



# Land's End Homeowner Association

## Minutes of 2008 Annual Meeting of Members

February 9, 2008

The Annual Homeowner Meeting was held on Saturday, February 9, 2008 at 3:15 pm in the Community Room of the Land's End Fire Department. A record 64 members attended, including Directors: TJ Henshaw, Dennis Schirato, Tony Brill, Brad McCampbell and Joe Munsch. Members enjoyed a 45 minute social period with food and beverages prior to the meeting being called to order at 4:00 pm. TJ welcomed everyone to the Annual Meeting and introduced the board to any new members that were present.

Tony Brill opened the meeting by reporting that 2007 real estate sales were almost \$3 Million (our best year ever) and already \$1.3 million in sales have occurred in January 2008. He related that since the HOA took over from the developer (6 years ago) sales in Land's End have exceeded \$14 million, and that one realtor was directly responsible for over 60% of those sales. For his real estate achievements, service to our members, and his support for Land's End as a volunteer fireman, the Board presented a "*Master Realtor Award*" to Paul Tibbets. After a round of applause Paul thanked the Association very much, and expressed his appreciation to Joe & Becca Munsch for their faith in him and for helping him get started.

Tony moved on to present the "*Builder of the Year Award*" to Lee Knight for the 4<sup>th</sup> consecutive year. Since starting his first house in Land's End, Lee has built 24 of the last 34 new homes. Lee is a good citizen of Land's End and generously supports both the HOA and fire department. In thanking the board and those present, Lee stated he and Missy had removed their home from the market and would be staying in Land's End. This announcement was met with a loud round of applause.

Joe Munsch stepped forward to update everyone on *The Links*. He said the 3 months of rain last spring hurt sales, but things greatly improved as the weather did. For the first time the fairways had been over seeded and with spring coming everyone should start to see the new growth. Joe said the club would be sending out surveys in the near future to both club members and the homeowners and encouraged everyone to take the time to answer them and voice their opinions. Starting in April, the restaurant will bring back the popular theme night on Thursdays. *The Villas* are doing well with 4 already occupied, 1 recent sale about to start construction, one completed spec, and a new spec planned. The first two units of *The Lodges* will start construction in the next few weeks and will accommodate 24 people. Joe spoke briefly about the fall clean-up campaign, saying the Board would prefer self-compliance, but will address individual issues as needed to ensure compliance.

TJ reviewed all the board's accomplishments in 2007:

1. The Rotary Flag Program displays 12 flags between our entrances. Discounts are offered for multiple flags and TJ encouraged owners to participate.
2. The floating fountain was installed and looks great at night.
3. The main entrance has a new sprinkler system, new plants and more electrical outlets for Christmas lights. The Anchor is now lighted dusk to dawn.
4. The small pond by the bridge had been dredged and enlarged and a light highlights that fountain. The dam was repaired, not rebuilt, and is currently holding water.



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5. The construction road now has a new entrance with lights, a lighted sign for *The Links*, landscaping and a sprinkler system supplied by the fire department.
6. The dip was totally eliminated and guardrails will soon be installed.
7. Eight more Speed Limit and other new warning signs were installed.

TJ recognized and thanked contributors who helped make 2007 a successful year:

- Lee Knight assisted with contractor discounts, his crew and equipment, and donated *Deer Off* to protect annual color at the main gate.
- Jay Bean (ACME Brick) donated all the cinder block (\$600)
- Doyle Potts (Potts Concrete) gave the HOA a \$5,000 discount and did a super job on the concrete surface for the new road.
- Wendell Clawson (Clawson Electric) did everything at cost, taking no profit.
- Tim Hooten (Hooten's Landscape) ran water to the main entrance & donated pipe.
- Rocky & Sally Gray donated LED accent lights for both entrances and the pond.
- Merion Reynolds helped TJ spread rock when TJ's tractor broke.
- Bill Hinton helped TJ mow the island when he needed help.

