

**Minutes of the CCHOA Board of Directors "Special" Meeting
August 17, 2016**

Meeting was brought to order by June Mason, President, at 6:00 p.m. at the Comanche Cliffs Subdivision Lower Park, Bandera, TX. Board members present were Jaried Singletary, Deborah Ryan, George Fink, and Maria Salvatierra.

June reported Waste Management will no longer provide dumpster service; their final pickup will be August 29th, and they will remove the dumpsters on September 1st. On the new contract for dumpster service, three bids were presented:

South Texas Refuse Disposal, Inc. - \$250 per week for a 15-yard dumpster, with pickup once a week.

Republic Services - \$245 per month for two 8 yard containers, with pickup once a week, and an additional one-time charge of \$149.01.

Vaquero Waste & Recycling, LLC - \$320.25 (includes tax) per month for two 8 yard containers, with pick up once a week.

June moved and Maria seconded to go with a one-year contract with Vaquero. Motion passed with June, Maria and Deborah voting "aye" and George and Jaried voting "nay."

On the shed repair, June moved and Maria seconded to accept Daniel's bid (who works for Amber Lasater) for \$450. Motion passed with June, Maria and Deborah voting "aye" and George and Jaried voting "nay."

June read the letter from HOA Attorney Susan Rice (attached) wherein she states there is nothing in our documents that allows the Association to assume the position of Declarant. Maria read from notes taken at the meeting with Ms. Rice, i.e.,

We do not meet the definition of Declarant and, therefore, do not have the authority to approve horses;

Courts will look at covenant language to determine authority and our covenant language is not ambiguous when it comes to defining the declarant.

Courts and judges are aware some HOA's go into a lull, but are willing to work with HOA's to restore order and the ability to enforce deed restrictions;

Associations need to take definitive action against deed restriction violators; by advising of a violation and not following through creates an atmosphere that nothing will happen to the violators and the problems continue.

While there is a 4-year statute of limitations on a violation, any change to a violation begins a new 4-year period within which to enforce, e.g., if a person is approved for a particular horse and that horse is removed and another is brought in, the member has committed a violation and can be cited. Take "then" and "now" pictures of violations to compare any changes to the violations.

Our covenants do allow for the Association to enter a property to remedy a violation, as long as notice under Chapter 209 is followed.

Anyone unwilling to enforce deed restrictions should not serve on the Board.

In addressing the motion at the May meeting to “declare ourselves the Declarant,” Ms. Rice commented if that was the case, she could declare herself her own mortgage lender.

The main reason people buy into an HOA is because of the deed restrictions to keep their property values up.

There was brief discussion regarding amending the Covenants and the By Laws.

The Board met in Executive Session to discuss covenant violations. Of the 41 cited violations Deborah and Maria confirmed from the July meeting, several were for dead trees and brush piles. June will verify which violations still exist and will prepare the letters herself, some as first notice violations and the remainder as second notice violations.

Meeting was adjourned at 6:56 p.m.

Submitted,
Maria Salvatierra, Secretary, August 2015 – August 2016

APPROVED:



June Mason, President

9-17-2016
Date



Carrie Scott, Secretary

9/17/2016
Date