

ORIGINAL COMMUNICATION:

From: Dirk Biermann <d.t.biermann@gmail.com>
To: Landscape Sustainability Committee <lsc@sunrisevillashoa.com>
Subject: Questions Concerning Landscape Project

Per President Pinder's email (reproduced below) please see the attached memo and list of questions.

But, first, to the members of the community: again, if you wish to be removed from this mailing list, please let me know. My list, after removing those who made a request to be removed, totals over 300 owners and community members. I am happy to share it with anyone who asks. A request to add a community forum to the Association's Website was denied and a Facebook page was created for homeowners. However, very few owners have joined that group.

Some have complained that attempts to communicate concerns to the Board are a nuisance, inaccurate and are a roadblock to the Board's work. While President Pinder has modified his threat to bring a lawsuit to enforce the plan being promulgated by the Board, to say it is just a warning, other options still remain available. Why not just listen to the issues being raised by Homeowners? Why not address those concerns? Why not make sure that all information is available to homeowners before starting the voting process? (New information was just dribbled out today in the Association's "What's Happening" email).

Many of the issues raised in the attached communication have been raised previously and ignored. I have been trying to get an understanding of the escalation of amounts paid to Hermann for months. Only now are we learning that costs are escalating again – to an amount that could exceed \$400,000.00.

I urge the EPSC and the Board to reconsider the Hermann organization as Project Manager. From what has been revealed to date, Hermann's conduct and its work have not been stellar. If there is a reason for maintaining that path in spite of all the questions in the attached memo, let us, those in your community, know.

In the meantime, some suggestions:

- 1) Retain an independent Professional to review the agreements and arrangements with Hermann, other than the Association's current attorneys. It may take 10 hours (\$2000) or so to conduct such a review, but given the circumstances it would be money well spent.
- 2) Reschedule the election so that owners have complete information concerning the Project.
- 3) Give greater consideration to retaining a Professional Project Manager instead of using the services of Hermann. Hermann's fees exceed 10% of the anticipated budget for the Project. Use those funds to retain someone who will look out for the Association's interests without conflicts of interest that are obvious in the current contracts.
- 4) Create a Timeline starting from the completion date and work backwards.

I look forward to hearing back from you.

Thanks,

Dirk T. Biermann
303-589-2175
From President Pinder:

Letter From President Pinder:

Dear Owners,

It has come to the Board's attention that an anonymous communication regarding the Landscape Master Plan (LMP) was recently distributed to residents via the USPS. As we approach the upcoming ballot, our priority is to ensure that every owner has access to the comprehensive and verified facts necessary to make an informed decision.

The Board has worked diligently to document every phase of this project—from state and local mandate compliance under **California AB 1572** and **Desert Water Agency Ordinance 80** to detailed budgetary and oversight structures. All definitive project information, including the **LMP FAQ**, which addresses over 150 owner inquiries, is maintained in our central repository for your review.

Please note that the official ballot materials for the Landscape Master Plan will be in the mail to all homeowners by May 15, as required by the civil code.

If you have questions regarding the budget, the bidding process, or the scope of the required work, we encourage you to consult the official project documents on the Association website:

👉 <https://www.sunrisevillashoa.com/p/LMP-Documents>

If any questions remain after reviewing these materials, please feel free to send them to lsc@sunrisevillashoa.com. The Executive Project Steering Committee will continue to review and respond to keep our community fully informed.

Thank you for your engagement and for your dedication to the future of Sunrise Villas.

Sincerely, **Gary Pinder**
President, Sunrise Villas COA

FOLLOW UP INFORMATION:

To: The Executive Project Steering Committee ("EPSC")
CC: Sunrise Villas Board of Directors and certain Sunrise Villas Homeowners
From: Dirk Biermann, 1826 East Sonora Rd. d.t.biermann@gmail.com
RE: Transparency and Communication and the Landscape Plan

Dear Neil, Rhonda and Amy:

First of all, I want to acknowledge and appreciate the work of all the Board Members in running our community. Being a volunteer is often a thankless task. The day-to-day business of the community has been handled very well since we moved here in 2016.

At the same time, it is important to recognize that Board Members should not be required to subject themselves to the responsibility and risks associated with projects as large as our \$4.5 million landscape renovation project (the "Project"). President Gary Pinder has already threatened litigation relating to the Project. That puts you as Board Members at risk. While Errors and Omissions Insurance coverage may provide you with some protection, the Board's policy probably has a number of exclusions. In addition, there may be conflicts of interest between or among Board Members requiring individual Board Members to retain separate attorneys if a lawsuit is initiated.

