

**HAMILTON COVE HOMEOWNERS ASSOCIATION
MINUTES
MEETING OF THE BOARD OF DIRECTORS
BY ZOOM
06/24/2026**

The meeting was called to order at 3:15 PM by President Norris Bishton. The following directors were present by Zoom:

Norris J. Bishton, Jr.
Martin Curtin
Bart Glass
Rimas Butkys
Brent Humphreys

Approximately 25 Owners were present by Zoom, the number varying during the meeting,

REPORT ON EXECUTIVE SESSIONS

There were no executive sessions of the Board since the last Board of Directors meeting.

APPROVAL OF MEETING MINUTES 12/20/2025, 3/14/2026, and 3/18/2026

A motion was made to approve the minutes of the three indicated Board meetings. The vote was as follows: Bishton – yes, Curtin – yes, Glass – yes, Butkys – no, Humphreys – no. Since a majority of the Board approved the minutes, the minutes are deemed approved. The Board agreed that Butkys and Humphreys could supply additional material consisting of a slideshow and spreadsheet to be attached to the approved minutes.

PRESIDENT'S REPORT

The Association has had a tough time with the start of the season. The Association aimed to have the ramp in place prior to Memorial Day. Needed difficult repairs requiring extensive welding are ongoing and the ramp should be in place by the Fourth of July weekend.

Unfortunately, a Short-Term Renter passed away in the jacuzzi in early May. The circumstances surrounding the incident are still under investigation by the Sheriff. The jacuzzi had to be shut down until the Association completed remedial actions as mandated by the Los Angeles County Health Department.

Reckless driving is a constant problem in HC. Short-Term Renters rolled a golf cart on its side, apparently without injury. Another Short-Term Renter drove a golf cart down an embankment and crashed into a palm tree.

A drunken fight broke out in a Unit, terrifying people in the adjacent Unit who called the Sheriff, who in turn removed one of the renters. The Owner, instead of taking responsibility, demanded that the Association's guards remove the remaining renters, which is something that the Association's guards do not do.

Some Owners and Short-Term Renters have been verably abusing security guards who are just trying to do their job.

An Owner deciding to get rid of a sofa, just left it by the beach area.

A reserve study is required every three years. It is performed by an outside service that reviews the Association's financial statements and physically comes to HC to inspect items covered by the reserves study. The Replacement Fund is currently \$1.7 million less than the recommended amount in the 2023 reserve study. It is anticipated that the current fiscal year will end with a surplus, which will be applied to the deficit in the Replacement Fund. The only other way to sufficiently increase the Replacement Fund is through a special assessment, which most likely will need to be voted for by the Members.

The 2025 Audit will be completed shortly. The auditors require written responses to the inquiries directed at the Association's banks and vendors, who in turn are not particularly responsive with replies. It is anticipated that the only notable negative in the Audit will be the above-described deficiency in the Replacement Fund.

VICE PRESIDENT'S REPORT

Martin Curtin reported on the extensive repair work underway. The complete report is as follows:

1. **Lift Station Alarm System:** We are experiencing issues with the new radio alarm and notification system. A replacement unit has been ordered and will be installed by Eagle Protection tomorrow or Friday.
2. **Lift Station Pumps Replacement:** Two replacement pumps are stored in the warehouse and are immediately available in case of emergency. Summer is not the ideal season for a planned replacement.
3. **Palm Tree Maintenance and Palapas Repair:** Palm tree maintenance has been completed successfully, and part of the palm material was used to repair the palapas.
4. **Ramp Repairs and Float Installation:** Ramp repairs were completed successfully using a local welder. Avalon Mooring is scheduled to install the float next Friday. The work was completed safely without requiring a crane.
5. **Gym Water Fountain:** The issue of preventing the gym water fountain from shutting off properly has been resolved.
6. **Landscape Conditions:** Approximately 90% of Hamilton Cove landscaping remains green and healthy. Deer activity has increased in some bougainvillea areas.
7. **Golf Course Irrigation:** Some dry areas are appearing due to water limitations. Irrigation schedules continue to be adjusted according to weather and seasonal temperatures.
8. **Spa Reopening and Motor Replacement:** A spa motor showed reduced efficiency, and a preventive replacement was ordered. The first unit arrived damaged; however, a new replacement motor was ordered, installed successfully, and the damaged unit is being returned.
9. **Landscaping Truck Brake Failure:** During the palm tree trimming project, the landscaping truck experienced brake failure. We contacted Bravo's Landscaping, but their cost was \$800 per day solely to haul the palm debris to the dump, which was considered excessive. Instead, we reached an agreement with Mike Flynn: his crew transported the debris while HOA employees loaded the truck, and in exchange our staff assisted with hillside maintenance.
10. **Stairway Lighting Upgrade:** Replacement bulbs previously used can no longer be shipped to Avalon. LED bulbs are being installed progressively as a long-term solution.
11. **Saltwater Pump – Preventive Planning:** Based on years of operating these systems, I understand the condition and expected life of many critical components. The saltwater pump is at an advanced stage of service life and could fail at any time. Therefore, especially during the summer season, we keep a replacement pump in stock, and one is currently available in the warehouse.

