

OAKTREE PARK CABANA CLUB
HOMEOWNER ASSOCIATION NEWSLETTER

WINTER 2017

**REMINDER OF HOA ANNUAL GENERAL
ANY CHANGES OR UPDATES)**

MEETING (PLEASE CHECK WEBSITE FOR

**Thursday, January 26, 7:00 PM
Shepherd of the Valley Church
1281 Redmond Ave.
San Jose, CA 95120**

ANNUAL GENERAL MEETING AGENDA

**Financial Report on 2016 Expenditures
Proposal to Extend Summer Seasonal Membership to NON-HOA Swim Team Families
President's Report on Construction Update
Budget for 2017**

**PROPOSAL TO EXTEND SEASONAL OAKTREE CABANA CLUB MEMBERSHIP TO NON-HOA SWIM
TEAM FAMILY**

Summer of 2016 non-HOA swim team families had the opportunity to pay for a seasonal membership to use the Cabana Club Pool. Three families with small children paid for use of the pool. There were no reported problems or concerns and therefore, it is proposed that summer seasonal membership again be extended to no more than 20 non-HOA swim team families.

If HOA homeowners vote to extend this invitation to 20 non-HOA swim team families, then they also need to decide whether to offer:

Limited membership: only the members of the non-HOA family who live in the same household may use the pool.
OR

Full membership: the non-HOA family has all the rights and privileges of any HOA family. They may bring up to two families to the pool.

Whether or not the non-Homeowner has limited or full membership, as with all those who use the pool, Pool Rules must be followed. Non-Homeowners have no responsibility for any liability issues resulting from use of the HOA common asset (the pool).

Attend the AGM on Thursday, January 26 and vote your choice.

CONSTRUCTION UPDATE

Darren McCardle, Board President, reported to the Board that securing permits has caused the delay. He hired Dan Burnham of Burnham Construction as the General Contractor.

New Board Member – Isa Murphy – Website and Communications

New non-voting Board Member – Karen Gayraud, Bookkeeper

LAST HARD COPY NEWSLETTER

The Board is coming into the Modern Age. Future communication will be on OAKTREE website. <http://www.oaktreeparkcabanaclub.com> If any HOA member cannot access the website or does not find the information they need on the website, please inform the Board at: contact@oaktreeparkcabanaclub.com

WOOD BURNING –BURN WISE

It is cozy and comforting to sit by a nice roaring wood fire during the winter months. It's fun to watch the flames, but smoke is not good for you. When wood and other solid fuels are burned, the smoke contains fine particulate air pollution and these tiny particles can pass deep into the lungs and cause serious health issues. Wood smoke can affect everyone, but children, teenagers, older adults; people with lung disease – including asthma and COPD – are the most vulnerable.

Wood burning causes approximately 1/3 of winter pollution. If you must burn, residents must burn only clean, dry (seasoned) wood in short, hot fires with plenty of air to prevent excessive smoke. Smoke above 20% opacity is illegal <http://www.sparetheair.org/~media/files/communications-and-outreach/visible-smoke-limits.pdf?la=en>

No visible smoke is allowed beyond the 20-minute start-up period. Wood burners are advised to look outside. If your chimney is showing visible smoke, you are not only poisoning the environment for others, but yourself as well. For further information, see <http://www.baaqmd.gov> or <http://www.sparetheair.org/stay-informed>

YARD UPKEEP FYI CC&R, Article III, Section 11. Landscaping: The front yard of all plots and side yards of corner plots shall be cultivated and landscaped and shall be maintained in a neat and orderly appearance free of rubbish, trash, and other unsightly things. Thank you for keeping the HOA looking great!

1. What does it mean to belong to a Homeowner's Association (an HOA)?

It means the builder (Ditz-Crane) within the boundaries set for Oaktree Park-Tract#5052, (see Boundaries on HOA website) in Santa Clara County incorporated a section of land within the boundaries of the tract as a "common asset". This common asset, the Cabana Pool, is incorporated (united with each lot on which a home is built in the tract) into one whole or association. Generally, an "association" is the name given to a non-profit corporation. It is self-sustaining by its membership. A "corporation" is an entity that is established to earn a profit.

2. What are my legal responsibilities to my HOA?

The duties and rights of each HOA member are contained in the HOA documents listed on the HOA website (see #6). More information for HOA's can be found in the California Civil Codes. Liability for use of the common asset is the responsibility of the HOA and is shared among all the homeowners. Since there are 156 homes in the association, your cost, if it were warranted, would be 1/156th of any court fee(s) or final settlement. Only homeowners carry this legal liability. Non-homeowners who are allowed to use the common asset do not.

