

OAK PARKE HOMEOWNERS ASSOCIATION, INC.

Minutes of the Annual Meeting of the Oak Parke Homeowners Association
April 21, 2009

The annual meeting of the Oak Parke Homeowners Association (the "Association") was held on April 21, 2009 at Shady Hollow Community Center.

1. **Call to Order.** The meeting was called to order by Pam Monday at 7:00 p.m.

2. **Introductions.** Pam Monday began with introduction of board members, Chris Driggs, Pam Monday, and Scott Robuck; Carl Gamble, property manager; and Ginger Grissom, recording secretary. Charlotte Katzin, Grace Faulkner, John Basham, and Zeke Salinas were also acknowledged for assisting with annual meeting duties.

3. **Voting Rules and Quorum Rules.** Scott Robuck clarified the voting and quorum rules as follows:

- Each household receives only one vote.
- Voting members must be in good standing (dues paid).
- Voting members must have no violations.
- The proxy form was rewritten this year by Scott Robuck, Ginger Grissom, and John Basham.
- In accordance with Section 7.2 of the By-Laws (see below), both Members and the Board vote by "secret ballot." In accordance with this rule, the Members can have knowledge of the number of proxy votes, but are not permitted to know how the Board voted. The information with regard to tonight's election should be posted on the HOA web site within 48 hours.

Section 7.2. Election. Election to the Board of Directors shall be by secret written ballot cast at the annual meeting. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Articles of Incorporation. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

A quorum will be two-thirds of Members. As noted in the information sheet sent to all Members in the annual packet, if a quorum is not reached at the first meeting called to order tonight, the meeting will be adjourned for five minutes. A new meeting will then be called to order and the number of Members to meet quorum will then be one-half of two-thirds of the Members. The Board will continue to adjourn the meeting and call a new meeting to order until a quorum has been met. This saves the Association money as it costs around \$500 for copying and mailing costs each time an annual meeting is called.

Section 10.4. Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one tenth (1/10) of the votes shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid, shall be present or be represented.

4. **The Oak Parke Board's Responsibilities.** Pam Monday reminded everyone that the Association has no paid Board members; it is a 100% volunteer Board. Among the Board's responsibilities are:

- Keeping Members timely informed of various matters.
- Overseeing financials (including building up the reserves).
- Overseeing property management.
- Assisting Members in solving problems if they cannot be solved by Carl Gamble, the property manager.
- Reviewing vendors' contracts (lifeguards, property management, landscaping, etc.).
- Acting in a fiduciary capacity for the Association.

Ms. Monday reminded everyone that assisting in solving Members' problems can only be done in accordance with the powers given them by the governing documents. The Board cannot mediate barking dog issues.

5. **Property Management Responsibilities.** Carl Gamble with Goodwin Management introduced himself and provided his contact information. He is responsible for the day-to-day operations of the Association, and is the ONLY contact that may be reached by telephone. He is available from 8:00 a.m. to 8:00 p.m. by telephone. Matt Gibson and Drew Sanders assist Mr. Gamble with the financial aspects of the Association. Mr. Gamble's contact information is as follows:

Carl A. Gamble, Property Manager
Goodwin Management
11149 Research, Suite 100
Austin, Texas 78759-5227
Business: (512) 502-7517
Cellular: (512) 431-2400
Facsimile: (512) 346-4873
Email: carl.gamble@goodwintx.com

If you have an emergency (fire, flood, or blood), you should contact an emergency worker by dialing "311" or "911." Please do not forget to ask for an incident number.

Incident numbers should be emailed to the property manager and Board members so that they may follow up on it.

6. **Frequency of HOA Board Meetings.** Scott Robuck informed the group that HOA Board meetings will now be held every other month rather than monthly. Section 6.1 of the ByLaws only requires quarterly Board meetings.

Section 6.1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday that meeting shall be held at the same time on the next day which is not a legal holiday.

