

Sierra Crest HOA – Special Members Meeting Invitation and Ballot

When: Saturday September 28, 2024

Time: 1:00pm-4:00pm

Where: Hilton Garden Inn - 111 W University Ave, El Paso TX 79902

For those who cannot attend in person we will be transmitting this meeting via zoom. You can register here to participate:

Registration Link: <https://us06web.zoom.us/meeting/register/tZcud-usqjojE9KLdU57db8UvIVRI4HI-A1Z>

Meeting ID: 833 0244 1996

Passcode: SCHOA

AGENDA

- 1.) Call Meeting to Orders. Establish Quorum.
- 2.) Discuss and vote on commercial vehicle amendment to the Declaration
- 3.) Discuss and vote on Common Open Space definition replacement in the Declaration
- 4.) Discuss and vote on potential reversal of common open space and drainage easement back to residential lots along Sierra Crest Drive, Lots 5, 7 and 13, Block 2 as shown on Replat F.
- 5.) Discuss and vote on amendment to restrict ability of Board to sell Common Open Space.
- 6.) Discuss and vote on security gate at guardhouse and security cameras proposal
- 7.) Discuss and vote on proposed updates to the ACC in the Declaration,
- 8.) Discuss and vote on proposed updates to the ACC Rules and Procedures Guide
- 9.) Discussion proposed fence surrounding 1 Silent Crest.
- 10.) New Business

Sierra Crest Homeowners Association, Inc.

Professionally Managed by:

DANA Properties

www.danaproperties.com

(915) 581-0900

6201 Escondido Drive – Main Office

El Paso TX 79912-1947

BALLOT

Special Members Meeting

1:00pm-4:00pm, Saturday September 28, 2024

Location: Hilton Garden Inn, 111 W University Ave, El Paso TX 79902

Special Election to Amend the Sierra Crest Declaration and ACC Guidelines

The Sierra Crest Board of Directors has prepared this ballot as a way to vote on amending the current Declaration and ACC Guidelines as proposed in the pages that follow. These amendments were proposed to address certain problems identified in past meetings by the members and as a way to improve the security of the Association. The Association's attorney is also recommending updating the definition of Common Areas and Common Open Space.

With these purposes in mind, the proposed amendments are presented in the following pages. Note that the highlighted green text is used to show additions within existing text. Changes in yellow are modifications to the words used. The original text also shows the proposed strikethroughs in red.

How Voting Will Work: Each amendment stands alone. This means that each one has to stand on its own merits and whether it passes or not will not impact the ability to pass and implement the others. If an amendment fails to gather the necessary votes to pass the first time, it will be subject to further discussion the day of the election, in an effort to amend the language or terms to see if enough consensus can be achieved to pass it. If it still fails to get the required votes to pass, then it will be left "as is" for the time being.

Required Votes to Pass: The amendments to the Declaration require 67% of the votes available to pass. There are 112 lots that pay dues. This means these will require 75 YES votes to pass. The amendments to the Declaration require 50.1% of the votes available to pass. There are 112 lots that pay dues. This means these will require 57 YES votes to pass. The other proposals that are not changes to the Declaration or Bylaws require 60% of the members present in the meeting or voting absentee, electronically or by proxy.

Ways to Vote: According to Texas Law Section 209.00592 there are several ways to cast your vote.

Sec. 209.00592. VOTING; QUORUM. (a) Subject to Subsection (a-1), the voting rights of an owner may be cast or given:

- (1) in person or by proxy at a meeting of the property owners' association;
- (2) by absentee ballot in accordance with this section;
- (3) by electronic ballot in accordance with this section; or
- (4) by any method of representative or delegated voting provided by a dedicatory instrument.

Member Information:

Name of the member submitting this ballot: _____

Address(es): _____

Account No(s): _____

Signature: _____ Date: _____

How to Submit Your Vote: Please file your ballot one of the following ways:

- 1.) **At the Meeting:** With the Sierra Crest HOA Secretary in person or via proxy at the meeting per Bylaws Article V, Section 3 and 8.

[SCHOA By-Laws updated Oct 2021.pdf \(wsimg.com\)](#)

If you choose to cast your vote via proxy, please sign the Proxy form that accompanies this letter and hand your Proxy form to the person you have appointed to be your representative at the meeting.

2. **Absentee Ballot:** You may also submit your absentee ballot to Dana Properties at

6201 Escondido Drive – Main Office
El Paso TX 79912-1947

If you will be casting your ballot at Dana Properties, the deadline is 3:00pm on September 27, 2024 to have enough time to bring it to the meeting which begins at 1:00pm the following day.

3. **Electronically:** You can manually fill out this ballot and email it to board@sierra-crest.org. You will also receive a PDF form you can fill out electronically with your choices that can be signed electronically via your cellphone or computer. The deadline for electronic voting will be 11:00am on September 28, 2024 to have time to print it and bring it to the meeting.

