

Indian Lake Owners Association
Annual Board Meeting July 25, 2020 – 10:00 A.M.
ILOA PAVILION
- Meeting Minutes-

Call to Order – Virginia Gicklhorn 10:00 AM

Prayer – Brad Williams

Roll Call for Quorum – Virginia Gicklhorn: (Vice-President position vacant) Virginia Gicklhorn, Susan Weldon, Glen Ambrose, Connie McDonald, Doug Watne. All board members were present. A quorum was established. Thirty-one members and guests were present with four valid proxies.

Welcome to Members – Virginia Gicklhorn

Meeting Minutes – July 27, 2019 Annual Board Meeting Minutes Secretary Virginia Gicklhorn

Bobby Williamson made a motion to accept the minutes. Second by Doug Watne. Motion carried.

Treasurer Report – Treasurer Susan Weldon: Balance is savings account is \$16,029.27. The checking account balance is \$17,776.10. Susan Weldon presented a Profit & Loss Statement. Liens were filed on 107 properties in the amount of \$136,268.91 that were past due for two years or more. John Keller made a motion to accept the financial report. Second by Brad Williams. Motion carried.

Committee Reports

Architectural Control Committee – Connie McDonald: This past year the ILOA ACC has processed approximately 43 permit applications, of which the majority have been approved. There has been a great deal of remodeling, landscaping including new fencing, and new construction. There have been several updated septic system installations. Overall, most members have attempted to follow the process instructions which has helped things go smoothly.

The ACC continues to work with the ILOA memberships to bring all into compliance with ILOA bylaws and restrictions, Texas Property Code, and Bastrop County Development SVCS regulations

The ILOA website was launched successfully and is working as planned. There are still many members that haven't joined, and the online message boards that were created within the website for the private use of Indian Lake members only aren't being utilized. Hopefully, these tools will be discovered and used on the website. The ability to file a violation option is also something new on the website; this is a private way for a member to file a complaint for bylaws & restrictions violations. Everyone needs to sign up for the website!

Lake and Fish – Doug Watne The grass carp that was stocked in 2018 is working good. Surface weeds are normal. A TPWD mandated barrier was installed to contain the grass carp; Volunteers repaired the walkway to the pier. A light at the fishing pier was donated by Bluebonnet Electric Coop. The mowing contractor will shred as soon as his tractor is out of the shop. Weeds were sprayed on the interior side of the dam. Trees were sunk in the lake to provide a fish habitat. The brush pile was opened after the storm to help members with clean-up. Other projects included repairing the chain on the baby swing, a new sign at the back entrance and a new sign at the boat ramp that states "Private Lake". Several people were seen driving in with boats and then turned around after reading the sign. Building a pier by the boat ramp is still pending.

Roads and Park – Glen Ambrose: Clara Becket, Bastrop County Commissioner had previously stated the roadway resurfacing would be completed by mid - July. Glen Ambrose called her office and was told they are running behind on the project. Their office told him the dirt pile in front of the pavilion will be removed soon. They are waiting on finalization of a project with the federal government for use of the dirt. The annual clean-up was postponed until next spring due to no adequate space for the dumpsters because of the dirt pile. There were two water leaks in the pool area. Glen Ambrose called Doug's Plumbing to fix one with a cost of around \$600.00. He fixed the other leak himself. A suggestion was made for improved signage at the entrance where the road splits to direct traffic to stay right, which may be a county issue.

Audit Committee Report

Mary Cox, reported for Carlie Case, Chair, that all records were verified and in good financial condition. The other member on the committee besides Carlie Case and Mary Cox was Cyndee Wilson.

New Business Items

Donation to Smithville Volunteer Fire Department: Doug Watne made a motion to donate \$1,000 to the Smithville Volunteer Fire Dept. Second by Liz Brissette. Motion carried. Connie McDonald suggested we consider donating to the Bastrop County Sheriff's Dept. in the future. No action was taken at this time.

James Wilson mailed a letter dated June 1, 2020 requesting he be on the agenda for the June 27, 2020 bi-monthly board meeting and on the July 25, 2020 annual meeting.

- James Wilson was present at the annual meeting and he spoke to the assembly concerning permits and accusations of discriminatory practices by the ILOA Board against property owners by denying permits.
- At the request of the assembly James Wilson read the letter he wrote. (See attached letter)
- Connie McDonald, architectural control committee chair responded with the procedure of obtaining Bastrop County permits and ILOA permits.
- Herb Phillips asked a question if Bastrop County approved a septic permit, would it be approved by ILOA.
- Connie McDonald responded that the septic permit would be approved. Other permits would not necessarily be approved due to other circumstances which are stated on the permit application.
- James Wilson made a resolution that moving forward the Architectural Control Committee be comprised of the committee chair person and one committee member from each of the four sections
- James Wilson withdrew his resolution when Connie McDonald explained that request is already in ILOA restrictions.
- Connie McDonald solicited volunteers for the Architectural Control Committee.
- James Wilson said it is good to have open discussions of concerns such as he brought up at this meeting.

