

APPROVED

Environmental Control Committee Meeting Minutes February 2, 2024

- I. **In Attendance:** Brent Bennett – Vice-Chair, Ron Freeman, Andrea Parks - Members / Carolyn Gilbert - Board Liaison / Joe Ladin, Kay Chilano - Staff /
Absent: Mike Joseph, Andrea Schoening
Guests: Brad Hudson

- II. **Meeting called to order at 2:00 PM**

- III. **Review and approval of plans**
 - a) Atkozyan – 3402-309 – 2312 Birchwood Way – Carport
Motion to approve as submitted by Ron Freeman, 2nd by Andrea Parks - Unanimous

 - b) Ayvazyan – 3567-171 – 2121 Glacier Dr – Solar
Motion to approve as submitted by Ron Freeman, 2nd by Andrea Parks – Unanimous

 - c) Bishop – 3507-360 – 15512 Mil Potrero Hwy – Solar
Motion to approve as submitted by Ron Freeman, 2nd by Andrea Parks – Unanimous

 - d) Guilbaud – 3508-289 – 1909 Matterhorn Dr – Cottage Industry, “Absolute Green Design, Inc” - Online consulting only.
Motion to approve by Ron Freeman, 2nd by Andrea Parks - Unanimous

- IV. **New Business**
 - a) Joe Ladin, EC Officer, reported on minor projects approved.
Trees 1, fences, 0 sheds, 1 Paint.

 - b) Zito Media – Cedarwood Dr – Media Box for Internet Service
The media box will be installed on the Association roadway property near and in line with the existing power poles. Zito is responsible for getting approval through Kern County and following all necessary requirements.
Motion to approve as submitted by Ron Freeman, 2nd by Andrea Parks – Unanimous.

 - c) The ECC was asked for a volunteer to help with the election committee. Brent Bennett will be helping with that action.

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d) ECC reviewed the most recent version of the EC Code Business Policies, which they approved. A copy will be forwarded to John Cantley with the ECC approval stamp.

e) Old Business None

Approval of Minutes of - February 2, 2024

Minutes approved by email on February 3, 2024

By Carolyn Gilbert, Brent Bennett, Andrea Parks

f) Meeting adjourned at 2:45 PM

Motion: By Ron Freeman

2nd by Brent Bennett

Business Policies and their related Procedures

Policy Number:	X-xx
Scheduled Review Date:	01-01-01
Resolution/Motion:	#01-01-01-01
Form Reference:	N/A
Governing Documents Reference:	CC&R 3 (p), Bylaw 6.02, Rule Article 2.02, Bylaw 12.03, EC Code

ENVIRONMENTAL CONTROL

Purpose: The purpose of X-xx is to establish a policy and a procedure for the oversight and enforcement of the Environmental Control Code.

Policy Reference: BPP A-11, BPP E-10

Policy: Pursuant to Article 3.1 of the PMCPOA CC&Rs and Article 11.06 of the PMCPOA bylaws, the Association shall establish and provide support for an environmental control committee (ECC), a standing committee of the Association under the bylaws, and an environmental control officer (ECO), a staff position, to enforce the provisions of the environmental control code. Enforcement shall follow all procedures set forth in the PMCPOA governing documents.

Procedure: A. Authority and duties

Pursuant to Article 11.06 of the PMCPOA bylaws, the ECC shall have the power and authority to recommend that the PMCPOA Board of Directors approve or disapprove plans and specifications consistent with the the environmental control code and exercise all other functions delegated to it pursuant to the provisions of this policy. The ECO shall be allowed to approve projects of a lesser nature without clearance from the ECC, i.e. sheds and small structures, low retaining walls, fences and other simple projects not requiring a Kern County building permit. The ECO shall report approved/disapproved small projects to the ECC and the report will be reflected in the ECC minutes.

1. Duties

The ECC shall meet each month for the purpose of carrying out the provisions of this code, shall review the actions of the environmental control officer (ECO) for the previous month, shall hear members' plans for projects falling under the purview of the EC Code, and shall concern itself with matters concerning the environment of PMC. All actions of the ECC shall be in the form of recommendations to be forwarded to the board. When a

ECC
Recommends
Project Approval

recommendation must be rendered by the ECC and extenuating circumstances render it impossible for a quorum to assemble, a recommendation may be made by a body composed of the following: a. ECC Chair, b. ECO, c. a member in good standing appointed by the chair.

2. At the ECC meeting (hearing):

The ECC shall review all plans for projects presented by members. After a hearing of the facts is presented, the chair shall inform all interested parties of their recommendation to the board.

3. Recommendations

The ECC shall prepare written reports and recommendations concerning proposed construction plans, the maintenance of the environment at PMC, violations of this code, and any other matter of environmental concern, if warranted, to the property owners of PMC and the board.

