

**Hiller Highlands Phase 1 Association
Annual Meeting Minutes
January 22, 2009**

The annual meeting of the Phase I Homeowners Association was called to order at 7:15 P.M. on January 22, 2009. The meeting was presided over by the Directors.

President:	Tricia Swift
Vice President:	Rosalind Ono
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick

It was established that there was a quorum of ballots returned by the members for the election of directors. Homeowners representing twenty-four units were in attendance which satisfied the quorum needed for the annual meeting:

Present: #1 Gold; #5 Gruszczynski; #7 Swift; #9 Roth; #11 Pytlewski; #22 Hughes; #26 Willoughby; #30 & #31 Reilly; #33 Poret; #35 Cobbledick; #38 Baron; #40 Delegeane; #41 Francis; #42 Rezai; #43 Woodham; #48 Mulligan; #53 Bailey; #55, #60 & #62 Scurich; #57 Friant; #59 Ono; #61 Geohegan.

Absent: #3 Araktingi; #20 Zaeni; #24 Thompson; #28 Mallard & Springs; #29 Heymann; #44 Lemaire; #45 Firestone; #46 Dawson; #47 Anderson; #51 Colaco.

The minutes from the January 2009 Annual Meeting were approved.

State of the Street:

Tricia gave a brief overview of 2008 on Spy Glass Hill:

Five homes were sold;
Four homes are rented/leased;
One parking space was transferred;
One "geyser" emergency;
Recurring irrigation problems;
One death;
Fifteen homes painted, entirely or trim only;
Railing from Spy Glass Hill to Club painted by Club;
Mailbox posts replaced and reset;
Significant individual investments in upgrading homes – interior;
One fire scare;
Two CORE trainings;
Two wasp infestations – treated;
Two "Walk-Abouts";

Coordination with other phases: one meeting; frequent communication;
coordination with Fire Department;
Cooperation with Phase 3 tree trimming;
Several neighbors at the North end of the street contributed to Lois Gold's trimming of trees on the Club property;
Three parties: Two newcomer parties, August NNO party;
Significant tree thinning/bush cutting;
Verified Replacement Cost Insurance coverage;
Fire Department approval of landscape;
Delinquent assessment resolved;
Four current Board Members to stay on;
HOA stayed within budget - no excess rollover to 2009;

2009 Annual Meeting
January 22, 2009
Sign-in

Name	Address
Rosalind Ono	59
Lizcia Swift	7
Steve Cobb Lechick	35
Nahid Rezai	42
Ken Pytkewski	11
Evan Delegeanc	40
Alfred,	
Maja Comzynski	5
ROGANA PLOT	33
Lois Gold	1
Judy Geoghegan	6
Ruth H. Bailey	53 (non-res. owner)
Lynette Francis	41
Chuck Scurich	55, 60, 62
MARY RAMSEY	9
DAVID TOTT	9
ROGER BARON	38
FAYE BARON	38
Ann Mulligan	48
Miriam DeJoy-Friant	#57

2009 Annual Meeting
January 22, 2009
Sign-in

Name	Address
Diane Kelly	31 Spyglass Hill
Diane Kelly	30 Spyglass Hill
Wilton Day	26 Spyglass Hill
Mildred Hughes	22 " "
Serge Woodham	43

HHI Association Budget

	2008	2008	2009	Variance
Income	Proposed Budget	Income & Expenses	Proposed Budget	(YTD -2008 Budget)
Fees Assessments	\$139,000	\$131,533	\$139,000	-\$7,467
Surplus Income from Previous Year	\$1,634	\$1,634	-\$140	\$0
Fees, Misc. Income & Spec Assessment	\$0	\$828	\$200	\$828
Interest Income	\$2,050	\$1,354	\$1,519	-\$696
Total Income:	\$142,684	\$135,350	\$140,579	-\$7,334
Administrative Expenses				
Annual Meeting Dinner & Socials	\$170	\$34	\$237	-\$136
Legal	\$525	\$605	\$1,000	\$80
Office - Postage, Ops Acct Checks	\$300	\$100	\$100	-\$200
- Software (Reserve Analyst)	\$150	\$150	\$150	\$0
Professional Association - CAI	\$260	\$274	\$280	\$14
Reserve Study	\$0	\$0	\$1,500	\$0
Tax Preparation & Financial Review	\$975	\$875	\$1,000	-\$100
Taxes, Licenses & Fees	\$436	\$428	\$500	-\$8
C.O.R.E	\$0	\$0	\$0	\$0
Total Administrative:	\$2,816	\$2,466	\$4,767	-\$350
Insurance				
Fire/Property/Liability Insurance	\$25,759	\$25,796	\$26,200	\$37
Earthquake Insurance	\$38,800	\$38,264	\$35,000	-\$536
Blanket Umbrella Insurance	\$1,048	\$1,000	\$1,200	-\$48
Total Insurance:	\$65,607	\$65,060	\$62,400	-\$547
Landscape				
Landscape: contract	\$23,500	\$23,300	\$25,000	-\$200
Landscape: extras	\$4,692	\$1,451	\$2,000	-\$3,241
FireSafe Vegetation Management	\$0	\$0	\$0	\$0
kflow Check Valve	\$1,650	\$150	\$150	-\$1,500
Memorial Garden Maintenance	\$100	\$0	\$100	-\$100
Total Landscape:	\$29,942	\$24,901	\$27,250	-\$5,041
Maintenance				
Other Maintenance & Repairs	\$500	\$946	\$500	\$446
Total Maintenance:	\$500	\$946	\$500	\$446
Utilities				
Gas & Electric	\$4,183	\$3,699	\$4,200	-\$484
Irrigation Permit	\$884	\$884	\$920	\$0
Water	\$14,200	\$13,622	\$15,500	-\$578
Total Utilities:	\$19,267	\$18,206	\$20,620	-\$1,061
Reserve Fund				
Reserve Contribution & Interest Payment	\$24,552	\$23,911	\$25,042	-\$641
Total:	\$24,552	\$23,911	\$25,042	-\$641
Total Expenses	\$142,684	\$135,490	\$140,579	-\$7,194
Income - Gain or (Loss):	\$0	(\$140)	(\$0)	-\$140
Assets & (Liabilities)				
Reserve Balance: Beginning of Year	\$103,788	\$104,391	\$134,454	\$603
Reserve Expenses:	(\$21,639)	(\$810)	(\$17,268)	\$20,829
Funds Borrowed (EQ DnPynt)	(\$11,000)	(\$10,900)	(\$5,000)	
Annual Reserve Contribution	\$22,550	\$22,550	\$23,729	\$0
Interest - Reserve Account	\$2,001	\$1,348	\$200	\$421
Interest from CD		\$1,074	\$1,313	
Day Reserve Fund (EQ DnPynt)	\$10,900	\$5,900	\$5,000	-\$5,000
Reserve Balance: End of Year	\$95,700	\$134,454	\$147,428	\$38,754
Total Assets (Income + Reserve):	\$95,700	\$134,314	\$147,428	\$38,614

SPY GLASS HILL – 2008

ACTIVITY SUMMARY

- 5 homes were sold
- 4 homes are rented/leased
- 1 parking space was transferred
- 1 “geyser” emergency
- Recurring irrigation problems
- 1 death
- 15 homes painted, entirely or trim only
- Railing from Spy Glass Hill to Club painted by Club
- Mailbox posts replaced and reset
- Significant individual investments in upgrading homes – interior
- 1 fire scare
- 2 CORE trainings
- 2 wasp infestations - treated
- 2 “Walk-Abouts”
- Coordination with other phases: one meeting; frequent communication; coordination with Fire Department
- Cooperation with Phase 3 tree trimming
- 3 parties: 2 newcomer parties, August NNO party
- Significant tree thinning/bush cutting
- Verified Replacement Cost Insurance coverage
- Fire Department approval
- Delinquent assessment completely resolved
- 4 current Board Members willing to stay on
- HOA stayed within budget - small excess rollover to 2009
- Total Budget for 2009 same as for 2008
- No significant dues change for 2009

HILLER HIGHLANDS PHASE I HOA INSURANCE MAP

MASTER FIRE POLICY

COVERS THE STRUCTURES AND FOUNDATIONS. ELEVATORS.

COVERS THE INTERIOR WALLS, FLOORING, CABINETS, TOILETS, SINKS, BATH TUBS, SHOWERS, ELEVATORS, THAT ARE THE ORIGINALS THAT WERE PUT IN PLACE AFTER THE 1991 FIRE.

CONDO OWNERS POLICY

PERSONAL CONTENTS COVERAGE

PERSONAL LIABILITY COVERAGE

BUILDING ADDITIONS AND ALTERATIONS COVERAGE. (recommend at least \$50,000).

LOSS ASSESSMENT COVERAGE.
(recommend \$50,000 at least)

MASTER UMBRELLA POLICY

GENERAL LIABILITY

MASTER E.Q. POLICY

COVERS THE STRUCTURES, FOUNDATIONS, ELEVATORS FOR EARTHQUAKE

E.Q. CONTENTS POLICY

CONTENTS COVERAGE

LOSS ASSESSMENT COVERAGE (recommend \$50,000)

REAL PROPERTY (recommend \$25,000, this is the only amount sold thru CEA).

VICTOR HABIB INSURANCE AGENCY - CA LICENSE # 0471560
Farmers Insurance Group of Companies

2151 Salvio Street, Suite U, Concord, CA 94520 (925) 689-1112 (925) 682-0388 fax
11/01/2008

PROPERTY INSURANCE DISCLOSURE

In compliance with Civil Code 1365, the following is a summary of the Hiller Highlands Phase I
HOA insurance coverage's.

Property Insurance / General liability Coverage

1. Name of Insurer: TRUCK INSURANCE EXCHANGE (FARMERS INSURANCE EXCHANGE)
2. Property Insurance Limits: \$15,439,101
3. Deductible: \$25,000
4. General Liability Insurance Limits: \$1,000,000 (Deductible -None)
5. Policy Period : Nov 1, 2008— Nov 1, 2009
6. Policy # 600158241

Directors & Officers liability Coverage

1. Name of Insurer : TRUCK INSURANCE EXCHANGE (FARMERS INSURANCE EXCHANGE)
2. Policy Limits of Insurance: \$1,000,000
3. Policy Period: Nov 1, 2008— Nov 1, 2009
4. Policy # 600158241 (included in Master Policy)

Employee Dishonesty

1. Name of Insurer : TRUCK INSURANCE EXCHANGE (FARMERS INSURANCE EXCHANGE)
2. Policy Limits of Insurance: \$500,000
3. Policy # 600158241 (included in Master Policy)

Excess (Umbrella Liability)

1. Name of Insurer: TRUCK INSURANCE EXCHANGE (FARMERS INSURANCE EXCHANGE)
2. Policy Limits of Insurance : \$2,000,000 with self-insured retention \$10,000
3. Insurance Deductible : None
4. Policy # 600671638 Effective date Nov 1, 08 to Nov 1, 09

Earthquake Insurance Policy / Dif/Con - (Flood Insurance not Covered)

1. Name of Insurer: Insurance Company of the West
2. Policy Limits of Insurance: \$ 12,500,000
3. Insurance Deductible: 15%
4. Policy #: T.B.D.
5. Effective Date: Nov 1, 2008— Nov 1, 2009
6. Building Ordinance Coverage (yes) \$ 1,250,000
7. Rated A-1X Admitted

“This summary of the association’s policy of insurance provides only certain information, as required by subdivision (e) of Section 1365 of the Civil Code, and should not be considered a substitute for the complete policy terms and conditions contained in the actual policy of insurance. Any association member may, upon request and payment of reasonable duplication charges, obtain copies of those policies. Although the association maintains the policies of insurance specified in this summary, the association’s policies of insurance may not cover your property, including personal property or real property improvements to or around your dwelling, or personal injuries or other losses that occur within or around your dwelling. Even if a loss is covered, you may nevertheless be responsible for paying all or a portion of any deductible that applies. Association members should consult with their individual insurance broker or agent for appropriate additional coverage.”

11/1/2008

TO: HILLER HIGHLANDS PHASE I HOA OWNERS

BELOW ARE IMPORTANT ITEMS TO DISCUSS WITH YOUR INSURANCE AGENT TO MAKE SURE THAT YOU HAVE PROPER COVERAGE ON YOUR CONTENTS POLICY AS WELL AS YOUR OWN EARTHQUAKE POLICY.

CONTENTS POLICY

How much contents coverage do I have?

How much loss of use coverage do I have?

How much liability coverage do I have?

How much extra would it cost to go to \$500,000 ?

How much extra would it cost to go to \$1,000,000 ?

How much coverage do I have for building coverage on my contents policy?

This coverage is also known as building additions and alteration coverage. This coverage would be used to replace items in your home that was not original at the time the units were built such as new cabinetry, wall to wall carpeting, hardwood floors, toilets, baths etc.

I recommend at least \$50,000

How much loss assessment coverage do I have?

This coverage comes into play in case you were assessed by the association for a covered loss.

I recommend at least \$50,000

EARTHQUAKE POLICY

(IMPORTANT)

I would recommend that each unit owner purchase a separate earthquake policy for contents, loss of use, real property (interior walls, counter tops etc.) and most importantly "LOSS ASSESSMENT COVERAGE FOR EARTHQUAKE".

I recommend \$75,000 and more if you can find it for loss assessment. (see comment below *)**

(Effective 10/1/2008 -you can now obtain \$75,000 thru the CEA)

I recommend \$25,000 for real property coverage (this is the only amount sold thru CEA)

Loss of use and Contents coverage are bundled together and loss of use is sold at \$1,500, \$10,000 and \$15,000.

*****The California Earthquake Authority sells a policy that you may obtain thru your insurance agent. THIS COVERAGE WILL HELP TO BUY DOWN YOUR DEDUCTIBLE IN CASE OF AN EARTHQUAKE SHOULD YOU BE ASSESSED BY THE ASSOCIATION.**

Should anyone at Hiller Highlands Phase I HOA need any assistance, please call me.

Victor Habib (Broker)

2151 Salvio st. #U

Concord, Ca. 94520

Ca. License #0471560

Hiller Highlands I Association, Monthly Assessment Allocation Table

2009 Budget Year (January 1 - December 31)

Proposed Dues Assessment 2009:	\$139,000	
Estimated Fire & Earthquake Building Coverage 2009:	\$49,746	= net of fire & earthquake building coverage
Estimate of Costs to be shared Equally in 2009:	\$89,254	= (total budget) - (net of fire & earthquake building coverage)

Article 6.2 of March 27, 2001 CC&Rs		Homeowners	Homeowners	2009	2008	
Spyglass Hill	Percent of Fire & Earthquake	Percentage	Equal Share Of	Monthly	Monthly	
Address	Insurance To Be Assessed	Of Insurance	Other Costs	Assessment	Assessment	% Change
1	3.91%	\$162.09	\$218.76	\$381	\$383	-1%
3	3.91%	\$162.09	\$218.76	\$381	\$383	-1%
5	3.91%	\$162.09	\$218.76	\$381	\$383	-1%
7	3.91%	\$162.09	\$218.76	\$381	\$383	-1%
9	3.91%	\$162.09	\$218.76	\$381	\$383	-1%
11	3.91%	\$162.09	\$218.76	\$381	\$383	-1%
20	3.00%	\$124.37	\$218.76	\$343	\$343	0%
22	3.00%	\$124.37	\$218.76	\$343	\$343	0%
24	3.00%	\$124.37	\$218.76	\$343	\$343	0%
26	3.00%	\$124.37	\$218.76	\$343	\$343	0%
28	3.00%	\$124.37	\$218.76	\$343	\$343	0%
29	3.39%	\$140.53	\$218.76	\$359	\$360	0%
30	3.00%	\$124.37	\$218.76	\$343	\$343	0%
31	3.39%	\$140.53	\$218.76	\$359	\$360	0%
33	2.01%	\$83.32	\$218.76	\$302	\$300	1%
35	2.01%	\$83.32	\$218.76	\$302	\$300	1%
38	2.25%	\$93.07	\$218.76	\$312	\$310	1%
40	1.55%	\$64.26	\$218.76	\$283	\$280	1%
41	3.87%	\$160.43	\$218.76	\$379	\$381	-1%
42	2.42%	\$100.32	\$218.76	\$319	\$318	0%
43	2.71%	\$112.34	\$218.76	\$331	\$331	0%
44	2.25%	\$93.07	\$218.76	\$312	\$310	1%
45	2.71%	\$112.34	\$218.76	\$331	\$331	0%
46	1.55%	\$64.26	\$218.76	\$283	\$280	1%
47	2.71%	\$112.34	\$218.76	\$331	\$331	0%
48	2.73%	\$113.17	\$218.76	\$332	\$331	0%
51	2.01%	\$83.32	\$218.76	\$302	\$300	1%
53	2.01%	\$83.32	\$218.76	\$302	\$300	1%
55	3.39%	\$140.53	\$218.76	\$359	\$360	0%
57	3.39%	\$140.53	\$218.76	\$359	\$360	0%
59	3.39%	\$140.53	\$218.76	\$359	\$360	0%
60	2.71%	\$112.34	\$218.76	\$331	\$331	0%
61	3.39%	\$140.53	\$218.76	\$359	\$360	0%
62	2.71%	\$112.34	\$218.76	\$331	\$331	0%
34 Units	100.00%	\$4,145.50	\$7,437.83	\$11,581	\$11,581.00	0%
Annual Assessment:		\$49,746.00	\$89,254.00	\$138,972.00	\$138,972	

PROPOSED
FIRST AMENDMENT TO
FIRST AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
REGARDING A PLAN OF OWNERSHIP

HILLER HIGHLANDS ONE ASSOCIATION, INC.

The First Amendment to the First Amended And Restated Declaration Of Covenants, Conditions, And Restrictions ("Declaration") shall consist of the following provision:

Amendment to EXHIBIT "D", ASSOCIATION, CONDOMINIUM AND RESIDENCE LOT INDIVIDUAL SPECIFIC MAINTENANCE RESPONSIBILITY

Exhibit D shall be amended to reflect the transfer of the exclusive use easement over parking space "P12" from Unit 33 to Unit 41. All references to Unit 33 with respect to maintenance responsibilities for parking space "P12" in Exhibit D of the Declaration shall be changed to refer to Unit 41.

Specifically, the amended portions of Exhibit D shall read as follows (any sentence that does not appear below but is part of an amended section shall remain in effect and not be amended):

7 (f) The Owner of Unit **#41** shall bear the maintenance cost of two Assigned Parking Spaces (P12 & P13) in the five stall carport.

8 (d) All four Owners have been assigned parking spaces in Open Garages and shall share maintenance costs as indicated in the descriptions of **#42** and **#48** Spyglass Hill. In addition, **#38** has an Assigned Parking Space (P13) in a five stall Carport and shall share the cost of maintenance in proportion to the number of parking spots assigned with **#30**, **#41 (2 spaces)**, and **#43**.

9 (d) All four Owners have been assigned parking spaces: **#43**, **#45**, and **#47** to three stall Garages and **#41** and **#43** to a five stall Carport and shall share the maintenance costs in proportion to the number of parking spots assigned with others assigned to the same parking facilities.

Hiller Highlands I Association
 Oakland, California
RA Component Funding Model Summary

Report Date	November 12, 2008
Account Number	9131
Version	15.1
Budget Year Beginning	January 01, 2009
Budget Year Ending	December 31, 2009
Total Units	34

<i>Report Parameters</i>	
Inflation	3.00%
Annual Assessment Increase	3.00%
Interest Rate on Reserve Deposit	1.00%
Tax Rate on Interest	30.00%
Contingency	3.00%
2009 Beginning Balance	\$133,392.00

Component Funding Model

For budgeting purposes, unless otherwise indicated, we have used January 1994 as the average placed-in-service date to begin aging the original components examined in this reserve study. The association was originally constructed in 1968 but suffered a catastrophic fire in 1991 and was rebuilt in 1993.

This 14 unit condominium and 20 planned development units is located off of Hiller Drive on the street of Spyglass Hill in the city of Oakland, California.

The last Applied Reserve Analysis, LLC field inspection was completed on May 7, 2006.

NOTE: This reserve analysis study is provided as an aid for planning purposes and not as an accounting tool. Since it deals with events yet to take place, there is no assurance that the results enumerated within it will, in fact, occur as described. A reserve analysis, to remain accurate, should be updated on an annual basis to reflect such changes as shifts in economic parameters, the addition of assets or phases, or the expenditure of reserve funds.

CFM Model Summary of Calculations

Required Monthly Contribution	\$1,977.44
<i>\$58.16 per unit monthly</i>	
Average Net Monthly Interest Earned	<u>\$75.47</u>
Total Monthly Allocation to Reserves	\$2,052.91
<i>\$60.37 per unit monthly</i>	

Hiller Highlands I Association
RA Component Funding Model Projection

Beginning Balance: \$133,392

Year	Current Cost	Annual Contribution	Annual Interest	Annual Expenditures	Projected Ending Reserves	Fully Funded Reserves	Percent Fully Funded
2009	201,709	23,729	906	17,268	140,759	147,481	95%
2010	207,760	23,332	1,016	8,763	156,344	158,294	98%
2011	213,993	23,546	927	37,131	143,685	139,806	102%
2012	220,413	21,568	1,027	9,171	157,109	150,912	104%
2013	227,025	20,653	1,156	3,627	175,292	168,743	103%
2014	233,836	21,604	1,075	33,879	164,093	155,788	105%
2015	240,851	19,304	1,165	8,686	175,876	169,209	103%
2016	248,076	25,295	608	102,974	98,805	83,846	117%
2017	255,519	22,989	761	2,828	119,727	102,732	116%
2018	263,184	21,825	878	6,570	135,860	118,794	114%
2019	271,080	21,528	913	17,429	140,873	124,417	113%
2020	279,212	21,788	1,020	7,397	156,284	141,468	110%
2021	287,589	29,106	728	68,343	117,776	95,008	123%
2022	296,216	27,150	930		145,856	120,313	121%
2023	305,103	26,307	1,124		173,288	147,051	117%
2024	314,256	26,091	1,287	4,160	196,506	170,872	115%
2025	323,684	27,060	1,438	6,391	218,613	193,756	112%
2026	333,394	29,176	1,432	30,555	218,666	192,425	113%
2027	343,396	28,778	1,585	8,573	240,456	215,135	111%
2028	353,698	26,978	1,791		269,225	248,401	108%
2029	364,309	29,699	1,766	33,858	266,832	247,550	107%
2030	375,238	29,151	1,915	9,941	287,956	272,875	105%
2031	386,495	35,157	1,685	67,064	257,734	239,212	107%
2032	398,090	32,875	1,925	1,385	291,149	275,096	105%
2033	410,033	37,273	1,892	41,926	288,388	269,953	106%
2034	422,334	36,765	1,882	40,251	286,784	267,364	107%
2035	435,004	34,971	2,120	3,775	320,100	304,357	105%
2036	448,054	43,010	1,524	126,312	238,322	213,448	111%
2037	461,495	40,441	1,791	5,108	275,447	249,417	110%
2038	475,340	42,600	1,546	78,392	241,200	209,766	114%

Hiller Highlands I Association
RA Component Funding Model Assessment & Category Summary

Description	Replacement Year	Useful Life	Adjustment	Remaining Life	Current Cost	Assigned Reserve	Fully Funded
Streets/Asphalt							
Streets - Asphalt Slurry Seal Coating	2012	7	0	3	8,392	4,796	4,796
Streets - Asphalt, Overlay	2016	20	2	7	51,329	26,435	34,997
Streets - Asphalt, Repairs	2009	4	0	0	2,232	2,232	2,232
Streets - Asphalt, Seal Coat	2009	9	0	0	<u>5,035</u>	<u>5,035</u>	<u>5,035</u>
Streets/Asphalt - Total					\$66,989	\$38,498	\$47,061
Painting							
Paint - Exterior, Entry Walls	2010	10	1	1	1,154	1,049	1,049
Paint - Exterior, Stucco, Bldgs C1/C2	2010	10	1	1	2,440	2,218	2,218
Paint - Exterior, Stucco, Bldgs E1/E2	2010	11	0	1	702	638	638
Paint - Interior, Garages, Bldgs C1/C2	2014	10	5	5	1,302	868	868
Seal - Wood Walkways, Bldgs D1/D2	2010	5	0	1	<u>1,750</u>	<u>1,400</u>	<u>1,400</u>
Painting - Total					\$7,348	\$6,174	\$6,174
Lighting							
Lighting - Exterior, Entry Walls, Replace	2010	14	2	1	404	379	379
Lighting - Exterior, Path Lights, Replace	2016	22	0	7	17,920	12,218	12,218
Lighting - Exterior, Street Lights, Replace	2016	22	0	7	<u>8,840</u>	<u>6,027</u>	<u>6,027</u>
Lighting - Total					\$27,164	\$18,624	\$18,624
Decks/Balconies							
Walkway - Wood, Bldg D1/D2 , Replace	2014	20	0	5	<u>15,948</u>	<u>11,961</u>	<u>11,961</u>
Decks/Balconies - Total					\$15,948	\$11,961	\$11,961
Railings							
Railing - Garage, Building C1/C2, Replace	2019	25	0	10	<u>4,576</u>	0	<u>2,746</u>
Railings - Total					\$4,576		\$2,746
Doors							
Doors - Storage, Bldgs C1/C2, Replace	2016	22	0	7	2,936	2,002	2,002
Doors - Storage, Bldgs E1/E2, Replace	2016	22	0	7	<u>2,202</u>	<u>1,501</u>	<u>1,501</u>
Doors - Total					\$5,138	\$3,503	\$3,503
Fencing/Security							
Fencing - Wood, Carport G3, Unit 30, Repl.	2013	16	3	4	<u>990</u>	<u>782</u>	<u>782</u>
Fencing/Security - Total					\$990	\$782	\$782
Walls							
Bench/Wall - Wood, Spyglass Hill, Replace	2014	20	0	5	1,973	1,480	1,480
Walls - Stucco, Repairs	2010	14	2	1	<u>963</u>	<u>903</u>	<u>903</u>
Walls - Total					\$2,937	\$2,383	\$2,383
Irrigation							
Irrigation - Drip System, Replace	2014	15	5	5	10,000	7,500	7,500

Hiller Highlands I Association
RA Component Funding Model Assessment & Category Summary

Description	Replacement Year	Useful Life	Adjustment	Remaining Life	Current Cost	Assigned Reserve	Fully Funded
<i>Irrigation continued...</i>							
Irrigation Controllers - Replace	2009	12	3	0	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>
Irrigation - Total					\$20,000	\$17,500	\$17,500
Landscaping							
Landscape - Plants, Replenish/Replace	2011	10	0	2	<u>35,000</u>	<u>28,000</u>	<u>28,000</u>
Landscaping - Total					\$35,000	\$28,000	\$28,000
Grounds Components							
French Drain - PVC System, Cleanout	2016	10	0	7	500	150	150
French Drain - PVC System, Repairs/Repl.	2026	20	0	17	<u>8,500</u>	<u>0</u>	<u>1,275</u>
Grounds Components - Total					\$9,000	\$150	\$1,425
Mailboxes							
Mailboxes/Wood Kiosks - Replace	2015	14	-7	6	<u>5,524</u>	<u>789</u>	<u>789</u>
Mailboxes - Total					\$5,524	\$789	\$789
Signs							
Signs - Wood, Painted, Replace	2010	16	0	1	<u>1,094</u>	<u>1,026</u>	<u>1,026</u>
Signs - Total					\$1,094	\$1,026	\$1,026
Contingency							
Carport/Concrete Framing - Inspections					<i>unfunded</i>		
Copy & FAX Machines - Replace					<i>unfunded</i>		
Reserve Payback - 1X, Replacement					<i>unfunded</i>		
Total Asset Summary					<u>\$201,709</u>	<u>\$129,390</u>	<u>\$141,973</u>
Contingency at 3.00%						<u>\$4,002</u>	<u>\$4,391</u>
Summary Total						\$133,392	\$146,364
Fully Funded Level						91%	
Current Average Liability per Unit (Total Units: 34)						-\$381	

ARTICLE 6. FUNDS AND ASSESSMENTS

6.1 Operating Fund

The Association shall maintain an operating fund into which the Board shall deposit all funds paid to the Association as maintenance and operation assessments and special assessments. Said funds shall be held by the Association for the use and benefit of its individual Members and shall only be used for and applied to the common specific purposes of the Members as herein set forth.

