

August 2014, a meeting of the board of the Spicewood at Bullcreek Homeowner's Association took place. Present were Martita Lopez, John Eaton, Dan Sieczkowski, Michael Roche, Dan J. Savoie and Regina Schauer. Meeting was called to order and minutes from the previous meeting were distributed to all present. After the minutes had been read by board members, they were approved with a motion and a second to the motion.

Financial information was presented by Dan Sieczkowski. There has been a deposit of \$450.00 since the financial information in writing was prepared and there is another check that will soon be deposited. Dan states that the total in the account is more like \$3500.00 now. A motion to approve the financial information presented was made and seconded. Dan states that we are still trying to get 3 people to do an independent audit.

Information on new neighbors was then presented. It appears that the house on Pickfair might be a remodel to be resold. The purchasers seem to be taking good care of things and complying with homeowner association rules at this time. The house that just sold on Lockerbie seems to be a family that wishes to move into the school district. They are remodeling this home and seem to also be complying with all homeowner association rules at this time.

We are still in need of an architectural committee. We need to locate people that are willing to approve or disapprove of projects and buildings that comply or do not comply with homeowner association rules. When anyone is doing a building project, no matter how big or small said project is, they are required to obtain homeowner association approval before going forward. These are almost always approved, unless they will not maintain the integrity of the neighborhood or would infringe on someone else's property boundary rights. The objective is to keep all property values as they are and not let the neighborhood fall into disarray. It is also to keep neighbors from disputes before they arise when possible, by spotting potential problems that homeowners might not be aware of. Often a minor tweak to a proposed project can advert legal expenses between homeowners, and problems that go on for years. The person or people that serve must have a fairly strong personality to be able to say no when appropriate and it would be very nice if they have the ability to deal with people in a way that allows them to help the homeowner see reason and be able to compromise without losing face, when necessary.

There was extensive discussion that some of the bylaws might conflict with some of the covenants of the homeowner's association. This has been brought up at several board meetings now by member Mike Roche. A suggestion was made that an attorney should be consulted to look through the documents of the homeowner's association and that any changes that need to be made could be considered after this consultation. A limit was placed on the amount of the expenditure to the attorney for this consultation and advice of no more than \$1500.00 without further consultation and approval by the board. The conflicts have to do with how the member or members of the architectural committee are appointed. Therefore, this attorney advice needs to be sought prior to the appointment of new members of the architectural committee.

The board then discussed what questions should be asked of the attorney in order to narrow the scope of the attorney's examination of documents and minimize legal fees as much as possible. After discussion, the following questions were decided upon:

- 1) How do we decide "appointed by members" (The Covenant says appointed by homeowners. Does this mean an election voted on by all members must take place, or can the elected board appoint these committee members when needed?)
- 2) Is it legal to appoint an architectural committee chairman?
- 3) Can this chairman then appoint people to assist him/her?

The Covenants seem to say one thing and the bylaws another.

- 4) Is there any state law that sets forth whether Covenants or Bylaws rule when there is a conflict between them?
- 5) Is there anything else within the documents of the homeowner's association that is a problem and must be changed/alterd to be legal and in good order?
- 6) Is a person that serves on the architectural committee, indemnified (protected legally) and what do we do to ensure that is the case?
- 7) Are ballots by mail allowed? Can we have an election completely by mail or do we have to have a meeting to have a proper Homeowner's Association election?
- 8) If we have a situation where only one member ends up being on the architecture committee, in order to prevent a homeowner from going directly to attorneys or court based on this decision, would it be possible, if so desired, to have an appeal process where they appeal to the homeowner's association board, have arbitration or mediation?

Moving to other business, the board is still in the process of transferring all the secretarial information from the outgoing secretary.

The board is using Thunderbird for Homeowner's Association list. Dan states that he plans to talk to Larry regarding the revision of the list to make sure information is reaching all homeowners. He states that not everyone is receiving e-mails. Discussion also takes place regarding possible use of a Yahoo or other group like this. Big Tent discussion group was also brought up.

Discussion took place that the Covenants and Bylaws on the website are out of date. These also need to be updated but this should wait until after we hear something from the attorney.

The next meeting was set for November 6th, 2014

The fall social was discussed. Because the homeowner that in previous years has organized this event has moved away from the neighborhood, we are in need of someone new to organize this event and people to help the organizer. The board will send out an e-mail seeking someone new to fill this role and hopefully provide an opportunity for some of the newer homeowners to get to know their neighbors, and become more involved and known in the neighborhood.

There was discussion by one member as to whether this was a good expenditure of homeowner association money, to have the fall social at all, since it is mainly geared to children and many homeowners do not attend. There was also discussion as to whether there was too much liability to have a bounce house for the children to play in during this social. The board decided not to have a bounce house this year, in order to cut down on expenses but to go forward with the fall social if someone can be found that wishes to organize it.

It was suggested that perhaps some activities might be incorporated to involve more adults, like the golf putter contest that we had a couple of years ago and maybe a wine tasting event, or some other games where adult type prizes, like gift certificates or wine or that type of thing would be given as a prize, along with the children's games and activities. This is so that families in the neighborhood that do not have children might want to come and participate in the fall social.

The next discussion that took place was whether the "First Friday" events of our neighboring homeowner's association should be sent out to homeowners as has been done in the past. It was decided that these notices should continue to be sent.

Next, one board member brought up the topic of the number of board members. He would like to see the Homeowner Association to return to a higher number of board members than the current 7 members. It was discussed whether wording could be changed to state "UP TO 11 members" in the event additional members wish to serve on the board. Discussion took place but no action was taken at this time.

Discussion then took place that many homeowners are unaware that it is required to obtain the homeowner's association approval prior to any remodeling work or additions being made to a home or property. This applies to minor or major projects and is easy to obtain but often a project is already started before a homeowner is aware. This is often after a neighbor complains and there is a problem. It was decided that a flyer would be distributed (probably by e-mail) to inform everyone.