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## January 2018 NEWSLETTER



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### **PRESIDENT'S MESSAGE & MONTAGE NEWS**

By Nick Nickerson



**HAPPY NEW YEAR!** I hope this newsletter finds each of you well.

It's hard to believe that 2017 has come to an end. This past year has been a very busy year for our community. During the past twelve months, your Board of Directors focused much of its attention on: presenting the Amendment and Restatement of the CC&Rs and Bylaws for your consideration and vote; preparing and adopting a new rule and fine schedule for the "Leasing of Lots"; and developing options for the development of a Date Palm Tree Removal and Replacement Program.

#### **AMENDED AND RESTATED BYLAWS**

The new Bylaws were adopted by the community on October 14, 2017. In accordance with the new Bylaws, two directors' terms will expire in 2018. The two open board seats have been placed on the Association's annual ballot and be filled during our Annual Membership Meeting in March 2018. All of our homeowners are encouraged to serve on the board. Interested candidates should complete the Self Nomination Form and return it to the Community Manager on or before February 1, 2018.

#### **AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND RESERVATION OF EASEMENTS (CC&RS)**

As reported in the November Newsletter, the proposed CC&Rs did not pass with the new Bylaws. The CC&Rs provide that they can only be amended with the approval of 67% of the Associations total voting power (different than the Bylaws). However, received approval by more than 50% of our homeowners,

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and 83% of those owners who did vote. Considering 78 of the 128 homeowners voted in favor of the proposed CC&R, the Board has filed a Petition with the Superior Court of the State of California to reduce the percentage of members necessary to approve the proposed Amendment of the CC&Rs. The Hearing on the Petition is set for January 11, 2018, at 8:30 a.m. in Courtroom PS1 at the Riverside County Superior Court in Palm Springs.

### **ADOPTION OF NEW RULE "M. LEASING OF LOTS"**

During last year's Annual Membership Meeting the attending homeowners made it clear to the Board that vacation rentals were creating noise, traffic and general disruption within the community, and were not compatible with, nor desired within our community. As a result, the Board adopted Rule M. Leasing of Lots. Rule M. states that "No owner may lease his or her residence for transient or hotel purposes, defined as a lease for a term less than (30) days". The purpose and effect of the proposed new rule will restrict owners from leasing their homes for a period shorter than 30 days.

Shortly after Rule M. was adopted, the board received a formal challenge from one of our homeowners. The Board was unable to resolve the matter during Mediation. As a result, the matter will likely end up being resolved through the Court system.

## **Architecture and Landscape Committee Report**

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**By Tom Tousignant, Board Member**

### **Palm Tree Plan Surcharge**

At the March 2017 Annual Homeowner Meeting Nick Nickerson provided an extensive presentation on the forthcoming problems we were facing with the perimeter palm trees. Since that time, the Board has continued to work on quantifying the problem and options.

The Newsletter emailed to you on November 1st contained an extensive article explaining the reasons for the proposed \$25 per month "Palm Tree Plan Surcharge" in the 2018 dues.

The Board received no comments from homeowners before or at the November 9th Board meeting. It was presumed that all homeowners read and understood the explanation provided in the Newsletter. The 2018 Budget (including the surcharge), and the Reserve Study update were subsequently adopted by the Board on November 9, 2017.

Recently a homeowner question why the \$25 surcharge was included in the 2018 dues shown in the Annual Mailing all homeowners received on or about November 30<sup>th</sup>. The following paragraphs provided additional explanation on the situation with the perimeter palm trees.

No, the developer did not disclose that the perimeter palm trees were mature when they were transplanted around Montage. Everything has a useful life. Some things more than others. You know your home has a useful life of approximately 50 years depending on how well you maintain it, and the developer did not disclose this either, but a reasonable person should be aware of it.

That is the purpose of the State required Reserve Study Updates. They "identify community assets with a useful life of 30 years or less and program their maintenance/replacement" per the Civil Code. Since the formation of the Montage at Mission Hills HOA no Board or professional Reserve Study Analyst (we have had two different Reserve Study Analysts) has included the replacement of the palm trees in the Reserve Study Updates. The Board started including replacement of palms in the updates in 2011 following the need to replace five palms. The Board has increased the reserve fund forecasts for palm

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tree replacements in subsequent updates to include up to five trees every other year beginning in the 2017 update. What we are facing now is the need for an accelerated removal and replacement program in accordance with the recommendations from a professional arborist.