6.2 Maintenance and Operation Assessments

6.2.1 Regular Assessments. Not less than thirty (30) days prior to the beginning of each fiscal year the Association shall estimate the net cash requirements for the ensuing year necessary for the Association to operate and to maintain the property subject to its jurisdiction in accordance with its duties. Each Residence shall be assessed for an equal share of the amount so estimated except for the cost of purchasing fire and earthquake insurance. The estimated cash requirement of Association earthquake and fire insurance blanket policies for the ensuing year shall be assessed according to the following percentage schedule, based on square feet per Residence assigned by the insurance provider, to be rounded off to the nearest full dollar amount. Post office addresses on the Street (Spyglass Hill) are followed by Residence numbers, in parentheses, to identify the 34 Residences.

1. 3.91% - Addresses: 1(34), 3(33), 5(32), 7(31), 9(30), and 11(29)
2. 3.87% - Address: 41(23)
3. 3.39% - Addresses: 29(28), 31(27), 55(18,) 57(17), 59(16), 61(15)
4. 3.00% - Addresses: 20(1), 22(2), 24(3), 26(4), 28(5), 30(6)
5. 2.73% - Address 48(12)
6. 2.71% - Addresses: 43(24), 45(21), 47(22), 60(13), 62(14)
7. 2.01% - Addresses: 33(25), 35(26), 51(19), 53(20)
8. 2.42% - Address 42(7)
9. 2.23% - Addresses 38(8), 44(10)
10. 1.55% - Addresses: 40(9), 46(11)

All funds of the Association shall be budgeted, allocated, assessed and collected for current maintenance and operation of the Project, contingencies, deferred maintenance, earthquake and fire insurance, and replacement of capital improvements and shall be designated for those specific purposes. Said funds shall then be used solely for the specific purpose for which they have been designated.

Within sixty (60) days after the end of each fiscal year, the Residence Owners shall receive an accounting of assessment receipts and disbursements for the last ended fiscal year. If such accounting shows that a surplus of cash results in the Project's current maintenance and operation account, such surplus shall be carried over to future assessment periods.

6.2.2 Increase in Regular Assessments. Pursuant to California Civil Code Section 1366 (b), or comparable superseding statute, the annual Regular Assessment may be increased in any subsequent year by not more than twenty percent (20%) above the maximum assessment for the previous year, except for "emergency situations" as defined in Civil Code Section 1366(b)

ALTERNATIVE DISPUTE RESOLUTION
Summary of Civil Code 1369.510-1369.590

Sections 1369.510 to 1369.590 of the Civil Code require that before owners and associations file lawsuits against each other for declaratory relief or injunctive relief in connection with a claim for money damages under \$5,000 or for enforcing the associations governing documents, the filing party shall endeavor to submit the dispute to alternative dispute resolution (ADR). Forms of ADR include mediation, negotiation, and binding or nonbinding arbitration. This provision does not apply to the filing of cross-complaints.

The ADR process is initiated by one party serving a Request for Resolution upon the other parties to the dispute. The request must include (i) a brief description of the dispute, (ii) a request for ADR, (iii) a notice that a response must be received within thirty (30) days or it will be deemed rejected, and (iv) a copy of Civil Code Sections 1369.510 to 1369.590.

If the individual receiving the request agrees to ADR, the process must be completed within ninety (90) days unless otherwise extended by agreement. The cost of ADR is to be paid by the participating parties. If a civil suit is filed, the filing party must submit to the court a Certificate of Compliance indicating the party has complied with the requirements of Sections 1369.510 to 1369.590. Failing to do so would be grounds for challenging the lawsuit.

Although the prevailing party is entitled to reasonable attorneys fees and costs, the court may consider a party's refusal to participate in ADR when making the award.

A description of the Associations internal dispute resolution process, as required by Civil Code Section 1363.850, is attached.

NOTE: Failure by any member of the association to comply with the alternative dispute resolution requirements of Civil Code 1369.520 may result in the loss of your rights to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law.

Updated 11/2/2005
Provided in Annual Disclosures 11/28/2008

HILLER HIGHLANDS PHASE I HOMEOWNERS' ASSOCIATION

Delinquent Assessment Collection Policy Statement

1. Regular assessments are due, in advance, on the first (1st) day of each assessment period and delinquent if not received, in full, by the Association within fifteen (15) days after the due date thereof. Special and Special Individual assessments are due on the date(s) specified upon imposition and each installment thereof shall be delinquent if not received by the Association within fifteen (15) days after it is due. A late charge of ten dollars (\$10.00) or ten percent (10%) of the delinquent assessment, whichever is greater, shall be due on any such delinquent assessment.
2. At the option of the Association, interest shall be due on all such amounts, once due and unpaid for thirty (30) days, at the rate of twelve percent (12%) per annum.
3. If any portion of any such assessment or late charge remains unpaid thirty (30) days after the original due date thereof, a "Letter of Intent" to file a Notice of Delinquent Assessment ("Lien") will be prepared and sent to the record owner(s). Please be advised that the Association has the right to collect all reasonable costs of collection.
4. All such amounts, and all other assessments and related charges thereafter due to the Association until all such amounts are paid, must be paid in full and the Association shall not be required to accept any partial or installment payments from the "Letter of Intent" date to the time that all such amounts are paid in full.
5. If all such amounts have not been received sixty (60) days after the original due date thereof, a Lien will be prepared and recorded as to the delinquent property and the owner(s) thereof, and all resulting collection fees and costs will be added to the total delinquent amount.
6. If all such amounts have not been received, in full, within thirty (30) days after the recordation of such Lien, the Association may, without further advance notice, proceed to take any and all additional enforcement remedies as the Association, in its sole discretion, deems appropriate, including, without limitation, non-judicial foreclosure of such Lien, judicial foreclosure, or suit for money damages, all at the expense of the property owner(s).
7. All payments received by the Association, regardless of the amount paid, will be directed to the oldest assessment balances first, until which time all assessment balances are paid, and then to late charges, interest and costs of collection unless otherwise specified by written agreement.
8. The Association shall charge a "returned check charge" of twenty-five dollars (\$25.00) for all checks returned as "non-negotiable, "insufficient funds" or any other reason.
9. All above referenced notices will be mailed to the record owner(s) at the last mailing address provided in writing to the Association by such owner(s).
10. If the assessment is paid "under protest" the record owner(s) within thirty days of receiving a notice of delinquent assessment, must pay to the association (1) the amount of the assessments in dispute, (2) all late charges, (3) all interest and (4) all costs associated with the preparation and filing of the notice of delinquent assessment, including all mailing costs and including attorney fees not to exceed four hundred twenty five dollars (\$425.00). The owner must indicate in the payment transmittal that the payment is made "under protest."
11. No offsets of any nature shall be allowed against the assessments owed by an owner.
12. The Board of Directors of the Association may revise this policy, either generally or on a case-by-case basis, if it finds good cause to do so.

Date of Disclosure: 11/28/08

Hiller Highlands Phase I Homeowners Association

DESCRIPTION OF INTERNAL DISPUTE RESOLUTION PROCEDURE

Civil Code Section 1363.850

This policy applies to a dispute between the Association and a member involving their rights, duties, or liabilities under the Davis-Stirling Act, under the provisions of the Corporations Code relating to mutual benefit corporation. (commencing with Corporations Code Section 7110), or under the Association's governing documents.

Either party to a dispute within the scope of this article may invoke the following procedure:

1. Either the association or the member may request that the other side meet and confer in an effort to resolve the dispute. The request must be in writing. The association may not refuse such a request, and the member may not be charged a fee to participate in the process.
2. The association's Board of Directors shall designate one or more members to meet and confer with the other party.
3. The parties shall meet promptly, but not to exceed 45 days from the date of the request, unless both sides agree to a later date, at a mutually convenient time and place. At the meeting, the parties must explain their positions to each other and must confer in good faith in an effort to resolve the dispute.
4. If the parties agree on a resolution of the dispute, the agreement must be put in writing and signed by the parties. The agreement is binding and can be enforced by the courts if: a) it is not in conflict with the law or the governing documents, and b) the association's representative(s) had the authority to enter into the settlement or the settlement is ratified by the board.

Original Issue Date 04/08/2006

Provided in Annual Disclosures 11/28/2008

HILLER HIGHLANDS PHASE I HOMEOWNERS' ASSOCIATION

Statement Regarding Meeting Minutes

Hiller Highlands Phase 1 Association will produce copies of minutes, minutes proposed for adoption marked to indicate draft status, or a summary of the minutes, of any meeting of the board of Directors of the Association, other than Executive session. Copies shall be available to members within thirty days of the meeting.

Hiller Highlands Phase 1 Association members requesting copies of meeting minutes, must do so in writing delivered to the Association's Box #36, and provide the Board with sufficient notice within which to reproduce applicable copies. The Association *may* recover the costs associated with reproducing the meeting minutes and the cost of mailing meeting minutes to the member.

Date of Disclosure: 11/28/08

Commercial Building Valuation Report

Brought to you by Farmers Insurance

Page 3

Policy: ESTIMATE-67821

10/16/2007

INSURED HILLER HIGHLANDS PHASE I HOA
36 SPYGLASS
OAKLAND, CA 94618

Effective Date: 11/01/2007
Expiration Date: 11/01/2008
Cost as of: 06/2007

BUILDING HILLER HIGHLANDS PHASE I HOA
36 SPYGLASS HILL
OAKLAND, CA 94618

SECTION 1

Superstructure

Occupancy:	100% Deluxe Condominium	Story Height:	9 ft.
Construction Type:	100% Frame (ISO 1)	Number of Stories:	2
Gross Floor Area:	51,640 sq.ft.	Gross Perimeter:	7,474 ft.
Construction Quality:	2 - Average		

SUMMARY OF COSTS

Reconstruction

SUPERSTRUCTURE

Site Preparation	7,336
Foundations	568,769
Foundation Walls, Interior Foundations, Slab On Ground	
Exterior	3,228,092
Framing, Exterior Wall, Structural Floor, Roof	
Interior	2,634,570
Floor Finish, Ceiling Finish, Partitions	
Mechanicals	3,886,183
Heating, Cooling, Fire Protection, Plumbing, Electrical, Elevators	
Built-ins	682,021

SUBSTRUCTURE

TOTAL RC SECTION 1 \$11,006,972

TOTAL RC BUILDING HILLER HIGHLANDS PHASE I HOA \$11,006,972

VALUATION GRAND TOTAL	Reconstruction	\$/sq.ft.	
	\$11,006,972	51,640	\$213.00

Although this report is provided by Farmers for your consideration, the property limits are only estimated values based upon information that you have provided. You are responsible for determining the appropriate Building and/or Business Personal Property coverage limits.

2007

EQ INSURANCE SERVICES

MULTIPLE BUILDING SCHEDULE

Bldg No.	Address	Year Built	Sq Feet	# of Units	Bldg Const	Bldg Amount	Contents	Loss of Rents	Loss of Earnings	Extra Expense
1	1 SPY GLASS	1994	2020	1	Frame	488,840				
2	3 SPY GLASS	1994	2020	1	"	488,840				
3	5 + 7 SPY GLASS	1994	4040	2	"	977,680				
4	9 + 11 "	1994	4040	2	"	977,680				
5	20 + 22 "	1994	3100	2	"	750,200				
6	24 + 26 "	1994	3100	2	"	750,200				
7	28 + 30 "	94	3100	2	"	750,200				
8	29 "	94	1750	1	"	423,500				
9	31 "	94	1750	1	"	423,500				
10	33 + 35 "	94	2080	2	"	677,600				
11	42 "	94	1250	1	"	302,500				
12	41 + 43 "	94	3400	2	"	822,800				
13	38 + 40 "	94	1950	2	"	471,900				
14	48 "	94	1410	1	"	341,220				
15	44 + 46 "	94	1950	2	"	471,900				
16	45 + 47 "	94	2800	2	"	677,600				
17	51 + 53 "	94	2080	2	"	677,600				
18	60 + 62 "	94	2800	2	"	677,600				
19	55 + 57 "	94	3500	2	"	847,000				
20	59 + 61 "	94	3500	2	"	847,000				
21										
22	TOTALS	94	51,640	34	"	12,500,000				
23										
24										
25										
26										

**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
February 14, 2009**

The Board of Directors meeting was called to order at 9:37 A.M on Saturday, Feb. 14, 2009 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick
Member-At-Large	Carole Anderson

It was M/S/P to approve the Board minutes from November and January as circulated.

Annual Meeting

The annual meeting was held January 22. It was well attended and one of the Board's goals for 2009 will be to keep our entire Homeowners Association involved in helping to maintain and enhance the quality of life on Spy Glass Hill. Mary Roth volunteered to coordinate the 2010 Annual Meeting dinner. Dawn Willoughby said she will take the lead in organizing the street's party this coming August 4 as part of "National Night - Out".

Homeowner's Forum

The Board spoke about the "soft story" issue that was raised by Ruth Bailey at the annual meeting. She was concerned that buildings with living areas above garages are more susceptible to collapse than previously thought. The Board noted that the homes on our street were rebuilt up to or above the requirements of the 1992 building code. Chuck Scurich has all the building plans for our street in storage. The board discussed digitizing them and making them available to homeowners. The board will further address this issue during a Phase "walk-about" during the March 7 Board meeting. Tricia will write a letter to Ruth.

Treasurer's Report

The balance for the operating account is \$16,985.85. The balance in the reserve account is \$73,286.08. The Association also has a \$63,000 invested in a six month FDIC insured CD earning 2.9% A.P.R which will mature in March 2009.

All homeowners' dues are currently up to date, except for a few minor errors caused by the change in the 2009 dues schedule. Homeowners should consult their annual meeting material or contact Chuck Scurich if they are unsure about their units 2009 dues.

It was M/S/P to accept the Treasurer's report.

C.O.R.E.

Dawn Willoughby has asked that the Board add all homeowner's and resident's cell phone numbers to the Spy Glass Hill roster. During last year's fire on the backside of Hiller Highlands, cell phones offered best way for contacting people. The Board endorses this. Steve Cobbledick will add a sheet to the roster. Please email your cell phone numbers to scobbledick@comcast.net or drop a note in the Phase I mailbox at 36 Spyglass Hill.

2009 Goals

The Board discussed goals for the coming year. Please see the attached list. A tentative schedule of meetings/events is also attached.

Substantive

Landscape

Homeowners at each end of the street have complained about the landscape in those areas. Evan is working on it. If you have trouble contacting him, Rosalind Ono will act as landscape liaison for any suggestions or comments you have.

Animals

Please remember to keep your animal under control and clean up poop.

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north end.

Drought Water Usage

Despite the recent storms, EBMUD is still requiring mandatory water conservation. EBMUD has increased water flow charges by 10% during the drought. We also received a letter which mandates bimonthly Water Use Allocation. We will be billed \$2 for each unit of water over the allocation amount. One unit of water is 748 gallons.

Please check the attached water readings for your unit. We need to all work together to hold down water use. All residents need to conserve water by not using dish washers until they are full, using as few loads as possible for their clothes, and taking their vehicles to a car wash. Low flow showerheads (you may be a little cold but they really work) and faucet aerators are available at no cost from EBMUD. Call 1-866-403-2683 or check out the EBMUD web site: www.ebmud.com/conserving_&_recycling/residential

Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. A representative at your branch office can help set this up.

Next meeting: at 9:30, Saturday, March 7, 2009 at 55 Spy Glass Hill.

The Meeting was adjourned at 11:22 A.M

Respectfully submitted,

Steve Cobbledick, Secretary

Date

Schedule of Meetings/Events for 2009 Hiller Highlands – Phase I Board of Directors

- March 7 – 9:30 Meeting at # 55, and “Walkabout”
- April 4 – 9:30 Meeting at #59
- April 26 – CORE Training
- April ?? – All-Hiller Meeting?
- May 2 – 9:30 Meeting at #35
- June 6 – 9:30 Meeting at #7
- July 11 – 9:30 Meeting at place TBD *not held*
- August 1 – 9:30 Meeting at place TBD, focus on insurance policy renewal
- August 4 – National Night Out street party (NNO)
- September – Recruit new Board Members
- September 5 – 9:30 Meeting at place TBD
- September/October – CORE Training?
- October 3 -- 9:30 Meeting at place TBD, and “Walkabout”
- November 7 – 9:30 Meeting at place TBD, with focus on Annual Meeting Materials
- November 30 – Mail AM Materials
- December 5 – 9:30 Meeting at place TBD
- January 9 – 9:30 Meeting at place TBD, with focus on Annual Meeting preparation
- January 21 – 7 PM Annual Meeting at Highlands Country Club, followed by lasagna dinner with potluck wine, dessert, and salad

2009 Goals for Hiller Highlands Phase I Initial Thoughts

- **Replace Irrigation Controllers**
- **Seal/resurface street**
- **Orient New Board and Potential Board Members**
 - **Develop a standard Board packet of information**
- **Plan “Walk Abouts” in March and October**
 - **Continue to monitor building maintenance**
- **Plan a Summer Party – National Night Out, August 4**
- **Respond Promptly to Homeowners’ concerns/letters**
- **Write at least 6 Newsletters**
- **Schedule at least 2 CORE Trainings**
 - **April 25**
 - **October ?**
- **Update CORE Information/Rosters**
- **Add cell phone numbers to our roster sheets for emergency communication**
- **Explore/Implement electronic storage of HHI HOA records**
 - **Inspect/Organize/Edit files in Board Storage Closet**

SPYGLASS HILL

HILLER HIGHLANDS I ASSOCIATION

2009

Homeowner	Unit #	Phone
Lois Gold.....	1.....	644-0160
Udo Araktingi & Rachael Downie (Non-res. Owner)	3.....	(303) 805-7067
Anne Glarner.....	3.....	845-3442
Alec Gruszczynski & Maja Grusznski	5.....	647-9753
Tricia Swift (President).....	7.....	843-8009
Mary & David Roth.....	9.....	665-5532
Howard Pearlman & Kenneth Pytlewski	11.....	540-5207
Yasmine Zaeni.....	20.....	647-9665
Mildred Hughes.....	22.....	540-0151
Stuart & Sally Thompson (Non-res. Owner).....	24.....	(530) 343-7847
Steven & Dawn Willoughby (CORE).....	26.....	644-2019
Lynn Mallard & Sandra Springs	28.....	981-8335
Robert Heymann (Non-res. Owner)	29.....	644-9519
Jackie Bresie & Carole Keefe.....	29.....	926-2009 or (650) 303-6403
Diane Reilly (Non-res. Owner)	30.....	206-2903
Dennis Szkotnicki & Steven Stratton.....	30.....	845-4147
Diane Reilly.....	31.....	206-2903
Rosanna Poret.....	33.....	647-9213
Steven Cobbledick (Secretary).....	35.....	849-4658
Roger & Faye Baron.....	38.....	704-0457
Evan Delegeane (Landscape).....	40.....	848-8193
Lynette Francis	41.....	981-1314
Nahid Rezai (Non-res. Owner).....	42.....	(925) 980-6067
Andy Read & Megan Gough.....	42.....	(925) 330-1948
Sonja S. Woodham	43.....	883-1404
Anyo & Michael Lemaire.....	44.....	666-1334
Gary Firestone	45.....	486-0707
Kevin Dawson (Non-res. Owner).....	46.....	547-1325
Elizabeth Turner.....	46.....	N/A
Carole Anderson (Board Member at Large).....	47.....	666-8661
Ann Mulligan.....	48.....	845-2255
Neville Colaco	51.....	848-8881
Ruth Bailey (non-res. Owner)	53.....	(925) 284-1533
Brian Louie & Erin Bailey	53.....	(415) 236-1446
Suha & Chuck Scurich (Treasurer)	55.....	204-9180
Andre Friant & Miriam Delay-Friant	57.....	849-2007
Edward & Rosalind Ono (Vice-President)	59.....	841-1826
Suha & Chuck Scurich (non-res. owner).....	60.....	204-9180
Pat & Judy Geoghegan	61.....	841-4141
Suha & Chuck Scurich (non-res. owner).....	62.....	204-9180
Helen Fisher.....	62.....	701-0667

This phone list is for Spyglass Hill residents only. Do not distribute.

Spyglass Hill Address	09/27/08 Meter (cu ft)	11/29/08 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2007 Reading	Water Used (Gal./day)
60	37830	37831	1	7	63	0	363	5
24	121114	121144	30	224	63	4	363	12
44	48277	48423	146	1092	63	17	363	20
40	51041	51265	224	1676	63	27	363	31
33	103884	104170	286	2139	63	34	363	19
35	44275	44691	416	3112	63	49	363	76
47	63782	64238	456	3411	63	54	363	36
1	49143	49639	496	3710	63	59	363	72
28	101235	101767	532	3980	63	63	363	63
48	63514	64053	539	4032	63	64	363	75
46	31923	32477	554	4144	63	66	363	75
43	58809	59369	560	4189	63	66	363	75
41	100816	101377	561	4197	63	67	363	89
62	32149	32713	564	4219	63	67	363	70
22	61914	62479	565	4226	63	67	363	79
9	83700	84312	612	4578	63	73	363	152
61	57572	58187	615	4601	63	73	363	70
59	52402	53039	637	4765	63	76	363	81
42	34555	35203	648	4847	63	77	363	84
53	52645	53331	686	5132	63	81	363	166
20	75073	75764	691	5169	63	82	363	46
7	67708	68406	698	5221	63	83	363	101
57	99404	100111	707	5289	63	84	363	83
26	57182	57911	729	5453	63	87	363	81
45	105405	106171	766	5730	63	91	363	104
5	52073	52869	796	5954	63	95	363	92
11	91670	92746	1076	8049	63	128	363	124
31	76001	77122	1121	8386	63	133	363	138
29	91882	93225	1343	10046	63	159	363	163
51	117359	118877	1518	11355	63	180	363	231
38	122247	124122	1875	14026	63	223	363	289
30	126933	128895	1962	14677	63	233	363	107
55	126751	128797	2046	15305	63	243	363	183
3	89666	92099	2433	18200	63	289	363	215

Spyglass Hill Address	11/29/08 Meter (cu ft)	01/31/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	63	0	356	5
24	121144	121225	81	606	63	10	356	12
44	48423	48605	182	1361	63	22	356	18
40	51265	51513	248	1855	63	29	356	30
1	49639	50000	361	2700	63	43	356	66
48	64053	64416	363	2715	63	43	356	68
33	104170	104543	373	2790	63	44	356	26
42	35203	35689	486	3636	63	58	356	81
59	53039	53534	495	3703	63	59	356	74
61	58187	58714	527	3942	63	63	356	67
43	59369	59942	573	4286	63	68	356	74
9	84312	84908	596	4458	63	71	356	82
46	32477	33080	603	4511	63	72	356	72
20	75764	76368	604	4518	63	72	356	59
62	32713	33323	610	4563	63	72	356	71
22	62479	63092	613	4586	63	73	356	79
35	44691	45318	627	4690	63	74	356	71
7	68406	69039	633	4735	63	75	356	91
47	64238	64902	664	4967	63	79	356	50
26	57911	58606	695	5199	63	83	356	84
45	106171	106912	741	5543	63	88	356	98
5	52869	53641	772	5775	63	92	356	88
28	101767	102559	792	5925	63	94	356	68
41	101377	102313	936	7002	63	111	356	77
57	100111	101104	993	7428	63	118	356	89
53	53331	54328	997	7458	63	118	356	147
11	92746	93797	1051	7862	63	125	356	127
31	77122	78173	1051	7862	63	125	356	135
38	124122	125612	1490	11146	63	177	356	273
29	93225	94798	1573	11767	63	187	356	162
51	118877	120518	1641	12276	63	195	356	222
55	128797	130620	1823	13637	63	216	356	187
3	92099	93978	1879	14056	63	223	356	211
30	128895	130965	2070	15485	63	246	356	146

February 14, 2009

Dear Spy Glass Friends and Neighbors –

Happy Valentine's Day! And many thanks to the person who put a Valentine to the Board in the mail box at #36! We met this morning, and your sentiment was much appreciated.

