

**Bayshore Beach Club**

**Policies and Procedures Manual**

Approved January 20, 2024

Approved list of changes – see addendum

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## **Administration of Policies and Procedures**

### Authority

The authority and responsibilities of the HOA is defined by ORS Chapter 65, ORS Chapter 94, and the By-Laws, Articles of Incorporation of HOA and the Covenants and Restrictions. The provisions of these documents authorize, and in some cases require, the BOD to revise and/or make policies for the benefit of the property owners and enable them to administer the Covenants and Restrictions.

### **A1. Development of Revisions to Policies and Procedures**

Policies and Procedures are developed by a committee appointed by the BOD for the specific purpose of addressing a requirement for managing the affairs of Bayshore. Following the recommendations of this committee as presented at a BOD meeting, the BOD will either approve the recommended Policy / Procedure or send it back to the committee for revisions and re-submittal.

The Committee is to be made up of one member of the Board and 2-5 general membership members.

Revisions are made at the discretion of the BOD only if the revisions do not conflict with the governing documents of HOA. Recommendations for revisions may be made to the BOD by any member, in writing, and presented to the BOD at least ten days prior to BOD meeting. (to allow adequate time for addition to the agenda which is sent to members 5 days prior to the meeting).

A new or revised Policy or procedure will go into effect at the time of Board approval unless the Board elects to delay the effective date.

### **A2. Development and Revisions of Guidelines for Determination**

Guidelines for Determination are developed by the Planning Committee and submitted to the BOD for approval at a Board meeting. Should the Board not approve the submitted guideline, the Board shall send it back to the Planning Committee for possible revisions and re-submittal.

The Guidelines of Determination must not conflict with the C&Rs, but they are to provide a uniform interpretation of the C-&-Rs. The guidelines should clearly define when members should involve the Planning Committee.

### Notification of Members

1. Once approved by the BOD, the revised Guideline of Determination will be presented to the membership via The Breeze prior to being implemented by the Planning Committee. The typical waiting period for implementation will be 90 days from announcement in the Breeze.

### BOD Approval

2. Revisions to the Guidelines for Determination are to follow the same provisions as the development of Guidelines of Determination (above). Revisions also require BOD approval and the same process of notification of the membership and waiting period for implementation.

### **A3 Acronyms and Definitions**

#### Acronyms

BOD – Board of Directors

C&Rs – Covenants and Restrictions including Guidelines for Determinations.

HOA – Home Owner’s Association aka the HOA.

ORS 65 – Oregon Revised Statutes for Non-Profit HOAs

ORS 94 – Oregon Revised Statutes of Planned Community Act

## **Definitions**

**Appointed:** Board or committee appointments are made by the BOD but recommendations for appointment can come from any member.

**Committee:** Appointed members to serve for a defined task by the BOD. Guidelines for Determination:  
The Guidelines for Determination were developed to provide uniform interpretation of the C&Rs

**Board liaison:**

A Director who fosters communication or cooperation which facilitates a close working relationship among committee members and the board.

**Member in good standing:**

Any person who owns property in Bayshore, has paid their dues, and has no outstanding liens or fines is in good standing.

**Membership:**

The membership of the corporation shall consist of and be limited to the owners or purchasers of lots, tracts, and parcels in the area described in Article III of the Articles of Incorporation.

**Rental- Long term:**

30 plus days and move in of possessions.

**Short term: Including Vacation Rentals:**

Less than 30 days and no possessions moved in.

**Term:** “Term” as referred to in the HOA Bylaws, Article IV, Directors, Section 2, the word “Term” shall not apply to an appointed Director.

**Voting member:**

Member noted on property title or their legal representative (proxy).

## Relating to Board of Directors

### **B1 Membership of the Board of Directors**

1. The Board of Directors of HOA consists of not less than five or more than nine members serving a term of up to three years. Directors may not serve for more than two consecutive terms. Board members must be members of the HOA in good standing.

#### Representation

1. There may be no more than two Directors from any single division, and all divisions shall be represented, if at all possible.

### **B2 Duties and Responsibilities of the Board of Directors:**

1. Exercises corporate powers and conducts all the business and affairs of the HOA.
2. Elects, removes, prescribes duties, and fixes compensation of all other officers, agents, and employees.
3. Elects from the Board a President, Vice-President, and Corporate Secretary to serve one- year terms.
4. Keeps and posts all minutes. Keeps as permanent records: minutes of meetings of members and Board of Directors; corporate actions taken without a meeting; and actions taken by committees of the Board in place of the Board on behalf of the HOA. Ensures that required records are kept per ORS 65 and 94.
5. Authorizes disbursement of HOA funds. Provides a financial statement to be mailed to all members with the notice of the annual meeting, presents a proposed budget to the membership for consideration at the annual meeting, and provides a summary of the adopted budget within 30 days of approval. Fixes the annual dues as proscribed in the Declaration of Covenants and Restrictions (C&Rs) and bylaws.
6. Appoints Directors to fill vacancies, with all divisions represented if possible and no more than two Directors from any one division.
7. Removes or suspends officers by a majority vote.
8. Appoints the Secretary-Treasurer and members of the approved committees.
9. Enforces the C&Rs.
10. Exercises the powers granted and carries out the duties assigned by law in such a way as to best meet the needs of the HOA.
11. Establishes policy, reserving all authority and responsibility not expressly assigned to other officers and personnel.
12. Develops long term plans, goals, priorities, objectives, and timelines.
13. Regulates the use, maintenance, repair, replacement, and modification of common property, and causes additional improvements to be made.
14. Reviews the insurance coverage of the HOA annually.
15. Imposes charges for late payment of assessments and attorney fees related to collection of assessments. After giving written notice to the Member and an opportunity to be heard, levies reasonable fines for violations of the declaration, bylaws, rules and regulations of the HOA.

16. Defends against any claims, proceedings, or actions brought against the HOA.
17. Approves the annual budget, monitors finances, and sets policy or takes action to ensure the fiscal integrity of the HOA.
18. Orders an annual review of the financial statement by an independent CPA as deemed prudent, and ensures that necessary income tax returns are prepared and filed annually on a timely basis.
19. Authorizes emergency expenditures exceeding budgeted amounts when necessary for protection of HOA property or interests.
20. Provides for the indemnification of its officers and Board of Directors and maintains liability insurance for them.
21. Selects a Board member (may not be the President or member planning to run in the current election) to form the Nominating Committee and approves the appointment of two members-at-large to serve on the Nominating Committee. Any member who is running for election should not be serving on this committee. See Nominating Committee Section
22. A majority of the board may call special meetings of the board of directors at any time; personal notice must be given to all board members by the Corporate Secretary at least 7 days in advance (unless a majority of directors concur in the call for the meeting with less notice, but in no event less than 3 days). A majority of the board may also call a special meeting of the members for which notice must be provided to all members in writing by the Corporate Secretary no less than 20 or more than 50 days prior to the meeting.

#### Special Meetings

The President of the Board may call special meetings of the Board of Directors at any time. Notice must be given to all Board members by the corporate secretary at least 7 days in advance (unless a majority of Directors concur in the call for the meeting with less notice, but in no event, less than 3 days).

A majority of the Board may also call a special meeting of the members for which notice must be provided to all members in writing by the corporate secretary no less than 20 or more than 50 days prior to the meeting.

#### Duties and Responsibilities of Individual Board Members

1. Discharges duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner the Director reasonably believes to be in the best interests of the HOA.
2. Regularly attends meetings and participates in projects and workgroups. Attends all meetings unless excused by the president.
3. Develops positive channels of communication with other Board members, the staff, and the membership. Encourages club members to attend Board or committee meetings to explore and develop approaches to common concerns.
4. Maintains confidentiality of executive sessions.
5. Prepares for meetings, reads documents and materials thoroughly, and makes use of educational opportunities to gain a further understanding of issues.
6. May act as a voting member of an approved committee to establish a quorum as requested by a committee chair.

7. Abides by all laws and policies governing the operation of the HOA, and ensures the HOA complies with federal, state, and local laws, bylaws, and develops working knowledge of Articles of Incorporation, Bylaws, and policies and procedures.
8. Identifies, collects, and analyzes information needed to effectively maintain direction and achievements. Reviews and assesses the HOA's performance against objectives, resources, plans, policies, and services rendered, and identifies obstacles, new directions, and goals.
9. Completes assigned projects in a thorough and timely manner.
10. Ensures a smooth transition when leaving the Board, including (if applicable to the director position):
  - a. changing signatories at the bank and Cetera
  - b. notifying the CPA for tax document purposes
  - c. returning clubhouse key(s)
  - d. handing off Board liaison position materials
  - e. transferring files, passwords, and
  - f. providing a list of all Board decisions made during the prior year, including tasks/activities completed and any that remain to be completed.

#### Duties of Officers Duties of the President

1. Acts as chairperson at all meetings of the membership and presides at all Board meetings.
2. Ensures order during meetings.
3. Signs all contracts or instruments of the HOA as authorized by the Board.
4. The president may call a special meeting of the Board of Directors at any time; personal notice must be given to all Board members by the corporate secretary at least 7 days in advance (unless a majority of Directors concur in the call for the meeting with less notice, but in no event less than 3 days). Identify the person responsible for the action and comply with notice requirement of ORS 94.640(8).
5. The president may call a special meeting of the members. Notice of special meetings of the members must be provided to all members in writing by the corporate secretary at least 20 days prior to the meeting. Identify the person responsible for the action.
6. To ensure that attorney expenses are controlled, the corporate attorney may be contacted only with the pre-approval of the President or by Board vote. Any Board member may contact the corporate attorney at their own expense. Serve as liaison between the HOA and legal counsel, subject to action by the Board of Directors.
7. The president is the primary supervisor for all paid employees. The president may delegate his/her supervisory duties from time to time to another member of the BOD upon written notice to the BOD and to the affected employees.
8. The president has no individual powers other than those noted above.
9. Per ORS HOA Statutes 94.657 & Robert's Rules of Order, the President is a member of the Board and has exactly the same rights and privileges as all other members have, including the right to make motions, speak in debate, and vote on all questions.

