



TAHITIAN VILLAGE

TAHITIAN VILLAGE PROPERTY OWNERS' ASSOCIATION BOARD MEETING MINUTES

The regular Board of Directors meeting of the Tahitian Village Property Owners' Association
Tuesday, April 18, 2023, at 7:00PM

Meeting held at the BCWCID#2 Conference Room

TVPOA Board Members Present:

Charles Brading, Ruth Bullock, Dann Zimmer, David Carter, Mac Simpson and Charles Brown

Board Members Absent: None

Association Manager: Amanda Homesley

PUBLIC PRESENT: Michele Plummer, Lois Hornbuckle, Kat Smith, Greg Stigall,
Tony & Tina Terry, Jessica Zamora, Tanli Sun, Diane Schulze, Shelley Cartier, Deanna
Liarakos, Randy Hudgins, John & Mary Jo Creamer

MEETING CALLED TO ORDER: Meeting was called to order at 7:00 p.m. by President,
Charles Brading

SECRETARY'S REPORT

1. Discussion and approval of the March 21, 2022, meeting minutes.

**Charles Brown made a motion to accept the March meeting minutes. Ruth Bullock
seconded the motion. A vote was taken, and the motion passed unanimously.**

TREASURER'S REPORT

1. Discussion and possible approval on March 2023 financials.

Dann Zimmer stated we had a strong income come in from transfer fees and we also received our
monthly payment from the lawsuit payment that we split with the ACC.

Next month you will see a lot of changes as we moved a lot of money around.

We have everything moved except for GTFCU because it expires in July and there was no use in
getting penalized for that. There was over \$3k in penalty withdrawal at Telco but we make more
than that every month now. We have moved more money to Edward Jones.

Our First National Bank account currently has \$119k. We will have a lot of interest coming in
over the next 3, 9 and 18 months.

Mac Simpson asked did we calculate how much we should get in earnings?

Dann Zimmer stated we should see in the next 12 months, over \$3k a month, so \$36k in interest.

Mac Simpson made a motion to approve the March financials. Charles Brown seconded the motion. A vote was taken, and the motion passed unanimously.

INFORMATIONAL UPDATES (For community knowledge only. No board action allowed.)

1. TX Dot Speaker Tanli Sun with an update on the bridges and roads on Hwy 71. Starting tomorrow from 9-2 they will be doing work off of Lovers Lane. They will be adding asphalt and leveling that up. You will still be able to get out and in with the traffic control. They are working on west bound on Hwy 71. Middle of next week it will be ready going west bound.
Then they will be working on the East bound side and completed early summer. (temperature dependent) we hope to be finished besides clean up.

Diane Schulze stated are next goal is to get over passes and frontage roads at Tucker Hill, Pope Bend and 1209. They are 60-80% complete with plans for those. This will eliminate the lights between Austin to Houston and that is the goal.

OLD BUSINESS

2. ACC Report given by Amanda Homesley

Permits issued for March 2023:

- 8 new homes
- 9 fences
- 0 pergola
- 0 decks/patio
- 1 shed
- 0 garages
- 0 retaining walls
- 0 pool
- 1 driveway
- 13 total homes permitted in 2023

Touring violation report for March showing a total of 26 letters delivered to residents:

- 1st letters sent out were 17
- 2nd letters sent out were 6
- 3rd letters sent out were 3
- Total for the month was 26
- 20 violations resolved (some resolutions may be from violations issued in previous months)
- 12 hours toured during the month for a total of 166 miles

3. Discussion and possible action on transfer fee.

Shelley Cartier stated I am going to start from the beginning. In January, I received a letter that stated I purchased a lot and that you owed \$225. She stated I didn't buy this property in December of 2021, I bought it in June 2021, and I paid the \$225. What I did do in December of 2021 was add a friend on to the title that it took them over a year to send me. I sent an email to the info email address and stated I didn't sell it as I am still on the title and the emails have evolved. I was told, oh yes you do. Everyone has to pay a fee when there is a change on title because we have been doing it for years. I have been asking since the beginning to see to see the documentation to charge the transfer fee. The sale already happened. I have bought and sold properties many times and never have I had to pay a transfer fee. You are allowed to charge a fee for an administrative fee.

