

# 1600 Hamilton Place Community Association HOA Newsletter

## Board of Directors

President  
**Scott Smithwick**  
Vice President  
**Ken Sweezey**  
Secretary  
**Carl Middione**  
Treasurer  
**Brian Finerty**  
Director

## Community Management Services

1935 Dry Creek Rd, Suite 203  
Campbell, CA 95008

Customer Svc: **408-559-1977 (24/7)**

Association Mgr: Bill Hubbard

[bhubbard@communitymanagement.com](mailto:bhubbard@communitymanagement.com)

(Please include 1600 Hamilton Place or your unit address in the email subject box)

1600 Hamilton Place Security Office:  
**408-371-1715 (voicemail)**

## Next Board Meeting/Open Forum

The next Board of Directors meeting is scheduled for **Tuesday, October 11, 2011 in the Clubhouse.**

**The Open Forum starts at 6:30 pm** and is the time set aside for homeowners to address the Board of Directors. The Board Meeting starts promptly following the Open Forum. An agenda for the meeting is posted by the Clubhouse entry doors and mailboxes four days prior to the meeting date. Come join us!

## Landscape Committee Meeting

Co-Chairs Maryalice Heim/Sheba Solomon

The next Landscape Committee meeting is scheduled for **Wednesday, October 5, 2011, at 7:00 pm in the Clubhouse.** Please submit any landscaping requests, in writing, for the committee's consideration.

## **A Conversation with Your Treasurer** **(Carl Middione, EA/MBA)**

In these times of financial uncertainty and great swings in the stock market, it is quite normal to inquire about our own HOA financial health. Are our reserves safe, and are they adequate to cover the continuing maintenance, upkeep and replacement of our aging buildings and equipment? Another question might be, how do we protect ourselves from the market roller coaster? And do we have enough insurance?

These are all logical questions, so as your Treasurer, let me elaborate on our own state of the HOA financial conditions.

### **1. Are Our Reserves Safe?**

Yes, our reserve investments are safe because they are invested in fully insured CDs that carry FDIC insurance up to \$250,000. We have always refrained from investing in the stock market or any mutual funds, even though they were paying higher yields. Our emphasis has been to protect the safety of your investments.

### **2. But Are They All Covered by Insurance?**

Since our reserves exceed the \$250,000 limit, how can we be sure that we are fully protected? Well, we make it a point to diversify our investments among several top notch banks so that we can stay within the \$250,000 limit within each bank. This way all of our funds are insured.

### **3. Are Our Reserves Adequate?**

We follow the actuarial projections of specialized companies that provide us with a Reserve Study covering all the various components of our buildings, equipment and improvements. This study projects out the replacement costs for up to 30 years hence. We then make sure that our reserves are adequate to fund repairs and replacements as they come due. This Reserve Study is updated each year and becomes part of our budget process.

### **4. How Do We Create and Manage Our Reserves?**

Each month, we set aside a portion of the total dues paid by us, owners, into a special reserve account. Approximately 60% of our monthly dues are used to cover normal and recurring maintenance costs. The other 40% is deposited into a reserve account (currently \$39,000) and into an Earthquake Reserve account (currently \$8,500) to create a buffer fund against any earthquake event. This has enabled us to reduce our earthquake insurance coverage and keep costs down. Costs to replace failed equipment, gas leaks, outside water leaks, building repairs, etc. are paid out of the Reserve Fund.

### **5. Is Our Insurance Adequate? What About Potential Fraud?**

Each year we review our insurance coverage to make sure we carry enough insurance to cover the value of our buildings. By using a high deductible amount (currently \$10,000) we keep the cost of insurance down. You might say we self insure up to \$10,000. We also encourage our owners to carry an HO-6 insurance policy to protect the interior of their residence which is not covered by the HOA. To protect the owners against fraud, each check issued is signed by two Board Directors who can review the bills being paid. We also carry special Fidelity Insurance which is required by law. A copy of our insurance coverage is mailed to you each year.

In summary, we practice prudent financial management. We tend to stay within or below our budget to avoid overspending and set aside a portion of your dues into a reserve fund to handle major repairs. By diversifying our reserve funds among several banks and staying within FDIC insurance limits, we protect your reserve funds against potential loss.

You are always welcome to come to a Board meeting and ask questions during the Open Forum session.

