

## REGULAR BOARD OF DIRECTORS MEETING

### AGENDA

Thursday, 7 p.m.

March 21, 2013

Community Center

- 1) **Call to order and Pledge of Allegiance.**
- 2) **Review/approve previous minutes.**
- 3) **Meet the Candidates**
  - a) Candidates' address (two minute time limit per candidate)
- 4) **Member/Guest Forum.**
- 5) **Department/Committee reports.**
  - a) Recreation Dept.
  - b) Maintenance Dept.
  - c) Standards Dept.
  - d) Community Management Dept.
  - e) Architectural Review Committee
  - f) Finance Committee
  - g) Landscaping Committee
  - h) Nominating Committee
  - i) Communications Committee
  - j) Public Safety Committee
  - k) Sports and Park Committee
  - l) Strategic Planning Committee
- 6) **Unfinished Business.**
  - a) Status of Sidewalk at SaxonHill and Military Drive West – Tabled.
  - b) Association assume ownership of Centex Properties – Open.
  - c) Administrative Resolution 12 – Notification of Covenants Violations – Review/Update (current version rescinded pending new draft) – Open.
  - d) Computer (tower) purchase (\$500 authorized)– Open.
- 7) **Executive/Emergency Session Results**
  - a) Community Manager Salary.
  - b) Follow-up on funding of landscaping committee upgrades to clock tower.
  - c) Investigation of incident in the Sports Park.
- 8) **New Business.**
  - a) Sports Park rules for 2013 season.
  - b) Ott Elementary yearly picnic request.
  - c) Brick columns survey results.
  - d) Homeowner disputes.
  - e) Annual Meeting Agenda and Guest Speaker
  - f) \_\_\_\_\_
- 9) **Schedule next monthly meeting. (April 25, 2013 at 7pm)**
- 10) **Adjournment.**



*The Villages of Westcreek Owners' Association, Inc.*

*Est. 1994*

**Regular Meeting of the Board of Directors  
Villages of Westcreek Owners' Association, Inc.**

**I. OPEN MEETING:** The Regular Meeting of the Board of Directors was called to order by the President at 6:02 p.m., immediately following the flag pole dedication (as per prior announcement), on Thursday, Jan 17<sup>th</sup>, 2013. The purpose of the meeting was to conduct regular business as identified in the pre-announced Agenda. The meeting minutes for the November Regular Monthly Meeting were reviewed and approved by a unanimous vote of Board members (5/0) present.

**Board Members Present:**

John Steele, President	Richard Gentry, Vice President
Jennifer Castro, Treasurer	Kevin Drummonds, Secretary
Kenneth Fowler, Asst. Secretary	

**Board Members Absent:** None

**Staff Present:**

Brenda Tate, Community Manager	Oswald Willis, Asst. Community Manager
Jennifer Bell, Administrative Superintendent	Adrian Suttles, Standards Superintendent
Nancy Griffin, Parks and Recreation Superintendent	Jamie Esquivel, Maintenance Contractor

**Members Present:**

Gerry Besecker	Kim Tillman	Theresa Pierce	Eugene Hopkins
Lloyd Harris	Michael Allsop	Elena Pedregon	Bill Fenstermacher
Diana Mandelin	Nick Hogue	Rick Severs	Guy Oliver
Barbara Hopkins	Corinna Cabeza	Belinda Ramos	Brenda Cornell

**Guests Present:**

Veronica Gonzales – Deputy Chief of Staff for State Representative Phillip Cortez

**II. OPEN FORUM:**

Mr. Steele opened the Member's forum. The following members spoke:

1. Ms. Gerry Besecker asked a question about the plants in the monuments. She stated that someone has been pulling up plants in the monuments that they believe are weeds, but they are actually planted. She asked if the Association is doing something about this. Mrs. Tate informed her that this was being addressed and homeowners are being told when it becomes apparent as to who is doing it; however, we can only inform members when we see it happening. We are also putting the information out via the web, the constant contact emails, and newsletter. We are asking that this be left up to the volunteers serving on the landscaping committee and/or the staff.
2. Mr. and Mrs. Tillman asked if the other streets in the villages were "repaired" at the same quality as High Point. They said the gravel/rocks left on the streets in High Point are very bad and asked if the Association could contact the County about fixing the problem. Mrs. Tate stated that the County would be contacted, but that the Homeowners could make individual contacts via the YOURGOV smartphone application and report the problems. This will really bring the problem home to the County.
3. Mr. Lloyd Harris, Mrs. Brenda Cornell, and Mr. Guy Oliver began a discussion about the swim team. As this issue was on the agenda under new business, they were asked to hold their questions/issues until that point in the meeting.
4. Mrs. Corinna Cabeza asked:
  - a. if there was a plan for street lights in High Point? It was explained that this issue was researched and it would be a major expense for street lights and it potentially makes us even more attractive to the city for

incorporation. As much as we would like to do this, it is very expensive to put lights throughout the Villages of Westcreek.

- b. has anyone thought of inviting the Scorpions to do a clinic for the soccer program? Everyone agreed that this sounded like a good idea and the Recreation Superintendent would look into it.
- c. what is being done about the pet waste problem? It was mentioned that there were some associations using DNA testing of animals, but this association is not prepared to do this. Mr. Steele noted that we have placed a pet waste station in the Park in the hope that more members would use it to clean up after their pets. Unfortunately, this is one of those issues that is the responsibility of each member and their sense of community.
- d. what can be done about solicitors coming to members' homes? It was explained that this is a problem that can only be addressed by the Homeowners, as there is very little Association can do given the streets are public (belong to the County).

### III. COMMITTEE/DEPARTMENT REPORTS:

- a. Recreation Department: A written report was provided and is attached to these minutes. The Superintendent (Nancy Griffin) briefed the members present and outlined her activities for the period.
- b. Maintenance Department: A written report was provided and is attached to these minutes. Mr. Jaime Esquivel (maintenance contractor) briefed on the latest activities of the maintenance team and answered questions on work being done on the monuments and at the clock tower.
- c. Standards Department: A written report was provided and is attached to these minutes. Mrs. Adrian Suttles briefed the activities for this period. Her report also included the activities of the Architectural Review Committee.
- d. Community Management Department: Mrs. Tate provided a written report which is attached to these minutes and briefed from this report. She also provided a summary of delinquent assessments (also attached). The Community Manager briefed on an ongoing problem with a tagger in the community. Mrs. Tate recommended that the Board authorize a bounty for information leading to the arrest and conviction of this menace to the community. After a discussion on the amount, a bounty of \$1000 was authorized by a unanimous vote.
- e. Architectural Review Committee. The numbers for this committee were included in the Standards Department report attached to these minutes.
- f. Finance Committee: Mrs. Castro provided written accrual and cash basis statements from the Bookkeeper. She briefed from these statements and provided a summary of the status of the Association funds.
- g. Landscaping Committee. The chair of the committee (Mr. Michael Allsop) provided a verbal report, which included the status of the work planned for the clock tower and an Eagle Scout program. He also briefed on the status of the committee.
- h. Nominating Committee. Mr. Steele appointed Ms. Castro chairperson of the committee and put out a call for volunteers.
- i. Communications Committee. The Committee chairperson (Mr. Bill Fenstermacher) briefed on the status of the committee and that they had agreed to hold their meetings on the first Monday of every month. He also briefed that the committee voted Mr. Fenstermacher as the new chair and Mr. Guy Oliver as the Vice Chair.
- j. Public Safety Committee. No report. The next meeting of the committee is scheduled for March 4<sup>th</sup>, at 6 pm in the community center. Administrative Resolution-44, "Public Safety Committee Terms of Reference", was presented to the Board and after review and discussion, the AR was unanimously approved by the Board.
- k. Sports and Park Committee. No written report was provided, but the chairperson (Mr. Richard Gentry) briefed on the activities of this committee during this period. The committee's recommendations for changes to the Sport Park rules were presented and it was determined that the Board take up the question of approval be tabled until the meeting next, which gives them time to review them thoroughly.
- l. Strategic Planning Committee: No report. There was no meeting this month. A meeting is scheduled for next month.

