

Emerald Hills Review

A Publication of the Emerald Hills Homeowners Association

10 June 2007

«FullName»
«StreetNumber» «StreetName»
«City», «ST» «Zip»

Notice of EHHA Special Meeting

At the EHHA Annual Meeting on March 27, 2007, a request for a special member meeting was presented, signed by 71 members. This request is within the purview of Section 2.3 of our Association Bylaws (Our complete Bylaws may be viewed at the following link: http://www.emeraldhills.org/publicdocs/EHHA_bylaws_eff2004-0331.html). The purpose of the Special Meeting is to vote on several proposals to change our Bylaws and Articles of Incorporation in ways that could substantially change the name, membership and purposes of the Association.

In response, the EHHA Board of Directors formed a committee to study this petition, consisting of directors Adriana Botto, Carolyn Chaney, Steve Hill, Mike Mangini and Milo Medin. The committee has met three times to understand the content of the petition and its potential impact on our Articles of Incorporation and Bylaws, and to develop recommendations for the Board. The agenda and a discussion of arguments in favor and opposed to the each proposal are given inside this newsletter.

The proposals, if approved, will have a dramatic impact on the way EHHA will be able to represent this community. Your direct input on this question is vital. Please plan to attend the Special Meeting and participate in the democratic process. Please bring documentation of your residency (e.g., driver's license).

**Monday, June 25, 2007 from 7:00 – 10:00pm
in the main meeting room of the Elks Lodge
(938 Wilmington Way, cross-street Jefferson)**

Proposals to be voted upon at the Special Meeting on June 25, 2007

The petition presents the following proposals to:

Amend the Association's Articles of Incorporation to:

- Change the name of the Association to "Emerald Hills Neighborhood Organization, Inc."
- Provide for an irrevocable carve-out to the Association's purpose(s) which shall specifically prohibit the Association from involving itself, directly or indirectly, in any type residential land use issue within San Mateo County

Note: Amending the Articles of Incorporation requires a 2/3 affirmative vote of members and also a affirmative majority vote of the Board of Directors.

To amend the Association's Bylaws to:

- Redefine Member as an Area resident or homeowner who affirmatively joins the Association in writing
- Require that all directors be elected to and removed from the Board of Directors of the Association ("the Board") by the affirmative majority vote of the Members at the Annual Meeting of Members
- Limit any director's service on the Board to not more than four (4) years in any eight (8) year period, beginning with the 2007 Annual Meeting of Members.

Note: Amending the By-laws requires a 2/3 affirmative vote of members.

To require the Board to commission an independent audit of the Association's financial records by a certified public accountant within 30 days of such approval at the Special Meeting and to publish the results of such Financial Audit on a publicly accessible area of its website (www.emeraldhills.org) within 15 days of the completion of such Financial Audit.

Agenda for Special Meeting June 25, 2007: Elks Lodge

- 7:00 Check-in (please bring documentation of your residency)
- 7:20 Call to Order
Introduction of facilitator
Facilitator establishes ground rules for meeting
- 7:30 Consideration of each part of the petition and alternative proposals
- 9:30 Collection of ballots
- 10:00 Announcement of results and adjournment

The meeting will be moderated by a professional facilitator from the Peninsula Conflict Resolution Center. Each proposal and alternative will be read and the reading followed by up to 16 minutes of public comment before taking a vote on each. Members who wish to speak on behalf of or in opposition to each proposal will line up at a microphone and be offered 2 minutes of speaking time, alternating between pro and con arguments. Please honor these time limits, to maximize the number of persons who can speak.

2007 Survey of Member Concerns

At the annual Meeting on March 27, 82 members responded to a survey of concerns about the neighborhood. The results are given in the table below. Those who are interested in Fire Safety/Personal Safety may be interested in information about CERT classes and services offered by the Woodside Fire Protection District (See p. 4).

