

WoodRidge Estates Property Owners Association Annual Meeting - September 22, 2020 @ 7 pm

11 Lot owners were represented at the Webinar meeting.

Meeting was called to order by Melissa Gentry owner of Hill Country Homeowners Association Management at 7:00 pm.

She presented the background slide on Meeting Rules and webinar chat. If you have a question, type your question or raise your hand to be recognized and she will take the mute off.

Melissa reviewed the Agenda (Typo, the slide should read "Determination of Quorum 44 out of 62").

Then she continued on to the previous meeting minutes, February 23, 2020. Once reviewed she asked for one of the Board Member to make the motion to approve the minutes. Jane Barrett motioned to approve and Waylan Owens seconded the approval. All responded with "aye", when she asked if they approved the Meeting Minutes. No one opposed the approval of the minutes.

She introduced the Board of Directors – Waylan Owens as President, Beth Welch as Secretary and Jane Barrett as Treasurer.

She announced the election results. Each candidate received 42 votes. Martin Watson, Chris Anger and Greg Schwierking are the new ACC.

Waylan introduced each Committee, starting with **Dawn Woods, Welcome Committee chairman**. The Welcome Committee does the event planning for the POA. We are an all-volunteer group that will meet in the Fall and Spring to coordinate the social gatherings and divide the responsibilities to the volunteers available for the chosen date.

Law enforcement cancelled the Traditional national Night Out for this year. We would like to collect thank you notes from the WoodRidge Estates residence to the Waring Fire Department and the Kendall County Sheriff's office. The Waring Fire Department has not been able to hold their usual fundraisers due to Covid-19 so any donations would be appreciated. The notes can be placed in the tote on our front porch at 226 Sonoma Ridge by October 3rd for delivery. In addition, the Waring Fire Department will host an Open House on the evening of October 6th from 6:30-9:00 for those interested.

In order to offer some socially distanced Fall Fun, we will have a Scarecrow Contest! Just place your scarecrow beside your driveway entrance for judging on October 30th – 31st.

The Halloween Hayride is being discussed and an announcement will follow when decided.

Laurie Heczko, Beautification Committee chairman – Offered an open invite to anyone who wants to join. Just call Laurie at 830-995-2230 if you are interested. She is currently decorating the front for the Fall Season.

Chris Anger, ACC chairman – 3 lot owners are planning to build in the upcoming months. Rick & Kat Pennington at 55 Napa Ridge, Lauren & Randall Munsch lot 34-A and Brady & Amy Stephenson lot 36A. There have been a couple of complaints. All but one is resolved. The only outstanding complaint

is about a dead tree was cut down on a member's lot. The ACC is looking into it. The other complaint was about people speeding on Kendall Jackson. Kendall Jackson and the other streets are public roads so you need to contact the Sheriff's Department to register your complaint. Remember there are children and animals so please slow down.

Due to audio difficulties Melissa gave the Treasurers Report for Jane Barrett (see attached).

The Open Forum topic that requested by Linda and Wally Kinney was about Political Signage being in our yards. Our By Laws are contrary to State Law. Linda said we need to update our documents and Melissa explained they need to be updated every 10-15 years. Legal cost \$3,000-4,000 and the new document needs to be passed by our members. Melissa also stated that Federal & State Law supersedes our community documents. Waylan Owens suggested that all members should be told of this and Beth Welch stated that the Kinney's Political Signage paperwork was sent out to all members for clarification. (see attached for the Kinney signage document)

Wally said they have more signs if anyone is interested.

Waylan Owens closed with thank you for participating and we welcome any comments so we can make our community better. Melissa spoke of her appreciation of serving WoodRidge.

Waylan Owens made the motion to adjourn the meeting at 7:25pm and Beth Welch 2nd the motion and all in favor and all said Ya/I.

Reported by,
Beth Welch, Secretary
WoodRidge Estates POA

**Woodridge Estates Property
Owners Association**

Treasurer's Report January - June 30, 2020

Summary Page:

Opening Balance 1/01/2020 (checking & savings)	\$ 33,772.86
Income	1,524.84
Expenses	3,725.58
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Ending Balance as of: 12/31/2019	\$ 31,572.12

Revenue:

Member Dues	1,188.00
Donation	132.00
POA Transfer Fees	200.00
Interest Income	4.84

TOTAL: 1,524.84

Expenses:

Donation for Meeting Rooms	100.00
Electricity for Well House	150.09
Philadelphia Insurance	2,089.00
Maintenance (mowing)	550.00

Office Expense:

Postage	15.35
Ofc Supplies (Binders & Ink cartridge)	69.57

Computer: renew name & domain	128.88
2/yr renewal website	321.11
CPA: Income tax & audit	300.00
Property Taxes	1.58

TOTAL 3,725.58

To: Board of Directors
Woodridge Estates
Comfort, Texas

From: E. Wally and Linda Kinney
158 Napa Ridge
Comfort, Texas

Re: Political Signage and Woodridge Estates Bylaws

Date: August 20, 2020

I would like to have an issue addressed at the upcoming HOA Meeting for Woodridge Estates.

On August 3, 2020 at 2:18PM we received a text message from a member of the Woodridge Board of Directors that stated:

Wally, we have gotten a complaint that you have some political signs in your front yard. So I drove by one to see about the tree that is down on Chips lot and saw that you have two signs in your front yard. If you will check your Woodridge bylaws you will see on page 24 that they are not allowed. Thanks for your help in this matter.