Amanda said she had the letter to show this information. The information is not what I am requesting. Maybe the board has where every single time something happens on title that you have the right to charge \$225. I have gone through everything, and it doesn't have this information. I will happily pay for this when I get this information. I have been told that you charge someone to put their name in a living trust and to take someone off. So, I would like clarification and to address these scenarios. The email from Mr. Bragg was arguing the fact that the POA has the right to charge the fee. My response to him is the following:

In your email, you provided the example of Myers v. Tahitian but does not pertain to the matter at hand. Myers was trying to have the fees completely thrown out and questioned the legitimacy of the POA altogether, which, I think we can all agree, is preposterous. I am not disputing the ability for the POA to assess transfer fees, nor how much they should charge. I am questioning under which exact circumstances the POA has a right to assess those fees. It is my contention that Tahitian POA has over-interpreted the power that has been granted to them and that they are not authorized to charge transfer fees on anything but the full 100% sale of a property where all owners quitclaim off a property and grant full ownership to new owners.

In my case, I purchased a lot in June 2021. The transfer fee was paid at close of escrow and I am not disputing that. Six months later, I added a friend to the title. I remained on title. I still own the property and it is my home address listed as the tax bill address at the county. The POA did not notice that I added a person on for 12 months after that. Needless to say, I was surprised to receive a bill in January of 2023 for something I had already paid 1.5 years prior.

Please help this matter get resolved by providing the following:

- 1) Please send detailed information on all circumstances for which TVPOA has been charging these fees, where an owner retained ownership. i.e., Do you charge a transfer fee for:
 - a) adding an owner to title, as in a marriage or domestic partner, or adult child/family member?
 - b) removing an owner from title as in a divorce or death?
 - c) putting a home into a living trust or an LLC?
 - d) refinancing a mortgage?

Please describe any other circumstances where TVPOA has been charging current homeowners these fees, other than for an actual sale of a property, where 100% of all owners quitclaim their ownership of the property and grant it to new owners. With this, please include a 5-year history of the number of these non-sale transaction fees that have been collected.

2) Please send the documented proof that specifically defines the "ownership property changes" you mention above that are subject to transfer fees. I have combed through all documentation that was provided to me by the title company when I purchased my lot and I have not been able to find any evidence that I would owe transfer fees for adding someone onto the title.

3) In response to my previous request for proof of documentation granting the right of the TVPOA to assess transfer fees for non-sales title changes, I received the Board Resolution dated Nov. 17, 2009, sent to me by the TVPOA February 21, 2023. It clearly states in the third paragraph:

"WHEREAS The Board of Directors has again considered the reasonable amount that should be charged as a transfer fee and a resale certificate **WHEN PROPERTY IS SOLD** in light of the administrative tasks that staff are required to perform each time such a sale occurs;" I am also in receipt of the TVPOA board meeting minutes dated July 21, 2020, where new business item #4 was discussed to combine the two fees into one. There was no mention of changing or adding any circumstances under which that fee could be assessed.

As I have said all along, I am happy to pay this fee if the TVPOA can prove to me that they have the legitimate right to charge it. It is my belief that TVPOA does not, and I defer to the above-mentioned document, provided to me by the POA, that clearly states it is only in the event of a sale of a property. I believe this document proves my point. Unless you can provide subsequent documents redefining the circumstances under which these fees can be assessed that clearly mentions transactions where at least one owner remains on title, then I believe this definition stands and I do not owe you a transfer fee other than the one I paid to you in June of 2021.

