

# Deerfield Village Community Association

## MINUTES OF REGULAR BOARD MEETING

May 28, 2019

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 7:03 PM.

Trustees in attendance were Eric Toureilles (President), Brent Burris (Vice President), Bruce Bott (Secretary), Chris Saldana (Treasurer), Terry Gray, John Murphy and Bob Shortle. Dave Flick arrived after the Approval of Minutes. David Olivo did not attend and did not provide a proxy.

### I. DETERMINATION OF A QUORUM (6 required)

Eric Toureilles determined there was a quorum. Trustees introduced themselves to the crowd.

### II. APPROVAL OF MINUTES

After a review, Bob motioned to approve the April 17<sup>th</sup> Special Board Meeting minutes as submitted. The motion was seconded by Eric and passed unanimously.

After a review, Bob motioned to approve the April 22<sup>nd</sup> Board Meeting minutes as submitted. The motion was seconded by Terry and passed unanimously.

### III. RESIDENTIAL INQUIRIES

- A. A resident described that while she was water walking in the pool on May 5<sup>th</sup> during the 10 – 11 AM hour there were several children in the pool and they created a disruption. The lifeguard on duty didn't seem to know the policy. The Swim pool Committee will look into this issue.
- B. Through a series of questions, a resident established that two Deerfield resident children were hired as lifeguards at the pool, and they are children of Swim Pool Committee members. The resident claimed that this violated an established policy and was a conflict of interest (see Attachment I). An SPC member responded that the lifeguards work for AB Pools and not DVCA or the SPC, and nothing "underhanded" was done to get them hired or assigned to the Deerfield pool. The SPC member noted advantages of Deerfield children being lifeguards at the pools such as better attendance, extra monitoring by adults who know them and better knowledge of children who are Deerfield residents. The Board will review this matter.

- C. A resident addressed the Board and went through the events at an April 25<sup>th</sup> accident in the neighborhood involving a charter school vehicle and a resident's vehicle. The resident described his actions and an altercation with a Deerfield resident who is serving on two standing DVCA Committees (see Attachment II). Bob noted that he arrived at the scene of the accident and thanked the resident for his actions to check on the people involved, contact emergency services and direct traffic. The Board will review this matter.

#### IV. PRESIDENT'S REPORT

- A. Eric expressed congratulations to Ben Sommers and his wife on having a baby girl on May 28<sup>th</sup>.
- B. The County has put the planned project to redo Windsong Trail with covered drainage and curb & gutter has been put on hold. The County will continue to address drainage issues along the road this year. Eric will advise residents when he receives more information from the County.

#### V. TREASURER'S REPORT

None.

#### VI. MANAGER'S REPORT

Tina reported the following:

- A. The case of the Widcombe house has gone to trial and the court has placed the resident on 6 months probation and must continue to address the public nuisance.
- B. The Deerfield Office will be closed on July 4<sup>th</sup>.

#### VII. STANDING COMMITTEES

##### A. Financial Services Committee

- a) Status report - Collections stand at approximately 95.4 %, slightly below the collection rate for 2018.
- b) Room rental rate change proposal - the Committee submitted a recommendation to increase the room rental rates (see Attachment III). After discussion, Dave motioned to approve raising the room rental rates as recommended. Chris seconded and the motion passed with 5 in favor, 3 against and no abstaining.

Eric motioned that the new room rental rates go into effect on January 1, 2020.  
Brent seconded and the motion passed unanimously.

##### B. Swim Pool Committee

- a) County Health Inspection Report - the pool was inspected by Harris County in May and scored 96 out of a possible 100.

