

07/14/2025

6:16pm

Meeting called to order

Present

Donald Dickerson - past President

Brian O'Neill - President

Pamela Campbell

Helen Kirsch

Olga Beltran

Vickie Balestrine

Ray Charles

+2 Members

**Old Business**

- 2024 President Donald Dickerson discussed the events of the Election Meeting and explained the decision of the 2024 Board to not seat Members in arrears on their dues or otherwise in open opposition to the Bylaws, due to conflict of interest.
- Ray Charles, write in candidate (unopposed) for Vice President, and Vickie Balestrine, write in candidate for Director (opposed by David Piercey), are not allowed to serve.
- Also, due in part to disqualified ballots filled out on behalf of Members not present at the meeting, the Board declared David Piercey as winner of the Director election over Vickie Balestrine.

Objections Raised:

- Ray Charles objected to being disqualified from holding position for unpaid dues and conflict of interest.
- Vickie Balestrine objected to the same and also asked to see votes the HOA deemed inadmissible.

Discussion:

- Donald Dickerson asserted the Bylaws prohibit Members not in good standing from running for the Board.
- Ray Charles asserted that Texas law supersedes the Bylaws and Texas Law gives all members the right to run for office.
- Brian O'Neill agreed with Mr. Charles, but noted that Texas law does not state that all members have a right to serve as opposed to run. He pointed out that Members who are refusing to pay dues cannot be expected to uphold the Bylaws as required by their fiduciary duty; moreover that Mr. Charles had submitted a

letter from his lawyer declaring that the HOA was illegitimate and the Bylaws null and void at the same time as he turned in his ballot. He cannot, in good faith therefore, swear to uphold the Bylaws. Vickie Balestrine has expressed the same opinion publicly many times.

Officers sworn in:

Helen Kirsch and Pamela Campbell were sworn into office by Donald Dickerson.

*The meeting was then turned over to the 2025 Board President.*

Opening Address by Brian O'Neill (the text of this is on the website) & Discussion:

- Per the Bylaws, the Board has the right to appoint Members in good standing to fill vacant positions; that should Mr. Charles cease in his opposition to the Bylaws by withdrawing his legal threats and paying his last year of dues, he would be nominated for the position to which he was elected. At that point the new Board would have to decide whether to allow him to serve. Mr. Charles declined to do so at this time, so the position remains vacant at this time.

Further Objections Raised and Addressed:

- Ray Charles, Ray's wife/partner and Vickie Balestrine continued to raise questions regarding the legitimacy of the HOA:
  - Joining the HOA was never intended to be mandatory
  - The fees were never intended to be mandatory; the amended Bylaws are invalid or fraudulent
  - The HOA charter ran out in 2018 and the HOA therefore dissolved.
- These questions were addressed by the Mr. O'Neill by pointing to the legal opinion of Mr. Krause, the Bylaws and Texas Code 209 (available on the website). In particular:
  - The original Deed Restrictions are still in force. A change in the Deed Restrictions or Bylaws requires a vote of the Majority of all Landowners and a Majority of all Members respectively and that this hasn't happened for the Deed Restrictions since their inception (although an attempt was made to modernize them in 1986), or for the Bylaws since they were last amended in 2009. The HOA cannot be dissolved without a full vote.
  - If Mr. Charles and Ms. Balestrine could produce a petition to dissolve the HOA with a majority of Member signatures, the Board would write a formal amendment and bring it to a vote, but it would require the same scrutiny as the 1986 amendment, that is, notarized signatures of the majority of Members, to pass.

- The original 1968 Bylaws were never recorded and we do not have copies, so we do not know the original intent except through the 1968 Articles of Incorporation, which appears to support levying of mandatory maintenance fees, and later Bylaws recorded first in 1976.
- Amended Bylaws recorded by the county would be considered valid by a court unless proven otherwise, which would be hard to do.
- Liens for non-payment of dues were recorded going back to the mid 70s.
- Texas Law does not dissolve an HOA just because the corporate Charter lapses; the Charter has been re-instated as far as the Secretary of State is concerned.
- Members questioned whether a corporate re-instatement should require a full vote of the Membership but Mr. O'Neill pointed out that a full vote was never taken to dissolve it.
- The question was then raised regarding increasing annual dues using a Special Meeting, which was characterized as “sneaky”.
  - Mr. O'Neill explained that Texas Code leaves the setting of dues to the Board and Bylaws, and that our Bylaws allow for the raising of dues following a Special Meeting (with the required notice) and a vote of those who wish to participate. It does not require a majority vote of all the Membership because it does not require an amendment of Deed Restrictions or Bylaws.
  - Mr. O'Neill spoke in favor of voluntary contributions over raising dues, or, if dues are raised, exempting people on fixed incomes.
- Mr. O'Neill continued his address to the effect that the HOA is there not to take from vulnerable homeowners but to protect them and their property value; however, that \$50/year is not sufficient for legal action and Members would have to contribute more if they expected enforcement.

### **Moving on with the Agenda:**

#### **Item 1:**

The vote on the Resolutions package was put off to allow more Board members to participate.

#### **Item 2:**

Plans to improve voting to prevent ballot tampering were briefly discussed, potentially requiring absentee ballots to be submitted in sealed envelopes or emailed.

#### **Item 3:**

Open Meetings are to be on a set fixed day (2nd Monday of each month?). Explained that closed Executive Sessions could be held anytime to deal with sensitive issues. Set the next Open meeting for Aug 11.

Meeting Adjourned 8 pm

07/21/2025 Closed Executive Session

5:59pm Meeting called to order

Present

Brian O'Neill, President

Pamela Cambell, Secretary

Helen Kirsch

David Piercey

Item 1:

- QuickBooks Balance Sheet is not correct - does not agree with the bank balance. Something is being entered incorrectly - Brian O'Neill suggests he will figure it out with help from Marsha Nienhaus (previous Treasurer) and Sarah Beltran (current Treasurer).
- Main thing is that the invoicing is correct
- Suggestion: Getting rid of QuickBooks - would save \$68 mo. or \$816.00 yr.

Item 2:

- Resolutions package was emailed prior to 7/14
- Objections to Resolution 11 by David Piercey and Sarah Beltran were addressed.
  - The issue seems to be that the HOA is laying the burden of enforcement of deed restrictions on the homeowners. Brian O'Neill suggested that this would be discretionary on a case by case basis
- Resolutions final vote tallies would be by email and posted.

Item 3:

- Proposed to send out a Sense of the Membership survey along with the next newsletter. The survey was shown to the Board members present, who voted unanimously to approve.

Item 4:

- All of the above to be made more accessible on the website.

7:24 pm Adjourned

**Addendum 7/22/2025:**

The Resolution Package (see website) was passed with the following vote tallies:

| Resolution # | For | Against | Not Present |
|--------------|-----|---------|-------------|
|--------------|-----|---------|-------------|

|    |   |   |   |
|----|---|---|---|
| 1  | 5 | 0 | 1 |
| 2  | 5 | 0 | 1 |
| 3  | 5 | 0 | 1 |
| 4  | 4 | 1 | 1 |
| 5  | 5 | 0 | 1 |
| 6  | 4 | 1 | 1 |
| 7  | 5 | 0 | 1 |
| 8  | 5 | 0 | 1 |
| 8a | 5 | 0 | 1 |
| 8b | 5 | 0 | 1 |
| 9  | 5 | 0 | 1 |
| 10 | 5 | 0 | 1 |
| 11 | 3 | 2 | 1 |
| 12 | 5 | 0 | 1 |