

Proposed Changes of the LPCA By Laws

Please review the following Proposed Changes of the LPCA By Laws. These changes have been produced by past and current board presidents and members and have been approved by the current Board of Directors.

The attached document provides an overview of each proposed change along with the actual wording that has been edited or added. The current operating bylaws document can be reviewed on www.lagoonpoint.com at this link:
<http://shop.lagoonpoint.ihost.net/Images/Menu/Bylaws-090217.pdf>

Your comments are welcome and should be sent to LPCA99@gmail.com.

An announcement has been mailed to every member of association regarding a public meeting to review these proposed changes. It is schedule for March 5th at 5pm at the Greenbank Clubhouse located at Bakken Road and US 525, the same location of our general board meetings.

These changes will be part of the upcoming mail-in ballot that will also include the 2014 Annual Budget for member approval.

Thank you,

Lagoon Point Community Assoc.

By Laws Amendments Overview

Text highlighted in Red = cut text from existing by laws

Text highlighted in Green = text added to by laws

1. Article 1, Section 2 Voting
 - **Overview** - Struck first line of section two. Changes call out that all voting be done by Ballots that will be either mailed to the registered member address or made available through a member's individual web access where they could review ballots and submit online if they choose to do so.
 - Section 2: Voting

Except as provided for in Article VIII (Amendments), mail-in B ballots required by these By-Laws shall be sent to Members at their recorded address or made available to registered member through their individual member's section of the Member's website, if the registered member has requested to receive and respond to ballots online, not less than 21 days or more than 35 days from before the specified due date. All Mail-in ballots must shall be received by LPCA on or before the date specified on the ballot or will not be counted. Mail-in ballot Ballot issues shall be approved by a majority of the votes cast provided at least 100 votes are cast.
2. Article II, Section 1a: Budgets, Fees and Assessments

- **Overview** - Calls out that billing statements will be made available via members' website and upon request mailed to the recorded address of the lot owner.
- Section 1(a) Billing statements for Lot Owner's annual fees and assessments shall be mailed as required made available online via the member's website, at least 30 days prior to the required due date, and upon request will be mailed to the recorded address of the lot owner.

3. Article II Section 1b:

- **Overview** - changed term mail-in to ballot in reference that a ballot doesn't have to be mailed in but as called out in Article 1, Section 2, voting can be done via mail in ballot or via submitting ballot online.
- Lot Owner's Annual Fees shall be as specified in the Lot Owner's Annual Budget and approved by a ballotmail-in vote of the Lot Owners, voting by lot. Ballot's mailings shall

4. Article II Section 1 (c)-1

- **Overview** - add's website to the administration category list for annual funding. Also calls out that "all funds remaining in the general operating and maintenance fund(s) at the end of any fiscal year may be used to general operating and maintenance expenses during the fiscal year."
- The Administration category shall provide annual funding for the LPCA newsletter, website, cost of special mailings and ballots, secretarial and bookkeeping services, legal expenses, office supplies and printing costs, and such other administrative expenses as are required in support of the maintenance, upkeep and improvement of the common properties. Procedures for handling unexpended funds shall be specified in the budget. All funds remaining in the general operating and maintenance fund(s) at the end of any fiscal year may be used to fund general operating and maintenance expenses during the next fiscal year.

5. Article II Section 1 (c)-3 a:

- **Overview** - "calls out that Long-Term Reserve funds may be invested in interest bearing accounts that are fully insured by a US government agency."
- Long-Term Reserve Funds may only be invested in interest bearing accounts that are fully insured by a U.S. government agency. Long-Term Reserve Funds in addition this category may provide for general contingency funding, and other long term provisions, as may be approved by mail-in ballot of the Lot Owners, voting by lot. Each long-term reserve fund shall be separately accounted for. Limitations and controls for the investment of said funds shall be specified in the budget.

6. Article II Section 1 (c)-3 b:

- **Overview** - Added language provides for repairs, improvements or replacements of common properties to be funded by Long Term Reserve Funds shall be approved by ballot.
- All expenditures from All major repairs, improvements or replacements of common properties to be funded by the Long-Term Reserve Funds shall be approved by a mail-in ballot of the Lot Owners, voting by lot. Ballots mailings shall include the details of the proposed issue and appropriate supporting information. plus statements for and against the proposal, not to exceed one page for each position.

7. Article II Section 1 (c)-4:

- **Overview** - States that the LPCA Board is authorized to spend funds in the event of an Emergency and call out what makes an emergency.
- The LPCA Board of Directors is authorized to spend funds The Lot Owner's Annual Budget shall contain provisions for Emergency spending and funding in the event of an Emergency. "Emergency" means a set of unforeseen circumstances beyond the control of the LPCA Board of Directors, that may result in material loss or damage to property, bodily injury, liability or loss of life if immediate action is not taken. Any Emergency funds may be withdrawn from day-to-day general operating and maintenance funds and/or the long term maintenance fund as approved by a majority of the LPCA Board of Directors.

8. Article II Section 2: Penalties

- Penalties will be assessed on the first day of the following quarter of late payment and will be for the amount of \$100 raised from \$5. Use of Lot C community boat ramp key will be suspended as lot owner is not current on their dues and has not worked out payment plan that they are current on.
- Additional late fees of \$100 raised from \$5 per delinquent lot or 10% of the accrued outstanding balance raised from 5%
- Changed timeline for when lien can be placed on delinquent lot owner from 1 year to six months.

