



Home Owners Association

BYLAWS OF THE WHIFFLETREE V, VI, VII HOMEOWNERS ASSOCIATION, INC. (A Non-profit, Non-stock Texas corporation)

1. PURPOSE CHARTER PROVISIONS

- 1.1 **PURPOSE.** The general purpose of the Whiffletree V, VI, and VII Homeowners Association (“the Association”) is the promotion of the common good and general welfare of the homeowners in the area of Plano, Texas, know as Whiffletree V, VI, and VII. More specifically, the purposes of the Association are the bringing about of civil betterment and social improvement of the community through the following activities:
 - A. Preserve and beautify community property in cooperation with local government;
 - B. Promote public safety and crime prevention in the community;
 - C. Publish a community newsletter;
 - D. Sponsor public meetings of community residents;
 - E. Sponsor activities for community residents;
 - F. Review zoning and public school matters affecting the community;
 - G. Encourage community residents to maintain their property; and prevent physical deterioration of the community;
 - H. Any other activities; not inconsistent with the Texas Non-Profit Corporation Act of those sections of the Internal Revenue Code of 1954 relating to tax exempt organizations, designed to enhance the common good and general welfare of the Association.
- 1.2 **NON-PROFIT CHARACTER.** The Association shall be organized and operated exclusively for non-profitable purposes. No part of the income of the Association shall be distributed to its members, directors, or officers.
- 1.3 **ACTIVITIES.**
 - A. The Association shall remain non-partisan and non-political at all times. The corporation shall never participate or intervene, either directly or indirectly in any political campaign on behalf of or in support of any candidate for public office.
 - B. The Association may coordinate individual or group action before local legislative and administrative agencies with respect to zoning, traffic, and parking regulations, property tax valuations, public school and similar matters.

- C. The Association shall not be operated primarily as a social club for the benefit, pleasure or recreation of its members.
- D. The Association shall not engage in activities directed to exterior maintenance of private residences. However, this provision shall not prohibit activities of the Association designed to encourage community residents to maintain the exteriors of their residences.

2. MEMBERS

- 2.1 **MEMBERSHIP.** All homeowners, regardless of sex, race, national origin or religion residing in Whiffletree V, VI, and VII shall be considered members of the Association. In addition, any individuals or entities owning homes within Whiffletree V, VI, and VII and not residing therein, and who shall request membership in the Association, shall also be considered members of the Association. Any adult person residing and renting, but not owning, a home in Whiffletree V, VI and VII and who requests membership in the Association shall also be considered a member of the Association.
- 2.2 **VOTING PRIVILEGES.** Each member of the Association shall be entitled to cast one (1) vote on any matter of business which is put to a vote of the members; provided, however any individuals or entities owning a home or homes within Whiffletree V, VI, and VII, but not residing there shall have only one vote regardless of the number of homes they own or the number of individuals owning interests in those homes. Voting by proxy is hereby expressly denied. Provided, however that failure of any member to pay his or her annual dues by May 1 of each fiscal year shall cause those members who are delinquent in said payments to be considered inactive and to forfeit all discussion and voting privileges concerning the expenditure of Association funds or other privileges incidental thereto in this Association until such time as those dues are paid.

3. BOARD OF DIRECTORS AND OFFICERS

- 3.1 **COMPOSITION OF THE BOARD.** The Board of Directors shall be composed of ten (10) members elected at the annual meeting of the Association.
 - A. The four (4) Officers of the Association
 - B. Six (6) Chairpersons of the Standing Committees elected from the general membership, and
 - C. The immediate past president, who shall be a non-voting member of the Board.
- 3.2 **GENERAL OFFICERS.** There shall be four (4) Officers of the Association elected at the annual meeting of the Association. The Officers shall be composed of:
 - A. The President
 - B. The Vice-President

C. The Secretary

D. The Treasurer

3.3 ELIGIBILITY.

Any member who is current in his or her dues shall be eligible for nomination and election as an Officer or Chairperson. Such Officer or Chairperson may be nominated and elected to the same position for more than one (1) consecutive term.

