

Bylaws
Eagle Pointe Park Subdivision
St. Clair Shores, Michigan 48081
As of January, 2017

ARTICLE I – NAME

The name or title by which this Association is to be known in law is EAGLE POINTE PARK SUBDIVISION.

ARTICLE II - INCORPORATION

Eagle Pointe Park Subdivision is an incorporated Association under "Articles of Incorporation" dated June 2, 1922 as amended March 18, 1945, July 31, 1969, and March 27, 1975.

ARTICLE III - PURPOSE

The purposes for which Eagle Pointe Park Subdivision exists are as follows:

- A. To hold title to "Lot A", Eagle Pointe-on-the-Lake Subdivision.
- B. To hold "Lot A" in trust for all the owners of lots in the subdivision.
- C. To maintain and improve "Lot A" as a private park for the benefit of all members and their families.
- D. To conduct activities for the benefit of all members and their families.
- E. Maintain Lakeshore Park Fence (Little Jeff), Lot A and all of its assets.

ARTICLE IV – ADDRESS

The location of the Association is Eagle Pointe-on-the-Lake, Macomb County, Lake Township, City of St. Clair Shores, Michigan.

EAGLE POINTE ON THE LAKE SUBDIVISION (LIBER 3, PAGE 37), LOT A

The address of the registered office in Michigan shall be the address of the President. Currently the address is:

Eagle Pointe Park Subdivision
22651 Lakeland Street
St. Clair Shores, Michigan, 48081

ARTICLE V – NONPROFIT ASSOCIATION

This shall be a nonprofit Association and/or corporation and provides that:

- A. The Association shall have no capital stock.
- B. The Association shall not be conducted for pecuniary profit.

ARTICLE VI – ASSETS

The assets possessed by the Association are:

- A. Real property: "Lot A" of Eagle Pointe-on-the-Lake.
- B. Other property: Such articles of "other property" as are acquired in connection with the business activities of the Association and with the use, enjoyment, and maintenance of the real property of the Association.

ARTICLE VII – CAPITALIZATION / DUES / SPECIAL ASSESSMENTS

Capitalization:

Capital for the Association shall be derived from the assessment of the lot owners in the form of regular annual dues and, when appropriate, by means of special assessments. The capital derived shall be used for:

- A. The expenses of improving and maintaining, "Lot A" as a private park and the Jefferson subdivision entrance area. Such maintenance and improvements shall include, but not be limited to:
 - 1. The cost and maintenance of the seawall.
 - 2. The cost of reasonable security protection.
 - 3. The cost of other activities for the comfort, health, pleasure, social benefit and other benefits for the members and their families.
 - 4. Any expenditure to exceed the amount of One Thousand Dollars (\$1,000.00) shall require final approval by the board.
 - 5. Any expenditure over One Thousand Two-Hundred Dollars (\$1,200.00) shall require two signatures of the Board.
- B. It is mandatory for all lot owners to pay all dues and special assessments as approved by the membership on any and all lots owned. The Association shall take any and all actions deemed appropriate to secure such payment.

Dues:

- A. The yearly fee shall be presented by the Board only at the January membership meeting, in conjunction with the presentation of the budget.

1. The Board will set fee and adjust yearly based upon (CPI) not to exceed 5% in any year. The budget presented by the Board shall contain a contingency fund equal to five percent (5%) of the amount that is budgeted as regular dues income to be spent at the discretion of the Board of Trustees to supplement any budgeted item.
 2. Twenty percent (20%) of the amount collected as regular dues income shall be designated for placement in a "Seawall Account" to be maintained by the Association for any emergency involving the Association seawall. This money is not to be used for the normal year-to-year maintenance of the seawall.
 3. Ten percent (10%) of the amount collected as regular dues income shall be designated for placement in a "Fence Account" to be maintained by the Association for any emergency involving the Association fence on the Jefferson easement. This money is not to be used for the normal year-to-year maintenance of the fence.
- B. Shall be due and payable by May 1st of each year.
- C. Shall be charged against each individual address as deemed by City of St. Clair Shores.
- D. For property owners joining the Association after May 1st will be resolved at closing.

