

Deerfield Village Community Association

MINUTES OF REGULAR BOARD MEETING

December 1, 2017

The regular meeting of the Board of Trustees of the Deerfield Village Community Association was held at 4045 Deerfield Village Drive in Houston, Texas 77084. President Eric Toureilles called the meeting to order at 7:09 PM.

Trustees in attendance were Eric Toureilles (President), Mark Klodzinski (Vice President), Bruce Bott (Secretary), Brent Burris, Louis Carpenter, Dave Flick and Geri Hudson.

I. DETERMINATION OF A QUORUM (6 required)

Eric Toureilles determined there was a quorum.

II. APPROVAL OF MINUTES

After a review, Brent motioned to approve the October 23rd Board Meeting minutes as amended (correction of Patio Homes annual assessment fee as \$730). The motion was seconded by Geri and passed unanimously.

III. RESIDENTIAL INQUIRIES

A. A resident expressed concern about the DVCA By-Laws and Trustee Code of Ethics with respect to any potential action by the Board for a charge of violation of these policies. The resident stated that this matter was being raised to be sure any potential Board actions were in compliance with our documented policies.

B. Residents raised the issue of the perimeter fence and a potential solution involving acquisition and future maintenance of the perimeter fence by the MUD. A resident said that she had experience with providing this solution to other subdivisions. Eric request that the interested individuals form a special committee and explore the feasibility of this solution.

C. Mark motioned to break from the agenda to discuss IX.B – Erosion of the ditch along Windsong Trail. Eric seconded and motion passed unanimously.

A resident with property that backs up to the west ditch along Windsong Trail reported that his fence is failing due to erosion of the ditch bank. He reported that the county has been contacted, and they responded that the problem is not a priority for them at this time, and that they might be reluctant to address the problem as the erosion extends onto private property. The resident further reported that the county is due to issue a statement on how they will address this issue, but there is no schedule for when it will be issued.

Mark motioned to return to the agenda. Brent seconded and the motion passed unanimously.

IV. PRESIDENT'S REPORT

- A. Eric expressed his thanks to all for attending the meeting on a Friday night.
- B. Harris County Flood Control has cleaned out the debris and growth in the ditch. They were very responsive to our request.
- C. Eric expressed thanks to the Men's Group for their work on the decorations and lights at the main entrance on Clay Road.
- D. Eric noted that there will be no DVCA Board meeting on December 25th. This meeting was cancelled by a Board vote earlier in the year.

V. TREASURER'S REPORT

No formal report. Eric noted that one of the CD's is being rolled over.

VI. MANAGER'S REPORT

Tina noted the following items:

- a) The acoustical panels have been installed.
- b) The new tennis court windscreens have been installed.
- c) The "Angel Gowns" group will continue to meet in the Rec Center on the 4th Wednesday of every month in 2018.
- d) The "What is a Spiritual Life" group has asked to continue to meet in the Rec Center in January. Eric motioned to approve this request. It was seconded by Bruce and passed unanimously.
- e) New flags have been installed on the poles at the Rec Center.
- f) Rentals for 2018 events are now being booked for the Rec Center facilities.

VII. STANDING COMMITTEES

A. Community Services Committee

The acoustical panels have been installed in the Rec Center, although the "flush on the ceiling" location is different than the installation previously described by the vendor. Suggest we wait for feedback from planned events to determine if this location is effective in addressing the noise issue.

The Board reviewed a proposal from M Services for \$1,687 to repair the greenbelt lighting panel on Vanbury Drive. Louis motioned to approve the proposal. It was seconded by Mark and passed unanimously.

B. Swim Pool Committee

After the October 23rd meeting an email vote was held to approve an additional expenditure of \$1,200 for upgrade to 316 stainless steel for several water-exposed fittings in the pool. Mark made the motion and it was seconded by Dave and passed unanimously on November 9th. All Board Members waived their right to notice prior to the motion and the vote.

Neil Polansky of MUD 136 requested an official letter from DVCA or the Swim Pool Committee requesting a reduced rate for the water needed to refill the pool after the current repairs are completed. The letter needs to advise of the fill schedule and amount of water needed. This matter is an agenda item for the next MUD meeting.

C. Security Committee

The Committee reported that the transition to 24/7 coverage by SEAL has gone smoothly.

A proposal was presented for \$1,139 for CenterPoint to install a streetlight near the intersection of Rosebank and Heathersage. Eric motioned to approve the proposal. Brent seconded and it passed unanimously.