In addition, the arborist recommended improving the flow and amount of water to each tree, removal of the heavy crowns, and planning for the removal and replacement of all 108 palms within the next 5 to 10 years. We have since provided additional water, and the removal of the crowns will be undertaken early in 2018 and the Palm Tree Removal and Replacement Plan will address the community's intentions/plan for the fate of the 108 palms.

The Board will present the Removal and Replacement Program alternatives at the 2018 Annual Homeowners meeting next March. Homeowners present will be asked to vote on several alternatives may range from a total cost of \$200,000 for total removal up to \$500,000 for total replacement with new date palms (that would have a remaining useful life of about 30 - 40 years). When that decision has been made, the surcharge will be adjusted up or down. The Board believes that the presentation of the alternatives by the professional landscape architect hired for their development and subsequent discussion is necessary before a vote on the communities preferred alternative can be taken. It is not possible to put this information on the "official" mail in ballot.

If you want a voice in the selection between the alternatives and the future look of the perimeter it is strongly recommended that you plan to attend the March 17, 2018 Annual Homeowners Meeting.

### **Backyard shade structures**

Please be aware that every change to the exterior of you home visible from the street requires submission and approval of an Architectural Variance Request (AVR). An AVR is also required for any above ground structure visible to any neighbor. AVR form requires homeowners to obtain City Building Permits when necessary prior to construction. It is always best to check with the City, do not rely on what a Contractor may tell you.

Recently two homeowners were required by the City Code Enforcement to modify structures they had or were in the process of having constructed. In one case, the modification was covered at the expense of the City, because the City had faulted in their issuing of the Building Permit. The other modification was at the homeowner's expense because the homeowner had not obtained a Building Permit.

**Architectural Variance Requests:** Forms are available on the Montage website or from PPM

## **Emergency Preparedness Committee Report**

**By Mike Gialdini, Emergency Preparedness Committee Chair**

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Well, if you are reading this you survived the holidays. However, if the big one hits you might not survive as well if you do not prepare NOW.

Simple things like:

- having MANY CASES OF WATER STORED and rotated monthly in your home can really prove invaluable during an emergency. Remember that your hot water heater will be an EXTRA source of drinkable water to use after all of your water bottles are gone.

- having an FAMILY EMERGENCY PLAN that everyone in your household knows about is important. A Family Emergency Plan includes establishing 1) who all of you should contact OUTSIDE OF THE COACHELLA VALLEY (and maybe outside of the earthquake area which could be from the Coachella

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Valley to Los Angeles to San Francisco). This person or persons can be the "info warehouse" who can share information with family members...where you are located (at your Montage house or elsewhere), your physical and mental condition, if you have cell phone/landline/email/text/etc communication capabilities, what you need, who you are with, etc. Also, be sure to WRITE YOUR PLAN DOWN ON PAPER AND SHARE IT WITH YOUR FAMILY MEMBERS AND YOUR EMERGENCY CONTACTS. Sadly, even as I write this, I do not have such a plan. I need to establish a plan ASAP.

- having ENOUGH FIRE EXTINGUISHERS AT YOUR MONTAGE HOME (at a minimum in your kitchen, master bedroom, garage; preferable midsize models, not the skinny small ones). After an earthquake, please place any unused fire extinguishers at the end of your driveway for others to use if needed (don't be shy, feel free to use a magic marker or a return address label with your name/address on your fire extinguishers so others know who to thank and return them to).

Remember that handy "MAP YOUR NEIGHBORHOOD" pamphlet that I hand deliver to every home during January 2016? Hmm, FIND IT AND REVIEW IT WITH EVERYONE IN YOUR HOUSEHOLD. If you do not remember receiving it or have misplaced it, contact me for another copy. (See picture of pamphlet on last page of the newsletter).

BEING WELL PREPARED BEFORE THE BIG EARTHQUAKE IS YOUR BEST WAY TO SURVIVE THE BIG ONE.

WRITE YOUR PLAN DOWN ON PAPER, so you, your family members AND your emergency contact(s) know about it and have a shared understanding of it.

If I can help you, feel free to contact me.