3. How is my association governed?

Once the builder, Ditz-Crane, sold every lot in tract #5052, governance of the association needed to be provided by a volunteer Board of Directors (see By-Laws), who are elected or appointed. In its wisdom, Ditz-Crane provided a rotational sequence of years for each Board member to serve. This ensures that all homeowners have the opportunity to understand how the HOA functions.

The Board members are directed to adhere to any California Civil Codes that apply to the governance of the HOA, uphold the Covenants, Conditions, and Restrictions (CC& R's), abide by the By-Laws and Articles, establish and communicate any other rules (e.g. Pool Rules) to the membership. The Board meets monthly. It has the legal fiduciary responsibility to collect assessments, keep financial records, communicate information to members, and manage any and all legal requirements for the association, to notify the HOA members of any increase in assessments, to hold an Annual General Meeting for HOA members. These are only a few of their duties. Also, the Board needs to ensure the common asset is well-maintained to provide recreational use for all HOA members. Your Board members are volunteers your support and input is always welcome.

4. Can I sell my membership in the association?

No. The title of your home is by law incorporated or united as part of the body or system of the entire homeowner association. The only way your membership is transferred is when you sell your home to a new homeowner.

5. Can a homeowner earn any profit from use of the common asset?

The association is set up as a non-profit corporation. (Article III, Articles of Incorporation). No homeowner under penalty of law may make or earn any profit from the use of the common asset. (Article 5, (g) Articles of Incorporation)

6. Where may I find information regarding the operation of my HOA? -3-

This information may be found at <http://www.oaktreeparkcabanaclub.com> in three documents located under HOA on the Oaktree Cabana Club website: *Articles of Incorporation, HOA Declaration and CC&R's and the By-Laws*. It would be to each homeowner's benefit to read and be familiar with these. If time is an issue, read the CC&R's.

In addition, as with any incorporated or corporation entity, The State of California has Civil Codes. This primary set of laws that governs common interest developments (CIDs) and homeowner associations (HOAs) in California takes precedent and insures appropriate standards are followed by HOA Boards and/or any other entity hired by the HOA to provide governance for an HOA.

On January 1, 2014 The Davis-Stirling Common Interest Development Act, **The Davis-Stirling Act**, was completely renumbered and reorganized, and codified in California Civil Code beginning with section 4000: <http://www.calassoc-hoa.com/Homeowners-Association/Davis-Stirling-Civil-Codes.aspx>

7. When was the Swim Team started? How does the Swim Team benefit the HOA?

The swim team provides an opportunity for HOA and non-HOA children and teens, to participate in a great summer activity and, for some, to earn money coaching or lifeguarding.

The Oaktree Park Cabana Club Swim Team was originally founded in 1978. A group of women networked with other newly formed Cabana clubs in the area and the first swim meets took place in the summer of 1979. Of the original, six founding families still reside in the HOA: Athanasou, Cline, Crowder, Lafferty, Page, and Perry.

For the first several years, no fees were charged; the only out-of-pocket money was to buy a swimsuit and only HOA families participated. All work was volunteer; record keeping and ribbons were done by hand. My daughter, Cynthia, and Debbie Lee became assistant coaches in 1990 and assumed head coach positions from 1992-1995. Cynthia's husband-to-be, Bill, combined Oaktree and Shark to design our SHARK logo. After my daughter's college graduation, I lost touch with the swim team. For first time HOA homeowners the swim team provided the opportunity to know their neighbors, grow friendships, and support each other. Many children experienced hours of encouragement, confidence building, team sportsmanship, learning leadership skills and having fun. I returned in 2006 and found HOA member, Jeannette Soe, working tirelessly and had developed a championship swim team. Thank you, Jeannette!

The Swim Team has grown greatly over the years. For several years now, the joy of participation has been available both to non-homeowner as well as homeowner families (currently a 3-1 ratio). Families continue to volunteer countless hours. Being on the swim team does not give a non-homeowner membership in the HOA.

The Swim Team is now called Oaktree Sharks <https://oaktreesharks.com> It added the original mascot, the Shark, to its title. The team is its own entity and has its own by-laws. President Amy Sechrist oversees the organization. The Oaktree Sharks seasonally rent the Oaktree Cabana Club pool and facilities. It brings extra revenue to the HOA and honors HOA families by providing a lower fee for participation. The HOA is proud to support this organization. It continues to help young people build confidence, learn responsibility and sportsmanship, and have hours of fun.