#### **IV. UNFINISHED BUSINESS:**

- a. Status of Sidewalk at Saxonhill and Military Drive West. **TABLED.**
- b. Centex Properties. Mrs. Tate briefed the Board on the status of this issue. The Board had an opportunity to go look at the properties and there are still a few issues to be worked out prior to assuming ownership. **OPEN.**
- c. Nominating Committee. The committee has been established and a call for nominations accomplished. **CLOSED.**
- d. Lights in the playground area. Lights were purchased and installed. **CLOSED.**
- e. Administrative Resolution 12. AR-12 was rescinded by a unanimous vote of the Board. The Board was asked to review the standards department proposed changes and be prepared to discuss and make a decision at the next monthly meeting. **OPEN.**
- f. ID Card Machine replacement. Purchased/installed. **CLOSED.**
- g. Town Hall Meeting. Scheduled for March 15, 2013 at 7 pm in the Community Center. The Bexar County Sheriff will be at this meeting and we hope that everyone can make it. **CLOSED.**

#### **V. NEW BUSINESS:**

- a. Swim Team discussion. Mrs. Brenda Cornell made a presentation on the costs of the Swim Team and the reasoning for the Board to reconsider the assessment fee currently under contract. She requested that we only charge a fee of 10% of registration versus the scheduled 25% this year. Last year the VWOA received 15% of registration for members plus an additional 10% for non-members. After a protracted discussion, a motion was made to charge 10% of registration for exclusive use fee for members plus an additional 10% for non-members. The Board approved the motion by a 5/0 vote. The Community Manager will get with the Swim Team leader and work out the details of the contract. **CLOSED.**
- b. Gravelly Pearson LLP/Reserve HOA. The build-out of the Reserve is complete and they will be voting soon to potentially dissolve that association. **CLOSED.**
- c. New Computer System (Tower). A motion was made to purchase a replacement computer system for the front office. The Board voted unanimously to approve this purchase not to exceed \$500. **OPEN.**
- d. Veronica Gonzales (Dep. Chief of Staff for State Representative Phillip Cortez) – briefed the members that the State Congressman wanted to be at the flag dedication; however, he was unable to make it from his Austin office as his meetings ran late. She passed along his apologies for missing this opportunity and presented the Community with a Texas flag that flew over the Texas Capitol. Mr. Steele accepted the flag and expressed everyone's appreciation. She accepted our invitation for the State Congressman to attend our Town Hall meeting. **CLOSED.**
- e. **Executive Session results:**
  - 1) None.

**VI. The Next Meeting:** The next regular meeting will be held on Thursday, March 21st, 2013, at 7 p.m. in the Community Center.

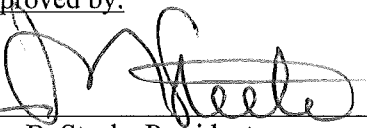
**VII. Adjournment:** There being no further business before the Board, the meeting was adjourned at 8:14 p.m.

Written by:

  
Kevin M. Drummonds, Secretary

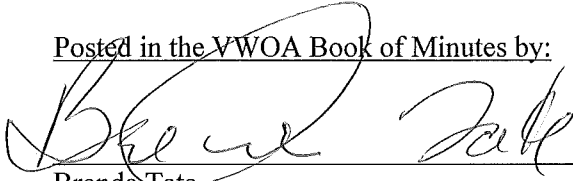
Date: 3/21/2013

Approved by:

  
\_\_\_\_\_  
John B. Steele, President

Date: 21 MARCH 2013

Posted in the VWOA Book of Minutes by:

  
\_\_\_\_\_  
Brenda Tate  
Community Manager  
VWOA

Date: 21 March 2013

# Parks and Recreation –March 2013

## Board Report

### Programs/Classes

- a. **Soccer-** Spring soccer season 272 participants registered, 25 teams, largest registration ever
- b. **Olympic Karate-** Classes on Tuesday & Thursdays 18 current participants.
- c. **SMASHDANCE-** Zumba Fitness is offered each Monday and Wednesday at 7:30 pm  
42 participants
- d. **Body Boot camp-** Tue & Thurs. 7:30pm
- e. **Cardio Dance-** Wed evenings 6:30 h - I - j & k have 18 participants
- f. **Kickboxing-** Mon 6:30pm
- g. **Women's Total Body-** Mon-Wed-Fri , 9am
- h. **Muscle Toning-** 9-10am Mon-Wed-Fri
- i. **AA Meetings –** Wed's, 12pm – 1pm

### Past Community Events:

- a. Flag Dedication – February 21, Brennan AF JROTC did a great job!
- B .Mardi Gras was celebrated on Feb 9<sup>th</sup>, 118 homeowners and guests in attendance,  
Layout change made more tickets available

### Future Community Events:

- A. Easter Egg Hunt- March 23, 9:00 am
- B. South Texas Farmers Market- April 4, 9 am-2-pm
- c. Spring Soccer Banquet – April 20
- D. Rummage Sale – May 4th

# ***J & J CONSTRUCTION***

RESIDENTIAL & COMMERCIAL

PO BOX 762349

SAN ANTONIO, TX 78245

(210)722-5609

[Jamiejjconst@aol.com](mailto:Jamiejjconst@aol.com)

## **Monthly Maintenance Report.**

### **March**

**Daily task:** Pick up trash daily, main road ways, walk around Community Center, check swimming pool for leaks and corrosions. Clean and hose down sidewalks around building and check all bathrooms, pavilion, check for wasps & fire ants. Check for graffiti.

**Mowing:** Mow all needed areas, and gathering leaves and keeping the community clean. We have also been putting herbicide on all needed areas. We are also still pruning trees.

**Land:** Daily trash pick-up, and inspection of property for hazards, graffiti has slowed down and almost came to stop. We have very little still; here and there we still have vandalism on our lights at monuments. Even though that too has slowed down. We have been very busy with fallen over trees that were blown over by the recent heavy winds, and also fence repairs. We have had a dramatic increase in trash and debris as a result of the winds.

**Park:** We are currently cutting down the opposite side of park under brush and clearing so we can control Mosquitos in the spring and fall and have an open area.

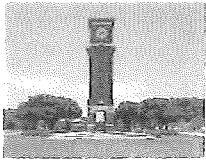
**Community Center:** maintain the centers exterior and also change all a/c filters and check all units.

