

**MINUTES**  
**Quail Creek HOA**  
**Regular Board Meeting Minutes**  
Aug 22, 2013

## 1. Call to Order

Jon Byrnes, President called the regular meeting of the Quail Creek HOA to Order at 1820.

**Board members present:**

|                 |                |                           |
|-----------------|----------------|---------------------------|
| Jon Byrnes,     | President      | Brett Packer, ARC Chair   |
| Kristin Fuller, | Vice President | Cary Hughes, ARC at large |
| Natalie Peters, | Treasure       |                           |
| Charles Cook,   | Secretary      |                           |

**Board members absent:**

Amy Mulden, ARC at large

## 2. HOA member comments:

- a. A member requested information of the building beginning at 298 Pheasant Hill Member was concerned about the setback being significantly farther back than the Building line. Placing the front of the house even with the back yard of houses on either side. Wanted to how this could be rectified. **Motion was made to introduce, Motion seconded.** Board explained the house meets criteria for the City in placement of the home, but does not meet the CCR's ARC had reviewed the plans and gave approval for the general construction of the home, the look and material, ARC feels it did not give approval for the setback. **Motion to add to agenda , Motion seconded.**
- b. A member asked why would be need to retain a attorney, Board explained that during the regular agenda the issues may become clear, and spoke briefly about the reasons, agreeing not to hire on retainer, and not for more than \$2,000 until the Board can review and agree on the next steps.
- c. A member requested the board revisit the idea of using a HOA management firm. Board recommended that community use the nomination process.
- d. A member asked what the board was doing about multiple violations in the community in ref. to trailers, boats and in the last 30 days were any violations sent

- out. Board replied no violations were sent out in the last 30 days and the process for sending out violations and letters of intent per our bylaws and Texas state law. That once a concern is brought to the board it takes at least two meeting to get to the enforcement stage.
- e. A member requested and made intent to formally ask for a variance to park a trailer/boat in driveway, Referenced a number of other trailers and at least once variance for a RV.
  - f. A member asked that if the CCR's are changed do the variances in place and previously approved remain in place. Board replied that variances still stand and there is a grandfather clause for many other building type issues.
  - g. A member explained how a previous HOA he was a member of became disbanded.
  - h. A member read of a large list of long standing violations of the CCR's that were given tacit approval by many board over several years, specifically phase one, with a number of violations in Phase II as well, felt he was singled out by the amount of letters he has received over the years in comparison to the others that were given tacit approval or ignored, and said it was discrimination.
  - i. A member brought up the use of an HOA management company again.
  - j. A member spoke about we all signed the CCR's and community should follow the rules, The board explained this is why we are working to inventory the corp. records and find out what set of CCR's are correct. And if the both sections are under the same CCR's.
  - k. A member expressed concern on retaining an attorney and the cost overruns that could take place, and that the board was using in essence his money. The board explained that they would be good stewards of the HOA money and that during the regular meeting the reasons may become clear on why an attorney is needed.

### 3. Action Items:

- a. Consider and approval of minutes from July 2013 meeting. **Tabled for approval at a later time.**
- b. Consider and Vote on approval of renewal of HOA insurance. **Motion passed 6-0**
- c. Consider and Vote on approval of hiring an Attorney for an amount not to exceed \$2,000. **Motion passed 4-2**
- d. Consider and Vote on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair. Amended: Up to \$8000.00 board to decide on contractor **Motion passed 4-2**
- e. Consider and Vote on retaining an attorney and having the CCR validity questions answered. Motion failed by a vote of 3-3 no action taken.
- f. Discussion on HOA dues that have not been paid and vote on sending letters to members **Motion passed 4-2**

- g. Consider and vote on amending the bylaws to make the reflect Texas law and to mitigate confusion. **Motion passed 4-2**
- h. Consider and vote on retaining a hard copy of the book Texas HOA law for each of the full members of the Board **Motion passed 4-2**