Brad stepped forward to review the Association's finances. He said everything TJ sited as improvements in 2007 were done \$7,000 below budget. The estimate for repairing the dip was \$60,000, but TJ did the work himself for \$39,000. No funds had been taken from Road Reserves and there was a current reserve balance of \$35,000, with \$5,000 more being added in 2008. Brad said for the third consecutive year dues have remained \$400. This year's budget includes \$40,000 for road repairs, which would resurface approximately 1/3 mile. Brad ended by noting that our checkbook balances every month and the Association's books are available for inspection by any member. Please call for an appointment.

TJ noted that the board's priority for 2008 was to get roads back into shape after the damage caused by last year's excessive rainfall. In the future they would like to do something about the overflow on the 18<sup>th</sup> green; a privacy fence or plants along the maintenance buildings, and perhaps planting shrubs in front of the pipe fence along *The Villas*. TJ reported the board had included a road "priority list" on the back of the financials and had budgeted enough funds to complete all priority 1 and priority 2 areas.

In his Fire Department Update, TJ stated that during the past 4 years Land's End Fire Department has received the second highest total of grants awarded to the 12 fire departments in Wood County. The department was recently granted a brand new tanker, which will be designed to function as a 1<sup>st</sup> class engine capable of attacking house fires. Cost of the truck will be around \$230,000 with LEFD's share about \$122,000. TJ said he will be asking people to deep a little deeper this year during the annual fund raising drive.

TJ also told the group that he was the only volunteer fireman from Land's End and that he hoped others would join him and devote some of their time to serving our community. He said the department's new motto is: **STEP UP TO THE PLATE IN 2008**. He asked anyone interested in helping out to please give him a call. TJ also reported that the department was scheduling classes in CPR and AED use, and making them available to anyone who would like to become CPR certified. Classes are 4 hours long and will be held at the Yantis Fire Station at a total cost of \$25 per person. TJ also stated that, like the HOA, the fire department's books are open to inspection and he would be happy to set up an appointment with the department's book keeper.



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Next up was an open forum. TJ called attention to information in their packets that explained deer problems in suburban settings and offered ideas on how to solve the issues facing us. Texas Parks and Wildlife warned that corn is junk food to deer and doesn't provide proper nutrition. A snack is OK but too much could lead to overpopulation in a concentrated area resulting in malnutrition, disease and ticks. These reports conclude that population control is important and best accomplished by reducing the number of females, though TJ didn't think our current population was excessive at this point. He urged residents to feed only occasionally and sparingly so we can avoid future health problems and continue to enjoy their presence in the neighborhood.

Next up, TJ stated there had been complaints about bright lights on docks and reminded owners they must be on a switch and turned off when not in use. There were also a number of complaints about neighborhood dogs and he reminded members our CCRs require pets must be "controlled at all times". TJ said he hoped owners with dogs would address this issue themselves before the board had to step in.

Questions from the floor were:

*Why not charge new homes a construction permit fee for road repairs?* TJ said this had been discussed before, but the contrary argument at that time was that it wouldn't be fair unless applied retroactively to everyone who had already built, since vacant lot owners had paid the same dues as everyone else. The decision had been made to finance road repairs from the general fund and the subject was closed. TJ took a straw poll to gauge audience sentiment and fewer 10% supported a building permit fee for new construction, so the subject was once again closed.

*Should the board implement an annual assessment dedicated to road reserves, large enough to prepare for rebuilding the entire road?* TJ replied there is now \$40,000 in road reserves and more is being added each year. At the same time, each year we're repairing almost all the areas that need it. He said it was "highly unlikely" the entire road would break down at one time, and if repairs are kept current, the road should never need to be completely repaved at one time. He said the long range plan was to continue building the reserve until new construction was finished, then we could resurface the roads and seal them, but that would be not be prudent until build-out. There was about a 50-50 split among owners on raising dues to increase reserves.

*Can I have a political sign in my front yard?* TJ said the issue of signs had been thoroughly discussed last year and the policy was clear, no signs, other than a real estate "for sale" sign, would be allowed. TJ said all other signs would be removed immediately.

