

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF  
BENEDICT HILLS HOMEOWNERS ASSOCIATION  
MAY 19, 2020**

A meeting of the Board of Directors of Benedict Hills Homeowners Association was held at 4:00 pm on May 19, 2020 via Zoom Conference Call hosted by Steve Rosenwasser.

Board Members Participating: Susan Davidson, Joy Denton, David Herman, Hethie Parmesano, Renee Paul, Steven Rosenwasser and Andrea Silver.

Non-Participating Board Member: Brian Prince.

Residents Participating: Michael and Linda Wachtell until 5:05 pm.

Manager Claire Carafello was present and recorded the minutes.

1. Call to Order. The meeting was called to order at 4:11 pm by Steven Rosenwasser.
2. Open Forum. Michael Wachtell made a landscape request regarding the slope at 3104 Hutton.
3. Approval of Minutes. Steve reported that Accell's president said that she would be forwarding the minutes of the February 26, 2020 board meeting from Ami, but none have been received. The matter was tabled.
4. Financial Report.
  - (a) Approval of Financial Reports. Steve reported that Accell has not yet provided a February financial report. The board reviewed the March and April financial reports prepared by Claire. Steve noted that the operating total on the balance sheet for April had the March total. With that correction, the Board unanimously approved the March and April financial reports.
  - (b) Reserve Funding. The board unanimously approved making all budgeted reserve contributions for the current fiscal year.
  - (c) Ratify Changes to Bank Accounts. Steve reported that Accell never closed the First Republic operating

account, or transferred its funds to Alliance Bank, as the board had directed. The board unanimously approved using the First Republic Bank account as the main operating account and unanimously ratified the transfer of operating funds from Alliance Bank to First Republic Bank. The board unanimously approved payment of bills being made electronically through First Republic Bank's online bill payment, and authorized Claire to make electronic payments after receiving approval from two account signatories.

- (d) Reserve Study Update. The board unanimously approved a reserve study update by RSI.
- 5. Management Report. There were no updates to the attached management report.
- 6. Committee Reports
  - A. Architectural. There were no updates to the attached Architectural Committee report.
  - B. Landscaping. The attached Landscape Committee report was updated by Steve who reported on recent tree trimming requests. Following discussion, the board unanimously authorized the committee to contract for up to another \$5000 in trimming and removal expenses above the budgeted amount.
  - C. Hospitality/Communications. The board unanimously decided to not host a summer social event this year due to Covid-19.
  - D. Safety & Security. Susan noted that she has not been receiving monthly reports from ADT. Claire will follow up with Alan Parrish.
  - E. Tennis.
    - (a) Steve reported that the spigot at the tennis court is connected to the irrigation controller. Residents attempting to use the spigot forget to turn the knob to the off position when no water comes out, so that when the sprinklers turn on, water from the spigot floods onto the tennis court. Steve installed a blocking cover to prevent

this from happening. David Herman has been given one of the two keys to the cover, with the second key to be given to Emanuel Howard.

(b) David Herman updated the attached Tennis Committee report to include the resurfacing estimate received from one of the four contractors he contacted. After discussion, the board unanimously authorized David to negotiate the best terms available for the resurfacing project, and to schedule the work for June. The proposal received includes placing lines for pickleball on one of the courts. The board unanimously agreed to poll the residents regarding a possible pickleball court. The board unanimously agreed to form an executive committee consisting of David, Joy, Susan and Steve to make the final decision once input from the residents has been received.

(c) The board discussed the need to enforce tennis court rules given the upsurge in usage and the inability of some residents to use the courts because of use by non-residents. David presented a 3-step proposal to (i) enact policies to make the courts more available for use by residents; (ii) email all residents highlighting the rules that are at issue and informing them of the new policies; and (iii) hire a court attendant during peak hours of usage to take reservations, ID players, and enforce the rules and policies. The board was unanimously in favor of the proposal provided that there were no legal impediments to its implementation. Claire was asked to consult with the Association's insurance agent. Steve was asked to consult with the Association's counsel. The board unanimously authorized the previously constituted executive committee to make decisions if there were impediments to implementation.

F. Benedict Canyon Association Report. There were no updates to the attached BCA report.

7. Unfinished Business.

(1) Authorize recording of lien for delinquent assessments. The board unanimously approved recording of a lien on Lot 16.

(2) Burbank Airport and Van Nuys Airport. Steve reported

on recent activities of the Southern San Fernando Valley Airplane Noise Task Force. Also addressed in executive session.

