

AUTUMN WOOD At Hunter's Field Homeowners Association

Third Quarter, 2016

July, August, September

Pool Etiquette: *Enjoy The Water But Be Responsible*

Each year the Autumn Wood Board of Directors requests the pool rules be distributed to the homeowners. Sometimes the job is done by way of a special mailing; other times this newsletter is the best way to advise every homeowner. This is an explanation of the more basic rules that every homeowner would want for their own pool:

Pool and spa are for the use of Autumn Wood residents and their accompanied guests only. Of course, no homeowner would want just anybody to use their own pool; invited guests only. In this case, it's other Association Members and their families who are invited.

Pool and spa hours: 6 am - 10 pm Sunday thru Thursday; 6 am – 11 pm Friday and Saturday. Although restrictions may not be applied to a private pool, they must be uniform for the Association. This is more than ample time to enjoy the amenity. These hours coincide with the City's Code for quiet times (noise reduction).

Homeowners are responsible for the conduct of their families and guests in the pool area. It's just like at home; guests and members of the family know how to behave. It should be no different at the pool.

Children under 14 must be supervised by a responsible adult while in the pool area. This rule might not fit the family scenario, since it's a Ventura County rule, but it must be enforced as this pool is considered a "public" pool in this respect. The County will close the pool for infractions.

If you open the gate for someone, they become your responsibility. This rule limits the Association's liability and puts it on the owner of the key who allows them in. Don't be intimidated by someone at the gate shouting about their "key not working," or "can't find our key." The key doesn't work for a reason or they don't have one because maybe they don't belong to our Association. Let the property manager figure it out.

Homeowners must have their pool key in their possession at all times while in the pool area. Any homeowner has the right to ask to see your key and you must show it. Anyone without a key is not permitted to stay. These three rules work together. Having the key card close by facilitates use of the bathrooms which also uses the key-card system. Showing the key to another homeowner does not violate anyone's privacy but offers great piece of mind to others. If homeowners don't have the key present, then their authorized access is questionable.

Be courteous to other homeowners. Keep loud noises to a minimum. Many homeowners use the pool to relax and get away from tensions of the day. Loud play is understandable but sometimes a break is needed.

No alcoholic beverages or drugs on the premises. Both are prohibited in the pool area because both can create unsafe conditions for pool users. Statistics show that too many accidents occur in and around the pool—and the Association insurance company knows that too!

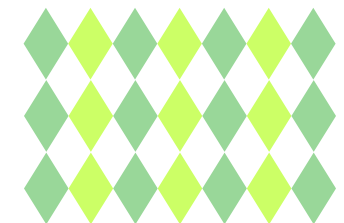
No glass or breakable containers in the pool area. This rule is easy to understand. Everyone who enjoys the pool is most likely in bare feet. Broken glass makes a very nasty cut and ruins the day.

No pets in the pool area. This rule keeps pet hair out of the filters. It also prevents 'mistakes.' Mistakes, whether from animal or human, will close down the pool immediately for at least a day. Although it may be cute to see, Fido doesn't really like to do all that paddling weighed down by saturated fur.

No riding of skates, skateboards, or bicycles in pool area. The pavers in the pool area can't sustain such heavy traffic. Sure, you can park your toys inside the compound, but don't play with them in the pool area.



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Architectural Improvements: Requests, Approvals, and Timelines

The restated Codes Covenants and Restrictions (CC&Rs) Article VI, *Architectural Control*, describe in great detail the composition of the Architectural Committee (ARC), their duties and responsibilities and the scope of their review. The Article continues with timeline requirements for submitting improvement applications, known as the “*Residence Improvement Application*,” or RIA. Most of the requirements were copied from the 1984 version of the CC&Rs and are **not new** to this community. However, the ‘Review Fee’ requirement (Section 9 of the ‘old’ document) was removed, but that does not mean that a penalty will not be levied for blatant disregard for the application process. Other requirements from the Common Interest Development (Davis-Stirling) Act imposed upon all HOAs are also included and make up the remainder of the Article.

Most importantly, homeowners requesting approval for improvements should note the **new** clause in Section 6.11, “*Any application submitted ... shall be deemed denied ... unless written approval ... [has] been provided ...*” This statement may seem contrary to the established belief that ‘if there is no action on an application request for 30 days, it’s okay to proceed.’ Essentially, that option has been removed, thus it is very important that the requesting homeowner establish a line of communication with the ARC. Alternatively, to accommodate requests within acceptable timeframes and prevent confusion, the Article provides the Board an option when they are unable to act on the improvement request during monthly meetings.