7. **Rule Changes.** Pam Monday reported on two new rule changes. The first change is that no ATV's will be permitted on Oak Parke Property (new Rule 6.10). Anyone caught damaging community property will pay for the damages. The new Rule 6.10 is as follows:

Code of Rules and Regulations. Section 6.10. Unauthorized motor vehicles are prohibited on unpaved community areas including but not limited to the retention ponds and the park areas.

The second rule change is that pool parties will now require that two lifeguards be on duty. If the party is being held at a time when no lifeguards are on duty, the person holding the party will be responsible for paying the wages of the lifeguards. The new Rule 7.44 is as follows:

Code of Rules and Regulations, Section 7.44. Each member may take a one-time exemption per season to the above stated guest policy to hold a private party (e.g. children's birthday parties) in the swimming facility, if prearranged in writing and approved with the management company. **All pool parties must have two lifeguards present. If a party is not during lifeguard hours or days, the homeowner must pay \$60 for them. The rate is \$15/hour. Two lifeguards are needed per event. Payment is made directly to the management company.** During a private party, access to the swimming facility will continue to be open to other members.

There shall be no more than fifteen (15) guests per party and parties must be limited to no longer than two hours. In the event of a children's function, there must be a ratio of one supervising adults to no more than three children for children through age three (3), and a one to five supervising adult to child ration for children older than three but less twelve (12). In all events, one adult, age eighteen (18) or older must be present at all times.

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Private parties must be scheduled at least one **(1) week in advance with the management company**. Private parties will be scheduled on a first come, first served basis. **Parties will be posted at the gate (by the HOA). The sponsoring member must keep a copy of the “approved” Pool Party Application with them at all times during the party and present it to anyone who asks to see it.** Immediately following the party, the sponsoring member is required to examine the area and make certain all furniture and equipment are returned to neat order and all trash is properly disposed of. The sponsoring member will be responsible for any damages caused by the party patrons which occur during the party. **The sponsoring member may be sued by the HOA for any damages caused by the party’s guests.**

Scott Robuck noted that the above rule changes are being made in accordance with Section 8.1 of the ByLaws and Article 3.2 e. and h. of the Deed Restrictions.

ByLaws, Section 8.1. Powers. The Board of Directors shall have the power: To adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof.

Deed Restrictions, Article 3.2. (e) To make reasonable rules and regulations for the operation of the Common Maintenance Areas and to amend them from time to time; provided that, any rule or regulation may be amended or repealed by an instrument in writing signed by a majority of the Owners or with respect to a rule applicable to less than all of the Common Areas, by the Owners in the portions affected. (h) To enforce the provisions of any rules made hereunder and to enjoin and seek damages from any Owner for violation of such provisions or rules.

8. **Committee Reports.** Pam Monday asked for volunteers to serve on committees for the upcoming year. She said the perks of being a committee member is the joy of working together, getting to know your neighbors, and making your community better. Scott Robuck informed the group that one board member will serve as a liaison on each committee. Updates on committees were given as follows:

A. Nominations Committee. Ginger Grissom reported that volunteers are needed for this committee. If you cannot volunteer to be on the committee but can volunteer to place flyers on doors every now and then (usually a couple of months prior to the annual meeting), it would be greatly appreciated.

B. Activities Committee. Katie Duffey reported that Becky Carrabine has resigned, which means that one new member is needed to take Becky’s place. The

committee sponsored a Spring Fling in April. Upcoming events include the Fourth of July parade, Fall Festival, and Santa in the Park sponsored by realtor Amy McDonald.

C. ACC Committee. Scott Robuck informed the group that the ACC Committee is the most critical committee to serve on because it helps maintain our property values by ensuring that what your neighbor does to his/her property doesn't adversely affect your property. The Board has approved a new streamlined process that assists in getting ACC applications from the property owner to the management company and then to the ACC Board. The ACC application is still submitted by the property owner to Carl Gamble. Once Carl receives it, he automatically emails it to the committee members. The new system allows the committee members to communicate about the submission in private and it also permits them to vote on-line. Scott Robuck (as the liaison of the ACC Committee) reviews the submission once the committee has voted on it. It then goes back to Carl who gives automatic notification to the property owner. To submit ACC applications, please obtain the form and follow the directions by going to the Oak Parke website (www.ophoa.org).

