

MINUTES
Cypress Lake Gardens Property Owners Association, Inc.
ANNUAL GENERAL MEETING
October 19, 2024, 11:30 a.m.
Rebecca Creek Park Western Shack

1. Call to Order: President: Scott Postert
The meeting was called to order at 11:38 a.m.
2. Opening Prayer: Chaplain Michael Coakley
3. Roll Call of Officers & Directors: Secretary Larry Young
Donald - v | Dylan - v | Jeff - v | Joe - v | Kent - v
Larry - v | Peggie - v | Michael C. - v | Michael S. - v | Scott - v
4. Welcome of Members & Guests
Special Guest Sheriff Mark Reynolds
After confirmation that numbers for a quorum had been met, Scott welcomed Comal County Sheriff Mark Reynolds and let people know that he would be answering questions later in the meeting.
5. Announcements
Introduce the New Board
Scott introduced the individual members of the board.
6. Approval of Prior Minutes: Larry Young
Minutes – October 21, 2023
Larry confirmed that the minutes had been previously approved at the January 2024 board meeting.
7. Treasurer Report
Scott provided the report.
8. Departments/Committees
 - A. Office – Janice Boyne
Janice said the POA has had 86 new members this year, down from last year.
 1. Audit – Deb Copher
Deb provided the audit information and shared pie charts of the financial information with the members. By far, most money spent went to roads -- more than \$225K.
Other significant expenses were for insurance (about \$32K), wages and labor (about \$24K), parks (almost \$21K), county and federal taxes (about \$14K) office costs (about

\$14K), attorney fees (\$12K) and utilities (almost \$10K). A little more than \$7,000 was spent on special events throughout the year.

2. Bylaws – Peggie Schrader

Peggie said the committee members have been working hard so far, and the next meeting will be on Wednesday, Oct. 23. The committee is looking for more volunteers with new ideas for proposed bylaw changes.

3. Legal – Scott Postert

- The legal team has continued to work on the counterclaim to the lawsuit that was won in 2021.
- The board is working with attorneys on the prospect of forming a new corporation, to the benefit of the POA members, that can take transfer of road ownership and effectively handle road improvement with necessary authority and mechanisms not in place under the current POA.

4. Events – Peggie Schrader

- The committee's next meeting is Wednesday, Nov. 6, at 6 p.m. The committee will work on the calendar for next year's events.
- The next Ladies Night will be Sunday, Oct. 27. It will be the last of the year.
- Fall Fest will be Nov. 16, noon to 5 p.m. at Cypress Lake Gardens Park. There will be games and a "turkey shoot" archery contest.
- Lights in the Park will be Dec. 14, starting at 6 p.m. Cookies and hot chocolate will be served at Rebecca Creek Park. Decorating at that park will be done Friday and Saturday, Dec. 6-7, starting at 9 a.m. Decorating at Cypress Lake Gardens Park will be done Sunday, Dec. 8, starting at 9 a.m. Volunteers and ladders are needed. Signup sheets are available at the tables.

5. Restriction Enforcement – Larry Young

About two dozen violations of deed restrictions have been reported to the committee, Larry said. Of those, a handful have been resolved, and the committee is working through the rest. After a member's question, Larry gave examples of the types of deed restriction violations the committee is working to enforce.

6. RUC – Don Gonyer

The committee has been investigating a couple of homes being built without permits, Don said, noting that overall activity has been low.

7. Security – Kevin Boyne

New security cameras have been set up, Scott reported. After a member asked whether cameras will be set up on Knoll Schwope. Scott answered that Some of the new cameras can be mobile, while others are permanently mounted. He also noted that the POA has received guidance that security footage alone can't ensure conviction for trash dumping, and that it's necessary to have positive identification of the person committing the act.

8. Social Media – Sidney Carpenter

Scott said that Sidney has been keeping up with event reminders and other posts on Facebook and Nextdoor.

