

Cypress Creek HOA
Board of Director's Meeting
Thursday, June 2, 2005
Universal Unitarian Church

CALL TO ORDER: 7:05 p.m.

ROLL CALL: Terri Brisse, Bobbie Fuller, Mike Dion, Rodney Schwalbach, Marilyn Stanford, Harold Piatt, Charlie Horn, Christine Gamache,

Approval of Minutes from May 5, 2005 Board meeting approved unanimously.

TREASURER'S REPORT: 40,289.00 cash on hand less 1109.00 prepaid dues totaling 39120.00

ProScape Landscaping has increased their pricing due to increase in fuel charges 1465.00 of 2000.00 has been paid out for legal fees to date. This cost expected to increase over the next months

NEW BUSINESS:

The gathering of Amendment ballots continues.

As of today, Items 1 and 2 have sufficient ballots to pass

Item 3 is 10 ballots short of Approval and Item 4 is 1 short of Approval.

A total of 39 ballots had not been turned at this time.

Harold Piatt asked the following questions;

Why does the gathering of ballots continue on and for how long?

Response from Rodney was that until 60% approval or 40% rejection was received, the gathering of ballots would continue on indefinitely until either one or the other was attained.

Why was there no notice given prior to the AGM?

Response from Rodney was that notice was given but that the lawsuit was the driving factor as to the amount of time allowed.

Harold questioned the 2% of fencing not HOA property?

Response from Rodney was that the 2% consisted of the following areas;

The fencing running from the column located adjacent to the Foy property up to the Sandra Drive entrance and the fencing located on his property from his driveway back to towards the Cypress Creek Sign.

Rodney restated the attorney's position that all fencing facing El Salado is HOA property.

General discussion ensued about better Communication from the Board to the General Membership.

Lawsuit status.

Rodney stated that the HOA has complied with the settlement but that the plaintiffs had not due to the fact that the AHRC>COM website had not removed the postings from their website. To the Boards knowledge, only one letter had been sent to the AHRC requesting them to remove all postings in regards to the Cypress Creek Homeowners Association and the lawsuit.

Discussion ensued as to regards of Charlie's request to receive and review attorney documents. Rodney stated that all documentation and client/attorney discussions were confidential and not subject to photo coping.

Motion made that any document classified as privileged will only be for review and to not allow the photo coping.

1st by Mike Dion

2nd by Terri Brisse

5 in favor

1 abstain

1 opposed

Action item.

Harold agreed to contact Billy Baskett to clarify what actions if any had been taken to date.

Alliance meeting update.

Mike addressed how late fees are assessed and how Homeowners are upset with existing policy. A meeting with Greg Boling, Mike Dion, Rodney Swallbach and Christine Gamache was scheduled and attended by same. Outcome of meeting will include the following changes as structured;

Alliance is reducing late fee penalty from 15.00 per month to 15.00 per quarter.

If a quarterly payment is not received by the 15th of the month, the 15.00 late fee will be applied and a statement sent out immediately indicating that a late fee has been applied.

The next billing notice sent to homeowner will include the previous quarter dues, the late Fee plus the next quarter dues.

Motion made to accept new late fee Policy

1ST by Charlie

2nd by Terri

All in Favor, motion passed.

By-Laws and CCR's update- nothing to report

Welcoming committee

New owner on Clay but no name has been supplied at this time. Terri to have a Conversation with new owner and Welcome to Neighborhood.

Landscape.

Marilyn and Terri to revive the Yard of the month program.
General discussion on Wilson Way entry.

Neighborhood Watch Program.

Marilyn spoke with the CPPD and further discussion to take place in coming weeks regarding upcoming National night out.

Discussion ensued in regards to house on Eleanor renting out room to convicted Sex offender. Rodney interjected at this time with explanation that from conversation with the homeowner that an agreement was met to have offender relocated.

Discussion took place that renting a room out was not permissible according to CC@R's and By-Laws. Alliance to send out letter to homeowner notifying same.

City Relations.

Bobbie explained that Curbs and gutters were on hold due to the Entertainment center taking precedent at this time. Bobbie stated that she had applied for and received the position on the Parks and Recreation Department with the City.

Communications.

Seanna stated the June 18th would deadline for next quarter news letter and should go out the first week of July. General discussion ensued as to any additional information to be included.

Capital Improvement Committee.

General discussion over proposed charter.

ACC.

1 request was pending

Open Forum.

Mike question boat in driveway at 1808 Clay.

Rodney questions what response to Billy Baskett in regards his questions on fence.

Marilyn requests the Board to define final answer to his questions.

General discussion and agreement to not rehash further discussion.

Matt Brisse states that any continued discussion constitutes Harassment. Matt requested of Harold to inform Billy Baskett with possible further legal action if emails continue.

Rodney stated the satisfaction of Jackson Walker and Connie Hyer in regards to all dialogue pertaining to Lawsuit.

"In an effort to prepare for a potential vacant Board seat, Rodney questioned Charlie in regards to selling his house, as stated by Charlie's wife in the Austin American Statesman article following the April 2005 AGM. Charlie responded that he was not aware that his wife was selling the house at this time and had not seen the article.

Rodney stated that a rumor had been circulated that letters had been sent to numerous government agencies including the Attorney General, the District Attorney, the Lieutenant Governor and the Governor of Texas, stating that, among other issues, HOA funds had been spent illegally and asked if anyone had heard this rumor or knew who wrote them. Several Board members stated they were aware of the rumors. Rodney asked Charlie directly if Charlie knew about the letters or who wrote them. Charlie stated he was aware of these rumors but did not know who wrote them. Rodney asked Charlie if he was sure he did not know who sent the letters then interjected that it was Charlie's wife that had sent them out. Charlie confirmed that his wife had sent out some letters, but did not know the content. When asked what her reasoning was behind these, and the persistent filings with the State Bar of Texas against the Association attorney and our defense attorney, Charlie replied that he did not know but would ask.

Rodney asked the following question of the Board for the record:
Is there a conflict of interest between Charlie's duty to his wife and his duty to the Board as whole? At this time, Terri interjected with an explanation/definition of "Conflict of Interest."

Following a discussion of Charlie and Theresa Horn's actions, Rodney asked for a show of hands from the Board who believed that there was a conflict of interest between Charlie's duty to the Board and his duty to his wife, results were 6 yes and 1 no, Charlie being the descending vote.

Rodney continued the questioning by asking Charlie what he planned to do about the apparent conflict. Charlie said he planned to do nothing. Charlie then asked what Rodney would suggest he do. Rodney said if he were Charlie, he would resign from the Board to alleviate the conflict. Charlie responded that he would not resign and that the Homeowners had elected him and that only the homeowners could remove him."

Open Forum for Homeowners.

Meeting Adjourned at 9:40pm.