



## HILLER HIGHLANDS FIVE ASSOCIATION

Board of Directors  
Highlands Country Club  
Oakland, CA 94618

### APPROVED MINUTES

Board of Directors Meeting  
Tuesday, August 28, 2012  
Hiller Highlands Clubhouse

**Call to Order:** Gerhart Kneissl, President, called a regular meeting of the Board of Directors to order at 7:00 p.m.

**Board Members present:** Gerhart Kneissl, President; Tommy Arnold, 1<sup>st</sup> Vice President, Mitra Moheb, 2<sup>nd</sup> Vice President; and Sandi Bonacini, Treasurer; and, Joanne Brown, Secretary.

**Staff Present:** Michael Lee, Collins Management.

**Guest:** Andrea O'Toole, legal counsel for HOA- to discuss legal issues for HOAs regarding the East Bay Private Sewer Lateral Program.

#### Homeowners Forum

President Kneissl opened the floor for questions from owners and general discussion about the Sewer Lateral Program. Ms O' Toole discussed her legal opinion about the CC&Rs and the discretion of the HOA to determine if it would recommend that the HOA assume liability for compliance or defer to owners. In her opinion, which was the same as other legal advice received by the Board, the CC&Rs are clear on the duties of owners and the duties of the HOA. She also discussed her recommendation that the CC&Rs be amended to clarify certain terms, specifically exclusive use common area. President Kneissl indicated that the Board had already informed owners of its position and the documents necessary to amend the CC&R's were being prepared by legal counsel. Exclusive use common are is defined by the CC&Rs are "used by one or more but not all". It was suggested that the Board vet a list of plumbers to determine if some informal agreement could be reached on fees and standardization of repairs. Open forum closed at 7:30 PM

#### President's Report:

Regarding 48 Starview, the President reported that a letter from the owners' attorney had been received and was being reviewed by HOA legal counsel. Regarding painting of the curb near 39 Starview, the majority of the Board was convinced that the previous Board had promised that the full curb would be painted red and directed Collins to make arrangements to have the curb painted. The President announced that he would be absent on September 25 and VP will preside.

**Agenda:** The Board reviewed the agenda of the August 28, 2012 regular Board meeting.

**Minutes:** Upon motion duly made and seconded, the Board approved the minutes of the July 24, 2012 regular Board meeting as amended with one abstention.

#### Committee Reports:

##### Landscape Committee

Chair submitted a written report and discussed a maintenance issue and Board agreed that the HOA may have to assume some additional responsibilities but will ask the owners to maintain as much as possible.

She reported on an agreement with homeowners on Charing Cross regarding maintenance of shrubs and trees. Serpico will develop a proposal for 3-4 years. Irrigation upgrades are in process

**Safety:** No report.

**Fire Prevention (Bob Sieben):**

Written report had been received in advance and was reviewed by Board.

**Architecture/Infrastructure (Steve Roland):**

New member of committee Bill Tam and Steve Roland presented the report. The committee had sent a report to owners who had not installed gas shut off valves referring them to the plumbers who had offered discounts and had been successfully used by other owners. Four more owners had installed in previous month and they projected that 70% of the homeowners should have the valves installed by the end of 2012. # 88 Starview requested and was provided with list of painters- and will follow-up midmonth. No contact with owner of # 90 yet. Steve reported that many owners were in the midst of roof repair or painting. Options for the trail at the end of Starview Court are being discussed. #101 fence work was completed and invoices submitted to Collins. At # 63 estimate for the HOA share of the fence is \$ 350.00. Motion to approve payment was seconded and approved unanimously.

Regarding paint colors, Michael will send a list to Steve to confirm colors. Owners will be referred directly to Steve for the approved colors and offered to take owners to view recently painted houses.

**Social Committee (Volunteer needed):** No report.

**Street Lighting (Bob Mehus):** No Report.

**Treasurer's Report:** S. Bonacini reported on the Association's financial activity for the period ending 7/30/2012.

Financial Statements: The Board reviewed the financial statements ending July 30, 2012 by Collins Management Company.

Bank Reconciliation: The Board reviewed the bank reconciliation July 30, 2012 provided by Collins Management Company.

Aged Receivables: The Board reviewed the aged receivables report as provided by Collins Management Company. Michael reported that # 34 had sold and will follow-up on status of HOA lien (\$ 6266.08)

**Management Report:**

The Board reviewed the "punch list".

Calendar update: Management provided an update on calendar events.

Michael has received calls from owners regarding Lateral Ordinance and will include information about the proposed amendment to the CCRS in the Newsletter.

**Other Business:**

Rockslide Progress - Mitra reported on her conversation with the City of Oakland. Their position seems to be that the City has no interest or financial capacity to undertake any repair and that we should proceed. President Kneissl agreed to meet with the contractor at the site and discuss options. Landscaping is being planned around the slide which should eliminate the need for a permit.

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Gas Shut Off Valve Progress – This was reported during the Architecture/Infrastructure Committee report.

Proposal to Amend the CCRs - Upon motion duly made and seconded, the Board accepted the proposal provided by Berding & Weil to amend the CC&Rs for the amount of \$2,100.

**Adjournment:** There being no further business, the meeting was adjourned at 8:25 p.m. The next meeting is scheduled for Tuesday, September 25, 2012.

**BOARD CERTIFICATION**

I, \_\_\_\_\_, \_\_\_\_\_  
Name of director Office held

of the Hiller Highlands V Homeowners Association do hereby certify that the foregoing is a true and correct copy of the Minutes of the Hiller Highlands V Homeowners Association Board of Directors Meeting held on August 28, 2012, as approved by the Board members in attendance.

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Signature

Date