

Chat dialog - Town Hall Zoom - Feb 22,2023

19:44:29 From Dr. Who (Hu) to Everyone:

Was a Draft mailed to residents, or only posted on the BTHA website?

19:45:02 From honoria sarmento to Everyone:
website

19:45:48 From Kevin Grumbach to Everyone:
<https://www.balboaterrace.org/>

19:46:05 From Gerald Bernstein to Everyone:
The documents themselves will be mailed to each homeowner before the voting.

19:46:58 From Adam Kunicki to Everyone:
Meeting recordings would be very helpful (to me anyway) as this time is nearly impossible for me to attend meetings. Hope to hear why the draft prohibits it.

19:47:27 From Arlene Doyle to Everyone:
If Davis Sterling differs from the CC&Rs, does the law apply?

19:47:54 From iPhoneMary to Everyone:
What is reason for reducing the size of Board from 11 to 7?

19:48:20 From iPhonesoohie breall to Everyone:
Sorry what is the lawyer,Äôs plan if 1/2 members or more vote NOT to approve these new CCR,Äôs?

19:49:49 From Tom27 to Everyone:
You've referenced best practice. Who are you referring to as the repository of best practice?

19:50:25 From iPhoneMary to Everyone:
Was there consideration of adding term limits for Directors in Bylaws?

19:51:18 From Adam Kunicki to Everyone:
Could you please explain this rationale for not recording?

19:51:44 From iPhonesoohie breall to Everyone:
But that only answers if 50% approve. What if more than 50% don,Äôt approve. Would she still go to court and force the approval? Seems against public interest

19:52:06 From Dr. Who (Hu) to Everyone:
Question: for items listed as "changes in accordance with the statute" have any of the draft items gone BEYOND the requirements of the statute? If so, what items?

19:52:47 From Adam Kunicki to Everyone:
Could you please share the references and rationale for not recording the meetings? This is the first time I,Äôm seeing it as a part of legal stipulation

19:53:08 From Tom27 to Everyone:
The interest isn't what the lawyer wants to do about overturning the vote versus was is the position of the board members on the issue.

19:54:08 From iPhonesoohie breall to Everyone:
In my opinion there are many controversial issues such as all of the penalties against members for the colors they paint their houses and/or plans for houses. Also that remodels must be completed in one year?

19:55:17 From Dr. Who (Hu) to Everyone:
To the Board: Are there items which you thought MIGHT be hot items, controversial? If so, what was the rationale to include them?

Providing specific examples from your experiences on the Board would be helpful.

19:55:37 From Aaron Stanley to Everyone:

The anti-recording clause, while maybe it, "is , "standard," is very troubling to me. The clause allows the board to record meetings if it wants to (i.e., if it, "is in the board," best interest) but does not require them to record meetings which would be in the homeowners, "best interests. It sounds like we are protecting the board at our expense because of the fear of litigation or embarrassment for board members.

19:55:48 From iPhoneMary to Everyone:

The new CCRs restrict homeowners rights and gives more power to the Board , the homeowners rejected revised CCRs in 2020 for this reason. Please explain these changes.

19:55:54 From iPhonesoohie breall to Everyone:

We can, "not vote on who runs! The board took that away

19:56:04 From Tom27 to Everyone:

The best practices should be what the residents consider the best. How do we get the residents input on what is best for us.?

19:57:11 From iPhonesoohie breall to Everyone:

That, "bc you Rich try to intimidate people. For example why is zoom run on your law firm, "website

19:57:23 From Adam Kunicki to Everyone:

Reacted to "The anti-recording c, " " with , "üï

19:57:46 From Nathan Ng to Everyone:

If the CC&Rs need to be updated, why not break up the CC&R updates into 2 parts: 1) the minimum legally required and 2) all other topics not legally required?

19:58:24 From Tom27 to Everyone:

Why not stick only to what the law requires versus adding in "best practices"?

19:59:54 From Joan Enright to Everyone:

You should consider that it is possible that some people might vote against the revisions because they take issue with only a few parts of it. an open forum to discuss particular parts of the document that might halt approval.

20:00:29 From Adam Kunicki to Everyone:

Replying to "The anti-recording c, " " " with , "üï

Doesn, "t seem in the interest of transparency which I would expect to be a priority.

20:02:15 From Joan Enright to Everyone:

The fact that this meeting is being recorded belies the argument that meetings should not be recorded. All members should have access to the proceedings of the board.