Special Assessments:

- A. Shall be used for the expenses of the Association.
- B. Shall be recommended by the Board of Trustees.
- C. Shall be approved by a vote of the paid up/paying up membership.
- D. Approval shall require a simple majority of those voting.
- E. Voting shall take place via a signed, written ballot distributed to each paid up/paying up member.
- F. Ballots may be submitted in advance to the Secretary.
- G. Shall become due and payable within sixty (60) days of notice being sent to each member.
- H. Add an item "H" to read as follows: "It is incumbent upon the individual members to make the Board of Trustees aware of their contact information and changes throughout the year."

ARTICLE VIII - FISCAL YEAR

The fiscal year of the Association, for the purpose of financial accountability, shall commence on the first day and end on the last day of each calendar year.

ARTICLE IX – MEMBERSHIP

All owners of property in Eagle Pointe-on-the-Lake Subdivision are, by virtue of their ownership, members of the Association and are required to pay all dues and assessments

approved by the Board. There shall be three (3) classifications of members (Paid up, Paying Up, and Arrears):

- A. Paid Up Member – A paid up member is a lot owner who has paid all of his/her Association financial obligations in the form of dues and/or assessments on any and all individual addresses owned. A paid up member enjoys all the following benefits:
1. To use "Lot A" and its improvements for their own and their family's enjoyment.
 2. To attend meetings of the membership.
 3. To vote on any matter before the Association including but not limited to the election of officers, and the establishment of assessments.
 4. To speak on any matter before the Association at any Association meeting.
 5. To hold an office and/or serve on a committee of the Association.
 6. To enjoy other privileges normally associated with membership in an organization.
- B. Paying Up Member – A paying up member is one who has paid all assessments on any and all properties owned but who owes past due dues on any and all properties owned. Such member must pay their current years dues and has a written agreement with the Board to make payment arrangements on any and all properties owned. A paying up member enjoys all the benefits and privileges associated with being a paid up member.

Non-Owner Occupied Properties - A paid up/paying up member may assign his/her benefits and privileges to the renter of their rental property. Benefits and privileges are held by the property owner or by the renter but not both. The assignment of paid up/paying up member benefits may be done by the property owner at any time by notifying the Treasurer in writing. The assignment is for the current fiscal year and is non-revocable once executed. If a lot owner fails to pay the annual dues by the due date and a renter then pays the dues, the lot owner forfeits their right to benefits and privileges and the renter acquires the paid up/paying up member benefits and privileges for the current fiscal year.

- C. Member In Arrears - A member in arrears is a lot owner who has an outstanding financial obligation to the Association in the form of dues and/or special assessments on any and all lots owned.
- a) Members in arrears will be reviewed by the Board and will be subject to legal action being taking against individuals not meeting their financial responsibility to the Association.
 - b) The Board can make arrangements with residents with hardships.

ARTICLE X – BOARD OF TRUSTEES

The Board of Trustees shall be the governing body of the Association and shall have powers as specifically conferred upon it, herein, and such other powers as are ordinarily given by custom or law. The property and business for the Association shall be held and managed by a Board of Trustees consisting of three (3), but no more than five (5) officers listed in Article XI. The following guidelines govern the actions of the Board of Trustees:

- A. Board Meeting; a quorum shall consist of three members.
- B. Minutes shall be kept of all meetings of the Board of Trustees.

