

Summer General Member Meeting Minutes

Saturday, June 18, 2016
10:00 AM

Board Members Present:

Bobby Knell - President
Estelle Murchison - Vice President and Communications Chair
Rick Skiles - Treasurer
Bill Brown - RMR Water Park Chair
Kirby Hicks - Roads Chair and Secretary
Curtis Christian
Gregg Germer

County Representatives:

Will Conley - Commissioner Precinct #3
Lon Shell - Chief of Staff
Jerry Borcharding - Hays County Chief Engineer
Erin Jones - Maintenance Super for Hays County

Members Present: 55 property owners/couples for a total of 80 lots. The county ballot listing was used as a sign in sheet. A scan of this exhibit is attached to these minutes.

- Meeting was called to order at 10:00 AM by Bobby Knell.
- **President's remarks:** Bobby welcomed everyone to the meeting. Indicated that a quorum was not required no voting would be accomplished in this meeting. He welcomed our guests from the County and addressed administrative guidelines for the meeting.
- **County Roads Maintenance Initiative:** Kirby Hicks introduced the initiative and explained the property listing that was available at the entrance to the meeting. Each member has one developable lot associated with each time their name appears on the list. Everyone was encouraged to ensure they agreed with the tally. Mr. Strawn's two lots were used as an example to show that if you had developed parts of both lots that the county would consider them to be only one developable lot. This is a case that was reviewed and responded to by the county that week. The Roads Committee had met on Wednesday, 15 June to prepare for the general meeting. A presentation that summarized the cost to maintain RMR roads and the history of the county roads initiative was approved by the roads committee. One of the key concerns raised at the County Hearing on 7 June was that many members did not have all the information that they needed to vote on turning the roads over to the county for maintenance. The presentation was designed to bring everyone up to the same level to improve communication and understanding. That presentation was then reviewed.
 - o Kirby Hicks started the presentation by highlighting feedback from a meeting with the County that took place on Thursday, 16 June. The meeting had been scheduled to ensure that there was a clear understanding of the County's guidance since the hearing on 7 June had been closed with no recommendation to go forward with an election. The County had decided that they should be handled as separate initiatives.
 1. Option One was River Mt. Rd. from 3237 to the second cattle guard.
 2. Option Two was all internal RMR roads after the second cattle guard.The not to exceed estimated cost by the county was included as a reference. \$286,189 for River Mt. Rd. to the second cattle guard and \$1,532,579 for the rest of RMR roads.
 - o Since the possible loss of our AG exemptions had become a significant concern, The statute that nullifies the 1936 stock law if the land on both sides of the road is leased by the cattle company was then reviewed. This statute along with research relative to tort law was provided by the County at the 16 June meeting to address POA member concerns and

- provide as much assurance as possible that they would not lose their AG exemption if the roads became public roads.
 - Mr. Hicks then introduced David Agee, previous Roads Chair, to review the cost history for RMR roads. The cost history had been updated to include 2014 and 2015.
 - Mr. Hicks then reviewed the history of the County Chapter 253 Roads initiative and current conditions before handing over to Commissioner Conley.
- Commissioner Conley had committed to coming to the Summer Member Meeting at the public hearing on 7 June. The reason he wanted to attend was to ensure that everyone had a chance to ask questions so he could clarify the County position relative to the Transportation code chapter 253 process. After which, if RMR still wanted to go forward on option 1, or 2, or both, that everyone was well informed in advance. Following is a summary of key points made by Mr. Conley as well as questions and answers during the time he held the floor (1 hour and 40 minutes).
 - The 253 program was put together by the county in 2005 to create a process for private roads to come into the public system. In the past (called it the wild wild west) standards were not in place that address private roads like today. If RMR were built tomorrow it would be done very differently to meet the new standards.
 - We have done this program all over the county. We have done several in Wimberley. Cedar Oaks Mesa. North Woodcreek.
 - In almost all cases the county is asked to assume the roads. N. Woodcreek is an exception because it had gotten so run down it had become a huge public safety situation. County stepped in to help deal with lawsuits and get the roads up to standard.
 - You have to balance also that you are tax payers and it has to be fair to all other tax payers. That is why you pay a share to bring your roads up. Because you pay taxes as well.
 - We had a public hearing and we held off on that process because like we have seen elsewhere that some members have not been paying attention. You can go through all sorts of notification processes but usually because of our lifestyle today, the majority of people do not become aware of what is going on until you are about 80 90% there. We want you to know your capital obligations and understand that the roads will be brought up to standard and after that the county will maintain those assets at a level that meets your expectations.
 - I want to address a couple of things that I have heard. I have heard that some fear that if we take over the roads it may be part of a grander transportation plan to connect your roads to get to one point or another. There are no plans. In fact in our transportation plan we are to do everything we can to maintain the current environment. That said there is no difference if the roads are public or private. If the county saw a compelling need they could make the connections... Going into the public system does not change the dynamics.
 - Curtis Christian - if that happened you would have to pay us for our roads since we own them.
 - That is true. I do not know all the details, but an offer would be made and even if it was not accepted the county would pay what it is determined to be worth, but we are talking about a far fetched hypothetical.
 - On the AG exemption concern, as simply as I can state it, I believe that is a nonissue for your subdivision. We have further checked some boxes to ensure this is the case. (Gave many examples about minor or major collectors throughout Hays County where grazing continues.)
 - You have a far greater liability from the Texas legislature changing the tax codes and exemptions because the appraisal district would be mandated to make those changes. You live with a liability today is all I am saying.
 - (Definitions of developable lots were passed out, as well as example lien and pending lien notice and tax statement.)
 - If you approve this there will be a lien placed on your property.
 - Lon Shell expanded on the pending lien that it will be posted so that between the time the initiative is passed and the time the work is finished if you sell your house there will be a