10. The President can make or break or tie.

#### Duties of the Vice-President

1. Presides at meetings in case of the absence or disability of the president.
2. Assumes all duties of the president during such periods of absence or disability.
3. If acting as President, shall only vote in the event of a tie vote on matters coming before the Board.

#### Duties of the Corporate Secretary

1. Attests with signature and corporate seal all instruments executed for the HOA.
2. Reviews all contracts and other documents requiring attestation.
3. Safeguards corporate seal when not in use.
4. Certifies elections and membership votes.
5. Provides notice of meetings.

Ref: Bylaws Art III & V, ORS Chapter 65.301, 65.374; ORS 94.550 thru 94.783

### **B3 Financial Responsibilities of the Board of Directors**

1. Board members are individually responsible for ensuring the financial integrity of the HOA. The Secretary-Treasurer is responsible for controlling expenditures as outlined in the approved budget.
2. Board members, who initiate, vote for, or assent to unlawful distributions of corporate funds are personally liable to the HOA for the amount of the unlawful distribution unless they are found to have acted in good faith with prudent care and in the best interests of the HOA. (per ORS 65.367)
3. Board members may be reimbursed for actual reasonable expenses incurred in pursuance of the business of the HOA as authorized and pre-approved the Board.
4. When a project is approved and assigned to a Director or member, the Board establishes a project budget. Expenditures may then be made within the project budget without specific Board authorization of individual purchases. The Secretary-Treasurer, however, must be notified of any expenditure before any funds are obligated, to ensure that the expenditure is within budgetary parameters.
5. Board members may not individually assign work to staff members that are beyond the scope of their usual and routine duties, especially if it is likely that overtime will be required to accomplish both routine duties and the special work.
6. To ensure that attorney expenses are controlled, the corporate attorney may be contacted only with the pre-approval of the President or by Board vote. Any Board member may contact the corporate attorney at their own expense.
7. Board members receive no direct compensation for their services, nor do they receive mileage reimbursement for travel within Bayshore.
8. Board members may be reimbursed for office supplies utilized for HOA business. Requests for reimbursement are made to the secretary-treasurer and are subject to budgetary constraints. It is preferable that members request that the HOA furnish or replace such supplies.

9. The Secretary-Treasurer is responsible for reporting potential abuses, budgetary overruns, and irregularities to the president and to the Board of Directors.
10. (Ref: Articles of Incorporation Art III, Art VII, Bylaws Art III & V, ORS 65.357 & 65.369)

#### **B4 Election of Directors and Member Voting**

##### Election of the Board of Directors

1. The election is held at the Annual Meeting of members. There may be no more than two Directors from any single division, and all divisions are represented if possible. Elected Board members serve three-year terms to replace the Directors whose terms have expired.
2. The nominating committee is responsible for providing a slate of candidates. (*See Nominating Committee policy.*) All members in good standing are eligible for nomination.
3. All candidates must read the Board Policies and Procedures and attest in writing that they understand the responsibilities of the Board and agree to serve (*see election committee policy*).
4. Directors may be appointed at any Board meeting to fill a vacancy until the next election. A Director appointed to fill a vacancy shall hold office until the next Annual Meeting of the members, at which time they shall elect a Director to fill the unexpired balance of the term, if any, of the office in which the vacancy occurred.
5. A Director who has served two consecutive terms may not be nominated for third term; however, this Director may continue to serve until there is an eligible replacement.
6. In the event a Director can no longer qualify as an owner and ceases to be a member, they shall automatically cease to be a Director.
7. See specific information about elections under the elections committee policy.

#### **B5 Meetings and Meeting Minutes**

##### Meetings of the Members

1. The Annual Meeting of the members is held on the third Saturday in May. Board elections are held at the annual meeting.
2. Special member meetings may be called by the president, the Board, or at the request of ten percent of the members. Business transacted at special meetings is confined to the purposes stated in the notice.
3. All members are notified of member meetings in writing by the corporate secretary no less than 20 or more than 50 days in advance. The notice must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declarations or bylaws, any budget changes or any proposal to remove a Director or officer.
4. The president presides over all member meetings. Meetings are conducted according to Roberts Rules of Order.
5. A minimum of fifty members, present or represented by written proxy at the beginning of the meeting, constitutes a quorum and allows the transaction of business.

6. All member meetings are open to the entire membership. Members who wish to have business placed on the agenda are requested to inform the HOA in c/o the Office Coordinator at least 10 days before the meeting.

#### Regular Board of Directors Meetings

1. Regular Board meetings are held on the third Saturday of June, July, August, September, October, November, January, February, March, and April. An organizational meeting is held immediately after the Annual Meeting in May.
2. All Board meetings are open to the membership, and members may request to be on the agenda and address the Board by notifying the office at least 10 days before the meeting. Length of presentations may be limited by the Board to allow time for all regular business to be conducted in the time allotted for the meeting. The Board may decide to defer in-depth discussion of issues brought up by members. The issue is rescheduled for a future meeting with scheduling consideration being given to the topic's priority and immediacy, time needed to prepare for discussion, and length of time required to adequately address the issue.
3. At regular meetings, input from members who have not requested to be on the agenda may be restricted to enable the Board to conduct necessary regular business in the time allotted.
4. Executive sessions may be held to discuss issues requiring confidentiality. The Board must vote in an open meeting whether to meet in executive session, and the president must state the general nature of the action to be considered and when and under what circumstances the deliberations can be disclosed to members. The statement, motion or decision to meet in executive session must be included in the minutes.
5. The following matters may be considered in executive session:
  - Consultation with legal counsel concerning the rights and duties of the HOA regarding existing or potential litigation or criminal matters
  - Personnel matters, including salary negotiations and employee discipline
  - Negotiation of contracts with third parties
  - Collection of unpaid assessments
6. Attendance of members and employees is by invitation only. Executive sessions are for discussion purposes only, and minutes are not required. No decisions or votes may occur during executive session. The Board must reconvene in open meeting and vote on the contract or action, which must be reasonably identified in the open meeting and included in the minutes.

#### Working Board of Directors Meetings

1. Working meetings are held as deemed necessary and are scheduled at least 2 weeks in advance by verbal or written notice to all Board of Directors members.
2. Meeting notice is posted on the office door at least three days in advance and as early as possible along with any available agenda topics. Members are welcome to attend and observe, but may not participate unless specifically invited to do so.
3. Executive sessions may be held as previously cited. Special Board of Directors Meetings

1. Special Board meetings may be called by the president or the Board. All Board members must be notified at least seven days in advance; this notice may be waived in writing. Any waivers must be filed with the minutes.
2. Emergency meetings may be conducted by telephonic communication. ORS 94.641 states: "Emergency meetings of the Board of Directors may be held without notice, if the reason for the emergency is stated in the minutes of the meeting and emergency meetings may be conducted by telephonic communication."
3. Member participation and executive sessions are the same as for working Board meetings.

## Minutes

Minutes are kept of all member meetings and regular, working, and special Board meetings. Minutes must include an attendance roster, a general description of topics discussed, and details of all motions made and votes conducted.

Action may be taken by the Board without a meeting as long as the action is taken by all the members of the Board of Directors, as outlined in ORS 65.341. The action must be evidenced by written consent describing the action taken and signed by each Director. The action is included in the official HOA records and posted in the club along with meeting minutes.

## Policies and Procedures Committee Report Regarding Electronic Voting at Emergency Meetings

ORS 94.640 Only emergency meetings of the Board of Directors may be conducted by telephonic communication or by the use of a means of communication that allows all members of the Board of Directors participating to hear each other simultaneously or otherwise to be able to communicate during the meeting. A member of the Board of Directors participating in a meeting by this means is deemed to be present in person at the meeting.

Electronic Voting. ORS 94.661 and ORS 100.428 authorize planned community homeowners HOAs and condominium HOAs to provide and receive ballots through electronic means unless the HOA's governing documents specifically prohibit it. However, there are a number of exceptions, conditions, and limitations. Again, the laws governing electronic voting in planned community homeowners HOAs and condominium owners HOAs are virtually identical.

Methods. HOAs may send and receive ballots by **email**, fax, website, or any "other means of electronic communication acceptable to the Board of Directors." Any ballots sent by electronic means must still comply with the statutory requirements for form and content set forth in the statute or the governing documents.

As in all meetings of the HOA, minutes should be taken.

(Ref; Bylaws Art III & IV, ORS 65.201 et seq., ORS 65.337 et seq, ORS 94.640)

## **B6 Board Agendas**

### DEVELOPING BOARD AGENDAS -

1. The Board of Directors and Committee Chairpersons are required to have Agenda items to the Office Secretary or the Corporate Secretary two weeks prior to a Board of Directors meeting.

2. The Board of Directors shall require the Office Secretary or the Corporate Secretary to have the Agenda prepared and emailed five days prior to the Board of Directors meeting.
3. The agenda developing process has to be open to all Directors, at least to the degree that a Director wants to actively participate. However, it is not feasible to have all Directors involved when requests are made for Board time by non-members. Outside inquiries can easily be re-directed to a committee, to an officer or Director who is available to “take a meeting”. If a Director(s) thinks the Board would have a genuine interest in the inquiry, follow the procedure to request time on the next available agenda.
4. Committees should also consider whether special presentations are really necessary at Board meetings. Determine an allotment of time for committee reports & presentations. Let them use their time however they see fit.
5. Member comments are available at the end of regular scheduled Board meetings, time permitting. Members can sign in prior to the end of the meeting if they wish to speak. Members need to provide their name, address and topic prior to speaking. Members will be given a time limit of 3 minutes. This is not a forum for open discussion, and a response to member comments is not required of the Board.
6. The Bayshore Board of Directors encourages all members to attend Board meetings with the reminder that these meetings are not “member” meetings and therefore, participation from the floor is not appropriate. Chair needs to enforce!

