

TAHITIAN VILLAGE PROPERTY OWNERS' ASSOCIATION

P.O. BOX 636, BASTROP, TEXAS 78602, (512) 321-1145

TVPOA BOARD MEETING MINUTES (Amended)

The regular board meeting of the Board of Directors of the Tahitian Village Property Owners' Association – 7:00 P.M., Tuesday, April 20, 2021

Zoom Meeting-ONLINE

TVPOA Board Members Present:

Jan Schwindt, Mary Jo Creamer, Erika McDonald, Stacy Savage, Jan Kuchel and David Carter
Board Members Absent: David Carter

Association Manager: Amanda Homesley/ Administrative Assistant: Tiffany Ferguson

PUBLIC PRESENT: Jennifer Livengood, Marty Burnett, Robert Wallenhorst, Jessica Zamora, John Prince, Courtney Kellogg, Scott Ferguson, Randy Mikel, Greg Stigall, Diana Hugo, Chad Vredingburgh

MEETING CALLED TO ORDER: Meeting was called to order at 7:00 p.m. by President Jan Schwindt.

SECRETARY'S REPORT

The minutes of the regular meeting of the Board held on March 16, 2021 were presented.

Mary Jo Creamer made a motion to accept the March minutes as presented. Erika McDonald seconded the motion. A vote was taken and the motion passed unanimously.

OPEN FORUM/PUBLIC COMMENT

Courtney Kellogg stated she emailed a list of six requested topics of discussion for the meeting agenda, but after Jan Schwindt answered her questions via email reply, her request was denied and would not be brought up on any other agenda in the future. Courtney asked Jan S. if she understood that her request for discussion on these items was to be an open forum for member involvement and to help them follow along in the process (regarding the 2021 POA/ACC elections).

Jan Schwindt stated she thought they were items Courtney wanted answers for, so she gave her the answers that were from the current bylaws to which Courtney's issues were pertaining.

JS-You can discuss them here, but we have a time constraint of 3 minutes but can open that up to 6 minutes if you'd like to pick a couple of those points to bring up.

CK-A big one is that the Association made a lot of errors during the election at the members' expense. We're all supposed to learn from those mistakes and do better next time. Mr. Carter was selected to the elections committee to represent the POA and during that process there was a signature examples document given to the committee. What was given to the candidates was very different than what was given to the committee members and that document was used to invalidate candidate petition signatures. David Carter was promoted to Vice President of the POA and is also overseeing the election process rewrite of the bylaws and didn't see anything wrong with the list and neither does Amanda Homesley, the Association Manager. My concern with that is how are we moving forward as a community with these kind of standards as they seem obviously wrong. How do you feel as the president that the Association Manager and the VP were given the opportunity to act this way, but it's being presented to the community as a learning curve and that we will do better?

JS-The extra opportunity was given to candidates because their paperwork was filed out incorrectly to begin with and David Carter was not promoted because we are all volunteers with equal say.

CK-You do understand that the corrections were needed because of the signature examples form that had completely different requirements that needed to be met that and were only given to the election committee and not to the candidates. If we had received that form, myself and several other candidates would not have been disqualified.

JS-Whether the signature examples form was given out or not, there were incorrect entries on the signature support paperwork of many candidates. There were several people that had incorrect entries, with signatures missing, names missing, and several other issues. It wasn't just you. Some chose to correct their mistakes and resubmit their paperwork and some chose not to. You have one minute left.

CK-You haven't answered my question. I am referencing the candidates on the 1st round who got invalidated based on the additional examples page given to the elections committee.

JS-No, they were invalidated because they didn't follow the packet instructions and requirements for a printed name and signature. Several candidates did not have that and some signatures gathered were not even property owners in Tahitian Village.

CK-That brings up a good question because there was never a list of members in good standing given to the election committee, was there?

JS – I didn't say members in good standing, I said members of Tahitian Village, meaning property owners. I didn't see anyone's paperwork because I was a candidate, but the election committee did. Time was called.

JS-We have gone over this over and over.

CK-You don't find it unacceptable that the Association Manager and the Vice President find it okay to give the election board something else the candidates did not receive?

AH-It was a check off list like I explained to you in the office. The election committee has to have a check off list for verification that they had a deed, a biography and everything matched consistently with those 10 signatures and printed names. Each one of these had this information. It was an example. If they used "Jan" instead of "Janet", "John" instead of "Johnathan". It was an example. Period, the end.

CK- I feel the yelling is inappropriate and unprofessional.

AH-I feel you are unprofessional too, Courtney. You have done this to us for hours. And, you have thrown my name all over social media and I really do not appreciate that either. Thank you.

CK-I am asking for a civil conversation. This list was not given to the candidates.

AH-They weren't for the candidates.

CK-That's clear it wasn't for the candidates. If the candidates had it, they could have accommodated and sent in...(inaudible)

AH – Names must match what is on the deed.

CK – Then what were the extra examples needed for?

Both were muted as requested by Erika McDonald.

Stacy Savage stated that 6 minutes is up, and we need to move on.

CK-I want to ask members how they feel. Do any of you want member feedback?

