

November 24, 2023

**Tolomato Owners Org. – Special Interest Group  
Election Newsletter**

**BLACK FRIDAY EXTENDED EDITION**

(With tongue in cheek, this edition is looking more like a catalog than a newsletter, but we may save you money!)

**In this Issue:**

*We Need Fresh Ideas! Stale Thinking isn't Working!*

*YOU Can Make a Difference!*

*Tolomato Owners Have a Voice.*

*Another Hand in Your Wallet - Lowered Property Values.*

*Selective Enforcement = Discrimination.*

*Much Needed Governance Changes.*

*Election Fairness.*

*The "S" List – An Editorial.*

*Let Fresh Know.*

**We Need Fresh! Here's Why.**

If your heart is telling you to vote for the status quo, the people that care, "the way it used to be", you don't have that option. The facts tell us, that way before our Newsletters and the Special Interest Group, Tolomato Island leaders were on the wrong path. Five years or more of "*Stale Thinking*" wasn't and isn't working. *Stale thinking and vindictive control have divided the community.*

"*Stale*" candidates and those adopting Stale ideas, reinvented as Care candidates are about dictated rule and misdirection. The Chosen Few wishes to control every element of Tolomato life, including who gets to live here, and what their homes must look like. There is no meaningful discussion, no new ideas, no accountability as it is always somebody else's fault.

"*Fresh*" thinking candidates are community driven, based on the will of ALL the people - Us, We the Owners. Fresh will be a Board of Directors that reflects the wishes of the Community, not their idea of how the Community should conform to their personal desires.

**You Can Make a Difference!**

Although you may be hearing about these issues for the first time, it doesn't have to be this way. Owners need to take an active part in the management and governance of their community, Tolomato Island.

If by chance you gave your Proxy to “Stale” candidates, it’s not too late. You can send us a Proxy which will nullify your previous proxy. Better still you can attend the Annual Meeting and vote in person. Your attendance overrides all Proxies.

The fastest way to send a proxy is to fill it out completely; sign it in two places; take a picture of it, and text it to Doug Burger, our Proxy agent at 575-637-9588.

Fresh Candidates are [Steve Anderson](#), [John Bagwell](#), [George Bigham](#), [Lynn Brenton](#), and [Heather Rowe](#)

- *Owners in favor of Combing Lots* – Anybody in favor of combining lots should be voting for Fresh. “Stale” candidates are opposed to combining lots for nonsensical reasons. Combined lots increase green space and decrease amenity utilization. Once a home is built on a combined lot it will always be combined. A second or third uncombined lot, can be sold and another home built. Combining “unbuildable” lots (those with physical limitations) makes them useful and open avenues for sale. We need Fresh.
- *Owners of Two or More Lots* – Anybody having an adjacent lot or lots, should be voting for Fresh. According to the Board / ARB the only thing the lot can be used for is another home. That is incorrect, but Stale say it’s so. We need Fresh.
- *Owners opposed to Assessment (Dues) Hikes* – Anybody that opposes an increase in assessments or dues while the Association sits on \$400,000 in cash, should be voting for Fresh.
- *Owners who thought they were working toward a play area for children*, and were dismissed by the Board, without action or support should be voting for Fresh.
- *Owners who worked to save our Historic buildings*, who documented their history and formulated master plans that were dismissed by the Board, without action or support should be voting for Fresh.
- Owners who worked hard to create fun community events that were dismissed by the Board without support should be voting for Fresh.
- Owners who value the community dock, and abutting property owners, who expected action on the eroding shore, and find nothing is planned, should be voting for Fresh.
- Owners and residents who were driven away from Committees and community service by overcontrolling Board leadership should be voting for Fresh.
- Owners who must clear their own street, after a hurricane, because the Board feels there is no need for emergency plans should be voting for Fresh.
- Owners in favor of Transparency and anybody that believes in truth and fairness, not control or manipulation should be voting for Fresh.

*It is time for Owners to Do What is Right – You wouldn’t reach for Stale in the market, you seek Fresh. It is time to vote for Fresh.*

## **Tolomato Owners Have a Voice**

If there has been measurable success in all that is transpiring, it is the Tolomato Owners Newsletter, the SIG Newsletter, and the Tolomato Owners Organization web site. That success has brought matters to the attention of ALL Tolomato Island owners, plus we have had a little fun along the way. While a couple of people have bemoaned captions or editorial cartoons, there has been no substantive disputing of the facts presented.

The website <https://tolomatoowners.org/> recently marked a milestone with 50 registered owners. Anyone can read posts etc. on the web site, but only registered owners can create blogs, post comments and pictures, or create calendar events. We have several individual articles accessed by over 200 readers. We do not capture or look at who is reading or what they are reading. Registered users are from all points of views. Some are very active, and some not.

