

Will. Conrad, PRESIDENT 6/21/2022

**Board of Directors  
Summit Estates at Fischer (SEF)**

**Board of Directors Meeting Minutes  
April 5, 2022  
132 Patriotic Drive**

**Board Members Present:**

William (Willy) Conrad, President  
Steve Ferrell, Vice President  
Nancy Carr, Treasurer  
Michael Nolen, SMTX Property Management, LLC

**Board Members Absent:**

Aaron Brown, Secretary

**General Membership Present:**

Joan Conrad (to record and transcribe meeting minutes)  
Loy Moe, Chairman Neighborhood Committee  
Ray Carr  
Jeanette Ferrell

**1. CALL TO ORDER AND CERTIFY QUORUM**

The board meeting for the Summit Estates at Fischer (SEF) was called to order at 7:01 pm and quorum was met.

**2. GROUND RULES**

Willy Conrad reminded members of the ground rules for this meeting:

- Roberts Rules of Order
- Respectful dialog
- Engaged and active
- One person speaking at a time

**3. COMMENTS FROM SUMMIT ESTATES MEMBERS**

There were no comments from the General Membership.

**4. TREASURER'S REPORT**

- **Accounts Payable Review and Approvals**

Nancy Carr presented accounts payable items and requested approval for payment of the following invoices:

- \$17.70 for brackets to repair stop sign at Let's Roll and Eagle

- \$36.79 for digital recorder (to assist in transcribing meeting minutes)
- \$60.37 for Architectural Control Committee (ACC) office supplies (printer ink and Pendiflex folders)
- \$42.23 for ACC office supplies (paper, address labels, etc.)
- \$725.00 Insurance premium for property, general liability, and umbrella (Mr. Nolen paid this invoice and will email a copy of the invoice to the board)

**Motion was made by Ms. Carr and seconded by Mr. Ferrell to approve payment of invoices presented to SEF. Motion carried.**

Ms. Carr submitted these invoices to Mr. Nolen for payment. Mr. Conrad reminded Ms. Carr that, as Treasurer, she is authorized to pay invoices and receipts up to \$1,000. Ms. Carr acknowledged this authority, but reminded the Board that the bank requires the SEF secretary to execute a form authorizing her to sign checks and this has not happened to date.

## **5. OLD BUSINESS**

### **5a. Review and accept Summit Estates Fischer (SEF) Board minutes from March 8, 2022 meeting.**

Ms. Carr presented the minutes from the March 8, 2022, SEF board meeting.

**Motion was made by Mr. Ferrell and seconded by Ms. Carr to accept the March 8, 2022 meeting minutes.**

**DISCUSSION:** Ms. Carr asked Mr. Nolen if he was able to incorporate his minutes with her minutes of the March 8, 2022 meeting and he responded that he did not do so, but Mr. Nolen presented his notes to the board. After reviewing those notes, the board decided that Ms. Carr's minutes were more than sufficient, and Mr. Nolen's notes added nothing new. Mr. Conrad and Mr. Ferrell commented that these were thorough and complete minutes, and they had no additions or revisions.

**Motion carried.**

### **5b. Canvas and certify February 27, 2022, Summit Estates Fischer (SEF) Election results**

Mr. Nolen did not bring the original ballots to this meeting, so Mr. Conrad recommended that this item be tabled at this time. Mr. Conrad and Mr. Nolen agreed to meet at noon, Thursday, April 7, 2022, to review the ballots; and after, Mr. Conrad will recommend the Board's approval via an email vote.

**Motion was made by Mr. Ferrell and seconded by Ms. Carr to table this item until Mr. Conrad and Mr. Nolen can review ballots and the board can approve ballots via email action. Motion carried.**

**5c. Review and act upon Summit Estates Fischer (SEF) 2021 Financial Report**

Mr. Nolen stated that he doesn't have enough documentation to create a 2021 financial report.

Mr. Conrad asked Mr. Nolen if he had the 2021 tax returns and Mr. Nolen stated that he received the draft tax returns via email this evening and would forward them to the board. Mr. Conrad asked when taxes are due; Mr. Nolen responded that he believes they are due April 18, 2022. Mr. Conrad asked if that was the same date that 501c was also due and Mr. Nolen confirmed, stating that both worked off a calendar year.

**Mr. Conrad instructed Mr. Nolen to email both documents to the board as soon as possible so that the board could act on those items via email, as well.**

During discussion among board members, it was decided that Mr. Nolen would email the following information to the board:

- Documentation of all expenses (bids, invoices, payments, etc.) linked to the 2021 road repairs
- 2021 Tax returns
- Mr. Nolen's notes from 2021 regarding all expenditures

Using this documentation, the board will create a 2021 Financial Report.