- notice to ensure any potential buyer knows about it.
- The estimate that is given is padded. We have never done this program and come back and said it cost more than the estimate. Every time it comes in well under the assessment. (some discussion around road cost) lot owners pay half. We wait until we are done and then charge the home owner for half of that actual cost.
 - 60 foot right of way. As it stands today the POA can work within that 60 foot right of way. The county would do the same.
 - Question (name not discernable) - What type of lien will the county place on the property and how would that affect ability to refinance the home? Can the county take your home if you do not pay?
 - The county has a junior lien on the property. If you are delinquent there is a formal process that you go through to collect those taxes. Taking the home would be a consideration if payment was not made.
 - The lien amount can be paid off up front so no lien is ever placed on the property.
 - You could write a check for \$588 for the first proposal and you have no lien. Again we would wait until that is paid off.
 - Question - since the lien amount is on your tax statement is that deductible?
 - Yes you could deduct it. I am 99% certain of that.
 - Law enforcement officers could write tickets for running stop signs or speeding. That reminds me of some other concerns like riding in your golf carts or mule or whatever. Going down to the river park. There are the specifics of the law and there is reality. Law enforcement does not cite people for driving around neighborhoods, but if you were going down Winter's Mill parkway that might change. Nor do we have the resources.
 - Mark Smith - is the right of way from the center or each way?
 - The answer is total. It is not directly yours today the difference is the county will be managing instead of POA.
 - Jeanne Martin - Our mailboxes are in the right of way. Are they in danger of being removed?
 - The answer is no. They are not in danger of being removed. It is the design of your neighborhood.
 - Bobby Knell - If we had a catastrophic event and the road need repair would the county be forced to repair it.
 - Forced is a strong word and the county could leave 100s of people stranded, but yes we would repair it...
 - State and Federal programs are an issue for the county in an emergency. Easy for us in the public system, but had to get very creative to help citizens on private systems.
 - Bart Behr - How do we get assurance that the county will make the repairs we need compared to our subdivision?
 - The accountability lies with your county officials, me the county judge and commissioners.
 - Bart Behr - your term is what?
 - I am about to start a new term for four years. You could have a good government or a bad government and you could also have a good POA or a bad POA.
 - Bart Behr - I have heard mixed messages today on the lien. Is the lien amount estimate capped?
 - What you vote on is capped unless we went out for another vote.
 - Bart Behr - our county is changing and the population density is going up, with all of that is it fair to say the political environment will also change?
 - Yes, I believe the population density is going to change drastically over the next 10 years. But under that same hypothesis, I think it goes back to the design and setup of your subdivision. I am just sharing the best info I have. Any of us can speculate on the future. In your area that is not how it is done.
 - Bart Behr - (difficult to hear, but question was about public safety of River mt. rd vs the rest of the roads)
 - I did not really get into the weeds of the details of the election. I saw the proposal and felt

- it really was not fair for the people in Lonesome Dove (laughter,... crowd corrected him on names of White Wings and Foxhole) Those constituents should not have a burden to pay for the back of RMR. At the very least, what is most important to me and the county is River Mountain Rd. That is what is most important from a public safety standpoint for the county.
- Bart Behr - the rest of the roads are not really a public safety issue so you could not go forward with them? (words to that effect)
 - It depends upon how you define public safety. The court has defined public safety in these older subdivisions very broadly. Higher levels of priority of public safety does not mean there are not public safety issues in the back of the subdivision.
 - Daniel Jacobs - Would the county change the size of culvert if the were not adequate?
 - The answer is very probably yes.
 - Daniel Jacobs - if the county did not do it would you allow us to pay you to do it?
 - The county is always willing to take money. Seriously we would work with you on that.
 - David Morales - What about that bridge from Hilliard Rd. to Water Park Rd. That used to be on the transportation plan? I think I know the answer to this but I want to publicly hear it. Is that off the plan?
 - I am not exactly sure what that plan was, but we now have a 2030 plan. The county has no interest in making any connectivity to those roads. None of us have a crystal ball, but let me talk politically for a minute. If I lay out a map that shows that I am going to connect Kyle and San Marcos through your subdivision and back over to Driftwood. I might as well pack my bags and go home. We have an interest in maintaining public safety we also have a high interest in maintaining the integrity of your subdivision. We are looking at safety improvements on 3237 in front of your subdivision. We are working with the state to do so. Does that answer your question?
 - David Morales - will there be a bridge from Hilliard rd?
 - No bridge. The updated plan is on the county website. We are not running through your subdivision.
 - Calvin Morgan - What level of interest does the county have in the public safety issue from our area to 3237?
 - This is one of my favorite topics. Today we are analyzing all of 3237 for safety improvement and have specifically identified your intersection.
 - Kay Fulbright - I have this flier about vote no. What happens to solicitation if the roads are public?
 - There is no change to your current policy.
 - Kay Fulbright - on ATVs, and I am married to a police officer, in my opinion the first time that someone complains that will be the end of our ability to drive ATVs.
 - Fair statement. I can't predict the future. Now I get those complaints all the time and again there is strength in numbers. Most of you use them. Unless there is a real public safety issue. Someone's life is in danger that is how the county looks at it. Frankly from a resource standpoint we do not have the ability to go after ATVs in a subdivision with one entrance and exit. We have real crime we have to look after.
 - Patti Nielson - What does it mean to bring to county standards? Does that mean it is going to get refurbished or what does that mean?
 - We will look for areas with base failures and improve them. We will look for areas that just need resurfacing.
 - Patti Nielson - (difficult to understand - sounded like was asking about the two options and if the county was going to do both)
 - That is up to you guys. We will start with River Mt. Rd. However yall decide and come back to the county and it will be considered. We have a commissioners court that is very supportive. That could change in the future. It is at our discretion. You have five members on the court that make those decisions. All five think this is a good program. New elected officials could have a different perspective. Or they could change the conditions to say you have to pay 100%.

- Paul Jack - Unitelligible
- Marvin Bottera - We looked at cost to maintain roads and River Mt. Road. That is just math. Why can't we get the cost on the rest of the roads?
- David Agee - We do not have that information.
- Marvin Bottera - How come?
- We could probably ball park it.
- David Agee - The point is we need more information on how much we actually spend on River Mt. road vs the interior roads. The majority of the road repairs are on River Mt. Rd. We are going to vote on River Mt. Rd. and we have an option for internal roads. Why do we have it separate now?
- Because that is what your county government has decided. I want to make it clear that all of you will vote on River Mt. Rd. If you want to vote on all the rest of the roads that is a decision that you have to make. It will be a separate proposition. It will not include the folks in the front on River Mt. Rd. I think there is a lot of information out there already. Everyone has the responsibility to catch themselves up quickly so you know what is going on. What is frustrating to me as a public official, and you are not doing this Marvin, is that there is a play book that is out there... It is real easy to kill things it is hard to build things. I have personally spent a day with someone and given them everything possible, all the public records, and the next day they come to a hearing and they say they do not have enough information and they need more information. Educate yourself and if you are for it, vote for it and if not, do not vote for it. That is the American way. Whatever happens you are always going to be paying county taxes and that maintenance can be something that we will take care of the roads or you can pay for them yourself.
- Jennifer (Will just repeated the first name) - question not intelligible.
- By law you have to go through a process that has timelines.
- Lon Shell - You have to be in the paper 31 days before the hearing. Another 30 days to count the ballots for a total of 61 days at the minimum.
- Anticipate voting on River Mt. Rd sometime mid September early October, then ya'll go back and let me know if you want to do the same for the rest of the roads.
- Cheryl Daily - We already asked to do all the roads.
- The only change is that there are two separate votes.
- Cheryl Daily - You have pushed it out by six months though.
- Not necessarily. Yall have that discussion and come back to me. River Mt. road will be separate because it is a different electorate.
- Carolyn Kaczinski - If we moved really quickly, could these be implemented almost concurrently or not?
- They could be close. I think it would be best to do the first proposition first. We would like some connectivity. I would hate for the first part to be private and the second one passes.
- Ron Nielson - I do not think the first prop will fail. There is more conflict on the second half. Would it be possible to have one hearing one week and the next a few weeks later.
- Yes it could. I will remind yall that this program does not exist in a lot of counties to do this.
- Bart Behr - You just won re-election so we would have a favorable court for four years.
- Very hard to predict politics.
- Brad Thigpen - I have a question about a developable lot. Is there a form we need to fill out?
- Talk to our development services department.
- Lon Shell - please work with Kirby
- (additional discussion on this, but all issues are being forwarded by Mr. Hicks to the county for resolution. At the time of these minutes three issues have been submitted to the county for a decision and the individuals have been informed.)
- Mr. Nilsson - (unintelligible)
- If your roads go into the public system I am telling you that nothing will change. As your official I feel extremely confident that you will not lose your AG exemption.

