

“MINUTES”

SEPO BOARD (REGULAR) MEETING

Monday, September 12, 2022 @ 1 PM

“Virtual” Meeting: Google Meet

1. **Call to Order** – Meeting was called to order at 1:00 PM.
2. It was announced the meeting was being recorded via **Google Meet video**. The recording can be viewed at this link: <https://1drv.ms/v/s!ArA0fRIwdohilftpzOo4KPA2D4K2tw?e=BLjrur>
3. **SEPO Board Roll Call** – Share Nelson, Jean Burgoine, Lenore Combs, Randy Davis, Larry Keller, Mark Owen, and Beth Parrish were all in attendance via Google Meet.
4. Beth verified the **Meeting Notice and Agenda** was made available to the community by the required day/time (**UPDATE:** We met the 144 hrs (*not 72 hrs*) pre-meeting requirement). We are in compliance.
5. **Board Members Consideration / Adoption of any Amendments to the posted Agenda.**
Share moved and Beth seconded to add the following to New Business; A Summary of the letter from the SEPO attorney concerning the new laws and how they affect us. The motion passed unanimously.
6. **Review and consideration of approving multiple past meeting minutes: (*Attachment 1 in Agenda*)**
 - a. Lenore motioned and Mark seconded to approve the minutes from the **April 21, 2022 Board Meeting (Regular)** as previously presented to the Board. The motion passed unanimously.
 - b. Beth motioned and Lenore seconded to approve the minutes from the **June 10, 2022 Board Meeting (Special)** as previously presented to the Board. The motion passed unanimously.
7. **DIRECTORS REPORTS –**
 - a. **Randy Davis – Golf Course**
 - i. The golf course is looking good.
 - ii. The irrigation canal (Resaca) is empty right now. We are using a 300 gallon water cube to keep the greens wet. However, some areas like tee boxes, may suffer. Larry suggested Randy investigate using city water released periodically from the fire hydrants. Randy has been looking into this possibility.
 - iii. Randy is purchasing, for \$16,000 a refurbished greens mower that was used at Harlingen Country Club. This purchase had been budgeted. We will keep our old one as a backup and use it to make the greens edges more defined.
 - iv. The number of players has increased recently. Remember –
 - 1) When teeing off, always use a tee.
 - 2) When driving a golf cart on the course, stay more than 20 feet from the green.
 - v. The new trailer is being used. We saved \$200 by picking up sandbag sand using the trailer instead of having it delivered.
 - b. **Jean Burgoine – (Common Grounds/Maint. Area 1) SEPO Buildings**
 - i. The mailman delivers packages seven days a week. No notices are put in the mailboxes on Sunday.
 - ii. Loud music at the Pool.
 - 1) We’ve requested you be very considerate. If you aren’t alone, don’t play loud music. Using earbuds is recommended.
 - 2) Morning water exercise classes can play their usual music.
 - iii. *Repairs over the summer.*