DETAILS

2. Commercial vehicle amendment to the Declaration

CURRENT LANGUAGE:

C-7 RECREATIONAL VEHICLES AND BOATS. No recreational vehicles, motor homes, trailers, trucks, campers, or motorcycles of any kind or character and no boats or yachts shall be stored or parked on any street and when stored on any Lot shall be shielded from view from the street by fence, garage or other enclosure. Any such enclosure shall be constructed or erected in accordance with these restrictions and approved by the Architectural Control Committee prior to the commencement of construction.

Non-Permitted Items. Section C-7 of Part C of the Declaration is hereby deleted and replaced with the following:

PROPOSED LANGUAGE:

C-7 NON-PERMITTED ITEMS. No campers, boats, trailers, motor homes, travel trailers, camper bodies, golf carts, recreational vehicles, non-passenger vehicles, commercial vehicles or vehicles that appear to be used primarily for commercial purposes (such as taxi cabs), buses, or any vehicle intended for resale, vehicles with 3 or more axles or greater than 1 ton carrying capacity, and/or equipment or accessories related thereto (each, a "Non-Permitted Item") may be kept on any Lot or Common Area street in the Project, unless such item is (a) kept fully enclosed within a garage located on such Lot or is otherwise screened from view from any adjacent Lot or Common Area street in the Project, except when in actual use; (b) temporarily parked on a Common Area street for the purpose of loading or unloading; or (c) a commercial vehicle that is in use for the construction, maintenance or repair of a Lot, or dwelling constructed thereon, in the immediate vicinity.

For purposes hereof, the Board of Directors shall have the authority to determine in its sole and absolute discretion whether an item constitutes a Non-Permitted Item and whether it is being parked or stored on a Lot or Common Area street in compliance with the requirements of this Section C-7, which shall be binding provided it is made in good faith. Notwithstanding anything to the contrary, no vehicles or Non-Permitted Item may be parked overnight on the Common Area streets within the Project and no more than six (6) vehicles in total may be parked overnight on a Lot so as to be visible from another Lot or Common Area street in the Project, unless approved in writing by the Architectural Control Committee. The Board of Directors shall have the authority to levy a fine against an Owner of a Lot if the Board of Directors unanimously determines that such Owner has committed a material breach of this Section C-7. A fine of \$250/day levied by the Board of Directors pursuant to this Section C-7 shall be considered an assessment under Section E-7 hereof for all purposes and secured by the Vendor's Lien as established by Section E-7, Subsection (g).

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, this proposal would require 67% YES votes from ALL members who pay dues.

3. Discuss and vote on common open space definition replacement in the Declaration

The HOA’s Attorney is recommending we update the definition of Common Open Space from an old City Code to a new better updated definition.

CURRENT LANGUAGE:

B-4 COMMON AREAS. Common Areas shall refer to and have the same meaning as that term is defined in Article 25 -21.2 of the El Paso City Code, which definition is incorporated herein for all purposes.

B-5 COMMON OPEN SPACE. Common Open Space shall refer to and have the same meaning as that term is defined in article 25 -21.2 of the El Paso City Code, which definition is incorporated herein for all purposes.

Common Areas and Common Open Spaces. Sections B-4 and B-5 of Part B of the Declaration are hereby deleted and replaced with the following:

PROPOSED LANGUAGE:

B-4 COMMON AREAS. Common Areas shall mean all areas (including any improvements or recreational facilities constructed thereon) within the Project owned or to be owned by the Association for the common use and enjoyment of the Members, including, without limitation, the streets within the Project.

B-5 COMMON OPEN SPACE. Common Open Space shall refer to the areas of land designated as Common Open Space (or “C.O.S.”) on a Plat of the Project.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, this proposal would require 67% YES votes from ALL members who pay dues.

4. Potential reversal of common open space and drainage easement back to residential lots along Sierra Crest Drive, Lots 5, 7 and 13, Block 2 as shown on Replat F.

Originally Sierra Crest HOA had approximately 135 residential lots. In December 1998 the Sierra Crest Board converted approximately 10 residential lots along Sierra Crest Dr and one on Bronze Crest into Common Open Space.

<https://img1.wsimg.com/blobby/go/dd31092d-2ffb-4361-ad04-679940724014/Replat%20F.pdf>

The current board is proposing to reverse that decision and seek the means with the City of El Paso to convert that Common Open Space back into residential lots.

