

DEERFIELD VILLAGE COMMUNITY ASSOCIATION

REGULAR BOARD MEETING

MAY 26, 2009

The regular meeting of the Board of Trustees of the Deerfield Village Community Association was held at 4045 Deerfield Village Drive in Houston, Texas. President Walt Bohn called the meeting to order at 7:06 pm. Trustees in attendance were Walt Bohn- President, Glenn Sommers - Vice President, Steven Dornak - Treasurer, Susan Greer - Secretary, Sharyn Carpenter, Marie Nugent, and Eric Toureilles. In their absence Marta Bott's proxy was held by Sharyn Carpenter, Mike Polk's proxy was held by Glenn Sommers.

I. Determination of Quorum

It was determined that a quorum was present.

II Approval of Minutes

The Regular April Board Meeting Minutes were reviewed and put forth for approval. Glenn made the motion to approve the minutes as written, it was seconded by Sharyn, pass unanimously.

III Residential Inquires

Resident Peter Howell inquired into the hanging tree branches that are beginning to be a hazard to residents using the Greenbelt walkway. Walt assured him that the problem had been noted by the Landscape Committee and that very day crews had been out on the Greenbelt doing routine, and preventive, maintenance on the trees.

IV President's Report

After the recent flooding that DVCA had experienced, Walt was encouraged that the County and Precinct Three had done a good job of the recent clearing the grate of debris, and that we had a firm contact person to call in the event of future problems.

Walt reported that he had spoken with the MUD Directors and recent events have shown that it is the MUD who is responsible for the Patio Home's storm sewers. They will be contracting with a survey crew who will insert camera equipment thru the system to look for blockages. Since the majority of flooding has occurred in the Patio Homes, this will be a good opportunity to clear any found blockages before the beginning of hurricane season. Walt has also spoken with a representative for the County and she is working toward having surveys of all catch basins in our area. The Patio Homes has two areas that are very low that seem to retain water even after a "mild" rain. He and Eric have requested that the Landscape Committee check into these areas and see what repairs could be made to alleviate the condition.

There is also a new program, the County's SWIM Program This is an education program to inform people that our sewers are not the place for hazardous materials, lawn or leaves clippings to be dumped in the drains and manholes. They have brochures that we can use to create articles for our newsletters. In an effort to help in education, the County will provide envelopes in English and Spanish stating "No trash in the Sewers" that residents can use to mail their lawn service payments.

Another program that our Boy Scouts maybe interested in are disks that can be cemented onto sewer drains and manhole covers that state "Not a Garbage Can" that the water flows straight to Galveston. Walt will be in contact with them to see if they would undertake this as a community service program.

V Treasurer's Report

Steve stated that our Community is still in very good standing, we are still at 96% for collections of annual assessments. Efforts are still being made to collection the remainder of 2009 assessments. For further information Steve deferred to the Finance Committee report.

VI Manager's Report

Lisa Walker stated that she is working on the liens that will be mailed in June, and is still working on certified

letters for those who are in arrears of their assessments. She had gotten an opinion from our current attorney who advised that we should not put liens on the late fees, that they can be applied only to the actual assessment amount.

She is still working on pool tags for residents.

VII STANDING COMMITTEES REPORTS

Deed Restrictions

Item 1 - resident retracted their AA request from Committee, dead issue.

Item 2 - the Committee has tried everything they can to resolve this issue between the two neighbors. They have made numerous suggestions to rectify the issue, with no results. The Committee is bringing it to the Board for action. After discussion among the Trustees, a Motion was made by Susan for the Committee to send the resident the ten day letter to remove the bamboo fence. Eric seconded the Motion; a vote was taken and passed unanimously. Additionally, in response to resident question on hanging a section of bamboo fence between two trees, a motion was made by Eric and seconded by Susan to not allow this; taken vote was unanimous.

Item 3 - issue resolved after our Attorney had sent a letter.

Item 4 - after months of the Deeds working with this, it was resolved once the attorney letter was sent to the resident

Item 5 - the Attorney has copies of all of the Deeds letters and has made suggestions to some; on the 10 and 30 day letters the only difference is the time frame and he suggest Deeds use their judgment and send whichever would allow the resident to make repairs or correct the problem, and not send both. On the last letter that could be sent to residents, he suggested adding variable of applicable attorney's fees as this might result in prompt action by the resident. Glenn had questions as to if the Committee had formalized their "major or minor" definitions so that all Committee members are working with the same values when doing inspections. And if so, which letter would they use for which category? Both Lisa and Trish expressed that safety and blanket violations are cause for an immediate cease and desist letter, but the Committee seems to be very consistent using the letters appropriately. Walt asked that the Committee come back to the Board next month with a list in the form of a proposal detailing minor and major violations. At that time, Glenn made the Motion for the Board to accept the revisions made by the attorney to the Deeds Committee's letters. A second was made by Steve; the vote was taken and passed unanimously.

