

# Seashore News



February 2011

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Issue 447

## FROM THE HELM

Our community had an excellent year in 2010. By many indicators, including a significant operating surplus at fiscal yearend, things have gotten better for Niguel Shores Community Association in the last year. Some of that is due to planning and directed effort and some to luck or factors we don't control. We have excellent staff in the office and maintenance shop. We would be remiss not to recognize the fine job done by the Securitas people at the gate. Of course we have many committed and clever volunteers. For all that we can be thankful.

This is the time of year when we start getting ready for annual elections. This edition of the *Seashore News* includes a form you can use to put your name on the ballot in our annual Board of Directors election. We have two director vacancies this year and the Board is actively seeking people who want to run for one of these positions.

This will be an important election for another reason. An amendment to the CC & Rs will be on the ballot. Your Board of Directors is requesting that you vote yes on the amendment. It will allow Niguel Shores to contour our rules to fit the different developments in the Shores. When the CC & Rs were first developed forty years ago, the drafters could not have foreseen the situations that develop when one set of architectural standards or parking rules are applied across several diverse neighborhoods and 960 homes.

We will have community outreach meetings from February through April to familiarize the community with our reasons for the amendment and to allow feedback from homeowners on the amendment. Please take the time to attend and become informed on this issue.

— Steve Stewart

## MEET THE PROS – OUR LEGAL TEAM

Last month you read about our newly certified General Manager, Leo Riley, who, with his professional staff manages the day-to-day business of our association. This month we are presenting the other professionals who are involved with the management of our association—the legal counsel and the legal secretary. They have both been with us many years and have served and guided us with competence and good grace. Many thanks for their help and with them we thrive. So, here you meet Attorney Dick Fiore and Secretary Sharon Brimer:



Dick Fiore

### Dick Fiore – Legal Counsel

“In the almost 30 years that I have worked with Niguel Shores, which is almost my entire career—I have been a practicing attorney for 43 years—this has been my delight. I have thoroughly enjoyed working with the Niguel Shores Community Association. It's

had great Boards of Directors over the years that have acted professionally and diligently, without a lot of personal agendas. Staff has been great. It has been a delight working here.” said Attorney Richard (Dick) Fiore during my brief but informative interview with him. Dick Fiore's law firm, Fiore Racobs & Powers, is the law firm contracted by the Niguel Shores Community Association to advise the Association on legal matters.

Dick Fiore became legal counsel to the Niguel Shores Community Association in June 1981. The retainer contract established at that time was for his law office to provide a wide range of legal services to the Association. I have been unable to ascertain if prior legal counsel acted as the Association's general legal counsel, or was retained on an as-needed basis. The initial retainer with the Fiore firm provided that the firm attend the Board of Directors Executive Session portion of the first Board of Directors meeting of each month. That service continues today. Over the years, the retainer contract has been modified to reflect changes in the legal services provided by the Fiore firm.

continued on page 10

## FROM THE GM

**ANNUAL MEETING & ELECTION**—Yes, it is that time again to begin preparing for the Annual Meeting and our election of Board members. This year there are two positions that homeowners will be voting on. The term of office is for two years and the process begins with the submittal on the Nomination Form (Call for Candidates) that is included in this issue. If you or someone you know is interested in becoming a candidate, the first step is completing the form and returning it to the NSCA Office by March 1, 2011. Serving on the Board takes a significant commitment of time as the Board meetings are conducted twice per month on the first and third Wednesday and usually last 4 + hours. Email communication with Board members is on a daily basis so computer literacy is also an important asset. Having said all that, I can't begin to express how important this process is to the governance of the Association and ask that all homeowners participate in the process. The Annual Meeting is scheduled for 7:00 p.m. on Tuesday, May 17.

**PCH SLOPE LANDSCAPING**—Please be advised that you may hear and see landscaping taking place on the east side of PCH between Selva and the Niguel Shores Bridge during the first few weeks of February. This slope has become an unsightly mess of overgrown and tangled plants that are being removed as part of a slope enhancement project. Some of the shrubs have actually grown into trees and now present a view blockage issue as well as being unsightly. These plants are being removed and hopefully, the original beauty of this slope will be restored by the time you are reading this.

**RULE CHANGES**—The Board of Directors is engaged in the latest rule change process and you will be receiving a copy of the draft rules at the end of March. There will be a Public Forum on the proposed changes in the ClubHouse on Saturday, March 5 and again on Wednesday, April 20. You will be reminded of those dates again, before those events take place. One of the matters that these changes will address is clarification of the wording regarding "Tract Specific" Architectural Rules. This specific issue will need to go to the Homeowners for specific separate approval which will appear on the Annual Meeting Ballot. Passage requires 50% + 1 so 481 votes in favor of this change will be required for the

change to take place. You can read more about this issue of the "Tract Specific Architecture Rules" in the President's *From the Helm* in this issue.

### SEA TERRACE II

*Annual Meeting*

7:00 p.m. February 28, 2011  
Niguel Shores ClubHouse

**SAD CONDOLENCES TO THE WENDT FAMILY**—The Wendt family has managed the Niguel Shores landscaping needs since the early seventies and on January 20 Shawn Wendt lost his wife Susan at the end of a long medical battle. Our condolences go out to Shawn and his children from all of us here in Niguel Shores but especially from the Board of Directors, the Management and the volunteers who serve so closely with Shawn on the Landscape Committee.

**NEW DOPHIN STATUE—GARIBALDI GATE**—Some of you may be aware that, as part of the new ClubHouse project, the City of Dana Point required Niguel Shores to participate in their "Art in Public Places Program." Basically, all new construction projects in the City that exceed \$1M must participate and our requirement was to install art that must exceed \$11K in value in a public space in Niguel Shores. As a result, the city approved the installation of a new bronze dolphin statue at the entrance to the Garibaldi Gate and that installation will be completed by the end of February. It is an extension of the theme started by homeowner Frank Turner with the bronze dolphin art that he created which was installed in the Community Center at the end of Mariner Drive. Frank did not design the new statue. It was kindly donated by the Magidow family. They purchased the art from a gallery in Hawaii and were kind enough to donate it to the Association, saving NSCA from paying the \$11K art fee to the City. **Thank you Kim and Anthony Magidow.**

**NEW POOL / SPA HOURS**—In response to many homeowner requests for longer pool / spa hours, these facilities will remain open until 9:30 p.m. year round beginning February 1. The Board has agreed to try this provided that it does not create a "noise nuisance" for the neighbors near the pool.