Mr. Nolen mentioned that he would send the board detailed information on the road repairs, as it was not included in the financial statement he prepared for the March 8, 2022 board meeting. Mr. Conrad stated that that information would be beneficial because he has begun working on the Road Maintenance Plan for SEF. Mr. Conrad also stated that he had received copies of the bids that Mr. Moe had obtained.

**Motion was made by Mr. Ferrell and seconded by Ms. Carr to table this item until Mr. Nolen provides documentation of all expenses linked to road repairs (including, but not limited to bids, invoices, and payments), 2021 tax returns, and Mr. Nolen's notes so the board can construct a 2021 Financial Report and close out 2021. Motion carried.**

#### **5d. Review and act upon final Summit Estates Fischer (SEF) 2022 budget**

Ms. Carr and Mr. Nolen met April 1, 2022, to discuss her recommendations for 2022 financial statements and proposed 2022 budget.

#### **Link on website (view financials and pay dues)**

Ms. Carr and Mr. Nolen discussed possible methods for property owners to view financial reports and to pay dues on the SEF website, within a password protected link. Ms. Carr believes that allowing SEF property owners access to financial information aligns with this board's mission in providing transparency. Mr. Conrad stated that his preference would be to review an ongoing financial report at every quarterly board meeting and, by including this report in the meeting minutes, it will meet the board's goal of transparency.

Ms. Carr agreed with Mr. Conrad's recommendation regarding the financial statement, but would still like to see a link on the SEF website that allows homeowners to pay dues online. Since the board plans to direct SEF property owners to this website for communication of current information, events, etc., Ms. Carr believes that this link for payment might also be a reminder to those who have not paid their dues to do so while browsing. **Mr. Conrad suggested the board discuss this topic when they meet later this month.**

#### **Ms. Carr and Mr. Nolen agreed upon the following items to be included in SMTX Property Management's Quarterly Financial Statements and 2022 SEF Budget:**

1. Real time fees paid by lot number, rather than by property owner's name. Her intent is to determine which properties are current and which lots are delinquent.
2. Real time past-due fees due and collected:  
Ms. Carr noted SMTX PM maintains an extensive list of SEF's delinquent property fees. She has observed that other HOAs/POAs allow a grace period after the due date and then charge a late fee. Mr. Nolen told Ms. Carr that the late fee is typically 10%, but Ms. Carr believes that, while annual dues remain at \$100.00, 10% or \$10.00 is not much of a deterrent for those who do not pay their dues on time. She suggested a flat rate of \$25.00 charged as a late fee, but if the annual dues are increased, the late fee might be applied on a percentage basis. Mr. Conrad agreed with Ms. Carr's proposal of a late fee, but suggested that it also be a multiplying fee for each month unpaid. Mr. Nolen added that late fee notices are sent by Priority Mail first, followed by Certified Mail. He presented an extensive printout of delinquent fees owed by property owners.
3. Itemize quarterly payment to SMTX Property Management with breakdown of where funds are derived.
4. Itemize real time monthly Accounts Receivable (AR) and Accounts Payable (AP).
5. Post annual tax payments.

6. Itemize monthly expenses such as electric, water, security, etc. and report on a quarterly, not annual basis.
7. Itemize website and security expenses, and indicate if due on monthly or quarterly basis.
8. Separate maintenance fees (landscape, mowing, and other general maintenance fees) from road fees.
9. Retain, scan, and itemize all bids and expenditures (invoices/receipts).
10. Add \$300 to the 2022 budget for rental of offsite facility for the SEF Annual Membership Meeting; presently, no funds are allocated for any offsite facilities.

Ms. Carr wants the ability to determine which lots (not names) have paid dues, including date paid. She also recommended a late fee of \$25.00.

