

# TWIN BEACH PARK ASSOCIATION BY-LAWS – 2010

## ARTICLE 1

This Michigan Non-Profit Organization shall be known as the Twin Beach Park Association, hereinafter referred to as the “Association”.

## ARTICLE 2: OBJECTIVES

**Section A:** Shall initiate, manage and maintain the well being of the parks known as Twin Beach Park (formally known as Edgewater Park) – T2N, R9E, Sec. 17 and 20, and Twinview Park – T2N, R9E, Sec. 17 and 20 in West Bloomfield Township, Oakland County, State of Michigan. Listed in Liber 34, Pages 21 and 22 of Plats, Oakland County Records.

**Section B:** Shall initiate necessary improvements; supervise, maintain and operate designated park, play field and other recreational facilities for the use and enjoyment of Master Members, their family and guests in a manner that promotes goodwill and congeniality.

**Section C:** Shall inform the Association of all community actions and/or activities, which directly or indirectly affects Twin Beach Park, Twinview Park, and/or all related properties.

## ARTICLE 3: MEMBERSHIP

**Section A:** Every registered property owner, legal renter, or contract buyer, upon payment of their Equitable Maintenance Fees, shall be eligible for Master Membership. Membership year is defined as 10:00 am Memorial Day to 9:59 am the following Memorial Day. The Governing Body is to use their own discretion as to the amount of fees charged to renter of property (if less than six months) for beach privileges – effective April 18, 1999; amended April 18, 2010

### **Section B: Item 1:**

Equitable Maintenance Fees are to be established each year by vote of the Master Members in good standing at the annual spring meeting. A Master Member in good standing is one who has paid Equitable Maintenance Fees from Memorial Day at 10:00 am of the previous fiscal year. Equitable Maintenance consists of revenue and four (4) hours of labor assistance within the park. The four (4) hours of labor assistance shall be equivalent to \$100. In case a member or designated family member does not put in the four (4) hours, the maintenance fees will be whatever is voted on plus \$100. The \$100 may be periodically reviewed by the Governing Body to lower, but not to increase. Increases are to be voted on at the same time the Equitable Maintenance Fees are established. Equitable Maintenance Fees and labor assistance must be paid by 10:00 am Memorial Day. The \$100 or four (4) hours labor assistance must be paid or worked before the deadline in order to receive credit for the current season. No partial credit will be accepted (i.e. – 3 ½ hours worked = \$100 labor assistance due). Labor assistance performed after the Memorial Day deadline will be credited to the following season’s hours. If a Master Member who is a dock slip holder or is listed on the boat waiting list fails to meet the deadline for Equitable Maintenance Fees and Labor Assistance hours, he/she will be sent a letter by Registered Mail and U.S. First Class Mail stating non compliance. This non compliance letter will be sent by the first weekend in June, to which the Master Member will have ten (10) days from the date of the letter to respond to the Governing Body.

Non-compliance at that time will then result in loss of park privilege's, loss of boat slip, or removal from the boat waiting list. If at a later date a resident decides to rejoin the Association, the new member, upon payment of Equitable Maintenance Fees, may request to be placed at the end of the boat waiting list. Appropriate bookkeeping procedures to keep track of each Master Member's hours worked shall be the responsibility of the Governing Body. A request to reduce the Equitable Maintenance Fees and/or \$100 labor assistance due to extreme hardship must be presented to a member of the Governing Body. Upon receipt of such request, the President of the Governing body shall pole members of the Board via phone or e-mail. The Board's decision will be voted on and entered into the minutes of the next Board Meeting. The Board's decision to accept or reject such request shall be binding –effective April 18, 1999 and amended effective April 27, 2003; amended 4/2007; amended August 16, 2009

**Section B Item 2:**

Labor assistance hour, or hours, may be credited to a Master Membership's required hours of performance for participation on the Association Governing Body or on any Association Committee. The Master Member's activity must be confirmed, in writing and dated by the Committee Chairperson for the current season and submitted to the Governing Body – effective August 20, 2000; amended April 28, 2010

**Section B Item 3:**

A Maximum of one (1) labor assistance hour may be fulfilled by each Master Membership for the sale of at least ten (10) raffle tickets for the annual raffle by the Association's Fund Raising Committee. Tickets sold for credit of labor assistance time must be confirmed, in writing and dated, by the Fund Raising Committee Chairperson for the current season and submitted to the Governing Body. The return of unsold tickets and any money collected, or any combination thereof, is totally the responsibility of the Master Member and is due to the Fund Raising Committee before the fund raising activity's due date – effective August 20, 2000.

