

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF
BENEDICT HILLS HOMEOWNERS ASSOCIATION
JANUARY 9, 2019**

A meeting of the Board of Directors of Benedict Hills Homeowners Association was held at 7:00 p.m. on January 9, 2019 at 9646 Wendover Road, Beverly Hills, CA.

Board Members in Attendance: Susan Davidson, Joy Denton, David Herman, Steven Rosenwasser, and Andrea Silver.

Board Members Absent: Steve Gabor, Brian Prince, and Robert Wallerstein.

Residents in Attendance: None.

1. Call to Order. The meeting was called to order at 7:05 by President David Herman.
2. Approval of Minutes. The Board unanimously approved the minutes of the November 1, 2018 Board meeting.
3. Financial Report.
 - (a) Approval of October and November Financial Report. The Board unanimously approved the October and November financial reports.
 - (b) Reserve Funding. The Board unanimously agreed not to make contributions to reserves at this time.
4. Open Forum.

No items were presented in Open Forum.

5. Management Report.

The Management Report is attached. Prior to the meeting, Claire supplemented the report to advise the Board of the Benedict Canyon Association's annual meeting, and that Councilman Paul Koretz and a representative from DWP would be in attendance. Claire advised that the BCA meeting would present an opportunity to voice the Association's concerns regarding power outages, which DWP maintenance personnel attribute to the grid being old and needing to be replaced.

6. Committee Reports

- A. Architectural. The Architectural committee report is attached. Joy and David reported on the meeting they had with the homeowner of 2753 Deep Canyon.
- B. Landscape. The Landscape Committee report is attached. The Board discussed the bids received to date for large tree removals and unanimously agreed to increase the Landscape Committee's authority to \$4,000 per tree for the next three months.
- C. Hospitality/Communications. Nothing to report.
- D. Safety & Security. The Safety Committee report is attached. Susan and David will review options regarding the size and placement of the proposed shed. Legal considerations regarding Association involvement in emergency preparedness were discussed in executive session.
- E. Swales. David will talk to Claire regarding BHEA's swale repair efforts.
- F. Tennis. David will check on the steps.

7. Unfinished Business.

- (1) Options for New Management Company. David reported that the search committee has received proposals from 8 management companies and is reviewing them to select the companies to be interviewed.
- (2) Adopt Filming Policy. Steve will forward to Andrea another copy of the advice previously obtained from counsel.
- (3) Caulking of Tennis Court Steps. Discussed above.
- (4) DWP Rate Change. The Board discussed the current status.
- (5) Dead Bottlebrush trees at 2708 Deep Canyon. Discussed in executive session.

(6) Dead trees at 2717 Deep Canyon. Discussed in executive session.

(7) Amendment to Covenant Agreement Regarding Slope Maintenance Area for 9789 Tottenham. The Board discussed the current status.

9. New Business.

(1) Ratify holiday gifts. The Board unanimously ratified the holiday gifts given in December, and unanimously approved an additional gift to Claire of \$250.

(2) Dead Eucalyptus at 9754 Wendover. Discussed in Executive Session.

(3) Board meeting location. The Board discussed whether to consider alternative meeting places, but decided to continue to hold meetings at the homes of directors willing to host.

(4) Form of monthly income statements. Tabled.

10. Scheduling of Next Board meeting. The next board meeting was scheduled for February 26, 2019 at Andrea Silver's home.

11. Executive Session. The Board discussed member discipline issues, matters relating to the formation of contracts with third parties, pending litigation, issues relating to prior litigation, and advice of counsel.

12. Adjournment. The general meeting was adjourned to go into executive session, which was adjourned at 8:50 pm.

COMMITTEE REPORTS
MANAGEMENT REPORT

1. The amendment to covenant agreement regarding slope maintenance area for 9789 Tottenham was sent for recording on December 4. The original has not been returned you from the County Recorder.
2. I spoke to a general contractor who submitted a proposal to repair one of BHEA's swales. He can submit a proposal for your HOA if you're interested. Al Giese of A&Y Asphalt Contractors Inc, Phone: 951-538-8696. Email: AL@AYCompany.com. State Contractor's License No. 494782.
3. Regarding DWP Rate Change, I was asked to provide copies of my communications with the DWP. The following is the email exchange, with the most recent where they rejected the request for retroactive credits:

-----Original Message-----

From: Rate Application <Rates@ladwp.com>
To: Claire Carafello <handlewithclaire@aol.com>
Cc: Rate Application <Rates@ladwp.com>
Sent: Fri, Dec 14, 2018 12:30 pm
Subject: RE: rate changes for Benedict Hills

Good afternoon –

There are no additional credits for 2016 and 2017. In our last response sent on 11/9/18, we stated the following:

- “The effective date is 4/17/18, and this constitutes the earliest effective date possible”
- “The average consumption from the most recent (2017-2018) winter period was either comparable or higher than previous winters. If the data from previous winter periods was to be used, the result would have been lower Tier 1 allocations and higher bill amounts”
- “‘Refunds’ are the result of billing errors attributed to the utility. However, this was not the case for these requests. The previous bill calculations, which were done correctly based on their designation as multi-family, did not contain errors, although future billings will reflect the reassessment”

Sincerely,
LADWP Rate Applications unit

From: Claire Carafello [mailto:handlewithclaire@aol.com]
Sent: Tuesday, December 04, 2018 1:01 PM
To: Rate Application
Subject: Re: rate changes for Benedict Hills

Hi Edward,

Can you please reply to this email one way or the other with respect to the earliest effective date for the credits not given for 2016 and 2017?

