

**PINE HARBOR ESTATES PROPERTY OWNERS ASSOCIATION, INC.  
RECORDS PRODUCTION AND COPYING POLICY**

WHEREAS, Pine Harbor Estates Property Owners Association, Inc. (the "Association") constitutes a property owners association under the provisions of Chapter 209 of the Texas Property Code (the "Code");

WHEREAS, Section 209.005(i) of the Code requires the Association to adopt a records production and copying policy that prescribes the costs the Association will charge for the compilation, production, and reproduction of information requested by a member of the Association (hereinafter referred to as a "Member") in accordance with the terms of Section 209.005 of the Code; and

WHEREAS, the Board of Directors of the Association (the "Board") desires to adopt such a records production and copying policy as required under Section 209.005(i) of the Code.

NOW, THEREFORE, the Board hereby adopts the Records Production and Copying Policy (this "Policy"), as set forth below.

**A. Charges**

Charges for examining and copying Association information requested in accordance with the terms of this Policy are set out in Exhibit "A" (the "Charges").

**B. Books and Records Subject to Production**

Except for information deemed confidential by law or court order and subject to the terms of this Policy and Section 209.005 of the Code, the Association will make its books and records open to and reasonably available for examination by a Member of the Association or a person designated in a written instrument signed by a Member as the Member's agent, attorney, or certified public accountant, in accordance with Section 209.005 of the Code (hereinafter referred to as the "Requesting Party"). A Requesting Party is also entitled to obtain copies of information in the Association's books and records on payment of the Charges for the copies. To the extent the Charges in this policy exceed the charges in Section 70.3 of Title 1 of the Texas Administrative Code, the amounts in Section 70.3 of Title 1 of the Texas Administrative Code govern.

Information *not* subject to inspection by a Requesting Party includes but is not limited to—

1. any document that constitutes the work product of the Association's attorney or that is privileged as an attorney-client communication;
2. files and records of the Association's attorney relating to the Association, excluding invoices requested by a Requesting Party under Section 209.008(d) of the Code; and
3. except to the extent the information is provided in the meeting minutes or as authorized by Section 209.005(f) of the Code, (a) information that identifies the dedicatory instrument violation history of an individual Member; (b) a Member's personal financial

information, including records of payment or nonpayment of amounts due the Association; (c) a Member's contact information, other than the Member's address; and (d) information related to an employee of the Association, including personnel files.

If a document in the Association's attorney's files and records relating to the Association would be subject to a request by a Requesting Party to inspect or copy Association documents, the document will be produced by using the copy from the attorney's files and records if the Association has not maintained a separate copy of the document.

### **C. Procedures for Inspecting Information or Obtaining Copies**

1. A Requesting Party must submit a written request for access or information by certified mail, with sufficient detail describing the Association's books and records requested, to the mailing address of the Association or authorized representative as reflected on the most current management certificate of the Association.

2. The request must include enough description and detail about the information requested to enable the Association to accurately identify and locate the information requested. Requesting Parties must cooperate with the Association's reasonable efforts to clarify the type or amount of information requested.

3. The request must contain 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 and—

- a. if an inspection is requested, the Association, on or before the tenth business day after the date the Association receives the request, will send written notice of dates during normal business hours that the Requesting Party may inspect the requested books and records to the extent those books and records are in the possession, custody, or control of the Association; or
- b. if copies of identified books and records are requested, the Association will, to the extent those books and records are in the possession, custody, or control of the Association, produce the requested books and records for the Requesting Party on or before the tenth business day after the date the Association receives the request.

4. If the Association is unable to produce the books or records requested that are in its possession or custody on or before the tenth business day after the date the Association receives the request, the Association must provide to the Requesting Party written notice that—

- a. informs the Requesting Party that the Association is unable to produce the information on or before the tenth business day after the date the Association received the request; and

- b. states a date by which the information will be sent or made available for inspection to the Requesting Party that is not later than the fifteenth business day after the date notice under this subsection is given.

5. If an inspection is requested or required, the inspection will take place at a mutually agreeable time during normal business hours, and the Requesting Party will identify the books and records for the Association to copy and forward to the Requesting Party.

6. The Association may produce copies of the requested information in paper copy, electronic, or other format reasonably available to the Association.

7. Before starting work on a Requesting Party's request, the Association must provide the Requesting Party with a written, itemized statement of estimated Charges for examining and copying records related to the Requesting Party's request, using amounts prescribed in this policy when the estimated Charges exceed \$40. Requesting Parties may modify the request in response to the itemized statement.

8. Within ten business days of the date the Association sent the estimate of Charges, the Requesting Party must respond in writing to the written estimate, or the request is considered automatically withdrawn. The response must state whether the Requesting Party (a) accepts the estimate per the request, (b) modifies the request, or (c) withdraws the request.

9. A Member of the Association who, or whose designated representative, submits a request for information to the Association (the "Requesting Member") is responsible for Charges related to the compilation, production, and reproduction of the requested information in the amounts stated in this policy. The Association may require advance payment of the estimated Charges of compilation, production, and reproduction of the requested information.

10. If the estimated Charges are less or more than the actual Charges, the Association must submit a final invoice to the Requesting Member on or before the thirtieth business day after the date the information is delivered. If the final invoice includes additional amounts due from the Requesting Member, the additional amounts, if not reimbursed to the Association before the thirtieth business day after the date the invoice is sent to the Requesting Member, may be added to the Requesting Member's account as an assessment. If the estimated Charges exceeded the final invoice amount, the Requesting Member is entitled to a refund, and the refund will be issued to the Requesting Member not later than the thirtieth business day after the date the invoice is sent to the Requesting Member.

