



The Broadmoor Breeze



April 2024

A Publication for the homeowners/residents of The Broadmoor Huntington Harbour Community Association

President's Message

*Sunshine on my shoulders makes me happy
Sunshine in my eyes can make me cry
Sunshine on the water looks so lovely
Sunshine almost always makes me high*

Congratulations and welcome to Julie Miller who ran as a floor nominee and was elected to our board at the adjourned annual meeting in April. Julie will bring a fresh perspective to the board and we look forward to her future contributions to help maintain our amazing community. In addition to Julie, Ben Goldberg, Ron Lee, Annette Merriam and Jordan Armitage (R1 Representative) were re-elected for another one-year term.

The pool heater is on, spa switch is fixed, and we are all ready for Summer weather to materialize. It's been another wet and wild winter and spring and just when we think the rain is over, another storm hits our little slice of paradise. We continue to address the water intrusion and flooding issues as best we can, with the resources we have available. We understand the sense of urgency when it comes to intrusion and potential or actual damage to your interior units. We are deploying our in house staff where they can handle projects and of course Lang Roofing when there is a roofing issue. We want to thank everyone for being patient, as even if you don't have a water issue, any non-emergency requests have been delayed as a result of prioritization of damage issues. I'm confident that once the rains stop for a more consistent amount of time, we will get to all the requests we have authorized for completion.

The roof tile replacement project has also been delayed much longer than anyone could have expected. Although this is also a big priority, every time it rains all the roofing companies prioritize repairs over roof maintenance projects. ADCO Roofing has assured us that they haven't forgotten about our project, but they can't start until the rain stops for an extended amount of time.

As described in an article below and as noted in email blasts, Broadmoor has enrolled in a program to provide all owners an option to acquire Earthquake Insurance to cover any future loss assessment that may result from a major earthquake. This is an alternative to coverage that is available through the CEA (California Earthquake Authority) and has advantages over CEA policies. CEA only covers residential buildings and excludes any infrastructure damage to the pool, tennis courts, guard shack, lagoon, roads, etc. There is a recorded video that you can access off our website if you were unable to attend the live webinar. You are also welcome to call Prendiville Insurance Agency at 877-487-9696 with additional questions or help signing up. The deadline to sign up is May 1, 2024. Otherwise, you will need to wait until next year to sign up with no additional costs. Remember the association dropped the Earthquake Coverage for the community because of the constantly dropping amount of coverage and exorbitant increases in premiums. We hope we never experience a strong enough earthquake that causes major damage to our buildings, but if it does each resident will be assessed to raise enough funds to rebuild even if your building isn't damaged. Please take a minute to look at any policy you may already have and consider the MOTUS option.

Please SLOW DOWN. It is critical that we are careful when driving through the community at safe speeds and look out for pedestrians walking on the streets. The speed limit inside the complex is 10 MPH and 15 MPH on Grimaud. We all deserve to enjoy the community and common areas without worrying about getting hit by a car or stepping on pet waste. Please also be sure to pick up after your dog. Your association has done a great job providing multiple locations to dispose of your pet waste and supply of poop bags.

Broadmoor Huntington Harbour is truly Resort Living, so let's all keep supporting our surrounding businesses to help them continue to be available to us. We look forward to a fun filled rest of Spring and Summer, it's easy to forget that we live in a place that people all over the world can only vacation for a short time in the same

place we live year round. On behalf of your Board of Directors, we want to thank everyone for helping us maintain our little slice of Paradise.

Ben Goldberg

Motus Earthquake Insurance

The Motus earthquake webinar held on March 28, 2024 for Broadmoor Huntington Harbour was recorded and is now available for all homeowners to watch. The webinar explains in great detail the Motus program and its features. Please take the time to watch the recording as well as the questions and answers from the participants. The link to the recording is provided below.