9. Website – Larry Young

Larry said the site has been updated to ensure that POA documents are available, the calendar is updated, and agendas and minutes get posted regularly. He also has been posting more photos from members and notifications of important events, coordinating with Facebook and Nextdoor posts. He reminded members that the site is clgpoa.org.

10. Trash Committee – Michael Coakley

- Mike said the committee has been working for some time to solve trash issues near trash cans and elsewhere in the community. He noted that when people dump, the POA faces paying that cost. He also noted that the POA also has been dealing with trash companies with contracts to pick up trash that are not driving on certain POA roads to pick it up. The committee has been coming up with ideas, he said, to get cans off the roads in large collections and back to people's houses. He asked for volunteers to sign up for the committee, which meets on Saturdays at 11 a.m. The next meeting is Nov. 2.
- Wanda Wayne, a committee member, reported on bids for work by three different companies with varying options for services and costs.
- Question/answer session:
 - Q.** Does this give us right to choose?
 - A. Scott:** The committee is not forcing anything; the bylaws don't allow it. The committee is just trying to find the best option.
 - Q.** Could there be a volunteer weekend for trash cleanup?
 - A. Scott:** We do have that, and we announce it on social media.
 - Q.** Have you considered using other social media platforms, like Discord and TikTok?
 - A. Scott:** Thanks. The suggestion has been noted.
 - Q.** What about dumpsters?
 - A. Scott:** The issue with dumpsters was that outsiders were filling them so that residents couldn't. We've mostly moved away from the dumpster idea for that reason.
 - Q.** Have you considered big item pickup?
 - A. Scott:** We have tried to do that sort of community cleanup. We can't fund it, but we've provided that twice in conjunction with our garage sale event, with a provider at reduced rates. We will try to do that again.
- Scott thanked Kevin Boyne, Dylan Gambill, Ethan Santell and others who have been helping out to clean up and remove dumped trash.

B. Parks – Scott Postert

1. Bluebonnet Park - Kent Gillespie

This was the last park to get started. It's the one that's rutted whenever it rains, across from the creek park. We've put up and painted a fence there to keep the bluebonnets and keep out the trucks. Next, it will be getting signage and a gate. The creek's beautiful and natural. For parking, there is a short driveway near the fence. The park goes back to a small dam, and the POA has easement rights across that dam.

Q. Why was cable fence taken down?

A. Kent: It was inadequate, so it has been replaced with the pipe-rail fence.

2. CLG Park – Kevin Boyne

The park has seen increased usage and less nefarious activity. It now has a portable toilet permanently on site. Kevin has been looking to get more facilities, including water from the well there.

Q. I have a tetherball set. Can you use it there at the park?

A. Scott: Get with Kevin about donating it.

3. Guadalupe River Park – Larry Young

The river's been completely dry for most of the year, so usage has been way down. We've been mostly in maintenance mode, mowing the picnic area and road, replacing a damaged fire pit ring, keeping trash to a minimum and ensuring we've got burn ban signs and fire pit covers in place when needed. Between drought and freezes, a couple of the trees in the picnic area have died, so we've cut limbs down to make it safe where necessary. We're looking to get new trees donated and planted, and we are hoping to finish installing the well pump, so we can have water in the area. That way, we can keep any new trees watered so they can take root.

4. Rebecca Creek Park – Joshua Postert

Regular mowing and weedeating, as well as tree removal, dock repair and painting of the bathrooms have kept things up in the park. All of that has been done with volunteer work, except for the weedeating, which was paid for and which was quite a lot of work. Scott recognized Jeannie Postert as volunteer of the year. He said she has been mowing the park for years and has been keeping the park nice.

5. Turkey Creek – Ethan Santell

Scott announced that Ethan has recently been named chair. He is looking to get the campsites up and running again with Ethan in charge of that park.

