

The Sierra Post

VOLUME II, ISSUE 10

THE SIERRA AT JACK LONDON SQUARE

October, 2006

HOA Meeting Summary

Contact Information

Front Desk / Lobby

Phone: 510-285-3515

Fax: 510-663-4526

lobby@sierrajacklondon.org

Erik Olson, CCAM

General Manager

Phone: 510-663-4889

erik@sierrajacklondon.org

Mario Brown

Building Engineer

Phone: 510-663-1245

engineer@sierrajacklondon.org

Ron Siengo

HOA President

president@sierrajacklondon.org

Other HOA contact information can be found at <http://www.sierrajacklondon.org>

For advertisement information, questions or comments regarding this newsletter, please email to news@sierrajacklondon.org. Homeowners may place free classifieds by sending email to the same address.

The next HOA meeting is scheduled for Tuesday, Oct 24, 2006. Homeowner forum will start between 7:00 to 7:30 pm.

The last Board meeting was held on Sept 26. Please check the bulletin board for the official meeting minutes.

FINANCIAL REPORT

Treasurer Frank Schultz reported that The Sierra's finances were favorable overall.

OLD BUSINESS

1. The Board discussed the Moving and Furniture rule that was sent out to all homeowners after the last board meeting. The Board considered all comments that had been received by the general manager and determined that no changes the wording of the rule were necessary. A motion was made and seconded to adopt the Moving and Furniture Move rule as was originally sent out to homeowners.

2. The Board discussed the Enforcement of Governing Documents and Penalty rule that was sent out to all homeowners after the last board meeting. The Board did not receive any comments back from homeowners regarding this rule. A motion was made and seconded to adopt the Enforcement of Governing Documents and Penalty rule as originally sent out to homeowners.

3. Vice President Nguyen deferred to the GM to give a background on the upcoming election and how the new state election laws that were passed July 1, 2006 would affect our election. The GM explained that the laws have now lengthened the process of holding an election. In addition, the election is now to be done by mail-in ballots only and that proxies are no longer allowed. One of the requirements of the laws that were passed is that each Homeowners Association must adopt their own election rules. It was explained that the Association's attorney had been contacted to help with this and had drawn up a set of rules for the Association to adopt. The GM's recommendation was for the Board to adopt all rules, with the exception of the "Election by Acclamation" rule as this

could potentially discourage homeowners from running for the Board. A motion was made to send out the election rules as written without the inclusion of the "Election by Acclamation" rule to the homeowners for a 30 day comment period. The vote was unanimous.

- A motion was made to also adopt the Nomination form presented by the GM as a requirement for eligibility to nominate one's self for the Board of Directors. The vote was unanimous.

- A motion was made to extend the self nominations deadline to October 30th, since there are still not enough qualified candidates as Board of Directors openings available. The vote was unanimous.

- The Association's attorney had also drawn up the same election rules to be adopted to the Association's Bylaws and CC&Rs. The GM explained that the reason why this had been done was to clear up any confusion some one might have if they were looking for the procedures on the election rules in the Bylaws or CC&Rs where the old procedures are. The attorneys felt that this might be helpful to change the governing documents as this would eliminate any confusion between what was adopted by the Board and what is in the Bylaws. The board expressed some concern whether the membership quorum requirement to change the Bylaws and CC&Rs (51%) could be attained. It was determined by the Board that since the CC&R and Bylaw changes were not necessary by law (the changes in the laws on July 1 would supercede anything in the current Bylaws), that they would indefinitely table this item.

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HOMEOWNER COMMENTS

▪ A homeowner mentioned the difficulty of getting a hold of Charles from VVD Communications and his lack of service to the individual owners at the Sierra.

GENERAL MANAGER'S REPORT

▪ A homeowner had requested to put a Coke machine in the common area that would be maintained by that owner. The Board stated that allowing this would not be consistent with the Sierra goal of a "First Class Community."

▪ Digital Accounting Services, the Association's accountants reported that there 5 accounts (125-723, 125-13, 125-712, 125-717, and 125-724) that are 60 days or more delinquent and are eligible to be sent to collections to start the lien procedure. A motion was made to send the above five accounts to collections and start the lien procedure for non-payment. The motion was unanimous.

Run for the Board of Directors

There is still time... The self nomination deadline has been extended to October 30th due to the lack of candidates. There are three seats open for election. Please send your resume to Erik erik@sierrajacklondon.org if you are interested.

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Ron Siengo, CPA

Partner
ron.siengo@sierraafc.com

Maya Nguyen

Partner
maya.nguyen@sierraafc.com

311 Oak Street, Suite 24
Oakland, CA 94607
Voice & Fax: (510) 764-2058
www.sierraafc.com

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New Election Rules

These Voting and Election Rules will be adopted by the board on November 28th, 2006, and are intended to comply with the requirements of Civil Code section 1363.03(a). These Rules shall be effective on the date of adoption, shall supersede any other voting rules of the association, and shall remain in effect until modified by the board.

Article 1 MEDIA

1.1 Access to Association Media – Candidates for the Board. The board may but is not required to make association media (i.e., posting on the association's official bulletin board/notice board/kiosk, or official website, publication in the association newsletter or newspaper, or other notices mailed or delivered by the association to the owners or the Units) available to qualified candidates running for election to the board for purposes that are reasonably related to the election in which that candidate is running. If the board allows any candidate access to association media, then all qualified candidates shall be allowed access to the same media.

1.2 Access to Association Media – Other Matters. If the board utilizes association media to advocate a point of view on any matter (other than election of directors) that requires member approval, or allows any member access to association media for that purpose, then all members advocating a different point of view shall be allowed equal access to the same media. The board shall not be required to allow access to more than one member advocating the same point of view.

