

Springs at Stone Oak Homeowners Association

2nd Quarter 2023 Board of Directors Meeting

June 20, 2023 at Encino Branch Library

SARA/FEMA 2023 Draft Floodplain Revisions

Special for this Board meeting was a summary by Robert (Bob) Dumais, a Springs homeowner leading the current protest against the [draft FEMA/SARA floodplain maps](#), scheduled for approval in 2024. Bob provided a history of FEMA-designated floodplains affecting the Springs at Stone Oak and the actions he has done thus far and contacts he has identified and coordinated with in preparing a protest/appeal to the 2023 SARA/FEMA proposed floodplains. The current draft maps, previously addressed at the January 31 2023 annual member meeting, identify 15 Springs residences and 4 lots in the what-would-be official floodplain. Those include all of the residences/lots on Granite Spring and Crystal Spring that have backyards facing Mud Creek, 4 homes/lots on the west side of Pearl Spring (across from the community park), and 3 homes/lots on the southwest side of Calico Spring, indicated on [the draft floodplain maps](#) as being included in the “1% Annual Chance Flood Hazard,” or in the floodplain. There are an additional 5 residences and 3 lots that would be included in the “0.2% Annual Chance Flood Hazard,” reflecting a chance of flooding during the next 30 years (remaining lots on Pearl Spring across from the park that are not in the floodplain and 2 houses on the southeast side of Pearl Spring).

Homeowner Topics:

One homeowner offered the following comments:

1. Concern of the bare landscape in front of the masonry wall parallel to SO Parkway, the bare landscape along the entrance side towards the pedestrian gate, and the sparseness of the plants in front of the monument.
 - o HOA President Dan Cernoch offered that a similar concern had been raised at the April 10, 2023 first quarter 2023 Board of Directors meeting. The Board’s response to that earlier concern was summarized for the homeowner and other meeting attendees’ information.
2. HOA assessment amount should be increased to add sufficient funds for landscaping and other improvements
3. Proposed reinstallation of swing sets at the community park poses an increase in liability insurance costs.
 - o A short discussion from Board members and meeting attendees pondered whether the swing sets, proposed replacements for the original swing sets removed in 2017 when the park playset was replaced, would affect liability insurance or pose an increased risk of injury/lawsuits. The question may be one to be posed to the HOA attorney and/or liability insurance carrier.

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Call to Order and Quorum:

The meeting was called to order at 6:40 p.m. by BOD President Daniel Cernoch.

Board members present:

Dan Cernoch, President
Eric Lauck, Vice President
Dr. R. Vasan, Treasurer
Gary Bushover, Secretary
Vice President Cheryl Soihit was not available for the meeting.

HOA Manager Jennifer Valdez and Sean Wright attended as the representatives of Hill Country HOA Management Company.

Summary of Board actions taken without prior notice since the previous Board meeting on April 10, 2023, including any actual or estimated expenditures

- Board approved the minutes of the 1st quarter Board of Directors meeting conducted on April 10, 2023. (Apr 18)
- Board approved replacement of photoelectric cell devices controlling dusk-to-dawn lights at the front entrance monument and the park's low voltage lighting. Front entrance device was damaged by persons unknown on April 7, 2023, and the park lighting issue was reported by a homeowner on April 30, 2023. Initial repairs were completed May 3. [May 1, \$293]
- Board approved replacement of low voltage lighting transformer/power box at park and relocating it from its original position on a tree limb to inside the gazebo. Project included re-installing wiring from lamp post base to gazebo. [May 26, \$1695]
- Board selected July 24-28 for the 2023 bulk pick-up week by Republic Services. [June 17]

Review of April 2023 Financial Reports (as of 6/20/2023)

- Reserve Funds
 - CD 37, maturing 9/23/2023 \$ 26,228.05
 - CD 38, maturing 9/23/2024 \$ 26,533.41
 - CD 39, matured 3/23/2023 \$ 0 [CD terminated, reinvested as CD 41]

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- CD 40, maturing 1/21/2024 \$ 50,417.05
- CD 41, maturing [new CD] \$ 25,997.91
- Savings Account \$ 10,786.17
- Total Reserve Funds \$139,962.59

- Operational Funds \$ 24,939.08
- Total Current Funds \$164,901.67

- Delinquent Accounts
 - Number of delinquencies = 12, totaling \$5,773.92
 - 0 Active payment plans

