

INDIAN BEACH PROPERTY OWNERS ASSOCIATION
Members Meeting

The Indian Beach Property Owners Association Members meeting was held on Saturday, August 22, 2009. The meeting was called to order by Mackey Ball, Vice - President at 10:00 a.m. A Quorum of members were present by count of proxies and members present.

The minutes of the last annual meeting were reviewed. Upon motion duly made by Melvin Dow seconded by Erik Ehring, the following resolution was adopted by unanimous vote. **RESOLVED THAT**, the minutes of September 6, 2008 were approved as presented.

Erik Ehring gave the financial report and collection report. Erik stated that the funds for the assessment can cover the normal Association operations but are inadequate to cover the remaining repair issues due to Hurricane Ike. Erik stated that certain delinquent assessment accounts had been turned over to the Association attorney and would go into foreclosure if not paid. Discussion on the insurance coverage carried by the Association was held. A breakdown of the types of coverage carried will be placed on the website.

The invoices for the annual assessment were mailed in June and were due July 1, 2009. As of August 22nd, 84% of the assessments has been paid. Invoicing was at \$107,740 and now only \$16,771 is outstanding.

Melvin Dow gave an overview of the legal documents that are relied on for operating an Association. The documents are the Articles of Incorporation; Bylaws; Covenants, Conditions & Restrictions; and rules and regulations. These documents are all on the website. Melvin Dow gave an explanation of the CPI "Consumer Price Index" which is the basis of allowable increases to our assessment. The Special Assessment permitted in the restrictions for hurricane damage can be used only for repair of the roads, which belong to the City of Galveston.

Mackey Ball stated that the Indian Beach annual assessment is low compared to other Associations, as an example: The trailer park annual assessment is \$600 per year.

The Board of Directors reviewed the areas remaining to be repaired based on priority.

- *The electrical repairs to the entrance on the bay side and the pool area.
- *The irrigation repairs to the landscaped areas at the entrance and at the pool
- *Repairs to the pool – replastering, an ADA bar/hand rail will also be installed
- *Replacing the landscaping at the entrance and pool
- *Replacing the destroyed fishing pier lighting
- *Replace the gate at the property owner-fishing pier for security reasons
- *Marking the beach access areas

Discussion was held on the temporary walkover delineation to be installed. Bids were obtained and the contract has been let. Bollards and rope will be installed. The bollards are temporary and will not be put in concrete. Signs will be picked up at the fire station for the public walkovers and will be installed by the contractor.

Mackey Ball stated that the pool fence repair took top priority due to the liability risks. At the same

time the tennis court fence was removed to prevent accidents. The replacement of the tennis court tennis will be a future project when the funds are available.

Erik Ehring stated that the pool adds value to the community assets and to our property values.

The Boundary Fence was discussed. It was stated that George Mitchell (The Woodlands Corporation/Developer put up the fence. The fence is on private property, not Association property. When the Indian Beach POA applied for a permit to replace the fence, the City of Galveston would not approve IBPOA application to construct the fence as it is not owned by the Association but is owned by individuals. The Board felt that since the fence is on private property that the owners should pay 50% of the cost. In the future when the north side fence is discussed the same process will be followed.

The dunes were also discussed. Susan Gonzales at CKM Property Management had sent in the application for the CEPRA program as instructed by the Board of Directors. If the Indian Beach POA application is approved, the CEPRA program will provide funding at 75% of the cost with the Association obtaining donations of 25% of the cost from members.

Several members voiced concern that members were expected to pay for a dune when they did not feel they benefited. Susan Gonzales stated while the Association did not own the dune or the land that the dune was on it certainly was an amenity and had benefits to the wildlife and to the preservation of the beach and island. While all costs to reinstall lost dunes have been paid by property owners, not from assessment funds such payments has been on a volunteer basis only.

Discussion was held on installing a Dune Fence.

At the last meeting of the IBPOA members, it was stated that the Association does not have the money to complete all repairs. We asked for volunteer donations and a total of \$8058.03 had been donated. While these donations are appreciated the amounts collected so far are inadequate to complete all projects, especially those that have priority. It is also unfortunate that some members chose to send out emails telling other members to not support the donation request and to not send their money; this has only hurt the Association and its members. No money, no work.

It has been asked why Kahala Beach was able to complete the dune. The answer is that each owner donated \$2400 to get the work done. Sullivan was the contractor who did the Kahala Beach dune and also provided a price of \$108.46 per lineal foot for Indian Beach dune.

Art Schroeder stated that the General Land Office is committed to building dunes. In September the GLO will make an announcement that a sand dune project will be done going from the seawall to east side of Galveston State Park 11-1/2' tall width of 65' October 2009 – April 2010. In October 2010-April 2011 the GLO will move the project from the Park to the Pointe San Luis, to include Indian Beach. GLO recommended smaller dunes to get the vegetation started.

The GLO will make a decision on the Indian Beach CEPRA dune project proposal in September.

Election of Directors

There was discussion about the qualifications of the candidates. Clarification was made at the meeting that Erik Ehring is a property owner, owning several lots on the bay side. In prior years concerns were stated that both the bay and beach side needed representation as the Board members in previous years had all been from the beach side. Therefore the Board sought out members on the bay side who were willing to participate as a working Board member. At this time the Board representation is as follows: Roger Owens – Beach, Melvin Dow – Beach, Mackey Ball – Bay, Erik Ehring – Bay and Art Schroeder – Bay. There are three (3) bayside and two (2) beachside Directors.

All nominees and Board members must be in compliance with the restrictions and that includes payment of their assessments. All candidates were verified that all were in compliance and had paid their assessment.

A call for nominations from the floor was made. The following property owners were nominated Melvin Dow, Erik Ehring, Pat Cowan, and Judy Houston. David Thomas had been listed on a proxy but declined to run at this time. Nominations were closed. Each candidate spoke and stated his or her reasons for wanting to be a Board member. Members asked each candidate questions. There being no further questions, a call for a vote was made.

Votes were validated by Barbara Thompson and Keith R. Godwin. The results of the election were announced. The members elected Melvin Dow and Erik Ehring. A member asked for a count of the votes for all candidates. The vote count was as follows: Melvin Dow – 69, Erik Ehring – 49, Pat Cowan – 25, and Judy Houston – 17.

There being no further business the meeting was adjourned at 12:02 p.m.

Susan Gonzales
July 25, 2009