

**Westwood Landowners' Association  
Quarterly Members Meeting  
December 13, 2018 Meeting Minutes  
Magnolia, TX 77354**

**Quarterly Meeting:** The Board of Directors of the Westwood Landowners' Association (WWLOA) convened in a meeting open to all Members of WWLOA at the Westwood LOA office at 7:00pm.

**Board Directors:**

**Present:** Pat Troy, President  
Mike Pidotella, Secretary

**Absent:** Diana Maichetti, Treasurer

**Unfilled:** Vice President  
Member-at-Large

**Quorum not present**

Meeting held only to hear landowner's questions and concerns. No actions could be voted on.

The quarterly members' meeting is a time for members of the WWLOA to come before the Board of Directors and bring up any concerns or topics that they want to discuss.

**Call to Order:** President called the meeting to order at 7:05pm

1. Krien VerBerkmos, 503 Shadberry Dr.
  - a. Mr. VerBerkmos asked what are the capital budget items budgeted for 2019 and how can we see a detailed copy of the budget for 2019.
  - b. The President stated that Diana, our Treasurer is not here tonight because she is ill and that the 2019 budget is currently being established.
  - c. Mr. VerBerkmos asked when it needed to be done by.
  - d. The Secretary stated that he did not know and that we would need to check with the Treasurer.
  - e. Mr. VerBerkmos asked if the Board has had any discussions on what the 2019 expenditures might be.
  - f. The President and Secretary identified the items that are being considered:
    - All three pools and pool houses are in need of repair. The pool house roofs and plumbing fixtures need repair / replacement. The Nickaburr pool looks to need extensive repairs and is leaking water. We are getting estimates for the repairs. The pools are going to be a big expenditure in 2019 but it needs to be done. Their needed maintenance has been ignored for years and they have just been deteriorating. This Board wants to repair and improve the recreational facilities.

- The board is looking into alternatives to repairing the Nickaburr pool. The Board is looking into having a splash pad and playground installed at the Nickaburr pool location. The Board has appointments to meet with companies that install splash pads, on the next two Saturdays, each at 10:00am at the Nickaburr pool location. The Board has discussed this project with WMPID to see if they would help with the cost.
- The Board is looking into much needed repairs to the tennis courts.

2. Megan VerBerkmos, 503 Shadberry Dr.

- a. Ms. VerBerkmos stated that with the turnover in the office staff and the board having frequent vacancies, she had a concern about the big issues that plague us and this place for a number of years like drainage, maintenance for our common areas and home owner's dues that are delinquent and not paid may not get addressed as needed because important information may be lost with all of the changes in the office staff and the board. Ms. VerBerkmos noted that she is glad to hear that the Board has started to address the maintenance issues.
- b. The President stated that we have two excellent people in the office now and have they been doing a great job.
- c. The Secretary stated that the office staff has been reaching out to people about their delinquent maintenance fees and making good progress on getting accounts paid up. We will be working with our attorney, as needed, to pursue those that do not pay. One of the expenses you will be seeing in the budget is a lot of attorney's fees because of activity the board is doing.
- d. The President stated, we did take someone to court and successfully resolved some problems that had been going on for 9 – 10 years.
- e. The President stated that we have set up committees, for example the Drainage Committee. One of the issues has been:
  - According to our plats, the county was given control of our drainage easements.
  - The county has the right, but they do not have the responsibility, to maintain our drainage easements. The county's position is that they can not spend county money on private property.
  - The WWLOA can not maintain the drainage easements because 40 years ago Landcraft turned them over to the county and the county accepted it.
  - The Board has worked with our attorney and we now have a plan to address maintenance of the drainage easements. The WWLOA needs to:
    - Obtain an engineering study of each drainage easement in order to protect Westwood. All work will be performed as defined in the professional engineering study.
    - Work with the county to obtain the required grades.
    - Our attorney is preparing a letter for landowner's to sign to give permission to have the work performed on the drainage easements that run between houses because they are on the landowner's

property. These are 30 foot drainage easements with 15 feet being on each of two people's property.

- f. The President stated that when this Board started, the office did not have properly documented procedures. We now have all office procedure properly documented as well as an employee handbook. The bylaws require that two member of the board be over the employees. The Secretary is currently responsible for the office staff and the President is responsible for the Courtesy Patrol.
- g. The President stated that we are supposed to have 5 board members and we currently only have 3 and we are looking to fill the open board positions if anyone would like to volunteer. The Secretary added that we are down 2 board members and it makes it very challenging.
- h. The Secretary stated that we now have two full time employees in the office allowing us to keep the office open the entire period from 8:00am to 5:00pm daily with the exception of when one is out on vacation or is ill.
- i. The Secretary stated the website has been updated and is now being maintained on a regular basis. As a resident he would get frustrated with the website not being maintained with updated information. He volunteered to learn and manage the website and continues to do this along with his Board responsibilities.
- j. The President asked Ms. VerBerkmos if there was anything that we did not address.
- k. Ms. VerBerkmos stated no, and that she feels a lot better and that she realizes that the Board is addressing these concerns and things are moving along.
- l. The President added that we have a Deed Restrictions Exploration Committee looking into updating the deed restrictions. The Secretary added that there is an email address for landowners to send in their questions and comments.
- m. The President stated that the previous board had put a deed restrictions fine schedule in the Bylaws which is the first time that had been done. Before that there were fine schedule resolutions being made that were not enforceable because they were not in our governing documents. Now we found out, from our attorney, that unless the deed restrictions give the board the authority to assess fines, we can not apply the fine schedule in the bylaws. We have brought this to the attention of the Deed Restrictions Exploration Committee.
- n. The President added that the Board meets with the Drainage Committee and the Deed Restrictions Exploration Committee regularly. The President shared that there has been a lot going on. The previous Board members had locked the Treasurer out of the books and the previous office staff would not let the Treasurer have access to the books to see our financial information or allow anyone to have access to the computers. It is illegal to lock the Treasurer out of the books. So there have been some changes. Now that she has access to the books; the Treasurer has identified many accounting issues. The Secretary stated that there has been a lot of miss assignment of maintenance fees. There have been months and months of cleanup by the Treasurer and new office staff. This is why you may have seen an email regarding one issue, stating that if you paid by credit card during a specific period to contact the office. In the effort of full disclosure, emails have gone out discussing the findings of these issues. An announcement is still posted to the back of the