#### **B7 Education of the Board of Directors**

1. Any member who accepts a nomination or applies for appointment to the Board is required to read and sign acknowledgement of the policies relating to the Board of Directors prior to being placed on the ballot or considered for appointment.
2. Potential Board members are encouraged to review meeting minutes and financial reports and ask any questions they may have so they may make a fully informed decision regarding the commitment they are making regarding Board membership.

#### **New Board Member Orientation**

Within two months of election or appointment to the Board, members are expected to review the materials provided in the orientation packet.

An orientation packet is provided including the following;

1. Current year's budget,
2. Last year's monthly minutes,
3. ORS Chapter 65,
4. Board and all committee policies & procedures,
5. Bylaws, C&Rs, Articles of Incorporation, Guidelines for Determination
6. Job descriptions

7. Long term strategic planning documents
8. Last 3 issues of the Bayshore Breeze

A presentation by the Financial Contractor regarding Bayshore's financial process will be given.

References are loaned (and can be copied as requested) to include:

1. Archived meeting minutes
2. Oregon Non-Profit HOA Handbook
3. Financial reports

## **B8 Financial Control Procedures**

These procedures are intended to assure that the approved budget is actively used in all spending decisions. The only way to ensure effective financial controls is to have the expense approved prior to spending the money. Spending the money first, and then checking the budget, is inappropriate. These procedures apply to both expenses and capital expenditures.

### Roles and Responsibilities

The Board will select a Board Member to serve as **Budget Coordinator**. This person has the following responsibilities:

1. Identify potential budget overruns.
2. Approve non-repeating expenditures within the limits of these guidelines.
3. Communicate the status of the Budget vs. Actuals throughout the fiscal year.
4. Revise the Budget as needed and communicate these revisions to the Board. Board approval may be needed for these revisions as outlined in this procedure and the Bylaws.
5. Serves as Board liaison to the Budget Committee.
6. A presentation by the Financial Contractor regarding Bayshore's financial process to be given to the Directors during New Board Orientation.

The **Secretary-Treasurer** has the following responsibilities:

1. Identify potential budget overruns.
2. Make recommendations for revisions to the budget.
3. Verify that a requested expense is within the budget limits.
4. Approve repeating expenses such as utilities and salary.
5. Have monthly financial reports including Statement of Financial Position (Comparative Balance Sheet) and Profit and Loss Budget to Actual Comparison prepared and distributed to the Board members and members of the Budget Committee.
6. Review Aging Reports for Accounts Payable and Accounts Receivable on a monthly basis.
7. Assist the Budget Committee in preparation of the Budget. The **Board** has the following

responsibilities:

1. Approve the original budget.
2. Approve final contracts from the Physical Assets Committee.

3. Approve emergency expenditures as defined in the Bylaws.
4. Approve any major revisions as defined in this procedure.
5. Review financial reports on a monthly basis.
6. Items carrying over from capital projects not completed by fiscal year end need to be approved by the Board of Directors before money is carried over and/or allocated to the next fiscal year budget.
7. Approval of Expenses

If the Expense item is included in the Approved Budget: No further approval is needed except for the capital expense projects. The process for the capital expense items listed in the budget will be assigned to the Physical Assets Committee for review and to request bids and estimates. Once the committee has completed their review, the estimates are to be presented to the Board of Directors for final approval.

- If the Expense item exceeds the amount in the Approved Budget or the Expense item is NOT included in the Approved Budget:
- If the item is under \$100, Budget Coordinator must approve prior to the expense occurring.
- If the item is over \$100, and the funds are available in another item or in the Contingency, the Budget Coordinator and the President must approve prior to the expense occurring.
- If the item is over \$100, and the funds are NOT available in another item or in the Contingency, the Board must approve the expense.

#### Approval of Budget Revisions:

1. The Board must approve any revisions that alter the Total Income, Total Cash Disbursements or Total Capital Projects.
2. If the Income is exceeding the estimates during the year:
3. The difference may be spent on either Cash Disbursements or Capital Projects. The Board must approve these revisions in the Approved Budget.
4. If the Income is falling short of the estimates during the year:  
The expenses should be reduced to reflect this change if possible. If the expenses cannot be reduced, the Board must approve these revisions in the Approved Budget and a transfer from the Reserve Fund.
5. If additional Capital Project expenditures are required for an emergency, that is, for the protection of club property or interests:
6. The majority of the Board must approve these revisions in the Approved Budget and a transfer from the Reserve Fund.  
(Ref; Bylaws Art V, ORS 94.630 & 94.645)

### **Ethical Standards for Board Directors and Committee Members**

All who volunteer for the Bayshore Beach Club, Inc. (BBCI), must sign a statement avowing to understand and abide by the Ethical Standards Statement in all matters pertaining to their volunteer work for BBCI. Two copies will be made, one for the member to keep and one to be filed in the BBCI

office. The following statement outlines the ethical standards by which all volunteers are expected to follow.

1. Board directors and committee members act as representatives of the members of the BBCI, and therefore must adhere to the highest ethical standards in the conduct of Beach Club business.
2. Board directors and committee members are expected to place the interests of the BBCI above their personal interests. They are expected to keep the needs and desires of the membership at the heart of all tasks performed.
3. Board directors and committee members will discharge duties in good faith, with care an ordinarily prudent person would exercise under similar circumstances in the best interests of the BBCI.
4. Board directors and committee members are expected to behave in a professional manner when dealing with property owners, contractors, the staff and each other. (Ref; Bylaws Art I & Articles of Incorporation Art III)
5. Conflict of Interest
  - a. Board directors and committee members may not take official actions that may result in financial benefit for the member, the member's relatives, or a business with which the member or the member's relatives are associated.
  - b. Board directors and committee members may not use or attempt to use their position or office for the avoidance of financial detriment that would not otherwise be available. Examples include:
    - i. accepting cash or a promise of a job in return for a certain vote or administrative decision;
    - ii. using BBC supplies or equipment for personal purposes;
    - iii. using confidential information obtained because of official position for personal financial gain; and
    - iv. asking or allowing paid staff to do personal tasks.
  - c. Board directors and committee members must publicly declare any direct or indirect conflict of interest prior to discussion, recommendation, vote, or other official action on an issue. (*See ORS 65.361 for detailed discussion.*)
  - d. Conflict of interest does not apply to situations where all the members of the Board are affected to the same degree, as in setting annual dues. (Ref Bylaws Art IX)
6. Board directors and committee members are expected to respect the opinion of other members and accept the principle of majority rule in Board and committee decisions. They should reserve judgment until all facts are known and/or points of view expressed.
7. Board directors and committee members are expected to behave in a professional manner when dealing with other directors and committee members, other members of the BBCI, staff, and others while involved in BBCI concerns. Substantiated incidents of profanity, out of control behavior, verbal or physical threats, or other unprofessional behavior are grounds for removal. (Ref: ORS 65.357, 65.369, 65.377)
8. Board directors and committee members are expected to do everything in their power to keep operating and capital expenditures as cost effective as possible.
9. Board directors and committee members are expected to meticulously comply with the C&Rs, the Guidelines for Determination, the Bylaws, the Policies and Procedures, and other community rules.

10. No individual Board member may speak for or act on behalf of the Board or BBCI except as authorized to do so by official Board action as recorded in the official minutes, guidelines, or policies of the organization.
11. Committee members are expected to work closely with the Board on all matters of the committee.

All Board and Committee members will sign the Ethical Standards Statement (see appendix) when they take their position(s).

## **Relating to Committees**

### **C1 Committee Membership**

1. Each committee will have between 2-5 members in good standing, and at least one Board Liaison.
2. Board liaison - Member of the Bayshore Board is liaison between the committee and the board and is an active member of the committee.
3. Appointment by the board – All members who wish to volunteer must submit a letter of intention to the Board of Directors which details their relevant background and skills.

#### Opening for Committees

1. When a committee membership is open, the BOD will announce the opening following the notice of opening but prior to the next board meeting in the Breeze and/or on a Forum available to all members.
2. The BOD will vote at the next meeting.
3. Letters of intent must be submitted 10 days prior to the board meeting.

#### Chairperson:

1. The chairperson is elected by a majority vote of the committee members and should have an extensive knowledge of the bylaws, and Guidelines for Determination.
2. The chairperson should expect to contribute from eight to sixteen hours per month.
3. The chairperson reports to the Board
4. The chairperson calls meetings, coordinates the activities of the committee, and reports committee activities and status to the Board. He/she works closely with the Office Coordinator to ensure that completed paperwork is mailed to the property owner and office files are maintained. The chairperson provides informational packets to newly appointed members and provides needed training.

Bayshore recognizes that talented individuals have strong connections to the Bayshore but are not technically owners of property within Bayshore. If the BOD determines there are significantly strong ties to the Bayshore community and it would be in the best interest of the HOA to appoint a particular person to a committee where membership is not otherwise specified by the Declaration, Bylaws, Articles of Incorporation or Oregon law, the BOD may do so. NOTE: ALL members of the Planning Committee, Budget Committee, Nominating Committee and Long Range Reserve & Physical Assets Committee MUST be a member in good standing in order to serve on those committees.

