

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

Annual Members Meeting

1:00pm-4:00pm, Saturday December 14, 2024

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

The Sierra Crest Board of Directors has prepared this information packet and a separate ballot as a way to vote on items that will be presented at the 2024 Annual General Meeting.

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.

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.

<https://sierra-crest.org/legal-documents>

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 Friday, December 13, 2024 to have enough time to bring it to the meeting before they close the office.

NOTE: Per Texas Code Section 2009.00592

"By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."

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 10:00am on Saturday December 14, 2024 to have time to print it and bring it to the meeting.

ZOOM MEETING DETAILS

Annual Members Meeting

ZOOM: If you can't attend in person, you can also register to view the meeting live via zoom here.

<https://us06web.zoom.us/meeting/register/tZMpceugrjkiHdawDnMcT5zz3JLWTjvvezGT>

Passcode: SCHOA

AGENDA

1. Call Meeting to Order. Establish Quorum (30% is required)
2. Turn in ballots for counting.
3. Committee Presentations.
4. Budget Discussion. Voting to pass budget.
5. Results of ballot proposals.
6. Results of Election to the Board for 2025-2026.
7. New Business
8. Adjourn

PART 1 – PROPOSED 2025 BUDGET

Sierra Crest HOA	12/12/2023 Approved		12/14/2024 Proposed	
INCOME STATEMENT	2023	BUDGET 2024E	ACTUAL 2024E	BUDGET 2025E
REVENUES				
Association Dues	\$ 305,515.01	\$ 326,040.00	\$ 328,824.00	\$ 330,000.00
Late Fees	\$ 858.58	\$ -	\$ 814.06	\$ -
Donations	\$ -	\$ -	\$ -	\$ -
NSF Check Fees	\$ 25.00	\$ -	\$ 25.00	\$ -
Legal Fees	\$ 1,706.06	\$ -	\$ -	\$ -
Interest	\$ 453.23	\$ -	\$ 1.02	\$ -
	\$ -			
REGULAR REVENUES	\$ 308,557.88	\$ 326,040.00	\$ 329,664.08	\$ 330,000.00
Dues Not Collected			\$ -	\$ -
Previous Dues Collected			\$ -	\$ -
Truck Sale			\$ 5,000.00	\$ -
Lot Sale	\$ 11,242.50	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ 319,800.38	\$ 326,040.00	\$ 334,664.08	\$ 330,000.00
