

Kelly McFadden's Letter to Compliance Committee

I want to thank all members of the committee. Compliance has been controversial in the past and I realize that by reaching out to the community, hopefully, consensus can be reached.

That said, my personal approach to compliance is fairly simple and is as follows.

- 1) If it is specifically addressed in our governing documents or in city code, then it is fair game. High weeds, clogged curbs, trash, clotheslines, unsafe decking and docks, etc. All of these (and several other items) are specifically mentioned in our covenants or are part of city code and it is appropriate for the PIPOA to enforce them. With the application of fines if necessary.
- 2) If it is an interpretation of "unsightly articles" then it needs to be immediately removed from the fine schedule. Period. Items that are currently defined in the fine schedule as "unsightly" include bikes, sports equipment, brown palm fronds, and many other items not specifically listed in our covenants.
- 3) If the community can reach a consensus about specific items being defined as "unsightly", then it should be brought to the community as a vote to the covenants. Once in the covenants, it can then be added to the fine schedule.

That's it. I personally don't think it has to be more difficult than that.

Kelly McFadden

Timeline of PIPOA Compliance

Compliance issues have been a concern of the PIPOA for many, many years. However, based upon PIPOA public records, the following timeline outlines the most recent attempt.

Please know that the PIPOA was not publicly announcing meeting agendas or posting meeting minutes on the website as was then required by Texas state law. Unless you showed up for a Board Meeting, a Member had no way of knowing that these discussions were underway. All meeting minutes became available on the website sometime around January of 2017.

August 25, 2015 Board Meeting minutes. This is the first mention of developing new “guidelines”.

STANDING COMMITTEES: The ACC met earlier in the day, but did not have any issues. Maybeth told the Board she had discussed the parking and yard issue problem and if the Board agreed, they would look at developing guidelines.

<http://padreislespoa.net/wp-content/uploads/2014/12/Minutes-8-25-15.pdf>

September 22, 2015 Board Meeting minutes. The new “guidelines” have been developed and presented to the Board. There had been no community notice or outreach prior to this development.

STANDING COMMITTEES: The ACC met earlier in the day. Chair Linda Sharlow started to present the recommendations for new yard and parking guidelines. There were interruptions from the audience and President Moore stated the Board needed time to review the recommendations and develop an action plan. No action was taken on the ACC proposal.

<http://padreislespoa.net/wp-content/uploads/2014/12/Minutes-9-22-15.pdf>

October 26, 2015 Board Meeting minutes. The guidelines are apparently complete and the ACC is drafting a letter to mail to the property owners.

STANDING COMMITTEES: Linda Sharlow, Chair of the ACC, described the committee and duties. The committee is charged with the safety, harmony and appearance of the properties in order to maintain property values as well as reviewing new construction plans. She said the committee had drafted a letter which will include the parking and maintenance guidelines which will be mailed to all homes. This is the education first step on enforcing the guidelines.

<http://padreislespoa.net/wp-content/uploads/2014/12/Minutes-10-26-15.pdf>

January 2016 A letter is mailed to all property owners containing the newly developed guidelines. There is no record of any Board vote that approved the new guidelines.

<http://padreislespoa.net/wp-content/uploads/2016/02/2016-Island-Standards-letter.pdf>

February 23, 2016 in the Board Meeting minutes is the first reference to the hiring of additional staff for enforcement of the new guidelines. During public comment, several Members present spoke both in favor of and in opposition to the guidelines.

Compliance and inspection position – There was some discussion on what qualifications the person should have. The person needs to have an outgoing personality, able to provide written reports to the Board, be able to document the violations and do the inspections. Nancy moved to directed Maybeth to prepare a job description and email it to the Board members, Darrell seconded the motion and it passed unanimously.

<http://padreislespoa.net/wp-content/uploads/2014/12/Minutes-2-23-16.pdf>

April 26, 2016 the Board votes to approve the hiring of 2 new positions.

Meeting was reconvened at 8:20 PM after Executive Session. Stan moved to authorize hiring of 2 people for the maintenance standards position and to adjust the budget accordingly, Cheri seconded the motion and it passed unanimously.

