

October 2011
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La Buena Reader

La Buena Vida Property Owners Association Newsletter

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The La Buena Vida Property Owners Association, Inc is incorporated under the laws of the State of Texas as a non-profit corporation, and granted powers of administering the Covenants, Conditions and Restrictions for La Buena Vida.

Annual Meeting Notice

The 2011 Annual Meeting of the LBV Property Owners' Association will be held at 2 pm on November 5 at the home of Michael & Linda Lucente, 14 La Buena Vida Drive. Please mark this date on your calendar now, and plan to attend. In addition to conducting official POA business – this has been a great opportunity to meet other property owners and the Board. Commissioner Jack Chaney will also be there to discuss Aransas County developments, answer questions, etc. (Chaney is also one of the Commissioners that opposed City of Aransas Pass annexation of LBV.)

Currently, there are no proposed amendments to the Restrictions. However the Annual Meeting is important for sharing ideas and recommendations among the Board and property owners. As a result of prior meetings, the Board adopted a formal signage policy, automated the entry gate, as well as open discussion of the assessment level, POA reserve fund, architectural committee, annexation, potential amendments to the Restrictions, etc.

This meeting is also used to elect the Board members, which have terms that expire on December 1. A Proxy/Ballot will be mailed out later in the month. **Due to recent State law changes, it is very important that you return this ballot to officially elect Officers.** Please contact POA secretary Jeanne Hunter if you have questions.

Board Volunteers Solicited

The affairs of the Association are managed by a Board of Directors, elected each year (i.e., terms run one year). The Bylaws specify that the Officer positions are voted on and filled by the elected Board, and historically the Treasurer has been an employee of the Association. (Special skills such as billing, accounting, audit, etc.)

Each of the current Officers is willing to serve for another term. However, as this will be the fourth consecutive term for Jeanne Hunter and Michael Zotzky (and Michael also serves as the Chairman of the Architectural Committee), we would like to add another Director this year to facilitate Officer transition in 2013. **If you have any interest in serving your community, please contact Jeanne as soon as possible.** (Ballot must be finalized by October 20.) Thanks in advance for your consideration.

Proposed Fiscal 2012 Annual Assessment

In 2011, the Board enacted a reduction in the property owner assessments, from \$1,600 previous, to \$1,200. Actual expenses to-date have been higher than expected due to irrigation system overhaul and upgrade, plant replacement due to the freeze, and higher water bills due to the drought. Some of this was offset by sale of minor equipment, but overall it appears that we will overspend the 2011 budget, and use some of the reserve fund. We currently envision a 2012 assessment level of \$1,300 per Lot, but will not finalize until the end of October. We need to budget a few capital projects – including front landscape and flag lighting – and at the same time maintain the reserve for potential costs related to hurricane issues, dredging, capital improvements and unforeseen repairs.

Architectural Committee

Chair

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Architectural Committee Report

Construction of the Scharck residence at 22 La Buena Vida Drive (Lot 26) and landscaping is complete, with fencing/walls remaining. Reportedly Michael is using his fish cleaning table quite often! The Hunter's pool is in and being used, and most of the backyard improvements have been completed or are nearing completion.

On May 22, the Committee approved plans for David Becker's fish cleaning table, 28 La Buena Vida Drive (Lot 20). On May 27, the Committee approved plans for a side fence extension – forward about 20 feet, and then connect to the new enclosure with a gate - at the Walker residence, 39 La Buena Vida Drive (Lot 8). Construction is complete.

If you are a property owner contemplating building, or have any questions regarding improvements, please feel free to contact Michael Zotzky or any of the other Architectural Committee Members.

