



8/10/23

**CYPRESS LAKE GARDENS
PROPERTY OWNERS ASSOCIATION, INC.
BY-LAWS
07/20/2023**

ARTICLE I – PREAMBLE

We, the property owners of Cypress Lake Gardens and Rebecca Creek Park subdivisions, including Big Sky Ranchettes, being proud of our investments, and wishing to protect them, have come together to form this Association.

ARTICLE II – NAME

The name of this organization shall be known as the CYPRESS LAKE GARDENS PROPERTY OWNERS ASSOCIATION, INC., a non-profit corporation.

ARTICLE III – PURPOSE

Section 1.

The purpose of this Association shall be:

- A. To promote unity among the property owners, thus preserving our community.
- B. To be aware of those factors concerning the quality of life of the property owners and the community.
- C. To participate in the elimination of situations and actions that tend to decrease the value of property within our community.
- D. As defined in Section 2G, below, to enforce the Deed Restrictions on file at the Comal County Clerk’s Office, New Braunfels, Texas.
- E. To act as a liaison between the property owners any individual or entity in all matters pertaining to the property known as Cypress Lake Gardens and Rebecca Creek Park regarding roads, common areas, and general maintenance.

Section 2.

Definitions.

- A. Association shall mean and refer to Cypress Lake Gardens Property Owners Association, Inc. (CLGPOA).
- B. Owner shall mean and refer to the owner of record as recorded at the Comal County Clerk’s Office.
- C. Member in Good Standing shall mean a member of the Association who has paid all Association fees.
- D. Lots shall mean and refer to each individual tract of land into which the properties, excepting the common area, have been divided for individual ownership as described in the Deed Restrictions.
- E. Common area shall mean all real property owned by the Association for the common use and enjoyment of the owners, as described in the Deed Restrictions. Common areas may NOT be sold, traded, bartered, bequeathed, or disposed of in any manner without approval of two-thirds (2/3) a general mail-in ballot sent at the direction of the Board of Directors.
- F. Common areas designated as parks as recorded in the Certificate of Corporate Resolution at the Comal County Clerk’s Office, including but not limited to Rebecca Creek Park, Guadalupe River Park, Turkey Creek Park, and Cypress Lake Gardens Park and Paul Slavin Memorial Field, cannot be sold, traded, bartered, bequeathed, or disposed of in any manner without approval of 75% of ALL members by general mail-in ballot sent at the direction of the board.
- G. Properties shall mean and refer to the real property described as Rebecca Creek Park or Cypress Lake Gardens according to the plats or maps thereof recorded at the Comal County Clerk’s Office

Volume	Date:	DEED RESTRICTIONS	Page:
156	6 July 1967		254
160	15 Dec. 1967		159
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1		26, 27 & 28
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ARTICLE IV – MEMBERSHIP

Section 1.

Membership is:

- A. Predicated upon the purchase and ownership of properties that are described in Article III of the Association's bylaws.
- B. A property owner is considered a member in good standing of the Association upon payment of all fees as set forth in Deed Restrictions, current Bylaws, and any amendments thereto.
- C. A member in good standing shall be entitled to a membership card, newsletters, all parks access, and other amenities in accordance with Article III of the Association's Bylaws.

Section 2.

Property owners shall be entitled to newsletters, and to vote and sit on the Board of Directors.

Section 3. Voting:

Property owners of Cypress Lake Gardens and Rebecca Creek Park subdivision regardless of the number of lots owned, voting eligibility shall be defined as follows:

- A. Married owners shall be entitled to one (1) vote each.
- B. Single owners shall be entitled to one (1) vote.
- C. Co-owners shall be entitled to one (1) vote each for a maximum of two (2) votes per property.
- D. No person may have more than one (1) vote.
- E. Absentee voting shall be allowed.
- F. In person voting shall supersede absentee voting.

Section 4. Park cards:

Property owners in good standing of Cypress Lake Gardens and Rebecca Creek Park subdivision, regardless of the number of lots owned, shall have park card eligibility as defined below:

- A. No person may have more than one (1) park card
- B. Married owners shall be entitled to one (1) park card each.
- C. Single owners shall be entitled to one (1) park card.
- D. Co-owners shall be entitled to one (1) park card each for a maximum of (2) park cards per property. Additional co-owners shall be entitled to purchase one (1) card each.
- E. Heirs of property owners in good standing shall be entitled to purchase one (1) card each. Heirs are defined as any adult child, grandchild, parent or grandparent of a property owner.
- F. Renters of property within CLGPOA, sponsored under the property owner in good standing shall be entitled to purchase one (1) card each. A valid driver license or valid ID and lease contract for six (6) months must be provided.

Section 5.

The control and management of this Association shall be vested in the membership unless otherwise provided by these bylaws.

Section 6.

