

Skyline Byliner

Hillcrest Estates Improvement Association

March – April 2010

Annual Members Meeting

The date for the Hillcrest Estates Annual Members Meeting is Wednesday May 5th. It arrives a little early this year due to scheduling with our speaker, Oakland's new Chief of Police, Anthony Batts. The board did feel he was our number one choice for speaker and so are working with his schedule.

There will be five openings on the board this year and we are asking for all those who are civic minded to consider offering your time and talent for a two year term on the HEIA Board. As our Bylaws state, the outgoing board decides on the number of seats and once again it has been agreed that 11 is an optimum number to allow a diverse and balanced pool of ideas and still be able to work efficiently as a group. The Board will not allow cumulative voting and will have a recommended slate of endorsed candidates. Any candidate that comes forward will be asked to present a picture and a biography and they will run alphabetically by first name in a sheet to be included in the ballot packet. A few qualifications and considerations are listed below:

Basic Qualification

- Must live within the HEIA boundaries and be a dues paying owner of record

Desired Considerations

- Business like and purpose driven manner
- Representation given from all areas of neighborhood
- Will agree to understand and follow Roberts Rules
- Prepare for & attend board meetings, 10 per year, serve on committees and as board officers
- Readily communicates by email
- Can represent HEIA effectively in public at the direction of the Board
- Commitment to serve the entire neighborhood
- Works respectfully and collaboratively with others

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Hillcrest Estates

Improvement Association, Inc.

13152 Skyline Blvd.

Oakland, CA 964619

www.hillcrestestates.org

board@hillcrestestates.org

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**2009/2010**

## Board of Directors

Ed Benhard

Laura Dunn

Jann Fong

Will Forney

Don Lindo

Bill Mitchell, Treasurer

Ellen Quinn, Secretary

Emily Rosenberg, VP

Lee Rutter, President

Steve Von Querner

Jon Wactor

The Board meets at 7:00 pm the 1<sup>st</sup>

Wednesday of each month at

Skyline Church

12540 Skyline Blvd

### Write to Us!

*Letters to the Editor* - 250 words or less.

Please include your name, home address and a daytime phone number. No letter will be considered for print without this information. Attachments not accepted.

All Letters are subject to verification and editing for legal aspects, style, clarity and brevity.

from page one: Annual Meeting

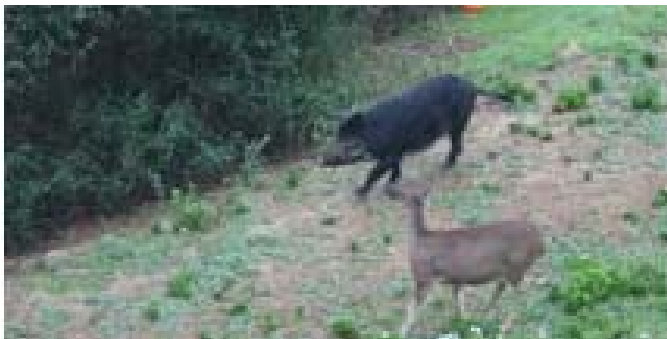
## Expectations

- Take reasonable care when making decisions for the organization
- Act in the best interest of the organization
- Hold interest of organization above any personal or individual interest when conducting board business and in representing the board
- Stand aside when there is a conflict of interest

The deadline to nominate yourself or your neighbor is **March 31<sup>st</sup>!** Please send an email to [board@hillcreststates.org](mailto:board@hillcreststates.org) indicating your interest and include a picture and biography to be included in ballot packet.

## Would you like to receive your Byliner via email?

The Byliner is printed and mailed to 243 households every other month. You can receive yours via email and get it sooner than the mailed copy and help save on paper & postage! Just send email to: [board@hillcreststates.org](mailto:board@hillcreststates.org)



## Move over Fluffy, Porky's in the 'Hood!

We all know there is a plethora of wild animals that reside amongst us in this urban forest – we now not only have our resident Mountain Lion known as Fluffy but also the wild pig, Porky! Spotted last week in the back yard of Ellen Quinn, who lives at the south end of Skyline Blvd near the end of the divided section, Porky was amongst a trio of deer munching happily on the garden buffet. Ellen tells us he has been a fixture for about 4 years that she knows of. He is very shy and likes the company of deer to help him avoid predators. So far he does not have a mate so there are no little Porkpies on the immediate horizon.