Texas Legislature Passes HOA Reform – H.B. 2761

Earlier this year, Governor Rick Perry signed HB 2761 which affects operations of all Texas property owners associations. In August, LBV POA President Michael Zotzky attended a seminar conducted by POA attorney Mitchell Katine, to understand the law and determine what actions we need to take for LBV. As Representative John Garza summarized on his website, protections for homeowners in HB 2761 are:

- Open HOA Meetings
- Mandatory records retention policy for all Texas HOAs of over 14 lots
- Open access to records by written request
- Mandatory election for a new board, if an HOA fails to call a regular meeting
- Requires meetings be held in the same county as the HOA
- Establishes HOA cannot foreclose for fees owed for requests for records
- Eliminates certain rules which restrict voting rights and the right to run for the board of HOA's

Overall, the theme is more transparency and open records required for HOA's. Mitchell explained the legislation also targeted some very aggressive HOA's that foreclosed on some owners just for fees owed, and other "abuses". While this has not been an issue at La Buena Vida, the approval of HB 2761 has required Board action as follows:

Records Production and Copying Policy. This was approved by the Board in September, and details what Owners must do to request records, as well as HOA requirements to make records available, or produce copies of requested records – all consistent with HB 2761 time requirements.

Document Retention Policy. This governs what records must be retained, and for how long. A policy for LBV was approved by the Board in September.

Payment Plan Policy. The HOA must adopt and record payment plan guidelines that allow owners to make partial payment for assessments without "penalty", but can charge interest for deferred amounts. The term is set by the Board, within legislated limits. Although this provision does not go into effect until next year, The Board has approved this policy for the 2012 fiscal year that begins on December 1. Detail is included below.



La Buena Vida sunrise.

Texas HOA Reform (continued)

Document Filing. All HOA governing documents must be filed in the county where the HOA is located, or will have no effect. Mitchell suggested the same for any architectural committee policies, our sign policy, and any other written rules or guidelines we have. LBV POA Restrictions have historically been filed with the County, and all of the new policies have also been submitted, as well as posted on the LBV POA website: www.lbvpoa.com/

Amendments to Restrictions. SB 472 changes the maximum approval required to amend Restrictions to 67% of votes allocated to property owners in the POA. So this will make it easier for us to amend the Restrictions, vs our current 80% approval Article.

Other. No Board decisions or Board voting by email is allowed. (This is the change that POA Officers find most onerous.) Even things like approving the sprinkler bid, or doing emergency repairs, cannot be approved via Board vote using email. As such, we have to do "Emergency Board Meeting" conference calls to allow additional discussion – typically after sharing email correspondence - and approve the contractor. And take minutes of that meeting - the same as other Board meetings – that are reviewed and approved in the following regular Board meeting. SB 472 addresses tabulation of and access to ballots. It restricts who can count votes, and restricts disclosure of how an individual voted. This will affect us as any Board member running for election cannot count the votes, nor can a relative of theirs count the votes. As a practical matter, we are having the ballots sent to Johnson & Cate (our accountant), and will have a member at the Annual Meeting open the envelopes, and count the votes for us. It is only a minor inconvenience.

These are the most significant issues of the new law, regarding the way the POA operates. If you want to discuss further, please contact Michael Zotzky.



Sunset on the lake, La Buena Vida.

Payment Plan for LBV Annual Assessments Available

A payment plan policy was approved by the Board of Directors of the La Buena Vida Property Owners Association in September 2011. **Note that the fiscal year begins – and therefore assessment payments are due – on December 1.** Payment in full by the due date will avoid interest due on deferred amounts. Alternatively, a payment plan is available with the following terms:

- Upon request, all Owners are automatically approved for a payment plan consisting of 25% down, with the balance paid off in three (3) monthly installments;
- Interest will be charged on the balance at the rate the Association is entitled to under its Declaration of Covenants, Conditions and Restrictions (**As per Article 6.6, the interest rate is 1.5% per month**);
- If an Owner defaults on any payment plan, the payment plan is automatically terminated and the Association is not obligated to make another payment plan with the Owner for the next two (2) years;
- The Association cannot charge late fees during the course of a payment plan, but – in addition to interest on the balance - can charge reasonable costs of administering the payment plan. (Currently the Board has no plans to charge an administrative fee.)

The full plan is posted on the POA website at: www.lbvpoa.com. There will be additional information in the Assessment bill mailed out by Johnson & Cate. They will also do the accounting for the payment plan, and invoice for payment and interest. If you have further questions, either contact a Board member or Johnson & Cate.



Shawn Simonson – nephew of Linda & Michael Lucente – holding a La Buena Vida redfish.

