

Deerfield Village Community Association  
**REGULAR BOARD MEETING & TELECONFERENCE**  
**MONDAY June 28th, 2021**  
**7:00 PM**

The regular meeting of the Board of Trustees of the Deerfield Village Community Association was held at the community center and via teleconference. The dial-in number and access code were provided for all Board Trustees, Committee Members, and Residents in the published meeting agenda. President Eric Toureilles called the meeting to order at 7:01 PM.

Trustees in attendance were Eric Toureilles (President), Brent Burris (Vice-President), Gerry Hilliard (Secretary), Terry Gray (Treasurer), Jason Nace, Jim Hunt, Hak Dickenson, and John Devine.

1. **DETERMINATION OF QUORUM** (6 required)

Eric determined that a quorum was present with eight members attending and John Murphy absent however Eric Toureilles had his proxy. Trustees introduced themselves to those listening by teleconference.

2. **APPROVAL OF MINUTES**

After review of the May 24<sup>th</sup> regular board meeting minutes, Eric Toureilles motioned to approve the minutes as submitted by Gerry Hilliard. The motioned was seconded by Brent Burris and passed unanimously.

3. **RESIDENTIAL INQUIRIES**

Vikki Evans the current owner of the property at 3922 Heathersage represented her case for DVCA to cover the cost to replace her driveway due to community trees causing damage. She presented a letter from an arborist that the damage to her driveway was caused by roots from community trees. She has a quote from repairing the driveway of slightly over \$7,000 and would submit the quote to the DCVA office. Any action was deferred so as to let a representative of DVCA go before the Harris County Commissioner's Court to request action to be taken by them to repair the sinkhole.

4. **PRESIDENT'S REPORT**

Eric reported that Tarnbrook would be closed beginning July 5<sup>th</sup> for approximately (2) weeks for the new waterline to be installed. Barker Cypress, the waterline will be tunneled under the road. There is a new omnibus bill passed recently in the State Legislative session and we will

review that legislative action at the next board meeting as it affects HOA's. A link on the DVCA website will be added so residents can review also.

5. **MANAGER'S REPORT**

Catherine reported that there had been (25) architectural applications and she has issued (32) pool IDs. She has been in contact with the county concerning trimming of trees per homeowners' requests.

6. **STANDING COMMITTEE REPORTS** (Including Funding Requests and Board Authorizations)

A. **Landscape Committee:**

Committee has received two proposals for additional tree trimming, and \$16,000 had been previously approved but an additional \$4,000 will be needed for the budget. This has been sent and approved by the finance committee. Approval by the Board is being requested. Motion for approval was made by Jason Nash and seconded by Jim Hunt. Motion was passed unanimously. Replacing shrubs and flowers around office building and replacing some areas with sod has been proposed. A motion was made by Jason Nash and seconded by Terry Gray and passed unanimously. There are some dead bushes along the fence line and replacement will wait until a later time.

B. **Deeds Committee**

Architectural applications were mainly routine. Guidelines still being reviewed. They had one referral to the Board. Longmoor situation has been moved to August meeting. The Gonzales's that have had a mini split air conditioning system installed and had an AA approval came to discuss the issue of unit being seen from the street. As this is now a conventional type of air conditioning system being installed, a discussion was held as to our acceptance to the placement of such unit. The Gonzales's stated that they have already contact the installation contractor to move the system down by about three feet. The Board deferred any decision and referred the situation back to the Deeds Committee to make a decision on placement of this new type of system and setting installation guidelines.

C. **Recreation Committee**

No report. An email blast will be sent about the 4<sup>th</sup> of July party.

#### **D. Tennis**

The fence painting has been completed. Invoice paid from reserves.  
Waiting on windscreen proposal for third windscreen. Once these repairs are completed the court should not need any further repair for 3 to 4 years barring any major weather conditions.

#### **E. Security Committee**

Report submitted. No major issues. Discussions were held concerning advanced security options and Greenbelt Use and Safety Policy.

#### **F. Community Services Committee**

There has been some spraying for mosquitos done, on as needed basis.  
Having some problems with the new patio home lighting. Problems with the Greenbelt lights with a possible underground wiring problem due to MUD digging. New annex flooring to begin installation on June 30<sup>th</sup>.

