

# 1600 Hamilton Place Community Association HOA Newsletter

## Board of Directors

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

## Holiday Social - Sunday (December 4th)



The Community Holiday Party is scheduled for Sunday, December 4th from 2pm to 5pm in the Clubhouse. There will be holiday decorations and music, along with light refreshments including a selection of fine wines and other beverages.

New resident Ann Seckinger, Board Treasurer Carl Middione and his wife Helen will host the event, supported by other volunteers from the community. If you'd like to help out, contact Carl at [cwestax@aol.com](mailto:cwestax@aol.com).

It's a great opportunity to meet your neighbors and have some fun. JOIN US!



Previous Community Social

## 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, December 13, 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, December 21, 2011, at 7:00 pm in the Clubhouse.** Please submit any landscaping requests, in writing, for the committee's consideration.

## 2012 Budget Finalized - Carl Middione (Treasurer)

Your Board of Directors approved the 2012 HOA annual budget by a unanimous vote at the October Board Meeting.

As always, there were new issues to take into consideration as well as some trade-offs in order to meet our objective of keeping monthly dues nearly flat without affecting our continued build-up of reserves and without cutting back on required maintenance. It was not an easy task, taking four iterations to come up with an acceptable budget. As Treasurer, I am happy to report that your Association is in excellent financial condition.

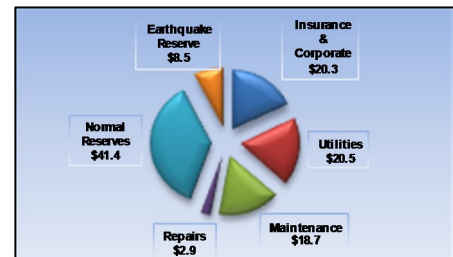
The pie chart to the right shows the breakdown of the new monthly budget of **\$112,338** (up from **\$109,438** last year):

- **\$41,400/37% (+\$1,800) - Normal Reserves** (capital improvements and upgrades, such as roofing, streets, fencing, painting, renovations, etc)
- **\$20,525/18% (+\$225) - Utilities** (water, electricity, gas, trash, telephone, etc)
- **\$20,250/17% (+\$1,185) - Insurance & Corporate** (insurance, management, taxes, printing, legal, licenses, etc)
- **\$18,738/17% (+\$490) - Maintenance** (pools, trees, landscaping, security, lighting, etc)
- **\$8,500/8% (no change) - Earthquake Reserve** (building up a reserve that will allow us to drop or reduce earthquake

insurance in the future)

- **\$2,925/3% (-\$800) - Repairs** (roofs, sprinklers, plumbing, lighting, etc)

### \$112,338 Monthly Budget (000)



During our monthly Board Meetings, we review actual expenses against the budget to ensure we stay on track and not overspend. We ask for multiple bids on significant jobs. The result is that, as of October 31st, our spending was under budget and we expect to finish the year on or under budget.

All in all, the Board practices a prudent spending approach that takes into account our stewardship responsibility to you, the owners of this beautiful place. The Board is happy to report that there will only be a minimal increase of \$2 to \$4 to the monthly dues for 2012. A copy of the 2012 budget will be mailed to all homeowners in November.

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

- **Election Rules** - The Board has updated the Election Rules used by the Community Association. The Election Rules are attached to this Newsletter and included in the Rules section of the HOA website.
- **Board of Directors** - Nicole Marie has been selected by the Board to fill the remaining 16 months of the Board vacancy until the March 2013 elections. Nicole and her husband have lived at 1600 Hamilton Place for 6 years. They have a beautiful one year old daughter. Congratulations to Nicole and thanks for volunteering to serve our community.
- **Gutter Cleaning** - Four Seasons Roofing will be completing the initial cleaning of the roofs, gutters and downspouts by the end of the month. The cleaning carries a "no clog" warranty until May 1, 2012. If you see that your downspout has become clogged after the initial cleaning, please contact CMS Customer Service at 559-1977 to provide the clog location.
- **Community Management Customer Service** - The CMS Customer Service number (559-1977) is answered 24 hours per day, 7 days a week. If you need to report an issue such as a light out, globe down, water leak or another problem, please call to let CMS know.
- **Vermin and Food** - Its that time of year when animals such as skunks, rats, opossum and raccoons seek sources of food and water. In order to help eliminate them from the community, please do not leave any water or food outside your unit.
- **Welcome Wagon** - Welcome to new residents Janene on Greenwich Court and Colleen on Foxhall Loop.

