

# CONSTITUTION AND BY-LAWS OF SCOTT SHORES PROPERTY OWNERS ASSOCIATION INC.

## June, 2022

### **C&B REVIEW COMMITTEE MEMBERS:**

- Frank Bell, Lynda Smith, Dolly Roselip, Rose Jordan, Bob Lemon
- Special thanks to Jan Murphy for her comprehensive review and significant input.

### **GOALS:**

- 1) Clarify any sections that may have caused confusion in the past.
- 2) Update outdated verbiage and processes.
- 3) Add a Financial Responsibilities section.

### **VOTING PROCESS:**

Attached herein is the Scott Shores Association Constitution & Bylaws presented with both the **(CURRENT)** C&B verbiage and the **(PROPOSED)** updated verbiage for each Article. On the opposite side of this page is the ballot for voting on each proposed Article change.

**Please fill out the information below and vote on the other side.  
Only one member per paid-up membership may vote.**

Members may vote and return their ballot by mail to the address shown below, or they may vote in person at the Constitution & Bylaws meeting scheduled to be held on Saturday, June 18 at 11:00 am at the Association beach. All ballots will be opened and tallied at that time.

Scott Shores Association  
RE: C&B Ballot  
46315 Leedy Point Rd  
Bloomington, MI, 49026

\*Last Name: \_\_\_\_\_ \*First Name: \_\_\_\_\_

\*Scott Shores Address (# & Street) \_\_\_\_\_  
(\*Required)

<b><u>CONSTITUTION</u></b>	<b><u>BYLAWS</u></b>				
<b><u>ARTICLE 1 – NAME</u></b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"><input type="checkbox"/> APPROVE</td> <td style="width: 50%; text-align: center; padding: 5px;"><input type="checkbox"/> REJECT</td> </tr> </table>	<input type="checkbox"/> APPROVE	<input type="checkbox"/> REJECT	<b><u>ARTICLE 1 – ORGANIZATION</u></b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"><input type="checkbox"/> APPROVE</td> <td style="width: 50%; text-align: center; padding: 5px;"><input type="checkbox"/> REJECT</td> </tr> </table>	<input type="checkbox"/> APPROVE	<input type="checkbox"/> REJECT
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**CONSTITUTION AND BYLAWS  
OF  
SCOTT SHORES PROPERTY OWNERS ASSN INC.  
June, 2022 (PROPOSED)**

**CONSTITUTION**

(CURRENT)

**ARTICLE 1 – NAME**

This Association shall be known as the SCOTT SHORES ASSOCIATION INC.

(PROPOSED, no change)

**ARTICLE 1 – NAME**

This Association shall be known as the SCOTT SHORES ASSOCIATION INC.

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(CURRENT)

**ARTICLE 2 – OBJECTIVES**

The objectives of this Association shall be to create good fellowship among all Property Owners of Scott Shores and for its betterment.

(PROPOSED)

**ARTICLE 2 – OBJECTIVES**

The objectives of this Association shall be to:

- Care for the Association common areas.
  - Promote and support activities that create good fellowship among all property owners of Scott Shores and provide for its betterment.
- 

(CURRENT)

**ARTICLE 3 – MEMBERSHIP**

Any person purchasing land or property in Scott Shores is automatically a member of the Association. Subject to the By-Laws of the association.

(PROPOSED)

**ARTICLE 3 – MEMBERSHIP**

Any person purchasing land or property in Scott Shores is automatically a member of the Association, subject to the Constitution and Bylaws of the association.

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(CURRENT)

**ARTICLE 4 – ORGANIZATION**

The Association shall be guided by an administrative committee consisting of the President, Vice President, Secretary and Treasurer. The President shall be the chairman of the committees and all committees shall be authorized by the President.

