



A Message from Your President
Fall 2018

Greetings, Property Owners: -

In hopes you have enjoyed your summer “fun in the sun” and have remained Safe throughout the season. All summers in Texas are fraught with unrelenting heat – which becomes “tiresome” at best. However, it gives rise to a pleasant anticipation of cooler weather to come! I am “more than ready” for cooler days and crisp evenings in the Hill Country!

I spend a good deal of time these days preparing thoughts around what has been accomplished this year as well as what your Board would like to accomplish for 2019. This offers me an opportunity to explain my key objective as I was elected to serve as your President.

Updating / Enhancing our “dated” Deed Restrictions to better reflect a growing community’s standards and desire to protect property values – this was my chief objective for 2018. I found this subject matter to be “larger than life”. Before one embarks on this journey, they need to secure a clear understanding of how our POA is *legally* defined; i.e. Mandatory or Non-Mandatory (Voluntary) Membership. This determination defines many of the powers of the Association, including requirements for amending or revising existing restrictive covenants. Your Board approved seeking a legal opinion. The response can be summarized as “It’s complicated.”

Summarized: The “opinion” of the Association’s current legal counsel is that membership in the Association is ¹Non-Mandatory (Voluntary) based upon the following observations-

1. There is No Reference to the Association (or any POA) in the Restrictions (1968)
2. The Articles of Incorporation (1980) Expressly Require That Lot Owners Make an “Election” Concerning Association Membership (*No vehicle for making the membership “election” exists*); and
3. The Amended Bylaws (2009) Do Not Mandate Membership in the Association.
4. **CAVEAT:** There is a Possibility that a Court Could Determine that Association Membership is Mandatory Based Upon language in the Restrictions imposing Mandatory Assessments on All Lot Owners.

It should be noted that prior attorneys for the Association have reached the same conclusion, albeit with a different analysis.

¹ However, there does exist a line of Texas court cases that have reached the opposite conclusion



A Message from Your President
Fall 2018

Governing documents order of precedence 1) Deed Restrictions (*which run with the land*) 2) Articles of Incorporation, 3) Bylaws (*Bylaws may not be used to impose covenants running with the land for any lot – especially when the Bylaws are adopted AFTER lots within the subdivision have been sold*). The CLVWPOA has inherited governing documents (created over time) which lack consistency and conflict in areas. A conundrum. Your POA is risk averse and does not have an appetite nor financial wherewithal for litigation where this matter is concerned.

Accordingly, the POA's Board of Directors is taking the position that we are a Non-Mandatory (Voluntary) POA, and that any amendments to the restrictive covenants require approval by 100% of the owners of restricted lots. The frustration(s) relate to giving 100% of the Property Owners the invitation to vote by ballot or in person and receiving less than a 50% response. Quorum rules do not apply in this situation. If you desire to amend the covenants, all lot owners must vote in favor of the amendments. The only way to address non-attention by lot owners is to pound the pavement and the phones. Please take note voting ballots will be included in your Annual Meeting invitation and will include at a minimum: -

- 2019 Operating and Projects Budget for Approval
- 2019 Voluntary Special Assessment Request (Value to be determined over the next two months)
- Architectural Control Permit Fee \$100. - New Home Construction dwelling with or without attached garage
- Desire to Amend Restrictive Covenants (Deed Restrictions)

Your Board of Directors have been busy planning the 2019 Operating Budget coupled with preparing budgets for "projects" desired to be accomplished next year as well. This Budget will be enclosed with your Annual Meeting Notice with the Agenda and Voting Ballot, and Proxy. (for return by month/date/year). Instructions will accompany. Please note a member may vote at membership meetings by either: (i) attending the meeting and casting his or her vote in person, or mail in ballot.

It is imperative the Board receives your current mailing address, email address, residence and cell phone numbers. Please visit our website <http://www.village-west.org/> and use the Property Owner Contact Update button.

2017 / 2018 Special Assessment

You will recall this two-year Special Assessment as \$76.00 per year (\$156.00 Total). The additional funds were required for a 2016 litigation expense and deferred maintenance of our Village West amenities such as the Clubhouse, Pool, Tennis Courts and Signage. The total scope of maintenance could not be accomplished due to the unexpected 600% increase in D&O



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Fall 2018

insurance premium – as a direct result of the 2016 litigation. A good portion of these funds were redirected accordingly. I have discussed our (ongoing) fragile financial condition in the past (my July 2018 Note as well as Board meetings). Nevertheless, based upon the recent Voluntary POA Member characterization, the Board will classify payment of the 2017/2018 two-year Special Assessment (as well as any future Special Assessments) as “Voluntary”.