As I write, a great Pacific storm is gathering to the West to bring more rain to us tonight and tomorrow. Hallelujah! How we need the rain to revive our landscaping and relieve us of the anticipated drought.

But we are not out of the woods by any means. One of our topics this morning was the continuing need for water conservation by each and every one of us. With the February Minutes you will find a water consumption table. Please take a look at it to see how much you are using. Our AVERAGE is 94 gallons per day per home. Some of us are using more than twice that amount! Help! If we were each billed individually by East Bay MUD, then those of us that over-use would feel the pinch directly. But we get water in bulk, and your water cost is folded into our budget and monthly fee structure. It will ~~to~~ hurt our budget if we cannot collectively reduce our usage, and you know what that means! If you are a landlord, please urge your tenants to moderate their use. If you are an owner occupant, challenge yourself to conserve. We don't want to have a bigger water bill and raised monthly fees!

Once again, we had a rollicking Annual Meeting and potluck dinner in January (thanks to Rosalind Ono for organizing it), with good attendance and lots of good information. You will shortly get a draft of our Annual Meeting Minutes, along with our January and February Board Minutes with informative attachments.

On the street we are about to experience that annual wonder: the cherry trees turning into pink clouds of blooms. This always brings joy to my heart, as it symbolizes the energy of the new year. We have accomplished much in the last year in terms of improvement in our street appearance: many of us have

painted and paid attention to needed repairs. This is a great defense against slumping values and our tattered economy! Major HOA infrastructure repairs planned for this year are new water-conserving controllers for our irrigation system, and re-sealing our street surface. Stay tuned for details.

As we map out the new year, we have established a schedule of Board Meetings (typically the first Saturday of each month, 9:30 AM), at which you are always welcome. We will do two "Walk Abouts" – the first on March 7, and the second on October 3. Again, all are welcome. And we already have a date for our annual "National Night Out" on August 4 – a street party which Dawn Willoughby will coordinate.

To prepare for Fire Season, we will have at least two CORE trainings on Spy Glass Hill so we all can learn how to respond in an emergency situation. To facilitate emergency communication, the Board is asking for your cell phone numbers to add to our roster. You can put your cell phone information in the mailbox at #36, or give to Steve Cobbledick at #35.

So – we are off to a good start for 2009! BUT PLEASE CONSERVE OUR WATER!!

As always, thanks for listening!

A handwritten signature in cursive script that reads "Tricia".

Tricia Swift, President
Hiller Highlands Phase I Board of Directors

**FIRST AMENDMENT TO
FIRST AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
REGARDING A PLAN OF OWNERSHIP**

HILLER HIGHLANDS ONE ASSOCIATION, INC.

The First Amendment to the First Amended And Restated Declaration Of Covenants, Conditions, And Restrictions ("Declaration") shall consist of the following provision:

**Amendment to EXHIBIT "D", ASSOCIATION, CONDOMINIUM AND RESIDENCE
LOT INDIVIDUAL SPECIFIC MAINTENANCE RESPONSIBILITY**

Exhibit D shall be amended to reflect the transfer of the exclusive use easement over parking space "P12" from Unit 33 to Unit 41. All references to Unit 33 with respect to maintenance responsibilities for parking space "P12" in Exhibit D of the Declaration shall be changed to refer to Unit 41.

Specifically, the amended portions of Exhibit D shall read as follows (any sentence that does not appear below but is part of an amended section shall remain in effect and not be amended):

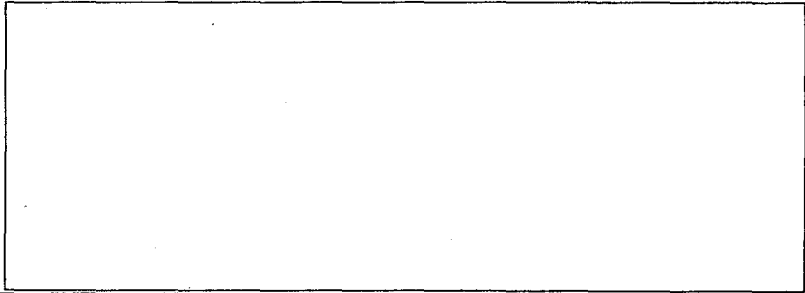
7 (f) The Owner of Unit **#41** shall bear the maintenance cost of two Assigned Parking Spaces (P12 & P13) in the five stall carport.

8 (d) All four Owners have been assigned parking spaces in Open Garages and shall share maintenance costs as indicated in the descriptions of **#42** and **#48** Spyglass Hill. In addition, **#38** has an Assigned Parking Space (P13) in a five stall Carport and shall share the cost of maintenance in proportion to the number of parking spots assigned with **#30**, **#41 (2 spaces)**, and **#43**.

9 (d) All four Owners have been assigned parking spaces: **#43**, **#45**, and **#47** to three stall Garages and **#41** and **#43** to a five stall Carport and shall share the maintenance costs in proportion to the number of parking spots assigned with others assigned to the same parking facilities.

RECORDING REQUESTED BY:

Law Offices of Ann Rankin
3911 Harrison Street
Oakland, CA 94611



HILLER HIGHLANDS ONE ASSOCIATION, INC.

**CERTIFICATION OF APPROVAL OF FIRST AMENDMENT TO FIRST AMENDED AND
RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS TO
CHANGE MAINTENANCE RESPONSIBILITIES IN EXHIBIT D RESULTING FROM
TRANSFER OF PARKING SPACE**

Amending and Superseding the ORIGINAL DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS RECORDED ON MAY 26, 1966 AT
REEL 1776, IMAGE 217, SERIES NO. AY/66136
OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA
DOCUMENT NO. 86-142779

First Amendment:	Recorded 9/27/66, Series AY-112378
Second Amendment:	Repealed
Third Amendment:	Recorded 3/17/86, No. 86-062369
First Amended and Restated Declaration:	Recorded 11/08/01, No. 2001-439199

WHEREAS, Hiller Highlands I Association is a membership organization comprised of all the Owners of the Condominiums and/or Residence Lots located in the City of Oakland, County of Alameda, California, described as

Tract 2783, Oakland, Alameda County, California, as shown on the subdivision map so named, recorded April 14, 1966 in Map Book 52 at Page 103, Alameda County Records,

Excepting Therefrom all of Recreation Area Parcel 1, as shown on said map, and

Further Excepting Therefrom the following parcel: beginning at a point at the intersection of the easterly tract limit of Tract 2783, and the southerly right-of-way line of Hiller Drive, being further described as the northerly tract limit of Tract 2783; thence from said point of beginning, along said easterly tract limit, South 64 degrees 15 minutes 36 seconds West, 90.80 feet; thence leaving said easterly tract limit, North 13 degrees 30 minutes East, 105.18 feet; thence North 72 degrees 43 minutes 47 seconds East, 36.00 feet, to the southerly right-of-way line of Hiller Drive; thence along said southerly right-of-way line, South 17 degrees 16 minutes 13 seconds East, 77.00 feet to the point of beginning,

which property is a Development within the meaning of California Civil Code Section 1351 and is subject to the provisions of the Davis-Stirling Common Interest Development Act; and

NOW THEREFORE, we, TRICIA SWIFT and STEVE COBBLEDICK, hereby certify:

1. That we are the duly elected President and Secretary, respectively, of Hiller Highlands One Association, Inc.;
2. That a duly noticed written secret ballot was provided to all Members of Hiller Highlands One Association, Inc. to consider a resolution to amend the Association's First Amended And Restated Declaration as shown in Exhibit 1 attached hereto and incorporated herein by reference;
3. That the attached First Amendment to the First Amended And Restated Declaration of Covenants, Conditions, and Restrictions for Hiller Highlands One Association, Inc. was approved by the affirmative vote of members representing at least fifty-one percent (51%) of the total voting power of the Association, that is eighteen (18) Members, as required by Section ____ of the Original Declaration.
4. That there is no provision in the First Amended and Restated Declaration limiting the passage of such amendments, and that said resolutions are in conformity with the provisions of Section ____ of the First Amended and Restated Declaration.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment to the First Amended And Restated Declaration of Covenants, Conditions, and Restrictions for Hiller Highlands One Association, Inc. this ____ day of February, 2009.

~~HILLER HIGHLANDS ONE ASSOCIATION, INC.~~

Patricia J. Swift

 PATRICIA SWIFT, President
 AKA TRICIA SWIFT

Steven L. Cobbledick

 Steven L. Cobbledick Secretary

NOTARY ACKNOWLEDGMENT

State of California County of Alameda

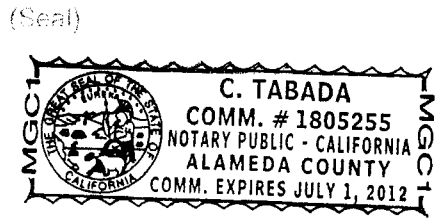
On 3/11/09 before me C. Tabada, Notary Public (insert name and title of the officer) personally appeared Patricia J. Swift + Steven L. Cobbledick who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature C. Tabada

C. Tabada



**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
March 7, 2009**

The Board of Directors meeting was called to order at 9:40 A.M on Saturday, March 7, 2009 at 55 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick

Board member Carole Anderson was suffering from the flu and absent.

It was M/S/P to approve the Board minutes from February as circulated.

Homeowner's Forum

The Board received a letter of inquiry from the owner of unit #1 and will respond.

Treasurer's Report

The balance for the operating account is \$16,250.19. The balance in the reserve account is \$75,997.79. The Association also has a \$63,000 invested a six month FDIC insured CD earning 2.9% A.P.R which will mature in March 2009.

All homeowners' dues are currently up to date, except for a few minor errors caused by the change in the 2009 dues schedule. Homeowners should consult their annual meeting material or contact Chuck Scurich if they are unsure about their units 2009 dues.

It was M/S/P to accept the Treasurer's report.

C.O.R.E.

Dawn Willoughby has asked that the Board add all **homeowner's and resident's cell phone numbers** to the Spy Glass Hill roster. During last year's fire on the backside of Hiller Highlands, cell phones offered best way for contacting people. The Board endorsed this in last month's minutes, but there have been very few responses. Please email your cell phone numbers to scobbledick@comcast.net or drop a note in the Phase I mailbox at 36 Spyglass Hill.

Substantive

Drought Water Usage

Despite the recent storms, EBMUD is still promising mandatory water conservation. From 11/19/08 to 1/23/09 we used 222 units of our allotted water use of 247 units. Our allotment over two months is 245 units. We will be billed \$2 for each unit of water over the allocation amount. One unit of water is 748 gallons.

The Board discussed what to do if we use more than our allotment. Do we spread the cost or assess a surcharge to high water users. No decision was made. We will revisit the issue if we get a surcharge on our bill. Because news reports have said that rationing is almost assured, all residents are urged to practice water conservation: using dish washers only when full, using as few loads as possible for clothes, and taking vehicles to a car wash. Low flow showerheads and faucet aerators are available at no cost from EBMUD. Call 1-866-403-2683 or check out the EBMUD web site:

www.ebmud.com/conserving_&_recycling/residential

If you are a landlord, please speak with your tenant about water conservation.

Landscape

The gardeners spent a much of last Thursday at the south end of the street. With the soil saturated, now is the time to plant. The Board will contact the owners of unit #61 to clarify what they prefer to have planted there.

Walkabout

The Board walked the Phase I property, making note of landscape issues and the condition of the structures.

Animals

Please remember to keep your animal under control and clean up poop.

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 12:25 A.M.

Next meeting: at 9:30, Saturday, April 4, 2009 at 59 Spy Glass Hill.

Respectfully submitted,

Steve Cobbledick
Steve Cobbledick, Secretary

3/14/09
Date

SmartZone Communications Center Collaboration Suite

SCobbledick@comcast.net

Fw: GOOD NEWS ON FIRE INSPECTIONS Friday, February 20, 2009 11:19:59 AM

From: sixchx@att.net

To: undisclosed recipients: ;

Attachments: HILLER OFFICER ROSTER.doc (61.4KB)

This is forwarded per Bob's request - please note that he would like the contact information for each phase (I presume he means the Landscape Chair?).

A copy of the the most current roster is attached, let me know if there are changes (please note that my email address has changed as well as fax #, which is now the same as the home phone).

Thanks, Gordon Seligson

--- On Thu, 2/19/09, Robert Sieben <rlsieben@yahoo.com> wrote:

From: Robert Sieben <rlsieben@yahoo.com>
Subject: GOOD NEWS ON FIRE INSPECTIONS
To: "Gordon Seligson" <sixchx@att.net>
Date: Thursday, February 19, 2009, 12:52 PM

I have been working closely with Camille Rodgers, Chief Fire Inspector for the OFD. ***She will personally do the inspections for all six phases of Hiller Highlands this year.*** I have already walked Phase V with her and submitted a plan for vegetation management for her approval. Our Board has tripled its budget to \$12,000 to bring us into compliance with the new, stricter code.

This way she can contact the appropriate person responsible for landscaping in the common areas. As it was, as many as 16 different firemen might be doing the inspections at different times. They left their inspection notices on the doorknobs and the homeowners, who usually weren't responsible for doing the landscaping, didn't know what to do with them.

It was quite frustrating for me last year as reports of being out of compliance would dribble in for months and it was impossible to plan to bring properties into compliance in a cost efficient, orderly way.

PS: I have some beautiful, clear ***house by house maps*** with the individual homes numbered for all of Hiller Highlands and color coded by phase. I can provide the master for copying by anyone interested. Thanks to Sue Piper for getting these created.

Finally, ***can you send this email to your Hiller Highlands list*** and ask each HOA to let me know whom Camille should be contacting about the fire inspections? I'm sure she would be pleased to do a preliminary walk through soon so any compliance issues could be taken care of well before June.

Phase V will elect a new Board March 24th, but the landscaping chair (Cherie Wetzel) and Fire Prevention chair (me) will not change.

You may contact Inspector Rodgers directly at CRodgers@oaklandnet.com to set up an inspection and/or let her know to whom compliance notices should be delivered.

--- On Fri, 2/20/09, SCobbledick@comcast.net <SCobbledick@comcast.net> wrote:

From: SCobbledick@comcast.net <SCobbledick@comcast.net>
Subject: Landscape Committee
To: "Sieben, Bob" <rlsieben@yahoo.com>
Cc: "Delegeane, Evan" <evandelegeane@comcast.net>, "Ono, Rosalind" <rosalind_palmer@yahoo.com>
Date: Friday, February 20, 2009, 11:33 AM

Bob,

Please contact Evan Delegeane or Rosalind Ono about the Phase I landscape. Evan works directly with Trimacs, our landscape maintenance company, and Rosalind is our Board Vice President.

Steve Cobbledick
Secretary
Hiller Highlands Phase I

**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
April 4, 2009**

The Board of Directors meeting was called to order at 9:40 A.M on Saturday, April 4, 2009 at 59 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick
Board Member-At-Large	Carole Anderson

It was M/S/P to approve the Board minutes from March as circulated.

Homeowner's Forum

The Board received a letter from one homeowner complaining that the concrete stairs and landing (common property) had moss which can be slippery when wet and requesting that the HOA power-wash the area. The Board noted this condition during last month's Walk-about and anticipated that sunny weather and some pruning would kill back the moss. In the interest of equity, the Board will request a bid to have all stairs power-washed and consider it at our next meeting.

Treasurer's Report

The balance for the operating account is \$15,640.62. The balance in the reserve account is \$81,479.95. The Association also has a \$63,000 invested a six month FDIC insured CD earning 2.9% A.P.R which will mature in April 8, 2009. It was M/S/P for Chuck Scurich to increase the CD to \$80,000 and shop for the best rate available for a period of up to 9 months.

It M/S/P to accept the Treasurer's report.

C.O.R.E.

Dawn Willoughby has asked that the Board add all **homeowners' and residents' cell phone numbers** to the Spy Glass Hill roster. During last year's fire on the backside of Hiller Highlands, cell phones offered best way for contacting people. There are still several residents who have not responded. Please email your cell phone numbers to scobbledick@comcast.net or drop a note in the Phase I mailbox at 36 Spyglass Hill.

A CORE Citywide Emergency Response Functional Exercise will take place on Saturday, April 25, 2009 from 9:00am to 11:30am. No Hiller Highlands exercise is planned, but one is being planned for later this summer. Additional information about the event on the web at: <http://www.oaklandnet.com/fire/core/citywide.html>.

Substantive

Drought Water Usage

Recently, newspapers have reported the Bay Area will face drastic water cuts this summer because the snow-pack is at low levels for the third year in a row. Attached is a sheet showing the water used per unit over the last two months. Our EBMUD bills have reflected how residents are cutting back, but we have not begun irrigating the landscaped area yet. Please continue to practice water conservation: using dish washers only when full, using as few loads as possible for clothes, and taking vehicles to a car wash. Low flow showerheads and faucet aerators are available at no cost from EBMUD. Call 1-866-403-2683 or check out the EBMUD web site:

www.ebmud.com/conserving_&_recycling/residential

If you are a landlord, please speak with your tenant about water conservation.

Landscape

Raylene, our landscape coordinator at Trimacs, has suggested planting thyme or African daisies in the vacant area at the South end of the street. The area is becoming a problem because it is a magnet for every pet owner with a dog who needs a place to poop. The Board will contact the owners of unit #61 to clarify which plants they prefer.

The gophers have returned in force. Evan will be asked to hire a firm to get rid of them.

Animals

Dog walkers on Spy Glass Hill have been leaving more animal by-products in their wake. The Board will check the cost of placing signage and small poles with bag dispensers at each end of the street. Please remember to keep your animal under control and clean up poop.

Walkabout

Follow-up comments from the walkabout last month will be distributed in the near future.

Mailboxes

Will anyone who has had a problem with their mailbox door coming detached please notify the Board.

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind

them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

Archive Preservation

The Board is looking for a volunteer who is willing to take inventory of the Phase I records in storage and then scan relevant documents for digital storage.

Thank you for Happy Easter Card from the anonymous Spy Glass Hill resident.

The Meeting was adjourned at 11:09 A.M.

Next meeting: at 9:30, Saturday, May 2, 2009 at 7 Spy Glass Hill.

Respectfully submitted,

Steve Cobbledick
Steve Cobbledick, Secretary

April 7, 2009
Date

Spyglass Hill Address	01/31/09 Meter (cu ft)	03/27/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	55	0	362	5
44	48605	48621	16	120	55	2	362	17
24	121225	121249	24	180	55	3	362	11
40	51513	51692	179	1339	55	24	362	28
35	45318	45669	351	2626	55	48	362	64
33	104543	104905	362	2708	55	49	362	33
28	102559	102923	364	2723	55	50	362	64
1	50000	50395	395	2955	55	54	362	64
61	58714	59127	413	3089	55	56	362	63
59	53534	53950	416	3112	55	57	362	72
43	59942	60381	439	3284	55	60	362	72
26	58606	59054	448	3351	55	61	362	78
48	64416	64879	463	3463	55	63	362	62
47	64902	65381	479	3583	55	65	362	59
9	84908	85392	484	3621	55	66	362	79
22	63092	63576	484	3621	55	66	362	84
7	69039	69528	489	3658	55	67	362	88
62	33323	33812	489	3658	55	67	362	71
20	76368	76884	516	3860	55	70	362	68
5	53641	54189	548	4099	55	75	362	74
46	33080	33635	555	4152	55	75	362	72
42	35689	36249	560	4189	55	76	362	82
57	101104	101760	656	4907	55	89	362	90
53	54328	55080	752	5625	55	102	362	129
45	106912	107745	833	6231	55	113	362	98
31	78173	79008	835	6246	55	114	362	130
41	102313	103193	880	6583	55	120	362	73
11	93797	94686	889	6650	55	121	362	126
29	94798	95910	1112	8318	55	151	362	158
51	120518	121664	1146	8573	55	156	362	184
38	125612	126785	1173	8775	55	160	362	247
30	130965	132254	1289	9642	55	175	362	164
3	93978	95639	1661	12425	55	226	362	210
55	130620	132369	1749	13083	55	238	362	195

Please Check Your Units Water Usage For February and March

April 6, 2009

Dear Spy Glass Friends and Neighbors,

March went out like a lamb, although we definitely had some lion-like days! Nevertheless, we still didn't get enough snow in the mountains to relieve the drought – witness Friday's SF Chronicle screaming front-page headline: **“Drastic Water Cuts for Bay Area.”** So please, please continue your water-saving practices and discipline.

If you are considering replacing an appliance (toilets, washing machine, dishwasher, etc.), go to *fypower.com* to find substantial rebates for those that are water and/or power efficient. When our homes were rebuilt in 1993, we all got “water efficient” toilets. They use about 3 ½ gallons per flush. New and better ones are available that do fine with just 1 ½ gallons. With rebates, the cost of buying and installing them is very reasonable. One owner has recently replaced a washing machine (top-loading) with a new front loading one, and immediately noticed a substantial drop in water usage. Aha!

Our cherry blossoms are bursting, my tulips are finally blooming (at least until the deer make dessert of them). Trimac has been hard at work tidying up our landscaping after the winter, as a consequence of our Walkabout observations regarding the state of the common area. Raylene, the new supervisor, and Antonio are working hard. Do greet them when they are on the street – who doesn't like to be appreciated?

Speaking of appreciation, thanks to the person who put a Happy Easter card in the Board's mailbox! It makes us feel good to think that there's a secret admirer out there!

The Board's “Walkabout” on February 7 took place on a glorious day. There have been many improvements made on our street since last year's first Walkabout, which is really satisfying to see. We have, collectively, done a really good job of improving the look of our street. And still more of us are planning to paint and repair this year. Your notes from the Walkabout are attached to this newsletter.

One of the things we noticed on our Walkabout was that several garage doors had small gaps at the bottoms sufficient for little rodents to enter. I

didn't think much further about this, until I took my car to be serviced. Lo and behold, some little critters had tried to nest in my engine block and had chewed on my hose system, resulting in a costly repair. I am putting out mouse traps! Fore-warned is fore-armed! We also seem to have a rampant population of gophers tunneling and eating our ground cover and flowers in a number of spots. Evan is taking appropriate steps...

Other critter notes: Spy Glass Hill seems to be a favorite dog-walking place, resulting in some newly noticeable clean-up issues. We need to be particularly diligent about our own dogs, and encourage others to carry plastic bags and clean up after theirs.

Lois Gold at #1 is looking for others on the street who may want to re-do their deck surfaces, thinking that if several owners got together they might be able to achieve some economy of scale. Do give her a call if you are interested in joining forces.

The Board has a project in the works that needs a volunteer or two: The Board would like to scan our archives and save them electronically. This is a multi-step and probably long-term process: first we need to determine exactly what needs to be saved; then organize it appropriately; and then scan and load onto CD's and/or flash drives. It is the Board's responsibility to take the first step. Is there anyone on the street who has the expertise to take this project on through the organizing and scanning stages? I'd love to hear from you.

The commitment of Board Members never ceases to amaze me! Rather than spending HOA funds or dallying, Chuck went out after our meeting to repair a mailbox door, and Steve borrowed power-washing equipment from the Ono's to power wash right then and there the steps and landing of the person who asked the HOA to take this on. This is a "hands on" Board!!

In summary, things are going along quite well on Spy Glass Hill as we greet Spring with open arms and wait for those pink clouds to open on both sides of Spy Glass Hill.

Be well, and Happy Passover and Easter! And as always, thanks for listening –

Tricia Swift, President, HHI HOA

A handwritten signature in black ink that reads "Tricia Swift". The signature is written in a cursive style with a long horizontal line above the first name.