**NEW TENNIS COURT FENCING**—If you are a tennis player you probably noticed the new fencing and wind screens. These were sorely needed and really dressed up the court facilities.

**SUPER BOWL PARTY**—Sunday, February 6 (time to be determined). Just a reminder that the Super Bowl is playing in the ClubHouse on the big screen and on the flat screen TV in the lobby. You can watch the game for free or the Recreation Committee is offering a \$5 package that includes a hot dog, chips and beans. The event is BYOB and there will be football "party games" available. Tickets and table reservations (with food ticket purchase) are available in the office and the ClubHouse.

**EVENT REFUNDS**—Just for clarification of Association policies, tickets purchased for NSCA events can only be returned for refunds up to three days prior to the event. After that time, policy now stands as no refunds.

—Leo Riley

# BOARD ACTION SUMMARY

## JANUARY 5, 2010 BOARD MEETING (General Session)

### APPROVED:

- Approved the General Session Minutes of December 8, 2010.
  - Approved the 2011 Budget.
  - Approved the appointment of John Dougherty to the Investment Committee.
- Approved the appointment of Pat O'Brien to the Investment Committee.
  - Approved the resignation of Gretchen Rask from the Finance Committee.
- Approved one Board Meeting for the month of December on 12/08/10.

### DISCUSSED:

- Discussed the Dolphin Artwork project update.
  - Master Landscape project update.
  - Irrigation Committee update.
- Tract Specific Rule Change to CC&Rs.
- Drainage / slope issues from recent rain storm.
  - Rule 3166. (2) discussion.
  - Board Packet distribution methods.

### REVIEWED:

- Reviewed and filed the November 2010 Financial Report
- Reviewed and filed the November 2010 Variance & Delinquency Reports.
- Homeowner Correspondence: Comments on the Spa Temp / Stonehill Gate and Emeritus Program.

### TABLED:

- PCH Landscape trimming project.

## JANUARY 5, 2010 BOARD MEETING (Executive Session)

### APPROVED:

- Approved the Executive Session Minutes of December 8, 2010.
  - Approved the Special Executive Session Minutes of December 21, 2010.

### DISCUSSED:

- AC legal matters involving four (4) homeowners.
- HR Committee update and Employee Handbook discussion.
  - Proposed Rule against Verbal / Physical abuse of employees, volunteers and contractors.
- Personnel issues regarding job descriptions, reviews, salary ranges & employee healthcare.
  - GM benefit matter.

### TABLED:

- Approving the Special Executive Session Minutes of December 23, 2010.
- Bid proposal for removing landscaping on PCH.
- Review of Resolution on Committee / Staff guidelines March 6, 2009.

## JANUARY 19, 2010 BOARD MEETING: (General Session)

### APPROVED:

- Approved the Special General Session Minutes of January 19, 2011.
- Approved filing "Liens" and letters to be sent to (6) properties.
- Approve (3) General Policies, on Admin. Of Annual Performance Reviews, Electronic Communication and the E-Sign Policy.
  - Approved the appointment of Kathy Jones to the View Preservation Committee.
  - Approved the appointment of Barry Banducci to

- Chairman of the Investment Committee.
- Annual Meeting and Election timeline / Call for Candidates.

### DISCUSSED:

- Architectural Standards (tract specific rules) amendment to CC&Rs.
- Committee Chairman Meeting agenda for February 2 meeting at 5:00 p.m.
  - Beach Revetment project update.
  - Beach Bluff compliance deposit refund.
  - BOD Major Project timeline – Jan. ~ Jun.
  - Rain / Drainage / Slope issues from recent storm.
    - Irrigation Committee update.
- Donation from Women's Club – Patio Heater suggestion declined.
  - Annual Meeting and Election timeline / Call for Candidates.

### REVIEWED:

- Draft financial Year End review.
- Auditor's opinion of transfer of operating surpluses.
- Homeowner request for reimbursement for tire damage – declined
  - Amended Board Resolution on Committee / Staff Guidelines from 03/06/09.

### TABLED:

- Amended Resolution on Committee Staff Guidelines
- Draft changes to 2011 Rules & Regulations.
  - NSCA Policy Manual discussion.
- Proposed Rule Change – Verbal Physical abuse of employees, volunteers and contractors.

### HEARINGS / MEETINGS / PRESENTATIONS:

- Meeting with Breaker's Isle homeowner group on various matters.

## JANUARY 19, 2011 BOARD MEETING: (Executive Session)

### APPROVED:

- Approved the Special Executive Session Minutes of December 23, 2010.
- Approved the Executive Session Minutes of January 5, 2011.
- Approved filing "Lien" letters that are to be sent to (6) properties.
  - Contract bid to removal of trees / shrubs on PCH east slope from Selva Rd. to bridge.
  - Contract for "Inspector of Elections" services.

### REVIEWED:

- Legal services contract.

### DISCUSSED:

- AC legal matters involving four (4) homeowners.
- Personnel issues regarding job descriptions, reviews, salary ranges & health insurance.
  - Delinquent accounts and payments.
  - Committee leadership matter.
  - Homeowner view matter.
- Homeowner appeal of board hearing fine amount – declined.
- Homeowner request for reimbursement for tire damage – declined

### TABLED:

- Homeowner view matter.

### HEARINGS / MEETINGS

- Conducted a homeowner Appeal Hearing regarding a Board decision and fine – declined.

**NOTE:** The last approved General Session Minutes are posted on the Bulletin Board across from the NSCA office entrance. In addition, the General Session Agenda for the next Board Meeting will also be posted at noon on the Friday prior to the next meeting.