20:02:16 From Nathan Ng to Everyone:

Color is being called out in the CC&R: These Architectural Standards interpret and implement the provisions of these CC&Rs by setting forth the standards and procedures for the review and approval of proposed Renovations, guidelines or requirements for architectural design, placement of any Renovation, COLOR SCHEMES, exterior finishes and materials

20:02:41 From Aaron to Everyone:

Reacted to "The fact that this m..." with "üï

20:04:33 From Adam Kunicki to Everyone:

Reacted to "The fact that this m, " " " with "üï

20:04:36 From iPhoneMary to Everyone:

The comparison document states that approval is required for external alterations in CCRs Article 5, which is new and adds Architectural review process to CCRs.

20:04:38 From Adam Kunicki to Everyone:

Reacted to "The fact that this m,Ä¶" with ,üï

20:05:26 From iPhonesoohie breall to Everyone:

Tom you need to address your comments to everyone

20:05:36 From Dr. Who (Hu) to Everyone:

Not a "power grab" but it allows "more control" and "enforcement" by the CC&R (typically enforced by the Board. Is that correct? Confusing.

20:05:54 From Bill Der to Everyone:

Section 4.6 seems to give the Board power to amend the CC&R and Bylaws without a vote of the membership.

20:06:45 From iPhonesoohie breall to Everyone:

You have not addressed all the penalties associated with the architectural rvw

20:06:48 From Joan Enright to Everyone:

Please change the approach to this meeting. Instead of defending the draft (which you have indeed worked hard on). Why not ask how the members believe the draft could be made better.

20:07:06 From iPhonesoohie breall to Everyone:

Yes Joan! Agree

20:07:11 From Aaron to Everyone:

Reacted to "Please change the ap..." with □üëç

20:08:04 From Nathan Ng to Everyone:

Reacted to "Please change the ap,Ä¶" with □üëç

20:08:10 From iPhoneMary to Everyone:

The new CCRs state that a barking dog is a nuisance which is not consistent with nuisance law.

20:09:05 From Nathan Ng to Everyone:

If the CC&Rs need to be updated, why not break up the CC&R updates into 2 parts: 1) the minimum legally required and 2) all other topics not legally required?

20:10:36 From Dr. Who (Hu) to Everyone:

I appreciate the hard work that the Board has put in creating these documents. Thank you for your hard work. Now the next step is getting input from the homeowners on the Draft. Can the BTHA provide a Discussion forum, e.g. on the website or elsewhere so everyone can share ideas?

20:11:46 From Adam Kunicki to Everyone:

Replying to "I appreciate the har,Ä¶"

That,Äôs a great idea. I,Äôd be happy to help set something like that up.

20:12:11 From iPhonesoohie breall to Everyone:

I believe that the CCR issues are all of the penalties associated with architectural paint etc. I also believe that the indemnification is problematic and that the license in the CCR,Äôs to allow the board to hire engineers and architects against homeowners without a limit in price is problematic. Please address.

Also you keep saying that the penalties associated with architectural review are operational. We don't have them currently. The documents you created allow for these penalties please address

20:12:33 From Kevin Grumbach to Everyone:

I echo Dr Hu's comment and interpret the revised documents as being done in good faith. It does sound like the board is open to getting specific feedback on items before finalizing for circulation for a vote, yes?

20:13:34 From Charlie's house to Everyone:

Reacted to "I echo Dr Hu's comment" with ☹️

20:14:29 From Joan Enright to Everyone:

Please elaborate on the statement that gives the board the power to foreclose on a lot.

20:16:05 From robertswitzer to Everyone:

I don't know the extent of legal involvement in board meetings. Has the Board ever shared prior governing documents recommendations from proper legal counsel

I have never seen issues raised, discussed, and voted on before inclusion. What is the process for future resident input that would include amendment before adoption.

Re the comment that this is Not a CCR document. Some directors have suggested board has previously A broad fear exists that the architectural restrictions or requirement in the current governing documents are not given voice or authority. Does this mean we are still awaiting a third document containing architectural processes and standards? Why are they not here?

20:19:51 From Adam Kunicki to Everyone:

I'm also interested in understanding whether any of these change wrt to utility easements may have any positive or negative impact on the fact that outside of Comcast, we have no access to other broadband providers. This seems to be a common problem with the two neighboring HOA neighborhoods (ingleside terrace, st Francis wood).

20:20:23 From Nathan Ng to Everyone:

What about legal indemnity that HOA put into the architectural section? Was the legal indemnity in the current CC&Rs? Why is not captured in the comparison table?

20:22:54 From Nathan Ng to Everyone:

?

20:24:23 From Adam Kunicki to Everyone:

☹️

20:25:02 From Dr. Who (Hu) to Everyone:

I would also like to hear more from the Board (not Melissa W.) about the rationale for controversial changes.