**Mr. Conrad suggested a called meeting to structure the 2022 budget including the following items:**

- The previous board had recommended an increase of annual dues from \$100 to \$200, and he wants to revisit that proposal.
- Mr. Conrad also recommended a \$1,000 road impact fee rather than a \$1,000 road impact deposit, which would bring the cost of developing a lot to \$2,000. It is currently only \$1,000.
- Mr. Conrad wants clarification on resale certificate fees.
- All delinquencies must be addressed.
- SEF pays SMTX Property Management quarterly. Mr. Conrad wants those payments itemized and brought to the board for approval. It is Mr. Conrad's understanding that SMTX PM is paid based on a percentage of SEF's receipts so this fee should be reflected in the financial report.
- Mr. Nolen advised that taxes are paid annually; Mr. Conrad also wants those payments shown.
- Ms. Carr requested that payments are posted by specific expense and vendor/provider, rather than consolidating them into one item. For example, post electric, water, and security services separately as each expense is paid, rather than bundling them under one quarter or annual expense.
- Ms. Carr asked Mr. Nolen to clarify website and security fees and explain how they are paid (monthly, quarterly, etc.) Ms. Carr stated that she left their April 1, 2022 meeting still not knowing that information and it's difficult preparing a budget with unknowns. Mr. Conrad stated that the board needs to understand webmaster's consulting fees. What does he charge over the \$19.95 monthly bill?
- Ms. Carr asked Mr. Nolen about maintenance fees. He explained that mowing, landscaping, and other fees related to maintenance, are paid upon receipt. Ms. Carr

stated that she wanted to see those invoices posted to the financial statement separately, not as a lump sum:

Mr. Ferrell added that the couple who have been providing lawn services have dissolved their business and have or will be selling their lawn mowers and other equipment. By the end of May, they should no longer be available for hire. Mr. Ferrell recommended that the board hire another landscaping business soon. Mr. Conrad requested that SEF hire them to mow mid-May before they close their business. Mr. Ferrell agreed to contact them to see if they are still available by that date.

- Ms. Carr reminded Mr. Nolen that all bids, invoices, and any other expenses have written documentation and that they are scanned so there are not only paper copies, but also digital copies for SEF records.
- There is nothing in the 2022 budget for renting offsite meeting fees. Mr. Moe stated that the Fischer School charges \$30 for each half-day reservation, plus \$50 refundable deposit. He also stated that the Fischer Hall fee is approximately \$400.00. Mr. Conrad suggested \$570 added to the 2022 budget (Four half-day meetings at Fischer School @ \$30 each, plus \$50 refundable deposit, plus \$400 for Fischer Hall for one annual General Membership meeting.)
- Mr. Conrad stated that he has no idea how much money SEF has in the bank; however, the board is making decisions for expenditures on the SEF 2022 budget. Mr. Nolen stated that his estimate is approximately \$52,000 available operating cash and the total bank balance is \$68,000.

Ms. Carr asked Mr. Nolen to set up the SEF financial statement and Profit and Loss (P&L) to include the following items:

- Prior period (quarterly) postings
- Budgeted items
- Current period/quarter postings
- Dollars and/or percent of change from current to prior period. (Mr. Conrad stated that he preferred to see dollars rather than percent; Ms. Carr said that was fine.)
- Over or under budget for current period
- Over or under budget for year to date (YTD)

This will allow the board to adjust accordingly in real time.

It was confirmed that Mr. Nolen would maintain this spreadsheet, which will become the ongoing financial report.

Other items discussed were separating transfer fees from resale certificate fees. Although we are not currently charging those fees, it appears that the board is heading in that direction, so those items will have a place in the financial statement. Mr. Conrad added that this will give the board a clearer picture of what is coming in and what is going out.

Ms. Carr proposed separating fees, such as road use fees from road use deposits, and she wants to see delinquencies. Mr. Nolen noted that presently, there are no road fee delinquencies, only annual dues delinquencies.

Regarding HOA/POA income, Ms. Carr stipulated that the field name "Parking" should be changed to "Gate Openers".

Ms. Carr asked Mr. Nolen to explain "other" under legal and other professional fees. Mr. Nolen stated that was for the website.

Ms. Carr requested that Mr. Nolen revise the expense field "Remodel" as "Road", "Mailbox", and "Signage". And rename the field "Prepaid Rent" to "Prepaid or Paid HOA/POA fees".

Mr. Nolen presented printed copies of his draft 2022 spreadsheet to the board reflecting Ms. Carr's proposed line items to the General Ledger (GL). He noted that this does not capture 2021 expenditures since that was closed out. Mr. Nolen also distributed printed copies of **Homeowner Delinquency YTD** and **Homeowner Delinquency Greater Than (>) One Year**. Some of this documentation was provided by RINCO when they transferred management to SMTX PM. Mr. Nolen has no way of knowing which years and type of delinquent fees, but based on the dollar amounts, it appears that all of these were annual dues.

Mr. Conrad asked if delinquent fees are brought current, how will that be documented. Mr. Nolen stated that it will appear as cash income. Mr. Ferrell estimated that there is approximately \$3,400 in delinquencies more than one year old. Mr. Nolen said that these were "pretty well taken care of" because SMTX PM sent mailers to delinquent property owners in January, February, and March, but obviously, they were not acted upon or may have not received them. During April, he will begin sending certified letters requesting payment.