If you paid the 2017/2018 two-year Special Assessment and desire a refund, please notify our POA Treasurer in writing within the next sixty (60) days as follows:

Mrs. Ronnie Harper-Schwakhofer
c/o Canyon Lake Village West POA
P O Box 1616
Canyon Lake, Texas 78133

The rise and fall of a Community hinges on citizens’ common values, goals and objectives coupled with adequate funding and diligent management. We collectively have the ability to *succeed* together. Thank you in advance for your understanding and support.

On behalf of the Board, we look forward to seeing you attend our Monthly Board Meetings and Annual Meeting scheduled for Friday, December 7, 2018.

Respectfully,

Mark S. Hoher



A Message From Your President
July 2018

Greetings Property Owners,

As you have now received 2018 annual statements a “few” have asked questions or simply expressed concerns surrounding our financial condition. For the most part, we have responded in writing to those who reached out. However, there is valuable insight being conveyed and I find it reasonable to share with our property owners “at large”.

Regarding questions surrounding Short and Long Term property rentals. CLVWPOA Deed Restrictions do not address this subject...therefore not within the Board’s jurisdiction to enforce one way or another. That said, we understand there remains a “community expectation” that all Renters are respectful / considerate of the CLVW community and contiguous neighbors.

CLVW is indeed a “growing community” as reflected in our demographics. The neighborhood has seen an increase in 'permanent residents' as opposed to "weekend and holiday homes". We have young families moving into our community - which we welcome. Amenities tend to attract Buyers and contribute to increased property values. However, maintaining amenities for the Property Owners does not come without a cost to all....and the Board does understand it comes with mixed popularity. Additionally, we respect a cost/benefit analysis surrounding the Pool/Playground/Clubhouse expenses and have taken steps to improve this condition during 2018. Through our “best efforts” we also understand you cannot please all the people all of the time.

Summarizing a few of our ‘Challenges’ below with “numbers”

The 2017 ~breakdown on the Pool and Clubhouse: -

Pool:

Maintenance & Repair Expense \$7700

Income related to Pool Key & Associate Memberships \$1160

Loss **\$6540** (Thus the 2018 Pool Fee Increase - helping to bridge the gap)

The 2018 \$50. Pool Key Fee affords a property owner family and guests ~120 days of Pool access for \$.42/day - in reality, a bargain to CLVW property owners who choose to use this amenity.

To date 2018 ~82 Pool Keys have been sold translating to \$4100. gross revenue. To date 50% has been expended for Pool opening Make Ready and May maintenance. The Pool is in it’s best shape in years, being kept safe and clean for our Property Owners to enjoy.

Clubhouse:

General Maintenance/Repairs & Lawn care Expense \$3000.

Club Rentals & Exercise Group Income \$1630

Loss **\$1370** (Thus the 2018 Clubhouse Rental Fee Increase

Playground Equipment: Refortification, Sanding and Painting has been self performed by Board Members



A Message From Your President
July 2018

As previously mentioned in my January Note, the POA fell victim to several frivolous lawsuits over the past few years - which will offer long term Budget impacts. In example, our Directors and Officers Liability Policy (previously \$1785 Annually) was cancelled during 2017. Finally locating a new Underwriter... we are now forced to pay \$12,480 annually - a ~600% increase. Additionally, the POA is liable for the first \$50,000 of any awarded damages in future lawsuits - funds we do not have "on hand". A portion of future Voluntary Special Assessments would be allocated to a "Contingency" budget line item to assist with funding this \$50K Retention - in the event needed. The POA has not previously felt the need for a Contingency line item....as they had not be "plagued" with frivolous litigation. This condition, coupled with unplanned attorney fees greatly hinders a small non-profit budget. These are deemed "litigation surprises" and unfortunately a product of our current society "attitudes". *What ever happened to folks sitting across the table from one another and discussing a "grievance" committed to a win/win result? Where personalities "get in the way" there are trained mediators available to assist.* Moving forward, our 45 year old \$24. annual assessment yields \$12,792 in revenue should property owners remit timely....One could say this annual assessment now funds the D&O Liability Policy - only. Our Underwriter recently explained we will not see relief from this pricey premium for some time and any subsequent reductions will be "marginal".