6. Park maintenance - Michael Sowder

Mike reported he has been doing mostly tree cutting. He also has volunteered to mow at Bluebonnet Park, but mostly has been doing work in emergencies when tree limbs need to be cut and removed.

Q. Do the park committee chairs have authority to remove trespassers?

A. Scott: Yes sir. We enforce the private property here. No card, not park. CLG is not a carded park; it's open to the community and children playing there. In Turkey Creek Park, trespassing will be harder to enforce – we will need fencing and volunteers.

7. Environment and Conservation Committee – Dylan Gambill

No report, but information is available at the committee's table.

Scott requested that we move to the question-and-answer session with Sheriff Mark Reynolds, before moving to the roads portion of the meeting.

Questions for Sheriff Mark Reynolds -

Reynolds thanked the POA for the invitation and thanked people for coming out. He said he was excited to be at this event rather than at a political event in New Braunfels, and he said he had a beautiful drive out to the area.

Before taking questions, Reynolds addressed the group. He lamented that the county's growth has led to increased construction material thefts, vehicle burglaries and vehicle thefts, with 72 cars stolen in the county so far this year, noting that 91% of them were unlocked and most that were identified as being showed up in Mexico.

He said he has asked for 20 more deputies, six communications officers and four corrections officers, carrying a budget need of \$3.5 million. That cost would be offset, he said, from an account funded by payments from other counties for housing their prisoners.

He is seeking a way to get a grant to put license plate readers in patrol cars. Although he said he's not a fan of gathering that much information and feels that it raises a privacy question that he's concerned about, he's looking to get 10 readers, at \$15K a piece, so that he can track vehicles through geofencing to see whether they are leaving the county and going to the border or elsewhere, as well as vehicles are coming into the county from the border.

With that shift toward license plate readers, he said the county might have an excess of old cameras, which he could consider providing to the POA to help keep an eye on illegal dumping. Although that could help, the help would be limited, he said: The sheriff's office can't write a ticket on a car, only on an individual.

He said that, while he was not here to be political, he believed the changes in border policy after 2020 have led to problems, at least following the opening of a migrant center in San Antonio, after which he said undocumented migrants have been seen in New Braunfels and other places.

He praised the special nature of Comal County's "tight-knit" community, and said when people here see problems, they are welcome to call him. "We don't want any of these problems with migrants doing squatting or finding abandoned houses and setting up shop," he said, "because then you'll have a more inclusive problem." He then told how he was congratulated for running a Venezuelan gang out of Buc-ee's, despite the incident not happening.

"You have more eyes than we do," he said. "There's 212 deputy sheriffs" in the county. "If you see something ... if you think you see something ... I'd rather get 100 calls that turn out to be nothing, than not get the call that is. Because we're going to send something to you."

He then compared his experience to that of his political opponent for the sheriff's office.

Q. Is there anything we can do about squatters out here?

A. Reynolds: Squatting is not something new, but now there are professional squatters. Old squatting laws said you had to stay on a piece of property for 30 years and then it was yours. Now they find a vacant house, go down to the county clerk's office, file the appropriate papers and try to homestead it, and then you have to run them off civilly.

Reynolds went on to say that he sees that as trespassing and is working to get the law changed at the state level to where there is no need for a 30-day eviction process.

He said he and others are also looking to wipe out "quit claim" deeds, which are being used by professional squatters, who know what paperwork is needed to make it difficult to get them removed from a property.

Scott: With squatters, in our community, for the most part, we have private roads. Although we have a limit to what can be done on a private lot, we own the roads, which are available to our members and their guests. So, even if they slip through on squatting on a property, they can't come and go on our private roads without trespassing. And if they do it a second time, they get arrested. We have a little bit more power here.

Reynolds: They're getting brazen. In one case, they went to a subdivision and took material and built a shelter on a county easement. They claimed to deputies they weren't on private property, but they were still violating the law because they were on county roadway. I told the deputies to tell them they had 30 minutes to put everything back where they found it and leave, or I'd give them a free place to stay.