## **C2 Planning Committee**

### Membership

1. The committee consists of three or more members in good standing. Volunteers are appointed by the Board.
2. Committee Members shall not be active contractors or realtors, by profession, due to conflict of interest.
3. The members should have varying backgrounds and be interested in carrying out and enforcing the Guidelines for Determination, and any amendments to the C&Rs or Guidelines.
4. Members should have the ability to read plans, have a knowledge of construction and zoning laws, understand laws, and have the ability to interpret and apply the Bylaws, and Guidelines for Determination.
5. All members receive an informational packet containing the following:
  - Policies and procedures of the committee
  - Committee members' name, address, and phone number
  - Board members' name, address, and phone number
  - Bayshore planned events calendar
  - Bayshore division maps
  - Bayshore Guidelines for Determination including all amendments
  - Bayshore Covenants and Restrictions
  - Builder's checklist for new and remodel construction
  - Letter to excavating contractors, dated 4/10/03
  - Letter from the Bayshore Road District, dated 3/12/03
  - Letter regarding installation of culverts, dated 6/7/99
  - Fine system and schedule of fines
  - Any other printed information developed to aid in decision making.
  - Members will use plat maps, zoning and building requirements, Bayshore ownership records, and archived plans to aid in discharging their responsibilities.

### Meetings

1. The committee meets at least twice a month to review building plans, building modifications, C&R violations and any other required items to enforce the C&Rs.
2. A majority of the membership shall constitute a quorum, which is required for all formal actions taken by the committee.
3. Meeting Minutes including attendance and actions taken are recorded and retained in the office.

### Duties & Responsibilities

1. Carry out and enforce Article I, Article II, Section 3 of Article III, and Section 2 of Article V of the Covenants and Restrictions.
2. Approve in writing applications for lot and building improvements after reviewing plans for accuracy and completeness.

3. Monitor all Bayshore divisions for C&R construction violations and notify property owners of violations in writing.
4. Communicate with all parties to a complaint and maintain a master log of violations and resolutions.
5. Forward non-compliance issues to the Board.

## C&R Violations

### Introduction

The BOD has the responsibility to enforce the C&Rs that we all agreed to when we purchased our property. There have been, over the years, numerous violations to the C&Rs with inconsistent attempts at correction. The fact is that there are a few property owners that through lack of knowledge or lack of respect of the C&R's, commit violations. These few people have created problems for their neighbors and neighborhood. This can cause a loss of property value as well as making the area less livable.

Having noted the problem, what can be done about it? Our Articles of Incorporation and By-Laws require the BOD enforce the C&Rs by whatever means may be necessary and proper. Through the years the Planning Committee has had some success in dealing directly with a violating property owner; however in some cases the violator does not respond or show any concern about adhering to the C&Rs. In the past the only way the BOD could force the property owner to make corrections was to take them to court. This method is expensive for HOA and the property owner. Our legal counsel agrees that imposing fines, on these few violators, is an effective way to encourage property owners to conform to the C&Rs without going through litigation.

The only persons who need to worry about being fined are those who do not follow the C&Rs and those who choose to ignore the Notices of Violation that they receive. If you will read the following pages of this Section, you will find the Fine System process and details spelled out.

If you have any questions regarding the process or any of the conditions, contact a member of the Planning Committee for clarification.

### Covenant and Restriction Violations

#### First Action to be taken in the case of a violation

1. Members are encouraged to work out differences between themselves before taking any formal action. Members not able to come to an agreement should file a complaint with the Planning Committee by filling out and signing a Complaint Form.

#### Who reports violations and to whom?

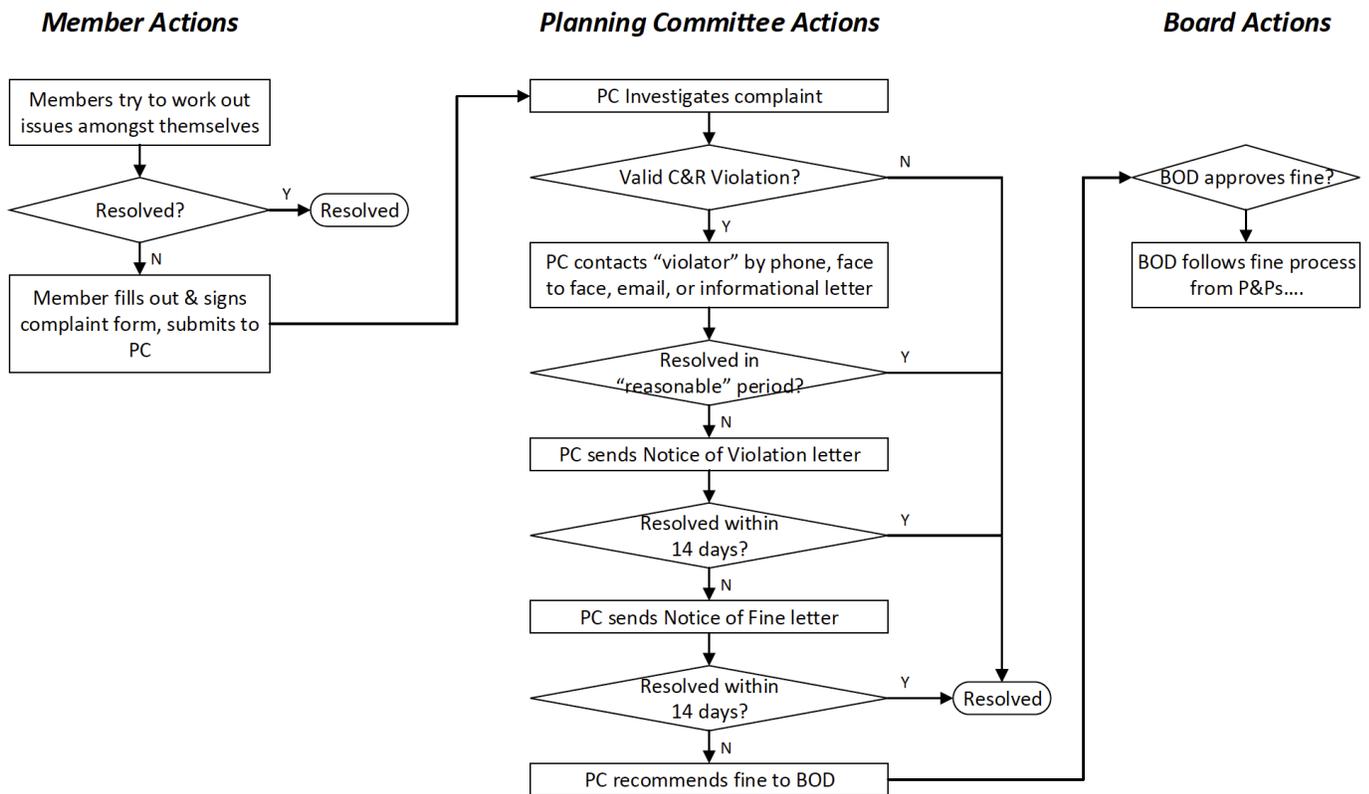
2. Construction violations (C&R Article I, Article II, and Section 3 of Article V) are to be observed and reported by members of the Planning Committee at the next regular Planning Committee meeting. Construction concerns may be brought to the Planning Committee by any member.
3. All other alleged violations may be brought to the attention of the Planning Committee by any member.

#### How are violations reported?

1. Planning Committee is to complete a Violation report, kept on file, noting the construction and/or property violation details.
2. Membership reported violations/complaints; a member must fill out a signed Complaint Form detailing the date, time, place and nature of the problem.

How are violations dealt with?

1. After the Planning Committee has a report or complaint form in hand, a Planning Committee member is to make personal contact (phone or face to face) with the property owner or owner's representative, explain the violation and seek cooperation in a corrective action. A reasonable time period is to be allowed for corrective action. If the violation is a construction violation, work must stop on the project until corrections are made.
2. As soon as corrections are made, the property owner is to advise the Planning Committee as soon as possible to prevent any further violation notices.
3. If verbal contact cannot be made or property owner refuses to cooperate, a **Notification of Violation Letter** is to be sent via first class mail and giving 14 days to respond.
4. If 14 days expires with no response, a **Notice of a Fine Letter** will be sent via certified mail and the same letter will be sent via first class mail.
5. If 14 days passes without a response, the Planning Committee will make a recommendation to the Board of Directors to issue a Fine. A person receiving a Fine issued by the Board of Directors will be given until the next scheduled Board meeting to appeal the decision to the Board of Directors.
6. The following diagram summarizes the violation process



Assuming no results from 2nd notice, what next?

1. Upon imposing the fine the BOD is to notify the property owner and offer the opportunity to appeal the Fine at the next scheduled BOD meeting. If the fine is not received within the 14 days of BOD notification, then a lien may be filed against the property until the fine is paid and lien

release is completed. All lien fees, filing and release fees, and associated costs are to be paid by the property owner.

2. Property liens will not be imposed if the property owner responds by any of the methods noted above and within the time period noted. If a property owner cannot be reached by phone or mail, and they can provide ample assurance that the violation will be corrected and not occur again, then the BOD can reduce or suspend the fine. However, the cost of filing and release of the lien is to be the responsibility of the property owner. The correction must still be accomplished within a reasonable amount of time, with the agreement of the Planning Committee; otherwise, the fine will be imposed with no other allowance of time.
3. Lien satisfaction may be through payment of fines and/or fees (see #2). Payment may be in lump sum or scheduled payments over time as agreed by BOD. If payments are not received timely, the lien will stay in place and late fees will be assessed at \$10.00 per month.

#### Hardship cases

1. If a property owner is physically or financially unable to make corrections noted on a violation notice, special consideration may be given by the BOD. A committee of volunteers may be organized to aid these people. However, the property owner must convince the Planning Committee that they are not able to make corrections on their own.