Charles Brading stated I am going to give you the POA's position and that is we are not attorneys and so we don't know the statues, but we do have an attorney that does. When you did bring this up, we did our due diligence and we did talk to our attorney and he responded back to us and he stated yes, when you transfer a title, and it charges a fee. If he responds back to your new message, we will absolutely respond. So right now, we depend on our attorney.

I wanted to make sure you all knew what was going on. I would like to hear that the nasty letters are being put on hold.

David Carter said, what do they say? That is your opinion. They aren't nasty.

Shelley Cartier stated you keep sending them over and over again and it's in yellow.

Charles Brading stated you will not be getting another letter.

Jessica Zamora stated it does state it should be written in our CCR's about transfer fees.

Amanda Homesley stated it is written in the CCR's.

The attorney has stated that we have the right to charge transfer fees.

Jessica Zamora stated I am not disputing that. We need to assess a different fee for a name change that takes a few minutes.

Dann Zimmer stated I am not going to get into this right now. I have a lot of expertise about what we are talking about and adding someone to title is a change of ownership. It is a sale. I am not going to answer any more questions about that, for inconsideration if the key term in this.

Shelley Cartier asked if refinancing is being charged.

Amanda Homesley stated no.

Shelley Cartier stated that is the same exact process and that is inconsistent there.

Greg Stigall stated I believe if you look back you 2021 or 2022 the board passed something on different scenarios on transfer fees.

Mac Simpson stated since you just responded this needs to be tabled until we get a response from the attorney.

Shelley Cartier, if there are minutes then send them. What was sent to me does not apply.

Mac Simpson stated let us get advised on his opinion.

Jessica Zamora stated shouldn't we implement that when we are engaged with a member to stop the letters?

Charles Brading stated we will look into this.

4. Discussion and possible action on violation.

Shelley Cartier at the same time, I received a notice of violation on my property.

The violation has been brought to my attention, the yard is overgrown, items such as mulch, garbage bags, cinder blocks, etc. in view of the public road. It this quotes a Texas public code that does not apply. This was so generic and does not apply. I stood out in front of my house and asked myself what is she talking about because I don't see anything. I came last month stating I have a native habitat. I have had this for 7 years and the same process every year. I was told that my mulch piles from the side of house have been there for 6 years. There is a statue of limitations for enforcement which is for 4 years. Many people come by and compliment me on my yard. There is a new TX property code for POA's, 202.007A #1 and #4, and my yard is definitely drought resistant. I am definitely past the statue of limitations.

Charles Brading stated that is actually not correct because you just told us that you cut it down every year and you have to reset every year.

Amanda Homesley stated at the beginning of this violation she had 20 trash bags on the side of her house.

Shelley Cartier said those were not trash bags, those were mulch in trash bags.

Amanda Homesley stated they were in trash bags. We don't know what is in the trash bags.

Shelley Cartier stated if you were to go back a week or two later you would have known it was mulch. You don't send photographs with your letters.

Amanda Homesley asked, "Do you know how many violation letters we send out"? We can't send photographs out to each house. Shelley Cartier stated you are supposed to record those for everything you do.

David Carter stated we saw those pictures that you took, and it wasn't anything like the ones you showed us. I am a naturalist and fair. When you show me pictures and get pictures from someone else, and they are different.

Shelley Cartier stated I would love to see what you are talking about.

I actually brought some for you to see.

Amanda Homesley stated these are what I saw.

Shelley Cartier said she is on the street and zoomed in about 100x.

If you have to zoom in, it's not a violation. Here is what it looks like without a zoom.

Amanda Homesley stated you didn't even go to the side of your house where all of the junk is.

Shelley Cartier stated there is another picture, but it's not zoomed in.

Jessica Zamora said is this the POA's prospective of her property or did someone turn her in?

There are people by my house that look like shit and off airstrip to the west, there are houses back there that look like shit. Like way worse shit than this.

Mac Simpson stated I am going to ask that we use appropriate language.

Shelley Cartier stated that my concern is are you zooming in on everyone's yards to find violations?