**REMINDERS:** NEXT GENERAL SESSION MEETING: FEBRUARY 2, 2011 AT 6:00 P.M.

NEXT GENERAL PUBLIC FORUM: APRIL 20, 2011 AT 7:00 P.M.

# COMMITTEE REPORTS

## ARCHITECTURE

The Architecture Committee would like to welcome back a former member Joe Ross. We are looking forward to having Joe back with us.

In other news, the Committee is in the process of revising several existing rules to better clarify their purpose and intent. We expect to have the rules ready for community input by the annual meeting.

The Board of Directors recently contracted with an architectural firm to act as a consultant to the Niguel Shores Homeowners Association and the Architecture Committee. The company is Jeff Smith and Associates from San Clemente. Jeff's firm currently provides professional architectural consulting to numerous HOAs in Orange County. The AC has been working with Jeff Smith for several months and we appreciate the experience, knowledge and professionalism he brings to our community. Jeff provides expertise to the AC by reviewing all major remodeling projects when initially presented for compliance with our rules and regulations. He meets with the AC at our regular twice-monthly meetings and provides written feedback to the Committee and homeowners, and their contractors, designers, and architects, regarding the plans submitted. If major changes need to be made to submitted plans, Jeff will do a workshop with the homeowner and architect or designer. Homeowners will be responsible for Jeff's fees if they choose to use his services in a redesign workshop.

The primary reason to utilize Jeff and his company is to prevent homeowners from developing plans that are not acceptable as they do not meet the AC's Rules and Regulations. We do not want homeowners to incur unnecessary expenses prior to AC approval. Jeff has been extremely helpful to homeowners with his professional approach and knowledge of our Rules and Regulations.

—Jerry Koppang

## ART

We are again calling artists of all ages to let us know if you are interested in continuing the art gallery in the main Club-House. It has been removed several times due to other events where the walls were needed for decorating. We hope to put the art back on the walls soon. In the meantime, we need to see a little more interest in this project. Please call John Hall (949)489-3172 or Kay Wittmack (949)661-8177 and let us know if you think this art gallery is a worthy activity.

—Kay Wittmack

## EMERITUS/EDUCATION

The Emeritus Committee met the first Thursday in Janu-

ary (meetings are usually held on the 2nd Thursday). Classes for this semester are, "Film as Literature" on Monday afternoon and "Political Science, Current Events" on Tuesday afternoon. These classes will be suspended during the summer months. However, Susan Hecht, our Monday teacher, also teaches a creative writing class in Laguna Woods. Having met people who take this class and enjoyed her discourse, the Committee agreed to try out this class during the summer session. More information will follow. But remember, "Everybody has a story to tell."

Women's Club members were regaled in January by the Improvisation of Chris Stanfield, a talented Niguel Shores resident and a member of this committee. We continue to discuss the possibilities of Chris teaching a class in Improv (it could be a lot of fun) and possibly adding other types of theatre arts (pantomime, play reading, etc.) to the mix.

As always, this committee is seeking interested residents who would like to participate in planning learning activities. Please leave your name and phone number in the office and you will be contacted.

—Bunny Ross

## FINANCE

### Investment Committee

The Investment Committee is a sub-committee of the NSCA Finance Committee which is one of nine standing committees of the Association. The Investment Committee is currently comprised of three members of the Finance Committee, a Board of Directors liaison (CFO) and a staff liaison (Controller).

The Investment Committee does not have a formal charter, however, its primary function is to assist the Board of Directors to effectively manage the cash management processes and to prudently invest the operating and reserve funds in order to maximize earnings. Board members have the fiduciary responsibility not only to monitor the income and expenses of our association but also to utilize processes that provide both safety for assessments collected from homeowners and control costs.

Niguel Shores, along with all other California Community Associations, is governed by The Davis-Stirling Common Interest Development Act, which is a part of the State of California Civil Code. It was enacted to protect the interest of members of community associations such as Niguel Shores after Proposition 13 was instituted in the 1970s. The Act requires that all invested capital of associations must be invested in federal government securities, government backed and/or in federal insured depositories (FDIC).

The Investment Committee formally meets on a regular basis typically preceding the monthly Finance Committee

# COMMITTEE REPORTS

meetings unless there are no relevant issues to conduct. An example of a meeting agenda would be as follows:

- Analyze operating and reserve cash flow projections
- Review calendar for maturing investments (Certificates of Deposits)
- Review current and projected market pricing (yields) with input from outside professional advisor
- Institute new or roll-over investments on a timely basis

The current members of the Investment Committee include: Barry Banducci (acting-chairman), John Dougherty and Pat O'Brien. The Board liaison is Sue Kichline (CFO) and the staff worker bee is Ivy Hsia (Controller). The Finance Committee welcomes and encourages qualified association members to volunteer for committee participation. We are a large association that depends on volunteerism. Therefore, the ongoing quality of Niguel Shores depends on all of us.

Please forward suggestions and interest in Committee participation to the attention of the Finance Committee at the Niguel Shores office.

—Barry Banducci

## LANDSCAPE

Mini-slope landslides occurred during the past rains due to sand erosion, but they are being addressed by a geo-tech company, the Master Plan and the Board. Bids will be presented and, after the rain period of April/May, will be attended to.

Wendt landscape has been very busy with extra problems arising because of weather extremes.

Currently in progress is the trimming and removal of heavy growth on PCH. It might look denuded, but will fill in soon again. We need to keep that area properly in check.

A new addition coming to our landscape, thanks to the Magidow Family, will be the bronze dolphins located near the Garibaldi Gate, for all of us to enjoy.

—Joan Beyer

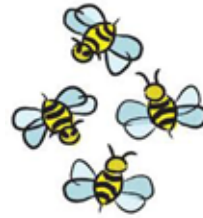
## MAINTENANCE

In the past few months the Maintenance Department and Wendt Landscaping have been working on the irrigation system. The objective is to optimize the system to keep vegetation green, water off the streets, and minimize water consumption and cost. Any one of these objectives is fairly easy, but optimizing all at the same time is more difficult.