Q. On driving, with Rebecca Creek being a neighborhood road – correct me if I'm wrong -- it has a low speed so that pedestrians can use it. Local law enforcement has advised that, if there are no sidewalks, the road system itself can be used by pedestrians. I have had cars swerve at me, and people have pulled guns. People have pulled over and threatened us, and have threatened to find out where we live. My concern is that there isn't another place for us to be, and that we are technically legally allowed to be here, and I don't want to slow you down, but I also don't want to be threatened for walking in someone's yard along the street, because I can't walk in the street, so I don't know what to do about this problem, so I don't know if the board or the county has any ideas for this issue.

A. Reynolds: I get what you're saying about the sidewalks, and I get it about property ... We're not going to come get you for walking in the street, because you're just trying to be a pedestrian. I think certainly we can find some solution. I think it's uncalled for if someone is intentionally trying to swerve and hit you. If someone pulls a gun on you, I hope you're calling the sheriff's office.

Questioner: We have called sheriff's office a couple times ... You make a claim. You say this was my experience, and they say, "We'll we weren't here, so we didn't see it."

Reynolds: Then your next call should be that you want to speak to the sheriff directly. We take reports all the time for things we didn't see. The only time we can't is for a class C misdemeanor, like we can't give a ticket for speeding only because you said you saw them speeding, but if somebody burglarizes your house, you didn't see them either ... but we should take those reports. Especially if you recognize a car, a make, a model, a license plate, so sure, you and I can call, or we can go through email, because we've got things we can work on.

Q. We've got a problem with squatters. We've got a lot of meth heads here. Every night, at 2 or 3 o'clock in the morning, I've got 4-wheelers coming down the back, I've got another motorcycle coming down the back. And what they're doing is buying drugs somewhere and then they're delivering them. And this has been going on for many moons. We got them thinned out, but they're still back again. So, what do we do? We can put cameras out, and do this and do that. But then we can't do anything because they're on private property, so that's a gray area. So that's my question.

A. Reynolds: So, let me make something perfectly clear ... Make no mistake: The roads may be private, or they may be all this, on private property – if you commit a criminal offense, it doesn't matter what's private and what's not private. What it says is, I can't come out here and enforce traffic laws for stop signs and speed and all that. But if you see something, who are the best people to talk about suspicious activity? Call! I did just fire head honcho of our narcotics unit. Why is it, in in 2017, we took some people down. Then we had a second phase in 2020, that wasn't as big or popular because of Covid. Then we disbanded the metro narcotics task force with the city of New Braunfels ... and we completely fractured away from any federal help in 2020. But we are back on it ...

We have a small narcotics unit, but my thing is, why aren't y'all taking information from all these patrol deputies making all this stuff, and you're not producing stuff.

and making that works in the area. He's asked why are they not making progress.

Questioner: Deputies have said if they don't find drugs on them, they can't arrest.

Reynolds: I hope one of the newest deputies here will help. I'm hoping cameras will help. They catch everything. If I need a little coaching-up moment with deputies, I will do that.

Q. We've got motorcycles doing wheelies and carrying small children on their motorcycles, with no helmets, no safety. Now is that allowable?

A. Reynolds: No class C misdemeanors, traffic laws, are not enforceable by us. But child endangerment? That's not a misdemeanor anymore.

Q. What about reckless driving?

A. Reynolds: Reckless driving is a class A misdemeanor, so we're getting up past the other deals.

Q. Are you a constitutional sheriff?

A. Reynolds quoted the oath that he has taken, which follows the U.S. Constitution and Constitution of the state.

Reynolds: When I took my oath, I said I will protect the constitution. Some say it's not being

met. Some say it's hunky dory. So, as sheriff, I am the local protector of that document. So, if the federal government does something against the constitution, tell them they are not welcome here. If they do not leave, call the sheriff. I will give them their second warning that they are trespassing, and if they don't leave, I will give them a free place to stay. I am not a member of this constitutional sheriff's association, because I don't see the purpose of paying \$250 a year for a card that tells me what I just told y'all, and nobody in that organization can tell me what that money goes toward and why I've got to pay or have a card to do something that I already swore I'm going to do.

