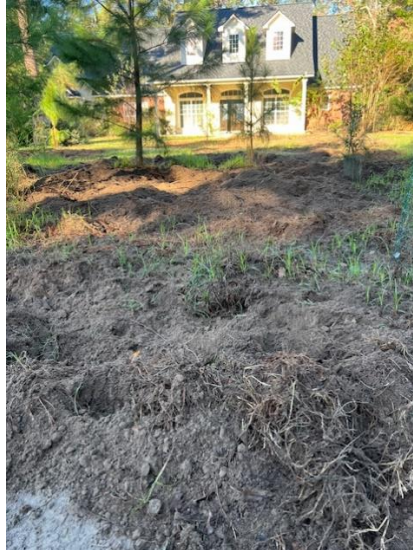


HELP!

STOP THE HOGS!



Hey Neighbors

My name is Mike McGee. The picture above is my neighbors' front yard (shared with his permission). I am asking for your help. What I am asking you to do is email the Benders Landing POA Board of Directors at board@benderslanding.org before Thanksgiving. Let them know if you want them to spend 1-2 % of the \$1,000,000 reserve fund to contract for professional hog trapping to stop the hog damage and health and safety risks.

Following you will find lots of information on the subject. You can call me at 713 854 5411 or email me at mmcgee@sbcglobal.net. I'm happy to answer questions or hear your perspectives on this topic. The POA Board have already decided in private discussions and email exchanges against trapping and agreed to advise all BL Owners in writing the following. Unless we persuade them to reconsider this private decision, that will be the final decision and policy. "The Board has discussed the issue with hog damage of yards and have concluded that it is beyond the remit of this POA to engage in capture and culling of a wild animal, without creating a precedent that creates further liability. We will not permit the placement of live or other traps on POA property, for liability reasons. If individual homeowners wish to pursue remedies of their choosing, the POA wishes to remind such homeowners of obligations under the deed restrictions, local, state and federal laws."

What will be lost and what will be gained if the POA board decides to discuss this issue in an open meeting and then decides to trap hogs?

What will be lost? It will cost time and money. To trap hogs will require time and accumulated owner's money to be expended by the POA board. To contract for hog trapping will require the POA attorney to review terms and conditions. The PILL committee members, principally Stacey Eicks, will need to spend their time coordinating implementation of the contract and coordinating with other HOA's and county personnel. The amount of time that will be required is far greater than most owners realize. Stacey Eicks is already managing a large volume of PILL activity and expenditures. Cost of contracted services including legal fees are estimated to cost between \$8500 (one time) and \$20,000 (2024 – 2025 term). These costs are between 1 – 2 % of accumulated cash reserves in the POA account.

What will be gained? Depressed property values from hog damage, activity and owner traps should rebound once repairs can be implemented next spring and ongoing activity remedied. About 125 properties and immediate adjacent properties are impacted with an estimated value depression of \$1-5 % or about \$1 to \$6 million dollars in loss of property value will be regained. Owner's will again be able to use the sidewalks, parks and their own property at night without risk of injury to them or their pets from hogs. The risk of disease from hogs including swine brucellosis to owners, owner pets and the resident native white tail deer population will be reduced and in time eliminated. Owners will be able to plan for a future in Benders Landing with some degree of confidence that the POA will be willing to help remedy hog invasions if they occur in the future. Owners may have the opportunity to understand the boards decision making and gain respect for the way the owner's interests are carefully weighed.

Why is trapping beyond the remit of the POA to engage in trapping? Simply state, trapping **is** within the remit of the POA. The POA has broad authority to spend owner fees as deemed necessary by the POA board to preserve homeowner property values and preserve owners' rights of enjoyment of the common areas and owners' property. These are no expressed limits on this authority in the founding documents or CC&R's for Benders Landing. This

board has decided that funding purchase and installation of Christmas decorations is within their remit. This same board has decided trapping hogs to help preserve property values is not within their remit.

Will trapping create a precedent that creates further liability? Precedents have been set for trapping hogs and refusing to trap hogs by previous boards according to owner's statements. Board meeting minutes memorializing board decisions on trapping have not been located and cited by anyone to date. Because decisions of the board are based upon unique circumstances, any decision made by this board does not obligate future board to make the same decision under different circumstances. **What about creating further liability?** There are liabilities if the board decides not to trap and liabilities if the board decides to trap hogs. Trapping hogs will reduce damage and negative impacts upon property values. There is a liability that homeowners may file suit against the POA for their failure to protect and preserve their property values. There are precedents for such lawsuits in Texas. There are liabilities from spread of disease or injury due to the widespread proximity of wild hogs to owners and public spaces that can be mitigated by the POA trapping hogs. There are liabilities that owners near hog traps may file suit against the POA by attracting hogs into traps near their property that may not have occurred without trapping. It's unclear that the liabilities from not trapping are greater than from the decision to trap. Two adjacent HOA's have made the decision to engage in trapping considering the issue of liability fully.

