

Frequently Asked Questions

Q. What are the duties of the board?

A. *The board is governed by the documents of the Association, all applicable state laws and federal laws. i.e., legislative changes (updated or new laws every 2 years). By Laws, Article VIII (Powers and Duties of the Board of Directors) Section 1. Powers.*

Q. How can a non-resident be on the board?

A. *The Association By-Laws, Article V, Section 1. Number. The Affairs of the association shall be managed by five (5) directors, who do not need to be members of the Association.*

Q. Can board members be paid for serving on the board?

A. *The Association By-Laws, Article V, Section 4. Compensation. No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.*

Additional Information; Monies paid under contract of more than \$600 per year are issued IRS forms W-2 and 1099 Misc.

Property Code, Sec. 209.0052. ASSOCIATION CONTRACTS. Added by Acts 2013, 83rd Leg., R.S., Ch. 863 (H.B. 503), Sec. 2, eff. September 1, 2013.

Q. Why is Robert's Rule of Order not used?

A. **Robert's Rules** are not based on statutes, nor are they based on any laws or court decisions. In fact, **Robert's Rules** are not **legally** required to be used by any entity and are not **legally binding** unless formally adopted by an entity. Several key principles exist when it comes to parliamentary procedures, which include the following:

- *Interests of the organization come before individual interests*
- *All members are equal*
- *Quorum must be present*
- *One thing at a time*
- *Full debate allowed*
- *Focus on the issue, not the person*
- *Majority Rules*

Q. Why does the secretary not keep the minutes?

A. By Laws give the Board the power to engage the services of a manager, an independent contractor, or such employees as it deems necessary. By Laws, Article VIII (Powers and Duties of the Board of Directors) Section 1 (e). Powers.

Q. Why are minutes not read out loud?

A. The Board is responsible for the review and approval of the minutes. The minutes are approved at the monthly meetings and are posted on the website.

Q. Why is the budget not on the website?

A. The budget is posted on the website each year and remains until the next year's budget is approved.

Q. Why can I not see certain information on the website?

A. To view the complete website, please log on using a tablet, PC or laptop. A cell phone will show the "mobile website" which is a shorter version.

Q. What is a Management Certificate?

A. Property Code Sec. 209.004. MANAGEMENT CERTIFICATES. (a) A property owners' association shall record in each county in which any portion of the residential subdivision is located a management certificate, signed and acknowledged by an officer or the managing agent of the association, stating:

(1) the name of the subdivision;

(2) the name of the association;

(3) the recording data for the subdivision;

(4) the recording data for the declaration;

(5) the name and mailing address of the association;

(6) the name and mailing address of the person managing the association or the association's designated representative; and

(7) other information the association considers appropriate.

Q. Does the association have the right to charge for pool tags?

A. *Declaration of Covenants, Conditions and Restrictions, Article II, Property Rights, Section 1. Owner's Easements of Enjoyment.*

(a) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the common area.

Q. Is the Association permitted to have a vehicle towed?

A. *The only permissible way to tow a vehicle in Texas is to comply with the regulations of the Texas Transportation Code. The Association's governing documents cannot provide alternate authority. Most Associations with private streets are able to initiate the towing of vehicles. Subdivisions with public streets such as Townwest HOA are unable to tow vehicles from the street. Associations cannot tow vehicles from owner's lots. Townwest HOA is provided a Security Patrol through Fort Bend MUD #2. The Security Patrol, manned by Texas Peace Officers, as permitted by Texas Laws are able to tow vehicles that are abandoned, inoperable, have expired tags and other violations when parked on a public street.*

Q. Is the Association subject to the Open Meetings Act?

A. *NO. The language of the Open Meetings Act is frequently misinterpreted. It only applies to Associations that base maintenance assessments on the appraised value of lots, and it is very rare for an Association to calculate assessments in this manner. Association meetings and records are open to members, and only as required by chapter 209 of the Texas Property Code.*

Q. Is the Association subject to the Open Records Act.

A. *NO. The Association must make the Association's records available to the membership by adopting a Books and Records Production Policy as per Chapter 209 of the Texas Property Code. The Books and Records Production Policy is posted on the website under Association Documents.*

Q. When is an audit done on the Association?

A. *An audit of the association is conducted yearly although it is as required by the Association's documents. For a copy of the audit, please refer to the Books and Records Production Policy located under Association Documents on townwest.com.*

Q. Where are all the gift cards for Yard of the Month and the Decorating Contest from last year, 2018?

A. Gift card tally:

Yard of the month left over from 2018 – 9 cards w/ \$50 to Home Depot

Holiday Decorating Contest from 2018 – 2 cards w/ \$50 to Walmart

Unused gift cards roll over to the next year if not issued to winners. Due to the high number of violations, 2018 gift cards roll over to 2019. You must meet the requirements of Yard of the Month, no open violations and assessments paid in full, before you can win. No further gift cards will be purchased for these two events until needed.

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Q. Why does the secretary not keep the minutes and why are they not read aloud?

A. By Laws give the Board the power to engage the services of a manager, an independent contractor, or such employees as it deems necessary. By Laws, Article VIII (Powers and Duties of the Board of Directors) Section 1 (e). Powers. Robert's Rules of Order are not required to be used by the Board.