

**Charter of the Election Canvassing Committee  
For  
Property Owner Vote to Amend Covenants, Conditions and  
Restrictions (Amendment #2)**

- 1.0 PURPOSE:** The purpose of this election is to amend the existing Covenants, Conditions and Restrictions (CC&Rs) primarily in regard to making them perpetual in nature. The existing CC&Rs terminate in 2015 so it is extremely important that the current version be amended such that they are perpetual (e.g., automatically renew from time to time) but can be amended in the future as seen fit by 2/3 of property owners. This charter establishes the POA Election Canvassing Committee to ensure that the voting process is open and fair to property owners.
- 2.0 BACKGROUND:** The current CC&Rs were established in 1965. In 2009 an election process was developed for amending the CC&Rs. The process was developed in accordance with the Legislature of the State of Texas H.B. 1631, Section 1. Title 11, Property Code; Chapter 211, Section 211.004. The process was approved in 2009. Subsequent to getting the process approved, an election was held in 2009 (using the approved process) for the sole purpose of amending the maintenance fees from \$20 per year to \$120 per year with inflationary adjustment to be made every five years. The increased maintenance fee was approved by property owners.
- 3.0 APPLICABILITY AND SCOPE:** The election canvassing committee will ensure that the election process for amending the current CC&Rs is conducted in accordance with the amendment process approved by CCS property owners on 14 March 2009. See the attached approved process.
- 4.0 RESPONSIBILITIES:** The election canvassing committee and a committee chairperson will:
- 4.1** Certify that complete ballot packages are mailed to all property owners of record to ensure the right of all owners to vote on this amendment is preserved. Note: it is important to have the postal clerk weigh a ballot to confirm adequate postage was applied. It is doubtful that a single first-class stamp will suffice.
  - 4.2** Receive the ballots mailed back from the property owners.
  - 4.3** Canvass and count the votes and determine the outcome.
  - 4.4** If the proposed amendment receives the number of votes required (2/3 of voting property owners), the election canvassing committee chairperson shall certify the result to the presiding officer of the property owner's association. The presiding officer shall file in the real property records of Burnet County an instrument that indicates that the amendment was adopted.
- 5.0 MEMBERSHIP AND CHAIRPERSON RESPONSIBILITIES:**
- 5.1** Committee members are:

Bruce Weir	Chairman
David Lucas	Member
Jack Patton	Member
  - 5.2** The Committee Chairperson will:

- 5.2.1** Appoint additional committee members as needed.
- 5.2.2** Assign committee tasks as needed.
- 5.2.3** Convene committee meetings as needed.
- 5.2.4** Approve the meeting agenda and minutes.
- 5.2.5** Coordinate activities with CCSPOA corporate board to promptly resolve issues should they arise. Request assistance from the CCS POA board as needed. The CCSPOA Secretary, Candy Smith, has been designated by the Board as the presiding officer for this election. Her duties include, but are not limited to the following.
- Preparation/assembly of the ballots and envelopes to be mailed to property owners.
  - Insertion of ballot material into envelope (ballot, instruction/notes, return envelope, unmarked envelope) for mailing. This will be done with assistance from one or more committee members (recall that the canvassing committee must certify the mailing).
  - Provide a current property owners list so the committee can cross-check all ballots being mailed against the list. Assist the committee in this cross-checking process. The Board will ensure that the list has been validated within the 30-day period prior to mailing the ballots.
  - Provide the committee a sealed ballot storage box of appropriate size – needs to hold about 150 returned ballots.
  - Observe the counting of votes by the canvassing committee. She can also provide assistance and/or any information requested by the committee chairman. See the attached (worksheet) model procedure for counting votes.
  - After all votes are counted by the canvassing committee, the committee chairman will provide the certified results to the POA presiding officer. See attached model certification letter.
  - Brief members of the CCS POA Board and property owners as appropriate.

**5.2.6** Subsequent to the election, provide recommendations for improving future election procedures.

**5.3** Committee members will perform assigned tasks and attend meetings as necessary

**6.0 MEETINGS:** The committee will meet as needed in person or virtually (e.g., computer, phone, etc.).

**7.0 EFFECTIVE DATE AND IMPLEMENTATION:** This charter is effective immediately upon approval.

/S/

CB Harrah  
Chairman, CCS POA Corporate Board

Date: March 1, 2011