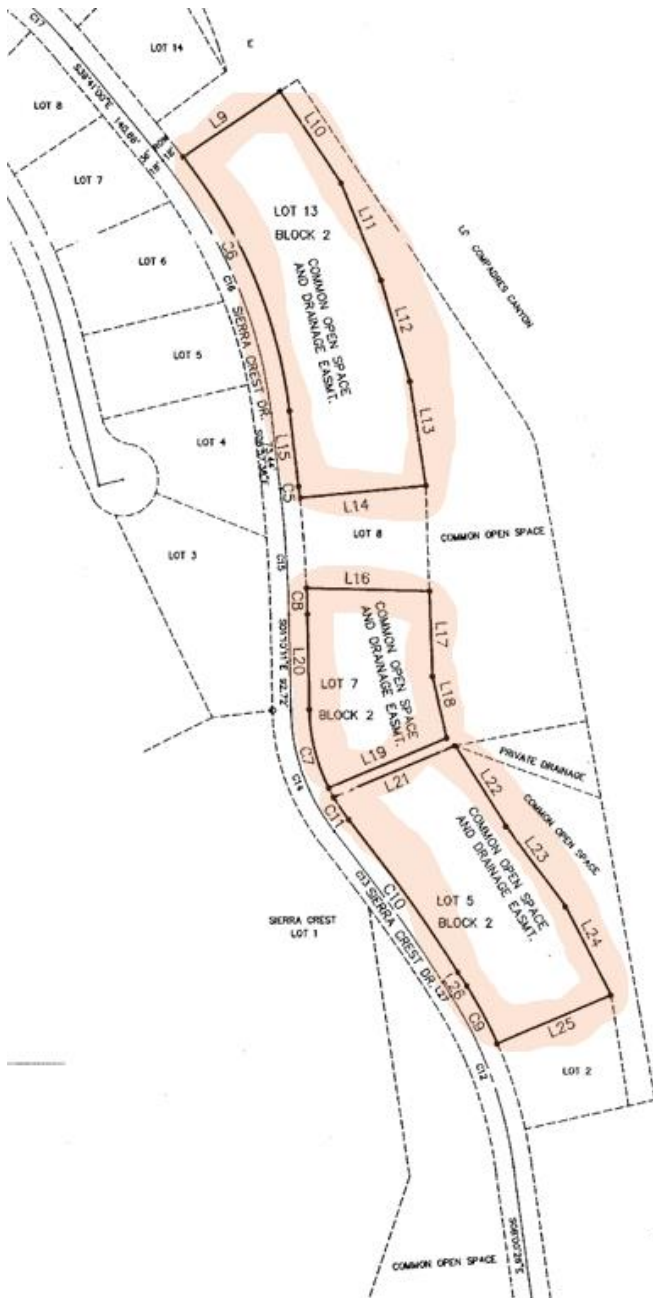
The purpose would be to sell those lots for at least \$50,000-\$100,000 each, thereby raising much needed capital and creating the ability to charge as many as 10 HOA dues going forward which would bring in over \$30,000 additional income per year.

NOTE: In order to pass, this proposal would require 60% approval from the members who participate in a special members meeting as noted in our bylaws adopted in 2023.

Major Board Decisions and Actions Policy

Before the Board can make a Major Decision that affects the Community, the Board shall follow the guidelines below:

- i. Announce to the Members the proposed Major Decision in a Special Members Meeting.
- ii. Define in detail the scope of such proposal.
- iii. Seek legal or professional advice if required.
- iv. Open a 30-day comment period for discussion.
- v. In contractual matters, such contract will be made available to the membership via the "members only" restricted area of the website for a seven-day period.
- vi. If there are objections, these must be stated in writing and discussed at the next meeting before the vote is taken.
- vii. Conduct a membership vote in accordance with HOA bylaws and applicable state law.
- viii. The decision made must be approved by at least 60% of the members who vote at the meeting.
- ix. After the vote, if the major decision is approved, the contract will be duly signed, and will be made available to the Members in a restricted area of the website.



How do you vote?: Please only select 1 choice.

A. Status quo – Keep the current land as Common Open Space. _____

B. Empower the Board to seek a way to reverse the designation as Common Open Space and Restore the lots back to Residential Lots in order to sell them. _____

Note: Price to be determined after consulting a property appraiser and to be listed with a real estate broker to maximize the price received.

NOTE: The option that passes requires 60% YES votes from any members represented and voting at the special members meeting.

5. Discuss and vote on amendment to restrict ability of Board to sell Common Open Space

The Sierra Crest HOA Declaration of Covenants, Conditions and Restrictions defines the concept of Common Areas and Common Open Space. Section E-5 says that the members have a non-exclusive easement of enjoyment in these Common Areas, among other things. It also states that the Association shall have the responsibility to manage and maintain all the Common Areas and such maintenance shall be of a high quality so as to keep the entire Project in a first class condition and in a good state of repairs.

E-5 COMMON AREAS.