Individual members may NOT present themselves as the Association in voicing a personal complaint.

Section 7.

Term of membership shall be on a calendar year basis – January 1 through December 31.

ARTICLE V – BOARD OF DIRECTORS

Section 1.

The CLGPOA Board of Directors shall consist of twelve (12) director seats, which are made up of four (4) officers and eight (8) at-large directors. Board Officers shall serve as signatories for the Association.

- A. At no time shall the Board of Directors membership fall below five (5).
- B. Board members shall be property owners in good standing.
- C. No director shall receive compensation for Board service. A director may be reimbursed for actual expenses incurred in the performance of duties.
- D. Directors shall serve a 2-year term.
- E. Any Director may resign at any time, giving written notice to the Board of Directors. Such resignation shall take effect on the date of receipt of such notice or at any later specified time.
- F. Vacancies may be filled by appointment of the Board. The person appointed must be confirmed by the sitting Board by a majority vote.
- G. Directors and/or immediate family members may not be hired as office/park manager or staff. Someone's spouse, parents, and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brother-in-law and sister-in-law, daughters-in-laws and sons-in-laws, adopted, half, and step members are included in immediate family in reference to this subsection.
- H. A director may be removed from the Board, with just cause, by a majority vote of the sitting Board. The removed director must relinquish and turn over all documents, files, information, and materials/possessions related to CLGPOA Board business. In the event of death, resignation, or removal of a director, their successor shall be appointed by the remaining Board members and shall serve for the unexpired term of the predecessor.
- I. A director may be suspended, with just cause, for a specified time by a majority vote of the sitting Board. A suspended director may attend meetings and participate in discussions; however, they may not vote or hold the position of, or perform the duties of, an officer.
- J. Directors shall have read, and by signature acknowledged receipt and acceptance of the Code of Ethics as published in the new director packet upon being either elected or appointed.
- K. The Board may not include more than one director at a time who resides outside of the Cypress Lake Gardens or Rebecca Creek subdivisions.
- L. Individual Board member may not present themselves as representing the association without Board approval.

Section 2.

The Board of Directors shall be an advisor to the CLGPOA membership in all matters concerning the Association. Each at-large director, officer, and agent; acting for and on behalf of the Association, shall be indemnified by the Association to the fullest extent allowed by law and the Association shall provide reasonable insurance consistent with said statute.

Section 3.

The Board of Directors shall have full right and authority to determine its policy; outline, plan, and carry into execution all business activities and policies; enter into and execute necessary agreements in the name of the Association, through the president or vice president, in the absence of the president; and constitute the representation of the Association.

Section 4.

All contractual agreements shall have Board approval except for creation of debts or any other act specifically pre-authorized by the Board either through these bylaws or other regular or special meeting. In no circumstance may the Board contract debt in excess of the Capital Reserve Fund without receiving two-thirds (2/3) approval of eligible members casting a mail in ballot.

Section 5.

The Board shall act to settle any dispute between the Association and any individual or entity. The Board shall not act to settle disputes between property owners.

Section 6.

A quorum, at any meeting, shall consist of a majority of Board members of which two (2) must be officers. Once a quorum is present and a meeting has been lawfully called to order, a simple majority shall determine all decisions.

Section 7.

Regular board meetings shall be held at the date and time designated by the Board and posted at the Rebecca Creek Park Pavilion.

Section 8.

Special board meetings shall be held upon call of the president, or vice presidents, in the absence of the president, or upon request of four (4) members of the Board. All directors must be notified by phone or written notice.

Section 9.

Any Board member who is absent (unexcused) for three (3) scheduled Board meetings during their term may be removed from office, at the discretion of the Board .

Section 10.

The office/park manager may be required by the President, or Vice Presidents in the absence of the President, to attend and make reports at the meeting of the Board - regular, special, or otherwise.

ARTICLE VI – DUTIES OF OFFICERS

Section 1.

Officers of the Board of Directors of the Association shall consist of a President, Vice Presidents, Secretary, and Treasurer.

- A. Any officer may resign at any time, giving written notice to the Board of Directors. Such resignation shall take effect on the date of receipt of such notice or at any later time specified.
- B. A vacancy in any office may be filled by appointment by the Board. The person appointed must be eligible to fill the vacancy and be able to serve the remainder of the term of office.

Section 2.

The President:

- A. Shall preside at all meetings of this Association, preserve order, enforce the by-laws, and exercise supervision of its affairs in general.
- B. Shall decide questions of procedure and order, but shall not be required to vote except in case of a tie.
- C. Shall appoint all committees and is ex-officio member thereof, except for the Candidate Eligibility Committee. The Board of Directors will elect this committee during the February Board meeting.
- D. Shall sign any correspondence, contracts, or other instruments that the Board of Directors has authorized for execution.
- E. In conjunction with the secretary, will duly authenticate the Association records or copies for use as evidence in any action or proceeding to which the Association may be party.