**Section C:** All proposals for the sale or lease of all real property owned by the Association shall be acted upon by the Governing Body. Before any such offer is accepted however, notice shall be given to the owner of record of each lot in the sub-division affected thereby and an opportunity to object and be heard by the Governing Body granted. Failure of a majority of the owners to be affected by the action of the Governing Body to object shall be construed as approval for the Governing Body to act; it being understood that no action by the Governing Body may interfere with the vested right of the lot owner in the use of the property as a park and beach as intended by the Plat and exercised by such owners.

**Section D:** No non-member resident, property owner, legal renter, or contract buyer shall be permitted to use any of the Association properties - amended April 18, 2010

**Section E: Conduct and Responsibilities**

1. All complaints concerning conduct in the park or beach areas at all times should be referred to any Board Member and brought before the Governing Body for disciplinary action, which may result in a revoked membership. Decision of the Governing Body shall be binding.
2. All Master Members shall be financially and otherwise responsible for their dependents and guests and shall adhere to all By-Laws and Beach Rules and Boat Rules as stated now and revised hereafter – effective April 18, 1999.

3. Each Master Member agrees that enforcement of the above provisions shall be by restoration or replacement of the park property in question to its pre-damaged or pre-destroyed condition and failure to make such restoration or replacement action to the satisfaction of the Governing Body of the Association shall result in the permanent loss of membership and privileges – effective August 19, 1982.

4. Each member is responsible for signing an official Labor Assistance document to record their individual labor assistance hours. Failure to do so will result in a charge of the established Labor Assistance Fee for that year – effective April 18, 1999.

**Section F:** Any person 62 years or older shall be eligible for Senior Membership. They are subject to the same rules and regulations as other Master Members. Equitable Maintenance Fees for a Senior Membership shall be 50% of the Equal Maintenance Fee, which is established at the Spring Meeting by the membership. Labor assistance shall be judged by the Governing Body on an individual basis – effective April 18, 1999; amended April 19, 2010.

#### **ARTICLE 4: GOVERNING BODY**

**Section A:** The Governing Body of the Association shall be five Directors and four Officers, consisting of a President, Vice President, Secretary and Treasurer, all of whom must be a Master Member in good standing. Two directors shall hold two-year terms to conclude on alternating years – effective April 18, 1999.

**Section B:** Shall be responsible for preparing an agenda for all bi-annual and special meetings of the Association.

**Section C:** In the event of a vacancy in any office, the Governing Body shall appoint a Master Member to fill the un-expired term.

**Section D:** The Governing Body shall not overrule the vote of the General Membership – effective April 21, 1991.

**Section E:** Officers and Directors shall not be personally liable for claims or damages against them, solely by reason of the fact that they were acting for, or on behalf of, the Association at the time such claim accrued. – effective April 18, 2004

**Section F:** The Association shall indemnify an Officer or Director of this Association, who is a party to lawsuit solely by reason of the fact that the person was an officer or director of the Association at the time such claim accrues. – effective April 18, 2004

#### **ARTICLE 5: DUTIES OF THE BOARD OF DIRECTORS**

**Section A:** Shall constitute the executive of the Association and shall be responsible for the execution, through its officers, of the objectives of the Association.

**Section B:** Shall have the power to overrule or modify the action of any officer (President, Vice President, Secretary or Treasurer) of the Association.

**Section C:** Shall be responsible for a report of the conditions of the Association at any Association meeting (by-annual or special) or at anytime by request of five Master Members in writing to the President.

**Section D:** Shall be charged with the responsibility of obtaining a yearly audit of the books and records of the Treasurer and all standing committees.

**Section E:** Shall be responsible for all considerations of sale or lease of all personal properties owned by the Association.

**Section F:** Shall be responsible for an opening and closing of the season inventory.

**Section G:** Any Board Member absent three consecutive meetings without an acceptable excuse shall be subject to dismissal at the discretion of the Board.

**Section H:** Shall be responsible for yearly correspondence pertaining to property encroachment, to be inclusive of all property owners adjacent to any Association property – effective April 18, 1999.

**Section I:** In the event the Vice President is unable to fulfill the Presidential obligations, the Board shall appoint a Director to do so – effective April 18, 1999; amended April 18, 2010

## **ARTICLE 6: DUTIES OF THE OFFICERS**

### **Section A: President**

1. Shall preside at all meetings
2. Shall issue a call for regular and special meetings of the Governing Body
3. Shall appoint or re-activate standing committees
4. Shall see that standing committees function and shall cooperate with the committee chairperson toward that end
5. Shall be Ex-Officio of all committees
6. Shall be overseer of the Association Employees
7. Shall call the Governing Body together whenever he/she deems it necessary and shall have, subject to the advice of the Governing Body, direction of the affairs of the Association and generally shall discharge such other duties as may be required of him/her by these By-Laws of the Association.