Spyglass Hill Address	01/31/09 Meter (cu ft)	03/27/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	55	0	362	5
44	48605	48621	16	120	55	2	362	17
24	121225	121249	24	180	55	3	362	11
40	51513	51692	179	1339	55	24	362	28
35	45318	45669	351	2626	55	48	362	64
33	104543	104905	362	2708	55	49	362	33
28	102559	102923	364	2723	55	50	362	64
1	50000	50395	395	2955	55	54	362	64
61	58714	59127	413	3089	55	56	362	63
59	53534	53950	416	3112	55	57	362	72
43	59942	60381	439	3284	55	60	362	72
26	58606	59054	448	3351	55	61	362	78
48	64416	64879	463	3463	55	63	362	62
47	64902	65381	479	3583	55	65	362	59
9	84908	85392	484	3621	55	66	362	79
22	63092	63576	484	3621	55	66	362	84
7	69039	69528	489	3658	55	67	362	88
62	33323	33812	489	3658	55	67	362	71
20	76368	76884	516	3860	55	70	362	68
5	53641	54189	548	4099	55	75	362	74
46	33080	33635	555	4152	55	75	362	72
42	35689	36249	560	4189	55	76	362	82
57	101104	101760	656	4907	55	89	362	90
53	54328	55080	752	5625	55	102	362	129
45	106912	107745	833	6231	55	113	362	98
31	78173	79008	835	6246	55	114	362	130
41	102313	103193	880	6583	55	120	362	73
11	93797	94686	889	6650	55	121	362	126
29	94798	95910	1112	8318	55	151	362	158
51	120518	121664	1146	8573	55	156	362	184
38	125612	126785	1173	8775	55	160	362	247
30	130965	132254	1289	9642	55	175	362	164
3	93978	95639	1661	12425	55	226	362	210
55	130620	132369	1749	13083	55	238	362	195

Please Check Your Units Water Usage For February and March

Unit #(s) 35

Owner Name(s) Cobble Dick

Color scheme used in 1998*

- Base 202
- Trim 231

3/7/09 Board Walkabout observations/comments

Painted in 2008

* All colors were Kelly Moore Paints

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID 7S
TRIMACS

DATE (MM/DD/YYYY)
03/31/09

PRODUCER
Barlocker Ins. Svs. - Salinas
License #0580438
232 Monterey Street
Salinas CA 93901
Phone: 831-424-6404 Fax: 831-424-0140

INSURED

Trimacs Maintenance Co
80 Hegenberger Loop
Oakland CA 94621

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE		NAIC #
INSURER A:	Florista' Mutual Insurance Co	13978
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE	\$
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$
						GENERAL AGGREGATE	\$
						PRODUCTS - COMP/OP AGG	\$
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	WCN30431	04/01/09	04/01/10	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER	
						E.L. EACH ACCIDENT	\$ 100000
						E.L. DISEASE - EA EMPLOYEE	\$ 100000
						E.L. DISEASE - POLICY LIMIT	\$ 100000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

***TEN DAY NOTICE OF CANCELLATION FOR NON PAYMENT OF PREMIUM**
RE: HILLER HIGHLANDS PHASE I HOA

CERTIFICATE HOLDER

HILLER HIGHLANDS PHASE I HOA
 36 SPYGLASS HILL
 OAKLAND CA 94618

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
May 2, 2009**

The Board of Directors meeting was called to order at 9:35 A.M on Saturday, May 2, 2009 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick
Board Member-At-Large	Carole Anderson

It was M/S/P to approve the Board minutes from April as circulated.

Homeowner's Forum

Several people have expressed concerns about parking on Spy Glass Hill. Vehicles belonging to residents should be parked in garages/carports or assigned spaces. Vehicles parked on either side of the street should face towards the direction of traffic flow. Please drive slowly when pulling out of garages and carports.

Treasurer's Report

The balance for the operating account is \$12,512.34. The balance in the reserve account is \$83,485.10. The Association also has \$63,911.00 from CD which matured in April 8, 2009. The CD rate for a nine month deposit at our bank (Union Bank of California) is currently 0.9%. The interest rate for our money market fund is 0.4%. It was M/S/P to give Chuck Scurich (Charles Scurich) the authority to shop for, purchase, and open Certificate of Deposit account(s) offered by our current bank or other banks.

It was M/S/P to accept the Treasurer's report.

Substantive

Drought Water Usage

Per the EBMUD website:

“The East Bay Municipal Utility District Board of Directors declared an end to the drought emergency and mandatory rationing effective July 1, 2009. Drought rates will be phased out during July and August. Since customer billing cycles vary, you may still see drought rates on bills that are sent out through August. **To avoid the possibility of being assessed a drought surcharge, customers should assume that all water use through August is subject to the drought surcharge.**

“EBMUD is no longer in a drought emergency but our supplies are still lower than normal.”

Please continue to practice water conservation: using dish washers only when full, using as few loads as possible for clothes, and taking vehicles to a car wash. Low flow showerheads and faucet aerators are available at no cost from EBMUD. Call 1-866-403-2683 or check out the EBMUD web site:

www.ebmud.com/conserving_&_recycling/residential

If you are a landlord, please speak with your tenant about water conservation.

Landscape

Have you noticed the small leafy plants with colorful flowers that have been popping up around mail boxes? The owners of unit 61 have approved planting these as ground cover on the slope across from their home.

The Board has received a proposal to install WeatherTRAK irrigation controllers from Trimacs. The cost of one way controllers (from satellite to controller) is within the amount budgeted in the reserve fund. Trimacs has installed this type of climate based controller for Phase 3, and Rosalind will also contact their president to ask how they are working out.

It was M/S/P by a provisional vote to install the controllers, subject to a favorable testimonial from Phase 3 and a verification the firm's reputation and of the product's warranty.

Power Washing

The Board received a bid for power washing the concrete entry steps in the common areas and staining the bench along the walk above the Highlands Country Club. Further bids will be solicited.

Street Repair

Dawn Willoughby has received one bid for asphalt repairs and sealing the street. The firm's bid recommends 16 locations where the asphalt concrete should be removed and replaced. The Board feels a second opinion is needed about the work required to adequately repair and resurface the street. Dawn will be asked to obtain a least one more bid for the project.

Archive Preservation

The Board discussed scanning necessary records to digital format for future storage. Carole Anderson distributed the records retention policy for homeowner's associations required by the Davis/Sterling Act. The Board will begin to gather records and scan them according to degree of importance. These will be stored on flash drives or using online storage.

C.C. &R. Revisions

Members of the board, along with other Spy Glass residents (past and present), have found numerous mistakes in the C.C. &R.'s which need to be fixed. The Board will ask Howard Pearlman, who is familiar with condominium association law, to come to the June meeting and discuss what we need to do to revise them. All interested homeowners are also invited to attend.

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 11:10 A.M.

Next meeting: at 9:30, Saturday, June 6, 2009 at 7 Spy Glass Hill.

Respectfully submitted,

Steve Cobbledick, Secretary

Date



GRADING • CONCRETE • PAVING • TENNIS COURTS • SEAL COATING • STRIPING

42745 Boscell Road
Fremont, CA 94538

Tel: 510 • 438 • 6500
Fax: 510 • 438 • 6510
CA Lic. #A540379
www.dryco.com

PROPOSAL * CONTRACT

Date: 4/17/2009
Proposal No.: 16049

Owner: **Hiller One**
26 Spyglass Hill
Oakland, California 94618

Job Name: **Hiller One**
Description: **Asphalt Repairs and Seal Coat**
Address: **Spyglass Hill**
Oakland, California

Attention: **Dawn Willoughby**
Phone: **(510) 644-2019** Fax:
Mobile: Pager:
Email: **dwilloughby@comcast.net**

Job Contact: **Dawn Willoughby**
Job Phone: **(510) 644-2019** Mobile:
Job Fax:
Est. Code: **Hiller One-Pavement Repairs and SC**

Quantity	Description	Unit	Total
	<p>DRYCO is pleased to provide you with this proposal for the pavement repairs and resurfacing work located at the above site as described below.</p> <p>ASPHALT REPAIRS: Remove 16 areas of failed pavement throughout the common roadway as shown on the attached map. Regrade and compact subbase, then place and compact 4" of new hot-mix asphalt paving in two separate lifts.</p> <p>SEAL COAT: Clean the entire designated pavement surface using power blowers as required. Seal cracks 1/4" and larger with Duro-Flex hot applied crack filler as per manufacturers' specifications. Treat oil spots with Polyoil sealant (heavy oil stains may reappear). Spread a two-coat application of our seal coat emulsion over entire surface.</p> <p>This work to be completed in 1 move.</p> <p>Note: Shut down of landscape irrigation (24 hours prior to and after seal dates), notification and vehicle removal by owners and/or owner representatives.</p> <p>An additional 10% can be deducted if accepted and all work is completed by the end of May.</p>		
2633 SF		\$5.55	\$14,613.00
31200 SF		\$0.100	\$3,120.00

DRYCO's Authorized Representative

Estimator:

Alan DalMaso
Alan DalMaso, Estimator

Dryco proposes to furnish material and labor complete in accordance with above specifications for the sum of:

\$17,733.00

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified.

Payment Terms: DUE UPON RECEIPT OF INVOICE

Signature:

Yes, I have read the terms and conditions on reverse

Date Accepted:

Note: This proposal may be withdrawn if not accepted within 30 days.



16 locations 2633 SF
 4" AC Remove + Replace
 SEACoat 31, 200 SF

SPYGLASS HILL
 OAKLAND, CA.

DRYCO PROPOSAL 16049
 4-17-09



WeatherTRAK
Smart irrigation. Made simple.

Proposal / Quote

HydroPoint Data Systems, Inc.
1726 Corporate Circle
Petaluma, California 94954
(707) 769-9696 voice / (707) 769-9695 fax

Quote PD 33 09

Bill To
Trimacs
80 Hegenberger Loop
Oakland, CA 94621

Ship To
same

Account Executive	Project	Payment Terms	Quote Expiration Date
Paul Douglas	Hiller I	Net 30	5/2/2009

Quantity	Part #	Description	Unit Cost	Total
1	WTPRO2C-18-CWM-RI	18 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 2,090.90	\$ 2,090.90
1	WTPRO2C-24-CWM-RI	24 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 2,307.20	\$ 2,307.20
1	WTPRO2C-30-CWM-RI	30 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 2,609.60	\$ 2,609.60
3	WT-WRS	Wireless Rain Sensor	\$ 110.60	\$ 331.80
3	CIM-PRO2C-1248-1Y	Pro2Central ET Service - 1 Year	\$ 225.00	\$ 675.00
		Estimated Freight - Subject to Change	\$ 70.00	\$ 70.00
				\$ 8,084.50

Applicable sales tax and actual freight charges will be billed upon invoicing. If you are tax exempt, please supply a tax exemption certificate. All orders are subject to HydroPoint's standard sales terms and conditions (see reverse) and order acceptance policy.

By signing below, customer understands that this is a binding order and agrees to the terms and conditions attached.

Customer _____

Date _____



WeatherTRAK
Smart irrigation. Made simple.

Proposal / Quote

HydroPoint Data Systems, Inc.
1726 Corporate Circle
Petaluma, California 94954
(707) 769-9696 voice / (707) 769-9695 fax

Quote PD 33 09

Bill To
Trimacs
80 Hegenberger Loop
Oakland, CA 94621

Ship To
same

Account Executive	Project	Payment Terms	Quote Expiration Date
Paul Douglas	Hiller I	Net 30	5/2/2009

Quantity	Part #	Description	Unit Cost	Total
1	WTPRO2-30-CWM-R	30 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 1,946.70	\$ 1,946.70
1	WTPRO2-18-CWM-R	18 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 1,478.40	\$ 1,478.40
1	WTPRO2-24-CWM-R	24 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 1,694.70	\$ 1,694.70
3	WT-WRS	Wireless Rain Sensor	\$ 110.60	\$ 331.80
3	ETE-PRO2-1224-1Y	1 Yr Service	\$ 120.00	\$ 360.00
	Estimated Freight - Subject to Change		\$ 70.00	\$ 70.00
				\$ 5,881.60

Applicable sales tax and actual freight charges will be billed upon invoicing. If you are tax exempt, please supply a tax exemption certificate. All orders are subject to HydroPoint's standard sales terms and conditions (see reverse) and order acceptance policy.

By signing below, customer understands that this is a binding order and agrees to the terms and conditions attached.

Customer _____

Date _____



WeatherTRAK
Smart irrigation. Made simple.

Proposal / Quote

HydroPoint Data Systems, Inc.
1726 Corporate Circle
Petaluma, California 94954
(707) 769-9696 voice / (707) 769-9695 fax

Quote PD 33 09

Bill To
Trimacs
80 Hegenberger Loop
Oakland, CA 94621

Ship To
same

Account Executive	Project	Payment Terms	Quote Expiration Date
Paul Douglas	Hiller I	Net 30	5/2/2009

Quantity	Part #	Description	Unit Cost	Total
1	WTPRO2-30-CWM-R	30 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 1,946.70	\$ 1,946.70
1	WTPRO2-18-CWM-R	18 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 1,478.40	\$ 1,478.40
1	WTPRO2-24-CWM-R	24 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 1,694.70	\$ 1,694.70
3	WT-WRS	Wireless Rain Sensor	\$ 110.60	\$ 331.80
3	ETE-PRO2-1224-1Y	1 Yr Service	\$ 120.00	\$ 360.00
	Estimated Freight - Subject to Change		\$ 70.00	\$ 70.00
				\$ 5,881.60

Applicable sales tax and actual freight charges will be billed upon invoicing. If you are tax exempt, please supply a tax exemption certificate. All orders are subject to HydroPoint's standard sales terms and conditions (see reverse) and order acceptance policy.

By signing below, customer understands that this is a binding order and agrees to the terms and conditions attached.

Customer _____

Date _____



WeatherTRAK[®]
Smart irrigation. Made simple.

Proposal / Quote

HydroPoint Data Systems, Inc.
1726 Corporate Circle
Petaluma, California 94954
(707) 769-9696 voice / (707) 769-9695 fax

Quote PD 33 09

Bill To
Trimacs
80 Hegenberger Loop
Oakland, CA 94621

Ship To
same

Account Executive	Project	Payment Terms	Quote Expiration Date
Paul Douglas	Hiller I	Net 30	5/2/2009

Quantity	Part #	Description	Unit Cost	Total
1	WTPRO2C-18-CWM-RI	18 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 2,090.90	\$ 2,090.90
1	WTPRO2C-24-CWM-RI	24 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 2,307.20	\$ 2,307.20
1	WTPRO2C-30-CWM-RI	30 Sta. Cold Rolled Steel Wall Mount Model - Remote Ready	\$ 2,609.60	\$ 2,609.60
3	WT-WRS	Wireless Rain Sensor	\$ 110.60	\$ 331.80
3	CIM-PRO2C-1248-1Y	Pro2Central ET Service - 1 Year	\$ 225.00	\$ 675.00
	Estimated Freight - Subject to Change		\$ 70.00	\$ 70.00
				\$ 8,084.50

Applicable sales tax and actual freight charges will be billed upon invoicing. If you are tax exempt, please supply a tax exemption certificate. All orders are subject to HydroPoint's standard sales terms and conditions (see reverse) and order acceptance policy.

By signing below, customer understands that this is a binding order and agrees to the terms and conditions attached.

Customer _____

Date _____



WeatherTRAK[®]
Smart irrigation. Made simple.

Terms and Conditions

HydroPoint Data Systems, Inc.
1726 Corporate Circle
Petaluma, California 94954
(707) 769-9896 voice / (707) 769-9695 fax

1. Orders for Systems and Installation.

Subject to the terms and conditions of this Agreement, HYDROPOINT shall sell to Client, and Client shall purchase from HYDROPOINT, HYDROPOINT systems and installation services for Client properties (each, a "System" or "Project"). Client shall order Systems by submitting to HYDROPOINT written purchase orders that set forth the price and configuration of the ordered System (i.e., type and quantity of materials and devices, requested installation date, Client property) ("Purchase Order" or "Project Attachment"). Client shall work with HYDROPOINT sales personnel to mutually determine System details prior to submitting Purchase Orders. Any terms of a Purchase Order that conflict with, or in any way purport to amend, any of the terms of this Agreement are hereby specifically objected to and will be of no effect, except with respect to System price and configuration. HYDROPOINT reserves the right to reject or request modification and resubmission of any Purchase Order prior to the installation date.

2. HYDROPOINT Obligations.

(a) HYDROPOINT shall procure all materials necessary for installation of the System and inspect and test each System to confirm that it operates as specified. HYDROPOINT shall provide documentation to Client regarding the System. HYDROPOINT may utilize independent contractors to perform all or part of its obligations to Client, provided that HYDROPOINT will remain responsible for the actions of its contractors.

(b) HYDROPOINT shall maintain \$1,000,000 worth of general liability insurance and separate insurance coverage for worker's compensation throughout the installation period. Upon written request, HYDROPOINT shall provide Client with a certificate of insurance issued specifically for each Project and/or name Client as an additional insured on such policies.

3. Fees and Other Client Obligations.

(a) The prices and payment terms to be charged for the System specified in each Purchase Order will be the prices and payment terms mutually determined by the parties and set forth in such Purchase Order. Notwithstanding the foregoing, payment terms are net thirty (30) days, and shall include a deposit for initial survey, monthly progress billings for materials and services and a final billing on completion of the Project. Prices listed are in US dollars and do not include any taxes, freight, customs duties or tariffs.

(b) When HYDROPOINT has the legal obligation to pay or collect any such taxes, the appropriate amount shall be paid by Client. Client shall pay additional amounts for any additional work performed by HYDROPOINT pursuant to Client's written request. Unless otherwise stated in the Purchase Order, Client shall obtain and pay for all applicable state and local permits and other local approvals deemed necessary for the installation of the System. Any such payments by HYDROPOINT related to the Project are not included in the fees and will be billed to Client as a separate item.

(c) Upon installation, Client assumes responsibility for all costs and expenses to maintain the System in good order, condition, and repair (except as may be covered during any applicable Warranty Period).

(d) Other than as disclosed in the applicable Purchase Order, Client represents and warrants that there are no potentially hazardous substances, environmental contamination, or conditions in, on, or near the Project property that presents a potential danger to human health or the environment. Client shall promptly notify HYDROPOINT upon learning of the possibility of any such environmental condition. Client shall indemnify and hold HYDROPOINT harmless from and against any losses, costs or damages, including third party claims or actions, arising out of or related to such environmental conditions.

4. Term and Termination.

(a) **Term.** This Agreement will commence on the Effective Date, and shall terminate upon System installation and activation, unless terminated earlier pursuant to Section 8(k).

(b) **Termination For Cause.** This Agreement or any Project Attachment may be terminated by either party at any time in the event of a material breach by the other party that remains uncured after thirty (30) days written notice thereof. For clarity, failure by Client to pay amounts due shall be considered a material breach.

5. Indemnification.

(a) **HYDROPOINT Indemnification.** HYDROPOINT shall defend or settle, at its expense, any third party claims ("Claims") brought against Client alleging or arising out of (i) any act or omission of HYDROPOINT as a result of its gross negligence or willful misconduct, and (ii) the System infringes any United States copyright, trade secret or patent (issued as of the Effective Date), provided that Customer gives HYDROPOINT prompt written notice of such Claim, and permits ImmenStar to defend against or settle the same.

(b) **Client Indemnification.** Client agrees to defend or settle, at its own expense, any Claims brought against HYDROPOINT alleging or arising out of any act or omission of Client as a result of its gross negligence or willful misconduct.

6. Warranty and Disclaimer.

(a) HYDROPOINT warrants that the System will be free from original defects in material and workmanship for a period of three (3) years from the date of installation (the "Warranty Period"). During the Warranty Period, HYDROPOINT will use reasonable efforts to respond to complaints from Client. If HYDROPOINT makes a determination within the Warranty Period that the defect is equipment related, HYDROPOINT shall act on behalf of Client. It is at the sole discretion of HYDROPOINT whether to repair or replace the defective equipment. If it is determined by HYDROPOINT that the defect is related to work performed by HYDROPOINT, HYDROPOINT shall repair the defective work at HYDROPOINT's expense. If HYDROPOINT determines that there is no basis for the complaint, or that the defect is unrelated to either the equipment installed by HYDROPOINT or HYDROPOINT's installation, or is a result of tampering with equipment, including unplugging of equipment, abuse, misuse, accident, alteration, neglect, unauthorized repair, Client's relocation of the equipment, or resident interference, Client will be charged for any time and materials expended by HYDROPOINT at its normal service rate.

(b) OTHER THAN AS EXPRESSLY SET FORTH IN SECTION (a) ABOVE, HYDROPOINT MAKES NO WARRANTIES, EXPRESS, STATUTORY, IMPLIED OR OTHERWISE. HYDROPOINT SPECIFICALLY DISCLAIMS THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY LAW.

7. Limitation of Liability.

HYDROPOINT SHALL HAVE NO LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL, INDIRECT, INCIDENTAL OR PUNITIVE DAMAGES, (INCLUDING WITHOUT LIMITATION LOSS OF PROFITS OR THE LIKE OR FOR LOSS OF THE TRANSMISSION OF INFORMATION OR DATA), REGARDLESS OF THE FORM OF ACTION WHETHER IN CONTRACT OR TORT (INCLUDING NEGLIGENCE, STRICT PRODUCT LIABILITY OR ANY OTHER LEGAL OR EQUITABLE THEORY), EVEN IF HYDROPOINT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND NOTWITHSTANDING THE FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY. IN NO EVENT SHALL HYDROPOINT'S AGGREGATE LIABILITY HEREUNDER EXCEED THE AMOUNT OF ONE HALF THE PURCHASE PRICE OF THE SYSTEM FOR AN INDIVIDUAL PROPERTY.

8. Miscellaneous.

(a) All designs, data, drawings, software, or other technical information supplied by HYDROPOINT to Client in connection with these sales shall remain HYDROPOINT's sole property.

(b) In the event Client sells any property subject to this Agreement, or otherwise attempts to assign this Agreement, the rights and obligations of each of the parties hereunder shall be assigned in connection with such sale or assignment, unless HYDROPOINT otherwise notifies Client.

(c) HYDROPOINT will be excused from any obligation to the extent performance thereof is rendered impossible by acts of God, fire, flood, riots, material shortages, strikes, governmental acts, disasters, earthquakes, inability to obtain labor or materials through its regular sources, or any other reason beyond the reasonable control of HYDROPOINT.

(d) This Agreement shall be governed by the laws of the state of California without reference to conflict of law principles. The federal and state courts within the State of California will have exclusive jurisdiction to adjudicate any dispute arising out of this Agreement.

(e) Each party may issue a press release concerning this Agreement, provided that the other party has had a reasonable opportunity to review and consent to such press release. Each party shall have the right to reference the general existence, but not the specific terms, of this Agreement and the parties' relationship, and to use the other party's name and logo for the limited purpose of such reference.

(f) If any part of this Agreement is found to be invalid or unenforceable, then that part of the Agreement shall not affect the validity or enforceability of the remainder of this Agreement. The waiver or failure by either party to exercise any right in any respect provided for herein shall not be deemed a waiver of any further right hereunder. This Agreement and the Project Attachment(s) constitute the entire agreement between the parties with respect to the subject matter hereto. No amendment to this Agreement shall be valid unless in writing and signed by both parties.

**Weathertrak Irrigation Controllers**

Friday, May 1, 2009 7:53 AM

From: "Raylene Ojeda" <r.ojeda@trimacs.com>**To:** "Rosalind Palmer (rosalind_palmer@yahoo.com)" <rosalind_palmer@yahoo.com>**Cc:** "Evan Delegeane" <evandelegeane@comcast.net>

Trimacs Hiller Central Quote.pdf (125KB), Trimacs Hiller Quote.pdf (125KB), Hiller I Weathertrak installation 4-30-09.doc (36KB), Hiller I weathertrak rebate.jpg (526KB)

Good morning,

Here is a quick run down for you board meeting. Let me know if I missed anything, or you need more information:

WeatherTrak Irrigation Controller proposals:

-(2) proposals are attached. One is for one-way information (from the satellite to the controller), and the second is for two-way information (from satellite to controller, from controller/desktop computer to satellite)

-I received these proposals from WeatherTrak directly to Trimacs. They said that they had provided us with a 30% discount. I contacted them and asked if I could extend this proposal directly to you as is, without any further markup. They said that would be okay. Because of this they would bill directly to your association, not through my company. I wanted you to receive the maximum discount possible.

-I have had zero success with the rain sensor option. It takes a lot of water to turn the controllers to "rain pause" I would suggest not investing in them.

-The subscription is a yearly invoiced amount.

Installation proposal:

-I have attached a proposal for our irrigation technician to remove the rainmaster controllers, install the weathertrak controllers. (The weathertrak are about six inches larger than the rainmaster, so we will need to spread them open, adapt electricity, conduit, etc.) This also includes station site survey, programming, follow up with the water district, etc.