Q. Going back to the squatters, I recently signed up through the county clerk's office because I got scared when I heard about all the squatting. So apparently if you sign up at the county office, they will notify you if somebody is trying to change your deed and put their name on it.

A. Reynolds: It's like a fraud alert, and it's free of charge. On the county clerk's office site, you can't miss it. It will alert you if somebody tries to file documents for your home.

Q. I'm trying to find out about a noise ordinance.

A. Scott: It's on our agenda to discuss the noise issues.

Reynolds: You can do something within your POA, but I can tell you the next best way besides your POA ... The only way you can give the county authority to do ordinances would be to go to Legislature to give counties the power to pass ordinances ... I can put you in touch with ... Sen. Donna Campbell to help push for county authority to enforce. I will give card with an email, will you send me an email, because we talk all the time. I can invite you to it.

Q. Disturbing the peace?

A. Reynolds: Anything over 85 decibels from the closest point, that would be disorderly conduct. We have decibel meters in the cars.

Scott: That's what you call in. You don't call in the noise, you call in the disturbing the peace.

Reynolds: A lot of people get mad because they say you didn't get close enough, because we can only go from the property line.

Scott: Which, if you'll involve the POA, it becomes the road, if that's closer, and the POA can charge for the disorderly conduct, and it takes it off the property owner ... I wanted to see this discussion go that way, since we don't have the right to form a bylaw as he mentioned, we don't actually have the authority to change our bylaws when it comes to noise, since it's not in the original CC&R deeds from the '60s. So, we're a little tied up, unlike some of the other HOAs that could do that in house, so we're going to rely on the disorderly conduct and the disturbing the peace.

Reynolds: I know I'm between y'all and your barbecue, and you and the last part. Thank you. I've always thought the world of y'all, and thank you for the invite.

Scott: So, while he's here, on the noise issue, we can't form our own rules, so we're going to rely on the department for disturbing the peace and disorderly conduct, instead of just a noise ordinance. And y'all heard him: 85 decibels. We came up with that in committee, and we know it's true. We just have to make a call and say the right words. The deputy has to hear you say, "I want this enforced." If you say you want a noise ordinance enforced, he's going to respond, "There is no noise ordinance." But it's disturbing the peace at over 85, so

it's just a noise ordinance by another name. So, we need to use that.

When it comes to the loose animals, the sheriff will respond, they'll come out. Get your videotape of that, because then it's the animal, not the car. And it's the animal that made the transgression, and it's the owner is responsible. So, if you have video of those animals outside the yard, animal control will come out, unlike on the dumping. They won't enforce charges, but it adds up to your case.

Don: And animal control has been patrolling our roads more and more every day.

Q. What about all these horses, donkeys, goats, coming in our yards, eating all our grass, pooping all over the place? This happens every day.

A. Scott: if animals are outside of their containment, then you can call animal control, whether it's a dog or a donkey.

Questioner: They don't do anything. Animal control never does anything.