Mr. Conrad asked Mr. Nolen to confirm that 2022 annual dues are in arrears in the amount of \$6,900. Mr. Nolen stated that, when RINCO transferred management to SMTX PM, we assumed approximately \$13,000 in delinquencies, including road fees, but he has been able to collect most of those monies. Mr. Nolen believes that, on a trending basis, SEF is ahead of schedule in collecting dues and fees when compared to the past two to three years, but on a desired result, SEF is behind. Mr. Conrad stated that the SMTX PM and the SEF board needs to become very aggressive in collecting dues and fees, and recommended legal counsel to mail letters to those who remain delinquent after certified letters are sent.

Mr. Ray Carr asked how new property owners are advised of annual of dues amount and where to pay them. Mr. Conrad stated that realtors include this information on listing agreements and title insurance companies include this information on a buyer's final statement. Mr. Nolen added that the title company sends him new property owner's contact information, including past addresses; however, that contact information isn't always reliable. Mr. Ray Carr restated his concern how new property owners know *where* to pay dues. Discussion ensued.

Mr. Conrad suggested that the board rethink how SMTX PM and SEF interact with title insurance companies so that SMTX PM can streamline collection of dues and fees. Mr. Conrad suggested the board secretary reach out to inform new property owners how to pay dues and fees. This is critical; otherwise, if new property owners do not hear directly from either Summit Estates Fischer or SMTX PM, they may ignore instructions from their title insurance company and not pay.

**Motion was made by Mr. Ferrell and seconded by Mr. Conrad for Ms. Carr and Mr. Nolen to proceed with their financial discussions and recommendations. Motion carried.**

Mr. Conrad asked Mr. Nolen if we have a draft 2022 budget. Mr. Nolen stated that he did not print one, but would revise the 2022 SEF budget to include items discussed at this meeting, including \$500 for tax preparation and \$4,000 legal fees that were discussed at the March 8, 2022 meeting.

**Mr. Conrad, as President, tabled final approval of the 2022 SEF budget.**

**5e. Review proposals for Summit Estates Fischer facilities general liability insurance and take action.**

Mr. Conrad stated that \$3,000 was added as a place holder for general liability because the actual amount was unknown. However, now that those amounts are known, Mr. Conrad recommended posting itemized insurance premiums. Mr. Nolen agreed that he would post \$1,500 Directors and Officers (D & O) insurance and itemize \$725 insurance premium (\$100 property insurance, \$250 general liability, and \$375 umbrella coverage).

Mr. Conrad asked for clarification on liability coverage on the gate. Is it covered under the umbrella portion of the policy? If so, are the roads, bridges, and park also covered? Mr. Nolen responded that the roads and concrete cannot be covered under physical damage, but the roads and park are covered under general liability. For example: If someone has an accident and sues SEF, that is covered under general liability insurance. The gate is the only item listed under property insurance. He said that we could add things like mailboxes, security poles, and



security cameras. Mr. Ferrell stated that he was told that security poles and cameras belong to SEF.

If we were to cover the bridge, it would be covered under flood insurance. Mr. Nolen stated that rates may be more competitive than in prior years because private insurance companies are now allowed to provide flood insurance. Mr. Conrad stated that there are probably a dozen culverts within the subdivision so roads and bridges should be covered by flood insurance. If our bridge were to be destroyed, the cost could be up to one million dollars.

Mr. Nolen stated that Watkins Insurance is SEF's insurance carrier, and he believes that their rates are competitive with other insurance companies. **Mr. Conrad asked Mr. Nolen to schedule an appointment with their agent to discuss coverages.**

Mr. Conrad stated that a final 2022 budget must be prepared as soon as possible. The board has discussed multiple expenditures not knowing how much money is available. Mr. Nolen stated that the projected income for 2022 is approximately \$26,000 so SEF is in good shape. Mr. Conrad expressed concern about SEF's much needed road repairs which would quickly absorb those funds with just patching.

### **Roads Discussion**

Mr. Conrad told the board about USDA Resource & Conservation Districts (RC & D) and how they assist local entities with developing plans and grant writing. They charge fees for their services, but their hourly rate for planning is \$25 per hour and their grant writing fees range anywhere from \$50 to \$100 per hour, with grant research running \$50 per hour. Mr. Conrad would like to contact the Alamo RC & D office in San Antonio to see if they could assist SEF in upgrading our roads. He suspects that RINCO looked at our roads and decided to give management to SEF property owners rather than deal with possible liabilities and exorbitant expenses.

