

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF SCENIC HILLS COMMUNITY ASSOCIATION, INC.  
TO ADOPT A RECORDS PRODUCTION & COPYING POLICY**

**I. RECITALS**

1. The Scenic Hills Community Association, Inc. (the "Association") is a nonprofit corporation formed by the Secretary of State of Texas under File Number 6537620;

2. The Association, acting through its Board of Directors, desires to enable the Association, or its managing agent, to charge money for providing owners with copies of Association records and other similar services, provided the charges do not exceed the limitations imposed by State law, specifically §70.3, *Texas Administrative Code*;

3. The Board has been informed that an owner may not be charged for the cost of record production and related services in response to the owner's records request if the Association has not publicly recorded a Records Production and Copying Policy; and,

4. The Board desires and has concluded that it is in the best interest of the Association that the Association have sufficient and proper authority to levy production and copying charges on an owner who makes a covered records request.

**II. RESOLUTIONS**

A. **RESOLVED** that adoption of the "Record Production And Copying Policy" attached hereto is in the best interests of the Association.

B. **RESOLVED** that the Association, acting through its Board of Directors, hereby adopts the "Record Production And Copying Policy" attached hereto.


C. **RESOLVED** that the Association's managing agent, the Association Manager, is hereby instructed to:

- (1) Ensure that the executed Policy is delivered to the Guadalupe County Clerk for recording in the Real Property Records of Guadalupe County, Texas, as a dedicatory instrument of Scenic Hills Community Association, Inc.
- (2) Make the executed and publicly recorded Policy available to Association members as an electronic file without charge upon request by an owner.
- (3) Post the executed and publicly recorded Policy on the Association's website.
- (4) Include an announcement about the Policy's adoption on the Association's website and in the community-wide publication issued next after the date of recording.

**III. ADOPTED**

5. The Resolutions hereinabove set out were properly moved, seconded and adopted by the Board of Directors on the 10 day of January, 2012.

For the Board of Directors:

  
Theron Ody, President

**SCENIC HILLS  
COMMUNITY ASSOCIATION, INC.**

**RECORD PRODUCTION AND COPYING POLICY**

**SUBDIVISION RECORDING DATA:** Scenic Hills Community - Phase I, Subdivision Plat according to the map or plat thereof recorded May 15, 1981 in Volume 4, Pages 143-147 Map Records of Guadalupe County, Texas, as subsequently properly amended or altered.

**DECLARATION RECORDING DATA:** Amended and Restated Master Declaration of Covenants, Conditions, and Restrictions for Scenic Hills Community recorded on June 25, 2009 in Volume 2759, Page 421, Real Property Records of Guadalupe County, Texas, as subsequently properly amended or altered.

**PURPOSE:** The Purpose of this Policy is to comply with the requirements of the *Texas Property Code* §209.005(i) as enacted by the 82<sup>nd</sup> Texas Legislature (Texas House Bill 2761) effective January 1, 2012.

**FILING:** Pursuant to Section §202.006, *Texas Property Code*, this Policy shall be recorded in the Real Property Records of Guadalupe County, Texas.

**EFFECT AND EFFECTIVE DATE:** This Policy is effective January 1, 2012. Upon its effective date, this Policy replaces and renders void any previously established policy or procedure related to the production and copying of records pursuant to requests for records inspection, production, and copying by owners of owners of properties within the Association.

**CHARGES AND AUTHORITY:** If a written records request is made to the Association, the Association may charge the owner requesting the records all reasonable costs of materials, labor, and overhead for compiling, producing, and reproducing the requested information. The rates which the Association may charge the owner are the same as the maximum permitted rates published in Section 70.3 of the *Texas Administrative Code* (Title 1, Part 3, Chapter 70 [T.A.C.]). The charges shown on Exhibit "A" hereto are some of the T.A.C. rates in effect on the date this Policy is adopted and will be deemed to change automatically with changes in the State's maximum permitted rates for Public Information requests.

