

LAKE OAKLAND HEIGHTS PARK ASSOCIATION, INCORPORATED

A Non-Profit Michigan Corporation

BY-LAWS

ARTICLE I

Name

The name of the Organization shall be "Lake Oakland Heights Park Association, Incorporated", a non-profit Michigan Corporation.

ARTICLE II

Purposes

Section 1 - To protect the investment and rights of property owners in the Lake Oakland Heights Subdivision, Waterford Township, Oakland County, Michigan by enforcing the Restrictions and Zoning Laws in effect in relation to the subdivision.

Section 2 - To promote the safety of the residents.

Section 3 - To own legal title to the **Beach Property**, and to manage and maintain the **Recreation Area** for the rest of the members of this organization.

Section 4 - To promote the social welfare, education and recreational interest of the residents.

ARTICLE III

Reservation of Powers

All of the corporate powers of this Organization, not expressly reserved to the members by these **BY-LAWS**, shall be fixed in a **Board of Directors**. Nothing shall be construed as a restriction or limitation of such power if not expressly hereinafter provided.

ARTICLE IV

Membership

Section 1 – Qualifications: Any person who shall be an owner of property or a Land Contract Purchaser in Lake Oakland Heights Subdivision, Township of Waterford, County of Oakland, in the State of Michigan shall be eligible to be a member of this organization upon payment of dues and/or fees:

- a. Beginning in 2010, dues are **Sixty-Nine Dollars (\$69.00)** per year and to be paid by May 31st of the year to be considered **on time**. *(See Article IV, Section 7). Late fees will be assessed and defined in writing with the yearly notification of dues sent to residences within the subdivision.
- b. Anyone in possession of property under Lease Agreement shall be entitled to beach privileges, at no charge, providing the owner is in good standing, and does not exercise his beach privileges.
- c. If an owner becomes a member of the Association, the lessee may become a member, with no voting rights, upon payment of the yearly dues.
- d. If an owner declines to become a member of the Association, the lessee may become a member, with no voting rights, upon payment of the yearly dues.
- e. If an owner or lessee has attained the age of Sixty-Five years or older, he/she is entitled to a voluntary discount of Twenty Percent (20%) off the current dues only. This discount does not apply to any other fees of the Association.

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- f. All membership terms shall run from **May 1st** of a given year through **April 30th** of the following year.
- g. Beginning with the membership year starting May 1, 2010, if a membership is voluntarily or involuntarily discontinued, then there will be a membership reinstatement fee of **Seventy-Five Dollars (\$75.00)** required in addition to payment of regular dues and/or fees in order to reinstate membership.

Section 2 - Transferability: If the owner of any membership has already paid the aforementioned dues, the new owner will not be required to pay any dues, except such dues and fees as may become due in the future, following such assignment of membership.

Section 3 – Provision of Membership: There shall be only one membership for each lot in the subdivision; however, every member of the family residing upon said lot shall be entitled to the use of the park, beach, and any other Association facilities. Members are subject to the rules and regulations of the membership and/or any infractions of such rules and regulations. Only members in good standing shall be entitled to use the facilities.

Section 4 – Forfeiture of Membership: Membership is forfeited if current membership year's dues are not paid, along with any late fees and/or other fees, by **August 31st** of the current membership year. A notice of such forfeiture will be mailed **Thirty (30) days** prior to the forfeiture date.

Section 5 – Reinstatement of Membership: Any person, whose membership has been forfeited in accordance with the foregoing section, shall be entitled to reinstatement upon payment of current yearly dues, **including all fees**, as are in force at time of reinstatement.

Section 6 – Persons: For the purpose of these **By-Laws**, a person shall constitute any natural person or any legal entity capable of owning property in the State of Michigan.

Section 7 – Inflation Adjustment: All dues in this Article shall be subject to yearly changes as decided by the presiding Board of Directors within the range of minus ten percent (-10%) to plus five percent (+5%) over the previous year's dues amount, rounded to nearest whole dollar.

