

**Goldenwood Property Owners' Association
Board of Trustees Meeting Minutes
Friday, May 31, 2013 at 7-9pm**

**Meeting Location:
Friendship Creekside Fellowship
(Formerly Friendship Baptist Church)
14,455 FM 1826,
Austin, TX 78737**

This is the first meeting of the Board of Trustees following the Annual Meeting May 21, 2013. The meeting constitutes the Organizational Meeting as well as a regular meeting of the Trustees.

7:10 pm – Andrew Backus, Vice President, called Board of Trustees' meeting to order.

Absent: Rob Baxter, President, out of town on business;

Present: James Lipman, Secretary;

Present: Jon Brink, Treasurer, arrived at 7:30 pm.

Present: Lynette Seymour, at large.

Jon Brink called Andrew Backus and said he was running a bit late but on the way.

Lot Owners Present at meeting:

Rowena Caldwell, Lot 86	Brian Dudley, Lot 95	Jean Backus, Lot 32
Steven Noto, Lot 51	Bonnie Tull, Lot 52 & 53	Terry Tull, Lot 52 & 53
John Russell, Lot 47		

Agenda Item:

- Areas of By-Laws and Restrictive Covenants Needing Revision and Designation of Committee to explore revision – Discussion:

Andrew Backus noted that requirements of Article IX of the Bylaws, "AMENDMENTS TO BYLAWS AND ARTICLES", which states "Subject to the notice requirements of Article IV, paragraph 5, the Articles of Incorporation and these Bylaws may be altered, amended or repealed and Amended Articles and/or Bylaws may be adopted by two-thirds (2/3) of the votes entitled to be cast at any regular meeting of the Owners or at any special meeting called for the purpose of altering, amending, repealing or enacting the Articles and/or Bylaws."

Action: None.

No Trustees volunteered to form a committee explore revision By-Laws and Restrictive Covenants at this time.

7:20pm Agenda Item (Jon Brink, Treasurer, arrived at 7:30pm during the following agenda item.)

- Next steps related to Rim Rock Connector, entrance bridge area trees, sign etc., including possible legal actions and estimated cost;

Rob Baxter has been representing GPOA on stopping/reversing the Dripping Springs' City Council decision to approve the Rim Rock connector to Crystal Hills Trail. Rob is absent due to out of town work obligations and provided no additional material for consideration at the meeting. However several Owners who have also been intimately involved in these agenda issues are present in the audience (Terry Tull, Bonnie Tull, Brian Dudley, P.E.) and provided information to the Trustees.

Various points made:

GPOA Owners Brian Dudley, P.E., Terry Tull, Bonnie Tull, Mark Gardner and Rob Baxter have been, and still are, very involved in all the issues related to the entrance and Rim Rock Connector over the life of the project. They have worked extensively with neighboring subdivisions Goldenwood West, Radiance and government officials.

Dripping Planning and Zoning – moved to require a traffic impact analysis to evaluate safety of connector prior to approving connector. Currently subdivisions are required to be connected to neighbors, but Rim Rock was grandfathered under old rules and is not required to be connected to neighbors. At the current time, Rim Rock is not even connected between its own 3-phases of Rim Rock.

Dripping City Council did not feel the connector constituted significant change of plat or a safety issue and approved the connector. DS Planning and Zoning committee only has advisory capacity to City Council but no authority.

Rob Baxter, on behalf of GPOA, sent a letter to Dripping Springs (DS), authored by attorney Mike Marcin, pointing out how DS potentially violated their own rules in approving the connector. DS dismissed the letter and said it was in error. Rob Baxter had expressed a desire to file suit against the City.

Andrew Backus relayed conversation with attorney Mike Marcin who indicated that such a suit would easily cost tens of thousands of dollars and would be difficult to win against the City due to the amount of “grey area” issues. Andrew Backus indicated he would potentially be OK with sending another letter or two from GPOA but was opposed to litigating against DS or County based on the information provided to date. There was consensus on ‘no litigation at this time’ with those in attendance.

Hays County still has a roll in approving the connector, maybe we have some leverage there? Brian Dudley, P.E. agreed to communicate with County to discuss, if this connector is a done deal, what can we do to make it safer such as: turn lanes, walking path along Crystal Hills Trail etc.

County has 60-days to review preliminary plat, original plat may have had emergency road connector to Crystal Hills Trail.