The solenoid valves that control the sprinkler heads are inside boxes. To make adjustments it is necessary to get in the box. There are approximately 200 boxes, with 450 valves controlling 1500 sprinkler heads. Finding these and making adjustments takes a considerable amount of time.

To make it more interesting the bees have found that these boxes make an excellent place to build their hives. The Maintenance people are a little reluctant about sticking their hands into a bee hive to make valve adjustments.

In discussing this problem, Leo Riley said that he could get the Bee Man to come in for \$150 per visit to remove the hive. George Cooley, who is usually careful with his words, made the mistake of sharing that he learned how to do this when he managed an almond farm but that he no longer has a bee suit. Leo asks, "How much does a bee suit cost?"



George answers \$150. Leo figures, \$150 per visit, or put George in a suit for a onetime charge of \$150. George has a new bee suit.

The first hive went well for George and his new suit. He was able to remove a massive hive without receiving any stings. His assistant, Frank Geek was not quite so lucky. He was forty feet away without a suit and received three stings. We are confident that, for future hives, George will learn how to remove the hive without disturbing the bees; however, Frank is no longer interested in being his assistant.

—Jack Christiansen



There are many events to celebrate in the month of February. Let's celebrate Life in Niguel Shores! Come join us for Potluck in the ClubHouse on **Sunday, February 20 at 6:00 p.m.** You will be asked to bring the beverage of your choice, your own table service and either a main dish, salad or dessert as needed.

We encourage you to call the appropriate committee member from the list below and we will save a place for you.

A - E Susan and Boyd VanNess ..... 489-3182

F - O Joan Beyer ..... 496-1428

P - Z Carol Yocom..... 248-2740

—Irene McDonald, February Chairperson

## RECREATION

The Committee is excited to let you know about year 2011. Yes, we have planned events for everyone to enjoy. Details will be given closer to the dates.

### Kookie Cooking Class:

Thursday, February 17, 11:30 a.m. to 1:30 p.m. One Pot Meals. Come learn and enjoy the tasting of short ribs



ClubHouse Patio for St. Patrick's Day & Potlucks inside

# COMMITTEE REPORTS

stew, chicken paprika with a salad and crepes. \$35. Sign up in the office.

**Potluck:** Sunday, February 20, 6:00 p.m. Look for article in this issue to make reservations.

**St. Patrick's Day:** Thursday, March 17. 4:00 to 7:00 p.m. Come visit around the patio and enjoy the celebration of St. Patrick's Day with Green Beer and the neighbors who love to celebrate this day. BYOB

**Potluck:** March 20, 6:00 p.m.

**Kookie Cooking Class:** Thursday, March 24. Italian Dishes. 11:30 to 1:30. Enjoy preparing Italian food and tasting. \$35. Sign up in office...

**Potluck:** April 17, 6:00 p.m.

**Garage Sale:** May 14. Garage Sale... more details closer to date.

**Beach Bluff BBQ:** May 29. Need a Pit Master (help with the grill). Time 5:00 to 8:00 p.m. Open for everyone to bring their own meals and friends as you enjoy the BBQ and sunset.



Beach Bluff Park for BBQs, tacos and concerts

**In and Out Burger Mobile:** June 11 4:00 to 6:00

p.m.... Yes, that is right! We are having them this year. Mark your calendar and watch for more information for price and when to buy tickets...

**July 4th...** Again our famous 4th of July. Watch for the plans.

**Taco Night:** July 30... Taco Night time and price to be announced...

**Summer Bluff Concert:** August 20. Summer Bluff Concert—who and price later...

**Beach Bluff BBQ:** September 4. (Need a Pit Master)

**Halloween Party:** October 30.

**Holiday Boutique:** November

**Tree Lighting Party:** December

**New Years Eve Celebration**

Mark your calendars for these events and buy your tickets in the office before the event. What a great year for everyone...

—Carol Yocom

## TRAFFIC AND SAFETY

With the New Year off to a good start I hope everyone enjoys the longer days and the promise of warmer weather coupled with the good times associated with it. The holidays are behind us and hopefully some people are not as anxious as they were during the past several months. I say this because there have been several incidents of rude and menacing be-

havior toward our security personnel at our front gate. Some individuals became especially crass when their names did not appear on a resident's guest list as they hoped. When this happens our personnel normally attempt to contact the responsible resident and determine if the person seeking admission to our community is in fact a welcome guest, which for one reason or the other was not included on the home's list of authorized visitors. As you might expect, this sometimes takes a while, and while being helped in this fashion more than one person lost their composure and resorted to bullying and threatening tactics. Needless to say it did not work. I mention this because we all ultimately are responsible for the conduct of our guests. We as residents can minimize conflicts at the gate by keeping our guest lists current. Along this same line, we should be familiar with the rules and regulations pertaining to limits on guest admission, and their activities. Should anyone entertain a doubt about this responsibility, they should contact members of the office staff and they will be happy to help you.

Quite a few of our less than frequent guests utilize a variety of tools to get directions to our homes. Unfortunately, many of these systems will direct the user to an entrance to our community that is nearest to the targeted address. However, as we know, only the Mariner Gate can accommodate them. We have recently seen what appears to be an escalating trend of frustrated individuals attempting to enter Niguel Shores via other gates by tail-gating a car in front of them.

The consequences are being caught on the spikes that pop up after the first car passes only adds to the guest's frustration. Please remember to direct guests and service people entering our community to go through the Mariner Gate.

Please lock your cars and remove temptation from any casual thieves that may trespass through our neighborhoods.

—Tim Murphy



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## GARDEN CLUB

The Garden Club members enjoyed a spirited presentation at their January 17 meeting on “Cooking with Herbs” by Nancy Hunyadi, award-winning educator. Members left the meeting already planning their next herb-infused culinary adventure.



