

Office
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POLICY REGARDING BOARD ACTIONS VIA EMAIL

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Morningside Place, Section 1, Homeowners Association Inc. (the "Association") is the governing entity for Morningside Place, Section 1, Homeowners Association Inc., an addition in Harris County, Texas, according to the plat of the Subdivision: Morningside on the Park Section 1 recorded subdivisions, with Map and Plat records of Harris County, Texas as follows, Clerk File # J712326, file date October 17, 1984 along with any amendments, supplements or replats thereto (collectively referred to as the "Subdivision"); and

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WHEREAS, Section 209.0051(h) of the Texas Property Code was recently amended to allow the Board of Directors to take action outside of a meeting including voting by electronic means without notice to the members; and

WHEREAS, pursuant to Section 209.0051(h), the Association desires to enact uniform procedures to ensure that for electronic voting, each Director has a reasonable opportunity to express his or her opinion to all other board members and to cast his or her vote; and

WHEREAS, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW, THEREFORE, in accordance with the foregoing and as evidenced by the Certification hereto, the Board of Directors hereby adopts the following:

- 1) Upon election to the Board of Directors, each Director shall register his or her Current email address with the Association's managing agent and/or the Association's President, and shall update the email address as it changes.
- 2) When a matter arises for a vote of the Board of Directors, for which email voting is permitted, the managing agent and/or the Association's President shall send an email to the registered email address of each Director. The email will state the proposal being voted on and request that each Director send a reply email to all Directors (for example, by utilizing the "Reply All" feature) casting his or her vote on the proposal.
- 3) Each Director shall be entitled to reply to all other Directors and express his or her opinion on the proposal before casting his or her vote.
- 4) A proposal shall be considered approved upon the following occurrences:
 - a. All Directors reply to all other Directors with their vote and the majority of the Directors vote to approve the proposal, or

- b. At least a majority of the Directors vote to approve the proposal, and any Directors that have not responded have had 72 hours to respond by voicing their opinion or casting their vote via email; unless the person sending the proposal has reason to believe the email was not delivered or received.
- 5) For clarification, the Association has determined that 72 hours provides each Director with a reasonable opportunity to express an opinion and cast a vote.
- 6) In the event a Director anticipates he or she will not have email access for a period of time lasting more than 72 hours, then that Director shall notify the Association's managing agent or the Association's President of the same. The Director shall indicate his or her desire to abstain from all votes for the duration of his or her absence or shall provide another method by which the Association may contact him (phone, fax, etc...) to obtain his or her vote and learn his or her opinion on the subject matter at hand.
- 7) Attached Exhibit 'A' to review the exclusions the Board is not allowed to vote on via email.

CERTIFICATION

"I, the undersigned, being the President of., hereby certify that the foregoing Resolution was adopted by Morningside Place, Section 1, Homeowners Association Inc. at least a majority of Morningside Place, Section 1, Homeowners Association Inc.."

By: Arthur Washington, President
 Print name: Arthur Washington

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
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BEFORE ME, the undersigned authority, on this day personally appeared Arthur Washington, President of the Morningside Place, Section 1, Homeowners Assoc and known by me to the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

_____ under my hand and seal of office this the 7 day of March, 2016.



 Notary Public, State of Texas

EXHIBIT "A"

Board members may not vote on the following items via email.

- 1) Fines,
- 2) Damage assessments,
- 3) Initiation of foreclosure actions,
- 4) Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety,
- 5) Increases in assessments,
- 6) Levying of special assessments,
- 7) Appeals from a denial of architectural control approval,
- 8) A suspension of a right of a particular owner before the owner has an opportunity to attend a board meeting to present the owner's position, including any defense on the issue,
- 9) **Lending or borrowing money,**
- 10) **The adoption or amendment of a dedicatory instrument,**
- 11) **The approval of an annual budget or the approval of an amendment to an annual budget that increases the budget by more than 10 percent,**
- 12) **The sale or purchase of real property,**
- 13) **The filling of a vacancy on the board,**
- 14) **The construction of capital improvements other than the repair, replacement, or enhancement of existing capital improvements,**
- 15) **The election of an officer.**

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APC Property Management
7115 W. Tidwell Rd Ste K
Houston, TX 77092

FILED FOR RECORD
8:00 AM

APR - 4 2016

Stan Stewart
County Clerk, Harris County, Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW,
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time
stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris
County, Texas

APR - 4 2016



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS