

SOUTH COAST HOMEOWNERS ASSOCIATION

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UPCOMING SOUTH COAST MEETINGS

2006 Annual Law and Legislative Update – What has the California Legislature done to simplify your life this year? (Care to take a guess on this one?) Or do you think they have created additional complications for you and/or your manager. Schedule to attend one of our events as follows:

Monday, January 23, 2006

Holiday Inn

5650 Calle Real, Goleta

Time – 7 PM – 9PM

Wednesday, February 22, 2006

Quail Meadows West Clubhouse

866 Whippoorwill, Santa Maria

Time 7PM – 9PM

Scheduled to Present:

James H. Smith, Grokenberger & Smith – SB 137 – New Assessment Collection and Foreclosure Procedures

David A. Loewenthal, Loewenthal, Hillshafer & Rosen – AB 1098 – Association Records Disclosure to Members, Accounting Methods and Documentation

Jeffrey Nerdin, Allen & Kimbell, - AB 61 – Association Election Procedures

Jeff Domine, Adams, Noblin & Vrataric – Topic to be determined

As is our custom at our legal forums, we will have a moderated question and answer session where the attorneys will offer their viewpoints to your general questions.

QUANTIFYING AN UNEXPECTED REPAIR PROJECT A BOARD MEMBER'S PERSPECTIVE

**By: Anne Pursley, Secretary, Woodridge Owners Association
Santa Barbara**

Editor's Note: Anne Pursley is a long-time board member of her 28-unit condominium association and agreed to chronicle her experience in her association as this repair project unfolded. She can be reached at 687-8528.

This article details the process our Board of Directors followed in dealing with major, unanticipated repairs to our condominium balconies. The balconies form a pleasant space immediately adjacent to the living room of each condo unit and are important visually to the appearance of the building. Beginning with a situation limited to one balcony, the problems increased as two more balconies required attention. Inevitably all our balconies required attention. Payment for the repair work and developing practical plans to address the immediate situation formed an initial set of challenges for the Board. A second set of challenges involved development of policies that would involve both homeowners and the Association in the maintenance and repair of the balconies.

In the fall of 2003, a homeowner reported that he put his foot through 'a soft spot' in his balcony deck. Our property manager called a contractor with experience in balcony repairs and deck resurfacing. The Board learned that in order to make an assessment of the damage it would be necessary to 'open-up' the concrete surface of the deck to check for possible damage to the balcony substructure. At this point the Board began absorbing terms like *substructure*, *damage to wood framing*, *structural integrity* and, *water intrusion*. Most significantly, the Board was learning that concrete surfaces (and stucco surfaces too) are prone to deterioration if water and dampness are allowed to remain on its surface for long periods of time.

The contractor's assessment of the balcony 'problem' indicated that the entire deck would need to be removed in order to repair areas of damaged substructure. Moisture had permeated the concrete deck causing deterioration of the wood framing supporting the balcony. Areas surrounding the balcony's drains and cracks in the parapet wall, especially where the hand railing attached to the stucco wall were shown to be especially vulnerable to water intrusion. There was no question repairs were needed to be made and made immediately. The Board approved the necessary repairs.

With balcony repair work under way, the Board turned to the issue of payment. With only a small amount of trepidation, the Board approved a loan from the Reserve Fund to the Operating Fund to cover repair costs. Before the Board could congratulate themselves on 'problem solved,' another homeowner reported a problem with their balcony. Once more the Board learned from a contractor's evaluation just how serious water intrusion can be. Slowly, the Board took in the fact that balconies are not simply pleasant spaces off a homeowner's living room but are areas that require regular attention.

This second balcony problem involved two balconies, an upper and lower connected-set, requiring extensive repairs. One balcony, with severe substructure damage, needed to be completely rebuilt. Expenses mounted. The Board approved a second loan from the Reserve Fund. Homeowners, for the most part observed the repair work with interest but with little expressed concern regarding their own balconies or that the repair of other balconies could involve them in any direct way.