Summit Estate Fischer roads only chip seal which must be repaired every few years. Mr. Conrad has walked our neighborhood and estimates that 50% of our roads are either urgent or high priority and the other 50% are either medium or low priority. Mr. Ferrell reminded Mr. Conrad that the road beginning on the corner of 706 Stars and Stripes and Freedom Street is definitely low priority. Mr. Conrad stated that he is still puzzled why so much money was spent on that type of road repair when chip sealing would have been sufficient. Mr. Conrad did not participate in that decision and doesn't understand why it was made, so he recommended that the board move on.

Mr. Conrad suspects the road exiting our subdivision onto Fischer Store Road belongs to Comal County. Someone has been patching that hole, but the problem is that the base is so deteriorated, the cold mix squirts out and does not fix the problem. Mr. Conrad plans to speak

with the Comal County Commissioner and the Comal County Road Engineer to request their cooperation on repairing this portion of road.

**Mr. Conrad stated that, since SEF still doesn't have a budget, he asked Mr. Nolen to schedule two to three hours for them to meet later this week. It was agreed that they would meet Thursday, April 7, 2022, at noon. At this time, Mr. Conrad anticipates that they will finalize the 2022 budget and will amend it as needed. It was agreed that the board cannot go another month without a final budget because it violates their commitment for transparency.**

## **6. New Business**

**Discuss need for initial legal advice; take action to identify, acquire, and consult with outside legal counsel.**

Mr. Conrad has received two referrals for law firms who represent HOAs/POAs. He is unaware of their fee structures, but the persons who referred them to Mr. Conrad estimated their fees to run \$300 to \$400 per hour with a retainer of somewhere around \$4,000. Mr. Conrad would like to ask counsel to review our declaratory documents and to advise what the board can and cannot do.

We now have two Air B&Bs in this subdivision. Mr. Conrad was told that the previous board was informed that we cannot prevent Air B&Bs. Mr. Ferrell stated that he sought legal advice when the first Air B&B was discovered and was also told nothing could be done. Mr. Conrad wants to seek legal counsel again because our restrictions are specific in stating that:

- A property can only be a single-family residence (but does not prevent short-term rentals)
- No business whatsoever can be conducted from a property in SEF.

Although Mr. Ferrell stated that he had provided SEF documents to legal counsel and was told they do not prohibit Air B&B's, Mr. Conrad insisted that we ask once again.

Mr. Nolen stated that he was advised that, if any other property owners were conducting business from their homes, it would be difficult to restrict Air B&B owners from renting their properties. Mr. Nolen stated that a person working from home could also be interpreted as conducting business from home.

Mr. Conrad suggested that the board may need to revise SEF bylaws and "grandfather in" property owners who are currently in violation of our bylaws; however, he knows of a major landscaping business and a construction business that are being run from their homes and he believes that the board must deal with this. These business owners may come back to the

board with the response that they have been conducting their businesses from home for years. Mr. Conrad believes that the proper response from the board should be, "You were, but you are not in compliance with our restrictions, and we are instructing you to cease and desist immediately".

Mr. Ferrell agreed, but recommended providing a specific date for property owners to close remove their business from our neighborhood. Mr. Conrad agreed, but he believes that this is another reason the board must seek legal advice. He added that, when the board enforces our bylaws and restrictions, a letter must be sent from legal counsel on behalf of the board. And if a property owner threatens to sue the board, Mr. Conrad believes the board should respond with "Please do. We need to address this issue."

Mr. Conrad requested authorization from the board to meet with law firms. He also requested authorization to negotiate, but to come back to the board for approval to take action. His intent is to ask them to review our declaratory documents and to respond to questions provided by the board. Mr. Conrad asked members to limit their questions to keep fees lower.

Some of the questions Mr. Conrad has for the attorney: Does the board have the authority to enforce compliance from property owners who have been historically delinquent, or have they gone past the point of no return? Does the board have authority to raise fees? Mr. Conrad has read that the board has the authority to fine property owners, but cannot find documentation that provides specific language as to how.

Mr. Conrad has also found that, some language in the bylaws refers to specific sections in the articles of incorporation; however, when turning to that section, there is no mention of that issue. Mr. Nolen cautioned board members that it is common when one HOA/POA document cross references or refers to another, those documents may not support each other. He suspects that this issue may force the board to rewrite the declarations and bylaws rather than revising them.

**Motion was made by Mr. Ferrell and seconded by Ms. Carr to authorize Mr. Conrad to seek counsel on SEF's behalf and to negotiate, but not to act. Motion carried.**

## **7. Committee Reports**

### **7a. ACC (Architectural Control Committee)**

Mr. Conrad informed the board that, after the board's March 8<sup>th</sup> meeting, he sent a certified, return receipt-request, letter to Cassandra Brown thanking her for serving on the ACC. The certified letter was unclaimed and was then lost in the mail. The tracking information indicates that it was returned to SMTX PM; however, Kathy, with the Fischer post office informed Mr.

