

MINUTES
Cypress Lake Garden Property Owners Association, Inc.
ANNUAL GENERAL MEETING
Oct. 21, 2023, 12:53 p.m.
Rebecca Creek Park Western Shack

Opening Prayer: Michael Coakley

1. Call to Order: President: Scott Postert
2. Roll Call of Officers & Directors: Secretary Larry Young
Bruce - excused | Donald - X | Dylan - X | Jackson - X | James – X | Joe - absent
Kent - X | Larry - X | Peggie - X | Michael C. - X | Michael S. - X | Scott - X
Sergeant at arms: Jackson – X
3. Welcome of Members & Guests
Scott welcomed the members present at the meeting and thanked all POA volunteers.
4. Announcements
Scott noted that the annual general meeting began later than the scheduled 11:30 a.m. start time. By agreement of the members present, members and the board stayed until a quorum of 60 was reached, at which point the official meeting was called to order.
5. Approval of Prior Minutes: Larry Young
Minutes – Oct. 15, 2022
Peggie motioned to approve the minutes as is. Don seconded. Approval was unanimous.
6. Treasurer Report: Bruce Johnson
Scott provided the report in Bruce’s absence.
7. Departments/Committees
 - A. Office – Janice Boyne
Janice reported that the POA had 110 new members since the previous general meeting.
 - B. Audit – Deb Copher
Deb provided the annual audit. A pie chart and report were available for members to review.
 - C. Bylaws – Peggie Schrader
The next bylaws committee will be Oct. 25 at 6 p.m.
 - D. Legal – Scott Postert
 - A hearing is set for Nov. 16 regarding a motion of summary judgment on the POA’s counterclaim in the Powell lawsuit.

- A meeting with the POA attorney is set for Oct. 24 on an easement request from acreage property owner James Duderstadt.
- E. Events – Peggie Schrader
- Fall Fest is Saturday, Nov. 11, from noon to 5 p.m. (at Cypress Lake Gardens Park). There will be a bounce house for the kids.
 - Lights in the Park is coming in December. Decorating for Rebecca Creek Park and Cypress Lake Gardens Park will be done Dec. 1, 2 and 3. Work on the Dec. will be from 4:30 p.m. to dark. Work will start at 9 a.m. on the other days. Volunteers will be needed for that.
 - Ladies’ Night will be Sunday, Oct. 29, at 6 p.m. The event is BYOB, with games, fun, talk.
- F. Restriction Enforcement –
Scott said that, while no chairperson is in place currently, the committee is working on enforcement at Wednesday committee meetings and items are covered during board meetings.
- G. RUC – James Burns / Don Gonyer
James said permitting process is working and helping toward fixing and maintaining the roads.
- H. Security – Jackson Durbin
The email address for reporting issues is security@clgpoa.org.
- I. Social Media – Sidney Carpenter
Sidney is supporting Facebook and Nextdoor postings for the POA.
- J. Website – Kevin Boyne and Larry Young
The website, clgpoa.org, is the source for POA information.
8. Parks – Scott Postert
1. Bluebonnet Park -
Scott noted that he told members earlier about the situation with pulling water from Bluebonnet Park.
 2. CLG Park – Kevin Boyne
Work on the playground is scheduled for next week.
 3. Guadalupe River Park – Larry Young
Among the amenities mentioned earlier, it was highlighted that we are bringing water to the park.
 4. Rebecca Creek Park – Jeannie Postert
Mention was made of improvements there, as well as the dam repair and the permits required for that.
 5. Turkey Creek –
Scott noted that members need to respect adjacent private property and access the park only from the south side.

6. Park maintenance - Michael Sowder
Work has been done by Mike S. and Jeannie, and that is going well.
7. Environment and Conservation Committee – Dylan Gambill
Dylan reported that the creek levels and quality are great.
8. Playground – Noah Postert
Scott said that work at Cypress Lake Gardens Park is scheduled for next weekend.

9. Roads - Don Gonyer

Don had covered much progress during the informal conversation before the official meeting started. He added that the wood chipper is almost ready for use on the brush near Cypress Lake Gardens Park and that members want to bring a truck and shovel, they are free to take the resulting wood chips. Notification will be given on the POA's web page and Facebook page regarding when and where. Also, Scott said he is looking for a contract employee to do road work.

