

Minutes of the ECROA Board Meeting

June 28, 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; Alice Hartzler, Vice President; Susan DeLoren, Secretary; Linda Miller, Zenobia Wells Penny LaMaestra and Lynda Aguirre. A quorum was declared.

2. Approval of Minutes from April and May, 2022 meetings. Minutes from both previous meetings were approved as corrected.

3. Welcoming Committee Report. No report. Margaret Tollefson, head of committee was not present.

4. Treasurer's Report. No report. Heather Vela, Treasurer, was not yet present.

5. Parks Committee Report. Alice Hartzler, head of committee, met with Doug Sample, ex-Board President and Ralph Wright ex-head of Parks Committee to get an overview of the parks and learn some of the issues of the parks, since it was not possible to meet with Sam Jones, immediate ex-head of the Parks Committee. The pond in one of the parks is filling up, albeit slowly, and Doug suggested there was really nothing the current committee needed to do about the ponds in the two parks with ponds, since they fill at the same time from the same source. At this time in this drought, the pond waters are evaporating more rapidly than they are being replaced, so the committee needs to keep an eye on the ponds to make sure they don't dry up. The committee also took a look at the ponds' valves, and both valves are broken, which is why the water is flowing slowly through the valve to feed the second pond. This accounts for the second pond's water level being lower than usual. Sam had previously told the board that he had been searching for replacement valves, but because of their unusual size, he had not been able to locate replacements. The committee will need to resume this search and locate suitable valves. Doug suggested contacting a water company who might be able to refer someone who could supply a replacement, but not an oil company, which would charge an exorbitant price.

Doug has also provided a written statement on the broken pipe situation at lot 272. Caprice noted that this situation should be left to the attorneys and Alice agreed. A resident present asked if the resident of lot 272 was threatening to sue, and Caprice answered that no, the situation was that a past owner of lot 272 had broken the pipe and then sold the property to the current owner without repairing it. Now the current owner has refused to allow the Board access to repair it. Caprice looked at the subdivision plat, but the subdivision was platted prior to the ponds being put in. So those lots around the

ponds, every one of them, triangles in to the pond, but the triangle boundaries are not shown on the plat. Basically, the developers made a mistake; they should have platted out a common area with the lots only going to the edge of the ponds.

Doug mentioned that when the pond on his property is full, the water line comes up to his property line, but when the pond water is low, his property line is a good 15-20 feet from the water. Caprice said because the areas around the ponds had not been platted, it was not possible to ascertain property lines around the ponds without going to each property and comparing a later survey with the actual property. She stated she had looked at 50-60 deeds for these properties, and not one gave any indication of "waterfront property." So if the owner had paid a premium for that, it wasn't addressed in his deed at all.

Doug stated that the previous owner of lot 272 had broken the pipe, that the current owner knew nothing about it, and he just wanted to know what Ralph was doing on his property. Ralph explained that the pipe was broken and he was there to repair it. Ralph did a quick patch job on the pipe, but now the current owner is refusing permission for the Board to have access to his property in order to properly repair it. Alice mentioned that Deed Restriction #3 states that you can not impede the water flow at all.

Caprice answered that this is really a Parks issue, so the committee should send the property owner a letter formally demanding access to the property and explaining the need to repair the pipe. Alice said she needed to check with the ACC to see if they had made any moves to address this issue with the previous owners or if any permissions had been granted to the previous owner for digging in the area which resulted in the pipe being broken. Caprice agreed to checking with the ACC because when turning the situation over to the attorneys they would demand a chronological description of the events leading up to the broken pipe and what had been done so far to repair the damage. If the previous owner did not communicate with the ACC then the Parks committee should be clear to demand access to the property to effect repairs.

Alice will keep Doug's notes regarding this situation. Caprice mentioned that she could arrange for her son to do the repair, since that's what he did in his job.

Caprice noted that Heather had arrived, and would now deliver the Treasurer's Report. (see Treasurer Report on final page of minutes).

Caprice requested a copy of the payment plan Heather used to collect the past-due accounts, and Heather replied she did not have a formal payment plan, that she was noting in her records how those people who had contacted her regarding their past-due amounts had promised to pay. Caprice said she had a copy of a formal payment plan and she would send it to Heather.

A resident in attendance asked Heather whether dues notices were always sent out now, and Heather replied that previously notices were sent out in April, but she felt that was too early since the dues are not actually due until September. So the Board had decided

to send them out near the end of June or first of July so they wouldn't be as easily forgotten or overlooked.

Caprice mentioned that the Board has now retained a law firm to represent us, the Crist law firm, and they are going to want a ledger listing all properties and owners who are past-due two years or more and have not made payment arrangements or who are not following through on their agreed-on arrangements. They will need full ledgers on each one. They're going to correspond with Heather, not with Caprice. Caprice will send Heather the contact information for the Crist law firm.