- C. Meet prior to any membership meeting, to draw up an agenda for the membership meeting, to submit reports of expenditures to the Treasurer, and to conduct such other business as shall be necessary.
- D. Meet at a time and place designated by the President.
- E. Each member of the Board of Trustees shall compile a dossier of the duties of their office, including the committees for which each is responsible, to be turned over to their successors when leaving office.
- F. Any vacancy that may occur on the Board of Trustees shall be filled by appointment by the remaining members of the Board of Trustees for the remainder of the unexpired term except if the office of President shall become vacant, the Vice President shall automatically succeed. The Board of Trustees shall fill the vacancy thus created in the office of Vice President.
- G. Any member of the Board of Trustees who shall absent himself/herself without cause from two consecutive meetings or who shall fail to fulfill the obligations of his/her office for one month, or who shall lose their status as paid up/paying up member, shall be deemed to have resigned from the Board of Trustees.
- H. In the event of the simultaneous default of three or more officers, a temporary chairperson shall be appointed by the majority of those present at a membership meeting (or at the next regular membership meeting, if the default occurs between meetings) and he/she shall have the power to conduct the business of the Association until a special election can be held.

ARTICLE XI – OFFICERS

No officer or family member shall benefit monetarily from the association in any way. Such benefit shall include, and is not limited to, monetary measures, or gifts. The officers of the Association shall be:

Executive Board:

- President
- Vice President
- Treasurer
- Secretary
- Trustee

- A. President – The President shall:
 - 1. Preside at all meetings of the Association and of the Board of Trustees.
 - 2. Sign, with the Treasurer, all written contracts and obligations of the Association.
 - 3. Appoint a Nominating Committee at the September meeting.
 - 4. Appoint a representative to serve as liaison between the Association and various units of government from time-to-time as needed.
 - 5. Serve on all committees except the Nominating Committee.
 - 6. Exercise the usual functions pertaining to the office.

B. Vice President – The Vice President shall:

1. Perform the duties of the President in the latter's absence.
2. Work in conjunction with the President to maintain and ensure efforts are followed through on behalf of the Association.
Assume the office of President in case a vacancy occurs in that office.
3. Exercise the usual functions pertaining to the office.

C. Treasurer – The Treasurer shall:

1. Receive and collect all monies due the Association.
2. With the President (or in the case of the President's absence, the Vice President) sign all written contracts and obligations of the Association.
3. Have custody of all Association funds, securities, and title deeds.
4. Pay all bills and indebtedness's of the Association certified by the Board of Trustees.
5. With the President, review, approve and sign all checks in excess of \$500.00. Discrepancies will be brought to the Association.
6. Keep regular and accurate accounts of the Association's financial books. These books shall at all times be open to inspection by the Board of Trustees and by the General Membership in January of each year.
7. Keep an accurate roll of the members and their status as paid up, paying up, or arrears.
8. Submit, at each regular meeting, a written report of the Association's receipts and disbursements, and file a copy of such report with the Secretary.
9. At the January Board of Trustees meeting, as the past Treasurer, make a full report of the Association's financial affairs for the year ending the preceding December 31st, and assist the newly elected officers in preparing a proposed budget for the coming year
10. At the expiration of his/her term of office, turn over to his/her successor all monies remaining in his/her hands, together with all account books and computer records.
11. Be bonded at the discretion of the Board. The amount of the bond to be determined at each January meeting.
12. Exercise the usual functions pertaining to the office.

D. Secretary – The Secretary shall:

1. Keep accurate minutes of the proceedings of the Association and of the Board of Trustees and provide the President with a copy of those minutes.
2. Conduct all correspondence.
3. Notify members of their election to office.
4. Issue proper notices of all meetings of the Association and of the Board of Trustees.

5. Be charged with the responsibility of submitting, at the November membership meeting, a written inventory of the Association's property.
 6. Be assigned the timekeeper for meetings.
 7. Be bonded at the discretion of the Board. The amount of the bond to be determined at each January meeting.
 8. Be responsible for the filing of the Association's taxes and corporate registration annually.
 9. Exercise the usual functions pertaining to the office.
- E. Trustee – The Trustee shall:
1. Be a voting member of the Board and may serve as on any and all committees as assigned by the Board.