(PROPOSED)

**ARTICLE 4 – ORGANIZATION**

The Association shall be guided by:

- An elected Board (referred to herein as the “Board”) consisting of the President, Vice President, Secretary and Treasurer.
- Five additional members, including the previous President, and four Association members selected by the President, referred to herein as the “Executive Committee”.
- All of the above shall comprise the ADMINISTRATIVE COMMITTEE.

Only one member per paid membership can serve on the Administrative Committee.

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(CURRENT)

**ARTICLE 5 – POWER OF THE ADMINISTRATIVE COMMITTEE**

The function of the Administrative Committee shall be to represent the combined membership of the Association in whatever way may be available.

(PROPOSED)

**ARTICLE 5 – FUNCTION OF THE ADMINISTRATIVE COMMITTEE**

The function of the Administrative Committee shall be to represent the combined membership of the Association as outlined in the Constitution and By-Laws.

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(CURRENT)

**ARTICLE 6 – ADMENDMENTS**

The Constitution and By-Laws may be amended only by a two-thirds majority of the members, voting by absentee ballot and in person, at a general or special meeting. Absentee ballots shall be tallied by the presiding executive committee at the general or special meetings.

Passed amendment revisions shall be effective immediately. Membership dues must be current in order to vote. For purposes of the regular annual meeting, dues shall be considered current if paid through the prior year.

Any proposed amendment to the constitution or by-laws shall be submitted to the membership at least 30 days prior to the vote. For purposes of voting on the constitution or by-law amendments and all other matters, one vote is allowed per paid-up membership.

Approval of other matters shall require a majority of the members voting by absentee ballot and in person. All absentee ballots must be received by the executive board one day prior to the scheduled date of the general or special meeting.

(PROPOSED)

**ARTICLE 6 – AMENDMENTS TO CONSTITUTION AND BY-LAWS**

The Constitution and By-Laws may be amended only by a two-thirds majority of the members, voting by absentee ballot and in person, at the Annual Meeting or Special Meeting.

- Absentee ballots shall be tallied by four members of the presiding Administrative Committee at the Annual Meeting.
  - Passed amendment revisions shall be effective immediately.
  - Membership dues must be current in order to vote. For purposes of the Annual Meeting, dues shall be considered current if paid through the prior year.
  - Any proposed amendment to the Constitution or By-Laws shall be submitted to the membership at least 30 days prior to the vote.
  - For purposes of voting on the Constitution or By-Law amendments, one vote is allowed per paid-up membership.
  - All absentee ballots must be received by the Board at least one day prior to the scheduled date of the general or special meeting.
-

## **BYLAWS**

(CURRENT)

### **ARTICLE 1 – ORGANIZATION**

The group shall be administered by the Elected Officers and Executive Committee of the group.

(PROPOSED)

[Proposed to remove this article as redundant. Organization is already discussed in Article 4 of the Constitution]

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(CURRENT)

### **ARTICLE 2 – MEETINGS**

The Annual Meeting shall be held each year during the month of June on a date selected by the Officers of the Association and will be announced in a newsletter to all members. Special meetings may be held, subject to the provisions of the By-Laws.

(PROPOSED)

### **ARTICLE 1 – MEETINGS**

Annual Meeting, Board Meetings, and Special Meetings may be attended by any Scott Shores property owner. Only paid members (or a proxy) will be allowed to vote on issues presented.

#### **Annual Meeting:**

- The Annual Meeting shall be held each year during the month of June, on a date and time selected by the Board.
- Notice of the meeting (time/date/place) will be provided to all members at least thirty (30) days prior to the date selected.
- A draft Agenda of the meeting will be provided in the notice, as well as a copy of the proposed Association Operating Budget.
- The Board shall permit any paid member to speak at the meeting. A reasonable time limit for all paid members of the Association to speak at the meeting shall be established by the Board.
- Any new motions brought before the membership that were not on the Agenda will be discussed, debated, and voted on at a Special Meeting.
- Minutes of the Annual Meeting will be posted on the Association website within sixty (60) days after the Annual Meeting.

