

**RESOLUTION OF THE BOARD OF DIRECTORS OF
L.E.P.O.A. LAKEVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC.
CONCERNING BOOKS AND RECORDS**

The Board of Directors (the "Board") of L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc., (the "Association"), at a regularly scheduled meeting of the Board on April 21, 2022, at which a quorum of the Directors were present as required by the Bylaws of the Association, and after consideration, motion and vote, adopted by a majority vote of the directors present, the following resolution concerning the procedures for examination and obtaining records of the Association is intended to set forth what personal information of the members is subject to disclosure, and the procedure for obtaining same. Accordingly, it is

RESOLVED that the Association's formal policy as to the examining of the books and records of the Association and obtaining copies of records examined, shall be as follows:

1. The Association shall make the books and records of the association, including financial records, open to and reasonably available for examination by an owner, or a person designated in a writing signed by the owner as the owner's agent, attorney, or certified public accountant, in accordance with this Resolution. An owner is entitled to obtain from the association copies of information contained in the books and records, as provided for by this Resolution, upon payment of the charges authorized by this Resolution and Section 209.005, Texas Property Code.
2. Except as provided by this Subsection an attorney's files and records relating to the property owner's association, excluding invoices requested by an owner under Section 209.008 (d), are (a) not records of the association; and/or (b) not subject to inspection by the owner or production in a legal proceeding. If a document in an attorney's files and records relating to the association would be responsive to a legally authorized request to inspect or copy association documents, the document shall be produced by using the copy from the attorney's files and records if the association has not maintained a separate copy of the document. This subsection does not require production of a document that constitutes attorney work product if that is privileged as an attorney-client communication.

3. An owner or the owner's authorized representative described by Section 1 above must submit a written request for access or information under Section 1 above by certified mail, with sufficient detail describing the Association's books and records requested, to the mailing address of the association or authorized representative as reflected on the most current management certificate filed under Section 209.004. The request must contain an election either (a) to inspect the books and records before obtaining copies, or (b) have the Association forward copies of the requested books and records.
 - (a) If an inspection is requested, the association, on or before the 10th business day after the date the association receives the request, shall send written notice of dates during normal business hours that the owner may inspect the requested books and records to the extent those books and records are in the possession, custody, or control of the association; and
 - (b) if copies of identified books and records are requested, the association shall, to the extent those books and records are in the possession, custody, or control of the association, produce the requested books and records for the requesting party on or before the 10th business day after the date the association receives the request, except as otherwise provided this section.
4. If the Association is unable to produce the books or records requested under Section 3 above on or before the 10th business day after the date the Association receives the request, the Association must provide to the requestor written notice that:
 - (a) informs the requestor that the Association is unable to produce the information on or before the 10th business day after the date the Association received the request; and
 - (b) states a date by which the information will be sent or made available for inspection to the requesting party that is not later than the 15th business day after the date notice under this subsection is given.
5. If an inspection is requested or required, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the requesting party.
6. The Association may produce books and records requested under this section in hard copy, electronic, or other format reasonably available to the Association.

20222978

7. The Association hereby incorporates by reference the provisions of 1 Texas Administrative Code, Section 70.3, entitled "Charges for Providing Copies of Public Information", a copy of the current Section 70.3 being attached to this Resolution as Appendix "A". The Association will charge for the compilation, production, and reproduction of information requested under this Resolution. The prescribed charges may include all reasonable costs of materials, labor, and overhead but in no event shall exceed costs that would be applicable for an item under 1 T.A.C. Section 70.3.
8. The record production and copying policy prescribed by this Resolution shall be recorded as a dedicatory instrument in accordance with Section 209.005, Texas Property Code.
9. An owner is responsible for costs related to the compilation, production, and reproduction of the requested information in the amounts prescribed by the policy adopted under this subsection.
10. The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the Association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner.
11. The Association must estimate costs under this section using amounts prescribed by the policy adopted under this Resolution.
12. Except as provided by this Resolution, and to the extent the information is provided in the meeting minutes, the Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner of an Association, an owner's personal financial information, including records of payment or nonpayment of amounts due to the Association, an owner's contact information, other than the owner's address, or information related to

an employee of the Association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual property owner.

13. The books and records described by paragraph 12 hereof shall be released or made available for inspection if:
 - (a) the express written approval of the owner whose records are the subject of the request for inspection is provided to the Association; or
 - (b) a court orders the release of the books and records or orders that the books and records be made available for inspection.
14. The Association hereby adopts the following document retention policy that includes, at a minimum, the following requirements:
 - (a) certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and covenants shall be retained permanently;
 - (b) financial books and records shall be retained for seven years;
 - (c) account records of current owners shall be retained for five years;
 - (d) contracts with a term of one year or more shall be retained for four years after the expiration of the contract term;
 - (e) minutes of meetings of the owners and the board shall be retained for seven years; and
 - (f) tax returns and audit records shall be retained for seven years.
15. As provided for by Section 209.005 (n), Texas Property Code, a member of the Association who is denied access to or copies of Association books or records to which the member is entitled under this section may file a petition with the justice of the peace of a justice precinct in which all or part of the property that is governed by the Association is located requesting relief in accordance with this subsection. If the justice of the peace finds that the member is entitled to access to or copies of the records, the justice of the peace may grant one or more of the following remedies:
 - (a) a judgment ordering the Association to release or allow access to the books or records;
 - (b) a judgment against the Association for court costs and attorney's fees incurred