- 1) Library –
 - a) Caulk was applied between the brick and siding, to stop water leakage behind the bookcases.
 - b) The A/C has been repaired.
 - 2) The interior window in the Exercise room was replaced.
 - 3) The sump pump in the southeast corner of the Pavilion area was replaced.
 - 4) Lalo is 60% complete repairing the roof above the Retzlaff Hall kitchen. The heat necessitated a stoppage in work until it gets cooler. The kitchen leaks appear to be 90% resolved. Lalo is doing the work for around \$4,000 versus an estimate of around \$15,000 obtained earlier this year.
- iv. *Future repairs.*
- 1) The flooring on the South side of Retzlaff Hall is coming up and needs replaced.
 - 2) The library floor is beginning to curl and should probably be replaced.
 - 3) Repairing the Pool edging is cosmetic in nature and doesn't fit into this year's budget.
 - 4) Jean needs volunteers to help clean out the Medical Center.
- c. **Larry Keller** – *(Common Grounds/Maint. Area 2) Streets, Drainage & Irrigation Ditches, Texas Ave*
- i. The *front gate* has been serviced multiple times, and most, if not all, of its parts have been replaced. It has been operating as it should for 6-8 weeks.
 - ii. The *drainage ditch* has been cleaned out from TX Ave to the Storage Lot area. We were able to reuse some of the dirt and sod on the golf course. The water district cleaned out the ditch north of the Storage Lot for the first time in many years.
 - iii. A couple of years ago we had technicians access our security system. They said the *cameras at the front gate* were not functioning. Their repair quote was too high. Someone Valerie knew has worked on the cameras and they are now operational, with the capability of reviewing past activity for a period of time.
- d. **Lenore Combs** – *(Common Grounds/Maint. Area 3) Storage & Shop Area, Tennis/Shuffleboard*
- i. Some residents are 'sprucing up' their storage lot areas and sheds. However, some are still in need of care. *It was noted the color of the storage lot sheds are restricted to the color palette approved by the Architectural Control Committee (ACC).*
UPDATE by Beth: See ACC Exhibit B Regulations:
<https://www.sunshinecountryclub.com/covenants-exh-b-acc>
 - ii. Lenore has not been able to procure caleche for potholes or materials for a roadbed. Rocks were put in certain areas to help mitigate any rain damage. Please drive slowly so as not to kick them up and damage windshields etc. These rocks are not to be removed from the storage lot.
 - iii. Please make sure the brick that marks your 'lot number' remains on your lot, and not on someone else's.
 - iv. Lenore does need some assistance to restripe the areas with either rope or paint.
 - v. The Can Cottage sign needs repainting. Marian Young thanks residents for cleaning out their cans before bringing them to be disposed of.
 - vi. Woodshop: Lenore thanked everyone who has anything to do with the woodshop.
 - vii. The stray dogs that many residents have seen roaming around Sunshine have been returned to their owner, who lives near the airport.
- e. **Mark Owen** – *Treasurer - Financial Status / Reports*
- i. Most of our income is received during January. We monitor expenses during the rest of the year. Most of the money spent this year has been for salaries, benefits, etc.
 - ii. Mark has started working on the budget.
- f. **Beth Parrish** – *Secretary & Governing Rules*

i. No report at this time. See below for updates and new items.

g. Share Nelson – President

i. No report at this time. See below for updates and new items.

8. UNFINISHED BUSINESS –

a. Beth Parrish – Sunshine Rock Painting Club

Obtain formal Board approval of the request for the creation of a Sunshine Rock Painting Club previously approved by the Board via e-mail vote.

- i. **BACKGROUND:** Beth was informed by the office that Karren Amos was interested in forming a Rock Painting Club. This was new territory (a new club) for SEPO so Karren was asked to submit a SEPO Suggestion form listing the club specifics. The Board discussed the request and approved it via e-mail in May 2022. The club has been functioning since then. This is the first opportunity for the Board to ‘formally’ approve it via official vote.
- ii. **VOTE:** Beth moved and Larry seconded we formally approve the Rock Painting Club by vote at this Board meeting. The motion passed unanimously.

b. Beth Parrish – Policies & Procedures Update: PROPERTY AND YARD MAINTENANCE

Obtain formal Board approval of the update approved by the Board via e-mail vote in July 2022. (Attachment 2 in the Agenda)

- i. **BACKGROUND:** The Board previously approved this change via e-mail vote.
- ii. **MOTION:** Mark moved and Lenore seconded we formally approve this Policies & Procedures update at this Board meeting.
- iii. **VOTE:** The motion passed unanimously.
- iv. **ADDITIONAL DISCUSSION:**
 - 1) Discussion ensued (without going into details) concerning several rules violations the Board has been addressing throughout the summer. It’s possible some of them are still open. Beth will update the list and send it to the entire Board to determine if any further action is required.
 - 2) Currently the Board is made aware of issues by a) residents informing the office (preferred) or a Board member directly about something they have observed or b) when a Board member observes something. It was noted the Board doesn’t have a specific way to monitor and detect issues that need addressing.

c. Beth Parrish / Board – Residents’ Meeting ‘Speaker Request/Process’ Update

Board Review/Approve.

https://2851bf60-6e92-4440-b098-0166b6640e11.usrfiles.com/uqd/2851bf_9364c70c30a241c097151b44c22cd487.pdf

This item was moved to the discussion in ‘NEW BUSINESS – 9h’.

9. NEW BUSINESS –

a. Share Nelson – New SEPO Attorney

Announcement concerning new SEPO Attorney

We have dismissed the attorney used by the Board last year, Ladd & Thigpen P. C.. Share received a ‘lien release’ to sign and discovered it had been drawn up by our previous local attorney, Randy Friebele. When Share contacted Randy, he agreed to resume working for us. An advantage to having a local attorney is that he knows other local attorneys. Randy F. was able to resolve a situation earlier this summer by simply making a phone call to another local attorney he knew.

b. Mark Owen – Treasurer Reports

Approval of monthly Financial Reports from April 2022 thru August 2022 as presented to the Board.