EXPENSES				
SECURITY GUARDS	\$ 152,181.90	\$ 154,760.00	\$ 152,776.65	\$ 153,580.00
Security Guard Service	\$ 148,832.81	\$ 150,000.00	\$ 148,060.80	\$ 148,000.00
Telephone	\$ 362.70	\$ 500.00	\$ 439.89	\$ 480.00
Guardhouse Repairs	\$ 185.00	\$ 1,260.00	\$ 816.83	\$ 1,200.00
Guardhouse Supplies	\$ 1,304.28	\$ 900.00	\$ 1,837.29	\$ 1,200.00
Gate Repairs	\$ -	\$ 540.00	\$ 90.00	\$ 1,200.00
Electricity	\$ 1,497.11	\$ 1,560.00	\$ 1,531.84	\$ 1,500.00
Guard Bonuses			\$ -	\$ -
LANDSCAPING	\$ 122,432.89	\$ 128,440.00	\$ 121,385.81	\$ 133,800.00
Water	\$ 69,377.86	\$ 72,000.00	\$ 61,055.49	\$ 72,000.00
Landscape Service	\$ 42,832.06	\$ 43,000.00	\$ 48,465.09	\$ 43,200.00
Landscape Maintenance	\$ 6,323.30	\$ 7,200.00	\$ 7,128.76	\$ 7,200.00
Sprinkler Repair	\$ 1,323.32	\$ 900.00	\$ 188.28	\$ 3,000.00
Fertilization/Pesticides	\$ 2,576.35	\$ 2,700.00	\$ 2,576.35	\$ 3,000.00
Gardener Bonuses			\$ 1,531.84	\$ 1,500.00
Park Improvements	\$ -	\$ 300.00	\$ 50.00	\$ 600.00
Plant Replacement	\$ -	\$ 1,200.00	\$ 200.00	\$ 1,200.00
Rock Wall Repairs	\$ -	\$ 600.00	\$ 100.00	\$ 1,200.00
Street Maintenance	\$ -	\$ 300.00	\$ 50.00	\$ 600.00
Signs	\$ -	\$ 240.00	\$ 40.00	\$ 300.00
ADMINISTRATION	\$ 36,022.33	\$ 28,800.00	\$ 30,997.78	\$ 35,000.00
Management Contract	\$ 8,070.00	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
Legal Fees	\$ 15,510.37	\$ 6,000.00	\$ 5,278.85	\$ 6,000.00
Insurance	\$ 1,143.57	\$ 3,750.00	\$ 7,316.78	\$ 3,900.00
Property Taxes	\$ 6,954.60	\$ 1,500.00	\$ 3,342.61	\$ 3,600.00
Office Supplies	\$ 1,412.46	\$ 1,200.00	\$ 2,776.89	\$ 3,000.00
Accounting (Audit)	\$ -	\$ 1,500.00	\$ -	\$ -
Postage	\$ 512.38	\$ 800.00	\$ 2,476.36	\$ 3,000.00
Annual Meeting Expense	\$ 1,897.04	\$ 750.00	\$ 1,378.10	\$ 1,200.00
Internet & Website	\$ 221.91	\$ 500.00	\$ 328.19	\$ 1,200.00
Accounting Software	\$ 300.00	\$ -	\$ 300.00	\$ 300.00
Credit Bureau Reporting	\$ -	\$ -	\$ -	\$ -
Miscellaneous	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00
TOTAL EXPENSES	\$ 310,637.12	\$ 312,000.00	\$ 305,160.24	\$ 322,380.00
OPERATING INCOME (LOSS)	\$ (2,079.24)	\$ 14,040.00	\$ 24,503.84	\$ 7,620.00
NET INCOME / (LOSS)	\$ 9,163.26	\$ 14,040.00	\$ 29,503.84	\$ 7,620.00