The Board, however, acting in accord with the sound suggestion of our Property Manager, took action to evaluate all the building's balconies. Balconies were inspected with respect to the condition of deck surfaces, stucco walls, and drains. Each homeowner received an individual report on the condition of their balcony. Contained in each report was a description of the condition of the balcony and suggestions for ongoing maintenance. The Board retained copies of all the reports as a part of the record kept on major Association projects. In addition the Board sought 'expert advice' from the Association's attorney to define the areas of responsibility shared by the homeowner and the Association. The Balcony Reports and the attorney's information later formed important background in the writing of the Association's Balcony Policy.

Repairs done, reports distributed, and bills paid, the attention of the Board shifted to other condo projects. In the midst of relative calm, an unexpected, disconcerting event took place. Our Property Manager informed the Board that she would not be able to continue in her management role. After her departure, and during the search for a replacement, there was a genuine sense of loss and an unfortunate amount of confusion. Many Association projects were delayed.

As the fiscal year 2005 began, the Board worked diligently with new management. Attention was focused on the financial issues related to the repayment of loans to the Reserve Fund. The first step in laying a foundation for Board decisions would be the Annual Report giving full detail of Association's financial status at the end of the year in which the balcony problems occurred. With increasing awareness that professional, accurate information was necessary in order to address the problems the Board faced, a letter of engagement was signed with an independent CPA to prepare the Association's Annual Report.

To emphasize the importance of the Annual Report, a special effort was made to invite homeowners to attend the Annual Meeting. Two members of the Board formed a team to call homeowners, urging them to attend the meeting. Additional notices were posted on the Bulletin Board. This work resulted in a turn out of a majority of homeowners attending the meeting. Our CPA reviewed the essential facts in the Annual Report. The report also contained information regarding future major repairs and replacements, which served to further the Board of Director's goal of informing homeowners about condominium projects needing attention. Copies of the Report were distributed to all homeowners and the Minutes of the Annual Meeting provided a summary of information mailed to all homeowners.

In the following month's Board meeting, the property manager suggested updating the Reserve Study to procure an analysis of the major components of property maintenance and how to fund them. Together, with the facts delivered in the Annual Report, a Reserve Study analysis of estimated costs for future projects would be the major tools the Board of Directors would use in financial planning. Understanding the relevance of these two documents, the Board voted unanimously to obtain a new Reserve Study

Appointments were made with an independent Reserve Study Preparer, to discuss with members of the Board items to be included in the Study. The building was inspected from top to bottom. The previous study did not contain an item for balcony maintenance because the assumption was that balcony surfaces were owner responsibility per the C&CR's. With the attorney's precise description of balcony responsibilities, some balcony elements would now be included in the Study as well as updated costs estimates for all of the reserve items. Items of deferred maintenance, such as repaving and tenting for termites would receive attention. Items delayed, in great part by the balcony problems, would be set into a reasonable timetable for accomplishment and a detailed funding plan developed.

The Board received the draft of the new Reserve Study in late summer 2005. The Study contained a recommendation to levy a substantial homeowner assessment to be paid in installments over a three year period, as the best way to resolve the financial obligations and to fund needed maintenance and repairs in years to come. While the findings were not unexpected, the Board knew that to persuade homeowners of the importance of approving the Study's recommendation, a strong, reasoned explanation would be needed. A majority of the homeowners would need to vote to approve the assessment. A Special Homeowners Meeting was scheduled. Notices were mailed to all homeowners.

A concerted effort was made by the Board to alert all homeowners to the importance of the meeting. Extra notices were posted on the Bulletin Board. Reminder phone calls were made. The success of the outreach work resulted in all but two of the homeowners attending the meeting in person or represented by proxy. The property manager together with the CPA, discussed with homeowners the Association's need to fulfill its fiduciary responsibility in properly funding the Operating Budget and the Reserve Fund in the ways identified in the new Reserve Study and in accord with California Civil Code. They stated that the proposals in the Reserve Study would allow the Association, through the action of the members of the Board, to meet these legal requirements.

Homeowners listened as the factors contributing to the Associations needs for increased funding were noted. These included the costs to all trades used by the condo for labor, insurance, utility and repairs. Also noted was the unprecedented hurricane season along the Gulf Coast as contributing to increases in cost for material and labor. Board members listened to the explanations given by these professionals, whose diligence often assisted in the process of meeting the Board's responsibilities to protect Association property, and wondered how the homeowners would respond.