- (3) Financial Review of 2018-2019. Accell was asked to provide the CPA with the items that need correcting in the draft. Accell has not responded to Claire's requests for status of the financial report. Steve will contact the accountant to explain the situation.
- (4) Website. Steve noted that the rule change adopted last year was never posted and there have been no minutes posted since Accell took over. Claire is working on updating the site with the missing items.
- (5) Proposed hotel in Benedict Canyon. Claire reported that illegal grading caused a huge boulder to tumble down the hillside. The boulder was stopped from crashing into the home below when it hit a large oak tree. The City is investigating the illegal grading as well as the stability of the hillside.

8. New Business

- (1) Schedule Annual Meeting. The board unanimously approved Sunday, August 30, 2020 at 4:00 as the 2020 Annual Meeting date and time.
- (2) Approve 2020-21 budget. The board unanimously agreed to revise the draft to include the cost of a tennis court attendant. The draft budget was approved with the revision.
- (3) Approve adoption of Reserve Funding Plan and authorize corresponding budget adjustments. The board unanimously agreed to adopt the recommended Reserve Funding Plan and approved modifying the budget if necessary with respect to the total annual reserve contribution recommended.
- (4) Authorize Annual Budget Report and Annual Policy Statement. The board authorized Steve to update last year's policy statements and budget report, and have the documents reviewed by the HOA's attorney before they are sent to the membership at the end of the month.

- (5) Corporate Statement of Information/change of address. Claire was authorized and directed to update the Statement of information on file with the Secretary of State's office with the Association's new information.
  - (6) Elect Treasurer. Following discussion, Rene Paul agreed to be the HOA's treasurer, and was elected unanimously.
  - (7) Tennis court problems due to stay at home orders. Discussed above in 6(e).
10. Scheduling next Board meeting. Scheduling of next meeting was tabled.
  11. Executive Session. The Board discussed delinquencies, member discipline issues, matters relating to the formation of contracts with third parties, pending and prospective litigation, issues relating to prior litigation, and advice of counsel.
  12. Adjournment. The general meeting was adjourned at 5:42 to go into executive session, which was adjourned at 6:20 pm.

#### **COMMITTEE REPORTS**

## **ARCHITECTURAL COMMITTEE REPORT – JOY DENTON**

### **3170 Hutton Dr.**

Homeowner reported their contractor discovered a broken drain pipe in the line running alongside their home that carries water from the swale to the street. Both the landscape and architectural committees made a site visit to view the situation. Although the homeowner and their contractor insisted this was the HOA's responsibility, we asked for clarity from the HOA attorney. After review of our governing documents, our lawyer determined this was the homeowner's responsibility. We were able to resolve this with the homeowner who ultimately agreed with this determination by our counsel.

### **9796 Burnley Pl.**

Plans for a new home/major remodel and landscaping were submitted and approved with a lengthy section in the approval letter addressing trees and planting on the site.

### **3149 Hutton Dr.**

Plans for a new home on this site had been approved several years ago and never completed.

A new set of plans for a smaller home of a different style were recently submitted and approved by the architectural committee in conjunction with consultation from Michael Chasteen AIA.

## **LANDSCAPE COMMITTEE REPORT – STEVE ROSENWASSER**

### **I. Maintenance Contract**

Reliable informed us that effective July 1, its monthly rate will increase by approximately 10% from \$4450 to \$4900.

### **II. Tree trimming, tree removal, and brush clearance**

Reliable cut back a fallen Acacia on the slope of 3172 Toppington and removed a fallen Acacia on the slope of 9705 Moorgate. Reliable did brush and deadwood removal on the slope of 3041 Hutton, and removed deadwood from a large Brazilian Pepper behind 9777 Tottenham.

After meeting with the new homeowners of 9777 Tottenham, I sent them a map to help them determine their natural slope area for brush clearance purposes.

TreeWorks removed Ash trees on the slopes of 3154, 3172, and 3180 Toppington, which Reliable covered with black plastic to prevent regrowth. TreeWorks removed a large bark-beetle infested Pine on the slope of 9615 Wendover.

TreeWorks removed dead fronds from Palms on the slopes of 3192 Toppington and 9661 Wendover. They removed the Palm on the common area. Viking Tree Service removed dead fronds from all the Palms at the Monument.

Reliable removed a dead Brazilian Pepper on the slope of 9692 Wendover, and will be removing a dead tree that grew into a fence at 2697 Deep Canyon.

TreeCareLA pruned a large Western Sycamore on the slope of 3084 Hutton. They removed deadwood from a large California Pepper on the slope of 9624 Wendover. They pruned the three large Silver-Dollar Eucalyptus trees on the Burnley cul-de-sac, a Brazilian Pepper on the slope of 9710 Wendover, a large Canary Island Pine on the slope of 9697 Moorgate, a large Lemon-Scented Eucalyptus and a Chinese Elm on the slope of 9748 Burnley, two California Peppers above the tennis courts, and the large Italian Stone Pine behind the house at 9783 Aldbury. They also removed deadwood from five large Deodar Cedars at the Monument.

