

BEVEN & BROCK NEWS AND VIEWS

DAVID BROCK, PCAM



TO BE, OR NOT TO BE – ON THE BOARD

As a country we are in the middle of a political season. We have candidates running for President of the United States, and the current President wants to be re-elected for the job he now has. During this time, we are hearing about how these individuals want to make our country better. They are stating the steps that they would take to solve the problems we face and grow the economy, with the unemployment rate, taxes, and Social Security being major discussion points.

While running for a seat on the board of directors at an HOA may not be as daunting as running in a national election, the themes of growing the economy of the association and making it a valuable real estate investment for all of the home-

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Recent Wind Storm Teaches Some Lessons

Good Care Can Reduce Tree Damage

By Mark Meahl

The recent storms in our area caused unprecedented damage to our structures, utilities, and landscapes. Assessing why certain trees were damaged while others survived is a worthwhile endeavor; not only to protect the aesthetics of the trees, but also the property around them.

Numerous studies indicate proper tree maintenance is crucial to reducing damage during very high winds. But although we love our trees, most of us are experiencing budgeting issues and tree pruning or investing in quality tree pruning is often not at the top of our priority list.

Here are some issues that can make your trees susceptible to wind damage and how to prevent it. Some are common sense and others are more technical.

Damage may be caused by one or a combination of factors (not all listed here).

Wrong tree in the wrong place

For most of us it is too late. We have large trees planted long ago in a small space, or a heavy rooting tree next to concrete, etc. Certain trees are more susceptible to wind damage. How we deal with maintaining the "wrong tree" is important and all the following issues become more critical.

Top heavy trees

Common sense tells us that this is strictly leverage. Trees with a lower center of gravity are less likely to break than those with a higher center of

gravity. Reducing the length of certain branches helps create a lower center of gravity on those branches and might help contribute to their survival in windstorms. Reducing the entire crown size should also reduce damage potential.

Balance, structure, and trunk taper contribute to helping healthy trees be resilient to winds. To maintain resilient trunks, at least one-half of the foliage should be in the lower two-thirds of the tree. The lowest limb should originate in the bottom one-third of the tree's height.

Trees not pruned or thinned often enough

The obvious reason for this is that the foliage can act like a sail. The trees become top heavy and /or out of balance, dead wood is not

removed, weak branches and crotches are not removed, prior pruning mistakes or wind damage is not mitigated, disease and pest problems are not identified along with a score of other reasons especially creating the need to over-prune when pruning is finally done.

Trees overly pruned - removing too much live wood off the tree at one time

More severe pruning slows root growth by shifting the root-to-shoot growth ratio. This adds significant stress to the tree. Heavy pruning also reduces carbohydrate reserves, making the tree less tolerant of insects, diseases, and drought stress.

*Proper planting,
watering and pruning
are of prime importance*

See "Trees" on Page Three

The Long-term Picture

Five Issues of Importance to Condo Value and Growth

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owners is just as significant. Many times the number of people who are willing to serve on a homeowner association board is fewer than the number of board positions to be filled. So, the question as to where a potential candidate or current board member stands on enhancing the stability and/or growth of the HOA is never asked or answered.

The ownership of a condominium is not only a place to live, but it is also an investment. Decisions made or not made by the board of directors will affect the value of the investment. Fortunately board members are protected in their decision making process providing they seek the advice of outside professionals. But it is important for boards to have a full slate of members, meeting regularly and making business-like decisions.

The issues that are important to the long term value or growth of the association generally fall into the following categories: finances, maintenance, meetings, rules development and enforcement, and delinquency collection. Let's take a brief look at each one and find out why they are important:

Finances

Budgeting adequately for reserves (either at least 10 percent of the budget or

per the Reserve Study) is more important than ever. Besides being a fiscally sound practice to plan for ongoing large maintenance items, lenders are now denying loans to homeowners or buyers if the HOA does not have appropriate reserves. The inability to get loans on a property means that the units cannot sell. This has a negative impact on value.

Maintenance

Obtaining and analyzing bids in terms of the overall quality of the work to be completed and the vendor who is completing the work is important. The least expensive bid is not always the best deal. Will the vendor be in business to stand behind the work? Is the vendor insured so that protection is afforded to the HOA? Will the vendor be cutting corners or are there additional hidden costs?

Deferring or avoiding maintenance issues "to save money" or keep monthly dues artificially low diminishes the value of the property and each owner's equity or resale value. Services such as landscaping, janitorial or pool services show pride of ownership. This not only helps to maintain or increase value, but can aid in more robust sales. A well-maintained common area advertises to prospective buyers and owners alike that the HOA takes pride in the property and cares about a quality appearance and life style for owners.

Meetings

Some board members feel that meetings are a waste of time and unnecessary. Because a board chooses not to meet as they should does not mean that there is nothing for the board to do. Under these conditions, one or two board members shoulder the work of the full board and make decisions for the full board without additional input – decisions that affect the entire HOA. This is not how an investment should be operated.

Rules development and enforcement

Boards that develop rules and consistently enforce them contribute to the value of the property as a whole. Rules such as the proper use of patios/balconies, voting for elections, architectural guidelines, storage in the common garage, limiting weight on a balconies to fight deterioration, or other CC&R violations again reflect the pride of owners and positive appearance for the common development, and protect each owner's investment.