Section 6.9, *Use of Precedent Not A Factor* is the same as Section 11, *Approval Not Waiver* in the old CC&Rs. Just because the ARC recommended approval for an improvement on one Lot does not mean the improvement can be automatically enacted on any other Lot. Yet, Section 6.17, *Variations*, is established to provide a solution to the ‘one-rule-fits-all’ predicament, where circumstances, conditions, design or materials can be compelling.

Work and Inspection. Sections in this Article provide the homeowner, the ARC and Board with actions for proceeding with the approved improvement, with timelines, limitations, and remedies during the progress of the work.

A new requirement for a *Notice of Completion* is established in Section 6.13(b). The Board envisioned this administrative requirement as the means to confirm that the improvement (or work) was in fact completed, and ready for final inspection - either by the City or the ARC.

If you intend to add improvements to the **exterior** of your residence, review Article VI, *Architectural Control*. The Article is easy to read and understand. It is presented in a logical order like a checklist of sorts.

Improvements intended within the residence fall outside of the scope of this CC&R Article.

Begin discussing your project with the property manager, the ARC Committee, or a Board member to prepare the Resident Improvement Application (RIA). Adequate advance notifications to all parties involved in the project - designers, contractors, workers, ARC, inspectors - will make for smooth approval and satisfactory installation.

Pool Etiquette: *Continues*

No smoking in the pool area. Smoking, and vaping for that matter, is not allowed in the pool area because of the irritation it may cause others. The Association will not debate the attributes of tobacco or vapor; just don't do it in the pool area.

Life saving equipment is for EMERGENCY USE ONLY. The floatation device is not provided for recreation; Ventura County requires the HOA to maintain basic self-help equipment. It would be a tragedy if it were not available for your use if needed.

No Trespassing after-hours - including homeowners.

Dog Waste in the Common Area

More than a few homeowners have complained that the greenbelt in the Common Area continues to be a dumping ground for dog waste. Pet owners often do not pick up the waste as they walk their pets on the grassy areas, or if they do pick up, the little baggies often end up tossed in the flowerbeds.



To reduce this likelihood, the Board of Directors, following the Landscape Committee’s recommendation, purchased two large trash containers similar to those owned by the City, and placed them at the walkway ends.

The Association also sent advisories to the neighboring HOAs recommending the respective property managers take serious action to make their homeowners aware of the issue.

If you are a pet owner, help the Association by disposing of waste properly.

Pool Party Requirements

Want to have a party at the pool? Before you start inviting your friends, you must coordinate with our property manager, who will specify the requirements for you to follow, and will even offer guidance. Generally, a small number of participants is allowed. No BBQs are allowed in the pool area. Allow tables to be used by other homeowners.



In addition, be sure your insurance company provides for proper liability coverage, and you, or your insurance agent forwards a *Certificate of Coverage* naming the Autumn Wood HOA as an “additional insured” for the duration of the festivities. It’s important that this certificate is in-place BEFORE the party starts.

Remember too, that you can’t restrict our other homeowner’s from using the pool at the same time. And, of course, no alcohol, no glass containers, no crazy behavior; the established pool rules still govern.

Still want to have a party? Call the property manager. Oh, and be sure to clean up after the party.

Boundary Hedges

As the neighborhood matures, several boundary hedges have become more established as well. Boundary hedges are those landscape features that are placed along the property line, most often established in the Driveway Landscaping Easement (DLE).

According to Simi Valley Municipal Code 9-30.050, *Height and Location Requirements for Fences, Walls, Hedges, and Other Structures*, section A.2.a., “*Within the front yard setback, no fence, wall, or hedge shall exceed 42 inches in height...*”

This Section of the Municipal Code addresses all fences, walls, hedges, vegetation, mounds, hardscaping, and other structures, in residential zones of the City, situated outside the TSSA zone (basically, a corner lot), except for some exclusions.

Previously, the Association CC&Rs provided for the few landscape scenarios that were established by the Developer, but the Board of Directors soon realized the variety of landscape combinations were increasing. Thus, rather than try to regulate every scenario, the Directors believed enforcement would be better left to the City Code Enforcement Bureau.

However, the code does not leave some homeowners without options; the Code continues with, “*a maximum six (6)-foot high solid landscaped hedge may be permitted at the side property line with a setback not less than 10 feet from the front property line. Measurement shall be from the top of the highest adjacent grade.*”

Items That Need Your Attention

As the weather warms up and things dry out we need to look at our residences and yards for clean-up/touch-up.

