THE CROSSING AT KENBERG PROPERTY OWNERS ASSOCIATION
OFFICE ADMINISTRATION AND PROCESSING GUIDELINES

STATE OF TEXAS §
COUNTY OF KENDALL §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the property encumbered by these Office Administration Guidelines (the "Guidelines") is that property covered by the Restrictions, Reservations and Covenants, and applicable Amendments legally described as: Mountain Creek Section, platted Volume 1, Pages 77-81, Map and Plat Records of Kendall County, Texas; River Forest Section, platted at Volume 1, Pages 82-87, Map and Plat Records of Kendall County, Texas; and, Hidden Lake Section, Platted at Volume 1, Pages 100-115, Map and Plat Records of Kendall County, Texas, hereinafter collectively referred to as "The Crossing". The Restrictions, Reservations and Covenants are hereinafter referred to as the "RR&Cs" as the same have been and may be amended from time to time and made subject to the authority of The Crossing at Kenberg Property Owners Association hereinafter referred to as the "POA".

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the POA hereby adopts these Guidelines for the purposes of establishing a uniform and systematic procedure to facilitate and manage the administrative requests of POA members.

WHEREAS, the Board has determined that it is in the best interest of the POA to establish these guidelines.

NOW, THEREFORE, LET IT BE RESOLVED that the POA does hereby adopt the Guidelines, which shall run with the land and be binding on all owners and lots within the subdivision. These Guidelines replace any previous recorded or implemented guidelines that address the subjects contained herein.

OFFICE ADMINISTRATION

A. Association Records shall be maintained in accordance with applicable state statute.

B. The Association’s Records shall be retained in accordance with applicable state statute.

C. All property owner requests for Association records shall be processed in accordance with applicable state statute (Texas Property Code, Section 209.005). Requests for Open Records must be made in writing by the property owner or a person designated in writing signed by the owner as the owner’s agent, attorney, or certified public accountant, in accordance with this policy, to The Association Business Manager stating the specific information being requested.
Requests for information will NOT be approved when the information regards pending legal issues, unless specifically required by law; information of personnel matters such as individual salaries; information about other members; or information that is privileged or confidential.

D. The requesting individual is responsible for all administrative costs associated with subject request including all reasonable costs of materials, labor, and overhead but may not exceed costs that would be applicable for an item under 1 T.A.C. Section 70.3, Charges for Providing Copies of Public Information. The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the Association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner’s account as an assessment. If the estimated costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner. The following are the costs of materials, labor, and overhead:

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is $.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. 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) Non-re-writable 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;

(3) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper)--$.50;

(4) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic)--actual cost.
(5) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(A) The charge for labor costs incurred in processing a request for public information is $15.00 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(B) A labor charge may be recovered when confidential information is mixed with public information in the same page, an attorney, legal assistant, or any other person who reviews the requested information, for time spent to redact, blackout, or otherwise obscure confidential information for requests of 50 or fewer pages.

(6) Overhead charge.

(A) 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, a charge shall be made in accordance with the methodology described hereafter:

   (i) The overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge;

   (ii) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request.

(7) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information. Related postal or shipping expenses which are necessary to transmit the reproduced information may be added to the total charge. If payment by credit card is accepted, if a transaction fee is charged by the credit card company, that fee may be added to the total charge.
CERTIFICATION

I hereby certify that, as President of The Crossing at Kenberg Property Owners Association, the foregoing Office Administration and Processing Guidelines was approved on the 19th day of November, 2013, by unanimous written consent of the Board of Directors.

DATED, this 7th day of January, 2014.

[Signature]

Neil Ciotola
President

STATE OF TEXAS
COUNTY OF KENDALL

BEFORE ME, on this day personally appeared Neil Ciotola, the President of The Crossing of Kenberg Property Owners Association, known by me to be the person whose name is subscribed to this Instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 7th day of January, 2014.

[Signature]

Notary Public – State of Texas

After Recording, Return To:
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