

# BAY HARBOR CHANNEL OWNERS ASSOCIATION, INC.

## RECORDS PRODUCTION and COPYING POLICY

WHEREAS, the Bay Harbor Channel Owners Association, Inc. (“Association”) is charged with administering and enforcing the Declaration of Restrictive Covenants, Conditions, Dedication and Agreement on Channel Ownership and Maintenance of Bay Harbor Unit No. 1, Bay Harbor Units 2 & 3, and Bay Harbor Unit 4 (referred to collectively as “Declarations”); and

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (“Board”) of the Association hereby adopts this Policy for the purpose of prescribing the Records Production and Copying Policy pursuant to Section 209.005 (i) of the Texas Property Code, and

WHEREAS, the Board has determined that it is in the best interest of the Association to establish this Policy for the production and copying of Records of the Association, and to provide clear and definitive guidance to property owners. For purposes of this Policy, the term “Documents” or “Records” means any documentary material which is generated or received by the Association in connection with transacting its business.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby adopt this Records Production and Copying Policy, which shall run with the land and be binding on all owners and lots within the subdivision.

### 1. Request for Records

The owner, or the owner’s authorized representative must submit a written request by certified mail. The request must contain:

- a. sufficient detail to describe the books and Records request, and
- b. an election either to inspect the books and Records before obtaining copies, or to have the Association forward copies of the requested books and Records.

### 2. Inspection

The Association will respond to a request for inspection with ten (10) business days by providing written notice of the dates and times during normal business hours that the inspection may occur.

### 3. Copies

If copies are requested, and the Association is unable to produce the copies within ten (10) business days of the request, the Association will give written notice of that fact and state a date, within the next fifteen (15) business days, that the copies will be available.

4. Format

The Association may produce Documents in hard copy, electronic, or other format of its choosing.

5. Charges

The Association will charge for time spent retrieving, compiling, and producing all Records, based on the rates set forth in a-f below. The Association will charge for reproduction if copies are requested, based on the rates set forth below. Those charges shall be the maximum amount allowed by the Statute. At the time this policy is adopted, the allowable rates of charge are:

- a. Paper copies: \$0.10 per regular page - \$0.50 per oversized page
- b. CD: \$1.00 per disc
- c. DVD: \$3.00 per disc
- d. Labor request for requests of more than 50 pages: \$18.00 per hour
- e. Overhead charge for requests of more than 50 pages: 20% of labor charge
- f. Postage and materials: actual cost

If the rates of charge allowed by Statute change, that charge will automatically apply to Association Records, without necessity of amending this policy.

6. Advance Payment

The Association may require advance payment of estimated costs. If the actual cost is less than the estimate, the Association shall refund the excess to the owner within thirty (30) business days. If the actual cost is greater than the estimate, the owner shall pay the excess within thirty (30) business days after the information is delivered to the owner. If the owner fails to reimburse the Association, the amount of the unpaid excess costs shall be added as an assessment to the owner's account with the Association.

7. Exempt Information

The Association shall not provide information of the following types without the prior written consent of the person who is the subject of the information:

- Owner violation history
- Owner personal financial information
- Owner contact information other than the owner's address
- Information relating to an Association employee, including personnel files
- Information that is legally exempt/protected from disclosure, such as attorney-client communications, and attorney work product

8. Summaries/Compilations

The duty to provide Documents on request applies only to existing books and Records. The Statute does not obligate the Association to create a new document, prepare a summary of information, or compile and report data.

This Policy is effective upon recordation in the Public Records of San Patricio County and supersedes any policy regarding document production and copying which may have previously been in effect. This Policy may be amended from time to time.

Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations, or any other dedicatory instruments of the Association shall remain in full force and effect.

This Records Production and Copying Policy was approved and adopted on this 16th day of November 2019, at a meeting of the Board of Directors at which a quorum was present.

BAY HARBOR CHANNEL OWNERS ASSOCIATION, INC.

By:   
Peggy A. Sloan, President