- b) Sand replacement proposal - the Committee submitted a proposal for \$3,320 to replace the sand in the 5 filters at the pool. After some discussion the SPC was asked to get another bid to confirm we are getting a good price for the service.
- c) Pavilion proposal - the proposal to spend \$1,200 to repair multiple pavilion posts was reviewed. The Community Services rep commented favorably on the recommended contractor, Home Remedy LLC, noting they did repairs on the Rec Center and Annex buildings a few years ago and we were pleased with the work. Chris motioned to approve the proposal pending review to confirm the price. John seconded and the motioned passed unanimously. It was noted that since this extends the life of the Pavilion, funding for this work should come from the reserve account.
- d) Split pool for 10AM hour proposal - as requested by the Board the SPC further vetted within the community the proposal to split the pool during the first hours, providing half for lap swim and water walkers and half for open swim. After some discussion Brent motioned to approve the proposal. Bruce seconded and the motion passed unanimously.
- e) Bob expressed thanks to the SPC for the activities at the pool on Memorial Day.
- f) Eric noted that the secretary on each of the Committees should be distributing their meeting notes to all members for review and the Committee Chair should be sure the notes are reviewed and approved in the next meeting.

C. Community Services Committee

- a) Mailbox issue in Patio Homes - After much discussion with multiple agency representatives it was confirmed that the United States Postal Service will not cover the cost of new cluster boxes in the patio homes, but USPS will install them. The boxes cost approximately \$1,300 each. The Committee will submit a proposal in the near future to replace two of the boxes.
- b) Pest Control proposal - there has been an on-going issue with squirrels and racoons in the Rec Center Buildings. The Committee submitted a proposal for \$2,005 for Cypress Critters & Pests to seal the buildings and trap and remove the nuisance animals. The service carries a 5-year warranty. Bob motioned to approve the proposal. Eric seconded and the motion passed unanimously.
- c) The Committee noted that they are working on proposals to paint the Rec Center interior, replace the main building furniture, address rotting wood on the exterior of the annex, repair/replace columns and power wash the buildings.

D. Tennis Committee

- a) Resurface and paint lines courts 3&4 proposal - after receiving multiple bids and Committee submitted a proposal for \$8,000 for Classic Sports to resurface and repaint courts 3&4. Terry motioned to approve the proposal. Chris seconded and the motion passed with 7 for and 1 against.

E. Landscape Committee

- a) Grounds treatment proposal - after the April 22 Board Meeting, the Committee submitted a proposal to the Board for grounds treatment (fertilizer and herbicide). By email Eric Toureilles, Brent Burris, Bruce Bott, Dave Flick, John Murphy, Bob Shortle and Chris Saldana all waived their right for notice and established a quorum. The proposal was reviewed and Eric motioned to approve the \$2,660 expenditure to True Green. John seconded and the motion passed 7 in favor, no against and no abstain. Work is planned to begin May 30<sup>th</sup>.

F. Recreation Committee

- a) Several events were held in May and all were well attended. Planned June events include a Patio Party with DJ, pizza for sale and the pool open. The Chili Cookoff is back on the schedule for October 5th.
- b) Bob expressed his thanks to the Committee for their work on the events and the good results.

G. Security Committee

- a) Parking Safety Card - some discussion but no action on this item. More information needed on what the card would say, criteria for placing a card on a vehicle, results from past experience with this concept, etc.

H. Deeds Committee

- a) No report during the open meeting. The Deeds rep did arrive for the review of Deeds issues during Executive Session.

I. SAYOR Special Committee

- a) The Committee has been meeting every two weeks since formation and has made progress on the waiver and SAYOR rules. The gate lock (thumb print) has been tested. The Committee is working toward a final proposal to the Board at the June meeting.

J. Perimeter Fence Special Committee

- a) The Committee is soliciting bids and continuing to work financing options. A proposal is anticipated by the end of the summer.

VIII. OLD BUSINESS

- A. Insurance Appraisal Report - a review was completed by our insurance company on the replacement cost of DVCA facilities. The total is \$1,609,783.

IX. NEW BUSINESS

- A. Appeal presentation by Mr. Rippetoe on paint color - the resident attended the meeting and provided the architectural approval form to the Board. The Deeds rep then addressed the meeting and informed the Board that after further review, the Committee had reversed its decision and approved the AA form and color choices. Chris motioned to accept the Committee's updated decision. Bob seconded and the motion passed unanimously.

