



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

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DEAR Earlier this week, all homeowners received an unsigned letter in the mail. The return
HOMEOWNERS address on each letter deceptively uses the home address of one of our board members. The letter is unsigned and accompanied by no supporting proof or evidence to back any of the allegations. (A similar letter was distributed in October 2020, the board's response to which is provided in the November 2020 newsletter, which is available on the association's website, www.broadmoorhh.com.)

The board is composed of five directors. Each director is one-person, one-vote. No single director controls the actions of the board and every action taken requires the approval of at least three board members. The board members are volunteers. They are elected and represent the majority voice of the community. In return, they devote a significant amount of time endeavoring to do what they believe is in the best interests of the community as a whole. No board decision pleases everyone nor can it. All homeowners are encouraged to present their views, concerns or objections to Powerstone or in person during homeowner forum. Those are the proper forums to express your views. Each month board members sit in plain view before all members as they deliberate and make their decisions. They do not hide behind unsigned letters. We are all residents, neighbors and, for many of us, friends.

We encourage all members to exercise your voice and support for our community by voting for the candidates of your choice for the 2021-22 board and returning your ballots.

Response to anonymous letter

The board has issues with the allegations set out in the anonymous letter to homeowners. The board provides the following responses to address and clarify those claims.

"The sale of one board member's property has closed escrow which calls for the board to replace that member. But in a subsequent meeting the board failed to even acknowledge this fact so at the current moment we actually have a board member who is not a property owner." **FALSE** -- What you need to know: Director Wicketts home was sold just prior to the December meeting at which he planned to submit his resignation. That resignation was the first item scheduled on the agenda. Wicketts failed to appear as planned. The remaining directors subsequently reconvened the executive session and resolved to formally remove Wicketts from the board. The remaining directors opted not to appoint a replacement for the vacancy at the December meeting, as there would be less than a month before ballots would be mailed for elections of the next board.

"We also have an issue with unreasonable and irrational expenditures ... along with the unprecedented dues increases we have endured over the past few years." **OPINION WITHOUT FACT** -- What you need to know: A detailed analysis of the past six-years of expenditures and monthly assessments was presented in the December newsletter. That analysis explained the assessment increases during that period and showed that operating expenditures have not increased since 2014 (other than for the addition of earthquake insurance, and high-speed internet and equipment at bulk rate pricing which saves most residents at least \$60 per month).

"[The board is] talking about putting a gate arm at the guard gate (which is staffed 24-hours), replacing



the roofs on the stand-alone garages when there is no evidence of any issues and increasing the security contract to have more frequent patrols to identify residents who may be parking vehicles in outside spaces during the day.” **MISLEADING AS PRESENTED WITHOUT CONTEXT** -- What you need to know: The board often solicits proposals to investigate suggested improvements or services for the community. For transparency, these exploratory matters are placed on the agenda for open discussion in front of members. Simply because proposals are placed on the agenda for review and discussion does not mean the board either intends, or will decide, to proceed with any given project. Proposals are frequently rejected by the board due to cost, value or other reasons after the board learns more after meeting with vendors.

In 2020, the board did request quotes for a barrier arm and transponder entry system for the resident side of the main entry gate. This system would prevent unauthorized vehicles from entering, particularly when both sides of the gate are open during peak times or to allow large vehicles such as trucks to enter through the guest lane. These transponder systems are in place in other upscale developments in Huntington Beach such as Seacliff, The Peninsula, and across PCH at Surfside. After receiving and reviewing various proposals, the board opted not to take any action.

There are 53 stand-alone garages for homeowners in stacked units. These garage roofs were built in 1978, have exceeded their useful life, and are due for replacement. Those homeowners’ investments need to be protected as equally as the residences with roofs. Homeowners will painfully remember the financial consequences of the failure to reserve for roof replacements. To avoid repeating that mistake, the board has obtained multiple bids to re-roof the garage buildings to determine the projected cost that needs to be added to the reserve study. While the board specifically took no action to approve any of the proposals, this is an issue that must remain on the board’s visual horizon.