- Someone asked about raising dues to maintain the roads.
- Bobby Knell - the board will be looking at that at the next board meeting, but right now there are no plans to increase the dues.
- A humorous comment about cutting down traffic on the roads if he can get high speed internet to our houses...
- Mr. Conley said he had never been asked that question until about three months ago and he has been asked numerous times since then. No formal role but may be able to help put the pieces of the puzzle together.
- Jeff Peterson -Time Warner has put fiber optics in front of our neighborhood, and now they can bring it in without having to bury cable. He should have an update in a week or two.
- Nancy Adams - Just to clarify if just River Mt. Rd is approved we will have to pay for it?
- Yes mam because you drive that road every day.
- Question raised about Save Our Wells.
- Mr. Conley expanded on the fact that we had no protection and now we have legislation and a very competent ground water district managing on our behalf. What is most important is that a corporate entity cannot come in here and have a detrimental affect on our wells and it has to meet the ground water management plan for the Barton Edwards district. We have nocked off all of their customers except one. We are in a thousand times better place than what we were.
- Closed road sign at Onion Creek on 150. could it be placed at 3237 so you do not have to drive all the way down to find out it is closed?
- It is a state road, but we are working with the state on that issue.
- Lynda Wilson - if we have an emergency situation for safety reasons wouldn't the county come and help repair the road? (words to that effect)
- I have no legal right to come in and maintain your road even in a state of emergency. It would be like me coming and paving your private driveway. In a very extreme situation like the road is out and citizens are trapped I could make a temporary repair, but that is all.
- Straw Pole relative to county options
 - Bobby Knell - No vote today. No quorum required.
 - Straw pole designed to get a sense for where members are today.
 - Question raised relative to special assessments. What happens if someone does not pay? Mr. Hicks response was that we need to address this in a separate meeting as this board has not yet made a special assessment before and we would need to accomplish more research to better answer the question.
 - Initial show of hands to determine how many lots were represented by the remaining members in the room. (58 was the consensus count, but is way short of the actual 80 lots checked off on the attendance sheet)
 - Option 1: A show of hands and fingers requested for all those who are not in favor of this option was requested. Two votes (one was five lots) were not in favor of Option 1.
 - Knell - reminder, this is not a vote this will help us understand whether the board should recommend Option 1 to the county
 - Option 2: Request was made for all opposed to raise their hands and fingers. (about 27 lots)
 - Undecided: All those who are undecided - (5 undecided)
 - The do nothing option is off the table. Option 1 has a high approval level. We are split on Option 2.
 - Question - Does that mean we are going to go forward with option 2?
 - Bobby Knell - that will be decided at our next board meeting. That will be up to the board. At the next board meeting that decision will be made. You must realize that they have not voted to give the roads to the county they have merely indicated to the board that the county should have the election.
 - Question from member: What is the date of the next board meeting?
 - Bobby Knell - It is in August but we will probably call a special meeting.

- David Agee - Since the board has already asked the county do we have to undo that vote?
- Bobby Knell - we have already discussed that and we may need to invalidate the previous vote or go forward using due process.
- Question: Should we also take a vote on the possibly increasing the POA dues?
- The audio copy of the meeting did not reflect a number, but Estelle remembers about 5 individuals that were not willing to raise dues if needed to maintain our roads.
- Bobby Knell - I do not think we need to try and address that today. You cannot maintain the roads at \$158 per year. Someone has to pay for it.
- Comment: For the sake of fairness we should check to see if anyone is opposed to raising our dues?
- Bart Behr - we need to amend our bylaws regardless of what we do with our roads. Our bylaws say 75%. The state law says 2/3rds vote.
- Rick Skiles - the answer is state law applies.
- More discussion around the history of our Bylaws.
- Curtis Christian clarified that he was on the board when the bylaws were passed. Bylaws were adopted by majority vote.
- Bart Behr pressed his desire to consider changing the bylaws and raise dues before we go forward with a county election for option 2.
- Bobby Knell - we will do our damndest to get the bylaws changed, but it takes 2/3rds of all members to vote.
- Another request was made by someone to get a revised estimate for platted roads.
- Bobby Knell - with regards to putting out a number it is extremely difficult to put those numbers together. For most contractors this is a tiny project. If the county says it is going to cost \$1.6 M to fix our roads that is a good estimate. We may not have to do all at once but we will have to spend it eventually. If we did this ourselves since we do not have the buying power and we will not do it all at once it will cost us more.
- Estelle Murchison - proposed getting a professional estimate to come in and do an analysis of our roads and what it would cost to get them repaired.
- Someone indicated that the estimate could cost \$5 to \$10K.
- Estelle Murchison expanded upon the idea by comparing with Red Hawk and believes there should be more effort to quantify this cost.
- Someone said the county estimate of \$1.5M and all we do is pay half.
- Someone else said why would we want to hire someone else when the county has the most capability.
- Kirby Hicks - clarified that on the county election is simple majority.
- John Tanzillo - very specific in the bylaws relative to maintenance. There is a process called an assessment. If we want to do a special assessment the members vote and it is a simple majority.
- Jeanne Martin - thanks for the work on the roads. But I have another subject. Since you have reduced the meetings to quarterly we have less contact. Was concerned that the board did not take up a ACC violation the way she would have it do so. Also a rule that does not allow direction signs for "for sale" signs. Feels her issues have not been addressed and wants to say we want our restrictions enforced. There has to be some kind of balance.
- More discussion on the storage shed. Mr. Knell indicated that the building is actually a garage with storage. Mrs. Martin said they had turned these things down in the past. Recommends that the board do a better job of maintain records/logs of variances that have been given by the board.
- Bobby Knell - I go by the CC&Rs and we have addressed the Buchanan house and communicated the decision. Approval had been given by the ACC. If we required them to deconstruct we would be sued and we would lose. The board and the ACC decided that we would allow them to continue but we would not allow it again. No precedent being set.
- Motion by Rick Skiles and seconded by Mr. Jorgenson, AGM minutes were approved.
- **Treasurer's report:** \$48,500 in operating account, \$10K plus in a CD, \$70K worth of assets. 10% of