**This month’s gardening tip:  
The Anthurium**

Anthuriums, also called flamingo flowers, are well-adapted to life indoors. In warmer regions such as Florida, they can spend many months outdoors in the dappled shade of a large tree. In general, anthuriums have modest light requirements. They’ll grow indoors with several hours of bright, filtered light daily. A little direct sunlight is beneficial, but hours of direct sun will scorch the foliage. In winter, when the sun is less intense, you can expose the plant to longer periods of direct sun with no ill effects. Tropical or subtropical in origin, anthuriums thrive, in warmth and humidity. They do best when the soil is relatively moist. Water thoroughly, then water again once the soil surface feels a bit dry. Always water enough that the water flows through the container’s drain holes. Tip out any water that remains in the saucer below the pot after about five minutes.

If your gift plant came in a decorative foil or cellophane wrapper, slice the bottom of the wrapper to make sure moisture isn’t trapped there. Fertilize the anthurium every few weeks when it’s growing actively. Use either a standard houseplant food or one that’s meant specifically for blooming plants, but mix it at half the label-recommended strength to avoid burning. Trim off faded flowers, cutting the stems back to the base of the plant. Finally, wipe the leaves periodically with a wet cloth to keep them

free of dust, which makes them less attractive to mites and insect pests. Now, stand back and enjoy those blooms!

**Coming Up!** The Garden Club, on February 21, will host **Annie Hall, Director of the Orange County District of California Garden Clubs.** She will tell the assembled about “Keeping Color in Your Garden Year Round,” a welcome topic during these gloomy winter days.

The March meeting, on the 21st, will be a bus ride and tour of the **Getty Malibu Home and Garden.** Anyone who has visited this facility will agree that it is astonishingly beautiful. The bus will leave the ClubHouse parking lot at 9:00 a.m. sharp. Cost will be \$25 per person. Sign-ups will be taken at the February meeting, and non-members are welcome. Following the tour, lunch can be purchased on the grounds. If you have any questions, contact Jerry Kop-pang, Garden Club President.

—Morry Meadow

## MEN’S CLUB

**Bright Lights, Big City** — New Year’s was rung in with another successful party in the Clubhouse. The Men’s Club was amply represented along with revelers of all ages. A spinning crystal ball along with blinking colored lights gave the dance floor a Las Vegas look. The D.J. provided music to suit all residents and guests.

January saw the Club start a new year of interesting speakers with Mr. Chris Abel, Community Outreach Manager for San Onofre Nuclear Generating Station. So often we all drive by the two domes just south of San Clemente without really being aware of all that is going on at the station. Currently the station produces enough electricity for 1.4 million homes. There are over 2,000 full-time employees and a well-armed security force protecting all aspects of the station.

The Men’s Club meets the first and third Tuesday of each month and is open to all residents. The hot breakfasts are tasty and nutritious and, along with good fellowship, make for an enjoyable morning.

—Steve Leonard

## WOMEN’S CLUB

The February luncheon will be at 12:00 in the ClubHouse on Thursday, February 10. Our speaker will be Michelle Pardes, a resident of the villas, former Special Education teacher and Survivorship Coach. Michelle’s talk is titled “Still Breathing: How Does One Deal with One of Life’s Challenges: Being Diagnosed With Cancer—A Life Altering Event.” She has written a book on the subject called *Still Breathing*, and will have copies available at the luncheon.



On the third Thursday of February (2/17/11), the Outside Activities Committee has planned an outing to the Joan Irvine Museum (in Irvine, of course) and participation in a docent tour. We will be meeting at the ClubHouse at 10:00 a.m. and carpooling to the museum and, after the visit, we will go to Bistango for lunch and return to Dana Point afterwards. Reservations for this activity must be in by the day of the Women’s Club Luncheon so that appropriate arrangements can be made. Make your reservations at the luncheon or contact Bunny Ross if you have any questions.

Members should have reservations for the monthly luncheons. You will be called and asked to bring, to every other luncheon, a salad or dessert dish. Attendees at the luncheons are asked to pay \$2 to cover the cost of paper goods used for the lunch. All Niguel Shores women residents are invited and will be welcomed.

—Mary Crowl

# ACTIVITIES

## WEDNESDAY BRIDGE

Let's start the New Year with new players who enjoy bridge and want to join our bridge group. Please call 496-4230 and we will be happy to welcome you!! We meet every Wednesday at 11:00 a.m. and ask that you bring a snack to have at noon. Substitute players are also most welcome.

### This month's winners:

January 5 – Frieda Baskin and Helen Campbell

January 12 – Frieda Baskin and Shirley Heimstaedt

We look forward to welcoming you.

—Helen Campbell



Bridge Group Christmas gathering: Left to right: Front row: Pouri Fowzi, Shirley Heimstaedt, Helen Campbell, Dorothy Horany and Kay Wittmack. Second row: Doris Deal, Bobbie Kahn (hidden), Frieda Baskin, Judy Bates, Margaret Bruggger and Patricia Conway

## LIBRARY

**Children's Department:** February Storytimes will continue with Pre-School Storytime Tuesdays at 10:30 a.m. through February 15. School Age After-School Club with Crafts & Stories will be on Thursdays at 4:00 p.m. through February 17, and Family Pajama Storytime is February 28 at 7:00 p.m.

**Adult's Department:** Film Friday – 3rd Friday (February 18, 7:00 to 9:00 p.m.). We will be showing *Bomber*. Alistar and Valerie have been planning a special trip to Germany for a very long time. When their son, Ross, stops by the house to send them off, happenstance turns into an impromptu family road trip of the most tortuous kind... From the UK. Comedy-drama – 85 minutes. In March (on the 18th) the film *Jaffa* will be presented.

**Blood Drive:** Friday, February 4, 10:00 a.m.–4:00 p.m. Sign up either at the library or through [givelife.org](http://givelife.org). On the same day at 7:00 p.m. **After Hours @ the Library pres-**

**ents *Swingin' with Dean***—Dean Ratzman plays the hits of great American artists Touching on the styles of Sinatra, Nat King Cole, Cole Porter, Ray Charles, Glenn Miller, Duke Ellington, Buddy Holly and more!