One would also agree \$24.00 does not stretch very far "in this day in time". Antidotal examples might include;

-It would reimburse me for the Master Lock and chain I purchased for the Colleen gate to Clubhouse. This entrance has been subject to erosion for years and is now considered a safety hazard until we can have the site repaired properly.

- It would pay for ~12 minutes of a licensed and insured Electrician or Plumber to troubleshoot a Clubhouse problem

- It would pay for replacing a dead plant or two at the Clubhouse

- It may pay for 15 minutes of an independent licensed Engineer/Architect to review plans (for compliance) "new build" or "remodel additions". However, we are fortunate to have Gary Freeland performing this service as a Board Member Volunteer

- It would pay for a month of POA Trash Service

- It would pay for 1/2 month of POA Water

- It would pay for 13.5 stamps to mail out Annual Statements to 533 Property Owners

I believe the picture is clear. 45 years later, the CLVWPOA cannot function effectively with \$24/annually from each Property Owner, solely. The Board recognizes and appreciates Property Owner financial donations over and above the \$24 annually as every little bit helps our POA cause. Equally important, Property Owner's willingness to bring their delinquent account current would benefit the POA greatly.



A Message From Your President
July 2018

A Few Examples of CLVW Capital Expense “Needs”

- The Clubhouse is in need of repairs and updating (Interior and Exterior); i.e.
 - ¹10 year old HVAC Replacement due to Coil Refridgerant Leaks ~\$6500.
 - 11 year old Carpet Replacement ~\$5700.
- The Clubhouse property may be candidate for Security Cameras to thwart vandalism and “bad actors” at the Pool
- The ²Clubhouse Stairway does not accommodate the aged and mobility challenged (safely) - must be modified.
- Some Property Owners have expressed an interest in part time off duty Sheriff patrols - Crime Prevention and qualeing unruly behaviors during weekends.
- Repairing landscape erosion at the Colleen gateway to Clubhouse/Pool
- CLVW Tennis Court property (off Irene leading to the lake) is in need of property survey and beautification. This is a beautiful POA property which has been neglected for years due to funding. Some may consider this enhancement a “nice to have” - but unaffordable as budget costs for this scope are identified.
- Consider a few pieces of new Pool furniture – providing the 2018 season closes without vandalism. See Something – Say Something.

Closing, your Board will soon begin 2019 planning discussions surrounding community maintenance and enhancements – with line item budget detail. The end product (2019 Cash Flow Forecast) will be rolled out during our Annual meeting December 7th. This document will reflect and substantiate any 2019 budget shortfalls. Should the 2019 Cash Flow Forecast reflect a shortfall, the shortfall value will be divided by 533 (or most current number of Property Owners) and this value will be represented in your 2019 Statement as a Voluntary Special Assessment. During our Annual Meeting, Property Owners will be given the opportunity to ask questions to ensure clarity and transparency prior to voting to adopt or reject in accordance with Section III C of our By-Laws.

Hopefully this overview has offered you insight as it was designed to “educate” and prevent any misperceptions. I continue to urge your attendance of our monthly Board meetings and where you are unable, please read the Meeting Minutes, Financials and Current Updates posted on our website.

Until next time, I wish you and your family a Happy, Healthy, and Safe summer.
Respectfully,
Mark S. Hocher
2018 President – Canyon Lake Village West POA

¹ Both HVAC and Carpet may fall into deferred maintenance for 2019

² I’m pleased to report this \$3000. expenditure will now be funded within our 2018 Budget. Safety is always a “Priority”



A Note from Your President
April 2018

Greetings, Property Owners:

I hope you have enjoyed the spectacular weather over the past few weeks! Spring has definitely “Sprung” and I find it rejuvenating as we leave a dreary winter behind us.

Spring leading into summer brings everyone outdoors and more active, whether working in your yards, boating and fishing, biking....or just walking the streets for exercise. As our families move into outdoor activities, I’m reminded of the Safety culture I experienced before I retired. I confess I did not think about safety “day to day” until joining this culture. Safety in everything we do is a “mindset” which benefits one personally as well as their family and Community. Please consider adopting a Safety First mindset.