20:25:20 From Adam Kunicki to Everyone:

Reacted to "I would also like to..." with 🙄

20:25:34 From Nathan Ng to Everyone:

It creates a moral hazard

20:26:23 From Gregangelo Herrera, iPhone to Everyone:

The documents presented are confusing and lengthy for any non lawyer, as is this presentation which sounds more like a sales pitch than an informative session for neighbors.

I don't understand a word of anything your saying as I am sure most of our neighbors won't .

What or who was the catalyst for all of this ?

Why?

What is the plan to make it digestible and fully inclusive to our diverse community ?

.

The documents presented are confusing and lengthy for any non lawyer, as is this presentation which sounds more like a sales pitch than an informative session for neighbors.

I don't understand a word of anything your saying as I am sure most of our neighbors won't .

What or who was the catalyst for all of this ?

Why?

What is the plan to make it digestible and fully inclusive to our diverse community ?

.

20:26:52 From Nathan Ng to Everyone:

What about legal indemnity that HOA put into the architectural section? Was the legal indemnity in the current CC&Rs? Why is not captured in the comparison table?

20:27:13 From Nathan Ng to Everyone:

Is legal indemnity considered , 'standard,' and , 'lean,'?

20:28:10 From Nathan Ng to Everyone:

Can you address how the HOA plans to address the moral hazard of the homeowner having to pay for HOA expenses?

20:30:45 From Joan Enright to Everyone:

Even though you are a lawyer for the corporation, not the board, some of the changes you have made to the document give new powers to the board. Nuisance enforcement, Foreclosure, hiring architects at owner's expense empower the board significantly. Obviously, some homeowners feel uncomfortable with this.

20:31:41 From Adam Kunicki to Everyone:

Does it always make sense to adopt , 'very standard,' provisions for a fairly unique neighborhood?

20:33:43 From Dr. Who (Hu) to Gerald Bernstein(Direct Message):

If someone has approval from the city, is that sufficient? I remember the case when front window replacement was approved by the city, but rejected by the ARC.

20:34:08 From Nathan Ng to Everyone:

This was not sent out to homeowners.

20:34:22 From Nathan Ng to Everyone:

The CC&Rs were put on the website. This does not mean it was sent to people

20:36:24 From Adam Kunicki to Everyone:

It seems reasonable to provide hard-copies by default and allow folks to opt-out. That seems more inclusive than the opposite.

20:36:33 From Aaron to Everyone:

Reacted to "It seems reasonable ..." with ☹

20:37:04 From Nathan Ng to Everyone:

The feedback was that most homeowners don't speak English. How are homeowners supposed to request a copy if they don't speak English?

20:37:41 From Aaron to Everyone:

Reacted to "The feedback was tha..." with ☹

20:38:25 From Charlie's house to Everyone:

Not aware of the basis for the pronouncement that 2/3 or even ,Ámost,À of HOA members do not speak or read English.

20:38:57 From Dr. Who (Hu) to Everyone:

Again, is there a place ALL the comments can be viewed & discussed by homeowners (not just the Board)?

20:38:58 From Kevin Grumbach to Everyone:

Wanted to ask a question different from ones addressed thus far. The CC&R draft 5 starts with section about discriminatory restrictions based on race etc being void. Are we clear that we have purged all discriminatory terms from the new CC&R so it is clear nothing would need to later be ruled as void?

20:39:34 From Nathan Ng to Everyone:

Reacted to "Again, is there a pl,Ä" with ,ù\$Ôè

20:40:25 From Kevin Grumbach to Everyone:

I ask this because of legacy of racist covenants.

20:40:47 From Aaron to Everyone:

Reacted to "Wanted to ask a ques..." with ☹

20:41:05 From Dr. Who (Hu) to Everyone:

Rich, can the gathered comments be shared with homeowners, not just Melissa?

20:41:13 From Aaron to Everyone:

Reacted to "Rich, can the gather..." with ☹

20:41:17 From Adam Kunicki to Everyone:

Reacted to "Rich, can the gather..." with ☹

20:41:22 From Andje & Michael Medina to Everyone:

Reacted to "Rich, can the gather,Ä" with ☹

20:41:39 From Nathan Ng to Everyone:

Last time the board requested for feedback via email it was in regards to Fines and Penalties. I submitted a lot of questions and received nothing in return. How would this be any different?

20:41:45 From Nathan Ng to Everyone:

Reacted to "Rich, can the gather,Ä" with ☹

20:42:05 From Aaron to Everyone:

Reacted to "Last time the board ..." with ☹

20:42:14 From Nathan Ng to Everyone:

What is the process to dissolve the association? If that is a route the homeowners want to pursue, would it require a 2/3 vote of the homeowners?