## Repeat offenders

1. The BOD may elect to impose a heavier fine on property owners that have repeatedly violated the same C&R and show a lack of desire to make corrections noted on notice of violations. A limit of double the scheduled fine may be imposed in these cases.
2. Contractors with a history of violating the C&Rs will be warned when they submit plans for a property owner, that violations will not be tolerated, and the property owner will be advised of the warning notice given to the contractor. Since the property owner is ultimately responsible for all activity on their property, this is the only way the Planning Committee can protect the property owner in cases where the contractor has repeatedly violated Bayshore C&Rs.

## Management of Tree Height Complaints

1. This process is undertaken in the spirit of neighborliness. All parties are encouraged to participate in negotiation so that the view is satisfactorily restored while the trees are preserved to the greatest extent possible.
2. When a written complaint concerning the height of trees, shrubs, and/or plants (hereafter referred to as "trees") is received by the HOA, it is forwarded to the Planning Committee for action.
3. The Planning Committee is responsible for scheduling an on-site meeting with the complainant and at least three committee and/or Board members. The chosen attendees may not have a personal interest in the decision.
4. At the meeting, the complainant is asked to specifically identify the offending trees. The committee members verify that the trees are blocking a scenic view or inhibiting sunlight and that the trees are not original. Pictures may be taken for illustration. The committee members then determine the desired action to be taken (tree topping, shrub pruning, etc.) and the tree height that will restore and preserve the view.
5. The committee is then responsible for notifying the property owner(s) involved of the desired action and requested completion date. The property owner(s) are further informed of their right to appeal the committee's decision to the Board of Directors.

## Height Variance Procedure

1. Determinations will be on an individual lot basis.
2. For detailed requirements for a height variance refer to Guidelines for height exceptions.
3. Notification and Application Fee.
  - a. Height Variance requests submitted by the property owner/builder must be followed by written notification sent by the Planning Committee to all property owners within 300 feet of the applicant's lot lines. An application fee shall be assessed to cover the handling and notification expenses by the Planning Committee.
4. The Planning Committee shall hear the request no sooner than 30 days after the mailing, at the next regularly scheduled Planning Committee meeting.
5. Time Limit & Restrictions.
  - a. Height Variance approvals shall be valid for a period of 120 days from date of issue unless construction has commenced during the time. Height Variance approvals are not transferable or sellable; and are null and void if property is sold.

6. If an approval expires, the applicant shall be required to re-submit an application in accordance with these guidelines.

#### Appeal of Planning Committee Decisions

1. Any final, written decision made by Planning Committee may be appealed to the Board of Directors for re-consideration. The appeal may only be made by or on behalf of a member who was a party to the original matter and who is adversely affected by the decision. The appeal must be made within 60 days of issuance of a final written decision.
2. To file an appeal, the involved member must notify the Board in writing. Appeals may be made by physical delivery of the notice to the Office Coordinator or by placing the notice in first class mail addressed to the Board. The appeal request must be received by the Board at least 14 days prior to a regular or special meeting to be placed on the agenda. Failure to file within the 14 day period shall not defeat an appeal, but the appeal shall be heard at the next available regular or special meeting of the Board.
3. The appeal notice should contain a copy of the final written decision of the issuing committee, written arguments by the member for amending the decision and proposed resolution of the issues involved. On receipt of the appeal notice, the President will direct the Office Coordinator to notify the Planning Committee of the appeal and request the committee to provide any pertinent written material to be included in the Board packet, as is any material provided by the member filing the appeal.
4. Both the appealing member and representative(s) of the committee are requested by written direction of the President to attend the meeting to give testimony. Both parties may present written testimony in lieu of or in addition to verbal testimony. Third party testimony may be permitted at the discretion of the President.
5. Once the Board has heard the evidence, a decision is made to uphold, modify, or reverse the committee decision. The Board decision is final.

A copy of the Board decision is provided to the committee and the member. A copy of the decision shall be maintained in the member's file.

### **C3 Budget Committee**

#### Membership

1. The committee consists of three or more members in good standing. Volunteers are appointed by the Board. The Secretary-Treasurer and the Independent Financial Contractor will participate as active ex-officio members of this committee.
2. The members should have varying backgrounds including but not limited to knowledge of accounting, purchasing, construction costs, and fiscal responsibility. They should be able to analyze financial documents.
3. Members should expect to contribute from two to four hours a month.
4. All members receive an informational packet containing the following:
  - Committee and Board financial policies and procedures
  - Current and prior fiscal year financial statements
  - Current and prior fiscal year approved budgets
  - Committee members' name, address, and phone number
  - Board members' name, address and phone number
  - Any long-term financial planning and goal setting documents

1. Prepares the fiscal year budget for Board approval, analyzing present and forecasting future capital improvements and operational costs.
2. Reviews monthly financial reports and helps guide the Board through the implementation of and compliance with the adopted budget.
3. Provides accounting training and backup for the secretary-treasurer.
4. Works closely with the secretary-treasurer, accountant, and facilities manager to see that the budget is adhered to, and provides assistance in purchasing and inspection of contract work.
5. Solicits proposals for tax preparation services, and serves as liaison between the Board and the engaged auditor, to be implemented if the Board of Directors orders a review.
6. Works closely with the Board to ensure financial integrity.
7. Timeline for Annual Budget Preparation

February: Committee requests to the Board of Directors

March: Board of Directors requests to the Budget Committee April: Budget

Committee sends draft to the Board of Directors May: Draft of budget to Annual

Membership Meeting

June: Board of Directors final approval Chairperson

1. The chairperson is elected by a majority vote of the committee members, and should have at least minimal experience in financial operations.
2. The chairperson should expect to contribute from five to ten hours per month.

3. The chairperson reports to the Board and shall be the liaison between the committee and the Board.
4. The chairperson calls meetings, coordinates the activities of the committee, and reports committee activities and status to the Board.
5. The chairperson presents and recommends budgets for Board approval.
6. The chairperson distributes informational packets to newly appointed members and provides needed training.

#### Meetings

1. The committee meets as needed to review financial information and formulate budgets and long-range planning documents.
2. A majority of the membership constitutes a quorum, which is required for all formal actions taken by the committee.
3. Meeting minutes including attendance and actions taken are recorded and retained in the office.

(Ref; Bylaws Art V, ORS 94.630 & 94.645)

#### **C4 Communications Committee**

*Our mission is to implement and oversee effective communications through a variety of delivery systems with particular focus on dissemination of information from the Board of Directors as well as Bayshore Committees, including Planning, Physical Assets, Budget, Communications, Nominating, Social, Policies and Procedures, and Safety. The Communications Committee also informs members of issues, activities, and Bayshore community news and encourages community involvement with the ultimate goal of contributing to a sense of belonging.*

#### Duties and Responsibilities

1. Ensuring that all HOA members receive and/or have access to information which enhances their knowledge of issues, events, and other activities relevant to our community by
2. Continually improving the Bayshore newsletter, the Breeze
3. Continually enhancing the Bayshore website
4. Supporting social and other community activities by promoting these events in the Breeze and on the website
5. Periodically polling the community for constructive feedback on a variety of topic matters with emphasis on how we can improve our overall communications' effectiveness.

## **C5 Nominating Committee**

1. The Nominating Committee shall be appointed annually no less than 90 days prior to the annual Member meeting, ideally, at the January Board of Director's meeting.
2. The committee shall consist of one member of the Board of Directors and two members at large. The Board member shall be selected by the Board, and the two from the membership at large shall be approved by the Board. The Board member shall not be the Board President. No member planning to run in the current election can serve on the Nominating Committee.
3. All members of the Nominating Committee shall receive an informational packet containing the following:
  - Policies and Procedures related to the Board of Directors and both the Nominating and Elections Committees.
  - List of Bayshore Board of Directors, their division, when each director was elected or appointed and when each term expires.
4. The chair shall be selected by the members of the committee and is responsible for coordinating the activities of the committee, and providing updates/reports to the Board and the chair of the Elections Committee.

### Duties and Responsibilities of the Nominating Committee

1. Verify the term of each member of the current Board of Directors to determine the number of vacancies and divisions needing representation.
2. Communicate, to the membership, information regarding the upcoming election including which Bayshore Divisions have opens seats and the election process. This may be accomplished by sending postcards to all members and utilizing all available emails.
3. Encourage members to represent their division on the Board of Directors with focus on any division that currently does not have representation.
  - Send a postcard with election information out to the entire membership.
  - Send an email detailing election information to the entire membership.
  - Prepare an article for The Breeze to recruit candidates.
4. Inform potential candidates of the duties and responsibilities of a member of the Board of Directors by providing all candidates, both those nominated prior to the Annual Member Meeting or nominated from the floor at the Annual Member Meeting, with all documents relative to Bayshore and the Board of Directors.
  - Bayshore Articles of Incorporation
  - Bayshore Bylaws
  - Bayshore C&Rs

- Bayshore Policies and Procedures
  - Ethical Standards Statement
5. Collect from each potential candidate, no later than noon on the last Friday in March, a signed Declaration of Candidacy, along with a signed Ethical Standards Statement and a statement acknowledging receipt of Bayshore Documents related to the Board of Directors (see above).
  6. Obtain a brief bio from each candidate to be distributed to the membership with the election's material in the member packet.
  7. Determine if each potential candidate is eligible to run for election
    - Is there an open position within the potential candidate's division?
    - Is the candidate a member in good standing?
      - Chair must receive the Declaration of Candidacy
      - Information obtained from Office Assistant.
  8. Notify all potential candidates, ten (10) days prior to the April Board of Director's meeting, whether or not each candidate is eligible to run. Candidates must meet both requirements.
    - Be a member in good standing
    - Be running for an open space on the Board of Directors, within the potential candidate's Division.
  9. Shall place in nomination, at the April Board meeting, a list of candidates for the open Board of Directors seats, along with related documentation. The documentation shall include, for all candidates...
    - Verification of each candidate's eligibility to run (see #3 above)
    - The signed statement acknowledging the receipt of Bayshore Documents
    - The signed Ethical Standard Statement
    - Receipt of photo (optional) and a brief candidate bio (200 words or less)
  10. Forward candidate photos and bios to the Elections Committee to be included in the member mailing and to the Communications Committee to be published in the the Breeze.
  11. Any member deciding to run after the last Friday in March deadline, will be considered a write-in candidate and must be nominated from the floor at the Annual Member Meeting in May. (See #12, #13 & #14 - below)
  12. Nominations may be made from the floor at the Annual Member Meeting, provided the member nominated has been contacted in advance or is present, agrees to serve if elected, and

provides the Nominating Committee with all signed relative documents, excluding the candidate photo and bio.

