

**RICHARDSON DUCK CREEK
HOMEOWNERS ASSOCIATION, INC.
BYLAWS**

**Adopted 4 June 1992
Revised 19 October 2023**

ARTICLE I - NAME AND PURPOSE

Section 1 - Name. The name of this organization shall be the Richardson Duck Creek Homeowners Association, Inc. (RDC-HOA), hereafter referred to as the Association. It shall be a Texas non-profit corporation.

Section 2 - Purpose. The purpose of the Association shall be to promote all interests for the improvement of the neighborhood, including:

- Promotion of neighborhood cohesiveness and stability,
- Protection of the residential character of the community,
- Maintenance of a high level of appearance in the neighborhood,
- Promotion of safety in the neighborhood,
- Promotion of neighborhood Crime Watch programs, and
- Sponsorship of social functions.

ARTICLE II - MEMBERSHIP

Section 1 - Eligibility. Membership in the Association is desired for all residents of the area, but is not mandatory. Membership shall be open to all persons who reside in their home or lease/rent a home in the Duck Creek area of Richardson, Dallas County, Texas. The boundaries of this area shall be Plano Road (west), Arapaho Road (north), Jupiter Road (east), and Beltline Road (south).

Section 2 - Types of Membership. The membership year will be from January 1 to December 31. Annual dues shall be paid to the Association to secure membership. Membership is open to those area residents who own or live in a home within the area described above. Non-resident home owners may purchase a membership for their lessee/tenant and remain on the email communication list. The benefits of membership are only for those residents who reside in Duck Creek. In keeping with the spirit of a homeowners association, this definition of membership eligibility excludes those who own or reside in dwellings made up of more than two residential units. Membership in the Association is transferable and assignable to a new resident occupying a departing member's house for the remainder of that membership year. Membership in the Association is granted to a new resident for the remainder of that membership year.

Section 3 - Member Action. Members are encouraged to attend and participate as private citizens in meetings of governmental committees, commissions, and boards. However, no one may act or speak in the name of the Association unless authorized to do so in advance by the Steering Board. No member of the Association may use any information obtained through Association membership for commercial purposes or any other purpose inconsistent with these Bylaws.

Section 4 - Definition of Ownership/Owner. The term "ownership" and/or "owner" shall mean and refer to the record owner(s), or his/her heir(s), whether one or more persons or entities, of the contract title to any home which is located in, and is part of, the property described in Section 1 of this Article, but excluding those having such interest merely as security for the performance of an obligation.

ARTICLE III - STEERING BOARD

Section 1 - Number, Manner of Selection, and Term of Office. The Steering Board, hereafter referred to as the Board, shall consist of the four (4) elected Officers of the Association and eleven (11) appointed Directors (five Section Leaders and six (6) Standing Committee Chairpersons).

The Officers shall be elected by the membership at each Annual Business Meeting, shall serve for a term of one (1) year, and shall take office on January 1 of the following calendar year. During November and December, the Officers-elect will participate in Board meetings as non-voting members of the Board. The Directors shall be appointed from neighborhood volunteers by the Officers-elect, shall serve for a term of one (1) year, and shall take office on January 1 of the following calendar year along with the new Officers. The four elected Officers may serve more than one (1) consecutive term in the same position but not to exceed four (4) consecutive terms. The ten (10) appointed Directors may serve more than one (1) consecutive term in the same position.

Section 2 - Qualifications. Only members of the Association shall serve on the Board. Only one member of a household at a time shall be an Officer. If appointed husband/wife team share Director position, only one member may vote on Board issues.

Section 3 - Vacancies. Vacancies on the Board may be filled by majority vote of the Board. Three (3) consecutive absences from the Board meetings may be deemed a resignation. The replacement Board member shall serve for the unexpired term of their predecessor.

Section 4 - Powers and Duties. The Board shall set policy and conduct the business of the Association in accordance with the best interests of the membership. The Board shall designate special committees as deemed necessary.

Section 5 - Board Meetings. There shall be at least four (4) regular meetings of the Board annually. The President may call special meetings of the Board. A special meeting will be called upon the written request of at least five (5) members of the Board. A regular meeting schedule of the Board shall be announced to the membership.

Section 6 – Quorum. Attendance of five (5) members of the Board, two of whom must be Officers, shall constitute a quorum.

Section 7 - Compensation. No Officers or Directors shall receive compensation for any service he/she may render to the Association. However, any Board member may be reimbursed for actual expenses incurred in the performance of Board duties, provided those expenses are within approved budget limits or incurred with prior approval from the Board.