20:43:03 From Aaron to Everyone:

Dogs drugs and meth

20:43:14 From iPhonesoohie breall to Everyone:
Reacted to "Dogs drugs and meth" with ☹️

20:43:19 From Aaron to Everyone:
Reacted to "Dogs drugs and meth" with ☹️

20:43:21 From Aaron to Everyone:
Removed a ☹️ reaction from "Dogs drugs and meth"

20:43:24 From Aaron to Everyone:
Reacted to "Dogs drugs and meth" with ☹️

20:43:27 From Aaron to Everyone:
Removed a ☹️ reaction from "Dogs drugs and meth"

20:43:43 From Charlie's house to Everyone:
Objections of some homeowners to certain provisions should not be viewed as representing the view of all homeowners.

20:43:55 From Nathan Ng to Everyone:
Reacted to "Dogs drugs and meth" with ☹️

20:44:18 From Dr. Who (Hu) to Everyone:
There is already a city law regarding barking dogs. Why does Board want to be the police instead leaving it to SFPD or SFACC?

20:44:30 From Adam Kunicki to Everyone:
Replying to "Rich, can the gather..."

An open forum where we can discuss feedback would be helpful. Getting alignment may be strongest way to pass a successful vote. Sending feedback into an email black hole doesn't seem to be the way to create alignment among homeowners and the board/corporation.

20:45:24 From Nathan Ng to Everyone:
What is the process to dissolve the association? If that is a route the homeowners want to pursue, would it require a 2/3 vote of the homeowners?

20:45:46 From Joan Enright to Everyone:
Unlike gated communities, Balboa Terrace is a neighborhood in a city. Nuisance laws exist in San Francisco. Law enforcement should enforce nuisance violations. They have the resources and expertise to handle this. Let the board address other issues more appropriate to its mission.

20:45:47 From Adam Kunicki to Everyone:
Often feels like SF homeowners already have enough to deal with from the city, I'm not surprised by strong resistance to HOAs getting further involved.

20:46:18 From Gregangelo Herrera, iPhone to Everyone:
Is there a drug house in our community?

20:46:26 From Nathan Ng to Everyone:
What is the process to dissolve the association? How do we trigger this process? If that is a route the homeowners want to pursue, would it require a 2/3 vote of the homeowners?

20:47:12 From Nathan Ng to Everyone:
What is the process to dissolve the association? If that is a route the homeowners want to pursue, how do we trigger this process and would it require a 2/3 vote of the homeowners?

20:49:37 From Adam Kunicki to Everyone:
Reacted to "What is the process ..." with 🙄

20:49:40 From Nathan Ng to Everyone:
So the board is asking for written feedback, and yet my questions in this meeting are not addressed.

20:49:42 From Adam Kunicki to Everyone:
Reacted to "What is the process ..." with ,ùî

20:49:50 From Dr. Who (Hu) to Everyone:
IMO "best practices," "standard", "typically done" might not be sufficient justification for many of the controversial new BTHA CC&Rs

20:49:59 From iPhonesoohie breall to Everyone:
Reacted to "So the board is aski,Ä¶" with □üëç

20:50:07 From Nathan Ng to Everyone:
Reacted to "IMO "best practices,Ä¶" with ,ù\$Ô[]è

20:50:11 From iPhonesoohie breall to Everyone:
Reacted to "IMO "best practices,Ä¶" with ,ù\$Ô[]è

20:50:21 From Adam Kunicki to Everyone:
Reacted to "IMO "best practices..." with ,ù\$Ô[]è

20:50:27 From Charlie's house to Everyone:
Is there a circus house in our community? (That would be operating in violation of the exiting CC&Rs.)

20:52:53 From iPhonesoohie breall to Everyone:
How many fed ex deliveries are too many? Why is that there in the CCR,Äôs? Isn,Äôt this subjective?

20:53:32 From iPhonesoohie breall to Everyone:
How is is not bullying for Rich Hill to mute a homeowner or kick them out of the meeting?

20:54:00 From Mary Jung to Everyone:
I love the circus house!

20:54:07 From Dr. Who (Hu) to Everyone:
Thanks. To the BOARD: The comparison chart & Draft is a first step. NEXT, can comments on the draft be posted on a shared website? (3rd time I'm asking this question.) As someone else mentioned, there's the worry that HO comments go into a black hole.

20:54:23 From Nathan Ng to Everyone:
Reacted to "Thanks. To the BOA,Ä¶" with ,ù\$Ô[]è

20:54:29 From iPhonesoohie breall to Everyone:
Reacted to "Thanks. To the BOA,Ä¶" with ,ù\$Ô[]è

20:54:36 From Mary Jung to Everyone:
Wait - is Fed Ex really mentioned? Is this a joke?