TreeCareLA installed dynamic cabling on a large Silver Dollar Eucalyptus on the slope of 3170 Hutton. They installed dynamic cabling on a large Aleppo Pine on the slope of 9729 Moorgate. They performed a root crown excavation and then installed safety cabling on a large Aleppo Pine on the slope of 9691 Moorgate. They also installed dynamic cabling on a tall Lemon-Scented Eucalyptus near Deep Canyon on the slope of 9790 Tottenham.

ISA Board Certified Master Arborist Nick Araya of TreeCareLA advised that the Pines that were topped in the winter of 2015 still do not have enough regrowth to do restoration pruning. He advised that it probably would be another year or two before they have sufficient foliage.

In connection with a proposed remodel of 9796 Burnley, the landscape committee reviewed and approved a plan for the new homeowners to remove four trees on their slope maintenance area and replace them with ten trees, at their expense. Under the plan, the homeowners will remove one Western Sycamore on the north slope and plant four 24"-box Western Sycamores on the west slope. They will remove one Coast Live Oak on the north slope and plant two 24"-box Coast Live Oaks and two 36"-box Coast Live Oaks on the west slope. And they will remove an Aleppo Pine and Silver Dollar Eucalyptus on the north slope and replace them with two trees subject to the committee's approval. The committee has approved Toyons as replacement trees.

TreeWorks removed the smaller of the two remaining Silver Dollar Eucalyptus trees behind 9710 Wendover. TreeCareLA performed a root crown excavation of the large Silver Dollar Eucalyptus nearby, which appears to be on the slope area of 9720 Moorgate. Arborist Nick Araya and the HOA's consulting arborist Jan Scow each inspected the tree after the root crown excavation. They did not see any cause to remove the tree, and advised that the cautious thing to do would be weight reduction on the downhill side. Discussions with the homeowner of 9710 Wendover are ongoing.

Several Western Sycamores in our neighborhood have a fungal infection called Anthracnose, and were adversely impacted by the spring rains. Jan Scow was asked to look at six Sycamores, and provided recommendations. Reliable is handling the maintenance recommendations. TreeWorks removed two of the Sycamores that, in addition to Anthracnose, had Inonotus decay fungus and substantial die back. The committee is obtaining bids for the recommended pruning of the others.

Reliable is working on brush clearance, which now has a LAFD compliance date of June 1. I provided a map to Reliable to give to the resident of 9761 Deep Canyon to help them determine their natural slope area for brush clearance purposes. Last brush clearance season, Reliable removed the fallen section of a large Acacia complex on the slope of 9762 Wendover. The rest of the Acacia complex has now fallen, and the committee has approved a proposal for Reliable to remove the remainder.

On the natural slope area of 9770 Wendover, there is a leaning Acacia with substantial deadwood. I emailed a photo to the owners.

This month, a large branch of a Chinese Elm on the slope of 2740 Deep Canyon, and a large branch of a Brazilian Pepper on the slope of 9778 Wendover, broke. The committee is making arrangements to remove the broken branches and prune both trees.

The homeowner of 9717 Wendover has informed the committee that a Loquat on their slope area near their Ficus hedge is attracting rats. The committee has asked Reliable for proposals to prune or remove that Loquat and 3 others nearby.

The committee has tentatively approved proposals to remove ten other trees, subject to there being sufficient budgeted funds available.

### III. Planting

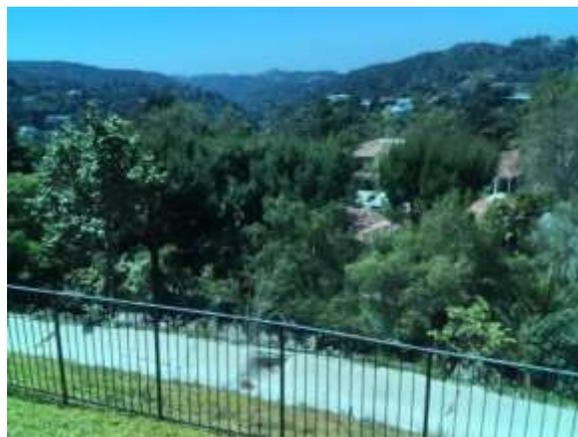
The Australian Willow that Reliable planted on the slope of 9729 Moorgate in January died, and will be replaced by Reliable at no charge. Reliable planted 20 flats of Vinca major and 12 orange Lantanas on the slope area of 3053 Hutton. The committee approved a proposal to plant 10 flats of Vinca major at 9691 Moorgate to fill in groundcover damaged by tree removal last year.