dues have yet to be paid approximately 28 lots.

- **ACC Report:** no updates.
- **Park report:** highlight is that we have received the seal of approval from the head of Texas Parks and Wildlife for the work we are doing down there. He gave some advice on some additional burning we could do. We have been planting natural grasses and other plants to hold the soil where the cypress trees were. We have volunteers from Hays County master naturalist that are coming down and helping us. We have missed a lot of weeks because of all the rain. Very hot now so we are just going to hold our own and keep the trees watered until fall. The rest of the report will be in the meeting minutes.
- Someone said the rebar is a hazard and Ms. Murchison explained why it was there, but that it would be addressed.
- **Old Business** - none
- **New Business** - addressed
- **Future agenda items** - none
- **Meeting Adjourned** 12:57 PM

Park Report - Estelle Murchison and Bill Brown

RMR Park Report June 18, 2016

Park Committee asks for \$2500 for this years annual budget for restoration work in the park as was spoke about at the January Annual Meeting and additional funds to cover the cost of the Porta-Potty (estimate \$1200). 2016 budget is not yet approved.

Mr. Ryan McGillicuddy of TPWD, the riparian expert who is heading up the Blanco River Restoration Project, conducted a site consultation of RMR Water Park on April 4th to evaluate and advise on restoration work. Mr. McGillicuddy concluded that all steps that have been undertaken so far, follow sound restoration practice and also gave some suggestions of additional areas that could be helped by berming and advice on additional plantings and species selections. He also said that in fall, the Blanco River Restoration will resume giving out plants, notable switch grasses which he suggested be planted at the face of the river cliff to help abate erosion. We explained that we have a large amount of sand washing down on to the stairs but feared if we put road base in that area at this time it would just wash down and create a more problems. He concurred completely, stating it would probably cause a bigger problem than we have now. He said that the park's design of limiting access by means of the fence or other measures to the entry stairway and walking paths that now exist was in keeping with protecting the environmentally sensitive areas. He also gave suggestions on some steps to be taken to maintain what's left of the soil immediately adjacent to the water and start slowly rebuilding that area. He stressed to continue to let the area revegetate and place berming to slow runoff to protect the remaining land masses.

Jan - June 18, 2016

Plants granted to RMR Water Park Project from Blanco River Restoration

41 flats of Sedge x 18 plants per flat (picked up by Jean Ohm and Estelle)	738 @ \$2	1.476.00
12 pots of Eastern Gamma & other grass	12 @ \$5	60.00
5 small shrub and tree	5 @ \$5	25.00
8 small shrub and plants (LBJWC via Estelle)	8 @ \$5	40.00

Approximate value of plant material granted \$1,601.00

A group of neighborhood volunteers has been set up to help with watering of the trees on Mondays. A group of Hays County Master Naturalist have been organized to volunteer in park workdays to work on restoration work, on Thursday's from April to June and will continue to help out with tree watering through the summer.

Hog damage seems to have abated for now as several of the offenders were apprehended and removed which seems to have encouraged the remaining members of the sounder to not return to the area. Fecal waste from feral hogs is a major contaminant to waterways. Ongoing water testing shows continuing stable conditions and low e.Coli levels.

We have picked up and unloaded a donation on a trailer load of mulch from the Drew's and Mr.

Drew have offered that we are welcome to all we care to haul off. Should alleviate the need for purchasing any in the perceivable future. We have donations of cedar logs from the David's and the Martin's to create berms. Riparian seed balls have been prepared to plant close to river bank. Some packets of Blue Bonnet and Scorched Earth seed mix have been purchased to plant in July and Fall in the upper areas of the park.

More plants will be available later in the fall month from the Blanco River Restoration Project and the Trees for the Blanco organizations. We are also applying for a grant for a seeding program from the Texas Soil and Water Board in conjunction with their efforts in building a Monarch Butterfly corridor to reseed areas with native wildflowers.

Areas around the cabanas and park walkway have been trimmed back of tall grass to allow easy access.

An area of concern is the driving circle in the mid area of the park which turns into a mud pit with rain events. We are looking into the feasibility of having road base placed there to alleviate this problem. (That area is far enough away from the park walkway as not to have gravel wash down.)

As was discussed before, the cabanas roofs are rotting and will soon need attention perhaps in the next few years.

The Porta-Potty needs to be left in place to provide facilities for people coming to volunteer with park work.

Roads Presentation Material - Roads Committee



RIVER MOUNTAIN RANCH PROPERTY OWNERS ASSOCIATION.

Summer General Member Meeting

AGENDA

June 18, 2016

10:00AM – 12:00PM

Wimberley Community Center, 14068 Ranch Road 12,

Wimberley, Texas 78676

Call To Order _____am Bobby Knell

President's Remarks Bobby Knell

County Roads Maintenance Initiative

Options going forward Kirby Hicks

History of road maintenance cost and forecast David Agee

Current maintenance and road improvement issues Kirby Hicks

History of the County Roads Initiative with RMR Kirby Hicks

County Overview of Chapter 253 transfer process Will Conley

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River Mountain Ranch Roads Committee

18 June 2016

RIVER MOUNTAIN RANCH PROPERTY OWNERS ASSOCIATION.