Rank		Average
1 st	Fire Safety	1.98
2 nd	Area Preservation/ Beautification	2.68
3 rd	Zoning/Development Regulations	2.71
4 th	Crime/Personal Safety	2.98
5 th	Road Conditions	3.05
6 th	Schools	3.38
7 th	Sewer Rates	3.40
8 th	Traffic Control	3.64

Are you interested in under-grounding of utility cables, and would you like the Association to research the process and cost to accomplish under-grounding? Of the 73 respondents who answered this question, 76.7% responded "Yes" and 23.3% responded "No."

Arguments in Favor and Opposed to the Petition's Main Points

Proposal 1: To amend the Association's Articles of Incorporation to change the name of the Association to "Emerald Hills Neighborhood Organization, Inc."

Pro: The term "Homeowner's Association" may be misleading, implying that Emerald Hills is a common interest development. Removing "Homeowner Association" from the EHHA name reduces confusion and misperceptions.

Con: The term "Homeowner Association" has been part of our name since we first incorporated in 1992 and is an important part of our history. The term can be used to refer to an organization of homeowners (like ours) as well as to a common interest development. Additionally, Neighborhood Organization changes the EHHA's acronym to "EHNO," which has a negative connotation.

Alternate Proposal: The Board invites homeowners to reject this proposal and to submit potential name changes for consideration at the next annual meeting.

Proposal 2: To amend the Association's Articles of Incorporation to provide for an irrevocable carve-out to the Association's purpose(s) which shall specifically prohibit the Association from involving itself, directly or indirectly, in any type of residential land use issue within San Mateo County.

Pro: This diffuses the current tension surrounding the EHHA's involvement in zoning issues and allows Emerald Hills residents to refocus on other community related consensus building issues. It puts the onus for land use back onto the county, where it belongs. Other EHHA purposes remain unchanged.

Con: This changes one of the main purposes of the EHHA: to work on residential land use issues on behalf of Emerald Hills residents. If this had been in place, EHHA could not have worked on preservation of the land which is now Edgewood Park and Preserve; could not have enlisted the County to notify homeowners of building to be undertaken in their immediate areas; could not have worked with Oak Knoll Manor residents to reduce impact of development by Redwood City in their neighborhood; could not have worked for implementation of zoning ordinances approved by a vast majority of homeowners in 1990 that included floor area ratios, homes that step down hillsides, and establishment of Design Review. The EHHA has recognized that the community does not want to adopt more stringent regulations at this time and it withdrew those proposals from consideration by the county on

9/15/06. This change to our Articles of Incorporation is not only against the best interests of the homeowners, it will dramatically limit the voice the community has with the county and other regulatory bodies.

Proposal 3: To amend the Association's Bylaws to redefine Member as an Area resident or homeowner who affirmatively joins the Association *in writing*.

Pro: This prevents the EHHA from speaking or acting on behalf of Emerald Hills residents unless those residents sign up to become Members. Membership would no longer be automatic.

Con: There are two problems. First, this would not be an association of **Homeowners** who pay property taxes and have a vested stake in the community; any residents could become voting members, including renters, roommates, children of residents, etc. Second, the EHHA does try to work on behalf of all homeowners, not just those who join or pay a fee. Our newsletter goes to every home via e-mail or mail. This change will dramatically limit the voice the community has with the county and other regulatory bodies.

Alternate Proposal: The Board invites homeowners to reject this proposal and instead choose an "opt-out" method for those who do not want to be part of the EHHA and receive our newsletter.

Proposal 4: To amend the Association's Bylaws to require that all directors be elected to and removed from the Board of Directors of the Association by the affirmative majority vote of the Members at the Annual Meeting of Members.

Pro: Prevents directors from being added to or removed from the Board without prior Member knowledge and approval.

Con: Prevents the Board from appointing directors to fulfill terms of directors who resign, possibly incapacitating the Board should many resign in one year. Also, if there is a difficult director or one who does not participate, this will prevent the Board from replacing that director. This proposal will not solve the problem of getting off rotation; a better solution is to get back to the rotation prescribed in the by-laws.

Alternate Proposals: 1) Amend above to allow elections at Special Meetings. 2) Reject proposal #4 and allow interim appointments to be made by the Board, but require appointees to be confirmed by the membership at the next annual meeting.

