

RECORDS

PRODUCTION & COPYING POLICY

The purpose of this Policy is to comply with the requirement of Texas Property Code Section 209.005(1) enacted by the 82nd Texas Legislature as House Bill 2761, effective Jan. 1, 2012.

Authority. If an Open Records request is made to the Association, the Association may charge the requestor all reasonable costs of materials, labor, and overhead for compiling, producing, and reproducing the requested information.

Charges. The rates which the Association may charge an owner are the same as the maximum permitted rates published in Section 70.3 of the Texas Administrative Code (Title 1, Part 3, Chapter 70). The charges shown on Exhibit "B" hereto are some of the T.A.C. rates in effect on the date this Policy is adopted and will be deemed to change automatically with changes in the State's maximum permitted rates for Public Information requests.

Savings Clause. Notwithstanding anything to the contrary in any writing or communication made by the Association, the Association will not in any event be entitled to receive or collect Open Records charges from an owner in amounts greater than the maximum amounts permitted by applicable law. If from any circumstances whatsoever the Association charges or receives an amount in excess of the maximum charges permitted by law, the excess amount will be reimbursed to the owner.

Waiver. The Association may reduce or waive some or all of the charges addressed by this Policy on a request-by-request basis, without waiving the right to charge such fees on future requests.

Payment. The Association may require advance payment of the estimated charges addressed by this Policy. Within 30 business days after delivering the requested information, the Association will provide the owner with an invoice of the actual costs. If the actual costs are less than the prepaid estimated charges, the

Association will refund the difference to the owner within 30 business days after sending the invoice. If the actual costs are greater than the prepaid estimated charges, the difference is due and payable to the Association by the owner within 30 business days after the invoice is sent to the owner, after which time the Association may add the unpaid amount to the owner's assessment account.

By signing below, the undersigned certifies that the Board of Directors of the Association adopted this Policy to ensure that the Association complies with requirements of State Law, and that the Board of Directors instructed the undersigned to execute this Policy and effect its recording on behalf of the Association.

PRESCRIBED COSTS TO OWNER

Copy Charges:

- Electronic image transmitted by email - no copy charge
- Electronic image downloaded to USB drive - actual cost of drive
- Standard paper copy or scan (letter or legal size) - \$0.10 per page (double sided is 2 pages)
- Oversize paper copy or scan (such as 11x17) - \$0.50 per page
- Diskette or CD - \$1.00
- DVD - \$3.00

Labor Charge:

No labor charge if the request is for 50 or fewer pages of information, unless the records must be retrieved from a storage facility that is remote from the processor's office.

\$ 15.00 per hour, in 1/4 hour increments, for actual time to locate, compile, manipulate data, reproduce information, and (if necessary) redact confidential information, for requests of more than 50 pages and for records in remote storage.

No labor charge for time spent to review the requested information to determine if the information qualifies for an exemption from Open Records.

Overhead Charge:

No overhead charge if the request is for 50 or fewer pages of information. Otherwise, the overhead charge is 20 percent of the labor charge.

Remote Document Retrieval Charge:

If the requested information is stored with a commercial records storage company that charges a fee to deliver and return stored records, the Association shall be entitled to reimbursement of the third-party fee from the owner if the request otherwise qualifies for a labor charge.

Other Charges:

- Actual postage and shipping charges if necessary to transmit the reproduced information to the owner.
- Actual cost of miscellaneous supplies, such as boxes, if used to produce the requested information.
- No sales tax.

Approved by the Board on February 21, 2012

Holiday Beach Property Owner's Association

By _____

Rose Arp
Rose Arp, President