### **Section B: Vice President**

1. Shall be identified as stated in duties of the President
2. Shall be responsible for the discharging of all utilities and services
3. If at any time, the President is unable to act, the Vice President shall act in the Presidents absence – effective April 18, 1999.

### **Section C: Secretary**

1. Shall record all votes and minutes of the proceedings of the Governing Body and the Association in a book for that purpose
2. Shall give, or cause to be given, notification and an agenda of all Association meetings by mail one week in advance of same to all Master Members.
3. Shall give, or cause to be given, notice of all meetings of the Governing Body by telephone to the Governing Body
4. Shall be responsible for all incoming and outgoing correspondence

5. Shall be Resident Agent and responsible for all legal document pertaining to, for and about the Association including but not limited to, the filing of Michigan Corporation Papers. Legal documents do not include tax or tax related filings associated with Association employees.

**Section D: Treasurer**

1. Shall receive and deposit all funds of the Association in an accredited bank to be paid out only on checks drawn as hereinbefore provided and account for all receipts, disbursements and balance on hand.
2. Shall disburse such money as directed by the Governing Body
3. Shall prepare and submit financial reports to the Governing Body at their monthly meetings and bi-annual reports to the Association at the biannual meetings and at all special meetings of the Association.
4. Shall maintain permanent records of all financial transactions of the Association
5. Shall be bonded and/or insured for one year in the amount of One Hundred Fifty Thousand Dollars (\$150,000) – effective April 18, 1999; Amended April 18, 2010
6. Shall be responsible for the timely filing of all tax and tax related filings associated with Association employees.

**ARTICLE 7: MEETINGS**

**Section A: Association**

1. Bi-Annual meetings of the Association shall be held on the third Sunday in April and the third Sunday in August of the current fiscal year.
2. Special or change of meeting date may be called at the discretion of the Governing Body.
3. Notification of seven (7) days in advance of all aforementioned meetings shall be issued to the Association members by mail (via US Postal Service or electronically through e-mail to the address currently on file with the Association). Should it become necessary to cancel a scheduled meeting for any reason (i.e. inclement weather, inc.), the meeting shall automatically become rescheduled for the same day and time for the following week, without additional notification to the membership – effective August 2, 1983; amended April 18, 2010
4. A quorum shall consist of 20 Master Members in good standing present – effective April 18, 1999.
5. Each Master Member shall be responsible to sign the registry upon attendance of a bi-annual or special meeting.

**Section B: Governing Body**

1. Shall hold regular monthly meetings supplemented by special meetings as required when called by the President. The regular meetings shall be the third week of each month at 7:00 p.m., subject to change – amended April 18, 2010
2. Six (6) members of the Governing Body shall constitute a quorum at any meeting of the Governing Body.
3. Any Master Member is welcome to attend a meeting of the Governing Body, recognized by the chair for discussion purposes only.

## **ARTICLE 8: ELECTIONS**

**Section A:** The Governing Body of the Association shall be elected as follows: A nominating committee shall be appointed by the President for the purpose of proposing names of the candidates for various offices. Nominations can be made from the floor at any bi-annual August meeting and added to the recommendations of the committee.

**Section B:** Voting shall take place, by ballot or show of hands, at the Fall meeting on the third Sunday in August, - effective April 18, 1999.

**Section C:** The Governing Body shall be elected annually and shall take office on October 1<sup>st</sup> and shall hold office for one year from that date or until their successor shall be elected. One Director shall be voted to a two-year term determined by the highest majority of votes cast by the membership.

**Section D:** The election shall be a ballot of Master Members. The persons receiving a majority of votes cast being declared elected.

**Section E:** There shall be one vote to each Master Member, per household, not to exceed two. Master Members must be declared at the time Equitable Maintenance Fee is paid – effective April 18, 1999; amended April 18, 2010.

