

Springs CCRs & Bylaws: Amendment Approvals

QUESTION: At the 2nd quarter Quarterly Board Meeting held in June 2017, Board members indicated that an amendment to the CCRs is required in order to authorize the HOA to assess fines for repeated violations of the CCRs by residents. What are the voting requirements for amending the HOA's CCRs and the Bylaws? Can the HOA's Board of Directors make changes to either document, or must the membership agree to any proposed changes? If the latter, what percentage of the owners/members must agree?

ANSWER:

For our CCRs ("The Declaration of Covenants, Conditions, and Restrictions"), the applicable Article is XXXVIII, Amendments, which requires that 2/3 of the HOA members must approve any proposed changes (2/3 = 58 of the 86 members).

***Article XXXVIII
AMENDMENT***

. . . This Declaration may be amended by written instrument executed by the Owners of two-thirds (2/3rds) or more of the Lots and filed of record in the Official Public Records of Real Property of Bexar County, Texas. . . .

For our Bylaws, the applicable Article is XV, Amendments to Bylaws. A member meeting achieves quorum when 20% of HOA members are present physically, by proxy, or by absentee ballot (a minimum of 18 members):

***ARTICLE XV
AMENDMENTS TO BYLAWS***

15.01 These Bylaws may be altered, amended, or changed and new Bylaws may be adopted at a regular or special meeting of the members by a vote of a majority of a quorum of the members present in person, acting by proxy, or by submission of absentee or electronic ballot. The Board of Directors may not repeal or amend these Bylaws. (Note: bold text reflects Bylaw change approved by the Association membership at the June 26, 2012 Special Member Meeting.)

These periodic "Talk About It" messages intend to remind residents of The Springs of the Covenants, Conditions, and Restrictions (CCR's) and Bylaws that apply to all Springs residents solely by our election to live in this community.

The purpose of the CCR's is to maintain specific standards for the good of us all, as articulated in their definition:

“THE SPRINGS AT STONE OAK is encumbered by these Restrictive Covenants for the following reasons: to seek to achieve the best and highest use and most appropriate development of the property; to protect lot owners against improper use of surrounding lots; to preserve so far as practical the natural beauty of the property; to guard against the erection of poorly designed or proportioned structures of improper or unsuitable materials; to encourage and secure the erection of attractive improvements on each lot with appropriate locations; and to secure and maintain proper setbacks from streets and adequate free space.”

The HOA Bylaws describe how the Association is run. They define the duties of the various officers of the Board of Directors, the terms of the Directors, the membership's voting rights, required meetings and notices of meetings, and the principal office of the Association, as well as other specific items that are necessary to run the Association as a non-profit business.

If you are a Springs resident who has misplaced your copy of the CCR's or Bylaws, or are a new resident who wasn't provided a copy by the previous owners or your realtor, you can view (and download in Adobe Reader [.pdf] format) the complete Springs CCR's and By-Laws at the Consolidated Bylaws and CCRs section of this website, located in the [Pages & Links tab](#).