

Feb 13, 2023 VW Board of Directors Meeting

Called Meeting to Order 7:35 pm by President Adrian Gonzalez .

Members Present: Adrian Gonzalez, Stacy Sudoh, Brent Kettle, Victor Rodriguez. Homeowners Rona Cowand, Jackie Aguilar, Joe & Michelle Bitner, and Bridget Friday from Friday Properties

Minutes from the last monthly board meeting were sent out to review before the meeting. Adrian made a motion to approve the minutes as written. Brent seconded. All approved.

President Report:

Adrian has been in Port A recently and said the 2 new dog stations that we put up now make it so we have stations at each end of both walkways. He stated that the plants were all cut back and still not much color. He also mentioned that we need to check the landscaping plan to see if other species might do better in the colder stretches that seem to be the “norm” now.

Manager Report:

1. Bridget went over the financials for Jan and Feb. Adrian asked a question about the repairs and maintenance expenses and why they were so high. Bridget said those were the final payments for red striping the neighborhood and also the pool upgrades. She will move those to a capital expense account instead of general maintenance expenses. She also spoke about the increase in costs for the 2023 budget.
2. Bridget went over the pool furniture information. Victor asked about warranty. She said she was initially told 5 years, then it was changed to 2. She will follow up with the owner of Oh My! And make sure it is the 5. (addendum: It is a 5 year warranty, we can either go through Oh My! Or we can go directly through Berlin Gardens as well)
3. Island Rocks will be finishing up our HOA cutbacks this week. Rahman thinks that we will keep at least 75% of our plants. They will all just be cut down to the ground for the most part. If the hibiscus makes it, then we won't lose many plants overall. If the hibiscus doesn't make it, we have a plan to bring in Texas Star Hibiscus which is a more cold tolerant plant, but

- still has color. Victor asked about maybe the need to just go with green plants to not have to replace so often. Bridget said she can look into that.
4. Pool Pump - The pool pump failed on Sunday evening (yesterday). We ordered the new one early last week. It is due to be delivered and installed on Tuesday. Bridget thanked the board for voting to replace the pump before it had broken, so we only had a few days down and not more. The pump payment will come out of the community funds. One of the heat exchangers is also out of service and needs to be replaced. After speaking with the maintenance manager of Crystal Clear, it was thought that since the coldest part of winter is over, we could wait to replace the exchanger until the fall. We have 6 exchangers within the 2 pools, and should make sure these costs are on the long range assessment document.
 5. The bathroom touch ups have been completed as well as the fence repair by the south end.

OLD BUSINESS:

1. Adrian gave an update after speaking at length with Terry Landry. Terry stated that based on his review of the Declarations, there is a great deal of ambiguity in the document. Portions do contradict each other and could be interpreted in multiple ways. If we request a formal legal opinion from an attorney, we will likely spend \$2500-3000 for an opinion which identifies this ambiguity and essentially puts us back where we are now. We might gain some comfort level for the Board to proceed, but we're not going to get anything which is firmly based in one direction or the other. We'd pay, Terry's opinion, a hefty fee for a legal opinion that doesn't give us much. Terry, as a homeowner, cannot render this opinion due to a clear conflict of interest. If we chose to continue with a legal opinion, he recommended working with an attorney in Corpus who specializes in and represents HOA's. His recollection is we've used this attorney in the past (John Bell), and they could be familiar with VW.

Adrian said the board can do 3 things:

- a. Proceed with the Special Assessment of \$XXXX (still TBD)

- b. go through the homeowner and lien holder approval process (which would likely require hiring a 3rd party, bring more costs and the chance of not passing, and delay the assessment to late 2023 or 2024.
- c. Do nothing

Brent responded by saying he believed we need to do the special assessment, or at least some part of it. He also thought it might be good to look at changing the documents as well. Victor mentioned updating the term Spectrum “assessment” to fee instead on the budget and invoice line items. He also thought to break down the LRC plan in 23 and then do 2 options. Wait and then assess the major funds when needed. Stacy felt that getting the legal opinion was the right 1st step. Victor agreed with her.

Bridget did ask the board if they do go ahead with any special assessments, that we let the homeowner know about it but assess in the late summer early fall so people have time to prepare for it.

Adrian said here would be the 3 questions for the lawyer:

- How to keep up with capital planning?
- How to interpret the documents?
- Can we assess now for future expenses?

Adrian made a motion to spend up to \$5,000 to retain an attorney. Stacey seconded. All approved. Adrian will take on the task of finding a lawyer and speaking with him. Brent also said he would check with the lawyer he uses and ask him to give a bid as well.

Brent asked the homeowners in attendance their thoughts:

Rona - she said she is ok with it all. She would rather have similar assessments each year then have bigger ones as they come up.

Joe & Michelle - They were not OK with a special assessment. They said small increases were ok, but they did not like the idea of paying “ahead” for expenses that aren’t here yet. They said they would probably sell if those assessments were

done each year, as they are running a business and they wouldn't be able to be profitable with that increase. They also mentioned that a continual special assessment could be a red flag to new owners and thus decreasing home values in the neighborhood.

2. HOA Transfer Fee / Exit Inspections

Victor wanted to bring up the new law that went into effect a few years ago that \$375 is the max amount that a resale certificate can cost. Currently there is only a Friday Properties prep fee of \$150 for each homeowner sale. VW could add on a "transfer fee" if they wanted. This money could be used to hire an independent inspector to do all exit inspections or the money could go into the general fund. Bridget reminded Victor that she reached out to 3 different inspectors in town to try to hire them months ago and not one person returned her call. She said she could reach out to some real estate agents to see if they could give her some more names to try to reach out to. Adrian said he didn't see a need to charge anymore money, unless it was to pay an inspector. Victor would like to have an independent person come in to do those. Victor also brought up getting some more details on exit inspections to ensure that they are all done the same and by being able to check yes or no, based on a detail instead of a subjective item. Many agreed with this idea. Bridget will connect with the ACC and include Victor on the email to start the process of getting more concrete items on exit inspection.

3. Fences -

Victor saw that fences were on the LRC plan, but he didn't believe we owned any fences. The north fences are all owned by each lot owner and the south fence was done by Ocean Village. Adrian said the LRC plan was only including the 11th street fences we have now. It didn't include any future fences. Discussion came about costs to fence the entire neighborhood, and how it would be astronomical to do at the present time.

4. Next meeting date was set for Monday April 3rd at 7pm.

Victor made a motion to adjourn the meeting, Stacey 2nd. All in favor.
Meeting adjourned at 9:14pm.

Respectfully submitted,
Bridget Friday
Village Walk CHOA Manager

Action Items:

Adrian: get lawyer bids, retain lawyer and meet with

Brent: get lawyer bid

Bridget:

1. talk to American Bank (current bank in Port A) regarding interest rates with CD's.
2. confirm warranty with new pool furniture
3. Check with local real estate agents for more inspectors