ARTICLE XII – ELECTION OF OFFICERS

The election of officers shall follow the process described below:

- A. A Nominating Committee of five persons, one Chair and one person from each street in the subdivision plus one at large shall be appointed by the President at the September meeting of the election. This committee should submit a slate of at least two candidates for each office to be elected at the December meeting. Only a paid up/paying up member shall be nominated. The names of the candidates must be handed to the Secretary no later than two weeks before the election meeting.
- B. Additional nominations of paid up/paying up members for an office may be made by filing a written nomination with the Secretary at least ten (10) days before the election.
- C. No person shall be nominated without his/her consent.
- D. It shall be the duty of the Secretary to notify each paid up/paying up member as to the names of the candidates at least five days before the election by sending out a ballot listing the slate of candidates for each office.
- E. No person, having consented to the placement of his/her name in nomination for office, may withdraw his/her name after the ballot has been circulated to the paid up/paying up members.
- F. Voting for officers shall be done by written ballot. Such ballot to be distributed to each paid up/paying up member. Ballots may be turned in at the election meeting or to the Secretary at any time prior to the meeting.
- G. At the November meeting, the President shall appoint two or more Election Inspectors, who shall have charge of the ballot. The inspectors shall count the votes and the candidate receiving the largest number of votes shall be declared duly elected. In case of a tie vote, the person to be elected shall be determined by lot. The inspectors to determine the method of drawing.
- H. The term of office for all officers shall be three (3) years and shall commence on January 1st. Any officer may be removed from office for cause upon an affirmative vote of three-fourths of the paid up/paying up membership present and

voting at a general membership meeting, provided notice of such anticipated action was given as a part of the published agenda.

ARTICLE XIII – COMMITTEES

The committees listed below shall be appointed by the officer designated to appoint and oversee them. The terms of office for committee members, except those on the Long Range Planning Committee, shall terminate at the end of the fiscal year.

- A. Maintenance Committee – the Maintenance Committee shall be appointed by and shall be supervised by the Head of the Maintenance Committee as appointed by the Board. The committee shall oversee the maintenance and improvement of Lot "A", the Little Jeff fence, and any other property owned or maintained by the Association. The Maintenance Committee shall make recommendations to the membership for major improvements. The committee shall be responsible for the care and maintenance of picnic tables, benches, swim ladders, sprinkler systems, lawn care equipment, and other Association property. The committee shall be responsible for overseeing such maintenance help as may be needed.
- B. Lot A Regulations Committee – The lot A Regulations Committee, consisting of at least one member from each street in the subdivision, may be appointed by and shall be supervised by the Head of Maintenance Committee. The maintenance committee shall be responsible for the regulation of Lot A. The committee shall be charged with the responsibility of securing the property as approved within the annual budget, and will report to the Board as requested. As shall be deemed necessary. The committee shall receive and act on written complaints and suggestions of the members, relating to the use of the Association's facilities and shall make rules in relation thereto and for the conduct of members as they may deem necessary. Such rules to be subject to approval of the voting membership.
- C. Entertainment Committee – The Entertainment Committee may be appointed by the Board and shall be supervised by the Board. The committee shall be responsible for all matters relating to entertainment and social functions for the members of the Association.
- D. Public Relations/Welcoming Committee – The Public Relations Committee may be appointed by and shall be supervised by the Board. The committee shall plan and conduct an ongoing public relations program aimed at the development of a better understanding among all residents, both new and old, of the privileges and responsibilities connected with living in Eagle Pointe Park Subdivision. The committee shall be charged with introducing new residents to Association membership, inviting them to our meetings and introducing them to our Board, along with acquainting them with the traditions, advantages and responsibilities of Eagle Pointe life. The committee shall, in cooperation with the Secretary, published regular news bulletins, publicity, etc., that it deems necessary to build up community spirit, and shall work with the Entertainment Committee when called upon to do so. Copies of all published materials shall be filed with the Secretary.
- E. Long Range Planning Committee – The Long Range Planning Committee may be appointed and shall be supervised by the President. The committee is to provide

advice and offer recommendations to facilitate continuity of subdivision affairs. This committee shall report to the Board of Trustees. Upon adoption of these amendments, the President shall appoint three members to this committee: *One for a three year term, one for a two year term, and one for a one year term. Thereafter, the President shall appoint one member at the January membership meeting for a three-year term.*

- F. Special committees may be appointed by the President and shall assume the obligations and perform the duties assigned to them.
- G. All committees shall submit reports at the regular membership meetings, such reports to be entered in the minutes of the meeting.