Amanda Homesley stated yes, to show the board exactly what the violations are.

Shelley Cartier stated but if you can't see it without having to zoom in then its not a violation that you can see from the street.

Amanda Homesley stated I clearly saw it, Shelley.

Shelley Cartier stated well of course you did, there were trees with no leaves and it was winter. I think you need to be more fair. There are houses on my street that have garbage in their front yards.

Mac Simpson stated I am going to address that issue. You are assuming that those people have not received notification.

Shelley Cartier stated they still have garbage. You don't need to zoom in on it. I get picked on about things on the side of myself and you are doing selective enforcement and that can land you into some trouble. My yard is beautiful.

Mac Simpson stated I am looking at this because at some point there were 20 bags of garbage bags.

I am frustrated with the situation and want you to be aware of the situation. I wanted the letters to stop.

Amanda Homesley stated I am going to respond to that. We can't change the letters.

Once we get to the 3rd letter, it goes to the attorney.

Shelley Cartier stated maybe you get be more specific. I went out to the street and couldn't see what you were talking about.

NEW BUSINESS

1. Discussion and possible action on arrangement of POA board during meeting.

Lois Hornbuckle stated I know the table can't be moved but I do think in all fairness that having the board facing the community, if you can put folding tables in front and looking at the residents. If you need to have a conversation with the board members you lean forward. This helps with having one conversation at a time. I ask that the board consider it.

Ruth Bullock stated it would take out some seats.

Lois Hornbuckle I am trying to have more transparency.

2. Discussion and possible action on volunteer t-shirts.

Kat Smith stated that Jessica Zamora did the leg work, and I did the paperwork in regard to this.

There was a discussion about t-shirts and it then it turned into making it a contest for volunteer Clean Sweep t-shirts and that the logo would be designed by the residents. There are some decisions that need to be made. The wording, such as Clean Sweep and or Volunteer.

The size of the logo and are hand drawn things going to be allowed and the timeframe.

We suggest a 3-week timeframe as we are looking to have the shirts by July Clean Sweep.

Jessica went to her t-shirt place out of Fort Worth with cost. They recommend tri-blend which has fewer colors. All prices are attached on the form given to all board members. It is all inclusive to cover everything. They would extend the price quote for the timeframe of the contest and working period. The checklist is also attached of what they will need.

Mac Simpson asked did you receive a sample of the t-shirts?

Kat Smith stated no.

Mac Simpson stated could they send a sample?

Kat Smith stated do you want to continue with the logo stuff?

I will email Lindsey and say Amanda is the contact person now. We have time for the t-shirt stuff.

If we want to get this out by July, we need to get the contest started.

Charles Brading stated you all did a good job and thank you.

3. Discussion and possible action on having a neighborhood playground.

Charles Brading stated we are looking to build a playground. We are going to build it on County property and then it will be maintained, and all liability will be handled by the County. It will be between east and west Tahitian which will be at the take-out area. I am looking to the County to find out who their architect is. The procedures are finding an architect, take it to both POA and ACC, take it to Commissioners Court, hire and sign an engineer, get approval from POA and ACC, get a bid, get approval from POA and ACC and then begin.

Mary Jo Creamer asked, "do you have an estimate"?

Charles Brading stated no, we need a concept first.

Bathrooms alone are \$380k

Kat Smith asked are we donating the funds for this? And is liability is also included in construction?

Charles Brading stated we are paying for the park and the construction company will have insurance to cover the liability during construction.

PUBLIC COMMENT PERIOD (Each member has 3 minutes to speak. No Board action can be taken.)

None

Mac Simpson made a motion to adjourn. David Carter seconded the motion. A vote was taken, and the motion passed unanimously.

Meeting adjourned at 8:01 PM.

[Redacted Signature]

David Carter, TVPOA Secretary

Date

5-16-2023

[Redacted Signature]

Amanda Homesley - Association Manager

Date

5/16/23