

SHADOW BROOK SWIM CLUB HOMEOWNERS' ASSOCIATION

***August 27, 2012
Board Meeting***

2012 Board Positions: Patrick Smith – President
Peter Conti – Vice President, Communications
Lynn Kepp – Vice President, Pool
Staci Tenczar – Vice President, Social
David Lang – Treasurer
John Martin – Secretary

Location: Shadow Brook Swim Club, San Jose, CA

Call To Order: 7:14 p.m.

ATTENDEES

Peter Contini, Lynn Kepp, David Lang, John Martin, Patrick Smith, Staci Tenczar, Don Hale

ACC

- A major remodel within Shadow Brook was started without contacting the ACC. The issue has been resolved and proper ACC approval was eventually obtained.

POOL

- The V. P. Pool reported on several items, the first being the need for a replacement cover for a large valve in the patio area; the current cover has deteriorated to the point that it needs replacement and two bids for a replacement cover have been obtained.
- One of the homeowners at the meeting volunteered to secure an additional bid.
- Another recommended project was the construction of an island (with or without grills) for serving during community events. The V. P. Pool received bids for the island and it will be reviewed for action after the new Board has been elected.
- The thought of plumbing in natural gas rather than to continue to use tanks of propane was raised. The thought was discouraged by costs of installation of a gas line from other homeowners who have previously explored the feasibility.
- This past season there were two break-ins at the pool which suggests that use and occupation of the pool in off season is desirable to maintain a physical presence.
- The Board reviewed new cost and expense data in connection with a proposed pool rental to Valley Splasher from September to April. The Board voted to approve the rental.
- The next issue was pool usage over the past three years and the effect of associate membership upon the pool's utilization. The V. P. Pool distributed attendance data. A homeowner expressed concern over how many people should be able to use the pool to prevent crowding. The same homeowner questioned the validity of the pool utilization numbers because some people do not follow the procedure to sign in when entering the pool grounds. The V. P. of Pool and other homeowners agreed that a sign-in is encouraged, however, being a neighborhood pool, we do not want to enforce "police tactics" and create a negative social environment by demanding positive identification when someone enters the pool grounds. The V. P. of Pool pointed out that we always know how many swimmers are in the pool by the number of lifeguards who monitor the number of swimmers. More lifeguards are added as soon as there are additional swimmers in the pool. The homeowners present at the meeting agreed that the number of the swimmers in the pool was most important, not the number of people on the picnic grounds and that the number of people in the pool can be clearly determined by the number of lifeguards on duty.

ASSOCIATE MEMBERSHIPS

- The addition of associate members was created in 1986 to increase the (low) utilization of the pool and, as a second benefit, to bring in additional revenue to help subsidize the cost of running the pool. It appears that over the years the utilization has remained fairly low, even with associate members. At the request of friends and associates of Shadow Brook homeowners, the number of associate memberships has had small increases over time. While encouraged verbally by the homeowners, the official paperwork was never formally upgraded. The same homeowner who challenged the accuracy of the daily attendance records also challenged the historic expansion of associate memberships.
- In order to address the challenge from the same homeowner, the Board has discussed the possibility of creating and circulating an amendment which must be approved by at least 2/3 of the homeowners to bring the legal definition of the original associate membership amendment into agreement with current usage.

FINANCE

- Our Treasurer reported that we now have liens against 7 homes due to delinquencies in association dues. Two additional homes are in arrears but have not had liens placed on them as yet.
- Our Treasurer calculates that if the amendment that would bring our associate membership by-laws into conformance with actuality fails, homeowner dues could increase by approximately \$200 yearly.

LITIGATION UPDATE

- The litigation between a homeowner and the past Board has passed Discovery and is in the mediation stage. The issues circulate around the responsibility and the authority of the Board to enforce the CC&R's. When our CC&R's were created, the rules of procedure were different. The creation of the Davis-Stirling Act in recent history created the framework for homeowners' associations such as ours. Our current rules of procedure are not based on the Davis-Stirling Act. As outlined in our prior Board Meeting, the decision must be made whether to defer our CC&R's to the Davis-Stirling Act or rewrite an update of our CC&R's to incorporate the procedures of Davis-Stirling.

COMMUNICATIONS

- Communications reported that several people have requested that they be removed from the e-mail notification list and a few others confirmed that they did not even have e-mail and have no intention of getting it in this lifetime.
- The Splasher remains Shadow Brook's official form of communication and e-mail is only a courtesy supplement.

GENERAL INFORMATION

- The V. P. Pool has placed the order for a defibrillator for emergency use at the pool.

MEETING ADJOURNED: 8:16 p.m.