## OPW Comes Through for Us!

By Lee Rutter

Storms have wreaked havoc with our aging pines this winter, keeping Oakland Public Works hopping. I have counted about ten trees removed in the last six months. Some of those big pines were removed after crashing across the Skyline Blvd and others were imminently in danger of doing the same.

Neighbor Don Lindo tells me of calling the City of Oakland on a Sunday to report a dangerous situation near his property. Mitch Thompson, OPW arborist, was out to evaluate in just a couple hours and when he saw the tree was severely affected with a fungus and looked very dangerous he called out a crew to attach guy wires to other healthy trees in the median. And this was on a Sunday! The tree was completely removed in a number of days.

I also hear neighbor George Berge called about a dangerous tree on Super Bowls Sunday and a crew had it guy wired and safe by kick off and again removed in just days – what a tremendous job of quick and responsive work !

As the Monterey Pines on our median continue to age they are succumbing to pine beetle, pine gall and various other diseases and fungus. Thanks to Lilah Green & the City of Oakland there is a nice understory started. Lilah was responsible for the planting of about 50 redwood and various other natives about 5 years ago and these trees are starting to grow and flourish.

Our median will be undergoing a transformation over the next several years as the Wildfire Prevention District works with the City of Oakland to remove diseased & dangerous trees, prunes overhanging branches & generally cleans up the length of Skyline Boulevard from Redwood Road to Keller to reduce fire danger in our urban forest environment. A series of public meetings to develop a plan for replanting will be held as this project progresses.

## Easter at Skyline Church

Palm Sunday is March 27<sup>th</sup>

Easter Sunday is April 4<sup>th</sup>

Skyline invites you to one or all three events planned to celebrate Easter and the coming of Spring!

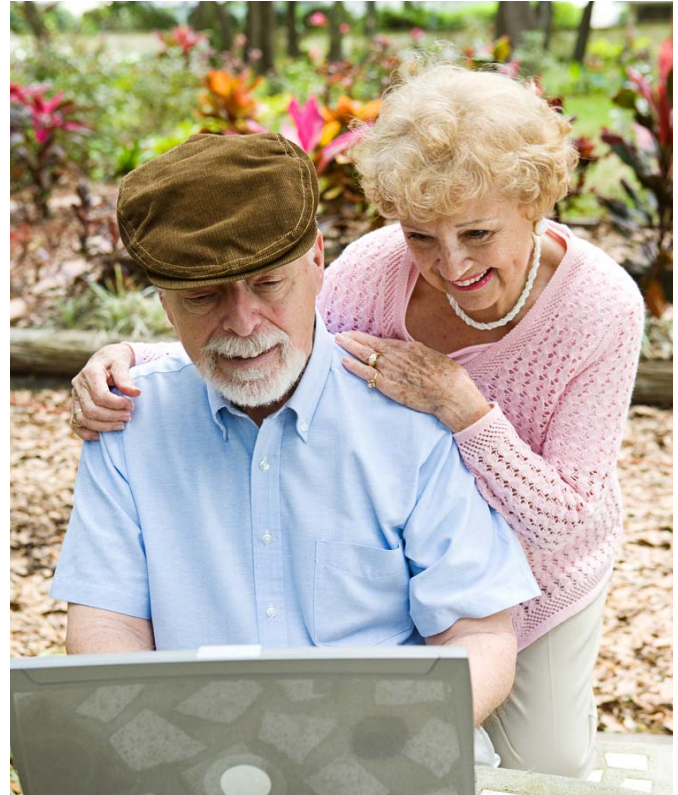
6:00 am Sunrise Service - Oakland Gay Men's Choir  
10:00 am Easter Service followed by Hot Cross Buns  
11:00 am Easter Egg Hunt – all kids and grandkids are invited. This is a neighborhood event – you do not need to attend services to enjoy this kid friendly occasion!