The Board was anticipating credits going back to July 2016 when MDW rates were increased since that was what you told me on the phone. If that is not the case, please let me know. In any event, just respond so I can move off of this project once and for all.

Thank you.
Claire

-----Original Message-----

From: Claire <handlewithclaire@aol.com>
To: rates <rates@ladwp.com>
Sent: Wed, Oct 31, 2018 10:24 am
Subject: Fwd: rate changes for Benedict Hills

Hi Edward,

I was hoping to get a response to this email by now as the board has a meeting tomorrow evening and needs to know what is going on. Here is an update of the rate change and credits given to date. They need to know when the 2016-2017 credits will be applied and the rate for the MD will be changed to C.

Thanks
Claire

	ADDRESS	RATE	2018 CREDIT	2017 CREDIT	2016 CREDIT
1	9787 Burnley	C	6235.4		
2	2678 Deep Canyon				
3	2680 Deep Canyon	C	4930.9		
4	2714 Deep Canyon	MD			
5	2715 Deep Canyon	C	1532.55		
6	2740 Deep Canyon	MD			
7	2760 Deep Canyon	MD			
8	2768 Deep Canyon	C			
9	3067 Hutton	MD			
10	3143 Hutton	C	7594.46		
11	3173 Toppington	C			
12	3182 Toppington				
13	3184	MD			

	Toppington		
14	9645 Wendover	MD	
15	9716 Wendover	C	1110.72

-----Original Message-----

From: Claire <handlewithclaire@aol.com>
To: Rates <Rates@ladwp.com>
Sent: Fri, Oct 26, 2018 11:26 am
Subject: Re: rate changes for Benedict Hills

Dear Edward

We received the most recent DWP bills covering the period from August to October that are due on November 2.

The billing rates for the following addresses are still being charged a multi-family rate (B) :

2714 Deep Canyon
2740 Deep Canyon
2760 Deep Canyon
3067 Hutton
3184 Toppington

Can you please correct the rate on those accounts?

Also, can you please let us know when the HOA can expect to receive a refund or credits from July 2016 to the present for the difference in the rates that were charged and paid?

Thank you.
Claire

---Original Message-----

From: Rate Application <Rates@ladwp.com>
To: handlewithclaire <handlewithclaire@aol.com>
Sent: Mon, Sep 17, 2018 7:41 pm
Subject: rate changes for Benedict Hills

Good evening –

Per your request, please be advised that rate changes were submitted for the following addresses:

9787 Burnley Pl
2680, 2714, 2715, 2740 and 2760 Deep Canyon Dr
3067 ½ and 3143 ½ Hutton Dr
3173 and 3184 Toppington Dr
9716 ½ Wendover Dr

In every case, the rate was changed from Multi-Family (B) to Commercial (C). Tier 1 allocations were also increased for each account that had the appropriate billing history. Approval for these changes is the result of an interpretation of the rate ordinance and of DWP policy, as

determined by the Rates Manager. We would also expect to see these adjustments on the next bill for each respective account.

Regarding the additional accounts listed on the request, rate changes were not submitted because they were either for unmetered electric accounts, or they were for accounts that would not have yielded any savings with a rate change. Thank you for the opportunity to review these accounts.

Sincerely,
LADWP Rate Applications unit

ARCHITECTURAL COMMITTEE REPORT- Joy Denton

2753 Deep Cyn- We have meeting scheduled with the owner to review plans. New Dumpster and fence put in front.

LANDSCAPE COMMITTEE REPORT-Steven Rosenwasser

Date: January 9, 2019
From: Steve Rosenwasser
To: Benedict Hills HOA Board of Directors
Cc: Claire Carafello
Re: Landscape Committee Report

I. Arborist Review

At the Landscape Committee's request, the HOA's longtime consulting arborist Jan Scow separated his tree recommendations into three priority levels. He recommended

that this year, we take care of all of the priority #1 recommendations and about half of the priority #2 recommendations, and take care of the rest next year. He reminded us that huge Aleppo Pines on shallow hillsides with lots of watering always will be a concern, and recommended re-evaluating the Pines next year. As noted in the prior Landscape Committee report, Jan Scow recommended that irrigation be reduced in a few fenced slope areas for which access has to be arranged with the homeowner, and Reliable was asked to make those adjustments.