Lynette Seymour asked what the Counties’ roll in the process would be?

Brian Dudley, P.E. explained that Crystal Hills Trail is a County road, therefore they are able to require a traffic impact analysis, turn lanes, walking paths etc.. They are a regulatory agency GPOA need to stay in communication with on this matter.

Terry Tull, Owner, pointed out that DS Mayor had said that it “was up to the County to deal with safety issues related to the Rim Rock Connector”, therefore, the County has a large roll to play in this matter.

Some Trustees preferred the idea of a crash gate – emergency connector, versus a paved road for every day use.

Action on Rim Rock Connector:

Andrew Backus made a motion to create a committee to continue tracking the Rim Rock Connector Road issue and communicating with the County on behalf of the Board to be composed of: Rob Baxter, Brian Dudley, P.E., and Mark Gardner, P.E.(?).

James Lipman, seconded motion.

Motion approved: 4 – 0.

7:45 pm Agenda Item:

- Election / Confirmation of Board Officers:

Andrew Backus explained that he had made a mistake at the GPOA annual meeting May 21, 2013 by interpreting Rob Baxter’s April 27, 2013 as a resignation from the Board. Rob was absent from the meeting due to his mother’s death. Andrew told the Trustees that he had spoken to Cisco Hobbs who had been nominated to fill Rob’s 1-year remaining as Trustee at the Annual Meeting May 21, 2013. Andrew explained that Cisco had agreed to withdraw his acceptance of nomination to the Board of Trustees because he understood that Rob had NOT tendered his resignation.

Action on Election of Officers for Board of Trustees :

Lynette Seymour made a motion to nominate the following Officers of the Trustees:

Andrew Backus, President;

Rob Baxter, Vice President;

James Lipman, Secretary;

Jon Brink, Treasurer;

Lynette Seymour, at large.

Jon Brink seconded motion.

Motion approved 4 – 0.

7:55 pm Agenda Item

- Review of GPOA Financial Statement / Bank Reconciliation 2012 - present;

Jon Brink, Treasurer explained he still did not have the accounting reconciled for presentation but that the GPOA had \$48,401.85 in Bank America account as of today (5/31/2013) and about

75% of Owners were current on their Dues. Jon explained that there are a couple Owners more than 5-years delinquent on Dues and more that are greater than 3 years behind on Dues. Jon explained that Mike Marcin, attorney, had suggested to him that the GPOA's fee for certification of the standing of Owners related to their dues status is too low (\$25.00) and should be raised to a market rate of \$200.00.

Lynette Seymour asked why should GPOA raise it since GPOA's costs to perform this task had not changed?

Andrew suggested that it was the GPOA's responsibility to collect money it was due at a market rate.

Action on Fee for Certification of Owner's Dues Standing

Andrew Backus made a motion to raise the certification fee to \$100.00.

Jon Brink seconded the motion.

Motion approved 3 – 1, Lynette Seymour opposed.

A discussion on the collection of delinquent Owners' Dues came up during this agenda item.

Andrew suggested the GPOA consider filing liens against delinquent dues payers as part of the GPOA's fiduciary responsibility.

Several trustees felt that liens were an unnecessary intrusion of the GPOA into Owners' credit record. Others believed that the 10% interest earned was a good safe investment for the GPOA and that the title companies had been checking in with GPOA.

Andrew did not feel the GPOA should rely on title companies to ask GPOA if the Owner was in good standing once they were delinquent more than a few years and had not responded to notices. If a lien was filed, the title company and Owner would be obligated to resolve it. Liens are inexpensive forms to file (~\$15) and remove (~\$15) at Hays County Clerk's office plus time and travel to Hays County Clerk.

John Brink argued that liens should only be filed when an Owner is delinquent \$1,000.00, or more, because title companies had been checking with him. Discussion ensued followed by a motion.

Action on GPOA Liens For Delinquent Dues at meeting:

Lynette Seymour made a motion that liens be filed once an Owner was delinquent by \$500.00 or more in fees and interest.

James Lipmann seconded the motion.

Motion approved: 3 – 1, Andrew Backus opposed.

During the review of the Minutes Jon Brink reversed his opinion in the following e-mail:

‘From: Jon Brink [mailto:atthebrink69@yahoo.com]

Sent: Friday, July 19, 2013 1:24 PM

To: Andrew Backus; rbaxman@aol.com; atthebrink69@gmail.com; jalsjs@realtime.net; LynetteSeymour@yahoo.com

Subject: Re: Draft GPOA Minutes for May 31, 2013 Meeting

I think that is pretty close to how I remember it but I know that I never would have voted for putting a lien on folks at the \$500 level. I am pretty against that idea in general.