Scott: That's what [Reynolds] is for. Hit him up. Because the POA can't enforce animal control. We can't even write rules like we wanted to. So, the whole idea of our bylaw committee forming rules against these things, and fines and such, went out the window, because it's not in the original CC&Rs. But, we can turn to sheriff's department, and we can let them know time and time and time again. If they come out one time and don't do anything, that doesn't mean you don't keep calling. And like [Reynolds] said, if they don't do anything, send an email to him and let him know. Come to the committee meetings and let me know like you did before. And even if the deputies need more training, we're getting better response. It just doesn't happen overnight. We've been around here for 60 years. He's only been sheriff for what -- six or seven? So, change has been slow, but I see it happening. I see more patrols. I see them responding better. I see that they are enforcing trespassing in Comal County. And that's what we need the most because that is criminal, and that lets us control our parks and roads, with these squatter issues that we have, and it just comes down to trespassing. And once they're trespassing, they're out of there. So, the sheriff's department supports us, so we will, as a community, support the sheriff's department, and I think that relationship will get better. We're not River Crossing, and we're not Mystic Shores. We need those deputies to come around here and care, not just do their jobs. So, getting them to care is by relating to them on a nice level, not just saying "You never do your job." That's not what you want to hear when you're trying to do your job. So, let's cut them some slack and call them every chance we get. The more calls that come from our area, the more that's all documented as part of the algorithm of "hey, we need attention." If we don't call, we don't get attention. We have to squeak.

C. Roads - Don Gonyer

- Don said the road department took a different approach this year to making improvements. In the past, he said, the team has been reactive. This year, Don set up a schedule to proactively take on major roads in need, and then do some smaller efforts in between. With that approach, Don said the department fixed 10.3 miles with major repairs and pothole filling. On another 3 miles of road, he said, the crew only fixed potholes. This amounted to 3,057 volunteer hours of

help on the road work. Residents also brought out sandwiches and water during the heat of the summer, and all that support was much appreciated.

- Don is hoping to do more of the same next year, to get roads at least passable, and then continue to improve. He said, “We’re doing the best we can.” Some of the equipment has been out of commission, needing repairs, but Don praised Mike Sowder and road crew member Treavor Edge for putting in a lot of hours or repairs of equipment and roads.

Q. Wasn’t there a letter asking for more money?

A. Scott: Based on legal advice and current bylaw wording, the board did approve a special assessment. While researching options for the community’s trash issues, we began to question the advice given on passing the special assessment, so we pulled that back.

- Don said the road department is currently lacking heavy duty equipment mechanics. He asked that anyone who knows anyone qualified contact him or the POA.
1. Big Sky- Michael Coakley
Rimrock, like everywhere else, hasn’t been cared for in a long time. Much work has been done. It’s not complete but it’s passable and looking good.
 2. CLG –
Don – We did work on Line Camp Trail, Line Camp Loop, and put rock and millings, on Mustang Trail to help the bus drivers avoid needing to change their routes. There was a patchwork on repairs on Cypress Gardens Boulevard, with rock and cold asphalt repairs. There has been pothole filling on Turkey Creek and Western Skies, Don said he is trying to spread the work onto both sides of the community, noting that Country Haven needs more work.
 3. RCP – Michael Sowder
Rebecca Creek Park hadn’t been as high of a priority before the work had to stop to keep within the budget. It has had more work in years past. We’ve band-aided it since we’re everywhere else, he said, noting that he hopes to do more there next year.
 4. RCP Golf – Wanda Wayne
The area near Contour has had rock laid in there, filled a large hole. A few roads haven’t been touched that have just one resident.
 5. RCP Contour – Wanda Wayne
 - Rock was laid. Some property owners weren’t happy with the work because of rock on the asphalt, so the crew will be doing more work to improve that. It’s drivable, but it’s still in the process. Overall, it’s a challenge because the department is short on equipment, funds and volunteers. Wanda has been working to get free milled asphalt from a local company to help with that.
 - Regarding road equipment, Wanda has put together a spreadsheet for an inventory of all equipment, from chainsaws to heavy equipment: what’s working,

what's not, and what is not needed that should be sold. Along with Don, she is looking for someone who can help with maintenance.

6. RCP River – Joe Alegria

- Road base material was dropped off some months ago, and Don and Mike spread it and filled many of the biggest holes at the time. The team will start on similar repair work again at the beginning of the year.
- Campfire did get a major improvement near the entrance with millings. Joe said that, If people would slow down, that will help keep the roads better.