**Computer Basics for Seniors:** Monday, March 21 is the first day of the class that runs March 21, 22, 23, 28, and 29 from 8:00 – 10:00 a.m. In this class, we begin with the true basics, parts of a computer and using a mouse. We'll then move on to parts of a web page, and basic email. There will be tons of time to practice and learn. By the end of the course, you should be able to write and respond to email, and add attachments to email. Call ahead to reserve a spot. 949-496-5517.

—Carolyn Hopkins & Jennifer Johnson

## PAGE TURNERS

*The Elegance of the Hedgehog* by Muriel Barbery will be discussed at the February 28 meeting. The story flits between two women: a 54-year-old concierge of a luxury Paris apartment building and a precocious 12-year old girl. This book is quite radical in its stand against French classism and hypocrisy. Clever, informative and moving, it is essentially a crash course in philosophy, interwoven with a platonic love story.

At 10:00 a.m. the morning group will meet in the home of Ceacy Johns, 33545 Halyard Drive. The 12:30 p.m. afternoon group will meet in the home of Bunny Mahoney, 24231 Porto Cristo. Our discussion leader for both groups will be Phyllis Tezer.

Page Turners meets on the fourth Monday of each month September through June. If you wish more information or to join the discussion groups, please contact Kathleen Hardcastle at 481-5503 ([khlaguna@gmail.com](mailto:khlaguna@gmail.com)) or Karla Sanders at 496-8413 ([karlajoe@cox.net](mailto:karlajoe@cox.net)).

—Karla Sanders

## OREO COOKIE BOOK CLUB

The Really Serious Oreo Cookie Book Club met on January 19 at the home of Phyllis Tezer and, in discussing *A Primates Memoir*, decided that baboons descended from Man and represent a considerable improvement on

### ATTENTION HIGH SCHOOL SENIORS:

We're planning to feature our high school grads and, when appropriate, their college searches and choices in our June issue. Parents and/or students please contact Patti Staudenbaur ([umass21@cox.net](mailto:umass21@cox.net)) if there is a graduating senior in your house.



the primate species. They don't shoot each other or spend money on civic projects that never get completed. On the other hand, the author determined that their individual levels of stress were related to their social disruptions, just like us non-baboons. The non-baboon and the baboon members of the Club were in total agreement on that finding. Diane Hearne led the discussion and handed out bananas to those who made telling points. Our next meeting is at the home of Gretchen Rask on February 16. We will review the book, *The Life and Times of the Thunderbolt Kid*, by Bill Bryson.

—Norton Schwartz

**EDITOR'S NOTE:** *We have a number of good photos from the New Year's Eve party in the ClubHouse but space did not allow them to be shown in this issue. Please see them on the Web site where they will be in glorious color!*

## Travel Tidbits



The New Year is here and with it the opportunity to change our lives a bit...maybe do things here at home that we have not done before or travel to places we have always thought of as too adventurous. I received an e-mail with the following thought: "Life should not be a journey to the grave with the intention of arriving safely in an attractive and well preserved body but rather to skid in sideways, chocolate in one hand and wine in the other, body thoroughly used up, totally worn out and screaming "WhooHoo what a ride!"

The world of adventure travel continues to grow and offers trips such as: Crunch through the ice to the North Pole and enjoy the experience of standing where all directions are south, go on an expedition to Patagonia with hiking in Torres del Paine National Park and exploring remote Tierra del Fuego and Cape Horn, ride the rails on a private train from Istanbul to Damascus, take a back country pack trip into Yellowstone in the fall to listen to elk bugle or wolves howl, enjoy the snow monkeys and cranes in Japan in the winter, visit New Guinea and meet ex-headhunters, circumnavigate Sumatra and make trips into the dense forest to spot some of the 580 bird species. It's a fascinating world. I hope you take the opportunity to get out and explore some of it this year.

—Barbara Milner

## MEN'S GOLF

The first tournament for 2011 was at Arroyo Trabuco. It was great to be able to dust off the clubs and get back to playing golf with beautiful So Cal weather after the heavy rains of December.

The team of Peter Rask, Bob Hill, Bob Gutknecht, and Jack Sweeney were first. Terry McLaughlin, Tom McNicholas, Barry Daniel, and Mac Brown placed second.

The next Tournament will be on January 25 at Talega in San Clemente. Get ready for a wonderful new year of golf!!

The schoolteacher was taking her first golfing lesson. "Is the word spelt p-u-t or p-u-t-t?" she asked the instructor. "P-u-t-t is correct," he replied. "Put means to place a thing where you want it. Putt means merely a vain attempt to do the same thing."

—Bob Russell

## WOMEN'S GOLF

We were rained out for the month of January. Our regular Aliso Creek Course was flooded. They took advantage of the rains and seeded the course. They will be ready for us to play on Valentine's Day, February 14.

We have changed our starting times to 9:30 a.m. No excuse anymore for all you sleepy heads not to play. We look forward to seeing you. Please call Maria Elena Banks at 949-248-9300 or Lee Sweeney at 949-661-5924 to join.

—Maria Elena Banks



The function of the retainer contract with the Association is to ensure that legal counsel is available to address legal issues that arise, to provide legal input to the Board as to those matters, advise the Board regarding the legal status of matters the firm has been requested to handle, and to identify action items. The Fiore firm also provides legal counsel on other matters that come up during the Executive Session Board meetings.

It is important for the homeowners to know about the actions and procedures taken by the Association when a lawsuit is filed against the Association. The Fiore firm is not generally involved in the defense of legal actions brought against the Niguel Shores Community Association. Those matters are referred to the Association's insurance carriers, who provide a defense and coverage of any potential liability. In the early phases of a matter, before a legal action is brought against the Association, the Fiore firm may be asked to advise the Board regarding applicable law, what procedures the Board should follow, and how the Board should manage the legal process. If a legal action is later filed, the matter is referred to the Association's insurance carriers for defense.

That being said, Dick stated that the Fiore firm takes a preventative approach to dispute resolution. The firm's philosophy is to provide legal advice to the Board of Directors so that the Association can avoid disputes, rather than working to resolve disputes after they occur. In other words, avoiding disputes is a high priority for the Fiore firm in advising the Board.