EBMUD Rebate program:

I have attached the form that we will need to submit to EBMUD with a copy of the controller invoice. EBMUD says total rebate amount for your community would be \$850.00. You can see that I will need some additional information on the rebate form. (Contact name/number from your community, property type, and number of units)



California Landscape Contractor's Association Standard Bid Form

Name: Hiller Highlands I
Address: 36 Spyglass Hill
Oakland, CA, 94618

Date: 4-30-09

Work to be performed as follows: Weathertrak Irrigation Controller Installation

Remove Rainmaster controller, perform site survey, install and program (3) Weathertrak Irrigation Controllers per the proposal from Hydro Point. 2100.00

We agree to supply labor and materials in order to execute the work as outlined above in a workmanlike manner for the sum of: **\$2100.00*** which owner agrees to pay in accordance with the terms of payment hereafter set forth.

PAYMENT TERMS:

100% - Due upon completion \$ _____

- *Prices are based on availability and quantity.
- *Prices are subject to change if quantity changes.
- *If irrigation repair is necessary it will be charged on a time and material basis.
- *Bids subject to review after 30 days.

Acceptance: _____
Signature

Date

TRIMACS _____



Home > Conserving & Recycling > Residential > WSIC

Self-Adjusting Irrigation Controller Rebate Program

Search

Advanced Search



- Services** ▶
- Report a Problem** ▶
- Drought Help Center** ▶
- Business Opportunities** ▶
- Employment** ▶
- Current Events** ▶
- Water & Environment** ▶
- Wastewater** ▶
- Conserving & Recycling** ▶
- About EBMUD** ▶

Program Goal: To encourage reduced outdoor water use and promote healthy and attractive landscapes by improving watering efficiency. East Bay Municipal Utility District (EBMUD) customers who use more than 250 gallons per day of summer irrigation may be eligible for a self-adjusting irrigation controller. The rebates are for \$100, \$250, \$350, and \$500, and depend on past water consumption.

Why Self-Adjusting Irrigation Controllers are better than old-fashioned sprinkler timers.

Traditional timers turn the water on and off based on a set schedule that does not change with the weather and regardless of how much the landscape actually needs to be watered. As a result, plants are often watered too frequently or for too long a time, which wastes water, wastes money, damages plant health, causes runoff, and can wash harmful lawn and garden chemicals into nearby waterways.

Self-adjusting irrigation controllers solve these over-watering problems by adjusting the irrigation schedule based on the Evapotranspiration (ET) rate and actual on-site environmental conditions, and automatically provide the right amount of water to maintain ideal, healthy growing conditions.

Evapotranspiration is the water lost from soils through evaporation and plant tissue through water uptake. The evapotranspiration rate is affected by solar radiation, temperature, humidity, and wind. (Amy Vickers, Water Use and Conservation, 2006)

For more information on independent studies of weather-based irrigation controllers, click here.


Application Process

1. Customer calls EBMUD to determine their eligibility.
2. Customer reviews program rules and controller information, and purchases a qualifying controller. Alternatively, customer can have their landscaper or gardener purchase the controller, as long as they are provided a typed, dated receipt that itemizes the controller.
3. Customer or their landscaper installs and programs the qualifying irrigation controller according to manufacturer's directions. Contact manufacturer for installation and programming questions. Contact

distributor for a list of professional installers and the additional cost of installation if you choose not to install yourself.

4. Complete, sign and return application to EBMUD within 90 days of date of purchase.
5. EBMUD will contact customer to schedule a site visit to review installation and programming of controller and to measure the irrigated area of landscape. Area measurement is used to estimate water savings and effectiveness of irrigation controller.
6. Upon successful completion of the verification, EBMUD will approve the rebate. The rebate amount will appear on the customer's water bill within 8 weeks.

NOTE: EBMUD will bill the value of the rebate back to the customer service account if, as applicable, customer discontinues payment of the signaling fee during the first five years after installation date, or moves the controller to a different address.

The following forms are PDF files which can be viewed and printed through Adobe Acrobat Reader, a free software. 

- Irrigation Controller Program Brochure and Application - For purchases between January 1 and June 30, 2009.
- Irrigation Controller Program Brochure and Application - For purchases between July 1 and December 31, 2008.

Eligibility Requirements

EBMUD account holders who meet the program qualifications and guidelines outlined below are eligible.

1. Each self-adjusting irrigation controller must replace an existing traditional irrigation timer.
2. Single family, multi-family up to 4 units and certain other mixed-use accounts are eligible. All other accounts should use EBMUD's Commercial Irrigation Upgrade Program.
3. Property where controller is installed must have an active EBMUD water service account for twelve months or longer and use potable water for irrigation.
4. Customer must install and program controller per manufacturer's directions and, if applicable, pay the service fee for a minimum of five years after installation date.
5. Offer is valid between January 1, 2009, and June 30, 2009. Installation must be completed and rebate application must be postmarked within 90 days of purchase date.
6. An original, typewritten receipt must be submitted, including the name of the store or contractor, purchase date, price, make &

model.

7. All rebates are subject to availability of funds. Rebate may take up to 8 weeks to process. Rebates are issued as credits applied to the EBMUD water service account.
8. Sales tax, installation, programming costs, and signaling fees where applicable, are not rebated.
9. Rebate Amount: The rebate amount is determined by the average gallons per day (GPD) of water used for irrigation. Irrigation is defined as the difference between your January and July water use averaged over a three year period. Contact EBMUD for assistance in determining your rebate eligibility. (see chart). EBMUD will pay up to the total product cost or full rebate amount, whichever is less. If you want to purchase more than one controller, contact EBMUD before purchase. Each controller must have sufficient irrigation usage to qualify for a rebate.
10. All controllers will be inspected by EBMUD staff prior to rebate being approved. Controller and landscape may be inspected at any time by EBMUD to determine ongoing compliance with the program..
11. Program is subject to change without notice.

Self-Adjusting Irrigation Controller Manufacturers

Climate Based Controllers

- Aquaconserve - 877-922-2782
- Cyber-Rain - 877-888-1452
- ET Water Systems - 800-438-3400 (Smart Controller)
- Hunter - 800-733-2823 (ET System)
- HydroPoint-WeatherTRAK - 800-362-8774 (WeatherTrak)
- Irritrol - 800-634-8873 (Smart Dial)
- Toro - 800-664-4740 (Intelli-Sense)
- Weathermatic - 888-484-3776 (Smartline)
- RainMaster - 800-777-1477
- Alex-Tronix -888-224-7630 (Enercom Plus; Smart Clock)

Soil Moisture Based Controllers

- Acclima - 866-887-1470
- Baseline Systems - 866-294-5847
- Irrrometer - 951-689-1701

Links to Studies

- **Bureau of Reclamation, 2007 Weather and Soil Moisture Based Landscape Irrigation Scheduling Devices, Technical Review Report - 2nd Edition**
- **Cooperative Extension, U.C. Davis - Evaluation of Weather-Sensing Landscape Irrigation Controllers, June 2004**
- **Smart Water Application Technologies (SWAT) - Irrigation Association - A partnership between water agencies and manufacturers -<http://www.irrigation.org/smartwater/> or http://www.irrigation.org/gov/default.aspx?pg=swat_perf-reports.htm&id=214**
- **Best Management Practices - Irrigation Association - <http://www.irrigation.org/gov/default.aspx?pg=BMPs.htm&id=104>**

For more information, please e-mail wtrcons@ebmud.com or call 1-866-403-2683.

[Site Map](#) [Search](#) [Contact Us](#) [Publications](#) [Disclaimer](#)

Suppliers

For better assistance, identify yourself as an EBMUD customer when you contact suppliers.

Bay Area Retailers

Ewing Irrigation

Hunter • Irritrol
Toro • Weathermatic

62 South Buchanan Circle
Concord, CA 94553
Larry or Matt Rosetti
925-687-3220

6640 Sierra Lane
Dublin, CA 94568
925-828-5618

2462 Polvorosa Avenue
San Leandro, CA 94577
510-357-9530

Horizon Irrigation

Hunter • Irritrol
Toro • Weathermatic

1880 Arnold Industrial Place
Concord, CA 94520
Leeanna Schoeder
925-825-3344

7144 Regional Street
Dublin, CA 94568
Dave Vonheeder
925-551-8383

Irrigation Equipment Co.

Irritrol • Weathermatic

2818 8th Street
Berkeley, CA 94710
510 841-9651

John Deere Landscapes

Hunter • Irritrol
Weathermatic

130-A South Buchanan Circle
Pacheco, CA 94553
Marvin McCormick
925-680-7620

6450B Trinity Court
Dublin, CA 94568

San Ramon Irrigation Supply

12811-B Alcosta Blvd.
San Ramon, CA 94583
Lana Reichick
925-866-8326

The Urban Farmer Store

ET Water Systems • Hunter
Irritrol • Weathermatic

2121 San Joaquin Street
Building C
Richmond, CA 94804
510-524-1604

Watersavers Irrigation

HydroPoint • Irritrol
Weathermatic

1818 Arnold Industrial Place
Units E & F
Concord, CA 94520
Rick Jackson
925-691-9115

Internet & Mail Order

Aqua Conserve

www.aquawss.com
Barbara Cline 877-922-2782

Cyber-Rain

www.cyber-rain.com
877-888-1452

ET Water Systems

www.etwater.com/ebmud
Bree Sungar 925-368-8900

HydroPoint-WeatherTRAK

www.weathertrak.com/ebmud
Sales 800-362-8774

IRRIGATION CONTROLLER REBATE APPLICATION

Complete application, detach, and mail with original receipt for EBMUD Controller Rebate, P.O. Box 24055, MS 48, Oakland, CA 94623-1055. Offer good between January 1, 2009 and June 30, 2009. Application must be postmarked within 90 days of purchase.

EBMUD CUSTOMER INFORMATION (Please Print)

NAME (as appears on water bill) FIRST _____ LAST _____
 BUSINESS OR HOA NAME (if applicable) HILLER HIGHLANDS C/O PHASE I ASSOCIATION
 MAILING ADDRESS 36 SPYGLASS HILL
 CITY OAKLAND ZIP 94618-2308
 HOME PHONE _____ OFFICE PHONE _____
 EMAIL _____

INSTALLATION INFORMATION

EBMUD WATER SERVICE ACCOUNT NUMBER WHERE CONTROLLER IS INSTALLED 1 5 3 9 0 3 1 2
 INSTALLATION ADDRESS _____
 CITY OAKLAND ZIP 94618
 PROPERTY TYPE (check one) Single Family (# of residents) Commercial (HOA common area) Institutional
 Multiple Family (# of units) Industrial Irrigation only

1. NEW CONTROLLER MAKE & MODEL _____ ACTIVE STATIONS _____
 2. NEW CONTROLLER MAKE & MODEL _____ ACTIVE STATIONS _____

INSPECTION CONTACT INFORMATION

(check one) Owner Tenant Property Manager Landscape Professional Other
 CLIENT NAME RAYLENE LAST NAME OJEDA
 PHONE 510-385-0094 EMAIL R.OJEDA @ TRIMACS.COM

Disclaimer

EBMUD may deny any application that does not meet program eligibility requirements. The undersigned understands that EBMUD does not warrant any controller or installation to be free of defects, the quality of workmanship, or the suitability of the premises for the controller installation. Customer agrees to hold harmless EBMUD, its directors, officers, and employees, against all loss, damage, expense and liability resulting from the loss, destruction or damage to property or personal injury arising out of or in any way connected with purchase, installation and/or use of a controller. Customer understands that installation of a qualifying controller may not result in lower water bills. EBMUD reserves the right to add or remove eligible controllers from the list or change the terms of the incentive offer at any time.

EBMUD reserves the right to bill the rebate amount back to the customer service account if, upon inspection: Customer removes controller from property within 5 years; or, if applicable, Customer discontinues payment of the signaling fee during the first 5 years after installation.

Customer has read, understands and agrees to the terms and conditions of the EBMUD Irrigation Controller Rebate Program.

CUSTOMER SIGNATURE _____ DATE _____

CUSTOMER PRINTED NAME _____

FOR EBMUD USE ONLY

DIF _____ AMT _____ WHO _____ APR _____



California Landscape Contractor's Association Standard Bid Form

Name: Hiller Highlands I
Address: 36 Spyglass Hill
Oakland, CA, 94618

Date: 4-30-09

Work to be performed as follows: Weathertrak Irrigation Controller Installation

Remove Rainmaster controller, perform site survey, install and program (3) Weathertrak Irrigation Controllers per the proposal from Hydro Point.	2100.00
--	---------

We agree to supply labor and materials in order to execute the work as outlined above in a workmanlike manner for the sum of: **\$2100.00*** which owner agrees to pay in accordance with the terms of payment hereafter set forth.

PAYMENT TERMS:

100% - Due upon completion \$ _____

- *Prices are based on availability and quantity.
- *Prices are subject to change if quantity changes.
- *If irrigation repair is necessary it will be charged on a time and material basis.
- *Bids subject to review after 30 days.

Acceptance: _____
Signature

_____ Date

TRIMACS _____

May 17, 2009

Dear Spy Glass Friends and Neighbors,

Our gorgeous clouds of pink blossoms have dissipated as we go on into late spring. We have had welcome further rains, and some blustery winds, and the weather is now warming. We are drying out with the onset of summer. Soon it will be time for another CORE training and our August block party!

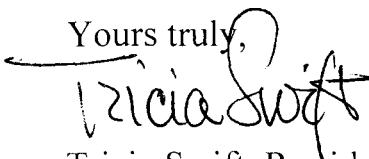
We welcome new tenant Bruce Penrod at #3 Spy Glass and Drake and Nioma Sadler who will be living at #28 for a few months. Please greet our new neighbors and help them feel at home here.

The Board is researching how best to handle the street maintenance and how to improve our landscape water conservation. No decisions yet, but we are working on it. And the gophers are being eradicated. The Club has made some repairs on the step railing from Spy Glass Hill downhill. And we are soon to see the re-planting of low ground cover at the South end of the street. Progress is in the air.

At its recent meeting, the Board heard several comments/complaints about the number of vehicles being regularly parked on the street in the Common Area (undesignated parking spaces). Please park your car(s) in your garage or designated parking spot(s). If you must park on the street *briefly*, please snug in just as close to your own home as possible (so you are not in others' views), aligned with the traffic flow. Our CC&Rs' articles 3.1.7, 3.1.15, 3.1.15.1, and 4.2.1.2 all address parking issues. Parking on the Common Area of Spy Glass Hill is for *temporary periods only*, and trucks should not be parked on Spy Glass Hill *except for "commercial vehicles providing services to the Owners of Residences or the Association."* So – let's all be conscientious about pulling *all* our vehicles into our garages or, for those who have them, designated parking spaces. Your neighbors will appreciate the de-cluttering of the common areas of the street!

Thanks for listening!

Yours truly,

A handwritten signature in black ink that reads "Tricia Swift". The signature is written in a cursive style with a large, looped initial "T".

Tricia Swift, President HHI HOA Board of Directors

Spyglass Hill Address	03/27/09 Meter (cu ft)	05/30/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	64	0	369	5
24	121249	121288	39	292	64	5	369	11
53	55080	55296	216	1616	64	25	369	94
40	51692	51958	266	1990	64	31	369	28
44	48621	48900	279	2087	64	33	369	16
33	104905	105274	369	2760	64	43	369	37
48	64879	65282	403	3015	64	47	369	58
61	59127	59541	414	3097	64	48	369	62
35	45669	46097	428	3202	64	50	369	56
59	53950	54419	469	3508	64	55	369	66
62	33812	34342	530	3965	64	62	369	68
1	50395	50944	549	4107	64	64	369	63
46	33635	34200	565	4226	64	66	369	72
43	60381	60958	577	4316	64	67	369	69
42	36249	36853	604	4518	64	71	369	78
22	63576	64203	627	4690	64	73	369	73
7	69528	70180	652	4877	64	76	369	83
26	59054	59713	659	4930	64	77	369	78
9	85392	86090	698	5221	64	82	369	75
5	54189	54950	761	5693	64	89	369	66
20	76884	77660	776	5805	64	91	369	77
45	107745	108543	798	5969	64	93	369	96
57	101760	102618	858	6418	64	100	369	92
47	65381	66258	877	6560	64	103	369	69
31	79008	79938	930	6957	64	109	369	125
11	94686	95633	947	7084	64	111	369	124
41	103193	104196	1003	7503	64	117	369	75
28	102923	103963	1040	7780	64	122	369	77
51	121664	122825	1161	8685	64	136	369	184
29	95910	97097	1187	8879	64	139	369	156
38	126785	128027	1242	9291	64	145	369	214
30	132254	133580	1326	9919	64	155	369	183
3	95639	97116	1477	11049	64	173	369	192
55	132369	134237	1868	13974	64	218	369	218

Hiller Highlands J Association
Minutes of the Board of Directors Meeting
June 6, 2009

The Board of Directors meeting was called to order at 9:40 A.M on Saturday, June 6, 2009 at 7 Spy Glass Hill, Board Members in attendance were:

President: Tricia Swift
Vice President: Rosalind Ono
Treasurer: Chuck Scurich
Board Member-At-Large: Carole Anderson

Homeowners attending were:

Guest Homeowner: Howard Pearlman
Guest Homeowner: Dawn Willoughby

Absent from the meeting was Secretary Steve Cobbledick.

It was M/S/A to approve the Board minutes from May 2nd as circulated. Additions to the Agenda were proposed: under Homeowners Forum, sewer issues were added.

Homeowner's Forum

Parking issues previously complained about are improving. If there are substantial parking issues in the future, the Board may consider formulating rules regarding parking consistent with the C.C.&R.'s, for approval by the HOA. Such rules, if formulated and approved, would be added to each new homeowner packet.

Within the last month there has been an inquiry about whether a home business can be established on Spy Glass Hill. This matter is addressed in the C.C.&R.'s. Tricia will respond to the inquiry.

There has also been a letter submitted to the board regarding a damaged sewer lateral. Motion M/S &P to obtain bids and make repair at the HOA expense, as the problem is under the common area.

Treasurer's Report

The balance for the operating account is \$19,548.24. The balance in the reserve account is \$86,435.24. There is also \$63,000 in a certificate of deposit which matured on April 8, 2009. Treasurer, Scurich researched best possibilities and recommended the funds be deposited in First Republic, FDIC insured, which will return an interest rate of 1.7% on a 6 month investment, which is better than other financial institutions offer at this time. It was M/S/A to invest the funds in First Republic for a 6-month period.

Water Conservation

Data provided by Steve Cobbledick was reviewed on individual homeowner water usage. Overall, homeowners have reduced water usage.

Landscaping Report

After extensive research, Ms. Ono recommended a 1-way controller system, known as "WeatherTrak" Irrigation Controller Installation, be installed by Trimacs which will provide better sensor control over the amount of water used to irrigate the common property. Ms. Ono requested authorization to spend \$5,881.60 on the system plus an additional \$2,100 on the installation by Trimacs. An EBMUD rebate of \$850 is forthcoming. The total amount of this expenditure is under the reserve fund budget of \$10,000. It was M/S/A to approve the expenditure.

Ms. Ono reported an agreement between the HOA and homeowners at # 61 of a recommended low growth plant for "greening" the south end slope of Spy Glass Hill. Trimacs has prepared an invoice for the purchase and planting. Two copies were prepared and submitted to the owners for signature and invoice. Once the financial arrangements have been finalized, planting will commence in the month of July.

An additional landscaping issue was brought to the board's attention with respect to gopher damage to personal gardening. Gopher control is beyond the HOA budget at this time. Individual homeowners will be responsible for personal plantings.

HOA Maintenance Issues

Dawn Willoughby joined the board to report on her extensive research and bids for repairing and resurfacing the street. Detailed interviews and bids have been received to seal coat and/or resurface the street. While seal coating is far less expensive than resurfacing, it is cosmetic at best and will erode in time, leaving the street in worse condition as it does not offer protection from rains and driver use. The HOA reserve funds are budgeted only for seal coating in 2009. After much discussion, it was recommended the board defer the project for one year in favor of resurfacing at a future date when sufficient funds are available for a more comprehensive street resurfacing. It was M/S/A to approve deferment of this project for one year.

The issue of power washing of common property was brought to the attention of the board. A bid will be requested to power wash and seal the bench in front of units 7-11. With an acceptable bid, the HOA will assume financial responsibility for this maintenance. After additional discussion, it was agreed that power washing of walkways and access ways to personal property is beyond the current HOA budget.

C.C.&R.'s

Homeowner Howard Pearlman joined the Board in a discussion on the general state of HOA I C.C.&R.'s. Mr. Pearlman reported that many homeowner associations review and evaluate the rewriting of HOA's once every ten years. Typically, to do so involves legal fees of \$7,500 to \$10,000. Hiller Highlands Phase I is unusual in the variety of building types and a number of idiosyncratic arrangements that were made at the time of development, when Spy Glass Hill served as the initial Hiller Highlands phase and sales office.

Given the amendments to Hiller Highlands I C.C.&R.'s in 2001, the board decided to defer any major review or revisions at this time and revisit the issue in 2011.

The issue of minor corrections of Exhibit B, and D for clarification purposes was discussed. Ann Rankin's office is undertaking these corrections at no cost to the HOA. There was a motion to proceed with Attorney Ann Rankin to complete the clarification of B & D. There was M/S/A to approve by the Board.

Other New Business

Our National Night Out Ice Cream Social street party will be August 4th at the bench on Spy Glass Hill. This year the Board will provide ice cream and sauce (Suha Scurich's famous fudge) and it will be a "Bring Your Own Beverage" event due to budget constraints. Tricia will develop and distribute the invitation.

Next Meeting Time and Place

The next meeting of Hiller Highlands I board of directors is scheduled for Saturday, August 8th at 9:30 A.M. at # 7 Spy Glass Hill.

The meeting was adjourned at 11:51 A.M.

Respectfully submitted,

Carole Anderson
Member at Large

June 30, 2009

Dear Spy Glass Friends and Neighbors,

The Fourth of July is almost here already!! We've been through a really hot spell, and although the signs at the entries to Hiller Highlands say "Fire Danger MODERATE" we always are concerned. We are not the only ones who know that Spy Glass Hill has an especially fine view of fireworks around the Bay! So we keep a special watch on our street, lest a careless match be tossed by someone who doesn't know how vulnerable we are to fire. Please help your Board Members to keep an eye out on Saturday evening. Does everyone know what to do in the event of fire? The CORE box code?

Also on the subject of fire danger, the Oakland Fire Department has been around to make sure that we are all compliant with regulations on trimming growth away from our homes. If you have received your "Vegetation Management Inspection Report" and have been told anything but that you are "In Compliance," please let the Board know immediately so we can instruct our Trimac Landscaping Service appropriately for your protection and safety.

We've had some irrigation breaks in our sprinkler system which, when reported, have been quickly fixed, thanks to the efforts of Evan Delegeane and Trimac. And our water conservation efforts are paying off!

The parking situation, too is getting better and better, thank you! Cars are being parked in the garages that were designed for them, which clears spaces for guest parking and improves the look of our street. I am working on distributing again the map that shows all designated spaces.

Planning ahead, let's all mark our calendars for our third NNO (National Night Out) Spy Glass Hill street party on August 4, when we'll celebrate our small community in conjunction with similar celebrations all over the City and Country! Suha Scurich has once again volunteered to bring her fabulous

hot fudge sauce for ice cream sundaes. Ice cream and all the trimmings will magically appear for you. So BYOB, and we'll gather near the top of the steps to the Club (across from #11) at 7 o'clock or so to indulge ourselves and watch the sun set. An invitation will follow soon. Bring a friend. This is a fun opportunity to get together with neighbors.

Also planning ahead, please give some thought to running for the Board of Directors at our Annual Meeting in January, or nominating someone you would like to see serve on the Board. One way we keep our monthly dues down is by being a self-managed Homeowners Association. It's an interesting and rewarding "job" that a few volunteers do for all, on a rotating basis. Please give it some thought...

Have a happy and safe Fourth of July, and let's party on August 4!!

~~Thanks~~ for listening,

Tricia

Tricia Swift, President
Hiller Highland Phase I HOA Board of Directors

**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
August 8, 2009**

The Board of Directors meeting was called to order at 9:30 A.M on Saturday, August 8, 2009 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick
Board Member-At-Large	Carole Anderson

Absent from the meeting was Vice President Rosalind Ono

It was M/S/P to approve the Board minutes from June as corrected.

Homeowner's Forum

Several people have told the board they are experiencing an increase in the skunk population. Please make sure your garbage bins are secured.

The Board would like to thank all the individuals who contributed to making this year's National Night out a success. Special thanks to Suha Scurich for her fudge sauce, Evan Delegeane for the tables, and Mary Roth for setting up. Thanks to everyone who brought food and drink to share.

Treasurer's Report

The balance for the operating account is \$14,184.55. The balance in the reserve account is \$83,989.10. The Association also has \$63,000.00 invested in a six month CD from First Republic Bank which earns 1.7% interest.

It was M/S/P to accept the Treasurer's report.

Substantive

Water Usage

Attached are the water readings from August 1. We are no longer in a drought emergency but the East Bay's water resources are still lower than normal. Please continue to practice water conservation: using dish washers only when full, using as few loads as possible for clothes, and taking vehicles to a car wash. If you are a landlord, please speak with your tenant about water conservation.

Landscape

The "WeatherTrak" irrigation controllers have been installed, tested and are now in operation. If you notice any unusual irrigation, please report this to Evan Delegeane or Rosalind Ono.

Bench at Stairs to the Country Club

Tricia will obtain a bid for power washing and sealing the bench across the street from units 7 to 11.