Jan Scow identified 22 trees as priority #1. 3 of those trees were to be removed, and 1 of those already has been removed. 2 trees were to be removed or pruned and/or cabled. 16 trees were to be pruned and/or cabled, and 1 of those already has been pruned. 1 tree was to be treated for polyphagous shothole borer, which has been done.

Of the priority #2 trees, there were 6 trees to be removed. There were 2 trees to be removed or pruned and/or cabled. Of the remaining priority #2 trees to be pruned and/or cabled, there were 15 individual trees, a group of 5 Redwoods to be considered for cabling, a hedge of 4 Ficus trees to be pruned, and a hedge of more than 10 Ficus trees to be pruned (which already has been done).

Of the priority #3 trees, there were 15 trees and 2 Ash sprouts to be removed, 3 trees to be removed or pruned, and 13 trees to be pruned.

As in prior years, Jan Scow's recommendations included a number of trees for which ownership needs to be confirmed.

II. Tree damage

National Arbor Service completed their soil and trunk treatment of the 2 Western Sycamores at the Monument that were attacked by polyphagous shothole borer.

Andrea Silver showed Jan Scow and his assistant the three California Peppers on the slope of 9624 Wendover, and the larger Red Flowering Gum on the slope of 9692 Wendover, for which Reliable had recommended chemical injections on account of insect infestations. Jan Scow found no evidence of pest infestation of the California Peppers, only minor damage from sapsuckers, and recommended against treating those trees. With respect to the Red Flowering Gum, Jan

Scow found no evidence of insect infestation, but did find evidence of *Armillaria Mellea* (Oak Root Fungus). He recommended removing the ivy around the tree, redirecting the sprinklers away from its trunk, and reducing or eliminating summer watering near the tree.

A large Coast Live Oak on the slope of 9792 Aldbury died suddenly after Jan Scow was last out here. He suspected *Armillaria Mellea*, and its presence was confirmed by ISA-certified arborist David Sims and ISA-certified master arborist and tree risk assessor Nick Araya.

Two small California Peppers above Hutton also died after Jan Scow was last out here.

The small California Pepper below Hutton that Reliable cut back after it lost its leaves has not regrown.

III. Tree trimming/removal

Reliable Gardens removed the dead California Pepper behind 9624 Wendover, which was a priority #1 item. As part of its regular maintenance, Reliable removed a broken limb by the tennis courts, which was a priority #1 item, and pruned the Ficus hedge near the swale behind 3146 Hutton, which was a priority #2 item.

For the remaining priority #1 and #2 items, the committee has obtained second opinions and bids from ISA-certified arborist David Sims and ISA-certified master arborist and tree risk assessor Nick Araya, who are the only pruning contractors Jan Scow currently recommends. The committee is scheduled to obtain additional removal bids from TreeWorks.

The Landscape Committee approved a proposal by the homeowner at 3127 Hutton to have restoration pruning done on 3 previously-topped Pine trees, and to have structural pruning done on 3 Brazilian Pepper trees, on their slope area at their expense.

IV. Planting and landscape extras

Reliable planted groundcover below the access trail to the portion of area 2 east of Toppington and north of Hutton, in order to maintain the trail.

Susan Davidson and I reviewed the areas along Wendover where vegetation died from excessive heat over the summer, and identified locations where different groundcovers that did well with the heat, including Rosemary, could be planted instead of African Daisies.

Reliable installed a swale screen on the slope of 3158 Hutton, and installed drain grates on the slope of 2697 Deep Canyon.

V. Irrigation

The first Sunday in December, the homeowner at 3079 Hutton reported a broken water line. Claire had Reliable make an emergency service call. It turned out to be an irrigation line belonging to the homeowner at 3053 Hutton, and Reliable shut off their water at the request of that homeowner's representative.

SAFETY AND SECURITY COMMITTEE REPORT – Susan Davidson

Brian P and I met at the tennis courts with Juan Jimenez, the rep from Home Depot who deals with TuffShed. For some reason, Juan wasn't able to send the quote, and specifications to my email address. After many tries and days, I did get the email quote. Brian & I asked him for two configurations but I finally received the information and it was for one shed, but with different dimensions. I am forwarding this quote to you all to save time at the meeting. I just spoke with Juan and he is sending another quote for a 12 ft. shed with doors at either end. There are other issues which will be discussed during executive session which may inform our decision about the shed.

In terms of security issues, we should make all homeowners aware that although ADT is here 24/7, each individual is responsible for keeping their homes and autos properly secured to prevent losses. I am not aware of recent security events.

We should also recommend that all homeowners put the new early warning earthquake app on their phones. The app is Shake Alert LA and should work on both Android and Apple devices.

<TUFF SHED Building Quote 1440828.pdf>