9. Article IV Section 1:

- **Overview** - changed language for calling special meeting to "provide notices of such meetings five days prior to each meeting via email and posting on the LPCA website. Instead of mailing out.
- The President shall confirm the date and meeting place of each annual meeting, issue the call for all special meetings and direct the Secretary to mail provide notices of such meetings at least five days prior to each meeting via email, and posting on the LPCA website or mailing to the recorded address of each member as stipulated in Article V of these Bylaws and on the community readerboard at the entrance on Westcliff Drive.

10. Article IV Section 3:

- **Overview** - duties of secretary have been updated to call out “provide notice to all meetings as required by under these Bylaws”.
- shall mail provide notice of all meetings as required notices to the recorded address of each member under these Bylaws at least five days prior to each meeting; shall maintain the register so as to show the address.

11. Article IV Section 5:

- **Overview** - changes call out that Treasurer will use mail or online to communicate dues and maintenance and assessments billing statements. Also addresses language around reporting and auditing of books.
- shall mail communicate statement online or via mail for dues and maintenance and assessment fees to each member before July 1 of each year and shall collect all dues and fees. and a statement to property owners who pay share of cost on or before Dec. 31 of each year; shall maintain income and expense accounting as determined by the Board of Directors. He/She shall pay out monies only upon the approval of the President or Vice President. Signing of checks shall be in accordance with standard banking procedures with the Treasurer, President, Vice President and Assistant Treasurer authorized to sign. He/she shall keep a record of all receipts and disbursements and periodically report on render a financial report of all receipts and disbursements and render a financial report at the December meeting of to the Board of Directors or whenever called upon to do so by the President or Board of Directors. A copy of the report shall be mailed to all members. He/she shall turn over to his/her successor in office all Association monies and property in his/her hands, together with an accounting of same. He/she shall give bond in such amount as may be required by the Board of Directors for the protection of this organization, the premium therefore to be paid by this organization. The Treasurer's books and accounts shall be audited prior to the January meeting of the Board of Directors, and an An external certified accountant shall provide either an audit or a review of accounting processes and procedures of said books may be required at any time by direction of the Board of Directors or a majority vote by the membership in regular meeting. The results of such financial review shall be summarized and communicated to the owners via mail or electronic mail as requested by the individual owners. The President of this organization shall appoint an Audit Committee not later than fourteen (14) days prior to the Board of Directors November meeting or for such special audit as may be required by the Board of Directors or membership. An Audit The committee

12. Article IV Section 7: Duties of the Area Rep

- **Overview** - Struck language around area reps encouraging new owners of property to become members of the Association.
- welcoming new neighbors into the community and informing the Membership and Dues Committee LPCA Board of any changes of occupancy within his/her area, including names and addresses. It is

expected of Area Representatives in Subdivision 1 and the View Tracts to do his/her best in encouraging new owners of property in those areas to become members of the Association, and all Area Representatives to solicit as Social Members those renters/lessees residing at Lagoon Point on a long time basis.

13. Article IV Section 8:

- **Overview** – change in language to meet regularly, not necessarily every month and meetings can be both in person and via conference call.
- shall meet regularly **each month** throughout the **year via conference call or in person**.

14. Article V Meetings, Section 1:

- **Overview** - strikes language that meeting be in late august or early sept and adds the purposes of the meeting to be to accept nominations for candidates.
- There shall be a single annual meeting of LPCA **held in late August or early September** at a time determined by the President and/or Board of Directors. Notice of the meeting shall be given at least 30 days prior to that date. **The purpose of the meeting shall be to accept nominations for candidates for election to the Board of Directors for the following year.**

15. Article V Meetings, Section 2:

- **Overview** - updated language and notice of meetings consistent with Article IV Section 1, with a minimum of 5 days notice.
- Notice of any special meeting will be **sent to the recorded address of each member/property owner provided as required under these Bylaws** at least **ten (10) five (5)** days prior to said special meeting.

16. Article V Meetings, Section 3:

- **Overview** - Struck all together

17. Article V Meetings, Section 5:

- **Overview** - Struck all together.

18. Article VI Committees, Section 2: Waterway Committee,

- **Overview** - updated language calling out Lot C and B.
- The Waterway Committee shall consist of at least three (3) members whose duties shall be to develop and recommend restrictions applicable to the use of the waterway, boat ramp and **boat ramp parking lots on Lots C and B** and to implement or carry out **those restrictions any actions** voted by the membership.

19. Article VI Committees, Section 4: Struck all together the Program and Publicity Committee.

20. Article VI Committees, Section 4 and 5: Nominating committee becomes section 4 and Special Committees become Section 5.

21. Article VIII Amendments Section 1b:

- **Overview** - changes language to include new ballot language and that ballot be provided to each lot owner at least 21 days prior to the due date of the ballot.
- (b) 14 to 60 days before mailing providing a proposed bylaw amendment ballot the board shall distribute a draft of the proposed amendment by email, mail, member's website or newsletter and invite comments. The board shall then hold a lot owners' meeting on the proposed bylaw revision. The proposed amendment ballot shall be provided sent to the registered owner corded address of each lot owner not less than 21 days or more than 35 days prior to the specified due date of the ballot. Ballots to be valid must be returned by mail or in person by the due date. The ballot mailing may include recommendations for and against, not to exceed a half-page each.