Summer General Member Meeting

AGENDA

June 18, 2016

10:00AM – 12:00PM

Wimberley Community Center, 14068 Ranch Road 12,

Wimberley, Texas 78676

Discussion & Consider Action for Board Meeting Minutes Kirby Hicks

Approval January AGM

Owners Forum Owners

Treasurer's Financial Report Rick Skiles

ACC Committee Report Bobby Knell

Parks Committee Report Bill Brown

Old Business Bobby Knell

New Business Bobby Knell

Future Agenda Items All

Adjournment _____pm

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River Mountain Ranch Roads Committee

18 June 2016

Options Going Forward

► Break into two separate projects

1. River Mt. Road from 3237 to second cattle guard
2. All RMR roads including River Mt. Rd. from 2nd cattle guard to

River Mountain Road:

\$286,189 Estimated project cost

÷ 2

\$143,094.50

÷ 243 residents with developable lots

\$588.86 Total per assessment

÷ 7

Total: \$84.12 per year for 7 years

River Mountain Ranch Subdivision Roads:

\$1,532,379 Estimated project cost

÷ 2

\$766,189.50

÷ 220 residents with developable lots

\$3,482.68 Total per assessment

÷ 7

Total: \$497.52 per year for 7 years

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River Mountain Ranch Roads Committee

18 June 2016

AG Exemption Update

- Members have expressed concern that county ownership of our roads could result in loss of our AG exemption
- This concern increased relative to the existence of stock law that prohibits open grazing on county roads from 1936
- The county has provided us with a statute with a provision that allows grazing as follows

Sec. 143.003. CATTLE ON COUNTY ROAD WITH CATTLE GUARD. Cattle on a county road are not considered to be running at large if the county road:

- (1) separates two tracts of land under common ownership or lease; and
- (2) contains a cattle guard constructed as authorized under Section 251.009, Transportation Code, that serves as part of the fencing of the two tracts.

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River Mountain Ranch Roads Committee

19 June 2016

RMR Road Statistics

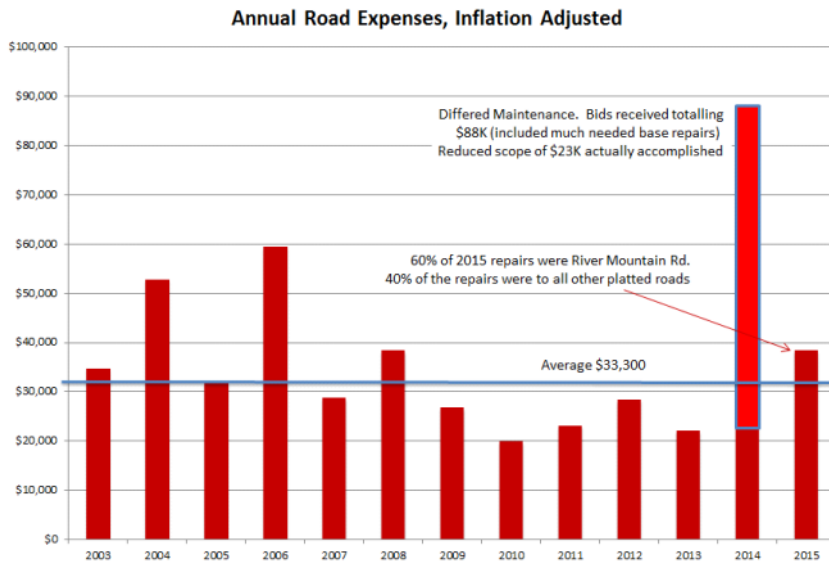
Street Name	Length (ft)	Width (ft)	Area (ft ²)
RMR Btwn cattle guards	6,000	20	120,000
RMR inside 2 nd cattle guard	1,900	20	38,000
Windmill Run North	5,400	20	108,000
Windmill Run South	4,300	20	86,000
Water Park North	4,500	20	90,000
Water Park South	6,500	20	130,000
Winding Trail	6,000	20	120,000
Bluff View	5,800	20	116,000
Hermosa Paloma	1,700	20	34,000
Lone man Overlook	1,900	20	38,000
Mount View	1,100	20	22,000
Trail Ridge	1,600	20	24,000
Windmill Cove	1,200	20	24,000
	47,900 (9.07 miles)		958,000

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River Mountain Ranch Roads Committee

18 June 2016

Road Maintenance Cost



7

River Mountain Ranch Roads Committee

18 June 2016

How much does POA need to spend?

- ▶ POA does not have a long-range plan
- ▶ City of Woodcreek for reference
 - 10 miles of roads (Woodcreek North not in City)
 - \$550k over the last 5 budgets for street repairs
 - 10-year plan \$1.7M (through 2027)
 - 15-year total \$2.25M
 - \$15,000/mile/year
- ▶ RMR POA
 - \$435k over the last 13 years, or \$3,600/mile/year ($\frac{1}{4}$ City of Woodcreek rate)
 - Spending at \$10,000/mile/year = \$90,000/year or \$375/lot/year

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River Mountain Ranch Roads Committee

18 June 2016

History of Transfer to County

- ▶ 2005 – First record of interest to transfer roads to the county.
- ▶ 2014 – POA board contacted Commissioner Conley's office for possible transfer of River Mountain Road. Needed repairs were estimated to be \$330K.
- ▶ 2015
 - ▶ January – Commissioner Will Conley and Jerry Borcharding, County Engineer, presented estimates for all roads and for River Mt. Rd. at the Annual General Meeting.
 - ▶ By show of hands members voted 49 to 1 in favor of County accepting all RMR roads estimated to be \$1.8M
 - ▶ County would pay half of the actual cost to repair which is not to exceed \$1.8M

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River Mountain Ranch Roads Committee

18 June 2016

History of Transfer to County

▶ 2015 Continued

- ▶ 12 March RMR Board meeting
 - ▶ The board approved going forward with the County election process to transfer all roads by a vote of 4 to 3
 - ▶ A new Roads Chairman was nominated and the formation of a Roads Committee authorized
- ▶ Roads committee formed and met on 31 March and 7 April
- ▶ Initial communication emailed on 28 March – did not result in a significant response from members
- ▶ List of property owners forwarded to County on 8 April to initiate the election process. Received it back with requests for more information

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River Mountain Ranch Roads Committee

18 June 2016

History of Transfer to County

▶ 2015 Continued

- ▶ May Board meeting update – Committee had accomplished:
 - ✓ Address(es): physical address of the property and a current mailing address for each property owner was reconciled with the Hays County Appraisal District on line database
 - ✓ Property ID#: R# that represents each lot was added to the property owner list
 - ✓ Financial analysis of County vs. POA management was emailed to property owners (RMR, White Wings, Fox Hole)
 - ✓ FAQs posted on the RMR website after responses were received from the County
- ▶ The Memorial Day Flood
- ▶ 27 June - Summer General Meeting

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River Mountain Ranch Roads Committee

