

THE SPLASHER

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Message from your Board of Directors

Shadow Brook:

The Board & Fall General Meeting was held on Tuesday November 12th with approximately 60 people attending. All current Board Members were present. The full presentation and Minutes will be posted on shadowbrook.org. Following is a summary of the meeting with a key call to action of Homeowners.

1. Finance Update and 2020 Dues

The Board presented updated [through Q3] Financial statements and walked through key items including Cash on Hand. With current funding levels and with incremental costs in 2020, the Board voted to increase 2020 Dues to \$650. Invoices will go out by early January. There will be a late fee for any Dues not postmarked by the due date. Associate Member Fees will increase to \$550. The Dues and Fee increases are required in part to outsourcing of responsibilities to third parties and to building our cash reserves. Outsourcing includes Bookkeeping of Shadow Brook finances and outsourcing of ACC related work. The Board will also consider outsourcing other activities. A discussion took place regarding Dues. Dues go directly to the management of the HOA which includes expenses, taxes, managing the pool and other costs. The chart below of historical Shadow Brook Dues illustrates an average increase of less than \$16 per year since 1988.

Year	Dues	Year	Dues
1988	\$140	2015	\$365
2000	\$225	2019	\$500
2005	\$300	2020	\$650
2010	\$340		

2. Board Member and ACC Recruitment

Shadow Brook is in need of volunteers. Part of the outsourcing of responsibilities is directly tied to lack of volunteers. A majority of both the Board and ACC will be resigning their roles in early 2020. This is a call to action. Outsourcing of work will not solve the need for volunteers. If you're interested in volunteering for either function or for projects please contact the President, any Board Member or ACC Member.

3. Shadow Brook CCR's, Rules, Policies and Davis-Stirling

A review and discussion of Shadow Brook CCR's and Policies and Davis-Stirling was done. Homeowners are reminded Shadow Brook is an HOA/Planned Community Development and as such must adhere to stated Policies and Rules. All approved and stated Governing Documents are publicly posted on shadowbrook.org. A reminder that ACC approval is required prior to any exterior home, landscaping, roofing or remodel work begins.

4. Accessory Dwelling Units – ADU's

State Legislation was recently enacted allowing ADU's to be built within HOA's/Planned Community Developments. The Board reviewed a summary of what HOA's and Boards can restrict on Homeowners who intend to add ADU's. Any ADU construction must go through the City of San Jose in addition to obtaining ACC approval prior to any breaking of ground or construction. The Board has engaged outside counsel and will be enacting a Policy on requirements and restrictions for ADU's within Shadow Brook.

Get Familiar with your HOA Board Positions

PRESIDENT: The President shall preside over all meetings of the membership and the Board of Directors. He shall sign as President, all written instruments that have first been approved by the Board of Directors. Subject to the advice and control of the Board of Directors, he shall have direction of the affairs of the corporation. He shall call meetings of the membership of the Corporation and the Board of Directors in accordance with the provisions of these By-Laws. Upon the expiration of his term, the immediate past president shall serve for one year as a special consultant to the newly elected Board of Directors and shall attend the meetings of the Board, in order to provide advice and counsel to the Board and to insure continuity of the activities of the Corporation.

VICE-PRESIDENT-SOCIAL: All duties of the President shall, in his absence, inability or refusal to act, be performed by the Vice-President-Social. In addition he shall be primarily responsible for the social functions of the club.

VICE-PRESIDENT-POOL: If both the President and the Vice-President-Social are absent or unable or refuse to act, then the Vice-President-Pool shall perform the duties of the President. The Vice-President-Pool shall also be responsible for the maintenance and operation of the pool owned by the Corporation.

RECORDING SECRETARY: It shall be the duty of the Recording Secretary to keep the seal of the Corporation and to affix it to all papers requiring the same; to have custody of all records and papers of the Corporation, and to handle its correspondence; to serve all notices required by these By-laws; and record and file the minutes of all meetings. These minutes shall be published monthly to all officers of the Corporation, at least seven (7) days prior to any scheduled Board Meeting, and to any other requesting member of the Corporation; edit and publish a monthly newsletter to inform all members of the Corporation for any items of interest; request from each member of the Board a monthly input to the newsletter; distribute the newsletter to all members of the Corporation; and perform other duties prescribed by the Board.

FINANCIAL SECRETARY: It shall be the duty of the Financial Secretary to collect, keep records of receipts, and deposit all funds of the corporation in such banks or financial institutions as the Board of Directors shall designate. Withdrawal of funds shall be subject to the signatures of such officers as may be designated by the Board. The Financial Secretary is to keep a record of the membership, their addresses and telephone numbers and to perform any other duties prescribed by the Board of Directors.

TREASURER: The Treasurer shall be responsible for all disbursements, maintain adequate records, and render an annual financial report reflecting all receipts and disbursements. Copies of such report shall be available to the members. Disbursement of corporate funds shall be subject to the signatures of such officers as may be designated by the Board.

What does it take to be part of the ACC?

Requirements of a ACC Volunteer:

1. Understanding of the HOA governing documents, including but not limited to the CC&R's, ACC Related Rules, Remodel Rule, Drought Landscaping Rule, Fine Policy, Homeowners Fees, Liens document & CC&R Violations.
2. Proactively apply the CC&R's, Rules, and Policies fairly and consistently for all homeowners and without bias. Interpret the Rules, Policies and CC&R's consistent with recent past practice.
3. Understanding of the San Jose code of ordinances and ability to research the city code so no action or approval by the ACC violates city code.
4. Ability to write emails and letters informing homeowners of Rules and Policy violations.
5. Meet with owners in person to discuss and resolve their violations in a timely manner.
6. Ability to comprehend landscape design plans and home remodel plans.
7. Timely response to requests for any visual changes to properties such as landscape designs, painting, roofing, and remodels.
8. Must be willing and able to meet with homeowners in person to explain the HOA Rules and Policies, and explain in person or in writing the procedures for making an ACC related requests.
9. Archive all correspondence with homeowners. Maintain a shared Google Sheet that documents all activities, and contacts with homeowners. Must be able to summarize the interactions with any homeowner if/as requested by the Board.
10. Refer non-compliant Owners to the Board for a fine hearing.
11. Familiar with the Davis-Stirling Act.