

Birch Creek Village Properties, Inc.

Board Meeting Minutes

February 13, 2021


Board Members Present - Janet Hancock; Carla Craig; Pam Kubiak; Danna Anders; Bryan Patton

Officers Present - Karla Dobbs

Property Owners Present – none

Meeting Content

- Meeting called to order at 9:15 am by HOA Board Member – Bryan Patton
- Pledge and prayer
- Treasurer report given and approved (see attachment #1). Motion to approve made by Danna Anders and 2nd by Pam Kubiak.
- Approval of prior Board Meeting Minutes for the November 14, 2020 meeting. Motion to approve made by Carla Craig and 2nd by Danna Anders.
- Update regarding attorney questions (see attachment #2).
- Discussion of new pool signs was tabled and will be discussed at next Board Meeting.
- Newsletter to be mailed first week in March and special Thank You's mentioned to those making donations to subdivision:
 - Larry Coker – donated \$100.00 to help out with Community Yard Sale expenses.
 - Front Entry Bulletin Board installation completed by Mike and Dusty Dobbs.
 - Magnetic letters donated by Janet/Billy Hancock and Mike/Karla Dobbs.
 - Thank you to Gary Lee for help with deer disposal.
- Pool Pump replaced.
- Discussion tabled regarding Pool cameras. (should go ahead and get quote for repair).
- Motion to adjourn meeting at 10:45 am made by Danna Anders and 2nd by Bryan Patton – all approved.



4-10-2021
Date Approved

BIRCH CREEK VILLAGE PROPERTIES, INC.

TREASURER'S REPORT February 12, 2021

Beginning Balance	November 14, 2020	\$22,241.36
Deposits	11-14-2020 - 02-12-2021	\$13,737.85
Total Funds Available		\$35,979.21
<u>Expenditures</u>		
<u>11/14/20</u>	Carla Craig	Reimb. Postage \$93.05
<u>12/01/20</u>	Bluebonnet	Electric \$458.58
<u>12/01/20</u>	Walter Holland	11-20 Grnd Maint. \$250.00
<u>12/01/20</u>	MDS Pool Svs	12-20 Pool Maint. \$288.60
<u>12/07/20</u>	Janet Hancock	Reimb. Lock/keys \$27.54
<u>12/07/20</u>	State Farm	Insurance \$210.14
<u>12/20/20</u>	State Farm	Insurance \$210.14
<u>12/28/20</u>	Bluebonnet	Electric \$468.37
<u>01/02/21</u>	Walter Holland	12-20 Grnd Maint. \$250.00
<u>01/04/21</u>	Frontier	911 \$147.72
<u>01/04/21</u>	MD Pool Svs	1-21 Pool Maint. \$200.00
<u>01/18/21</u>	Burleson Co. Clerk	Lien \$26.00
<u>01/22/21</u>	Hoelscher, Lispey, Turnbull	Attorney \$500.00
<u>01/29/21</u>	Bluebonnet	Electric \$461.42
<u>01/29/21</u>	State Farm	Insurance \$210.14
<u>01/30/21</u>	MD Pool Svs	02-21 Pool Maint. \$200.00
<u>01/30/21</u>	Frontier	911 \$70.14
<u>02/01/21</u>	Walter Holland	01-21 Grnd. Maint. \$250.00
<u>02/01/21</u>	Pool Tex	Deposit for Pump \$600.00
Total Expenditures		\$4,921.84
Balance on Hand	February 12, 2021	\$31,057.37

Submitted Karla Dobbs

Attorney Questions from
Birch Creek Village Properties Inc.

Lauren Turnbull (College Station) - Attorney

Questions related to Bylaws

1. Please provide clarification and guidance on the following:

Article X Section 6 indicates a special assessment fee may be assessed by a 2/3 majority of the votes received.

- a. Can we, by law, amend Article X Section 6 to remove 2/3 language?
We can amend Bylaws to remove 2/3 language.

2. **Article XIV. Amendments to By Laws** reads:

Section 1. - (Amendments to By Laws) These Bylaws may be altered, amended or repealed, in whole or in part, and new Bylaws may be adopted by a vote of (1) a quorum of the members of the Board of Directors, AND (2) a majority of the members submitting a vote by mail and/or at any Regular, Special or Annual Meeting, provided that least thirty days prior written notice is given of intention to alter, amend or repeal or to adopt new bylaws.