JS – We do and we have heard feedback from you and we have answered your questions.

Tiffany Ferguson-She keeps unmuting herself.

Erika McDonald-Let's ask anyone in the community if they have anything to say regarding this topic.

MaryJo Creamer-We need to stop this conversation. We need to move on. We have talked about this over and over.

CK-There have been several people in the community that have voiced their opinion.

MJ-They aren't on this call.

CK-You're right, but the entire board finds nothing wrong with this examples page?

Board – No.

JS – Can we move along with the agenda? Are there any other public comments? Several members are on the call.

EM – There's nothing in the chat box.

TREASURER'S REPORT

Discussion and possible approval of March 2021 financials.

Erika McDonald stated we had a profit of \$19,390.00. I predict next month will not be so profitable due to a large Clean Sweep event. Appreciation to our Association Manager as she was hustling - the line was down to the church. If this is going to be a thing in the future, we may have to get detour signs to reroute traffic.

Mary Jo Creamer made a motion to accept the March financials. Jan Kuchel seconded the motion. A vote was taken and the motion passed unanimously.

OLD BUSINESS

1. ACC and Touring/Violation Report – Report given by Erika McDonald.

2. Discussion and possible action on Bylaws and Election Committees.

Erika McDonald stated that both Committees are working steady and will have a joint meeting next week. By mid-May they will be meeting together so they can start running through the full document. Stacy Savage stated, last week, both were cancelled so they may need an extra week before meeting together.

Erika stated that she oversees the whole process, but Stacy heads up the bylaws revision committee and David Carter heads up the election committee.

Stacy voiced appreciation for all the volunteers' efforts.

3. Discussion and possible action on Clean Sweep.

Jan Schwindt stated that it was possible to move the Clean Sweep where the Bassano's was. It is bigger and has 2 driveways to funnel traffic.

Mary Jo Creamer stated but there is salon in that same parking lot and it gets busy and there are also the apartments located near there and residents may get upset if we block them in.

Erika McDonald stated she would prefer to line then up on Mauna Kea other than Tahitian.

Mr. Fox, the owner stated that the old staging area of the BCWCID#2, that we could use that area.

Tiffany Ferguson stated there is another business going in over there in the restaurant.

Erika McDonald wanted to make note that we had 4 compactors.

Mary Jo Creamer stated we lost count of dumpsters.

Amanda did a marvelous job of coordinating it and worked great with the guys.

NEW BUSINESS

1. Discussion and possible action on having auto-response on emails.

Stacy Savage wanted to be sure that the staff has ample time to respond to emails and conduct

further research.

I know it has been broached before. I know it is the staff's decision, but they don't feel compelled if they are swamped with other things. It just gives them extra time to perform their duties.

I think they can easily implement.

Jan Schwindt, do we need further discussion on? Or a motion?

Erika McDonald stated, I don't think so, I think it is standard business.

Stacy Savage stated, I'm hoping the Board will support this.

Amanda Homesley stated if its needed, we will put it in place.

Jan Schwindt stated I think it is a good idea and support for our staff. We will need to look at what is in the message if they need it.

If staff is ok, Stacy Savage will take the first stab at drafting the message.

Jan Kuchel stated it is for time management.

2. Discussion and possible action on continuing education.

Erika McDonald stated she came across some continuing education through CAI and feels it is our duty to participate in something related to improving our abilities to serve the community through good governance. Some of it is costly, some of it is not. There are leadership classes, webinars, etc. and we could all take these.

There is a course for association managers. There is also a course that could open up something for her in her future career. She will send this to us later.

Jan Kuchel, what is the cost to be a member?

Erika McDonald stated we are all members already.

Stacy Savage, would this be a requirement for all future staff and board members?

Erika McDonald stated, I would like to see that with a certain number of hours. We all have a responsibility to improve and we need that knowledge, or we can't do it.

Jan Schwindt stated can you send the login information out to us?

Erika McDonald stated, of course.

3. Discussion and possible action on shed variance on 128 Kaapahu.

Amanda Homesley stated that the ACC approved a variance earlier this week and wanted to get this approved in this month's POA meeting minutes. The shed is placed in front of the house due to the property's terrain.

I will send the pictures by email and will need 3 members to come by and sign the variance paperwork.

The variance is needed because the property owner did not put the shed on a concrete pad.

4. Misc. Discussion and possible action on monthly meeting minutes.

Jan Schwindt stated she believes that Amanda drafts the original minutes and then Stacy repeats the process tweaking the document, and both are taking at least 2 hours. Its kind of crazy that 2 people are doing the same thing.

I am wondering if Stacy wants to do them fully as the Secretary?

Stacy Savage stated this is the first time it is being mentioned. I like the way it is being done right now.

Jan Kuchel stated that she remembers Stacy saying that Amanda creates the bones of the draft and then Stacy fleshes it out to capture the correct tone, inflection, and intention of the discussion.

Erika McDonald stated it takes double that amount of time of the actual meeting because you have to

type, rewind the recording, listen to it again, correct any mistakes, etc.