Homeowners who had never spoken in a meeting before offered their opinions. And everyone listened. Some homeowners questioned the need for the assessment or the need for certain repair items in the Study. Concerns about the payment schedule of the assessment were expressed. Questions regarding the past several years of increasing monthly fees were brought up. Accustomed to past history of years of no, or very small, monthly assessment increases, the process of 'catch-up' associated with delayed maintenance troubled them. Also noted was the fact as a building ages, increased maintenance and repair costs increase. Several homeowners spoke the need to protect their property value and noted that the special assessment would provide a way for this to be done in an orderly, timely manner.

As the owner commentaries concluded, a vote on the Special Assessment was conducted by

secret ballot. Homeowners voted overwhelmingly to approve the assessment. With their approval, the Board accomplished a major step in bringing to a close a long complex situation that involved every homeowner in the decision process. This particular series of events, over parts of three fiscal years, and extending over three more years of scheduled Assessment payments, pushed the Board to meet situations with strength and determination and to accept the guidance of professionals, experts in their fields. Reflecting on the process, Board is extremely grateful to the homeowners who supported the Board in accepting the recommendations of the Reserve Study. That a solid foundation has been laid for continued work is truly satisfying. Lessons learned, gray hair earned, foundation in place, the Board is presently engaged in preparing next year's budget.... and looking forward another year of busily-ever-after.

MANAGING YOUR CONSTRUCTION PROJECT

By Bart Mendel, Stonemark Construction Management

Editor's Note: Bart Mendel is President of Stonemark Construction Management, a full service design and construction management company with offices in Santa Barbara, Ventura and Los Angeles. Stonemark manages all aspects of construction and project management for capital improvements and renovations, water infiltration and construction defect investigation and repairs for homeowner associations. They can be reached at (805) 676-3500 or www.stonemarkcm.com.

Before your Association embarks on a major project, consider shifting perspective from the construction itself to the groundwork. Construction Project Management is a process of defined and critical steps: Planning, Pre-Construction, and Construction. Construction is the third phase of this process, vastly more expensive than the first two. However it is the first two phases that establish the eventual cost. Properly planned projects reduce expensive change orders and cost overruns, limit liability, and will help to ensure the success of your project.

Planning & Investigation: The greatest effects on a project come in the early planning stages. What are the existing conditions that will affect the work? What exactly is the scope of work to be performed? Existing conditions need to be investigated and fully understood prior to performing any renovation project. Review carefully how your buildings are constructed. Water infiltration is frequently the result of multiple sources; fixing only the most obvious one may doom your project to failure. Building systems are tightly inter-related and there may be multiple breakdowns that obscure a proper diagnosis. For example, quality re-roofing projects involve everything at the roof level, not just the roofing trade itself. Whose responsibility is the flashing, repairs to siding or stucco at the roof to wall juncture, gutters and roof drainage, any mechanical systems or other equipment on the roof, chimney and skylight repairs?

During this planning phase, do not abuse free bidding from contractors. Because very few contractors currently carry the appropriate insurance to work for Associations, you want to be careful not to overuse the limited pool of those who do. Each time a contractor looks at a project his bid will tend to be higher. It is better to retain an independent expert to prepare

your budget. Go out to bid only once, when you have the funding in place and intend to start work immediately.

Associations are wise to acknowledge that planning for large construction projects is beyond the usual expertise and contractual obligations of property managers. Retain an expert early to manage the critical planning stage properly.

Pre-Construction: Once you have charted your course, create the proper documents for bidding to execute the required scope of work. Bidding documents are necessary to ensure quality control of the eventual construction and also to receive “apples-to-apples” bids from contractors. Your expert will convert the scope of work into comprehensive bid documents, which may include drawings, technical specifications on each trade and details of how the work of different trades interface. You may need a licensed architect, engineer or waterproofing specialist to prepare proper design documents.

Bid documents should include General Conditions and Requirements. These may include site-related conditions that may need to be considered in the bidding, such as whether or not buildings will be occupied, safety considerations, temporary access requirements and responsibility for resident communications. Include payment terms, insurance requirements and the form of contract. Consult with your attorney regarding construction contracts. Once you put together all of these documents into a bid package, you are finally ready to invite contractors to bid. Your expert should review all bids carefully to ensure that contractors have not missed anything- one common reason for mid-project cost overruns.