(a) Members Easements of Enjoyment. Every Member shall have a right to a non-exclusive easement of enjoyment in and to the Common Areas as shown on the recorded Sierra Crest Subdivision Plat, and such easement shall be appurtenant to and shall pass to every assessed Lot, subject to the following provisions:

- (i) the right of the Association to limit or exclude the number of guests of Members.
- (ii) the right of the Association to establish uniform rules and regulations pertaining to the use of the Common Areas and the recreational facilities thereon.
- (iii) the right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Areas.
- (iv) the right of the Association to suspend the voting rights and the right to use facilities of the Common Areas by a Member for any period during/which any assessment against his Lot remains unpaid and delinquent; and for a period not to

exceed thirty (30) days for, any single infraction of the rules and regulations of the Association, provided that any suspensions of such voting rights or right to use said facilities of the Common Areas shall be made after ten (10) days written notice and hearing given and held in accordance with the By-Laws of the Association.

(b) Members' Easements of Ingress, Egress and Support. Every Member shall have a right and non-exclusive easement for ingress, egress and support through Common Areas and such easement shall be appurtenant to and shall pass with title to every Assessed Lot.

(c) Delegation of Use. Any Member may delegate, in accordance with the By-Laws, his right of enjoyment to the Common Areas to the members of his family who reside with him on his Lot, to his tenants or contract purchasers who reside on his Lot.

(d) Waiver of Use. No member may exempt himself from liability for assessments duly levied by the Association, nor release the Lot owned by him from the liens and charges hereof, by waiver of the use and enjoyment of the Common Areas and the facilities thereon or by abandonment of his Lot.

(e) Additional Provisions Relating to Common Areas and Lots. DECLARANT, his heirs, successors and assigns, and all future owners of the Lots, by their acceptance of their respective Deeds, covenant and agree as follows:

(i) that the Association shall have the responsibility to manage and maintain all the Common Areas and such maintenance shall be of a high quality so as to keep the entire Project in a first class condition and in a good state of repairs.

(ii) that the Association may employ a professional manager to perform such duties and services as the Board of Directors shall direct, including, but not limited to, the performance of all obligations of the Association with respect to the Common Areas and the receipt, discharge and accounting for all assessment payments made to the Association hereunder.

However, the governing documents do not explicitly address the issue of whether the Board's has the authority of legal ability to sell Common Open Space to members. Past Boards have used this "silence" as a means to justify selling Common Open Space below CAD value and without requiring professional opinions of value. This proposal is meant to set a "high bar" for this type of activity in the future to preserve the ability of current and future members to enjoy the Common Open Space as originally envisioned when Sierra Crest was created.

PROPOSED LANGUAGE:

E-11 COMMON OPEN SPACE SALES. In general Common Open Space is not for sale. However, if there is a good reason why the Board feels that the members would benefit from selling a portion of Common Open Space the Board must satisfy the following conditions:

- 1.) Define the purpose for the sale.

- 2.) Define who the proposed buyer is.
- 3.) Show a map of the proposed land to be sold with clearly defined boundaries.
- 4.) Define the proposed price and the method how this value was derived.
- 5.) Hire a professional independent property appraiser to place a value on the land to be sold. This appraisal must be paid by the buyer.
- 6.) Hire a professional surveyor to create a survey of the land to be sold. This survey must be paid for by the buyer.
- 7.) Call a special meeting at least 30 days ahead of the proposed sale to explain to all the members why this sale is necessary or recommended. All supporting documentation, rationale, appraisal, and survey must be presented to all members.
- 8.) Allow members time to discuss, ask questions, and provide feedback.
- 9.) Secure a YES vote from at least 90% of ALL the members who pay dues in favor of the proposed transaction.
- 10.) Show a copy of the contract to be signed, along with any special provisions.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the Declaration would require 67% YES votes from ALL members who pay dues.

6. Security gate at guardhouse and security cameras proposal

The guardhouse committee met earlier this year a few times to consider ways to improve the security at Sierra Crest. The committee issued a survey to all members that showed the following conclusions:

Most members seem to prefer a “status quo” when it comes to maintaining guards 24/7 that are outsourced to a third party security company.

The argument for potentially bringing them in-house as employees was:

- 1.) To increase their pay from the current \$9/sh
- 2.) To reduce the turnover and keep a more steady workforce that knows the residents and our rules.

The current barrier arm gate system we have is old and does not adequately reflect upon the prestige and value of our private 24/7 gated community.



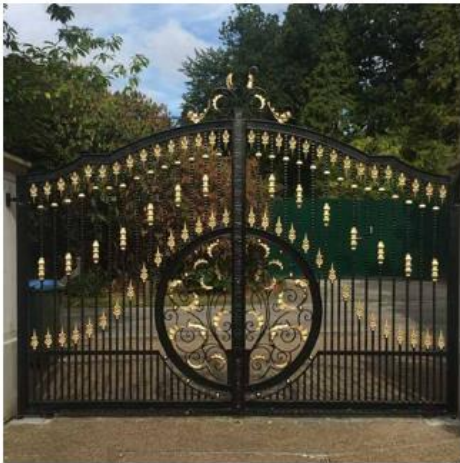
Several members were open to a gate at the entrance if the goal was to improve the aesthetics and security of the Association. With this end in mind the community sought to identify some wrought iron gate designs that would create a better looking entrance, and provide greater security in addition to the guards.