Section 3.

The Vice President:

- A. Shall assist the president in the discharge of his duties, as delegated.
- B. In the absence of the president or in the event of a vacancy in the office of the president, the vice president shall perform all the duties of president.

Section 4.

The Secretary:

- A. Shall keep the Minutes of the Annual General Membership Meeting and of the meetings of the Board of Directors.
- B. Shall see that all notices are duly given in accordance with these by-laws or as required by the law.
- C. Shall make the Minutes available for review by the membership.

Section 5.

The Treasurer:

- A. Shall oversee the receipt of and recording of all funds received and expended.
- B. Shall make sure that a receipt has been properly issued for monies received.
- C. Shall see that all monies are deposited in the bank designated by the Board of Directors and shall be withdrawn only by the authorized signatories.
- D. Shall oversee an accurate accounting of all monies and present a financial report at each scheduled meeting.
- E. Shall perform such duties customarily performed by such officer.
- F. May be bonded at the expense of the Association.

- G. Should the treasurer leave office before the end of the term, the Board may direct that an audit by a certified public accountant may be made before a new treasurer takes office.

ARTICLE VII – MEETINGS AND QUORUMS

Section 1.

Annual General Membership Meeting:

- A. Shall be open to all interested members and guests. The standards of uniform conduct will be enforced in accordance with Robert's Rules of Order.
- B. Shall be held the third Saturday October at 11:30 A.M., Rebecca Creek Park Pavilion, or at such other time as determined by the Board of Directors.
- C. A quorum shall consist of a minimum of sixty (60) members present at the meeting.
- D. Voting will be limited to business only. A simple majority vote will be sufficient for passage of business affairs of the Association. The exception will be for special assessments, which require seventy-five (75%) affirmative Of members in attendance. Amendments to the bylaws will require 2/3 approval by mail in ballots cast.
- E. Absentee voting shall be allowed.
- F. In person voting shall supersede absentee voting.

Section 2.

Board of Directors Meeting:

- A. Shall be open to all property owners and guests. The standard of uniform conduct will be enforced in accordance with Robert's Rules of Order.
- B. Shall be held at a date and time designated by the Board and posted at the Rebecca Creek Park Pavilion.
- E. A quorum of the Board is needed to conduct election and business affairs of the Association.

Section 3.

Special Meeting:

- A. Shall be open to all interested members and guests. The standards of uniform conduct will be enforced in accordance with Robert's Rules of Order.
- B. Shall be held at a date and time designated by the Board and posted at the Rebecca Creek Park Pavilion.

ARTICLE VIII – ELECTIONS

Section 1.

All individuals interested in seeking a position on the Board of Directors must complete the Candidate Eligibility Form. This form must be received in the office not later than March 15th. The Candidate Eligibility Committee will convene a committee meeting prior to the April Board meeting and will ensure that all candidates are eligible for election. During the April Board meeting, the Candidate Eligibility Committee will report to the Board all names of eligible candidates. During the April Board meeting, the candidates will draw numbers to determine their numeric place on the Ballot.

Section 2.

Only one member of a household may be elected to serve on the Board of Directors at any given time.

Section 3.

The term of office for the Board of Directors shall be two (2) years. Open positions will be filled by candidates elected by mail-in ballots and announced at the June Board Meeting and introduced at the Annual General Membership Meeting. Six (6) directors at large will be elected in odd numbered years; and six (6) directors at large will be elected in the even numbered years.

Section 4.

The office of president shall not be held by the same individual for more than four (4) consecutive years.

Section 5.

If a vacancy in the office of the president occurs, the vice president shall become president for the unexpired term. In the event the vice president cannot assume this duty, the Board of Directors shall appoint a successor for the unexpired term.

Section 6.

Any vacancy occurring in the office of the vice president, secretary, treasurer, or any director by reason of resignation, death, termination of membership in the Association, or physical or mental disability, shall be filled by the affirmative vote of a majority of the directors then in office.

Section 7.

Ballots of the election will be mailed to property owner no later than May 1. The Ballots will be returned to the CPA by mail, postmarked prior to June 1. The CPA will count the Ballots and report the results to the Board during the June Board meeting.

Section 8.

During the July Board meeting, the Board will ratify the election. The new members of the Board will assume their position on the Board at that time. The departing Board members will step down. The newly elected Board will then elect the officers of the Corporation.

ARTICLE IX – COMMITTEES

Section 1.

There shall be created by the President, or Vice President in the absence of the President, with the advice of the Board, such committees deemed advisable.

- A. All committee chairs are appointed by the President, or Vice President in the absence of the President, but may only be removed by a majority vote of the Board.
- B. All committee chairs must read and sign the Code of Ethics and must pass a background check.
- C. Committee chairs must attend one (1) committee meeting and attend the monthly board meeting to give reports.
- D. Committee chairs, committee members and volunteers must sign a liability waiver every year and must have a clear driving record before driving CLGPOA equipment.

