

CCSPOA News



Council Creek South Property Owners Association, Inc.
120 Council Park Road, Burnet, Texas 78611

February, 2008

Annual Picnic and Elections to be Held Saturday, April 26

The Annual Picnic and General Meeting will be held on Saturday, April 26, 2007 in the park.

Lunch will be at noon, with hamburgers and hot dogs available for a nominal charge. Members are asked to bring a side dish or dessert.

The General Meeting will take place at 1:00 p.m. We will have reports from the committees on updating the bylaws, the boat dock committee, and information on the roads. There will also be information on fireproofing our neighborhood.

Three positions are up for election. Terms for the positions held by HESSIE BRAWLEY, SUZI CAMPAGNA, and MARY CARDIFF will ex-

pire in June. Members are asked to submit their names or nominate candidates for these positions by March 28.. The positions to be vacated are two year terms. If you want to be candidate for the board, please send an e-mail stating your interest to Mary Cardiff (dcardiff@austin.rr.com) or send a letter to the address at the top of the page. In that e-mail or letter, please include a short statement about yourself and any goals you have for the neighborhood.

Remember, you must be current in your dues to vote in the election. POA dues are \$50 per year, and road maintenance dues are \$20 per year.

Spring Clean Up Planned

There will be a Spring clean up on **Saturday, April 5**. Bring your gloves, nail sticks, etc., and meet in the park at 9:30. In the past, there have only been a few participants to help pick up the trash along the road. It's a good way to connect with your neighbors and improve the appearance of the community. Please consider being a part of this neighborhood effort. Not only does it make Council Creek South more attractive, it keeps the trash from washing into the lake when the rains come.



Burn Ban Information

Due to the very dry and often windy conditions, the burn ban has been in effect except for short periods of time. Be sure to check whether it is on or off before burning.

Don't forget to call 756-8080 if you plan to burn trash or brush so that the sheriff's office can be on alert about the source of the smoke.

Happenings...

Jim and Candy Smith have been working on the plans for a boat dock at the park. They have a bid and the builder would like to be able to start work immediately. The POA, however, does not have sufficient funds to build the dock, so there will have to be donations for it to be built. The cost is \$5250. If you have an interest in seeing the dock built in time for the upcoming Spring and Summer seasons, please consider making a donation to the building fund. You can mail in your donation, or bring it to the Annual Meeting and picnic.



Mickey Moore and Bruce Weir have been hard at work reviewing and proposing revisions to our bylaws. Don't miss an opportunity to hear from them and provide input at the Annual Meeting.

In response to questions about a light in the park from several members, the board voted to have the light turned on. Suzi Campagna and CB Harrah worked with the PEC to get it operational. Additionally, Suzi replaced the lights for the sign at the entrance to the neighborhood. Thanks to Jimmy Holcombe for donating the bulbs.

Important Dates to Remember...

- March 28—Notification of intent to run for the board due
- April 5—Neighborhood clean up—9:30 AM in the park
- April 26 Picnic and Annual Meeting—noon in the park



A RARE WINDOW OF OPPORTUNITY

Council Creek South (CCS) has an opportunity to establish a process that allows property owners to amend CCS deed restrictions to benefit CCS as determined by property owner vote. This opportunity is available only to subdivisions that exist in counties with a population of less than 65,000 so, at some point, Burnet County will exceed this population criterion and CCS will not be qualified to use the recent Texas H.B. 1631, Section 1. Title 11, Property Code; Chapter 211, Section 211.001 through Section 211.004 to establish such a process. The legislation requires that any amendment process proposed by the POA Board be presented for approval to all property owners of record. The legislation requires a 2/3 approval by voting property owners to establish the amendment process.

Why did the Texas legislature pass the enabling legislation? The legislature recognized that there existed barriers to effective development of many communities (Ref Section 211.003 of Chapter 211 cited above). These included but are not limited to the ones listed below.

1. Owners of land in certain real estate subdivisions are unable to govern the subdivisions by democratic principles of self-government;
2. Requiring unanimous consent to amend or modify restrictions in affected subdivisions or units or parcels of the subdivisions is impractical and unworkable to bring needed change and improvement;
3. The inability of owners to amend or modify property restrictions in certain real estate subdivisions in which no zoning regulations apply creates uncertainty in living conditions and discourages investments in those subdivisions;
4. Owners of land in affected subdivisions are reluctant or unable to provide proper maintenance, upkeep, and repairs of structures because of the inability to amend or modify the restrictions in response to changing circumstances;
5. Financial institutions are reluctant to or will not lend money for investments, maintenance, upkeep, or repairs in affected subdivisions
6. These conditions will cause dilapidation of housing and other structures and cause unhealthy and unsanitary conditions in affected subdivisions, contrary to the health, safety, and welfare of the public.

The enabling legislation provides a mechanism for subdivisions (such as CCS) to establish their own process for amending deed restrictions. Once the process is approved by a 2/3 vote, it can then be used to actually amend specific deed restrictions on a case-by-case basis. No amendments can be made to any specific deed restrictions without the amendment process first being approved.

It is worthwhile noting that some folks expressed a concern that, if an amendment process is approved by property owners; the POA board may try to amend deed restrictions for self-serving reasons. We want to assure you that the amendment process that will be presented to you in the near future on a ballot will have a built-in safeguard to prevent such an occurrence. The safeguard will require a high percentage of property owners to approve (e.g., 2/3 vote) every deed restriction amendment proposed by the POA Board. For example, a 2/3 approval criterion would require that twice the number of property owners approve of a proposed amendment as those that oppose it. This is "setting the bar" high enough to prevent a few people from abusing the process but low enough to make amendments that are overwhelmingly supported by property owners.


You are encouraged to keep in mind that establishing this process is critical for our community because it is essentially a tool that can be used to develop our community in a responsible manner. We feel that it is much better for property owners to actively manage the development of CCS than to passively allow the community to evolve as determined by outside forces and chance. Consequently, you can expect an election to take place in the near future that has the sole purpose of gaining your approval for the process that can be used in the future to amend CCS deed restrictions to benefit CCS as determined by property owner vote.



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Volunteer Opportunities Abound...

Consider one of the follow opportunities to become more involved in Council Creek South.

- If you have not joined the POA, please consider doing so. It costs \$50 a year—that's 13cent a day! And you get to have some say in how the money is spent.
- Volunteer to help with roads and maintenance. The board consist of only 5 members, and it takes more than just those 5 to keep the park mowed and maintained. The work it not too hard if there are many hands to help
- AC Campagna will be coordinating completion of the mailbox covers later this Spring. He will need a group of  volunteers to help with the construction. Look for a date to be announced at the Annual Meeting if not before.
- Nominate yourself to serve on the board. It's a great way to get connected and have a voice in the way the POA operates.



Owners' Names Sign to be Updated

There have been several property sales during the past year, and some of the new owners are interested in having their names added to the sign at the entrance. The cost is \$10, and you can pay at the picnic or mail a check to CCSPA at 120 Council Park Road, Burnet, Texas 78611. If you mail a check, be sure to include the correct spelling of the name you want on the sign.