6.A. Security Ornamental Electronic Wrought Iron Gates

The gate system would be purchased with funds that we have in reserves of nearly \$50,000.

Two gate designs were proposed and quotes were obtained as follows:

Design Option 1



Gate System: \$18,090

Design Option 2



Gate System: \$15,090

The vote proposed today is to select on the following choices.

How do you vote?: Please only select 1 choice.

- A. Status quo – Keep the current barrier arms. _____
- B. Install an ornamental gate at the entrance: _____

NOTE: The option that passes requires 60% YES votes from any members represented and voting at the special members meeting.

If Option B gets over 60% of the votes present, which design do you prefer?

- B.1. Design Option 1 at a cost of just over \$18,000. _____
- B.2. Design Option 2 at a cost of just over \$15,000. _____

6.B. Security Camera System

We also looked at the current security camera system. Although it is useful in monitoring cars that come in or out of the community it is an outdated technology.

The guardstation committee is proposing to install a state-of-the art security camera system to replace the one we have. The system is made by Verkada. This new system would include the following features:

- 1 Camera for Incoming Traffic
- 1 Camera for Outgoing Traffic
- 1 Camera for top of Diamond Crest
- 1 Pad to register incoming Guests before being given access
- Ability to recognize licence plates and vehicle characteristics
- Ability to add additional cameras in other places of the community to allow the guards to monitor various points of interest from the guardstation.

The vote proposed today is to select on the following choices.

How do you vote?: Please only select 1 choice.

- A. Status quo – Keep the current camera system. _____
- B. Install a new state of the art security camera system
at a cost of approximately \$12,700: _____

NOTE: The option that passes requires 60% YES votes from any members represented and voting at the special members meeting.

Hi Tech Security Camera System with License Plate Recognition & Remote Monitoring Capability



Camera System: \$12,680



7. Proposed updates to the ACC in the Declaration, and ACC Rules and Procedures Guide

Proposed Changes to the Declaration **PART D – ARCHITECTURAL CONTROL COMMITTEE**

Item 7.1

D-3 TERMS. Architectural Control Committee (ACC) members will be appointed to serve for 3-year terms. Each term will begin once appointed by the Board and will end on December 31 of the third year after it began. After the term ends, the Board will choose a replacement. The goal is for members to serve staggered terms to insure some measure of continuity as well as rotation. In the event, the Board is not able to find a suitable replacement, and the ACC committee member is willing to serve for another term, the Board may re-appoint the same person for a second consecutive term.

How do you vote?: _____ NO _____ YES

Item 7.2

D-4 RESIDENCY. ACC members shall be selected from people who reside at Sierra Crest. The purpose is so they can be close to the day to day activities that affect the subdivision.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the Declaration would require 67% YES votes from ALL members who pay dues.

8. Proposed changes to the ACC Rules and Procedures Guide

NOTE:

- Items in **green** are proposed additions.
- Items in **yellow** are proposed changes.
- Items in **red** are proposed deletions.

Item 8.1

V. General Guidelines and Procedures

3. Plan Submittal.

PROPOSED LANGUAGE:

e. The ACC chair needs to notify the Board via email when an Application is submitted by a Member.

Rationale: The purpose is to keep the Board informed of new projects as well as keep a record of the date a project was submitted to ensure a timely response within 30 days.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.2

V. General Guidelines and Procedures

3. Security Deposits.

CURRENT LANGUAGE:

a. A certified check made payable to Sierra Crest Homeowners Association for \$10,000.00 shall be required with each Design Plan for new construction at the time the Plan is submitted for ACC review.

PROPOSED LANGUAGE:

a. A certified check made payable to Sierra Crest Homeowners Association for \$10,000.00, **or 1% of Estimated Project Cost, whichever is greater,** shall be required with each Design Plan for new construction at the time the Plan is submitted for ACC review.

Rationale: The purpose of increasing the deposit is so that member who build have more "skin in the game" and will work hard to ensure they comply with all rules and requirements in order to get their deposit back at the end.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.3

V. General Guidelines and Procedures

3. Security Deposits.

CURRENT LANGUAGE:

d. The ACC may waive or may require a reduced security deposit for smaller remodeling or other Improvement projects.

PROPOSED LANGUAGE:

d. The ACC may recommend waiving or reducing the security deposit for smaller remodeling or other Improvement projects. Any waiver or reduction requires written Board approval along with the rationale for this action.

