

PINE HARBOR OWNERS ASSOCIATION

PO Box 399

Jefferson, TX 75657

Phone (903) 665-8771

PHOA BY-Laws purposed Changes

Please mark your vote on the Ballot sheet mailed to you and place in the envelope provided. You can mail your **ballot in**, drop it off at the office(door slot) or bring it to the annual meeting. All changes purposed to be voted on below are in **bold** and underlined.

Only those that are completely caught up on their dues(past four years) prior to the annual meeting are eligible to vote.

Item 1

ARTICLE III

MEMBERSHIP (CONTINUED)

(Currently Reads)

Section 5. Any building, structure, or improvement commenced upon any lot shall be completed as to exterior finish and appearance within six (6) months from the commencement date. No lot or portion of any lot shall be used as a dumping ground for rubbish or trash, nor for storage of items of materials (except during construction of a building), and all lots shall be kept clean and free of any boxes, rubbish, trash, inoperative cars, tall grass or weeds or other debris, and refrigerators and other large appliances shall not be placed outdoors. The undersigned shall have the right to enter the property where a violation exists under this paragraph after notification by registered letter giving the property owner thirty (30) days to remove the incomplete structure or other items at the expense of the offending party.

(Proposed Changes)

Section 5. Any building, structure, or improvement commenced upon any lot shall be completed as to exterior finish and appearance within six (6) months from the commencement date. No lot or portion of any lot shall be used as a dumping ground for rubbish or trash, nor for storage of items of materials (except during construction of a building), and all lots shall be kept clean and free of any boxes, rubbish, trash, inoperative cars, tall grass or weeds or other debris, and refrigerators and other large appliances shall not be placed outdoors. The undersigned shall have the right to enter the property where a violation exists **to correct the violation** at the expense of the offending party under this paragraph:

- a. after notification by registered letter of intent to abate
- b. And giving the property owner thirty (30) days **after notice is sent** to remove the incomplete structure or other items at the expense of the offending party.
- c. **The Board may allow additional time to correct a violation depending on the member's circumstances. The member shall contact the board within the thirty (30) days from mailing the registered letter to request an extension of time to correct the violation.**

Item 2

ARTICLE IV DUES AND FEES

(Currently Reads)

Section 6. Annual fees that are unpaid after January 31 of each year shall be considered delinquent and a penalty of 12% per year shall be added on the unpaid balance. The late fees will be added at the end of the first quarter. Any accounts delinquent for two (2) years will be sent to the collection department. Any fees charged by the collection department will be added to the account.

(Proposed Changes)

Section 6. Annual fees that are unpaid after January 31 of each year shall be considered delinquent and a penalty of 12% per year shall be added on the unpaid balance. The late fees will be added at the end of the first quarter. Any accounts delinquent for **one (1) year may** be sent to the collection **with proper notice given in advance**. Any fees charged by the collection department will be added to the account.

Item 3

ARTICLE IV DUES AND FEES

(Currently Reads)

Section 8. Nothing. This is a new payment plan required per State Law.

(Proposed Changes)

Section 8. Pursuant to Texas Property Code, Section 209.0062 A payment plan is being established to help those interested in getting caught up with their assessments and late fees. This plan will go into place as soon as it is completed. The payment plan will be compliant with Texas state Law requirements **and may allow for temporary return of rights when the owner is 2/3 complete and on time with the agreed payment plan.**

Item 4

ARTICLE V OFFICERS AND DIRECTORS

(Currently Reads)

Section 1. Only Association members are eligible to be elected and serve as officers and directors, and must reside in Pine Harbor.

(Proposed Changes)

Section 1. Only Association members are eligible to be elected and serve as officers and directors. **The President, Vice President, and the Treasurer** must reside in Pine Harbor.

Item 5

(Currently Reads)

Section 2. Day to day business of the Association shall be conducted by a Board of Directors, consisting of five (5) members.

(Proposed Changes)

Section 2. Day to day business of the Association shall be conducted by a Board of Directors, consisting of **up to** five (5) members.