TREASURER'S REPORT

Ben Burkhalter, a former HOA president, has been treasurer for five months. He provided the following comments about the Association's accounting system: I have found no irregularities with the Association's day-to-day accounting system. Expenditures are reviewed by three sets of eyes before a check is issued—by the president, by the treasurer, and by the Officer who actually signs the check. With regard to the issue raised as to investing the Reserve Fund, by law, such investments are severely limited; there can be no stock investments, and no high-risk investments, and any interest earned is subject to income tax. The need for Reserve Funds cannot be met by investing the Fund. The Treasurer will propose an investment policy for adoption by the Board.

CONFLICT OF INTEREST STATEMENTS

Butkys complained that the Conflict of Interest statement being used by the Board has not been approved by the Board. The Conflict of Interest statement has been executed by all Board members other than Butkys, and by the Treasurer. By a motion duly made, the Board voted to ratify the Conflict of Interest statement in the form already executed with Butkys being the only negative vote. Butkys refuses to provide an executed Conflict of Interest statement.

APPROVAL OF AMENDED RULES & REGULATIONS TO COMPLY WITH AB130 (PROPOSED AMENDED RULES SENT TO ALL OWNERS ON 3/27/26)

The President reported that no one has communicated any objections or questions regarding the proposed amended Rules & Regulations to comply with AB130. On a motion duly made, the proposed amended Rules & Regulations were approved.

PROCEDURE FOR ENFORCING RULES

The Association becomes aware of potential Rule violations a number of different ways, including Incident Reports from security guards, and complaints registered by Owners. Normally, the potential violations are investigated and brought to the attention of the Board by email. If warranted, an email is issued to the responsible Owner indicating a fine has been proposed. It is impossible to accomplish this quickly with limited staff. As a result, fines cannot be imposed on activities of Short-Term Renters before security deposits are refunded. The consensus of the Board was not to change the procedure.

ABUSIVE BEHAVIOR TOWARDS EMPLOYEES

Security guards have a difficult job. Unfortunately, part of the job is to be subjected to abusive behavior by owners and Short-Term Renters when they are doing their job, particularly bringing attention to Rule violations. Some of the video cameras have microphones so that the behavior is recorded. All Owners are reminded to act civilly with the Association's employees and to direct all Short-Term Renters to do the same.

ACTING SECURITY SUPERVISOR

The Association has been without a security supervisor for some time. The Association has appointed an acting security supervisor who is in the learning process, after which it will be determined if he can perform the difficult job of supervising the guards.

PROBLEMS WITH INTERNET AND CELL PHONE ACCESS

From time to time, various "solutions" to facilitate processing Short-Term Renters and granting them access to the Units. There is no blanket Internet access available at HC. This has been explored in the past. The Association has totally converted its Internet access to Starlink. Catalina Broadband is totally undependable. Same is true as to cell phone access. Other than Verizon, access to other cellphone carriers is hit-or-miss. Short-Term Renters arrive at HC expecting to learn the passcode for their Unit's lockbox from their cellphones only to discover they're unable to do so. The Association is not pursuing systems that are dependent upon dependable Internet or cell service.

DISCUSSION OF DIGITAL DOOR LOCKS

It had been proposed that all 185 Units be retrofitted with digital door locks. Any such action would have to be approved by the Architectural Committee. The CC&Rs require that the Association have access to all Units through the use of a master key. 71 Units have re-keyed so as to eliminate access by a master key and have resisted all efforts to have them meet the master key requirement. Digital door locks would only exacerbate this problem. The consensus of the Board was not to spend time considering digital door locks at the present time.