Delinquency Collection

If action is not taken promptly, as allowed by law, against owners who are delinquent it will likely harm the associations' ability to collect 100 percent of what it is owed. It is important to be consistent with all owners and act promptly. This means that owners are notified at about 60 days of no payment, and informed that legal action will be taken with the ensuing costs being added to their account. This can be a complicated decision. The board should feel comfortable in getting some guidance.

So what can or should be different to ensure that your association and real estate investment thrives?

- If you are running for the board, clearly state your goals and desires for the association, and insist that other board candidates do the same.

See "Board" on Page Four



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Ordinance Phases in Through 2013

Pasadena Law Limits Smoking in Condos

The City of Pasadena has recently adopted a No Smoking law that is being phased in between 2011 and 2013. The ordinance is intended to prohibit smoking in apartments and condominiums and to protect residents from drifting smoke. As of now, smoking is prohibited in outdoor common areas of multi-unit housing, such as courtyards, swimming pools and parking garages, recreation rooms, laundry areas, community rooms, playgrounds, etc. The ordinance requires home owner associations to post signs, which must include the universal non-smoking symbol, the municipal code section, 8.78.085 and the telephone number to report violations, which is 626-744-6014. This basic information should be clearly visible to residents and the general public.

The signs are to be posted at first floor entrances, exits, lobbies, restrooms and elevators. There are many properties throughout Pasadena that are constructed in townhouse style, that have no real entrance or exit, lobbies, restrooms or elevators. These would typically be properties where there is a driveway that leads directly to the garages of the units. In those cases, signs should be posted at the mailboxes, or the front pedestrian gates to the property, or both.

The enforcement of this law is handled by the Pasadena Public Health Department. To report a smoking complaint, the public can call 626-744-6014.

As of Jan. 1, 2013, smoking is prohibited

in all units of multi-unit housing, including balconies and patios. Until Jan. 1, 2013, smoking is permitted under the code on balconies and patios, as they are not considered common areas. Another requirement is that owners who rent or sell their units must also disclose the existence of this law, effective after Jan. 1, 2012. The association has no duty of disclosure, other than the required signage.

For a template of the sign, you may refer to the City of Pasadena website, www.cityofpasadena.net/publichealth. Also, signs may be purchased through Beven & Brock, by contacting Elizabeth@bevenandbrock.com. The signs are \$10 for a hard-backed (plastic) sign and \$3 for an adhesive sign.

Trees are a Treasure – and a Pleasure – That Should be Valued and Maintained

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Trees improperly pruned topped (especially if the tree is negatively impacted)

Trees should never be topped; multiple shoots develop without a central leader. The tree becomes weak, top heavy, inevitably the wrong shoot or shoots will dominate and the tree will be weakened both aesthetically and structurally. Most trees are grown with one central leader (the top most vertical branch). Exceptions are trees such as crape myrtle, that have been pruned to develop multi-trunks. A tree that will grow to more than 40 feet should have a single trunk well up into the canopy, but the trunk does not have to be perfectly straight.

Shallow roots from watering too often or not enough, bad soil or subsurface conditions

When the trees are irrigated too often the roots have no need to go deep for water because they have what they need without growing downward. When the subsurface becomes saturated over a period of time,

with no oxygen and no biological activity, existing roots may die and new roots will grow to the surface looking for life sustaining matter. Over saturated ground and/or shallow roots will have negative effects on anchoring of the trees. When trees do not get enough deep water they will send roots to the surface or under concrete looking for water and nutrients. The roots won't grow deep if there is no water to grow to. Under watered trees will stress, which will affect top growth, root

growth and general tree health.

The trees in our region are a treasure. They add so much value and pleasure to our landscape, life and health. Let's do our part in taking care of them.

Mark Meahl is President Garden View Landscape, Nursery & Pools. If you would like to read a more technical version of this article, other articles on landscape or sign up for the Garden View newsletter visit www.garden-view.com.



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Financial Reviews are Well Advised – and Often Required

Associations with income in excess of \$75,000 per year are required to have an independent CPA conduct a review of the financial statement of the association. The requirements of a review are less than those of an audit.

While this is a requirement only of associations with incomes greater than \$75,000, every association should be concerned that its books are being handled properly. The potential for improper financial actions is greatest with small (under 20 units) and self-managed associations. If all of the accounting functions are handled by one

board member and no statements or bank reconciliations are being provided to the other board members, there is a much

*Every association
should ensure that its
books are handled properly*

greater opportunity for theft of association funds. At a minimum, quarterly financial statements are legally required to be provided to all board members. Some of

the more common abuses are an owner (often the Treasurer) not paying their own assessments, or bills being paid that cover more than just the common area, such as certain individual units.

This review shall be distributed within 120 days after the close of the fiscal year. Board members and owners should pay particular attention to any opinions expressed by the CPA as a part of the review. The distribution of the report may be done by email or fax, if the owner has agreed to that method of delivery, personal delivery, or first class mail.

Board Objectives Should be Made Clear

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- If you are an owner, be sure to find out what the agenda or goals are for the candidates. Even if there are fewer candidates running than seats available, it is still important to know how the people you are entrusting with your home and investment are going to react and handle the responsibility of a board member.
- As a new board, discuss what your objectives are as an association board member. Write them down, so that

when your board service is completed, you will know if you were successful or not. This may also help guide the next generation of board members.

As a board member who chooses to operate in a business-like manner, you are due great value and respect from your fellow owners.

If you are a board member who cannot fully commit to serving, help your board by finding a replacement who can serve in your place.

NEWS & VIEWS

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