Old Business Items

Bobby Williamson thanked the assembly for the wonderful firework display on July 4. He talked about his dream of a vision to make the pavilion a meeting/recreation center in honor of Robert Sconci, but he is not pursuing it at this time. Bobby Williamson would like to see bylaws/restrictions changed preventing gas motors on the lake. Mary Cox explained the process of making changes to the bylaws. Restrictions cannot be changed.

Nominating Committee Report – Connie McDonald: Three nominees were approved by the board at the June 27, 2020 board meeting: Faythe Cernuch, Dylan Harnett, and Jamie Simpson. Dylan Harnett and Jamie Simpson were not present at the meeting.

Election of Officers and Director

Expiring Director Term – President

Expiring Director Term - Vice President

Expiring Director Term – Pool Committee Chairman

There were no volunteers or nominations from the floor.

Herb Phillips made a motion to elect Faythe Cernuch by acclamation. Second by Brad Williams. Motion carried.

Executive Session 11:40 AM

Called to order by Virginia Gicklhorn who introduced Faythe Cernuch to other board members and got her contact information. Executive Session Adjourned 11:45 AM

Adjournment: Doug Watne made a motion to adjourn. Second by Connie McDonald. No one opposed. Meeting adjourned 11:47 AM

To: Indian Lake Owners Association (ILOA) Board
PO BOX 808
Smithville, TX 78957

From: James N. Wilson
215 Big Bow
Smithville, TX 78957

Monday, June 1, 2020

Meeting Agenda Items

I would like to submit the following items for discussion during the ILOA Annual Meeting. As the Annual Meeting schedule is not yet on the official website of ILOA, this request be added to the "next" Bi-Monthly meeting scheduled for Saturday, June 27, 2020. Only legal meetings of the Board with all officers present will be considered, with minutes taken of discussions. Side discussions or "resolutions" agreed by parties that do not comprise the entire Board will not be considered. Public discussion may be tabled until the Annual Meeting date is set, and the discussion be opened to the general Membership at the Annual Meeting.

1. Past and Current members of the ILOA Board have made (and continue to make) representations to property owners and ILOA members that "they would never approve any applications for development for your property, because you can never have septic (sic) because your property is too small". These Board members then tell the property owners that they must purchase additional adjacent properties "in order to be compliant with our rules". Threats of fines and liens are then represented if the owners and members are not in compliance.

Bastrop County adopts the Texas Commission on Environmental Quality (TCEQ) Chapter 285 with regards to On Site Sewage Facility (OSSF) design, approval, and regulation. TCEQ 285(b)(1) states the following: "Existing small lots or tracts that do not meet the minimum lot size requirements under subsection (a)(1)(A) or (B) of this section, and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, are allowed to use OSSFs, but the OSSFs must comply with the requirements set forth in this Chapter. "

The recorded plat date with Bastrop County of all lots within the Indian Lake Subdivision is February 14, 1972 and is recorded in both the section plats, and individually on each recorded plat.

Members of the ILOA Board have been intentionally discriminating against property owners by denying permits even before an application is submitted. The intent of this discrimination is to require the purchase of additional adjacent properties. When these properties are purchased, during the Title process, the ILOA receives back-dues and payment from liens placed on the properties, and collects additional annual dues from each platted property. Some current and past Board Members may also have financial interest in these properties or associated financial interest, creating a conflict of interest.

Merriam-Webster defines "Fraud" as: "DECEIT, TRICKERY. Specifically: intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right."

Individually and corporately, Members of the ILOA Board have in the past and currently are committing fraud and acting in bad faith when making these representations to current and prospective property owners and members.

Recommended Action: Current ILOA Board Members will resign their positions, and disavow their illegal and discriminatory activity. If they do not, then law enforcement will be notified and cases presented to the County District Attorney. Individual Members of the Board and corporately the Board will also be held to civil suit to recover financial damages caused by these fraudulent actions.

2. Given the information in section 1, the ILOA Board will no longer make false and fraudulent requirements of their current and prospective owners and Members, and will cease harassments and pursuits of legal remedies at the expense of the Membership.
3. The Architectural Control Committee moving forward will be comprised of, at minimum, one active Member of each subdivision Section, each having an equal recording vote.
4. The ILOA Subdivision Bylaws and Restrictions will have a line-by-line Review by both the Membership at large, and finally by licensed attorneys at the expense of the Board, to ensure that both the contents and enforcement of such Bylaws and Restrictions are at the benefit of the general membership, does not discriminate or contain illegal material, and the Standard Operating Procedure and Process for enacting and enforcing the Restrictions do not place the ILOA Board or Membership in unnecessary legal and financial responsibility or peril.
5. If Sections 1 through 4 cannot be agreed to, then the Membership will vote to Disband and Dismantle the ILOA Board, and create a third party Management Contract to functionally and equitably manage the Common Areas and Amenities.

Thank you,

James N. Wilson