13. Notify potential candidates, who are nominated from the floor at the Annual Member Meeting, whether or not they are eligible to run. Candidates must meet both requirements.

- Be a member in good standing.

- Are running for an open space on the Board of Directors, within the potential candidate's Division.

14. Only if there are nominations from the floor, at the Annual Member Meeting, may any eligible candidate in attendance have no more than two (2) minutes of introduction to those in attendance. Otherwise, there shall be no further campaigning or discussion. The job of the Nominating Committee is complete.

## **C6 Election Committee**

1. The Election Committee shall be appointed annually at the March Board of Director's meeting prior to the Annual Member Meeting.

2. The committee shall consist of at least four (4) and no more than six (6) members at-large and shall be approved by the Board for the current election cycle. The Corporate Secretary shall be the liaison between the BOD and the Election Committee. If the Corporate Secretary is up for re-election, the Board of Directors shall appoint a member of the Board who is not up for re-election to act as a liaison to this committee as the Corporate Secretary's designee. No member planning to run in the current election can serve on the Election Committee.

3. All members of the Election Committee shall receive an informational packet containing the following:

- Nominating and Election committee policy and procedures

- List of Bayshore members by division with membership numbers used to track ballots/proxies

4. The chair shall be selected by the members of the committee and is responsible for coordinating the activities of the committee and providing updates/reports to the Board.

### Duties and Responsibilities of the Election Committee

1. The committee is responsible for running the election for new board members held at the Annual Member Meeting of members, the third Saturday in May.

2. Prior to the Annual Member Meeting, the committee is responsible for working with the Bayshore Beach Club Office Assistant in providing the following documents to be included with the voting packet for the membership:

- Written ballot/proxy

- Voting instructions

- How to mark and return ballot or use of proxy

- Secrecy envelope

- Return envelope (Marked with ballot or proxy)

- Date on which ballots must be returned; mailed ballots must arrive no later than the Friday before the Annual Member Meeting, the day before the counting of ballots. Hand delivered ballots must be received no later than when nominations close, prior to the official counting of the ballots.

- Date on which ballots will be counted

- Voting information

- Election of Board of Directors

- A list of the current Board of Directors, their respective divisions/term

- The number of vacancies on the Board of Directors

- Membership may select as many candidates as there are vacancies

- Ballot with candidate names placed in alphabetical order

- Proxy statement (only to be used instead of ballot)

- Brief bio from each candidate

- Any other issues being addressed at the Annual Member Meeting which requires votes, along with total votes and/or percentages required to approve ballot proposals.

3. Prior to the Annual Members Meeting, members must be notified at least ten (10) days before ballots are mailed, the nature of the vote and when the ballots will be distributed.

4. Members will be mailed one (1) ballot/proxy for each lot owned not less than fifteen (15) calendar days or more than fifty (50) calendar days prior to the Annual Member Meeting.

5. All completed mailed or hand delivered ballots or proxies shall be sealed and locked in the ballot box until the day before the Annual Member Meeting. After the office has closed on the Friday before the Annual Member Meeting, the Chair and at least two (2) other members of the Election Committee, shall verify mailed and hand delivered ballots and proxies with the Master Membership List. All verified ballots will be returned to the locked ballot box until vote counting commences at the Annual Member Meeting, the following day. All verified proxies shall be separated and returned to the locked ballot box ready for disbursement on Saturday.

6. Upon arrival at the Annual Member Meeting all members attending the meeting must check in at the voting tables. The same Master Membership List, used above, will be used to check-in members as they drop off ballots and/or register proxies.

- To verify ballots had not previously been turned in

- Previously received written ballots may not be revoked

- A provisional ballot or proxy may be provided if a member had not received nor returned a ballot or proxy.

7. At the Annual Member Meeting, the presiding officer shall ask for any further nominations. If there are nominations from the floor - see Nominating Committee #12-14.

8. If there are no nominations from the floor at the Annual Member Meeting, nominations will be closed.

9. Once nominations are closed, anyone who was nominated from the floor shall be considered a write-in candidate and no new ballots shall be printed. All outstanding ballots and proxies must then be collected at the direction of the Election Committee Chair and vote counting commences. No additional ballots, proxies or changes will be accepted.

10. Any member in good standing may observe the counting of the votes, but other than the Election Committee, no person may participate in or otherwise interfere with the process.

11. The total number of ballots must be reconciled with the Master Membership List. Any errors or inconsistencies on a ballot or proxy, that would invalidate it, must be noted, but the member will not be contacted to correct the problem. This information will be included in the final election report to the Board of Directors.

12. If there is any division without representation, the nominee from that division who receives the most votes will be selected to fill the first vacancy. All remaining Board positions are filled by popular vote. Those who receive the highest number of votes are selected until all other open seats are filled. Board positions will be filled with priority given to a full-term or the longest remaining term within each division.

13. The Chair of the Election Committee shall submit the final election results to the Corporate Secretary or the Board's appointed designee, who then is responsible for notifying the President of the voting results. The job of the Election Committee is complete.

14. All ballots and tally sheets for the election, shall be securely held for one (1) year, whereby, if there has not been an inquiry regarding the election or vote, the ballots shall be destroyed. (See Appeals Process)

15. The results of the election will be recorded in the minutes of the Annual Member Meeting and the new Board will take office. Any vacancy occurring after election results have been submitted to the Board of Directors is considered an appointment to the Board. (See Vacancy and Appointment Process)

### Appeals Process

1. If there is a question regarding the election, a query is officially filed with the Board of Directors no later than 30 calendar days after the final election results are published in the minutes. The form shall include the date the query is filed, name(s) of those filing and the reason for the query.
2. The query will be addressed by the Board of Directors whereby the issue(s) will be considered. The Board has 15 calendar days, after the Board meeting, to respond to the query.
  - Clarifying an issue
  - Appointing a 3-member task force to investigate
3. The taskforce has 30 calendar days to look into the query and report its findings, along with any recommendations to the Board at their next meeting. The Board of Directors will determine if any further action is needed.

### Vacancy and Appointment Process

1. Any member of the Board of Directors may resign or forfeit their position on the Board if they are no longer a member in good standing, a member of Bayshore Beach Club, Inc., or for any other personal reason.
2. After the final election results are reported to the Corporate Secretary, or designee, in the May Annual Member Meeting, any person filling a vacancy will be approved by majority vote of the remaining Board of Directors. This person will represent their district until the next Annual Member Meeting, whereby they will need to be elected by the membership to continue in that capacity.

### General Voting Procedures

1. Voting may take place in person at the Annual Member meeting by written ballot alone.
2. Members shall be entitled to cast one vote per lot, tract, or parcel owned regardless of the number of owners.
3. The vote or proxy of a lot may be exercised by a co-owner in absence of protest by another co-owner. If the co-owners cannot agree, the vote of the lot is disregarded completely. A valid court order may establish the right of co-owner's authority to vote.

4. Voting occurs for the following reasons:

- Election of the Board of Directors in conjunction with the Annual Member Meeting.
  
- Amendments to the Articles of Incorporation in accordance with Oregon law.
  
- Amendments to the Bayshore Beach Club Bylaws.
  
- Any modification, closure, removal, elimination, or discontinuance other than on a temporary basis of any swimming pool, spa or recreation or community building requires an affirmative vote by a majority of members.

Proxy

1. A member may designate another member as a proxy.
  
2. A valid proxy must state who is being given the proxy, the scope of authority and must be dated and signed by the member.
  
3. The proxy terminates within one year after its date unless a shorter term is specified.
  
4. For the purpose of board elections, proxies must be verified they are valid and registered with the Election Committee and tracked on the Master Membership List. Once nominations have been closed, all outstanding ballots must be collected at the direction of the Election Committee Chair. Any valid proxy may continue to be used, if the scope of the proxy authorized voting during the Annual Member Meeting.
  
5. A member may not revoke a proxy except by written notice of revocation at the time of the Annual Member Meeting.
  
6. If any voting has been done on a ballot, voting is considered completed and is not eligible for proxy.

**C7 Social Committee**

Duties and Responsibilities

1. The Social Committee will determine frequency of events, possible event themes, décor, menu, entertainment and prizes based upon available funds. Members of Bayshore may request certain events be held and assist with preparation and holding the event. Committee is to be in control of the facilities for the event.
2. Theme and estimated cost for each event shall be part of the annual budget planning process for submission to and approval of the Board of Directors. Fiscal responsibility must be exercised

while carefully balancing the enjoyment of the homeowners with the cost of each event. The committee may spend their allotted budget without further approval from the Board.

3. Door prizes shall be purchased rather than solicited. If a member or merchant independently offers to donate a door prize, it can be accepted for the event.
4. Committee members' event responsibilities include but are not limited to: shopping for food, decorations and door prizes; decorating the club house and tables; overseeing all aspects of the event including music, entertainment and door prize drawings; and clean-up of tables and kitchen.