X. EXECUTIVE SESSION


At 9:19 PM Eric made a motion to go into Executive Session to discuss property issues, appeals and referrals. Bruce seconded, and the motion passed unanimously. The session ended at 10:26 PM.

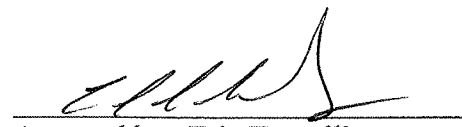
Post Executive Session, Bruce motioned for Eric to draft a letter to a resident concerning their greenhouse and the decision reached by the Board in ES. Chris seconded and the motion passed unanimously.

Additionally, we met with Glenn Sommers to hear his side of the story and determine if his actions were during DVCA business, or personal. Code of Conduct is specific to expected behavior during Committee or Board meetings and while working with others on DVCA business. No action was taken at this time, but the Board has not closed its investigation.

XI. ADJORNMENT

Bob motioned to adjourn the meeting. Terry seconded, and the motion passed unanimously. Eric called the meeting adjourned at 10:28 PM.

  
Submitted by: Bruce Bott  
DVCA Secretary

  
Accepted by: Eric Toureilles  
DVCA President

Attachment I

Since I moved here 11 years ago and well before, the policy had always been that DFV kids were not allowed to be lifeguards at our pool. The policy was put in place primarily so as not to breed familiarity and have social interactions that could distract the attention of the lifeguard. It is my understanding that this SPC has chosen not to observe this policy. Even worst, the lifeguard is a child of one of the lead members of the SPC, which brings up a number of issues

1. What is good for one should be good for all. Were residents advised that qualified DFV children could now be lifeguards at our pool? I do not know, but highly doubt it. I believe that this is but another instance of how things are done in a vacuum to accomplish the needs of a few.
2. It is a definite ethics concern that a lead member of the SPC also has a daughter working for the pool company that they manage. I am certain that there was either direct or indirect position influence in getting her the job and having her assigned to DFV.
3. There is definitely a conflict of interest when having to make decisions for or against a company that their
4. child works for.
5. The mother of the child stated openly that she had warned her daughter "about certain people to look out for". This alone biases the lifeguard against making a proper decision or judgement when one of these persons are involved. The mother in essence has biased the lifeguard by informing the child about her personal biases regarding certain individuals, possibility going above and beyond the policies and rules of DFV and AB Pools.

I would respectfully suggest that the following be enacted:

1. The member of the SPC be immediately relieved from the committee.
2. AB pools be instructed to assign the lifeguard at another pool.

## Attachment II

I am writing this open letter to the DVCA Board and Trustees, to make them aware of an incident regarding intimidation, disruptive behavior, harassment, and assault that took place on April 25<sup>th</sup> in our neighborhood between me, and another member and chairman of two standing committees of the DVCA. The chairman of the Security and Safety Committee, Glenn Sommers.

The board has a responsibility to police its own volunteers and be made aware of bad behavior so they can deal with it and protect itself and its members from bad actors or instigators.

I ask that a disciplinary hearing take place tonight during executive session, or at least set a date within ten days of tomorrow to meet to discuss the civil and neighborly repercussions of that altercation. The offending party does not need "a month to prepare" for a simple conversation on their actions that day.

"I was driving north on Bradstone drive after giving a couple a quote on pressure washing their driveway. After stopping at the 3 way intersection at Oakworth drive I saw the school bus heading south down Bradstone drive towards me. I then saw a blue Subaru, drive from Long moor to the Bradstone intersection. She looked at me as she pulled into street/intersection without looking right, slowing, or stopping for her stop sign. The bus tried to stop but it was too late.

The passenger side of the vehicle was smashed and skidded to a stop. Since the driver was turning in the bus's direction, there was no rollover thank God. It was hit pretty hard. I pulled over to check on the school bus to make sure no kids were hurt. I have a 4 year old daughter who is starting Kindergarten next year and that scene is my worst nightmare. Luckily, neither children nor either driver was hurt. Just in shock.