3.4 NOMINATIONS.

A. Nominating Committee, consisting of the President and at least two (2) other members chosen by the President shall nominate at least one (1) person for each of the four (4) Officer's positions and at least six (6) persons for the Chairperson's positions.

B. All nominations shall be announced in the newsletter published immediately preceding each annual meeting. Provided, however, that nothing in these Bylaws shall prohibit additional nominations from the floor during the annual meeting.

C. The Secretary shall be responsible for preparation, distribution, collection and counting of ballots during the election at the annual meeting.

3.5 VOTING.

A. At each annual meeting the Secretary shall present a prepared ballot listing thereon all nominees for the Chairpersons and Officers, as well as blank spaces for the names of additional nominees who may be nominated from the floor.

B. OFFICERS AND CHAIRPERSONS.

Each nominee for each office or chair who receives a simple majority of the total votes cast for that particular office shall be duly elected to that particular office. Provided, however, that in those instances in which two (2) or more nominees for the same office receive an equal number of votes, an addition ballot or ballots containing only those nominees receiving an equal number of votes shall be necessary in order to fill the position or positions which have not been previously filled.

3.6 TERM OF OFFICE. The term of office each Officer and Chairperson shall be from the date of their election or appointment through and including the date of the next annual meeting following their election or appointment.

3.7 AUTHORITY OF BOARD OF DIRECTORS. The Board shall manage and direct the affairs of the Association.

3.8 AUTHORITY OF OFFICERS. In addition to their duties as Director of the Association, the Officers shall have the additional duties and powers:

A. The President shall be the Chief Executive Officer. He shall see that all orders and resolutions of the Board including those requiring the approval of all members are carried into effect. The President shall be an ex-officio member of all standing and special committees. It shall be the duty of the

President to preside at all meetings of the Association, to conduct the meetings of the Association in an efficient and business-like manner to call special meetings of the Association, and to perform such duties as pertain to his office.

- B. The Vice-President shall serve in the place of the President whenever necessary.
- C. The Secretary shall keep minutes of the proceedings of the Association and Board, and a record of the names and addresses of persons entitled to vote. In addition, the Secretary shall attend to all correspondence and shall be responsible for seeing that notice is given to members of any special meetings and all annual meetings. The outgoing Secretary shall, within ten (10) days after the close of his or her term of office, turn over to the newly elected Secretary all records in his or her custody.
- D. The Treasurer shall keep correct and complete books and records of accounts and shall make such reports, as the Board shall require. It shall be the duty of the Treasurer to receive, hold and disburse all funds, and to make a report thereof at each regular meeting, provided, however, all disbursements must be approved by at least one (1) Officer. The outgoing Treasurer shall, within ten (10) day after the close of his or her term of office turn over to the newly elected Treasurer all monies and record of the Association in his or her custody.
- E. In general, the Officers have such authority and duties as are given by these Bylaws and as the Board shall, from time to time, determine.

3.9 MEETING OF THE BOARD OF DIRECTORS.

- A. **PLACE OF MEETINGS.** Meetings of the Board, whether regularly scheduled or specially called, may be held either within or without the State of Texas. The President shall determine times and places in which the Board shall meet.
Reasonable notice shall be given.
- B. **ANNUAL MEETING.** The Board shall hold its first meeting within two (2) weeks following the annual meeting of members.
- C. **SPECIAL MEETINGS.** Special meetings of the Board may be called by the President on reasonable notice to each Director. Except as may be otherwise expressly provided by statute, or by the Articles of Incorporation, or by the Bylaws, neither the business to be transacted at, nor the purpose of any special meeting need be specified in a notice or waiver of notice.
- D. The President shall preside at meetings of the Board. In the absence of the President the next ranking officer shall assume the authority and duty of the President.

3.10 QUORUM: ACTION BY MAJORITY. A majority of the voting members of the Board of Directors shall constitute a quorum. The act of vote of a majority of the Directors present at a meeting in which a quorum is present shall be the act or vote of the Board. Each Director, other than the immediate past

President, shall have one (1) vote, exercisable in person only. Provided, however, nothing herein shall authorize the Board to act in a manner inconsistent with the authority granted thereto by these Bylaws.