**Section F:** Position on the Governing Body shall be restricted to Master Members only.

## **ARTICLE 9: COMMITTEES**

### **General Note for All Standing Committees**

Committees are limited to:

- a. making recommendations to the Governing Body
- b. preparing budgets for considered action items
- c. seeking approval of the Governing Body prior to implementation of any action item
- d. relinquish a copy of all records to Governing Body upon demand – effective April 18, 1999.
- e. All committees shall be composed of not less than three (3) master members – effective April 17, 2005

### **Section A: Playground and Park Equipment**

1. Shall be responsible for recommending and purchasing playground equipment for the Association.
2. Shall be responsible for recommending park equipment for the Association – effective April 17, 2005

### **Section B: Membership**

1. Shall be responsible for the gathering of new members, maintaining membership, and handling suggestions for same.

**Section C: By-Laws and Beach Rules**

1. Shall be responsible for suggestions, and amendments, and shall submit same to the Governing Body for action no less than 30 days prior to a bi-annual meeting of the Association – effective April 18, 1999
2. Shall review and establish Beach Rules for each current membership year, and shall submit any changes to the Governing Body for action no less than 30 days prior to a Bi-Annual meeting of the Association (as amended 7/13/99).

**Section D: Fund Raising**

1. Shall endeavor to raise funds through approved fund raising activities for the benefit of the Association.
2. Shall have the power to establish one (1) day per year for use of the park property for the purpose of fund raising activities (i.e. Annual Fair) subject to approval of general members – effective April 18, 1999.

**Section E: Maintenance**

1. Shall be responsible for the Spring and Fall Clean Up, and make recommendations for maintenance for the park – effective April 18, 1999.

**Section F: Social**

1. Shall be responsible for the planning and carrying out of social events for the benefit of all members.

**Section G: Community Relations**

1. Shall be responsible for reporting any actions or activities of all organizations which directly or indirectly affect our Association:
  - a. DNR Representatives
  - b. M.S.L.I.A. Representatives
  - c. Community Relations Representatives

**Section H: Nominating**

1. Shall consist of not less than three (3) Master Members
2. Shall not be eligible for candidacy
3. Shall be responsible to carry out elections as stated in Article 8

**Section J: Future Planning**

1. Shall be composed of not less than three (3) Master Members – effective April 21, 1991

**Section K: Boating**

1. Shall be composed of not less than three (3) Master Members
2. Shall review and establish Boat Rules for each current year, and shall submit any changes to the Governing Body for action no less than 30 days prior to a Bi-Annual meeting of the Association (as amended 7/13/99)
3. Shall be responsible for maintaining all boat records – including but not limited to – slip assignments, waiting lists for slips, MC#s, etc. – effective April 18, 1999

## **ARTICLE 10: PARLIAMENTARY AUTHORITY**

**Section A:** All meetings, bi-annual, Governing Body, and/or special meetings of the Association shall be conducted in accordance with “Roberts Rules of Order – Newly Revised” by Henry M. Roberts, Scott Foreman Co., Glenview, IL 60026 – effective August 21, 1983.

**Section B:** The President shall have the privilege of appointing or assuming the position of Parliamentarian.

## **ARTICLE 11: AMENDMENTS**

**Section A:** 1. Proposed By-Law amendments shall be submitted to the By-Laws Committee, in writing, no less than 30 days prior to a bi-annual meeting of the Association (as amended 7/13/99)

2. Proposed Beach Rule amendments shall be submitted to the Beach Rule Committee, in writing, no less than 30 days prior to a bi-annual meeting of the Association (as amended 7/13/99)

3. Proposed Boat Rule amendments shall be submitted to the Boating Committee, in writing, no less than 30 days prior to a bi-annual meeting of the Association (as amended 7/13/99)

**Section B:** Said amendment(s) shall be submitted to the Governing Body for placement on the agenda of a bi-annual meeting

**Section C:** By-law changes shall be passed by a majority of the Master Members present Effective April 18, 1999. Rev. April 29, 2007

## **ARTICLE 12: MEMBERSHIP SPECIAL PRIVILEGES**

**Section A:** Each Membership’s group using the park on Memorial Day, Independence Day and Labor Day, will be limited to fifteen (15) persons – effective August 19, 1991

**Section B:** Family picnics are not to exceed 75 people. Only two family picnics are allowed per day, per weekend. A two-week notice is required. Any organized party consisting of 25 people, including Master Members, will be assessed a \$25 fee, plus a \$100 deposit. A member having a party is responsible for cleaning up after the party. Clean up includes the removal of cigarette butts, drink boxes and their wrappers and all litter in the area used. Put trash into cans and cans dumped in dumpster. The \$100 deposit will be refunded when the park manager or board member has approved the clean up. Accommodations will be first come, first served. Parties will take place in an area designated by the park manager. If there is a shortage of picnic tables, the park manager will ask a party to relinquish some tables. Master Member must be present at the party. Effective August 1999.