



## **HARBOR POINT PROPERTY OWNER'S ASSOCIATION**

### **BYLAWS - 2022**

The following amended Constitution, as approved by the majority of the Board of Directors attending the March 21, 2022 meeting, supersedes all previous Constitutions

**Preamble:** Whereas it is in the common interest of the residents and property owners in the Harbor Point Addition to join in affiliation, we the members of Harbor Point Property Owner's Association do subscribe to this Constitution and to the By-laws under which the community affairs of Harbor Point shall be administered. This Association is formed under the corporate nonprofit statutes of the State of Texas and, if properly filed, as an IRC Section 528 Homeowners Association.

## **Definitions**

*Association:* The name of the Association shall be the Harbor Point Property Owner's Association.

*Board of Directors "Board"* – Board of Directors shall refer to the board of directors elected by the members of the Association

*Registered Agent* – For the purposes of all matters regarding the Association, for all purposes, shall be the Treasurer. The Treasurer's home address shall be listed with the Secretary of State as official address of service.

*Director* – Director shall mean and refer to any duly elected member of the Board of Directors

*Officer* – Any member of the Association that has been appointed by the President to head a committee and may include a Director of the Board

*Member* – Member or Members shall mean and refer to all those Owners / Renters who are members of the Association as provided for in this Constitution. **Renters are not Voting Members.**

*Fiscal Year* – January 1<sup>st</sup> – December 31<sup>st</sup>

*Notice* – A communication sent in any form including, but not necessarily limited to, electronic letter of communication.

## **Article I Principal Office(s) & Name of Association**

**Section 1.** The principal office shall be the address of the Harbor Point Park

415 Surfer View Ct.

Gun Barrel, TX 75156



**Section 2.** The Association may have offices at other places from time to time as designated by the Board of Directors (herein referred to as the Board) in the interest of conducting the business of the Association.

## Article II Purpose of the Association

**Section 1.** The purpose of the Association shall be to provide a central point of contact for residents and property owners whereby to express and discuss their collective and individual interests;

**Section 2.** To organize, unite, and educate all those engaged in property ownership in the Harbor Point Addition, residents and non-residents alike, as to the benefits and privileges of membership in the Association.

## Article III Membership in the Association

**Section 1.** Membership shall be restricted to those individuals, families, and organizations who own property in the Harbor Point Addition. Individuals, families, and organizations who are renting property in the Harbor Point Addition may join the Association as a Member for the normal yearly dues provided that such member shall have ***no voting rights***.

**Section 2.** There shall be one membership per address, whether owned or rented by one per person, one family, or one organization without regard to the size of the property holdings or number of lots owned.

## Article IV Powers of the Membership

The Association, through a majority of its voting members present at a general meeting, shall be the authority to elect the Board to administer all the internal and external affairs of the Association.

## Article V Election of Directors and Officers. Terms of Office

**Section 1.** The Board shall be the governing body of the Association. The Board shall consist of nine (9) members active in the Association. Directors shall be elected for three (3) year terms.

**Section 2.** A Nominating Committee consisting of three (3) members of the Association shall be appointed by the President of the Board and approved by the Board ninety (90) or more days prior to the annual election. The Nominating Committee shall select a minimum of two (2) candidates for each position to be filled on the Board. Additional candidates may be placed in nomination by petition signed by at least twenty (20) percent of the membership filed with the



Board at least twenty (20) days prior to the October meeting. Membership shall be notified of candidates for each position on the Board at least fifteen (15) days prior to the October meeting.

**Section 3.** Voting on the candidates shall take place at the October meeting by ballot which ballot shall contain the names of the candidates. Members unable to attend the meeting may vote by proxy notification. Ballots shall be emailed in conjunction with the emailing of the list of candidates at least fifteen (15) days prior to the October meeting. Sealed ballots shall be filed with the Secretary and must be in his/her possession at the start of the meeting. All the ballots shall be counted by the Nominating Committee. The ballots shall be retained for one (1) year following the election. In case of a tie, there will be an election by ballot of members present.

**Section 4.** The Board, at its first meeting immediately following the October meeting, shall elect from its membership, the following to serve for a term of (3) years: President, Vice-President, and Treasurer. A Secretary shall be elected by the Board from among the membership at large or from the Directors of the Board.

**Section 5.** Vacancies on the Board shall be filled by appointment by the President with the majority approval of the Board, for the remainder of the unexpired term.