## STANDARDS DEPARTMENT MONTHLY REPORT

From: Adrian Suttles, Superintendent of Standards  
 To: VWOA Board of Directors  
 Subject: Report for the month of February 2013  
 Presented to the Board of Directors on March 21, 2013

<u>TOPICS</u>	<u>ACTION AND OR NOTES</u>	<u>STATUS</u>
<b><u>STANDARDS</u></b>		
ARC Committee Membership:	The ARC is staffed with five (5) community residents who volunteer their time on a weekly basis.	Info
PIA's	Eighteen (18) were brought before the ARC. Fourteen (14) of these were approved, four (4) were not approved.	Info
Staffing/Personnel:	Staffed with five (5) part time Standards Monitors.	Info
Standards Violations Documented:	Six hundred nine (609) violations of our standards were noted in the month of February. January had four hundred eighty-one (481) violations documented.	Info
Personal Contact:	One hundred five (105) for the month of February. January had eighty-seven (87) contacts.	Info
Thank You Notices:	One hundred sixty-six (166) were handed out for February. January had two hundred twenty-five (225) handed out.	Info
Re-Sale Inspections:	Nine (9) were completed in February. January had eight (8).	Info
Yard/Garage Sales:	Twenty-five (25) were applied for in February. January had six (6).	Info
<b><u>UNFINISHED BUSINESS</u></b>		
Main Fences within Westcreek	Homeowner Derrick Foyle and Standards Monitor Eugene Goes finished their inspection of all the brick pillars within The Villages of Westcreek. Derrick Foyle submitted a report with his results.	Info
<b><u>PROJECT MANAGEMENT</u></b>		
Public Safety Report:	Please see report below for graffiti removed in February.	Info
	VWOA~Numerous locations throughout the entire neighborhood-on signs, utility boxes, mail boxes, drainage ditches, fences, retaining walls, etc.	2/4/13-2/8/13
	WC View~Utility boxes	2/13/13
	Talley~Utility boxes	2/13/13
	Potranco Rd~Fence	2/20/13
	WC Oaks near Castle Hill~Fence	2/21/13
	Potranco Rd~Drainage ditch	2/22/13
	Daisy Field~"Welcome to WC" sign	2/22/13
	Garden Lilly~"Welcome to WC" sign, Drainage ditch	2/22/13
	Please see report below for crime reported to us in February.	Info
		Wk of 2/3/13-2/9/13
	VWOA~Community Wide~Numerous lights at monuments tampered with and out again	2/9/13
		Wk of 2/3/13-2/9/13
	VWOA~Community Wide~Sprinkler heads at sports park and at monuments tampered with & damaged	
	Bluffs~Multiple Streets~Several vehicles within the Bluffs Village were broken into in the late evening/early morning. 19 yr old male suspect was apprehended, stolen items were retrieved.	2/12/2013
	Highpoint~Lights on wall for monument broken/damaged	2/12/2013
	Hills~Creek Crown~Arrow shot in frame of house window, window also broken	2/13/2013
	Quail Meadow/Forest~Dezarae~Pickup truck tailgates dumped at the end of street	2/28/2013





# Villages of Westcreek

## Owner's Association



Standards Department

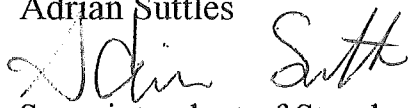
### Standards Department Recommendation for AR 12

February 21, 2013

Administrative Resolution 12, which was approved March 18, 2010, states that notices should be given out with 10 days' time frame for every item cited. This time frame was to be given out for 3 notices each, then a Pre TPC letter with the same time frame, followed by a TPC letter with a 30-day time frame. The board later discussed and decided on 2 notices and then a TPC letter. AR 12 was never rescinded at that time.

The following is the office recommendation regarding AR 12 and its rescission. The first page is our new proposed time frame to enact. The second page is the time frame devised after the board stated to go to 2 notices and then a TPC letter. The difference between the two is that we have combined some items, and we have refined the time frames. The new time frame list has been review by all standards monitors and the standards superintendent and they all deemed it adequate.

Adrian Suttles



Superintendent of Standards

## PROPOSED

<b>COURTESY NOTICE (CN) DISCREPANCIES &amp; TIME LIMITS</b>	
<b>Discrepancies</b>	<b>Time Limits Per CN</b>
Maintenance/Repair: House damage/painting, Roof repair, Major fence, etc.	30 days, 15 days--TPC
Ground cover required.	30 days, 15 days--TPC
Improvements/changes made without ARC approval - Attach a <b>blue</b> PIA to CN.	10 days, 5 days--TPC
New improvements/changes approved by the ARC and: ready for inspection; <u>not completed</u> within 90 days - Attach a <b>white</b> PIA to CN for an extension.	10 days, 5 days--TPC
Removal of metal storage sheds, gazebos, pergolas & children's swing sets.	10 days, 5 days--TPC
General Maintenance: Stain removal, fence, trimming trees/plants, inoperable vehicles, etc.	10 days, 5 days--TPC
Property Maintenance: General lawn care (Mow, edge, trim, leaves, weeds)	10 days, 5 days--TPC
Storage containers in driveways such as Pack-Rat, Pod are allowed for 5 days without ARC approval. (After 5 days - Attach a <b>white</b> PIA to the CN)	10 days, 5 days--TPC
Commercial vehicles exceeding 1 ton.	1 day, 1 day--TPC
RV's such as motor homes, buses, travel trailers, campers, jet ski, boats, boat trailers. (After 48 hours before, and after, each trip)	1 day, 1 day--TPC
Canopies for special events such as birthdays, anniversaries, etc. (After 3 allowed days)	1 day, 1 day--TPC
Outside decorations out more than 30 days before or more than 15 days after the holiday for which they were displayed.	1 day, 1 day--TPC
Remove/Store Items: Gardening items, children's bikes/toys, non approved furniture.	1 day, 1 day--TPC
Constant trash can, basketball pole violations.	1 day--3 w/in 30 days, TPC
Garage Sale without VWOA Permit--must apply.	Immediately--TPC
Estate Sale without VWOA Permit--must apply.	Immediately--TPC
<p>Extensions must be approved by the Standards Superintendent. For situations and time limits not shown above, request guidance from the Standards Superintendent before contacting the resident.</p> <p style="text-align: center;">Use good judgment and common sense also.</p>	

Revised: March 21, 2013

## PROPOSED

## CURRENT

<b>COURTESY NOTICE (CN) DISCREPANCIES &amp; TIME LIMITS</b>	
<b>Discrepancies</b>	<b>Time Limits Per CN</b>
Vinyl & metal storage units plus metal gazebos & children's swing sets not permitted.	30 days, 15 days/FN--TPC.
<u>Major</u> landscaping, painting, roof repair, siding, fencing, masonry, etc. (includes tools, materials & utility trailers).	30 days, 15 days/FN--TPC.
<u>Minor</u> landscaping, painting, roof repair, siding, fences, gates, etc. (includes tools, materials & utility trailers)	20 days, 10 days/FN--TPC.
Trimming trees/bushes that interfere with street traffic and/or use of sidewalks by pedestrians.	10 days, 5 days/FN--TPC.
New improvements/changes approved by the ARC and <u>not completed</u> within 90 days, attach a <b>white</b> PIA to CN for an extension.	10 days, 5 days/FN--TPC.
Improvements/changes made without ARC approval, but may be approvable, attach a <b>blue</b> PIA to CN.	10 days, 5 days/FN--TPC.
Vehicles on the resident's property with expired stickers, flat tires, on jacks or otherwise inoperable. (If in street with expired stickers, refer to Sheriff's Office)	10 days, 5 days/FN--TPC.
Boats & trailers stored in garages that restrict door closure.	10 days, 5 days/FN--TPC.
Oil, rust & other stains in driveways, walkways, sidewalks & streets.	10 days, 5 days/FN--TPC.
Storage containers in driveways such as Pack-Rat, Pod are allowed for 5 days without ARC approval. (After 5 days, attach a <b>white</b> PIA to the CN)	After 5 days: 10 days, 5 days/FN--TPC
Lawn mowing, edging, trimming as well as removal of trimmings, weeds, leaves, trash, etc. on the property or in the street.	10 days, 5 days/FN--TPC.
Outside decorations out more than 30 days before or more than 15 days after the <u>holiday</u> for which they were displayed.	10 days, 5 days/FN--TPC.
Outside special event decorations/signs used for newborns, birthdays, anniversaries, etc. (If not ARC approved, attach a blue PIA to the CN)	7 days, 3 days/FN--TPC.
Gardening items such as tools, soil, sod & utility trailers <u>not in use</u> .	4 days, 2 days/FN--TPC.
RV's such as motor homes, buses, travel trailers, campers, ski-jets, boats, boat trailers. (48 hours before and after each trip)	2 days, 1 day/FN--TPC.
Canopies for special events such as birthdays, anniversaries, etc.	4 days, 1 day/FN--TPC.
Children's toys & other items <u>not in use</u> including water hoses that is a distraction to the property's beauty. (Suggest hose reels if none)	3 days, 1 day/FN--TPC.
Front of residence: Folding metal, Plastic, collapsible canvas/fabric chairs as permanent fixtures. (May be used in the back yard)	3 days, 1 day/FN--TPC.
Commercial vehicles exceeding 1 ton.	3 days, 1 day/FN--TPC.
Constant trash can, basketball pole violations.	1 day-3 w/in 30 days/FN-TPC.
Garage Sale without VWOA Permit--must apply.	Immediately--TPC
Estate Sale without VWOA Permit--must apply.	1--TPC
Extensions must be approved by the Standards Superintendent. For situations and time limits not shown above, request guidance from the Standards Superintendent before contacting the resident. Use good judgement and common sense also.	
Revised: August 3, 2011	