Cathy Bastyr-Jaeger was introduced to present her proposed bylaw amendment. Cathy distributed a handout to visualize the current and her proposed election cycle and spoke about the differences between the current bylaws and each part of her proposal. She then opened the floor to discussion. Questions and comments made included: (1) Very few people actually want to be on the board, so why limit terms of those willing to serve? (When the audience was asked who was willing to serve, 4-5 hands were raised.) (2) Things seem to be running fine the way they are, so why should we make any changes? (3) Can we vote separately on the different parts of her proposal? (TJ answered no, because this was Cathy's proposed amendment and it would be voted on as she wrote it.) Cathy stated she didn't think her proposed amendment would be voted on today. TJ reminded



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Cathy that she had asked for and received all member addresses, she had widely circulated her proposal; she had asked for a full and open discussion and a vote; and that he had promised her over a month ago that members would vote on her amendment at this meeting. (5) Some comments were not clearly audible and may have been missed.

After all discussion was over, Brad McCampbell rose to say that in order for a proxy to be valid it had to accomplish three things: (1) Be clear and concise; (2) Be legally sufficient in content; and (3) Identify that it is solicited on behalf of the HOA (or on behalf of the person soliciting the proxy), to clearly distinguish between official proxy requests and competing requests. Although Cathy's proxy solicitation had failed to meet those requirements, the board had decided to allow them anyway. Brad also said the letter Cathy mailed wasn't sent to anyone on the board and he was personally disappointed things were done this way. Joe Munsch said he wondered why any proposal was necessary, as he hadn't heard of a single complaint about anyone on the board or any actions of the board. TJ said that directors are required by law to act in the best interest of the Association, and the board unanimously recommended a vote against this amendment. Members then voted.

TJ called Dennis Schirato forward and said that Dennis had decided not to accept reelection. TJ recognized Dennis' contributions, such as the idea for the fountain and steadfastly holding dues down. He then presented Dennis with a *Good Neighbor Award* "In Appreciation For Your Commitment Of Time, Support, Inspiration and Service To Our Community." Dennis received a hearty round of applause.

He then opened the floor to nominations for 5 director positions. The following six were nominated and seconded. After several calls for nominations and no more being offered, nominations were closed. Vote totals follow each nominee's name.

TJ Henshaw - 131 votes  
Brad McCampbell - 131 votes  
Joe Munsch - 128 votes  
Tony Brill - 129 votes  
Judy Johnson - 34 votes  
Jim Tucker - 102 votes

Vote totals regarding Cathy Bastyr-Jaeger's proposed bylaw amendment were:

For – 25  
Against – 106

I would like to thank Dawn McCampbell for helping with check-in and vote counts and Jack Chapman for helping count the votes.

Barb Henshaw  
Secretary

Attachments: Bastyr-Jaeger Proposed Amendment  
Budget



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## AMENDMENT TO BYLAWS

### A Proposal by Cathy Bastyr-Jaeger, Homeowner

#### 1. Directors' Terms:

I propose the following change to ARTICLE V, DIRECTORS, Section 2, last sentence of the paragraph:

The Bylaws currently state: Three (3) Directors will be elected to three (3) year terms and two (2) Directors will be elected to two (2) year terms.

Proposed change: Effective with the election at the Homeowners' meeting in February 2008, three (3) Directors will be elected to a two (2) year term and two (2) Directors will be elected to a one (1) year term. For all subsequent elections, all Directors will be elected to two (2) year terms.

#### 2. Limitation of Terms:

I would also like to propose that effective with the election in 2008, a Director be limited to serving three (3) consecutive terms.

#### 3. Vacancy in the Board of Directors:

The Bylaws currently state: any vacancy occurring in the Board of Directors is filled by an affirmative vote of a majority of the remaining directors. This director fills that vacancy for the unexpired term of his predecessor in office.

Proposed change: any vacancy occurring in the Board of Directors is filled by an affirmative vote of a majority of the remaining directors. However, unless the vacated term would end concurrent with the next election, this appointed director would only fill the position until the next homeowners' meeting when the membership will elect a new director to complete the term that had been vacated.

