

The Estates at Eagle Creek Property Owners' Association Board Meeting

Tuesday, May 2, 2023

Life Church of La Vernia

7079 FM 775, La Vernia, Texas 78121

Meeting called to order at 6:01pm. Quorum established.

Board Members present: Edward B. Bernal, President; Robert Gooding, 1st V.P.; Tony George, Treasurer;

Non-board members present: Charles Johns, Nillie Johns, Denicio Banda, Lindsey Banda, Jose DeLeon Jr., Roger Criswell, Sheldon Shed, Theresa Morehous. (Property Owners)

- **Voting and elect of vacant Secretary** – Sheldon Shed was asked if he would be interested in filling the open Secretary Office for The Estates at Eagle Creek Property Owners' Association. Mr. Shed said he would serve if elected.
 - *A motion was made by Tony George to elect Sheldon Shed as Secretary for The Estates at Eagle Creek Property Owners' Association. It was seconded by Robert Gooding. A vote was taken and passed by a vote of 3 – 0. Sheldon Shed was elected as Secretary.*

Reading and Approval of Minutes – None to Approve (January 12, 2023, February 4, 2023, February 7, 2023, March 7, 2023, April 4, 2023 needs to be recorded and approved)

Reports of Officers, Boards and Standing Committees

Treasurer Report

- Balance \$17,710.39
- Edward Jones CD – No change
- Upcoming Bills – FELPS ≈ \$75.00
- Approximately 30 Property Owners still in arrears for annual dues

Treasurer report was moved to be accepted by Robert Gooding, 2nd by Sheldon Shed

Architectural Control Committee

- Requests for fencing is not needed if it is on the property line. Fence on the border of tract and fencing within one's own track no longer needs to be reported or voted on to be approved per ACC Committee Chair Charlie Johns. No fencing approval necessary as long as the fence is within the property owners boundary.
- Roosters, Chickens, Turkeys are continuing fowl complaints. (Reminder on the number of allowable animals per plat)
- To modify the CC&R on chickens, the proposed modification must be presented to the board and then follow the approval and voting after ≈ 168 proxies or signatures (owners only, no tenants) to reach 2/3 of the membership.

- Need to enforce the CC&R (Covenants, Conditions, & Restrictions are limits and rules placed by the POA.) equally across the membership to be valid.
- Reminder 1st infraction is usually a warning, 2nd infraction is \$200 fine, monthly until condition is remedied. If fine is not collected, Lien will be established at 18% interest until remedied.
- Without the CC&R being enforced, The Estates at Eagle Creek Property Owners' Association could end up like Bentwood and lose the Home Owners Association resulting in property value devaluation.
- **Welcoming Committee** – Nonexistent, will post on website and social media to solicit volunteers.

Reports of Special Committees – None

Unfinished Business

- **Discussion of Amendment to current Covenants, Conditions, & Restrictions, section 3.10, concerning chickens.**
 - Fines and citations are suspended concerning section 3.10 until the conclusion of the meeting on September 5, 2023 to allow for due process. If the process concludes unsuccessfully prior to that date, fines and citations will resume.
 - 1st stage of process – Edward B Bernal, President will prepare and present amendment to The Estates at Eagle Creek Property Owners Association Board of Directors at the June 6, 2023 meeting for approval to proceed and vote.
 - 2nd stage of process – Review by The Estates at Eagle Creek Property Owners Association legal counsel. If found viable, proceed to step 3.
 - 3rd stage of process – Signatures and proxies will be reviewed to see if it meets **(Section 9.02 Amendments.** This Declaration may be amended or changed, in whole or in part, at any time by the written agreement or signed ballot of Owners (including the Developer) entitled to cast not less than two-thirds (2/3rds) of the votes of all of the Owners. If the Declaration is amended by a written instrument signed by those Owners entitled to cast not less than two-thirds (14) 5/25/93)
 - Other discussion on this subject were raising roosters under the Fancy Feathers program and if it qualified as a special condition that was allowable.
 - Horse owners expressed concern that chickens attract and bring predators like snakes, racoons, possums, skunks and they can bring disease to horses.
- **Home on Encino** – continue to monitor
- **Dirt Bike Complaints** – no evidence to support complaint
- **Empty house on Chapparal Street** – Renters left and the house is vacant
- **Website and Email** – Action needed! Some Email accounts are reported not to be working. Currently we do not have a support contract for technical support.
 - *A **motion** made by Robert Gooding to engage Sandy Clifton Designs for 2 hours of Website support at the cost of \$150.00, Seconded by Tony George. A vote was taken, it passed by a vote of 4-0.*