**CERTIFICATION**

IN WITNESS WHEREOF, the undersigned, Debbie O'Donnell, as the duly elected, qualified, and acting President of Pine Harbor Estates Property Owners Association, Inc., a Texas nonprofit corporation, hereby certifies on behalf of the Association that this Records Production and Copying Policy was duly adopted by the Board of Directors of the Association and shall take effect upon its recording in the Official Public Records of Polk County, Texas.

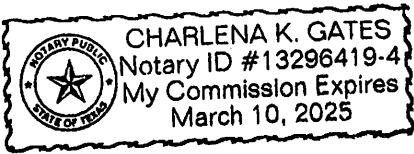
PINE HARBOR ESTATES PROPERTY OWNERS ASSOCIATION, INC.,  
a Texas nonprofit corporation

BY: *Debbie O'Donnell*  
Debbie O'Donnell, President

STATE OF TEXAS                   §  
   §  
COUNTY OF   POLK                     §

*June* This instrument was acknowledged before me, the undersigned authority, on the 13 day of May, 2023, by Debbie O'Donnell, President of Pine Harbor Estates Property Owners Association, Inc., a Texas nonprofit corporation, on behalf of said nonprofit corporation.

*Charlena K. Gates*  
Notary Public, State of Texas



**Exhibit "A"**  
**Charges for Examining and Copying**  
**Association Information**

**A. Labor Charge for Computer Programming**

If a particular request requires the services of a computer programmer to execute an existing program or to create a new program so that requested information may be accessed and copied, the Association will charge \$28.50 an hour for the programmer's time spent on the request.

**B. Labor Charge for Locating, Compiling, Manipulating, and Reproducing Data and Information**

1. The charge for labor costs incurred in processing a Requesting Party's request for Association information is \$15.00 an hour. The labor charge will be calculated based on the actual time to locate, compile, manipulate, and reproduce the requested data and information.

2. A labor charge will not be billed in connection with complying with requests that are for fifty or fewer pages of paper records, unless the documents to be copied are located in (a) two or more separate buildings that are not physically connected with each other or (b) a remote storage facility.

3. A labor charge will not be billed for any time spent by an attorney, legal assistant, or any other person who reviews the requested information to determine whether it is confidential or privileged under Texas law.

4. When confidential or privileged information is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, black out, or otherwise obscure the confidential or privileged information in order to comply with the owner's request. The Association will not charge for redacting confidential or privileged information for requests of fifty or fewer pages unless the request also qualifies for a labor charge under Section 552.261(a)(1) or 552.261(a)(2) of the Texas Government Code.

**C. Overhead Charge**

1. Whenever any labor charge is applicable to a request, the Association may include in the Charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the Association chooses to recover such costs, the overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request.

For example, if one hour of labor is used for a particular request, the formula would be as follows:

- a. Labor charge for locating, compiling, and reproducing—\$15.00 x .20 = \$3.00.

- b. Labor charge for computer programming— $\$28.50 \times .20 = \$5.70$ .

If a request requires a charge for one hour of labor for locating, compiling, and reproducing information (\$15.00 per hour) and one hour of programming (\$28.50 per hour), the combined overhead would be  $\$15.00 + \$28.50 = \$43.50 \times .20 = \$8.70$ .

2. An overhead charge will not be made for requests for copies of fifty or fewer pages of standard paper records.

#### **D. Microfiche and Microfilm Charge**

If the Association already has the requested information on microfiche or microfilm, the charge for a copy must not exceed the cost of reproducing the information on microfiche or microfilm or ten cents per page for standard size paper copies of the information on microfiche or microfilm, plus any applicable labor and overhead charge for more than fifty copies.

#### **E. Remote Document Retrieval Charge**

To the extent that the retrieval of documents stored on the Association's property results in a charge to comply with a request, the Association will charge the actual cost of the retrieval.

#### **F. Copy Charges**

1. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is ten cents per page or part of a page. Each side of a piece of paper on which information is recorded is counted as a single copy. A piece of paper that has information recorded on both sides is counted as two copies. Standard paper copy is a copy of Association information that is a printed impression on one side of a piece of paper that measures up to eight and one-half by fourteen inches.

2. A "nonstandard" copy includes everything but a copy of a piece of paper measuring up to eight and one-half by fourteen inches. Microfiche, microfilm, diskettes, magnetic tapes, and CD-ROM are examples of nonstandard copies. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are—

- a. diskette—\$1.00;
- b. magnetic tape—actual cost;
- c. data cartridge—actual cost;
- d. tape cartridge—actual cost;
- e. rewritable CD (CD-RW)—\$1.00;
- f. nonrewritable CD (CD-R)—\$1.00;

- g. digital video disc (DVD)—\$3.00;
- h. JAZ drive—actual cost;
- i. other electronic media—actual cost;
- j. VHS video cassette—\$2.50;
- k. audio cassette—\$1.00;
- l. oversize paper copy (e.g., larger than eight and one-half by fourteen inches, greenbar, bluebar, not including maps and photographs using specialty paper)—\$0.50;
- m. specialty paper (e.g., Mylar, blueprint, blueline, map, photographic)—actual cost; and
- n. all other forms of “nonstandard” copies—actual cost.

**FILED FOR RECORD**  
 Jun 22 2023 01:28:28

*Schelana Hock*  
 SCHELANA HOCK  
 POLK COUNTY CLERK

*SH*



STATE OF TEXAS • COUNTY OF POLK  
 I, SCHELANA HOCK hereby certify that the instrument was FILED  
 in the file number sequence on the date and at the same time stamped  
 heron by me and was duly RECORDED in the Official Public Records  
 in Volume and Page of the named RECORDS OF Polk County, Texas  
 as stamped heron by me.

*Schelana Hock*  
 COUNTY CLERK  
 POLK COUNTY, TEXAS

Jun 22, 2023