## Free Computer Classes April 19 & April 30, 10 -11:30 AM

Two FREE computer classes for beginning and intermediate computer users will be offered by WonderDog Computer Tutors at Skyline Church! If you already know about email and writing simple letters but want to improve your skills, this class is for you. Learn "Tips-n-Tricks" about attachments, Google, photos, and more! Sign-ups will begin in April.

[www.wonderdogcomputertutors.com](http://www.wonderdogcomputertutors.com)



## Letter to the Editor

Dear Editor,

Many of us on Skyline Blvd. want to know the implications and liabilities for individual homeowners of the HEIA-Skyline High School agreements. As the "February 2010 Letter from the President" states on the HEIA website, I worked with many neighbors along Skyline Blvd. to compile a list of 54 questions to present to outside legal counsel to help us understand the ramifications of potential lawsuits, the enforceability of contracts (specifically the Skyline High School Settlement Agreement) and general questions about the HEIA. On December 16, 2009, HEIA President Lee Rutter asked me to find a *pro bono* attorney to assist HEIA with these questions. Subsequently, I retained a highly respected corporate litigator and his associate, on a *pro bono* basis, to research and answer these questions. Dan Furniss, a graduate of Stanford University and U.C. Berkeley - Boalt Hall School of Law, was the partner in charge of the Palo Alto office of Townsend, Townsend & Crew and the co-chair of their Litigation Group. He was assisted by Litigation Associate, Heidi Kim. (Note that the attorneys were NOT representing me or any other individual member. They were offering advice to the Board of HEIA.) *\*see note from editor below*

I hope the Skyline Byliner will publish my attached summary of the attorneys' responses, and the entire list of 54 questions and answers. If you are unable to do so, neighbors and homeowners may email me for a copy ([sayhsieh@yahoo.com](mailto:sayhsieh@yahoo.com)).

*Continued next page*

March April 2010

Letter to the Editor continued from previous page

Please inform the HEIA membership that on January 29, 2010, the President and Vice President of the HEIA, along with two other members of the Board, joined me in a telephone conference with our *pro bono* attorneys to review their legal findings. As HEIA VP, Emily Rosenberg, remarked afterwards, "These guys were great, clear and concise in addition to being very generous with their time."

The bottom-line is that the underlying agreements between HEIA-OUSD-Susan Thorner are valid; regardless of the agreements' execution, it is valid. \*\* The HEIA Board has no right to "walk away" from the agreements. However, with the agreement of the three parties (HEIA/Thorner/OUSD), they can terminate the agreement, assign the agreements to individuals who are personally affected, or negotiate a new contract to replace the old agreement.

Also, only the HEIA as a corporation is bound by the Settlement, not the HEIA member homeowners. If a lawsuit with monetary damages was assessed against HEIA, only HEIA as a corporation would be responsible for the damages—not the individual board members, not the members or homeowners. Furthermore, when told of the possibility of a lawsuit by a disgruntled neighbor against the HEIA, the lead attorney advised the Board "...to do what's right and not be bullied around. The HEIA has a good insurance policy to protect you, as long as you are doing the right thing."

Finally, I am sad to report to HEIA members that one week after our conference call, our *pro bono* attorney, Dan Furniss died suddenly of a heart attack. I'm sure you will agree that HEIA was given quite a gift when Mr. Furniss and Ms. Kim agreed to help the HEIA on a *pro bono* basis. I hope you will take the time to consider the results of their research. His associate, Heidi Kim, is still available to help the Board if they require it. In appreciation of Mr. Furniss' contribution, HEIA Board members will make a contribution to the Daniel J. Furniss Memorial Scholarship at Stanford University.