(Attachment 3 in Agenda)

Motions were made to accept the financials as presented to the Board for the following months.

- i. 04-2022: Jean moved and Lenore seconded.
- ii. 05-2022: Jean moved and Lenore seconded.
- iii. 06-2022: Randy moved and Lenore seconded.
- iv. 07-2022: Randy moved and Lenore seconded.
- v. 08-2022: Randy moved and Beth seconded.

VOTE: All motions passed unanimously.

c. Mark Owen – Movement of money from PNC Bank to an interest-bearing account.

Discussion / Board approval.

- i. **MOTION:** Mark moved the Board approve the movement of \$204,000+ from PNC Bank to Bank of America to make interest on SEPO money.
- ii. **DISCUSSION:** It was determined Mark should investigate what to move the money to; CD, Money Market etc. and whether to move it to another financial institution or keep it at PNC.
- iii. **MOTION SECOND:** Randy seconded the motion to move the money if it is warranted by Mark.
- iv. **VOTE:** The motion passed unanimously.
- v. Beth asked Mark to inform the Board of the outcome.

d. Various – Policies & Procedures: Proposed Updates

i. Share Nelson – PROPERTY AND YARD MAINTENANCE

Consideration of updating to include ‘attempt’ an initial phone call. (Attachment 4 in Agenda)

- 1) **MOTION:** Randy moved and Lenore seconded to approve this update to the Policies & Procedures.
- 2) **DISCUSSION:**
 - a) The office (Valerie) has informed Share that she attempts to make a call when she is made aware of a situation. Sometimes she cannot complete that call. Examples include: The resident may not answer her call or they are now in a care facility and we do not have a phone number to contact anyone.
 - b) There was further discussion concerning needed house repairs, like a gutter falling off the residence or a non-working golf cart sitting in disarray under a carport. The Board agreed that Share and Beth should expand this section in the Policies & Procedures to include items above and beyond grass and weeds.
 - c) It is not just the Board’s responsibility to seek out these issues. We need input from the entire community to keep Sunshine in the best condition possible.
- 3) **VOTE:** The motion passed unanimously.

ii. Randy Davis – GOLF COURSE CART PATH

Consideration of updating Cart Path Restrictions and Violations. (Attachment 5 in Agenda)

After further review, Randy is withdrawing his proposal concerning changes to the Policies & Procedures.

e. Larry Keller – Front Gate

Issue(s) / Proposed solution(s)

See Larry’s Director report above.

f. Share Nelson – Resale Certificates

Requirements/Restrictions concerning Resale Certificates.

- i. **MOTION:** Share moved and Beth seconded we incorporate Texas Property Code, Sec. 207, pertaining to Resale Certificate into our Policies & Procedures.

- ii. **DISCUSSION:** In 2014 a law was passed requiring a seller (which can be seller, seller's agent, buyer or buyer's agent) to provide the buyer with a Resale Certificate at closing. This was adopted by last year's Board as a required process, but it was not officially incorporated into the Policies & Procedures. The following action was advised by the SEPO attorney, which is what Share had moved to be put into our Policies & Procedures.

To comply with Texas Property Code, Sec. 207, any owner selling his residence must provide a resale certificate to the buyer prior to closing. This must be done whether by sale through a realtor, or a private sale between individuals. This will be provided by SEPO not later than ten days following a request for same at a cost of \$250. The resale certificate will provide, in part, the following information: Financial condition of the association, any unpaid amounts due the association on the property, any known violations of noncompliance for the property of the rules (Covenants) of the association.

When a Resale Certificate is requested from the office, SEPO has ten days to look at the property to see if there are any violations that need to be disclosed in the Resale Certificate and prepare the Certificate. We will investigate incorporating this property review into the duties of the Architectural Control Committee (ACC). Beth wanted it formally documented in these minutes that a resident cannot expect to receive the Resale Certificate in less than ten days, although they may receive it earlier.

- iii. **VOTE:** The motion passed unanimously.

- g. **Beth Parrish / Share Nelson – Residents' Emergency Keys in Office**

New process being utilized by the SEPO Office.

<https://www.sunshinecountryclub.com/key-checkout-checkin-resident-emergency>

Beth reviewed a new process the Board implemented over the summer. It details what a resident must do to permit the office to provide their emergency keys to a 'named' party. If a resident does not provide an emergency key to the office and it becomes an emergency to enter that resident's home, 911 will be called. Lenore stressed 911 won't be gentle.