**SAVINGS CLAUSE:** Notwithstanding anything to the contrary in any writing or communication made by the Association, the Association will not, in any event, be entitled to receive or collect the charges set out above from an owner in amounts greater than the maximum amounts permitted by applicable law. If, from any circumstances whatsoever, the Association charges or receives an amount in excess of the maximum charges permitted by law, the excess amount will be reimbursed to the owner.

**WAIVER:** The Association may reduce or waive some or all of the charges addressed by this Policy pursuant to an owner's request, but such waiver does not waive the Association's right to charge such fees on future requests, including future requests made by the same owner.

**PAYMENT:** The Association may require advance payment of the estimated charges addressed by this Policy. Within 30 business days after delivering the requested information, the Association will provide the owner with an invoice of the actual costs. If the actual costs are less than the prepaid estimated charges, the Association will refund the difference to the owner within 30 business days after sending the invoice. If the

Scenic Hills  
Records Production and  
Copying Policy

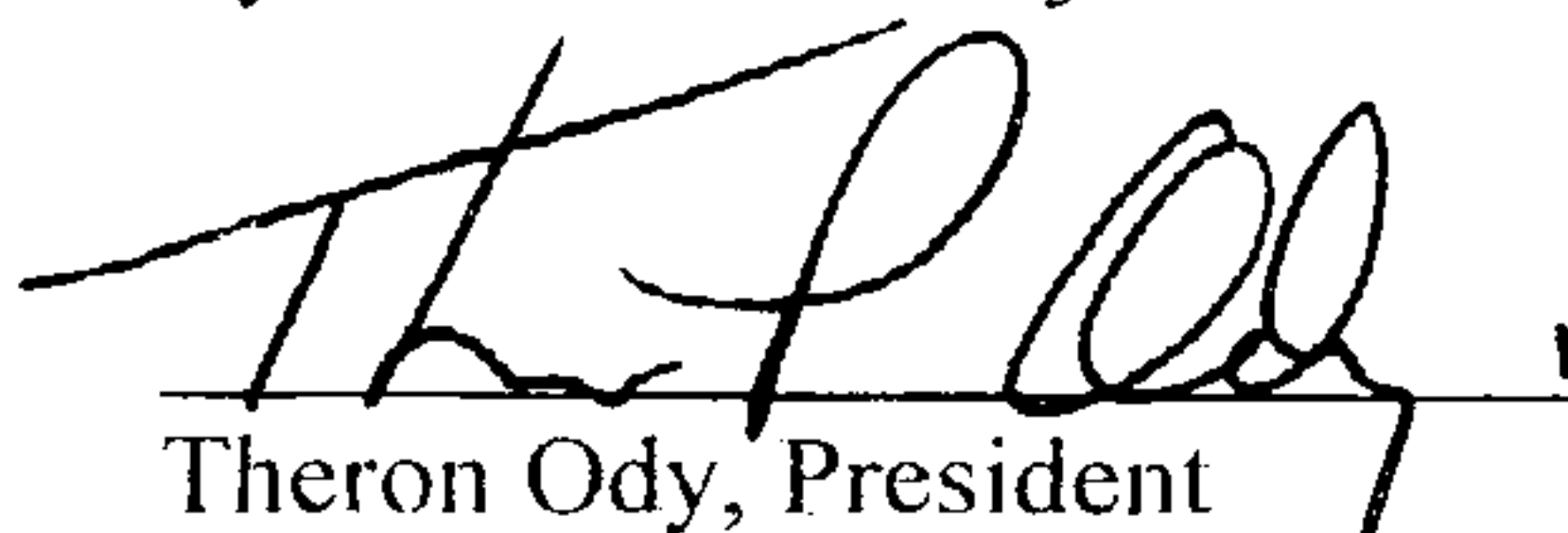
actual costs are greater than the prepaid estimated charges, the difference is due and payable to the Association by the owner within 30 business days after the invoice is sent to the owner, after which time the Association may add the unpaid amount to the owner's assessment account.

**PROCEDURE:** This policy specifically adopts and incorporates by reference procedural requirements set out in §209.005, *Texas Property Code*, and this Policy will automatically be deemed to be amended to the extent that amendments are made to the procedural requirements of §209.005, *Texas Property Code*.

