

Hiller Highlands Four Association

Quarterly Newsletter
Third/Fourth Quarter 2006
30 Schooner Hill
Oakland, CA 94618

The Hiller Highlands Four Bulletin is published quarterly. If you have an item to be included, please leave the information in the mailbox at 30 Schooner Hill.

2006 Board Meetings Dates

November 15th
December 20th (tentative)

All meetings are scheduled
for 7 PM
at Hiller Country Club

Contact David Spellmeyer for
questions about BOD meetings.
The Board of Directors meetings are
open to all residents

Welcome to our new neighbor

Karin Cavanaugh
14 Clipper Hill

Hiller Highlands Fall Social & Bay Cruise

Our Fall Social, held aboard the
USS Potomac was a wonderful
success! Many Hiller Highlands
Four residents, family, and friends
departed from Oakland for a three-
hour tour of San Francisco Bay, the
Golden Gate Bridge, Richardson
Bay, the New Bay Bridge, and back.
The weather was spectacular and a
good time was had by all.

Special thanks go to the Organizing
Committee who volunteered to
make this a wonderful time: Gordon
Seligson and Pauly Langguth

Assessment Increase for 2007

The quarterly assessment for 2007 will increase from \$350 to \$375. This increase is necessary to cover the rising operating expenses for the Association. In 2006, the cost of routine landscape maintenance increased by 32.5%, although it had remained constant between 2003 and 2005. We were able to absorb the significant increase in landscape maintenance costs without raising assessments in 2006 by limiting landscape improvements. We will continue to do so in 2007, although costs for irrigation system repair due to overall system ageing and animal damage are expected to rise and are not easily controlled. We have also been notified that the cost of plant material is expected to rise in 2007, although we have benefited from constant pricing over the past four years. Expenses related to complying with new state laws are expected to increase in the areas of postage, legal, and accounting & reserve study update. Insurance is expected to rise only slightly after a couple years of steep increases. The table below shows a comparison of the 2006 and 2007 budgets, as well as year-to-date spending through September.

Line	Item	2006 Year-to-Date	Budget 2006	Budget 2007
125	general (incl website)	353.48	500.00	\$800.00
126	events (annual dinner, BBQ, etc)	1,167.67	1,400.00	\$1,400.00
127	copies and postage	1.26	250.00	\$500.00
128	memberships (CORE, ECHO, etc)	400.00	1,020.00	\$1,020.00
135	insurance	13,028.82	16,300.00	\$18,000.00
145	legal	0.00	300.00	\$500.00
149	accounting & reserve study update	2,160.00	2,400.00	\$3,000.00
150	taxes/filing fees	1,405.00	1,500.00	\$1,500.00
161	infrastructure: streets/drains/walls	505.00	2,500.00	\$2,500.00
162	landscape maint (Cleary)	37,350.00	50,200.00	\$50,200.00
163	landscape improvements	8,009.00	13,940.00	\$14,000.00
164	irrigation system repair	4,575.52	2,500.00	\$4,000.00
165	mulch	9,000.00	8,000.00	\$10,000.00
166	street lighting (PG&E/Gills Electric)	1,888.38	2,000.00	\$2,000.00
167	irrigation/water (EBMUD/backflow)	5,433.16	9,000.00	\$10,000.00
175	ACC	910.78	400.00	\$400.00
199	transfers to reserves	9,193.39	0.00	\$0.00
	Total operating expense	95,381.46	112,210.00	\$119,820.00
	Net change - operating account	(95,381.46)	(112,210.00)	
	Per household quarterly assessment		\$350	\$375

We will conduct an analysis of our reserve funding in 2007 as required by law. As of September 1, 2006, we have 156% of the legal requirement for reserves. The excess is expected to decline over the next five years as prices rise and "hardscape" items such as retaining walls, concrete, asphalt, and light fixtures age and decay. We have recently drawn on approximately \$6,000 to replace an irrigation controller, retaining walls, and some light fixtures. State law prohibits the use of Reserve Funds for operating expenses. If you have any questions

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Please visit the HHIV
website at:
<http://www.hhiv.org>

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about the proposed budget or current Association financial statements, please send an email to me at robbil32@pacbell.net or a written note in my mailbox at 7 Captains Cove.