Construction: If you have diligently and properly executed the planning and pre-construction phases, construction will be smooth and uneventful. Be sure to transition into construction with a pre-construction meeting with all contractors and your construction expert. Include the Property Manager in this meeting to identify how communication will flow with homeowners. Your construction expert must be on-site to oversee quality control, ensure contractors perform per specifications, and approve payment requests.

Successful execution of a major project requires expertise beyond that of most Boards and property managers. To ensure a successful project, make sure you retain an expert to ensure quality control, watch the budget, and protect your Association’s liability.

DUES ARE DUE!

At this writing, about 30 members have not paid their South Coast dues for 2006. If you received the invoice but someone else pays it, please forward to your Treasurer/Property Manager as soon as possible. 2006 members will receive a copy of the reference manual *2006 Condominium Bluebook*. We expect to receive it in early January. On a personal note, dues payments by December 20 keep me from having to deal with the billing during my busiest season and simplifies the distribution of the Bluebooks. Thanks to the over 150 members who have submitted their annual dues and taken advantage of the \$20 discount.

Email – We offer an email distribution, one email per association/professional member, of our newsletter, meeting reminders and other pertinent information. If your association is not on the email list, you may send me an email to gartzke@silcom.com. The email contact can

then forward to other members of your board. Over 110 members are receiving the newsletter via email – no additional charge.

ASSOCIATION FINANCIAL COMPARISONS **SOUTH SANTA BARBARA COUNTY**

By: Michael J. Gartzke, CPA

When a CPA performs a review of an association's financial statements, he/she is required to perform "analytical procedures" on the financial information presented. Many analytical ratios applied to businesses do not apply to associations, however, some ratios applied to assessment balances are useful. Revenue tests to determine whether all assessments have been billed/collected are also done. Comparisons are also done with current and prior year financial data as well as budgets to investigate similarities and significant differences.

CPAs are required to form an "expectation" of what the financial results should look like prior to actually reviewing the financial statements. Expectations may be general to all associations or specific to one association. Some general expectations would include increased utility and insurance costs from the previous year due to rate increases. A specific expectation would be the amount of reserves funded based upon the adopted association budget. Findings outside the expectation would then require more investigation by the CPA to determine the reasons why and whether the financial statements need to be modified or whether further action is required by the association.

It is also recommended that financial data and ratios be compared to others in the same industry. That type of HOA industry data has not been available for homeowners associations in South Santa Barbara County... Until now.

This past summer, with the help of my teenaged sons, I developed analytical data for all 53 associations that I perform financial statement reviews for. All but 2 of these associations are in South Santa Barbara County and represent a significant cross-section of common interest communities in our region. They range from 8 to 360 units. Some are condominiums and some are planned developments. Some are new and some are over 35 years old. Some are responsible for many common area components. Others have limited responsibilities. The data developed and the comparisons made reinforced the diversities of our common interest communities as well as similar attributes.

I briefly discussed the analysis at our September South Coast meeting. Since then, some refinements have been made to the summary schedule. A sample schedule follows. The left half of the schedule shows an analysis of the entire sample – highest, lowest and median amounts per unit on a wide range of financial data categories, the right half shows how an individual association compares to the total. I have provided these comparison schedules to most of my review clients. I will continue to update the database whenever a review is completed. Providing the information to clients has provoked a lot of discussion. For example, one association reported that they have a lot of difficulty in members accepting increased assessments. Their assessment is below the median and they were able to share this information with their members to assist in increasing their assessment to meet projected needs.