<http://padreislespoa.net/wp-content/uploads/2014/12/Minutes-4-26-16.pdf>

Throughout the rest of 2016, violation letters were mailed to property owners. These letters have been referred to on social media as the “Blue Letters of Death” as they were printed on blue paper. Many Members in the community begin to voice their displeasure about heavy-handed tactics as well as the legality of some of the “guidelines”. Specifically (but not limited to) the requirement to trim palm trees and the prohibition of sports equipment in your driveway. Comments were made during Board Meetings throughout the rest of 2016 as well as on social media. You can read 2016 Board Meeting comments here <http://padreislespoa.net/2016-2/>

Please note that there still has been no community outreach or solicitation of community input.

In late 2016 there is the first mention of fines as well as the development of a Compliance Advisory Committee.

October 26, 2016 Board Meeting minutes

PRESENTATION FROM STAFF REGARDING PIPOA PROPERTY MAINTENANCE AND COMPLIANCE PROGRAM – Dan Hawkins handed out the reports on the inspection work to date. The two inspectors have looked at approximately 3600 homes. They have opened 1276 work orders with a combined total of 2664 violations. He encouraged the Board to approve the fine schedule since there were about 80 properties which could start being assessed a fine.

Regarding the Compliance Advisory Committee. Maybeth said she wrote about it in the current newsletter and had some inquiries and volunteers. It was felt the committee should be made up of 7 members. The Board would interview potential applicants. The committee could include residents with both positive and negative attitudes about compliance standards. Maybeth needs to write about both committees in the MOON and include the information in an eblast. The hope is that we will have something done by December 1.

<http://padreislespoa.net/wp-content/uploads/2014/12/Minutes-10-26-16.pdf>

In November of 2016, the Board voted to approve the fine schedule that is in use today. However, the procedure they used was flawed. The vote was not given notice in the published agenda and the vote was taken after the meeting was adjourned. Both of these flaws make this vote invalid based upon Texas State Code 209.0051.

November 22, 2016 Board Meeting minutes

Cheri moved to adjourn the meeting at 7:20 PM, Nancy seconded the motion and the meeting was adjourned. The Board then went into Executive Session. The Board reconvened at 8:15 PM to consider approval of the Compliance Rules and Procedures for Enforcement of Protective Covenants. Cheri moved to accept the rules and procedures which includes the fine schedule. Nancy seconded the motion and it passed unanimously.

<http://padreislespoa.net/wp-content/uploads/2017/02/MeetingMinutesNOV2016.pdf>

Texas Code 209.0051 relevant section. This is the item that PIPOA Member Jim McFadden referenced in his comments at the Town Hall about the current Fine Schedule not being legally valid.

The board may not, unless done in an open meeting for which prior notice was given to owners under Subsection (e), consider or vote on:

(1) fines;

<https://statutes.capitol.texas.gov/SOTWDOcs/PR/htm/PR.209.htm>

The Board was notified in writing about this violation of 209.0051 in the spring of 2017 and the Board choose to ignore the issue.

In March of 2017, the Compliance Committee was announced.

March 28, 2017 Board Meeting minutes

B. Committee appointments: Leslie moved to appoint Sara Puckett, Michael Linnane, Henry Quigley, Mary Alice Eskridge, Scott Schmidt, Meagan Furey, Tom Cable, Tarek Saleh and Marsha Brancel to the Compliance Advisory Committee, Nancy seconded the motion and it passed unanimously.

The committee met in secret throughout the rest of 2017. The meetings were not announced to the public. No Members were allowed to attend the meetings even though requests were made. The meetings were held at a Board Members home in order to keep the PIPOA property owners away.

Based on subsequent Board meeting minutes, the only actionable item that came out of the committee was a recommendation to soften the tone of the first letter mailed in regards to a violation.

September 26, 2017 Board Meeting minutes

Leslie reported on the work of the Compliance Advisory Committee. She reported the compliance@pipoa.net email on our website is not working and it needs to be fixed! She said the committee reworked the three notification letters and asked for Board approval of the new letters. Carter move to accept the new letter language, Nancy seconded the motion and it passed unanimously.

The last officially referenced time the previous Compliance Committee met was sometime in November of 2017. In their last report to the Board, they mentioned that they were “*planning to host Town Hall meetings to educate members on compliance issues*”. No Town Halls ever took place and there is no mention in any subsequent Board Meeting minutes of any further Compliance Committee meetings.

<http://padreislespoa.net/wp-content/uploads/2017/12/Approved-11-28-17-Minutes.pdf>

I hope this timeline helps. If you have any additional questions, please feel free to contact me.

Kelly McFadden