20222978

- in connection with seeking a remedy under this section; or
- (c) a judgment authorizing the owner or the owner's assignee to deduct the amounts awarded under Subsection (b) of this Section 15 from any future regular or special assessments payable to the Association.
16. If the Association prevails in an action under paragraph 15, the Association is entitled to a judgment for court costs and attorney's fees incurred by the Association in connection with the action.
17. On or before the 10th business day before the date a person brings an action against the Association under this Section 209.005, Texas Property Code, the person must send written notice to the Association of the person's intent to bring the action. The notice must:
- (a) be sent certified mail, return receipt requested, or delivered by the United States Postal Service with signature confirmation service to the mailing address of the Association or authorized representative as reflected on the most current management certificate filed under Section 209.004, Texas Property Code; and
- (b) describe with sufficient detail the books and records being requested.
18. For the purposes of this Resolution, "business day" means a day other than Saturday, Sunday, or a state or federal holiday.
19. The President, or his designee, for good cause, shall have the authority to waive any fees established by this resolution.
20. Under no circumstances shall the original books and records of the Association be allowed to leave the office of the secretary with any member requesting examination and copying of the books and records.
21. It is the intent of the Board of Directors that this resolution comply with Article 1396-2.23, "Books and Records", and Article 1396-2.11B, "Voting Members' List for Meeting", Texas Non-Profit Corporation Act; Section 22.351, Texas Business Organizations Code; Section 209.005 of the Texas Property Code; and any applicable Bylaws of the Association."
22. This resolution is effective upon filing in the Official Public Records of San Jacinto County, Texas.
- Signed this 23rd day of APRIL, 2022.

20222978



L.E.P.O.A Lakeview Estates Property Owner's Association, Inc.
President

Attest:



L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc.
Secretary

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APPENDIX A

[<<Prev Rule](#)[Next Rule>>](#)

Texas Administrative Code

TITLE 1

ADMINISTRATION

PART 3

OFFICE OF THE ATTORNEY GENERAL

CHAPTER 70

COST OF COPIES OF PUBLIC INFORMATION

RULE §70.3

Charges for Providing Copies of Public Information

(a) The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).

(b) Copy charge.

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost;

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

(c) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

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(1) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

(3) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.

(d) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(2) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

(3) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or

(B) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.

(4) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(5) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).

(6) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

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Texas Administrative Code

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3.00 ; or Programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

(h) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(3) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.

(4) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a

program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

(5) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.

(i) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

(j) Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(k) Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).

(l) Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

(m) These charges are subject to periodic reevaluation and update.

Source Note: The provisions of this §70.3 adopted to be effective September 18, 1996, 21 TexReg 8587; amended to be effective February 20, 1997, 22 TexReg 1625; amended to be effective December 3, 1997, 22 TexReg 11651; amended to be effective December 21, 1999, 24 TexReg 11255; amended to be effective January 16, 2003, 28 TexReg 439; amended to be effective February 11, 2004, 29 TexReg 1189; transferred effective September 1, 2005, as published in the Texas Register September 29, 2006, 31 TexReg 8251; amended to be effective February 22, 2007, 32 TexReg 614

[List of Titles](#)

[Back to List](#)

[HOME](#)

[TEXAS REGISTER](#)

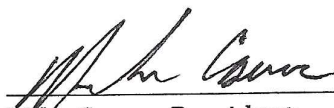
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20222978
CERTIFICATION

I hereby certify that, as President of the L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc., the foregoing Resolution concerning Books and Records was approved on the 21ST day of APRIL 2022, by a majority vote of the Board of Directors at a duly-called meeting.

DATED, this 23rd day of APRIL, 2022.

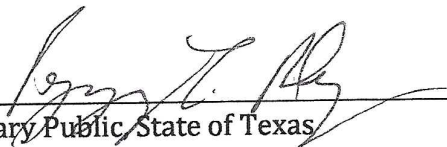


Mike Crews, President

THE STATE OF TEXAS §
§
COUNTY OF SAN JACINTO §

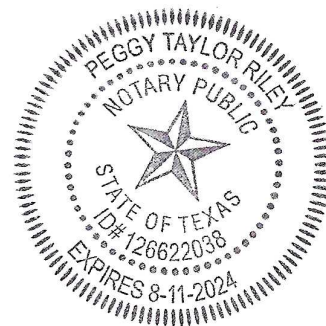
On this day, personally appeared to me, Mike Crews, known to me through the following method of identification Tx DL 05378388, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23 day of April, 2022.



Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF:
KERRY CARL HAGAN, P. C.
Attorney at Law
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AFTER RECORDING, PLEASE RETURN TO:
Kerry C. Hagan for transmission to:
L.E.P.O.A. Lakeview Estates Property Owner's Association

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Filed for Record in:
San Jacinto County

On: Apr 27, 2022 at 03:39P

As a
Recording

Document Number: 20222978

Amount 65.00

Receipt Number - 53013

By:
Galene Paukert

STATE OF TEXAS

COUNTY OF SAN JACINTO

I, Dawn Wright hereby certify that this
instrument was filed in number sequence on the date
and time hereon by me; and was duly recorded in the
OFFICIAL PUBLIC RECORDS of San Jacinto County, Texas
as stamped hereon by me on

Apr 27, 2022

Dawn Wright, County Clerk
San Jacinto County, Texas