Bob Kuzma
President, Hiller Highlands Four Association

Voting and Election Rules Changes

Changes in state law concerning Common Interest Developments (CIDs) were put into effect on July 1, 2006. These legal changes have necessitated changes in the Associations By-laws, CC&Rs, and voting procedures. Certain matters, such as the election of the Board of Directors or proposed By-law changes, etc., are voted upon by the membership of the Association. The normal voting cycle occurs annually for the election of Board members. Historically, voting has been conducted at the Annual Membership meeting in April.

However, changes in the law effective July 1, 2006 will affect the method and timing of the voting process, in effect "de-coupling" it from the Annual Meeting. Voting will now be conducted via a "mail in" secret ballot, somewhat similar to the absentee voting process available in government elections. The voting process will be implemented and overseen by one or three election inspectors appointed by the Board.

- The names of Board nominees will be presented to the membership at the annual meeting (first Wednesday in April each year) and nominees who wish to make statements to the members may do so at that time.
- Within a few days following the annual meeting, members will be provided necessary voting materials (ballot and envelopes) for submission of their respective votes.
- Members must submit sealed ballots within 30 days following receipt (i.e. drop in the HHIV mailbox or send in via U.S. Mail)
- The ballots will be counted by the election inspectors at the May Board meeting, following the close of the 30 day voting period.
- The membership will be officially notified of the results within 15 days following the count.

It is important for those homeowners who do not reside within Hiller Four year-round to always notify us of your current mailing address. Voting by proxy is still permitted. However the "mail in" secret ballot process should eliminate the need for proxies in most cases, as long as we have your currently active mailing address.

We are currently working with the Association's attorney to finalize our new procedures. Since the existing By-laws and CC&Rs are affected and must be changed, the Association is legally required to utilize this new procedure to approve the change in By-laws and CC&Rs authorizing this same procedure. Within the next few months, you will receive a ballot in your mailbox or via U.S. Mail with complete information asking for your approval of this change in the By-laws.

General Business Items from the Committees

Financial Information

Pauly Langguth - Treasurer

We continue to be within budget on our expenses. The September Financial documents are attached to this newsletter.

Streets & Lights

Gordon Seligson - Chair

We are replacing light sensors on our street lights. If you see a light not functioning properly, please contact Gordon Seligson.

Parking Committee

Dick Saalfeld - Chair

If you notice a violation of the Parking rules and regulations, please notify Dick Saalfeld by phone or by e-mail. All complaints must identify the car and car owner and must include dates, times, location, and specific violation(s) of the rules.



Towed Vehicles:

For towed vehicles, please contact Act Towing at 4800 East 12th St., Oakland, CA 94601; phone: 510-534-3788 Fax:510-534-3839

Most Common Rules Violations

The Board and our Committees handle a number of requests each month regarding rules violations. As a courtesy, we list the top issues that face our homeowners and residents.

Pets

- Owners must pick up after their dogs.
- All dogs must be securely confined within the premises or be on a leash at all times and must be controlled by a responsible person, including when in common areas.
- No animal shall be left unattended on exterior decks or patios.
- No person shall keep an animal that habitually howls, barks, or

disturbs the peace.

Parking

- Cars may not be parked on the Association Streets (SH, CC, CH) for longer than 5 hours.
- Residents may not park in the guest parking area between 49 and 57 Schooner Hill.
- Guests may not park for longer than 72 hours in guest parking.
- Cars in violation of the Parking Rules and Regulations are subject to fine and/or towing.

Architectural

- Requests for architectural changes must be made in writing to the ACC well in advance of the proposed commencement of installation, to allow time for review by the ACC.
- The ACC, in conjunction with the Board, conducts periodic “walk-arounds” to inspect the exteriors of the units and to note any corrective measures that are necessary to achieve compliance.
- Owners of units requiring corrective action will be so advised and are expected to undertake the corrective measures in a timely manner.
- Failure to comply within 180 days after notice from the ACC can subject the homeowner to a fine of up to five thousand dollars (\$5,000).

Landscaping

- All landscaping is the responsibility of the Association.
- Homeowners may not alter, remove, or prune existing plantings in the streetscapes or common area landscapes. Please contact Barbara Schindler with any requests (841-7753).
- Owners will be billed for any damage for any damage to the landscaping caused by painters, cable installers, contractors, or others working on the outside of your home.

Letter from the President - October 2006

This past year has been a particularly busy period for the Association's officers. Changes in the personnel of the Board have required that we all learn some new skills; changes in state laws have required that we make changes to the By-laws and voting procedures; mediation with the Bentley School concerning enrollment and traffic issues commenced over five months ago and continues to this day; and all the normal day-to-day activities of the Association require regular attention.