Regarding parking enforcement, patrols are currently provided by Allied Universal, enforcing the association’s rules as written. As part of regular evaluation of supplier performance and cost, the board has received bids from multiple vendors with varying levels of service. No decision has been at this time.

“We have learned about multiple incidents of water intrusion where the board is siding with the contractor rather than helping the impacted homeowner.” **MISLEADING AND FACTUALLY INACCURATE** -- What you need to know: The board carried out its duty to determine proper financial responsibility for the reported water intrusion issue. Three contractors’ reports conclude that the water intrusion is not from the failure of a common area element (the roof) but due to a window leak, which is the homeowner’s responsibility under the CC&Rs.

Background: In late December 2019, during the heaviest rain storms, a homeowner reported a roof leak causing water intrusion from the second floor. Pursuant to its 10-year warranty, Lang Roofing was called out to investigate, found no indication of a roof leak, but did discover a sizable gap in the caulking around a second-floor, newly-installed retrofit window. The association later relayed Lang’s findings to the homeowner and recommended that the homeowner install new construction windows and new flashing. The homeowner subsequently retained an attorney and a construction expert to conduct a physical inspection. (Once the homeowner retained an attorney, the association was compelled to retain legal representation. All subsequent actions in this matter have been as directed by the association’s legal counsel and not at the direction of any board member.) The association’s attorney was present during the homeowner’s forensic investigation as well as three board members. To date, the association has received no report from the homeowner’s contractor providing any evidence of a roof leak. In addition to Lang, the association retained two other contractors to inspect the roof and gutters of the unit. All three contractors could find no evidence of a roof leak nor any issues with the gutters.



“[Broadmoor] had their own vendor attempt to cover up the liability by replacing the faulty pin which we understand is in the possession of board member Ron Lee.” **FALSE AND MISLEADING** – What you need to know: During the gutter inspection, the only available board member (Ron Lee) met with the homeowner to observe the inspection. The inspector found no deficiencies in the installation of the gutters. However, the homeowner presented a picture taken by his contractor showing that a gutter spike ferrule was slightly flared at one end. Even though a flared ferrule creates no deficiency, to accommodate the homeowner’s concern, Director Lee requested that the inspector replace the ferrule with a new one. The gutter spike (pin) was not replaced. Lee had the homeowner take a picture of the replaced ferrule and then kept possession of it in the event inspection of it is ever necessary.

Background: A ferrule is a \$0.25 piece of galvanized tubing that goes around the gutter spike inside of the gutter. It acts as a spacer to prevent the installer from hammering the spike too far into the building header and bending or crushing the gutter’s outer edge. Ferrules have no impact on the gutter’s function nor can they cause any leaks since they are hollow and sit inside the gutter. They can be used over and over.

To date the homeowner has presented no evidence that the water intrusion originated from either the roofs or gutters and not from the retrofit windows. If furnished such evidence, the board will address any issues for which the association is responsible. There is no pending litigation.

“Lee (who claims to be an attorney)...” **TRUE REPRESENTATION** – What you need to know: Director Lee graduated from UC Berkeley School of Law in 1978 and is a licensed attorney in good standing with the California State Bar Association, Bar No. 083614, which can be confirmed at www.calbar.ca.gov.

“[B]oard members were exclusively provided with all new skylights in the roofing project.” **FALSE** -- What you need to know: None of the 38 skylights which had to be replaced during the re-roofing project were installed on units owned by any board member.

“When gate keys were recently replaced with more expensive fobs we were told it was so that we could monitor who leaves a gate open.” **MISLEADING** – What you need to know: The two primary reasons for installing the fob locks were (i) to enhance safety and security by being able to deactivate any lost fob, rendering it useless, and (ii) to control the access hours to the pool and bathrooms. A secondary benefit is the ability to identify residents violating rules, particularly at in the pool area, or intentionally leaving gates open.

