



January 23, 2022

Dear Neighbors:

As many of you know, a group of neighbors recently petitioned the Executive Committee of OBPOA to hold a special meeting to vote on a number of issues (please see attached\*). Many of these individuals expressed to us a heartfelt desire to make positive changes in our neighborhood. At the same time, others have expressed concern that the issues need more deliberation. To that end, members of the Executive Committee and George Hittner, Craig Baudier, and several other neighbors - on behalf of the petitioners - agreed to discuss the major issues involved.

Over the past ten days, we engaged in very productive meetings and developed plans related to the ARC and to beautification, while agreeing to provide the Executive Committee more time to deliberate and study the other matters included in the petition. We have reached the following agreements:

### **ARC**

As you are aware, Samia appointed, and the Executive Committee approved, an Ad Hoc Committee to study the ARC review process. That committee is currently interviewing neighbors and other stakeholders and will eventually compile a report and recommendations for the Executive Committee. The petitioners and the Executive Committee fully support the ARC Study Committee. However, where we differ (and continue to differ) is how and when that change needs to occur. Nevertheless, we have all agreed to the following interim steps related to ARC:

1. The Ad Hoc ARC Review Committee will continue its work and submit its detailed findings to the Executive Committee and the membership at large. Based upon the findings, the Executive Committee will undertake a process to address issues and concerns raised.
2. George Hittner and Craig Baudier, on behalf of the petitioners, will recommend names for a third, full voting member of the ARC. Samia will present a suitable candidate for approval by the Executive Committee as quickly as possible. This new ARC member will serve on an interim basis pending completion of the Review Committee report and through any action taken by the Executive Committee to address issues and concerns raised. This new member may continue thereafter as appropriate.

After reviewing a list of nominees, and consulting with both the current ARC chair and George Hittner, Samia has nominated Tommy O'Neil to serve on ARC, and the Executive Committee has affirmed his appointment.

## **Beautification**

Residents of Old Braeswood have long supported a variety of neighborhood beautification efforts, and the petitioners have indicated great enthusiasm for undertaking new projects. To that end, the Executive Committee has approved the attached resolutions to establish an Ad Hoc Beautification Committee and designated Beautification Fund. The committee will develop project ideas with input from the membership and in collaboration with allied organizations in Old Braeswood, will raise money for the fund, and will oversee project implementation as detailed in the attached resolutions.

Much like the Patrol Fund, the funds raised by the Beautification Committee will be held in a separate bank account and will only be able to be spent for beautification projects, communications with Old Braeswood Members regarding Beautification, and incidental expenses associated fundraising efforts or online donations.

Samia asked the Executive Committee to approve appointment of George Hittner to Chair the Committee, and for Craig Baudier, Daniel Parker and Ann Garnett to serve as its initial members. We expect additional neighbors to be added to this committee in the coming weeks. Watch for more information soon!

## **Special Meeting and Signage**

All yard signs currently distributed will be retrieved within 24 hours of the issuance of this joint statement and George Hittner and Craig Baudier will take the necessary steps to revoke the call for a Special Meeting.

## **Conclusion**

We wish to thank all the neighbors who made their voices and opinions known during these last several weeks. There were no hidden agendas or malintent toward Old Braeswood or efforts to harm our deed restrictions. What is clear is that everyone shares a love for Old Braeswood and desires a strong and thriving community, both now and in the years to come. We have committed to continuing to work together to address issues with a more acute sensitivity toward one another as neighbors, while bringing the community together to solve problems. As the neighborhood continues to evolve and change with the times, we are all resolved that the integrity of Old Braeswood be preserved as a shining example of the diversity of the city and neighborhood we call home.

