

**BY-LAWS  
of the  
BEVERLY BEACH IMPROVEMENT CLUB**

**ARTICLE 1  
Name and Purpose**

This association shall be known as the Beverly Beach Improvement Club ("BBIC" or "Club"). The purpose of BBIC is to promote the enjoyment of life in the Beverly Beach neighborhood including the provision of a water system that supplies an adequate amount of clean, healthy drinking-quality water to all residents every day of the year both today and in the future and maintaining, repairing, and improving the trails, pathways, beach reserves, and other common areas of the Club.

**ARTICLE 2  
Officers, Meetings, Committees, Board Member Liability**

**Section 1**

The leadership of this Club shall consist of seven trustees (which includes four who will hold the offices of President, Vice-President, Secretary and Treasurer). These trustees will constitute a Board of Trustees ("Board"). The officers and other trustees shall be elected at annual meetings and will serve as trustees for a term of three years. A trustee may serve only two consecutive terms of three years. After serving two consecutive terms, a retiring trustee will be eligible for reelection in one year.

**Section 2**

Any interim vacancy in a trustee position or elected office shall be filled by a majority vote of the remaining Board until the next annual meeting.

**Section 3**

Special meetings of the membership shall be called as deemed necessary by a majority of the Board.

**Section 4**

Meetings of the Board shall be called as deemed necessary by the President or any three trustees.

**Section 5**

The President shall preside at all meetings, and, if absent, the Vice-President shall perform the President's duties.

**Section 6**

The Secretary shall be the custodian of all BBIC property and records. The Secretary shall keep a true record of the proceedings of all Membership and Board meetings. The Secretary shall mail written notices to all members of all Membership meetings, at least two weeks prior to the date of said meeting.

The Treasurer shall be charged with the collection of all dues, moneys and the like and

hold the same subject to the order of the Club. The Treasurer shall keep an accurate record of all receipts and disbursements. The Treasurer shall determine and supervise the duties of a bookkeeper. All payments in the amount of \$500 or more will require two authorized approvals.

The Secretary and the Treasurer shall perform such other duties as determined from time to time by the Board.

### **Section 7**

The Board will appoint a nominating committee and such other committees as necessary.

### **Section 8**

The members of the Board shall not be liable to Club members, or any other party, for any mistake of judgment, negligence, or otherwise, except for their own willful misconduct or bad faith. Members shall indemnify and hold harmless each member of the Board against all contractual liability to others arising out of contracts made by the Board on behalf of the members, unless such contract shall have been made in bad faith or contrary to the provisions of these By-Laws ("By-Laws"). It is acknowledged and intended that the members of the Board shall have no personal liability with respect to any contract made by them on behalf of the BBIC and its members.

Each Board member shall be indemnified by the members against all expenses and liabilities, including reasonable attorney fees by reason of having held a Board position, except in such cases wherein such Board member is adjudged guilty of willful malfeasance in the performance of the Board Member's duties.

## **ARTICLE 3 Membership**

### **Section 1**

The membership shall be restricted to the property ("registered parcel") owners of Beverly Beach Divisions One and Two ("members"). All members whose annual membership dues have been paid and are otherwise in good standing shall have a right to vote orally or by written ballot on all matters coming before the Club as provided for in these By-Laws.

### **Section 2**

Annual membership dues shall be \$60 per member or such different amount as determined at an annual meeting.

### **Section 3**

There will be an annual capital reserve assessment of \$240 per vested water right or such different amount as determined at an annual meeting. Use of funds in the capital reserve is limited to repair or replacement of components of the BBIC water system which cost in excess of \$2,000 per occurrence.

#### **Section 4**

Vested water rights members actually connected to the BBIC water system shall pay an annual base operations fee of \$200 per connection or such different amount as determined at an annual meeting. Such members may also be assessed a per gallon charge for usage per connection over and above a set amount of water as determined at an annual meeting.

### **ARTICLE 4**

#### **Special Assessments and Collection**

##### **Section 1**

Special assessments for water system related matters over the amounts established pursuant to Sections 3 and 4 of Article 3 shall be assessed only if (a) proposed by the Board of Trustees and (b) subsequently approved by the membership. Voting by the membership on water system related special assessments shall be as provided in Article 5 of these By-Laws. Special assessments on water system related matters shall be based on vested water rights owned.

##### **Section 2**

Special assessments for common area matters shall be assessed only if (a) proposed by the Board of Trustees and (b) subsequently approved by the membership. Voting by the membership on common area related special assessments shall be as provided in Article 5 of these By-Laws. Special assessments on common area matters shall be based on membership, regardless of the number of lots owned.

