

Cattle & land inc. HOA

Monthly Board Meeting

Aug 22, 2013

Notice is hereby given as required by Texas HOA law that a regular meeting of the Quail Creek HOA board, will be held on Thursday, Aug 22, 2013 at 1800hrs Mclendon Chisholm Baptist Church, Located next to the City Hall.

Meeting will be held under Roberts rules of Order.

Regular Meeting

Quail Creek HOA will convene a regular meeting to consider and or act on the following items:

1. Call to Order
2. HOA member comments:
3. Consent Agenda:
 - a. Consider and approval of minutes from July 2013 meeting.
 - b. Consider and Vote on approval of renewal of HOA insurance.
 - c. Consider and Vote on approval of retaining an Attorney.
 - d. Consider and Vote on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair.
 - e. Consider and Vote on retaining a attorney and having the CCR validity questions answered.
 - f. Discussion on HOA dues that have not been paid and vote on sending letters to members
 - g. Consider and vote on amending the bylaws to make the reflect Texas law and to mitigate confusion.
 - h. Consider and vote on retaining a hard copy of the book Texas HOA law for each of the full members of the Board

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- a. Renewal of an HOA insurance, Vote to approve payment of bill. (5 min) N.Peters
- b. Discussion on change of name from Quail Creek Cattle & Land to Quail Creek HOA (K. Fuller) (10 min).
- c. Discussion on retaining a HOA Attorney for QC HOA, this will allow one entity to have corporate knowledge on the proceedings, filings, and background on rule making, votes and procedures should legal action be brought forward to the HOA. Vote one retaining a HOA Attorney to represent the HOA. Vote on approval of retaining an Attorney. C.Cook (10 Min)
- d. Discussion on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair. J Byrnes (10 min)
- e. Plans were approved by ARC for 220 Pheasant hill. C.Cook (1 min)
- f. Discussion on retaining an attorney to produce a position paper on the validity of the filed CCR's filed in 2009. Background: While working to find out if there are in fact a different set of CCR'S for phase one and phase II, the following was found a set of CCR's were filed in 1999 converting from DEED Restriction to CCR's, another set was filed in 2003, another was filed in 2005, and another filed in 2009. Each set amended the last. When searching the corporate records not record of vote was found for any of the amendments and no record in minutes could be found for the votes. One set of min, record that the board was going to file the CCR's in 2009. At this time bylaws were drawn up and recorded by the board. K. Fuller was told by B. S that a vote was taken 4 years before and the board was only now filing the amendments for that vote in 2009. When talking to a number of Attorneys each said that without corporate records to back up the instrument filed (CCR's) they may be invalid. Request the board retain a Attorney to investigate this issue produce a legal position paper on the validity of the CCR's and what ones are valid. This will give us a starting point and allow the HOA to have a legal position on the issue. The following questions should be answered: What is Grandfathered in reference to the building and CCR's, What set is valid in ref. to the CCR's, What is the liability or issues that can come from not having a vote recorded in records, Is the HOA under one set of CCR's, Recommend MR. Archibald as the HOA's retained attorney, His cost to be retained is \$1000.00 his cost to research law, write the position paper and answer any questions we have should be about \$3000.00. It would be disservice to the community to allow this to languish and not have a legal finding. Vote on retaining a attorney and having the questions answered. C.Cook (20 min)
- g. Discussion on HOA dues that have not been paid and vote on sending letters to members. N. Peterson (2 min)



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Regular meeting

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ending the bylaws to make the reflect Texas law and to
(5 min)

- i. Consider and vote on retaining a hard copy of the book Texas HOA law for each of the full members of the Board to be passed down on leaving office. Cost to be Aprox \$100.00. J.Byrnes (2 min)
- j. Discussion on conduct of board members while at large. J.Byrnes (5 min)
- k. Financials briefed and to be placed in record
5. Tabled information to be on next month meeting.
 - a.
 - b.
 - c.
 - d.
 - e.

6. ADJOURN

Pursuant to Texas HOA law (open meeting act) The Board may convene into executive session on any item on the regular agenda. Following the meeting.

C Cook QC HOA SECRETARY

- i. Consider and approval of minutes from July 2013 meeting.

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes	

- j. Consider and Vote on approval of renewal of HOA insurance.

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes	

- k. Consider and Vote on approval of retaining an Attorney.

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes	

- l. Consider and Vote on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair.

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes	

- m. Consider and Vote on retaining a attorney and having the CCR validity questions answered.

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes ____	



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Regular meeting

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...t have not been paid and vote on sending letters to

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes ____	

- o. Consider and vote on amending the bylaws to make the reflect Texas law and to mitigate confusion.

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes ____	

- p. Consider and vote on retaining a hard copy of the book Texas HOA law for each of the full members of the Board

Jbyrns____	K fuller____
C Cook____	N. Peters____
B Packer____	A. Mulden____
C. Hughes ____	

Initial in block indicates a YEA

Nay in block indicates a No,

Letter A in block indicates Abstain (reason should be noted in vote section)

NP in block indicates not present.

Copy to be placed in minutes

Original to be placed in Voting book

- Summary

For Fair and Orderly Meetings & Conventions

Provides common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation.

The fundamental right of deliberative assemblies require all questions to be thoroughly discussed before taking action!

The assembly rules - they have the final say on everything! Silence means consent!

Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate can not begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair! Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view

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- **Definitely:** Kills the question/resolution for this session - motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "Close Debate" if preferred
- **Informal Consideration:** Move that the assembly go into "Committee of the Whole" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified