

# **Woods of Wimbledon Civic Association, Inc.**

## **Document Retention Policy**

### **1. Purpose**

- a. This document sets out the policy governing the documents to be retained and the method of retention of all documents related to the Woods of Wimbledon Civic Association, Inc. (WOWCA).

### **2. Applicable Law**

- a. Chapter 209 of the Texas Property Code, amended January 1<sup>st</sup> 2012 section 209.005(m) regarding retention of Association documents and records.

### **3. Related Policies**

- a. Records Production and Copying Policy.

### **4. Documentation Retention Methods.**

- a. Association documents may be maintained in paper format or in an electronic format that can readily be transferred to paper in order to comply with Chapter 209 of the Texas Property Code. It is the policy of the Board of Directors of the Association that all documents will be retained as electronic files and that certain files will also be retained as paper copies as specified below.
- b. The documents that are to be stored as paper copies must be kept in a secure safety deposit box at a local bank.
- c. Electronic documents must be stored on the WOWCA Document Storage Server as they are created in one of the three folders provided:
  - i. Secretary.
  - ii. Treasurer.
  - iii. Architectural Control Committee (ACC).
- d. Electronic documents must also be backed up to a flash drive as they are created by the Secretary, Treasurer and ACC.
- e. Working copies of electronic documents may be kept on personal computers but must be stored to the WOWCA document storage server and backed up to a flash drive as soon as they are completed.
- f. Once uploaded to the document server, files can only be deleted by the Webmaster or President. The Webmaster and President may only delete files with permission of a majority of the Board via a Motion at a Board meeting.
- g. In December of each year, the three flash drives shall be labeled with the year and the title "Secretary", "Treasurer" or "ACC" and be provided to the Association President. The President shall place them in the WOWCA safety deposit box.

### **5. Documents that must be notarized and recorded with Harris County:**

- a. Certificate of Formation
- b. Articles of Incorporation
- c. Other dedicatory instruments including but not limited to:
  - i. By-Laws.
  - ii. Deed Restrictions.
  - iii. Restrictive covenants including policies related to Architectural control
  - iv. Policies written in response to changes in Texas Law.
  - v. Policies related to administration of the Association.
  - vi. Amendments to the above.
- d. The record of the Association's registered agent.

### **6. Documents that must be retained by the Association as a paper copy only.**

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- a. Ballot papers must be placed in an envelope after counting by the tabulators and sealed. They must not be scanned. Ballots that are received electronically must be printed prior to the meeting at which they are to be counted.
  - b. Ballot papers and tabulations must be kept for a minimum period of four (4) years.
- 7. Documents that must be retained permanently by the Association as a paper copy and also as an electronic copy:**
- a. Certificate of Formation.
  - b. Articles of Incorporation.
  - c. Other dedicatory instruments including but not limited to:
    - i. By-Laws.
    - ii. Deed Restrictions.
    - iii. Restrictive covenants including policies related to Architectural control.
    - iv. Policies written in response to changes in Texas Law.
    - v. Policies related to administration of the Association.
    - vi. Amendments to the above.
  - d. Plot plan.
- 8. Documents that must be retained as electronic files for the durations specified below:**
- a. Financial books and records, including annual budgets, reserve studies, monthly financial statements and bank statements, shall be retained for seven (7) years. For example, the July 2011 financial statements shall be retained until July 31<sup>st</sup> 2018.
  - b. Account records of current owners shall be retained for five (5) years. For example, invoice, payment and adjustment records on an owner's account with a transaction date of 08/15/2011 will be retained until 08/15/2016 subject to section (c) below.
  - c. Account records of former owners shall be retained as a courtesy to that former owner for one (1) year after they no longer have an ownership interest in the property.
  - d. Contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term. For example, a contract expiring on 06/30/2011 and not extended by amendment must be retained until 06/30/2015.
  - e. Tax returns and CPA audit records shall be retained for seven (7) years after the last date of the return or audit year. For example, a tax return for the calendar year 2011 shall be retained until 12/31/2018.
  - f. Minutes of meetings of the owners and the Board shall be retained for seven (7) years after the date of the meeting (for example, minutes from a 07/20/2011 Board meeting must be retained until 07/20/2018).
  - g. A record of current members of the Association with their addresses must be kept and updated continuously by the Secretary. Note: The Texas Property Code does not require a period of retention for the member record; this period is adopted by the Board in order to comply with the by-laws of the WOWCA.
  - h. Legal opinions provided to the Board by its attorney must be kept for a minimum period of seven (7) years until such time as the Board deems them to be no longer needed. Note: The Texas Property Code does not require a period of retention for legal opinions.
  - i. Decisions of the Architectural Control Committee or Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7)