D. Pool Committee. Chris Driggs would like more volunteers to assist her with the pool duties. Lifeguards will be on duty from May 25th through August 8th.

E. Landscape Committee. Chris Driggs reported that landscaping expenses were kept to a minimum this year. Austin Curb Appeal planted flowers in the entrance area. Circle C Landscape took care of pest control and also maintained and mowed the lawn areas. Chris personally placed mulch by the pool, and Scott Robuck planted some wildflowers. Chris would like more volunteers to assist her with the landscaping duties.

F. Parking Committee. Zeke Salinas reported that the Residential Permit Parking Zone "RP3" committee had a successful year as Shavano was added to the program. However, students are now parking their cars in other areas. He will work with the city to continually add streets to the RP3 program and noted that Sawmill between Malone and Steamboat is currently pending. Mr. Salinas reminded the group that a random audit is done by the City between 9:00 a.m. and 4:00 p.m. If your driveway is being blocked, you should report it to "311" so that tickets can be issued.

G. Deed Restriction Committee. Scott Robuck reported that the Board had reviewed the chart prepared by Zeke Salinas of the HOA's three governing documents—(1) ByLaws, (2) Covenants, Conditions & Restrictions, and (3) Code of Rules and Regulations ("Governing Documents") and the discrepancies in them. The Board has spoken with an attorney about ways to amend the Governing Documents. The quorum requirement currently takes a 75% approval of the voting Members to change the governing documents, which is an impossibility. Ray Marr will now be assisting the committee. Mr. Marr discussed his goals--including recruitment of block captains in efforts to get some of the deed restrictions changed.

H. Safety Committee. A few members discussed safety concerns, including use of the common areas by non-Members and stealing of signs. Members were reminded

to call "911" or "311" if you see something happening. The Austin Police Department has been doing a great job of responding to the community's calls.

9. **Thank-yous.** Pam Monday thanked the members and others who have volunteered time throughout the year as follows:

- Committee Members including Tiffany Hall, Carrie Nelson, Becky Carrabine, Katie Duffy, Stacy Turchiano, Pat Wamsted, Charlotte Katzin, Dorothy Capek, Gayle Madole, Cathy Wood, Pam Cole, Mark Faulkner, Karl Keel, Kathy Keel, Paula Ables Rehm, Tom Lott, Lisa Putnam, Sabine Johnson, Zeke Salinas, Anessa Hall, Ginger Grissom, John Basham, Mark Faulkner and Ray Marr. Special thanks to Becky Carrabine for her years of service on the Activity Committee—we will miss you next year.
- Scott Koczman and his son for picking up trash around the neighborhood, for taking care of the HOA's gas lanterns, and for always being there to volunteer for things when we need him.
- Amy McDonald for her generous support throughout the year and for sponsoring Santa in the Park each December.
- Longhorn Lawns (Heath Padford and Julie McCoy) for sponsoring a lawn care gift for the annual meeting

10. **Pool key fobs.** Scott Robuck informed the group that if you've had a problem with you kfob it's either because you haven't paid your dues or you have a problem kfob. Mr. Robuck also informed the group that the Board hopes to upgrade to a new system soon. The new system is one that could easily be monitored by the Board from home. It is web-based and will record who goes in/out of the pool. It will even take people's pictures as they come and go. This new system will require broadband.