**Board Meetings:**

- Board Meetings will be open to all members.
- Board Meetings will be held at least once a quarter. Notice of the meeting will be provided to all paid members at least fourteen (14) days prior to the date selected.
- The Board shall permit any paid member to speak at the meeting. A reasonable time limit for all members to speak at the meeting shall be established by the Board.
- Draft Minutes of the meeting will be posted on the Association Website within thirty (30) days after the meeting.

**Special Meetings:**

- Special Meetings will be open to all members.
- Special Meetings are called by the President at such times as he/she believes necessary.
- The President shall also call a Special Meeting upon request of a majority of the Administrative Committee.
- Special meetings shall be called to consider specific subjects and/or issues. No business other than that specified in the notification for the Special Meeting shall be discussed and/or transacted at said Special Meeting.
- Notice of the meeting will be provided to all paid members at least fourteen (14) days prior to the date selected.
- The Board shall permit any paid member to speak at the meeting. A reasonable time limit for paid members of the Association to speak to the Board at the meeting shall be established by the Board.
- Any new motions brought before the membership that were not on the Agenda will be discussed, debated, and voted on at another Special Meeting.
- Minutes of the Special Meeting will be posted on the Association website within thirty (30) days after the meeting.

**Executive Meetings:**

- Executive Meetings may be called at the discretion of the Board President.
- Executive Meetings are not open to the members
- Executive Meetings are held when an item of business involves confidential or sensitive information. General minutes of the Executive Meeting will be posted on the Association website within sixty (60) days of the meeting and include topics of discussion but no identifying information of members will be used.

**Emergency Meetings:**

- An Emergency Meeting may be called by the President of the Association, or by any two members of the Administrative Committee.
- Minutes of the Emergency Meeting will be posted on the Association website as soon as possible but no more than thirty (30) days after the meeting.
- The reasons and results of the Emergency Meeting will be provided in the website posting and at the next Board Meeting.

(CURRENT)

**ARTICLE 2 – VOTING OF OTHER MATTERS**

No current procedure. This is a new Article. See PROPOSED.

(PROPOSED)

**ARTICLE 2 – VOTING OF OTHER MATTERS**

Approval of other issues not specifically identified in the Constitution or By-Laws require approval by a majority of the paid members (or proxies)

- Notice of the meeting will be provided to all paid members at least fourteen (14) days prior to the date selected.
  - Any issue voted on during the Annual Meeting or a Special Meeting where a motion was passed to approve an issue, can only be overturned at the next Annual or Special Meeting.
  - If after implementation, the Board determines that the topic is illegal or impossible to implement, members will be notified and the issue will again be addressed at the next Annual Meeting or Special Meeting.
-



(CURRENT)

**ARTICLE 3 – OFFICERS AND PROCEDURES**

The Officers of the Association shall be a President, Vice President, Secretary, and Treasurer. The Officers shall be nominated and elected at an annual meeting by a majority of members present. In the event that any Officer is unable to fulfill the duties of his/her position, or should resign, the Executive Committee is empowered to make an appointment to fill the vacancy for the period prior to the next annual meeting, at which time the vacancy will be filled by election.

The Officers of the Association will receive payment for their services as follows, payment being made from Association dues collected.

President	\$75.00	Secretary	\$75.00
Vice President	\$75.00	Treasurer	\$75.00

(PROPOSED)

**ARTICLE 3 – OFFICERS AND PROCEDURES**

The Officers of the Association shall be a President, Vice President, Secretary, and Treasurer.

- The Officers shall be nominated and elected at an annual meeting by a majority of members present.
  - Members wishing to run for office shall make their intentions known at least 45 days prior to the Annual Meeting.
- In the event that any Officer is unable to fulfill the duties of his/her position, or should resign, the Administrative Committee is empowered to make an appointment to fill the vacancy for the period prior to the next annual meeting, at which time the vacancy will be filled by election.
- The Officers of the Association will receive an annual stipend from the Association for their services. The amount of the stipend will be documented in the annual Operating Budget.