Archive Preservation

The Board is working towards digitizing our records and storing them offsite in case we suffer another fire or severe earthquake.

C.C. &R. Revisions

Please be sure and return your ballot concerning the Second Amended and Restated Conditions, Covenants & Restrictions of Hiller Highlands One Association. Ballots must be returned no later by September 12th.

Annual Meeting

Informational material will be distributed by November 30th, in time for our annual meeting which will be held Thursday, January 21st at the Highlands Country Club. If you are interested in volunteering for next year's board, please contact a current board member.

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.


Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 11:15 A.M.

Next meeting: at 9:30, Saturday, September 12, 2009 at 7 Spy Glass Hill.

Respectfully submitted,



Steve Cobbledick, Secretary

8/24/09

Date

Spyglass Hill Address	03/27/09 Meter (cu ft)	05/30/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	64	0	369	5
24	121249	121288	39	292	64	5	369	11
53	55080	55296	216	1616	64	25	369	94
40	51692	51958	266	1990	64	31	369	28
44	48621	48900	279	2087	64	33	369	16
33	104905	105274	369	2760	64	43	369	37
48	64879	65282	403	3015	64	47	369	58
61	59127	59541	414	3097	64	48	369	62
35	45669	46097	428	3202	64	50	369	56
59	53950	54419	469	3508	64	55	369	66
62	33812	34342	530	3965	64	62	369	68
1	50395	50944	549	4107	64	64	369	63
46	33635	34200	565	4226	64	66	369	72
43	60381	60958	577	4316	64	67	369	69
42	36249	36853	604	4518	64	71	369	78
22	63576	64203	627	4690	64	73	369	73
7	69528	70180	652	4877	64	76	369	83
26	59054	59713	659	4930	64	77	369	78
9	85392	86090	698	5221	64	82	369	75
5	54189	54950	761	5693	64	89	369	66
20	76884	77660	776	5805	64	91	369	77
45	107745	108543	798	5969	64	93	369	96
57	101760	102618	858	6418	64	100	369	92
47	65381	66258	877	6560	64	103	369	69
31	79008	79938	930	6957	64	109	369	125
11	94686	95633	947	7084	64	111	369	124
41	103193	104196	1003	7503	64	117	369	75
28	102923	103963	1040	7780	64	122	369	77
51	121664	122825	1161	8685	64	136	369	184
29	95910	97097	1187	8879	64	139	369	156
38	126785	128027	1242	9291	64	145	369	214
30	132254	133580	1326	9919	64	155	369	183
3	95639	97116	1477	11049	64	173	369	192
55	132369	134237	1868	13974	64	218	369	218

Spyglass Hill Address	05/30/09 Meter (cu ft)	08/01/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	63	0	370	5
24	121288	121369	81	606	63	10	370	7
44	48900	48985	85	636	63	10	370	15
40	51958	52185	227	1698	63	27	370	27
48	65282	65665	383	2865	63	45	370	54
33	105274	105725	451	3374	63	54	370	38
46	34200	34672	472	3531	63	56	370	69
61	59541	60013	472	3531	63	56	370	59
1	50944	51437	493	3688	63	59	370	62
35	46097	46609	512	3830	63	61	370	57
59	54419	54937	518	3875	63	62	370	62
62	34342	34875	533	3987	63	63	370	67
42	36853	37419	566	4234	63	67	370	73
43	60958	61550	592	4428	63	70	370	67
22	64203	64799	596	4458	63	71	370	70
9	86090	86690	600	4488	63	71	370	72
45	108543	109187	644	4817	63	76	370	93
26	59713	60385	672	5027	63	80	370	77
57	102618	103408	790	5910	63	94	370	94
5	54950	55770	820	6134	63	97	370	76
7	70180	71001	821	6142	63	97	370	83
20	77660	78532	872	6523	63	104	370	83
11	95633	96533	900	6732	63	107	370	118
31	79938	80887	949	7099	63	113	370	121
41	104196	105255	1059	7922	63	126	370	91
29	97097	98219	1122	8393	63	133	370	153
47	66258	67386	1128	8438	63	134	370	82
53	55296	56632	1336	9994	63	159	370	94
28	103963	105339	1376	10293	63	163	370	95
3	97116	98554	1438	10757	63	171	370	202
38	128027	129475	1448	10832	63	172	370	193
30	133580	135064	1484	11101	63	176	370	198
55	134237	135910	1673	12515	63	199	370	227
51	122825	125780	2955	22105	63	351	370	196

August 10, 2009

Dear Spy Glass Friends and Neighbors,

Our National Night Out party last Tuesday evening was great fun! About 25 of us turned out for Suha Scurich's famous hot fudge sauce (with chocolate brought directly from Paris, no less) and ice cream. From set-up to clean-up, it was a bit of a miracle of loaves and fishes! Evan brought out his tables; Mary Roth set up and brought balloons; cakes and brownies appeared out of nowhere; suddenly there was a bin filled with beer and soda; and several bottles of wine appeared! It was a multi-generational affair, with little children and grandparents. We celebrated Rickey Henderson with the Onos and cheered Chuck and Suha Scurich's return. Two representatives from the City of Oakland appeared and spoke a bit about trees and fire protection. Perhaps best of all, we were blessed with one of the first fair nights of the summer!

With many hands making light work, clean up was accomplished quickly as the temperature suddenly cooled and 9 o'clock brought bedtimes and the end of the party. National Night Out was originally intended as something of a "Take Back the Streets" event, based on the conviction that building community develops neighborhood security and mutual safety. We do that every time we gather as a community. We missed those of you who were not able to come!

By now we all have gotten the CC&R correction notice, letter, and ballot from Ann Rankin's office. This involves a simple correction in referencing exhibits in our CC&R's. 17 ballots have been cast at this time. Please send in your ballot now, so we are sure to be able to get this passed at our September 12 Board Meeting.

We seem to be having a good number of skunk sightings! We are not alone in this, I assure you. In many neighborhoods of Oakland and Berkeley this year seems to have produced a bumper crop of these pesky little critters. Just keep a wide berth – they deserve a lot of respect!

Also deserving of great respect, for serious reasons, is Ed Ono who works so hard for all of us through his involvement with the CORE emergency preparedness program. Ed will again demonstrate our fire equipment on Saturday morning, August 22 at the fire hydrant near 48 Spy Glass Hill. This is another opportunity to get together and learn how to protect ourselves in the event of fire. See you there in the vicinity of 10 AM.

Our water use has continued to be conservative overall, which is saving us all money. If your individual consumption looks high and you want to test for leaks, the NNO materials included some of those little blue tablets that can be used. Steve Cobbledick, our faithful water meter reader, has them and can supply them to you.

Thanks to all of you for everything you do every day to keep our Spy Glass Hill neighborhood safe and beautiful!

Thanks for listening -

A handwritten signature in black ink that reads "Tricia Swift". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

Tricia Swift, President

Hiller Highlands Phase I Board of Directors

**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
September 12, 2009**

The Board of Directors meeting was called to order at 9:35 A.M on Saturday, September 12, 2009 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Secretary:	Steve Cobbledick
Board Member-At-Large	Carole Anderson

Absent from the meeting was Treasurer Chuck Scurich

It was M/S/P to approve the Board minutes from August.

Homeowner's Forum

Thanks to Ed Ono for his C.O.R.E. demonstration Saturday morning, August 22.

Treasurer's Report

Chuck Scurich emailed the Treasurer's Report. The balance for the operating account is \$20,291.14. The balance in the reserve account is \$85,995.07. The Association also has \$63,000.00 invested in a six month CD from First Republic Bank which earns 1.7% interest.

It was M/S/P to accept the Treasurer's report.

There was a discussion of the legal fee of \$700 which was accumulated by the H.O.A. in the course of collecting a delinquent fee payment. It was decided that since these fees were incurred by the Board in the course of doing business in behalf of the HOA, they should be noted as a legal expense. In the future, the budget will include an item for legal expenses.

Substantive

Landscape

The Apetenina plants on the south side are spreading and doing well. If anyone wants clippings to plant in their own area, please see Evan. If you are interested in obtaining aloe or jade clippings, see Ed or Rosalind Ono.

The Board wants to thank Yassi Zaeni, Rosanna Poret, Lynette Francis, Sonja Woodham, Evan Delegeane, and Pat Geoghegan for upgrading the gardens around their units for the enjoyment of all of us. Thanks also to Chuck Scurich and Steve Cobbledick for cleaning up some debris behind one of our buildings.

Pet droppings are on the increase along Spy Glass Hill. Animals need to have a responsible master who cleans up behind them. Also, please act considerately and use your own garbage receptacle for your pet's droppings.

H.O.A. Maintenance

The Board received an estimate for repair and painting of the railing and fascia in the common area below Unit 48. Per Exhibit B, Item 10b (page 48) of the C.C.&R.'s: "the cost of painting the walls and ceilings of the garages, the walls and the doors of the storage areas, and the bayside balcony railings will be assigned in seven parts to: one part per stall to each of the Owners assigned to that stall and **three parts to the Association.**" The Board authorized payment for 3/7 of the bill.

Archive Preservation

Steve Cobbledick and Carole Anderson have begun going through our records, and are working towards digitizing necessary documents.

C.C. &R. Revisions

Vote results from the Special Election Inspector for the 2nd Amendment of the C.C.&R.'s: 26 of 34 possible votes (76.5%) were cast; all votes were for approval.

Annual Meeting

Informational material will be distributed by November 30th, in time for our annual meeting which will be held Thursday, January 21st at the Highlands Country Club. **If you are interested in volunteering for next year's board, please contact a current board member.**

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 10:40 A.M.

Next meeting: at 9:30, Saturday, October 3, 2009 at 59 Spy Glass Hill. The Board will be going on a walkabout of the Phase property. Time to tidy up! If you wish to attend, please wear appropriate shoes for hilly climbing.

Respectfully submitted,

Steve Cobbledick
Steve Cobbledick, Secretary

9/24/09
Date

2/4/2009

Dear Tricia,

Sorry to let so much time pass before getting back to you. I have been reviewing the "overpayment" of Dawson's check, and also the latest invoice from Ann Rankin. The invoice from Ann was rather large, \$2, 510.19 to be exact. It seems like most of the invoice was costs relating to CC&R expenses. However, there were 3 charges that she made that were Kevin Dawson related, including \$770.00 for the meeting at Grubb Co, and another \$110.00 for a review of emails to Dawson.

Kevin Dawson did made a payment of \$9,900.29, and I have been trying to determine the overpayment amount to see if that should be applied to his dues.

I called Stacy to confirm that there was indeed an overpayment and how much it was. According to her, the "overpayment" amounted to \$273.00, close to the January dues owed of \$283.00. However, while I was speaking to her, I asked her if the latest Ann Rankin fees were included in the settlement. It became clear that the fees that Ann Rankin had charged us were NOT included in the settlement costs. I was originally worried about that most recent Ann Rankin invoice, but I quickly learned from Stacy that none of Ann Rankin's past invoices were ever included in the Dawson settlement. Stacy expressed embarrassment about this and admitted that those fees should have been included. She also seemed uncertain if she had ever seen these costs or not. I have gone back several months (to the beginning of 2007) to check the amounts that we have paid Ann and have an idea that approximately \$1,150.00 was spent for the Dawson issue. Stacy apologized for not including the attorney's fees, but she was unclear about whether she knew about them or not. I think she said that she remembered being told about attorney's fees though. She believes that we should still be able to collect this money from Dawson, since it is still owed to us. I told her that I would have you, Tricia, call her.

I have also called Ann Rankin's office and spoke to Gwen who will be giving me an itemized list of legal costs since early 2007 which pertain to the Kevin Dawson issue. I should be getting this itemized breakdown today or tomorrow.

**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
October 3, 2009**

The Board of Directors meeting was called to order at 9:40 A.M on Saturday, October 3, 2009 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Treasurer:	Chuck Scurich
Secretary:	Steve Cobbledick
Board Member-At-Large	Carole Anderson

It was M/S/P to approve the Board minutes from September as circulated.

Homeowner's Forum

There was a complaint about parking on garage aprons, and it has been resolved.

Treasurer's Report

The balance for the operating account is \$19,130.16. The balance in the reserve account is \$88,000.82. The Association also has \$63,000.00 invested in a six month CD from First Republic Bank which earns 1.7% interest.

It was M/S/P to accept the Treasurer's report.

The Board made plans for preparing next year's budget.

Substantive

Landscape

Cuttings from the Aptenia plants will be used to cover the bare area on the south side slope at the south end of the street.

The gardens along the street are looking great. Trimacs will be directed to focus on the areas behind our homes.

Please remember that your pets need to have a responsible master who cleans up behind them. Also, please act considerately and use your own garbage receptacle for your pet's droppings.

Water Usage

Attached are the water readings from September 27. We are no longer in a drought emergency but the East Bay's water resources are still lower than normal. Please continue to practice water conservation: using dish washers only when full, using as few loads as possible for clothes, and taking vehicles to a car wash. If you are a landlord, please speak with your tenant about water conservation.

C.C. &R. Revisions

The revised version of the C.C. &R.'s has been recorded. Our attorney, Ann Rankin, had her office perform the corrections at no charge to the H.O.A...

Archive Preservation

Steve Cobbledick and Carole Anderson spent a Saturday afternoon sorting through the Associations records and disposing of those no longer needed. The next job is to find a scanning service or if it is cheaper, buy a scanner with the capability to process our records. If anyone owns or has access to a multiple sheet scanner, please contact the Board.

Annual Meeting

Informational material will be distributed by November 30th, in time for our annual meeting which will be held Thursday, January 21st at the Highlands Country Club. **So far, no one has stepped forward to volunteer for next year's Board. If you are interested in serving, please contact a current Board member.**

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Children and small animals live on our street. Please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

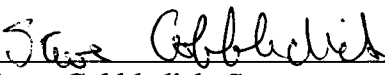
Dues Reminder/Suggestion

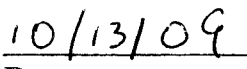
Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 10:30 A.M. for the Board to walk through and inspect the Phase I buildings and property.

Next meeting: at 9:30, Saturday, November 7, 2009 at 7 Spy Glass Hill.

Respectfully submitted,


Steve Cobbledick, Secretary


Date

Spyglass Hill Address	08/01/09 Meter (cu ft)	09/27/09 Meter (cu ft)	Water Used (cu ft)	Water Used (gal)	Days of Use Since Last Reading	Water Used (Gal./day)	Days of Use since 2008 Reading	Water Used (Gal./day)
60	37831	37831	0	0	57	0	365	0
24	121369	121601	232	1735	57	30	365	10
44	48985	49225	240	1795	57	31	365	19
40	52185	52431	246	1840	57	32	365	28
61	60013	60261	248	1855	57	33	365	55
33	105725	105997	272	2035	57	36	365	43
35	46609	46984	375	2805	57	49	365	56
1	51437	51906	469	3508	57	62	365	57
48	65665	66135	470	3516	57	62	365	54
62	34875	35345	470	3516	57	62	365	66
42	37419	37922	503	3763	57	66	365	69
59	54937	55443	506	3785	57	66	365	62
47	67386	67933	547	4092	57	72	365	85
57	103408	103966	558	4174	57	73	365	93
26	60385	60950	565	4226	57	74	365	77
46	34672	35237	565	4226	57	74	365	68
9	86690	87262	572	4279	57	75	365	73
22	64799	65372	573	4286	57	75	365	71
43	61550	62126	576	4309	57	76	365	68
5	55770	56422	652	4877	57	86	365	89
7	71001	71662	661	4945	57	87	365	81
45	109187	109882	695	5199	57	91	365	92
53	56632	57368	736	5506	57	97	365	97
29	98219	99020	801	5992	57	105	365	146
31	80887	81689	802	5999	57	105	365	117
11	96533	97428	895	6695	57	117	365	118
20	78532	79479	947	7084	57	124	365	90
41	105255	106215	960	7181	57	126	365	111
30	135064	136297	1233	9223	57	162	365	192
28	105339	106606	1267	9478	57	166	365	110
55	135910	137239	1329	9942	57	174	365	215
38	129475	130826	1351	10106	57	177	365	176
3	98554	100165	1611	12051	57	211	365	215
51	125780	128083	2303	17228	57	302	365	220

October 15, 2009

Dear Spy Glass Hill Friends and Neighbors,

The year is flying by! Halloween and setting our clocks back will soon be here, and the rains have arrived.

Your Board did our semi-annual Fall "Walkabout" last weekend, following our Board Meeting, and notes are attached. There are many repairs and fix-ups that have been done since our Spring Walkabout, and we are indeed looking better and better. We made extensive notes about common area landscape needs, both uphill and downhill, and common area repairs and maintenance issues as well, and you will soon see the results.

Your Board is also hard at work preparing for our Annual Meeting on January 21 (mark your calendars!). Preparations include formulating our 2010-2011 Budget and Dues structure, performing our Annual Reserve Analysis, copying and assembling Annual Meeting Packets to be distributed/mailed on November 30. All this while continuing to conduct our regular business of watching over the day to day affairs of the Hiller Highlands I Homeowners Association!

With good planning, our budget will remain effectively the same as for 2009. However, because of somewhat increased insurance costs, ***there will be a slight dues adjustment***, such that ***your dues will change EFFECTIVE JANUARY 1***. The new dues schedule is attached so you can prepare for this change on January 1, 2010, even before receiving the Annual Meeting Packet. Remember that we don't invoice you for dues!

We welcome about-to-be-new-owner of #24 Spy Glass Hill, Dr. Hosein Bavafa! You will soon receive an invitation for a meet-and-greet wine and cheese.

We are continuing to have some parking problems and need your help. Please park cars in your own spots please (parking map attached) and not across driveway aprons. If you have a garage, please use it for your cars! Many thanks for your consideration.

We are still looking for new Board Members! We meet monthly, and conduct "Walkabouts" twice a year. Don't wear us out! We need and want new members to invigorate us, bring new ideas, and spread knowledge of and responsibility for our community. The alternative is always professional management which costs us and proved, in the few years that we tried it, to be not very likable. So -- how about stepping up?

Thanks for listening --

Tericia Swift
HHI HOA Board President
693-9006 - cell

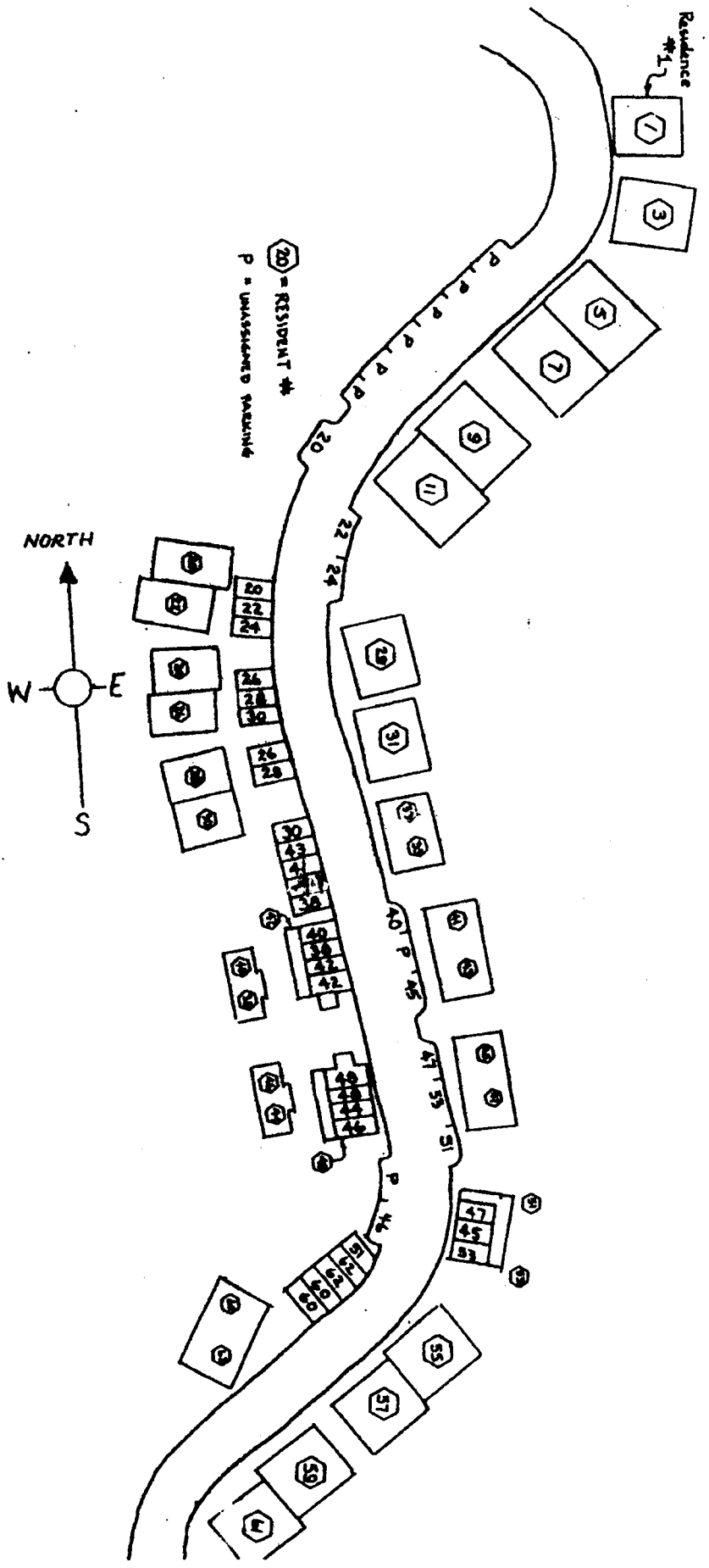
Hiller Highlands I Association, Monthly Assessment Allocation Table

2010 Fiscal Year (January 1 - December 31)

Proposed Dues Assessment 2010: \$139,000
 Estimated Fire & Earthquake Building Coverage 2010: \$50,598 = net of fire & earthquake building coverage
 Estimate of Costs to be shared Equally in 2010: \$88,402 = (total budget) - (net of fire & earthquake building coverage)

Article 6.2 of March 27, 2001 CC&Rs	Homeowners	Homeowners	2010	2009	
Spyglass Hill	Percentage	Equal Share Of	Monthly	Monthly	% Change
Address	Percent of Fire & Earthquake Insurance To Be Assessed	Of Insurance	Assessment	Assessment	
1	3.91%	\$164.86	\$382	\$381	0.2625%
3	3.91%	\$164.86	\$382	\$381	0.2625%
5	3.91%	\$164.86	\$382	\$381	0.2625%
7	3.91%	\$164.86	\$382	\$381	0.2625%
9	3.91%	\$164.86	\$382	\$381	0.2625%
11	3.91%	\$164.86	\$382	\$381	0.2625%
20	3.00%	\$126.49	\$343	\$343	0.0000%
22	3.00%	\$126.49	\$343	\$343	0.0000%
24	3.00%	\$126.49	\$343	\$343	0.0000%
26	3.00%	\$126.49	\$343	\$343	0.0000%
28	3.00%	\$126.49	\$343	\$343	0.0000%
29	3.39%	\$142.94	\$360	\$359	0.2786%
30	3.00%	\$126.49	\$343	\$343	0.0000%
31	3.39%	\$142.94	\$360	\$359	0.2786%
33	2.01%	\$84.75	\$301	\$302	-0.3311%
35	2.01%	\$84.75	\$301	\$302	-0.3311%
38	2.25%	\$94.66	\$311	\$312	-0.3205%
40	1.55%	\$65.36	\$282	\$283	-0.3534%
41	3.87%	\$163.18	\$380	\$379	0.2639%
42	2.42%	\$102.04	\$319	\$319	0.0000%
43	2.71%	\$114.27	\$331	\$331	0.0000%
44	2.25%	\$94.66	\$311	\$312	-0.3205%
45	2.71%	\$114.27	\$331	\$331	0.0000%
46	1.55%	\$65.36	\$282	\$283	-0.3534%
47	2.71%	\$114.27	\$331	\$331	0.0000%
48	2.73%	\$115.11	\$332	\$332	0.0000%
51	2.01%	\$84.75	\$301	\$302	-0.3311%
53	2.01%	\$84.75	\$301	\$302	-0.3311%
55	3.39%	\$142.94	\$360	\$359	0.2786%
57	3.39%	\$142.94	\$360	\$359	0.2786%
59	3.39%	\$142.94	\$360	\$359	0.2786%
60	2.71%	\$114.27	\$331	\$331	0.0000%
61	3.39%	\$142.94	\$360	\$359	0.2786%
62	2.71%	\$114.27	\$331	\$331	0.0000%
34 Units	100.00%	\$4,216.48	\$11,586	\$11,581.00	0.0432%
	Annual Assessment:	\$50,597.71	\$88,402.29	\$139,032.00	\$138,972

SPYGLASS HILL ASSIGNED PARKING.



**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
November 7, 2009**

The Board of Directors meeting was called to order at 9:43 A.M on Saturday, November 7, 2009 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Secretary:	Steve Cobbledick

Absent from the meeting were:

Treasurer:	Chuck Scurich
Board Member-At-Large	Carole Anderson

It was M/S/P to approve the Board minutes from October as circulated.