1.3 "Equal Access." "Equal access" shall mean publication of written statements not to exceed a predetermined number of words. The board shall not edit or redact any statement, but shall not be required to publish any statement that exceeds the predetermined length restrictions.

1.4 Responsibility for Content. All statements published in association media pursuant to the "equal access" rules must identify the author or proponent. No anonymous statements will be permitted. The author and/or proponent of any statement or point of view shall be solely responsible and liable for the content of their statements. The association shall not be responsible or liable for the content of any statement published pursuant to the "equal access" rules. Statements on behalf of candidates for election to the board shall be limited to personal statements by the candidate concerning the candidate's qualifications to serve on the board.

Article 2 MEETING SPACE

2.1 Access to Common Area Meeting Space – Campaigning by Candidates for the Board. The board shall ensure that during a campaign all qualified candidates for election to the board are given access to common area meeting space, at no cost, for purposes reasonably related to their campaigns.

2.2 Access to Common Area Meeting Space – Other Matters. Whenever the board places a matter before the members which requires member approval, the board shall ensure that members advocating a point of view on the matter are given access to common area meeting space, at no cost, for purposes reasonably related to advocating their point of view, whether or not they agree with the point of view advocated by the board on the matter at issue.

Article 3 VOTING BY SECRET BALLOTS

All voting by the members shall be conducted by secret ballot using a "double envelope system" as described in Civil Code section 1363.03(e). The ballot and envelopes shall be mailed or delivered to the members entitled to vote in the vote or election.

Article 4 INSPECTORS OF ELECTION

4.1 Appointment of Inspectors. Whenever there is a membership vote or election, the board shall appoint one or three inspectors of election.

4.2 Qualification of Inspectors of Election. Inspectors may be any persons the board reasonably believes to be independent with respect to the matter or matters being voted on and may include the association's manager, accountant, or legal counsel or members of the association, but may not be a member of the board or a candidate for election to the board or a family member of a current member of the board or of a candidate.

4.3 Indemnification of Inspectors: Liability Insurance. Inspectors of election shall be deemed to be agents of the association for purposes of Corporations Code section 7237 and shall be entitled to indemnification by the association to the fullest extent provided by law. As provided in Corporations Code section 7237(i), the association shall have the power to purchase and maintain insurance on behalf of any agent of the association against any liability asserted against or incurred by the agent in his or her capacity as an agent of the association or arising out of the agent's status as such, whether or not the association would have the power to indemnify the agent against such liability under the provisions of Corporations Code section 7237.

Article 5 CANDIDATES FOR THE BOARD

5.1 Qualifications of Candidates. Candidates for the board must be members (Bylaws Section 5.3) in good standing who have not been declared of unsound mind by a final order of court or been convicted of a felony (Corporations Code section 7221(a)). Members must also complete a Nomination Form provided by the board, attached as Exhibit A. By signing the form the member agrees to the conditions set forth on the form. If the candidate crosses out or edits any portion of the agreement, or does not sign the form, the member is not eligible to run as a candidate for the board. "Member" means a person who holds legal title to the property (i.e., is named in the deed for the property).

5.2 Nominations. The board shall publish or post a notice recruiting candidates for the board and state the deadline for receipt of nominations. Any member who satisfies the qualifications may place his or her name in nomination for the board by giving written notice to the board before the published deadline for receiving nominations. In addition, the board may recruit qualified candidates and/or may appoint a nominating committee to nominate qualified candidates.

Article 6 MEMBER VOTING RIGHTS

6.1 Qualification for Voting. Only members in good standing shall be allowed to vote. A member shall be deemed to be in good standing unless, after notice to the member and an opportunity for hearing, the board has found the member to be not in good standing and has so notified the member in accordance with Civil Code section 1363(h). As long as any co-owner of a Unit is not in good standing, no vote shall be permitted for the Unit.

6.2 Voting Power of Each Membership. Only one vote shall be cast for each Unit. Once a ballot is received by the inspector of election, it may not be rescinded. Cumulative voting is not permitted in the election of directors.

6.3 Proxies. In any election or vote of the members conducted by the association, only official ballots issued by the association shall be counted as votes. Proxies are not ballots and are not valid as votes in any election or vote conducted by the association.

Neighborhood Events

October is Family History Month

Visit the California Genealogical Society library in October to hear any of these FREE presentations on how to trace your family tree and become a family historian. The library is free to all visitors the month of October. 1611 Telegraph Avenue, Suite 100 (510) 663-1358.

<http://www.calgensoc.org>

United Nations Anniversary

Come celebrate the anniversary of the formation of the United Nations with a colorful parade of the flags of the world. Special guests speakers. Sun Oct 22 from 11am – 12 noon at the Square.

Jack O' Latern Jamboree

More delightful than frightful! A Halloween extravaganza for the little ones. Oct 28 – 29. Children's Fairyland. (510) 452-2259

<http://www.fairyland.org>

Boo At The Zoo

Daytime Halloween Fun, Costume and Parade and much more! Oakland Zoo. (510) 632-9525. Oct 28 – 29 10am – 3pm.

<http://www.oaklandzoo.org>

Mario's Corner

Recycling

Recycling has been working well, let's continue to separate. Remember all large boxes that are too large to put down the trash shoots should be brought to the large recycling containers located at the loading dock on the ground floor.

Heater

Please check your baseboard and electrical heaters to ensure that they are working properly before the winter gets here. If you have any questions, please feel free to contact me.

Drip Pan

Remember to place oil drip pan under your car if it is leaking oil onto the garage floor and have it repaired as soon as possible. You can purchase these pans at your local automotive store.



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**Bach Nguyen, REALTOR® Broker
510.452.1927 Office
510.928.8261 Direct
bach.nguyen@JackLondonRealty.com**