Sincerely,  
Tonia Hsieh

The Board would like to graciously thank Tonia Hsieh for her efforts in working on this issue and applaud her for helping tie the neighborhood together as a cohesive group that works on projects that benefit the entire neighborhood. The Board has made a donation in honor of Mr Daniel Furniss and suggests that you do the same. Please go to [giving.stanford.edu](http://giving.stanford.edu) click on "make a gift" (red box in lower right corner) select "other", then "one-time gift", then "credit card" (most likely) on next screen, select "other designation", "in memory of" or "in honor of", then specify: "The Daniel J. Furniss Scholarship" for further information.

\* Editor notes that Tonia was told that the Board had advised they were not ready to receive legal advise since not all Board members had had a chance to read and understand the questions and proper notification of phone conference was not given.

\*\* Indicates wording was edited to reflect fact.



## FINANCIAL STATEMENT

Statement Period 2-03-10 through 3-03-10

|                   |           |
|-------------------|-----------|
| BEGINNING BALANCE | \$2,884.  |
| • Dues Deposits   | 00.       |
| • Expenses        | 813.      |
| Current Cash      | 2,071.    |
| HEIA CD           |           |
| Current Value     | \$26,483. |
| HEIA TOTAL ASSETS | \$28,554. |

**OAKLAND**  
**EARTHDAY 2010**  
40TH ANNIVERSARY CELEBRATION

**CLEAN IT**    **GREEN IT**    **MEAN IT**

**SATURDAY • APRIL 17** • 9am–Noon

Meet at the Fire Station with your gloves, shovels, trowel and gardening zeal! We will clean up the fallen branches on the median, pull the ever present Scotch Broom & plant wildflowers in the sunny patches of Skyline Blvd. Hot coffee & bagels will be served all morning



# Gates of Hillcrest



Join the Hunt for Bees

The Great Sunflower Project  
www.greatsunflower.org  
sfbee@sfsu.edu

Sunflowers  
Helianthus annuus

*Many studies have been done on our agricultural bee populations and in recent times, the commercial beekeepers have experienced colony collapse. What scientists had not studied on a large scale was how the wild bees were doing and what affect that has on pollination of garden plants, crops and wild plants.*

In 2008, we (UCSF) started this project as a way to gather information about our urban, suburban and rural bee populations. We wanted to enlist people all over the US and Canada to observe their bees and be citizen scientists. We asked them to plant sunflowers in their gardens so we could standardize study of bee activity and provide more resources for bees. Sunflowers are relatively easy to grow and are wildly attractive to bees. Since 2008, we have expanded the list of plants studied to include Bee balm, Cosmos, Rosemary, Tickseed, and Purple coneflower.

Join us in the Hunt for Bees! <http://www.greatsunflower.org>

Dear neighbors,

The Annual Meeting and elections are on my mind lately. The Board has worked very hard this year to settle the issues with Skyline High School so that we could move on to other items of importance. There will be five openings on the board for 2010/1011 and I am excited at the prospects of finding enthusiasm for projects that will benefit our entire neighborhood from one end to the other. The Median Project is in the works and it will definitely be an improvement that we can all enjoy for years to come. Another item that comes to mind is undergrounding the power lines on the southern end of Hillcrest Estates. As far as I know we *are not* on the list. The normal waiting time is 40 years, however, there is a movement amongst hills homeowners to call attention to our classification of *high fire danger* as a need to move up the list. Who amongst you would be willing to work with me on this? It is a long term project but has enormous potential to improve safety and impact on our quality of life . . . . not to mention property values. City Stable is also on the horizon, and will offer lots of opportunities for passions involving kids, animals, gardening, science, etc.

I hope you will consider other areas of improvements that are in your arena of passion and consider throwing your hat in the ring for Board of Directors. Send an email to [board@hillcrestestates.org](mailto:board@hillcrestestates.org) with your bio and a photo. Deadline is March 31<sup>st</sup>. We will not have a board recommended slate this year and all candidates will have the opportunity to present themselves equally in the ballot packet.

Lee Rutter  
336-1985  
President, Hillcrest Estate Improvement Association

HEIA at the Firehouse  
[www.hillcrestestates.org](http://www.hillcrestestates.org)  
13152 Skyline Blvd.  
Oakland, CA 94619



# Skyline Byliner