This means we need a quorum of the Board and a majority of the votes received from the property owners.

Texas Property Code - not sure how to interpret and wondering if our Bylaws are in line with the Code Sec. 209.0041 - (h) a declaration may be amended only by a vote of 67% of the total votes allocated to property owners entitled to vote on the amendment of the declaration.

This language is meant for guidance to HOA's whose Bylaws language indicate a higher percentage or if language is absent. Our Bylaws do not require total participation of property owner votes.

3. **Article III. - Meeting of Members**

Address
at Aug 21
Amend bylaws

- a. Section 1. Can we change the time of the Annual Meeting without property owner approval? In order to change the time of the Annual Meeting we will need a majority of votes received by the property owners.

4. **Article V. Officers**

Last sentence of Section 1 reads:

"Any two or more offices may be held by the same person, except the office of President and Secretary." Correct

Attorney Questions from
Birch Creek Village Properties Inc.

Via email, the Board appointed Karla Dobbs treasurer. At the annual meeting, no property owners came forward to be any type of officer. We have a president who is married to a board member so he is staying put. We have Karla Dobbs as the Secretary. Those are our only officers. If Karla cannot be appointed Treasurer, we will have to hire someone to do the books and we really cannot afford to do that. If we are able to appoint Karla as Treasurer, what paperwork do we need to document? A resolution or just a mention in the next meeting minutes?

Questions related to Restrictive Covenants —

1. Enforcing Deed Restrictions - Right to Enforce - Page 3

- Passed Aug 30 mtg
- a. Can the Board create a deed restriction violation fee schedule to be put in place or does it need property owner approval? We had nods of approval from property owners for this at our recent annual meeting.
An amendment to the Restrictive Covenants is needed under Right to Enforce indicating the Board has the power to adopt and administer a fine policy. The adoption of a fee schedule was passed by the property owners via vote at the August 22, 2020 Annual Board Meeting. Amendment and process as mentioned below need to be put in place.
 - b. How many violation notices have to be sent before a fine can be imposed? Is there a state statute relating to this or can we create our own rules? We would want a fee to be imposed on the second letter. To be discussed. talk to Attorney
 - c. If the violation continues can the fine be added to for each time period the violation is not corrected? To be discussed. Attorney
 - d. If fines are not paid what is next course of action? Can a lien be place on property for non-payment of deed restriction violation fines? To be discussed. attorney

→ Communicate via in 2 weeks re: Cov. updates

• Send Restrictive Covenants to D. Anders

Attorney Questions from
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Other Questions

1. Mail that is returned – We have been sending out mail to several property owners only for it to returned every time - some up to 2 years +. Do we keep sending out notices, billings, etc. forever or is there a legal cut-off time where we can stop sending? We keep all returned mail. *Yes continue to ~~send~~ SEND.*
2. Can you send past due notices of any kind to a property owner once lien has been filed? *Yes*
- ✓ 3. Validity of emails between board members – what type of business can we conduct by email or would it be easier to advise what we cannot do via email? If you need examples I can follow-up with same. *Business conducted via email requires a unanimous consent by all Board Members.*
4. Is there a checklist for filing foreclosures in Texas? –
- ✓ 5. When the Board has to make a decision (usually maintenance issues) and we do it via email, how do we document? Do we state the action taken at the next board meeting, create a resolution, or something else? *Information can be stated at the next board meeting along with copies of documentation supporting decisions requiring a vote by board members.*
6. What documents can a board member sign vs an officer? Currently referring to TREC form requests that we get from title companies. With only 2 officers, if Karla is not available it falls to me and the form has to be signed. As a board member, can I sign a TREC form? If not, can I just sign Karla's name and put my initials next to it? *You can sign the Secretary's name and add signors initials.*
7. The former board voted at a board meeting to change how a director can be terminated from the Board. It was never changed in the Bylaws. Is it enforceable? It is also my understanding that the previous board made other such changes without documenting them into the bylaws. What are we to do?



Tabled discussion