## CURRENT

The following have been taken from: *VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS*

10.12 – Maintenance – The Owner and lessee of any lot shall have the duty of and responsibility for keeping the premises, Improvements and appurtenances and landscaping in a well maintained, safe, clean and attractive condition at all times. If, in the opinion of the Declarant or its assigns or successors, or the Association, any such owner or lessee is failing in this duty and responsibility, then the Declarant, its successors or assigns or the Association may give notice of such fact and such Owner or lessee shall within ten (10) days of such notice, undertake the care and maintenance required to restore said Owner's or lessee's Lot to a safe, clean and attractive condition. Should any such Owner or lessee fail to fulfill this duty and responsibility after such notice, the Declarant or its successors or assigns or the Association shall have the right and power to perform such care and maintenance, and the Owner or lessee shall be liable for the cost thereof. If such Owner or lessee shall fail to reimburse the entity performing the work after written demand upon such Owner for payment, the amount of such change shall constitute a lien upon the Lot and shall be enforceable and collectible in the manner set forth in Sections 5.08 and 5.09 of this Declaration.

15.05 - Notice Before Enforcement - Except where damage or injury to persons or property is imminent as a result of the performance, or a failure to perform, or the defective performance of any obligation imposed or restricted by this Declaration, or where animals are involved, no proceeding for the enforcement of the restrictions, covenants, conditions, rights and duties imposed, allowed or granted by this Declaration shall be commenced until thirty (30) days written notice of wrongful performance, defective performance or failure of performance is given to the person, association, or entity responsible for such performance, and such wrongful or defective performance or failure to perform has not been cured within such time.

The following was taken from: *TEXAS PROPERTY CODE-TITLE 11-RESTRICTIVE COVENANTS-CHAPTER 209-TEXAS RESIDENTIAL PROPERTY OWNERS PROTECTION ACT-[With changes from 82nd Legislature - 2011]*

Sec. 209.006. NOTICE REQUIRED BEFORE ENFORCEMENT ACTION. (a) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, or levy a fine for a violation of the restrictions or bylaws or rules of the association, the association or its agent must give written notice to the owner by certified mail, return receipt requested. (b) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner; and

(2) inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months; [and]

(B) may request a hearing under Section 209.007 on or before the 30th day after the date the owner receives the notice; and

(C) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if the owner is serving on active military duty.



**Villages of Westcreek**  
Owners' Association

Community Managers Report  
For February 2013  
Presented to the  
Villages of Westcreek  
Board of Directors  
March 21, 2013

*Physical Plant*

- Our Work Trailer was struck; driver was insured estimate for repair working.
- Centex- no change still awaiting surveys
- Clock Tower Landscape project volunteers needed 8:00am April 20.2013

*Personnel*

- We are currently Hiring Certified Life Guards for the 2013 Pool Season.
- We are currently Hiring Sports Park Monitors.

*Vandalism*

- Graffiti- moderate SINS was arrested.

*Other Items*

- We are accepting Candy donations for the annual Easter Egg Hunt.
- Election Ballots and agenda mailed to all Homeowners.

*Exclusive Usage Contracts*

- Pavilion parties 1
- Community center 4
- Pool Parties 0

*Closings*

- New 0 Resale 20

*Constant Contact Email Status Report*

- 1535 subscribers

As of 02/28/2013

Days	H/O's	Amount
Current	2609	\$203,502.00
1-30 days	552	\$36,790.97
31-60 days	42	\$2,916.84
61-90 days	4	\$278.32
Over 90 days	212	\$61,651.14
Total	810	\$101,637.27

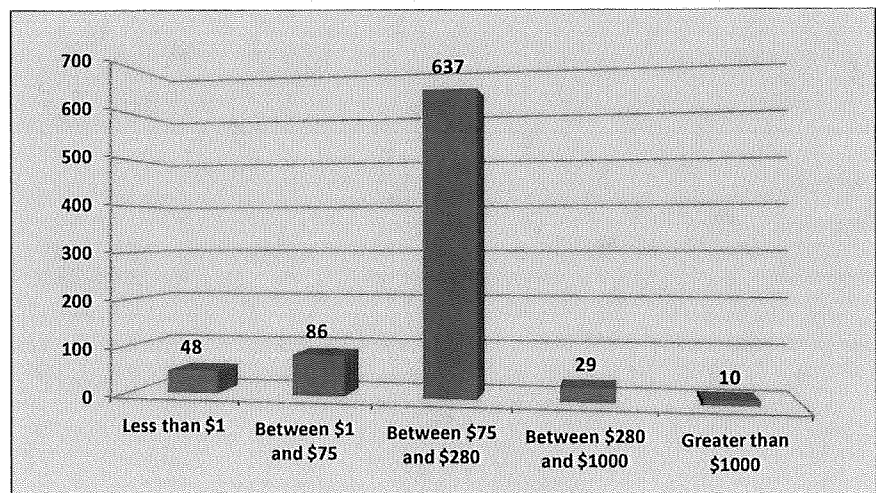
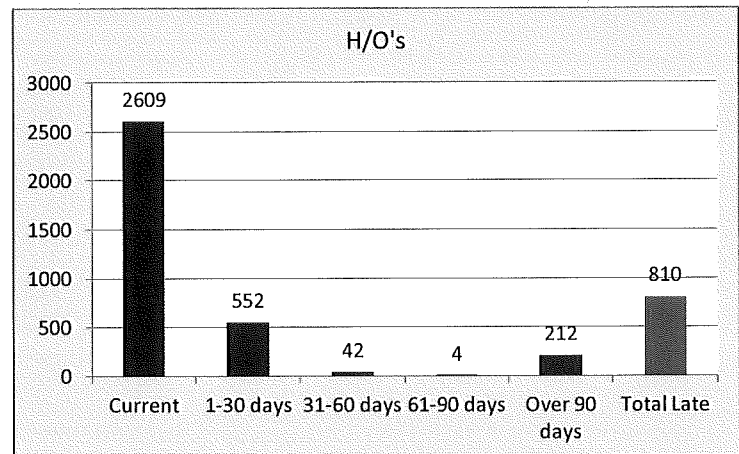
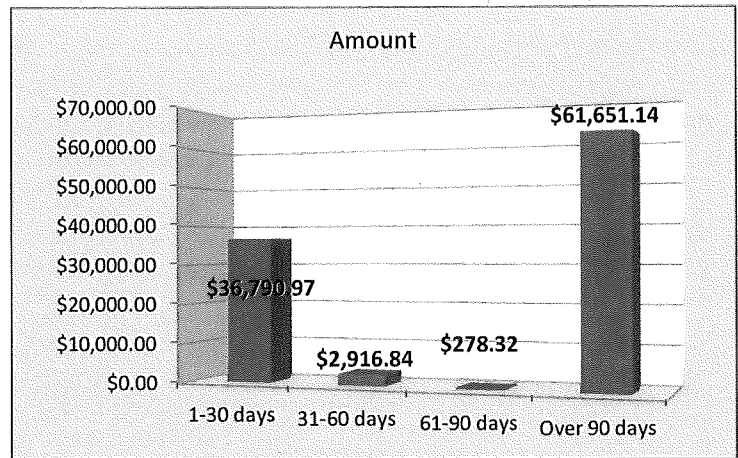
Current homeowner payments  
\$203,502.00

