

SMPOA Meeting Minutes

January 10, 2023

OPENING

President Seth Fonti called the meeting to order at 7:30 pm. via ZOOM.

PRESENT

The following Board members were also in attendance: Vice President, Howard Gould; Architectural Committee Chair, Mark Stoeckinger; Secretary, Desa Stoeckinger, Treasurer, Rachael Klein; Website Manager Arthur Chan and Norm Dupont. Also, in attendance was: Parliamentarian Rick Silver; A/C Secretary Glen Beer; Resident Dundas Flaherty; Resident Nicole Homme and counsel for the Hommes Chris Deal. Absent was Kristina Pabst.

NEW BUSINESS - Seth Fonti

- Architectural Committee Appeal by Dundas Flaherty (3749 Malibu Vista Drive). The Board has reviewed the original appeal information and electronic attachments photos sent by both parties before the meeting. The two sides will each have five minutes to state their case.

Dundas Flaherty -

- In October 2022 next door neighbors Nicole and Matt Homme built a new fence adjacent to his garden walkway which is six feet high and blocks their ocean view from their garden walkway. Mr. Flaherty discussed the OVI with the Hommes the day it was being built. They were unable to work out a resolution.
- He submitted a request to the Architectural Committee to look at the OVI. The A/C came out in November and submitted a determination that there is no OVI. An appeal was sent with additional information.
- Mr. Flaherty believes that the CC&R's governs what is on the appeal to protect OVI's as written and recorded. The fence height needs to be reduced.

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Nicole Homme - 3753 Malibu Vista Drive

- Mr. Flaherty has the burden of proof to appeal the A/C decision. No photos distributed have shown the OVI.
- The issue has been extensively litigated between the two parties. We litigated for five years. Mr. Flaherty filed a law suit over what the definition of an OVI and what is protected under the CC&R's. The court issued a ruling which is binding on both parties. The court ruled that to be protected the ocean view has to be existing, not theoretical. It clearly established that there was a materiality threshold in the ocean view clause. In that the A/C can determine whether or not the ocean view can be material or not.
- The hedge existed on the property when it was purchased in 2015 and was removed when the new fencing was installed.

Chris Deal - Counsel for Hommes

- Incumbent on Flaherty to demonstrate a material OVI.
- We agree with Mr. Flaherty that the CC&R's govern. The OVI has to be material. Mr. Flaherty has not demonstrated a material OVI.

Mark Stoeckinger - AC Chair

- The A/C committee for that visit in November 2022 included the following members: Abbas Satrap; Philip Cohen; Gary Oslowitz; Len Oslowitz; Sarah Doering; Renee Weitzer and Sam Patel. In addition, Seth Fonti was also present for this site visit.

The Board requested additional information from the parties, including: (1) the exact height of the contested portion of the fence; and (2) any photographs of the area previously provided by Mr. Flaherty to the Board. The Board indicated it would consider these items and other materials at a separate meeting.

COMMITTEE REPORTS

Treasurer's Report - Rachael Klein



SMPOA Profit & Loss for December 2022

Month/End Financial Highlights

- Summary of Financials:
 - Net Operating Income for December 2022 was net negative **(\$2,651)** as a result of Block Party expenses and tax advice charges clearing, as well as QuickBooks expense of \$590.
 - Revenue of \$2,700 tied to Block Party and dues to be posted for January
 - Stifel data delayed pending in light of year-end timing
- 2023 Calendar Year Dues
 - Invoices in progress, sending out in groups. This process is manual and is done account by account by one person
 - Emails don't exist for all accounts
 - Some dues have been received; dues sent in advance netted against new dues amount resulting in a few accounts with outstanding balances of \$25

