

**CANYON OAKS PROPERTY OWNER'S ASSOCIATION**  
**POLICY FOR CONTRACTED SERVICES**

STATE OF TEXAS           §  
   §       KNOW ALL PERSONS BY THESE PRESENTS:  
 COUNTY OF UVALDE       §

WHEREAS section 209.0052 of the Texas Property Code ("Code") addresses certain issues and requirements related to association contracts;

WHEREAS Canyon Oaks Property Owner's Association ("Association") is the property owners' association which may enter into contracts for carrying out various responsibilities contained in the recorded Declarations for the various sections of the subdivision (referred to collectively as "Declarations"); and

WHEREAS, the Board of Directors ("Board") of the Association desires to create a policy for entering into contracted services in compliance with the Code;

NOW, THEREFORE, the Board has duly adopted this Policy for Contracted Services:

(1) **Contract Bidding.** If a contract is proposed for goods or services expected to exceed \$50,000, the Association must solicit bids based on these parameters:

- a. the Board's obligation to solicit bids under this Policy is based on their reasonable expectation that the cost would exceed \$50,000;
- b. the Board may solicit bids, in their sole discretion, on contracts where the cost is expected to be less than \$50,000;
- c. for projects, such as clubhouse repainting, the \$50,000 cost is based on the full cost of the project or the current phase of a multi-phase project;
- d. for ongoing contracted services, such as a grounds maintenance contract, the \$50,000 cost is based on the annual base cost of the contract excluding any optional services or incremental expenses;
- e. where bids are required or desired, the Association must attempt to solicit bids from three (3) qualified contractors for the goods or services desired;
- f. if bids are solicited from qualified bidders and one or more do not respond or decline to bid, the Board may consider the proposals received and award the contract;
- g. the Association is not required to do open bidding and may invite bidders based on any non-discriminatory factors;
- h. the Association may, but is not obligated to, meet with bidders before proposals are submitted to review the contract requirements or to interview bidders after proposals are submitted to assist in the Board's decision making; and
- i. multiple bids are not required for service contracts where there is a single

provider such as utility contracts or for materials with a single source such as certain equipment replacement parts.

(2) **Awarding Contracts.** In awarding contracts, the following factors apply:

- a. the Board is not obligated to award contracts to the low bidder but must use due diligence in considering all relevant factors regarding the contractor and their proposal;
- b. all contracts and any amendments to contracts must be in writing and signed by the authorized representative(s) of the contractor and the authorized representative of the Association;
- c. contracts may have a term of up to five (5) years including automatic renewals; and
- d. all Association contracts must allow the Association to terminate the contract at any time, without cause and without penalty for early termination, by providing a thirty (30) day notice unless a different notice period is desired by Association.

(3) **Related Party Contracts.** The Association may enter into an enforceable contract with a current board member ("Member"), a person related to a current board member within the third degree by consanguinity or affinity ("Relative"), or a company in which a Member or Relative has a financial interest in at least 51 percent of profits ("Related Company"), only if the following conditions are satisfied:

- a. the Member, Relative or Related Company bids on the proposed contract and the Association has received at least two other bids for the contract from companies not associated with the Member, Relative or Related Company, if reasonably available;
- b. the material facts regarding the relationship or interest with respect to the proposed contract are disclosed to or known by the Association Board;
- c. the Member
  - i. is not given access to the other bids;
  - ii. does not participate in any board discussion regarding the contract; and
  - iii. does not vote on the award of the contract;
- d. the Board, in good faith and with ordinary care, authorizes the contract by an affirmative vote of the majority of the Board members not associated with the Member, Relative or Related Company; and
- e. the Association Board certifies that the other requirements of this section have been satisfied by a resolution approved by an affirmative vote of the majority of the Board members not associated with the Member, Relative or Related Company.

(4) **Contract Performance.** If the Association enters into a contract with a Member, Relative or Related Company pursuant to section 1 above, then as long as the contract is in place and

such Member remains on the Association Board, the Member must abstain from any discussion or vote regarding the contract, proposals, goods or services provided under the contract or any other matter relating to the contract. The member may present information or proposals to the Board in the same manner in which any other contractor would communicate.

In addition, if Board members other than the Member feel it is necessary to discuss the contract in private in executive session, those Board members may ask the Member to leave the executive session while discussion of the contract occurs.

This policy is effective upon recordation in the Public Records of Uvalde County, and supersedes any Policy for Contracted Services which may have previously been in effect. Except as affected by Code section 209.0052 and/or by this policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association remain in full force and effect.

Approved and adopted by the Board on this 22 day of February 2022.

Canyon Oaks Property Owner's Association

By: Cherie A Young  
Cherie A. Young, President

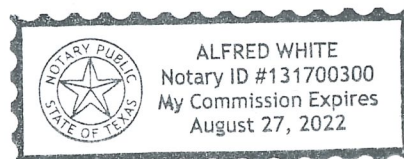
STATE OF TEXAS           §  
  §  
COUNTY OF UVALDE    §

BEFORE ME, the undersigned notary public, on this 22 day of February 2022 personally appeared Cherie A. Young, President of Canyon Oaks Property Owner's Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.



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Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:  
BARTLEY & SPEARS, P.C.  
2002 W Grand Parkway N, Ste. 150  
Katy, Texas 77449



I, Valerie Del Toro Romero, County Clerk,  
do hereby certify that the foregoing instrument was  
**FILED FOR RECORD** on the date and time stamped  
hereon and was duly recorded in the Official Public  
Records of Uvalde County, Texas.



Valerie Del Toro Romero, County Clerk  
Uvalde County, Texas

By:

A handwritten signature in blue ink, appearing to read "Valerie Del Toro Romero", written over a horizontal line.

**FILED FOR RECORD**

OFFICIAL PUBLIC RECORDS  
Valerie Del Toro Romero, County Clerk  
Uvalde County, Texas

**2022014104**

March 18, 2022 at 11:35 AM