#### 4. Regular Business:

- a. Renewal of all HOA insurance, Vote to approve payment of bill. **Motion to vote voted.**(5 min) N.Peters
- b. Discussion on change of name from Quail Creek Cattle & Land to Quail Creek HOA (K. Fuller) (10 min). **No action taken**
- 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. Community discussion it was decide to HIRE a attorney rather than retain first order of business is to find options on how to stop building of home at 298 pheasant until the setback requirements are met. Vote one retaining a HOA Attorney to represent the HOA. Vote on approval of retaining hiring an Attorney. **Motion to vote, Voted** C.Cook (10 Min)
- d. Discussion on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair. **Motion to vote voted** J Byrnes (10 min)
- e. Plans were approved by ARC for 220 Pheasant hill. C.Cook ( 1 min) **No action taken**
- 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 an 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. Will ask attorney hired for issue at 298 pheasant hill for advice **Motion to vote, voted** 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) **Motion to vote voted**
  - h. Discussion and vote on amending the bylaws to make the reflect Texas law and to mitigate confusion. **Motion to vote voted** C.Cook (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. **Motion to vote voted** J.Byrnes (2 min)
  - j. Discussion on conduct of board members while at large. This item was pulled from the agenda J.Byrnes (5 min)
  - k. Financials briefed and to be placed in record. **Motion to add to record, added.**
5. Tabled information to be on next month meeting.
- a. Discussion of any recommended changes to CCR's
  - b. Approval of minutes to take place via E-mail by board.

## 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

Amended & Approved on September 24, 2014

VOTE RECORD

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

1231.00 Vote to pay

|                   |                 |
|-------------------|-----------------|
| Jbyrns <u>JBS</u> | K fuller _____  |
| C Cook <u>CC</u>  | N. Peters _____ |
| B Packer _____    | A. Mulden _____ |
| C. Hughes _____   |                 |

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

Vote

County and Hire

|                     |                     |
|---------------------|---------------------|
| Jbyrns <u>JBS</u>   | K fuller <u>KF</u>  |
| C Cook <u>CC</u>    | N. Peters <u>NP</u> |
| B Packer <u>BP</u>  | A. Mulden _____     |
| C. Hughes <u>CH</u> |                     |

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

VOTE on atty: Hire attorney  
Give Board the ability to hire attorney  
For specific

|                   |                     |
|-------------------|---------------------|
| Jbyrns <u>JBS</u> | K fuller <u>KF</u>  |
| C Cook <u>CC</u>  | N. Peters <u>NP</u> |
| 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.

up to \$2000.00  
Board to Decide on Contractor.

|                   |                     |
|-------------------|---------------------|
| Jbyrns <u>JBS</u> | K fuller <u>KF</u>  |
| C Cook <u>CC</u>  | N. Peters <u>NP</u> |
| B Packer _____    | A. Mulden _____     |
| C. Hughes _____   |                     |

m. Consider and Vote on retaining a attorney and having the CCR validity questions answered., up to \$3000

|                    |                 |
|--------------------|-----------------|
| Jbyrns <u>JBS</u>  | K fuller _____  |
| C Cook <u>CC</u>   | N. Peters _____ |
| B Packer <u>BP</u> | A. Mulden _____ |
| C. Hughes _____    |                 |

- ✓ n. Discussion on HOA dues that have not been paid and vote on sending letters to members *and send fees*

|                  |                     |
|------------------|---------------------|
| Jbyrns <u>JB</u> | K fuller <u>KF</u>  |
| C Cook <u>CC</u> | N. Peters <u>NP</u> |
| 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 <u>JB</u> | K fuller <u>KF</u>  |
| C Cook <u>CC</u> | N. Peters <u>NP</u> |
| 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 <u>JB</u> | K fuller <u>KF</u>  |
| C Cook <u>CC</u> | N. Peters <u>NP</u> |
| 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

# Member Guest

CASEY BERLEY  
BRAD PETERS

David Hoge  
Carole Gust

Brett Packer

Donna Barta

Barbara Saumann

Howard Saumann

CHERYL BURZYNSKI

JIM BURZYNSKI

ROBERT STEINHAGEN

Justin Hood

Kenny Griffith

Steve H. Jordan

Julie Byrnes

ILEYIN COURT

~~ILEYIN COURT~~

ILEYIN COURT @ CSA-CONCRETE.COM

PCOURT @ CSA-CONCRETE.COM

Member Guest

Jam + Tim Walker  
Valerie Brown 308 Partridge Dr.

Debbie & Gary Smotherman 316 Pheasant Hill  
Neil Stibbes 279 Partridge Dr  
Robert + Sonja Alexander 309 Partridge Dr.  
Chris Shiflett - 244 Pheasant Hill



## Robert's Rules of Order - 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!

## The Rules

- **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