PART 2 - PROPOSED AMENDMENTS TO SIERRA CREST DECLARATION

All proposed amendments to the Sierra Crest Declaration require 67% Member approval to pass and be adopted. Currently, that means at least 75 YES votes.

No.	Existing Language	Proposed Language	NO	YES
2.	<p>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.</p>	<p>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 reasonable and prudent 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-</p>		

		<p>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. The Board shall send a notification in writing of the violation providing the member up to 48 hours to cure it before being assessed a fine. If they do not comply the Board can proceed with the fine. 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).</p>		
No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
3.	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>		

No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
5.		<ul style="list-style-type: none"> • 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: <ol style="list-style-type: none"> 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 65% 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. 11) In the event the parcel of land being considered for purchase is under 1,000 SF, the ACC can make a decision without having to go through the process above. However, the pricing still has to be detailed and documented. 		

No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
7.1		D-3 <u>TERMS</u> . 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.		
No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
7.2		D-4 <u>RESIDENCY</u> . 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.		

PART 3 - PROPOSED MAJOR BOARD ACTIONS AND DECISIONS

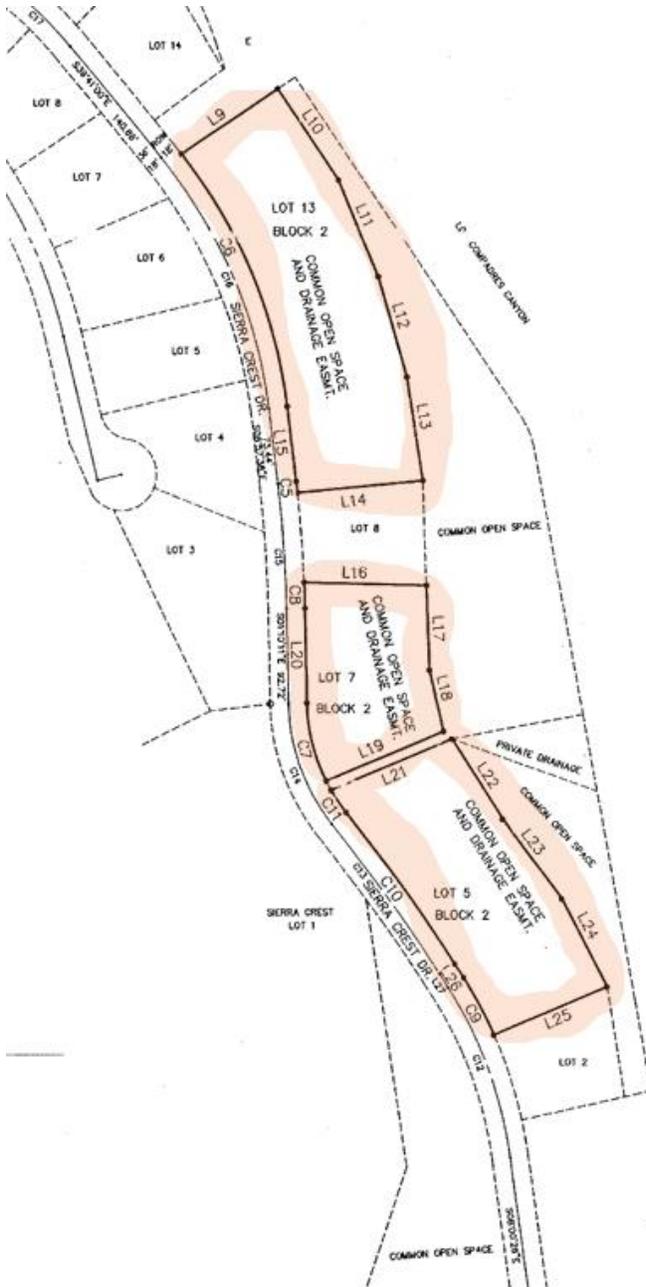
The following are proposed changes that require 60% YES vote of the members present at the meeting to Pass.

ITEM 4. POTENTIAL REVERSAL OF COMMON OPEN SPACE BACK TO RESIDENTIAL LOTS

Originally Sierra Crest HOA had approximately 135 residential lots. Replat D shows these lots along Sierra Crest Drive on the right hand side as you drive up.



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.



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.

If this passes, a special committee would be created to study the best way to maximize the value of these lots, the income received, and minimize any tax liability and traffic associated with their sale.

Note: Price to be determined after the Special Committee consults a property appraiser and lists them with a real estate broker to maximize the price received.

No.	Current Situation	Proposed Major Change	NO	YES
4.	NO = Status quo – Keep the current land as Common Open Space.	YES = 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.		

ITEM 6. PROPOSALS TO ENHANCE SECURITY AT THE GUARDHOUSE AND COMMUNITY

PROBLEMS: In recent years several members have experienced security issues ranging from hitchhikers coming in from the mountain knocking on their door, to people trespassing into a member's home. Most recently a robbery took place on Copper Crest.

- Sierra Crest had no way to videotape that incident and neighbor's cameras were low resolution. Thus it was impossible to determine who did it.
- The guards provide a certain level of privacy by screening who comes into the Association through the main gate. But they do not offer protection. There is high turnover because of the low pay.
- As a consequence the guards are not always well trained. They often let anybody up. They do not always record who comes in.
- The guards have NO visibility to any of these issues and thus cannot take ANY action – especially at night.
- The current camera system we have is outdated. They cannot read license plates. They have no facial recognition capabilities. The video recording only lasts 11 days.
- There are NO cameras anywhere else except at the entrance.
- The video recording cannot easily identify faces, cars, license plate or do quick searches based on specific search criteria.
- If the guards had more visibility to monitor different points throughout the community they could potentially take action – such as calling the police, alert the neighbors, etc.
- The guards often keep the barrier arms up especially on the way out to allow fast exit. This is convenient, but this can create unintended problems such as making it nearly impossible for the guard to retain suspects for further inquiry.
- We live in a prestigious, high end neighborhood. But our entrance does not represent this quality at first glance. 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.