In addition, I recognize that, with my background in commercial litigation, including construction litigation (representing builders, individual homeowners and HOA's), my observations may come across as harsh. But I have always tried to be honest while looking out for the best interests of the community. Keep an open mind and assume best intentions as you deal with those who don't always agree with you. I not only want to protect my interests, but also the interest of my neighbors who do not have the time or energy to keep up with what is going on with respect to the Project. Frankly, while much has been done, and a lot of information published to the web site, transparency remains an issue when extremely relevant information has been withheld or postings have been delayed or deleted entirely.

On May 18, just prior to its monthly Board Meeting, the Board published its February 23, 2026 Agreement with Hermann Design Group to our website. This vital piece of information commits our community to as much as \$331,750.00 in additional payments to Hermann. This was after the January 29, 2026 Town Hall Meeting and after ballots for the Assessment were mailed on or about May 15, 2026. That Agreement was signed by the three of you on February 27, 2026.

The \$331,750.00 is in addition to \$44,000 paid when Hermann's response to the Request for Proposal was accepted in March 2025 and in addition to \$43,700 for an Irrigation Plan in October 2025. No disclosure of this commitment was made prior to publication, and I have searched Board Meeting Minutes, Executive Steering Committee Meeting Minutes and find no reference to Board Approval of the Agreement. I tried to review Landscape Sustainability Committee Meeting Minutes – but they seem to have disappeared from the web site.

Nothing besides the May 18, 2026 posting discloses the Board's commitment to over \$300,000 in additional design and project management costs. Recall that I have raised the issue a number of times since Hermann's costs went from \$44,030.00 in March 2025 to almost double that amount when the Board approved an additional payment of \$43,700.00 to Hermann at the October 2025 Board meeting. That increase has never been explained. Nor do we know if the responses of the 20 other vendors who submitted a response to the LSC's Request for Proposal would have avoided the cost escalation experienced with Hermann.

Before asking my questions, it might be useful to set out a more complete timeline to supplement the timeline provided by your committee on May 18, 2026.

Fall 2022	Homeowner volunteers meet to discuss the turf removal project mandated by state and local law. The group would later be recognized by the Board and formalized into the Landscape Sustainability Committee ("LSC").
April 8, 2023	First Official Meeting of the LSC after formal recognition. Projected Start Date for Turf Conversion (the "Project") is January 2024 .
January 2024	Deadline for starting the Project passes
December 14, 2024	New projected start date of January 2026 ; Town Hall to be scheduled for March 2025 .
December 17, 2024	Board to review Request For Proposal ("RFP") at December executive board meeting.
Sometime in 2025	RFP distributed. According to your May 18, 2026 Timeline, " 20 + vendors responded ". The date is likely documented in the LSC Meeting Minutes, but they are no longer on the HOA website.
March 5, 2025	Hermann Design submits its Response to the RFP in the amount of \$44,030.00. Key points in the Response include: • that it is pleased to "partner with Sunrise Villas . . . to provide the master planning and landscape design services for the front yards, common areas, and streetscapes throughout your community." • their team "has consistently demonstrated the ability to complete many successful large-scale projects on-time and within budget." • "Jose Estrada, Vice President and Principal-in-Charge has worked with HOAs to assist in water budgeting and modernization of irrigation systems." (Emphasis added). • "It is evident that Sunrise Villas wants to be in the forefront of planning for the future implications of AB 1572. At HDG, every project is designed with resource conservation in mind. By employing native, low-water use horticulture and 'smart' irrigation techniques, turf can be reduced to create a water-efficient, functional, and aesthetically-pleasing landscape." (Emphasis added) • "Irrigation System Review We will review and evaluate existing irrigation systems, and will provide suggestions of how to integrate state of the art water and conservation measures into each of these systems" (Emphasis added) • "Irrigation and System Review \$3,500.00"
April 12, 2025	Gary Pinder, President approves the Hermann proposal.