- h. **Share Nelson – Residents Meeting Agenda/Format**

Discussion of proposed revisions.

- i. **MOTION:** Randy moved and Mark seconded to discontinue the use of Speaker Requests at the Residents' meeting.
- ii. **DISCUSSION:** Share is proposing the following revisions to the format of the Residents' meeting.
- 1) *Invocation or words of inspiration.* Board was undecided.
 - 2) *Introduction of new residents.* Board agreed with this.
 - 3) *Short Board Director reports.* After discussion it was decided not to do this because the directors do their reports the following day in the Board meeting, which all residents have access to, either in Retzlaff Hall or via Google Meet.
 - 4) *Club Reports.* No changes. Beth would very much appreciate knowing ahead of time if a club is 'not' going to provide a report at the Residents' meeting.
 - 5) *Residents Speaking.*
 - a) Last April the Board had agreed they would reply to any residents' questions pertaining to the topic listed in their Speaker Request. After lengthy discussion it was decided residents would no longer need to fill out a Speaker Request. However, there would be restrictions concerning resident behaviors while he/she is speaking:
 - i) There will not be any 'minutes' of this meeting. It is planned to record the meeting on Google Meet and provide that video on the Sunshine Web site.

- ii) All residents speaking must wait until they are presented with a microphone and then speak directly into it so that everyone not physically attending the meeting in Retzlaff Hall but are on Google Meet, particularly Board members, know what is being said/asked.
 - iii) A resident and a Board member who replies each have three minutes to speak. As decided by the moderator, there will be times when one or both will be cut off. However, if the moderator chooses, the discussion may be allowed to continue.
 - iv) Vulgarity will not be allowed.
 - v) There will be no 'shout outs' from residents who haven't requested to speak.
 - vi) The speaker shall not make any derogatory comments about any person(s).
 - vii) The speaker will simply state factually what his/her comments/concerns/questions are.
 - viii) If a speaker has question(s), the knowledgeable Board member(s) will reply. If the answer is unknown at meeting time, it will be researched and the answer will be provided to the questioner.
 - ix) There will be no debate with any SEPO Board member.
- iii. **MOTION AMENDED:** Randy amended his motion as follows. At the Residents' meeting, all Clubs represented at the meeting will speak if they wish. Then it will be an open forum for the residents to make comments and/or ask questions. The Board can respond. We would like to limit each person / Board member to three minutes. The moderator decides if the conversation may extend beyond the three minutes. Mark seconded the amended motion.
- iv. **VOTE:** Randy, Lenore, Mark and Jean voted YES. Beth and Larry voted NO. The motion passed by majority vote.

Beth Parrish / Board – Residents' Meeting 'Speaker Request/Process' Update
Board Review/Approve.

[https://2851bf60-6e92-4440-b098-](https://2851bf60-6e92-4440-b098-0166b6640e11.usrfiles.com/uqd/2851bf_9364c70c30a241c097151b44c22cd487.pdf)

[0166b6640e11.usrfiles.com/uqd/2851bf_9364c70c30a241c097151b44c22cd487.pdf](https://2851bf60-6e92-4440-b098-0166b6640e11.usrfiles.com/uqd/2851bf_9364c70c30a241c097151b44c22cd487.pdf)

This was moved to her from '**UNFINISHED BUSINESS – c'** above.

Based on the decision in "**NEW BUSINESS – h.iv**" above to no longer require Speaker Requests at the Residents' meetings, this is now a non-issue. This process will be discontinued and removed from the Web site section of 'SEPO Forms and Processes" (<https://www.sunshinecountryclub.com/sepo-forms-processes>).

- i. **Mark Owen** – 2023 SEPO Budget
What is needed to start preparing next year's budget?
 - i. **Budget** –
Mark has started this process and will have documents to the Board for the October 11 Board Meeting. The budget will need to be approved by the Board at the November 15, 2022 Board Meeting. Beth will prepare a packet of information from last year's Board meeting discussions on budgeting and provide it to the Board.
 - ii. **Reserve Fund** –
We need to decide how we are going to budget for the Reserve Fund. The Bylaws state the following:

BYLAWS OF SUNSHINE ESTATES PROPERTY OWNERS, INC.
Contingency (Reserve) Fund

7.04 All funds accumulating in this fund shall be used exclusively for the upkeep and repairs of the Streets and Water System, or for the emergency replacement of buildings, located within the Subdivision as the Board of Directors deems necessary. Any exceptions will require the majority vote (51%) of the property owners.

j. Beth Parrish / Board – SEPO Board Nominating Committee

i. Explanation of committee and responsibilities.