Conrad that it should be returned to the Fischer post office within a few days. She informed him that he isn't allowed to resend the letter using the same envelope; however, he is allowed to send that letter in a priority envelope. For \$8.95, the letter will be delivered to Ms. Brown and tracking information can be provided to show that the letter was delivered. He will follow through with this plan.

**Mr. Ferrell's Committee Reports are as follows:**

**ACC Name Change**

Per Texas S.B. No. 1588, the Texas Legislature changed the name from Architectural Control Committee (ACC) to Architectural Review Authority (ARA), so he is requesting that the board formally change the name of the SEF ACC to ARA.

**A motion was made by Mr. Conrad and seconded by Ms. Carr to change the name of our ACC to Architectural Review Authority (ARA) effective immediately. Motion carried.**

**ARA Members**

Christy Condit has resigned; Cynthia Young has replaced her and will serve as administrator; Kitty Knowles and Andrea Cash are remaining on the ARA Team. Mr. Ferrell is excited about the skills that Ms. Young brings to the team and will discuss in detail later in this meeting.

**A motion was made by Ms. Carr and seconded by Mr. Ferrell to accept Christy Condit's resignation and to approve Cynthia Young as a member to the ARA. Motion carried.**

**Activities and accomplishments of the new ARA Team:**

- There have been 15 builds since the March 8<sup>th</sup> board meeting.
- Two builds have completed, but have not requested road damage deposits.
- New ARA members have approved four new builds and one change of site plan.
- One approval is pending, awaiting site plan. The owner is the builder. There is no delay due to ARA.
- Three builders (two spec builders and one custom builder) have delayed original start dates due to product shortages. New updated permits will be issued (if more than 30 days delay) when they are ready to start. Each has paid Road Use Fee and Road Damage deposit.
- The ARA is rewriting the Builder Requirements Letter to be more specific on timing, such as, the start for the 14-month completion requirement starts on the day of the foundation pour.
- The ARA is rewriting the Approval Letter to be more specific on Builder Requirements and variances granted.
- An Approval Letter will be sent on every approval.

- When appropriate, the ARA will be sending the Builder Requirements along with the Approval Letter. This is to ensure that the builder and owner understand everything that needs to be done.
- The Yellow Permit will be revised to indicate that the 14-month build window starts on the pour date.
- The ARA will send a Yellow Permit for every structure.
- A new software system, named Basecamp, is being implemented to track activity. It will allow ARA to digitize files, allowing access of all documents in each property's files. A spreadsheet will be generated on each property, allowing the ARA Team to view every step to be completed. They have nicknamed this Go Flow – No Flow Checklist that will show completions in real time. If an item is in green, it's Go Flow; if in red, it's No Flow. The ARA team will each have access and can view in real time. This is a comprehensive program and Ms. Young is proficient as she has prior experience with this software.
- This Team is becoming organized and efficient in managing ARA responsibilities.

### **7b. Maintenance (Planning)**

Soon after the new board was elected, Mr. Conrad received an email from one of our residents, Don Fonner, who is a retired Navy testing engineer. He offered his assistance if needed. Mr. Conrad contacted Mr. Fonner and asked if he were willing to serve as chairman of the Maintenance Committee. Mr. Fonner was hesitant to serve as chair, but said that he might serve on this committee and asked Mr. Conrad to explain the board's vision and expectations. Mr. Fonner has since contacted Mr. Conrad with interest in serving as chair of this committee; and they plan to meet this week for further discussion.

Mr. Conrad included a request for volunteers to serve on this committee in the newsletter that Mr. Nolen will be sending to property owners.

Mr. Ferrell said that he would like for this committee to focus on the issues at the entrance to SEF such as the roads, brush, and other items.

### **7c. Neighborhood Committees and Block Captains**

#### **Neighborhood Committees:**

Along with the discussion on the entrance to our subdivision, Mr. Ferrell would like to assemble an active **Beautification Committee**. Their responsibilities would mainly encompass the entrance and our park area with focus on weeding and clearing brush.

Along with this, Mr. Ferrell would also like to request volunteers for a **Maintenance Team** for mowing and landscaping.

Mr. Ferrell would like to create a **Community Social Committee**. He feels like our neighborhood is not a close-knit community and he would like to improve that. The committee can decide what they would like to do, but Mr. Ferrell envisions four events per year with activities such as potlucks, movie nights (he has a large screen and projector), karaoke, garage sale (with the gate opened from 9:00 am to 5:00 pm), kids' night out, adults' night out, and other fun events that will bring a sense of community to our neighborhood. Mr. Ferrell believes that the way to do that is to bring people together with positive events.

