

EAST BLUFF NO. 4 COMMUNITY ASSOCIATION

December 02, 2022

To: Owners at East Bluff No. 4 Community Association

Re: Official Notice of Annual Meeting of Members and Election of Directors

The Annual Meeting of Members will be held as follows:

Date: **Friday, January 06, 2023**
5:45 PM **Registration of Hand Delivered Ballots**
6:00 PM **Call to Order**
Location: **The Hampton Inn**
11920 El Camino Real
San Diego, CA 92130

Alternatively, join the meeting from your computer, tablet or smartphone:

<https://us06web.zoom.us/join> - Meeting Id: 813 9841 9794 - Passcode: 713072

Dial In: (669) 444-9171 - Meeting Id: 813 9841 9794 - Passcode: 713072

Enclosed with this notice is the information regarding your Annual Meeting and Election of Directors. Please read the information carefully before completing your Ballot and Envelope #2 - return envelope. Any errors may disqualify your ballot. Failure to sign Envelope #2 will also disqualify your ballot.

Enclosed with this notice are the following:

- ✓ Agenda for the Meeting
- ✓ Election and Voting Information from The Inspectors of Election, LLC (TIE)
- ✓ Candidate Information Statements*
- ✓ An Official Ballot for the Election of Directors
- ✓ A "Secret Ballot Envelope" (#1)
- ✓ A Ballot Return/Registration Envelope (#2)

* - The candidates are solely responsible for the content in their statements. Neither the Association nor The Inspectors of Election have redacted or edited any of the content in the statements enclosed in this election package.

Please feel free to contact Barbara Printz, (Barbara@AvalonWeb.com) with any questions on the Association's information. Please direct any questions about the election process or the enclosed balloting information to The Inspectors of Election at 888-211-5332 or info@theinspectorsofelection.com.

We look forward to seeing you at the Annual Meeting on Friday, January 06, 2023.

Barbara Printz, Sr. Community Manager
On Behalf of the Board of Directors

EAST BLUFF NO. 4 COMMUNITY ASSOCIATION

**Annual Meeting of Members
Friday, January 06, 2023**

AGENDA

Registration of hand delivered ballots **5:45 PM – 6:00 PM**

1. Close of Registration & Call to Order by the President **6:00 PM**
2. Introduction of Appointed Inspectors of Election
3. Quorum determination by the Inspector of Election
4. Close of Polls and Counting of Ballots – Inspector of Election
5. Introduction of Current Board
6. Introduction of Candidates for Board
7. Approve Minutes – Prior Annual Meeting
8. Any other matter that may lawfully be brought before the Members
9. Election Outcome by Inspector of Election
10. Adjournment **7:00 PM ***

* Adjournment will occur following the counting of the ballots
and announcement of the results of the voting.

NOTICE OF THE ORGANIZATIONAL MEETING OF BOARD

A Board of Directors organizational meeting may be held immediately following

adjournment of the Annual Meeting for the following purposes:

Election of Officers & Schedule First Regularly Scheduled Meeting of the New Board.



Election and Voting Information

The process of conducting elections in Common Interest Developments (CIDs) in California is controlled under Civil Code Sections §5100-5145. The procedure for voting is conducted in a process modeled after the absentee ballot process used by California counties. As it is with that process, there is to be no identification on the ballot you will be submitting that might identify the voter. The process is to be overseen by an independent third-party inspector of elections. Your Board of Directors has selected **The Inspectors of Election (TIE)** to provide that function for this election cycle.

The quorum for holding a membership meeting is at least a majority of the Association's eligible voting power. All properly submitted ballots will count towards the quorum requirement.

Your bylaws do not allow for cumulative voting. You have three (3) open positions, which provide each unit with three (3) votes in this election. The three (3) candidates receiving the highest number of votes will be elected to a two-year term. In the event of a tie vote between candidates for the final position, the tying candidates may concede to one another, agree to allow for a flip of the coin to determine the outcome, or if neither of these is agreed to by all parties involved, a Run-Off Election will need to be held.

If more than one individual owns a unit, while each is a member of the association, there is only one ballot for each unit and the members need to agree, collectively, how to cast the vote for the unit on the single ballot. The Ballot Return / Registration envelope (#2) must be signed by at least one owner of record. Owners of multiple lots/units will be provided a single ballot and envelope set for each lot/unit owned. Each ballot must be returned in its individual envelope set and signed.

