

COUNCIL CREEK SOUTH PROPERTY OWNERS ASSOCIATION
EXECUTIVE BOARD MEETING AGENDA
February 20, 2010

A. CALL TO ORDER

1. Roll call of members' present-CB Harrah, Suzi Campagna, Candy Smith, and Susan Cowan.

B. WELCOMING REMARKS

C. APPROVAL OF PREVIOUS MINUTES-Several amendments were made to the minutes of the November 21, 2009 Open Board Meeting. The minutes were then read and approved.

D. COMMITTEE REPORTS

1. Treasurer's Report-The Treasures report was reviewed and approved. Suzi reported that a demand letter has been sent to persons whose road fees are significantly overdue. The letter notified these people that they have 60 days to pay or a lien against the property may be files. The Board also reviewed a request to have a Port-A-Potty at the park during the summer. Suzi reported that this would cost \$87.67 month, and would include weekly service. The Board determined that at this time, there are more pressing needs for the community, and that this money is better spent elsewhere at this time.

E. OLD BUSINESS

1. Status of Website-Susan reported that the old website was developed using FrontPage, which is no longer supported by Microsoft. The old website had problems and could only be recovered back to mid 2008. Software needed to support the website will cost about \$150. Bigland charges about \$80.00 per year to host the website. The plan is to try to have the new site running by the Annual Meeting in April.
2. Status of replacement of sign at Crestview and CR 137 – Strategy for replacement.
3. Status of security/control of park and boat ramp – formalizing board resolution
 - Background (from last board meeting in Nov 09).
 - The park, including the boat ramp, is mandated to be for the exclusive use of CCS property owners. We have had signs posted for several years that stated this intent but enforcement has been sporadic and the rules for park use have not been well stated. Such an ambiguous situation invites misuse of the park and ramp area. The CCSPOA Board developed park rules and procedures to

ensure that the park area is managed for the benefit of CCS property owners.

- The rules and procedures were reviewed by county officials to ensure they are fair and enforceable, and these rules were clearly posted at the park entrance.
 - The park rules were filed with Burnet County on 30 Oct 09.
 - We installed a gate near the top of the ramp, with a chain and lock.
 - A permit system was instituted, similar to the one previously used. Applications were provided to all property owners in September newsletter and the gate was kept unlocked throughout October to allow at least 30 days for people to get the applications completed and sent to us. Upon receipt of the application we sent permit stickers and lock combination. So far about 25 property owners have completed applications.
- Board discussion and decision – Additional Clarification of the Facts and our Position for the record. Due to several questions from property owners, both CCS and non-CCS property owners, the board reviewed and discussed the following points.
 - The Council Creek South Plat Note 1 reads “State of Texas , County of Travis, Know all men by these presents: that Council Creek Properties, Inc., a corporation organized and existing under the laws and statutes of the state of Texas, Acting herein by and through its duly authorized president, E.A. Jones, do hereby adopt and accept the map and plat contained hereon as the official map and plat of “Council Creek South – Unit no 1,” a sub-division of the Jephtha Boyce survey No 400 in Burnet County, Texas; being the owner of such land shown hereon in such sub-division and access road leading thereto, said corporation does hereby dedicate the roads, streets, alleys and passage ways shown hereon to the use of the public forever. However the park areas shown hereon shall be for the use of lot owners in this sub-division only. “
 - The 1983 Articles of Incorporation of Council Creek South Property Owners Association, Inc. states that a purpose for which the corporation is organized is: “To combat deterioration of the said subdivision by constructing, erecting, maintaining, managing, and caring for, park, roads, streets, beach areas, and other property of the corporation within said subdivision for the benefit of the members of the corporation;”
 - The 1985 Transfer and Assignment Agreement, Section II, states that the Council Creek South Property Owner’s Association has “Total and complete liability and responsibility for the maintenance, expansion and any other construction for the improvement and protection of all of the park areas within SUBDIVISION as promulgated in the Plat Records hereinabove

referred, said Transfer and Assignment to include all picnic tables, rest rooms, and any and all facilities connected with the service and maintenance of same, provided, it shall be the liability and responsibility of ASSOCIATION to see that all local, state and federal health and safety laws are strictly adhered to.”

- The stated mission of the CCSPOA Board is to protect property rights for the common good and benefit of all owners, to enhance health, well-being and safety within our community, to encourage the protection of our natural resources, and to maintain and improve facilities, amenities, and infrastructure through responsive services and fiscal responsibility.”
- Outside legal counsel response to data provided by the board was that “Considering all of the data that you presented me, it is my opinion that only the lot owners within your subdivision may use the boat ramp and its surrounding area.”

After significant discussion of the preceding points, the CCS Board of Directors concluded that the board is bound by fiduciary duty to continue to manage the park area exclusively for CCS property owners and bona fide guests in accordance with plat documents and posted park rules.

4. Infrastructure maintenance & Fire-wise Planning – 2010 prioritization

The primary infrastructure work this year will be based on a strong consideration of fire-wise community planning. These considerations will help prioritize road maintenance, clearing road easements and communications with property owners regarding fire-wise planning.

- We and the Architectural Review and Construction Committee are working priorities on which sections of what roads should be done.
- Support from the Forest Service in fire-wise planning and execution
- Advocacy of Fire-wise planning via website and newsletter (email?)

6. Status of Amendment of POA Bylaws

Amendment of the POA bylaws has been in process for a couple of years and we hope to get the amended version out soon for a vote by POA membership. There were several revisions recommended by the Bylaws Review Committee.

7. Status of Amendment of CCS Covenants, Conditions and Restrictions

- Strategy/philosophy for amending the current CC&Rs – how far do we go in making reasonable changes knowing that some folks oppose change as a matter of principle?
- We still need a specific plan to determine what changes should be made to our current deed restrictions. Perhaps the plan should be captured in the framework of a formal charter for a CC&R Review Committee (still to be established). This plan will address the establishment of the supporting

committee, the method(s) to be used for obtaining property owner input and the vetting process to be used.

- Current status of amendments – CB has actions to (1) draft a charter for the CC&Rs Review Committee and (2) make suggested changes to the current CC&Rs as input to the review committee and to form a basis for simple “survey tool” to solicit input from all property owners.

F. NEW BUSINESS

1. Articles for the March 2010 newsletter

- 1) Board Nominations – Candy receives nomination from interested POA members and posts in the upcoming newsletter.
- 2) Park Cleanup - Candy
- 3) CCS Fire-wise Planning - CB
- 4) Candy’s article on e-mail use –Candy
- 5) Preventing environmental Pollution- the lake - CB

G. PARKING LOT ITEMS

H. ADJOURNMENT