A Safety Moment or Two Surrounding our Community:

- 1) Neighborhood Road Speed – The Board continues to receive concerns from Property Owners surrounding speeding vehicles in our neighborhood. Local Law Enforcement is aware of these concerns and promises to bolster radar monitoring. I know it is easy to become distracted and ease up over our low posted speed limits. It’s yet another thing to willfully exceed the speed limits by 10-20 mph. We have children at play as Spring and Summer arrive, we have wildlife that are accustomed to owning the road at their convenience, we have Property Owners who enjoy a peaceful stroll down our streets....none of which deserve to be struck by a speeding vehicle. Save your speed for I-10, please. And yes, this includes me.
- 2) The Texas Dept of Public Safety website <https://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/off-highway-vehicles> boils down the public street legality and requirements for use of Neighborhood Electric Vehicles (NEVs), Golf Carts, All Terrain Vehicles (ATVs), and Utility-Type vehicles (UTVs) which are defined as Recreational Off-Highway Vehicles (ROVs). It’s a good idea to refresh ourselves from time to time to assure we understand the law...in lieu of hearsay.

A Few Noteworthy Highlights and Recognitions:

- 1) Wilma Stice developed and assembled our new Welcome To Canyon Lake pamphlets and accompanying brochures. Wilma introduced this portfolio in our February Board Meeting. I was thoroughly impressed with the depth of information offered. These have been designed for handout to our new CLVW Property Owners. Job well done, Wilma.
- 2) We have a fenceline adjacent to the Clubhouse that deserved a bit of “beautification”. Sandra Bourgeois orchestrated the purchase and planting of 20 red Oleanders. This effort will continue to add landscaping beauty to our Clubhouse property over time. Nicely done, Sandra.
- 3) The Clubhouse Playground Equipment has recently undergone “refortification” to ensure the safety and welfare of our youth. A special thanks to Jen Thirsk, Craig Nidever, and James Alderson for this important effort.



A Note from Your President
April 2018

Annual Spring Clean Up

Moving into Spring, your Board is preparing for the Annual Spring Clean Up April 28th 9 AM - of Clubhouse grounds in preparation for our Pool Opening May 5th . This is not a Landscaping Contractor event. This is a Community volunteer event and we would greatly appreciate Property Owner participation. My guesstimate says your Board is averaged at 61+ years of age. While I've never seen a more willing group of Volunteers dedicated to making our Community the best it can be (with limited finances).....we need the next generation's support with these endeavors. "Many hands make light work". Bring your yard tools/safety wear and help us make this a great Community event in lieu of "burdensome" on a few. Safety-wise, the Board will furnish gatorade to all participants to ensure you stay hydrated.

Pool Opens For Enjoyment May 5th

This event is anticipated by "many" – looking forward to summer family enjoyment. While the Pool is a valued amenity, the operating expenses "well exceed" the amount received for Pool Keys/Membership. The shortfall is supported by our General Fund.....which challenges the Board's ability to execute other needed CLVW projects. This year the Board will discuss replacing (to the extent we are able) Poolside furniture destroyed last year by misbehaving youngsters. Let me reinforce, our Pool is a "family based" amenity. The rules and expected behaviors have been established to represent the best interest of CLVW Property Owners – at large. Should you observe offensive behavior or clear violations, please report them to our Sherriff's office 830-620-3400. When you pick up your Pool Key this year, you will execute a Pool Terms of Use document. This is a "straightforward" document quoting the Pool Rules posted on the gateway to the Pool. However, it does address revocation of of your rights to the Pool should you, your family members or guests violate the rules -and- your annual \$50.00 Pool Key Fee will not be reimbursed. Pool keys will be made available at the Clubhouse for your pick up April 3rd (7:00 PM), April 28th (9 AM – 11:00 AM), May 1st (7:00 PM), May 5th (10:00 AM). Methods of payment include Paypal (please bring your paid receipt), Check, Cash.

In closing, please take time to visit our website <http://www.village-west.org> on a regular basis. Efforts are being made to keep you updated "timely".....whether it be Minutes of Meetings or Notifications. Also, please attend our Monthly Board Meetings – 1st Tuesday each month through November (7 PM at our Amanda Clubhouse) with our Annual Meeting scheduled for Friday, December 7th.

