

Land's End Homeowner Association

Minutes of Board of Directors Meeting

July 20, 2003

The Board met at 12:30pm on this date at the Land's End real estate office and prepared the room to accommodate a larger meeting with the Input Committee. In attendance were Directors TJ Henshaw, Joe Munsch, Jack Essex, Jan Hudson and Dennis Schirato; also Barb Henshaw. Arriving at 1:00pm were Input Committee members Bob Anderson, Bob McGuire, Brad McCampbell, Tony Brill and Jack Chapman.

TJ opened the meeting by telling the members of the Input Committee the Board had invited them to this meeting to address the concerns they had expressed in e-mail from Bob Anderson. He invited them to bring up any topic they wished to discuss. Bob Anderson opened by expressing disappointment that the Board had communicated to the entire membership the actions they had taken on the committee's recommendations just four days after providing feedback to the committee itself, and had not provided an explanation to all members why some of the committee's recommendations had not been adopted. They were "pretty hot" that the committee and the Board did not meet and have everyone agree on what actions would be taken on each of their suggestions, in particular, their main issue was having the ACC be separate from the Board.

Joe responded that the Board did not see the need for a separate ACC because most of the work of the Board was ACC issues. The Board was the most representative of the entire membership because they are elected and anyone can run for election to the Board. Perhaps communications to the committee could have been better, but the Board thoroughly considered each of the committee's proposals and that there was absolutely no benefit of completely redoing the CCRs.

Tony Brill complained that the committee was given too much direction and a specified time limit that he thought was too short in which to complete their work, and this action represented an exercise of power by the Board. Failure to compromise on the ACC was further evidence of the same. He later said there was a perception that the Board had a strong iron hand. TJ responded that the Board had thought two months was a reasonable time frame.

Jack responded that the Board had asked the committee to recommend "needed changes" to the CCRs and the committee had come back with an ultimatum of "take it all or none" and, because of that, he would personally "take none". Jack told them that he took his job seriously and that their recommendation for a separate ACC comprised only of residents would disenfranchise the 75% of owners who don't have houses, but whom he also represents. Jack recalled his question to Bob Anderson during Bob's initial presentation of the committee's recommendations regarding anything that might need to be changed for legal reasons and Bob's response had been that they didn't discuss legal issues, which was a severe disappointment for Jack that they had not. He later added "needed changes" means you have to justify why a recommendation is needed, which the committee had failed to do on any suggestion they made.

Land's End Homeowner Association

Joe added that setting up the committee was his, or rather Becca's, idea to address some of the petty things that some owners had complained about. He never envisioned that the committee would come back with a complete revision of the CCRs and he still sees no reason for it.

Bob Anderson stated that the committee did not try, nor was it charged, with making a legal determination on whether it's recommendations were right or wrong, and he didn't see how Jack could be disappointed that they didn't make legal decisions, despite having a lawyer on the committee.

Tony said he didn't see anything in the CCRs he thought was illegal, and that he thought the committee had done something good by getting a lot of things put into their recommendations.

TJ reinforced that the Board liked a lot of the committee's recommendations and that they had spent in excess of seven hours discussing each one, which did not include the research and preparation time of each Board member. The Board's objective had been to approve every recommendation made by the committee, but there were some things that just could not be approved because they were not appropriate, such as replacing the current CCRs with new ones. He explained the legal requirements in detail and addressed all questions, until the committee understood and agreed this could not be done. He went on to add that once the Board determined that it could not accomplish this, it then looked at what it could accomplish regarding the committee's recommendations, which was to adopt policy resolutions that addressed them.

Jan informed the committee that she had researched their proposal to remove individual insurance requirements. The advice she received from a large property management firm in Dallas was to keep the insurance requirement, and that we were lucky to have it in our CCRs. TJ also produced CCRs from numerous other homeowner associations that all require insurance. Bob Anderson said their "data base of committee members" did not recall ever seeing it in deed restrictions where any of them had previously lived, but that it was not a big deal to them.

Brad McCampbell stated that he "doesn't look at anything without considering the legal aspect and he didn't see anything wrong with our CCRs". He thought their job was to look over everything and try to shore some things up, but didn't expect that everything would be accepted. "You never get everything you want." Because they suggested so many changes, he also believed they would likely not pass in a vote of the membership.

TJ thanked the committee for one very important suggestion regarding the adoption of clearly defined setbacks, which were to be adopted later today. Many of the suggestions regarding ACC approval were for things the Board had never gotten involved in and had no intention of doing so (such as basketball goals, etc.). The policy resolution was designed to let owners know that prior approval was not required for those items. Bob McGuire had trouble understanding the concept of the restrictions still being in place but not requiring prior ACC approval. He sited a number of hypothetical examples that he didn't know whether or not approval was required. TJ asked him to think about it and answer his own question, and he was then able to do so.

Bob McGuire also complained about the lack of communications between the Board and the owners. He wanted to know what was discussed at every board meeting. Joe and TJ told Bob

Land's End Homeowner Association

that minutes are kept of all meetings and are available for inspection by any interested member. Both Jan and Joe added that the Board doesn't do anything except what's in the best interest of the community, and that nothing is done in secret, but that we also don't go around talking about every discussion that is held. "We try to bring everyone up to date at annual meetings, on things like the tax exemption, etc." Barb added that if anyone wanted to know what was going on, all they had to do was call her and ask, or if they wanted to read the minutes it only takes a phone call. TJ repeated that the CCRs require all Association records be available to every member.

There was then a joint discussion by the Board and the committee on PR #7 & PR #8 and another discussion about the makeup of the ACC. Tony said he felt very good about today's meeting and the only thing lingering in his mind is having at least one person on the ACC other than just Board members. Joe let him know that may happen in the future, but for the time being, the Board had appointed itself to the ACC during these first couple of years.

TJ asked if there were any other questions or concerns that had not been fully addressed to any committee member's satisfaction. Bob Anderson replied that he was satisfied and asked only that on any future committees this type of meeting take place prior to communications to members. All other committee members agreed they were satisfied and departed at 2:10pm.

After the committee left, TJ advised that he and Paul Tibbits had reviewed the lots most likely to have building site issues with the proposed setbacks. The two in concern: L19 was actually 110' back off the street and represented no problem; and G36 could support approximately 2800+ square feet within the setback guidelines, but might require some positioning on the lot. Both PR # 7 and PR # 8 were unanimously adopted. Revise PR # 5 was unanimously adopted to include pet enclosures.

A revised permit application for L67 was approved with the condition that the porte-cochere be removed and the home centered between the side lots, leaving an approximate setback of 20' on each side. Also approved was a detached garage on SRA leaseback with a 25' side setback. A permit application for G11 was approved as submitted, pending actual closing on the lot.

The meeting then adjourned at 2:30pm.

Recorded by Barb Henshaw