- **Voluntary Riding Trail Maintenance** – A date will be posted and socialized on the Website and social media to coordinate a community response
- **Maintenance Contract to mow entrances to The Estates at Eagle Creek expired** – Edward B Bernal, President will ask for a proposal to renew the contract with Kevin Eged and two other services to re-establish service by the next meeting on June 6, 2023 for review, discussion and possibly a vote.
- **Past Due Annual Dues** – Treasurer will provide the 1st Vice president a current list with amounts in arrears to post on the website. Treasure will continue to work on collections and use Quick Books to generate letters of past due accounts.
- **110 Palo Verde** - There was a request for information received by Treasurer before the home sold, but the Treasurer is unsure that association fees were collected. Treasurer will follow up with title company of the home and report out at the next meeting.
- **Garage on Chapparral** – 1st VP Robert Gooding still receiving requests to overturn decision by previous board ≈ 2022 concerning a business being run out of garage. Incident was investigated and this is a closed subject unless there is new evidence to support the claim.
- **Concerns on Past due accounts** – treasurer was asked by property owner about the number of past due accounts. The treasurer reported that there are approximately 30 past due accounts. He stated that delinquent letters have not been sent out because he did not have time when questioned. He had emailed the board about this and no one followed up. The property owner was upset that these past due accounts have not been followed up and it was not right to those that pay on time. Another board member spoke up and said he would formulate a letter and send out. There is no need to formulate a letter, quick books will send an invoice and it can be emailed. Concern was expressed that the transition of the new board members has lost all the hard work that the previous board had worked to bring past due accounts current and would like to see a greater effort by the current board members. Treasurer will continue to work on QuickBooks to generate invoices of past due accounts, and will provide those invoices to the board for the board's further action. 1st Vice President will update the website with current information regarding the amount due for late accounts. Board acknowledged that the historical records of accounts / lots that are arrears further into the past than 2023 are not in the possession of the current treasurer."
- **Tax Return**
 - *A **motion** was made by Tony George to accept the U.S. Income tax return for Homeowners Associations Form 1120-H prepared by Armstrong, Vaughan& Associates, P.C. of Universal City, Texas dated 04/12/2023, showing that The Estates at Eagle Creek POA had a taxable income of -\$34.00 for the tax year 2022. The motion was seconded by Robert Gooding. A vote was taken and It passed by a vote of 4 - 0 to accept and file the tax return with the Internal Revenue Service.*

New Business

None

Closing Remarks:

Secretary – Addressed to President: Please have an agenda for the next meeting and strive to follow parliamentary procedure (Robert’s Rules of Order). Also, officers please have your research done and ready to present at the next meeting.

Fence Assistance – Roger Criswell asked Tony George to assist with extending the fence between their two properties. Tony agreed to help.

Next meeting is June 6th, at 6:00pm at Life Church of La Vernia, 7079 FM 775, La Vernia, Texas 78121

Edward B Bernal made a motion to adjourn meeting at 7:34pm and Sheldon Shed seconded the motion. Motion passed 4-0

Meeting Minutes were read at the June 6, 2023 meeting. Corrections and/or additions were asked for. The minutes were approved [as read with corrections.](#)