

Final

VERSION 4

MARKUP #1 ->

Section 12—Committees

- A. The DNPCT Chair may appoint project based standing committees to help conduct the business of the DNPCT.
- B. Committees of the Board shall report to the Board and these reports shall be entered into the minutes.

Section 13—Amendments

- A. These bylaws may be amended by a two-thirds majority vote of those present at a regular DNPCT meeting, providing that a resolution proposing the amendment has been adopted at a preceding regular meeting and that notice of the proposed amendment has been given in the call for the meeting at which the amendment shall be voted upon.

Section 14 —Finances

- A. The DNPCT may not collect or charge dues of its membership.
- B. The DNPCT may only accept in-kind donations that aid in the prescribed roles and responsibilities of the DNPCT as defined in Section 2.
- C. In-kind donations that create a conflict of interest (see Section 15) are not permitted.

Section 15—Effective Date

- A. These bylaws of the Dawson Neighborhood Plan Contact Team shall become effective on the date they are approved and noted in the minutes.

Section16—Conflict of Interest

- A. DNPCT members Conflict of Interest
 - 1. DNPCT members may not vote on a change in the Neighborhood Plan, FLUM, ~~base zoning, variance, conditional use or other additional property rights for a~~ property or business in which they have a direct pecuniary interest not common to other DNPCT members. Common interests include land ownership, residency or business operation within the DNPCT boundaries.
 - 2. Direct pecuniary interests may include the following:
 - a) any amount of direct ownership or investment in the property or business in question, however small;
 - b) a financial or business relationship with any applicant or any person or business associated with the applicant or the property at issue; or
 - c) past (within one year) or present employment by any applicant or any person or business closely associated with the applicant or the property at issue,

ISSUE #1

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 7): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors (such as residency, good standing, or assessment currentness), which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 209.00592

Statutory Comparison: Tex. Prop. Code § 209.0059 provides that a provision in a dedicatory instrument that would disqualify a property owner from voting in a property owners' association election of board members or on any matter concerning the rights or responsibilities of the owner is void. Similarly, § 209.00591 declares void any provision that restricts a property owner's right to run for a position on the board (whether for delinquency, non-residency, or violation status), with the sole statutory exceptions being a felony conviction involving moral turpitude within the past 20 years or two co-residents serving simultaneously. Furthermore, § 209.00592 protects an owner's right to vote by absentee or electronic ballot.

CURRENT WORDING IN DOCUMENT:

Direct pecuniary interests may include the following: a) any amount of direct ownership or investment in the property or business in question, however small; b) a financial or business relationship with any applicant or any person or business associated with the applicant or the property at issue; or c) past (within one year) or present employment by any applicant or any person or business closely associated with the applicant or the property at issue, 7 Final VERSION 4 including, but not limited to, being a corporate officer or membe

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059 and § 209.00591, no Owner's right to vote on any Association matter or to run for election to the Board of Directors may be suspended or conditioned upon assessment payment status, covenant compliance, or on-site residency (subject only to the narrow felony conviction and co-resident limitations in § 209.00591(b)-(c)). Absentee and electronic ballots shall be accepted in accordance with Tex. Prop. Code § 209.00592.