Item 6

(Currently Reads)

Section 4. In the event of a vacancy occurring on the Board, it shall be filled by the person having the highest vote total of candidates not chosen at the last election. If there is no such eligible person, the board shall fill the vacancy. In either case, the interim appointee shall serve until the next annual meeting, when members shall elect someone to fill the unexpired term.

(Proposed Changes)

Section 4. In the event of a vacancy occurring on the Board, it shall be filled by the person having the highest vote total of candidates not chosen at the last election. **If there is** no such eligible person, the board shall fill the vacancy. **In the event that board vacancies result in leaving less than a quorum, A special meeting shall be called by the existing Board. The Board and eligible members present at the special meeting shall make nomination(s) to fill the unexpired position of each director that has left. The nominee(s) with a majority of votes from the board and eligible members present at the special meeting shall be elected to fill the unexpired director(s) position (Interim)** In either case, the interim appointee shall serve until the next annual meeting, when members shall elect someone to fill the unexpired term.

Item 7

(Currently Reads)

Section 6. Directors shall, after each annual meeting, elect from their number, a President, Vice-President, Secretary/Treasurer, Maintenance Supervisor and Architectural Control Supervisor. The recording secretary, at scheduled meetings, shall be the PHOA Office Manager.

(Proposed Changes)

Section 6. Directors shall, after each annual meeting, elect from their number, a President, Vice-President, Secretary/Treasurer, Maintenance Supervisor(**optional**) and Architectural Control Supervisor(**optional**). The recording secretary, at scheduled meetings, shall be **acting as** the PHOA Office Manager.

Item 8

ARTICLE VI COMMITTEES

(Currently Reads)

Section 1. The following shall be standing committees appointed by the Board of Directors of the Association: Nominating, Elections, Budget and Finance and Architectural Control

(Proposed Changes)

Section 1. The following shall be standing committees appointed by the Board of Directors of the Association: **As available** Nominating, Elections, Budget and Finance and Architectural Control

Item 9

ARTICLE VI COMMITTEES (CONTINUED)

(Currently Reads)

- Section 2. The Nominating Committee shall consist of the President and three (3) off board members.
- a. This committee shall nominate a slate of nominees for election to the Board of Directors. The slate shall consist of at least one (1) to three (3) nominees for each vacancy
 - b. The committee shall also place on the ballot the name of any eligible member who submits to the committee a petition signed by twenty-five (25) eligible members to include his or her name as a candidate.

(Proposed Changes)

- Section 2. The Nominating Committee shall consist of the President and three (3) off board members.
- a. This committee shall nominate a slate of nominees for election to the Board of Directors. The slate shall consist of at least one (1) to three (3) nominees for each vacancy
 - b. The committee shall also place on the ballot the name of any eligible member who submits to the committee **by mail or in person** a petition signed by **ten (10)** eligible members to include his or her name as a candidate **this must be turned in by the May meeting.**

Item 10

ARTICLE IX AMENDMENTS TO BYLAWS

(Currently Reads)

- Section 1. Any proposed changes to these Bylaws shall be read at the two (2) board meetings prior to the annual meeting and a copy of all proposed changes shall be available to members upon request.
- Section 2. All changes must be approved by a majority of members voting, either in person or by mail ballot, in the annual association election and shall become effective immediately upon adoption

(Proposed Changes)

- Section 1. Any proposed changes to these Bylaws shall be read at the two (2) board meetings prior to the annual meeting and a copy of all proposed changes shall be available to members upon request.
- Section 2. All changes must be approved by a majority of members voting, either in person or by mail ballot, in the annual association election and shall become effective immediately upon adoption.
- Section 3. The board has the authority to call a special meeting in case of an emergency or other urgent situation to temporarily amend the bylaws. The board will provide a two-week notice to current membership in advance of the meeting to temporarily amend the bylaws. Notice of the meeting to amend the bylaws will be posted on the outside of the office, PHOA website and the sign at the entrance to Pine Harbor. Copies of the proposed amendments will be available at the office and on the PHOA website.**

Item 11

ARTICLE XII

DEFINITION OF TERMS

(Currently Reads)

Nothing

(Proposed Changes)

“temporarily amend” (Article IX, Section 3).

Temporary means that the change, if adopted by a majority of the up-to-date members present at the meeting, will cease to be in effect unless adopted at the annual meeting.