## HOA BIZ - What's Happening around Hamilton Place

- **Election Rules** - The Board is proposing to update the Election Rules used by the Community Association. Please review the attached proposed Election Rules and forward any comments or questions, in writing, to the Board via Bill Hubbard by the October 11th Board Meeting.
- **Board of Directors** - No replacement has been named as yet to fill the Board vacancy. If you would like to be considered, please let one of the current Board members or Bill Hubbard know.
- **Real Estate Activity** - For the first half of this year, there have been four condo sales reported in the Mercury News Real Estate section for our HOA. Last year, we had seven sales through the same time period.
- **Grandma Lynn** - Past President Lynn Comer is a proud Grandmother. She and husband Vern moved to the Fort Worth area of Texas to be closer to her family. Congratulations!
- **Exterior Changes to Your Unit** - The HOA governing documents require that all changes to the exterior appearance of your unit must have prior approval from the Board of Directors. This means that anytime you want to change the design of your entry or patio areas, you must first provide a written request for approval to the Board describing, in detail, the proposed changes. Failure to do so may result in the Board requiring that you change the modification, at your expense. Check the HOA website.
- **Holiday Get Together** - The Social Committee is considering a Holiday Party in the Clubhouse in December. Chair Carl Middione is open to ideas and is looking for volunteers.

## Monthly Parking Summary - August 2011

**WARNING Ticket - Resident in Guest Space - 2**  
**FINAL WARNING Ticket - Resident in Guest Space - 1**  
**TOW Ticket - Resident in Guest Space - 0**  
**WARNING Ticket - Resident over 24 hours in Open Space - 1**  
**FINAL WARNING Ticket - Resident over 24 hours in Open Space - 0**  
**TOW Ticket - Resident over 24 hours in Open Space - 0**  
**WARNING Ticket - Expired DMV Tags - 2**  
**FINAL WARNING Ticket - Expired DMV Tags - 0**  
**TOW Ticket - Expired DMV Tags - 0**

With the cost of a **TOW** over **\$300**, homeowners are encouraged to know the Association parking rules and to follow them. HOA parking rules can be found on the mailbox bulletin boards and at [www.1600hamiltonplace.org](http://www.1600hamiltonplace.org).

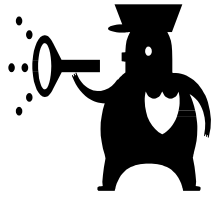
## Landscape Committee Report

The Board of Directors provides a budget to the Committee and determines the guidelines that the Committee must adhere to in planning for landscaping maintenance and upgrade projects. The current areas of activity are:

- **Recent New Work** - Recent upgrade work has been completed at 1818-1821 Ashmeade, 1956 Foxhall, 1326 Greenwich, 1877 Huxley and 1955 Huxley. Plants under warranty were replaced. Medallion continues to monitor irrigation issues as they arise due to needed lateral or mainline repairs. Medallion has reviewed the map of areas where Comcast utility boxes have been removed and have identified areas to re-seed this month. The committee has identified high profile areas with overgrown hedges and is awaiting bids from Medallion for submission to the Board in September.
- **New Bids** - Bids approved by the Board in August are being scheduled.
- **Long Term Planning** - The Committee continues to monitor all landscaping. Any plants that die (from recent plantings) are replaced by Medallion (as long as the cause is not from pets).

## Neighborhood Watch

One of the advantages of living in a common interest development such as 1600 Hamilton Place is that the community can help prevent crime or vandalism by keeping an eye out for any suspicious activity. If you see any type of activity that appears to be suspicious in nature, contact San Jose Police at 911 immediately. Don't be shy. Take the initiative to prevent crime in our neighborhood!



A word about the Hamilton Place Security – our HOA in association with the Hamilton Place Cottages townhomes and the Hamilton Place Corners condominiums, hire off-duty or retired San Jose Police Officers to patrol all three complexes. The primary duty of these officers is patrol the premises at various times of the day and night. They look for unusual activity and keep a detailed log of their observations. They provide a visual deterrent for crime or vandalism as well as helping enforce the parking rules and doing "vacation checks" when a resident is out-of-town.

You will notice that our officers are now wearing shirts and jackets labeled with **SECURITY**. In addition, they will be walking more throughout the community to increase visibility.