Days	H/O's
Current	2609
1-30 days	552
31-60 days	42
61-90 days	4
Over 90 days	212
Total Late	810

Delinquent total ytd  
101,637.27

Amount	H/O's
Less than \$1	48
Between \$1 and \$75	86
Between \$75 and \$280	637
Between \$280 and \$1000	29
Greater than \$1000	10

## 2013 Deliquent Assesments



# VILLAGES OF WESTCREEK

## ARCHITECTURAL REVIEW COMMITTEE

### REPORT FOR THE BOARD OF DIRECTORS – FEBRUARY 2013

**Meetings Held:** 02/05/13 - 02/12//13 - 02/19/13 - 02/26/13

**Applications Reviewed:** 18

**Applications Approved:** 14

**Applications Disapproved:** 4

Two disapprovals (same property) were for 3-lamp light poles in both front and rear yards. No information was given regarding the wattage of the bulbs which would be installed and our concern was 'light spill' onto an adjacent property.

One disapproval, submitted by the VWOA, was for a 4' X 8' sign to be placed adjacent to the Community Center (until October 2013) to advertise the forthcoming Farmers Market. A second application for a smaller sign (3' X 6') was subsequently submitted and approved.

The final disapproval was for shed colors which would not match, nor be compatible with, the colors used on the dwelling.



DERRICK J. FOYLE

Chair, Architectural Review Committee



## Villages of Westcreek Owners' Association (VWOA)

### SPORTS PARK RULES

The Sports Park is for the enjoyment of all residents and their guests. In the best interest of the residents and the Association, these rules may be amended by the Board of Directors, at any time. Suggestions, complaints, compliments or violations may be addressed to the Community Manager or the Board of Directors by calling 679-8761. Anyone witnessing any damage to our facilities are encouraged to identify those responsible and immediately notify the appropriate law enforcement officials.

In accordance with 1. Article III of the Declaration of Covenants, Conditions and Restrictions of the VWOA; and 2. Title 11, Chapters 209.006 and 209.007 of the Texas Property Code, the rules herein are established for the resident's use of the common areas within the Villages of Westcreek. If any resident or non-resident guest causes property damage or engages in disorderly conduct (including but not limited to public intoxication, drug abuse, indecent exposure, public acts of a sexual nature, civil disobedience, use of profanity, physical or verbal threats to others, or inappropriate sexual conversations with children) the responsible resident's use of all VWOA common areas may be suspended up to 30 days by the Board of Directors. If applicable, the homeowner may be charged for any property damage.

*The term 'residents' applies only to homeowners, renters and lessees. The term 'guests' applies only to non-residents.*

### GENERAL RULES

1. The Sports Park is open from 8 AM to 10 PM daily. A current VWOA photo ID card is required for entry and use of the facilities.
2. When family members enter the Park together, at least one member must possess a current ID card.
3. All residents, 12 and older, may sponsor up to 3 guests per ID card. For additional guests, a written request for a waiver must be submitted to the Community Manager for approval no less than 7 days before the required date.
4. Residents that sponsor children under age 12 and/or guests are fully responsible for their behavior and must remain with them until they all leave the park.
5. Alcoholic beverages are not permitted in the Children's Playground or on the Tennis and Basketball courts.
6. Vehicles are only allowed in the areas that are specifically designated for parking.
7. Pets are only allowed in the Park when on a leash and under the direct control of the owner. However, they are not allowed a. on the Tennis, Basketball and Volleyball Courts; b. in the Children's Playground; or c. in the pavilion.
8. All fields, courts & ground facilities except the pool and picnic pavilion, are on a first come basis. Reserving any portion of the Park including the pool and pavilion is only authorized for the periodic use of special activities that are sponsored by the VWOA or for the exclusive usage of the residents.
9. If using the Park's BBQ pits, do not leave the Park unless the fire is completely out.
10. Personal BBQ grills must be accompanied by a fire extinguisher and are only allowed in the designated picnic areas. Those using propane are not allowed in the pavilion.
11. Sports teams, clubs, leagues or groups, which operate outside the VWOA organization, are not allowed to practice or play games in the Sports Park without the Board of Director's approval.
12. Golfers may only test their driving skills directly behind the swimming pool, and only if using foam balls.
13. Shirts must be worn while in the Children's playground and the Basketball and Tennis Courts.
14. The Soccer Field may not be used when wet.
15. Residents wishing to play Volleyball must provide their own net.
16. Discharging of firearms is prohibited.

### TENNIS AND BASKETBALL COURT RULES

1. Not allowed on the courts are: a. alcoholic beverages; b. drinks in breakable containers; c. bare feet; d. sandals or non-athletic shoes; e. items such as skates, skateboards, bicycles, scooters or motorbikes; f. throwing racquets; g. leaning on tennis nets; or h. hanging on basketball hoop nets.
2. Tennis and basketball players must observe the rules of their sport. If others are awaiting the use of the court, the players must allow a. the court to be shared; and b. all age groups to participate. Players are allowed to finish their second set or current game before relinquishing the courts to others.



**Villages of Westcreek Owners Association**  
**Profit & Loss Budget Performance**  
January 1 through March 18, 2013

	<u>Jan 1 - Mar 18, 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
4150 · Miscellaneous Income	6,350.96	430.08	5,920.88
4170 · Program Fees	19,803.20	8,430.08	11,373.12
5000 · Revenue	274,224.83	274,827.80	-602.97
5100 · Newsletter Advertisement	1,990.00	215.09	1,774.91
5200 · Rumage/Yard Sales	930.00	860.25	69.75
5400 · Pavilion Rental	1,725.00	1,075.24	649.76
5500 · Sports Park Committee	0.00	107.50	-107.50
5600 · Fence Repair Reimbursement	0.00	0.00	0.00
5800 · Community Center	6,950.00	4,516.13	2,433.87
5900 · Concession Stand	0.00	129.03	-129.03
Total Income	<u>311,973.99</u>	<u>290,591.20</u>	<u>21,382.79</u>
Gross Profit	311,973.99	290,591.20	21,382.79
Expense			
8000 · Operating Expenses	83,025.05	94,290.53	-11,265.48
8200 · Administration	89,503.40	110,221.17	-20,717.77
8300 · Maintenance	4,775.98	10,666.72	-5,890.74
8400 · Recreation Department	30,633.72	49,887.44	-19,253.72
8500 · Misc. & Contingency	438.97	2,365.57	-1,926.60
8980 · Depreciation Expense	5,000.00	6,451.61	-1,451.61
9500 · Reserved Funds	16,095.94	31,161.29	-15,065.35
Total Expense	<u>229,473.06</u>	<u>305,044.33</u>	<u>-75,571.27</u>
Net Ordinary Income	<u>82,500.93</u>	<u>-14,453.13</u>	<u>96,954.06</u>
Net Income	<u>82,500.93</u>	<u>-14,453.13</u>	<u>96,954.06</u>

