

Minutes – San Clemente Estates Board Meeting

July 11, 2022

The San Clemente Estates (SCE) Board of Directors (Board) held a Board meeting by zoom on July 11, 2022, with the following agenda:

1. Determination of Quorum
2. Approval of minutes of May meeting
3. Financial Report year-to-date
4. Comments from Property Owners in attendance (limit to 3 minutes each please)
5. Old Business
 - a. Final planning for July 17 Special Meeting of Property Owners to vote on annual assessment and a one-time assessment
6. New Business
 - a. Establish a non-refundable portion of the construction deposit to contribute towards the Construction Liaison payments as a professional consultant in accordance with Article XV Section 15.01 of the Bylaws. (carryover item from May 2022 meeting, unaddressed)
 - b. Review and act on recommendations of the ARC regarding new construction not obtaining approvals or following the Architectural Guidelines
7. Meeting Adjournment

Dana Properties distributed the meeting announcement and zoom connection details to property owners via email and posted it on the SCE website according to the electronic notice requirements.

Attendees: The following people attended the meeting:

Brisa Garcia – Treasurer and Vice-President
Karen Foster – Board member
Patty Russell – ARC Chair
Sheldon Wheeler – Dana Properties
Marise Textor – Board President and Secretary

No additional property owners attended the meeting.

Determination of Quorum: With all three Board of Directors members present, the meeting had a quorum.

Approval of Minutes of May Meeting: Brisa moved and Marise seconded to approve the minutes of the May Board meeting. Motion passed unanimously.

Financial Report Year-to-Date: Brisa provided an overview of the financial report year-to-date. She expressed concern about the lack of a water bill and asked Sheldon for the log-in information to pull them electronically. Marise asked Sheldon to check the status and update us and be sure that Oscar updates the water spreadsheet.

Legal expenses incurred are for re-filing the management certificate with the County Clerk and an account with the Texas Real Estate Commission. A number of changes were needed per recent state law. Each subdivision requires a certificate.

Marise questioned the number of lamp post repairs and the amount of money that we spend on them. Who calls for those repairs? Sheldon said that usually a resident calls for them. Sheldon will ask Art to provide a report of the ongoing lamp repairs and what the ongoing problems are.

Is the Greenscene bill for \$161.83 on 6/15 for the repair of the big leak?

The Board asked Sheldon about the plan with for the remaining large delinquent account and agreed on the need to send another demand letter. Payments are applied first to assessments and then to other charges. The Board instructed Sheldon to send another invoice, not a demand letter, to the remaining accounts owing small amounts.

Sheldon reported that the covenants set the interest rate at 10% per year, not the prevailing rate. Marise agreed to research this. (Marise subsequently found that the Covenants, Article IV Covenant for Maintenance Assessments, Section 9, states, "If the Assessment is not paid within thirty (30) days after the due date, the Assessment shall bear interest from the date of delinquency at the rate of ten percent (10%) per annum and shall constitute a lien or charge against the Lot which has been assessed.")

Regarding the lighting invoices, the Board stated that we need to know if it is mechanical damage, parts wearing out, bad design, or what, and asked that Sheldon instruct Art Flores to put this information on the invoices.

Comments from Property Owners in Attendance: No other property owners attended the meeting.

Old Business

Final planning for July 17 Special Meeting of Property Owners to vote on annual assessment and a one-time assessment: Marise will draft an email reminder to people and Sheldon will send it. The reminder will include a copy of the ballot with name and address.

At the meeting, Brisa will describe the budget and status. Marise will discuss the unfunded issues. Karen will have a sign in sheet with name, address, email address, phone number.

Sheldon reported that he already has ballots for Almajar (2), Benivides, Fenton, Flores, Gelo, Loats, Myers (2), West Texas Property Development, Lane, Bohman, and Allen.

We will do a roll call vote at the meeting. If we do not have a quorum at the first meeting, we will hold a second meeting on Sunday, August 28, at 4:00 p.m.

New Business

Establish a non-refundable portion of the construction deposit to contribute towards the Construction Liaison payments as a professional consultant in accordance with Article XV Section 15.01 of the Bylaws. (carryover item from May 2022 meeting, unaddressed): The Board discussed this issue and did not make a decision yet. We stated that the preference is to do this going forward and we would like to ask an attorney some questions: what is required for notification by TX statute?

- Is this fair and legal?
- What are the ramifications?
- Should it be a resolution of the Board filed with the County Clerk?

- Is there a way that we can apply a nonrefundable portion of the construction deposit that does not revert to this paragraph to pay for general damage, e.g., roads, trash, etc?
- Or can we require a construction deposit and a separate fee?

The Board agreed to explore this further.

Review and act on recommendations of the ARC regarding new construction not obtaining approvals or following the Architectural Guidelines: This agenda item is about the fees for violations. After reviewing the document that Marise drafted and Board discussion, Karen moved and Brisa seconded to approve this with edits over the next week or two. Vote was unanimous.

Next Board Meeting: The Board tentatively scheduled the next Board meeting to occur on August 9 at 6:00 p.m. (the Board later postponed the next meeting to September).

Meeting Adjournment: The meeting adjourned.

Minutes submitted for approval by Marise Textor, September 18, 2022

Approved by the Board unanimously in open meeting on September 20, 2022