



marinita
HOMEOWNER'S ASSOCIATION

P. O. Box 208
Dana Point, CA 92629

MARINITA HOA MEETING – MAY 8, 2023

Call to Order: 6:38pm

Sign In Sheet: Tom Burger, Shelly Calderon, Mary Lu Howell, John Faulkner, and Homeowner John Kilcoyne.

HOA 2023-2024 Board Members Introductions and Responsibilities: Tom, Mary Lu and Shelly welcomed new Board Member John Faulkner who was involved with architectural control at another association. John will join the Architectural Committee taking over for Tom Burger.

Homeowner Testimony: John Kilcoyne asked for updates on the enforcement of the CC&R violations he reported on Lot 37.

Approval of April Minutes: Tom motioned to approve, and Shelly seconded. All were in favor.

Approval of April Financial Report: Tom motioned to approve and Shelly seconded. All were in favor. The Board also reviewed the attorney fees billed in April. HOA attorney Tracy Ettinghoff billed \$990. \$780 was for the Short Term Rental amendment that may be added to the CC&Rs depending upon the results of an upcoming special election, and \$210 was for communications regarding Lot 37. Also noted was a \$31 payment for annual domain renewal.

Architectural Improvement Applications: Lot 66 asked to replace wrought iron fencing in their yard with horizontal wood slat fencing. The application was approved.

OLD BUSINESS

Western Landscaping Update: Nothing to report.

Slope Maintenance Issues: The leak that occurred above lot 32 possibly from the slope behind Lot 33 has not been resolved due in part to the rainy winter season. Shelly will contact Chad from Western Landscaping and will coordinate the repair with South Coast Water District and Western Landscaping.

CC&R Infractions: A 2nd violation notice was sent to Lot 37. The Board approved a 3rd Violation notice citing CC&R violations to be sent via Certified Mail which will state that fines will be assessed until the violations are corrected. Both Lot 37 and 38 have retained legal counsel.

NEW BUSINESS

Review Homeowner Correspondence: The HOA received a letter from the attorney for Lot 37. This correspondence was forwarded to HOA attorney Tracy Ettinghoff for review. The board will respond to Lot 37's attorney enumerating the CC&R violations, including blocking the view of a relevant lot. Photos will be included. Additionally, Lot 37 is in breach of a 2007 settlement agreement with the former Lot 38 homeowner. The board will consult the HOA attorney to determine whether that agreement can be declared "null and void" since it has been violated. Lot 47 queried the HOA about status and results regarding the Short Term Rental (STR) poll circulated within the neighborhood.

Proposed CC&R Amendment to Restrict Short Term Rentals (STRs): This issue, taken up by the former Board, is being transitioned to the new HOA Board. An official ballot has been prepared and will be circulated to all homes in Marinita. The Special Election ballot will be sent to every residence in Marinita. Each residence has only one vote. A copy of the CC&R Amendment will be attached to the Ballot. The decision to send out the Special Election Ballot was unanimous.

Transfer Administration of the Email Account: Richard Castler will continue to oversee the email account until Mary Litwinski returns from vacation.

OPEN DISCUSSION

The sinkhole that developed in mid-March at the intersection of Perch Drive and Via Lagos has not been repaired. Tom will check in with the city of Dana Point regarding repair status.

Meeting adjourned: 8:07pm