### **Block Captains:**

Mr. Ferrell introduced Mr. Loy Moe, Committee Chair for Block Captains. Mr. Moe stated that he is organizing the neighborhood by recruiting block captains. He still has four sections not covered by volunteers, but he has sent out notices to those who have volunteered within other sections requesting they reach out to recruit for these vacancies. Block Captains are gathering emails of property owners to advise them what this team is doing.

Mr. Conrad asked Mr. Moe to share those email addresses with Mr. Nolen. The State requires HOAs/POAs to send notices to property owners in advance of every board meeting. This can be done by email if the property owner opts in to receive notices via email, so Mr. Conrad has asked Mr. Nolen to work on obtaining correct emails from SEF members. Mr. Conrad anticipates that the board will ask SMTX PM to send letters to those property owners who have not provided email addresses.

Mr. Conrad wrote a newsletter from the SEF Board President and requested that Mr. Nolen email or mail that letter as soon as possible. Mr. Conrad informed Mr. Moe that he also included the request for Block Captains in that letter, instructing them to contact SMTX PM to volunteer. Mr. Conrad informed Mr. Nolen that, as a property owner, he had not received the newsletter to date. Mr. Conrad found it buried on the website under multiple layers, but wants that letter sent to all property owners as soon as possible. Mr. Nolen assured Mr. Conrad that the newsletter would be sent to all property owners this week.

### **Emergency Evacuation Plan**

Mr. Conrad told Mr. Moe that he wanted to establish an Emergency Evacuation Plan and will enlist Block Captains to assist with evacuations. The National Wildfire Coordinating Group promotes the Community Wildfire Protection Plan (CWPP) that helps homeowners identify risks within the neighborhood and to mitigate those risks. Mr. Conrad plans to call on the Fire Marshal and the Texas Forest Service (TFS) for assistance in developing this plan. The board can implement those plans on SEF owned property, but can only make suggestions to individual property owners.

Mr. Conrad stated that one of his biggest concerns is that property owners have one road in and one road out and described three important issues. If we have a wildfire and the exit is blocked, we have no way to leave the subdivision. If we have a flood, and water rises over the bridge and culverts, we would also be stranded.

Another major concern is how Canyon Lake Water Services treats their water. If they use free chlorine and there is a spill, deadly noxious gasses could escape and kill people. That could affect residents from using that road also. Mr. Conrad will contact Canyon Lake Water Services to discuss how they treat their water.

The Community Wildfire Protection Plan (CWPP) includes an evacuation plan. Once our evacuation plan is created, Mr. Conrad would ask the Block Captains to distribute the evacuation plan to the property owners within their blocks and to also volunteer to coordinate with residents if an evacuation becomes necessary. Mr. Conrad asked Mr. Moe to discuss this with the Block Captains to ensure they are comfortable with this responsibility.

Mr. Moe asked Mr. Conrad if he had contacted the Comal County Emergency Services. Mr. Conrad had not, but plans to visit with them regarding his concerns and to ensure they have an emergency gate code to SEF. Mr. Moe mentioned that he has a process for changing gate codes.

## **8. Other Business**

### **Outdated Email Accounts and Passwords**

- When Mr. Conrad and Mr. Ferrell met with Mr. Nolen last month, they discussed SEF logins, passwords, and multiple email accounts. It was not clear who had access to these email accounts, so Mr. Conrad asked Mr. Nolen to delete them and create two email addresses; one general email that would be managed by SMTX PM and the other would be accessible to the ARA Team. Mr. Nolen will determine which board member should receive emails addressed to the general email address and forward them accordingly.

Mr. Nolen explained that he has set up these email accounts, but is hesitant to change the SEF ACC email address to SEF ARA because it will generate a completely different email address. The ARA team is already using the SEF ACC email address through Outlook. Mr. Conrad stated that this is not an issue if they must keep the ACC email address. Mr. Nolen stated that he will investigate making this change.

### **Aaron Brown's Resignation**

- Mr. Conrad confirmed that board members had received Aaron Brown's email resigning as secretary from the SEF board.

**Motion was made by Mr. Ferrell and seconded by Mr. Carr to accept Mr. Brown's resignation as secretary from the SEF board of directors. Motion carried.**

Mr. Conrad recommended that the board leave the secretary position open for now. Mr. Nolen stated that the only issue this vacancy may cause is the bank's requirement that the board secretary authorize board members' signatory permissions. Mr. Conrad then proposed that Mr. Nolen serve as acting secretary to the board until a replacement is appointed. Mr. Conrad has read the bylaws and nothing within this document requires that this position be held by a board member.

