

TWIN HARBORS POA  
OPEN DISCUSSION WITH  
ATTORNEY, BRODY SMITH  
DECEMBER 18, 2021

Board Members Present: Barbara Dickens, Debbie Tanner, Jimmy McCorkle

Board Members Absent: Tim Campbell, Don LeRouax, Bob Price, Steve Eckert, and Joseph Polizzi

This meeting was changed from a Special Board Meeting to just a Q & A with our Attorney because 3 board members decided to leave after arriving at the meeting, stating it was an illegal meeting.

Those members were: Bob Price, Steve Eckert, and Joseph Polizzi.

Guests Present: Pam Harvey, Lana Shadwick, Sandra Jaynes, Mark Farrer, Tom Crockett, Elizabeth & Conan Harris, Sherry Pierce, Susan & Mitch Mitchel, Cheryl Farr, Gary Belcik, Larry & Teresa Parks, John Danna (I may have missed some because not everyone signed in.)

Guest Speaker: Brody Smith, Attorney with Kerry Hagan Law Firm

Barbara Dickens introduced Brody Smith, the POA Attorney. Debbie Tanner asked Brody to start with what he would like to open with.

Brody stated that he was here to answer questions and concerns for us on several issues the POA has been dealing with.

- The Meeting Agenda sent out is fine. More details were not required.
  - Question was asked if we must follow the Open Meetings Act. He said we do not.
- The Board has control over all funds, ARA doesn't have any control over funds.
- Questions and issues brought up about our election process and the vote counters. Brody can fix this in the future so there are no issues. His office can receive all ballots and use his address as the return address. They will research and re-mail if able to get a good address for the property owner. They will provide an accurate list of property owners who we mailed to, the votes received, etc. All ballots will be mailed out. They will check for valid addresses prior to mailing the ballots out. Nomination process is part of the Property Code, so we still must follow this law and have a nomination committee.
- Onalaska ordinance trumps Deed Restrictions if ours is silent or minimal. For example, the chickens, we have "none" in the Deed Restrictions, but City says we can have 6, it trumps our restrictions.
- Debbie Tanner read the letter from the Auditors. It was found that there has been no embezzlement, no theft of funds, etc. from the accounts. All the money went into the accounts, expenses paid, and the balance is in the accounts, every dollar is there. The only issues were transfers not processed in a timely manner, not into the right account, and some recorded but not processed. The recommendation is to reduce the number of accounts we have. Consolidate the accounts down to just 2 accounts. This will be presented in more detail at the January meeting. Question was asked about the Debbie Mercer Roberts request for financials. Brody has the response on this, and we will meet to go over this before it goes to Mrs. Roberts. Our Audit was just for 2020-2021 year. Yes, we should be having the books audited yearly.

- Question was asked if Board members can talk in Open Forum at the Board Meetings. Brody stated yes, Board members can speak during open forum.
- Question was asked about a non-board member managing the website. Brody said the Board can vote on this and it can be a paid or unpaid position and no, it doesn't require it be a board member.
- Question was asked about metal-built homes, storage buildings, and garages. Brody stated that when the first metal garage was built in the subdivision it opened the door for metal roof, storage buildings and homes. You can't "grandfather" in what is here and refuse the rest of the requests. They can take us to court and win their case. We can set up guidelines for building in the subdivision and using metal. This would be done by the board and the ARA with input from the property owners. Brody will email us a copy of other POA guidelines to review and what the process is to set this up.
- If a property owner has a problem with the ruling of the ARA, they can complete an appeal form (we need to make this form) and submit it to the board (all members). The submission needs to have a copy of all documentation and the rejection. Brody will send us the forms used by other POAs.
- Brody stated that our board is set at 8 members, but it needs to be an odd number of members.
- Question was asked about software for the POA. Brody said he can get a quote for a system that other POAs use. However, the cost on this could run about \$8,000+
- Question was asked about the Pledge presented by Doug Lehr. Brody said the board doesn't need to sign the pledge, nothing in our bylaws or deed restrictions requiring us to do so.
- Question was asked about email for Board members. He said it would be better that we have email set up using the position name. For example, THPOATreasurer@xxx.com. It should be set up where it can be backed up. Debbie Tanner stated that our IT person, Paul, can set up email through our website for the members and he is going to start working on this for us. We will have email accounts set up for each position.
- Question was asked about the board members getting a copy of the insurance. It was also stated this policy is in the office and any board member can go in and ask Laurie for a copy of it. Church Street Financial has prepared a bound copy of the policy for us, the binder is 100 + pages. Debbie will email the board and provide a copy of the document and what the cost will be if a printed or electronic copy is wanted.
- Brody was asked if the ARA should obtain their own attorney. Brody said no, he provided his email and said everyone can email him their questions. If it is an issue with the ARA and or the Board, they should also copy that group when they email him. Brody said his accessibility is limited due to his schedule. [kerryhagan@gmail.com](mailto:kerryhagan@gmail.com) and put attention THPOA in the subject line so they can match it up to the account.
- Question was asked about the Harmony & Conformity clause in the Deed Restrictions. Brody said we can cover this in the building guidelines.
- Brody also recommended that we combine sections so we can cover more area with changes and not having to make several changes to the Deed Restrictions. He can help us with this.