#### 4. Nominating Committee:

The Bylaws currently state:

**Section 1.** Nomination for election to the board of directors shall be made from the floor at the annual meeting.

**Section 2.** Election to the board of directors shall be by secret written ballot. At such election, the Members or their proxies may cast in respect to each vacancy as many votes as they are entitled to



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exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

I propose the following:

**DELETE** ARTICLE VII, NOMINATION AND ELECTION OF DIRECTORS as it currently reads in its entirety and

**REPLACE** it as follows:

ARTICLE VII, NOMINATION AND ELECTION OF DIRECTORS

**Section 1.** A Nominating Committee shall be appointed immediately following the annual meeting for the purpose of securing nominees for vacancies of terms that will expire at the conclusion of the next annual meeting. Its membership shall consist of three (3) voting members, one (1) member of which may be a Board member, except the President, and its members shall be appointed by the current Board of Directors. The Nominating Committee will elect one of its appointed members to serve as chair of this committee. The Nominating Committee shall nominate a sufficient number of voting persons for membership on the Board of Directors and shall report such nominations to the President of the Board of Directors at least 90 days before the annual membership meeting. Members of the Nominating Committee are not barred from becoming nominees for directors themselves.

**Section 2.** The President of the Board of Directors shall cause a ballot to be mailed to each voting member of the Association at least 60 days before the annual meeting. The ballot shall contain the nominations made by the Nominating Committee plus space for additional name(s) to be written-in by a voting member. Said ballot shall be marked and returned to the Chair of the Nominating Committee at the principle office of the association or such other address within Lands End as agreed by the Nominating Committee and the Board of Directors and must be postmarked at least 30 days prior to the annual membership meeting.

**Section 3:** At least 20 days prior to the annual membership meeting, the President shall appoint three (3) election judges, one of whom shall be the chair of the Nominating Committee, who shall have the responsibility of i) counting the votes indicated on the returned ballots; ii) submitting their report in writing to the Present and the Board of Directors at least 10 days prior to the annual membership meeting; and iii) announcing the duly elected new Board of Directors at the annual membership meeting.



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## Land's End Homeowner Association - Financial History