Recently, on October 20th, we commemorated the fifteenth anniversary of the Oakland Hills firestorm. The firestorm took the lives of 25 residents of the Berkeley/Oakland hills and injured 150 others. The majority of those who died were trapped on gridlocked Charing Cross Road while trying to flee the fire. An official investigation after the fire found that improperly parked vehicles contributed to the congestion and resulting deaths, and limited access to emergency vehicles. Although we may have heard the recounting of this tragedy many times, it bears repeating once more as one of the reasons we remind residents in our Association about our parking rules. Homeowners of our Association agreed to restrictions in parking within the Association as one way to ensure the greatest likelihood of emergency vehicles arriving unhindered to their destination. We also realized that in the event of an emergency evacuation, vehicles parked on the street can quickly turn into points of congestion and blockage. The parking rules were decided by majority vote of Association members. The Association rules and enforcement practices were a compromise arrived at by balancing safety and convenience issues. We are all intrinsically and legally bound to abide by these rules by deciding to live here. The Board of Directors is legally obliged to enforce these rules.

Parking rules enforcement is one of the required activities least likely to generate enthusiasm among Board members. A mostly thankless job, it requires constant vigilance to keep violations from spreading or increasing in frequency. Effective enforcement provides little personal satisfaction and requires much time and emotional energy to keep it under control. It often seems much like the amusement park game of “Whack-a-Mole” where no sooner than you take care of one problem, another one pops up elsewhere. Yet the Board must enforce the rules. Sometimes, Neighbor “A” complains that Neighbor “B” has parked illegally, thereby somehow justifying Neighbor “A’s” illegal parking. Since the Board can not discuss any actions taken to enforce a particular rule with anyone other than the affected neighbor, we are sometimes accused of not uniformly enforcing the rules. The position and practice of the Board is to be as consistent as humanly possible. We do this by applying the same rules and procedures to everyone whenever we observe a violation. Simply stated, a violator will be given a written warning first, and if the situation has not been rectified, a fine will follow. If the first or subsequent fines do not rectify the problem, towing becomes an option.

As the Board President, I often find myself having to explain to residents how a Common Interest Development (CID) is different from other places of residence. It is surprising to me how many new homeowners admit to never having read the CC&Rs, or Rules and Regulations, before signing the contract to purchase property within our CID. Agreeing to live here means you agree to a much more stringent standard of behavior, with many more rules and regulations affecting your personal decisions. Renting your property means you will ensure that your renters will also abide by the rules and regulations, at your financial risk if they

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don't. The vast majority of people who own property and live here agree that the benefits of living in this CID outweigh the inconvenience or costs involved. The choice is simple: to live here with these rules, regulations, and restrictions, or to find another place where these conditions do not pose a problem for you. There is never a valid expectation to ignore the rules without penalty. Mostly, when residents are notified of a rules violation, they modify their behavior to abide by the Association rules. Occasionally, residents who find the rules too onerous decide to move elsewhere to a location where their behavior is not as restricted. If a rule seems too restricting, homeowners have other options, such as convincing 51% of the other homeowners to agree by voting to change the rules. Homeowners can also agree to stand for election and serve on the Board of Directors to help elicit any changes they think are necessary.

Unfortunately on occasion, while performing the duties of rules enforcement, members of the Board of Directors have been verbally harassed and threatened, or the Association has been threatened. Please be advised that we will never allow ourselves to be intimidated by overt or implied threats, from any resident who attempts to avoid the responsibility of following the rules. In all circumstances, violations, fines, and the occasional threats are well documented in preparation for possible judicial review. Our Association was created by law, operates under the law, and will utilize the laws of our state to ensure its function and viability.