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ARTICLE V

Meetings

- Section 1 – Regular Meetings:** **Regular Meetings** of the members shall be held the last **Tuesday of September** (*Election Meeting*), the first **Tuesday of December** (*Budget Meeting*), and the last **Tuesday of April**. All meetings are to be held at 7:30 P.M.
- Section 2 – Special Meetings:** **Special Meetings** of the members may be held at such times as may be ordered by the **Board of Directors**, or called by the **President** upon request of a majority present and voting at any **Regular Meeting**, or in writing of the members in good standing at that particular time.
- Section 3 – Place of Meetings:** Meetings shall be held at such suitable place as shall be selected by the Board of Directors, within the Township of Waterford, County of Oakland, in the State of Michigan.
- Section 4 – Annual Meeting:** **The Annual Meeting** of this Association shall be held on the last **Tuesday in September** of each year, and the election of **Officers of the Board of Directors of the Association** shall take place.
- Section 5 – Notice of Meetings:** Notice of all meetings shall be given to the members of the Association at least **Seven (7)** days prior to the date of such meeting. In the event of a **Special Meeting** being called, only that subject for which such meeting is called may be discussed. A notice shall contain an agenda for that Special Meeting.
- Section 6 – Voting:**
- Only members in good standing shall be entitled to vote.
 - Voting at Regular and Special Meetings of this Association shall be by acclamation, except when a roll call vote is required.
 - Only one (1) owner to each lot present at any meeting of the Association may vote.
 - The absence of any member from any Regular or Special Meeting shall be construed as a waiver of the right to vote.
 - President** shall order a roll call vote on any question, when two different members make a demand.
- Section 7 – Majority:** A majority of the members eligible, present and voting shall be required to carry or pass any question.
- Section 8 – Quorum:** Any “Regular/Special” membership meeting which has been called to order, the provisions of **Article V** shall be determined to meet any “**Quorum**” requirements, for all business conducted at said meetings, and shall be determined to have met any and all **L.O.H.A By-Law requirements**.
- Section 9 – Rules of Order:** All business may be carried out in accordance with “**Roberts Rules of Order Revised**” but are not required. The President shall maintain order and discipline at any Association meeting.

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ARTICLE VI

Directors and Officers

- Section 1 – Election:** At the **Annual Meeting of this Association, the Board of Directors** shall be elected, consisting of Ten (10) persons who must be members in good standing of this Association: **Four (4)** of which shall be elected to the Offices of **President, Vice-President, Secretary, and Treasurer**. The remaining **six (6)** shall hold **Directorships** as follows: **Boating, Expeditor, Legal, Promotional, Social, and Safety. Officers and Directors** shall hold office for **one (1)** year or until their successor shall have been duly elected installed.
- Section 2 – Vacancy:** In the event of a vacancy on the **Board of Directors**, because of death or resignation, or for any other reason, such vacancy may be filled by the remaining **Directors** for the unexpired term of the vacant office, or may be filled at a **Special Meeting** of the membership called for that purpose.
- Section 3 – Place of Meetings:** Meetings of the **Board of Directors** may be called at any time by the **President or two (2) Directors**, and may be held at any place within the Township of Waterford, County of Oakland, and State of Michigan.
- Section 4 – Notice of Meetings:** **Two (2)** days notice shall be given to all Officers and Directors of a meeting of the **Board of Directors**, either personally or by mailing a written notice thereof. Such notice shall state the object of such meeting, if there is any special objective. Any member of the **Board of Directors** may waive notice of any meeting of the **Board of Directors** by informing any other attending board member.
- Section 5 – Quorum:** A majority of **Directors** shall constitute a “**Quorum**” for the transaction of business except as otherwise provided in these **By-Laws**.
- Section 6 – Compensation and Removal:** No Officer or Director shall be entitled to compensation for his/her services as such. Any Officer or Director may be removed from their office at any time by an affirmative vote of **Two-Thirds (2/3)** of the membership present and voting at a **Special Meeting**.
- Section 7 – Service Year:** Officers and Directors shall take offices from the end of an election meeting to the next election (see Article VI, section 8).
- Section 8 –** Upon the adjournment of the General Membership Election Meeting, the newly elected Board shall hold a Board meeting consisting solely of opening the meeting and adjourning it to officially begin their term.