**Reminder:** You can print a color Neighborhood Watch sign from the HOA website in the June 2011 Newsletter.

## Annual Tree Trimming

The HOA has scheduled the trimming of selected trees in the common area during the next month. It is also a good time to inspect the large shrubs and trees in your backyard or entry area to make sure they are trimmed so that there is at least 3-5 feet of building clearance. This will help keep the gutters and downspouts clear and is also a good deterrent for squirrels or roof rats from gaining access to the roof or attic area of our buildings.

All trees should be trimmed prior to the HOA annual gutter cleaning, which is scheduled for November. If you would like to make arrangements for trimming your trees by using the HOA's tree service company, at your cost, please contact **Lewis Tree Service at 831-476-1200**.

## Pool Schedule

The heat to the pools will be shut off sometime during the month of October, depending on the weather.

## School has Begun - SLOW DOWN!

Please be aware that we have more children living in the neighborhood now and that they will be walking along the streets on their way to school. Please drive slowly and carefully through the community.



## Resident Open Forum at 6:30 pm in Clubhouse

Your Board is working in many areas to maintain and improve our neighborhood. Your input will help us stay focused on what's important. The Open Forum starts at 6:30 pm on the 2nd Tuesday of each month. Regular topics include security, landscaping, parking and maintenance.

## Hamilton Place Street Sweeping - 9/15 & 10/20

The 3rd Thursday of every month is the scheduled sweeping date by the City for the Hamilton Place loop (usually between 10-11 am). Signs will be posted on mailbox bulletin boards.

# 1600 HAMILTON PLACE COMMUNITY ASSOCIATION

## ELECTION RULES - DRAFT - Page 1

Whereas, California Civil Code Section 1363.03(a), with effective date of \_\_\_\_\_, requires the adoption of rules regarding Election Procedures; Appointment of Election Inspectors, Voting by Secret Ballot; Proxy and Ballot Instructions; Publication of Election results and Retention of Ballots; and

Now, therefore, be it resolved that 1600 Hamilton Place Community Association does hereby adopt the following rules:

### A. Effective Date

These rules shall become effective upon adoption at the noticed board meeting.

### B. Vote by Secret Ballot for Specified Matters

1. Notwithstanding any other law or provision of the governing documents, the following matters require a vote by secret ballot in accordance with the procedures set forth herein: Assessments; Election and removal of members of the Board of Directors; Amendments to the governing documents; or The grant of exclusive use of common area property pursuant to California Civil Code Section 1363.07.

2. This rule does not limit the authority of the Board of Directors to impose assessments sufficient to perform its obligations in accordance with the provisions of the governing documents and California Civil Code 1366.

3. This rule does not limit the Board of Directors from making such recommendations to the membership in regard to all matters, including those matters covered under this Section B, with the sole exception of advocating the election or defeat or any candidate that is on the election ballot, to the extent deemed necessary to comply with duties of the Association as imposed by the governing documents and the law.

### C. Fairness in Elections

1. The Association shall ensure that if any candidate or member advocating a point of view is provided access to association media, newsletters, or Internet websites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and members advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election. The Association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the Association, is responsible for that content.

2. The Association shall specify the qualifications for candidates for the Board of Directors, and any other elected position, and procedures for the nomination of candidates. Any member may nominate himself or herself for election to the Board of Directors as a candidate in the ballot, by giving timely notice to the Board. The By-Laws provide in Article V, Section 1 that directors must be members of the Association.

3. California Civil Code Section 1363.03(a) requires that the Association shall specify the qualifications for voting, the voting power of each membership, the authenticity, validity, and effect of proxies, and the voting period for elections, including the times at which polls will open and close.

a). The qualifications for voting, the voting power of each membership, and the effect of proxies shall be as stated in the governing documents of the Association.

b). All ballots and voting materials shall be provided to members not less than 30 days prior to the time of the meeting of members or Board of Directors at which the votes will be tabulated. Written ballots must be returned and received by the inspector(s) no later than one hour prior to the scheduled time at the meeting at which the votes will be tabulated.

4. Each ballot received by the inspector(s) of election shall be treated as a member present at a meeting for purposes of establishing a quorum.