ARTICLE XIV – MEETINGS

Membership meetings of the Association will be conducted as follows:

- 1. There shall be regular membership meetings held quarterly, or as deemed necessary by the Board of Trustees.
- 2. The budget shall be announced at the regular membership meeting in January.
- 3. Election of officers shall be held at the regular membership meeting in December of the election year.
- A. Special membership meetings may be called at any time by the President or by the Board of Trustees and the membership are to be notified by any and all means available including, but not limited to frontage signs, fliers, e-mail, phone messages, etc.
- B. Any paid up/paying up member may request that the President or the Board of Trustees call a special membership meeting.
 - 1. Such request shall be in writing and shall state the business to be conducted at the special membership meeting.
 - 2. If the request is granted, only the business identified in the written request shall be conducted.
- C. The Secretary shall notify all members of the Association at least forty-eight hours before the time fixed for any regular or special membership meeting stating the time and place of the meeting and, in general, the business to be conducted including recommendations to modify the budget.
- D. Absentee ballots shall be permitted for special assessments, elections and items related to special meetings.
- E. The order of business at all meetings shall be as follows:
 - 1. Call to order by presiding officer
 - 2. Approval of minutes
 - 3. Treasurer's Report
 - 4. Vice President's Report
 - 5. Secretary's Report
 - 6. Committee reports

7. Old business
 8. New business
 9. Announcements
 10. Adjournment
- F. Seven members, including at least two officers, shall constitute a quorum.
- G. It is recommended that the rules contained in the current edition of Robert's Rules of Order Newly Revised govern the Association in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Association may adopt.
- H. Meetings must be held in an orderly conduct.
2. An owner or proxy who wishes to speak at a meeting and is entitled to speak shall raise their hand; only upon recognition by the President shall they have the floor.
 3. An owner or proxy shall not speak a second time on any motion until all owners or proxies who wish to speak the first time on the subject have been recognized.
 4. No owner or proxy shall speak in debate longer than 3 minutes per speech, without the permission of the assembly, granted by a majority vote without debate.
 5. The timekeeper will indicate when there is 30 seconds remaining of the three minutes and when time is elapsed.
 6. A share that is jointly owned by two persons has the speaking rights of one owner or proxy.
 7. Minutes must be taken at all meetings and maintained for future needs.

ARTICLE XV – VOTING

Voting may take place at any meeting of the Association as described below.

- A. Votes taken at an Association meeting may be by voice, show of hands, or written ballot at the discretion of the chairperson.
- B. There shall be one vote per residence regardless the number of lots making up the residence. A paid up/paying up member who owns two or more residences shall have one vote for each residence owned provided they have not assigned the benefits of a paid up/paying up member to a renter. This could result in a paid up/paying up member having more than one vote.
- C. A majority of the votes cast is required for passage of a motion.
- D. Only a paid up/paying up member shall have a vote.
- E. Voting on special assessments shall be done as detailed in *Article VII, Special Assessments - A thru G*.
- F. Voting for the election of officers shall be done as described in *Article XII*.

ARTICLE XVI – AMENDMENTS

These Bylaws may be amended or repealed at any membership meeting by a two-thirds vote, provided that notice of such proposed amendment or repeal shall have been

included in the Secretary's meeting notice. The Membership should be notified 48 hours in advance of the meeting.

Amendments approved at a meeting shall take effect at the conclusion of the meeting at which they are adopted.

Each year thereafter, or as needed from the date of the adoption of these Bylaws, the President shall appoint a committee to review the Association's Bylaws and to suggest such revisions as they shall think advisable. This committee shall submit a written report, even if no revisions are suggested, and a copy of such report shall be filed with the Secretary.