September 16, 2025	Board Meeting. "Landscape Sustainability – Chair and Director Austin reviewed the minutes of the September 13 meeting, plus highlights of the first DRAFT of the Landscape Master Plan by Hermann Design."
October 21, 2025	Board Meeting. The Board approves an additional \$43,700 payment to Hermann for an irrigation plan. "A proposal in the amount of \$43,700 for the master landscape plan irrigation design was approved." I can find no document supporting this request. It seems that no contract or change order has been published.
December 9, 2025	Updated Landscape Sustainability Committee Charter adopted. Updated Charter does not seem to have been published.
January 29, 2026	Town Hall at Mizell rolling out Hermann design plan. Nothing was said about additional contract with Hermann.
February 17, 2026	Board Meeting. Landscape Sustainability Committee disbanded by President Pinder. New Executive Project Steering Committee formed and Neil, Rhonda and Amy – all Board Members – appointed. No mention of entering into another contract with Hermann with potential liability of \$331,750.00.
February 20, 2026	First meeting of the EPSC. Minutes of the meeting do not mention any details about entering into a new agreement with Hermann. The only reference is in Next Steps of the February Minutes which state that the EPSC would meet with Hermann to "review [s]igning of the next phase of contract including the PML addendum that Gary Pinder sent." This is more than three weeks after the Town Hall.
February 23, 2026	Hermann submits a new contract with the following provisions: - Hermann states in cover letter: "Thank you for the opportunity to provide landscape architectural services for the final working drawings, bidding, and construction services for landscape master plan." (emphasis added). - Services include: "Common area turf removal, landscape and irrigation redesign by meter number (11 phases . . .) Approximately 343,020 square feet of turf . . . - Landscape and irrigation plans will be completed for each unit, all common areas and streetscape along Sunrise Way, Mesquite Avenue, Sonora Road, and Cerritos Drive." "<u>Preliminary Landscape Plan</u> – We will prepare a preliminary landscape plan for all common areas and streetscapes." - Under Section II headed "CONSTRUCTION DOCUMENTS" Hermann identifies "<u>Turf and Landscape Removal Plan</u>", "<u>Base Sheets</u>", "<u>Planting Plans and Details</u>", and "<u>Construction Specifications</u>" also noting that it "update our opinion of probable construction cost based on the final plans." - Fees and Charges include an additional \$37,900.00 for PRELIMINARY PLANNING; \$72,850.00 for CONSTRUCTION DOCUMENTS. - In addition, the Contract obligates the HOA for up to \$221,000.00 for "MEETINGS AND COORDINATION (up to 449,500.00); REVISIONS (Hourly per Attachment at rates of \$95 to \$205 per hour); SUBMITTALS (up to \$16,500); BIDDING PHASE SERVICES (up to \$38,500.00); CONSTRUCTION PHASE SERVICES (up to \$115,000.00); and REIMBURSABLES (up to \$1,000.00) for a total of up to \$221,000.00. - The total potential liability to Hermann under this contract is \$331,750.00. Hermann expense could be over \$400,000.00: \$331,750.00 + \$44,030.00 + \$43,700.00.
February 27, 2026	February 23 Hermann Contract signed by Niel, Rhonda and Amy
April 4, 2026 (See Spring Newsletter published April 27, 2026)	Annual Meeting. With respect to the Project President Pinder states: "I must be direct with you: our progress is being threatened by distractions from a small group of owners. Constant questioning of decisions already made and veiled threats of legal action do not just take away from the Board's focus; they create a tangible risk of delays. These distractions could put the Association in the position of losing out on nearly \$1,000,000.00 in rebates. . . ." i.e. 343,020 square feet at \$3.00 per foot. President Pinder goes on to state that "we have been informed by the Association attorney that the Board MAY BE REQUIRED to petition the Courts to move the project forward if the ballot fails." (emphasis original). President Pinder later explained that this was not a "tactic of intimidation."
May ??? 2026	LSC Meeting Minutes removed from HOA Website?
May 15, 2026	Ballots Mailed
May 18, 2026	February 27 Hermann Contract posted to Sunrise HOA Website
May 25, 2025 (Today)	What's Happening email notifying community that the Hermann contracts have been posted to the Website.

QUESTIONS:

- Can you post the Project's Request for Proposal ("RFP") to the Association's Website?
- In the EPSC's May 18, 2026 letter to "owners" you indicated that "20 + vendors responded" to the "[b]id put out for a landscape architect." Can you post those responses to the Association's Website?
- Did any of the responses to the RFP either include or exclude a plan for irrigation?
- Is there a contract or change order for the additional payment to Hermann of \$43,700.00 in October 2025?
- What explanation was provided by Hermann with respect to the increased costs for a separate irrigation plan.
- Other than posting the February 27, 2026 Hermann contract on or about May 18, 2026, has the Board disclosed the additional amounts to be paid to Hermann under the contract? If so where and when was that disclosure made?
- Isn't it correct that the February 27, 2026 Hermann contract obligates the Association to as much as \$331,750.00 in additional fees and costs to Hermann for landscape and irrigation design and project management.
- Has the Board or anyone on its behalf interviewed any other prospective Project Managers besides Hermann?

