

Bay Point Property Owners Association Inc.

December 3, 2019 - Annual Budget Meeting

Held at Calhoun County Public Library

200 Mahan, Port Lavaca, Texas 77979

1. Call to Order:

- President Mark Haws called meeting to order and meeting was opened at 10:00AM. Board members in attendance were President Mark Haws, Vice-President Frank Anzaldua, Treasurer Karen Haws, and Director Leather McCall. Members in attendance: Laura DeLaGarza, Joel DeLaGarza, Ellie Anzaldua, Neil McCall, Walter Ayers, and Sheryl Ayers.
- President Mark Haws introduced the POA's attorney, Rachel Klotzman. Mrs. Klotzman was in attendance in order to answer any questions that members may have regarding the by-laws or covenants.

2. Establish Quorum:

- There were 10 members present and 18 proxies, 6 designated for quorum and 12 for voting purposes.
- Required for meeting is 9 members/proxies. The proxies sent by members of the association qualify as per By-Law 3.02. Voting Rights, Section 4.02. Proxies were verified by Board of Directors prior to the opening of the meeting. This established the Quorum.

3. Proof of Notice of Meeting:

- As per State Law 209.0051, Members shall be given notice of date, hour, place and general subject of regular meeting. By-Law Section 4.03 Notice of Meeting of Members shall be delivered by USPS at the current address on record with Bay Point to every member in good standing at least five (5) but not more than twenty (20) days prior to meeting. Notice will be deemed given on the date of postmark.
- Board of Directors verified postmark dated on envelope November 22, 2019, meeting the time constraints set forth by the by-laws.

4. Review and approval of Minutes:

- Meeting minutes dated August 23, 2019 were reviewed and approved by President with motion to approve by Frank Anzaldua and second by Leather McCall. Minutes approved unanimously.
- Leather McCall discussed the need of expediting the approval and publishing of minutes in order to keep POA members informed in a timelier manner. The board discussed emailing the minutes to board members for approval instead of waiting until the next meeting. The board agreed that this would be more efficient.
- Member Sheryl Ayers asked what the process is if a member contacts the board with a concern regarding the approved minutes (correction needed, etc). POA lawyer explained that the minutes may be amended at any time with a 3/5 vote of the board.

5. RV amendment to covenants

- POA lawyer provided the RV amendment declaration, passed at the August meeting, to be signed by board members. Amendment must be signed and filed with the proper authorities.
- Members Walter & Sheryl Ayers brought up their concerns regarding the manner in which the proxies for this vote were obtained. The lawyer explained that any member has the right to contact property owners in order to obtain proxies for voting purposes. Proxies and ballots are kept on file and validated by the POA lawyer. The by-laws were followed and the vote to amend the covenants is valid.

- The amendment declaration was signed by President Mark Haws, Vice-President Frank Anzaldua, and Director Leather McCall.

6. Board Vacancy:

- Board secretary Mokkarala Prakash has resigned as a Board member effective December due to family commitments. The board would like to recognize his commitment to the Property Owners Association for the years he served as board secretary. We truly appreciate his service to the board and he will be greatly missed!
- Current board member, Leather McCall, volunteered to take over the position of secretary. Mark Haws made the motion to nominate Leather as board secretary, second by Karen Haws and the motion was carried unanimously.
- Joel DeLaGarza volunteered to fill the vacancy of Director. Mark Haws motioned to nominate Mr. DeLaGarza for the position of director, a second was made by Frank Anzaldua, and the vote to elect Joel DeLaGarza to the board of directors carried unanimously.
- The following members will serve as the board of directors till August 2020:
 - President – Mark Haws
 - Vice President – Frank Anzaldua
 - Secretary – Leather McCall
 - Treasurer – Karen Haws
 - Director – Joel DeLaGarza

7. Appointment of Architectural Control Committee:

- As stated in the minutes of the August meeting, some members were unclear of how to volunteer for a position on the ACC. Volunteer forms were included in the meeting notice mailed out to all members on 11/22/19. The names of those wishing to volunteer were presented to the board and the following appointments were made:
Committee Members: Leather McCall – President, Joel DeLaGarza, Don Busby, Charles Cervantes, and Walter Ayres as the 5 committee members
- Karen Haws made the motion to approve the above members, second by Frank Anzaldua, and the motion carried unanimously.

