

Har-Ber Meadows Board of Directors

Meeting Minutes

March 14, 2022

1. Call to Order:
2. Roll Call:
 - a. S. Jeffus
 - b. R. Lyall
 - c. D. Rhodes
 - d. J. Duke
 - e. Quorum determined
3. Residence Comments/Concerns:
 - a. Jack Myers: Read a three-minute list of questions. Jeffus responded with the amount of time and information, including the CPA prepared audit, that has previously been provided to Jack Myers.
 - b. Curtis Leister: He will be coordinating the second annual fishing derby on April 23. More information to follow. He also discussed his meeting with a structural engineer regarding the lake dams. A meeting is being scheduled to discuss on-site.
 - c. Residents attending the meeting without comments included Joe and Shirlene Dunn, Jeanne Harlan, Matt Baker, George and Bobbye Kelly, Curtis Leister, Jerry and Gracie Criswell.
 - d. Non-Member Chip Wright attended representing member Jerry Jessup.
4. President's Comments: S. Jeffus
 - a. Jeffus introduced Donnie Rutledge as the Har-Ber Meadows POA attorney. Donnie is representing the POA regarding the endless amount of information requested by member Jack Myers. Donnie presented a Board Resolution that outlines the process for residents to request and review documents. A motion was made by Lyall with a second motion by Rhodes to adopt the resolution. All voted in favor.
5. ARC Committee: S. Jeffus
 - a. Four applications were reviewed and approved. A recommendation was made to the Board to hold a hearing for non-compliance for the property located at 6559 Bernice.
6. Communications Committee: R. Stephenson
 - a. Rob Stephenson was out of town and could not join the meeting via Zoom.
7. Security Committee: J. Smithson
 - a. Absent, no new information
8. Secretary Report: K. Maestri
 - a. Maestri had a work conflict. Duke covered the January 31 minutes that the Board reviewed prior to the meeting. Rhodes made a motion to approve as presented and Lyall made a second to the motion. All voted in favor.
9. Treasurer Report: R. Lyall
 - a. Lyall presented the December financials after recently receiving approval from the CPA firm conduction the 2021 Audit.
 - b. He then presented the January and February 2022 unaudited financials. Collections remain up from \$220,796 in 2/28/21 to \$246,863 in 2/28/22. 2021 and previous years past due receivables continue to

drop to a total of \$9,386. One resident represents \$4,875 of the total balance. 2022 YTD net income is \$301.00 ahead of budget. Cash balance is \$391,904 compared to 358,666 one year ago.

- c. Lyall made a recommendation to secure a Mutual Nondisclosure Agreement with the POA contractual vendors.
- d. Rhodes made a motion to accept as presented followed by Jeffus's second. All voted in favor.
- e. Lyall mentioned potentially increasing the reserve to accommodate the potential litigation with member Jack Myers.

10. Lakes Committee: C. Leister

- a. Discussed Litter Gitter for the lakes to help with trash collection in strategic locations.

11. Landscape Committee: M. Baker

- a. Botanical garden controlled burn was successful. Discussed adding trees/shrubbery if budget allows.

12. Property Managers Report: J. Duke

- a. Sidewalk repair update originally submitted to city on 8/31. 1/24 update from the city indicated Har-Ber is still on the schedule for repair but no repair date has been set.
- b. Har-Ber Ducks
 - i. June 6 – July 27
 - ii. MWF 8:30 – 10:30
 - iii. Hosting swim meets June 15 and July 6. Meets added to calendar.
- c. Annual meeting is currently in the planning stage

13. Adjournment:

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE HAR-BER MEADOWS PROPERTY
OWNERS' ASSOCIATION, INC.

To remove any doubt regarding the effectiveness of the adoption thereof on March 14, 2022, the following resolution is adopted by unanimous consent of the Board of Directors (the "Board") of the Har-Ber Meadows Property Owners' Association, Inc. (the "POA") pursuant to Ark. Code Ann. § 4-33-821.

WHEREAS Section 4 of Article XII of that certain "Declaration of Covenants, Conditions and Restrictions for Har-Ber Meadows Planned Unit Development" which was filed and recorded with the Washington County Circuit Clerk and Ex-Officio Recorder of and for Washington Arkansas on June 6, 1996 (the "Covenants") states:

Section 4. Books and Records. The books and records of the Association shall, during reasonable business hours, be subject to reasonable inspection by any Member. The Board of Directors may, by resolution, establish rules and regulations governing the frequency of inspection and other matters to the end that inspection of the books and records by any Member will not become burdensome to nor constitute harassment of the Association. The Declaration, the Articles of Incorporation and By-Laws of the Association shall be available for inspection by any Member at the principal office of the Association, where copies may be purchased at reasonable cost.

