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Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, TX 78540

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EDINBURG TX 78539

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**STATE OF TEXAS
COUNTY OF HIDALGO**

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
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Arturo Guajardo Jr.
County Clerk
Hidalgo County, TX

CMHEA, A TEXAS NONPROFIT CORPORATION OPEN RECORDS POLICY

STATE OF TEXAS §

2314123

COUNTY OF HIDALGO §

WHEREAS, CMHEA, A TEXAS NONPROFIT CORPORATION (the "Association"), is the governing entity for Country Meadows Estates Subdivision Phases I & II, an addition in Hidalgo County, Texas, as more particularly described in Exhibit "A", attached hereto (the "Subdivision"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended, effective January 1, 2012, to add Section 209.005 and 209.0051, which requires the Association to adopt and record open meetings and open records guidelines; and

WHEREAS, the Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein;

NOW THEREFORE, in order to comply with Section 209.005 and 209.0051, the Association hereby adopts the following guidelines:

A. Policy for retention of its records:

- 1) Certificate of Incorporation, Articles of Incorporation, Bylaws, Declaration of Covenants and Restrictions, and any other declaratory documents, together with the amendments thereto, shall be retained permanently;
- 2) Financial books and records shall be retained for a minimum of seven years;
- 3) Account records of current owners shall be retained for a minimum of five years;
- 4) Contracts with a term of one year or more shall be retained for a minimum of four years after the expiration of the contract term;
- 5) Minutes of meetings of the members and the Board of Directors shall be retained for a minimum of seven years; and
- 6) Tax returns and audit records shall be retained for a minimum of seven years.

B. Policy of the Association is to allow members access to Association records under the following terms:

- 1) A member or the member's authorized representative (the "Member") must submit a written request for access to Association information. The request must be sent by certified mail and addressed to the Association. The authorized representative must be designated in a document signed by the Member and must be the Members' agent, attorney, or certified public accountant.

- 2) The request must state with sufficient detail the books and/or records requested and whether the Member elects to inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.
- 3) Within 10 business days from receipt of the request, the Association will provide written notice to the member of the dates on which the records may be inspected, or if copies are requested, provide the requested copies. If the Association is unable to produce the records within the 10-day period, it will provide a date within an additional 15 business days by which the records will be sent or made available to the Member for inspection.
- 4) Inspection of records will take place during a mutually agreed time during the regular business hours of the Association.
- 5) The Association may, at its option, produce the requested copies in hard copy or by electronic or other format reasonably available.
- 6) The Association will not provide any document that is considered attorney work product or that is a privileged attorney-client communication.
- 7) The Association will only provide information that identifies the violation history of an individual member, a member's personal financial information including records of payment or nonpayment of amounts due to the Association, a member's contact information other than the member's address, or information related to an employee of the Association, including personnel files, if (a) the affected member or employee gives their express written approval for the inspection or reproduction of the records or (b) a court orders the Association to release the information.
- 8) The Member must pay the cost of the inspection or reproduction of records. The charges will be determined based on the amounts set out in the Association's Schedule of Assessments, Charges, Fees and Fines as recorded in the real property records of Hidalgo County, Texas.
- 9) The Association may require the Member to pay the estimated cost of inspection or production in advance. The Association will deliver a final invoice to the Member before the 30th business day after the information is delivered. If the total charges on the final invoice are less than the estimate paid, the Association will refund the excess amount paid within 30 business days of the date the final invoice is delivered. If the total charges on the final invoice are more than the estimate paid, the Member must pay the balance within 30 business days of the date the final invoice is delivered. Any balance due the Association not paid by such date will be added to the Member's account and treated as a past due amount subject to late fees and interest.

C. Policy for open meetings

- 1) Regular and special board meetings must be open to owners, subject to the right of the board to adjourn a board meeting and reconvene in closed executive session to consider actions

involving personnel, pending or threatened litigation, contract negotiations, enforcement actions, confidential communications with the property owners' association's attorney, matters involving the invasion of privacy of individual owners, or matters that are to remain confidential by request of the affected parties and agreement of the board. Following an executive session, any decision made in the executive session must be summarized orally and placed in the minutes, in general terms, without breaching the privacy of individual owners, violating any privilege, or disclosing information that was to remain confidential at the request of the affected parties. The oral summary must include a general explanation of expenditures approved in executive session.

2) Except for a meeting held by electronic or telephonic means, a board meeting must be held in Hidalgo County.

3) Members shall be given notice of the date, hour, place, and general subject of a regular or special board meeting, including a general description of any matter to be brought up for deliberation in executive session. The notice shall be:

(a) mailed to each property owner not later than the 10th day or earlier than the 60th day before the date of the meeting; or

(b) provided at least 72 hours before the start of the meeting by:

(1) posting the notice in a conspicuous manner reasonably designed to provide notice to property owners' association members:

(i) in a place located on the association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; or

(ii) on any Internet website maintained by the association or other Internet media;
and

(2) sending the notice by e-mail to each owner who has registered an e-mail address with the association.

4) It is an owner's duty to keep an updated e-mail address registered with the property owners' association.

5) If the board recesses a regular or special board meeting to continue the following regular business day, the board is not required to post notice of the continued meeting if the recess is taken in good faith and not to circumvent this section. If a regular or special board meeting is continued to the following regular business day, and on that following day the board continues the meeting to another day, the board shall give notice of the continuation in at least one manner prescribed herein within two hours after adjourning the meeting being continued.

6) A board may meet by any method of communication, including electronic and telephonic, without prior notice to owners, if each director may hear and be heard by every other director, or the board may take action by unanimous written consent to consider routine and administrative matters or a reasonably unforeseen emergency or urgent necessity that requires immediate board action. Any action taken without notice to owners must be summarized orally, including an explanation of any known actual or estimated expenditures approved at the meeting, and documented in the minutes of the next regular or special board meeting. The board may not, without prior notice to owners, consider or vote on:

- (a) fines;
- (b) damage assessments;
- (c) initiation of foreclosure actions;
- (d) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;
- (e) increases in assessments;
- (f) levying of special assessments;
- (g) appeals from a denial of architectural control approval; or
- (h) a suspension of a right of a particular owner before the owner has an opportunity to attend a board meeting to present the owner's position, including any defense, on the issue.

CMHEA, A TEXAS NONPROFIT CORPORATION CERTIFICATION

"I, the undersigned, being the President of CMHEA, A TEXAS NONPROFIT CORPORATION hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors on the 12 day of May, 2012."

By: Andrew A. Canon, President
Andrew A. Canon

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 12 day of May, 2012.

Maria L. Garcia
Notary Public, State of Texas