4. Environmental Control Officer

The board shall cause the general manager (GM) of the Association to employ, or assume the responsibilities and duties of, an ECO to work in conjunction with the ECC. The GM shall also employ an environmental control administrator to assist with ECO responsibilities. The duties of the ECO shall include but are not limited to:

- a. Advising and assisting the ECC in all matters of its concern.
- b. Establishing and maintaining an enforcement system intended to ensure compliance with the Association's governing documents related to environmental management. Such system shall include organized inspections of PMC properties and improvements, implemented procedures for ensuring prompt response to Association member complaints on environmental issues, investigation and identification of violations of the EC code and the other governing documents respecting environmental control, notification and consultation with affected owners and tenants to seek and ensure compliance with approved plans and specifications and with the EC code, the administration of fines, stop work orders or other disciplinary action as may be delegated by the GM, the administration of appeal actions and their resolution, and maintenance of files and records providing historical documentation of all environmental management considerations relative to any improved or unimproved lot, except for records of lot ownership, and as required or by the GM.

c. Preparing for signature by the designated ECC member and the GM of written reports and recommendations for enforcement of the provisions of this code.

d. Consulting with the GM to ensure compliance with board directives, to advise the GM of environmental matters and to assist the GM in the enforcement of the provisions of this code.

e. Consulting with the office of Kern County Code Enforcement to regulate grading, construction and other issues important to the Association and its members in order to promote safety and to maintain community standards.

f. Enforcing compliance for all projects regarding applications as they as they are reviewed by the ECC and the Board of Directors. All projects will require a fee made up of a non-refundable EC fee and a performance deposit. The refundable portion of the deposit shall be held in trust until the Environmental Control Officer (ECO) completes a final inspection of the improvement and verifies compliance with repair and cleanup requirements. Plan checking and approving projects of a minor nature on Association and private properties and reporting all actions to the ECC on a monthly basis.

g. Enforcing outdoor lighting restrictions. When the ECO is notified about overly-bright lights the property owner will be contacted. If the property owner disagrees that the lights are too bright, the ECO will get permission to come onto the property to take readings. A reading higher than those specified in the standards below is objective evidence of an infraction of the restriction. The standards are as follows:

1. Static Lights (like porch lights) – 2.5 LUX measured 5 feet from the source.

2. Motion Lights – 13.5 LUX measured 5 feet from the source.

B. Due process and enforcement

The Association shall follow procedures for due process in the enforcement of fines and penalties as set forth in Rules Article 2.02, Bylaw Article 12.03, BPP A-11, and California Civil Code 5855 or its replacement section upon its amendment or replacement. The specific enforcement procedures of the ECO and the Association with regard to the EC Code are described below.

1. Determination of the alleged violation (EC Code and ECO

specific):

Management will determine that a violation of the governing documents has occurred from physical evidence, the testimony of witnesses and/or from corroborated complaints from members. The ECO may discover evidence of violations regarding environmental issues and construction by various means, including, but not limited to, the following:

- a. Routine inspection by the ECO.
- b. Verification of complaints received from residents after which the ECO may, at his or her discretion, become complainant of record.
- c. Inspection of each lot to be conducted by the ECO during the escrow process of a sale, to bring any noted violations to the seller and buyer's attention, prior to change of ownership.
- d. Inspection of any lot at the request of the owner.
- e. Any special program that may from time to time be approved by the board which calls for inspection of some or all lots by the Association.

2. Violations during construction and/or upon completion of an improvement:

a. If, at any time during the construction activity, a violation of a provision(s) from the applicable governing document or a deficiency not in accordance with plans submitted by the owner and approved by the ECC occurs, the ECO shall provide written notice with a stop work order or a citation to the owner with a reasonable deadline as determined by management, based upon the scope of the project, to correct the violation or deficiency. If the owner fails to take corrective action within the time limit given, the owner will be subject to due process as set forth in Bylaw Article 12.03 and Rules Article 2.02.

b. If any violation or deficiency occurs or is deemed by the ECO to constitute (1) an immediate and unreasonable infringement of, or threat to, the safety or quiet enjoyment of neighboring owners, (2) a traffic or fire hazard, or (3) a threat of material damage to, or destruction of, Association property or facilities, the Association may undertake immediate corrective action which may include but not be limited to a stop work order and, subject to due process, charge the owner as specified in Bylaw Article 12.03 and Rules Article 2.02.

c. Should the Association be required to take corrective action as described above, the charge for such action shall be the actual cost incurred plus an additional fee to cover the Association's administrative costs incurred in causing the violation to be corrected.

d. If the owner fails to pay the charge assessed as specified above within fifteen (15) days of receipt of the bill, the performance deposit shall be used in whole or in part for that purpose. If the performance deposit is insufficient to meet the owner's obligation under this section, the delinquent amount shall be the personal obligation of the owner.

e. If, upon completion of the final inspection, a violation of an applicable governing document is established or a deficiency not in accordance with plans submitted by the owner and approved by the ECC is identified, the ECO shall provide written notice or a citation to the owner with a reasonable deadline as determined by management, based on the scope of the project violation, to correct the violation or deficiency. If the owner fails to take corrective action within the time limit given, the owner will be subject to due process as set forth in Bylaw Article 12.03 and Rules Article 2.02 and the Association may undertake action to correct the violation and charge the owner as specified in paragraph c, above. The owner may request, in writing, an extension to the time allowed for compliance. The extension, if permitted, shall be verified in writing by the ECO and shall include a new date for compliance. If the violation or deficiency is of a nature as listed in paragraph b, above, the Association may undertake immediate corrective action and subject to due process charge the owner in accordance with paragraph c, above, Bylaw Article 12.03 and Rules Article 2.02.

f. In addition to any charges pursuant to provisions above, any portion or the entire amount of the performance deposit may be forfeited to the Association subject to due process and shall not be returned to the owner, if construction of any improvements is found to be not in compliance with the repair or cleanup requirements of section 21.04 of the EC code after 30 days following the first final inspection. The Association shall be authorized to utilize any or all of the performance deposit, if forfeited, in any manner deemed appropriate by the board to cover the costs incurred by the Association to remedy any violation of the owner under this code and the governing documents, subject to the conditions of the Association bylaws.

Approved: _____
Name
Corporate Secretary

_____ Name
General Manager

Date: _____

DRAFT