4. STANDING COMMITTEES

- 4.1 **BEAUTIFICATION AND PRESERVATION COMMITTEE.** Within one (1) month immediately following his or her election, the incoming Chairperson shall appoint at least two (2) additional members who constitute the Beautification and Preservation Committee. All members of this Committee shall serve a term of one (1) year and thereafter until their successors are appointed/elected and qualified. The Committee shall implement and coordinate methods of preserving, beautifying, and improving community property and services including parks, streets and sanitation.
- 4.2 **SOCIAL/ACTIVITY COMMITTEE.** Within one (1) month immediately following his or her election, the incoming Chairperson shall appoint at least two (2) additional members who shall constitute the Social/Activity Committee. All members of this Committee shall serve a term of one year and thereafter until their successors are appointed/elected and qualified. The Committee shall sponsor activities for the general membership.
- 4.3 **MEMBERSHIP/DIRECTORY COMMITTEE.** Within one (1) month immediately following his or her election, the incoming Chairperson shall appoint and notify at least one (1) additional member who shall constitute the Standing Committee on Membership. All members of this Committee shall serve a term of one (1) year and thereafter until their successors are appointed/elected and qualified. The Committee shall:
 - A. Invite new residents of Whiffletree V, VI, and VII to the meetings of the Association.
 - B. Maintain, at all times, a current list, including names, addresses and telephone numbers of all members and be so organized as to provide a thorough and prompt contact system.
- 4.4 **CRIME WATCH COMMITTEE.** Within one (1) month immediately following his or her election, the incoming Chairperson shall appoint at least two (2) additional members who shall constitute a Crime Watch Committee. All members of the Committee shall serve a term of one (1) year and thereafter until their successors are appointed/elected and qualified. The Committee shall, in cooperation with local law enforcement agencies, promote the safety and security of Whiffletree V, VI, and VII by:
 - A. Providing information to the residents of the community concerning crime prevention and safety.
 - B. Encouraging residents of the community to cooperate in efforts to promote safety and reduce crime.
 - C. Establishing and maintaining a Crime Watch Program in conjunction with the Plano Chamber of Commerce.

- 4.5 **PUBLICITY/NEWSLETTER.** The Association shall have a newsletter as the official publication of the Association. The Chairperson shall appoint a staff to assist in the reporting of the community news and in the distribution of the publication. Provided, however, that the newsletter shall remain non-partisan and non-political at all times and shall never participate, directly or indirectly, in any political campaign on behalf of or in support of any candidate for public office. Prior to publication, the contents of the newsletter shall be reviewed by the President and one other Director.
- 4.6 **TRANSPORTATION/TRAFFIC ZONING.** Within one (1) month immediately following his or her election, the incoming Chairperson shall appoint at least one (1) additional member who shall constitute the Transportation/Traffic/Zoning Committee. All members of this Committee shall serve a term of one (1) year and thereafter until their successors are appointed/elected and qualified. The Committee shall:
- A. Monitor zoning and traffic, changes, and/or commercial or residential changes which affect the area at large.
 - B. Report to the Board their findings.
 - C. Represent the Board's direction in interdicting with the involved groups.
- 4.7 **OTHER COMMITTEES.** The President shall have the authority to create such other committees, composed of at least three (3) members, one of whom is a Chairperson, to carry out the purposes of the Association.

5. FINANCES

- 5.1 **FUNDS.** The Association shall be authorized to raise funds by dues, solicitations, benefits, lectures, exhibits, and other legitimate methods not inconsistent with the corporation's status as either a non-profit corporation or tax-exempt organization.
- A. **ANNUAL DUES.** The amount of the annual dues per household shall be determined each year in the following manner:
 - (1) At its annual meeting the Board of Directors shall approve an annual budget for the coming fiscal year. The fiscal year shall run from April 1 of the then current year to the last day of March of the following year. The annual budget shall list proposed expenditures, estimated income, and the amount of annual dues per household required to meet the excess, if any, of the proposed expenditures over estimated income. Provided, however, no major expenditure of funds may be made without the approval of the members.
 - (2) The annual dues so determined shall be due and payable by May 1 of each year.