ACTIONS TAKEN BY BOARD:

- The Board established a Guardhouse committee to better understand the issues, see how the members felt about the current setup, and investigate various options and potential solutions to improve the security and lifestyle at Sierra Crest.
- One of the first actions was to issue a survey to gauge how the members felt about the guards and the fees they pay.
- The survey showed most members want to maintain the guards 24/7. Many members fear losing the guards.
- They want the guards to be outsourced to a third party security company, not hire them in-house.
- The guardhouse committee obtained multiple quotes based on the designs considered.

NOTE: Guards Cannot Be Removed Without a Vote by Full Membership

- In 2023, the Membership adopted reforms to the way we are governed.
- One of the benefits was an amendment which requires Special Member Meetings and voting before any major action that affects the community can take place.
- Therefore, voting on both measures – a gate at the entrance and security cameras is NOT a first step towards removing the guards.

ITEM 6.A. Security Ornamental Electronic Wrought Iron Gates

The gate system would be purchased with funds that we have in reserves of nearly \$43,500.

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 quotes include gate fabrication, motors, and motor installation.

The proposed vote is to select one the following choices.

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

No.	Current Situation	Proposed Major Change	NO	YES
6A.	NO = Status quo – Keep the current barrier arms	YES = Install an ornamental gate at the entrance.		

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

- If the Gate gets over 60% of the votes present, which design do you prefer?
- Design Option 1 at a cost of just over \$18,000. _____
- Design Option 2 at a cost of just over \$15,000. _____

ITEM 6.B. Security Camera System

The Guarstation Committee also looked at the current security camera system. It is an outdated technology.

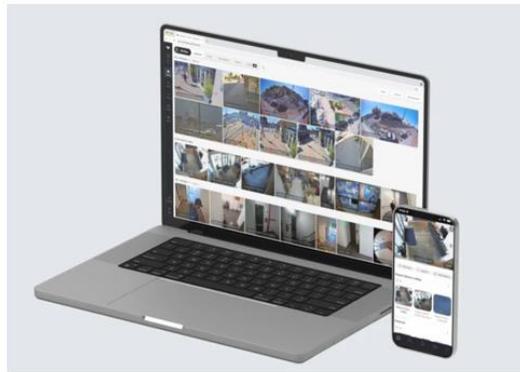
The guardstation committee is proposing to install a state-of-the art security camera system to replace the one we have. The system is made by Verkada. This new system would include the following features:

- 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 license 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 guard station.

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



Camera System: \$12,680



<https://www.verkada.com/security-cameras/license-plate-recognition/>

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

No.	Current Situation	Proposed Major Change	NO	YES
6A.	NO = Status quo – Keep the current camera system	YES = 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.

PART 4 – PROPOSED changes to the ACC Rules and Procedures Guide

The following changes are being proposed to the current ACC Rules and Procedures Guide. The following are proposed changes that require 60% YES vote of the members present at the meeting to Pass.

NOTE:

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

No.	Current Language	Proposed Language	NO	YES
8.1.	V. General Guidelines and Procedures 3. Plan Submittal NO = No change	YES = e. The ACC chair needs to notify the Board via email when an Application is submitted by a Member. <i>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.</i>		

