
EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC.
VOTING AND ELECTION POLICY

WHEREAS, the duly elected Board of Directors for EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., has determined the Association is best served by ensuring that it complies with all State mandates and requirements concerning voting and elections, and therefore the Association is best served by implementing a written policy specifically addressing the voting and election procedures for the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Association, by and through its Board of Directors, does hereby adopt the following Policy for the stated purpose.

I. WHEN IS A VOTE OF THE MEMBERSHIP REQUIRED?

- 1.1. Election of the Board of Directors: Directors are elected at the Annual Member meeting. (Bylaws 4.1)
- 1.2. Special Assessment: Approval of a special assessment requires the affirmative vote of 51% of the total number of voters subject to assessment. (DCCRs 10.6)
- 1.3. Amendment of Governing Documents: (Declarations of Covenants, Conditions, and Restrictions, and Bylaws): Amending the governing documents requires the affirmative vote of 67% of the total votes of the Association, with such vote tabulation being at a properly noticed meeting called for the purpose of amendment. (DCCR 18.2 (a) Affidavit of Correction)(Texas Property Code 209.0041 (h))
- 1.4 If they should arise, there are other issues in the DCCRs and Bylaws which would require a vote of the membership. (Bylaws 4.3, DCCRs 6.1(c), 10.3)

II. WHO IS ENTITLED TO VOTE?

- 2.1. Each unit (residential property) eligible to be assessed is entitled to one vote. (Bylaws 3.6(b))
- 2.2. If there is more than one owner of the property, only one owner may cast the vote although all owners are considered Members of the Association. (Bylaws 3.6(b))
- 2.3. The Association cannot prohibit any owner, eligible to be assessed, from voting because of:
 - 2.3.1. a pending enforcement action against the owner; or
 - 2.3.2. because the owner owes delinquent assessments, fees, or fines. (Texas Property Code 209.0055)

- 2.4. No one can reveal how a member voted. Only persons tabulating ballots have access to the ballots. (TX Property Code 209.00594 (b-1))

III. QUORUM: MEMBERSHIP PRESENCE REQUIRED FOR A VALID VOTE

- 3.1. In the case of a Membership meeting assembling to vote, our Bylaws state that a quorum is present if Members holding a majority of the votes entitled to vote, as specified in the Declaration, are represented at the meeting either in person, by proxy (Bylaws 3.5) or absentee ballot (Texas Property Code 209.00592 (2)).
- 3.2. A similar requirement applies to Board members when the Board of Directors vote on executive issues, except representation at the meeting is either in person or by telephonic means. (Bylaws 4.9)
- 3.3. In both cases, establishing if a quorum exists at the meeting is the first order of business.
- 3.4. If a quorum is not present, the present Members may adjourn the meeting until a time and to a place determined by a majority vote of those present. At this subsequent meeting, the quorum previously required is now reduced by one-half (1/2); however, this subsequent meeting must be held with sixty (60) days. (Bylaws 3.5)
- 3.5. Once a quorum is present, the Members may conduct such business as may be properly brought before the meeting until it is adjourned. Also, once a quorum is established, the subsequent withdrawal of any Members prior to adjournment will not affect the presence of a quorum at the meeting. (Bylaws 3.5)

IV. ELECTION/VOTING RULES

- 4.1. The procedures for elections and voting will conform to the First Amended Declaration of Covenants, Conditions, and Restrictions for Eagle's Bluff, the First Amended Bylaws for Eagle's Bluff, and the Texas Property Code.
- 4.2. Notice of Election/Membership vote: A written notice of a Member meeting, election, or membership vote will be sent to all members. (Bylaws 3.4) The notice will include:
- 4.2.1. Date of record for units eligible to vote;
- 4.2.2. The rules regarding the upcoming election/vote, i.e. quorum requirements, requirements for election of candidates, or for approval of the issue.
- 4.3. Election for Board Directors: Before ballots are delivered to members, a solicitation for nominations to serve on the Board of Directors will be sent to all members. (Texas Property Code 209.00593 (a-1)).