Rather than embrace communications that reaches most owners, “Stale” candidates have tried to paint us a raucous minority. Neither adjective is true. If we disagree with the Chosen Few, we are apparently raucous, or perhaps worse. If we say nothing we are apparently subjects. We need Fresh.

Past Newsletters can be found <https://tolomatoowners.org/index.php/island-news/to-news-letter>

In this issue we bring the facts to something near and dear to all of us, our wallets. We urge you to read further, and we urge you after reading, and investigating the facts to act. We believe you will vote for Fresh.

## **Another Hand in Your Pocket - Lowered Property Values**

For those concerned about property values, the lack of construction noise on Tolomato Island, should be deafening. There are no dump trucks thumping through the streets, no hammer noise, no lumber trucks or even workers moving through at 7 AM or out at 6 PM. Good? Not really.

In March 2023, eight months ago, the former ARB tracked 20 homes in various stages. All seven still under construction at that time have been completed. There are, according to the current ARB, no homes approved or started building since then. They say it is “a quiet time”.

We know of three owners who have opted to sell or move on. What about the other 10? What about the approval period that used to average 15 days? “A quiet time”? Indeed.

Have you asked yourself why there is no building activity currently on Tolomato Island? Tolomato Island should be booming. It is beautiful; it is on a pristine coast; the people are welcoming; and it is safe. People moving here are not generally first home builders or buyers. Most have equity to offset home costs. Nobody likes inflation or rising interest rates, yet Tolomato Island is still affordable. People wanting to move here, have already weighed the pros and cons of living in a semi-rural community. They understand that schools are improving and acknowledge lots of people will find Tolomato Island and the Golden Isles attractive. They know now is a good time to buy or build.

Tolomato Island should easily sustain a few new homes being built each year. So, what happened?  
*Word is out you can't build on Tolomato.*

Property values are about natural beauty and coastlines but have little to do with window dressing like pine straw. If a property can't be built on because of the time it takes to be approved, or because of misinterpreted covenants or undocumented regulations, its value to the current owner and prospective buyers sinks. A Real Estate agent reported an excited buyer passed, when he found an existing home for sale was part of Tolomato Island. Nice homes are selling well below their value.

*Property values on Tolomato Island are decreasing.*

Those of you who have invested in property on Tolomato Island should know the uncertainty of whether an owner can build their dream home have pushed some to move elsewhere. That is not good socially, and certainly not good for all of us financially.

Stale candidates campaigning to divide the community (“they don't live here”, “we don't want McMansions”, “they don't share our values”, “they don't respect the covenants”) subtlety brings out the worst in us if we don't pay attention. The truth is, nice homes, in a diverse community, regardless of size increase all our property values.

Home / property assets often represents the largest percentage of one's overall net worth, perhaps only eclipsed by pension savings. Whether consciously or unwittingly upsetting the realities of home building and marketing, TIPOA leadership need to reverse course immediately.

*Nobody needs another invisible hand in their pocket. We Need Fresh!*

## **Selective Enforcement = Discrimination**

In the last Newsletter, in the “Clinging to the Covenants” article we talked about the governing documents being used as a way to thwart something or somebody you want to control. As the Board of Directors (Board) has imposed itself once again into the *separate* domain of the Architectural Review Board (ARB), both have taken to rulings they have no right to enforce.

Without going into the weeds, the Covenants state the responsibility for the administration of the Design Guidelines “shall be handled by the ARB”. It doesn't say, “and the Board”, or anybody else. The documents continue stating the “Design Guidelines are intended to provide guidance to Owners and their builders regarding matters of particular concern to the ARB in considering applications hereunder”.

In other words, *the ARB is to provide guidance*. In our view, the ARB has no right to say you cannot build a home, a garage, a swimming pool, etc. It does have the right to enforce what it should look like, how it should be situated etc., in keeping with the Architectural Design Guidelines.

The covenants also state “lots may be used only for *residential purposes of a single family, and for ancillary business or home office uses* ..... It does not say, you must build a single-family home on every lot, as current Board members and ARB have once again stated.

This is a big deal. Misrepresenting the covenants has thwarted expensive plans. For example, Barney can build a boat house, but Wilma can't build a garage. They are both structures that meet the needs of a single family.

“We (the Board / ARB) don’t see a need for that structure”. The Board / ARB doesn’t have to see a need for anything, it is your land. If it meets the needs of a single family, *your family*, the Covenants say it is OK, providing it also meets the standards in the Architectural Design Guidelines. Selective approval, or enforcement smacks of favoritism. Worse, when housing laws are selectively enforced, that is a form of discrimination. Discrimination is against the law.

Yet, this Board / ARB and the same people sitting in different seats on past Boards / ARBs have denied, homes, garages, sheds, swimming pool etc.