#### **G. Financial Services Committee**

Through May we are running \$35,000 below budget. The 2021 assessment fees collection rate is 96.6%. Added (1) new payment plan. There are only (10) plans outstanding. There are (6) active actions on the attorney's list. (2) actions are waiting on Sheriff Sales. 2020 has been a tuff year for collections and taking any action.

#### **H. Swimming Pool**

There has been some minor breakage in the pool equipment. There could be a possible shortage of lifeguards. This is prevalent over all communities. Eric stated that we should do all that is possible to meet keeping our pool open. There is a new sign-in system in place, and this was discussed. There will be a 4<sup>th</sup> of July Pool Party.

#### **I. Fence Committee**

No fence Committee member was present, and there were no proposals. However, Glen Sommers and Jonathan Hopko had several discussion points. Mr. Sommers asked about the easements and if all had been signed off. Eric said there were still a few remaining. Mr. Hopko brought up his concerns over the depth of the proposed columns for the fence. He referred to section (6) of the Geotech Report. He stated that the column depth did not meet the recommendations and that the depth of the columns was wrong in his opinion. He stated that the column should be at a 48" depth not 24" He was told that the contract set the depth at 48" not 24". A separate fence meeting about these concerns will need to be set.

7. **OLD BUSINESS**

- (1) The issue with Vikki Evans ended up being discussed earlier in the meeting. Please refer to Residential Inquiries of these minutes.
- (2) The Investment Committee held a vote on June 30<sup>th</sup> to place funds with the information received from Edward Jones, our current investment advisor. The recommendation of the committee was then proposed to the Board by electronic email on July 1<sup>st</sup>. The recommendation was made into a motion by Terry Gray and seconded by Eric Toureilles and unanimously passed by the Board at this meeting.

8. **NEW BUSINESS**


- (1) The SAYOR (Swim at your Risk) revised guidelines were presented and the board informed that they had been reviewed by the DCVA attorney. A motion was made to accept the revised guidelines by Eric Toureilles and seconded by Hak Dickenson. The motion was unanimously passed.
- (2) A discussion was held concerning going back to holding board meetings in-person. The Board decided that beginning with the July meeting of the Board of Trustee the meetings will be held in-person at the DVCA clubhouse.
- (3) A request was made by resident Collen Vera about certain allegations that Eric Toureilles and/or the Board had said or done. Eric responded a "no" to all 4 questions from Collen's letter. Jonathan Hopko said he was given a letter by 2 Trustees which were threatening civil action against resident that opposed the fence project if he did not comply in 3 days. (Her request letter and email are to be attached to these minutes). Eric said he would review the letter and the recordings from the that meeting, and review if this violated any code of Conduct or Ethics.


9. **EXECUTIVE SESSION**

Eric Toureilles moved that the Board enter into executive session and at 9:21pm. The motion was seconded by Jim Hunt. The Motion was passed unanimously.

10. **ADJOURNMENT**

A Motion to adjourn was made at 10:28PM by Eric Toureilles, and seconded by Brent Burris. Motion was unanimously approved.

  
Submitted by William G. Hilliard  
DVCA Secretary

  
Accepted by: Eric Toureilles  
DVCA President

June 28, 2021

In the attached emails acquired from MUD 136 using the Texas Public Information Act, MUD 136 states that Eric T. informed MUD 136 that the DVCA board had discussed filing a lawsuit against DVCA residents who spoke out against the fence project.

I am one of the persons who spoke out the loudest. I not only had yard signs printed which said: "It's OK to Vote No on the Fence," I mailed a letter to as many residents as I could giving them the financial information this board had not distributed.

I asked to be on the agenda tonight for you to answer the following questions:

- 1) When was this lawsuit idea on the DVCA agenda?
- 2) What date(s) did this board discuss and vote on it?
- 3) How many residents did the board consider including in this lawsuit?
- 4) Should DVCA residents now fear voicing our opinion(s) on any issue for threat of a lawsuit being filed against us by DVCA?

I have included the First Amendment to the US Constitution below to remind this board of the rights given to all US citizens, even those living within the boundaries of an HOA.

Colleen Vera

## First Amendment

To the U. S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition the government for a redress of grievances.



**Maher, Jane**

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**From:** NP <knx0355@yahoo.com>  
**Sent:** Friday, April 23, 2021 8:36 AM  
**To:** Eric Worthington  
**Subject:** Re: Perimeter Fence (PF)

Understood.