JB’

Therefore, The Revised Board Action on When GOPA Files Liens For Delinquent Dues:

Lynette Seymour made a motion that liens be filed once an Owner was delinquent by \$500.00 or more in fees and interest.

James Lipmann seconded the motion.

2 for motion and 2 opposed. Backus opposed because threshold too high and Brink opposed because threshold too low. **Motion failed.** Baxter absent with work obligations.

8:04 pm Agenda Item:

- Out sourcing of board bookkeeping and Home Owners’ Association Management;

Andrew spoke to a Property Owners Management company to get an idea of what outsourcing management may cost. Andrew spoke to Alliance Property Management in Austin and they said they charge \$300.00/month for general management of a property owners’ association the size of Goldenwood. Andrew said he intended to speak to other management organizations but had not yet gotten to it. Andrew acknowledged that the Treasurer had the greatest administrative burden. Jon Brink said it was no big deal and he did not need to be paid.

Action on outsourcing GPOA management: None.

Agenda Item

- Designation of Fire Risk Mitigation Committee;

Background:

Hays County Fire Chief Larry Marcum gave a general presentation on wildfire risk mitigation at the May 21, 2013 annual meeting. Chief Marcum pointed out that Goldenwood is located in one of the more dangerous areas for wildfire in Hays County according to his department’s assessment. The Goldenwood danger zone extends from Goldenwood all along the southeast side of RR-1826 north east to Highway-45 / Circle-C area. Chief Marcum has offered to educate the community on reducing wildfire risk and creating a fire emergency plan for Goldenwood.

John Russell, Owner, has agree to lead the Fire Risk Mitigation Committee and the Owners listed below are interested in participating in the Committee.

John & Allison Massey Russell	Rob Baxter
Debron C & Suzanne B Duncan;	David & Donna M Freidenfeld
Mark W & M Judy Gardner	Marjory L Gentsch
George Cisco & Karen Hobbs	Phillip & Yvette La Pee
John M & Kathy Morgan	Andrew Backus

John Russell explained that the intent was this to be an educational and goodwill group to inform the community how to reduce wild fire risk and to organize community resources and efforts to reduce fire risk. ‘Recommendations’ rather than requirements will be passed on based on fire department training. The committee believes that since this is for a greater community good that the Board should consider paying for some wood chipper rental or disposal fees etc. to minimize fire risk for the entire community.

John Russell will be organizing a committee meeting in the near future and will get back to the board.

Action on Agenda Item - Designation of Fire Risk Mitigation Committee – Board endorsed creation of committee, is grateful for John Russell’s leadership and looks forward to committee’s input.

Related Fire Risk Mitigation matter – demanding they prevent the use / release of Chinese Lantern fire bombs.: Bonnie Tull, Owner, requested that the board send a letter to the Chapel Dulcinea Wedding Facility and demand in the strongest terms that they do everything possible to prevent their clients from sending off potential fire-bombs in the form of Chinese Lanterns (paper balloons that float with the power of lit candles at their base). The Tulls had several of these land on their property several weeks ago that were probably launched by clients of the Chapel Dulcinea.

Action on letter to Chapel Dulcinea demanding they prevent the use / release of Chinese Lantern fire bombs. –

James Lipman made a motion for the board to author such a letter.

Jon Brink seconded the motion.

Motion approved 4-0, Lynette Seymour agreed to draft the letter and circulate it for review.

Agenda Item

- Discussion and possible allocation of funds for community fire protection for such things as brush removal, rental of wood chipper, water storage tank, hiring brush removal contractors etc.;

Andrew Backus conveyed to the group that he spoke to Jerome (Owner) Austin Wood Recycling to get a general idea of their pricing of their services. They will deliver a 40 cubic yard roll-off box for a one time \$140.00 project drop fee and \$330.00 for each box delivered

and removed. These boxes will haul off the wood for shredding at their Austin facility. So if we needed 3 boxes the price would be (\$140 + \$330 x 3 = \$1,130.00). They can provide a bob-cat with hydraulic shears capable of cutting 16-inch diameter trunks with an operator for \$600/day. A man with chainsaw is \$300/day. A truck towable wood-chipper is \$400/day. A tractor-trailer size tree-grinder with grapple boom, for huge piles of material, is available for \$3,000 to \$5,000.00 per day.