- 4.3.1. Members may nominate themselves or other members. The Association will confirm those nominated are willing to serve. Each nominee will be given an opportunity to provide a biography to be included with the ballot.
- 4.3.2. The solicitation must include a deadline for submitting nominations for candidates to be included on the ballot. (Texas Property Code 209.00593 (a-1))
- 4.3.3. Nominations for the Board of Directors can also be made from the floor during the Member meeting called for electing Directors. (Texas Property Code 209.00592(b))
- 4.3.4. A ballot for the election of the Board of Directors will contain the names of all nominees submitted by the deadline (Texas Property Code 209.00593), plus blanks for write-in votes. The number of blanks will equal the number of positions to be filled in the election.
- 4.4. Voting: Each voting member has a right to cast their ballot in person, by absentee ballot, or by proxy. (Texas Property Code 209.00592). All ballots must be:
 - 4.4.1. All ballots must be in writing and signed by the owner if the vote is cast: (Texas Property Code 209.0058 (a))
 - 4.4.1.a Outside of a meeting;
 - 4.4.1.b In an election to fill a position on the Board of Directors;
 - 4.4.1.c On a proposed adoption or amendment of a dedicatory instrument;
 - 4.4.1.d. On a proposed increase in the amount of a regular assessment or the proposed adoption of a special assessment;
 - 4.4.1e. On the proposed removal of a Director.
 - 4.4.2. All ballots will contain the option to abstain.
- 4.5. Absentee Ballots: (Texas Property Code 209.00592). Absentee ballots will count toward a quorum only on items listed on the ballot. An absentee ballot will not count if the proposal being voted upon is amended. In the case of the election of directors, a nomination from the floor is not considered an amendment.
 - 4.5.1. If the member attends the meeting when the vote is held, the vote at the meeting supersedes the absentee ballot. This is the only method for changing a vote cast by absentee ballot.
 - 4.5.2. The ballot will contain delivery instructions and the required language:

"By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail.")

- 4.6. Proxies: (Bylaws Sec. 3.8). Each proxy must be filed with the Secretary of the Association before or at the time of the meeting.

4.6.1. No proxy will be valid after eleven (11) months from the date of its execution, unless otherwise stated in the proxy. If no date is stated on the proxy, each proxy is presumed to have been executed on the date of the meeting at which it is to be voted.

4.6.2. Each proxy is revocable, unless clearly stated otherwise. If a member completes more than one proxy, the last dated proxy will be the valid one.

V. TABULATION AND COUNTING OF BALLOTS

- 5.1. Election/Voting Inspector: A representative of the property management company will serve as Inspector for the election of the Board of Directors and all proposals submitted for a membership vote. The duties of the Election Inspector are:

5.1.1. Before the Membership meeting or Board meeting where votes will be counted

- a. Establish a Date of Record and determine the number of units (residential properties) entitled to vote.
- b. Determine the validity of proxies, if any.
- c. Receive the ballots and verify Members' information and signature.
- d. Maintain custody of the ballots until the official tabulation.

5.1.2. No person, including the Election Inspector, representatives of the property management company, or Members of the Association can review or tabulate the vote on the ballots before the designated meeting for counting the votes.

5.1.3. At the Membership meeting or Board Meeting where votes will be counted—

- a. Determine if a quorum is represented either in person, by absentee ballot or by proxy at the Member meeting. If a quorum is not present, the Bylaws provide a procedure for subsequent Member meetings.