8. Appointment of Covenants Committee:

- Same issues were raised by members present as in item 7 of these minutes. The outcome was to revisit in December 2019 to appoint new committee members by the board from a pool of volunteers.
- The board discussed if an actual need for this committee existed and the majority consensus was that it is not necessary. Any violation of the covenants will continue to be handled by the board, and any clarification needed would come from board members with guidance from the POA lawyer.
- Frank Anzaldua made the motion to dismiss the creation of a covenants committee, a second was made by both Joel DeLaGarza and Leather McCall. The vote to dismiss the creation of the covenants committee carried unanimously.

9. Boat Ramp:

- Mark Haws revisited his previous proposal to deed his property, lot 4 block 2, to the association for the purpose of a boat ramp. Due to the erosion of the property, Mark has been actively searching for various development options.
- Members raised concerns such as cost of lot, construction costs, insurance, maintenance, and legalities of the association purchasing property from a member. The POA lawyer stated that these

were all valid concerns that would have to be discussed once more information was presented. The lawyers stated that there is nothing in the by-laws stating that the POA could not purchase property, it would just require a majority vote of property owners.

- Previously the idea of renting RV storage spots on the lot was discussed. Leather McCall noted that several members had expressed their concerns regarding this matter. Mark stated that the RV lots are no longer part of his planned proposal. The proposal would be for the lot to be used as a POA boat ramp only.
- Mark Haws asked the members present if they felt this idea was worth researching and presenting to property owners. The general consensus felt that the idea was worth exploring and discussing in the future after more concrete plans were presented. Mark will further explore the idea and mail out additional information to members when available.

10. Clarification of Voting Issues/Conflicts of Interests:

- Members raised concerns regarding having two family members on the board of directors and any conflict of interest that may arise as a result. The POA lawyer clarified that having two family members serve on the board does not violate the by-laws. Board votes and member votes are different. When voting on issues that require member votes as designated by the by-laws and covenants (amendments to covenants, amendments to by-laws, election of board members, association purchasing property, etc) only one vote per lot owned is allowed eliminating the possibility of a conflict of interest.

11. Budget Meeting:

- Review of Budget: Treasurer Karen Haws presented the proposed 2020 operating budget. Karen stated that our current savings account balance is approx. \$82,000 and asked if some of those funds should be allotted to property improvements that have previously been requested by members.
- Lighting Installation to Pier: Members present discussed the need for lighting at the community pier. The pier is frequently used by community members and the installation of LED lights would allow for it to be used at night and would resolve any safety issues. Neil McCall and Joel DeLaGarza proposed installing LED lights, possibly 2 on the pier and 3 along the walkway. These lights would operate on timers placed at each end of the pier. The motion to explore lighting options was made by Frank Anzaldua, second by Joel DeLaGarza, and the motion was carried unanimously.
- Street Light Installation: Members discussed concerns regarding the lack of lighting along Bay Point Drive, several have expressed their concerns over the safety hazard this presents. Current county commissioner stated that there is not an allotment in their 2020 budget to provide lighting and he could not guarantee that it would be on future budgets. Mark Haws made the motion to gather estimates for lighting and installation of two street lights along Bay Point Drive. A second was made by Leather McCall, the motion was carried unanimously.
- Mowing of Property: The association needs to find a new contractor to mow the entrance and common areas. As no written agreement exist with the previous contractor and he is currently unavailable due to personal issues, board members will seek out a new contractor with comparable pricing.
- Vote on 2020 Budget: Treasurer Karen Hawes reviewed the 2020 budget with board members. Income and Expenses were presented. Frank Anzaldua made the motioned to approve, Joel DeLaGarza seconded and the motion was carried unanimously.

12. Adjournment: The meeting at approximately 12:00pm.