Therefore, I am asking that all Association members and all other residents examine their attitudes about rules enforcement, applied to parking as well as other areas, and decide whether you want to be contributing to the problems which the Association must address. We all have garages designed to hold at least two cars. Your first two vehicles should be parked in those spaces in the garage, even when it seems more convenient to temporarily park it on the street. If you have a third vehicle or one that does not fit within the garage, it must be parked in the driveway as completely as possible. If the driveway is too short to completely contain the vehicle, it should be parked across the driveway on a diagonal, so as not to intrude on passable space in the street. If you have a fourth vehicle it must be parked on Hiller Drive or another public street outside of the Association. Are there ever any circumstances when greater flexibility is allowed? Yes -- which is why we have a five hour rule to allow for those occasional times when flexibility is really needed. This rule allows for necessary flexibility while hopefully discouraging the claim of "it's just more convenient" from consistent violators. Unfortunately, some residents use the five hour rule to skirt the intention of the rule while technically maintaining compliance with the letter of the rule. Stated again, the intention of the rule is to keep Hiller Four as free from unnecessary vehicles parked on our streets as much as possible. Guests may park on the street for less than five hours, and in Guest Parking for up to 72 hours when visits are of longer duration. If you experience a situation that is not addressed by the normal rules, please contact a Board member beforehand to explain your particular concern. We too are residents who in the course of daily living experience unusual circumstances which may affect our ability to strictly adhere to standardized rules. But to get this system to work as well as possible and abide by the intentions of the agreed upon rules, all residents must make every effort to fully cooperate. Presently, we do not experience or enjoy this level of cooperation.

Is parking really that much of a problem? I guess it depends on your perspective. I have been prevented from driving directly to my home on a number of occasions because a vehicle was parked on the street a few feet away from the curb and a delivery truck pulled up on the opposite side of the street. It was fortunate, that on those occasions I could wait and practice my deep-breathing,

Selling your home?

Please contact David Spellmeyer if you are considering selling your home or refinancing.

Selling a home in this Association requires us to deliver certain documents to the realtor. Providing us with notice of sales (or even refinancing a mortgage) will allow us to prepare a binder with all the documentation required and will speed responses to realtor's queries.

We have also ensured that most of the documentation required by realtors can be found on the HHIV website.

<http://www.hhiv.org>

Renting your home?

Please contact David Spellmeyer if you are considering renting your home. We would like to ensure we have the proper contact information for any Association documents, such as these quarterly letters.

We need to have the names and contact information of the residents to both welcome them into the neighborhood and in the case we need to contact them.

If you are using a rental service, we will require their contact information.

Registered and Certified Mail?

The US Postal Service rules make it extremely difficult for us to retrieve registered or certified mail or packages sent to the 30 Schooner Hill address. Of course, we understand the need for documentation of delivery and want to ensure timely receipt of these documents.

Please contact David Spellmeyer or another Board Member if you plan on sending a certified letter so that we can make arrangements to receive important documentation in a timely manner.

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Fire Suppression Sprinkler Valves

Our Fire suppression sprinkler system runs along the north and east of the common area and is controlled by valves which are located between 7 & 9 Schooner, 5 & 7 Captains Cove and beside 1 Clipper Hill. They are identified by the red reflective marker as seen from the street at each location. A tool to facilitate operating the valve hangs on a short pole beside each valve.

In the event of a grass fire:

1. locate the valve closest to the fire
 2. remove the round green plastic cover to expose the valve handle and
 3. open the valve completely by turning the handle counter-clockwise.
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Oakland Emergency Sirens

System is conducted at noon on the first Wednesday of each month. The test warning will last 15 to 30 seconds. In a real emergency, sirens would sound for three minutes.

In both cases, emergency officials want residents to go inside and tune in to KCBS-Radio (740 AM), or city radio and television stations, for further instructions.

Attachments, Enclosures, and Filing

This bulletin and Income/Expense and Balance sheets should be filed in Section 8 of your Hiller Four Information binder.

Contributions to the Newsletter

Please contact David Spellmeyer if you would like us to consider material for the quarterly newsletter.

Letter from the President - continued from page 5

stress-reduction exercises until one of the vehicles moved. Or I could turn back around and get to my house from the other direction. However if instead of me, it was an ambulance rushing to someone suffering a heart attack or stroke, or it was a fire truck rushing to extinguish the flames, the perspective would surely change. The city code of Oakland requires a twelve foot clearance to allow the safe passage of emergency vehicles on public roads. Too often, we can not meet that minimum standard on our privately controlled roads.

This letter is an appeal to your community spirit as well as providing a reminder of your legal obligations as a resident of this Association. If you have ever driven on other streets throughout the Oakland Hills and noticed the cars parked haphazardly and wondered what it is going to take to wake up the sensibilities of people, you may want to think back on the very tragic days of fifteen years ago. The Hiller Highlands may be one of the few neighborhoods of Oakland where suitable attention and weight is given by residents to these important safety matters. Life experience is a tough teacher, but students of life often have indelible images burned into their memories as a way to prevent future mistakes and their sometimes tragic consequences.