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ARTICLE VII Officers and Duties

- Section 1 – Officers:** The officers of this Association shall be a **President, Vice-President, Secretary, and Treasurer.**
- Section 2 – President:** The **President** shall preside at all meetings of the **Membership and Directors;** shall sign the records thereof, shall do and perform all duties pertaining to the office of a President of a Corporation, as well as those required of him by the Board of Directors. The newly elected **President** shall appoint a committee responsible for an annual audit of the Association’s finances within **Four (4)** months following the end of the Associations fiscal year. The outgoing **President** shall automatically serve a One (1) year term as an ex-officio, non-voting member of the Board of Directors.
- Section 3 – Vice-President:** It shall be the duty of the **Vice-President** to do and perform all duties of the **President** in the event of his absence, disability or vacancy in his office, as well as those required of him by the Board of Directors.
- Section 4 – Secretary:** It shall be the duty of the **Secretary** to keep records of all the proceedings of the meetings of the members of the Board of Directors. To keep or cause to be kept books for the record of membership, to attest to instruments of the Association required attestation. To give all notices as required to be given, and to perform such duties as pertain to the office of the Secretary of a Corporation, as well as those required of him by the Board of Directors.
- Section 5 – Treasurer:** It shall be the duty of the **Treasurer** to exercise supervision over the finances of the Association, to collect dues, to furnish the Board of Directors with accurate statements of the financial condition of the Association at such times as the Board of Directors may request, to prepare annually, for the consideration of the members, a financial statement showing the financial condition of the Association’s fiscal year just closed, to perform such other duties as pertain to the office of Treasurer of a Corporation, and/or those required of him by the Board of Directors.
- Section 6 – Budget:**
- a. It shall be the duty of the **Board of Directors** to formulate an annual budget, not to exceed **Eighty percent (80%)** of the previous annual income, and present it to the membership for approval at the December General Membership Meeting.
 - b. Any expenditure in excess of the approved budget may be made only by the approval of the membership present and voting at any Regular or Special Meeting.

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ARTICLE VIII

Boat Dock

Section 1 – Qualifications: Any member in good standing of this Association may be eligible to rent a boat slip on an annual basis, limited only by the availability of the boat slips.

Section 2 – Fees: The annual fee to rent a boat slip shall be **Two-Hundred Dollars (\$200.00)**. This fee must be paid in advance of occupying the assigned boat slip.

Section 3 – Inflation Adjustments: All fees in this Article shall be subject to yearly changes as decided by the presiding Board of Directors within the range of minus ten percent (-10%) to plus six percent (+6%) based on the previous year's boat slip fee amount, rounded to the nearest whole dollar.

ARTICLE IX

Seal

No formal seal shall be adopted by the association.

ARTICLE X

Fiscal Year

The Fiscal Year of the Association shall be from October 1st to September 30th to coincide with the terms of service of the Board of Directors.

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ARTICLE XI

Finances

Section 1 – General Account (Checking):

- a. During the Association's Fiscal Year, all income, excluding interest earned in the Special Account (Savings) and 50% of the monies collected for boat slip fees, shall be placed into the General Account. Interest earned in the Investment Account shall be considered as income at the time it is withdrawn and placed into the General Account.
- b. All General Account funds shall be placed in a bank checking account of the Board of Directors choosing and withdrawals shall be made only by check. All checks shall be signed by two of the following three Officers: President, Vice-President, or Treasurer.