Homeowner's Forum

Several owners have come to the Board about particular drivers traveling in excess of 15 MPH on Spy Glass Hill. Children and animals are often walking and playing on the street. Tricia will write a letter on behalf of the Board and HOA requesting to please keep speed down and make sure guests know about the speed limit.

The Board received an email thanking residents for better compliance with the parking rules.

The Board also received an email thanking it for the work done repairing and re-staining the wooden walkways to units 38, 40, 44 and 46.

Treasurer's Report

The balance for the operating account is \$19,324.42. The balance in the reserve account is \$54,704.13. The reserve balance reflects a decision to pay for our Earthquake Insurance Policy in one lump sum. The HOA previously made monthly payments which included a finance charge. Paying no finance charge means a considerable savings. The Treasurer will make monthly payments to our reserve fund to replace the money borrowed from it. The Association also has \$63,000.00 invested in a six month CD from First Republic Bank which earns 1.7% interest.

It was M/S/P to accept the Treasurer's report.

Substantive

New Resident

Dr. Hosein Bavafa has purchased #24 Spy Glass Hill. The Board welcomes him to our street.

Landscape

Thanks to all those who have given so much time to keeping up the appearance of the gardens along our street. The Landscape Committee is going to walk the Phase with an arborist to check the condition of our trees, especially those behind the uphill units for the purpose of obtaining recommended work and a bid for same...

Bench at Stairs to the Country Club

The bench across the street from units 7 to 11 has been repaired. Within days it will be power-washed and sealed.

Archive Preservation

The Associations records have been pared down. Those which we are required by law to keep will be scanned and put on CD's.

Planning for the Annual Meeting

The Board reviewed and made minor changes to the packet which must be distributed by November 30th, in time for our annual meeting which will be held Thursday, January 21st at the Highlands Country Club. **So far, no one has stepped forward to volunteer for next year's Board. If you are interested in serving, please contact a current Board member.**

Lights

If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Ed Ono at 59 Spy Glass Hill.

Safety Reminder

Once again, please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

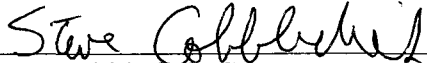
Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 10:30 A.M.

Next meeting: at 9:30, Saturday, December 5, 2009 at 59 Spy Glass Hill.

Respectfully submitted,


Steve Cobbledick, Secretary

Nov 17, 2009
Date

**Highlands Phase 1 Association
Minutes of the Board of Directors Meeting
January 10, 2010**

The Board of Directors meeting was called to order at 4:45 P.M on Sunday, January 10, 2010 at 7 Spyglass Hill. Board Members in attendance were:

President:	Tricia Swift
Vice President:	Rosalind Ono
Secretary:	Steve Cobbledick
Board Member-At-Large	Carole Anderson

Absent from the meeting were:

Treasurer:	Chuck Scurich
------------	---------------

It was M/S/P to approve the Board minutes from November as circulated.

Homeowner's Forum

A letter was received from the owner of unit #38 sent a letter to the Board about defective work performed to repair his tile deck after the stucco soffit fell onto it in October 2000. He asked the Board to file a claim for breach of contract with W. L. Butler. Tricia will write a letter to Butler.

The Board has received communication from the owner of unit #24 requesting assistance with marking or designating his deeded street-side parking place. No action was taken. The Board will consider this issue in full at its next regular meeting.

Lynette Francis attended the first meeting of the Bentley School Neighborhood Liaison Committee. Action has already been taken to lengthen the stop light at Tunnel Road/Highway 13 from 20 seconds to 120 seconds. Also, the bus stop which had been moved from the south side of the parking driveway to the north is not working out, and it will be moved back to its original place. Future meetings will gauge input about the problem of traffic congestion at drop-off and pick-up times and work to create solutions for it. Also Bentley School will begin development of an Emergency Preparedness Plan in coordination with the seven Hiller Highland neighborhood associations and Kaiser School.

Treasurer's Report

There was no Treasurer's report.

Substantive

Planning for the Annual Meeting

The Board went over preparations for the annual meeting which will be held Thursday, January 21st at the Highlands Country Club. It is important that owners attend this meeting so that we have a quorum.

Lights

Ed Ono is handing the responsibility for changing light bulbs to Brian Louie. The Board wants to thank Ed for keeping our neighborhood safe by maintaining the street lights over the years and is grateful that Brian has volunteered to take on this job. If you notice any of the lights in the common area are out, please tape a piece of blue masking tape on the light and leave a note for Brian at 53 Spy Glass Hill.

Safety Reminder

Once again, please be aware of your surroundings and drive slowly while on Spy Glass Hill. **The speed limit on Spy Glass Hill is 15 MPH.** Please remind visiting family and friends of this important safety issue. Also remind them that Spy Glass Hill is not a thru-street. Vehicles should only enter and exit at the north (Highlands Country Club) end.

Dues Reminder/Suggestion

Dues are to be paid by the 15th of each month by drop off at the black mailbox (#36) at the northeast corner of unit 42. Please pay the amount listed for your unit on the new 2010 Monthly Assessment Table which came with your annual meeting material. To assure timely dues payment, it is possible to arrange direct pay from your bank account. See your branch office about setting this up.

The Meeting was adjourned at 5:20 P.M.

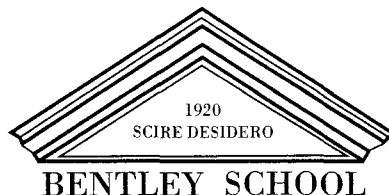
Next meeting: After the annual meeting a takes place at 7:00 P.M., Thursday, January 21, 2010 at the Highlands County Club.

Respectfully submitted,



Steve Cobbledick, Secretary

1/15/2010
Date



November 18, 2009

Dear Neighbor,

As part of a comprehensive and ongoing effort to be a responsible and responsive Hiller community member, Bentley School is pleased to announce the formation of a Neighborhood Liaison Committee. This Committee will allow us to maintain steady communication with the surrounding neighborhoods, and approach community issues in a unified fashion.

As a member of one of the seven Hiller Highlands Homeowners Associations, or by your group's special request, we respectfully ask that you choose a representative to sit on this committee. We promise not to take up too much of your valuable time, as we plan to meet only every trimester. As a way to keep our city informed of our meetings, we will also be inviting representatives from the Planning and Zoning Department to all meetings.

We hope you will be able to join us as we discuss our shared thoughts and concerns. Our kick-off meeting is tentatively scheduled for an evening the week of January 4, 2010. Please send any questions and the name and contact information of your organization's representative to Jay Ferguson (contact information below) no later than December 18, 2009. We look forward to hearing from you soon.

Sincerely,

Arlene Hogan
Head of School

Milt Capsimalis
Board Traffic Coordinator

Jay Ferguson
Director of Advancement
email: jferguson@bentleyschool.net
phone: 510-843-2512

cc: Heather Kline, City of Oakland



Community Feedback Manager Procedures and Protocol

Adopted On November 30, 2009

As part of a comprehensive and ongoing effort to be aware of community concerns and respond accordingly and appropriately, Bentley School has created a Community Feedback Management Protocol. This system will allow our new Community Feedback Manager to maintain steady communication with the surrounding neighborhoods, and approach community issues in a unified fashion.

- Bentley School has established a feedback hotline (510-229-4115) and email address (cuphotline@bentleyschool.net) for neighbors and community groups to direct calls, complaints, and feedback.
- All Hiller Highland Home Owners Association's primary contacts will be notified of these two new feedback line resources through United States Postal Service and email. Association representatives are responsible for distributing the numbers to their membership.
- All feedback received via email or phone call will be responded to within 48 hours from which the call was made, with the exception of weekends, in which case calls will be returned no later than the following Tuesday.
- Bentley School's special community feedback email and phone number answering messages include auto-responses, communicating the school's feedback policy and response turnaround time. It is requested that callers provide their name, date and time they called, their contact information, and a brief message.
- All feedback will be logged in the Bentley School's Community Feedback Management Log, capturing the following information: date of contact, format (email or phone), caller's name and contact information, comments, response date, responders' initials, and the agreed upon resolution or conversation outcome.
- Community Feedback Manager will work with the Board Traffic Coordinator to ameliorate traffic related concerns, if applicable. If feedback cannot be easily addressed by the school, the Community Feedback Manager will submit issues to the Neighborhood Liaison Committee for consult.

Ms. Donna Karch
88 Hiller Dr.
Oakland, CA 94618

December 2, 2009

Dear Donna,

Thank you for your quick response to our letter announcing the formation of the Bentley School Neighborhood Liaison Committee. I am looking forward to working with you as we form the Committee and in helping to guide the Committee as it successfully addresses issues of mutual concern.

Although we need to allow time for the various Hiller associations to select representatives to sit on this committee, there are a couple issues that we might begin to address, even if only preliminarily.

After having spoken to Gordon Piper, and in observing some recent changes to the local traffic flow, we wanted to see if we might find some common ground in working toward the following improvements:

1. Recently the AC Transit bus pickup zone has been moved to just north of the Bentley parking lot. Signs were installed by AC Transit describing no parking in this area, but with or without the presence of parked cars in this zone, having the bus stop in this location seems to aggravate flow. When the bus uses the red zone immediately adjacent to the Bentley lot, conditions are less than ideal as well.

We agree with Gordon Piper's comments that the bus stop having been moved to the south end of the Bentley drop off zone, as was the practice when the school year began, seemed to work much better, with better traffic safety and flow. At this time, pending further study, we would be in favor of both returning the bus stop to the far southern end of the Bentley drop off zone, and extending the red zone to incorporate the new bus stop area north of the Bentley lot.

2. In observing traffic flow today (Wednesday) and the timing of the lights at the Tunnel Road intersection, we feel that the red light period (80 sec.) vs. the green light period (20 sec.) is out of balance and has created a traffic flow problem, particularly as it relates to the 15 minute period from 8:10 am to 8:25 am. We are concerned that this recent change in the timing of the lights (anecdotally) is creating a problem.

Bentley has contacted Peter Chun, Transportation Engineer for the Oakland City Traffic Safety Program, to gather more information about the traffic lights, and as we understand from Gordon Piper, some residents of the Hiller neighborhood have been in contact with Councilwoman Jane Bruner to begin to address the bus stop and red zone.

These issues are of the type that the Neighborhood Liaison Committee could and should address, but are also of enough concern that we might be able to make some headway toward resolution prior to the Committee's first meeting, tentatively scheduled for the first week of January.

I look forward to hearing your thoughts on these particular issues and wonder if you have a suggestion as to how best to proceed.

Regards,

Jay Ferguson
Bentley School

Community Feedback Manager Procedures and Protocol

Adopted On November 30, 2009

As part of a comprehensive and ongoing effort to be aware of community concerns and respond accordingly and appropriately, Bentley School has created a Community Feedback Management Protocol. This system will allow our new Community Feedback Manager to maintain steady communication with the surrounding neighborhoods, and approach community issues in a unified fashion.

- Bentley School has established a feedback hotline (510-229-4115) and email address (cuphotline@bentleyschool.net) for neighbors and community groups to direct calls, complaints, and feedback.
- All Hiller Highland Home Owners Association's primary contacts will be notified of these two new feedback line resources through United States Postal Service and email. Association representatives are responsible for distributing the numbers to their membership.
- All feedback received via email or phone call will be responded to within 48 hours from which the call was made, with the exception of weekends, in which case calls will be returned no later than the following Tuesday.
- Bentley School's special community feedback email and phone number answering messages include auto-responses, communicating the school's feedback policy and response turnaround time. It is requested that callers provide their name, date and time they called, their contact information, and a brief message.
- All feedback will be logged in the Bentley School's Community Feedback Management Log, capturing the following information: date of contact, format (email or phone), caller's name and contact information, comments, response date, responders' initials, and the agreed upon resolution or conversation outcome.
- Community Feedback Manager will work with the Board Traffic Coordinator to ameliorate traffic related concerns, if applicable. If feedback cannot be easily addressed by the school, the Community Feedback Manager will submit issues to the Neighborhood Liaison Committee for consult.

Conditions of Approval (October 29, 2009)

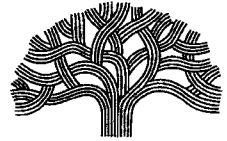
24. Neighborhood Liaison Committee/Point of Contact/Complaints

a) The Project Applicant shall initiate a Neighborhood Liaison Committee in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The School should initiate the Committee formation no later than first month after Planning Approvals and the first meeting of the Committee should be held no later than two months after initiation. The Committee shall include one member from each of the seven Hiller Highlands Home Owners Associations, with members selected by the Home Owners' Association Boards, and additional groups may be added if requested. The Committee shall meet at least once a semester to discuss issues related to Bentley's activities in the neighborhood. However, the Committee shall hold additional meetings as recommended by the neighborhood participants. Bentley School Administrative staff and the Traffic Board member shall participate in the neighborhood liaison committee meetings. City Planning and Zoning staff will attend these meetings as necessary. The meetings will have an agenda which will be forwarded to Planning and Zoning staff.

b) The Project Applicant shall designate a representative, or series of representatives, on-site, to act as the primary point(s) of contact and as the Complain Manager. The Complain Manager shall develop a list of procedures and protocols to track and timely respond to complaints/concerns raised by neighbors, or others relating to the school's operation, including but not limited to traffic, noise, etc. These procedures and protocols shall be submitted to the Planning and Zoning Division, Building Services Division, and OPD for review and comment, no later than the first month after this approval. The procedures and protocols shall include timely review of complaints and the procedures and resolutions by which the Committee will timely resolve the issues. One of the purposes of this condition is to have the project applicant timely respond and resolve complaints prior to involvement by Building Services Code Compliance Division, unless the complain is related to imminent threats to public health or safety.

c) Copies of reports submitted to the City shall be provided at the same time to the NLC.

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

October 29, 2009

Arlene Hogan
Bentley School
1 Hiller Drive
Oakland, CA 94618

RE: Case File No. CM04-411, ER07-006; 1 Hiller Drive, 251 Tunnel Road, 245 Tunnel Road, and 261 Tunnel Road

Dear Ms. Hogan,

Your application as noted above was **APPROVED** at the City Planning Commission meeting of **October 21, 2009**. The Commission's action is indicated below. This action becomes final ten (10) days after the date of this letter unless an appeal to the City Council is filed by **November 9, 2009**.

This decision is appealable to the Oakland City Council and such appeals must be filed by no later than ten (10) days from the date of the announcement of the decision (no later than 4:00 pm on Monday, November 9, 2009). An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Heather Klein**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein its decision is not supported by substantial evidence and must include payment of \$ **1181.93** in accordance with the City of Oakland Master Fee Schedule. Failure to **timely appeal** will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court.

A signed Combined Notice of Exemption and Determination was hand delivered to you certifying that the project has been found to be exempt from CEQA review, and although not legally required, an Environmental Impact Report was prepared for the project. You have advised me that you have recorded this document.

If you have any questions, please contact the case planner, **Heather Klein** at (510) 238-3659 or hklein@oaklandnet.com.

(X) Granted with required conditions. (Vote: 6 ayes (Boxer, Colbruno, Gibbs, Huntsman, Troung and Zayas-Mart) 0 noes, 1 absent Galvez,))

Very Truly Yours,

A handwritten signature in black ink that reads "Gary V. Patton". The signature is stylized and written in a cursive-like font.

GARY V. PATTON
Deputy Director of Planning and Zoning

Modifications to the conditions of approval as directed by the City Planning Commission at the **October 21, 2009** meeting are indicated in underlined type for additions and ~~cross-out type~~ for deletions.

STANDARD CONDITION OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be operated in accordance with the authorized use as described in the application materials, and the staff report, and as amended by the following conditions.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below for the Bentley School, under Oakland Planning Code Section 17.134:
 - i. A Major Conditional Use Permit to increase the school enrollment to a maximum of 360 students,
 - ii. Childcare operations for school students only from 7:30-8:30 a.m. and 2:40-6:00 p.m.
 - iii. School operations from 8:30 a.m.-3:30 p.m., Monday through Friday
 - iv. Physical Education activities from 7:30 a.m. to 3:30 p.m.
 - v. Extracurricular Sport Classes from 3:00 p.m. to 6:00 p.m.
 - vi. Change in grade levels from K-8th to K-5th Grade
 - vii. Fulltime-Faculty and staff not to exceed 62 staff
 - viii. Events: 20 evening events per school year during the hours of 6:00 p.m.-9:00 p.m., not including neighborhood/ community meetings; 10 Saturday events per school year during the hours of 9:00 a.m.-6:00 p.m. no Sunday events permitted; 2 single day summer events per year during the hours of 8:00 a.m.-6:00 p.m. and only on weekdays. The school is not permitted to hold summer classes, camps, sports, daycare or any other activity during the summer and the school is not permitted to rent out the facility for any other use.
- c) The CUP supersedes and extinguishes the 1969 CUP.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans, conditions of approval, facilities or use may be approved administratively by the Director of City Planning or designee and brought to the City Planning Commission as a noticed, informational Director's Report within 30 days. Minor changes include, but are not limited to, the reporting criteria or the number of monitoring personnel in Conditions of Approval #14d, 14e, 14g, 14h, 14k, 16, and 19. Major changes to approved plans, conditions of approval, facilities or use shall be reviewed by the City Planning Commission as a revision to the Major CUP. Major changes include, but are not limited to, the following: an increase in ~~full-time positions~~ staff, increase in hours of operation (day care, school hours, or events), increase in the number or days of special events, or termination/revocation of the MOU by OPD. See Condition of Approval #25 regarding other changes to that would require preparation and approval of a permit for a Master Plan.

4. Conformance with other Requirements

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other

applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed and Recorded Copy of the Conditions

Thirty (30) days after project approval

A copy of the approval letter and Conditions shall be signed by the property owner, properly notarized and recorded against the property. A file-endorsed copy shall be returned to the City 30 days after project approval.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland. The City shall be reimbursed for any and all costs associated with monitoring (including review of ongoing reports, attending meetings, site inspections) and/or enforcing these conditions of approval, in accordance with the rates/fees in the Master Fee Schedule per condition of approval #10.

9. **Severability**

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. **Special Inspector/Inspections, Technical Review, Project Coordination Compliance Management, Monitoring Thirty (30) days after project approval and ongoing**

The project applicant may be required to pay for special inspector(s)/inspections and any after hours inspections, as needed. The project applicant shall also be required to cover the full costs of technical review and other types of peer (or City) review, monitoring and inspection, including without limitation, review of reports, site visits, neighborhood meetings, and inspections/enforcement of confirmed violations of Conditions of Approval. Within thirty days after project approval, the project applicant shall establish and maintain a deposit to initially cover 3 days of staff time per the Master Fee Schedule with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

11. **Annual Compliance Matrix and Review**

Thirty (30) days after project approval and prior to the beginning of each school year

A. The project applicant shall submit to the Planning and Zoning Division and the Building Services Division, within thirty days after project approval a Conditions compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. Ongoing conditions will specify a date for the document to be submitted, if applicable. A completed compliance matrix will be submitted to the City, demonstrating compliance with each condition, once a year after project approval prior to the beginning of each school semester for review by Planning and Zoning staff. The applicant shall notify Planning and Zoning, Building Services and the Committee within one month if the applicant has missed a compliance deadline listed on the Matrix. If necessary the Director of City Planning, in his/her sole discretion, shall refer review of compliance with the conditions of Approval to the Planning Commission, except for the initial compliance review as stated below. See Condition #5 regarding conformance with Conditions of Approval. B. Project applicant shall notify Planning and Zoning staff in December of 2010, of the need to return to the Planning Commission for review of compliance with conditions of approval under a noticed, informational Director's Report, along with the completed compliance matrix required above.

12. **Operational Noise-General**

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

13. **Vegetation Management Plan**

<http://www.oaklandnet.com/wildfireprevention/docs/WPADistrictMap.pdf>

Prior to the beginning of the next school semester and Ongoing

- a) The project applicant shall submit a vegetation management plan to the Planning and Zoning Division and Fire Services Division that includes if deemed appropriate, but not limited to the, following measures:
 - i. Removal of dead vegetation overhanging roof and chimney areas;
 - ii. Removal of leaves and needles from roofs;
 - iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation;
 - iv. Trimming back vegetation around windows;
 - v. Removal of flammable vegetation on hillside slopes greater than 20%;
 - vi. Pruning the lower branches of tall trees;

- vii. Clearing out ground-level brush and debris;
- viii. Stacking woodpiles away from structures.

- b) The project applicant shall enter into a maintenance agreement with the City that ensures that landscaping will be maintained and adhere to measures listed above

14. Parking and Transportation Demand Management

Prior to the start of the next semester Within 120 days after Planning Approvals and Ongoing.

The applicant shall retain a qualified traffic consultant ("Traffic Consultant") with prior TDM experience, based on a City approved scope of work, and submit for review and approval by the Planning and Zoning Division, Transportation Services Division, and OPD-Traffic Safety staff, a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase pedestrian, transit, and carpools/vanpool use. The TDM strategies below shall, at a minimum, be incorporated in the TDM plan:

a) Parking management strategies:

Bentley School shall provide assigned spaces to all full and part time faculty and staff and not volunteers or visitors. Staff that contract with the school to carpool shall be given priority spaces in order to reduce single occupancy vehicles. Any transit subsidies shall include school staff. All of these spaces must be used before on-street spaces for staff can be used. The school shall send the contracts to Planning and Zoning staff at the beginning of the school year. The TDM shall also investigate additional parking spaces for staff on other areas of the school owned property to maximize off-street parking. The project applicant shall make a good faith effort to pursue these options in order to reduce the amount of on-street parking and shall provide written documentation of such good faith efforts to the City.

b) Detailed explanation of the pick-up and drop-off process:

Develop detailed, written instruction of the pick-up and drop-off process, which include rules, maps, times, etc., which will be incorporated into the Traffic and Parking Handbook.

c) Staggered timeframes for drop-off and pick-up:

The project applicant shall, if feasible, establish at least two staggered drop-off times in the morning and shall continue the four staggered drop-off times in the afternoon, coordinated with Kaiser School to ensure maximum staggering of students coming to and from the area prior to the beginning of each school year one month after school starts to the Oakland Planning and Zoning Division for review and approval. If infeasible the project applicant shall provide written documentation to the Planning and Zoning Division demonstrating to the satisfaction of the City the infeasibility of the two staggered morning drop-off times based solely on established state school requirements and coordination with Kaiser School. Documentation regarding infeasibility shall include the outcome of meetings with Kaiser School.

d) Minimum bus ridership requirement:

The project applicant shall reduce the number of single occupancy vehicles (SOV) driven by 25% of 422 (360 students and 62 faculty and staff) by the beginning of the fall trimester 2010 and by 35% by the beginning of the fall trimester 2012. The applicant shall utilize a variety of options including AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling to achieve this reduction. In the interim, the applicant shall retain the current use of AC Transit and the private shuttle bus and make reasonable good faith efforts to increase bus ridership until the mandatory reductions become effective. The TDM plan shall specifically discuss (i) all alternative transit options and make recommendations regarding how to achieve the trip reduction; (ii) how the school will monitor and report the numbers to the city; (iii) how the city can determine compliance; and (iv) recommend appropriate enforcement options including, a cure period, enrollment reductions, etc. Once city staff has conditionally approved the plan (after review and comment), it shall be noticed Planning Commission agenda item for review and approval. maintain the minimum level of bus ridership per AC Transit's requirements on both

~~of the current school tripper lines (currently the 604 & 689), even if AC Transit raises the minimum ridership level. If AC Transit discontinues the service, the school will provide a private shuttle service to serve the minimum requirement. A minimum of 22% on average of the approved student enrollment (or 79 students) shall be required to use the bus or school shuttle. The applicant shall monitor bus and/or shuttle ridership everyday for one month in the beginning of each semester and submit a report no later than the second month to both AC Transit and the City of Oakland Transportation Services Division and Planning and Zoning Division for review.~~

e) Number of persons to assist traffic:

During all morning drop-off and all afternoon pick-up periods (such periods to be approved by City and stated on official City signs to be posted at drop-off/pick-up locations) the project applicant shall continue to assign at least nine persons, including the flag person, to ensure efficient traffic circulation. The nine persons have been assigned as follows:

1. The flag person at the driveway as trained per the MOU with the OPD
2. One traffic assistant at the lead of the drop off lane
3. One traffic assistant within the driveway loop
4. One traffic assistant near the exit point of the driveway loop
5. Five traffic assistants that are assigned in the driveway loop, exit point, and in the drop off lane to assist with vehicles.

The school shall have a sufficient number of qualified alternates on campus during every morning and afternoon drop-off time to ensure that the minimum number of traffic personnel is always met. All traffic assistants will wear colored safety vests.

f) Use of the traffic safety warning devices:

The project applicant shall coordinate with the City of Oakland's Transportation Services Division and the Oakland Police Department Traffic Safety Division staffs to purchase, install, maintain and properly use acceptable traffic safety warning devices in the drop-off and pick-up zone on Hiller Drive as defined in the Traffic Management Plan. These traffic safety warning devices can be traffic cones, temporary and removable delineators, power flares, or other devices approved, before they are installed, by the City of Oakland's Transportation Services Division and the Oakland Police Department Traffic Safety Division. The devices shall be placed one-half hour before drop-off and pick up times and removed no later than one-half hour after drop-off and pick up times. At least one monitor will be present during the period that traffic safety warning devices are in the roadway.

g) Transit Subsidy Program:

The project applicant shall develop a Transit Subsidy Plan that includes continuing to provide free AC Transit bus passes to students and faculty and continue to sponsor the operation of Michael's Transportation Service (or an equivalent service).

h) Independent Rule Enforcers:

The project applicant shall hire, in consultation with the City of Oakland Transportation Services Division and Planning and Zoning Division, at least three Independent Rule Enforcers, unless the project applicant can demonstrate to the City's satisfaction that adequate monitoring and enforcement can occur with less Rule Enforcers. At a minimum, the applicant will hire and engage at least one Rule Enforcer as a permanent condition.