1. Big Sky - Michael Coakley
2. CLG –
3. RCP – Michael Sowder
4. RCP Golf – James Burns
5. RCP River – Joe Alegria

10. Old Business

None

11. New Business

A. Discussion on trespassing on our Private Roads.

Scott discussed how this year, the POA has had issues with trespassing. He said that in the parks the rules around trespassing are very clear: If you don't have a card, you're trespassing; if you're not a member (or an allowed guest with a member), you can be cited for trespassing, instead of just being asked to leave. Meanwhile, many people are traveling on the POA's private roads, and Scott said the POA board would like to enforce trespassing on roads. This had been discussed with the sheriff's department after last year. For it to happen, the POA needs appropriate signage and also needs everyone on the same page.

Member Question: How do you determine a guest?

Scott: Written or verbal permission by a member.

Member Question: What about children of members?

Scott: Residents can't be trespassing.

Jackson: Roads are our private property. Trespassing can be enforced by the sheriff while other laws cannot. (Jackson asked for confirmation from the deputy at the meeting. The deputy confirmed.)

Member Comment: ATVs and motorbikes cause divots after rain. Jeeps four-wheeling cause damage, horsing around.

Scott: A previous vote regarding imposing enforcement against ATVs and offroad motorcycles on POA roads went other way, but permits have been considered, with money going to help roads. But people have wanted to be able to use four-wheelers and bikes on the roads.

Member Question: What would be considered enforcement?

Jackson: Typically, there would be a warning, then a written citation and only after that would there be stronger enforcement.

Member Question: What about people on High Drive? They're trespassing.

Jackson: Discretion can be used by law enforcement. It would be based on complaints. If they're not called in because there's not a problem, then there's not enforcement.

Scott: It's the same with the RUC. If issues are not raised, it's hard to enforce. So, if there's a problem seen, members could help report, so that there can then be enforcement.

Scott: By a show of hands, would you like enforcement of trespassing on both roads and parks? (A majority of members present indicated that they would support such enforcement. At least two members indicated that they wouldn't like enforcement.)

Member Comment: The sheriff *will* come out if called for a problem.

Member Question: How can you know which are private roads?

Scott: Brown signs indicate private roads. Green signs are not private.

Member Comment: I voted no. You're giving everybody the right to harass people. I just wanted to share that.

B. Special Assessment presentation.

Scott said that the aim of the \$60 special assessment is to supplement the \$55-per-year maintenance fee, splitting the additional funds between the two sides of Cypress Lake Gardens and Rebecca Creek Park, for the purposes of fixing and maintaining roads. We do get donations on the roads, he said, but a few donations here – it's not what's going to get the job done. So a special assessment is on the table here.

Member Question: Since we changed the way we pay our maintenance fees, where if you're the owner of more than one lot, you pay the maintenance fee for each lot, will we do an assessment fee for each lot?

Scott: No, the assessment is per owner – you'd only pay one assessment fee.

Member Comment: It's going to be split between two subdivisions, and that makes sense. I'm having trouble with a visual, with the organizational structure. We have a real nice sign that says, "Welcome to Big Skys, a subdivision of Cypress Lake Gardens." I've got this assumption that Big Sky is its own subdivision, and we would not get a portion of that money because it would go to Cypress Lake Gardens subdivision.

Scott: Cypress Lake Gardens is a plat. Big Sky Ranchettes is one of several sections that make up Cypress Lake Gardens, so like the other sections, it's included under Cypress Lake Gardens for the purpose of the ballot.

(Scott showed the plat map for the different neighborhoods of Cypress Lake Gardens. After that, and some additional discussion, it was understood by the questioning member

and others that Big Sky Ranchettes is one neighborhood of the Cypress Lake Gardens subdivision and that every part of the POA would be covered by the assessment.)

Member Comment: Everybody needs to show up to ensure that the funds go to the roads that need it, so it's not just a small group of people deciding.

Scott: The way we look at the roads is we have to keep open the bus routes, the mail routes, and the main arteries need to be kept up. And on top of that, we are looking to fix roads that weren't even finished – that are just trees -- because those property owners deserve access to their property. We can't have a special assessment that just goes down one road. That's not fair to everybody. So, the money goes into a pot. The road committee, led by the road director, and the board and committee members and anybody who wants to show up and give their two cents at any one of the Wednesday night meetings and the board meetings can weigh in, and we do make the best decisions we can. We look on past decisions. What's happened before hasn't been fair. The main goal is to make it fair. And by making it fair, it makes it better. Priorities would be Bus routes, mail routes, main arteries, those that haven't been done, and those that need to get built up to be traversable, before we take all the money and chip-seal a road. We will get to that point of chip-sealing. And we will talk about that more than just five minutes at one meeting. We'll need a lot input because it's really going to matter. For those who want to give input online, there's an email address and a form on the website.