Q. Could more work be done to trim trees along Cypress Gardens Boulevard?

A. Scott: if people can sign up to volunteer for roads, that will help.

9. Old Business

N/A

10. New Business

A. Discuss easement right of way and blockage

B. Discuss noise issues

C. Discuss loose dogs

- Scott said that the board had intended to discuss bylaw changes, but on these issues, we've found that the POA is limited in how it can address them because of lack of specific mentions in the original deed restrictions. Those are what enforce our authority, he said, so whatever they say we have authority over is what we can enforce, and we can't update the rules without changes to those original documents, which is virtually impossible to do.
- So, he said, we're going to move forward with these in bylaw committee but to discuss ramifications for breaking the rules that have been set, since we monetary fines can't be set. If bylaw changes are made to enforce rules, he said, it would seem that the only consequence for those violating rules would the loss of park privileges. So, if it's possible to mandate out to the community that access to the park system is dependent on keeping the community rules, and not just paying dues and keeping the rules in the park, he said, then it may be possible to enforce the rules.
- Whether we go that way or not, Scott said, depends on how much satisfaction is seen from the sheriff's department on the 85 decibels, because that's been going on for a while now, and it's an issue for people.
- For loose animals, Scott said, the POA will need to use the sheriff and animal control. If we try to facilitate rules within the POA in which we have to be responsive and reactive, he said, we don't manpower for that. If we can't fix everything, he said, then we can't really have security on everything when it comes to these issues.
- Scott asked that those who care about the issues come to a bylaw committee meeting to help work through the issues with the information we have.

- Scott asked how many in the crowd wanted to see the issues dealt with within the POA, and a majority indicated they did.

Q. Is this votable?

A. Scott: It would need to be in a mailout for any bylaw change, and the exact wording of the change would go out for a vote, with a two-thirds majority needed. Votes on bylaw changes is something that's been done yearly since 2018.

Q. Are the bylaws online.

A. Larry: They are up to date online, along with a sample copy of the deed restrictions.

11. Questions and Answers

Members may address board when your name is called.

Q. Larry Jackson: On this assessment that was passed and then stopped, where are we sitting on that?

A. Scott: We're back to the committee. We looked at it, and the current consensus was we could not move forward with it because we don't have the authority through the deed restrictions to pass a special assessment at all, no matter how it's written up in the bylaws.

Jackson: And the bylaws do not state that the board has the right to pass anything.

Scott: The bylaws state that a special assessment must be by a 75% majority of those in attendance at a meeting.

Jackson: By mail-in voting.

Scott: No, that's for the bylaws. Bylaws are by mail-in

Jackson: There's no comma in there to break up that sentence, and you know it as well as I do. We've argued this point before.

Scott: We can argue as long as you like, but our legal consensus is ...

Jackson: People have the right to look up the bylaw, read it for themselves and interpret it for themselves. I understand if your lawyer's telling you ... I talked to a lawyer about this, and he doesn't interpret it the way you do. Each individual here has that right. It's like with the deed restrictions, the bylaws, there's also ... by Donna Coffman ... a judgment where you don't have architectural control. The other one is ... they did a restart on this in 2007, okay? I know that you go ahead and you give out variances. You don't have the right to do that, because the only person to have the right to do that is the original developer.

Scott: The original developer ... which we have all the rights of the original developer, but the original developer does not have the right to a special assessment.

Jackson: No, you don't because in 2007, it states anything before 2007 is totally gone.

Scott: From the articles of incorporation which were reformatted in 2007, but I think you're a little bit confused. Those reformatted articles of incorporation support our bylaws and not the original articles of incorporations from 1979, but those are a moot point when we compare to the deed restrictions and CC&Rs from '67 through '73.

Jackson:

This is a recert certificate ... and replaces original articles of incorporation dated Jan. 22, 1979. All subsequent amendments to the articles of incorporation ...

Scott: Exactly. They give deference to the bylaws from 2007.