ARTICLE IV - OFFICERS

Section 1 - Officers. The Officers of the Association shall be President, Vice-President, Secretary, and Treasurer. No member may hold more than one office at a time.

Section 2 - The President. The President shall preside at all meetings of the Association and at all meetings of the Board. The President shall be a member of all committees, ex-officio, except for the Nominating Committee. Only the President, or those designated by the Board, shall speak for the Association.

Section 3 - The Vice-President. The Vice-President shall fulfill the duties of the President in case of the President's temporary absence and shall perform such other duties as requested by the President or the Board. The Vice President shall observe meetings of governmental bodies and alert the Board to items that merit attention by the Association.

Section 4 - The Secretary. The Secretary shall take minutes of regular membership meetings and Board meetings, conduct correspondence on behalf of the Association, and be responsible for keeping official Association records, Bylaws, and the Articles of Incorporation in compliance with Texas law. Register and File with the State of Texas the “Change of Registered Officer/Agent” (Secretary), and the “Nonprofit Periodic Report”. This should be done as soon as possible after taking over the position of Secretary. The current filing fee is \$5.00 for each. In addition, the Secretary will act as Historian to the Association, keeping running records of the Association as it develops, which includes all current and previous Board Minutes and Record notebooks to be surrendered to the current president upon leaving the position.

Section 5 - The Treasurer. The Treasurer shall collect all monies due to the Association, keep an accurate record thereof, deposit same in the bank in the name of the Association, pay all funded bills incurred by the Association, and present a report at each Board meeting and at the Annual Business Meeting. All checks shall be signed by the Treasurer and the President, or the Treasurer and one other Officer.

Section 6 - Resignation and Removal. Any Officer may be removed from office with or without cause by a two-thirds majority vote of a quorum of members present in person. Any Officer may resign at any time by giving written notice to the Board, the President, or the Secretary.

ARTICLE V - DIRECTORS AND STANDING COMMITTEES

Section 1 - Directors. There are eleven (11) Directors. Six (6) shall act as Chairpersons of one of the Standing Committees, which shall consist of Beautification, Social, Membership, Welcoming, Safety and Flag. Five (5) shall be Section Leaders for the Northeast, Northwest, Southeast, Southwest, and Hidden Creek Sections. No one person may serve as Chairperson of more than one Standing Committee at a time or be a Section Leader for more than one section at a time.

Section 2 - Duties of Standing Committee Chairpersons.

Committee Chairpersons are responsible for recruiting members for their respective committees and fulfilling the purpose of each committee. Committees shall meet as often as necessary to effectively carry out their duties. Such meetings shall be called and chaired by the Chairperson of that committee.

Section 3 - Beautification Committee. This committee will sponsor projects for the improvement and beautification of our neighborhood common areas, working closely with city government to coordinate funding.

Section 4 - Social Committee. This committee will recommend, plan, and coordinate social functions. They are also responsible for sending notices of such events if needed, and for set-up and removal of equipment.

Section 5 - Membership Committee. This committee shall conduct an annual membership drive to solicit memberships and follow up with new residents regarding Association membership. The committee shall be custodian of the official membership list and provide a copy to the Officers.

Section 6 - Welcoming Committee. This committee shall extend a formal welcome to new neighbors and introduce the Association to new residents.

Section 7 - Safety Committee. This committee shall observe and report unsafe situations, sponsor projects, and make recommendations to the Board to improve the safety of our neighborhood. This committee shall promote neighborhood awareness of the Crime Watch program and work with city officials/police to reduce crime in our neighborhood.

Section 8 - Section Leaders. It is preferable that the five (5) Directors shall represent the section in which they live (Northeast, Northwest, Southeast, Southwest or Hidden Creek), and serve as a communications link between the membership and the Board.

Section 9 - Resignation and Removal. Any Director may be removed from the Board, with or without cause, by a majority vote of the Board. Any Director may resign at any time by giving written notice to the Board, the President, or the Secretary.

Section 10 – Flag Committee. This committee shall coordinate with the local Boy Scouts of America to schedule all flag placement and pick up. Confirm all curbs are painted with a DUCK logo noting flag post location.

ARTICLE VI - FINANCIAL ADMINISTRATION

Section 1 - Fiscal Year. The fiscal year shall be from January 1 through December 31.

Section 2 - Dues. Annual dues shall be determined by the Board in January. A membership drive for the purpose of membership renewal and current membership expansion shall be conducted January through April of each year with the intent to receive all annual dues by May 1 of each year. Dues received after October 31 of each year will apply to the following year.