11. **Public Communications from the Board.** Scott Robuck discussed various ways of communicating with the Board and with the community as follows:

- Emails versus letters or newsletters. The Board currently communicates with Members by sending email announcements. There are two reasons for using email: it is very efficient and it saves the HOA approximately \$150 each time a notice has to be sent. If you have a neighbor who does not have an email account, please share emails with them.
- Office HOA Email list. The Board keeps an official email list of Members. If you change your email address or no longer wish to be included on the list, please email the Board so that the list may be updated.
- Yahoo Group. Scott Robuck discussed the Yahoo Group that he set up a couple of years ago. This email list allows homeowners to communicate

with each other about topics related to Oak Parke. This email list is not sanctioned by the Board. If something is posted by the Board on this web site, it will specifically say so. There is a link to this website on the Oak Parke website (www.ophoa.org).

- How to email the Board. You may email the Board, by going to the www.ophoa.org web site. From there, tap the “Leadership” tab at the top of the page, and then go to “Email the Oak Parke Board.” Please do not send anonymous emails. Please also do not call the Board members as it is the responsibility of the property manager, Carl Gamble, to respond to Member's calls. Carl's contact information was noted above.

12. **Open Questions from Members.** Several Members asked questions as follows:

- One Member addressed safety concerns. As noted above, please call "911" or "311." Do not forget to ask for an incident number.
- One Member addressed a concern that ACC restrictions were not being met. Scott Robuck discussed the problem of missing records from previous property management companies. This places the Board and ACC Committee at a disadvantage when addressing issues of past problems. However, Goodwin Management has been the property management company for three years and has kept good track of the Association's records. The Board has recently implemented a new ACC submission process, which will make it easier to track the history of decisions and any variances.
- One Member had additional questions about the Yahoo Group, which were addressed by Scott Robuck.
- One Member addressed concerns about problems related to Bowie high school kids (parking, loitering, trash, etc.) There was discussion that the people who are interested in solving this problem should get involved by seeing if Bethany Lutheran will make additional parking spots available or by going to the AISD Board meetings to lodge a complaint.

13. **Quorum Report.** A quorum report was taken and it was noted that there were only 137 votes.

14. **Adjournment.** Pam Monday moved that the meeting be adjourned. Scott Robuck seconded the motion, and the meeting was adjourned for a period of ten minutes.

15. **Second Annual Meeting Called to Order.** The annual meeting of the Oak Parke Homeowners Association was called to order a second time on April 21, 2009 in order

that a quorum be met. It was noted that quorum had now been met, since only 106 Members needed to be present (either in person or via proxy).

16. **Minutes-2007 Annual Meeting.** Scott Robuck moved that the minutes of the 2007 annual meeting be approved. Chris Driggs seconded, and the motion carried.

17. **Minutes-2008 Annual Meeting.** Pam Monday moved that the minutes of the 2008 annual meeting be approved. Chris Driggs seconded, and the motion carried.

18. **Financials.** Pam Monday discussed the need for the increase in dues and referred to the financial handout that was given to all Members. The group was reminded that dues are minimal considering that there are only 318 Members to support the common property. We are paying about the same as the Shady Hollow members, even though Shady Hollow has three times the membership that we do. An increase in dues was needed this year due to rising costs in utilities and other contract items. The Board is also continuing to raise funds so that there is enough available for capital improvements. Currently, \$1,000 per month is placed in the reserve account to handle capital improvements. Ms. Monday reported on major improvements this year, including replacement of pool pumps, painting the pool building, re-roofing the pool building, pruning trees, and dealing with an aging sprinkler system. Upcoming capital improvement costs include replastering the pool, installing a new kfob system, and repairing the fences along Brodie. The Board is currently working to update the list of capital improvements. If anyone wants further details with regard to financials, please contact Carl Gamble.

19. **Director's Election.** There were no nominations from the floor. Scott Robuck gave a brief speech of why he wants to continue as a Board member. The election was then held, and Scott Robuck won another three-year term.

20. **Door Prizes.** There were a number of door prizes given this year. This included three \$50.00 HEB gift cards, five gas mantles, and a free lawn service coupon (donated by Longhorn Lawns).

21. **Adjournment.** Pam Monday moved that the meeting be adjourned. The motion carried and the meeting was adjourned at 9:03 p.m.

Chris Driggs, President