In the early years of Niguel Shores, disputes typically involved CC&R enforcement and view blockage. Over the years, rules and enforcement procedures have been enacted by the Association, with input from the Fiore firm, that have resulted in those issues being resolved well in advance of legal counsel involvement. Now, more frequently, it is architectural issues that require the Fiore firm's involvement.

It is interesting to understand the history behind the growth of community associations. After the passage of Proposition 13 in the mid-1970's, when property taxes could no longer be increased without limits by the state and local governments, home developers began developing Common Interest Developments, with community associations created to maintain common areas. At the time, many of these Common Interest Developments were called master planned communities, like Niguel Shores. The cities liked these planned communities because they no longer had to budget for and manage slopes and other areas previously maintained by them in earlier developments. These planned communities provided certain amenities that were managed and operated by their associations. In essence, responsibility for these amenities, common slopes, private roads, etc., was transferred to a community association, generally a non-profit corporation.

Niguel Shores Community Association established its CC&Rs in 1969, which were recorded in the Office of the Or-

ange County Recorder. At about that time, the Association was also incorporated as a non-profit mutual benefit corporation.

Another important development in the management of California homeowners associations was the enactment of the Davis-Stirling Common Interest Development Act. The Davis-Stirling Common Interest Development Act is a body of law that is a part of the California Civil Code. It is law that specifically relates to the management and operation of community (i.e., homeowners) associations. Prior to the Act, there was no single body of law specific to homeowners associations. The Davis-Stirling Common Interest Development Act was enacted by the California State Legislature in 1985, and over the years has been amended to create more responsibility on the part of associations and their directors and management (such as disclosing of financial and other information to their members), and other duties of Boards of Directors to meet their fiduciary responsibilities in the management of association affairs. At the time of the Act's establishment, the number of community associations had been increasing each year. Conservatively, today there may be over 6 million people living in Common Interest Developments in California. At the beginning of each year, Mr. Fiore discusses new legislation affecting associations and amendments to the Act with the Board.

Getting back to Dick Fiore: Dick began to work with homeowners associations around 1977 by representing an association with regard to legal claims for slope failures due to heavy rains that year. He found he enjoyed working with association Boards of Directors. At the time, he had a more general practice, including small businesses, but he became more and more involved in working with homeowners associations. In the early 1980's Dick decided to focus his legal practice exclusively on homeowners associations. Today, the Fiore firm represents only homeowners associations. The firm does not represent individual homeowners, developers, individual members of Boards of Directors (except in limited circumstances), or management companies. The Fiore firm is legal counsel to the Niguel Shores Community Association, a California non-profit mutual benefit corporation. The Board of Directors is the legal body established by the California Corporation's Code to manage the affairs of the corporation.

The Fiore firm has grown over the years. It is now comprised of 15 attorneys, seven in the firm's Irvine office, six in the Riverside office representing associations in the Inland Empire, and two in the Palm Desert-Coachella Valley office. In the Irvine office, Dick and John MacDowell are the two attorneys who work on Niguel Shores' general legal matters. Among the services provided by the Fiore firm is the collection of homeowner delinquent assessments, which are referred to the firm after numerous attempts made by the management staff have failed to secure the delinquent funds.

Finally, a little more on Dick personally. Dick was born in Hackensack, New Jersey in 1942. The family moved to Los

Angeles a year later so that his dad could attend medical school. Dick attended Dorsey High School, graduated from Occidental College in 1963, and attended the University Of California Hastings College Of Law in San Francisco, where he graduated with a Juris Doctor degree in 1967. He then passed the California Bar and became an attorney in 1968. Dick has been married for 41 years and has three grown children.

Niguel Shores is very fortunate to have Fiore, Racobs & Powers, a very well respected law firm, as its legal counsel.

—Karl Kuhn



Sharon Brimer

**Sharon Brimer—Recording Secretary**

At the twice monthly meetings of the Niguel Shores Board of Directors, and those of the Architectural and Finance Committees, the volunteers who steer our community organization talk through the day-to-day and long term issues facing our Association. And in order that each of us, the homeowners and resi-

dents, can be fully informed of their actions, every decision they make that affects us is captured for the record. The responsibility for that vital service lies with former ballet and modern dance teacher turned ace legal secretary, our own Sharon Brimer.

Recently I had the opportunity to turn the tables on this delightful lady, an extended confab in which I, not Sharon, scribbled madly to record the pertinent facts in her fascinating personal history. She was born in Peoria, Illinois, but spent most her formative years in Detroit, Michigan. As a young girl she started taking dance lessons, ballet and modern dance and quickly found she had a natural talent for terpsichore as well as a natural ability to teach. She set up a dance studio in her parents' home basement while she was in high school. Sharon taught ballet, jazz, and tap until she was 22 years old when she decided to spread her wings a bit.

She moved to Florida where she got a job at Kennedy Space Center at Cape Canaveral as a transportation specialist working for TWA, which had the contract to handle moving all of the cargo both inbound and outbound for the Space Center. This was in the middle of the Apollo program, and during her tenure there, nine of the most history making missions were flown from the Cape. Not surprisingly, Sharon says that time in her life was the most moving and exciting that she's ever experienced. Watching an Apollo launch would fill her heart with pride because she knew she had contributed to this wonderful event. One of the things she remembers most about doing her job is the sense that everyone was working for a common goal, a successful launch. It was more fulfilling than any other job she has had before or since.

During this time Sharon met and married her husband. He was a department manager of operations. Their daughter,

Phoebe, was born in 1971. In the early 1970s, the Apollo space program was winding down, and TWA lost its contract handling cargo for the Space Center. So Sharon, her husband, and baby Phoebe left Florida and moved to Las Vegas. Shortly after the move, Sharon and her husband divorced and she and Phoebe moved on to Orange County. Since then, Phoebe has grown up and flown the nest herself...she's pursuing a successful managerial career in the hospitality industry.