WHEREAS Section 12.7 of Article XII of the POA's Bylaws dated as of June 24, 1996 (the "Bylaws") states:

12.7. Audit. An audit of the accounts of the Association shall be made annually as a common expense by a public accountant, and a copy of the report shall be furnished to each member who requests a copy in writing.

WHEREAS the Board desires to, and hereby does, adopt a resolution establishing rules and regulations governing the frequency of inspection of the POA's books and records and other matters regarding inspection of records so it will not become burdensome or constitute harassment of the POA and/or Board.

NOW THEREFORE LET IT BE:

RESOLVED, that each and every request for inspection and/or copying of any books and records of the POA shall be subject to and governed by the following rules and regulations:

1. Unless otherwise agreed or directed in writing, by the Board or its designee in its/their complete and total discretion, inspection of any and all books and records of the POA shall be between the hours of 10:00 a.m. and 3:00 p.m., on weekdays which are not Federal holidays. The Board shall have the power and authority to determine the location of where the documents can be inspected if such location is within 15 miles of the Har-Ber Meadows

Subdivision, and, without limiting the generality of the foregoing, the POA's counsel's office at 1458 Plaza Place, Springdale, Arkansas, shall be a specifically authorized location.

2. All requests for inspection shall be in writing, shall contain a particularized list of the books and records requested, and shall include a proposed date and time of inspection which shall be no less than ten business days from when such written request is delivered to an authorized representative of and for the POA. Unless the Board otherwise designates in writing, each such written request shall be submitted through the Association's website. The Board and/or its designee shall have the right in its complete and total discretion to limit the inspection time. As an example, thirty minutes, one hour, etc., based on the volume of books and records contained within the request.

3. A true, correct, and complete copy of any audit pursuant to Section 12.7 of the Bylaws shall be provided to the requesting party at no expense. Unless the Board or its designee otherwise determines in such person(s)' complete and total discretion, a Member's right to inspect the POA's books and records does not include: (a) an obligation on the POA to provide copies of any documents; or (b) a right of a Member to make any copies of any documents. As noted, the Board or its designee shall have the right to grant exceptions to the foregoing from time to time in such person's complete and total discretion. The foregoing prohibition against copies shall also extend to taking pictures of any records or otherwise obtaining copies in all ways other than making a tangible physical copy in a copy machine. Each Member requesting inspection and copying of any POA books and records shall certify, in writing if the Board or its designee requests it, that such Member shall not make any copies, take any pictures of books or records, or otherwise attempt to obtain a copy or picture of the actual books/records. A Member shall be entitled to take notes while examining the books and records.

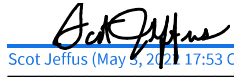
4. The Board and/or its designee shall have the right to redact any and all information which is determined, in such person's complete and total discretion, to be personal or otherwise not necessary to understand the essence of what is contained within the document, including without limitation, social security numbers, Federal Employer Identification Numbers, names and addresses of minors who may provide services to the POA, and the like.

5. Unless otherwise agreed in writing by the Board or its designee in such person(s)' complete and total discretion, subsequent requests for inspection of any books and records for which inspection was previously granted shall be denied.

6. If the Board or its designee determines in such person(s) complete and total discretion that any request is unduly burdensome, is harassing in nature, is (or would be if inspection was granted) improper, such person shall have the right and authority to deny the request. Without limiting the generality of the foregoing, it shall constitute grounds to deny any request if the Board or its designee reasonably believes that the Member requesting inspection intends to use the information for any illegal or improper purpose.

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The foregoing Resolution is adopted by the POA's Board:


Scot Jeffus (May 3, 2022 17:53 CDT)

Board Chair/President

May 3, 2022

Date


Kevin Maestri (May 3, 2022 20:10 CDT)

May 3, 2022

Date


L. Duane Rhodes (May 3, 2022 23:10 CDT)

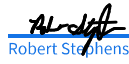
May 3, 2022

Date


Rob Lyall (May 4, 2022 09:35 CDT)

May 4, 2022

Date


Robert Stephenson (May 4, 2022 09:37 CDT)

May 4, 2022

Date