Proposal 5: To amend the Association's Bylaws to limit any director's service on the Board to not more than four (4) years in any eight (8) year period,

beginning with the 2007 Annual Meeting of Members.

Pro: Allows different Emerald Hills homeowners to become involved with the EHHA.

Con: A knowledge of EH history is lost if the Board turns over too often. Also, recruiting new directors has not been easy in the past, because many people do not have the necessary time to dedicate to the Board.

Proposal 6: To require the Board to commission an independent audit of the Association's financial records by a certified public accountant within 30 days of such approval at the Special Meeting and to publish the results of such Financial Audit on a publicly accessible area of its website (www.emeraldhills.org) within 15 days of its completion.

Pro: Allows Members to understand how their donations have been historically used.

Con: While the Board does not object to a financial reckoning by an outside person, a formal audit could be very expensive and would likely reduce our existing resources substantially. An informal audit could achieve the same purpose at much less cost.

Alternate Proposal: Replace the words “certified public accountant” with “accountant”.

Sewer Talk

New water regulations, aging infrastructure, and downstream treatment plant improvements will dramatically increase our sewer fees over the next five years. The County has mailed to homeowners information and an input form about the proposed new rates, offering two possible payment plans: 1) A higher initial rate with subsequent flat raises; 2) A Phased Increase Option, with a lower initial lower rate and subsequent higher rises. County staff recommends the Phased Increase Option. Homeowners may also register signed, written objections to the proposed increases, and if a majority protest exists, then the County may not impose the fees. A public hearing is scheduled for July 24 at 9:15 am at Supervisor’s Chambers, 400 County Center.

We have also learned that one reason we pay high fees for sewer services is due to the high charges paid to the City of Redwood City to transport sewage from ELH to the treatment plant. Redwood City charges the County the same fees that City residents pay, even though City residents receive more services. Thus, we are paying fees to both County and City for the same services. Please tell the County that the contract with the City needs re-negotiation. Contact the Supervisors at 400 County Center, Redwood City 94063.

Woodside Fire Protection District Chipper Program

Bring your branches to the street on Aug 6 to get them chipped **for free**. You can even get the chips back if you want them for mulch! Brush, branches and tree limbs up to 8" in diameter are OK. No poison oak, eucalyptus bark or wood with nails or screws. Stack branches in a neat pile with cut ends facing the road.

The Chipper Program is a fuel reduction program, funded by a grant from the Fireman's Fund designed to decrease our community's threat from wildfire. The program is going on all spring and summer with different dates in other communities in the Woodside Fire district. For more information: phone 650 851-1594 or go to <http://www.woodsidefire.org/>

Latest CERT News

Emergency Radio Communications Class

This class is designed for CERT members, ham radio operators, neighborhood teams, and others who want to learn about communications in a disaster. It covers all radio and communications systems, including Ham, FRS (Family Radio Service), police, fire, etc. You don't need a ham license for this class, but it is preferred.

WHAT: Emergency Communications Course for Ham Radio & CERTs (Community Emergency Response Teams).

WHEN: Tuesday, Aug. 7, 2007: 6:30 pm - 9:30 pm

WHERE: TBA (Menlo Park area)

COST: FREE !

BRING: Your radio(s) and instruction manuals

INSTRUCTORS: David Fichou (Menlo Fire) & Ken Dueker (Palo Alto Police Department)

REGISTER: Ken Dueker: kdueker@powerflare.com or 650-617-3100 x1281

Sponsored by: Menlo Park Fire Protection District
CERT: www.menlofire.org/cert

Current Board of Directors

Adriana Botto	368-5678	Secretary
Carolyn Chaney	364-5547	Newsletter Ed
Amy French	<i>resigned June 5, 2007</i>	
Steve Harper	368-4254	
Steve Hill	361-1567	President
Lee Lukehart	366-5335	Treasurer
Michael Mangini	365-4449	Vice President
Cheryl McGovern	862-8288	
Milo Medin	363-8404	