For clarification, the \$85-\$100k was my invention alone, not Eric's.

I have also written Jane asking her for an estimate of legal fees spent on this thus far. I need to know before continuing.

Neil

On Friday, April 23, 2021, 8:25:02 AM CDT, Eric Worthington <worthington.mud136@gmail.com> wrote:

Neil,  
I'm replying inline:

On Thu, Apr 22, 2021 at 7:51 PM NP <knx0355@yahoo.com> wrote:

I've had lengthy conversations with Eric T. and Dimitri today regarding the PF agreement.

There are some serious sticking points between our legal and the DVCA:

1) DVCA atty is not in favor of increasing or placing unlimited indemnification of the District, claiming doing so would be prohibitively expensive for them. Dimitri feels this is a non-issue financially and insists we keep an open ended indemnification in the agreement.

I agree with Dimitri, this is a gift for beautification of the neighborhood on an HOA project. The MUD should be held harmless for every single aspect.

2) DVCA's attorney is not in favor of writing the kind of opinion we need to move forward with the agreement, claiming doing the research necessary to craft such an opinion (deed restrictions, property surveys, enabling legislation, elections conducted fairly, etc.) would be extremely expensive and open him to legal challenge and peril. Dimitri said it's not that common for a MUD to ask an HOA for this type of legal opinion, but given the politics and opposition and threat of legal action against the HOA we need it.

The HOA should have already done this. This is their project, if they're unsure of the legal ramifications that's on them, not the MUD.

Also, Dimitri is not 100% sure the indemnification language would protect us from lawsuit towards the DVCA if it's brought for any reason other than damage, negligence, construction errors, etc. In other words, a lawsuit brought as a result of a perceived violation of covenants, deed restrictions, easements, etc.

Again, this is an HOA project the MUD is contributing to. If it exposes the MUD to lawsuit, I do not believe we should move forward.

\*\*\* Additionally, Eric T. said the DVCA board has actually discussed the possibility of a pre-emptive lawsuit against parties protesting the loudest. He said that the Board decided against this but the fact

that they even considered it is unsettling and IMO evidence how insecure they are about potential legal action. \*\*\*

The MUD should no longer participate. The HOA doesn't seem to know what they're doing when it comes to the fence project.

Dimitri suggested that we consider instead an agreement whereby we make a ONE TIME, non-binding \$85,000 donation towards an ongoing DVCA community expense such as security. This would keep the MUD completely out of the fence business and still free them up to get better financing on the fence. NRF would need to see the SEAL agreement and would start over in crafting a shorter, less cumbersome agreement between the MUD and the DVCA. Yes, we would be out the cash we spent thus far on the PF agreement but in the long run it may save us a ton in legal expenses and minimize MUD exposure to lawsuit.

Politically, some might view this as an "end run" around the MUD financing the fence but it's actually a smart and conservative move by us, which Dimitri fully endorses as something we have the power and the authority to do. He is loathe to have our MUD board's great reputation muddled by this agreement.

It is an "end run" around the issue. I'm not 100% in agreement with this as we then have no say in any PF issues that come up. People will see through it clearly as to what we're doing, but the HOA has clearly not done a good job in all of this. The other issue is, if the fence isn't built, we're out the \$85k with no options to claw it back. This places complete faith in the HOA to get the job done, and it sounds like they're having a lot of internal issues on the matter.

In speaking with Eric tonight he said the DVCA could move forward with financing, procuring materials, and starting the fence project without a MUD contribution, but if the MUD came through with \$85-100K for security the DVCA board would pass a resolution that any money freed up by a MUD contribution would be used to pre-pay any existing HOA loans.

Why is the contribution number still fluctuating? I'm more concerned they keep changing the number they're asking for.

At our special meeting Tuesday I will report on this, and gauge our interest in having Dimitri craft such an agreement in lieu of the agreement we're currently trying to craft.

RESPOND TO ME ONLY. NOT FOR DISCUSSION. DO NOT FORWARD.

Neil

My position on this is souring rapidly. The HOA really doesn't seem to know what they're doing and they haven't thought through the entire operation. At this point, I will abstain without question. I'm still going to defer to Dimitri's wisdom, but I'm not happy with the direction this is going in as far as an open ended gift to the HOA without strings.

Eric