Palm Trees, and Lighting Status

In May we reported that a total of 15 palms had been planted to replace palm trees frozen last winter. Two of the palms in the entry islands did not survive the summer drought, but will be replaced by the landscape contract under warranty. There were also some Robellini (Pygmy Date) palms in the entrance area which suffered freeze damage that we continued to monitor – some which survived, and others that have since been removed. Due to the heat, we did not replace any of these. Hopefully we will have a mild winter and do this in the spring (when starting new plants will be more successful).

In September, a drip irrigation system was installed around all of the very large Canary Island palms along the road, as several were showing heat stress. While the current sprinkler system was acceptable for the grass, it was not efficient to use to target the palms. We also have a contractor currently replacing sprinkler heads and

straightening others. With a water bill of up to \$2,500 per month in the summer, it is important that irrigation systems operate efficiently. We have also finalized design and specifications to upgrade lighting on the palm trees, front landscaping and flag poles, and plan to finish that in December (in the new budget). Michael Scharck has worked closely with us on lighting design, and is selling us fixtures and equipment at cost. The new lights will be LED-based, and illuminate the palm trees, fountain and flag poles. Sincere thanks to Michael for his help with this, and we look forward to seeing everything illuminated again.

Gate Opener & Remotes

A new key pad has been installed to operate the front gate; however, at least one property owner had issue with their remote working afterwards. It had to be re-programmed by Sandollar Security – our security contractor. They are not sure if the data to work all the remotes got transferred correctly, and other remotes might not work. Everyone should check their remotes on the next visit, and if they are not working, Jeanne can arrange to get them to Sandollar Security for programming. In addition, for any property owners that do not have a remote - or not enough remotes - Mike at Sandollar (361-729-9856) will order more and make them available to purchase. And as always, the gate can be opened by entering the code, which is currently XXXX. *(Code removed from on-line newsletter for security purposes.)*

Website, Pictures, etc

If you have pictures to share, or information you would like to share with other property owners, please contact one of us. We love pictures – especially ones we can post on our website. *Thanks to Michael Lucente for providing all of the pictures in this issue, each which were taken from his backyard.*

Also, if you have not visited our website, check it out at www.lbvpoa.com. All of the official POA documents are posted there, as well as the past newsletters, and some pictures. And if you have not provided us with your email address, please do so. Sending out the newsletter via email attachment saves a trip to the copier, and the post office, as well as is more environmentally friendly! If you get this via postal mail, it is because the POA does not have your email address. Just FYI. And oh yeah, we don't sell the email or contact info to anyone, and do use it sparingly.

Board of Director Meetings

The Association Board meets on the second Tuesday of each month. All meetings are open to property owners of La Buena Vida, with the occasional exception of executive sessions. The meetings typically start at 4:30 pm, but specific date and time is subject to change - especially as each of us also deal with business travel. So please contact Jeanne Hunter in advance if you wish to attend a Board meeting.

**La Buena Vida Property
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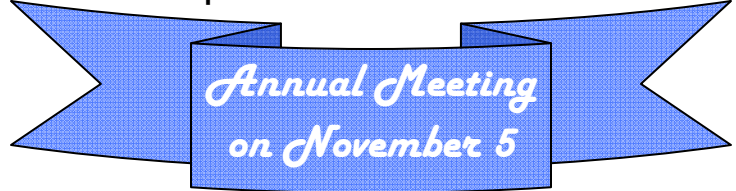
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We're on the Web!

See us at:
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Hope to See You at the



Please Mark Your Calendar Now!

About Our Organization...

The La Buena Vida Property Owners Association, Inc (the "Association" or "POA") is incorporated under the laws of the State of Texas as a non-profit corporation, and granted powers of administering the Covenants, Conditions and Restrictions (these "Restrictions") for La Buena Vida. The purpose of the Restrictions is to preserve the natural beauty of the property, to encourage attractive improvements which are harmonious and compatible, and to enhance the quality and economic value of the community and each lot therein.

The Bylaws of the Association govern the election of the Board of Directors of the Association, their term of office, and meetings, powers and duties. Each owner of a lot in the La Buena Vida subdivision is automatically a Member of the Association, with one vote per lot. Members elect all Directors for a term of one year.

LA BUENA VIDA POA

c/o Jeanne Hunter
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Aransas Pass, TX 78336