Caprice explained that the reason we're billing the dues first before addressing past-due dues amounts is because they're going to send their letters out to owners over two years past-due, and they are going to add a charge of \$150.00 to each owner who has not paid. And that charge can go up. Now the Board does not have to pay that charge up front; it will be collected from the property owner. The only time we may be required to collect it is if it turns out to be noncollectable, for instance if the property owner cannot be found.

6. ACC Report. One property came into compliance, 1039 Wildflower, which cut its grass, and another address on Wildflower with the damaged fence received a second letter. Another property at 106 Eagle Creek Ranch Blvd., which had been previously cited, received a second letter. The property owners at 617 Cherry Ridge have poured a large slab for a metal garage building, for which the ACC was not notified and did not approve the construction. The property at 127 Harvest Lane has a trailer in front of the house being built. The property owner knows the trailer needs to be demolished, but the house builder does not have enough workers to do the job presently. This situation will be taken care of as soon as the builder's employee problems are resolved. The first house on Cherry Ridge as it turns from Harvest Lane has had the trees cut and trimmed on that property, and a base driveway has been created. Caprice replied that this property owner should receive a letter from the ACC stating that they noticed activity on the property and reminding owners that if they are planning to build, they must submit plans for their building to the ACC and receive permission to commence building.

Caprice also suggested that the ACC speak to the owner at 127 Harvest Lane about contacting his builder and urging him to address his worker shortage as soon as possible, and by delaying they are in violation of HOA rules which could result in fines being assessed at \$500 per day. We can not fine the builder, but we can fine the homeowner. So it behooves the homeowner to bring it to the attention of the builder. The homeowner, if necessary, can tell the builder that the HOA is fining him, and he will sue the builder for the amount of the fines. The builder is Tilson Homes, which has build sites all over Texas, and there is no excuse for this building site to sit with no activity for months. At least you may be able to get a timeline on this job from Tilson. Give the homeowner 30 days to furnish us with a date of completion of this build.

Caprice stated it was probably too early to send any non-compliance issues to the attorney, but keep after the property owners who were not in compliance with their deed restrictions to bring their properties into compliance.

Doug brought up the double-wide trailer parked by the first house on Eagle Creek Blvd. That trailer has been sitting there for years, and it needs to be moved off that property. Caprice noted that homeowners could leave a trailer on their property and live in it while their house was being built on the lot, but when the house was finished, the trailer had to go. And this was a subject for the ACC.

The current ACC members met with Cindy Faulkner, a past head of that committee, on June 17, to learn procedures and processes for the committee's responsibilities. It was gracious of Cindy to meet with the current ACC members and help them.

Caprice asked what had happened with the property owner whose fence extended into the pond near his house. This is the neighbor of the owner with the broken pipe in the pond, although this property was on Misty Bend, not the Blvd. Caprice stated that the ACC should stay in touch with this property owner until the situation was rectified.

7. Old Business. The mailbox cover on Eagle Creek Dr. and Hwy. 775 was finished and paid for by the insurance company of the resident responsible for the cover's damage.

The water meter at the entrance to the subdivision from Hwy. 181 at Eagle Creek Blvd. has been removed, and the tattered American flag at this entrance has been taken down. Phillip Gandara volunteered that he has an American Flag that he would donate to replace the one taken down.

Caprice stated that the ACC can not approve any construction on a property if the property owner is in arrears on their dues, so the ACC needs to send an email to Heather to make sure the owner's dues are paid current.

8. New Business. The ACC must use the proper forms and procedures to alert property owners of violations of deed restrictions. If the proper forms or procedures are not used, the attorney will refuse to address the violation.

Requests for re-sale certificates should all be forwarded to Heather. Sellers' paperwork must contain this certificate for the sale to be completed, and there are now fees attached to granting these certificates. The fees are collected by Heather.

Alice brought up the need for a statement from Harvey Clark of Clark's Self Storage at the subdivision entrance at Hwy. 775 and Eagle Creek Dr. regarding the structure along his property's back easement. This statement should state exactly how this structure can be moved off that easement and how long it would take, and the statement should be kept

by the ACC in the property owner's file. Caprice agreed that the ACC needs a memo of understanding that the structure exists only because the ACC was assured that it was a temporary structure. Alice reiterated that this needs to be a request for documentation purposes only. Caprice stated that this is an ACC subject, and the ACC should determine how to handle it. If the ACC can not get the documentation from Mr. Clark, then they can bring the problem to the Board. But she reiterated that there should be a clear division between the ACC and the Board's responsibilities. Also, since the purported agreement between Clark and the previous ACC was a verbal permission, Caprice reminded the ACC members that in the future there could be no verbal permissions given by the ACC for any activity at all. Documentation of agreements should always be required.

A resident inquired what the Board could do about mail being stolen out of mailboxes at one of the mailbox kiosks in the neighborhood. This complaint had arisen in the past, and the complaining party was told to contact the Postmaster in the Floresville post office, as responsibility for those mailbox kiosks was the post office's, not the Board's.

Another resident complained about items being stolen from her house, and she was told to contact the sheriff's office.

9. Adjourn. Meeting adjourned at 8:03.