

FIREWHEEL FARMS No. 2 HOA, INC.
RESOLUTION ACKNOWLEDGING TRANSFER OF ACC FUNCTIONS TO THE BOARD
AND ESTABLISHMENT OF A PROPERTY COMMITTEE

WHEREAS, the Board of Directors of **Firewheel Farms No2. HOA, Inc.** met in compliance with applicable law and determined that its obligation is to serve the best interests of the members of the Association and to recognize statutes in the Texas Property Code related to the Architectural Control Committee (ACC), and

WHEREAS the Board recognizes that within the CCR, neither Article IV Use Restrictions, Article V Architectural Control Committee or Article VI General Provisions have been established or codified with policy rules or regulations of the association, and

WHEREAS for many years the board has received ad hoc requests from owners regarding architectural changes, and the board has knowledge of complaints regarding lot care and maintenance, and restricted activities, and

WHEREAS Texas Property Code Chapter 204 Powers of Property Owners Association relating to restrictive covenants in certain subdivisions within Section 204.010 (6) grants the authority to “regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision” and 204.010 (18) “ if the restrictions vest the architectural control authority in the property owners' association or if the authority is vested in the property owners' association under Section 204.011 (18) (A) implement written architectural control guidelines for its own use or record the guidelines in the real property records of the applicable county; and (B) modify the guidelines as the needs of the subdivision change”; and

WHEREAS Texas Property Residential Property Owners Protection Act 209.005(k) provides that the property owners' association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner of an association, an owner's personal financial information, including records of payment or nonpayment of amounts due the association, an owner's contact information, other than the owner's address and that Information may be released in an aggregate or summary manner that would not identify an individual property owner, and

WHEREAS Texas Property Code Chapter 204.011 (b) states that “the architectural control committee authority automatically vests in the property owners' association when: (1) the term of the architectural control committee authority expires as prescribed by the restrictions”;

NOW, THEREFORE, it is resolved as follows:

1. The Board creates a subordinate committee to be known as the Property Committee,
2. The Property committee shall be chaired by an **officer appointed by the board.**
3. The Board shall appoint association members to the Property Committee to collaborate on and recommend rules and regulations for the ACC as well as for Lot Care defined to mean the maintenance, repair, replacement, modification and appearance of the subdivision.
4. The Property Committee will recommend a menu of violations and potential assessments.
5. Rules and Regulations shall not exceed limits established in the Covenants, Conditions and Restrictions.
6. Proposed Property Rules and Regulations shall be published for 30 days on the association website for public comment prior to final recommendation and approval.
7. The board will consider and adopt final regulations and rules related to the ACC and to lot care.
8. The collection of Property Rules and Regulations shall be known as Lot & Property Compliance.
9. Approved rules and regulations so developed will be published to the website and to members by email or signage.
10. Approved rules and regulations will be used by members for guidance in seeking compliance to the Covenants, Rules and Regulations from a neighbor or when seeking action from the board.

11. Should a Management Company be contracted to act on behalf of the board and the association to the monitoring of lot care and maintenance, it will use the rules to guide decisions of non-compliance.
12. A violation confirmed by the board will cause a warning notice to the owner, thereafter if not corrected, the board may hear appeals and assess amounts for non-compliance.
13. Any owner receiving a notice of violation may appeal to the board of directors.
14. The chairman of the Lot and Property Committee will report a summary of annually reported Lot Care violations and report on the number of ACC applications, and approvals at the annual meeting.
15. Members who have concerns about the operation of the Lot and Property Committee are entitled upon appeal to the Directors to obtain summary information about violations from the committee.

RECORD OF VOTE:	FOR	AGAINST	ABSTAIN	ABSENT
Director: Charles Johnson	__x__	_____	_____	_____
Director: Charles Lundin	__x__	_____	_____	_____
Director: Lorraine Revelle	__x__	_____	_____	_____

I hereby certify that on the 7th day of January, 2021, at an electronic meeting where a quorum of Directors was present, duly called for the purpose, the Board of Directors of **Firewheel Farms No. 2 HOA, Inc.** adopted the above resolution. An affidavit executed by the person providing the notice shall be filed with the official records of the Association. Out of __3__ total members of the Board of Directors, the vote was __3__ in favor and __0__ opposed.

By: _____ Charles Lundin, Acting Secretary, on January 7, 2021