

Minutes of the ECROA Board Meeting

May 24, 2022

1. Call to Order and Establish Quorum. Meeting was called to order at 7:03 p.m. at the Wilson County ESD #2 Emergency Services Building, 11381 FM 775, Floresville, TX 78114. Board members present were Caprice Ritcheson, President; Susan DeLoren, Secretary; Linda Miller, Zenobia Wells Penny LaMaestra and Lynda Aguirre. A quorum was declared.

2. Approval of Minutes from April, 2022 meeting. Approval of minutes tabled until next meeting.

3. Welcoming Committee. Margaret Tollefson reported two packets were prepared, but only one was mailed. The second packet was addressed to an invalid address. Margaret called Heather Vela, Treasurer, who is keeping a list of all lot addresses, to validate the address, but Margaret has yet to hear back from Heather.

4. Treasurer's report. Heather was absent, having been exposed to COVID, so there was no treasurer's report.

5. Parks committee report. Alice Hartzler, head of the Parks committee, was absent, so there is no committee report.

6. ACC report. Caprice received an email advising her that no one from ACC would be in attendance, so there is no report.

7. Old Business.

a. Past Due Collection Letters. Heather was to have sent them out, which presumably she did, but we have no confirmation.

b. Attorney for Dues and ACC Violations. Caprice tried to contact our attorney, having left a message twice a week for three weeks, and has yet to receive a return call. So she gave up on them and started reaching out to other law firms. She finally reached the Crist law firm. It is a small law firm; there are only two attorneys and three staff members in their office. They are in San Antonio, but they are familiar with Wilson county and know all the judges. They deal with deed restriction violations and dues and fees collections. Their rates are \$250.00 per hour, which is not bad for attorneys, and work like this. If the problem is deed restriction violations, we have to pay their fees as they are incurred. When the matters are resolved in court, we are refunded attorney fees back from the resident or property owner. But on debt collection, which is our current problem, the HOA will be responsible for paying attorney's fees on a deferred basis. That is, we would be responsible for paying attorney's fees out of amounts collected from the property owners. The firm would include attorney's fees in any demand made

on our behalf for debts to be collected. In other words, when the amount is collected, we then pay the attorney fees; we don't have to pay the fees up front to the law office. The initial demand letter the firm sends out will be billed at \$250.00 to the property owner. If the property owner wants to make payment arrangements, there will be extra fees; if we foreclose, \$125.00 will be billed in foreclosure preparation; if we complete the foreclosure, the fee is \$750.00. These charges are reasonable and in line with what other firms charge. The Board approved Crist as the new law firm for the HOA, and Caprice will advise them of their acceptance.

A discussion was held with residents in attendance regarding what happens if the property owners do not pay their dues and the HOA becomes insolvent and the state puts it in receivership. Caprice related that the state appoints an attorney, or firm and a receiver to run the HOA. Dues will be increased to cover the increased costs and could amount to \$600.00 to \$1,000.00 per year per lot. Also residents, whether renters or property owners, will be fined for each violation of the receiver's or management company's rules, such as mowing property or taking in trash cans, etc. – any small infraction on which a fine and/or fees can be levied. Various suggestions were made concerning how to inform the property owners and renters of such an eventuality. A suggestion was made to post a notice on the posts of all the mailbox kiosks that such an eventuality was possible; a further suggestion was to lay out the situation on the Announcements page of the organization's website. Eventually it was determined that we should table these suggestions until Heather could report on how the collections were coming in relative to the collection letters being sent out. After this discussion, Harvey Clark, owner of Clark's Self Storage at Hwy. 775 and Eagle Creek Drive, and having heard the discussion of the Association's dire financial straits, has offered a loan of \$30,000 for one year to the Board. See Afterword.

Additional Old Business

a. Water line problem. Caprice reported that she had on her to-do list also to contact the County Commissioner regarding the lot with the water line problem. The commissioner replied that such matters were not in the county's purview and referred her to Region 2 of the Texas Commission on Environmental Quality (TCEQ). She called the TCEQ five or six times and left messages, but has had no response.

b. Speeders on Cherry Ridge. Caprice contacted the sheriff about speeders on Cherry Ridge. She was assured that the office would have a patrol out at least once a week; as of yesterday, the sheriff reported that they had given out eight tickets over the past two weeks. Caprice asked the sheriff to particularly watch the school bus. Since the bus has been running late, the bus speeds through the dip on Cherry Ridge and consequently the kids are bounced out of their seats. Her grandson, who rides that bus, reported to her that the bus now has a new driver.

c. Removal of water meter. Caprice assumes the meter has been removed from the front entrance as discussed at the last meeting, but she has had no confirmation.

d. Mailbox cover. The cover on the mailbox kiosk on Hwy. 775 and Eagle Creek Drive has been repaired and the repair bill has been paid.

8. New Business. There is a breakdown in communications between the ACC and the treasurer. No property owner should be given a building permit for any new structure on their property as long as their dues are in arrears. However the ACC has not requested a list of past due property owners from Heather. This situation must be rectified; Caprice will speak with Heather about how to set up the needed communications between her and the ACC.

Susan DeLoren moved that we remove Sam Jones as head of the ACC since the ACC's business is not being addressed. Penny LaMaestra seconded, and the Board voted unanimously for the motion. Caprice will notify Sam.

Sam currently has the ACC phone, and it needs to be passed to the new head of the committee. The committee should meet and choose a new head. As of now, Matt Freeman, the current Inspector, and Phillip Gandara are ACC members, and the committee needs one more member. Gail Baham remains as the Administrator. These people will meet with Cindy Faulkner, past head of the ACC, to learn their responsibilities on the committee and to set up regular meetings.

9. Adjourn. The meeting was adjourned at 8:09.

Afterword: The ACC phone is now in the possession of Matt Freeman.

After informal discussion by the Board, Harvey Clark's offer of a \$30,000.00 loan was declined.