Unfinished Business

- CCR Amendment: authority for Board of Directors to assess fines for CCR violations: the Board had submitted a formal request on October 28, 2022 to the Hill Country Management law firm to review the HOA's governing documents to determine whether the HOA/Board has the authority to assess fines for CCR violations. The law firm provided a detailed response that stated the HOA/Board currently does not have the authority to assess fines. In response to a subsequent task from the Board, the law firm has provided the proposed amendment to authorize the Board to assess fines, which will be presented to the homeowners for vote. Approval of the amendment requires 65% of the 86 homeowners (56) to agree with the amendment. Voting will be done by postal mail and on-line voting.
- The HOA's law firm had been tasked to review the HOA's Consolidated CCRs and Consolidated Bylaws available on the HOA website for sufficiency to have them recorded and become the official CCRs and Bylaws. The law firm has concluded the Consolidated CCRs and Bylaws are not ready to be filed/recorded because they contain various proposed annotated changes that are permissive, not mandatory. The law firm is continuing to identify those portions that are acceptable for filing and which ones will require removal.
- HOA 2023 Project Status
 - Repaint 8 common area metal railings, 6 street sign bases/poles, primed/unpainted exit gate areas, and 4 fire hydrants. Project coordinator Gary Bushover stated that 2 licensed, BBB A+ painting contractors were contacted to provide their cost proposal for the project. Both have completed an on-site analysis of the project, and one proposal has been received. Gary was also informed by a SAFD representative that the fire hydrants are the responsibility of San Antonio, not the HOA, and a valid work order has been generated by the San Antonio

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Water System for the hydrant's servicing and painting. That task will be removed from the contractor tasks. The Board is awaiting receipt of the second contractor's proposal.

- Replace/repair pedestrian gate. Board project coordinator Eric Laucks stated that he is continuing to approach the project as a repair, not replacement, project, possibly using a licensed welder to repair the deteriorated/rusting rails on the pedestrian gate.
- Replace toddler, adolescent swing sets at park. Board project coordinator Eric Laucks stated he is continuing to research qualified industrial/school yard-quality swing sets for the park. Installation of the swing sets by the HOA or subcontractor may be an option if the swing set supplier does not offer installation. He will also address possible liability insurance considerations when candidate swing sets and their supplier are identified.

New Business

- 2023 Texas Legislature HOA-related bills. Board monitor Gary Bushover stated that of the over two dozen HOA-related bills submitted during the regular legislative session that ended in May, there were two significant bills that were approved and signed by the Governor:
 - HB 886: relating to requirements to file a property owners' association assessment lien - before an assessment lien (for nonpayment of POA assessment) can be filed, the POA: (1) must provide a first notice of delinquency by first class mail or by e-mail; (2) must provide a second notice of delinquency by certified mail, return receipt requested, not earlier than 30 days after the first notice of delinquency; (3) may not file an assessment lien before the 90th day after the second notice of delinquency was sent to the property owner. Signed by Governor June 13, effective September 1, 2023. *[Note: the Springs HOA Collections Policy accommodates the provisions of HB 886; the Collections Policy was approved by the Board of Directors on November 17, 2021 and recorded at the County Clerks office on November 19, 2021.]*
 - HB 614: relating to property owners' association fines – the POA will adopt an enforcement policy regarding the levying of fines by the POA that must include: (1) general categories of restrictive covenants for which the POA may assess fines; (2) a schedule of fines for each category of violation; (3) information regarding fine hearings (already addressed in the Springs HOA Covenant Violation Hearing Procedures amendment). A copy of the policy will be provided to each owner by: (a) posting the policy on the POA website, **or** (b) annually sending a copy of the policy to each owner (i) by hand-delivery to the owner, (ii) first class mail to the owner, **or** by e-mail to an e-mail address provided to the POA by the owner. Signed by Governor June 12, effective January 1, 2024.

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- Park low voltage system repair/reconfiguration. Board project coordinator Dr. Vasan stated that the Board has approved the funds for the HOA's electrical contractor to reconfigure the park's low voltage light system, moving the power reduction transformer from a tree limb to inside the gazebo roof, properly installing underground in conduit the 110v power line to the moved transformer, and using the park lamp post's photoelectric device to turn on and off both the lamp post lights and the low voltage instead of each system having its own photoelectric device. Reconfiguration is scheduled for the week of June 19.
- Front entrance low voltage lighting system repair, replacement, or removal. The Board decided to have the HOA's electrical contractor provide a cost proposal to repair or replace one low voltage light fixture on the entrance side turf, closest to Stone Oak Parkway, that was damaged by an unknown person on April 7, 2023. Repair/replacement of that fixture should return all 3 low voltage lights on the entrance side turf to operation, providing lighting towards the entrance gate.

Association Manager comments: no additional comments.

Executive Session

- The HOA Manager and Board reviewed the current delinquent accounts, including the status of those exceeding the HOA Collection Policy time and amount thresholds.
- Board consideration for developing amendments to governing documents, offered by President Dan Cernoch:
 - Damage to common area items
 - Trees over road and sidewalks that need to be trimmed to a minimum safety height
 - Xeriscaping without approval, ubiquity of landscaping

The meeting was adjourned by vote at 7:40pm.

For the Board of Directors:

Gary Bushover

Gary Bushover
Secretary

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