

Loma Linda Homeowners Association
Covenants, Conditions, & Restrictions Review Committee Meeting
Thursday, March 20 2014
Don Beach, presiding
APPROVED

I. Call to Order: The meeting was called to order at 7:02 by Don Beach. In attendance were: Roger Jensen, John Porco, Mike Leitch, David Parker, Linda Parker, Doris Leitch, and Peggy Beach.

II. Old Business: purpose for convening committee and background information:
Don Beach explained to the committee that over the years, several committees have been formed to review and update the CC&Rs. The CC&Rs are the governing documents for the LLHOA which every homeowner is asked to follow once they purchase property within the development. The purpose of the CC&Rs is to offer some guidelines for building and maintenance of properties. The documents are somewhat specific in some areas, but lack specificity on others. In addition, as years pass, needs change as do priorities.

At the February meeting of the LLHOA Board, Bill Trimarco, chair of the current ACC, expressed frustration to the Board because of several covenants. He felt that those covenants, in some cases, are causing buyers to look elsewhere to purchase property. Others are covenants that need revising or clarification so that the ACC can better fulfill their duties of enforcement. Those covenants are:

1. the use of metal buildings
2. the number of grazing animals allowed in Loma Linda
3. the amount of square footage required on a second story
4. fuel tank screenings
5. requirements on signage

Don went on to explain that in 2004, the ACC began creating a document entitled ACC Guidelines. In his research, Don was not able to ascertain whether or not the document was completed, or if it was, to locate a copy. It was found, however, that some of the guidelines that the ACCs had been using were not contained in the CC&Rs at all. The CC&Rs do give the ACC great latitude in enforcing covenants while using their own discretion. All of these things have led to great confusion not only by the homeowners, but by the members of the ACC committees over the years.

In 2013, another CC&R committee was formed to review the Declarations of Covenants and to make recommendations to the LLHOA Board regarding changing, clarifying, or deleting certain of those covenants. Don was not able to find any records of meetings or outcomes of their work. With Bill Trimarco's explanation at the February meeting of the LLHOA Board, the Board decided to reinstate the CC&R committee to review the governing documents, specifically the covenants.

With all of this information, the committee discussed how to proceed. Mike Leitch offered that the Board is in the process of examining suggestions made by the attorneys in their report (Hindman Sanchez report) to the covenants. In order to change a covenant, there must be 51% vote of the membership. He suggested that the committee begin with that policy so that it would be easier to make other changes moving forward.

III. New Business: Selection of committee chair: Don Beach asked for a volunteer to become Chair of this committee. John Porco volunteered and will lead this committee forward in its review of the CC&Rs.

IV. Discussion: There was discussion as to whether or not the committee should focus on the five covenants that Bill Trimarco suggested or to recommend changes/clarifications of the entire document. As changing the covenants is a quite lengthy process, some on the committee felt it would be best to focus on the five, while others felt it would be better to wait and offer changes to the entire set of covenants at the same time. No decision was made, but the committee will consider this at the next meeting.

John Porco asked if the committee should investigate legal precedents of the covenants and would it benefit the committee to find that out. This was tabled until the next meeting.

V. Selection of next venue, time, and date: John Porco will email the committee members with possibilities of dates for the next meeting.

VI. Closing: Don Beach moved, John Porco seconded that the meeting be adjourned. The motion carried, and the meeting was adjourned at 8:30.