SS - I am not ready to make a decision right now. Maybe we can discuss via email thread.

Jan Schwindt stated it was just a thought.

Jan Kuchel asked are the minutes on a recording and that is where we get it from?

Stacy and Amanda stated yes.

Mary Jo Creamer asked are we transcribing exactly?

SS-no

MJ-why not, I don't want my words changed.

SS-if there is something that needs to be quoted, then we will. The meeting minutes are a synopsis and we decided as a board several months ago not to purchase a verbatim transcription service.

JK – this is not a courtroom and doesn't need to be verbatim.

5. Misc. Discussion and possible action on ACC guidelines.

Jan Schwindt stated we need to figure out who is going to be our representative for POA sitting in on the building guideline rewrite.

Jan Kuchel stated she has a trip to Colorado and can not commit because of personal reasons right now. It was mentioned that Amanda should be the person to attend and report back.

MJ- Amanda works with all the builders and will keep us updated. She has the knowledge and will be a perfect rep. She is touring and see what the issues and that is if she is willing.

Amanda Homesley stated she is willing to represent the POA and will report back to the board weekly.

Jan Schwindt-The meeting is going to happen during the workday.

Tiffany Ferguson will ensure the office phones are answered.

ACC member, Marty Burnett, stated they are expected to meet once a week for not more than 2 hours.

TF-We can forward the phones during the meeting.

AH - We are just making corrections and making a few tweaks to the building guidelines versus updating the entire document like last time (Sept. 2020).

SS-Is the meeting going to be recorded?

TF-It hasn't been before, but will ask.

MJ-Amanda can take detailed notes for the board.

6. Misc. Discussion and possible action on ACC guidelines* (Amendment below).

Courtney Kellogg stated she is confused on following the books and records requests process under the Bylaws Article 9 Sect. 1 (Board powers and duties), subsection C – “establish an assessment and its collection as is necessary to maintain, the powers, duties, and authority of the association.”

Courtney stated there was conflicting information was given at the last bylaws revision committee meeting where Erika McDonald stated it should be deleted.

Erika said it was unnecessary verbiage as the committee already removed the right of the association to establish assessments and fees, which now aligns with the TVPOA deed restrictions, our highest governing document. It's really just for cleanup.

CK-Jan Schwindt sent her an email stating something else that it was needed for the board to hold the powers that it has. There is a disconnect there if someone is trying to delete it in the bylaws document. This is referring to dues. Transfer fee? Do you consider this an assessment?

Jan Schwindt-No. Transfer fees are to cover administrative costs to keep all member information correct in our database.

Erica McDonald-Language describing an assessment or dues would be for members to use a community-owned amenity, such as a pool area or golf course, which we don't have as of 1998.

Courtney Kellogg- Where in the governing docs does it say the POA can collect?

Jan Schwandt-I have already answered these questions. If you would specifically ask a question about what it is you want an answer for, I can answer it for you.

JS-This is not New Business.

CK – This is new business. I have never asked this question before.

CK-Why are you always cutting me off?

Mary Jo Creamer-This is not on the agenda. It is a public comment; we are not supposed to provide feedback or voting decisions on public comments.

CK-Why can't we discuss this? How to you get member involvement?

JS-When the bylaws are written and rewritten, the corrections will be open up to the membership.

CK-I am asking where in the governing documents supports the POA with the ability to charge transfer fees?

MJ-You're wanting specific citations and I can't do that off the top of my head.

JS-I will answer that in email.

MJC-You are asking for specific information.

TF-Can we move on?

CK-Can you stop interrupting me?

TF-You are interrupting the board. This meeting is for agenda items, and you're providing public comment.

CK-Why is the staff allowed to interrupt members? I have been cutoff several times. This is all completely unproductive and unprofessional that anytime someone has a disagreement with the board, I get cut off.

JS-Yes, you have. You have asked these same questions several times and we have answered them.

CK-No ma'am. You say you answer things, but you don't.

TF-I have had several board members ask me to mute her.

JS- I have asked you to send a specific question in email. If your questions are general, I will give you general information. If they are more specific, I will give you specific information. We are moving on to Executive Session.

*Upon further research and consultation with the attorney for Tahitian Village Property Owners Association, the following amendment and motion were proposed to update the April 2021 meeting minutes to reflect said activity regarding this topic:

“In subdivisions there are different types of assessments. First, there are “regular assessments,” Tex. Prop. Code § 204.001(3) and “special assessments,” *id.*, at § 204.001(4). The distinguishing fact about these two types of assessments is that the assessments must be something “that each owner of property” must pay. *Id.*, at § 204.001(3), (4). In addition, regular and special assessments are limited to certain subdivisions based primarily on population (which do not include Tahitian Village). *Id.*, § 204.002. There is another assessment authorized in this case by the Bylaws of Tahitian Village. The Bylaws authorize the POA to, “establish an assessment and its’ collection as is necessary to maintain the powers, duties, and authority of the Association.” RR DX-B, Art. IX, § 1(c). There is no requirement that everyone be required to pay the assessment; instead, only those who engage in certain activities. For example, the POA established a