No.	Current Language	Proposed Language	NO	YES
8.2.	<p>V. General Guidelines and Procedures 3. Security Deposits 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.</p> <p>NO = No change</p>	<p>YES = a. Payment must be made 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.</p> <p><i>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.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.3.	<p>V. General Guidelines and Procedures 3. Security Deposits d. The ACC may waive or may require a reduced security deposit for smaller remodeling or other Improvement projects.</p> <p>NO = No change</p>	<p>YES = 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.</p> <p><i>Rationale: The act of waiving or reducing deposits is intended to be the exception rather than the rule – for example for remodeling projects with a value less than \$10,000.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.4.	<p>V. General Guidelines and Procedures</p> <p>8. Timely Completion of Projects.</p> <p>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.</p> <p>NO = No change</p>	<p>YES =</p> <p>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.</p> <ul style="list-style-type: none"> • 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. • Per Texas Code Section 209.006 the ACC must notify the member in writing of what he needs to do and how much he will be assessed if he doesn't fix the violation. The member must also be notified how much time he has to cure the deficiency and the fact that he may lose part or all of his deposit if he doesn't cure it in time. <p><i>Rationale: The Association does not want projects left abandoned which look like an eyesore. The goal is to ensure continuous improvement until completion.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.5.	<p>V. General Guidelines and Procedures</p> <p>9. Appeals. Appeal from a final decision of the ACC may be made to the Board of Directors.</p> <ul style="list-style-type: none"> • 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. <p>NO = No change</p>	<p>V. General Guidelines and Procedures</p> <p>9. Appeals. Appeal from a final decision of the ACC may be made to the Board of Directors.</p> <p>YES =</p> <ul style="list-style-type: none"> • 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. <p><i>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 and hopefully minimize the probability of lawsuits.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.6.	<p>VI. Specific Guidelines and Procedures</p> <p>1. Requests for New Construction.</p> <p>d. Construction Dimensions.</p> <p>i. Set Backs. All improvements or portions thereof, including garages, carports, porches and overhangs, shall be set back from the property lines as follows:</p> <ul style="list-style-type: none"> • 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. <p>NO = No change</p>	<p>YES =</p> <p>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:</p> <ul style="list-style-type: none"> • 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. • In no event shall the member build outside the legal property line. If they feel they need more space they can ask the HOA to consider selling them a small part of the common open space, at the ACC's discretion and approval. <p><i>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.</i></p>		

PROPOSALS TO MODIFY THE RESTRICTED HEIGHT DEFINITION

NOTE: Items 8.7, 8.14, 8.15, 8.17 all have the same language regarding 25 Height restrictions. Thus to ensure the document is compatible, all will items must either stay the same or all must change if at least 3 of them pass to avoid contradictions. These items were intentionally placed “out of order”.

- The key issue is whether the 25-foot height restriction should include items such as Air conditioning units, vents, and roof screens such as parapet walls.
- By INCLUDING them this forces a home’s true ceiling height to be much lower (20-21 feet).
- By EXCLUDING them, this allows the true intent of the 25-foot height restriction to protect primary views.

