



PROPOSED BYLAWS AMENDMENT

Regular Meeting of the Board of Directors

February 23, 2019

9:00 AM

The Clubhouse at Burnt Mill Beach Club

New Bylaw Amendment

ARTICLE II – MEMBERS

**SECTION F. Rules and Procedures for
Suspension or Expulsion of Member**

Copies of the proposed revisions are available in the ALA office and are posted on the ALA Website and Community Bulletin Board.

Per Article VIII of the Bylaws, these postings serve as the required 15 day notice to the Members of the proposed revisions to the Bylaws.

Posting Date: February 1, 2019

SECTION F. Rules and Procedures for Suspension or Expulsion of Members From the Arrowhead Lake Association

- 1) Pursuant to Article II Section E of the Bylaws of Arrowhead Lake Association ("Bylaws") the Arrowhead Lake Association's ("ALA" or "Association") Board of Directors ("Board") has, among other things, the power to suspend or expel any ALA Member for any conduct of the Member or any conduct of the Member's family or any guest of the Member resulting in any violation of any ALA Bylaw or Rule or for conduct determined by ALA's Board to be generally detrimental to ALA or its objectives as set forth in Bylaws Article I Section B. The terms "Member" or "Membership" (collectively "Member") as used in these Rules and Procedures for Suspension or Expulsion from Arrowhead Lake Association ("Disciplinary Rules") are defined in Bylaws Article II Section B.
- 2) The decision of the Board to suspend or expel ("Discipline") any Member shall be made by a vote of the majority of the Directors of the Board, excluding any Director who the majority of the Board finds by a preponderance of the evidence has a conflict of interest such that the Director should be recused ("Presiding Board").
- 3) A Member shall receive at least 30 days written notice prior to the date of the Hearing on the Discipline before the Presiding Board ("Notice"). The Notice shall state:
 - 1) The date, time and location of the Hearing ("Hearing Date");
 - 2) The reason(s) for the Discipline; and
 - 3) All written evidence ALA intends to offer at the Hearing and the names of the witnesses ALA may call at the Hearing.
- 4) ALA shall send the Notice to the Member's most recent address in ALA's records by next day delivery.
- 5) A Member must attend the Hearing to contest the Discipline. If the Member fails to attend the Hearing the Presiding Board shall review all evidence offered by ALA and render a decision.
- 6) If the Member chooses to attend the Hearing to contest the Discipline the Member shall send ALA's General Manager a written statement containing all written evidence the Member intends to offer at the Hearing, the names of any witnesses the Member may call to testify at the Hearing and state whether the Member will be represented by counsel at the Hearing. If the Member chooses to be represented by counsel it will be at the Member's sole cost and expense. In addition, if the Member is represented by counsel the Member must provide the name, address and telephone number of the Member's Counsel in the written statement to the General Manager. The written statement shall be sent by next day delivery to the General Manager or personally served upon the General Manager at the ALA office not less than 15 days before the Hearing Date. Any written evidence not presented as required by these Disciplinary Rules shall be admitted for the Presiding Board to consider with an explanation by the party offering the evidence as to why the evidence was not presented as required by these Disciplinary Rules. The Presiding Board will give all evidence presented at the Hearing the weight it believes the evidence deserves.
- 7) The chair of the Hearing will be the President of the Board of Directors unless the President is unable or unwilling to serve. In the event the President is unable or unwilling to serve, the chair of the Hearing shall be the Vice President of the Board. In the event the Vice President is unable or unwilling to serve, the chair of the Hearing shall be the Secretary of the Board. In the event the Secretary is unable or unwilling to serve, the chair of the Hearing shall be appointed by vote of the Presiding Board.

- 8) The Hearing shall proceed as follows: First, ALA's representative or counsel ("ALA's Representative") shall make an opening statement to the Presiding Board. Thereafter the Member or Member's counsel ("Member's Representative") shall make an opening statement to the Presiding Board. After opening statement ALA's Representative shall present ALA's case to the Presiding Board. If either party submits a written witness statement the statement must be signed under penalty of perjury. If witnesses are called they shall be sworn and testify under penalty of perjury. Witnesses who testify at the Hearing shall be subject to cross examination by the Member's Representative. When ALA's case closes the Member's representative will present the Member's case to the Presiding Board. If witnesses are called they shall be sworn and testify under penalty of perjury. Witnesses who testify at the Hearing shall be subject to cross examination by ALA's representative. Thereafter, ALA's representative will present its closing argument. Next, the Member or Member's representative will present the Member's closing argument. Finally, ALA's Representative will present a rebuttal closing argument. When closing arguments are completed, the Presiding Board shall retire to a private place to decide whether Discipline of the Member is warranted by a preponderance of the evidence. If the majority of the Presiding Board finds Discipline is warranted the Presiding Board must then decide whether to suspend, expel or impose some lesser sanction on the Member.
- 9) A Notice of Decision of the Presiding Board shall be personally delivered to the Member and sent to the Member at the Member's most recent address in ALA's records by next day delivery within 15 days of the date of the Hearing.
- 10) Judicial review of any decision made by the Presiding Board after a Hearing shall be by binding arbitration pursuant to Bylaw Article II Section E(9). Any petition for judicial review shall be made within one year of the date of the imposition of Discipline.
- 11) Any Member Disciplined shall remain liable to ALA for any charges incurred, services or benefits actually rendered, dues, assessments or fees incurred before the date of the imposition of the Discipline whether arising from contract or otherwise.

SECTION F- G. Membership Certificates

The Board may issue certificates or cards evidencing Residential Membership in the Association. Each such certificate or card shall have printed on its face in clear type that the Association is a Non-Profit Corporation. The form, size and contents of the certificates or cards shall in all other respects be as fixed from time to time by resolution of the Board.

Each Residential Membership certificate or card shall expire on the records of the Association at the end of each fiscal year and shall be reinstated for each successive fiscal year only after validation by the Chief Financial Officer/Treasurer of the Association or designee on said records that the dues of the Residential Membership represented by the certificate or cards have been paid for that fiscal year.

The name and address of each Residential Member and the date of admission shall be maintained in the records of the Association. If any certificate or card shall become lost, mutilated or destroyed, a new certificate or card may be issued therefore on such terms and conditions as the Board may determine.

The Board may but is not obligated to issue certificates or cards for commercial memberships consistent with policies adopted from time to time by the Board of Directors.

SECTION G- H. Non-Liability of Members

No member of this Association shall be personally liable for the debts, liabilities or obligations of the Association.