Villages of Westcreek Owners Association  
Profit & Loss Budget Performance  
January 1 through March 18, 2013

	Jan 1 - Mar 18, 13	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
4150 · Miscellaneous Income	6,349.96	430.08	5,919.88
4170 · Program Fees	19,765.20	8,430.08	11,335.12
5000 · Revenue	253,078.21	274,827.80	-21,749.59
5100 · Newsletter Advertisement	1,990.00	215.09	1,774.91
5200 · Rumage/Yard Sales	930.00	860.25	69.75
5400 · Pavilion Rental	1,705.50	1,075.24	630.26
5500 · Sports Park Committee	0.00	107.50	-107.50
5600 · Fence Repair Reimbursement	0.00	0.00	0.00
5800 · Community Center	6,950.00	4,516.13	2,433.87
5900 · Concession Stand	0.00	129.03	-129.03
Total Income	290,768.87	290,591.20	177.67
Gross Profit	290,768.87	290,591.20	177.67
Expense			
8000 · Operating Expenses	82,690.94	94,290.53	-11,599.59
8200 · Administration	89,576.04	110,221.17	-20,645.13
8300 · Maintenance	4,775.98	10,666.72	-5,890.74
8400 · Recreation Department	30,633.72	49,887.44	-19,253.72
8500 · Misc. & Contingency	433.85	2,365.57	-1,931.72
8980 · Depreciation Expense	5,000.00	6,451.61	-1,451.61
9500 · Reserved Funds	16,095.94	31,161.29	-15,065.35
Total Expense	229,206.47	305,044.33	-75,837.86
Net Ordinary Income	61,562.40	-14,453.13	76,015.53
Net Income	61,562.40	-14,453.13	76,015.53

12:02 PM  
03/18/13  
Cash Basis

# Villages of Westcreek Owners Association

## Balance Sheet

As of March 18, 2013

	<u>Mar 18, 13</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1010 · Operating Accounts	325,818.32
1011 · Reserve Accounts	324,438.20
Total Checking/Savings	650,256.52
Accounts Receivable	
1020 · Accounts Receivable	-237,984.60
Total Accounts Receivable	-237,984.60
Other Current Assets	
1021 · Interest Receivabl	34.19
1030 · Other Current Assets	18,186.94
1040 · Undeposited Funds	1,586.56
1045 · Due from Operating Fund	32,505.67
1071 · Allowance For Doubtful Accts	-8,500.00
Total Other Current Assets	43,813.36
Total Current Assets	456,085.28
Fixed Assets	
1050 · Fixed Assets	45,642.42
1056 · Community Center^	2021505.24
1057 · Community Center Furniture	19,489.77
1058 · Software	4,673.91
1059 · Vehicle	22,996.00
Total Fixed Assets	2114307.34
Other Assets	
1037 · Chase CD	2,589.29
Total Other Assets	2,589.29
<b>TOTAL ASSETS</b>	<b><u>2572981.91</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
2010 · Accounts Payable	-97.05
Total Accounts Payable	-97.05
Credit Cards	
2040 · Credit Card	1,066.79
Total Credit Cards	1,066.79
Other Current Liabilities	
2020 · Other Current Liabilities	17,045.06
2030 · Due to Employees/Uncashed Pa...	124.81
2100 · Payroll Liabilities	3,328.33
Total Other Current Liabilities	20,498.20
Total Current Liabilities	21,467.94
Long Term Liabilities	
2022 · Due to Reserve Fund	32,505.67
2200 · Long Term Notes Payable	1268916.02
Total Long Term Liabilities	1301421.69
Total Liabilities	1322889.63
Equity	
2031 · Retained Earnings	214,435.79
3000 · Fund Balance	974,015.16
Net Income	61,641.33
Total Equity	1250092.28
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>2572981.91</u></b>

11826 Whcathill  
San Antonio  
TX 78253

210-679-7170 (Home)  
210-414-8328 (Cell)

*ADRIAN*

Community Manager, VWOA  
(Attn: Ms. Brenda Tate)  
12395 Military Drive West  
San Antonio, TX 78253

27 February 2013

Dear Ms. Tate,

SURVEY OF BRICK FENCE COLUMNS

There are 861 brick fence columns both in and around the Villages of Westcreek. I undertook to survey the columns to determine their condition and alignment.

The majority of the columns (88%) are in very good condition, aligned correctly and require no maintenance. The most commonly-observed defects (6.5%) were columns leaning to a greater or lesser extent. The next most notable defects were misaligned concrete top caps (4.4%) and several caps were actually missing (See 'Notes' for other problems relating to the tops of some columns).

Of further note, leaning fences make some columns look as though they are also leaning, when they are actually perfectly vertical.

I greatly appreciated the assignment of Mr. Gene Goes to assist me during this task; he proved to be of great help during this task.