No.	Current Language	Proposed Language	NO	YES
8.7.	<p>VI. Specific Guidelines and Procedures</p> <p>1. Reqeusts for New Construction</p> <p>d. Construction Dimensions.</p> <p>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.</p> <p>NO = No change</p>	<p>YES =</p> <p>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.</p> <ul style="list-style-type: none"> • 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. <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if iincluded.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.14.	<p>APPENDIX B. CHECKLIST FOR DESIGN PLAN APPROVAL</p> <p>Exterior Details.</p> <ul style="list-style-type: none"> 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. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> 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. <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if included.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.15. (1)	<p>APPENDIX B. CHECKLIST FOR DESIGN PLAN APPROVAL</p> <p>OWNER ACKNOWLEDGMENT.</p> <ul style="list-style-type: none"> 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. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> 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. <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if included. The intention is to make all language related to maximum height consistent.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.17.	<p>PRIMARY VIEW</p> <p>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.)</p> <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> 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.) <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if included. The intention is to make all language related to maximum height consistent throughout the SCHOA ACC Guide.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.8.	<p>VI. Specific Guidelines and Procedures</p> <ul style="list-style-type: none"> 1. Requests for New Construction. <p>NO = No change</p>	<p>YES =</p> <p>g. Walls and Fences. Projects involving walls or fences must meet one of these general requirements.</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Interlocking concrete wall block Natural stone wall or fence Brick wall Wrought iron gate Combination of Stone or Brick columns with Wrought Iron Gates in between Reinforced concrete or Block with stone veneer. <p><i>Rationale: The purpose is to optimize the overall appearance of the development.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.9.	<p>VI. Specific Guidelines and Procedures</p> <ul style="list-style-type: none"> • 1. Requests for New Construction. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> • 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. <p><i>Rationale: The purpose is to make sure all common areas are protected and are returned back to their original state after construction is completed.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.10.	<p>VI. Specific Guidelines and Procedures</p> <p>2. Requests for Exterior Improvements (Additions, Renovations, Remodeling and Exterior Painting).</p> <p>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.</p> <p>NO = No change</p>	<p>YES =</p> <p>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.</p> <p><i>Rationale: The purpose is to define what is a “small project”.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.11.	<p>VI. Specific Guidelines and Procedures</p> <ul style="list-style-type: none"> • 3. ACC Review and Decision. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> • d. When an Application is Approved or Rejected, the ACC chair must inform the board in writing of its decision via email. <p><i>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.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.12.	<p data-bbox="298 296 683 478">VI. Specific Guidelines and Procedures 9. Authority to Fine Members Not in Compliance with ACC Guidelines</p> <p data-bbox="298 527 505 558">NO = No change</p>	<p data-bbox="727 296 808 327">YES =</p> <p data-bbox="727 338 1333 407">9. Authority to Fine Members Not in Compliance with ACC Guidelines</p> <ul data-bbox="727 411 1349 1073" style="list-style-type: none"> <li data-bbox="727 411 1349 653">• 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. <li data-bbox="727 657 1349 863">• 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. <li data-bbox="727 867 1349 999">• Per Texas Code Section 209.006, the ACC must inform the member of the violation in writing and provide the member an opportunity to cure it before he is fined. <li data-bbox="727 1003 1349 1073">• In order to fine at least a majority of the Board members need to approve the fine. <p data-bbox="727 1077 1341 1146">This is meant to correct major situations or nuisances such as:</p> <ul data-bbox="727 1150 1333 1566" style="list-style-type: none"> <li data-bbox="727 1150 1333 1209">• Working on a project without approval from the ACC. <li data-bbox="727 1213 1333 1283">• Working on a project without a permit from the City. <li data-bbox="727 1287 1333 1388">• Abandoning a project more than 90 days and Leaving construction materials visible from the side of the road on common areas. <li data-bbox="727 1392 1333 1566">• 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. <p data-bbox="727 1570 1325 1671">This list is not meant to be exhaustive, but gives the ACC an idea of what rises to the level of warranting a fine.</p> <p data-bbox="727 1675 1325 1839"><i>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.</i></p>		

Sec. 209.006. NOTICE REQUIRED BEFORE ENFORCEMENT ACTION. (a) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, levy a fine for a violation of the restrictions or bylaws or rules of the association, or report any delinquency of an owner to a credit reporting service, the association or its agent must give written notice to the owner by certified mail.

(b) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner;

(2) except as provided by Subsection (d), inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;

(B) may request a hearing under Section 209.007 on or before the 30th day after the date the notice was mailed to the owner; and

(C) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.), if the owner is serving on active military duty;

(3) specify the date by which the owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety; and

(4) be sent by verified mail to the owner at the owner's last known address as shown on the association records.

No.	Current Language	Proposed Language	NO	YES
8.13.	<p>VII. Project Completion</p> <p>4. Return of Deposit.</p> <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> • 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. <p><i>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.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.15. (2)	<p>Owner Acknowledgment</p> <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> • 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. <p><i>Rationale: Also to have member who is building acknowledge and 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.</i></p>		

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.	Current Language	Proposed Language	NO	YES
8.16. (2)	Appendix C. Checklist NO = No change	YES = Strike the items in red from the checklist.		