D. Deeds Committee

After some discussion, Eric made a motion to table any action by the Board on the Deeds Committee vote to remove a member from the Committee and allow the Board additional time for discussion and to proceed per our current By-Laws and policies. Bruce seconded and the motion passed unanimously.

Eric raised the point about amending DVCA policies to prohibit electronic recording devices during Board and Committee meetings. After some discussion Brent made a motion to request Michael Gainer to draft a policy for Board review. Dave seconded and the motion was passed 6-0 with Mark abstaining.

E. Landscape Committee

A proposal was presented for \$18,918 for Concrete Patio Unlimited to repair/replace 2,058 sq. ft. of sidewalk around and near the Rec Center. Louis motioned to approve the proposal. It was seconded by Dave and passed unanimously.

A proposal was presented for blanket approval of up to \$20,000 for tree trimming and removal services in 2018. Jay Singleton will administer the funding and utilize Texas Tree Trim or Rufus Tree. Both are vendors used in the past and both have agreed to the same rates they charged in 2016 and 2017. Eric motioned to approve the proposal. Bruce seconded and the motion passed unanimously.

In response to a question, Jay confirmed that there is no current program or funding to fertilize trees in the common areas.

F. Financial Services Committee

The committee plans to discuss delinquent accounts and payment plans in closed session.

G. Tennis Committee

No report.

H. Recreation Committee

No report.

VIII. OLD BUSINESS

A. DVCA Elections Committee updates/revisions/next steps

Per past discussions/agreements, the 2018 DVCA election committee is confirmed as:

Brent Burris - Chairperson
Alan Vera - Resident
Dave Flick - Board member
Tina Mion - Non-resident

IX. NEW BUSINESS

A. Address document submitted by Resident regarding violations of Texas Government Code Chapter 551

In response to the document provided to each Board Member during the October 23rd meeting listing a number of accusations claiming that the Board and/or Deeds Committee have violated the Texas Government Code Chapter 551 with regard to open meetings (see Attachment I), Eric made the following statement:

In response to your statement that the DVCA is in chronic violation of the Texas Government Code Chapter 551 -- Open Meetings, presented on October 23, 2017, I say the following:

- The DVCA is not subject to the Texas Government Code Chapter 551
- This has been stated to you before when addressing Open Records Act
- This was addressed in the training workshop held for the Deeds Committee
- This was confirmed with our attorney
- We are not in violation of the 6 bullets stated on the document

A resident responded that the Board should proceed with caution, as there remain dissenting opinions on the applicability of TGC Chapter 551 to the DVCA. The resident cited HB3674 from 2007 and the legislative intent behind that bill.

Mark motioned to break from the agenda to discuss IX.E -- Discuss DVCA By-Laws, State Laws, Meetings and Notice in response to the Training Workshop. Eric seconded and motion passed unanimously.

A resident provided a two-page document noting several sections of the DVCA By-Laws and definitions, along with state statutes addressing open board meetings. See Attachment 2.

Bruce motioned to return to the agenda. Eric seconded and the motion passed unanimously.

B. Erosion of the west ditch along Windsong Trail
See Section III – Residential Inquiries, Item C.

C. Special meeting in December to review Trustee Vacancy applications and vote
Eric motioned to hold a Special Meeting of the DVCA Board on December 13, 2017 at 7:00 PM to review submitted applications and vote. Brent seconded and the motion passed unanimously.

D. Treasurer position appointment
Eric is acting as Treasurer at this time. This position will be addressed at the December 13th meeting.

E. Discuss DVCA By-Laws, State Laws, Meetings and Notice in response to the Training Workshop
See Section IX – New Business, Item A.

X. EXECUTIVE SESSION

At 9:56 PM Eric made a motion to go into Executive Session to discuss a potential legal issue. The motion was seconded by Dave and passed unanimously. The session ended at 11:05 PM. Discussions during the session centered on potential legal actions and the DVCA By-Laws, Policies and process to be followed to mitigate any issues.

XI. ADJORNMENT

Eric motioned to adjourn the meeting. Mark seconded and the motion passed unanimously. Eric called the meeting adjourned at 11:06 PM.


