Blue Lake Estates Property Owners Association
Amended & Restated Bylaws – June 2025
Summary of Key Provisions/Changes

1. Article I – Name, membership, Definitions, Applicability & Membership
   a) Member is as defined in our Covenants

2. Article II – Meetings, Quorum, Voting, Proxies
   a) Two types of meetings for Members (not to be confused with Board meetings):
      1. **Annual Meeting** to be held May 1st thru Sept 15th
      2. **Special Meeting**. To be called by President of 10% of Members; requires a quorum of 10% of the Members to conduct business. This type of meeting would be rare.
3. Article III – Board of Directors: Number, Powers, Meetings
   a) Election of board directors
      1. In the event of an uncontested race, the new board members take office at the Annual Meeting.
      2. In the event of an election, the new board members take office at the Annual meeting or if the election is conducted outside of a meeting, then within 3 business days after the votes must be cast.
   b) Regular Board Meetings
      1. May be called by majority of the directors as needed. Must have given 144 hour notice to members by email and on website.
   c) Special Board Meetings
      1. Maybe called by the President or a majority of the directors. Must have given 72 hour notice to members by email and on website.
   d) Board Action Outside of Board Meetings
      1. May be conducted without prior notice to membership
      2. Any action voted on must be documented in minutes of the next regular or special Board meeting.
      3. ~~Nonetheless, the Board may **not** consider or vote on a numbers of defined issues such~~ as (but not all inclusive) fines, increase in assessments, lending or borrowing money, approval of an annual budget, sale or purchase of real property and the construction of capital improvements *other than* repair, replacement or enhancement of existing capital improvements.
   e) The provision for member approval of board expenditures in excess of $10,000 per "project" that is not "usual & necessary" *as determined by the board* is not in the new bylaws.

4. Article IV – Officers
5. Article V – Committees
6. Article VI – Miscellaneous
   a) Amendment of these Bylaws
      1. By majority of the Board
      2. By majority of the Members at a Member Meeting

MARKUP #1 ->

ISSUE #1

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 3 (p. 1): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day after the notice was mailed. Further, under § 209.0061 (HB 614), the association must maintain and provide a recorded enforcement policy specifying general categories of restrictive covenants and a schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:
as (but not all inclusive) fines, increase in assessments, lending or borrowing money, approval of an annual budget, sale or purchase of real property and the construction of capital improvements other than repair, replacement or enhancement of existing capital improvements. e) The provision for member approval of board expenditures in excess of $10,000 per "project" that is not "usual & necessary" as determined by the board is not in the new bylaws.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006. The notice must describe the violation, include a copy of or link to the Association's recorded enforcement and fine schedule policy required by Tex. Prop. Code § 209.0061 (HB 614), specify a reasonable cure period (for curable violations), and inform the Owner that they have thirty (30) days from the date notice is mailed to submit a written request for a hearing before the Board pursuant to Tex. Prop. Code § 209.007.