8. Why must a member of an HOA pay an annual assessment?

Assessments are necessary for the upkeep and maintenance of the common asset and are, by law, mandatory. Detailed information on assessments may be found In the HOA Declaration and CC&R's for Oaktree Park-Tract #5052 Article V Covenant for Maintenance Assessments, Sections 1-9.

For example, Section 3, (a), deals with annual assessments. This section indicates that the annual assessment may be increased by 3% a year “above the maximum assessment for the previous year without a vote of the membership”. Anything above the 3% must be approved by 51% of the membership (b).

9. How do I keep up with information that affects me as a homeowner?

In the future all communication will be electronic. It will be posted on the Oaktree Cabana Club Website <http://www.oaktreeparkcabanaclub.com> or via the HOA email list. This will be the last hard-copy Newsletter delivered to each homeowner. If a homeowner does not have an email account or cannot access the website, please inform the Board at contact@oaktreeparkcabanaclub.com and accommodation will be made to insure you have all pertinent information related to the HOA.

It is important for HOA member to attend the Annual General (AGM) meeting. Also, every Board meeting is open to any homeowner who wishes to attend.

Check the website often. Date, time and place of each Board meeting and The Annual General Meeting must be available to each HOA member in a timely manner.

Minutes from each Board and AGM meeting will be posted on the website as well as other general information regarding the HOA.

10. What if I cannot attend the Annual Board (AGM) meeting or require the Board's response on an issue and cannot attend a Board meeting?

In addressing the Board regarding specific information, or a specific need, e.g. want to view information regarding a financial/treasurer report(s) or amounts HOA paid for a service or any issue which may affect the HOA, a homeowner can request this in writing to the Board either:

By letter: Oaktree Park Cabana Club, P.O. BOX 36092, San Jose, CA 95158

OR email: Oaktree Park HOA contact@oaktreeparkcabanaclub.com

If the information requested cannot be provided electronically, there may be a fee charged for the cost of copying and mailing the information.

At the Annual General Meeting (AGM) each HOA member is allowed one vote per household. Only one homeowner (deed is in your name) needs to attend the AGM.

If a homeowner cannot attend the AGM, she/her may give her/his Proxy to another homeowner who is a member of the Oaktree HOA.

You will find a Proxy on the HOA website. If you cannot access, please use form provided.

In your busy schedule, I hope you will find time to attend the HOA AGM.

I hope you found this information helpful. Only through your involvement and participation will the Oaktree Cabana Club Homeowner Association have the opportunity to continue being a viable community for each and every homeowner.

Please check the website <http://www.oaktreeparkcabanaclub.com> for any update or changes. -5-

Annual General Meeting of the Oaktree Park Cabana Club Association
Thursday, January 27, 2017 at 7pm Shepherd of the Valley Church
1281 Redmond Ave.
San Jose, CA 95120

OAKTREE PARK CABANA CLUB HOMEOWNER ASSOCIATION PROXY FORM

One vote per household

Only another Oaktree HOA homeowner may be a Proxy of an HOA Oaktree homeowner

PROXY for _____ household.

Please print: LAST NAME(s) of homeowner(s)

_____, the undersigned,
Please print: Full Legal Name of homeowner(s)

Who reside at

Please print: HOA member address

Designates and appoints _____, the Proxy for myself.

Please print: Full Name of HOA member who will be your Proxy

Proxy HOA member address

This designation revokes any prior designation of proxy.

This designation of Proxy shall be effective for a meeting of the HOA Membership or the General Annual Meeting (AGM) of the Oaktree Park Cabana Club HOA association, which will be held

Please print. Day, Date, Time, full address of Location for HOA Membership Meeting

This Proxy shall have the full power, as the Homeowner's substitute, to represent the Homeowner and vote on all issues and motions that are properly presented at the meeting for which this designation of proxy is effective. The Proxy shall have the authority to vote entirely at the discretion of the Proxy. Provided, however, with respect to the following issues(s), the Proxy shall vote as I have stated.*

**Please list (print or type) on the back of this Proxy: Name each agenda issue and the how the Homeowner will vote. Thank you.*

Lot # _____ Date of Signing _____

Homeowner Signature(s) _____

Email: (please print) _____

*See below and/or reverse side for information on agenda issue(s) I have listed and how I wish to vote.

OAKTREE PARK CABANA CLUB HOMEOWNER ASSOCIATION PROXY FORM