DISCUSSION OF LARGE ELECTRIC GOLF CARTS

Each Unit is assigned a golf cart parking space. The Association recognizes that the parking spaces come in many different sizes. When acquiring a new electric golf cart (only new electric golf carts can be acquired) a determination should be made ahead of time as to whether or not it will fit in the assigned parking place without impeding access to the golf carts on either side of the designated space. Six-passenger golf carts do not necessarily fit in some of the available spaces.

LIMITATIONS ON THE USE OF COMMON AREA FOR CHARGING STATIONS (SEE ATTACHED)

Currently, there are approximately twenty electric golf carts at HC. The available charging stations are becoming inadequate. There are extensive laws governing the use of Common Area for charging stations, including use of the Common Area in certain instances to extend a connection from a unit to a parking space. In many areas it appears extremely difficult or impossible to extend a line to a charging station to serve a particular unit. **The Association cannot grant an Owner exclusive use of a portion of the Common Area in connection with a charging station.** Exclusive use of a portion of the Common Area requires a 67% approval vote of all the owners. Electricity for the charging stations operated by the Association is paid for by the Association, not by the Owners of the electric golf carts. A motion was duly made, seconded, and unanimously approved as follows: RESOLVED, a moratorium is hereby declared on all applications to use any portion of the Common Areas in connection with a charging station for electric golf carts. FURTHER RESOLVED, the Architecture Committee is charged with developing a plan to deal with the issue of providing charging stations to accommodate the growing number of electric golf carts at HC.

AUTOMATING POOL AND JACUZZI CHEMICAL MAINTENANCE

HC's Facilities Manager is licensed to deal with public swimming pools on Catalina Island. HC's pool requires constant attention, as the need for chemicals is directly related to the amount of use. This requires daily testing and frequent chemical applications, an extreme burden on the Facilities Manager. Systems that automatically test pool conditions and inject chemicals as needed are available. The Association will be exploring the possibility of utilizing such systems for the pool and jacuzzi.

PROVIDING TENNIS AND PUTTING EQUIPMENT

Some Owners who Short-Term Rent proposed that the Association provide at the guard shack tennis and putting equipment for use by the Short-Term Renters. This was tried in the past and was a total disaster. Equipment was damaged, equipment was not returned, and Short-Term Renters refused to leave a Driver's License or Credit Card with the security guards to ensure the equipment was returned. There was a consensus of the Board that Owners who Short-Term Rent should provide such equipment in the Unit.

EXECUTIVE SESSION

An executive session was held dealing with personnel and Rule enforcement matters.

Dated: June 24, 2026

Martin Curtin
Secretary

Norris J. Bishton, Jr.
President

Civil Code Provisions Applicable to Owner Changes in the Common Area or Separate Area

Civil Code section 4600

(a) Unless the governing documents specify a different percentage, the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board may grant exclusive use of any portion of the common area to a member.

(b) Subdivision (a) does not apply to the following actions:

(1) A reconveyance of all or any portion of that common area to the subdivider to enable the continuation of development that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report.

(2) Any grant of exclusive use that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report or in accordance with the governing documents approved by the Real Estate Commissioner.

(3) Any grant of exclusive use that is for any of the following reasons:

(A) To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company.

(B) To eliminate or correct encroachments due to errors in construction of any improvements.

(C) To permit changes in the plan of development submitted to the Real Estate Commissioner in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions.

(D) To fulfill the requirement of a public agency.

(E) To transfer the burden of management and maintenance of any common area that is generally inaccessible and not of general use to the membership at large of the association.

(F) To accommodate a disability.

(G) To assign a parking space, storage unit, or other amenity, that is designated in the declaration for assignment, but is not assigned by the declaration to a specific separate interest.

(H) To install and use an electric vehicle charging station in an owner's garage or a designated parking space that meets the requirements of [Section 4745](#), where the installation or use of the charging station requires reasonable access through, or across, the common area for utility lines or meters.

(I) To install and use an electric vehicle charging station through a license granted by an association under [Section 4745](#).

(J) To install and use a solar energy system on the common area roof of a residence that meets the requirements of Sections 714, 714.1, and, if applicable, [Section 4746](#).

(K) To comply with governing law.

(c) Any measure placed before the members requesting that the board grant exclusive use of any portion of the common area shall specify whether the association will receive any monetary consideration for the grant and whether the association or the transferee will be responsible for providing any insurance coverage for exclusive use of the common area.