18 June 2016

Chapter 253 Election Status

- ▶ Land owner information for the County election was completed and provided to the Attorney's office on 18 May
- ▶ County has been overwhelmed with the Memorial Day flood response, however:
 - ▶ The County Clerks office is pulling copies of all the deeds
 - ▶ Once the deeds are provided the Attorney's office will start comparing to the plat records to determine the total number of properties to be assessed
- ▶ An updated election timeline has been requested from the County

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River Mountain Ranch Roads Committee

27 June 2015

Definition of a developable lot

- ▶ For the election, there will be one vote per developable lot. Some owners of two lots, for instance, wouldn't pay if their second lot was acquired to incorporate into a homestead property. (e.g. home sits across two lots, second lot has conservation easement and is only for buffer etc.) On the other hand, if a second lot has been acquired for land speculation, then owner will owe a second assessment and will get to vote twice.
- ▶ If an owner of multiple lots chooses to combine them into one lot by having the lots re-platted then would that become one developable lot? Feedback from the County: "We would have to look at these on a case-by-case basis, and owners would want to analyze how much a re-plat will cost before deciding to take that route."

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River Mountain Ranch Roads Committee

27 June 2015

Transfer of roads to the Hays County:

- ▶ A not to exceed estimate of \$1.8M to bring River Mountain Rd. and all platted roads in RMR up to standard
- ▶ County would pay 50%. The remainder would be financed and paid for over 7 years by property owners in RMR, Fox Hole, and White Wings.
- ▶ Total cost to each platted lot would be \$3,700 at no interest over 7 years, or approximately \$530 per year. This not to exceed amount would be reflected on your property tax statement
- ▶ A lien will be placed on all properties if not paid in full up front. If the property is sold, the lien would need to be paid in full.
- ▶ Payments would not begin until after all work is completed and it shows up on your property taxes (Work would likely begin the end of 2016, and end early 2017 resulting in first assessment payments in 2018. This timing depends on election timing and remains to be verified)

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River Mountain Ranch Roads Committee

27 June 2015

RMR Lifestyle Topics

- ▶ ATVs are technically not legal even on our private roads. County ownership of the roads should not affect current lack of enforcement by the County *Per Will Connelly Jan meeting*
- ▶ Mailboxes are too close to the road according to current County standards, however, they will be grandfathered going forward
- ▶ Relative to the County connecting adjacent subdivision roads with RMR roads
 - ▶ feedback from the County is that this is not likely but,
 - ▶ Even without County ownership, if a compelling reason arose they could still connect to our private roads through eminent domain

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River Mountain Ranch Roads Committee

27 June 2015

Example County Roads

- ▶ Woodcreek North (Completed 10/2013)
 - ▶ Rock Hollow Circle
 - ▶ Stone Creek Circle
- ▶ Red Corral Ranch Rd. (off FM2325, completed 8/2014)
- ▶ Fox Ridge Subdivision (off RR12, projected 2015)
- ▶ The Settlement Subdivision (off RR12, projected 2015)

History of Transfer to County

- ▶ 2015 Continued
 - ▶ July – Roads marked for the purpose of soliciting repair bids
 - ▶ September
 - ▶ Bids received and work awarded to Westhill Paving \$37K
 - ▶ Reconciliation of lot ownership, mailing addresses and changes since May accomplished with the County Clerk's office
 - ▶ October – Road repair work completed
 - ▶ November – December repeated follow-up with the County on election timeline with no concrete response

History of Transfer to County

▶ 2016

- ▶ 14 January update at the Annual General Meeting indicated that no progress was being made with the County
- ▶ Late January – County began responding to requests for information and indicated that the public hearing could now be scheduled.
- ▶ 15 February – County Attorney notified RMR that our transfer would be on the Commissioner's Court agenda the last week of February or early March
- ▶ 16 February – a POA board member sent an email to the County Attorney and Commissioner indicating that Hermosa Paloma was not part of RMR and that the election was not legal because it would require a 2/3rds vote of the members to change our C&Rs. As a result the County had to review all of the RMR POA C&Rs and Bylaws as well as purchase documentation for the transfer of Hermosa Paloma roads to RMR.
- ▶ 5 May – Knell, Skiles and Hicks met with County Attorney. 30 day notice of hearing was posted on 6 May
- ▶ 7 June – Public hearing at the Commissioners' Court. Decision made to delay election until after members have one more opportunity to get their questions answered.

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River Mountain Ranch Roads Committee

18 June 2016

Current Road Conditions

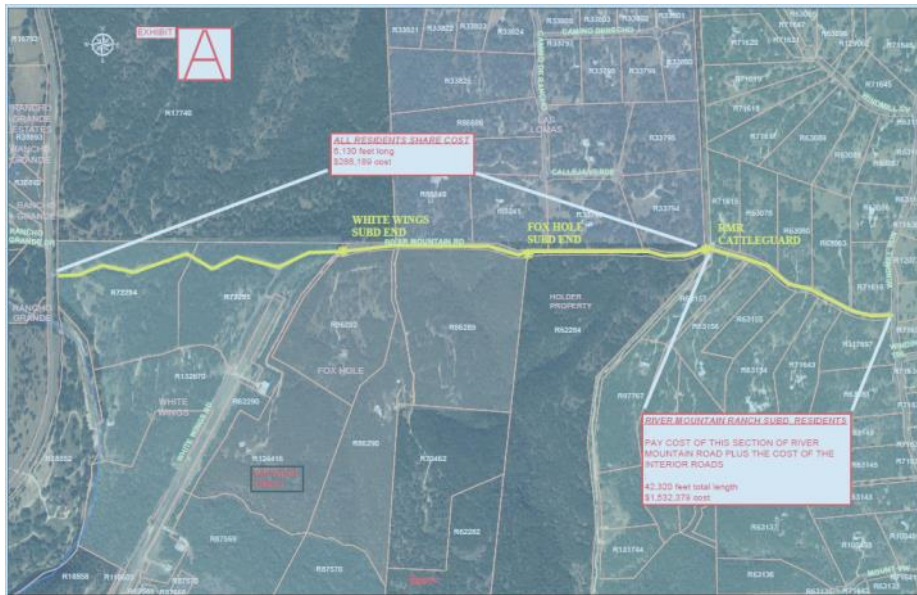
▶ 2015 repair work

- ▶ \$37K total, River Mt. Rd. \$21,116 all other roads \$13,707.00
- ▶ Pot holes filled and base failure areas chip sealed
- ▶ Base failures will eventually need to be repaired by cutting and replacing down to 8 or 12 inches of base or by grinding to that depth and re-compacting and adding asphalt
- ▶ Additional road base rock for sides of roads and longitudinal cracks on Hermosa Paloma was quoted, but the RMR Board deferred action until after election results
- ▶ New base failures are now evident on River Mt. Rd and elsewhere in RMR
- ▶ Someone is doing a nice job of filling new pot holes on River Mt. Rd....
- ▶ Due to lack of mowing and edge grading, weeds are growing into the road edges in many areas
- ▶ Drainage on River Mt. Road, Water Park North and Winding Trail is a problem that needs to be addressed