Sincerely,



Dr. Samia Khalil  
President  
Old Braeswood Property Owners' Association



George J. Hittner  
Attorney at Law  
On behalf of Petitioners

## ISSUES RAISED BY GROUP OF NEIGHBORS

<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Amending Article VIII of the Bylaws, to include any necessary conforming language thereto, to require the establishment of a dedicated fund specifically reserved for beautification efforts and requiring at least 25% of annual revenue received by the Association from Membership Dues be deposited into this fund.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Amending Article VIII of the Bylaws, to include any necessary conforming language thereto, to require the establishment of a dedicated fund specifically reserved for maintenance and upkeep of the Old Braeswood Park and requiring at least 10% of annual revenue received by the Association from Membership Dues be deposited into this fund.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Amending Article VIII of the Bylaws, to include any necessary conforming language thereto, to require the establishment of a dedicated fund specifically reserved for maintaining and installing as many dog waste stations in Old Braeswood as can be supported, and requiring at least 3% of annual revenue received by the Association from Membership Dues be deposited into this fund.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Amending Article VIII of the Bylaws, to include any necessary language amendments thereto, to require the Executive Committee of the Old Braeswood Property Owners' Association to obtain a four-fifths (4/5) majority committee vote in order to spend dues/general fund money for the purpose of paying attorneys and/or obtaining legal counsel.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Amending Article IX of the Bylaws, to include any necessary conforming language thereto, to require the Executive Committee of the Old Braeswood Property Owners' Association be required to provide at least 48-hour electronic notification of any non-emergency meeting of the Executive Committee so as to allow the residents of Old Braeswood to attend and participate.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Amending Article XI of the Bylaws, to include any necessary conforming language thereto, to require the Board of the Old Braeswood Property Owners' Association to provide electronic notification to the residents of Old Braeswood in the event of any emergency meeting of the Board so as to allow the residents of Old Braeswood to attend and participate.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Adoption of a resolution temporarily suspending the enforcement of the Architectural Guidelines (while still maintaining the Old Braeswood Deed Restrictions).
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	To require the President, pursuant to Article XII, Section 4, to establish of a fresh eyes/new perspective review of the Architectural Guidelines by the appointment of a Special Committee appointed by the President comprised of: 1) the President of the Executive Committee; 2) the Secretary of the Executive Committee; 3) one (1) attorney resident of Old Braeswood; 4) one (1) architect resident of Old Braeswood; and 5) one (1) home-builder resident of Old Braeswood. If the President shall fail to secure a resident of Old Braeswood who is willing to serve on said committee in any of the aforementioned Executive Committee and/or professional positions, then the President shall have, in her discretion, the authority to appoint members who, in the unanimous estimation of the Executive Committee, are deemed capable of rendering fair and impartial review of the establishment of new guidelines. The composition of the new committee shall be limited to no more than one (1) member of the prior drafting committee who established the architectural guidelines adopted on January 30, 2019.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	Adoption of a binding resolution requiring any newly proposed Architectural Guidelines be affirmatively adopted by the majority vote of a minimum of 51% of the eligible voting Members. Said another way, if there are, for example, a total of 314 Members in the entire association, a minimum of 157 members would need to vote, and at least 79 of those 157 would be needed to adopt the Guidelines.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	A resolution requiring cooperation of the Executive Committee to facilitate, to the greatest degree possible (including providing letters and/or documentation to the City of Houston), permitting an owner who was required to install one of the few "sidewalks to nowhere" in Old Braeswood who does not wish to retain the sidewalk to remove it.
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	To cause to the employment contract (and its renewal and subsequent renewals) of (or any other subsequent external neighborhood manager) to be affirmatively approved annually by the majority vote of a minimum of 21% of the eligible voting Members. If passed, this measure will not interfere with the Executive Committee's authority to terminate said contract without the pre-approval of the Members.
To cause for the Members of Old Braeswood to vote on amending the Deed Restrictions to:		
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	allow for a designated weekend once a year for the community and its residents to be allowed to conduct a garage sale; and
<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST	support a revision to the Deed Restrictions to allow for political signs within 90 days of any election, and other signs as may be from time-to-time permitted in the discretion of a majority of the members of the Executive Committee.

