

**Blue Heron Bay POA  
Open Meeting Minutes  
November 6<sup>th</sup>, 2019**

An open meeting of the BHB Board was held at 18001 Highway 105W, Suite 102, Montgomery, Tx 77316 on November 6<sup>th</sup>, 2019. The meeting was called to order by Tony Cook at 7:05pm. Other than the Board members, there were approximately thirty POA members in attendance.

**Board Members Attending:**

Tony Cook-President  
Lee Burson-Treasurer  
Dee Williams-Secretary  
Mary Howard-Director  
Kathy Joslyn-Director  
Scott Bergin-Director

Jeremy Dozier, Vice-President, was unable to attend but Scott Bergin was provided his proxy votes on the old business agenda items.

**Call to Order**

The meeting was called to order at 7:05pm after a quorum was established amongst the Board members. Tony immediately opened the meeting up to the attending POA members for comments but there were none. Before moving to the old business items, Tony made it clear that just because a violation has not previously been addressed or enforced, it can still be enforced going forward. Once this was established, we continued on with the agenda.

**Old Business**

**Vote on the use of golf carts in the community:** The issue regarding use of motor vehicles is currently covered in the deed restrictions, section 3.20. Tony made a motion that there is no reason to change the current restrictions and Lee seconded that motion. The board voted 7-0 that the current restrictions were sufficient and no changes were needed to them regarding the use of motorized vehicles in the community. Jeremy had provided Scot Bergin his proxy vote for this. If you want the restrictions changed, you must petition the board and 2/3 of the association votes are required to make a change.

During this discussion, members of the community brought up concerns regarding vehicles on jacks for extended periods of time and vehicles that appear to be stored in back yards but clearly visible to others. Tony addressed the fact that some violations have been overlooked but will be addressed going forward. He reminded everyone the member in violation would be notified in writing and then there is a fourteen day waiting period. If not rectified, a second written notice would be sent with another fourteen waiting period. If not corrected after the second notification, legal action could then be taken.

**Review and decision to change existing fine schedule:** The concern voiced by members of the association was the wording of the fines and not the cost of the fines. Specifically, the concerns were the use of the word “minimal” in a few of the fines and what constitutes “work on projects”. Tony made a motion to leave the fine schedule as is but change the wording so they were not as vague. There were more comments after this motion regarding who was on the ACC Board and how to become a member. Tony reiterated we need to define and clarify some of the wording on the fines. Lee agreed to help with this. Kathy then made a motion to keep the fine schedule as is but to work on the descriptions. Dee seconded this motion which was passed with a 7-0 vote.

**Review and decision on the previous vote on parking restrictions:** Tony explained Section 2.08 of the deed restrictions give property owners the right to use the area in front of their lots. The Board cannot interfere with these rights unless they owner is in violation of other deed restrictions. For this to change, the all member of the association have to vote on this with 2/3 in favor of making any changes. This is not something that can be changed with just a Board vote. Since this did not happen prior to the last board’s decision, the actions taken were not able to be upheld.

Kathy felt the parking issue has gotten better but we need everyone to talk with contractors about how and where they park. Most agreed the contractors are the biggest issue with parking. There was a suggestion to make little comment cards to place on windshields asking people to space their parking out if we see an issue. A suggestion was made to send out a general letter to the community addressing the parking concerns. Lee made the motion to send this letter out. Kathy seconded the motion which was passed with a 7-0 vote.

**Review and decision on the replacement or fix for the gate cameras:** The cost to fix the gate cameras with range from \$900-1000. There is a concern to get these fixed soon since we cannot see the license plates on vehicles entering and exiting when it is dark. The vote was tabled until we could further discuss the financials.

**Review and decision on the number of board members:** According to the by-laws, the members of the association must vote on changing the number of board members. A copy of the last vote in 2009 was provided by a community. The outcome of this vote was to have five board members. To change the number on the board to seven, another vote must be put out to the POA members. Lee stated the concern with having only five members is being able to get a quorum consistently. Tony said he would have a ballot put together and sent out prior to the end of the year and must be returned no later than mid-January. Tony made a motion to send a ballot out to vote on the number of directors by year end. Dee seconded this motion which passed 6-0. Jeremy-was there a proxy vote for this from you?? I now you provided one to keep 7 members but not specifically for this ballot to be sent out.