**By signing below, the undersigned certifies that the Board of Directors of Scenic Hills Community Association, Inc. adopted this Policy to ensure that the Association complies with requirements of State Law, and that the Board of Directors instructed the undersigned to execute this Policy and effect its recording on behalf of the Association.**

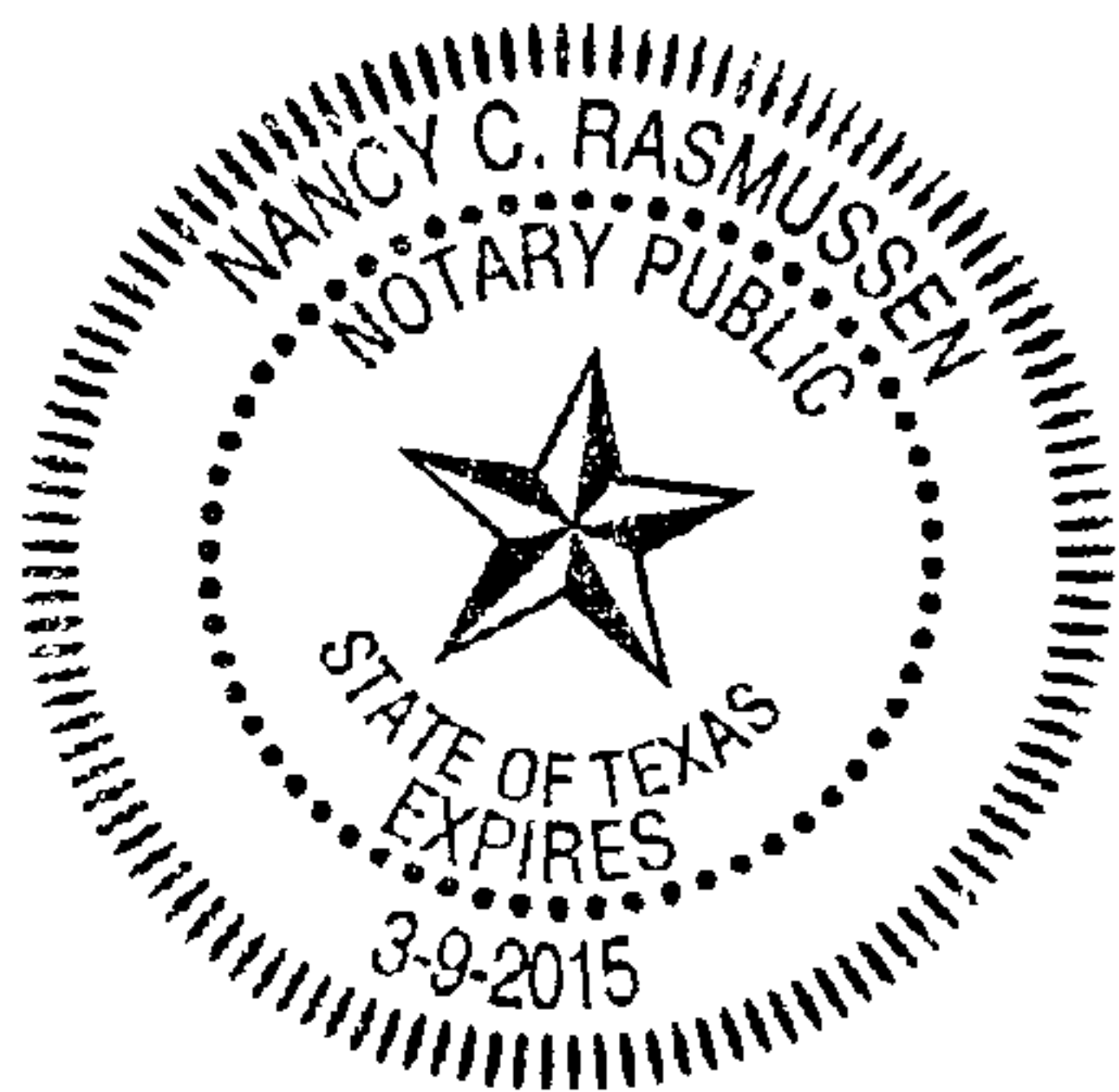
**FOR SCENIC HILLS COMMUNITY ASSOCIATION, INC.**