9. Has the Board sent out a Request for Proposal with respect to management of the Landscape Project?
10. Have the Minutes from the Landscape Sustainability Committee been moved or removed from the Association's Website? If so, why?
11. In light of President Pinder's contention that certain homeowners have made "veiled threats of legal action" and that "we have been informed by the Association attorney that the Board **MAY BE REQUIRED** to petition the Courts to move the project forward if the ballot fails," has the Board implemented a document retention policy?
12. Does the Document Retention Policy include the tape recordings of the meetings of the Board and its committees?
13. Does the February 27, 2026 Contract with Hermann obligate the Association regardless of whether the vote on the Special Assessment passes?
14. Has any member of the EPSC or Member of the had a meeting or meetings with individual homeowners and expressed the view that "everything they (those opposing the assessment) are saying – it's all lies" or something to that effect?
15. Has there been a script prepared for Board Members to talk about the Landscape Project with Homeowners?
16. In the event the vote on the assessment does not pass, has the Board considered alternative options to initiating litigation?
17. Are there any additional documents or information of the Association's dealings with Hermann that have not been posted to the website.
18. It took Hermann ten months to come up with the Plan presented at the Town Hall on January 29. What additional design work is included in the February 27, 2026 Contract with Hermann?
19. At the time it accepted Hermann's proposal of March 25, 2025 the Board aware that it did not include a plan to design the Association's 50 year old irrigation system?
20. When it accepted Hermann's proposal of March 25, 2025 was the Board aware that it would require entering into an additional contract with terms similar to those contained in its February 27, 2026 contract?
21. Other than the Association's attorneys, has the Board asked another professional to review the Association's arrangements with Hermann to address the concerns raised above?
22. I have never seen anyone in the grassy area inside the walls at the corner of Sonora and Cerritos. What is the functional or recreational purpose of the turf being retained in that area?
23. Will our walking paths extend into the grassy area of turf retained at the corner of Sonora and Cerritos?
24. We have only three areas designated for recreation/functionality in our community - the pools, the tennis courts and our walking paths. Our walking paths are probably used by more residents than the other two combined. Do any of Hermann's plans include modifying our walking paths to connect them or deal with the paths to nowhere that end at fences on Mesquite?

We love our community. However, in the last few years the Board has definitely become more secretive and less willing to listen to feedback from the community. The hidden pickle ball study; the strict enforcement (for some) of three minute rule; the mandate that Board members and volunteers maintain secrecy concerning this project and other matters; the refusal to add a community forum to the website; and the removal of LSC Minutes from our website, are a few examples.

The manner in which this Project has been handled raises so many red flags. The Project has been in the works for three and a half years. It took over two years for a Landscape Architect to be retained. It took almost a year for that Architect to come up with a plan. (Now we realize that it was only a "concept of a plan."). The cost for design services has escalated from \$44,000.00 to costs that could exceed \$400,000.00. Costs for services, plants and hard scape have already escalated. Just look at Hermann's hourly rates. And we have already lost \$1.00 per square foot in rebates. We are eliminating over 400,000 square feet of turf. If we stand to lose another million dollars in rebates, the eliminated rebate has cost over \$400,000.00.

While it is commendable that the Board wants to take advantage of all available rebates, history predicts that delay and escalating costs remain in our future if we pursue the same path that we have been on for the last three and a half years.

Volunteers, even those as professional, highly skilled and dedicated as the Association's Board, should not be asked to take on the risks and responsibilities of managing a \$4.5 million project. While the Project does not need a full time Project Manager, we do need an independent, professional project manager who is fully dedicated to the project and to looking out for the best interests of the community.

President Pinder views feedback from those expressing concerns as a nuisance, warns homeowners to rely only on information that comes from the Board, and Board Members are privately telling homeowners that any information coming from the those with concerns is "All Lies." I implore you to please stop treating your neighbors as enemies. Everyone's views should be considered.

Stop treating homeowners as enemies. Feedback from your constituents is vital.

And by the way, the Alliance is not a homogeneous group. There are no "membership" requirements. The only thing that those who visit the site have in common is the quest for communication and transparency. If the Board would establish a community forum on our website, there would be no need for the Alliance. Visit the website. Take an interest in what your neighbors are saying.