(CURRENT)

**ARTICLE 4 – TERM OF ELECTED OFFICERS**

The officers shall take office following election and shall serve for one year. Officers shall be eligible for re-election if they wish to serve.

(PROPOSED, no change)

**ARTICLE 4 – TERM OF ELECTED OFFICERS**

The officers shall take office following election and shall serve for 1 year. Officers shall be eligible for re-election if they wish to serve.

(CURRENT)

## **ARTICLE 5 – DUTIES OF OFFICERS**

The President and in his/her absence, the Vice President shall preside at the meetings of the Association. The President shall perform all of the duties pertaining to the office. The President, Secretary, and Treasurer are authorized to sign checks and disburse funds. In the absence of a President and Vice President, the Executive Committee shall appoint a presiding officer. The President may call special meetings at such times as he/she believes necessary and shall call such meetings upon request of a majority of the Executive Committee.

The Secretary shall conduct correspondence and give notice of meetings, such notice to be given not less than 10 days prior to each meeting. The Secretary shall keep minutes of every meeting and prepare a report for the annual meeting. The Treasurer shall receive all membership fees and maintain the books and accounts. The Treasurer shall submit a written report of the financial condition of the group at the annual meeting.

(PROPOSED)

## **ARTICLE 5 – DUTIES OF OFFICERS**

### **PRESIDENT**

The President shall perform duties pertaining to the position as outlined in the Constitution and By-Laws, including, but not limited to:

- Preside at all meetings of the Association.
- Represent the Association at all official functions.
- Ensure the Constitution and By-Laws adopted by the Association are enforced.
- Be the Chairman of the Administrative Committee.
- Authorize any other committees deemed necessary and act as Chairman.
- Prepare the annual Operating Budget for presentation at each Annual Meeting for the next fiscal year.
- Periodically review the Operating Budget to determine if it is on track.
- Be responsible for maintaining the Historical Records of the Association.
- May call Special Meetings at such times as he/she believes necessary.
- Shall call Special Meetings upon request of a majority of the Administrative Committee.

### **VICE PRESIDENT**

The Vice-president shall perform duties pertaining to the position as outlined in the Constitution and ByLaws, including, but not limited to:

- In the absence of the President, the Vice-President will preside at meetings of the membership and will carry out all other Presidential responsibilities.
- Perform such other duties as may be assigned by the President.

## **SECRETARY**

The Secretary shall perform duties pertaining to the position as outlined in the Constitution and ByLaws, including, but not limited to:

- Be responsible for ensuring proper notice is given to the membership of all meetings of the Association and Board as required by the ByLaws.
- Prepare an agenda for the Annual Meeting and all other required meetings.
- Take attendance at the meetings.
- Prepare minutes of the meetings for review by the Board.
- Ensure draft minutes of meetings are posted on the Association website.
- Assist the President with preparing and maintaining Historical Records.
- Conduct the correspondence of the Association.
- Be responsible for keeping current the US Postal mailing and email addresses of members and advising the Treasurer of any changes. It will be the member's responsibility to ensure a current email is on file.
- Perform such other duties as may be prescribed by the President.

## **TREASURER**

The Treasurer shall have custody of the Association funds and perform duties pertaining to the position as outlined in the Constitution and ByLaws, including, but not limited to:

- Collect and track all dues payments made by members.
  - Provide proof of membership to all paid members.
  - Receive other monies for the Association.
  - Deposit funds in an authorized bank.
  - Pay invoices for recurring expenses as outlined in the approved Association Operating Budget.
  - Pay invoices for expenses incurred by a member and approved by the Board.
  - Maintain all financial records, deposits, expenditures, receipts, etc..
  - Present to the membership at the Annual Meeting a complete Annual Treasurer Report of the financial operations of the Association for the preceding year.
  - Assist in preparing the annual Operating Budget.
  - Conduct reviews of the annual Operating Budget and bring any issues to the attention of the President.
  - Perform such other duties from time to time as assigned by the President.
-

(CURRENT)

**ARTICLE 6 – FINANCIAL RESPONSIBILITIES**

Does not currently exist. New Article. See PROPOSED.