And, what about the oft used language that the structure must be behind the house. What about homes with no back yards? There is still no reason to say no. The ARB is bound to guidance, and in such cases, they have the authority to issue variances, and approve building elsewhere on the lot if all conditions are met, or on another owned property altogether.

In an actual case, the Board / ARB when there was no need, demanded a garage be placed behind a home, obscuring their view of the marsh (the only reason to have a marsh lot). The garage could have been placed to the side of the home. After repeatedly being misled over two years, those owners sadly opted to move on and sold their property.

The owners of Tolomato Island need to know about one-off deals. In an egregious attempt to placate an owner, the Board / ARB offered the owner the opportunity to build “from lot line to lot line”, or to ignore the current building setbacks (15’ on each side, 25’ on the marsh and the street). How would you like to own the property next door to someone building right to the lot line? What about the “green space” or avoiding Tolomato Island looking like St. Simons the Stale candidates warns us about?

Tolomato Island doesn’t allow commercial buildings, doesn’t have public beaches, no bars, restaurants, or dance halls. That discussion coming from the Board / ARB now Stale candidates is about invoking fear. Our goal should be to avoid the density we see with large houses on small lots, usually caused by not working through plans or available options.

We also hear that owners should have done due diligence about problem lots. Really? In a competitive market, who has time to wait for spring rains? Who has time to find out that the Board / ARB won’t permit their house. All owners have to look at is what has been published. Sometimes what has and has not been made available to buyers has caused them harm.

In another actual case, the Board vindictively provided closing officials with documentation not of outstanding fines or assessments but of a brush pile, which held up the closing for three weeks. They knew the brush pile would be removed. They knew there were other brush piles in the community. It wasn’t unique.

The Board / ARB have forgiven fines, did not disclose unsettled legal issues and has at times failed to disclose the outstanding assessments to closing officials, making it hard or impossible to recover the monies owned.

Lastly, the Board / ARB is now denying home(s) based on a county misstatement. They are knowingly misrepresenting facts. The issue was called to the Board’s Attorney’s attention. He does not work independently. He talks with the Board President. Whether or not that information was passed along, why wouldn’t other Board / ARB members of good conscience question obvious departures from a layman’s reading of the covenants? One member did, but only a Fresh candidate has objected to their actions.

Fairness, truth, and equity are not just key in the housing business, it is the law. We Need Fresh!

Editor's Note – As this article was finished, the Board / ARB notified an owner about their Nth submission of plans; “Based on several Articles in our Declaration of Covenants and as stated in previous emails to you, each lot is intended only for a single-family home and garage with the proper setbacks and variances. Please submit your lot survey and home design accordingly.” *This is another reversal of reasons to deny an application for this owner. Where is the guidance? Where is the factual interpretation of the covenants?*

## **Much Needed Governance Changes**

Regardless of the outcome of the upcoming elections, the following actions should be mandated by the owners:

- **Video Recording of TIPOA Meetings.**

The Covenants, SIG and most reasonable people support the Video Recording of TIPOA Meetings and making them available on the web for those not able to attend. It is doubly important since the minutes of the meetings, while being official are not always accurate and omit important discussion.

*We call upon the Board of Directors to take the necessary steps to video record all future meetings and make them available to owners. We Need Fresh!*

- **Separate Audit Committee**

The Tolomato Owners Org. requested both a financial audit and operational audits. There has never been an audit of any kind since Tolomato Island was founded 20+ years ago. The TIPOA did not respond. At the last Board meeting, they said the audit would be for “last year” (the audit should be thorough, going back as far as it needs to). They assigned a price tag, to make it sound financially unreasonable.

Given the manipulative manner of the Board leadership, some of whom are running for re-election as Stale candidates, we will request that an independent Audit Committee, oversee any audits.

- **Separate Appeals Board & Publication of Compliance Issues and Fines**

Whenever an owner is out of compliance and is sanctioned, according to the By-laws the Board must notify the owner, describe the offense, the sanction, and give them a right to a hearing within 15 days. If there is no “covenants committee” (appeals board) the hearing will be before the Board. If the owner wishes, within 15 days he/she can send a written request to appeal to the Board. It seems to us, the odds of getting a home run, during three at bats with the Board are virtually zero.

A list of compliance issues, and fines was requested but never documented or provided by this Board of Directors. Compliance issues and associated fines (if any) must be published. According to the Covenants there should be a separate appeals board aka “covenants committee” which “shall be the hearing tribunal of the Association”. Given a rational and reasonable hearing process, several misinterpretations of the governing documents could be resolved or adjudicated.