## Meetings

The committee is ad hoc and meets as needed to effectively plan events. Membership

1. The committee consists of members who are property owners in good standing.
  2. The members should be interested in decorating, art, music, food, and social activities.
  3. Members should be willing to make a commitment to the success of the committee and committee-sponsored activities by contributing the time required for event planning, setting up, event clean-up and any other event-related activities.
  4. All members receive an informational packet containing the following:
    - Policies and procedures of the committee
    - Committee members' names, addresses, and phone number
    - Planned events calendar Committee Officers
1. Officers are elected by a majority vote of the committee members. Chairperson
  1. This member chairs meetings and is responsible for the overall organization of the committee and the coordination of event activities.
  2. The chair provides annual and special budget requests to the Board of Directors, has overall responsibility for the budget, and may act as Treasurer.
  3. The chair represents the committee at Board meetings and provides information regarding committee activities, upcoming events and budget.

## Vice Chair

1. In the absence of the chairperson, this member assumes all duties and responsibilities of the chairperson.

## Secretary

1. As requested, the secretary shall prepare meeting agendas.
2. The secretary shall take minutes of all social committee meetings for distribution to the committee members and the Bayshore Office.
3. The secretary provides information packets to new committee members. Treasurer

1. The chair may act as treasurer or request the election of a treasurer by the group.
2. The treasurer is responsible for tracking all social committee expenditures and assuring the budget is adhered to.
3. The treasurer reviews all receipts before approving them for reimbursement by HOA.
4. The treasurer provides budget reports at each Social Committee meeting.
5. Estimated costs shall be monitored during the event process. Purchases which are not approved by the treasurer or chairperson or a majority vote of the Social Committee shall be considered donations. Receipts for reimbursement shall be provided to the treasurer for approval and budget tracking purposes. The treasurer shall maintain copies of receipts as part of committee records. After approval for reimbursement, the committee member shall submit the original receipt to the HOA office for reimbursement.
6. Actual expenditures shall be reviewed at the earliest committee meeting following the scheduled event.

#### Subcommittee--Welcoming Committee

1. Members of this subcommittee provide Welcome Packets to new property owners. If the new property owner lives in Bayshore, the packet is personally delivered and they are welcomed to the community. If the new property owner does not live in the Bayshore residence, the packet is provided to the Bayshore Office for mailing.
2. Names and address of new property owners are obtained from the Bayshore office.
3. These members are responsible for the contents of the Welcome Packets. The packets should be brought to the Social Committee at least annually for review or revision
4. Records are kept of the number of packets delivered and mailed and reported on at each Social Committee meeting.

#### Board Liaison

1. This member of the Bayshore Board is the liaison between the committee and the Board and is an active member of the social committee.

#### Bayshore Social Committee Mission Statement

*To support the Board of Directors and the members of Bayshore by creating opportunities to help foster a friendly, social, healthy, safe and visually pleasing Bayshore Community.*

#### **C8 Long Range Reserve and Physical Assets Committee**

1. The Committee consists of two or more members in good standing. Volunteers are appointed by the Board. The Facilities Manager(s) will participate as active ex officio member to the committee.
2. Members should have varying backgrounds including, but not limited to, knowledge of maintenance, construction, budgeting, planning and/or other closely related fields.
3. Members should expect to contribute two to eight hours per month as needed.
4. Members should expect to receive existing documents and have access to office files related to Physical Assets and the Reserve Fund.
5. Bayshore governing documents are on-line for members to access.

## Duties and Responsibilities

1. Formulates and updated long range planning documents.
2. Commission and oversee preparation of a written report of the overall health of the BBC physical assets. If so directed by the BBC Board, issues related to the canal may be done by a separately appointed committee or consultant.
3. Prepares scope and schedule of long range Reserve Fund revenues, expenditures, and capital projects, and submits them to the Board for approval.
4. Provide annual budget request to the budget committee and/or Board.
5. Provide advice and support and works closely with the Facilities Manager.
6. Provide assistance purchasing, inspection, securing consulting services, preparing bid documents, and capital expense management.
7. Coordinates with other committees for the betterment of Bayshore.
8. Provide regular inspections of BBC physical assets and recommends maintenance items that may be needed to the Facilities Manager or Board.

## **C9 Bayshore Sand Lobby**

### Membership

1. The committee consists of two or more members in good standing. Volunteers are appointed by the Board.
2. Each member should expect to contribute from 15 to 20 hours per month.
3. All members should have knowledge of the following:
  - OAR 660-015-0010(3) – Oregon’s Statewide Planning Goals and Guidelines Goal 18 – Beaches and Dunes (<https://www.oregon.gov/LCD/docs/goals/goal18.pdf>)
  - Bayshore’s Dune Management Plan
  - Bayshore’s sand issues along south Oceania Drive and feeder streets. Duties &

### Responsibilities

1. Lobby the county and state on behalf of Bayshore’s interests, due to state level decisions being made without Bayshore interests being included.
2. Attend county and state meetings.
3. Submit written summary reports to Board of meetings attended and outcome.

## **C10 Safety Committee**

### Membership

1. The Committee consists of three to five members who are property owners in good standing or a resident of Bayshore who is approved and appointed by the Board of Directors to serve on this committee.
2. No specific expertise is required to be a member of this committee. Members bring their individual perspective in identifying safety issues and solving problems.
3. Members should expect to contribute a minimum of two to four hours per month to the work of the Committee.
4. Members should receive an informational packet containing the following: HOA governing documents; Committee members’ phone and email addresses; non-emergency Sheriff’s phone number; available information regarding Emergency Preparedness Cache; available information on tsunami exit routes; other pertinent safety information.

### Duties and Responsibilities

1. Appoint a chairperson.
2. Submit written reports to the Board of Directors regarding Committee meetings and outcomes.

3. When safety related meetings are held at the city, county or other local entity, notice is generally given to the HOA office. If possible, a member of the Committee would attend such a meeting and, if appropriate, include a brief summary of the meeting in the Board of Directors Safety Report.
4. Work in conjunction and cooperation with other Bayshore committees when appropriate, i.e. Sand Lobby, Planning Committee, and the Bayshore Road District with the intent of working to ensure road safety in all areas of Bayshore.

## **C11 Policies and Procedures Committee**

### Membership

1. The Committee is appointed by the Board and consists of one Board member and two to five members in good standing.
2. The Committee meets as needed.
3. Members of the Committee should expect to contribute approximately two hours a month on an as needed basis.
4. Members should receive an informational packet including: HOA Governing Documents; Committee members' telephone numbers and email addresses; Board members telephone numbers and email addresses.

### Duties and Responsibilities

1. The Committee addresses requirements for managing the affairs of the HOA.
2. The authority and responsibilities of the HOA are defined by: ORS Chapters 65 and 94, HOA By-Laws, Articles of Incorporation, and C&Rs. The provisions of these documents authorize, and in some cases, require, the Board to revise and/or make policies for the benefit of the property owners and enable the Board to administer the C&Rs.
3. The Committee makes recommendations to the Board.
4. The Board will either approve the recommendation or send it back for revision/resubmittal.
5. The Board is enabled to make revisions **only** if they do not conflict with HOA governing documents.
6. Membership may make recommendations in writing and presented to the Board of Directors seven days prior to a Board of Directors meeting.
7. A policy or procedure will go into effect at the time of the Board approval unless the Board elects to delay the effective date.

## Relating to Members

### **M1 Membership Cards and Club Privileges**

1. Two (2) membership cards are issued to each member upon payment of annual dues (in good standing).
2. Members whose property is used as a long-term rental may choose to transfer their club privileges to the renter; the member's club privileges are thereby suspended. The member or renter must bring the original membership cards to the office and show the lease to the office staff who then issues two membership cards in the renter's name and the office staff will keep the original cards.
3. If a member owns more than one property and uses one or more as a long-term rental, two cards are issued for each rental property upon display of a lease. The member may retain the original two membership cards if at least one of their properties is not used as a long-term rental.
4. Members must accompany their guests. However, members may designate up to eight adult family members or family friends (four on each card) who may utilize the facilities unaccompanied. Both members and authorized family members or family friends may

bring up to four guests per card. Members remain responsible for the actions of persons gaining access with their membership cards.

5. Youth cards are issued to dependents of Bayshore members who are 14–17 years of age. Those with youth cards can use the pool and game room unaccompanied, and may bring one guest.
6. Short term (vacation) renters do not receive club house privileges or pool access. However, they may pay to use the pool on a daily fee basis. They must produce their rental agreement/and or receipt and photo identification to gain access. Access may be restricted during busy times.
7. Members and authorized adult family or family friends must have a membership card in their possession, and may be asked to produce photo identification when they sign into the activity area. Those without identification may be denied access.
8. Members without a membership card, and not known to the pool/recreation room attendant, will be allowed a ONE TIME use after presenting photo identification. The attendant will keep a record to prevent abuse of this privilege. If the member does not reside in Bayshore, the one time use will be extended until the next available day they can obtain a card from the Office Coordinator.
9. A \$5.00 fee is charged to replace a lost membership card.
10. Members are allowed to bring their own alcohol to Bayshore sponsored events for their own consumption.
11. Members may rent the Clubhouse for personal use. Please see application form.

## **M2 Pool and Game Room Privileges**

1. The following groups may use the pool:
  - a. Members and those indicated on the back of their membership card.
  - b. Full time resident member's guests, with member's card.
    - A full-time resident member is any property owner who does not use their home as a Short Term Rental (STR).
  - c. Long term renters who have had membership privileges transferred to them by the member.
  - d. Vacation renters may pay to use the pool during certain hours upon producing their rental agreement/receipt and a photo ID.
2. All members and guests must adhere to the posted pool and activity room rules, and follow the direction of HOA employees.
3. A schedule of swim times (adult, family, etc.) is to be posted at pool entrance.
4. The member is responsible for the conduct of all persons utilizing his/her cards, as well as any resultant damages.