I enjoy sharing thoughts with you and look forward to meeting and hearing from you as well. Until next time, please enjoy what Spring and Summer offers ...and keep yourself, your loved ones and our Community, Safe – Always.

Respectfully,
Mark S. Hoher
2018 President
Canyon Lake Village West POA

CANYON LAKE



A Note from Your President
April 2018

Canyon Lake Village West Property Owners Association
A Note from Your President
January 2018

Greetings, Property Owners

We are a month in to 2018 and I am in hopes its been good to you so far - notwithstanding the horrible flu season underway.

Time has a way of “getting away from us” when we feel as though “we have many things to accomplish”. This is a good segue for “what’s on my mind” as we begin 2018 together.

Property Owners are the customers of our Association’s volunteer Board of Directors. While I am new to a Board position, I understand the responsibility of listening to your constructive ideas, concerns, and yes, even complaints. The idea is we must feel free to communicate openly. Approximately one third of our Property Owners are non-resident – roughly 177 Owners. This is a significant percentage for a neighborhood our size. Most of you are aware we conduct a POA Board Meeting the second Tuesday of each month – 7:00 PM at the Clubhouse. Frankly, I am often disappointed with the Property Owner turnout....as this meeting offers you a forum for “communication” with the Board. We need and welcome your input, striving to answer your questions the best we can.... or promise to get back with you when a more definitive answer is warranted. Leadership cannot understand or address “customer satisfaction” unless the customers are actively engaged. Folks, we have a small hardworking volunteer Board. Take time to thank them and please take time to pitch in and help where you can. We need the “Next Gen” to “step up” and participate. You are the future Leaders of our Property Owners Association.

I have observed a number of Owners (including me) express a keen desire to have our antiquated Governing Documents revised to comply with current Texas Property Codes and offer the lawful ability to enforce a bit more rigorous Deed Restrictions. This subject is currently under Board evaluation and promise to keep you posted as we investigate answers to a few of our legal questions.

Let’s talk POA finances. Our \$24. annual assessment (established in your Unit’s Deed Restrictions over 4 decades ago) have not adequately supported the inflating Operating requirements of our growing community for “sometime” now. Thus, the ongoing need for modest annual Special Assessments. I find this a “band aid approach” to financial management and quite stressful for your Board to contend with year after year. Therefore, we are considering a “standing” annual Special Assessment of \$126. to improve coverage of inflating operating expenses and establish a much-needed Contingency Fund to manage unexpected costly surprises; i.e. litigation. Unfortunately, “today” litigation seems to be the preferred method for nuisance dispute resolution. Litigation, while costly, is also a significant distraction and drain (both time and resources) for your small volunteer Board to contend with – but there are no options. Your Board “drops everything”, retains an attorney and begins mind-numbing legal preparations. Additionally, your POA Board is examining supplementary approaches to generating Association revenue. In example, our annual Pool maintenance and repair obligations continue to have a significant impact on the POA budget each year....and consistent with neighboring communities,

Canyon Lake Village West Property Owners Association
A Note from Your President
January 2018

we are reviewing a Pool Membership Fee to offset these rising costs. Keeping our Pool and Playground equipment operating safely is a must.

This does not address the costs required to bring our Clubhouse “up to speed” aesthetically, mechanically, and safely accessible for those with disabilities. I hope you would agree these are worthy Projects. Projects without an established budget, implementation plan, and a schedule for completion.....are only Dreams.

Lastly, what can we do “at large” to take care of our nice Hill Country neighborhood that we have invested in? I believe it starts with taking personal pride in the general maintenance of and care for our individual properties. It’s a simple concept that pays many dividends towards “your” property values as well as your “neighbors”. It’s a team effort that when embraced, reflects a “proud neighborhood”. Canyon Lake Village West has much to be proud of – let’s collectively make it a safe and “desirable community” to live, work, and play.

As we progress through 2018 I will be “sharing my thoughts” with you relevant to important challenges we face together. We will celebrate our successes and develop recovery plans where we stumble – together.

Keep yourselves safe - always,
Mark S. Hoher
2018 President
Canyon Lake Village West POA