The Civil Code (§5100-5145) is very specific about how the ballot and voting **must** be completed. If you do not follow the directions, your ballots may not be counted. The process is as follows:

1. Complete your voting on the Official Ballot in the packet. **Use only black or blue ink. Please see back of ballot for complete ballot instructions.**
2. Place your completed Official Ballot in the yellow Secret Ballot Envelope #1 and seal it.
3. Place the Secret Ballot Envelope #1 in the Registration Envelope #2 that has been provided with your name and unit address. **Be sure to complete by signing your name. If you do not sign as indicated, we will not be able to count your ballot.**
4. Return your completed Registration Envelope. It is pre-addressed to TIE *and return postage has been added for your convenience.* To ensure your ballot is counted please make sure it is received by TIE by mail no later than **5:00 PM on Thursday, January 05, 2023.** Alternatively, you may hand deliver your ballot in its completed envelope set to the meeting on Friday, January 06, 2023 during the registration period as noted on the notice and agenda.

You are encouraged to complete the ballot now and mail it to TIE. If you have lost or destroyed your ballot, you can contact The Inspectors of Election at 888-211-5332 or info@theinspectorsofelection.com before the meeting to arrange for a replacement. If you do not mail the Ballot, please bring it to the Annual meeting.

TIE's responsibility in this process is to provide this election package to each owner in good standing; receive the returned Registration Envelopes containing your Official Ballot; register them to establish a quorum to count the votes; present all unopened Ballot Envelopes at the Annual Meeting; open the Registration and Ballot Envelopes and tabulate the results. TIE will then certify the voting/election results and provide them to your Board of Directors.

How can you help? Do not wait for the last minute to complete your voting. Set a goal to complete and return your ballot within five (5) days of receiving this package. If for some reason, you cannot return your ballot by mail, you may hand deliver it by bringing it to the meeting.

Your ballot is needed to meet the quorum requirement. Please return it even if you do not wish to vote in the election. The holding of a second meeting to meet quorum is expensive for the Association.

We thank you for your cooperation and participation in this voting event.

Kurtis Peterson, CMCA
The Inspectors of Election, LLC

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Candidate Statement of Marcia Blackmon-Balch

Looking back on my four years on the board:

Our current East Bluff #4 board is the best since I moved here (2007). The members are knowledgeable, honest, and hard-working. No one has an “agenda,” other than the overall health and well-being of our community.

2021 was an amazing year. The Association, led by the Board and supported by many homeowner volunteers:

- Investigated, documented, and prioritized the physical condition of our community
- Got homeowner approval of the Special Assessment Program, a comprehensive ten-year plan to:
 - [1] Renovate our common areas, which have been run down by deferred basic maintenance tasks that had accumulated and compounded over decades.
 - [2] Stabilize our finances by building our Reserves to a healthy and sustainable level.
- Kept homeowners fully informed of the study results and various options to solve these problems with detailed presentations at town hall meetings

2022 has been an exhausting year. We have:

- Completed major projects: chimney caps, drain clearing, gutters, and smart irrigation controllers
- Begun construction of all perimeter fencing and begun inspection and repair of balconies, etc.
- Planned to repair the neediest patio walls this year
- Kept project costs to within our resources, despite supply-chain delays and inflated material costs
- Legally called to account several homeowners who have egregiously violated our architectural rules (a legal liability), ignored basic resident behavior standards, and not paid their monthly dues
- Held extra board meetings to accommodate owners and to expedite critical legal and financial actions

My Board role has been diverse.

- As secretary, I am responsible for Board minutes and most Board written communications.
- I collaborate with our board president, property manager, and legal counsel in drafting formal notices to homeowners and responding to them.
- I screen Architectural Improvement Requests, making sure they are complete and meet our standards before they are submitted to the Board.
- I have attended many seminars that educate HOA board members about their legal obligations.
- I am organizing and archiving Association records.

- I formally investigated an extended and complex homeowner harassment complaint, and also participated in an internal dispute resolution with our attorney to settle a major homeowner violation.

My past: I am a retired technical editor and facilitated the development of hundreds of transportation and Navy engineering documents, such as proposals, scopes of work, construction bid documents, feasibility studies, preliminary investigations, geotechnical and biological studies, and environmental impact reports.

I have a B.S. (in biology and English literature) from Pomona College and hold a paralegal certificate.

My goals: My overall goals are to (a) preserve our community ambience and value; (b) attain and maintain financial stability; and (c) ensure that the Board plans ahead to sustain these in future years. To do this, we need to maintain the continuity of our leadership...

Vote for Jessica, too! Our president, Jessica Fogg, devotes most of her time and energy to our HOA, and.