## Election Fairness

- **Nominations from the Floor** – Whether you agree with an announced candidate or not, they have provided information regarding themselves and in some case what they represent. They have in some form made themselves available for questions. Given no opportunity to speak or be questioned, nominations from the floor while allowed, are a bad idea. Proxy voters, people not attending the meeting, have no opportunity to evaluate the person, and those in attendance who know something about, or nothing about the candidate have no chance to discuss the nomination. It didn't work particularly well when the only people attending the meeting were residents. But non-resident, which represent over one half of all owners, need a voice, and need access to all the information. Nominations from the floor is a truly bad idea in our situation and should be discouraged.
- **Proxy Validation and Voting** - We have asked TIPOA Board Leadership that the validation of proxies and voting process be explained in detail. They did not respond to our request. We sent an official notice, stating that we would be providing observers. The request was quickly denied, and an agenda item was added to the revised agenda as: "Random Choosing of Vote Watchers". *What happens to a candidate's right to monitor elections?*

We are concerned about vote rigging. Opening directed proxies before voting, is the same as looking through the ballot box before an election. Previewing proxies allows for vote manipulation.

We the Owners Org., have indicated exactly who our agents or proxies will vote for if you do not direct their votes. The current President of the Board of Directors, who is also a candidate, is collecting default proxies. To date she has not specified who she will be using the proxies to vote for. This allows those tempted to throw their own candidates under the bus, in favor of someone nominated from the floor.

- **Candidate Presentations** – In the revised agenda for the upcoming TIPOA Annual Meeting, *which has not been circulated at this point to all owners*, it provides for optional 2-minute candidate presentations. Why was this an afterthought? We have 10 announced candidates, who most people have not heard in person.
- **Voting Lists and Association Information** - The law requires that the Association provide a list of all voting members and addresses. It was requested, and provided, in a semi-usable format. It was scrubbed of email addresses and telephone numbers, which are supposed to be available on the "opt-in" official Tolomato web site. However, there is a more complete list of telephone numbers that were not provided to all the candidates.

The next TIPOA Board of Directors must make every effort to provide ALL candidates with critical information and treat ALL candidates fairly. Further, for many non-resident owners, the only information coming from the TIPOA is a bill for their annual assessment and an Annual Meeting packet. That is unacceptable. *All official information should be sent to all owners.* The association needs a real effort undertaken to gather email addresses.

- **Set Annual Meetings Dates and Times** – The usual time for Annual Meetings has been 9 AM on a Saturday in December. It was moved this year for some unknown reason to 3:30. The meeting is now being hurried to accommodate those wishing to see the SEC Championship

Football Game. Why was it moved at all? Pick a date (the first or second Saturday in December) and a time that everyone can remember. This is consequential annual meeting and election. Please tape the game, come to the meeting, and vote for Fresh.

## **The “S” List – An Editorial**

Some of us never wasted any time being humble. People in even minor positions of power often take credit for everything seemingly good and try to affix any blame on someone else. That is true on Tolomato Island. Worse, anyone objecting to something, or suggesting something unpopular with the Board Leadership finds themselves on the S List....let's call it the Shunned List.

Shunned folks can expect to be snubbed. The Chosen Few may almost drive into a tree or the pond, trying to look the other way, to avoid returning a friendly wave. Shunned folks can expect frequent violation inspections. Shunned people can be laughed at during official meetings. One newly Chosen Stale candidate and authority in management, openly attacks a sitting Board Member every time the member speaks. Board leadership lets him continue. Funny the Chosen Few and Stale are claiming they will reunite the community. They have. The Shunned are laughing at their 5<sup>th</sup> grade antics.

Good leaders, work with people to find common ground. When common ground can't be found, the person should still go away with the feeling they were fairly heard, and that reasonable solutions didn't work. Petty people, assign people to shunned lists. Why must you get angry at someone who doesn't share your opinion? We Need Fresh!

And, while we are on the topic. Good leadership relies on facts, not emotion. Neither anger nor ego have a place in a healthy community. When you're wrong, remember the First Law of Holes - If you find yourself in a hole, stop digging. Don't make matters worse.

If you care, vote Fresh. We need a Fresh Board, one that truly cares about all of us.

## **Let Fresh Know.**

The beauty of Tolomato Island extends beyond the live oaks, the moss, the pond, and its many styles of homes to the people. They are smart and caring and usually successful. Leaders would be wise not to dismiss their feelings or suggestions. It is important that we too seek ALL the people's input.

We have over the past few weeks, discussed the issues leading up to this election. They have been presented truthfully, and without a heavy hand. Owners may agree or disagree with our findings. It is your turn. *Our Fresh Candidates want to know. What changes would you make, that would make Tolomato Island a better place to live?* We want your input. A blog will be created on the web site for your suggestions or comments.

## **Comments Regarding the Newsletter?**

If you have comments, you are invited to share them on [www.tolomatoowners.org](http://www.tolomatoowners.org)

We publish all comments regardless of point of view. A modicum of appropriateness is requested. Registration is a requirement for posting.