**Review process and solution for area outside front gate to the bridge:** The cost to tie into the meter at the top of the hill after coming into the community through the gate and running pipe to the gate to tie in with the sprinklers there is \$1700-2800. This would include twelve new

sprinklers with the run to the gate being the biggest cost. After a brief discussion, Tony made a motion to table this discussion until after talking about the financials and Kathy seconded the motion.

**Review and decision on the fixes necessary to address the current budget deficit:** Tony explained he looked at the expenses from the previous five years. The average of this has the total income and total expenses nearly flush with each other. Although good to have never overspent the budget in those years, we also are not able to increase the contingency funds needed to fix things such as roads cracking, potholes, or any emergency fixes that may arise. We are required to have a contingency fund however there is no set percent for this fund.

The current year budget is overspent by \$8000 and if the current income stays the same, this will take seven years to recoup without raising assessments or incurring a special assessment. If the contingency fund is used to make up this deficit, it will reduce that fund by 1/3, leaving minimal money for anything major that may arise.

There were numerous inquiries as to why the legal fees were so high. Tony explained that the previous board retained multiple law firms. The current board immediately terminated that relationship since the POA currently has its own lawyer. This business relationship was officially terminated on September 14<sup>th</sup>, 2019. Attending members directly asked the current board members who were on the previous board if they knew what the fees were for but they had no knowledge of the reasons. After repeated questions about the name of the law firm hired by the previous board, Tony told them it was the Murphy Law Firm, LLC. Also after repeated questions as to what the legal fees were spent on, Tony stated at least \$2300 was spent in an attempt to have the declarants disavowed.

After a lengthy discussion, Tony stated we are \$8000 short in the budget and this needs to be addressed no matter what the reason for this deficit. The idea of assessing a special assessment doesn't solve the problem short term or long term. The decision to raise the POA assessment by 10% was suggested. The fees haven't been raised in five years and needs to be raised to be able to cover the operating costs going forward. This will still take two years to overcome the current deficit. Lee made the motion to raise them by 9.9% to make the POA assessment \$570 instead of \$572 for easier accounting purposes. Tony seconded this motion. The board voted 6-0 in favor of raising the assessment. We did not include a proxy vote from Jeremy as this vote wasn't addressed in his letter to Scott.

**Revisiting other old business that was tabled:** The issue of having water from the hill to the front gate is critical for keeping the roads in good shape and preventing future repair costs as well as keeping plants watered to maintain house values in the community. Tony made a motion to run sprinkler lines from the hub at the top of the hill inside the gate to the gate and make the connection at that point. This motion also included approving the twelve sprinklers to be added. Lee seconded that motion. The board voted 7-0 to approve this.

## **New Business**

**Raising assessments for those who own multiple lots:** During the discussion regarding the financials, a member of the community brought up the fact that multiple lot owners only pay half assessments for their second lots. It was suggested that we change this and have everyone pay the full amount regardless of how many lots they own. This would have to be put on a ballot and voted on by the association members. There were many questions on if that included those who had house built on a lot and half or how the taxes were assessed on these lots versus two lots. A motion was made by Tony to have this placed on the ballot being sent out but the motion was not seconded by other board member. He made the motion again and Dee seconded the motion. The board voted 0-6 to not have this issue addressed at this time and to not place on the ballot for a vote.

**Voting rights for lot owners who own ½ lots:** Section 5.02 of the deed restrictions addresses the matter of voting rights. Those who own half lots are entitled to ½ votes. If two people own a lot, they each can apply their vote to equal 1 vote.

**Street lights not working:** Please let Lee know if you see any street lights not working.

## **ACC Business**

### **Requests submitted**

1. Changing shingles
2. One new set of house plans are expected to be submitted
3. One application for a circular drive
4. One application for a pool

There is a timeline of 30 days for the ACC to respond once plans are submitted to them. If the request is due to repairs needing done on a house or roof, the response will be expedited to prevent further damage. Typically responses are done within days of the request.

## **Adjournment**

At 9:09pm, Tony made a motion to adjourn the meeting and this was seconded by Lee.

**Respectfully,  
Dee Williams  
BHB POA Secretary**