

**HARVEST BEND, THE MEADOW HOA
RESPONSE TO MEMBER CONCERNS
JULY 19, 2018**

At the June 2018 board meeting, six members/homeowners with concerns requested to be heard as a group; therefore, the board response will be given to the members/homeowners as a group – unless a member makes a specific request for a separate meeting with the board.

OPEN FORUM

1) Pool chemical use

A member stated that pool management employees should not be throwing chemicals in the pool while someone is in the pool.

Board Response: The Board agrees. The Board stated they will put a stop to it now. Hou-Rec assures us that only reagents (from the test tube) are put into the pool after the hourly chemical level is taken. Hou-Rec states that only an area supervisor can add chemicals to the pool. Hou-Rec has asked their lifeguards to not put reagents into the pool, even though they are harmless, because of perception.

2) A member complained about total harassment from the Board.

He received a letter stating his fence was nine foot tall. He said no one had measured his fence. He stated a volunteer called the management company and complained that the fence was nine feet tall. He said the ACC chairman measured the fence and it was seven feet nine inches tall and meets requirements. He would like a written apology for citing the fence.

Board Response: As a result of a homeowner report, management company did send a letter to homeowner requesting that homeowner “replace and/or modify/ACC required”. Homeowner did not originally complete an ACC prior to replacing fence. The homeowner has since sent the ACC. After discussions with the board, management company policy was changed such that anytime there is a complaint from a homeowner a letter cannot be written without the management company personally inspecting and verifying the violation. The ACC chairman apologized to the homeowner at the time. An apology letter will be sent by ACMP.

3) Deed Restriction Violations

- a) Same member stated he was on vacation and he set the trash can out and he was gone when the trash was emptied. His neighbors were taking care of his home while he was gone. In May, he received a certified letter about the trash can. He was upset about getting this certified letter.

Board Response: ACMP sent this homeowner letters about improper trash can storage in Feb, March and April. The May letter was a certified letter – as per HBTM HOA contract with ACMP. Possibly in the future homeowner could ask his neighbors taking care of his home to put up his trash can when he is absent.

- b) Same member stated that he received a letter telling him to take the flag down. He stated he communicated with the Management Company about all of this and that he's not taking the flag down.

Board Response: Homeowner did not submit an ACC to the management company prior to putting up flag pole. Letter from the management company dated 3/27/18 does not say to take down flagpole. It states "repair/replace leaning flagpole. Prior ACC approval required for replacement". Flag pole was indeed leaning. It appears that the foundation for the pole needs enhancement as on Sunday, June 24, the pole was observed to be almost laying on the ground and the foundation was basically uprooted. The homeowner has since installed what appears to be a new flagpole and flag. It looks nice.

- c) The same member has threatened a lawsuit against the management company, the board and the board members as individuals.

Board Response: We strongly prefer to settle any concerns during an open, honest and civil discussion between the homeowner, the board of HBTM HOA, and the management company.

4) Volunteer responsibilities and harassment.

- a) A member homeowner specifically asked what authority an individual had. He informed the Board that this individual was ordering children around at the pool. This volunteer threatened to take a skateboard from a young person. This occurred on June 7th. Another homeowner stated that on June 6th children were being harassed at the pool. They stated that a homeowner or Board member cannot enforce the published rules.

Board Response:

-Board showed photos of skateboarding around the pool and placing skate board in front of women's bathroom.

- The board has surveillance camera video clearly showing the homeowner's children skateboarding around the pool inside the wrought iron fence. This is a safety hazard and definitely not allowed.
- For safety reasons, some activities are prohibited in the pool area. This sign posted at the entrance to the pool lists some of these prohibited activities.



Also, skateboarding is prohibited anywhere in the park area.



- The board president has restated to board members and volunteers that any observed pool violations will be brought to the attention of the lifeguards and let the lifeguards handle the situation. If lifeguards don't immediately handle it or are unable to handle it... the lifeguards have been instructed to contact their employer, board members, and/or the constables for assistance. However, it is our expectation that anyone who sees a safety hazard (as this was) will have a discussion with the parents, with the lifeguards, and if the parents are not there, with the children themselves to correct the safety hazard.
 - One of these children also climbed on top of the lifeguard stand (not permitted) and showed us the middle finger.
 - A board member and volunteer homeowner reported that the children referenced above called them names of a very derogatory nature. This type of language will not be tolerated in the pool/playground area.
- Note: Hou-Rec management has trained/retrained all their lifeguards on enforcement of posted pool Rules & Regs.