Rationale: The act of waiving or reducing deposits is intended to be the exception rather than the rule – for example for interior remodeling projects with a value less than \$10,000.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.4

V. General Guidelines and Procedures

8. Timely Completion of Projects.

CURRENT LANGUAGE:

8. Timely Completion of Projects. In order to minimize inconvenience to neighbors and other residents of Sierra Crest, it is expected that projects will be completed in a timely manner and will generally adhere to approved schedules. Any work stoppage of more than thirty (30) consecutive calendar days may cause the ACC’s approval to be voided. Owners are responsible to provide a written notice to the ACC of any work stoppage of greater than thirty (30) consecutive calendar days; the notice will include an explanation of the reason for the stoppage.

PROPOSED LANGUAGE:

8. Timely Completion of Projects. In order to minimize inconvenience to neighbors and other residents of Sierra Crest, it is expected that projects will be completed in a timely manner and will generally adhere to approved schedules. Any work stoppage of more than thirty (30) consecutive calendar days may cause the ACC’s approval to be voided. Owners are responsible to provide a written notice to the ACC of any work stoppage of greater than thirty (30) consecutive calendar days; the notice will include an explanation of the reason for the stoppage.

If a member violates the 30-day work stoppage, any material and equipment left on site will be considered abandoned and may be removed by the ACC at the Owner's expense. The cost will be deducted from the security deposit.

Abandonment of a project for more than 90 days may be cause for forfeiture of the entire deposit. The ACC may, in its discretion, waive forfeiture if there are valid written reasons.

To restart, a new application and deposit will need to be re-submitted.

Rationale: The Association does not want projects left abandoned which look like an eyesore. The goal is to ensure continuous improvement until completion.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.5

CURRENT LANGUAGE:

Appeals. Appeal from a final decision of the ACC may be made to the Board of Directors.

a. Procedure. Appeals must be submitted in writing, identifying with specificity the decision being appealed and a detailed explanation for the basis of the appeal.

b. Time Lines. Appeals must be filed within 15 days of the date of the Architectural Committees written decision. The Board will hear the Appeal at the next scheduled Board meeting. A ruling from the Board of Directors will be issued within 30 days from the appeal and will be final and binding on the Owner.

PROPOSED LANGUAGE:

Appeals. Appeal from a final decision of the ACC may be made to the Board of Directors.

a. Procedure. Appeals must be submitted in writing, identifying with specificity the decision being appealed and a detailed explanation for the basis of the appeal.

b. Time Lines. Appeals must be filed within 15 days of the date of the Architectural Committees written decision. The Board will hear the Appeal **within 30 days of filing an appeal**. A ruling from the Board of Directors will be issued within 30 days from the **hearing**.

c. Final Appeal. If the Board denies the appeal, the Member has the right to appeal to the entire community. The member must request in writing via email and/or certified letter that the Board call a special members meeting within 45 days of the denial. The Member must present his/her appeal to all members who attend. The Board and ACC will present their reasons for declining to approve. The members who attend will listen to all arguments and issue a decision. The decision will be final and binding on the Owner. In order to overturn the Board denial, the member must secure at least 60% votes from all members who attended the special meeting in his/her favor.

Rationale: In the event there is personal animosity that is potentially driving the denial from the ACC or Board this will allow members a chance to be heard by all members.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.6

VI. Specific Guidelines and Procedures

1. Requests for New Construction.

d. Construction Dimensions.

CURRENT LANGUAGE:

i. Set Backs. All improvements or portions thereof, including garages, carports, porches and overhangs, shall be set back from the property lines as follows:

- 5 to 10 feet from the front property line, depending on the location of the utility easement and/ or location of the street.
- 5 feet from the side and 5 feet from the rear, including easements.

PROPOSED LANGUAGE:

i. Set Backs. All improvements or portions thereof, including garages, carports, porches and overhangs, shall be set back from the property lines **or street** as follows:

- 5 to 10 feet from the front property line **or street, whichever makes most sense**, depending on the location of the utility easement and/ or location of the street.
- 5 feet from the side and 5 feet from the rear, including easements.

Rationale: The property lines and the streets at Sierra Crest often do not line up. This gives the ACC and the Owner an opportunity to work together on what makes common sense.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.7

VI. Specific Guidelines and Procedures

1. Requests for New Construction.

d. Construction Dimensions.

CURRENT LANGUAGE:

ii. Maximum Height of Construction. Maximum height shall not exceed two stories or 25 feet. Air conditioning units, vents, and roof screens such as parapet walls are included in the preceding dimension. The 25 feet will be measured from the highest point of the lot's natural grade to the highest point on the building (except chimneys). Pitched roofs are measured to the ridge.

PROPOSED LANGUAGE:

ii. Maximum Height of Construction. Maximum height shall not exceed two stories or 25 feet. Air conditioning units, vents, and roof screens such as parapet walls are **excluded** in the preceding dimension. The 25 feet will be measured from the highest point of the lot's natural grade to the highest point on the building (except chimneys). Pitched roofs are measured to the ridge.