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River Mountain Ranch Roads Committee

18 June 2016



Attendance Sheet

David Morales 125 Water Rd

Property ID #	Owner	First
✓ 63155	Adams	Nancy R
✓ 63156	Adams	Nancy R
✓ R71695	Agee	David D. & Susan R.
63185	Allert	Candace
91802	Prestidge	Judy Lynn
71607	Etheredge	Wade & Kristy
62174	Arizpe	Arturo & Mary
SAA ✓ 71637	Armstrong	Scott & De Anne
63118	Aubuchon	Dennis L.
86290	Baccus	M Buckner & Terri L
97770	Battaglia	Micheal
CPB ✓ 71692	Behrhorst	Bart & Candace
R63151	Bippert	James C. & Charlotte C.
63132	Bippert	Ronald G. & Judith K.
63175	Blair	Randall R. & Jana F.
91823	Bleich/Cox Scharbauer	Meghan
✓ 71633	Boles	David D. & Catherine Wood <i>CB Boles</i>
101611	Botkin	Chase & Dara
✓ 63107 / 106140	Bottera	Marvin L.
71675	Briley	John C. & Rebecca A.
101631	Brinkman	Leonard
71643	Baldwin	William & Jessica
✓ 71672	Brocker <i>RB</i>	Kenneth & Rachel Family Revocable Trust
✓ 102947	Brocker <i>RB</i>	Kenneth & Rachel Family Revocable Trust
101585	Brown	Roland & Gayle
✓ 91801	Brown/Uroda	William M. Brown & Melissa J. Uroda
✓ 63188	Bruce <i>JB / SB</i>	James R. & Susan
91825	Buchanan	Matthew & Rachel
92430	TBE Wimberley LLC	Carroll, Preston Huard & Burnett, Riley L.Jr. & Prescilla
131744	Burson	Keith & Carolyn
✓ 71608	Butler <i>JB</i>	Gordon F. Jr. & Marlynn H.
63183	Byer	Thomas G. & Diane C.
101583	Murtaugh	Jill Clark & Robert
112598 ✓ <i>GC</i>	Carney	Frederick G. & Nancy G.
132670	Carter	Carter Joyce L. & Rickly Rebecca J.
72294	Carter	Joyce & Rickly Rebecca
71677	Central	Central Hays Partners, LP
✓ 100488	Chelette	John Mark & Wendy L.

63078	Choate	Tommy R. & Thea B.
✓ 63137	Christian	Curtis D. & Rebecca
71630	Cocchiaro	Michael & Rachel
92248	Cochran	David & Cathy
71664	Cochran	David & Cathy
63086	Coltharp	Scott & Kima
71605	Conway	David & Cherie
71685	Cook	Hubert & Dorothy
101580	Copeland	Mark & Noemi
101622 - Homestead / 105172-Ag Exemp	Corder	Richard & Cynthia
91813	Corder	Richard & Cynthia
86292	Cox	Patrick & Brenda G
63136	Crawford	Jon & Susan
✓ 71699	Crockett	Billy & Dodee
✓ 71698	Crockett	Billy & Dodee
✓ 71697	Crockett	Billy & Dodee
116000	Cusack	Carolyn Living Trust
115999	Cusack	Michael F , Jr
71647	Daily	Charles & Cheryl
71640	David	Charles & Janice
101616	DeAngelis	Jeri Ellen
101615	DeAngelis	Jeri Ellen
✓ 71621	Deones	John & Karen
✓ 101629	Skiles	Richard Trustee of Constance Marie Hanson Skiles Bypass Trust
✓ 101614	Schroeder	Jimmy & Tami
✓ 129065	Drew	James & Diane
✓ 129064	Drew	James & Diane
✓ 129063	Drew	James & Diane
✓ 129062	Drew	James & Diane
✓ 71634	Drew	James & Diane
✓ 71678	McLemore	Robert & Margaret W
✓ 71679	McLemore	Robert & Margaret W
✓ 71680	McLemore	Robert & Margaret W
71616	Kume	Andrea L & Michael S
112600	Dziezyk	Dick & Jane
✓ 71656	Easley	John & Marcia
63190	Eckel	Timothy & Candace
71615	Edwards	E Trustee, Ellen E Edwards Declaration Trust
101586	Felker	Robert & Anita

✓ 101591	Ferguson/Turner	Thomas Ferguson & Randee Turner
91812	Fleckenstein	Robert V
71652	Floek	Daniel D, Jr & Susan
✓ 71668 ✓	Fohey/Dailey	Michael Fohey & Christine Louise Dailey
✗ 71676	Forsyth	Glenn Victor Jr & Cindy D VF
63101	Frank	Ramsey W & Nancy J
101595	Frazier	Don Patrick & Jill D
101596	Frazier	Don Patrick & Jill D
✗ 120968	French	Edward A & Julia G
✓ 71641	French	Douglas Lynn & Quackenbush Dara Janette Dara Janette Quackenbush VF
✓ 91821	Gainey	Ron & Janice AG
63189	Galassini	Terry & Lisa
71642	Galloway	Barbara
101585	Brown	Roland & Gayle
✓ 120970	Germer	Gregg & Denise
63105	Gibson	Douglas & Rita Bray
✓ 71626	Gibson	Douglas & Rita Ray
✓ 71613	Gitterle	Marcus Gitterle
✓ 71614	Gitterle	Marcus Gitterle
63115	Gray	Lori
112601	Green	Angela
✓ 91824	Gregg	Wellborn & Sandra Wellborn
71606	Guerra	Roberto J
63100	Guynes	Michael & Amy
71659	Hall	Thomas & Colleen
86289	Hartfield	Ronnie P
112602	Haser	Harry & Gina
91803	Haser	Harry & Gina
71667	Hayes	Stuart & Tiffany
92406	Henry	Steve & Bonnie
63113	Tipton	William Scott Trustee William Scott Tipton Living Trust
63184	Hicks	Kirby & Julie
63192	Hill	Dale B
112287	Hill/Rechner	Bob Hill & Paula Rechner
91809	Pena	Eduardo A & Noemi A
✓ 63095	Hughes	Arthur & Moana
✓ 63096	Hughes	Arthur & Moana
63112	Iannelli	David
91808	Immel	Robert & Catherine
91820	Iverson	Jay C & Melanie G
✓ 63191	Jack/Kimbell	Paul Jack & Kristie Kimbell