- b. During the meeting called for counting the votes, the Inspector will select tabulating assistants. Assistants may not a member of the Board, a candidate, or related to a candidate or a member of the Board.
 - c. Members willing to assist with the counting will submit their names at the beginning of the meeting. The Election Inspector will randomly draw the names of assistants from that group.
- 5.2. Count all votes. All votes will be counted at a properly noticed open meeting of the Board of Directors or Members. No one may disclose how any member voted. (TX Property Code 209.00594 (b-1). Once the counting of ballots begins, no more votes may be cast.
- 5.3. Report the results of the counting of ballots to the Board of Directors. After counting, the ballots will be maintained by the managing agent on file for the Association.
- 5.4. Recount of Votes. Within fifteen (15) days after the results of an election are announced, any member can request, at their expense, a recount of the votes. The many details governing a recount are detailed in Texas Property Code 209.0057, some of which are as follows —
 - 5.4.1. The request must be made in writing by verified mail or presented in person to the property manager's agent.
 - 5.4.2. The recount will be conducted by a certified tabulator or a person both parties can agree upon.
 - 5.4.3. The member requesting the recount must pay the cost of the recount. The Association will submit an invoice with the estimated cost to the owner making the request. The invoice must be paid by the requesting member within 30 days or the recount request is considered withdrawn. After the recount, a final invoice reflecting the actual cost of the recount will be sent to the owner. Any over payment will be refunded. Additional charges must be paid by owner requesting the recount.
 - 5.4.4. Once the owner has paid the first invoice, the recount must be completed and reported within 30 days.
 - 5.4.5. If the recount should change the original results of the election, any action taken by the Board during the recount is valid.
- 5.5. Fairness in Elections: In voting and elections all Members should have an equal opportunity to present their point of view to the voters.
 - a. This could include town hall meetings or newsletters where Members could present their views.

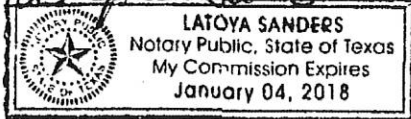
b. As such, when ballots are distributed, members should be afforded the opportunity to understand the pros and cons of any proposal submitted for a membership vote.

SIGNED on the 23 day of June, 2016.

I, Ronald Safford President of EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., do hereby declare, swear and affirm that this Policy for Application for Payments, Alternative Payment Plans, and Requests for Association Records was approved by affirmative vote of EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC.

Ronald Safford President
EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC.

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by
Ronald Safford President of EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., on
the 23 day of June, 2016.



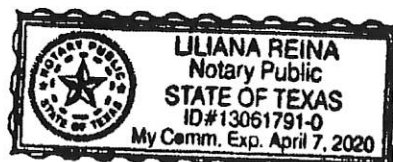
L Sanders
NOTARY PUBLIC, STATE OF TEXAS

I, Martin Luther Agnew Jr. Secretary of EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., do hereby declare, swear and affirm that this Policy for Application for Payments, Alternative Payment Plans, and Requests for Association Records was approved by affirmative vote of EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC.

Martin Luther Agnew Jr. Secretary
EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC.

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority by
Martin L. Agnew Secretary EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., on
the 23 day of June, 2016.

J. Heiner
NOTARY PUBLIC, STATE OF TEXAS



ACKNOWLEDGMENTS

STATE OF TEXAS

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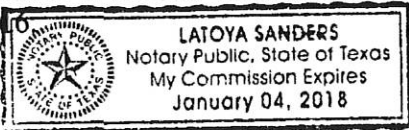
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COUNTY OF CHEROKEE

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This instrument was acknowledged before me by *Donald J. Hill*, President of
EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., on the 27 day of June 2016

2016



L Sanders
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

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COUNTY OF CHEROKEE

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This instrument was acknowledged before me by _____, Secretary of
EAGLE'S BLUFF COMMUNITY ASSOCIATION, INC., on the ____ day of _____, 2016.

NOTARY PUBLIC, STATE OF TEXAS

Filed for Record in:
Official Public Records
Cherokee County

On: Jun 30, 2016 at 09:55A

As a
Recordingss

Document Number: 00653511

By,
Rocio Helm,
Deputy

STATE OF TEXAS COUNTY OF CHEROKEE

I hereby certify that this instrument
was filed on the date and time stamped
hereon by me and was duly recorded in
the volume and page of the named
records of:

Cherokee County
as stamped hereon by me.

Jun 30, 2016

HONORABLE Laverne Lusk, COUNTY CLERK
Cherokee County