Don: Material and hauling costs are another factor in use, and what level roads are at -- whether they're ready for chip-sealing or not. Even despite getting lucky on millings and hauling, the cost of chip-seal in millings is much higher than improving with gravel and dirt. So I have to take that into consideration.

Mike: Also, we *would* like to chip-seal the roads that are ready for chip-seal, so we don't lose all that to maintenance, if they're capped and ready.

Member Question: What does "improvements" mean?

Scott: Making the road better than it was. Improvements to the roads only.

Member Question: What was the outcome and money spent on Knoll Schwope?

Scott: We collected about \$10,000 shy of total fulfillment. The board voted, as we stated when we took that (assessment) vote, to continue the work. We had the money in the bank then, just like we gave you your audit now. We're trying to not spend every penny we've got; we're trying to spend money we made last year. And then budget next year based on the money we bring in this year.

Member Question: What can we expect from the special assessment, once we've paid it? What we've done with Knoll Schwope, was it a little over a half mile?

Scott: It was a little over a mile.

Don: Knoll Schwope was 1.4 miles from start to end. It started with a basic cart path that got built up with rock and road base, and then it was sealed with millings.

Scott: We took in less money than the full amount that the special assessment would have given us. We supplemented that out of our general fund, by board approval as we had stated to the membership that we would finish the road. We overspent, as part of this spending more money than we made last year, as you can see in the audit. Part of

that is the Knoll Schwope roughly \$70,000 to complete the work. The assessment was for \$59,000. We took in \$40,000. So there are your numbers. That class of people that doesn't pay is in the file. So, part of the legal stuff is that we've already voted to go after those monies. It's only fair to the people who did pay that we go after the people who didn't. But, that's a process in itself. So these road monies here, if approved, would go to the road budget, for the two sides. There's no chip-seal; that was the Knoll Schwope. This is to prepare roads for chip-seal. If we're going to see chip-seal, I'll be honest, that's going to be special assessment next year. And then we will pick two roads, is my guess, we've talked about this, either by decision or even by lottery if it takes that, to be announced at the annual meeting and to be voted on for consideration to do to them what we did for Knoll Schwope. In the meantime, this money, if taken in, would be to supplement the low road budget that we have and would also be to supplement the RUC monies that have dwindled as construction has slowed ... So, this special assessment to supplement the road department's limited funds is absolutely necessary to have a road department that has to take care of 29 miles of road.

Member Question: So, with this assessment, we can expect 1.4 miles of roads to be fixed?

Scott: I would say more than that. This money will be to fix the roads up and get them ready for chip-seal.

Larry: The road department has definitely learned and now has better equipment to get more done than when they started with Knoll Schwope. So, they should be able to do a lot more than 1.4 miles in the way that they've described.

Scott: It's like being self-employed in the road business. When you start out, you have to figure out which tools you need, what you need to do. Then you gel that together, so we're trying to gel this road department together that is self-employed by us. We're doing this in house, so we have our own road department. If we fix our roads ourself, we can afford that. It's just a long-term goal and process.

Member Question: Would it be possible to double that assessment and get more accomplished?

Scott: I would be possible but maybe not likely. It's not going to happen today. Today we have a vote on the agenda for the sixty dollars, and we discussed that at great length, because we didn't want to have too little. You can't have too much, but you can ask for too much.

Member Question: On the \$60 per owner assessment, if it's voted to go with that, how much anticipation do you have of a good response, of people actually doing this? I've seen so much history in this POA. The biggest problem for years and years and years is that people were not even paying their \$55 maintenance fee. It's so good to hear today that it is now up to 80 percent. Now that you're up to 80 percent on that, do you think that these people that don't live out here are going to want to say, oh gosh, here's another fee for the POA, even though it is just a one-time fee? Do you feel like this really is going to be feasible?

Scott: Yes. In response to your question, we've already done it. The \$47 one-time

assessment year before last for Knoll Schwope was passed by a 91 percent majority here at the meeting. And then we collected almost exactly percentagewise, as the maintenance fee. So, only a handful of people who paid their maintenance fee and didn't pay their assessment. I expect this assessment will be paid according to those same numbers.