##### **Section 3**

The Board may record a lien on a registered parcel for the failure to pay amounts due and owing pursuant to Articles 3 and 4 of these By-Laws. Such lien will be recorded according to applicable law and the timing for the recording of a lien shall be at the discretion of the Board. Following the recording of such a lien, the Board may issue and deliver to a delinquent member a written notice stating that 30 days thereafter water service may be terminated and/or the lien foreclosed according to applicable law.

### **ARTICLE 5**

#### **Voting and Amendment of By-Laws**

##### **Section 1**

Voting Rights on Water System Matters: Only members who have paid a water hook-up fee or are otherwise legitimately connected to the BBIC water system (“vested water rights members”) shall have the right to vote on matters relating to the operation and maintenance of and charges for the BBIC water system. Vested water rights members will have a single vote per vested water right (if more than one such member owns the same such right, they will share the vote for that right).

##### **Section 2**

Voting Rights on Common Area Matters: Members who are registered parcel owners shall have a single vote on all common area matters and other matters submitted for vote to the

membership regardless of how many parcels are owned by the member (if more than one such member owns the same parcel(s), they will share the vote).

### **Section 3**

No change to these By-Laws may be made without a written notice proposing such change being sent to all members and the approval of a majority of such members as provided for in this Article 5. If the proposed amendment is submitted to the membership by mail ballot (by post or email) and a quorum for validation is not achieved, a vote on the same proposed change to the By-Laws may be taken at the annual meeting or a specially called meeting with notice to the membership of such proposed change mailed (by post or email) at least 15 days prior to such meeting. Mail ballots must be returned to the Secretary.

### **Section 4**

A quorum for annual and special meetings shall be 20 members. A quorum for validation of a mail ballot shall be 40% of the membership. A majority member vote of members present at an annual or special meeting must be achieved to pass any motion or item brought to a vote for passage. A majority of member votes received by mail ballot must be achieved to pass any motion or item brought to a vote for passage.

## **ARTICLE 6 Water Hook-ups**

### **Section 1**

An application for the right to hook up to the water system must be submitted in writing to the Secretary, together with the total required hook-up charge which has been recommended by the Board and approved by the membership. The remittance for this charge will be held for deposit pending application approval by a majority of the Board. For applications not approved, the remittance will be returned to the applicant.

### **Section 2**

In approving applications for water hook-ups, the Board will consider capacities of water and pumps, water pressure to existing water users, condition of pipes in system, possible long-term limitations on enlarging the system and financing, compliance with State and County regulations and other relevant matters. The Board of Trustees in its discretion will approve new hook ups consistent with the ability of the total system to support such new users.

### **Section 3**

After the application is approved and the Member notifies BBIC that they are ready for a connection to the water main, and the hook-up fee has been paid, BBIC's Water System Operator will implement the connection to the main, install a suitable line, including any required road crossing, to a meter ready service box and shut-off valve at the nearest reasonably accessible location to the Member's property. It shall be the responsibility of the Member to bring and maintain their service line to the meter on their property.

The responsibility for payment of the cost of implementing the hookup will be assigned as

follows:

(a) For cases where the meter can be located close to the main, without any road crossing or an extended line from the main, the cost of the hookup to the main and provision of a meter ready service box and shut-off valve shall be the responsibility of the BBIC.

(b) In cases where a road crossing or an extended line to the main is required to locate the meter service box and valve on the Member's property, the additional cost incurred on a time and materials basis, of bringing the connection up to the meter on the Member's property, including any road crossings or a extended line over and above that provided under item 6(a) above, shall be the responsibility of the Member.

**ARTICLE 7**  
**Emergency Repairs**

Emergency repairs to the BBIC water system (such as for broken pipes) on a member's registered parcel shall be incurred by the Club and collected from the member. Such repairs will be accomplished by the Club only after reasonable efforts have been made to contact the member.

**ARTICLE 8**  
**Expenditures**

Approval for expenditures are required as follows: Major expenses involving commitments on projects of \$5,000 or more will be recommended by the Board to the members at any regular annual or special meeting. These members may approve such expenditures, or may, by a majority vote of those present, refer such expenditures to the entire membership for vote by mail ballot.

Emergency repairs in excess of \$5,000 requiring immediate correction, and where time precludes securing membership approval, may be committed with the approval of a majority of the Board, provided there is a true emergency, and provided a complete report of such expenditures is distributed to all members. Routine maintenance expenses and/or repairs over \$500 and up to \$5,000 must be approved by the Board. Routine expenses and/or repairs up to \$500 may be approved and paid by the Treasurer with the concurrence of the President, or in his or her absence, the Vice-President.

**ARTICLE 9**  
**Sale of BBIC Assets**

The Board may not dispose of BBIC assets valued over \$500 without the approval of the membership.

**ARTICLE 10**

These Amended By-Laws shall supersede all previous Beverly Beach improvement Club By-Laws and shall become effective on September 18, 2020.