I called 911 and spoke with dispatch to have some cruisers sent out and requested an ambulance, but because there was no injury, none was needed per dispatch. The kids were all from a charter school and appeared to be young teenagers. The driver of the school bus was very shaken up, and the driver of the car appeared to be also. Luckily, her husband rushed out to help her moments after the accident and remained there until before the Sheriffs showed up to take statements from all parties involved.

I omitted this next part of the story from a thread on Nextdoor.com as I wanted to have the chance to speak with the board directly about the incident that took place instead of making the entire neighborhood about it before the board has a chance to right this wrong.

A few minutes before the Sheriff cruisers came (and while I am on the phone with 911 giving the dispatcher details of the kids and scene), the driver of the cars' husband walked up to me (after being present and talking with his wife for 20 minutes) and asked me if I saw what happened. I nodded and held up my finger and told him "yes, but I am trying to talk to the emergency services dispatcher to get help". I turned my back on him and walked away because I could not

hear everything the emergency services dispatcher was telling me over the sound of the loud bus engine (Air Conditioning for the kids) and Glenn trying to talk to me while I was on the phone.

"You're an (A-Hole)"! He said. "What" I replied? He repeated it again and again and then moved in closer and got right in my face threateningly. Mere inches away, while I stood there with two phones in both hands.

He repeatedly called me an A Hole over and over, and continued to do so even after I pulled out my cell phone to record his bizarre and intimidating behavior on the street. During this abusive and threatening rant, he brought up the fact that he never should have told the board to vote for me as a Trustee and say nice things about me. Then, more name callings, followed by "are you recording me"?

As I tried to walk away to eject from his bullying and threatening behavior to also finish my conversation with the dispatcher, he grabbed my shoulder and squeezed it before he called me an A Hole one more time and walked away in anger. I stood there aghast and disgusted at what I had just happened to me.

He went off on me for absolutely NO logical reason and laid his hands on me. Yes, I understand that his wife was just in an accident and was in shock. I was in shock as well! I had just witnessed a school bus filled with kids slam into a car that pulled out in front of it. I have a daughter starting kindergarten in August. It shook me.

When the deputies arrived minutes later, I gave my statement on what happened at the accident and told the Sheriff Deputy what had occurred with the altercation after the accident. He told me that I could press charges for assault. I looked over his shoulder at the woman in shock who had been hit by the bus, and made a judgment call not to press charges so her day would not have gotten even worse.

I understand mental trauma and shock makes people do things, but there is no excuse for the harassment and disruptive behavior (especially in front of children on a school bus) I endured that day. The deputy told me at the very least he would have word with him about his behavior and that I should call him if I changed my mind. It would all be included in the report.

I have never been treated or that disrespected by anyone like that EVER! At the scene of an accident while assisting no less. I will never speak to/acknowledge him ever. I will not forgive and forget his actions and behavior that day, nor any other micro aggression or comment he made to or about me over the last few years at board meetings.

Another resident can confirm that he did in fact lay his hands on me "if at the very least to justify unacceptable behavior".

I am asking for trustees to stand up for the resident this time. Forget the fact that I am a previous volunteer Trustee on the DVCA board. I am a simple resident raising a family with a little one



on the way. I have talked to a handful of residents who have had harassing encounters with this person, as well as talked with vendors and their employees who have been treated with disrespect below their dignity and pride.

The fact he brought up the DVCA and board during his harassing behavior reflects/intimidates a fear of reprisals or "coming after me and my family. Be it Deeds votes, or anything related to DVCA work, volunteerism, or rejoining committees he Chairs or is a part of.

I am asking for a Trustee or to make a motion and another to second the motion, to look into and respond to the allegations of numerous Code of Conduct violations arising April 25<sup>th</sup> between myself and a Chairman of a DVCA Standing Committee...