It is vitally important that all homeowners are aware of the earthquake coverage available from Motus. In the event of a significant earthquake which results in damage to Broadmoor's residential buildings and common areas, the cost of repairs would be passed along to all unit owners in the form of a pro-rata special assessment. Motus offers homeowners earthquake insurance to cover that loss assessment, subject to a deductible. Motus insurance has many advantages over similar loss assessment coverage offered by the California Earthquake Authority.

The deadline for enrolling in this year's Motus program is May 1, 2024. The Motus application is available on our website by clicking the Motus Enrollment thumbnail.

Motus webinar link to the March 28, 2024 presentation: https://us02web.zoom.us/rec/share/hbOf1MCIRgkjRCd158VOszVXb_YG1gLBONTJd0wY2Mc2LOengSnFik231p-OnklA.mMP950VTJakXqVBi

Lagoon Maintenance/Repair

We have scheduled California Waters to perform some warranty repairs to the waterproofing system installed in 2023. There are a few problem areas that need attention, in the more shallow areas of the lagoon. This will require a partial draining of the lagoon in order to expose the areas and achieve a dry surface for preparation and repairs. These repairs are scheduled for May 2024. It is important to get this done while under our three-year warranty period.

Paper Shredding Event

There is a free paper and e-waste shredding event behind Trader Joe's at the Huntington Harbour Mall at 16875 Algonquin on Saturday, April 20, from 8:00 a.m. to 11:00 a.m. This is a drive-thru service – just place your materials to be shred in the back of your vehicle and drive up.

Proposed Restated Governing Documents

In the next month, the board intends to post the draft proposed restated CC&Rs and Bylaws for member review and comment. The following is a re-print of an article that appeared in the June 2022 *Broadmoor Breeze*:

Restatement of the Covenants, Conditions, and Restrictions (CC&Rs) of Broadmoor

Over the next few issues, the board wants to provide you with background regarding the need to rewrite the CC&Rs and then list the revisions that will be proposed. Keep in mind, each homeowner will have the opportunity to vote to approve or reject the rewritten CC&Rs.

Broadmoor's CC&Rs were adopted in 1977 and the complex was built between 1978 and 1980. The CC&Rs set forth the contractual terms governing the association's operations and the relative responsibilities of the association and its members. Since our CC&Rs were first created, many state and local statutes have been enacted (and California case law issued) which address or alter the rights and responsibilities of associations and their members. Over time, many of these regulatory provisions began to conflict with other statutes, creating confusion for all associations and their members.

In 1985, the California legislature adopted the Davis-Stirling Act which, at 25 pages long, aggregated the various scattered laws governing HOAs, resolved any conflicts among existing statutes, and codified those regulations under one title of the Civil Code. The Act brought stability and clarity to associations by providing safeguards, disclosure requirements, reserve and insurance standards, and other provisions which facilitated association's governance through its elected directors. Since that time, however, many provisions of the Act have been amended, revised and new sections added to the point that its length and complexity became difficult to understand. Therefore, in 2014, less than 19 years after its first adoption, the Davis-Stirling

Act was completely re-written, but was now 100 pages in complexity.

Throughout the 45 years since Broadmoor's CC&Rs were adopted, and the 37 years since the Davis-Stirling Act was first enacted and then completely revised, Broadmoor is still operating under our old, out-of-date CC&Rs. Since many of the Act's provisions supercede our CC&Rs, it is difficult for any homeowner to determine when the CC&Rs apply or if later-adopted Civil Code provisions govern. The association's legal counsel and property management company both advise that Broadmoor should restate its CC&Rs and bylaws to bring them current and consistent with both modern Civil Code, case law and industry practices.

The website, Davis-Stirling.com, states: "**Governing documents** are the heart of any homeowners association. If documents pre-date laws addressing important topics such as assessment collection, election rules, document disclosures and water damage claims or they are not properly written, an association can be exposed to potential liability and needless legal expenses. To avoid potential problems, CC&Rs should be amended or restated."