No other estimates prepared at this time.

Action on Agenda Item – possible allocation of funds for community fire protection- No financial requests or estimates were ready at this time. The Fire Committee will get back the Board in the near future. No action at this time.

Agenda Item

- Enforcement action related to Griffin's violation of Restrictive Covenants by keeping more than 3 large animals (cows and horses) on their ~4-acre Lot;

General question from Trustee, how is GPOA justified to enforce against Griffin's while there are other Owner's with violations? Andrew Backus – by Regulatory Discretion, which is the same way individual speeders receive traffic tickets but not every one that speeds receives a ticket. No other Owner in Goldenwood comes close to the degree of violation related to large hoofed animals that the Griffins have.

The Board discussed the letter drafted by attorney Mike Marcin related to the Griffin's violation. (Copy of text attached). The letter requires the Griffin's to come into compliance within 30-days. It was noted by Andrew that the Griffin's were warned about their violation more than a year ago in a prior letter from GPOA. For a period of time following last years letter, the Griffin's put their property up for sale therefore the Board backed off hoping the situation would resolve itself upon sale. However, the property did not sell and the Griffin's continue unabated in non-compliance.

Rowena Caldwell, Owner Lot 82, is a neighbor of the Griffin's and was present at the meeting and glad to see the Board finally taking action on this matter.

Action on Agenda Item related to Griffin's Large Animal violations of CCRs.

Andrew Backus made motion to approve letter as is.

Lynette Seymour seconded the motion.

Motion approved 4 – 0.

Agenda Item

- Review draft Minutes from 2013 Annual Meeting;

Action on Agenda Item- Review draft Minutes from 2013 Annual Meeting

James Lipman, Secretary reported they are not ready yet.

Agenda Item
- 2013-14 Budget;

No data available on several possible expenditures yet such as work on entrance issues (legal and otherwise) or fire risk reduction projects.

Andrew Backus reviewed what the Covenant, Conditions and Restriction and By-laws say about the annual budget:

GOLDENWOOD COVENANTS, CONDITIONS AND RESTRICTIONS
ARTICLE FIVE - MAINTENANCE AND ASSESSMENTS BY PROPERTY OWNERS'
ASSOCIATION

4. AMOUNT OF MONTHLY ASSESSMENTS. ~~The Declarant shall establish an initial budget for the Association; thereafter,~~ the Association shall make a reasonable effort to establish a budget on or before December 1st of each year for the following calendar year. Such budget shall include an estimate of all expenses and reserves for which such Association shall be responsible. A monthly budget shall then be obtained by dividing the total estimated amount by twelve (12) months and the resulting monthly budget shall be prorated among the Members of such Association by way of monthly assessments in accordance with the provisions of this Declaration. The initial monthly assessment as fixed by Declarant (i.e. the Developer of Goldenwood) for each Lot subject to assessments shall be five dollars (\$5.00). The maximum monthly assessment for each Lot shall be as provided in the Bylaws of the Association.

AMENDED BYLAWS OF THE
GOLDENWOOD PROPERTY OWNERS' ASSOCIATION, INC.
ARTICLE V, BOARD OF TRUSTEES;

3. Other Powers. The Board of Trustees is, without limitation additionally empowered as follows:

(e) To estimate and fix monthly and special assessments to be paid by each of the Owners for the purposes enumerated in the Restricted Covenants and to levy and collect all annual assessments and/or special assessments in accordance with the Restrictive Covenants; provided that the monthly assessments shall not exceed each Owner's pro rata share of the one hundred twenty percent (120%) of amount necessary to meet the estimated annual budget including the creation of adequate reserves.

Action on Agenda Item – 2013-14 Budget.



No action. Discussion to be continued when more information on possible expenditures available.

9 pm – meeting adjourned.

**Approval of Minutes of Goldenwood Property Owners' Association
Board of Trustees Meeting Minutes
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**Meeting Location:
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(Formerly Friendship Baptist Church)
14,455 FM 1826,
Austin, TX 78737**

Minutes approved Aug. 8, 2013

Andrew Backus, President, Aug 8, 2013	James A. Lipman, Secretary, Aug 8, 2013
 5/30/2014	 5/30/14