FINANCIAL COMPARISON CHART

Financial Comparisons for South Coast
HOA

	TOTAL SAMPLE			SAMPLE ASSOCIATION		
	Median Per Unit	Minimum Per Unit	Maximum Per Unit	Amount Per Unit	Difference to Median	Rank
Size of Association (Units)	50	8	360	41	(9)	31
Cash/Investments	\$2,668	\$96	\$26,903	\$3,874	\$1,206	15
Assessments Receivable	\$17	\$0	\$145	\$1	(\$16)	14
Operating Fund	\$190	(\$903)	\$1,787	\$229	\$39	23
Reserve Fund	\$2,513	(\$1,805)	\$26,512	\$3,525	\$1,013	15
Operating Assessment/month	\$213	\$117	\$626	\$297	\$84	12
% of Total Assessment	75.0%	56.4%	94.6%	72.9%		
Reserve Assessment/month	\$66	\$15	\$180	\$110	\$44	12
% of Total Assessment	25.0%	5.4%	43.6%	27.1%		
Total Assessment/month	\$285	\$166	\$740	\$407	\$122	8
Investment Income	\$27	\$0	\$339	\$94	\$67	7
Rate of Return (Investment Income)	0.93%	0.00%	4.57%	2.42%	1.49%	6
Utility Expense - per month	\$63	\$7	\$139	\$56	(\$6)	32
% of Operating Assessment	24.9%	4.7%	64.8%	18.9%	-6.0%	
Common Area Maintenance/month	\$91	\$24	\$346	\$112	\$21	17
% of Operating Assessment	44.0%	19.8%	82.0%	37.8%	-6.2%	
Insurance - per month	\$43	\$18	\$134	\$110	\$66	4
% of Operating Assessment	23.7%	10.2%	42.9%	36.9%	13.2%	
Administrative Expense/month	\$23	\$3	\$129	\$30	\$7	19
% of Operating Assessment	12.1%	0.9%	64.8%	10.1%	-2.0%	
Reserve Expense Paid/month	\$41	\$0	\$310	\$92	\$51	15
Major Component Replacement Cost per unit	\$11,623	\$2,919	\$49,821	\$18,764	\$7,141	8

In our total sample, the median size is 50 units. Half the associations are larger and half are smaller. Most of the information presented is on a “per unit” basis to equalize smaller and larger association information. In our sample (first column of data), the median association has \$2,668 per unit in cash and investments. The median operating assessment is \$213 per month, which represents 75% of the total monthly assessment. The median reserve fund assessment is \$66. The current median total assessment is \$285 per unit per month. Median cost centers – utilities - \$63; common area maintenance - \$91; insurance - \$43; and administrative expense - \$23.

Yet the range of data can be quite wide. The second column shows the minimum amount for an association in our sample (rank number 53) and the third column shows the maximum amount for an association in our sample (rank number 1). For example, the operating assessment range is \$117 to \$626 per month while reserve funding ranges from \$15 to \$180 per unit per month. Association members most commonly ask how their regular monthly assessments compare to those in other associations. In this sample data, the median is \$285/month, shown as “Total Assessment,” meaning operating plus reserve assessment. The reserve assessment can range from 5.4% of the total budget to 43.6% of the total budget. Understanding where an association falls within the sample can help to explain why assessments are higher or lower than the median. For example, the association with \$139 per unit per month in utility expense (the highest in the sample) pays for cable TV and interior electric use for the residents. Few associations do that but it helps to explain why their assessment may be higher than other “similar” associations that don’t pay for these services.

The data on the right side of the chart represents a single association from the sample and how its data compares to the total sample. The sample association is 9 units smaller than the median and ranks 31 out of the 53 in terms of size. Cash and investment rank 15th and is nearly \$1,200 more per unit than the median. Its assessment ranks 8th (7 other associations in the sample have a higher monthly assessment).

The data presented is historical. Most is from calendar year 2004 or some is from fiscal years ending in 2005. Updating the database each time a review is completed will cause the medians, minimums and maximums to change. By establishing a benchmark when the database was established, we will be able to analyze over time the changes in the financial data presented – an HOA Finance Index. For example, a year from now, we can compare the medians at that time to the previous year amounts and see how much they have changed and by what percentage. That kind of analysis will help us justify changes in assessments and communicate the necessity for change to your members. No one wants to pay more for these services unless it is necessary.

GROKENBERGER AND SMITH FORMS BOOK

At our October meeting, attorney Jim Smith distributed a forms book contain 34 forms to assist you in the operation and management of your association. Over 50 books were distributed to the meeting attendees; the largest meeting South Coast has ever held (approximately 80). These forms help you comply with the current member disclosure requirements, conduct elections, modification of a unit and much, much more. We will mail a forms packet (no binder) at the cost of copying and mailing - \$8 – to all associations that missed the meeting. We have received numerous favorable comments about the forms book (Sorry, No CD version is available).

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