

CSRPOA Monthly Board Meeting September 10, 2024

CSRPOA Clubhouse 691 Canyon Springs Drive, Canyon Lake, Texas 78133

Call to Order The meeting was called to order at 7:07pm by CSRPOA Board President Debbie Friesenhahn with a quorum present. Pledges were given to the U.S. and Texas flags. The ground rules for the meeting were covered.

Minutes of the previous meeting minutes were read by the Secretary. A motion was made to approve the minutes by Anthony Timmermayer with 2nd by Dewayne Nelson. The vote to approve the minutes was unanimous.

Treasurers Report: was read given by Treasurer Bill Tuzin. The beginning balance on August 1, 2024 was \$15,076.76 with 5 deposits and/or credits of \$3,244.39 and with 17 checks or other debits totaling \$2,149.33 leaving an ending remaining balance on August 31, 2024 of \$16,171.82. A motion to accept the Treasurer's report was made by Anthony Timmermayer and 2nd by Dewayne Nelson. The vote to approve the treasurer's report was unanimous.

Old Business: President Freisenhahn stated that most who wanted a key fob have gotten one, and those wishing to get them should know that they can be obtained by appointment by contacting Debbie Friesenhahn at 210-416-7585. Those who are paid up on annual POA dues are eligible to get the pool fobs. The pool is still open from Wednesday-Sunday. The pool will remain open as long as weather permits though October or longer. She offered thanks to those who have helped with the care of the pool and asked that if any present wished to help, to contact her.

She mentioned upcoming events to include the Texas National Night Out on Tuesday, October 1st at the Clubhouse beginning at 6:00pm, the Halloween Craft Night open to all ages to make mummies for a charge of \$5 on October 12 from 6:30-8:30, Trunk or Treat on October 26 from 6:00-8:00pm asking for those who would like to participate in handing out candy to the kids and encouraged those who participated to decorate their vehicles, and also mentioned that there were flyers being distributed announcing the Haunted House promoting sponsors. Characters and helpers are needed to help out with the set up on that project which is a fundraiser. She also mentioned the POA Garage Sale to be held on September 27 and 28 from 8:00am to 4:00pm. Dates with these activities can be found on the website.

Special Meeting: Karen Griffin had asked to be on the meeting Agenda and bring up a motion to hold a vote on the removal of Board Member Dewayne Nelson. She reference the May 2024 Annual Meeting and the presence of Mr. Nelson on the ballot to become a member of the Board. She stated that she felt that someone who was engaging in a lawsuit against the POA should not be on the ballot referencing her belief that he could not be considered a member of the POA "in good standing" if he was bringing suit *against* the POA and that everyone who are members will have to pay for the cost required to stand against his action of bringing suit. She also brought up that due to a lack of others running as candidates to be on the Board, that his name was on the ballot and he was 'voted on' the Board as a result. Ms. Griffin stated that due to the nature of the lawsuit, few people actually know the particulars of it and have not been informed but are going to be on the hook and held liable for paying legal fees incurred. She stated that this was why she put forth the motion to have a vote to remove Mr. Nelson from the Board, that he was

not doing this to serve the interests of the members of the POA, but only for his own interests. She said it was not about personality or not personal about disliking him, but about principle that someone suing the members of the POA was not "in good standing".

President Freisenhahn then called on Mr. Nelson. He stated that he was duly elected to the Board and that he had faithfully served the Board with regard to fiduciary matters. He asked for those present and voting to support him in continuing in that duty. The President then called for any further discussion from those present. A question was raised by a member of the audience concerning the nature of the lawsuit in question. Diana Rhodes spoke in support of Mr. Nelson that his action to sue was his effort to get things done which had been met with resistance from the Board in the past and that because of lack of discussion that resolutions to the issues have not come about, and because of advice of attorneys that the issues could not be discussed. Mr. Timmermayer brought up the Oxford dictionary definition of the phrase "in good standing" and questioned if you would agree that if someone was suing you that they would be "in good standing".

