

Common Terra

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What's Inside

CAI-SA 2017 Sponsors	3
President's Message	4
Rights & Responsibilities for Better Communities	5
Playground Liability	8
Lake & Pond Biological Management	12
CED Corner	13
Reasonable Accommodation	14
Save Water, Save Money	16
Code of Ethics	18
HOA Guidelines	19
Events Calendar	20
Legal Assessments	22
CAI Bookstore	23
CAI-SA New Members	26
Sponsorship Program	28-29
Community Managers & Their Homeowners	30-31
TCAA & Texas Communities	32-33
CA Day 2017	36
CAI-SA Board & Committees	38
About CAI	39

85th Texas Legislature Special Session Wrap Up:

What Happened? Why Us? What We Should Do?

by Brady Ortego, Shareholder, Roberts Markel Weinberg Butler Hailey

As the 85th Legislature came to a close, first via a closure of the regular session, then via a closure of the special session, two questions appeared to run through the minds of community managers, board members, and other professionals in this industry. First, why do community associations continue to be the subject matter of new legislation? Second, what should we be doing to help reduce the resources devoted to legislation that is clearly biased against community associations on an unrealistic level?

The best examples during the regular session include House Bill 3528 and its Senate companion Senate Bill 2234 (the "Collections Bill") and the Omnibus House Bill 1341 (the "Omnibus Bill"). The overreaching nature of the Collections Bill and the Omnibus Bill appear to send the message that the funding concept for community association should be more voluntary than mandatory, and that volunteer board members have to be perfect in their decision-making.

The special session commenced on July 18 and closed on August 15, one day short of the 30-day allotment. While 20 subjects outlined by Governor Abbott were slated for consideration during the special session, none appeared directly focused on community associations. Nonetheless, House Bill 70 and Senate Bill 14 were filed in relation to a property owner's right to remove trees and vegetation and these bills pulled community associations into the special session. The proposed bills would have completely removed any authority of community associations to restrict tree or vegetation removal.

(cont. on page 6)

Disaster Preparedness

Is Your Community Proactive or Reactive?
by Melissa Gentry

A disaster can strike a community at any time. With the recent events from Hurricane Harvey, it is a good time to remind ourselves to review the disaster preparedness for your community. At an estimated \$180 billion dollars in damage, Harvey has caused more damage than any other natural disaster in U.S. history with the exception of Hurricane Katrina in 2005. Hurricanes are just one example of disasters that can impact your community. Each association has a unique risk associated with the probability a disaster will strike and to what severity it will impact the association. Common disasters an association can face are a tornado, flood, hurricane, fire or any other crisis that could possibly impact the association's amenities and residents. Just as planning and using a reserve study to maintain association assets is a prudent exercise, a disaster preparedness plan is

(cont. on page 10)

Support Biological Lake and Pond Management with “Probiotics”

by Erin Stewart, Aquatic Biologist with SOLitude Lake Management

There are many sustainable options for the management of lakes and ponds, so it can be difficult to determine which direction to turn when a problem occurs. This is especially true for waterbodies used for recreational activity, irrigation, drinking water storage or any location where pesticides or other traditional management methods may be less desirable or restricted. However, all aquatic resources can benefit from proactive applications of natural and biological products. Beneficial bacteria-based products can be used as a pesticide alternative, or used in conjunction with other products and methods to enhance the efficiency of the treatment.

Bacteria may sound like a bad word in some situations, but these organisms are the foundation of most biological processes within an aquatic resource. Think of them as probiotics or yogurt for your lake, pond or reservoir — they are responsible for breaking down and processing organic material in a process called biological augmentation.



When properly introduced, biological augmentation can help limit the impact of nutrients like nitrogen and phosphorous, which tend to enter waterbodies through runoff containing fertilizers, animal waste and other organic materials. Without proper management, these materials may accumulate as sludge at the bottom of your waterbody, causing noxious odors,

promoting nuisance algae and weed growth and expediting the waterbody’s rate of aging. Over time, costly dredging will be required to restore the health and overall volume of the aquatic resource. When beneficial bacteria are in place, they convert nutrients to forms that cannot fuel nuisance plant growth, promote efficient decomposition and prevent the accumulation of organic materials. This, in turn, can help diversify the biological community structure by facilitating the development of “good” algae, diatoms, zooplankton and healthy fish.

Regular applications of these biologicals can be incredi-

bly favorable and help keep beneficial bacteria concentrations and activity high throughout the year. Depending on the particular water quality or vegetation issues within your lake, pond or reservoir, a lake and pond management professional may recommend different forms of probiotic bacteria, including liquid, pellet or powdered applications. Liquid bacteria blends are considered high-performance due to their ability to rapidly neutralize excessive nutrients that are located within the water column. Liquid blends can help to quickly enhance water clarity and quality. Pellet or granular beneficial bacteria applications contain bacteria that naturally settle to the bottom of a lake or pond to reduce organic materials that cause bottom sludge. In moderate or warm climates, the resulting reduction in accumulated sediment can be significant.

Beneficial bacteria are an excellent solution for the reduction of excessive nutrient rich organic matter that cause bottom sludge and nuisance vegetation, but they don’t have to be utilized independently. When applied by a licensed professional, some biological products can also be used in conjunction with herbicides to aid in the decomposition process of submerged and emergent vegetation.



A professional will determine the rate and frequency of beneficial bacteria and/or herbicide applications by conducting water chemistry tests or considering the targeted issue. However, the best way to achieve your overall

lake or pond goals is to ensure the proper products are being utilized. There are many selections available on the market, so it is very important to choose a quality option with field data and science supporting the claims. Always rely on your lake and pond management company for beneficial bacteria recommendations, as well as guidance on strategies to improve aeration, beneficial buffers, water quality and native wildlife populations. Your water will thank you.

About the Author

Erin Stewart is an experienced Aquatic Biologist with SOLitude Lake Management, an environmental firm providing a full array of superior lake, pond, wetland and fisheries management services and solutions. She can be reached through the website www.solitudelakemanagement.com.