



MARKUP #1 ->

- (e) **Executive Session** Following an executive session, any decision made in the executive session shall be summarized orally and placed in the minutes, in general terms, without breaching the privacy of individual members, violating any privilege, or disclosing information that was to remain confidential at the request of the affected parties. The oral summary shall include a general explanation of expenditures approved in executive session.
- (f) **Minutes of Meetings** The Secretary shall prepare minutes of the Board's actions at all regular and special meetings of the Board and shall make these minutes available to the membership.

Section 3- Place and Manner of Conducting Meetings

- (a) **Place of Meetings** Except for a meeting held by electronic or telephonic means as provided for herein, all Board meetings shall be held in Wood County or in a county that is adjacent to Wood County.
- (b) **Manner of Conducting Meetings** Meetings may be conducted in person or by electronic or telephonic means as provided by the Texas Property Code, Chapter 209.

Section 4- Notice

Notice for all meetings shall be provided in accordance with the Texas Property Code, Chapter 209.

Issues that require prior notice to members In accordance with the Texas Property Code, the Board shall not, without prior notice to members, consider or vote on the following items:

- (1) Fines;
- (2) Damage assessments;
- (3) Initiation of foreclosure actions;
- (4) Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;
- (5) Increases in assessments;
- (6) Levying of special assessments;

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 4 (p. 19): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day after the notice was mailed. Further, under § 209.0061 (HB 614), the association must maintain and provide a recorded enforcement policy specifying general categories of restrictive covenants and a schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

Fines;
(2) Damage assessments; (3) Initiation of foreclosure actions;
(4) Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006. The notice must describe the violation, include a copy of or link to the Association's recorded enforcement and fine schedule policy required by Tex. Prop. Code § 209.0061 (HB 614), specify a reasonable cure period (for curable violations), and inform the Owner that they have thirty (30) days from the date notice is mailed to submit a written request for a hearing before the Board pursuant to Tex. Prop. Code § 209.007.