## **Welcome Committee Report**

**By Jo Ann Horwitz, Welcome Committee Chair**

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Now that Christmas 2017 has gone and 2018 is upon us, I wish you all a healthy, happy and prosperous New Year.

Our Christmas was a huge success and enjoyed by 46 neighbors, some first timers and 3 Board of Directors attending. Thank you Tom, Gary and Alan. Every couple attending received a surprise Christmas present from Santa Claus. As usual, Mission Hills Country Club served a delicious dinner enjoyed by all. This has been a good year for many residents and those with health problems we wish you well.

Happy Holidays, be safe and see you all in 2018.



Raymond B. Janes – 36-367 Artisan Way  
Kevin L. Rusnak & Donald R. Dechow Jr. – 69-886 Matisse Dr.  
Look for more in 2018!

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## Election of Board Members

By Tom Tousignant, Board Member

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Not going to happen at Montage. We have an interference proof ballot system that requires the signature of each homeowner on the envelope addressed to the Inspector of Elections containing their ballot. The Community Manager verifies the signatures before opening and delivering the ballot envelopes to the Inspector of Elections for counting.

This March we will have two Board positions, Nick Nickerson and Alan Horwitz, up for election. The self-nomination letter was sent to all homeowners was sent out about two weeks ago. Please consider submitting your name for the election.

If you have misplaced your letter, call or email Lettie Teran (contact info at end of Newsletter). Forms are due by February 1<sup>st</sup>.

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## NEXT BOARD MEETING

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The next regularly scheduled Board meeting will be held on Friday, January 12, 2018 at 9.00 a.m. at the offices of Personalized Property Management, 68-950 Adelina Road, Cathedral City, CA 92234.

Meeting notices and agendas are posted on the community message board; located on the wall at the Da Vinci/Van Gogh curve or on the web site at least four days before the meeting.



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## Reminders:

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**Friday Street Sweeping:** Please keep your vehicles off the streets on FRIDAY, as this is when the street sweeper comes, in order to keep our streets looking clean.



**See Something Wrong:** Please report it.

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## HOMEOWNERS ASSOCIATION CONTACT INFORMATION

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### Community Management

Shelly Ruegsegger, Community Manager - [sruegsegger@ppminternet.com](mailto:sruegsegger@ppminternet.com) or 760.325.9500

Lettie Teran, Assistant Community Manager - [letti@ppminternet.com](mailto:letti@ppminternet.com) or 760.325.9500

### Association Board Members

Nick Nickerson, President - [nnickerson@naiconsulting.com](mailto:nnickerson@naiconsulting.com)

Alan Horwitz, Vice President - [ahorw58518@aol.com](mailto:ahorw58518@aol.com)

Leo Schlesinger, Secretary - [lschles694@aol.com](mailto:lschles694@aol.com)

Tom Tousignant, Treasurer - [td2znot@aol.com](mailto:td2znot@aol.com)

Gary Roman, Director - [grroman@aol.com](mailto:grroman@aol.com)

### Association Committees

A & L Committee – Chair: Gary Roman

Emergency Preparedness/Neighborhood Watch – Mike Gialdini, Chair [MikeGialdini@gmail.com](mailto:MikeGialdini@gmail.com) or 760.413.0100

Welcome Committee – JoAnn Horwitz, Chair [JoAnnWLV@aol.com](mailto:JoAnnWLV@aol.com) or 760.992.5199

Web Master -

Website – [www.MontageatMissionHills.org](http://www.MontageatMissionHills.org)


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## **CATHEDRAL CITY COMMUNITY SERVICES CALENDAR**

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City of Cathedral City - Recycling, Trash & Energy page [www.cathedralcity.gov](http://www.cathedralcity.gov)

To have a Guide and Calendar mailed to your home please contact Deanna Pressgrove with the City of Cathedral City at 760.770.0369 or email [dpressgrove@cathedralcity.gov](mailto:dpressgrove@cathedralcity.gov) 

## **CATHEDRAL CITY CONTACT INFORMATON**

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Cathedral City Emergency 911

Cathedral City Police 760.770.0300

Police Emergency Only 760.202.2411

Fire 760.770.8200

- Store Police Department phone number in your cell phone for non-911 emergencies, avoid tying up the 911 lines. You can also avoid having your call transferred.