Primary Duties of Committee: After determining how many open positions are available for the next year's SEPO Board, the goal of the SEPO Board Nominating Committee is to identify and vet qualified candidates for these open positions.

ii. Replacement of Nominating Committee Guidebook with a Process Document.

DISCUSSION: Beth is in the process of revamping the "Nominating Committee Guidebook", used for the 2022 election, into a "Process Document". Share will work with Beth to finalize this, hopefully within the next couple of weeks. The Nominating Committee must be appointed by the Board by November 5 at the absolute latest. A SEPO E-News E-mail will be sent to the community to aid in finding residents who may have an 'interest' in being on the Nominating Committee.

k. Beth Parrish / Board – SEPO Board Election Committee

i. Explanation of committee and responsibilities.

Primary Duties of Committee: The committee shall prepare the election ballots, stuff envelopes, man the registration tables at the Annual Shareholders Meeting and count votes cast in the ballots provided.

ii. Creation of Election Committee Process Document.

DISCUSSION: Beth has started working on an Election Committee Process Document based on the documentation provided by the former Election Committee chairman. Share will work with Beth to finalize this, hopefully within the next couple of weeks. The Election Committee must be appointed by the Board by November 5 at the absolute latest. A SEPO E-News E-mail will be sent to the community to aid in finding residents who may have an 'interest' in being on the Election Committee.

l. Beth Parrish – 2022-2023 Winter season Activity/Meeting Room Request

<https://www.sunshinecountryclub.com/activity-mtg-request>

i. Explain New calendar process implemented in the SEPO Office

ii. New / Updated SEPO Activities/Meetings

UPDATE: Beth has revised the Activity/Meeting Request Process Document (click on link above) slightly (*and not the Request Form*). The process changed after the March 2022 Board meeting specific to the SEPO Office being the first point of contact for all requests. The Board Secretary is consulted only if Valerie has a question.

Beth reminded everyone that if you have activities and meetings coming up that you have not already submitted a request (and received approval for) you need to get those submitted now. Also, some of the previously approved requests are expiring and may need to be resubmitted. If you are unsure if you need to submit anything, please contact the office.

If you have clicked on the link above you will have seen the new SEPO Office calendar format. Some residents had requested a 'month at a glance' calendar. Beth will be sending an e-mail to

solicit resident input concerning this new format.

m. Beth Parrish / Share Nelson – Governing Rules Amendments

- i. *How to proceed with getting Governing Rules amendments ‘voter ready’ for the 2023 vote.*
- ii. *How to involve Residents and incorporate both Residents & Board proposals.*

Initially Share and Beth will be re-reviewing the suggestions and recommendations made by the Rules Review Committee last year. We are looking at creating a ‘Board and Residents’ committee to determine what additional changes might be made. Please start thinking about what you may have to contribute to this committee.

n. Additional agenda item(s):

- i. **Share** - Summary of attorney letter concerning the new laws and how they affect us.
 - 1) The SEPO attorney has provided us with a full analysis of rules changes. We will be incorporating those into our Governing Rules and providing a full report to the community.
 - 2) Share summarized the section concerning fences.

The attorney’s opinion is that the law concerning fencing does apply to Sunshine. As it is now, it would allow a fence to be built upon an easement. However, he feels that it was an oversight by the legislature in the wording of the amendment and will probably be corrected in the future. He recommends not changing our covenant until after the 2023 88th Legislative Session, which occurs during the Jan-Mar 2023 timeframe. We will not be enforcing the covenant at this time. Additionally, the statute would allow the association to prohibit "privacy fences" which would inhibit sight lines of the neighborhood, or fences painted a bright pink. The association can regulate the type of fencing that a property owner is authorized to install.

ii. Share – Thanks to the Board.

Before we adjourned Share thanked the members of this Board for their hard work. She values the education and experience they bring to the Board. She knows the hours everyone spends voluntarily for the good of the community to do the best that we can. She hoped the community would understand and support us in our work.

10. ADJOURNMENT –

Motion & Vote to Adjourn, Announce time of Adjournment, Stop Google Meet recording and session.

Lenore moved and Randy seconded we adjourn. The motion passed unanimously by all present. The meeting was adjourned at 2:46 PM. The Google Meet recording was stopped.