computer monitors in the office, for landowners to read, outlining the discovery of these accounting issues and the ongoing effort to correct them.

3. Charles Poling, 618 Fairbanks Dr.

- a. Mr. Poling asked, ultimately how we decide what will be on the petition to amend the deed restrictions and how it will work.
- b. Barbara Middleton, Deed Restrictions Exploration Committee Co-Chair, responded that the Committee's next meeting will be January 8<sup>th</sup> and he is welcome to attend.
- c. The Secretary stated that the Committee's email address was made available for landowners to ask questions and send in what they wanted see changed in the deed restrictions. The Committee will review all of the input and draft amendments for the attorney to review and landowners to decide if they want each individual amendment implemented for their section's deed restrictions.
- d. Mr. Poling expressed concern with there being a number of items on the petition and people not wanting all of them.
- e. The Secretary stated that he will recommend to the committee that each amendment be presented individually so landowners can select the ones they are in favor of.
- f. The Committee Co-Chair said that one possibility is a single petition where landowners can select each individual amendment they support.
- g. The President stated that there needs to be 51% of each section in favor of the individual amendment items.
- h. The Secretary stated that each section has its own separate deed restrictions.
- i. The President stated that one option is for landowners to decide to combine the deed restrictions.
- j. Mr. Poling stated that he was attending the meeting because there are some things he is opposed to and some things he is for and asked if there was some way the amendments could be decided other than a 51% petition like maybe a vote.
- k. The President stated that the 51% is required by the deed restrictions.
- l. The Secretary stated that it take 51% or the landowners to agree to each change. It could be by petition signatures or by a vote. For example the amendments could be on a ballot to be voted on at the annual meeting. However this approach may be challenging because we typically don't get enough people voting during the annual meeting to have enough to reach 51%.
- m. The President stated that usually it is difficult to obtain a quorum, which is 10%.
- n. The Secretary stated that recently there was a successful petition to amend section 4's deed restrictions to allow metal buildings in that section.
- o. Mr. Poling stated that his second question was about the amendment to ban burning and that he was opposed to a burn ban. He asked that if the burn ban goes into effect, has the board considered how they will go about providing a no cost alternative for removal of landowner's branches, leaves and trimmings. He has contacted the county and they are not going to provide anything.
- p. The Secretary stated that trash removal companies will remove this. The one that he uses does.

- q. Mr. Poling asked if they take branches larger than 3 inches in diameter.
  - r. The Secretary stated no, not larger than 3 inches in diameter.
  - s. The Secretary stated that burning is a very polar subject in our community. If 51% of the community is in favor of banning burning, we are required to pursue the change to the deed restrictions to ban burning. It is not a board decision. The Secretary stated that he hears what Mr. Poling is saying about the concerns with removal of large branches and said that perhaps this is something the board could look into. Something like this would most likely have an impact on maintenance fees.
  - t. Barbara Middleton reminded Mr. Poling that it would be good if he brought his concerns to the committee meeting.
  - u. The President stated that this why we have the Deed Restrictions Exploration Committee so that everyone could express their opinions and concerns.
4. Henry Day, 7207 Nickaburr Creek Dr.
- a. Mr. Day left the meeting early so he was not present to address the board.
5. The President stated that this concludes those who signed up to address the board and asked if anyone else would like to make a comment.
- a. Resident, Paul Wethington, 5906 Mahogany Way stated that recently he talked with some people from the other side of 1488, sections 1 and 2, and they were very appreciative of the efforts to clean up the creek in that area because they have not flooded since that was done.
  - b. The President thanked Mr. Wethington for sharing the positive feedback.
  - c. The President stated that there were a lot of people from all sections that got together with the Drainage Committee to do that cleanup. The President further stated that the creek is the responsibility of the Army Corps of Engineers and we are very restricted in what we can do there. We can only remove trash and debris. We can not dig or excavate any part of it because that would result in Westwood being responsible for it from then on. We did get years and years of accumulate washers, dryers, fallen trees, etc. out of there.
  - d. The President stated that this is not something 5 board members could do, even if we had all 5 positions filled. These things require a community effort and we need people to volunteer.
  - e. The Presided shared another example of a work day where volunteers helped with drainage in Westwood. A group of Westwood Landowners worked with the Drainage Committee, with the approval and cooperation of the Sendera Ranch community, to remove a horse bridge in Sendera Ranch that was impeding water flow out the back of section 4.
6. The President asked if there was anything else. No one else wanted to address the board. The President adjourned the meeting at 7:59pm.