### IV. Irrigation

Reliable replaced a valve on the slope behind 9653 Wendover. Reliable replaced the controller and a valve at the Monument. Irrigation run by the Burnley controller stopped working, and Reliable has been troubleshooting the problem. This is the same area where a homeowner's gardener accidentally cut the wires last year while trimming groundcover on the slope maintenance area.

### V. Brian Prince

On April 15, Brian emailed me that he had scheduled TreeCareLA to come out on April 20 to shorten 8 trees on the slope areas of his neighbors' properties pursuant to a proposal he had obtained in January, and requested the landscape committee's approval. Apparently, Brian had contacted a different TreeCareLA arborist than Nick Araya, who was not aware that Brian's proposal concerned HOA slope area when Araya met with the committee in March and looked at trees below Brian's property. Brian provided these photos of the trees:



The committee looked at the trees after Brian marked them at the committee's request.

One Sycamore was a previously topped tree on the slope of 9646 Wendover. Jan Scow advised that the tree was a candidate for restorative pruning and should not be shortened, and the homeowner agreed.

There were two marked trees on the slope area of 9654 Wendover: one previously topped Pine within the fenced area, and one California Pepper above the fence. There were five marked trees on the slope area of 9662 Wendover: two previously topped Pines within the fenced area, one previously topped Pine above the fence, and a California Pepper and Sycamore above the fence.

Nick Araya has advised us that for proper management of the Pines, he recommends restoration pruning over a period of several years, once the trees have sufficient regrowth. He told us that shortening the Pines by 24", as Brian requested, would delay restoration pruning of those trees. Nick Araya has told us that he does not think the California Peppers or Sycamore should be pruned and recommends leaving them alone. The committee is contacting the homeowners.

**Safety/Security Report-Susan Davidson**  
**May 19, 2020**

I have not received a report from ADT and so my information is from "Ring" and "Nextdoor". As far as I know, there have not been any major crimes in our immediate neighborhood. There are reports that most of us have received from Ring and Nextdoor that there have been thefts from cars, either broken into or accessed because they were left unlocked. People who are struggling will target areas they think might be easy marks.

As usual, we want to remind everyone to use their alarm systems, keep their cars garaged, or locked if they are on the street or in the driveway.

Anecdotally, not everyone who is walking outside in our neighborhood is wearing a mask. That is simply poor citizenship. The mask is to protect others and droplets can exist in the air for longer than folks think. This is not a matter of "freedom" but intelligence and concern for others. The directive from the city is for all who are outside to wear a mask. People shed virus even when they are not aware that they have the disease.

**TENNIS COMMITTEE REPORT - David Herman**  
**May 17 2020**

Resurfacing:

Four companies have been contacted and one of them has sent a bid that is under our budget. I'm still waiting for the other three. I am hoping to schedule the resurfacing in mid June. By then other courts in the city should be open and some of us will return to work. Hopefully there will be less activity when we close the courts for four to five days.

### Court Graffiti and Debris:

There are reports of bike riders, skate boarders, and other non tennis activity on the courts and as a result the surface has been chipped and defaced. In addition there is chalk writing on court two that has not been removed. A solution to this must be discussed before we spend money to resurface. Emmanuel will wash the graffiti this week. He will also put another garbage can on each court and a larger one outside of court one. There is already a large garbage can outside of court three.

### Court Time and Scheduling Issues:

There have been many complaints regarding the following; Players bringing guests and taking two courts, tennis pros teaching non members on the court, pros using a court for four hours, and people not leaving the court when others are waiting to play, non members playing on the court, and relatives of members who do not live here using the court. The basic problem is that members who pay dues are not able to get on the court when they want. I believe all of these situations are covered in our current rules but we need to find a way to enforce them. I am working on a possible solution that we can discuss at the meeting.

## **MANAGEMENT REPORT- Claire Carafello MAY 17, 2020**

Management Transition: The management transition from Accell is just about completed. There are a few things that I have asked for but have not received: (1) The committee reports so I can post the minutes to the website; (2) the recorder Ami was given to record the board meetings; and (3) the keys to the bulletin board and mailbox.

Insurance. I was asked to look into an insurance policy that would provide coverage on a claim that does not seek a monetary award. Because of the lawsuit brought against the HOA in December 2017, there is a five year waiting period in order to qualify for that type of coverage and the premium will be higher.

## **BCA REPORT- Joy Denton**

May 8, 2020 Board Meeting: Senior Lead Officer Christopher Ragsdale will start his new position this month. The new SLO Officer for our area is Pete Ojeda.

New planting was installed at Mulholland and Benedict Cyn. to beautify the area around the guardrail.

Crime was reported to be down overall with the exception of auto theft due to people leaving their FOBS in their vehicles. A Yoakum Drive resident captured video footage of a male roaming the street in the middle of the night and removing items from mail boxes.