A written report was submitted from the Deeds Committee's May meeting.

Finance Committee

In Andrew's absence, Mike Feeney submitted a written report and restated the DVCA is in very good shape. In regards to the budget and expenses, we are at present \$2,400.00 under budget. In the next 30 to 60 days the Committee will begin to look at each Committee's budget and construct a report for the Board. Walt questioned if the accounts were more in line with actual committee scope of work? Mike stated that until the total conversion to CMS, they will not be making any changes to the accounts. While they do not anticipate significant changes, there are bound to be some after all accounts are converted.

Glen questioned the third constable shift charges. Mike responded that it appears that shift was put in twice; however, the totals show that it was not. He will look into it more with Andrew. Glenn also questioned a line item for the Pool, and Mike responded that Pam will look into it as it appears that the budget is a month behind payments. Peter Howell (chairperson for Pool committee) stated that it really more of a cash flow issue in that it's truly a month ahead.

A written report of the May Committee meeting was submitted.

Landscape Committee

It was discovered that their contract does not cover trash pickup on the greenbelt areas and around the clubhouse. Lisa is getting bids for a Day Man to come two to three hours a week to collect and haul the trash from these areas. Currently there is only pick up on Wednesday s and it is becoming a problem on weekends after clubhouse parties.

There were no proposals brought forward, and a written Committee report was submitted.

Security Committee

Kirk brought forth a proposal for new security equipment for the Rec Center. Out of the three bids the committee received, the group was very pleased with Direct Connection Security Inc. The equipment will update our existing system and hopefully provide clearer images.

Eric stated that he had looked into the question regarding if there needed to be a "watermark" on our tapes for evidence purposes and found that it is not necessary. Glenn made a motion that we accept the proposal from the Security committee for the purchase of the system. Sharyn seconded the motion and a vote was called. The vote was unanimously passed.

Last month a proposal was brought forth regarding an award for persons with information on graffiti damage around DVCA. There was discussion on the amount as Kirk thought it was to be more than \$100.00 and Steven questioned if it would be on a sliding scale depending on the severity of the graffiti. Also who was responsible for setting the award, Board or Committee? Glenn pointed out that in the proposal it did not state who the determining group was. It was determined that at present, since the money would be coming from general funds (as Security did not have this as a budget line item) the Board would be the determining group and that Security should add that to their next year's budget.

Also the issue of the third shift was discussed. Kirk has been speaking with the head Sergeant and that they agree that officers are being pulled out of DVCA too much. The constable's office will be working more with the officers to ensure that they are in our subdivision. There were questions as to exactly how many nights we are covered, Glenn brought up that it would take four shifts for DVCA to have 24/7 coverage. At present DVCA does not have coverage on two nights, but they are revolving nights, not consistent. More discussion covered our cost and if the surrounding neighborhoods are being covered on "our" nickel. Walt made the comment that while the constables are called to other areas, if anyone in DVCA calls for a constable, they should come to us immediately.

Swim Pool Committee

Chairperson Peter reported that the Memorial Day party had gone very well, that over 200 people had attended, in fact we ran out of furniture for all the guests! The slide into the pool worked very well and using the Lifeguards to man the slides helped alleviate the problem of the Committee always having to be "on duty" all of the party. Glenn applauded all of the efforts of the committee and said it was another great pool party.

Peter reported that he is still working with the Guards, fixing minor problems. Also the Committee will be reviewing the pool party allowances on how many guests per resident will be allowed.

A written report was submitted.

Recreation Committee

Once again Chairperson Peter reported that the committee will be downsizing the amount of activities that have been planned due to lack of new participants to help with planning and implementing of activities. Both Swim Pool and Recreation are sorely lacking in volunteers. Both committees are at a loss of what else to try in order to entice people to join.

The Committee is planning – in conjunction with the Swim Pool Committee – to have three "Movie Night at the Pool", showing family friendly movies in the pool area on a portable screen. Eric has graciously offered his projector for the committee to use for these movie nights. If it is successful, the Rec committee will look into buying one for DVCA for all committees to use.

A written report was submitted that included dates for future events.

Tennis Committee

One of the major concerns of the Tennis committee is the \$9,000.00 electric bill! The committee has been in

contact with C&L Sports to see if an "On/Off" Switch could be installed, but with the type of lights we have, that is not feasible. There was a lengthy discussion on the cost of using a "cherry picker" to adjust the lights, as Steve pointed out that the poles were designed to fold down for adjustment and or bulb replacement and therefore was un-necessary. Marie stated that she would look into that issue.