### D. Use of Association Funds for Campaign Purposes

1. Association funds shall not be used for campaign purposes in connection with any Association board election. Association funds shall not be used for campaign purposes in connection with any other Association election, except to the extent necessary to comply with duties of the Association imposed by law.

2. For the purposes of this Section, the term "campaign purposes" includes, but is not limited to, the following:

a). Expressly advocating the election or defeat of any candidate that is on the Association election ballot.

b). Including the photograph or prominently featuring the name of any candidate on a communication from the Association or the Board, excepting the ballot and ballot materials, within 30 days of an election, provided that this is not a campaign purpose if the communication is one for which subdivision (a) of Section 1363.03 requires that equal access be provided to another candidate or advocate.

### E. Inspector of Election

1. The Association's Board of Directors shall, for each matter to be voted on falling under Section B, select one or three independent persons to act as inspector(s) of election. The inspector(s) of election selected by the Board of Directors may include, but shall not be limited to:

a). The Association Manager (as allowed by California Civil Code Section 1363.03(c)(2);

b). A volunteer poll worker with the County Registrar of Voters;

c). A licensee of the California Board of Accountancy;

d). A notary public;

e). A member of the Association, who may not be a member of the Board of Directors or a candidate for Board of Directors.

# 1600 HAMILTON PLACE COMMUNITY ASSOCIATION

## ELECTION RULES - DRAFT - Page 2

### E. Inspector of Election - continued

2. The inspector(s) may not be a person who is currently employed or under contract to the Association for any compensable services unless such person, like the Association Manager, is expressly authorized by these Rules adopted pursuant to California Civil Code Section 1363.03(a)(5).

3. The inspector(s) of election shall do all of the following:

- a). Determine the number of memberships entitled to vote and the voting power of each.
- b). Determine the authenticity, validity, and effect of proxies, if any.
- c). Receive ballots.
- d). Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.
- e). Count and tabulate all votes.
- f). Determine when the polls shall close.
- g). Determine the tabulated results of the election.
- h). Perform any acts as may be proper to conduct the election with fairness to all members in accordance with Civil Code Section 1363.03, the Corporations Code and the governing documents of the Association regarding the conduct of the election that are not in conflict with Civil Code Section 1363.03.

4. The inspector(s) of election shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical. If there are three inspectors of election, the decision or act of a majority shall be effective in all respects as the decision or act of all. Any report made by the inspector(s) of election is prima facie evidence of the facts stated in the report.

### F. Proxies

No proxies will be permitted during any election requiring the use of secret ballots.

### G. Secret Voting Procedure

Ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or delivered by the Association to every member not less than 30 days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel or unit number on the ballot. The Association shall use as a model those procedures used by California counties for ensuring confidentiality of voter absentee ballots, including all of the following:

- a). The ballot itself is not signed by the voter, but is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter prints and signs his or her name and indicate the address or separate interest identifier that entitles him or her to vote.
- b). The second envelope is addressed to the inspector of election, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the inspector of election. The member may request a receipt for delivery.

### H. Determining the Voting Outcome

1. All votes shall be counted and tabulated by the inspector of election in public at a properly noticed open meeting of the Board of Directors of the members. A quorum need not be in attendance at such a meeting. Any candidate or other member of the Association may witness the counting and tabulation of the votes. No person, including a member of the Association, a member of the Board of Directors, or an employee of the management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated. However, the inspector of election, or his or her designee, may verify the member's information and signature on the outer envelope prior to the meeting at which the ballots are tabulated.

2. The tabulated results of the election shall be promptly reported to the Board of Directors of the Association and shall be recorded in the minutes of the next meeting of the Board of Directors and shall be available for review by members of the Association.

3. Within 15 days of the election, the Board shall publicize the results of the election in a communication directed to all members.

### I. Custody of Election Materials

1. The sealed ballots at all times shall be in the custody of the inspector(s) of election or at a location designated by the inspector(s) until after the tabulation of the vote, and until nine (9) months after the election, at which time custody shall be transferred to the Association. In the event of a recount or other challenge to the election process, the inspector (s) shall, upon written request, make the ballots available for inspection and review by Association members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

2. After transfer of the election ballots to the Association, election ballots shall be stored by the Association in a secure place for no less than one year after the date of the election.

### J. Conflict

In the event of a conflict between these rules and any provision of the governing documents, these statutorily mandated rules shall control.