A member of the audience named Shirley brought up that Mr. Nelson's name was on the ballot for Board officers because "he had a right to be on the ballot". Bill Tuzin spoke up to clear up discussion of the ballot process that there were 9 open spots on the ballots and only 8 persons who sought positions on the Board, and that one of the 8 names was Mr. Nelson's and the Board could not keep him from running for office and that there was no such wording to prevent him from running and that the Board is not taking action to remove him although at times he has been very difficult to work with. Since he brought suit and is presently on the Board, the Board members cannot discuss the particulars of the suit among ourselves. Another member from the audience brought up a question of what issues might have possibly been brought up that were not dealt with or resolved which resulted in Mr. Nelson bring up the lawsuit.. President Friesenhahn brought up that she and some other newly elected Board members were not on the Board and there is now a lawsuit in effect and that the lawyers on both sides have given counsel not to talk about the lawsuit. A member of the audience, Bob, wondered how there can be transparency when it seems frustrating that the details cannot be made known. He suggested that since the members of the POA were affected that they should have a say in what is going on in terms of the lawsuit more directly as opposed to going through the elected representatives on the CSRPOA Board of Directors.

Another POA member in the audience, Chuck, was recognized to speak suggested that things have not been going well for a long time and that most of the POA residents did not know what was going on and were "in the dark". Mr. Nelson was queried as to whether he would consider dropping the lawsuit to which he replied "No Sir". To clarify for the audience's information Bill Tuzin commented that Mr. Nelson was not on the Board when the suit was brought. President Friesenhahn then recognized a POA member in the back of the group who said "this is not the first lawsuit that had been brought" over the years and that this was the second suit brought and Cy Jenkins interjected that "the first lawsuit had been thrown out". A question from the floor asked if the Board could discuss the lawsuit and President Friesenhahn replied that the Board could discuss it but not in a general meeting. When asked about the first suit, Mr. Timmermayer

replied that it was filed in JP Court for “injunctive relief” and that Court did not have proper jurisdiction so it was thrown out to which Cy Jenkins confirmed that it was not in his Court. One more POA member raised a question as to whether or not Mr. Nelson had residence in the POA, but it was clarified by Mr. Timmermayer that he did own a house. A member of the audience asked if Ed Tennyson could come in to the meeting, and the President said he was still not allowed but that as a property owner his vote would be counted. Mr. Klaftenegger then spoke last and he said that Dewayne Nelson had been duly elected to the Board and that for the most part it functioned well even though there can be times when there are disagreements on the issues. Mr. Timmermayer interjected that due to the lawsuits, the insurance rates of the POA have greatly increased. Klaftenegger said the lawsuits were brought because in the past the Board had not found a solution to the issues that had been brought up. The discussion period was ended and President Friesenhahn called for the vote to proceed and remaining ballots to be returned.

While the final ballots were being received, Mr. Timmermayer spoke to the concerns that issues brought to the Board’s attention were not being discussed and dealt with. He said that when Mr. Nelson came on to the Board he was proposing changes to the Bylaws, Articles of Incorporation and Deed Restrictions study committees can be organized as they have been in the past to address the issues that are being brought up. He implored those in the audience to be involved before something like this happens so that we can move forward in a positive way. He mentioned that the three insurance policies the POA carries is now \$12,580 this year and the E&O (Errors and Omissions) insurance went up over \$2300 this past year which is money out of the pocket of the POA’s general fund due to things such as lawsuits. President Friesenhahn thanked those persons who had been involved and welcomed more to take part in the POA community to become a stronger and closer group dedicated to doing great things together.

The meeting was paused at this point for visiting and fellowship while the ballots were being tallied. After a period of one hour and twenty minutes after the meeting began, President Friesenhahn brought the meeting back into session to announce the results of the vote to remove Dewayne Nelson from the CSRPOA Board of Directors. The results of the vote were certified and this was the final result of the motion: There were 65 votes to “yea” votes to remove Mr. Nelson; 14 “nay” votes for Mr. Nelson to remain on the Board and verification of the final tally showed 20 letters returned by the Post Office for bad addresses, and 6 were received after the vote was taken on September 10, 2024. The quorum number required to validate the vote on the motion to remove was 58, so Mr. Nelson was removed from the Board.

While everyone was assembled, Ryan Jenkins was nominated to serve as a Director on the POA Board by Anthony Timmermayer, 2nd by Ken Parnell, and was unanimously approved.

Adjournment: Motion to adjourn was made by Anthony Timmermayer, 2nd by Dennis Davis and the vote was unanimous. Meeting was closed at 8:31pm.

Respectively prepared and submitted by Pat Daniel, Secretary