The minutes of the committee were submitted.

Community Services

Some issues before the committee are the ice machine --cost vs worth? Also the Website updates and guidelines are business items to be taken care of in the next month to come.

As there were no proposals to bring at this time, the written report was submitted by the committee.

VIII OLD BUSINESS

A resident had put forth a request to purchase a portion of common area adjoining his property for use as a garage area as his Patio home's driveway is not long enough to fit a car. Steve had looked into the common area and found that it was originally Lot #41, now community area. This Lot had never sold before the development had been turned over to DVCA, and so therefore became part of DVCA's community areas. Glenn checked into the protective covenants and found that even if we were to think of selling a portion of DVCA holdings, it could be sold only as a Lot for a single family residence. No Lot in DVCA can have just a garage. Therefore Glenn made the motion to deny the proposal of selling, what we now know is Lot #41, to the resident, and in communication to the resident, explain that it due to our protective covenants. Steve seconded the motion, and it passed unanimously.

As we had requested, the new Attorney has given us his opinions on various issues that have been bedeviling Deeds and DVCA. It was decided that the covenants and the opinions be kept in a Master book that can be referred to by Deeds and the Office Manager. Lisa commented that she would like to take the time and organize it and type it without the "legalize" for ease of use. Glenn asked that during this time, if Lisa could do a summary that could also be used for Board's reference, perhaps with an index for quick reference.

Eric commented that the Deeds committee was very pleased with the information and helps that the Attorney had provided. Steve inquired into the legal bills, how much they were running. Lisa stated that DVCA had received one for \$2,009.00 – but that included all of the opinions, letters for Deeds and all the "clock hours".

Discussion then centered on the topic of DVCA becoming a tax-exempt organization. Would doing so mean that our facilities would have to be open to the public? Stella with Consolidated stated that she would come and talk to us about a 501C tax-exempt status. Steve commented that it would be worth the cost as in sales tax alone it would save us \$20-30 thousand a month. Glenn commented that we must understand exactly what DVCA would have to give up by going to this status. He will also look back into some history as this is not a new topic with DVCA.

IX. NEW BUSINESS

Our Attorney has recommended that we revoke the fence variance that Deeds Committee had approved. Discussion centered around wording of Deed restrictions so that we can keep fence "matching" issues resolved. A motion was made by Eric that we revoke the variance according to the wording as suggested by our Attorney. This was seconded by, Sharyn and the vote was passed unanimously

We had been requested by our Attorney to have a designated Registering Agent; right now it is in Glenn's name (since he was past President). The attorney suggested the Office Manager or himself as the Agent. Susan suggested that it be the Office Manager as we do not want every little issue going to the Attorney first, that the Board should decide if an issue should be turned over to the Attorney. Eric agreed and made a motion that we designate the Office Manager as the Registering Agent. This was seconded by Sharyn and a unanimously vote was taken.

The next item was the review of the By-Laws. Walt stated that it was his goal, but now wonders if By-Laws on Patio homes have ever been looked at and checked. Walt requested that we give him the authority to check with the Attorney to make sure we are covered in the Patio Homes, i.e. supporting documents and clarifications if it is just Patio specific. Glenn stated that all of our By-Laws are on file with the County. Lisa brought up – as an example – the pool id issue. If the owner of a house/patio home then rents his residence to others, but still want pool rights, nothing she could find in the By-Laws covered this problem. Walt questioned if the owner can assign his rights to others – such could owner give his rights to cousin living in Windsong? Susan made the motion to give Walt the authority to contact the Attorney to inquire into the supporting documents and By-Law issues. This was seconded by Eric and unanimously passed.

X EXECUTIVE SESSION

At this time Walt made the motion for the Board to go into Executive Session. This was seconded by Sharyn and passed unanimously.

Later a motion was made by Glenn to return to the regular Board meeting. Eric seconded this motion and the taken vote was unanimously.

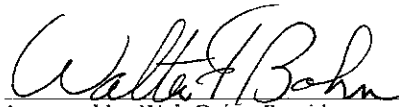
At this time a motion was made by Glenn to pass to the MUD's Board of Directors the information that Walt had compiled regarding his analysis of waste removal contract data. Sharyn seconded this motion and the vote was passed unanimously.

XI ADJOURNMENT

Glenn made the motion to adjourn the regular Board meeting for DVCA. Susan seconded this motion. Walt called for a vote and it passed unanimously. The meeting was called adjourned at 9:07p.m.



Submitted by Susan Greer, Secretary



Accepted by Walt Bahn, President