

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF  
BENEDICT HILLS HOMEOWNERS ASSOCIATION  
February 26, 2019**

A meeting of the Board of Directors of Benedict Hills Homeowners Association was held at 7:00 p.m. on February 26, 2019 at 9691 Moorgate Road, Beverly Hills, CA.

Board Members in Attendance: Susan Davidson, Joy Denton, David Herman, Steven Rosenwasser, and Andrea Silver (by telephone). Robert Wallerstein also was present until 8:45 p.m.

Board Members Absent: Steve Gabor and Brian Prince.

Residents in Attendance: Arash Fard-Sabbagh, Eddy and Aya Jakobovits, and Bruce Raney.

1. Call to Order. The meeting was called to order at 7:07 by President David Herman.
2. Approval of Minutes. The Board approved the minutes of the January 9, 2018 Board meeting. Susan Davidson, Joy Denton, David Herman, Steven Rosenwasser, and Andrea Silver voted in favor. Robert Wallerstein abstained.
3. Financial Report.
  - (a) Approval of December and January Financial Reports. Steve Rosenwasser noted that both reports mistakenly understated the year-to-date budget for landscape extras by \$8,000 to \$9,000, which resulted in other incorrect year-to-date budget figures. The reports were not approved, and Claire will be asked to correct them.
  - (b) Reserve Funding. The Board unanimously agreed not to make contributions to reserves at this time.
4. Open Forum.

Arash Fard-Sabbagh discussed traffic on Deep Canyon, and suggested restricting left hand turns from Deep Canyon onto Mulholland.

Bruce Raney asked about the status of the Prince litigation, which Steve Rosenwasser answered. Bruce asked about a car parked on Moorgate, which Andrea Silver

answered. Bruce also discussed filming policy and ADT security patrol, and reported that Reliable had done a wonderful job keeping the swales clean during the recent rains. He also reported on his observations regarding three trees on the slope of 3135 Hutton that had been topped.

Eddy and Aya Jakobovits said they did not know anything about who topped the trees on their slope and left the debris, but would ask their gardener about it. Aya asked about the proposed hotel in Benedict Canyon, which Susan Davidson answered.

5. Management Report.

The Management Report is attached.

6. Committee Reports

A. Architectural. The Architectural Committee report is attached. Joy Denton reported on conditions of approval for the remodel at 2753 Deep Canyon. David Herman will contact the homeowner regarding construction parking. Joy reported on the approved proposal for 9607 Wendover. David reported that the neighbors at 9615 Wendover would like the Association to hold off on planting screening trees pending the remodel.

B. Landscape. The Landscape Committee report is attached. The Board discussed the work of the Landscape Committee in winnowing down the consulting arborist's recommendations to those needing to be carried out this winter, and approved the Landscape Committee contracting for an additional \$5,000 of tree trimming and removal, which increases the total to be paid from reserves and operating funds from \$20,000 to \$25,000. Susan Davidson, Joy Denton, David Herman, Steven Rosenwasser, and Andrea Silver voted in favor. Robert Wallerstein voted against. The unauthorized pruning of trees on the slope of 3135 Hutton was discussed in Open Forum and executive session.

C. Hospitality/Communications. Nothing to report.

D. Safety & Security. The Safety Committee report is attached. Legal considerations regarding Association

involvement in emergency preparedness were discussed in executive session.

E. Swales. David Herman reported that the management companies that were interviewed have relationships with contractors who do swale repairs, and would be able to coordinate additional bids.

F. Tennis. David Herman reported that the steps have been caulked and the anchor bolts have been taken care of.

7. Unfinished Business.

(1) New Management Company. David Herman reported that the search committee had interviewed three companies and received revised proposals from each of them. The Board discussed the particulars in executive sessions.

(2) Adopt Filming Policy. Tabled.

(3) Caulking of Tennis Court Steps. Discussed above.

(4) DWP Rate Change. The Board discussed the current status.

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

(6) Dead Eucalyptus at 9754 Wendover. Discussed in executive session.

(7) Burbank airport settlement and opposition to current and proposed routes. Steve Rosenwasser reported on the presentation he made at the Benedict Canyon Association Annual Meeting to LA City Attorney Mike Feuer and LA City Councilman Paul Koretz, and the subsequent discussions he had with canyon residents affiliated with a community group opposing the current and proposed departure routes from Burbank. Steve reported on his communications with a board member of the Bel Air Ridge HOA regarding Van Nuys and Burbank departures. Steve reported on a meeting of Sherman Oaks & Encino Quiet Skies, at which Steve made another presentation regarding the Association's settlement with the FAA. Steve also reported on the distribution

to public officials and community groups of the HOA's aviation attorney's recent comment letter to the FAA. Matters relating to advice of counsel and the lawsuit settlement were discussed in executive session.