	A	B
1	Summary SMPOA Financials for December 2022	
2	Banc of CA (BCA) — Business Checking	\$ 24,537
3	Stifel Investment	\$ 367,318
4	TOTAL SMPOA ASSETS	\$ 391,855
5	Document Fees/Past Dues	\$ 550
6	TOTAL REVENUE	\$ 550
7	Merchandise Cost of Goods	\$ 1,980
8	CPA Expenses - Tax advising	\$ 625
9	QuickBooks Charge	\$ 590
10	QuickBooks Fees	\$ 6
11	TOTAL EXPENSES	\$ 3,201
12		
13	NET OPERATING INCOME	\$ (2,651)
14		
15	Stifel Investment Portfolio Activity	
16	Income & Distributions	
17	Unrealized Gain/Loss	
18	NET CHANGE IN STIFEL PORTFOLIO	\$ -
19		

Various board members discussed ways to more effectively collect dues - lemonade stand received a positive response. People have been paying ACH via quickbooks invoices. We need ways to more effectively batch bill yet the cost

in Quickbooks for such billing is too expensive so automating billing seems to be the solution.

Insurance coverage is expensive at \$25k a year considering we don't have any common property which might require additional coverage. Seth will be asking for some relief from our carrier and will ask our agent to come to our February meeting.

The Board will continue to pursue ways to increase dues collection and initiatives to offset this elevated cost.

Rick discussed what to do to enforce dues collection effort. This will be a key focus point for the CC&R restatement committee to address.

Architectural Committee - Mark Stoeckinger

Visits for January 7th 2023 included the following members: Sarah Doering; John Ransler; Seth Fonti; Len and Gary Ovsowitz; Abbas Satrap, Phillip Cohen, Renee Weitzer

- 3602 Shoreheights downhill neighbor - OVI from downhill neighbor at 3608 Shoreheights Drive due to and air conditioner unit, satellite dish and skylight on roof. No determination was made as there is a pending roof remodel with might negate the issue. No decision TBD

Glen Beer - A/C Secretary, correspondence asking for assistance to handle the increased volume and documentation requirements for architectural committee.

Mark Stoeckinger and Glen Beer discussed ways to streamline the A/C paperwork process, and help is needed. There are many items of communications to interact with via the AC email. Use a Google workspace account for a non profit however SMPOA is technically not a non profit so \$50 per user per year could work. Potentially Don Mink could handle our broader support services.

3 funding proposals 1) Don Mink for \$450 to facilitate mailing 2) Enterprise workspace solution for information security and ability to operate in the future that is \$50-60 per user anticipating 4-5 users total - approximately \$250 3) \$500 for AC clerical help which would include looking for ways to streamline

and automate reporting and scheduling. The board chose not to move forward with advanced suite of Quickbooks but enhancing financial software remains a key focus area for the Board.

Seth wants to approve these items. Seth also said in the future that the treasurer role needs to be broken up into several roles given the size and scope of the role and demands it places on a single individual. He will put together a recommendation to have the Board review at a later date.

Rick brought up that the 1963 by laws indicate SMPOA is a non profit yet it is possible the tax codes changed although Rachael said our accountant claims otherwise. We pay taxes on 100% of the addresses paying dues even though we only realize a fraction of that as a corporation. It costs quite a bit of money to change it.

CC&R restatement

We need to set meeting dates to make this happen. Norm will send an email to interested residents and judge interest.

- We need to put all the pipes together to better organize and integrate
- Can we use a QR code on a sign in the neighborhood to take people to the website and view the Message
- Arthur would make a link on the website.

NEXT MEETING

The next Board of Directors meeting will be held on Tuesday, February 7th at 7:30 p.m. via Zoom.

Executive Session:

The regular meeting of the Board concluded at 8:23 pm. The Board then continued in executive session and received a report by legal counsel, Dane Taylor, Esq. on the following matter:

Filler v. Sunset Mesa Property Owners Association, Inc., Case No. 21STCV12618 (Los Angeles County Superior Court).

ADJOURNMENT

President Seth Fonti adjourned the meeting at the conclusion of the Executive Session..

Minutes Submitted by: Desa Stoeckinger, Secretary