

# MCC Owners' Voice

August 2020

mcc.ownersgroup@gmail.com



Next Zoom

Meeting

August 20th

6 p.m.

You will receive an invitation with the Zoom link

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## Owners' Questions for the Board

Recently, 60 homeowners met on Zoom to discuss their questions and concerns about what is happening at MCC. After almost 2 months since the new board was elected, there had been virtually no meaningful communication from the board. As a result, troubling reports were circulating. We asked the board for answers and clarification and received the following responses at the August 12th COA board meeting.

—>Why have so many new board directors quit? **Michael Greenberg resigned from the board but came back and his reappointment was announced. The board is still one director short and there was a call for applicants for the position. We asked why so many directors resigned. Mark Greenberg said we should ask them. We did. See Page 2.**

—>What committees will the board retain from last year?

**The Board President said the Board is looking for volunteers to serve on several committees. (Since the meeting, an announcement was sent by management describing the committees)**

—>Clarify reports that the board is in the process of approving a large cash settlement with a current Board member and how they are going to handle a COA Bylaw restricting Board approval of settlements over \$7,500 without a membership vote? **COA's new attorney, Steven Roseman said he could not discuss the case specifics, due to confidentiality restrictions. However, he is aware of the sensitivity of this issue and that homeowners want transparency about legal matters,**

**especially settlements. An owner said that we want to know about big cash settlements before they happen. Mr. Roseman assured that we will receive written Legal Updates as we have in the past.**

—>Why the increase in our fees and what can we expect going forward?

**No explanation was given by the Board.**

—>What are plans for the Fitness Center. When will it reopen?

**COA President explained that soft remodeling is currently being done to give the Fitness Center a better look. There was no discussion about the cost of the remodel.**

**The gym opening will coincide with LA County's COVID-19 directives.**

—>See Page 3 for our Restaurant Update on questions asked at the COA meeting about the Restaurant.

## COA and Restaurant Laws Confusing

Did you know COA and the Restaurant are separate corporations with different laws? The Davis-Stirling Act governs COA, but the California Corporation Code governs the Restaurant, which is a non-profit corporation. So the requirements for one may not be the same for the other. This has caused a lot of confusion be-

cause COA Bylaws, and Rules and Regulations do not govern the Restaurant. For example, COA is required to have shareholder/member meetings. However, since our Restaurant does not have any shareholders/members, or appropriate Bylaws (as determined by 2 legal analyses), there

is no requirement for the Restaurant Board to have meetings for members. Also, you may not know that our former management company, Seabreeze, never managed the Restaurant, and PMP, our new management company is not being paid to manage the Restaurant. Problems should be reported to the Restaurant Board of Directors.



### MCC Owners' Voice

To make Marina City Club  
the best it can be!

#### CONTRIBUTORS

**Donna Bryce**  
Newsletter Editor

and

**Fred Krogh**  
Website Developer

#### Volunteers Wanted

Thank you to  
**Sandy Abouaf**  
and  
**Linda Tsukamoto**  
for contributing



## We Asked Why Directors Quit the Board

**Jack Fishman** has been known as the “Get Things Done Guy” for 19+ years and as head of the Safety and Security Committee, he spearheaded many projects that are protecting us. Jack obtained the most votes in the election. He says that he left the board because he was marginalized when, despite receiving 434 (30%) of the votes, the other directors agreed among themselves that 3 of them would take the 4 officer’s positions, with 1 director taking 2 of those key positions. Jack immediately resigned saying

he, “would never be comfortable under that kind of direction/ leadership.”

**Rosemarie Bayles** is extremely knowledgeable about MCC’s financial matters. She was appointed to the board to fill one of the vacated seats but quickly left. Rosemarie said her resignation was not an easy step, she intended to give it her best. For confidentiality reasons she is unable to provide any basis for her decision. She asks that we give our new board a fair chance.

He says that is the reason he rejoined the board. Maybe we will see him on the Management Council.

**Dr. Thomas Yoshikawa** is a physician working with infectious diseases and seniors at Veteran’s Hospital. He was an excellent addition to the board but he resigned very quickly. Doctor **Yoshikawa** has not responded to our inquiry yet.

**Michael Greenberg**, who has always been an active MCC volunteer, also quickly resigned after he was elected. At the time, reports were circulating that he had been denied a promised position on Management Council. However, in responding to our question, Michael wrote that his only reason for leaving was a medical condition. Thankfully, he is receiving excellent treatment.

## MCC Property Concerns

**Sandy Abouaf** is warning pool users to watch your step. She reports that the deck coating around the West Pool and Jacuzzi is lifting in several places, creating a trip hazard. She has slipped and fears that someone will fall and end up with a serious injury. Sandy says she uses the pool frequently and doesn’t want it closed for repairs, but she also knows that if the repairs aren’t done right away, it could result in a legal issue for MCC...

**Linda Tsukamoto** is reporting several recent incidents regarding homeless people seen sleeping/camping here and using MCC facilities. They have been seen in the West Tower garages and surrounding area. It is important that if you see something, say something, and the place to report it is in the PMP Portal. That will create a record of the incident and the management company promises to act quickly on any problems reported.

## Why Homeowners Need a Voice

An MCC board meeting is a place for homeowners to be seen but not really heard. There is an Open Session at the end for owners to speak, but questions are either not allowed or they are limited to only items that are on the board's agenda, And, the issues raised seem to end there. So, where do homeowners go to get their questions answered and their concerns resolved?

Welcome to the MCC Owner's Group. Our goal is to provide a service to help the board make MCC a better place for all of us by providing a place for homeowners to ask questions, to discuss topics of importance, and to hear many points of view. We then want to communicate those views to the MCC board so the directors have a good read on issues

important to us. We want to be effective in creating change and encourage the board to focus on matters of concern to the owners. This in no way is meant to diminish or stand in the way of individual interactions with the Board. Rather, it is to help us be more effective as a group in getting the things we need and helping the Board be more focused and efficient in satisfying those needs. We hope you will join us and that you will volunteer to help. Fred Krogh is looking for volunteers to assist with his continuing development of the MCC owner's website he created. Fred can be reached at [fkrogh@mathalacarte.com](mailto:fkrogh@mathalacarte.com) and you can visit the website at [mcc-owners.org](http://mcc-owners.org). To help with the newsletter email [mcc.ownersgroup@gmail.com](mailto:mcc.ownersgroup@gmail.com).

## Restaurant Update

Questions are being asked about a Restaurant loan. The Restaurant obtained a \$166,647 government loan. Do we have to pay it back? Normally we would have to pay back a loan, but probably not in this case. It is SBC Paycheck Protection Program (PPP) loan to keep workers on the payroll. The government loan was advertised with the understanding that the loan will be forgiven if all employee criteria are met.

There have been some complaints that resident's calls to place Restaurant orders are not being answered, so they give up and call another restaurant for delivery. The word from the restaurant staff is that there are some glitches with the transition to PMP's phone system that are being worked out.

## Coming Attractions

We hope you found our first edition of **MCC Owners' Voice** interesting and informative. In the coming months, we will address more questions and concerns.

->we will explain the reasons behind our fee increases,  
->answer many questions about the lack of MCC rule enforcement,  
->Explore if we need a Forensic Audit. What is it? What is the cost?

->Update on Legal questions,  
->Update on budget and financials,  
->Update on Fitness Center remodel design and cost,  
->Essex/COA arbitration.

We will add issues as they come up and you report them to us. In the meantime, stay safe. Thank you for wearing a mask to protect your friends and neighbors.



Enjoy the beach trail