## Monthly Parking Summary - October 2011

- WARNING Ticket - Resident in Guest Space - 2**  
**FINAL WARNING Ticket - Resident in Guest Space - 0**  
**TOW Ticket - Resident in Guest Space - 0**
- WARNING Ticket - Resident over 24 hours in Open Space - 0**  
**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 - 0**  
**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 major ongoing project is the removal of 30 year-old hedges along the Hamilton Place loop. They will be replaced by low-irrigation plantings that will not require as much annual maintenance work. The areas selected are those most visible to residents and others driving through the community.

The Committee presented their Vision for 2012 to the Board at last month's meeting. The following is a list of the top landscaping priorities:

- Removal of hedges along Leigh Avenue and the cleanup of the sign planting beds at the Leigh Avenue entrance.
- Removal of small grass areas to be replaced with drought tolerant plants.
- Reseeding lawn areas on Greenwich along Leigh that are infested with invasive kikuyu grass.
- Continuing work on irrigation systems and tree replacements as required.

## Parking Issues

It seems that parking is a regular topic of conversation around the neighborhood. The issues involve both the parking within the HOA interior community streets and the parking on the public Hamilton Place loop. Both areas have been discussed in the Open Forum before the monthly Board of Directors meeting in the Clubhouse as well as in correspondence to the Board.

A regular comment in regards to interior parking is that some residents are inconsiderate of others by parking in "Guest Only" spaces or by monopolizing open spaces. Any resident or visitor can park in any unmarked open space for up to 24 hours. Apparently, some residents park in open spaces every day, being sure to move to another open space within the 24 hour maximum. Although not a violation of the HOA parking policies, this practice is inconsiderate of the other residents in the area.

A recent comment in regards to public street parking is that some people leave extra space between cars, thereby reducing the number of spaces available to other street parkers. Most of us know the impact that eBay employees have on the neighborhood parking situation and, with parking space limited, every extra space makes a difference.

Other residents have noticed that there are still cars parked on the Hamilton Place loop that never seem to be moved. These vehicles are in violation of the San Jose parking ordinance which requires all vehicles to be moved every three days. Parking Compliance officers will tag the vehicle only if it is reported to them, requiring the vehicle to be moved within 3 days or it will be towed. Some residents leave a note on the vehicle before contacting Parking Compliance, hoping the owner will get the hint and move it.



## Homeowner Quick-Tip

When leaving your home unoccupied overnight, shut off the water at the service valve outside your unit. If you don't know where it is, ask your neighbor. It's a great habit to get into. If you're going to spring a leak from a toilet or a washing machine hose, its better to happen when you're home.

## Holiday Planning and Decorations

The Board of Directors would like to wish all residents of 1600 Hamilton Place a very Happy Holiday Season. Hopefully, the following holiday tips will make this time of year safe for you, your loved ones and neighbors:

- When hanging outdoor lights, be sure not to nail or staple through the wire. Use small nails or staples to minimize damage to fencing and door/window trim. Please remember that all exterior Holiday decorations must be removed by January 15th.
- Notify your neighbors and Hamilton Place Security at 371-1715 when going out of town. Stop newspaper/mail deliveries or get your neighbor to check for you.
- Dispose of your tree in early January as directed.
- Keep your live tree in a stand that holds at least a gallon of water and check the stand frequently to ensure it is full.

Keep an eye out for suspicious activity in the area and call 911 when in doubt. The Holidays sometimes brings out the worst in people. **Neighborhood Watch works!**

## Hamilton Place Street Sweeping - 11/16 & 12/15

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 - Page 1

Whereas, California Civil Code Section 1363.03(a), with effective date of October 11, 2011, 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 either one or 3 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 - 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.