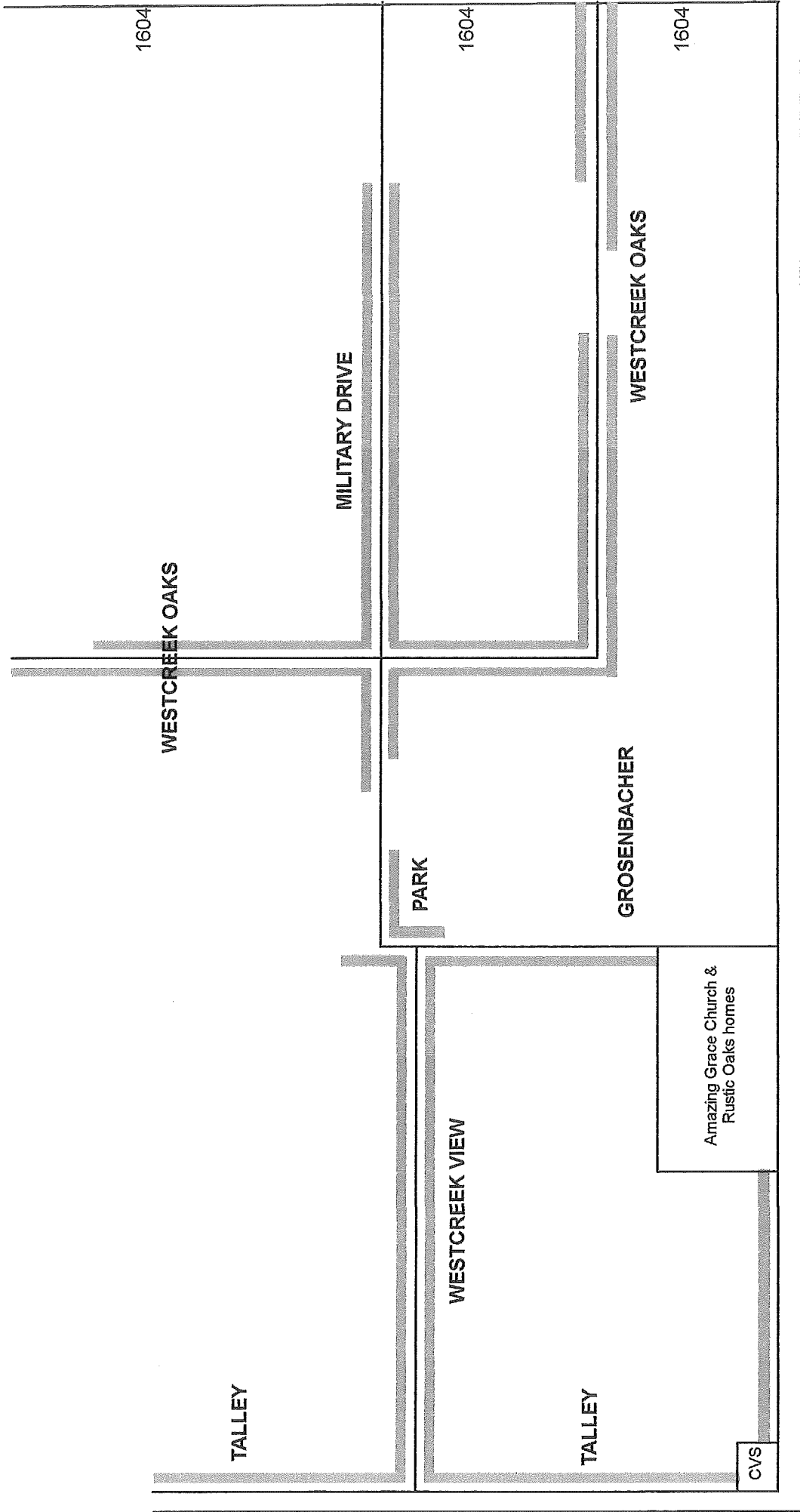
*Derrick J. Foyle.*

DERRICK J. FOYLE

Attachments:

1. Major Streets With Brick Columns.
2. Codes Used.
3. Notes.
4. Detailed Column Survey Results (4 pages).

**FENCE COLUMN SURVEY - 2013**  
(Not to scale)



POTRANCO

POTRANCO

**CODES USED**



NO DEFECTS

SIDE STREET INTERSECTIONS

PROBLEM COLUMN

**CC** CRACKED CAP (UPPER OR LOWER)

**CL** CRACKED LIGHT LENS

**DB** DAMAGED BRICK

**LB** LEANING BADLY

**LS** LEANING SLIGHTLY

**TC** TOP CAP DISPLACED OR LOOSE

**\*** (SEE 'NOTES')

\*NOTES\*

Grosenbacher 42 - Damaged bottom layer of supporting bricks and top part of column loose and misaligned.

Military Drive South 43 - Column twisted/rotated at both top and bottom.

Military Drive South 100 - Top cap missing.

Military Drive South 103 - Whole top rotated

Military Drive North 3 - Top cap missing.

Military Drive North 103 - Whole top is loose.

Westcreek Oaks East 5 - Leaning slightly and top cap displaced.

Westcreek Oaks East 89 - Whole top rotated.

Westcreek Oaks East 92 - Top has a lot of chipped places.

Westcreek Oaks West 39 - Both caps damaged. Looks like homeowner rebuild of top 3' of column.

Westcreek Oaks West 95 - Whole top rotated.

Westcreek Oaks West 108 - Whole top rotated.

Westcreek Oaks West 111 - Whole top displaced.

Westcreek Oaks West 135 - Whole top displaced.

**WESTCREEK OAKS EAST (Starting from Dezerae & heading towards Loop 1604)**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42			
LS	LB			*					LS	LS				LS			LS		LS		LS					TC		LS																
43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84			
									TC		LS									LS		TC							LS															
85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126			
				*			*									TC	LB	TC		TC										TC														
127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146																									
								LS																																				

**WESTCREEK OAKS WEST (Starting from The Estates & heading towards Loop 1604)**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	
LS			LS		LS				CC					LS		LS																			LS	LS	*	LS		TC		
43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	
	TC										LS														LS		TC	TC				DB	TC									
85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	
TC				LB						*													*																			
127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	
								*																																		









**Villages of Westcreek Owners' Association, Inc.**  
**Administrative Resolution No. 17**

**Fence Maintenance on Major Roads**

WHEREAS, Article VII, Section 7.13 of the BY-LAWS directs the BOARD to exercise for the Villages of Westcreek Owners' Association, Inc., (ASSOCIATION) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BY-LAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and

WHEREAS, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the creation of a Homeowners' Association the preservation of values and amenities of the lots in the subdivision; and

WHEREAS, Article V, Paragraph 5.02d., of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the collection of assessments the maintenance of privacy fences abutting a Major Street, specifically along Military Drive West and Westcreek Oaks Drive; and

WHEREAS, the extent of maintenance is not otherwise defined; and

WHEREAS, Article X, Paragraph 10.12., of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS requires, "The Owner and lessee of any lot shall have the duty of and responsibility for keeping the premises, Improvements and appurtenances and landscaping in a well maintained, safe, clean and attractive condition at all times. If, in the opinion of the Declarant or its assigns or successors, or the Association, any such owner or lessee is failing in this duty and responsibility, then the Declarant, its successors or assigns or the Association may give notice of such fact and such Owner or lessee shall within ten (10) days of such notice, undertake the care and maintenance required to restore said Owner's or lessee's Lot to a safe, clean and attractive condition"; and

WHEREAS, none of the subject fence line is currently held or owned by the ASSOCIATION and none of the fence line abuts property owned by the Association; and

WHEREAS, there is a need to establish orderly procedures for the determination of which sections of fence are in need of maintenance; and

WHEREAS, there is a need to establish orderly procedures for the assignment of a contract to attend to said maintenance; and

WHEREAS, the cooperation of several independent owner-members and/or tenant-occupants can be required to maintain certain sections of fence; and

WHEREAS, it is the intent of the BOARD to meet its obligations according to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS; and

WHEREAS, it is the intent of the BOARD to maintain as uniform an appearance as possible along the aforementioned boulevards; and

WHEREAS, it is the intent of the BOARD to discourage the neglect of said fencing by owner-members or tenant-occupants who might otherwise consider the fencing the sole responsibility of the ASSOCIATION; and

WHEREAS, it is the intent of the BOARD to secure the cooperation of the owner-members and/or tenant-occupants upon whose property the ASSOCIATION must encroach to meet these obligations;

NOW THEREFORE, BE IT RESOLVED THAT the procedures for the identification of these defined fences needing maintenance, notification and arrangement with individual owner-members and/or tenant-occupants

to contract with the ASSOCIATION for said maintenance, and the completion of work to maintain fences by an ASSOCIATION hired contractor shall be as follows:

1. Fences shall be deemed in need of this extensive maintenance contract when their appearance shall have passed the point where they no longer present a safe, clean and attractive condition and/or its individual parts are no longer serviceable due to age and/or weather damage.
  2. The Covenants Committee shall be responsible for reviewing the fence line and recommending to the Board of Directors which sections of fence are in need of maintenance. This review shall come in the form of a semi-annual report in January and July, for the purposes of budget preparation.
  3. Review of the fence shall include the discussion and participation of owner-members and/or tenant-occupants through normal Covenants Committee procedures.
  4. The Covenants Committee shall be responsible for determining if maintenance is required due to occupant abuse and require the occupant to effect maintenance in accordance with current procedures.
  5. Upon the recommendation of the Covenants Committee, the Board of Directors shall pass by Special Resolution, a commitment to contact and contract with the affected owner-members and tenant-occupants, as applicable, for the work required.
  6. The Board of Directors may delegate the authority to locate a licensed fencing contractor who shall be fully insured, qualified and reputable, and meet whatever other requirements as the Board may direct.
  7. Fencing contracts will be competitively bid for each section recommended by the Covenants Committee. Each contract will be awarded within 90 days of bid, due to the changing prices of lumber. Work will begin within 90 days of award. Award of contract(s) will be in accordance with standard Association procedures.
  8. Only Architectural Review Committee approved materials will be used.
  9. The total cost of said maintenance shall be shared between the individual owners and the ASSOCIATION on a linear foot basis at a rate of half (50%) of the cost paid by the owner and half (50%) paid by the ASSOCIATION.
  10. Owner-members declining to participate in the cost share maintenance program will be responsible within 30 days of the completion of work on adjoining fences to effect like maintenance on sections identified by the Covenants Committee. Equivalent maintenance shall be performed at their own cost, unsubsidized by the ASSOCIATION, and as directed by the Covenants Committee, in order to maintain a uniform appearance along the fence line.
  11. Owner-members agreeing to participate shall be given payment plan options including paying their full share on completion of the work, paying over a six (6) month schedule which may include some small service charge for financial overhead, or other payment plans as approved by the Board of Directors
- Approved by vote of the BOARD, March 9, 2000, and recorded in the Book of Minutes.