-The board does indeed have the authority to enforce posted Rules & Regs in pool/playground area. This authority comes from The State of Texas (Property Code 209), Harris County Rules & Regs, By-Laws of Harvest Bend the Meadow Homeowners' Association and HBTM Declaration of Covenants, Conditions and Restrictions

- b) The same member stated that on June 6th an officer went to his house and a verbal order was given to his son. Why was a volunteer (not someone on board) called by the officer to clarify if it was his son should get a verbal warning with graffiti clean-up required or the trespass warning?

Board Response: Consistent with case HC18-77217, this member's son was instructed by the constables to clean up the vulgar and graphic graffiti in areas of concern within 48 hours. The board was not pressing any charges, but the area of concern needed to be cleaned. A third person, a non-resident of HBTM, was to be issued a "trespass warning" by the constables. When the officer was at this homeowners home trying to locate the non-resident (as, per the constable, the homeowner had previously stated to the constables that the non-resident was a family friend and the kids all grew up together), the constable called the board president (not a volunteer as homeowner states) to confirm to whom the constable should issue the "trespass warning". If indeed the constable called someone else, the board has no knowledge of this and this is beyond our control.

- c) The same member asked why can't chalk graffiti be put on parking lot and entrances to pool even if it contains vulgar and graphic language? The homeowner stated they are "just kids".

Board Response: We believe these "just kids" to be teenagers. Damage to other people's property is prohibited by law. The board is confident that there are many homeowners in HBTM who are offended by someone putting vulgar and graphic words on the parking lot, on the entrances to the pool, and common areas. Would you want your small children/grandchildren exposed to this type of language? Use of vulgar and graphic language probably falls in the "freedom of speech" arena; however, one also has to be ready to accept the consequences.

5) Monitoring of surveillance cameras

The same member inquired about the cameras being monitored by the Board and someone that is not on the Board. They would like to have the cameras monitored by a third party.

Board Response: The surveillance cameras and resultant video are accessed only by the board and their agent, a tech support person who resides in HBTM. All board members, committee members, and tech support are volunteers. Yes, we could hire an outside company to perform these services at approximately \$10,000 to \$12,000 per year or approximately \$33 to \$40 per homeowner per year.

Video will only be released to:

- a) Law enforcement if there is a crime being investigated.
- b) Owners whose common area privileges are being suspended for deed restriction violations captured in the surveillance, or
- c) In response to a subpoena from pending litigation.

6) A member believes that volunteers have too much access to homeowner information

Board Response: Access to private and confidential information is limited to only board members and the management company!

7) Is there a heavy trash day? A member stated that someone is looking through the trash and trash people are not putting tops back on trash cans after they are emptied.

Board Response: The contract for trash pick-up is handled by the MUD Districts. Heavy trash day is on Saturday with only two items per home. Information about the garbage pick-up is now on front page of our revised website. For any questions or to report any concerns, contact Texas Pride directly as the contract is through RRMUD#1 and RRMUD#2. You can also visit their website www.TexasPrideDisposal.com. With regard to someone looking through trash, it is our understanding that once you put your garbage can to the street, it is fair game to anyone who wants to go through it or take it.

8) Playground Equipment: Another member and former HOA Board of Director asked who is paying for the playground equipment? This member stated the MUD installed the playground equipment many years ago.

Board Response: It is our understanding that the MUD paid for the playground equipment but it was installed by volunteer homeowners. Director Valigura thanked them for this information and stated both MUDs contributed toward installation of rubber mulch surface in the playground area. All other items have been installed, maintained and paid for by the Association.

9) Pool

- a. A member stated she was pleased that we are now charging \$1.00 for each guest of a homeowner using the pool this summer.

Board Response: Thank you for the positive feedback.

- b. A member asked if the lifeguards can sweep the deck and get rid of the tree droppings at the pool. The lifeguards should be cleaning when they are not on the stand.

Board Response: Hou-Rec has been reminded to be sure that the pool area is cleaned daily. The lifeguards should indeed be cleaning and performing other assigned tasks when they are not on the stand. It is also a time for the lifeguards to cool down.

- c. A member asked why the pool is opening so late in the spring. Could the pool open a weekend before school is out and a weekend after school starts.

Board Response: Director Valigura stated the Association follows the Cy-Fair school district calendar. The pool opens Memorial Day weekend and then the weekend after school is closed for the summer. It closes when school starts, is open Labor Day weekend and then is closed for the season.

10) Communications:

- a. Communications need some improvement.