The site further provides several reasons for restating governing documents:

- **To match current laws under the Davis-Stirling Act**

- To remove **Declarant provisions related to the** original developer of the project
- To remove all legalese and put all provisions in plain English so board members and homeowners alike can understand what they are reading
- **To clarify** ambiguous maintenance responsibilities and provide an easy reference for respective maintenance obligations
- **To conform with** current election rules
- **To add** rent restrictions permitted by the Act

The board contacted several law firms for proposals to rewrite the CC&R's and bylaws. Each firm proposed starting with a modern model template of legally compliant CC&Rs and bylaws, and then adapting that template to include the various rules and policies unique to Broadmoor. A red-lined version of our old CC&Rs was not an option.

The board intends to circulate a draft of the proposed restated CC&Rs and bylaws to all homeowners. One or more town hall meetings with our attorneys and members will be scheduled to discuss the drafts and receive homeowner input for additional revisions. Eventually, final draft versions will be provided all homeowners and a voting ballot sent to homeowners for approval. [**Next month** – a discussion of some of the proposed changes to the governing documents.]

BOARD OF DIRECTORS 2023/2024

President: Ben Goldberg
Treasurer: Annette Merriam
Secretary: Ronald Lee
R-1 Grimaud Director: Jordan Armitage
Director at Large: Julie Miller

BROADMOOR CONTACTS

Broadmoor website: broadmoorhh.com
Front guard house: 562.592.4213
Powerstone Property Management: 949.716.3998
Property manager: Michele Rossi
mrossi@powerstonepm.com 949.535.4538
Maintenance issues: Danielle Kirby
dkirby@powerstonepm.com 949.594.1620
GateKey Vehicle Pass System: gatekey.com/resident-login

MONTHLY BOARD MEETINGS

Third Wednesday of each month at 6:00PM at Calvary Chapel of the Harbour, 4121 Warner Avenue. All homeowners are encouraged to attend.

RESIDENT SERVICES CONTACTS

SPECTRUM COMMUNITY SOLUTIONS (\$61 of the monthly assessment includes 300Mbps internet, cable TV, DVR, internet modem/router & Showtime Premium Channels): 855.895.5302

BUTIN'S PLUMBING (for individual and common area plumbing issues): 714.670.1900

HUNTINGTON BEACH POLICE

Front desk/noise complaints: 714.960.8811
Parking control (non-emergency): 714.960.3998 ext #0

REPUBLIC SERVICES (trash and recycling):

Monday to Friday 7:30A – 5:00P: 714.847.3581

ORANGE COUNTY ANIMAL CONTROL

Monday to Friday 8:00A – 5:00P: 714.935.6848
After hours: 714.935.7158

The **Broadmoor Breeze Newsletter** is posted by the 15th of each month on the association's website www.broadmoorhh.com. A copy of the newsletter is included with monthly statements. Any comments or suggestions should be emailed to the Powerstone property manager.

Email alerts: Always be up to date with important association information by signing up for automatic email alerts on the website.

BROADMOOR COMMITTEES

* Chairperson
** Board Liaison

Architectural Committee (Condominiums)
Condominium Board Members

Architectural Committee (Grimaud R-1)
R-1 Board Member

Architectural Advisory Committee (Condos)
* Chris Gray
Barbara Blodgett
Carlos Bosio
Arlene Speiser

Architectural Advisory Committee (Grimaud R-1)
Peter Francis
Barbara Villa

Advisory Committee (Grimaud R-1)
Peter Francis
Michael Levitt
Paul Villa

Inspector of Election
Greg Copeland
Carl Palazzolo (alternate)

Landscape Committee
* Melanie McCarthy
Suzanne Beck-Hammoud
Kim Hendrix
Kathy Turner
** Ronald Lee

Parking Committee
* Jeff Pennington
Chris Gray
Bill Selfridge
Tony Sellas

Reserve Study Committee
Chris Gray
Stefan Steinberg
** Annette Merriam

Social Committee
* Julie Mann
Susan Bennett
Gina Brougham
Denise Faulkner
Arlene Ferguson
Betty Schmicker
** Ben Goldberg