5. If any person violates posted rules of the pool or clubhouse, the person may be asked by authorized staff to leave the club premises. Following such an incident the involved staff member will prepare and deliver a written incident report to his or her supervisor within 24 hours of the incident. The supervisor shall review the report with staff and forward the report and the supervisor's recommendations to the Board within 7 calendar days of the incident.

The Board may elect to suspend or restrict a member's pool/clubhouse privileges, but only after giving the member written notice and an opportunity to be heard either in person or in writing. Notice of the opportunity to be heard must include a copy of the incident report.

6. Children under 14 years of age must be accompanied by an adult (18 or older) for pool and recreation room use and may not be left unattended.
7. Swimming and poolside privileges may be limited to two hours per day per person during busy times.
8. All access to the top floor is to be coordinated through the Bayshore office. This includes regularly scheduled group activities, special member events and any other requested use of the top floor. Access requests will be scheduled on a "first come, first served" basis.

Between the hours of 9:00 AM and 5:00 PM, 7 days a week, individual members may use the upstairs, without prior scheduling, when not otherwise in use. They still need to sign in on the sign in sheet.

Everyone using the Clubhouse is expected to clean up after themselves and leave everything as they found it. They are not to connect/disconnect audio visual equipment (i.e. TV) or adjust TV settings to accommodate special needs unless previously approved by the Facilities Manager.

9. The Clubhouse maintains a supply of tennis rackets, ping pong, and other sports equipment which is available for member use only and which can be signed out at the pool attendant's desk during the pool season.
10. No other items in the Clubhouse are rented, loaned or available for individual use by members.

(Ref; Bylaws Art II, III & IX, ORS 65.167 & ORS 94.630)

### **M3 Use of HOA Parking Lots and Grounds**

#### General Policies

1. Animals are not allowed in the clubhouse or pool area, although an individual may request accommodations for a service animal through Bayshore's Fair Housing Accommodations policy (below).
2. Pets must be controlled while on club property. Owners must clean up after their animals.

3. Members and guests are asked to use receptacles for all trash, and to properly extinguish and dispose of smoking materials without littering.
4. Horses are prohibited.
5. Vehicles are not permitted except in paved or graveled areas designated for that purpose. No parking on the grass.

#### West Club Parking Lot

1. Parking is authorized for Bayshore members. Parking is also authorized for invited guests who are attending functions at the clubhouse.
2. Parking is prohibited from 11 PM to 7 AM.
3. Parking is prohibited directly in front of the beach access. No vehicle may use club property to access the beach except authorized emergency and law enforcement vehicles.

#### East Club Parking Lot

1. Parking in the east lot is for Bayshore members and renters, and for guests utilizing using club facilities or attending club functions. Overnight parking is prohibited except as provided under items 3 or 4 of this section.
2. Commercial equipment (paving vehicles, bulldozers, flatbeds, dump trucks, etc.) may be stored in the east northwest side of the lot when actively being used for work within the community if it is impractical for the equipment to be stored on the job site. The equipment must be used at least every 48 hours. The contractor or operator must notify the HOA Office Manager before leaving any equipment overnight, and must remove the equipment as soon as it is no longer regularly required for use on a job site.
3. Equipment must have clear identification of ownership and contact information, in the event of emergency.
4. Commercial vehicles dedicated to road sand clearing in south Bayshore may be stored in on the north west corner of the lot during the winter and spring months.

#### Playground

1. The playground is open from Sunrise to Sunset, closed from Sunset to Sunrise.
2. No alcoholic beverages are permitted.
3. Children under 14 must be supervised by a responsible adult at all times.
4. (Ref; Articles of In HOA Art III, ORS 94.630)

#### **M4 Member Fees**

The following fees have been established:

Transfer fee: A charge of \$150.00 is assessed to the seller of any property to absorb the costs of title paperwork, establishing a new member account, mailing a new member packet, preparing new membership cards, and obtaining a new deed. The fee is a per property transfer and is due and payable at the time the property is transferred.

Membership card replacement: A charge of \$5 is assessed for any member requesting replacement of membership cards.

Copy fees: A charge of \$0.10 per page is assessed for copying records, reports, or correspondence. For large quantities of copies and for research time, a charge of \$5 per quarter hour of staff time may be assessed.

Fax fees: A charge of \$0.50 per page for long distance is assessed. Faxing for members is done at the discretion of the Office Coordinator.

Boat and RV permits: A charge of \$25.00 is assessed for issuance of a lifetime boat or RV permit.

Height variance requests: A charge of \$200.00 is assessed to cover the costs incurred. Clubhouse

rental: Rental and cleaning deposits are assessed for private use of the clubhouse.

## **M5 Bayshore Members' Ongoing Group Usage**

1. This addition addresses and gives definition to the difference between Bayshore Members *renting* the facility for one-time events such as parties, etc. which is outlined in section M3, versus *regular ongoing Bayshore Member Groups, which are free of charge*.
2. Usage of the facility should be fair among Groups.
3. The ratio of guest and members will be no more than four (4) guests per membership card as stated in M1: Membership Cards and Club Privileges, #4 of Policies and Procedures Manual. Members must accompany guests.
4. There will be a Sign in Sheet for Group members and their guests' signatures with a place to check indicating whether they are a member of Bayshore or a guest.
5. Request to use the facility for a group will be coordinated through the Office Coordinator who will enforce the rules of Facility Usage.
6. Annually, by January 1, each ongoing Group will submit an application to the Office Coordinator to use parts of the Clubhouse for the next twelve (12) months.
7. The Member listed as being responsible for the Group must be in attendance for 2/3 of the Group's activities.

## **M6 Requests for Fair Housing Accommodations/Modifications**

An owner or resident wishing to request an accommodation or modification because of disability must submit a request to the Board. The request needs to include the following information:

1. A statement that the request is for reasonable accommodation/modification;
2. A statement regarding the disability and major life functions that are limited;
3. A statement regarding the accommodation/modification that is requested; and
4. A statement regarding the relationship between the disability and the requested accommodation/modification.

It is preferred that the request be in writing to promote a clear understanding of the request. A form is included in the forms appendix. (Reasonable Accommodation Request Form) that may be used to make the request, but the form is not required.

Within 14 days of submission of the request, the Board will acknowledge receipt and advise in writing whether Medical Verification is required. If the Board requests Medical Verification, the owner or resident will be asked to have the attached Medical Verification Form completed by any a

Qualified Individual (as defined on the Form). An owner or resident may choose to submit the Verification Form with the original request instead of waiting for a request from the Board. Upon receipt of the Medical Verification, or if no Medical Verification is requested, the Board will consider the request at the next Board meeting, but in no event shall consideration be more than 30 days from either the initial request or receipt of the Medical Verification, whichever is later. In reviewing the request, the Board will consider the following factors:

1. Whether the requesting owner or resident meets the definition of a person with a disability under ORS 659A.104 or the Fair Housing Act;
2. Whether the information presented shows a connection between the disability and the accommodation/modification requested; • Whether the accommodation/modification requested is reasonable;
3. Whether the accommodation/modification will cause an undue financial or administrative burden on the Association;
4. Whether the accommodation/modification would change the fundamental nature of the functioning of the Association; and
5. Other information provided that relates to the factors listed above.

The Board will send written notice of its decision within 7 days of the meeting. The decision may be an approval, an approval with conditions, or a denial.

If an owner or resident wishes to appeal a decision of the Board, the owner or resident must submit a written request for a hearing within 14 days of the notice of decision. Failure to timely submit a request for an appeal waives the right to an appeal.

The Board shall consider the appeal as a request for reconsideration of its initial decision. All information relating to the request will be kept confidential, and any hearing relating to the request will be held in executive session.

Date

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# Addendums

## Addendum A - Amendment Tracker

### 9/17/2022

- Remove language requiring Planning Committee provide contact information.
- Add fines for Fireworks and Canal dumping to fine schedule – no fine amounts provided
- Change the required time a member could request an agenda item from 14 to 10 days]
- Added to definitions: A Board liaison.

### 10/15/2022

- Added fine amounts of 2500 for fireworks and 500 for dumping in the canal.
- Ethic Statement changed
- **Office Manager changed to Office Coordinator** Update of Nomination Committee language [BoD Action 10/15/22]

### 1/25/23 Completed Revisions

- Update to gender neutral language [BoD Action 9/17/22]
- Removal of all cross-outs that were submitted in 2022 with the revised language for the new language for the nomination/election committees.)
- Added an Addendum Section
- Added Addendum A - Amendment Tracker (Track all revisions, will eventually remove all other references scattered throughout the main document)
- Member Rental Agreements for Clubhouse & Backyard for members Addendum B [BoD Action 1/21/23]
- Table of staggered terms for board members Addendum C (Researched in 2022)

### 2/18/23 Completed Revisions

- Member Rental Agreements for Clubhouse & Backyard for Organizations & Groups Addendum B [BoD Action 2/18/23]
- Bayshore Beach Club Rental Policy [BoD Action 2/18/23]
- Bayshore Beach Club Check-off List [BoD Action 2/18/23]

### 4/15/2023 Completed Revisions:

- Inserted Procedures for Requests for Fair Housing Accommodations/Modifications [BoD Action 4/15/23]

### 07/15/2023

- Animals not allowed in clubhouse [BoD Action 7/15/23]

### 11/18/2023 Completed Revisions

### 01/20/2024

- Update to P&Ps we made at the Jan BOD meeting to Section B2 #21 (page 3). (may not be the President or member ~~eligible for reelection~~ **planning to run in the current election**)”