Civil Code section 4760

(a) Subject to the governing documents and applicable law, a member may do the following:

(1) Make any improvement or alteration within the boundaries of the member's separate interest that does not impair the structural integrity or mechanical systems or lessen the support of any portions of the common interest development.

(2) Modify the member's separate interest, at the member's expense, to facilitate access for persons who are blind, visually handicapped, deaf, or physically disabled, or to alter conditions which could be hazardous to these persons. These modifications may also include modifications of the route from the public way to the door of the separate interest for the purposes of this paragraph if the separate interest is on the ground floor or already accessible by an existing ramp or elevator. The right granted by this paragraph is subject to the following conditions:

(A) The modifications shall be consistent with applicable building code requirements.

(B) The modifications shall be consistent with the intent of otherwise applicable provisions of the governing documents pertaining to safety or aesthetics.

(C) Modifications external to the dwelling shall not prevent reasonable passage by other residents, and shall be removed by the member when the separate interest is no longer occupied by persons requiring those modifications who are blind, visually handicapped, deaf, or physically disabled.

(D) Any member who intends to modify a separate interest pursuant to this paragraph shall submit plans and specifications to the association for review to determine whether the modifications will comply with the provisions of this paragraph. The association shall not deny approval of the proposed modifications under this paragraph without good cause.

(b) Any change in the exterior appearance of a separate interest shall be in accordance with the governing documents and applicable provisions of law.

Civil Code section 4745

- (a)** Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, and any provision of a governing document, as defined in [Section 4150](#), that either effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station within an owner's unit or in a designated parking space, including, but not limited to, a deeded parking space, a parking space in an owner's exclusive use common area, or a parking space that is specifically designated for use by a particular owner, or is in conflict with this section is void and unenforceable.
- (b)** **(1)** This section does not apply to provisions that impose reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.
- (2)** For purposes of this section, "reasonable restrictions" are restrictions that do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

- (c) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local authorities, and all other applicable zoning, land use, or other ordinances, or land use permits.
- (d) For purposes of this section, “electric vehicle charging station” means a station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.
- (e) If approval is required for the installation or use of an electric vehicle charging station, the application for approval shall be processed and approved by the association in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed. The approval or denial of an application shall be in writing. If an application is not denied in writing within 60 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.
- (f) If the electric vehicle charging station is to be placed in a common area or an exclusive use common area, as designated in the common interest development’s declaration, the following provisions apply:
 - (1) The owner first shall obtain approval from the association to install the electric vehicle charging station and the association shall approve the installation if the owner agrees in writing to do all of the following:
 - (A) Comply with the association’s architectural standards for the installation of the charging station.
 - (B) Engage a licensed contractor to install the charging station.
 - (C) Within 14 days of approval, provide a certificate of insurance as required by paragraph (3).
 - (D) Pay for both the costs associated with the installation of and the electricity usage associated with the charging station.
 - (2) The owner and each successive owner of the charging station shall be responsible for all of the following:
 - (A) Costs for damage to the charging station, common area, exclusive use common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the charging station.

- (B) Costs for the maintenance, repair, and replacement of the charging station until it has been removed and for the restoration of the common area after removal.
 - (C) The cost of electricity associated with the charging station.
 - (D) Disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner under this section.
- (3) The owner of the charging station, whether located within a separate unit or within the common area or exclusive use common area, shall, at all times, maintain a liability coverage policy. The owner that submitted the application to install the charging station shall provide the association with the corresponding certificate of insurance within 14 days of approval of the application. That owner and each successor owner shall provide the association with the certificate of insurance annually thereafter.
- (4) A homeowner shall not be required to maintain a homeowner liability coverage policy for an existing National Electrical Manufacturers Association standard alternating current power plug.
- (g) Except as provided in subdivision (h), installation of an electric vehicle charging station for the exclusive use of an owner in a common area, that is not an exclusive use common area, shall be authorized by the association only if installation in the owner's designated parking space is impossible or unreasonably expensive. In such cases, the association shall enter into a license agreement with the owner for the use of the space in a common area, and the owner shall comply with all of the requirements in subdivision (f).
 - (h))The association or owners may install an electric vehicle charging station in the common area for the use of all members of the association and, in that case, the association shall develop appropriate terms of use for the charging station.
 - (i) An association may create a new parking space where one did not previously exist to facilitate the installation of an electric vehicle charging station.
 - (j) An association that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).
 - (k) In any action by a homeowner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the prevailing plaintiff shall be awarded reasonable attorney's fees