The following are some of the more common items noted as CC&R violations during the monthly inspection walkthrough by your Board of Directors and management company representatives:

- ✓ Foliage and trees not cut back at least nine feet above sidewalks.
- ✓ Gardens and flowerbeds in need of weeding.
- ✓ Trash cans not stored properly out of sight after pick up.
- ✓ Rain run-off stains on stucco of houses.
- ✓ Disabled or non-operable vehicles stored in driveways.
- ✓ Lawn in need of maintenance or care. A brown lawn is acceptable, but it must be manicured and weed-free.
- ✓ Utility doors delaminated, unlatched, or in need of paint.
- ✓ Basketball hoops not stored properly.
- ✓ Conduits or cables not fastened or improperly run down the side of the house or not colored to match trim or stucco.
- ✓ Oil, debris, or discoloration on driveways.
- ✓ Undocumented or unapproved exterior Improvements.

Call a handyman, a landscaper, a painter, your relative, or whom ever can to help you. If you do receive a violation letter, coordinate your ‘fix it’ plan with the management agent to avoid the same finding the next month.



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The HOA Website:
<http://autumnwood.org>

Scheduled Directors' Meetings

When:	Jul 21	Aug 18	Sep 15
Where:	Poolside	Conference Room	Conference Room

Conference Room: 5775 Los Angeles Av, #212

Makeover Slow In Getting Started

The Pool Area refurbishment project has been slow in getting started. Although planned in the latter part of 2015 to start by March 2016, several delays pushed the actual commencement date to the end of June, but work is expected to be complete by early July.

During construction, the pool area will be closed daily from 8 am to 5 pm while workmen are on-site. Thereafter, the area will be cleaned up to allow homeowners access to pool and spa.

Trouble in the Common Area



Courtesy Paul Hobbs

Advice From An HOA Attorney

QUESTION: I am unhappy with a recent board decision. What can I do? What are my rights?

ANSWER: Members who are unhappy with board decisions or indecision can do the following:

- 1. Remain Silent.** Be part of the silent majority... say nothing and do nothing and hope the problem resolves itself. Things run in cycles, so sometimes it works-you just have to be patient.
- 2. Open Forum.** Address the board in open forum. Be respectful and clear in describing your position. The board may not be aware of the problem and your bringing it to their attention should get results. If you are hostile, rambling and make unreasonable demands or threats, the board will label you as a "crazy" and reject your request. A letter from the association's attorney might accompany the rejection.
- 3. Write Letters.** If the board does not respond to your open forum request, follow-up with a couple of letters. Do this for two reasons: (i) the squeaky wheel gets the grease and (ii) boards don't like paper trails that create potential liability for the association. Keep your letters respectful and business-like. Do not engage in personal attacks or hyperbole. If your letter sounds like you have squirrels running laps in your head, imagine how a jury (and your neighbors) will view you when your letter is read in open court. Remember, you are trying to persuade board members not alienate them.
- 4. IDR.** If the open forum and follow-up letters don't resolve the problem, try Internal Dispute Resolution. I've never seen IDR work but you never know. It keeps the issue in front of the board and it exhausts your friendly attempts to resolve the problem.
- 5. Election.** If the above actions don't resolve the issue, run for the board or support responsible members willing to run. First, however, examine your motives. If the reason you want on the board is to get something for yourself at the expense of the community, that would be a breach of fiduciary duties. Make sure you and those you support want to serve the community, not your own agendas.
- 6. Recall the Board.** You can launch a recall of the board. This is a drastic measure and very disruptive to the community. It will permanently damage relationships between neighbors and create life-long enemies. Hence, the issue better be sufficiently serious that it can't wait for the next annual election.
- 7. Litigate.** If none of the above works or you're in a hurry to lose money and make enemies, you could always file a lawsuit. Rarely is a lawsuit justified--they are lengthy, expensive, emotionally draining and unpredictable. So carefully weigh the cost of litigation against the hoped-for benefit... and then weigh it again. If you're suing to punish the board because of a perceived sleight or to prove a point, you're one of the crazies.
- 8. Move.** If you live in a dysfunctional association, sell your property and get out before they cause you financial and emotional damage. Look for a single-family home not in an association or look for a good association. There are lots of them out there and one will be a good fit for you.

Adrian Adams, ESQ
Editor, Davis-Stirling Newsletter
(<http://www.davis-stirling.com/Newsletters/tabid/795/Default.aspx>)

Board Meeting Location Change

At the April Board Meeting, the Directors voted to change the location for future meetings to the CT Prop Conference Room, 5775 Los Angeles Av #212. In this way, the Board can concentrate on business with better lighting, yet it is still close enough for homeowners to attend, and pool-goers will not be inconvenienced or feel as though they must be quiet.

However, the Annual Association Meeting (June or July) will remain at the pool in hopes for full attendance.