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## March 2018 NEWSLETTER



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

By Nick Nickerson



**Hello Neighbors!** I hope this newsletter finds each of you well.

My term on the Board is once again coming to an end. As this will be my last Presidents Message, I wanted to take the opportunity to thank each of you for putting your trust and faith in me during the past two years. Montage at Mission Hills is truly a great place to live. While I am not able to commit the time to continue my service on the Board, I will continue to volunteer and help the Board where I can.

I'm proud of the support the Board has received from its Homeowners during the last two years. With your help, the Board was able to Amend and Restate the CC&Rs and Bylaws, and Adopt a new rule and fine schedule for "Leasing of Lots". The Board has also developed options for the removal and replacement of the date palm trees that line our perimeter which will be presented for your consideration at the March 17, 2018 Annual Homeowners Meeting.

#### **DATE PALM TREE REMOVAL AND REPLACEMENT PROGRAM**

According to the Arborist Report, it is necessary to replace all 108 Date Palm Trees along our perimeter within the next 5 to 10 years. *Please take a moment to read the "Palm Tree Plan Surcharge" Article presented in last month's Newsletter.* The Board hired a professional Landscape Architect to develop our Date Palm Tree Removal and Replacement Program (Program). The Program will consider the cost effectiveness of replacing the trees in-kind or if the landscape palette should or could be adjusted to reduce the number of palm trees, and/or group them in certain areas along the perimeter. The Landscape Architect has prepared three options, which range in cost from approximately \$200,000 to \$500,000, for the community's consideration.



**MARCH 17, 2018**

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This year's Annual Homeowners Meeting will be held on March 17, 2018, at 10:30 a.m. at the City of Cathedral City Public Library. Doors open at 10:00 am. By now each of you will have received a Ballot Package. **Your ballot is very important.** The ballots returned will be used to help establish a quorum to officially conduct the meeting, to appoint new Board Members and adopt the routine IRS Revenue Rulings along with last year's Meeting Minutes. Please be sure to complete your Ballot and return it to the Property Manager, or bring them to the Annual Meeting.

I look forward to seeing each of you at our Annual Meeting in March.

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## **Architecture and Landscape Committee Report**

**By Tom Tousignant, Board Member**

### **Montage Street Lighting**

The developer installed front yard landscape lights (Focus - FFL13 fixtures) 2 to 4 in front of each home in Montage to complement the initially installed landscaping. These lights along with the lights over or beside the garages provide the street lighting within Montage. Therefore the lights must be on during hours of darkness. It is the homeowner's responsibility to pay for the electricity for the lights.

The Board was having much difficulty enforcing proper maintenance of the landscape lights. Fines levied on homeowners did not bring prompt repairs. So, in July 2012 the Board expanded the current contract for maintenance of the perimeter lighting to include maintenance of the homeowner front yard landscape lights. The Board did not include the maintenance of the garage lights since those can be controlled by a switch inside the front door (the switch furthest from the door). For this dilemma the Board provided each homeowner with a small plastic "switch lock" that will prevent inadvertent turning off of the garage light photocell. The maintenance of the garage lights remains the responsibility of the homeowner.

Homeowners that replace the developer installed light fixtures with custom fixtures are on their own as far as continued maintenance. We cannot expect our lighting contractor to stock parts and maintain all possible fixtures. Homeowners with custom lighting are again subject to fines in their landscape lighting is not properly maintained to contribute to the necessary street lighting.

Our lighting contractor inspects all landscape and perimeter lights during the first week of each month and repairs any problems within a few days of each inspection. If a homeowner observes a problem (light out or lights remaining on during the day) they should report it to PPM. PPM makes a list of those problems and provides the list to the lighting contractor to investigate during their next monthly inspection.

If a homeowner would like to install new fixtures for aesthetic reasons, new FFL-13 fixtures are readily available. Home Depot, Lowe's, Ace, Sunny Dunes Hardware and Desert Electric Supply all stock new fixtures. Desert Electric Supply is the least expensive if you mention you want the Montage at Mission Hills discount - with that you only pay contractor pricing.

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**Architectural Variance Requests:** Please remember that ALL neighbors need to fill out a variance form; in order to do any work on your homes. Forms available on the website or contact either PPM or a committee member.

## **Emergency Preparedness Committee Report**

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

As we obtain new neighbors all the time, all year long & throughout the seasons. We like to remind all to be prepared for any possible emergency.



Do you all have 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. Use your pool water to refill your toilet.

- 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 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).

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

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

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## **Welcome Committee Report**

**By Gary Roman, Welcome Committee Chair**

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Get to know your neighbors, as I too invite you to our annual HOA Meeting, as mentioned above in Nick's message!