The main goal is to protect the views of any neighbor above the home in question. If those views are not being threatened the ACC can apply discretion and common sense in applying the maximum height guideline.

Rationale: The intention is for the majority (80%) of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if items such as AC units, vents and parapet walls were included.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.8

VI. Specific Guidelines and Procedures

1. Requests for New Construction.

PROPOSED LANGUAGE:

g. Walls and Fences. Projects involving walls or fences must meet one of these general requirements.

They must protect the property value of the subdivision, harmonize with existing structures, and protect the investment of all other owners.

Acceptable materials may be one of the following:

- Interlocking concrete wall block
- Natural stone rock wall
- Brick wall
- Wrought iron gate
- Combination of Stone or Brick columns with Wrought Iron Gates in between
- Reinforced concrete or Block with stone veneer.

Rationale: The purpose is to optimize the overall appearance of the development.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.9

VI. Specific Guidelines and Procedures

1. Requests for New Construction.

PROPOSED LANGUAGE:

h. Damage to Common Areas. Before construction begins, the Owner must provide to the ACC photos of the common areas and rock walls in his own property and in adjacent properties.

The Owner must ensure that his workers protect all common areas and rock walls while they are working on the project. In the event any of his workers cause damage, the damage must be repaired immediately.

The ACC must keep a log of communication with the Owner providing him/her an opportunity to repair the damage at his/her own expense before a backcharge is assessed against their deposit.

The ACC must work with the Landscaping Committee to fix rock walls that are damaged and do a monthly review of all common areas.

Rationale: The purpose is to make sure all common areas are protected and are returned back to their original state after construction is completed.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.10

VI. Specific Guidelines and Procedures

2. Requests for Exterior Improvements (Additions, Renovations, Remodeling and Exterior Painting).

CURRENT LANGUAGE:

A request for review of an Exterior Improvement will be submitted to the ACC in writing using the form at Appendix C. Security deposits for small projects may not be required. The ACC will determine whether a deposit is required.

PROPOSED LANGUAGE:

A request for review of an Exterior Improvement will be submitted to the ACC in writing using the form at Appendix C. Security deposits for small projects **(under \$10,000)** may not be required. The ACC will determine whether a deposit is required.

Rationale: The purpose is to define what is a "small project".

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.11

VI. Specific Guidelines and Procedures

3. ACC Review and Decision.

PROPOSED LANGUAGE:

d. When an Application is Approved or Rejected, the ACC chair must inform the board in writing of its decision via email.

Rationale: The purpose is to keep the Board informed of new projects as well as keep a record of the date a project was approved or rejected within the 30 day timeframe.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.12

VI. Specific Guidelines and Procedures

9. Authority to Fine Members Not in Compliance with ACC Guidelines.

PROPOSED LANGUAGE:

9. Authority to Fine Members Not in Compliance with ACC Guidelines

The Board will have the Authority to fine members not in compliance with ACC Guidelines after the ACC has given the member 30 days written notice to get into compliance and where the member has made no effort to correct the situation, appeal to the Board, or otherwise explain why they believe the guideline does not apply to them.

The Board, after meeting with the ACC, and after consulting with the HOA attorney will decide if the violation warrants a fine. The maximum fine imposed will be \$200/day or whatever Texas law permits, upon consultation with the HOA attorney regarding the circumstances.

This is meant to correct major situations or nuisances such as:

- Working on a project without approval from the ACC.
- Working on a project without a permit from the City.
- Abandoning a project more than 90 days and Leaving construction materials visible from the side of the road on common areas.
- Building a retaining wall that is dangerous to the health and safety of the community due to potential impending collapse as determined by a unanimous opinion of the Board, ACC and a professional structural engineer.

This list is not meant to be exhaustive, but gives the ACC an idea of what rises to the level of warranting a fine.

Rationale: The purpose is to give the ACC guidelines some "teeth", yet also protect members who are building from frivolous actions on the part of the ACC that may be deemed biased, malicious, arbitrary, capricious or discriminatory by a court of law.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.13

VII. Project Completion

4. Return of Deposit.

PROPOSED LANGUAGE:

4. Return of Deposit. ACC must notify Board project is complete and has met all requirements. Board must approve return of Deposit via email to HOA Administrator and cc ACC.

Rationale: The purpose is to keep the Board informed of project completions as well as to shift authority to approve financial matters to the Board. ACC must first certify to the Board they have inspected the common areas surrounding the construction project for any damages.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.14

APPENDIX B. CHECKLIST FOR DESIGN PLAN APPROVAL

Exterior Details.

CURRENT LANGUAGE:

Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, including A/C.

PROPOSED LANGUAGE:

Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, **excluding** A/C **and parapets** .