**Section 6.** The members of the Board shall serve without remuneration for their services.

**Section 7.** An Officer / Director may be removed from office by three-fourths (3/4) vote of the Board. A member of the Board may be recalled by three-fourths (3/4) vote by ballot of the membership present at the general meeting. Any director missing two (2) consecutive board meetings shall be notified by email or by phone that missing three (3) consecutive meetings may result in his or her removal as an Officer / Director by the Board.

## Article VI Committees

**Section 1.** The President shall appoint such committees as he/she deems necessary from among the membership including Directors of the Board. Committee authorization and appointments are subject to the approval of the Board.

**Section 2.** Committees shall have a chairman, size and powers, duties, functions, and longevity assigned by the President subject to the approval of the Board except as otherwise provided in these By-laws.

**Section 3.** The President shall be an ex-officio member of all committees.

## Article VII Amendments of the Constitution and By-laws

**Section 1.** The Constitution and By-laws may be amended by a majority vote of the membership present at a general meeting.

**Section 2.** Amendments may not conflict with the Protective Covenants and Restrictions of record and in force by the State of Texas, County of Henderson and Gun Barrel City.



**Section 3.** A Petition to the Board signed by a majority of the membership for an amendment shall constitute a directive to the Board to call a special meeting for the purpose of considering amendment(s). The Board shall also have the authority to call a special meeting to consider the amendment(s).

**Section 4.** Prior notice shall be given to the Directors of a special meeting(s) called for the purpose of amendment(s) at least fifteen (15) days prior to the meeting date. The proposed amendment(s) shall be stated in the notice.

**Section 5.** Voting on the amendment(s) will be in person at the called meeting.

## **Article VIII Dues, Fees, Assessments, and Finance**

**Section 1.** Rate, Approval, and Voting Criteria

Annual dues (January to December) shall be a rate of \$100.00 per fiscal year. There shall be one membership per address, whether owned or rented by one per person, one family, or one organization without regard to the size of the property holdings or number of lots owned. Multiple home sites under a single ownership shall be considered as one vote.

**Section 2.** The annual dues shall be determined and approved by a majority of members attending a semi-annual membership meeting.

## **Article IX Meetings**

**Section 1.** There shall be semi-annual meetings of the membership held in April and October at the beginning of the month at an hour and place to be designated by the Board of Directors.

**Section 2.** The Board shall meet every other month beginning in October.

**Section 3.** The President of the Board may convene a special meeting of the Board at such a time and place as he/she may deem appropriate to consider regular or special business of the Board.

**Section 4.** A written request of five (5) members of the Association to appear before the Board shall be honored by the President in a special meeting of the Board.

**Section 5.** Notice shall be made available to each member fifteen (15) days or more before a regular meeting and before a special meeting of the Membership. The notice shall contain an agenda or electronic access to an agenda of topic material to be considered at the meeting.

**Section 6.** A quorum for transaction of business shall be five (5) members of the Board.

**Section 7.** Robert's Rules of Order shall be the governing protocol at meetings of the Association and the Board and Committees.



## **Article X Miscellaneous & Fiscal Matters**

**Section 1.** The Board of Directors shall compute, assess, collect and enforce the payment of all charges to which the Association is subjected.

**Section 2.** No dividends shall be paid and no part of the income of the Association shall be disbursed to its Directors, Officers, or Members.

**Section 3.** All checks or demands for money and notes of the Association shall be signed by the Treasurer and the President.

**Section 4.** The Treasurer shall maintain up-to-date records of all expenditures, financial transactions, balances of Association accounts and present a financial report to the Board at their regular meetings and to the general membership at the two general meetings. The books of the Treasurer shall be open to inspection at all times and shall be audited as of the end of the fiscal year, by a committee of three (3) (1 from the Board and 2 from the membership) appointed by the President.

## **Article XI Common Property**

**Section 1.** The common property consists of all lots 73-79 of Block 9, Harbor Point Park, fishing pier, picnic and playground area, basketball court and entry signage.

## **Article XII Dissolution**

**Section 1.** Dissolution of the Association shall require 80% approval of the Voting Membership

**Section 2.** Upon dissolution of the Association, the Board shall provide for payment of all obligations and shall distribute any remaining assets to the membership in good standing for the current year, share and share alike.

**Section 3.** The park and all common property will not be sold in perpetuity except in the case of dissolution.



Treasurer: \_\_\_\_\_

Karen Dowd

President: Cheri' R. Durrant \_\_\_\_\_

Cheri' R. Durrant

## TEXAS NOTARY ACKNOWLEDGMENT

State of Texas

County of Henderson,

\_\_\_\_\_ appeared before me, and proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

(Seal)