Fabio & Rose Chiesa – 36-247 Da Vinci Dr.  
Norman Giere – 36-272 Chagall Court  
Robert & Dawn Williams. – 66-398 Dali Dr.  
John Geary & Charles Middleton – 36-266 Dali Dr.

-your friends can be here too,  
we have homes left!

### **Gate/Garage Transponders**

The Board has purchased 100 new transponders. Many homeowners have expressed their desire to purchase additional transponders. While that number is significantly less than 100, this was the minimum number that could be obtained preprogrammed for our gates.

Nick Nickerson will have the transponders available for sale evenings and weekends. Please call 760.992.9143 to make an appointment. The cost will be \$32.50 (Transponders will be sold at cost without markup).

### **Election of Board Members**

**By Tom Tousignant, Board Member**

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## Annual Homeowners Meeting Ballot

You should have received your ballot at your address of record the week of February 19<sup>th</sup>. If you did not contact Lettie Tran at [lettie@ppminternet.com](mailto:lettie@ppminternet.com) to request a replacement (and update your address of record).

You probably noticed that there is only one candidate for the 2 open Board positions. You may write in one or two candidates of your choice.

At the meeting March 17<sup>th</sup> the homeowners present will vote to elect the remaining Board member once all write in candidates confirm they are willing to serve if elected.



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## Valuable Information

### Unethical Behavior

*Extract from article in Common Ground Magazine February 2018, Coachella Valley Community Associations Institute by Jennifer James, Esq.*

#### SUMMARY:

Unethical behavior by owners, board members, and others, i.e. association employees, vendors, independent contractors or personnel, can have a devastating impact on homeowner associations.

An association can be at risk when owners misbehave. Potential issues arise when owners harass association management company, board members and vendors. As an employer, the association can be liable for a hostile work environment or harassment, which violates federal law if it involves discriminatory treatment based on race, color, gender, religion, national origin, sex, familial status, age, or disability. The association could be liable unless it proves that the association exercised reasonable care to prevent and promptly correct any harassment. As of October 14, 2016, boards are required to address members' claims of harassment, including harassment by other residents, board members, managers, and vendors. The law requires that boards take prompt steps to investigate and end harassment (see Code of Fe. Reg. 100.7(a)(1)(iii)).

Other examples when the association could be at risk include owners who cause damage to the association's common areas and facilities which can cost the association unexpected repair expenses and potentially result in a special assessment. Also, owners that continuously violate the association's governing documents or become delinquent in association assessments can cost the association additional time and legal fees.

In addition to the above examples, the internet provides owners with an opportunity to voice concerns, and can become a feeding frenzy for angry owners. Sometimes owners may appear to complain for the sake of complaining. While complaints aren't always frivolous and can be productive, sometimes complaints get out of control. An association under verbal attack does not foster a sense of peaceful community nor does it encourage harmony among neighbors. When community websites and owner emails are used for personal attacks and potential false allegations, the risk of defamation lawsuits increases. Defamation is a false statement that is expressly implied to be factual, published to a third

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party and causes injury to someone's reputation. If the defamation directed at a director has a "tendency to affect the corporation disadvantageously in its business," the association can sue the homeowner for defaming the director (see [Palm Springs Tennis Club v. Rangle](#), 73 Cal.App.4th 1 (1999)). Given the negative impact litigation can have on a homeowners association, it is better to think twice before sending out that angry email.

To address owners unethical behaviors, directors should enforce the governing documents and seek discipline when appropriate. If inappropriate behavior is not addressed by the association's existing governing documents, the board may want to amend its governing documents to include discipline for the offending behavior which could alleviate future ethics issues. At a minimum, boards should work with legal counsel to adopt an anti-harassment policy for the association.

## **NEXT HOA BOARD MEETING**

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The next regularly scheduled Board meeting will be held on Thursday, March 08, 2018 at 9:30 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.



## **Reminders:**

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### **Car Break-ins:**

There have been two car break-ins during February. Homeowners are reminded that their cars should be parked in their garage.

If cars exceed garage space availability, make sure to lock the vehicle. Also, remove any valuables or keep all items out of sight.

Homeowner's cars should never be parked in the street per the Community Rules.



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



**If something does not look right:** Please call it in, people are willing to help!



**A message from the HOA Board:**

*To Mr. and Mrs. Nick Nickerson,*



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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

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### **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 – Liaison: Gary Roman

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

Welcome Committee – Gary Roman, Chair – [grroman@com](mailto:grroman@com) or 310.600.4279

Web Master – open position

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

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## **CATHEDRAL CITY COMMUNITY SERVICES CALENDAR**

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) 

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## **CATHEDRAL CITY CONTACT INFORMATON**

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 avoids tying up the 911 lines. You can also avoid having your call transferred.