Background: Prior to 2013, the pool, bathrooms and pedestrian gates were opened with the same physical keys used for the tennis courts. The association had no control over who had keys. Over time many keys were lost, given to non-residents or kept by residents after moving away. In 2012 and continuing for months, the board received numerous complaints about persons using the pool at all hours of the night, vagrants sleeping in the bathrooms, teenagers using the bathrooms for sex, and people with keys leaving perimeter gates open so anyone from outside could walk in from Peter’s Landing. One group of people living in Sunset Beach frequently came in to use the hot tub. When residents confronted them, the trespassers became physically aggressive. The police were called several times but the intruders always left before police arrived.

The board considered various options to increase security, finally settling on installing fob locks as the best option. In 2013 the keyed locks were replaced with the fob lock system and videos cameras were installed. Reports of trespassers or after-hours use of the pool are now rare.



“[A]ll of that [fob] data is held exclusively by Ron Lee – watching who comes in and out of the complex.” **FALSE** -- What you need to know: No board member monitors the usage data logs of the fob locks. However, whenever an incident is reported, the board can manually download and isolate the usage log for a particular gate and for a specific date and time to identify that user, which occurs infrequently.

“Cameras were recently installed for video surveillance...these images are exclusively held by Ron Lee.” **FALSE** -- What you need to know: Director Lee has never had access to the video feeds or recordings. The three video cameras in use in the community were installed several years ago; no new cameras have been installed in the past five years. The first, which is a live-feed, is located at the main entry gate and is used by the guards to obtain the license plate of visitor vehicles. Two additional cameras record video and audio of the pool area. A resident information technology volunteer is the only person with access to the camera recordings. That volunteer locates and isolates a video image only when an issue is reported and a time and date is identified, and then forwards that video clip to the board.

“Now they [the board of directors] are talking about re-drafting the CC&R's.” **TRUE** -- What you need to know: The board has retained a legal firm, Roseman Law, to restate our governing documents. Our governing documents were drafted in 1977 and predate the Davis-Stirling Act (a comprehensive body of laws that govern homeowners associations which was enacted in 1985 and again revised in 2014). The Act and its subsequent revisions have resulted in numerous inconsistencies between our CC&Rs and current law and modern practices, which create confusion when trying to interpret and enforce the CC&R provisions. In addition, a resident couple has challenged the association's approval of installations of air conditioning condensers, the enclosure of balconies, and the bulk rate contract for cable TV and internet service. As a result of their demand for mediation, the association has incurred significant legal fees. Confirming such homeowner modifications and services as allowable in the restated CC&Rs will avoid similar disputes such as this in the future. Homeowners will be given several opportunities to participate in town hall events, the first of which is planned for February 13, 2021 via Zoom.

“We also highly recommend that you mail your ballot as instructed. DO NOT DROP IT OFF AT THE GUARD GATE as they suggest because we understand that one board member retrieves those ballots and guess who that is...yep, Ron Lee... and he can't be trusted.” **FALSE** -- What you need to know: Director Lee does not retrieve the ballots left at the guard house. Under the association's election rules only the appointed Inspector of Election can receive ballots left at the guard house.

There are three options for ballot delivery: (i) mailing your ballot to Powerstone, which is supported by the board, (ii) dropping your sealed ballot at the main gate guard house, which is offered for members' convenience and helps to ensure enough of the membership returns their ballot to establish a quorum, and (iii) delivering your ballot in-person at the annual meeting. The option to drop your ballot to the guard house is particularly relevant this year, as we do not expect to have an in-person meeting in February where members can present their ballot. This year, the Inspector of Election will count votes via Zoom, viewable by all members, with Powerstone acting as an independent facilitator.

The board hopes that you find this information useful and informative. As a large amount of misleading information has been circulated recently, the board has had to devote a significant amount of its time and resources to setting the record straight with the community. This is valuable time the board would much rather put into improving the community. As always, if you have any questions, please contact Powerstone Property Management as the official source of verifiable information or feel free to attend a board meeting.