Sharon got a job with Avco, starting at the ground floor, and had risen to assistant vice president of operation when she left 22 years later. During that period Sharon also took many classes, receiving training in becoming a legal secretary. She recognized the value of having the knowledge of the legal issues that are covered not only by public agencies but also by HOAs. Sharon received valuable training in classes through CAI, the Community Association Institute. She was aided immensely by the helpful mentoring of Dick Fiore, our Niguel Shores attorney. In 1997 Dick Fiore recommended Sharon to Rob Cochran, then General Manager of Niguel Shores. She was hired immediately.

Sharon uses her laptop computer at all meetings. She is trained in the intricacies of recording what is required so that the business of our community is transparent and readily available for review by any homeowner who questions the decisions made by our elected board members, and those of the appointed members of the Finance and Architecture Committees--the who, what, and why of each motion and the relevant discussions about them before final passage is recorded.

Sharon has been doing this for us for 14 years. She praises our past and present boards and committees because she says they have always been open and honest. She says she could not work with any board that did not follow the rules. Sharon has taken the minutes of 30 or 40 different organizations. She says that the level of commitment and professionalism she's witnessed from NSCA's volunteers has impressed her. Sharon points out that, through the years, the Association has been saved many thousands of dollars by the volunteers doing jobs that otherwise would have to be done by contract management firms.

Sharon not only takes minutes for other HOA organizations but for public agencies as well. Among these are the Mesa Consolidated Water District, and the San Juan Basin Authority. These minutes are even more comprehensive than those for HOAs.

As if that's not enough to do, Sharon is also on the board of her own HOA, which has 360 homes. She writes a newsletter for them and also sends out e-mail announcements to the homeowners. Niguel Shores is lucky to have such a talented and articulate legal secretary. And, if we ask, she might teach us a few dance steps!

—Laurel Livesay



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# MEET YOUR NEIGHBORS

If you have had the opportunity to walk the greenbelt area behind the Niguel Shores pool and ClubHouse, during the last year or so, you may have noticed a wonderful remodel unfolding at the end of Kara Bay. This charming Niguel Shores bay home belongs to the Marapinela family: Cristina, Rich and their two children, Nicolas and Elisa. Cristina and Rich moved to Niguel Shores in 2005 from Laguna Beach. They decided to lease the home they owned there and find a property with a little more space for their growing family. The home they were renting on Kara Bay became available for purchase and, I guess as they say, the rest is history. The Marapinela's purchased the home and the remodel began!!

Neither Cristina nor Rich, however, are Southern California natives. Rich grew up the San Francisco Bay area, and settled in Southern California after attending UCLA. Cristina was born in Milan, spent much of her childhood in Italy, Mexico, Brazil and Venezuela. Cristina's mom is American born and her father is Italian and, interestingly, Cristina's parents were actually pen pals, long before they met and married.

Cristina attended college in the United States at Northwestern University in the Chicago area. Upon graduation she entered the corporate world in the field of marketing where she worked for Yum Brands, the parent company for Taco Bell and Pizza Hut. That is where she met Rich Pinnella in 1999, and once again, the rest is history.

Rich and Cristina love raising their two children in Niguel Shores. They feel this is a wonderful safe community with a

wealth of resources for their children. Their son Nicolas is eight and in the second grade. He loves sports, especially soccer, and makes great use of the parks, pool and the beach. His sister, Elisa, is five years old, and will be starting kindergarten next year. She is

a bit more artistic than Nicolas, but also loves riding her bike throughout the community and swimming with Miss Cynthia.

In addition to surviving the remodel and raising her two children, Cristina has managed to find the time to go back to school for a post-graduate degree in Counseling. She has a private practice, where she works part time, specializing in individual counseling.

Most recently, the Marapinelas purchased a small, but wonderful home in Big Bear. They love taking the kids up to the snow to ski, play and just enjoy the wonderful outdoors. Cristina and Rich look forward to getting to know other young families in Niguel Shores and becoming more involved in our community.

—Patti Staudenbauer

P.S. If you happen to be in the park and hear one of the young Mom's speaking with her children in fluent Italian, say hello to our wonderful neighbor, Cristina Marapinela.



The Marapinelas: Rich, Nicolas and Christina with daughter Elisa in front.



## Carol's Cuisine Corner

*This is to help you make Valentine's a special day to remember for the one you love. You are lucky many restaurants in the area will have that special dinner.*

**Sapphire Laguna:** 1200 S. Coast Highway, Laguna Beach, 949 715 9888. Pre-fix meals, \$46 to \$62.

**Ti Amo:** 31727 S. Coast Highway, Laguna Beach, 949 499 5350. Romantic atmosphere. Six different times for seating from 5:00 to 9:30 p.m. A special five course menu with a dozen long stem red roses. An evening to remember for \$105 per person.

**French 75:** 1464 S. Coast Highway, Laguna Beach, 949 494 8444. A regular menu as well as a three course meal starting at 4:30 p.m.

**Chart House:** 34442 Green Lantern, Dana Point, 949 493 1183. Regular menu with an unforgettable view.

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**Salt Creek Grill:** 32802 Pacific Coast Highway, Dana Point, 949 661 7799. Select items plus regular menu from 5:00 to 10:00 p.m.

**Savannah's:** 32441 Golden Lantern, Laguna Niguel, 949 493 7107. Special three course meal, plus regular menu from 5:00 to 10:00 p.m.

**Chaparosa Grill:** 30271 Golden Lantern, Laguna Niguel, 949 363 9888. Special courses, plus regular menu from 3:00 to 10:00 p.m.

*Please call your choice for reservations. Enjoy your Valentine's Day. Bon appetite, Carol Yocom*

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### IN THIS ISSUE:

Activities . . . . .	8
Board Action Summary . . . . .	3
Calendar . . . . .	(insert)
Carol's Cuisine Corner . . . . .	13
Clubs . . . . .	7
Committee Reports . . . . .	4
Directory . . . . .	(insert)
GM's Message . . . . .	2
Helm . . . . .	1
Meet Your Neighbor . . . . .	13
Neighborhood Ads . . . . .	15
Sports News . . . . .	9

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