Neighborhood Items

CORE Emergency Preparedness Training

Bill Hunt (HHIV CORE representative) will available to conduct a quick tour of the emergency supply boxes on November 11 and 12, from 10 AM to 11 AM each day. Residents who wish to attend these information sessions should send an email to bill at billhunt@pacbell.net at least one day in advance, indicating that they would like to attend.

Contact Information Update

We are updating our contact information for all homeowners and renters. A 4"x6" card is attached showing the information we currently have on file. Please make any changes, add any other contact information, including e-mail address(es) and return to 30 Schooner Hill.

Update on Neighborhood Crime

We have received reports that two cars were car-jacked near the Fire Storm Memorial on the night of October 7th. A number of young men were apparently car-jacked, their wallets and shirts were stolen. The Oakland Police responded with three squad cars when they were notified.

The Gateway Gardens are being vandalized at night, as evidenced by graffiti on many of the rocks, signboards have been removed from the pavilion and thrown over the railings, part of the railing has been destroyed, plants have been uprooted and lots of beer cans & wine bottles are found regularly.

The Second Quarter 2006 bulletin contains information on safety for our residents. The police and fire contacts are included again for easy reference.

Oakland Police and Fire Contact Numbers

Emergency Police or Fire - from a Land Line phone - 911

Use this number from your land line phone to report emergencies if a situation is a matter of life or death and/or the suspect is still present. Use this number to report a fire.

Emergency Police or Fire - from a Cellular phone - 510-777-3211

Use this number if you are using a cell phone to report an emergency. This is important, as 911 dialed on a cell phone in Oakland will be received by the California Highway Patrol and NOT the Oakland 911 center.

Non Emergency Police - 510-777-3333

For non-emergency assistance requiring a police response. Call if a crime has already been committed and the suspects are not present and the situation is not a matter of life or death.

Precautions you can take to secure your home & automobiles.

There have been several thefts from garages, generally when the garage door is left open. This practice is particularly dangerous if the open garage door provides access into the living area.

If you see a neighbor's garage door open, please consider:

- Contact the resident by ringing the door bell or calling the resident
- If no one is obviously at home, you may want to consider closing the door

Electric door openers have sometimes responded to aircraft radio signals, causing doors to open unexpectedly. A solution for this appears to be reducing the length of the "antenna" connected to the unit by cutting the wire to approximately a foot (or less) in length.

Packages left on the doorstep are easy targets for theft. You might consider asking delivery services to leave packages with a neighbor or inside the utility closet, rather than on the front doorstep.

Newspapers that accumulate while residents are away could indicate the house is vacant. You might consider putting a stop on the delivery or ask a neighbor pick up the newspapers.

We also have solicitations posted on our entry doors from time to time - in violation of our non-solicitation policy. If you see a solicitor, please ask them to leave the neighborhood and contact a Board member. Also, if you know a neighbor is on vacation, you might consider removing the solicitation from the front door.

Many residents are in the habit of posting outgoing US Mail to their mail slot. If these contain items such as checks or other personal information, this could create a vulnerability to identity theft. You might consider using a blue US Mail postal box to post letters.

Occasionally, an outdoor alarm will sound. Please use your judgement about contacting the residents of that home or calling the police.

High Fire Danger

We have entered the hot and dry fire season. Please report any fire immediately to the Oakland Fire Department using the numbers above.

Hiller Highlands Four Association Board of Directors

President - to 2007

Bob Kuzma
robbil32@pacbell.net
510-981-1445

Treasurer - to 2007

Pauly Langguth
pl2gs@sbcglobal.net
510-549-9081

Vice President - to 2008

Tom Kremen
tkremen@yahoo.com
510-666-8899

Vice President - to 2008

Dick Saalfeld
dsaalfeld@sbcglobal.net
510-843-1088

Secretary - to 2008

David Spellmeyer
dspellmeyer@mac.com
510-883-1951

Hiller Highlands Four Association is a Planned Unit Development ("PUD"), which operates under the provisions of California's Davis Stirling Act. An elected Board of Directors is responsible for operation of the Association, including enforcement of the various rules and regulations that are part of a PUD. Each owner and resident has been provided a "Hiller Four Info" binder with the current rules and regulations, if you are missing the binder or are not sure if the contents are current, contact the Secretary.