1. With consequences to this event, as outlined in the Code of Conduct regarding breaches of the code of conduct in which there are many codes broken.
2. To acknowledge the conflict of interest this person has on any DVCA vote. I am asking you to vote to have him cease and desist on speaking or voting in future votes or discussions on any DVCA committees regarding my immediate family, my businesses, and my properties within the Deerfield Village Neighborhood. The entire incident was one sided and handled grossly inappropriately. I ask that the board stand up for its residents and ask the party to excuse themselves in my matters.
3. Are these the actions of a resident you want chairing the Security and Safety committee or any for that matter?

Ethically, I feel strongly that this incident should not be ignored, because it sets an example to others to see what happens when you violate the DVCA Code of Conduct. Because, without enforcement or doing anything about violations, individuals will feel encouraged and emboldened to act badly or inappropriate because they fear no repercussions for their actions. I am asking that the board take a stand against bullying in general as well.

This matter has moved to a civil one, as where ANY future harassment, intimidation, or behavior thereof will be met with swift and severe legal actions. I understand the thought notion that this may be a simple resident on resident civil dispute, but since he brought up the DVCA and placed his hands on me, I have no choice but to protect myself from this individual moving forward and his authority vested by the board. I will use every available resource at hand to ensure he never intimidates me or lays his hands upon me again.

In light of the situation, I also ask that you inform your (DVCA/Board of directors) insurance carrier aware of this incident so that they can be made aware of the incident in case an incident or something like this arises in the future.

Charitable volunteers are covered under your policy for indemnification, but coverage is voided when "resulting from an act or omission that is intentional, willfully negligent, or done with

conscious indifference or reckless regard for the safety of others.” (Tex Civ Prac & Rem Code 84.007 (a))

Are these the actions of a

I have attached a highlighted Code of Conduct document that I feel has been breached.

Below is the Texas Penal Code; regarding what stipulates the least simple assault in Texas. The Deputy told me that our District Attorneys are coming down on offenders and even then, I decided to instead inform the board of this outburst instead of having someone arrested that day.

This email is not a threat to the board, but an enlightenment to the actions of some of your volunteers who should be held to a high accountability for their actions based on their status in the neighborhood and while serving on many committees.

## Texas Penal Code - PENAL § 22.01. Assault

-(A) A person commits an offense if the person:

- (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;
- (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or
- (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

-(B) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

- (5) a person the actor knows is emergency services personnel while the person is providing emergency services; or

Thank you for your consideration,

Mark Klodzinski

# DVCA Committee Business Code of Conduct

7-23-2018

## Conflicts of Interest

A committee member shall be considered to have a conflict of interest if:

- (a) such member has an interest in a transaction which might reasonably impair their independent, unbiased judgment in the discharge of his or her responsibilities to DVCA, or
- (b) such member is aware that a member of his/her family (such as a spouse, parents, siblings, children, and any other relative), or any organization in which such member (or member of his or her family) is an officer, director, employee, member, partner, or Trustee, or has a controlling interest, or has an existing or potential financial or other interest that is or may be involved in a transaction with DVCA.

All members shall avoid conflicts of interest and disclose to the Committee any conflict of interest at the earliest time possible and before any vote on the matter. No member shall speak on any matter under consideration at a meeting without first disclosing the conflict of interest and no member shall vote on any matter in which there is a conflict of interest. The minutes of such meeting shall reflect that a disclosure was made, and that the member abstained from voting. Any member who is uncertain whether a conflict of interest may exist in any matter may request the Committee to resolve the question by majority vote.