Will trapping eliminate the problem? Not permanently. But there are numerous cases in our area where trapping eliminated damage for several years. Jesse Jones State Park was able to eradicate hog damage and the need for continued trapping about 10 years ago. Spring Trails and Harmony Villages HOA's are currently contracting to trap hogs in or near their subdivisions. Previously the proposed contractor eliminated hogs from ongoing damage to Carter Country gun range near us that had been occurring for several years. The flash drought this year contributed to sending several sounders (herds) of hogs out from the Spring Creek preserves into our area seeking food. Wild hogs are an invasive species in Texas and a huge economic problem in the state. According to the Texas Parks and Wildlife biologist Rick Taylor, hunting and trapping are the two most viable methods of controlling feral hog

populations. Neither method will eliminate populations permanently. But the only lawful method open to Benders Landing POA and owners is trapping?

Why shouldn't BL POA trap hogs? Isn't this a homeowner problem and responsibility? The most effective method of trapping hogs is in large (2,000 ft²) pens with high technology methods to ensure the entire sounder is captured together. Once trapped the hogs should be transported offsite so they can be utilized for food or if necessary euthanized and disposed. The trapping and transportation require relatively large areas of land especially on the perimeter accessways. Only BL POA has the land located in areas large enough with road access for removal that can be used for effective hog trapping. Individual homeowner trapping will be much less effective and may also violate deed restrictions. Feral hogs carry diseases that can be transmitted to wildlife and humans. The risk of disease transmitted to pets and owners is best managed by professionals and locating trapping pens where contact can be minimized. Hog traps in owner's yards are not attractive and may have a depressing impact on properties for sale in the vicinity or when seen by home buyers.

Will the hogs leave if nothing is done? Maybe but probably not without intervention. During previous episodes in BL and BLE, private owners have undertaken trapping in their yards, and some have actively hunted the hogs. The current outbreak is larger than previous outbreaks and there is far more food for these herds within our community. They have good areas to hide during the day and plenty of places to feed at night. They have a good place to live and breed here in Benders Landing and the adjacent communities that are now engaged in trapping. We should join with them in a concerted campaign. Doing nothing will increase the duration hogs are damaging property, risking owners' health and safety and impairing use of sidewalks and parks during evening hours. The do-nothing approach is the most costly and damaging approach to homeowners and the easiest solution for the board and lowest cost solution to the BL POA.

Why not just wait and see if they leave on their own as they have previously?

This is a variant of the do-nothing strategy. This approach places the burdens of action upon property owners and severely limits the lawful and effective alternatives open to homeowners. In short, this strategy is tantamount to telling owners to live with it and pay for the damages or pay for fencing to eliminate the problem in future years. Unfortunately, the POA also limits the ability of owners to fence their yards before spring due to the current ACC review and approval process and construction limitations. For some, this strategy poses a quandry – shall I invest further or decide to move away from BL or wait to see if this abates,

The damage has been confined to Section 2 of BL so far, why should homeowners in Sections 1 & 3 care or common funds be used that benefit only Section 2?

The hog damage first occurred this fall south of Benders Landing in Harmony Villages and has been steadily moving north into Benders Landing. So far the furthest damage noted is on Boden Lane approximately halfway up the subdivision. Unchecked, the extent of where damage will occur is unknown but may include Section 1 and Section 3.

Expenditures are made throughout BL by the POA without regard to which areas benefit most. For example, the largest budgeted improvement in 2024 is for landscaping the entrance off of the Grand Parkway which largely benefits owners in Sections 1 and 3. The berm restoration project completed about 7 years ago benefited those property owners near the Grand Parkway largely in Section 1 and 3. The monument installed on Rayford Road entrance to Benders Landing benefited mostly owners in Section 2. The largest drainage project in 2019 in BL costing about \$65,000 benefitted only the 7 lots/owners in Section 3. So, expenditures are made routinely where they are needed by the board without regard to whether one area is disproportionately benefited.