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years from the decision date. For example, an application for a swimming pool approved on 10/31/2011 must be retained until 10/31/2018.

- j. Any documents not described above may be retained for the duration deemed to be useful to the Association, in the discretion of the Board, its attorney, or its managing agent.
- k. Upon expiration of the retention period listed above, the documents shall no longer be considered Association records and may be destroyed, discarded, deleted, purged or otherwise eliminated in a manner that ensures complete destruction of personal information.

### 9. **Documents that must be publicly available on the website.**

*Note: All documents that are posted on the website must be in pdf format.*

- a. Certificate of Formation.
- b. Articles of Incorporation.
- c. Other dedicatory instruments including but not limited to:
  - i. By-Laws.
  - ii. Deed Restrictions.
  - iii. Restrictive covenants including policies related to Architectural control.
  - iv. Policies written in response to changes in Texas Law.
  - v. Policies related to administration of the Association.
  - vi. Amendments to the above.
- d. Plot plan.
- e. Board meeting agendas.
- f. Board meeting minutes.
- g. Annual Budgets.
- h. Notices.

### 10. **Responsible Record Keepers:**

- a. The President has overall responsibility for the records of the Association and specific responsibility for:
  - i. Board meeting agendas.
  - ii. Notices.
- b. The Secretary is responsible for:
  - i. Certificate of Formation.
  - ii. Articles of Incorporation.
  - iii. By-Laws.
  - iv. Deed Restrictions.
  - v. Restrictive covenants including policies related to Architectural control.
    - o Policies written in response to changes in Texas Law.
    - o Policies related to administration of the Association.
    - o Amendments to the above.
  - vi. The plot plan.
  - vii. Board meeting minutes.
  - viii. The register of legal homeowners.
- c. The Treasurer is responsible for financial records including:
  - i. Annual budgets.
  - ii. Reserve studies.
  - iii. Financial statements.

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- iv. Bank statements.
- v. Account records – Homeowners’ and Vendors’ records.
  - o Invoices.
  - o Payments.
  - o Adjustments.
- vi. Contracts.
- vii. Tax returns.
- viii. Financial reviews.
- d. The Architectural Control Committee is responsible for:
  - i. Applications.
  - ii. Approvals
  - iii. Variances.
  - iv. Waivers.
  - v. ACC Guidelines.

### 11. Document Access Permissions

- a. Documents posted to the website are public and available to all.
- b. The table below access permissions for the three folders on the document server and defines who has administrative privileges.

	Website administration	ACC Records	Financial Records	Association Records	Safety Deposit Box
Webmaster	✓	✓	✓	✓	✓
President	✓	✓	✓	✓	
Vice president		✓	✓	✓	
Treasurer			✓		
Secretary		✓	✓	✓	✓
ACC		✓			

### 12. Revision Control

- a. Original document prepared by Steven Frankoff Dec 26<sup>th</sup> 2013
- b. Revision 1 prepared by Graham Sherlock January 8<sup>th</sup> 2018

This policy is effective upon recordation in the Public Records of Harris County, and supersedes any policy regarding document retention which may have previously been in effect. Except as affected by Section 209.005 and/or this Policy, all other provisions contained in the deed restrictions or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_ 2018

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Graham Sherlock, President of Woods of Wimbledon Civic Association, inc.

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

Before me, the undersigned authority, on this day personally appeared Graham Sherlock, President of Woods of Wimbledon Civic Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
Notary Public, State of Texas