The Enforcers shall monitor the following:

- 1) Traffic strategies contained in Condition #14, items b, c, e, f, i and j.
- 2) Vehicle queue lengths in the morning and afternoon (numbers should be reported every 5 minutes and include peak period queue length)

- 3) Identification of excessive queues (northbound queues on Hiller Drive extending to the signalized intersection of Hiller Drive and Tunnel Road and/or blockage of southbound traffic on Hiller Drive north of the school driveway)
- 4) Changes in traffic management that have been implemented to reduce or eliminate excessive queues/potential for blockage of emergency vehicles.
- 5) Traffic strategies contained in Condition #16, 17, and 18.
- 6) Traffic strategies contained in Condition #14, items a, d and g.
- 7) Rule Enforcers must be available to observe traffic and parking during any hours of operations including day, evening and special events.

All three Rule Enforcers shall submit written monitoring reports analyzing the results of the duties described above to the Transportation Services Division, Planning and Zoning Division, and the school's Traffic Coordination Committee. Reports should be submitted once a month during the entire current school year following planning approval to Transportation Services Division and Planning and Zoning Division. Transportation Services Division and Planning and Zoning Division will review the reports. In addition a report shall be submitted quarterly to the OPD Traffic Safety Division.

i) Events Traffic:

The project applicant shall establish an alternative transportation procedure and TDM plan for Special Events if the on-site parking is not sufficient for the number of guests expected (i.e. graduation, funding-raising events, etc.) For events anticipating over 75 cars, an off-site alternative, with a possible shuttle system, is required. The plan shall include that events be placed on the school calendar and the Neighborhood Liaison Committee shall be notified one month in advance of the event. No events shall be held that have not been published on the school calendar for one month in advance or emailed to immediate neighbors one month in advance.

j) Memorandum of Understanding with the Oakland Police Department

- a. The Project Applicant shall continue to be in good standing with the MOU with the OPD, as it may be revised.
- b. The project applicant shall develop a traffic drop-off alternative that doesn't not rely on the MOU and submit that to the City planning and Zoning Division, Transportation Services Division and the Oakland Police Department Traffic Safety Division staffs for review and approval.

Should the Applicant become substantially out of compliance with the MOU, and such noncompliance cannot be cured within a reasonable time, resulting in OPD revoking the MOU, or OPD terminates the MOU for other reasons, then the project with the alternative TDM plan shall be heard by the Planning Commission as a major change to CUP (see condition # 3).

k) Ongoing monitoring of recommended conditions.

The overall TDM Plan shall be reviewed at least once per year, and updated if necessary, based on the results of the ongoing monitoring. The review, and update if applicable, shall be submitted to Planning and Zoning Division, Transportation Services Division, and OPD-Traffic Safety for review and approval.

PROJECT SPECIFIC CONDITIONS

15. Garbage Pick-Up

Thirty (30) days after project approval

The project applicant shall make reasonable good faith efforts to ensure that garbage pickup does not unreasonably interfere with the school's pick-up and drop-off situation by either moving the garbage pick-up to Tunnel Road, if approved by Caltrans, or arranging with Waste Management that pick-up does not occur between peak AM hours (8:00-8:45) and peak PM hours (2:15-2:45). The school shall submit documentation to the City of Oakland Planning and Zoning staff within 3 months of project approval demonstrating compliance with this condition, which includes providing an agreement or other approvals from Caltrans or Waste Management, or if no agreement was reached, that the applicant has exhausted all available administrative remedies and that they have petitioned and been denied the

requests from both Caltrans and Waste Management. If denied, Bentley shall exhaust its administrative remedies and appeal the adverse decision to the highest, administrative decision-making authority.

16. Traffic and Parking Handbook

Prior to the start of the next semester after Planning Approvals and Ongoing.

The project applicant shall retain Traffic Consultant, based on a City approved scope of work, and submit a Traffic and Parking Handbook for review and approval by the Planning and Zoning Division, Transportation Services Division, and OPD-Traffic Safety staff. The Traffic and Parking Handbook shall include but not be limited to the following.

- a) Separate contracts with responsible parents/guardians who agree to participate in public transportation options for their children and those who will not.
- b) School traffic rules including "Good Neighbor Rules" per Recommended measure TRANS-4 regarding unsafe crossings and appropriate crossing locations, U-turns on Hiller Drive, prohibitions on left turns from the driveway exit during pick-up and drop-off periods, and yielding to southbound traffic.
- c) Drop-off and Pick-up procedures
- d) Alternative transit options including busing, carpooling, and vanpooling,
- e) Special Event Policies
- f) Emergency Evacuation policies developed in the Emergency Management Plan
- g) Enforcement Policy

The Traffic and Parking Handbook shall be reviewed once per year, and updated if applicable, to reflect the updated TDM Plan and the annual review. The updated Handbook shall be submitted to Planning and Zoning Division, Transportation Services Division, and OPD-Traffic Safety for review and approval.

17. Emergency Management Plan

Prior to the start of the next semester after Planning Approvals and Ongoing.

The project applicant shall develop an Emergency Management Plan ("EMP"), and submit to Planning and Zoning Division, Transportation Services Division, OPD-Traffic Safety, and the Fire Marshall, for review and consultation. The Applicant shall implement the final EMP. The EMP shall include at least the following components:

a) Fire Protection Bureau Occupancy Review

Ongoing

The School shall cooperate and coordinate with the Fire Services Department to conduct yearly occupancy and fire safety inspections of the school, fire drills and unannounced future site visits. The resulting Fire Department report(s), and any follow-ups, shall be sent to the Planning and Zoning Division for review.

b) Emergency Preparedness Plan for Hiller Highlands

Bentley School shall commence development of an Emergency Preparedness Plan in coordination with the seven Hiller Highland Neighborhood Associations and Kaiser School, no later than the beginning of the first semester after this approval and shall complete the plan no later than the first year after this approval. The completed plan shall be submitted to the Planning and Zoning Division and the Fire Protection Bureau for review and consultation. The approved plan shall be implemented and the school shall submit progress on the plan to the Planning and Zoning Division and the Fire Protection Bureau for review within the first school year after approval.

c) Fire Department Site Visits

The project applicant shall coordinate with the Oakland Fire Marshal's Office to make periodic unannounced visits to the school per semester (the frequency, timing, and types of visits should be at the Fire Marshal's discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and drop-off periods. The Fire Marshal should consult with the Rules Enforcer(s) to identify modifications to the circulation rules, if emergency access problems are identified.

d) Emergency Evacuation Plan During School and Special Events

The project applicant shall prepare an emergency evacuation plan that addresses fire and earthquake conditions, no later than the beginning of the first semester after this approval, for review and consultation by Planning and Zoning Division and the Fire Protection Bureau. The final plan shall be implemented. The plan must provide at least the following:

- i) Continue the AlertNow system
 - ii) Evacuation routes
 - a. Conduct at least two yearly drills each for earthquake and fire with advance written notification 1 week before the drill, to the Oakland Fire Marshal's Office, the Planning and Zoning Division, and the OPD to ensure that correct evacuation policies are being implemented. Drivers may be cited by the OPD or CHP per the California Vehicle Code. The school shall fund these City evacuation services per Condition #10.
 - b. Instructions that parents/guardians must not come to the site but instead provide at least one off-site location for these parents. This policy shall also be added to the Traffic and Parking Handbook and discussed at the traffic meeting at the beginning of the school year. The plan must describe strict consequences for those parents/guardians that violate the policy by coming to the school property.
 - c. A policy that in the event that an emergency requires a fire truck/ambulance to enter Hiller Drive, motorists accessing the school must comply with the California Vehicle Code and pull over to the right to yield a clear path for emergency vehicles. This policy shall also be added to the Traffic and Parking Handbook and discussed at the traffic meeting at the beginning of the school year. The project applicant shall coordinate a yearly fire drill with the Oakland Fire Marshall's Office and the OPD
- e) Maintenance of evacuation route adjacent to along school property**
- The project applicant shall maintain a clear and safe route adjacent to the school property to the designated pedestrian safety area in case of an emergency evacuation situation. The project applicant shall coordinate with Caltrans to clear the area of any debris rockslide, landslide, dirt, etc. that cover the existing sidewalk and shoulder of the road, and provide regular maintenance along the route adjacent to school property. The school shall obtain any permits necessary before the beginning of the school or within one month of the project approval if this occurs mid-school year.

18. Mandatory Meetings with Parents/Guardians

The project applicant shall require responsible parents/guardians of all students attend a meeting at the beginning of each semester to discuss the Transportation and Parking Handbook. Planning and Zoning staff will attend these meetings if necessary. The parent/guardian will need to provide written acknowledgement of receipt of the Handbook, attendance of the meeting, and acceptance of the Handbook policies. The meeting will educate parents/guardians specifically regarding the following:

- a) Demonstration of correct pick-up and drop-off procedure
- b) The no unsafe crossing policy during both Bentley and Kaiser School's drop-off and pick-up hours
- c) The left turn policy from the driveway exit during both Bentley and Kaiser School's drop-off and pick-up hours
- d) The U-turn policy during both Bentley and Kaiser School's drop-off and pick-up hours
- e) The yield policy to southbound traffic during both Bentley and Kaiser School's drop-off and pick-up hours
- f) Penalties for violation of the Handbook including additional traffic training sessions for violators.

The project applicant shall submit an annual disclosure report to Planning staff acknowledging households in receipt of the handbooks and those who contract to take public transportation.

19. School Board Institutionalize Traffic Safety

The Board of Trustees shall appoint a Traffic Coordination Committee with school board members, no later than 30 days after this approval, to be responsible for overseeing and enforcing the school's traffic and circulation Conditions of Approval. An update on the traffic situation will be an ongoing item on the Board's agenda. The appointed

member shall receive the monthly reports from the Rule Enforcer(s) regarding the effectiveness of implemented traffic measures, provide updates on bus ridership, carpooling, and vanpooling efforts and subsidy program, work with the rule enforcer(s) and school staff to correct problems, ensure the TDM and the Traffic and Parking Handbook is up-to-date and effective, schedule and attend the traffic orientation and additional training sessions for violators, and ensure that adequate funding is allocated to maintain and enhance all transportation programs. The project applicant shall submit the name of the appointee to the City of Oakland's Transportation Services Division and Planning and Zoning Division and provide an update and appropriate documentation on the traffic situation once a semester to the City until deemed necessary by Transportation Services Division and Planning and Zoning Division staff.

20. Restriping Southbound Hiller Drive To Accommodate dual Approach Lanes for State Route 13

Prior to the start of the next semester after Planning Approvals

The project applicant shall hire in consultation with the City and Caltrans, a qualified, independent Traffic Engineering Consultant to assess the feasibility of restriping Hiller Drive to accommodate dual approach lanes (1 for southbound SR13 and 1 for northbound SR13) at the intersection of Hiller Drive and Tunnel Road. If the City determines restriping feasible and desirable, the project applicant shall pay for restriping.

21. School Enrollment /Hours of Operations/~~Full-Time~~ Employees

The maximum school enrollment at Bentley School Hiller Drive campus shall not exceed 360 students, including any enrollment fluctuations. The school shall submit the enrollment numbers to the Planning and Zoning Division at the beginning of each semester or no later than the date required by the State. The school shall also submit the enrollment numbers to the Neighborhood Liaison Committee at the same time. The school shall be allowed to change the grade distribution from K-8th grade to K-5th grade. School hours are 8:30 a.m.-3:30 p.m., Monday through Friday unless altered by state requirements or negotiated with Kaiser School as part of a staggered traffic plan. Physical education or extracurricular sport classes are permitted during the hours of 7:30 a.m. to 6:00 p.m., Monday through Friday. The school is allowed a maximum of 62 ~~full-time~~ employees.

22. Daycare Hours

The school shall be permitted to operate before and after school daycare for the students of the school only. The daycare hours shall be limited to 7:30-8:30 a.m. and 2:40-6:00 p.m., Monday-Friday.

23. Special Event Day and Hours

The school shall be permitted to hold Special Events at the Hiller Drive campus in accordance with the following:

- a) The school shall be permitted a maximum of 20 evening events per school year during the hours of 6:00 p.m.-9:00 p.m., not including neighborhood/ community meetings. All event participants shall have left the campus no later 9:00 p.m.
- b) The school shall be permitted a maximum of 10 Saturday events per school year during the hours of 9:00 a.m.-6:00 p.m. No Sunday events are permitted.
- c) The school shall be permitted a maximum of two single day summer events per year during the hours of 8:00 a.m.-6:00 p.m. and only on weekdays.
- d) The school is not permitted to hold summer classes, camps, sports, daycare or any other activity during the summer.
- e) The school is not permitted to rent out the facility for any use.

24. Neighborhood Liaison Committee/Point of Contact/Complaints

Ongoing

a) The Project Applicant shall initiate a Neighborhood Liaison Committee ("Committee") in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The School should initiate the Committee formation no later than first month after Planning Approvals and the first meeting of the Committee should be held no later than two months after initiation. The Committee shall include one member from each of the seven Hiller Highlands Home Owners Associations, with members selected by the Home Owners' Association

Boards, and additional groups may be added if requested. The Committee shall meet at least once a semester to discuss issues related to Bentley's activities in the neighborhood. However, the Committee shall hold additional meetings as recommended by the neighborhood participants. Bentley School Administrative staff and the Traffic Board member shall participate in the neighborhood liaison committee meetings. City Planning and Zoning staff will attend these meetings as necessary. The meetings will have an agenda which will be forwarded to Planning and Zoning staff.

b) The Project Applicant shall designate a representative, or series of representatives, on-site, to act as the primary point(s) of contact and as the Complaint Manager. The Complaint Manager shall develop a list of procedures and protocols to track and timely respond to complaints/concerns raised by neighbors, or others relating to the school's operations, including but not limited to traffic, noise, etc. These procedures and protocols shall be submitted to the Planning and Zoning Division, Building Services Division, and OPD for review and comment, no later than the first month after this approval. The procedures and protocols shall include timely review of complaints and the procedures and resolutions by which the Committee will timely resolve the issues. One of the purposes of this condition is to have the project applicant timely respond and resolve complaints prior to involvement by Building Services Code Compliance Division, unless the complaint is related to imminent threats to public health or safety.

c) Copies of reports submitted to the City shall be provided at the same time to the Neighborhood Liaison Committee.

25. Master Plan Required for Student Enrollment Increase or "Future Construction"

Ongoing

The Project Applicant shall apply for a permit (Major Conditional Use Permit or Planned Unit Development Permit) for any student enrollment increase or "Future Construction" that includes as part of that application a Master Plan for the "Site" for the next 10 years. Site is defined for this condition as: all property included in the CUP Project description, including acreage in both the City of Oakland and City of Berkeley. The Master Plan shall include, at a minimum, how the school will accommodate additional student growth, a comprehensive development plan for the campus site, including addressing on-site parking, sports fields (if applicable) and traffic-related and vehicle access issues. Future Construction is defined for this condition as: new, wholly reconstructed, or relocated school buildings, expansion of floor area (as defined by Planning Code), new enclosed buildings or portions of buildings (i.e., storage shed, garage, attic on an existing building). Future construction per this condition does not include features such as unenclosed decks/balconies, stairs, walkways, patios, courtyards, fences, walls and retaining walls, at grade play areas or play equipment, trellises or other landscape features, at grade parking spaces/pavement, interior remodeling of an existing building, or repair of existing building features. The last enrollment form submitted to the state shall be required as part of the application documents. See Condition of Approval #3 regarding the scope of major or minor changes to the Conditions of Approval.

26. Lower Parking on Campus Lot

a. The Project Applicant shall submit an application to the City of Berkeley to legalize the lower parking lot for school parking purposes. The school must submit a complete application, along with appropriate fees, within 30 days after this approval and make reasonable, good faith efforts to diligently pursue the application to decision. The Applicant shall provide the City with regular, written updates (no less than once every two months) as to the status of the parking lot application and if a decision has been made within 6 months. If denied, Bentley shall exhaust its administrative remedies and appeal the adverse decision to the highest, administrative decision-making authority. If after six months no decision on the parking lot has been made or if the parking lot is denied, the project applicant shall secure 20 off-street parking spaces for these employees. The applicant could also choose to increase the percentage of faculty and staff taking alternative transportation above and beyond the percentages set forth in condition 14d or some combination thereof.

b. The school must maintain at all times 23 legal spaces on the Oakland campus for faculty and staff and, if approved, 20 legal spaces on the Berkeley property or the minimum required by the Planning Code which ever is greater. The

~~Applicant shall provide the City with regular, written updates (no less than once every three months and whenever a decision is made) as to the status of the parking lot application.~~

27. Bentley School Hiller Administration

The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower School and Middle School) academic program to the other campus in Lafayette, no later than the beginning of the first semester after this approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association.

28. No U-Turns

The project applicant shall hire in consultation with the City, a qualified, independent Traffic Engineering Consultant to assess the feasibility of posting No U-Turn signs at the intersection of North Hill Court and Hiller Drive. The City shall be reimbursed for any and all costs associated with evaluating the feasibility of such signs. If the City determines such signs feasible and desirable, the project applicant shall pay all costs associated with installation of the signs in accordance with the rates/fees in the Master Fee Schedule per condition of approval #10.

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on October 21, 2009. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)
Signature of Contractor _____ (date)

APPROVED BY: City Planning Commission: 10/21/09 (date) 6 ayes, 0 noes, 1 absent (vote)
City Council: _____ (date) _____ (vote)

Hiller Highlands Phase I Homeowners Association

January 14, 2010

W.L. Butler Construction Company
204 Franklin Street
Redwood City, CA 94063-1929

Dear Sirs,

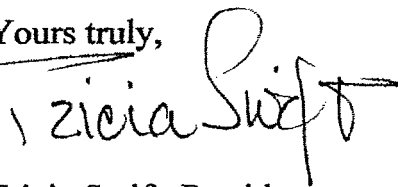
In 1992 and 1993, your company rebuilt the 34 homes of Hiller Highlands Phase I (Spy Glass Hill) after the Oakland Fire. In 2000, there was a problem with the roofing/tiling of units 38 and 40. At that time, you took responsibility and effected a repair.

Now, 8 years after the repair, there is a further problem, which has been brought to the attention of the Board of Directors. Roger Baron, owner of #38, has asked the Board to ask you, W.L. Butler, to make further repair to his patio tiles. The reason for his request is his finding that the tiles were improperly set. (See attached correspondence.)

Granted, the 10 year warranty on original construction is long past. We hope and expect, however, that inasmuch as you recognized responsibility for the original construction fault and repaired it, that the current problem and repair fall within your responsibility.

Thank you very much for your attention to this matter.

Yours truly,

A handwritten signature in cursive script that reads "Tricia Swift". A horizontal line is drawn across the signature, starting from the left margin and ending under the "t" in "Swift".

Tricia Swift, President
Hiller Highlands Phase I Homeowners Association Board of Directors
36 Spy Glass Hill
Oakland, CA 94618
(510) 693-9006

TO: Board of Hiller Highlands Phase 1

FROM: ROGER BARON, 38 Spyglass Hill

RE: Breach of contract action against W. L. Butler, Inc. and on DeAnza File for defective work done under agreement between W. L. Butler, Inc. and Hiller Highlands 1 HOA to repair my deck as a result of October 2, 2000 stucco incident

DATE: December 21, 2009

On October 2, 2000 a piece of stucco soffit fell from the underside of the bay window of #40 Spyglass Hill onto my deck at #38 Spyglass Hill, damaging the deck.

The Hiller Highlands 1 HOA, through its attorney Ann Rankin, brought an action against W. L. Butler, Inc. through their attorneys, Nagle, Bustamonte & O'Hara. I am enclosing a letter dated February 2, 2001 from Nagle, Bustamonte & O'Hara Re: Hiller Highlands 1 HOA and addressed to Ann Rankin, Esq. which states:

"This letter serves to confirm that W. L. Butler, Inc. will commence repairs to Unit # 38 next week.

Mike Newland, of W. L. Butler, is in the process of scheduling the appropriate sub-trades to repair the stucco and the broken tiles at Unit 38." Also enclosed is a Scope of Work from W. L. Butler which gives a brief description of work performed by each of the sub-contractors. DeAnza File installed the slate on my deck which was supplied by W. L. Butler.

Since noticing many loose tiles on my deck I spoke to Ann Rankin on 12/18/09 and she suggested I contact a forensic expert.

On 12/10/09, Daniel Dixon, Ceramic Tile Forensics, examined the deck. He concluded that the deck was not installed in accordance with building code requirements. Specifically, the tiles are loose and not bonded properly to the substrate. He believes it to be a construction defect.

On 12/21/09 I again contacted Ann Danbino to discuss my premise that the corrective work done on my deck at #38 Spyglass Hill was defective and therefore there is an action against W.L. Butler, Inc. and or its sub-contractor De Anza Tile for breach of contract. Since the agreement was reached between Nettle Highlands I HOA and W.L. Butler through their attorneys, it seemed that Nettle Highlands I HOA would be in the best position to bring a subsequent action for the defective work done on my deck.

Ann Danbino agreed that Nettle Highlands I HOA would be the better party to bring the claim for breach of contract. I would need to bring any claim as a 3rd party beneficiary.

Thanks in advance for considering this matter.

Roger Baron

LAW OFFICES
NAGLE, BUSTAMANTE & O'HARA
A Professional Corporation

GARY R. NAGLE
ROBERT M. BUSTAMANTE
TERENCE J. O'HARA
ROBERT M. GAGLIASSO
ROBERT B. ROBARDS
JAMES E. HART III
J. BRIAN MORROW
CHRISTOPHER A. ROBERTS
MARY ACQUESTA
LISA A. LENOCI
RICHARD A. SULLIVAN
JACK D. LYNCH
DANIEL J. WATSON

TEN ALMADEN BOULEVARD, SUITE 660
SAN JOSE, CALIFORNIA 95113
TELEPHONE (408) 977-1911
FACSIMILE (408) 977-0748

Sacramento Office
2020 HURLBY WAY, SUITE 205
SACRAMENTO, CALIFORNIA 95825
TELEPHONE (916) 841-8000
FACSIMILE (916) 553-7888

February 2, 2001

Ann Rankin, Esq.
Law Offices of Ann Rankin
P.O. Box 11144
Oakland, CA 94611-1144

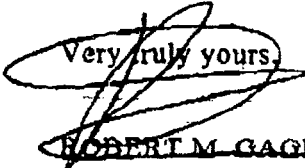
Re: Hiller Highlands I HOA
Our File No.: BUT01901

Dear Ms. Rankin:

This letter serves to confirm that W.L. Butler will commence repairs to Unit 38 next week. Mike Newland, of W.L. Butler, is in the process of scheduling the appropriate sub-trades to repair the stucco and the broken tiles at Unit 38. With your permission, Mr. Newland will contact the homeowner directly to coordinate an appropriate time to do this work.

Our office has placed a call to Mr. Keith Norman to discuss the additional destructive testing that the HOA deems appropriate at this time. I anticipate having contact with Mr. Norman later or early next week. At that time, I will contact your office to discuss any future testing.

We thank you for your continuing courtesy and cooperation.

Very truly yours,

ROBERT M. GAGLIASSO

RMG:erc

cc: Mike Newland
Frank York

\\Nbnthserver\sys\corol\su\to\NBOM\ercos\LTRHEAD.htm



Hiller Highlands - *Roger Baron Residence*

Job Number 20903

Scope of Work

Brief Description of work performed by each individual trade:

- **Kenyon Plastering** – repaired stucco on the bottom side of two decks.
- **Expert Waterproofing**
 - Applied water proof membrane at deck
 - Installed galvanized fascia flashing
 - Prepared existing flashing at adjoining wall to deck
 - Prepared and installed new plywood at deck
 - Applied caulking at plywood and sheet metal seams
- **Rough carpentry performed by WLB**
 - Re-worked the deck prior to waterproofing and tiling
 - Prepared and installed new exterior and interior trim for new sliding glass doors.
 - Removal and re-installation of existing and new sliding glass doors to owner's specifications.
 - Prepared damaged area at sidewalk for sandblasting. Performed sandblasting to owner's specifications.
- **Import Tile** – Supplied new slate to replace existing tile installed on deck. (Existing had been damaged at the time stucco had fallen.)
- **De Anza Tile** – Installed slate supplied by Builder.
- **Griffin Painting** – Repainted new stucco
- **Window Haven** – Supplied sliding glass door as specified by owner.
- **Menlo Atherton Glass** – Supplied and installed replacement sliding glass door to match first replacement slider (supplied by Window Haven)
- **Fisher Lath and Plaster** – Patched hole at wall nearest the first sliding glass door
- **Ekim Painting**
 - Re-painted the handrails and posts at deck damaged during repair work
 - Re-painted stucco patch done by Fisher Lath and Plaster