Section 2 – Special Account (Savings):

- a. After the conclusion of the Association's fiscal year audit, and no later than thirty (30) days after the necessary money become available in the General Fund, **Twenty percent (20%)** of all income deposited into the General Account (Checking) during the fiscal year, including dues, fees, profits from beach activities and interest income, shall be placed into the Special Account (Savings). Interest earned in the Special Account shall remain in the Special Account.
- b. All monies contained in the Special Account (Savings) shall be placed into an interest bearing savings account with a fixed rate of interest.
- c. The monies in the Special Account may be withdrawn at any time for any purpose at a Special General Membership Meeting by a **two-thirds (2/3)** affirmative vote of the general membership present and voting.

Section 3 – Boat fund:

- a. The Boat Fund consists of 50% of the fees paid by L.O.H.A. members for boat slip rental. The remaining 50% is deposited into the General Account to be used as general income. The money contained in the Boat Fund is used for upkeep of the boat docks and boating areas including the boat launch ramp and walkway.
- b. The Boat Director may authorize the use of a maximum of **One Thousand Five Hundred Dollars (\$1,500.00)** during any one fiscal year for maintenance and improvements of the boat docks and surrounding areas. The use of any money in excess of **One Thousand Five Hundred Dollars (\$1,500.00)** per fiscal year must be approved by a **Two-Thirds (2/3)** majority vote of boat club members present at a meeting called by the Boat Director or at the request of a majority of current boat club members. Authorization of any money used shall not exceed the amount available in the Boat Fund.
- c. After the conclusion of the Association's fiscal year audit, and no later than thirty (30) days after the necessary money becomes available in the Boat Fund, **Twenty Percent (20%)** of the money collected for boat slip rental for the fiscal year shall be placed into the Special Account (Savings). All other money contained in the Boat Fund shall remain in the Boat Fund.

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Section 4 – Investment Account:

- a. The Board of Directors is responsible for investing money contained in any designated investment account in an FDIC insured interest account. This account shall be reviewed at least once per year by the Board of Directors for the purpose of determining whether the current rate of return is reasonable and acceptable. The monies contained in this account may be moved to another account if approved by a **Two-Thirds (2/3)** affirmative vote of the board members. Any account selected shall contain a defined rate of return with no risk of loss of the minimum principal amount.
- b. The interest earned in this account is available to be used by L.O.H.A., but any interest withdrawn must be approved by a **Two-Thirds (2/3)** majority vote of the L.O.H.A. Board of Directors present at a Board meeting.
- c. Any interest withdrawn from this account shall be treated as income for the fiscal year in which it is withdrawn and deposited into the General Account (Checking). The entire amount withdrawn shall be placed into the General Account at the time it is withdrawn and, after the conclusion of the Association's fiscal year audit, and no later than thirty (30) days after the money becomes available in the General Account, **Twenty Percent (20%)** shall be placed in the Special Account (Savings).

Section 5 – Special Charges and Assessments:

Special Charges and assessments may be placed upon the membership by a **Two-Thirds (2/3)** affirmative vote of the members present and voting at a Special Meeting.

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**ARTICLE XII
Masculine Gender**

Wherever in these **By-Laws** a pronoun denoting the masculine gender has been used, it shall equally apply to the feminine gender.

**ARTICLE XIII
Profits**

In the Event that this Association shall conduct any activities from which a profit is derived, there shall never, at any time, be any profit, dividend, or share of anything of value returned to or paid to any member of this Association. All such profits shall be used by this Association for the purpose of the Association exclusively.

**ARTICLE XIV
Amendments**

These **By-Laws** may be amended by an affirmative vote of **Two-Thirds (2/3)** of members present and voting at any **Regular Meeting or Special Meeting** of the Association provided notices of such intention to amend these **By-Laws** has been given to the membership by mail, newsletter or signs **Seven (7)** days prior to such meeting. All amendments to these **By-Laws** shall be incorporated into the existing wording of the document. The revised **By-Laws** must then be signed and dated by the officers and kept on file by the Secretary.

PRESIDENT

JIM WILLIAMS

VICE-PRESIDENT

DON SWANSON

SECRETARY

JESSICA BAKER

TREASURER

CHERYL BAKER

Revised 2019-Effective
April 30, 2019