✓ 91826	Jacobs	Daniel & Vicki
91827	Jaime	Ricardo & Jennifer
120972	Jaimes	Rolando & Beatriz
72295	Jeffries	Kenneth L
71638	Jones	Brad & Janet
101612	Jones	Burton & Sandra
63153	Jones	Vera Larue
✓ 71666	Jordan	Thomas & Lyndee
✓ 71662	Jorgensen	Flemming (Skip) & Mary Ann
71620	Deones	John & Karen
* 120967	Kaczinski	Douglas & Carolyn
71635	Percheron	Percheron Custom Homes LLC
71609	Kennedy	John & Linda
101613	Killion	Byron & Jenna
63134	Kim	Tony & Courtney
✓ 63080	King	Dale
✓ 71701	Krov	Alan and Patricia
63099	Krueger	Chris & Merry
71627	Kubica	Jesse & Cathy
91828	Latz	John & Carla
71694	Lentini	Tom & Antoinette
✓ 70431	Keller	James McNeel
97767	Lewis	David & Patti
N/A	Lewis	David & Patti
N/A	Lewis	David & Patti
86900	Limpach	Sharon
63143	Linton	Michael & Cecilia
120739	Logan	Jerry & Susan
91839	Lopez	David & Lupe
63149	Welbes	Timothy J & Margaret W
91807	Luongo	Gina & (00040410) Concetta Rivellini & Teresa Pedicini & John Moniello
112599	Malone	William & Carole
101630	Martin	Jeff & Susan L
✓ 120973	Martin	James G (Jerry) & Jeanne
✓ 120974	Martin	James G (Jerry) & Jeanne
✓ 63186	Mazzarella	Ronald & Molly
✓ 101626	McCarthy/Murchison	Daniel McCarthy & Estelle Murchison
✓ 101627	McCarthy/Murchison	Daniel McCarthy & Estelle Murchison
✓ 101620	Meaux	Steven & Rexanne
✓ 93624	Middleton	William M (Mark) & Martha
71700	Millard	Janice (Jan)
63087	Miller	Leonard (Len) & Darlene

63088	Miller	Leonard (Len) & Darlene
71618	Miller	Henry A II
71619	Miller	Henry A II
87953	Nolen	Norman W & Martha H
✓ 71655	Morgan	Calvin & Elizabeth Anne
62264	Moyer	William C
106141	Moyer	William C
101619	Knell	Robert Richard & Ann Kathleen
71696	Neal	George R & Chrissy
63114	Nesmith	Bobby & Aileen
✓ 63135	Nichols	Judy G
✓ 63154	Nichols	Judy G
✓ 131745	Nichols	Judy G
71669	Nielsen	Ron & Karen
112289	Nilsson	Gunnar & Patricia
✓ 120966	Dahl	Wade & Angela
✓ 91822	Coleman	James N & Deborah S
✓ 91814	Fulbright	Darryl Finis & Cecelia K
✓ 63178	Oddo	Chris & Margaret
71629	Oetzel	Brian & Mary
✓ 93625	Ohm	Al & Jean
63083	O'Neil	Amy & Mike
120738	Pack	Cynthia & Cory
120971	Palm	Tomas & Annievive
71660	Parinello	Steven & Carmen
63097	Patterson	Matthew & Lorraine
71646	Patterson	Matthew & Lorraine
63161	Patterson	Matthew & Lorraine
63165	Perez	Fred & Tommie & Dillard Ronnie T & Lisa A
✓ 63169	Peterson	Jefferis & Leigh
71639	Peterson	Mack & Tonya
✓ 71689	Petru	Mike & Mary Ann
✓ 71690	Petru	Mike & Mary Ann
71663	Pilmer	Gordon & Deborah
63176	Podosed/Brannon	Frank Podosek & Joyce Brannon
71636	Dalton	Joseph & Laura
71686	Quayle	Roger & Nancy
100493	Rankin	Philip & Patricia
91819	Pisani	Gregory & Donna
91818	Richmond	Gordon A & Jean Revocable Trust

101623 / 101624	Rothert	Kurt & Mary
63171	Rush	Timothy L
63180	Sabol	Stuart & Joan
71628	Sanchez	Jerry & Gabriela
91832	Sanders	Janet
120969	Sare	Brent & Tracy Co Trustees - Brett & Tracy Sare Family Trust
63181	Sargent	Mike & Pat
63182	Sargent	Mike & Pat
71657	Schake	Scott & Jerri Lynn
71658	Schake	Scott & Jerri Lynn
✓ 91815	✓ Schleyer	Walter & Joanne
71661	Schmidt	Leslie
✓ 101621	Schmitt	Kenneth & Charlotte <i>REN</i>
71623	Schnabel <i>SANDER</i>	Matthew & Susan <i>JEAN & AL</i>
71693	Schrock	Barry & Debra
63089	Hawes/Lind	Anthony J & Cornelia
101628	Skiles	Richard Trustee - Richard L Skiles Marital Trust One
✓ 71671	✓ Smith <i>✗</i>	Mark D
✓ 71665	✓ Smith	Mark & Molly
71670	Smith	Mark D. Smith & Ann C.
102942	Smith	Mark D. Smith & Ann C.
63177	Soltis	Edward & Petra
71682	Soltis	Edward & Petra
71681	Sosby	Marty & Karen
✓ 91817	✓ Sosebee	Thomas & Mary Ann
63179	Spencer	Clifford & Arlene
✓ 101617	✓ Strawn	David & Karen
✓ 101618	✓ Strawn	David & Karen
63098	Swan	Monica
✓ 71617	✓ Tanzillo	John & Margaret
71684	Thacker	Troy & Glenda
✓ 93626	✓ Thigpen	Brad & Sherri
✓ 91837	✓ Thigpen	Brad & Sherri
63173	Tidwell	Ricky & Jan
✓ 71691	✓ Towell	David & Charlotte
✓ 91840	✓ Walker <i>RW</i>	Richard A
✓ 91841	✓ Walker <i>RW</i>	Richard A
71702	Wallace	William R
63117	White	Loyal & Anna
✓ 91816	✓ William/West	Donald William & Jennie West
71688	Williams	Grant & Amy
✓ 100489	✓ Wilson	Horace & Lynda

Handwritten initials

101625	Wingo	Bob & Taylor II
63147	Woodward	Scott & Joyce
<i>Handwritten initials</i> 63116	Yusim	Joel & Anne

So