Mr. Nolen agreed to serve as acting secretary to the board with the stipulation that he not be required to take meeting minutes. The board members agreed.

**Motion was made by Mr. Ferrell and seconded by Ms. Carr to appoint Mr. Nolen as acting secretary to the board until a replacement can be appointed.**

**Discussion:** Mr. Nolen asked for clarification that, as acting secretary, he will not be a member of the board and will not have voting privileges. Mr. Conrad confirmed that both statements are correct.

**Motion carried.**

### **Structural Violations**

- On February 28, 2022, the day after this current board was elected, Cassandra Brown approved a construction request to build a shop on Aaron and Cassandra Brown's property. This is an issue because, according to our bylaws and the State of Texas law, it's a huge conflict of interest action. An ACC member cannot participate in approvals on their own property. The spouse of an ACC member cannot act on an ACC action when they are serving as a member of the board. Technically, Aaron Brown was a member of the board when Cassandra Brown approved their shop. Additionally, the site drawing that was submitted was hand drawn indicating that 'the house is here and the shop is here'. Their drawing failed to show setbacks or their carport.

Mr. Conrad asked Mr. Ferrell to work with the ARA Committee to draft a letter to Mr. and Mrs. Brown revoking the ACC's approval to build their shop. They may resubmit a request by following appropriate ARA stipulations. Mr. Conrad reminded Mr. Ferrell to send the letter via Priority Mail rather than Certified Mail so they will have tracking information that the letter was delivered. Mr. Ferrell stated that this letter is being prepared by the ARA Team.



Mr. Conrad stated that he wanted the board to be aware of this situation because issues may arise that the board may have to address.

- Mr. Ferrell mentioned a concrete culvert that was built within the wet weather creek. It is a danger to the surrounding homeowners should a flood occur because the culverts cannot handle a rush of water with this obstruction. The ARA has asked the property owner for ACC approval documentation, but has received nothing to date. The ARA has given the property owner seven (7) days to provide this documentation before taking further action. Mr. Conrad asked that the ARA Committee handle this situation, but to bring it to the board if it cannot be resolved.

Mr. Conrad stated that he would like to see an engineering design for this property if it was done.

Mr. Conrad also stated that he plans to contact RINCO to acquire the engineering design for all culverts for this subdivision. This will inform the board how their design will handle a fifty-year or hundred-year flood.

#### **Managing Meeting Notices**

- Earlier, Mr. Ferrell and Mr. Conrad discussed the board meeting agenda that was removed from the park. Since the State of Texas requires meeting agendas to be posted in two conspicuous locations seven days prior to all public meetings, Mr. Ferrell and Mr. Conrad plan to build a permanent structure in the park for displaying meeting notices.

It was suggested that the board provide a permanent meeting board inside the gate. Mr. Conrad reminded the board that a policy must be established prior to installing this board to prevent people from leaving outdated material on the board. It was suggested that a locking type of cabinet be acquired. This was not an action item and further discussion is required.

#### **Updated Website**

- Mr. Ferrell wanted to ensure that the general membership knows that the Summit Estates at Fischer website has been updated and will provide property owners the most current information about our neighborhood. Mr. Conrad stated that this was included in the newsletter that Mr. Nolen will be sending to all property owners.

Mr. Ferrell asked that a “splash” be posted on the SEF Facebook page to inform members that the SEF website is the best resource for learning what is happening within our subdivision.

Mr. Moe suggested that Frequently Asked Questions (FAQs) be added to the website. The board agreed that this was a good idea.

**New Board Meeting Times**

- Ms. Carr asked if it would be possible for the board to meet during the day. Mr. Ferrell and Ms. Carr preferred morning meetings.

**Motion was made by Ms. Carr and seconded by Mr. Ferrell that the SEF board change their meetings to mornings beginning at 9:00 am. Motion carried.**

**Entrance to SEF (water accessibility)**

- Ms. Carr inquired if the sprinkler heads at the entrance were working. Mr. Conrad asked if they were even connected to a water source. Mr. Conrad offered to ask Canyon Lake Water Services if they had a water bib that SEF could use to water the entrance plants and grasses.

Mr. Moe stated that Frank Williams, an SEF resident, knows everything is located up front. And Clink Knack, also an SEF resident, surveyed this entire subdivision.

**9. Adjourn**

**Motion was made by Ms. Carr and seconded by Mr. Ferrell to adjourn at 9:08 pm. Motion carried.**