Board Response: There is always room for improvement in communications. The board of HBTM HOA uses at least eleven (11) avenues to communicate with homeowners. These include:

- ACMP website and broadcast messages. Members need to sign-up. Contact ACMP to get signed up.
- HBTM HOA website www.hbtm.org
- Monthly board meetings to which homeowners have an open invitation.
- Yearly March Homeowner Meeting at which there is open discussion and election of board members. Homeowners are sent an invitation and are always welcome to attend.
- Preparation of Yearly Board Report which is available at Yearly March Homeowner Meeting as well as on the HOA website.
- ACMP is available to help homeowners with Association business
- Marquees at entrances have messages of interest
- Signs are placed at entrances and pool to let homeowners know about garage sales, pool tag distribution dates, Santa-In-The Park, yearly HO meeting date, etc.
- New homeowners receive a Welcome Packet from the Welcoming Committee
- Recognizing homeowners with Yard of The Month
- Recognizing homeowners with best Christmas Decorations

- b. A member stated the website is horrible and needs to be updated. There is information from 2013.

Board Response: Director Valigura, as the volunteer who designs and maintains the HBTM HOA website, disagrees with “horrible”; but does admit that some changes to

make the site more user-friendly are appropriate. If you look closely at the website you will see that there are historical documents included that date all the way back to 2008. These historical documents will continue to be part of the website because we want the homeowners to be able access the history of the HOA. The HBTM HOA website has been updated and made more user-friendly (per board opinion). Please look at it and let us know if there are any serious changes you'd like to have made. Remember we are all volunteers and do not charge to design, develop, and maintain the website. The board's goal continues to be keep the website simple and user-friendly. The site address is www.hbtm.org

- c. Another homeowner stated that in the past, the HOA newsletters had the HOA financial information. They would like to see information from the board packet's At-A-Glance on the website. The Board noted that the Association had no website at that time and a hardcopy newsletter was used.

Board Response: The monthly At-A-Glance is now on the home page of the website. In 2009, a decision was made to convert from a hardcopy newsletter to a website. This decision was made to reduce costs and to be ecologically aware.

- d. A couple of homeowners feel it is important to have Board contact information with their home phone numbers available for all homeowners.

Board Response: The board members will not release their home phone numbers for personal privacy reasons. Your contacts points are: If here is an emergency call the constables (281-376-3472 or 911). Your first point of contact for association business is always your property management company, ACMP (281-855-9867) or ransom@acmpinc.com. You can also send an e-mail to the board at HBTMHOA@yahoo.com. And, finally you can call the HOA phone (832-986-3466), leave a message and a call back number, and a board member will return your call when possible.

- e. A member would like to see an explanation of the Board's responsibility to Management and Management's responsibility to the Board.

Board Response: The board's primary responsibility and accountability is to the homeowners of Harvest Bend The Meadow. The board is responsible in locating a property management company that will take care of Association business, which we feel we have done by selecting and signing a contract with ACMP. It is the responsibility of ACMP to ensure compliance with and enforcement of rules and regulations of the State of Texas, Harris County, and of the HOA. The board reviews and approves all contracts that the HOA enters into and provides oversight of said contracts. See attachment No. 1 for more detailed information.

- f. A couple of members requested the Association could perhaps put more information in the Annual Meeting mailout or when the assessments are mailed out. Perhaps have a mail out in January detailing what the Association has done, what they plan to do and financial information for the prior year and budget for the next year. Provide information about the board members who are running for office.

Board Response: The board believes that the Yearly Board Report meets all of the requests. See Attachment No. 2. This report is discussed and available at the Yearly Homeowner Meeting in March of each year. Shortly after the March meeting, the report is posted on the HBTM HOA website at no cost to homeowners. Please review the report and let us know what else you'd like to have added. Homeowners continue to be encouraged to attend the Yearly (March) Homeowner Meeting, regular monthly board meetings and to view the HBTM HOA website to stay up-to-date on HOA activities. The resume of the person(s) running for the board is attached to the voting documents distributed before the March Homeowner Meeting.

- g. They would like a return envelope included in with the annual statements.

Board Response: To contain costs, a return-stamped envelope will not be included. Payments can be made electronically via the ACMP website.

11) Taking photos of homeowner property:

Is this legal? A homeowner would like the Board to have to approve Management taking any pictures prior to pictures being taken.

Board Response: The HOA lawyer states that taking a photograph of someone's front yard is not an invasion of privacy. Photos can be taken anywhere where there is no expectation of privacy. Google does it every day. By signing the contract with ACMP, the board agreed to the terms of the contract and have, therefore, given ACMP approval to take applicable photos in HBTM.

12) Security of homeowner documents and information at property management company:

How does management company protect photos taken during deed drives? All other homeowner documents and information?

Board Response: Data is stored electronically and protected by firewalls and anti-hacking software.