

MINUTES OF PROPERTY OWNERS ASSOCIATION OF SUNSET BAY, INC.
ANNUAL MEETING
August 7, 2010
www.sunsetbaypoa.org

Call to order and certification of proxies: An Annual Meeting of the Property Owners Association of Sunset Bay, Inc. was held Saturday, August 7, 2010, at the Women's Club of Aransas County Inc., 1104 E. Concho Street, Rockport, Texas 78382. The meeting convened at 2:05 p.m., Kelly Flanagan, President, presiding, and Gary S. Sequeira, Secretary.

Roll call: Conducted by Gary Sequeira, Secretary.

Members in attendance:

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|-----------|-------------------------|----------------|
| Owners: | See sign in list. | |
| Officers: | President | Kelly Flanagan |
| | Vice President | Debbie Ortiz |
| | Vice President at Large | James Buckley |
| | Secretary | Gary Sequeira |
| | Treasurer | Joshua Staley |

A quorum was established, and the meeting was called to order.

Proof of notice affidavit: The secretary provided the proof of notice affidavit that notice of the annual meeting of the Property Owners Association of Sunset Bay was mailed or hand-delivered to each member at the address last furnished to the Association in accordance with the requirements of the Bylaws at least twenty days prior to the annual meeting.

Reading of minutes of 2009 Annual Meeting: Since the minutes of the 2009 Annual Meeting had been approved via e-mail and signed by the Secretary, reading of the minutes was waived and is available for reading on the association website.

Guest speaker: Sandra Bailey, Environmental Manager, Sherwin Alumina Company gave a presentation on the bauxite disposal reservoirs across Port Bay from Sunset Bay. A property owner raised a question concerning Port Bay turning red after it rains and expressed concern that it could be run off from the reservoirs and could be hazardous. Sandra will have the water tested when it turns red. After the analysis is received from Sandra, it will be posted on the Sunset Bay website and discussed at a Board of Directors meeting and minuted.

→ **ACTION:** James Buckley will notify Sandra when the bay turns red after a heavy rain so that she can have the water tested.

Reports of officers:

President, Kelly Flanagan

- Pier – Kelly has been working with the developer to get the pier construction started. Curtis Construction of Rockport will build the pier as permitted (258' elevated walkway over the wetlands, 600' of pier over the water, 4' wide and T-head of 10' x 30'). Some of the materials have arrived and construction is scheduled to start August 8. A fish cleaning station and security gate are to be included.
- Plants at entrances – The plants at both entrances have been replaced and the beds re-landscaped, and drip irrigation has been installed.
- Breach of contract – There was discussion concerning the statute of limitations for filing a suit against the developer for amenities that were promised at the time of sale of the property and not provided. Decision to let developer complete pier construction with security gate, fish cleaning station, and inspect quality of work before taking any further action.

→ **ACTION:** Kelly will contact Steven Berger, property owner, to keep an eye on the pier construction.

→ **ACTION:** Kelly will post the progress of the pier construction on the website.

- The Cooper sign has finally been removed.

Vice President, Debbie Ortiz

- Reviewed the mission of the Board of Directors
- Reviewed list of accomplishments by the Board of Directors since the 2009 Annual Meeting.
- Presented Certificate of Appreciation to Kelly Flanagan and Gary Sequeira on behalf of the Association

Treasurer's Report, Joshua Staley

- Reviewed the Profit & Loss statement for January through December 2009, the Balance Sheet as of December 31, 2009, the Profit & Loss statement for January through June 2010, and the Balance Sheet as of June 30, 2010. About \$10,000 is kept in the checking account for operating expenses with the remainder invested in a money market account. A detailed list of expenses is available if anyone wants to review.

- Maintenance dues – Thirty-nine property owners have not paid 2010 maintenance dues. There are still a few property owners who have not paid 2009 dues. There are eight property owners who have not paid dues for 2008. The association is going to be more aggressive at collecting overdue dues.

A property owner suggested putting a thank you note on the website for all those who have paid dues.

- Crystal Lyn served as Treasurer until the end of 2009; Joshua Staley took over in April and continues to transition.
- The association has to have an audit every two years, per the bylaws. We need to have an audit of 2007 and 2008 books. Joshua is looking for an auditor. He has an estimate for one for \$7,000; he is looking for others. The Bjorks recommended a CPA, and Joshua will contact this individual.
- A few adjustments need to be made to be in compliance with GAP. Joshua will work on these.
- On May 12, 2010, the Secretary of State suspended the association charter for not filing tax returns. The 2008 and 2009 tax returns have been filed now and a tax compliance letter has been received. A letter reinstating the charter should be received soon.
- The federal tax returns have not been filed; these will be done quickly.

Secretary's Report, Gary Sequeira

The secretary maintains all non-financial documents and minutes for the Association Board of Directors Meetings and Annual Meetings. They are available if anyone wants to see them. The minutes are also posted on the association website.

Vice President at Large, James Buckley

- The new private property, no trespassing signs have been installed.
- The name of the street "Duckheaven" has been corrected to read "Duckhaven".

Reports of Committees

Architectural Committee – Rogelio Malvaiz reported that nothing has happened. He would like to see all future houses have side entry garage doors rather than facing the street.

Financial Committee – Joshua Staley previously covered.

Maintenance Committee – Joe Howard, Chairman, could not attend meeting; he helped get the bids on the landscaping at the entrances.

Communications Committee – Debbie Ortiz, Chairman. Rosemary and Dave Kasprzak assisting. Debbie reported that Chris Naylor, Copano Bay Landscaping Company, will give Sunset Bay property owners a 10% discount. His name will be posted on the website.

Improvements/Planning Committee – This committee needs a chair. Jerry Bjork will help on the Committee.

Election of Directors

No nominations were received from the floor.

James Buckley resigned as Vice President at Large. Dave Kasprzak volunteered to replace James as Vice President at Large.

The following were unanimously re-elected: Kelly Flanagan, President; Joshua Staley, Treasurer, Debbie Ortiz, Vice President; Gary Sequeira, Secretary.

The nominations being closed. Dave Kasprzak was elected Vice President at Large.

One property owner suggested that the association cover the expenses for the Directors when they are handling association business; the Directors turned down this offer.

Unfinished Business

Adoption of the 2010 budget was tabled for the time being.

Old Business

Jerry Bjork reported that improvements continue on Redfish Bait Camp. Contact has been made with Quadvest for water.

Debbie Ortiz stressed that the association website is a vehicle for communication for the property owners and that the owners need to watch Kelly's blog for updates on what's going on.

New Business

No new business was raised.

Adjournment

The meeting adjourned at 4:45 p.m.



Gary S. Sequeira, Secretary

9-21-2010

Date of approval