**Resolution of the Old Braeswood Property Owners Association Executive Committee:**

WHEREAS, pursuant to Article XII, Section 4, of the Bylaws, the President of Old Braeswood Property Owners Association, Inc. (the "Association") proposes to establish a Beautification Committee as an ad hoc committee of the Association to undertake beautification projects throughout the Braeswood Section 1, Braeswood Addition, and Braeswood Extension Subdivisions of Harris County, Texas (collectively, "Old Braeswood")

WHEREAS, the proposed Beautification Committee shall consist of at least three members selected in accordance with Article XII, Section 4, of the Bylaws;

WHEREAS, the President proposes that the proposed Beautification Committee shall undertake the following activities (collectively, referred to as the "Beautification Committee Activities"):

1. Raising funds for beautification projects throughout Old Braeswood;
2. Collaborating, where there is an interest and willingness to do so, with the Old Braeswood Garden Club, the Old Braeswood Parks Corporation, and the Tree Committee of the Association (collectively, the "Beautification Collaborators") on the development of projects;
3. Proposing to the Executive Committee for approval a process for gathering membership input on project ideas and prioritizing those ideas;
4. Submitting selected projects to the Executive Committee for approval;
5. Overseeing project implementation while keeping any Beautification Collaborators informed with the implementation of any such project;

WHEREAS, in connection with the establishment of the Beautification Committee, the President proposes that the Executive Committee of the Association establish a dedicated bank account (the "Beautification Fund"), for the purpose of segregating money donated to the Association which has been specifically earmarked for the Beautification Fund, which account shall be in the name of the Association and controlled by the Association Treasurer in accordance with the governing documents of the Association and applicable law;

WHEREAS, the President proposes that the Beautification Fund shall be governed by and restricted as follows (collectively, the "Beautification Fund Restrictions"):

- 1) During the time that the Beautification Committee is active, it shall be responsible for proposing an annual budget which shall be included in the annual budget of the Association and approved by the Executive Committee. Pursuant to Section 209.0051(h)(11), any amendments to the approved budget shall be presented by the Beautification Committee to the Executive Committee for approval. The Beautification Committee may otherwise propose any budget amendments it deems necessary to perform Beautification Committee Activities. For budget year 2022, the Beautification Committee budget shall be presented to the Executive Committee prior to any Beautification Committee expenditures. For all subsequent years, the Beautification Committee budget shall be presented to the Executive Committee by the date set by the Executive Committee for consideration of the Association's annual budget;
- 2) Expenditures from the Beautification Fund will be limited to:
  - a. beautification projects,

- b. communications with Association members regarding beautification (i.e., mailed letters, fundraising brochures, sponsorship forms, etc.), and
  - c. incidental expenses associated with Beautification Committee fundraising efforts or online donations (i.e., transaction fees);
- 3) Should there be no active Beautification Committee or similar successor committee, expenditure of the funds will continue to be limited to beautification projects in Old Braeswood and related expenses as described above, as set forth in the Association's annual budget and any amendments thereto;
  - 4) Residents of Old Braeswood (or others) may contribute directly to the Beautification Fund; and

NOW, THEREFORE, BE IT RESOLVED, that upon vote of the Executive Committee, the Executive Committee hereby approves the establishment of a Beautification Committee as an ad hoc committee of the Association pursuant to Article XII, Section 4 of the Bylaws of the Association;

RESOLVED, that the President of the Association shall nominate George Hittner to serve as chairperson and Craig Baudier, Ann Garnett, and Daniel Parker to serve as members of the Beautification Committee and present such nominees to the Executive Committee for approval;

RESOLVED, that the Beautification Committee shall be charged with and limited to the "Beautification Committee Activities" defined above;

RESOLVED, that the Treasurer shall be directed to establish a dedicated bank account for the Beautification Fund, which shall be subject to the Beautification Fund Restrictions and terms set forth above;

RESOLVED, that all activities of the Beautification Committee and oversight of the Beautification Fund shall be in accordance with the governing documents of the Association, including its articles of incorporation and bylaws, and any amendments thereto; and

RESOLVED, that the Beautification Committee shall encourage the successful development of beautification projects throughout the neighborhood in collaboration with relevant organizations and committees active in the neighborhood, including the Beautification Collaborators, and with all Association members.

RESOLVED this 18 day of January \_\_\_\_\_, 2022, by the Executive Committee of Old Braeswood Property Owners Association, Inc.

*Samia Khalil*

Samia Khalil , President

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Name, Title

*George J. Hittner*  
George J. Hittner