Then on August 3, 2020 at 4:46PM we received an email with the Bylaws and Declaration of Covenants, Conditions and Restrictions attached. Reference was made to pages 24, 41, 42 and 60 pertaining to signs.

PAGE 24: *Signs. No signs of any kind shall be displayed to the public view on any Lot except one professional sign of not more than two (2) square feet indicating the name of the Lot Owner, or one sign of not more than five (5) square feet advertising the Property for sale or rent, or sign used by the Declarant or the builder to advertise the Property during the construction and sale period not exceeding nine (9) square feet of surface area. Sales flags shall not be placed on any Lot.*

PAGE 42: *Signs. No signs of any kind shall be displayed to the public view on any Lot except one professional sign of not more than two (2) square feet indicating the name of the Lot Owner, or one sign of not more than five (5) square feet advertising the Property for sale or rent, or signs used by the Declarant or the builder to advertise the Property during the construction and sale period not exceeding none (9) square feet of surface area. Sales flags shall not be placed on any Lot.*

PAGE 60: *Signs. No signs of any kind shall be displayed to the public view on any Tract except one professional sign of not more than two (2) square feet indicating the name of the Tract Owner, or one sign of not more than five (5) square feet advertising the Property for sale or rent, or signs used by the Declarant or the builder to advertise the Property during the construction and sale period not exceeding nine (9) square feet of surface area. Sales flags shall not be placed on any Tract.*

Paragraphs on Page 24 and 42 are identical and the paragraph on Page 60 is also the same with the exception of the word "Tract" in place of the word "Lot". We could find no reference to signs on page 41.

The issue we have with this wording in all three sections is that it is in direct violation of State Law.

The 79th Texas Legislature passed into law HB873, which was signed by the Governor on June 18, 2005. The law went into effect immediately upon the signing by the Governor.

H.B. 873

AN ACT

relating to regulation by a property owners ' association of certain displays on property in a residential subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.009 to read as follows:

Sec.202.009. REGULATION OF DISPLAY OF POLITICAL SIGNS.

(a) Except as otherwise provided by this section, a property owners ' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner 's property one or more signs advertising a political candidate or ballot item for an election:

(1) on or after the 90th day before the date of the election to which the sign relates; or

(2) before the 10th day after that election date.

(b) This section does not prohibit the enforcement or adoption of a covenant that:

(1) requires a sign to be ground-mounted; or

(2) limits a property owner to displaying only one sign for each candidate or ballot item.

(c) This section does not prohibit the enforcement or adoption of a covenant that prohibits a sign that:

(1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;

(2) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;

(3) includes the painting of architectural surfaces;

(4) threatens the public health or safety;

(5) is larger than four feet by six feet;

(6) violates a law;

(7) contains language, graphics, or any display that would be offensive to the ordinary person; or

(8) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

(d) A property owners ' association may remove a sign displayed in violation of a restrictive covenant permitted by this section.

Then during the 86th Legislative Session, the Texas Legislature passed HB2554, which went into effect on September 1, 2019. This bill removed **Property Code** Chapter 202.009 and moved the legislation to the **Election Code** Chapter 259.002.

H.B.2554

SECTION 3. Section ~~202.009~~, Property Code, is transferred to Chapter 259, Election Code, as added by this Act, redesignated as Section 259.002, Election Code, and amended to read as follows:

Sec.259.002 [~~202.009~~]. REGULATION OF DISPLAY OF POLITICAL SIGNS BY PROPERTY OWNERS ' ASSOCIATION.

(a) In this section, "property owners ' association" has the meaning assigned by Section 202.001, Property Code.

(b) Except as otherwise provided by this section, a property owners ' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner 's property one or more signs advertising a [~~political~~] candidate or measure [~~ballot item~~] for an election:

(1) on or after the 90th day before the date of the election to which the sign relates; or

(2) before the 10th day after that election date.

(c) [(b)] This section does not prohibit the enforcement or adoption of a covenant that:

(1) requires a sign to be ground-mounted; or

(2) limits a property owner to displaying only one sign for each candidate or measure [~~ballot item~~].

(d) [(e)] This section does not prohibit the enforcement or adoption of a " covenant that prohibits a sign that:

(1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;

(2) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;

(3) includes the painting of architectural surfaces;

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(6) violates a law;

(7) contains language, graphics, or any display that would be offensive to the ordinary person; or

(8) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

(e) [(d)] A property owners ' association may remove a sign displayed in violation of a restrictive covenant permitted by this section.

In accordance with the Woodridge Estates Bylaws, Article IX, No. 2, we suggest the Woodridge Estates restrictions, that are in violation of State Law and unenforceable, be modified.

2. *Invalid Provisions*

*If any one or more of the provisions of these Bylaws, or the applicability of any such provision to a specific situation, shall be held invalid or unenforceable, **such provision shall be modified to the minimum extent necessary to make it or its application valid and enforceable**, and the validity and enforceability of all other provisions of these Bylaws and all other applications of any such provision shall not be affected thereby.*

Several courts in the State of Texas have taken up this issue as well and have upheld the statutes and ruled in favor of the property owner. Therefore, to protect the association from future costly lawsuits, we firmly suggest the necessary amendments be made.

Respectfully,

Linda and Wally Kinney
158 Napa Ridge