Section 2.

The President, or Vice President in the absence of the President, shall be ex-officio member of all committees, except the Candidate Eligibility Committee.

Section 3.

Committees are limited to spending no more than \$250.00 without approval from the Board of Directors.

ARTICLE X – FEES

Section 1.

The Cypress Lake Gardens Property Owners Association, Inc. (CLGPOA) has a mandatory annual maintenance fee. This fee is collected for the purpose of the operation and the maintenance of the common areas and Association expenditures.

- A. Property owners shall pay one (1) maintenance fee per one (1) lot as set forth in the deed restrictions.
- B. This fee, as set forth in Deed Restrictions, shall be billed by the first full week of January and must be received, in the Office, on March 31st. This fee, not paid when due, shall become delinquent. No owner shall otherwise escape liability for the maintenance fee by non-use of the common areas or abandonment of his lot.
- C. Sec. 209.0062 Alternative payment plan. Past-due maintenance accounts a eligible for a payment plan. Current yearly fees must be paid in full.
- D. The maintenance fee shall be secured by an assessment lien plus any legal fees.
- E. As set forth in paragraph 13 of the deed restrictions “The maintenance charge shall remain effective until July 1, 1985, and shall automatically be extended therefore for successive periods of ten years; provided, however, that the owners of the majority of lots in Rebecca Creek Park and Cypress Lake Gardens may revoke such maintenance charge on either July 1, 1985, or at the end of any successive 10-year period thereafter by executing and acknowledging an appropriate agreement or agreements in writing for such purpose and filing the same for record in the office of the county clerk of Comal County, Texas, at any time prior to July 1, 1985, or at any time prior to five years preceding the expiration of any successive 10-year period thereafter.”

ARTICLE XI – AUDIT

Section 1.

Prior to the Annual General Membership Meeting, the president shall appoint an audit committee, the minimum number being three (3) or a certified public accountant to audit the books of the Association. The audit committee representative shall present a financial report to the membership at the Annual General Membership Meeting.

Section 2.

All books and records of the Association belong to the Association and are subject to any provisions of law.

ARTICLE XII – PROCEDURES

Section 1.

The latest edition of Robert's Rules of Order Newly Revised shall be the authority in all procedures not covered in these bylaws, Restated Certificate of Formation, deed restrictions/covenants, or in State Property Code, in conducting all meetings, connected with this Association. The order of precedence in rules/ procedures is State Property Code, Deed Restrictions/ Covenants, Articles of Incorporation, By-Laws, and Robert's Rules of Order, in this order. In the case of any conflict between these dedicatory instruments, refer to the above order of precedence.

Section 2.

Office personnel hiring or firing, temporary or permanent, must be confirmed by the sitting Board of Directors by a majority vote.

ARTICLE XIII – AMENDMENTS

Section 1.

By-Law committee chairperson must be appointed by a supermajority vote of the entire, current sitting Board of Directors (5/7,7/9 etc). The By-Law committee will be comprised of any interested board members or property owners. Membership will be notified by mail when the By-Law committee is to be formed. The purpose of this committee will be to review the By-Laws for changes, revisions, or amendments, and any proposed changes, revisions, or amendments submitted by membership. The By-Law committee shall present the changes to the Board, to include a reference sheet explaining the reasons behind each change or amendment, for a majority vote of approval. The Board shall then present them to the General Membership, including reference sheet, by mail-in ballot for ratification. The By-Laws require two-thirds (2/3) affirmative vote of the members casting a ballot, for implementation.


Section 2.

In the case of any conflict between the Articles of Incorporation and the by-laws, the Articles shall take precedence.

These By-laws adopted by 2/3 majority vote of property owners by mail in ballot June 2023 and ratified by Board of Directors July 20th, 2023.



Quentin Scott Postert
Signature of Board President



Larry K. Young
Signature of Board Secretary

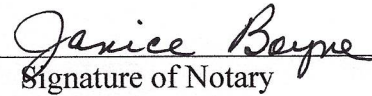
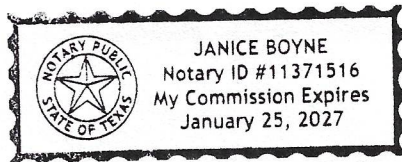
STATE OF TEXAS

COUNTY OF COMAL

Sworn to (or affirmed) and subscribed before me this 17 day of August, 2023 by

Quentin Scott Postert, Larry K. Young, who is personally
Name of persons making

Known or produced Known as identification.



Signature of Notary

Janice Boyne

Print Name

January 25, 2027

Commission Expires

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
10/18/2023 03:32:25 PM
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Bobbie Koepf