Rationale: The intention is for the majority (80%) of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if items such as AC units, vents and parapet walls were included.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.15

APPENDIX B. CHECKLIST FOR DESIGN PLAN APPROVAL

OWNER ACKNOWLEDGMENT.

CURRENT LANGUAGE:

The undersigned Owner of the property covered by this Design Plan acknowledges that the approval granted by the Architecture Control Committee is contingent upon diligent adherence to the approved Plan and the requirements of the Guide, and that such approval is immediately suspended in the case of deviations from the Plan; modifications to the Plan (including any mandated by the City of El Paso); revocation or invalidation of any permits granted by the City; violations of City codes and standards; or violations of the intent of SCHOA as set out in its Declaration of Covenants, Conditions, and Restrictions and the Guide; and shall remain suspended until such time as the ACC approves a written application for modifications to the original Plan.

I have read the Guide and acknowledge my responsibility to comply with its provisions, and to ensure that my representatives, builders, contractors and subcontractors comply likewise. I acknowledge responsibility for the conduct and behavior of my agents, representatives, builders, contractors, and subcontractors while on the premises of Sierra Crest Subdivision, and for the damages done to Common Areas and other Lots by me or my agents, representatives, contractors, and subcontractors.

I acknowledge the requirement to obtain designing engineer certification of proper completion of special structures such as Retaining Walls, Platforms, and Decks upon the completion of those structures, and that all work must be halted until such certification is provided to the Architectural Control Committee and such committee authorizes work to proceed. Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, including A/C.

PROPOSED LANGUAGE:

The undersigned Owner of the property covered by this Design Plan acknowledges that the approval granted by the Architecture Control Committee is contingent upon diligent adherence to the approved Plan and the requirements of the Guide, and that such approval is immediately suspended in the case of deviations from the Plan; modifications to the Plan (including any mandated by the City of El Paso); revocation or invalidation of any permits granted by the City; violations of City codes and standards; or violations of the intent of SCHOA as set out in its Declaration of Covenants, Conditions, and Restrictions and the Guide; and shall remain suspended until such time as the ACC approves a written application for modifications to the original Plan.

I have read the Guide and acknowledge my responsibility to comply with its provisions, and to ensure that my representatives, builders, contractors and subcontractors comply likewise. I acknowledge responsibility for the conduct and behavior of my agents, representatives, builders, contractors, and subcontractors while on the premises of Sierra Crest Subdivision, and for the damages done to Common Areas and other Lots by me or my agents, representatives, contractors, and subcontractors.

I acknowledge the requirement to obtain designing engineer certification of proper completion of special structures such as Retaining Walls, Platforms, and Decks upon the completion of those structures, and that all work must be halted until such certification is provided to the Architectural Control Committee and such committee authorizes work to proceed. Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, excluding A/C and parapets.

I acknowledge the ACC has the authority to retain and backcharge part of my deposit to repair damages to the common areas if I don't do it myself within 30 days after being given an opportunity to repair them.

Rationale: The intention is to make all language related to maximum height consistent. Also to have member who is building sign that he/she is being given an opportunity to repair any damage to the common areas otherwise a portion of the deposit will be used for this purpose.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.16

APPENDIX C. CHECKLIST FOR APPROVAL OF EXTERIOR IMPROVEMENTS

OWNER ACKNOWLEDGMENT.

CURRENT LANGUAGE:

1. REQUESTED APPROVAL (please check one)

Fence	Landscaping	Room/Garage addition
Irrigation	Satellite Dish	Deck or Patio
Pool	Storage Building	Deck or Patio Cover
Playscape	Exterior Paint	Outdoor Lighting
Other		

PROPOSED LANGUAGE:

1. REQUESTED APPROVAL (please check one)

Fence	Landscaping	Room/Garage addition
Irrigation	Satellite Dish	Deck or Patio
Pool	Storage Building	Deck or Patio Cover
Playscape	Exterior Paint	Outdoor Lighting
Other		

Rationale: The intention is to delete from the purview of the ACC items which are inside the property and are of each owner's personal taste which should not generally affect the majority of other homeowners.

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

Item 8.17

APPENDIX E. PRIMARY VIEW

CURRENT LANGUAGE:

EXAMPLE A: The highest point of the lower house must be at least two feet lower than the finished floor of the upper house. Maximum height above street level is 25 feet to roof line (including AC units, stacks, etc.)

PROPOSED LANGUAGE:

EXAMPLE A: The highest point of the lower house must be at least two feet lower than the finished floor of the upper house. Maximum height above street level is 25 feet to roof line (excluding AC units, stacks, parapets, etc.)

Rationale: The intention is to make all language related to maximum height consistent throughout the SCHOA ACC Guide

How do you vote?: _____ NO _____ YES

NOTE: In order to pass, amendments to the ACC Rules and Procedures Guide require 60% YES votes from any members represented and voting at the special members meeting.

9. Discussion of proposed fence surrounding 1 Silent Crest.