Submitted by: Bruce Bott
DVCA Secretary


Accepted by: Eric Toureilles
DVCA President

Attachment 1

Deerfield Village Community Association (Homeowners' Association)

In chronic violation of Texas Government Code Chapter 551—Open Meetings

Facts & statute citations:

1. This homeowners' association is subject to Chapter 551 per the provisions of Sec. 551.0015 (1) (A) (B) and Sec. 551.0015 (2) (A)
2. None of the members of the Board of Directors of this homeowners' association has complied with the requirements of Sec. 551.005—Open Meetings Training
3. The Board of Directors of this homeowners' association and the members of the Deeds Committee regularly move from open to closed session for matters not permitted by Chapter 551.
4. In violation of Sec. 551.101 (1) & (2) the chairmen of both the Board of Directors and of the Deeds Committee move into closed session without citing the sections of the Code that allow closed sessions for the topics to be discussed.
5. In violation of Sec. 551.102 both the Board of Directors and the Deeds Committee take votes in closed session without allowing the public to observe the vote. Further, the votes of the Directors and Committee Members are cast on paper (as opposed to voice votes) and not published for the public to see which members voted which way.
6. In violation of Sec 551.102 both the Board of Directors and the Deeds Committee end meetings in closed session. They don't "emerge" from close session into public session where the public can observe votes or how each meeting ends.

Attachment 2

Discuss DVCA By-Laws , State Laws, Meetings and Notice in response to Training Meeting discussion at 10/23/17 Board Meeting

By-Laws

MEETINGS OF TRUSTEES

- 6.1 General - The Board shall act or carry on the business of the Association at meetings open to the Members. Those matters or business transactions requiring a vote shall be discussed and voted on at an open meeting. Exception made for Executive Sessions only, but the vote must be taken at an open meeting. Minutes of all Regular and Special Meetings must be made available to the Members.
- 6.3 Special Meetings - Special Meetings of the Trustees may be called at any time by the President or by three of the Trustees acting jointly, or by one Trustee if there are less than three serving at that time. Public Notice shall be given and shall be open to all Deerfield Village residents.
- 6.5 Waiver of Notice - Special Meetings may be held without notice if each Trustee waives notice in writing and consents to the meeting, whether before or after the meeting time.

DEFINITIONS

2.11 Public Notice

B. Meeting of the Board - At least ten (10) days written notice shall be given to each Trustee and notice shall be posted for the public.

C. Posted notice shall be at 4045 Deerfield Village Drive, Houston, Texas.

2.12 Executive Session - Shall be a meeting of the Board closed to the public to discuss the following matters.

- A. Personnel matters.
- B. Contracts, claims, deed restriction violations and/or possible litigation.
- C. Deliberation of appeal against any committee action by a resident. Trustee voting on any item discussed in Executive Session shall be conducted in a public meeting.

**Discuss DVCA By-Laws , State Laws, Meetings and Notice
in response to Training Meeting discussion at 10/23/17 Board Meeting**

Sec. 209.0051. OPEN BOARD MEETINGS. (a) This section does not apply to a property owners' association that is subject to Chapter 551, Government Code, by application of Section 551.0015, Government Code.

(b) In this section, "board meeting":

(1) means a deliberation between a quorum of the voting board of the property owners' association, or between a quorum of the voting board and another person, during which property owners' association business is considered and the board takes formal action; and

(2) does not include the gathering of a quorum of the board at a social function unrelated to the business of the association or the attendance by a quorum of the board at a regional, state, or national convention, ceremonial event, or press conference, if formal action is not taken and any discussion of association business is incidental to the social function, convention, ceremonial event, or press conference.

(c) Regular and special board meetings must be open to owners, subject to the right of the board to adjourn a board meeting and reconvene in closed executive session to consider actions involving

- personnel,
- pending or threatened litigation,
- contract negotiations, enforcement actions,
- confidential communications with the property owners'
- association's attorney, matters involving the invasion of privacy of individual owners, or
- matters that are to remain confidential by request of the affected parties and agreement of the board.

Following an executive session, any decision made in the executive session must be summarized orally and placed in the minutes, in general terms, without breaching the privacy of individual owners, violating any privilege, or disclosing information that was to remain confidential at the request of the affected parties. The oral summary must include a general explanation of expenditures approved in executive session.

(e) Members shall be given notice of the date, hour, place, and general subject of a regular or special board meeting, including a general description of any matter to be brought up for deliberation in executive session. The notice shall be:

(1) mailed to each property owner not later than the 10th day or earlier than the 60th day before the date of the meeting; or

(2) provided at least 72 hours before the start of the meeting by:

(A) posting the notice in a conspicuous manner reasonably designed to provide notice to property owners' association members:

- (i) in a place located on the association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; or
- (ii) on any Internet website maintained by the association or other Internet media; and

(B) sending the notice by e-mail to each owner who has registered an e-mail address with the association.