resolution shall be in the same manner as prescribed for service in a small claims action as provided in §116.340 of the Code of Civil Procedure.

If alternative dispute resolution is accepted by the party upon whom the Request for Resolution is served, the alternative dispute resolution shall be completed within 90 days of receipt of the acceptance by the party initiating the Request for Resolution, unless extended by written stipulation signed by both parties. The costs of the alternative dispute resolution shall be borne by the parties.

Note: "Failure by any member of the Association to comply with the prefiling requirements of §1354 of the Civil Code may result in the loss of your rights to sue the Association or another member of the Association regarding enforcement of the governing documents."

Board Members:

Beth Mascherin President
Percy Zelnick Vice-President
Margot Berg Secretary
Cynthia Harrison Treasurer
Bill Gregory Covenants/Architecture
Adrienne Jones Membership
Marlene Ettari Social Committee

Note: Please call **Cal West** with questions regarding PC&Rs, architectural matters, and your account status.

Cal West Management

Signe Osteen, Manager
519 Encinitas Blvd., Suite 108
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**Financial Report
for Fiscal Year
2006**



The Association budget for fiscal year 2006 (July 1, 2005 through June 30, 2006) is summarized below. The slope maintenance assessment will be \$646 per home, a 5% increase over FY2005, primarily associated with the increased cost of maintenance of the common areas. The assessment is payable in two installments of \$323 on 9/1/05 and 3/1/06. Annual Association fees will remain \$25 per year, payable on 3/1/06.

Projected Income:

Slope Maintenance Fees	\$136,368
Association Fees	<u>4,800</u>
Total Income	\$141,168

Expenses:

Electricity	\$ 876
Water	25,824
Tree Trimming	10,800
Hauling	2,796
Maintenance Supplies	3,012
Landscaping Service Contract	73,080
Landscape Extras	4,800
Committee Events	420
Office Expenses	2,100
Taxes	792
Insurance	4,272
Audit	696
Legal	1,800
Cal-West Management	4,800
Misc. Expenses	<u>300</u>
Total Expenses	\$136,368



SHAG Report

by Chuck Boe

This report is a culmination of the last two SHAG (Solana Homeowners' Association Group) meetings. There were special guests attending at both meetings: Tom Golich (former Solana Beach City Council) and Dr. Karen Walker (Superintendent of Solana Beach School District).

Something that has been discussed at the meetings is

funding for the SHAG group. In essence, they require very little as their expenses are small. They have managed to acquire space for their meetings at the Lomas Santa Fe Country Club without having to incur any expense. The SHAG group is asking all representative HOA's to make a contribution which amounts to one dollar per household. This more than likely will last at least ten years. There are not many HOA representatives at these meetings and the group is hoping that this situation will change in the future.

Guest speaker, Tom Golich, spoke about the San Dieguito River Park. He is quite involved in this project, which is about to become more visible in our area. The SDRP is a project that stretches 55 miles from Del Mar to Volcan Mountain. It descends from Volcan Mountain nearly 5,000 feet to the Pacific Ocean. The mission is to protect the resources and provide for a continuous trail from the ocean to the mountains and desert. Its course flows through woodlands and meadows, rocky gorges, chaparral hillsides, agricultural valleys, and marshes. It is about to finally reach our back door. The area that borders Solana Beach to the south will be made into a Wetlands Preserve with hiking trails, view points and bird nesting areas. The tomato fields you are accustomed to seeing from the freeway are gone. This will surely be a wonderful place for us all to enjoy in the years to come. For more information on this project and how you may also contribute to the River Park, visit the Conservancy website at www.sdrvc.org and the River Park website at www.sdrp.org. It was reported at the meeting that we should start seeing activity in the area around July/August.

Guest speaker, Dr. Karen Walker, talked about her new position with the school district and how excited and privileged she is to be a part of this program. Karen spoke of the retirement of Stephen Ludwiczak, long time principal of Solana Vista. A panel has narrowed his replacement down to three candidates and plans to submit their recommendation at the June board meeting. Karen also spoke of the creation of a school district newsletter that will be totally funded by advertisements and placed in local business establishments.

Since the SHAG group typically does not meet in the Summer, more news from the SHAG group

will be forthcoming after the September meeting.

**Private yoga group accepting new members.
Meet once/wk at La Vida Del Mar;
maximum 10 per class. Call Judy for
information: 858-259-9799.**