Amount of Annual Dues		\$150	\$150	\$300	\$300	\$400	\$400	\$400	\$400	\$400	\$400
Account		2002 Act.	2003 Act.	2004 Act.	2005 Act.	2006 Act.	2007 Budget	2007 Act.	2008 Budget		
<b>INCOME ITEMS</b>											
100	Annual Assessment, including late charges	13,661	14,234	30,613	33,378	49,753	51,600	51,731	52,000		
110	Accrued Fees on Unsold Lots	6,300	5,550	7,500	6,000	6,800	5,200	5,200	5,200		
120	Special Assessments / Road Repairs	1,983	2,200	3,230	4,946	0	4,500	4,500	4,800		
130	Bank Interest	0	0	0	52	394	1,600	2,761	1,800		
140	Sales of Gate Openers & For Sale Signs	330	90	150	195	180	100	683	200		
150	Outside Income	2,754	1,543	20	0	0	0	0	0		
200	Villa Maintenance Assessments				750	4,145	12,000	12,000	12,000		
	<b>Total Income</b>	<b>25,027</b>	<b>23,617</b>	<b>41,513</b>	<b>45,321</b>	<b>61,272</b>	<b>75,000</b>	<b>76,875</b>	<b>76,000</b>		
<b>EXPENSE ITEMS</b>											
500	Common Area Maintenance - Contract	6,300	5,550	7,500	6,000	6,800	5,200	5,200	5,200		
510	Common Area Maintenance - Roads	7,862	11,000	17,800	25,385	2,339	40,000	38,636	40,000		
520	Common Area Maintenance & Repairs - All Other	639	1,511	3,168	3,291	1,976	10,000	5,197	6,000		
530	Common Area Improvements	516	2,249	2,314	1,053	0	18,000	17,862	2,000		
540	Insurance	2,814	3,411	4,270	5,256	3,094	3,700	3,086	3,500		
550	Professional Services	0	0	0	0	0	0	0	0		
560	Office Expenses & Postage	663	611	449	698	822	800	548	800		
570	Member Services & Miscellaneous Expenses	970	1,555	313	282	470	700	533	700		
580	Gate Openers & For Sale Signs	330	90	150	181	371	0	576	200		
600	Villa Maintenance Payments to Developer				600	3,316	9,600	9,600	9,600		
	<b>Total Expenses</b>	<b>20,094</b>	<b>25,978</b>	<b>35,964</b>	<b>42,746</b>	<b>19,188</b>	<b>88,000</b>	<b>81,238</b>	<b>68,000</b>		
	<b>Annual Operating Surplus(Deficit)</b>	<b>4,933</b>	<b>(2,360)</b>	<b>5,549</b>	<b>2,575</b>	<b>42,084</b>	<b>(13,000)</b>	<b>(4,363)</b>	<b>8,000</b>		
	<b>Operating Cash on Hand</b>	<b>433</b>	<b>323</b>	<b>122</b>	<b>147</b>	<b>803</b>	<b>403</b>	<b>40</b>	<b>640</b>		
<b>Annual Reserve Fund Allocations</b>											
		<b>4,500</b>	<b>(2,250)</b>	<b>5,750</b>	<b>2,550</b>	<b>41,428</b>	<b>(12,600)</b>	<b>(3,600)</b>	<b>7,400</b>		
700	Roads	1,500	(750)	3,250	2,400	28,600	(5,000)	0	5,000		
710	Major Repairs	1,500	(750)	1,250	0	5,000	(4,000)	(2,000)	0		
720	Common Area Improvements	1,500	(750)	1,250	0	7,000	(6,000)	(4,000)	0		
800	Villa HOA Reserve	0	0	0	75	414	1,200	1,200	1,200		
810	Villa Maintenance Reserve	0	0	0	75	414	1,200	1,200	1,200		
	<b>Accumulated Reserve Fund Balances</b>	<b>4,500</b>	<b>2,250</b>	<b>8,000</b>	<b>10,550</b>	<b>51,978</b>	<b>39,378</b>	<b>48,378</b>	<b>55,778</b>		
700	Road Paving	1,500	750	4,000	6,400	35,000	30,000	35,000	40,000		
710	Major Repairs	1,500	750	2,000	2,000	7,000	3,000	5,000	5,000		
720	Common Area Improvements	1,500	750	2,000	2,000	9,000	3,000	5,000	5,000		
800	Villa HOA Reserve	0	0	0	75	489	1,689	1,689	2,889		
810	Villa Maintenance Reserve	0	0	0	75	489	1,689	1,689	2,889		

## 2008 Road Repair Plan

Priority 1				Priority 2				Priority 3						
Road	Area	Length	Cost	Road	Area	Length	Cost	Road	Area	Length	Cost			
5980	west end of new dip	100	\$2,200	5980	by pumphouse	95	\$2,090	5980	by Davis	170	\$3,740			
5980	east end of new dip	135	\$2,970	5980	by Owens	50	\$1,100	5980	by Wyatt	100	\$2,200			
5980	by fountain	175	\$3,850	5982	Reynolds to McCampbell	225	\$4,950	5980	Park to Yungblut	125	\$2,750			
5980	in curve	155	\$3,410	5990	Cart path to green	250	\$5,500	5980	Yungblut to Brooks	125	\$2,750			
5980	widen curve	15	\$330	5990	By #1 tee	200	\$4,400	5980	Brooks to Troup	130	\$2,860			
5982	by Warren culdesac	150	\$3,300					5990	by Reynolds	65	\$1,430			
5990	Barclay to cart path	170	\$3,740											
<b>Total Priority 1</b>			<b>900</b>	<b>\$19,800</b>	<b>Total Priority 2</b>			<b>820</b>	<b>\$18,040</b>	<b>Total Priority 3</b>			<b>715</b>	<b>\$15,730</b>
<b>Priority 1 + 2</b>			<b>1720</b>	<b>\$37,840</b>										
<b>Priority 1 + 2 + 3</b>			<b>2435</b>	<b>\$53,570</b>										