(PROPOSED)

**ARTICLE 6 – FINANCIAL RESPONSIBILITIES**

**General Guidelines**

- An Annual Operating Budget will be prepared for review/approval by Association membership at the annual meeting.
- The purpose of an Association Operating Budget is to establish how the Association's income will be used to operate the Association, as well as perform the necessary maintenance and repairs of Association properties.
- The majority of the Association's income is from collection of annual dues, which each member pays to cover all of the expenses necessary to operate the Association.
- The Association Operating Budget shall consist of Operations and Reserve expenses.
  - Operations expenses consist of the usual and customary expenses incurred by the Association on a regular basis, such as maintenance, insurance, utilities, and social programs.
  - Reserve expenses might include necessary, unexpected large expenditures, such as attorney fees, insurance deductibles, capital expenditures for the Association Beach facilities (e.g., new septic, new roof), and maintenance of private Association roads.
- An audit of the Association's financial records should be done by an independent member when new officers are elected, or at a minimum every other year.

**Annual Operating Budget**

- The Scott Shores Association Fiscal Year will run from May 1<sup>st</sup> through April 30<sup>th</sup>.
- The Treasurer will provide the necessary documentation and work with the Board to prepare the annual Operating Budget.
- The annual Operating Budget will be reviewed and approved by the Administrative Committee before providing to the membership for approval at the Annual Meeting.
- A copy of the Proposed annual Operating Budget will be included in the Annual Meeting notice sent to each member. The Proposed annual Operating Budget will be provided to the membership for final approval at the Annual Meeting.

## **Authorizations**

- The Treasurer, President, Vice President and Secretary shall act as authorized signatories for disbursement of funds for Association obligations.
- All checks/disbursements require the signature of two (2) authorized signatories.
- The President has the authority to increase any line item of the annual Operating Budget by 10% if needed to meet Association obligations.
- Any one-time expense not included in the annual Operating Budget that is under \$500 requires the approval of two Board members.
- Emergency expenditures exceeding \$500 may be authorized by a majority of the Administrative Committee members. Examples would include dangerous tree removal, septic issues, etc.

(CURRENT)

### **ARTICLE 6 – APPOINTMENT OF COMMITTEES**

Immediately following the annual meeting, the President shall appoint the Executive Committee and any other committees deemed necessary.

(PROPOSED)

### **ARTICLE 7 – APPOINTMENT OF COMMITTEES**

Following the annual meeting, the President shall appoint the Executive Committee and any other committees deemed necessary.

(CURRENT)

### **ARTICLE 7 – DUTIES OF COMMITTEES**

The Executive Committee shall consist of the immediate retiring President, the Vice President, Secretary, Treasurer, and four members appointed by the President. The Executive Committee shall carry out the policies of the Association as formulated at any of the meetings, shall pass upon all matters referred to it by the officers or committees, and shall initiate such matters as in its best judgment will advance the interest of the Association.

All committees shall meet at such times as deemed advisable in the judgment of the President.

(PROPOSED)

### **ARTICLE 8 – DUTIES OF COMMITTEES**

- The Administrative Committee shall carry out the policies of the Association as formulated at any of the meetings, shall discuss and decide upon all matters referred to it by the officers or committees, and shall initiate such matters as, in its best judgment, will advance the interest of the Association.
- Other Committee duties will be determined by the President.
- All committees shall meet at such times as deemed advisable in the judgment of the President.