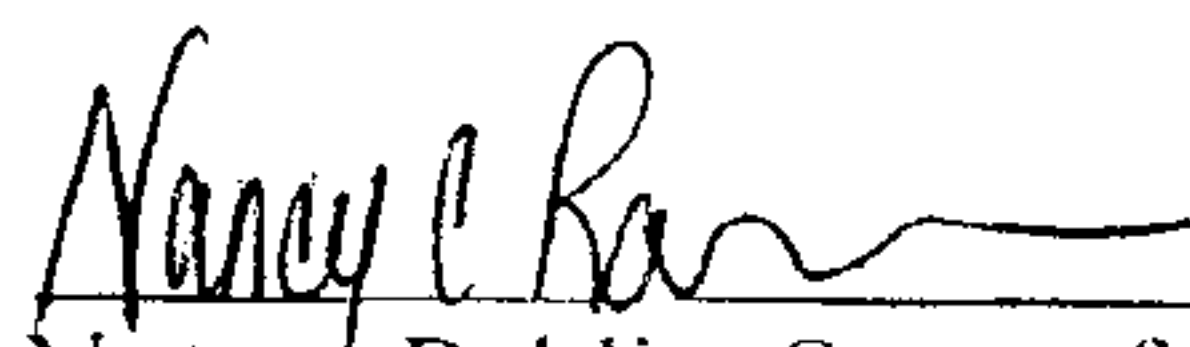
By: Theron Ody

  
\_\_\_\_\_  
Theron Ody, President  
The Board of Directors

THE STATE OF TEXAS                   §  
  §  
COUNTY OF GUADALUPE           §

This instrument was acknowledged before me on this the 16 day of January, 2012 by Theron Ody, known to me by examination of his driver's license, on behalf of Scenic Hills Community Association, Inc.



  
\_\_\_\_\_  
Notary Public, State of Texas  
January 16, 2012  
My Commission Expires 3-9-2015

**EXHIBIT "A"**  
**TO SCENIC HILLS COMMUNITY ASSOCIATION, INC.'S**  
**RECORD PRODUCTION AND COPYING POLICY**

SELECTED COSTS TO OWNER  
*§ 70.3, Texas Administrative Code*

**Copy Charges:**

Electronic image transmitted by email	No copy charge
Electronic image downloaded to USB drive	Actual cost of drive
Standard paper copy or scan (letter or legal size)	\$0.10 per page (double sided is 2 pages)
Oversize paper copy or scan (such as 11x17)	\$0.50 per page (double sided is 2 pages)
Diskette or CD	Per Diskette or CD \$1.00
DVD	Per DVD \$3.00

**Labor Charge:**

No labor charge if the request is for 50 or fewer pages of information, unless the records must be retrieved from a storage facility that is remote from the processor's office.

\$15.00 per hour, in 1/4 hour increments, for actual time to locate, compile, manipulate data, reproduce information, and (if necessary) redact confidential information, for requests of more than 50 pages and for records in remote storage.

No labor charge for time spent to review the requested information to determine if the information qualifies for an exemption from Open Records.

**Overhead Charge:**

No overhead charge if the request is for 50 or fewer pages of information. Otherwise, the overhead charge is 20 percent of the labor charge.

**Remote Document Retrieval Charge:**

If the requested information is stored with a commercial records storage company that charges a fee to deliver and return stored records, the Association may seek reimbursement of the third-party fee from the owner if the request otherwise qualifies for a labor charge.

**Other Charges:**

Actual postage and shipping charges if necessary to transmit the reproduced information to the owner.

Actual cost of miscellaneous supplies, such as boxes, if used to produce the requested information.

If the Association accepts payment by credit card, the Association may recoup the amount of any actual transaction fee charged by the credit card company for the privilege.

No sales tax is charged.

*(End of Exhibit "A")*