Jackson: That doesn't exist anymore. The only thing that exists is from 2007 to now.

Scott: The original deed restrictions do exist.

Jackson: The original deed restrictions.

Scott: Right, and that's what we're basing them on.

Jackson: But you're talking about the articles of incorporation, and they do not exist anymore.

Scott: There is a reformed ... you have to have articles of incorporation on file with the secretary of state to be a corporation; therefore, we do. They were originally filed in 1979. They were reformatted and refiled in 2007 by Rose Hudson and the board. They took away our original authority and rights from the articles and put it back onto the bylaws which can be changed more easily than the articles.

Jackson: It doesn't say any of that.

Scott: I'm saying that. That's the history of it, though

Jackson: History doesn't mean nothing. It's what this document says.

Scott: All right. Do you have anything else?

Jackson: We can argue until you're blue in the face.

Scott: I'm not up here to argue, sir.

Jackson: It's up to the people to decide.

Scott: Does anyone want to argue about it?

Q. No, but I have a question: I may have missed your point, but what were your questions or your point?

A. Jackson: [Scott] keeps on going back to the original articles of incorporation, okay? In 2007, they did a restart deal.

Scott: In 2007, we didn't restart. We reformatted our articles of incorporation to support the current bylaws in 2007, because the articles were outdated according to the current bylaws, because they weren't in conjunction with each other, because the bylaws had been updated numerous times from '79 through 2007. And, the board of 2007 was looking to do less than more, so they were kind of trying to rewrite history to where we couldn't do things, and that's his ... he was on the board then. He just wants us to follow the rules, which is totally acceptable. I don't think his understanding of the rules is the same as ours.

Jackson: All I'm asking is to go take a look and see. It's your choice; it's not my choice.

Scott: Read the CC&Rs for yourself. Read the bylaws.

Jackson: My choice is, this board will take and do what whatever it ... pleases ...

Scott: No. We don't do arbitrary things. We try to follow the rules with our best understanding of legal counsel.

Jackson: In 2016, there were three bylaws that didn't pass. He went ahead and changed them.

Scott: They followed property code. We have to follow property code. When we a bylaw that is in conflict with property code, we cannot let y'all vote to whether or not to stay legal. We have to change our bylaws to keep up with property code. They were prohibiting people from voting or running for the board who hadn't paid their dues. That was a violation of property code, and we could have been sued. We changed that, even though it went out for a vote of should we change it because the bylaw committee, it was their first time.

Jackson: We've been through this before.

Scott: Exactly. Every year. Welcome back, Larry.

Jackson: I figure if I help educate people, maybe it will change.

Scott: Yes, sir. Thank you very much.

Q. This last assessment that is now back on the board, are you still talking this over.

A. Scott: This \$73 assessment that the board passed, we've pulled back because we have differing legal opinions, and my opinion is, we don't have the authority out of our CC&Rs, the deed restrictions that are on these properties to *enforce* the special assessment. Therefore, it would be a voluntary special assessment, and I don't think that's a solution.

Q. What about, two years ago, that special assessment?

A. Scott: That special assessment was passed here by the membership, so that is more of a voluntary instead of a board-induced assessment. So, this assessment was passed by the board following bylaws and property code. That other assessment was passed by the membership at the annual meeting. So, we stood by that one because the membership voted for it – leave it alone – but we're not going forward with any more board-voted special assessments because it's not in the CC&Rs.

12. For the Good of the Order

N/A

13. Adjourn

Mike C. motioned to adjourn. Don seconded. The meeting was adjourned at 1:38 p.m.

THIS IS A PUBLIC MEETING DISRUPTIVE BEHAVIOR WILL NOT BE TOLERATED. PLEASE DON'T SPEAK WITHOUT BEING ACKNOWLEDGED BY CHAIR. OFFENSIVE, DISRUPTIVE BEHAVIOR WILL RESULT IN REMOVAL FROM MEETING.