Section 3- Annual Budget. An annual budget shall be prepared by the Board and presented during the General Membership Meeting.

Section 4 - Annual Audit of Books. The Board shall require an audit to be made of the accounts of the Association after the end of each fiscal year. This shall be done by a Board-approved committee made up of two Board members and two non-Board members, or by an independent accountant, as deemed advisable by the Board.

Section 5 - Books and Records. The books and records, including Articles of Incorporation and Bylaws of the Association shall, during reasonable hours, be subject to inspection by any member of the Association.

ARTICLE VII - MEETINGS

Section 1 - General Membership Meeting. A General Membership Meeting shall be held between March 1 and April 30 of each year. The date, place, and agenda of this meeting shall be determined by the Board.

Section 2 - Annual Business Meeting. An Annual Business Meeting shall be held between September 1 and October 31 of each year. The date, place, and agenda of this meeting shall be determined by the Board. The purpose of the Annual Business Meeting shall be to elect Officers and members of the Nominating Committee, and to transact such other business as may properly come before it.

Section 3 - Quorum. Five (5) percent of the membership shall constitute a quorum at the Annual Business, General Membership, or Special Meetings of the Association.

Section 4 - Special Meetings. Special Meetings of the membership may be called at any time by the President, or by the Board, or upon written request (petition) of fifteen percent (15%) of the members who are entitled to vote.

Section 5 - Notice of Meetings. Written notice of each meeting of the membership shall be sent at least seven (7) days before such meeting to each member household entitled to vote thereat, to the members' contact information last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day, hour of the meeting, purpose of the meeting, and an agenda if appropriate.

ARTICLE VIII - NOMINATIONS, ELECTIONS, AND VOTING

Section 1 - Nominating Committee. The Nominating Committee shall consist of five (5) Association members. Three members, including the Nominating Committee Chairperson, shall be elected at the Annual Business Meeting and shall not serve on the Board the following year. The two members from the Board, excluding the President, shall be appointed by the Board during the first quarter of the following year. Any vacancy on the Nominating Committee shall be filled by the Board. Suggestions for nominations for Officers and the Nominating Committee may be given to the Nominating Committee or the Board by any Association member.

Section 2 - Nominations. The Nominating Committee shall nominate a single slate of Officers and three members to serve on the succeeding Nominating Committee, one of which shall be identified as the Committee Chairperson. These nominations shall be sent to all members at least thirty (30) days before the date of the Annual Business Meeting. A report of these nominations will be given at the Annual Business Meeting and immediately following the report nominations may be made from the floor by any member, provided that consent of the nominee shall have been previously secured.

Section 3 - Elections. The election shall be by ballot. If there is but one nominee for each office, it may be moved to elect by acclamation. A majority of those qualified to vote and voting shall constitute an election, providing that a quorum is present.

Section 4 - Voting. There shall be one vote per household except where an absentee landlord is also a paid member for that address. Absentee or proxy voting shall not be permitted.

ARTICLE IX - PARLIAMENTARY AUTHORITY

Section 1 - Parliamentary Rules. The rules contained in *Robert's Rules of Order, Newly Revised*, shall govern the Association in all cases to which they apply, and in which they are consistent with the Bylaws of the Association.

Section 2 - Parliamentarian. A Parliamentarian may be hired or appointed as needed by the President for any meeting, but especially for the Annual Business Meeting.

ARTICLE X - AMENDMENTS

Section 1 - Bylaws. These Bylaws may be amended at a General Membership, Special, or Annual Business Meeting of the members. Proposed amendment(s) may be submitted to the membership at the next appropriate meeting by either of two (2) methods. **1.** They may be submitted to the Board for approval or disapproval. In the event of Board disapproval, the proposed amendment(s) will not be submitted to the membership. **2.** Proposed amendment(s) may be submitted to the membership by obtaining a petition of at least 15% of the membership endorsing the proposed amendment(s). In either case an amendment approval would require a two-thirds majority of a quorum of members present in person. Board-recommended and petitioned amendment(s) shall be submitted to the membership for review at least thirty (30) days before the date of the said meeting.

Section 2 - Order of Authority. In case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control.

ARTICLE XI - INDEMNIFICATION

Section 1 – According to Civil Statute of the State of Texas, Article 1396-2.28, Richardson Duck Creek Homeowners Association Inc., as a non-profit Association, shall not bear any financial or legal liability for its actions. The Board, either individually or collectively, is not liable to the Association, any member, or any other person for any action taken or not taken by the Board.