9. New Business

- (1) Board policy regarding procedure for over budget line items. The Board discussed situations when committees can contract, without prior Board approval, for services that will exceed a budgeted line item figure. The Board decided that with respect to the Landscape Committee, the removal of dead trees was such a situation. Susan Davidson, Joy Denton, David Herman, Steven Rosenwasser, and Andrea Silver were in favor. Robert Wallerstein was opposed.
- (2) Proposed hotel in Benedict Canyon. Susan Davidson reported on the current status.
- (3) Removal of director Steve Gabor for failure to attend any Board meetings. After discussion, Joy Denton made a motion, seconded by Andrea Silver, to declare the office of Steve Gabor vacant due to his failure, without explanation, to attend any of the four Board meetings since his election. The motion carried. Susan Davidson, Joy Denton, David Herman, Steven Rosenwasser, and Andrea Silver voted in favor. Robert Wallerstein abstained.
- (4) Board meeting location. Tabled.
- (5) Form of monthly income statements. The Board reviewed the 2015 monthly income statement Robert Wallerstein brought to the meeting, and noted that Claire's placement of the Accounts Payable narrative description in the monthly income statements had not changed since that time.

10. Scheduling of Next Board meeting. The next board meeting was scheduled for April 2, 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. After discussing the advice of counsel regarding emergency preparedness, the Board unanimously agreed that the Association's involvement in emergency preparedness should be informational, and that the Association should not purchase search & rescue and triage supplies or walkie-talkies, erect a shed to house search & rescue and triage supplies, or assume emergency-preparedness responsibilities that could result in legal claims against the Association or its Board members. The information and organizational structure that Susan Davidson has obtained and developed can be used by the Association's homeowners without Board involvement. After discussing the management company proposals, the Board unanimously approved entering into a management contract with Accell subject to certain contract modifications and approval of the contract by counsel.

12. Adjournment. The general meeting was adjourned to go into executive session, which was adjourned at 9:50 pm.

## **COMMITTEE REPORTS**

### **ARCHITECTURAL COMMITTEE REPORT**

**Joy Denton**

1. An approval letter was given to the owners at 2753 Deep Cyn for their construction.
2. We had a meeting with the owner of 9607 Wendover Dr. and her architect to review her plans for remodeling and additions. We delivered a set of these plans to Michael Chasteen for review and we also have a meeting scheduled with the adjoining neighbor in our HOA. We will bring a set of plans to the next board meeting for the board to view.

### **MANAGEMENT REPORT**

**February 25, 2019**

Regarding DWP Rate Change, Steve presented the issue at the BCA Annual meeting and was referred to the DWP Communications, Media & Community Affairs Rep, Michael Ventre who was at the meeting. I then provided Mr. Ventre with the background and documentation in support of the HOA's position that refunds for the rate difference should be given for 2016 and 2017. After a number of email exchanges, Mr. Ventre came back and said that the Rates Department confirmed to him that you are being charged

accurately. His response suggests that he did not have a full understanding of what we were asking for. This is his last email:

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

From: Ventre, Michael <[Michael.Ventre@ladwp.com](mailto:Michael.Ventre@ladwp.com)>

To: Claire Carafello <[handlewithclaire@aol.com](mailto:handlewithclaire@aol.com)>

Sent: Mon, Feb 11, 2019 11:56 am

Subject: RE: Benedict Hills HOA & Benedict Hills Estates - Request for Credits Due

Hi Claire:

Sorry it took me a while to respond. I did do some investigating for you and contacted our folks in the Rates department. They gave me a thorough explanation of your situation and they inform me that you are indeed being charged at the correct rate. It's something they went over very carefully and concluded that you are being charged accurately based on the "multi-family" status of your complex. Sorry I couldn't be more help on this, but if you need anything else please reach out. Thanks.

**Michael Ventre**

Communications, Media & Community Affairs

o: (213) 367-1381

c: (213) 804-4767

In any event, it is my opinion that the DWP is not going to refund you the difference in the rates for 2016 and 2017.

## **LANDSCAPE COMMITTEE REPORT**

Date: February 26, 2019

From: Steve Rosenwasser

To: Benedict Hills HOA Board of Directors

Cc: Claire Carafello

Re: Landscape Committee Report

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### I. Tree trimming/removal

The Landscape Committee held two meetings to analyze the recommendations and the competitive bids it received, and identify the recommendations that need to be carried out this winter. Due to this year's budget constraints, the committee deferred as much work as possible.

There were 33 trees for which the HOA's consulting arborist Jan Scow gave his recommendations the lowest of his three priority designations. Two were dead trees, which the committee had Reliable remove as part of their regular maintenance.

Consideration of the consulting arborist's recommendations regarding the other 31 trees was deferred, and bids were not obtained. With respect to recommendations for which the consulting arborist gave his middle priority designation, the committee had Reliable take care of one of them as part of its regular maintenance. 11 of the middle priority recommendations were deferred, the low bids for which totaled approximately \$10,000.