## Potential consequences of violating the Code of Conduct

- o Unacceptable behavior will not be tolerated.
- o Anyone approached about violating the Code of Conduct is expected to comply immediately
- o DVCA has the right, after careful review, to take any actions deemed appropriate
  - From a simple discussion and warning
  - To a temporary loss of voting rights or suspension
  - To being removed from the committee / committees

## Procedure for Responding to Breaches of the Code of Conduct

1. Should evidence or allegations of a Code of Conduct violation be presented, the Chairman and Trustee representative of the committee will investigate, and if after review, there appears to be a violation, they will meet with the committee member and discuss the matter to understand if there are additional facts or another perspective to consider and then will seek a mutually agreeable resolution. If a violation is found, at minimum a warning will be given, and the situation and action will be documented. If the Chairman or Trustee representative is the violator, an alternate leadership team (with a different Trustee or Trustees) will be assigned.
2. Should the Code of Conduct continue to be violated after the discussion in 1 above, the Chairman and Trustee representative (or alternate leadership team if required) shall bring the situation to the President for additional direction and assistance on how to address it. A decision will be made to either 1) have another discussion with the violator with a sterner warning and penalty or 2) take the matter to the full Board of Trustees in executive session to determine an appropriate action. If the full board determines to take an action, the violator will be offered the chance to meet with the Board to provide an explanation of their conduct. If the Board still decides to take an action, the matter will be placed on the agenda of a duly called Board Meeting, where they will discuss the matter and then vote on a course of action. A member may be removed from the committee by a greater than 2/3rds majority of the Trustees.

Initial \_\_\_\_\_

## DVCA Committee Business Code of Conduct

7-23-2018

This Code of Conduct documents the behaviors expected when attending DVCA Committee or Board Meetings and when working with others on DVCA related business. As a member of a Standing Committee of Deerfield Village Homeowners Association (DVCA), I agree that I will:

- Work to represent the interests of the residents of DVCA
  - o Encourage other residents to actively participate on DVCA committees
  - o Communicate to other residents about the work of the committees
- Participate in meetings in an authentic and active way
  - o Act honestly, truthfully and with integrity in all my dealings
  - o Be responsible, transparent and accountable for all my actions
  - o Exercise my best judgment when making a decision
  - o Vote according to my conviction of what I believe is best for DVCA and its residents
  - o Work with a spirit of cooperation
  - o Be dependable with my assignments
  - o Attempt collaboration or compromise before conflict
- Treat all individuals with a sense of dignity, respect, and worth
  - o Exercise consideration and respect in my speech and actions
  - o Avoid profane and abusive language and disruptive behavior
  - o Refrain from demeaning, discriminatory, or harassing behavior and speech.
  - o Not pressure anyone to accept my political, cultural, or religious beliefs
  - o Not use, possess, or be under the influence of alcohol or illegal drugs during a meeting
- Adhere to the DVCA Social Media Policy (attached)
- Respect all confidential information and maintain the confidentiality of all proprietary or privileged information to which I am exposed to
  - o Not share or discuss confidential information with others not on the committee, Board, the Office Manager or actual vendor
  - o Not share vendor information with another vendor
- Avoid conflict of interest situations (as described) and refrain from actions that may be perceived as such
  - o Reveal and appropriately handle any potential or actual conflicts of interest as they arise
  - o Before speaking, explain the conflict and why it may exist
  - o Not vote on any matter in which there is a conflict of interest
  - o Address ethical concerns by speaking directly with the person with whom I have the concern; and when necessary, report it to the Chairman or Trustee Representative (or another Trustee if necessary)
  - o Alert Chairman or Trustee Representative (or another Trustee if necessary) if you are aware of violations of this Code of Conduct, even if they seem minor

I certify that I have read, fully understand and agree to my responsibility to comply with the DVCA Committee Business Code of Conduct and that any violation of this code will be dealt with as described in this document.

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

### Attachment III

#### DVCA Proposal:

Current rental fees for the different facilities, rooms , have been in effect since at least December 2011. The DVCA Finance Committee is recommending they be increased. The following is the current rates and what the Committee is recommending

<u>Room</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Main-Basic 4/hrs	\$75	\$100
-Extra Hours	\$10/per hr	\$ 25/per hr
Annex-Basic 4/hrs	\$65	\$100
-Extra Hours	\$10/per hr	\$ 25/per hr
Small room 4/hrs	\$20	\$ 25
-Extra Hours	\$ 5	\$ 10

The increases would generate, based on 2018 rentals, approximately \$2000 in additional income.