Member Question: Is the assessment for 2024? In 2025, will there be another assessment, and in 2026 another assessment? Should we budget for an assessment every year now?

Scott: That is my plan. That is our plan.

Member Comment: So, basically the dues have gone up.

Scott: No, because it's up to you. Those dues are set in stone. They're in your deed restrictions. They're really part of your deed. We tried to vote those up. We can only vote on that fee every 10 years, so the next chance we have to vote on maintenance fees is 2030. If approved, it wouldn't take effect until 2035. The \$55 is ... if it was more like \$500 a lot, it would be more in line with the average nationwide.

Member Comment: But we didn't choose to live in the nation. We chose here, because of the low taxes and the low fees and all that.

Scott: And the five parks. I think a lot of us are here and want to stay here because of our parks. We don't necessarily want to just live in a neighborhood without any amenities and pay some money. Those kinds of POAs do typically fall apart. I do believe we're getting a very good deal on our 55 dollars – too good a deal, because that rate was set in the '60s. That 55 dollars a year is way too low, and we can't change that. The \$55 fee is supposed to be for maintenance, to mow the grass, cut some limbs. Most all other HOAs/POAs are a lot newer than us and a lot less restricted. So, with a normal POA in Texas, the board votes on the special assessments. Does anybody know that? We're so worked up on our rights here -- did you know that we're one of the only POAs where the membership gets to vote on special assessments? How would you like that? You see it on the news: The POA or HOA raised my assessments, but they do it in a board meeting. We don't. It's on our bylaws to do it here. And I want to keep it that way. Because we do have a right that they don't. But that special assessment, I believe, is the only way to keep our community alive and keep our POA functioning. In 2017 or early 2018, in that office, before I was on the board, before I was park director, the conversation: bankruptcy – three years is what they were giving us. Our own office was talking about bankruptcy in three years and didn't really want to overcome that. That's the honest truth. When we talk about boards – we've had some bad ones, I will admit it. We have a good one now. I will personally vouch for everybody on this board. These are good people. No one here has a bad intention that I can see. And these special assessments have to carry us into the future. We can't fix roads on 25 bucks a lot. That don't buy a bucket of gravel. So, if you look at your road fee of \$25 a year, would that fix your driveway? Would it fix the 100 feet of road in front of your lot? It wouldn't. We need this special assessment in order to function, in order to improve and move forward. Our parks are looking good. We're not asking for park money. I would never ask for park

money. We know what we need. Parks come in under budget every year, and that money goes back in the bank, and then we're able to increase the road budget next year because it looks like we have more money. That might be cheating, but it puts more money toward the roads by saving money on the parks. We're not asking for park money. We will do our park improvements on volunteerism and the current park budgets, which as you can tell by the pie chart, are very low in comparison to the roads budget. So, I would love to see us come together and double our quorum every year, and have that 91 percent say, "Yeah, let's improve our neighborhood." That's what I'd love to see. It's not, "How much money can I stick in my pocket." If that ever happened here, I don't know, but it sure as heck ain't happening now. Every part of your hard-earned money is well thought out and well spent. I'll vouch for that. So, if this passes, I think that money will go straight to the roads, and I think we'll see more improvements in the next year than we saw this year. And I would like to see that continue in the future. That may sound like a bad thing. But then again, what if you were living on salaries from the 1960s? Who could pay their bills? We're living on fees from 1967. It hasn't gone up. And special assessments, we believe, I believe, a lot of our community believes, 91% believed year before last, that it's the only way we're going to move forward and have enough money to do what we need to do with our POA and our community,

Member Comment: I came from the outside, and with this group of wonderful volunteers, and I'm a volunteer myself, and it's very difficult, and you've got to understand how much fuel and how much maintenance it takes for this equipment to go down the road, and just want to let you know they're doing their best with what they have. There wasn't much money in the funds to fix these roads, but we have fixed roads and we have got more members to pay up, which is good to see. It just takes money and volunteers and people coming to the meetings, actually, to complain about their roads and get it out there.

C. VOTE – One-time \$60.00 special assessment for roads.

Members voted on the special assessment, and both mail-in and in-person votes were counted and audited for deduplication.

The outcome was:

YES - 82

NO - 33

With the required percentage for passage at 75%, and with the "Yes" votes at 71 percent, the ballot item did not pass.

12. Questions and Answers

A. Members may address board when your name is called.

13. For the Good of the Order

14. Adjourn

XXXX motioned to adjourn. XXXX seconded. Meeting adjourned at XXX

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.