With respect to trees for which the consulting arborist gave his highest priority designation, the trees infected with polyphagous shothole borer have been treated, a large California Pepper that died from Oak root fungus has been removed, and Reliable removed a broken limb hanging over Deep Canyon as part of its regular maintenance. Also, as part of its regular maintenance, Reliable will be taking care of a substantial amount of deadwood removal in an area they had considered to be natural slope, but which the committee determined is slope maintenance area.

The remaining consulting arborist recommendations the committee decided need to be carried out this winter consist of 20 trees and an overgrown hedge of Ficus trees to be pruned, one tree to be cabled, two trees to be pruned and cabled, and four trees to be removed. Three of those removals are very large trees for which the low bid for each tree exceeds \$2,000. However, for one of the removals, the homeowner has agreed to pay the price difference between removal and pruning of approximately \$1,700.

In prior years, the Association has spent, on average, approximately \$40,000 for tree trimming and removal. This year, because the Association continues to operate at a deficit and the legal fees from the Prince litigation have been depleting the Association's savings, the Board set a budget target of \$20,000. The recommendations the committee determined need to be carried out this winter would result in total costs for the fiscal year of close to \$25,000, which includes the costs of last summer's Coast Live Oak pruning.

Tree Preservation & Landscaping, Inc., one of the two companies recommended by the HOA's consulting arborist, is here this week. They are pruning and doing safety cabling of the Blue Gum closest to the sidewalk at the Monument, and doing safety cabling of a large Italian Stone Pine. They also are doing safety pruning and/or deadwood removal on 12 other trees and the overgrown hedge of Ficus trees.

As a result of the storms, the top of a Lemon-scented Eucalyptus tree at 9704 Moorgate broke and fell on a neighbor's property. Reliable identified the tree that broke to be on slope maintenance area, and has removed the debris.

The Landscape Committee approved a request by the homeowner at 3111 Hutton to remove a Pine tree on their slope maintenance area at their expense. The removal was one of the consulting arborist's recommendations that received his lowest priority designation, and, for that reason, had been deferred by the committee.

## II. Unauthorized tree trimming

Reliable reported that someone topped Chinese Elms on the slope maintenance area below 3135 Hutton and left debris on the slope.

## III. Planting and landscape extras

I walked the Wendover corridor with Steve Selden to show him the revisions to the proposals for filling in the areas where vegetation died from excessive heat over the summer. Per the revised proposals, Reliable planted 32 flats of African Daisies, 4 flats of Honeysuckle, 3 Rosemary prostratas, and 2 dwarf bottlebrushes (*Calistemon viminalis* "Little John").

## IV. Miscellaneous

The committee received reports from homeowners that Reliable did an excellent job clearing the swales in advance of this winter's storms.

### **SAFETY & SECURITY COMMITTEE REPORT**

**Susan Davidson**

We should be aware that there is a mountain lion whose range includes Benedict Canyon. Claire sent out a report and photo of a mountain lion killing a deer in the backyard of a homeowner in our neighboring association. The veracity of the photo/report has not been confirmed. The homeowner who took the report says it is real. None-the-less we should all be aware, especially if we have small children and pets.

I attended the Hillside BABCNC Emergency Preparedness Committee meeting on January 16. This was the agenda:

1. **Call to order – Chuck Maginnis, Chair**
2. **Roll Call and Introduction of Attendees** 5 minutes
3. **Pledge of Allegiance**

- 4. **Approval of September 13 & November 14, 2018 Minutes (Motion)** 2 minutes
- 5. **Public Comment:** BABCNC welcomes public comment on any topic not on the agenda. Each speaker is limited to 3 minutes. 5 minutes
- 6. **LA Resiliency and Why Angelinos need to be prepared**
  - LAFD Captain Kevin Johnson, EMS /Resilience Officer 25 minutes
- 7 **Key Issues and Partial Solutions Report on Wildfire threats**
  - Bill Grundfest 20 minutes
- 8 **2019 EP Goals, Resilience Plan & HOA updates**
  - Michael Schlenker, Ron Cornell & HOA leads 10 minutes
- 9. **Adjournment**

**Next Meeting: Wednesday, March 20, 2019 (3rd Wednesday every other month)**

I recommend that at some point all board members should attend one of these meetings - I always learn something.

We will discuss in Executive session our emergency preparedness plans, purchase and placement of the shed. At that time I will report on what I found out at the meeting and how that relates to our discussion.

We need to stress to our homeowners that they are responsible for their family's emergency supplies and plan.

Although I haven't heard of incidents in our immediate HOA, there are reports of robberies and thefts around our area. These are usually crimes of opportunity so we need to report suspicious people and activity. We also need to constantly remind homeowners to always lock their cars if on the street or in driveway. Doors and windows of homes should be locked and alarm systems set even if the homeowner is gone for a short time,