20:55:02 From Adam Kunicki to Everyone:
There is a mention of ,Äúlimiting how many packages you receive,Äù related to having a home office

20:55:04 From Adam Kunicki to Everyone:
,ÄúYou may use A room in your house as a home office,Äù (seriously though, can we stay out of our bedrooms?) lot more people are working from home these days.

20:55:20 From Nathan Ng to Everyone:
Now I have to cancel my Amazon membership

20:55:26 From iPhonesoohie breall to Everyone:
Reacted to "Often feels like SF ,Ä¶" with ,ù\$Ô[]è

20:55:36 From Aaron to Everyone:
Reacted to "Thanks. To the BOA..." with ,ù\$Ô[]è

20:55:47 From iPhonesoohie breall to Everyone:
Reacted to "Unlike gated communi,Ä¶" with ,ù\$Ô[]è

20:56:43 From iPhonesoohie breall to Everyone:
Reacted to "Now I have to cancel,Ä¶" with □üòç

20:57:23 From iPhonesoohie breall to Everyone:
Reacted to ",ÄúYou may use A room ,Ä¶" with □üòÛ

20:57:27 From Adam Kunicki to Everyone:
Reacted to "Now I have to cancel..." with ☐üòÇ

20:57:35 From Nathan Ng to Everyone:
So you first started off the meeting by saying everything here is very "standard". Then you later on say that this is "by no means a cookie cutter" and that you go out of your way to respect the neighborhood's uniqueness.

20:57:50 From iPhonesoohie breall to Everyone:
Reacted to "So you first started,Ä¶" with ,ù\$Ô[]è

20:58:20 From Aaron to Everyone:
Reacted to "So you first started..." with ☐üòÇ

21:01:00 From iPhonesoohie breall to Everyone:
What is the enforcement of the bylaws v the CCR,Äôs

21:01:47 From Joan Enright to Everyone:
The mission of the BT HO Association is to keep Balboa Terrace a good community and to maintain home values. The board should be very careful not to scare off potential buyers with restrictive rules and over-reach by the HOA. The board does not need foreclosure powers, for example.

21:02:06 From Nathan Ng to Everyone:
Last time the board requested for feedback via email it was in regards to Fines and Penalties. I submitted a lot of questions and received nothing in return. How would this be any different?

21:02:25 From Dr. Who (Hu) to Everyone:
Save money! Yes, that's a good goal for BTHA. Let's investigate where else we can save money.

21:02:38 From Dr. Who (Hu) to Everyone:
Reacted to "Last time the board ..." with ☐üëç

21:02:49 From Marsha Ng to Everyone:
Reacted to "What is the process ,Ä¶" with ,ùì

21:03:16 From iPhonesoohie breall to Everyone:
Why doesn,Äôt the board tell us exactly how much they have spent year to year on legal fees

21:05:52 From Nathan Ng to Everyone:
If the CC&Rs need to be updated, why not break up the CC&R updates into 2 parts: 1) the minimum legally required and 2) all other topics not legally required?

21:06:00 From Charlie's house to Everyone:
Doing this in two stages would be more expensive and a disaster.

21:06:24 From Nathan Ng to Everyone:
Have you seen how much the HOA has spent in legal fees?

21:06:49 From iPhonesoohie breall to Everyone:
We don,Äôt know how much in legal fees you spend year to year

21:07:14 From Joan Enright to Everyone:
Why does it have to be either this document or nothing? Why can't the document be improved through the input of members?

21:07:26 From iPhonesoohie breall to Everyone:
Reacted to "Why does it have to ,Ä¶" with ,ù\$Ô[]è

21:07:26 From Dr. Who (Hu) to Everyone:
Alternatively, do only the required legal changes, and then forget the 2nd part? That saves money.

21:07:41 From iPhonesoohie breall to Everyone:
Reacted to "Alternatively, do on,Ä¶" with ,ù\$Ô[]è

21:07:42 From Nathan Ng to Everyone:

Reacted to "Why does it have to ,Ä¶" with ,ù\$Ô[]è
21:08:18 From Nathan Ng to Everyone:

If the CC&R's do not restrict any homeowner rights, can this be in the CC&R's?

21:08:54 From Adam Kunicki to Everyone:

I came to hear about how the new draft is ,Äúuseful,Äù rather than the current docs which are ,Äúnot useful,Äù to us but I don,Äôt think I,Äôve heard it.

21:08:57 From Nathan Ng to Everyone:

Replying to "Why does it have to ,Ä¶"
It is called blackmail