- She is an inexhaustible repository of the historical details of our community and how it is run.
- She has reached out to and personally knows dozens of homeowners and tenants.
- She has accumulated a myriad of details about how our units were constructed and are maintained.
- She has made it her business to delve deeply into our financial records, finding and correcting wrong payments and recovering homeowner debts.
- She knows our CC&Rs backwards and forwards, keeping us legal, fair, and on the right track.
- She recruited invaluable professionals from our homeowners for our Special Assessment Program:

Jim Shetterly, P.E., the indispensable chair of our Construction Committee, who works hands-on, full-time, on our behalf; and Norman Kumabe, Jim’s right hand on the Committee

Jennifer LaChance, indefatigable chair of our Finance Committee; John Olinsky, master presenter of the Special Assessment Program and committee member; and Leo Mendez, key committee member

Cindy Jensen, Jim Lasswell, and David Roth, members of the Independent Oversight Committee

- She recruited Robbi Hoffman to the Board, who led us while she was caring for a gravely ill relative.

Who else could or would cover all these bases so well?

No one is better able to continue leading our board. I ask for your vote to re-elect both Jessica and me... Experience counts!

Candidate Statement

WAYNE DOYLE – Retired Engineer

Interests: Helping others, community

Hobbies: Motorcycle touring, tennis, bicycling

Work Experience: Veterans Affairs Project Engineer for construction of medical buildings, retired 38 years.

Board Interest: Resident in EB for 14 years and with more time to share, though I would assist in any way I can to help the community grow and improve.

Dear Fellow Homeowners,

In this upcoming election, I request your support in my re-election to the Board. I bring team leadership, extensive history and knowledge of EB4's legal, infrastructure and financials, providing valuable guidance to the committees and the board they serve, resulting in a culmination of active reflection and understanding past Association failures, resulting in effective strategy, navigating EB4 away from preventable failures, while utilizing risk management to rapidly identify and correct as needed, remaining on course toward a long term fiscally healthy Association.

Priorities also include maintaining lowest possible monthly dues, building and maintaining adequate reserve funds and completing scheduled infrastructure repairs.

The achievements I am most proud of while serving as your President (effective 3/2020), includes adopting and implementing efficient rescue measures to correct a financially distressed EB4. All objectives were accomplished by prioritizing projected monthly cash flow, infrastructure repairs and projects, reducing operating costs with lowering contract costs while increasing performance. Previously ignored owner delinquencies totaling over \$45,000 was collected in addition of the immediate replacement of EB4's prior negligent management company.

These actions allowed the completion of necessary repairs and projects while sustaining sufficient funds, avoiding increases to 2021 & 2022 monthly dues, and providing a lifeline until owner approval of a special assessment financial plan.

All expenditures were carefully monitored and controlled while concurrently gathering common bids, utilizing construction industry standard with detailed plans and specs developed by contracted independent Engineers, including detailed inspection reports to prioritize project/ repair schedules prioritization. This information produced a comprehensive Reserve Study, and the foundation upon which the Finance Committee built the special assessment ten year financial plan.

Owner approval of the special assessment financial plan, was a monumental achievement as it was recognition and support of the work by committee members providing professional expertise and a selfless dedication of countless hours to create a plan minimizing the special assessment financial impact for owners with limited means while also prioritizing low monthly dues and building future reserves.

High construction industry standards continue to provide optimum results in the numerous projects completed this year. This includes quality materials, excellent vendors, and competitive pricing with contract protection and warranties. The perimeter fence project is a perfect example of the collaboration between the Construction and Oversight Committee, producing quality results.

The majority of work scheduled for 2022 has been completed and several projects scheduled for completion by the end of the year. Numerous scheduled 2023, 2024 & 2025 project phases were accelerated and completed due to the number of owners paying their assessment in full.

Several 2023 scheduled projects are currently in progress. This includes the stack units balcony, decking and stairs as well as landscape restorations. The landscape committee has been working on the complex task of addressing numerous and challenging landscape issues and incorporating landscaping needs with the assistance of a Landscape Architect to design a master plan. More info and community input will follow in the upcoming months as work progresses. The updating and revision of EB4's Governing Documents are also underway. The CC&R committee chaired by homeowner and Legal Counsel David Roth, will be instrumental in providing legal protection, reduced liability exposure and future legal costs. Requirements to ensure the Association implements proven measures currently utilized by the Finance Committee, Construction Committee and the Oversight Committee will be included in EB4's governing documents. Lastly, I am proud of EB4's change of direction from being reactive to proactive in all areas of the Association. My record speaks for itself, and I kindly request it's consideration as you cast your vote.

Thank you, Jessica Fogg

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