ATTEST:

---

Margaret Alder, Secretary

**Villages of Westcreek Owners' Association, Inc.**  
**Administrative Resolution No. 31**

**Rescission of AR 17, Fence Maintenance on Major Roads**

WHEREAS, Article VII, Section 7.13 of the BYLAWS directs the BOARD to exercise for the Villages of Westcreek Owners' Association, Inc., (ASSOCIATION) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BYLAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and,

WHEREAS, it is the intent of the BOARD to maintain as uniform an appearance as possible along aforementioned boulevards; and

WHEREAS, ADMINISTRATIVE RESOLUTION No 17 has discouraged owner-members and/or tenant-occupants to put their money and time into routine fence maintenance and encourages them to put off replacement of said fence sections that are past their expected replacement dates until the next "fence project"; and

WHEREAS, it is the intention of the BOARD to discourage the neglect of said fencing by owner-members and/or tenant-occupants who might otherwise consider the fencing the sole responsibility of the ASSOCIATION; and,

WHEREAS, it is the intent of the BOARD; to secure the cooperation of the owner-members and/or tenant-occupants upon who's property the ASSOCIATION must encroach upon to meet these obligations; and,

WHEREAS, the BOARD has determined that the functions of the Fence Maintenance on Major Roads, as established by ADMINISTRATIVE RESOLUTION (AR) 17, would best serve the community when replaced with ADMINISTRATIVE RESOLUTION (AR) 30;

NOW, THEREFORE BE IT RESOLVED THAT AR 17, Fence Maintenance on Major Roads, is rescinded.

Approved by vote of the BOARD, May 21, 2009, and recorded in the Book of Minutes.

\_\_\_\_\_  
Harold (Rick) Severs, President

\_\_\_\_\_  
Liliane Castillo, Secretary

**Villages of Westcreek Owner's Association, Inc.**  
**Administrative Resolution No. 32**  
**Fence Maintenance on Major Roads**

WHEREAS, Article VII, Section 7.13 of the BY-LAWS directs the BOARD to exercise for the Villages of Westcreek Owner's Association, Inc. (VWOA) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BY-LAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESRCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (PROJECT DOCUMENTS); and

WHEREAS, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose the creation of a Homeowner's Association the preservation of values and amenities of the lots in the subdivision; and

WHEREAS Article V Para 5.02 of the DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the collection of assessments the maintenance of privacy fences abutting a Major Street, specifically along Military Drive West, Westcreek Oaks Drive, Westcreek View, Grosenbacher Road, Potranco Road and Talley Road; and

WHEREAS, the extent of maintenance is not otherwise defined; and

WHEREAS, Webster's Dictionary defines maintenance as "the upkeep of property or equipment", and

WHEREAS, Article X, Paragraph 10.12, of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS requires, "the owner and lessee of any lot shall have the duty of and responsibility for keeping the premises, improvements and appurtenances and landscaping in a well maintained, safe, clean and attractive condition at all times. If, in the opinion of the Declarant or its assigns or successors, or the Association, any such owner or lessee is failing in the duty and responsibility, then the Declarant, its successors, or assigns or the Association may give notice of such fact and such Owner or lessee shall have within ten (10) days of such notice, undertake the care and maintenance required to restore said Owner's or lessee's Lot to a safe, clean and attractive condition"; and

WHEREAS, none of the subject fence line is currently held or owned by the ASSOCIATION and none of the fence abuts property owned by the Association; and

WHEREAS, there is a need to establish a orderly procedures for the determination of which sections of the fence are in need of maintenance; and

WHEREAS, there is a need to establish orderly procedures for the assignment of a contract to attend to said maintenance; and

WHEREAS the cooperation of several independent owner-members and/or tenant – occupants can be required to maintain certain sections of fence; and

WHEREAS, it is the intent of the BOARD to meet its obligation according to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS; and

WHEREAS, it is the intent of the BOARD to maintain as uniform an appearance as possible along aforementioned boulevards; and

WHEREAS, ADMINISTRATIVE RESOLUTION No 17 has discouraged owner-members and/or tenant-occupants to put their money and time into routine fence maintenance and encourages them to put off replacement of said fence sections that are past their expected replacement dates until the next “fence project”; and

WHEREAS, it is the intent of the BOARD to discourage the neglect of said fencing by owner-members or tenant-occupants who might otherwise consider the fencing the sole responsibility of the ASSOCIATION; and

WHEREAS, it is the intent of the BOARD to secure the cooperation of the owner-members and/or tenant-occupants upon whose property the ASSOCIATION must encroach upon to meet these obligations;

NOW THEREFORE, BE IT RESOLVED THAT the procedures for the identification of these defined fences needing maintenance, notification and arrangement with individual owner-members and/or tenant-occupants to contract with the ASSOCIATION for said maintenance, and the completion of work to maintain fences by an ASSOCIATION hired contractor shall be as follows:

1. Fences shall be deemed in need of this extensive maintenance contract when their appearance shall have passed the point where they no longer present a safe, clean and attractive condition and/or its individual parts are no longer serviceable due to age, neglect and/or weather damage.
2. The VWOA Maintenance Department shall be responsible for reviewing the fence line and recommending to the BOD, which selections of fence are in need of maintenance. This review shall be accomplished and reported to the BOD during the March BOD meeting.
3. The inspection crew shall mark the fences that are deemed to be unsafe, unclean or unattractive and a letter sent to the owner-member with specific details of the required replacement and or repair of said fence.
4. In general, fences will be in two groups. One group will require full replacement. The other group will require specific replacement of selected segments, to include slats, runners, posts, or any combinations thereof.
5. Within said letter, there shall be a published due date, set by the BOD, where all repairs and replacements shall be required to be accomplished by the homeowner.
6. Within 2 weeks from said due date above; the VWOA will commence staining of said repaired/replaced fencing. If the fence repair/replacement is not



accomplished for the VWOA to stain the homeowner shall be responsible for the staining in addition to the aforementioned repair/replacement.

7. Only Architectural Review Committee approved materials shall be used.
8. The costs of said replacement and/or repair shall be heretofore the sole responsibility of the owner-members. The cost of maintaining the stain, and graffiti removal, of the external side (facing the street) of the fencing deemed "safe, clean and attractive" shall be heretofore the sole responsibility of the Villages of Westcreek Owner's Association.
9. The VWOA maintenance staff or designee shall accomplish a yearly review of the fencing along the Major Streets. A report of the review will be submitted to the BOD no later than March on a yearly basis.
10. Approved by vote of the BOARD, 05/21/2009 and recorded in the Book of Minutes.

//Original signed//

By: \_\_\_\_\_  
Harold (Rick) Severs, President

ATTEST:

\_\_\_\_\_  
Liliane Castillo, Secretary