(CURRENT)

**ARTICLE 8 – MEMBERSHIP FEES**

The annual membership fee shall be seventy five dollars (\$75.00) payable on May 1<sup>st</sup> each year. The amount of such dues and date payable may be changed by a vote of the members of the association at a regular or special meeting.

(PROPOSED)

**ARTICLE 9 – MEMBERSHIP FEES**

The annual membership fee shall be payable on May 1<sup>st</sup> each year.

- The amount of such dues and/or date payable may be changed by a vote of the paid members of the Association at the Annual Meeting.
- Notification of a dues change must be communicated to members at least 30 days prior to the annual meeting.
- Votes can be cast either in person at the Annual Meeting or by written or electronic notification.
- The proposed dues shall be documented in the proposed Operating Budget at the Annual Meeting.
- The approved dues shall be documented in the Annual Meeting minutes.

(CURRENT)

**ARTICLE 9 – ORDER OF BUSINESS**

Reading of the Minutes

Introduction of New Members

Secretary's Report

Treasurer's Report

Committee Reports

Old Business

New Business

Election of Officers

Adjournment

(PROPOSED)

**ARTICLE 10 – ORDER OF BUSINESS**

- Reading of the Minutes
- Introduction of New Members
- Secretary's Report
- Treasurer's Report
- Committee Reports
- Proposed Annual Budget
- Old Business
- New Business
- Election of Officers
- Adjournment

(CURRENT)

**ARTICLE 10 – USE OF SCOTT SHORES PROPERTY**

No watercraft (i.e., boats, paddleboats, canoes, etc.) will be allowed to be kept on association properties after hours of operation (11:00p.m.) All watercraft must be removed at the end of each day. No watercraft is allowed in the Beach area. No personal piers or rafts will be allowed to be constructed on Association property. The Association currently has a raft at the swimming beach which is allowable. Use of Scott Shores parks, beaches, buildings, and/or equipment is restricted to paid-up members of Scott Shores Association Inc., and their guests. A “GUEST” shall be determined as a welcomed, non-paying visitor, a non-owner or a non-paying family member of a paid-up Scott Shores association member. All paid-up members and or invited guest described prior must be able to display members current Dues Card. New construction and remodeling shall be in accordance with Arlington Township and Van Buren County health department ordinances.

(PROPOSED)

**ARTICLE 11 – USE OF SCOTT SHORES PROPERTY**

Daily use of Scott Shores parks, beaches, buildings, and/or equipment is restricted to paid-up members of Scott Shores Association Inc., and their guests.

- A “GUEST” shall be determined as a welcomed, non-paying visitor, a non-owner or a non-paying family member of a paid-up Scott Shores association member.
- All paid-up members and or invited guests described above must be able to display proof of current dues payment.

**Association Property Guidelines**

- No watercraft (i.e., boats, paddle boats, canoes, etc.) will be allowed to be kept on Association properties after hours of operation (11:00p.m.)
- All watercraft must be removed at the end of each day.
- No watercraft are allowed at the Beach area.
- No personal piers or rafts will be allowed to be constructed on Association property.
- No open fires.
- No dumping of any kind of materials.
- No camping.
- Personal property shall not be kept on Association property.
- Access to Association property shall remain unrestricted at all times.

New construction and remodeling shall be in accordance with Arlington Township Ordinances and Van Buren County Health Department Regulations.

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(CURRENT)

**ARTICLE 11 – PROTECTING ASSOCIATION PROPERTY**

Scott Shores Association Inc., will petition the court and/or legal advisors to recover any and all attorney, court or other legal fees incurred when protecting the Association property or the Constitution and By-Laws, as the Association is a non-profit organization.

(PROPOSED)

**ARTICLE 12 – PROTECTING ASSOCIATION PROPERTY**

Scott Shores property belongs to all residents of Scott Shores. It is incumbent upon all Scott Shores residents to watch out for and protect our community properties. If necessary, Scott Shores Association will petition the court to recover any and all attorney, court, or other legal fees incurred from protection of Association interests.