



Rules & Regulations Committee
September 21, 2020 at 5:00 p.m.
Held via Zoom and Live-Streamed on
Facebook

Agenda

- I. Call to Order
- II. Approval of Minutes
 - a. September 1, 2020
- III. Open Forum – Comments are limited to three minutes per property owner.
- IV. Response to Open Forum

New Business

- V. Review of Policy 9.04 – *Board Election and Political Candidates/Use of Facilities.*
- VI. Review of Article 9.03 – *Volunteerism.*
- VII. Review of Policy 1.04 - *Joint Advisory Committees*
- VIII. Review of Policy 3.04 - *Guest Policies*

Old Business

- IX. First reading, Policy 2.05 – *Regulation of Common Property – Hunting*
- X. First reading, Policy 9.04 – *Board Election and Political Candidates/Use of Facilities*
- XI. Second reading of Bylaws, Article III – *Board of Director Qualifications, Number, Term of Office, Governing Power, Removal and Vacancies.*

- XII. Second reading of Policy 1.03 – *Guidelines for Association Committees*
- XIII. Second reading of Policies 1.08, 3.01, 3.09, 6.02, 7.05, 8.02, 8.03, 8.03.1, 8.03.2, 8.04, 8.06, 8.08, 8.09, 8.10, 8.11, 8.13, 10.01- The word “Guideline” was removed from each policy.
- XIV. Second reading of Policies 1.03.6, 7.04, 8.15, 8.16, 9.01 – The word “Guideline” was removed and replaced with “Rules”, “Objectives”, or “Procedure”.
- XV. Second reading of Policy 9.03 – *Volunteerism*. The word “Guideline” was removed and replaced with “Procedure”, and “Community Involvement” was also removed.
- XVI. Next Meeting Date
- XVII. Adjournment

BELLA VISTA PROPERTY OWNERS ASSOCIATION
RULES AND REGULATIONS COMMITTEE MEETING
SEPTEMBER 1, 2020
BOARDROOM AT THE COUNTRY CLUB

COMMITTEE MEMBERS PRESENT: Teah Bidwell, Mary Sinkus, and Jerre Barron, Jr.

MEMBERS PRESENT VIA ZOOM: Mike Abb.

OTHERS PRESENT: David Brandenburg, Tom Judson, Doug McCash, and Tammie Loyd

I. Call to Order

Committee Chairperson, Teah Bidwell called the meeting to order at 4:01 p.m.

II. Approval of Minutes

Committee Chair Bidwell called for a motion to approve the August 18, 2020 Rules and Regulations Committee Minutes. Director Sinkus motioned to approve the August 18, 2020 Rules and Regulations Committee Minutes as presented. Director Barron seconded. There was no discussion. The motion passed unanimously.

III. Open Forum

There were no member comments.

New Business

IV. Review of Policy 9.04 – Board Election and Political Candidates/Use of /Facilities.

Committee Chair Bidwell explained the changes to Policy 9.04 section by section, as noted, to the redline version of the policy. After review and changes, Director Sinkus motioned to accept the amended changes to Policy 9.04 and recommend them to the Board of Directors in their August Meeting. Director Barron seconded. There was no additional discussion. The motion passed unanimously.

V. Review of Policy 2.05 – Regulations of Common Property – Hunting.

Committee Chair Bidwell discussed changes to Policy 2.05. After discussion, there were no additional changes and Policy 2.05 will move forward, with no additional changes. Director Barron motioned to approved the recommended changes to Policy 2.05 to the Board of Directors in their August meeting. Director Sinkus seconded. These was no further discussion. The motion passed unianimously.

Old Business

VI. Second of Two Required Readings on Policies, 1.03, 1.08, 3.01, 3.09, 6.02, 7.05, 8.02, 8.03, 8.03.1, 8.03.2, 8.06, 8.08, 8.09, 8.10, 8.11, 8.132, 10.01, 1.03.5, 7.04, 8.15, 8.16, 9.01, 9.03, and Bylaws, Article III.

Committee Chair Bidwell initiated a discussion regarding changes made to each of the above

noted policies and stated they will be reviewed again at the September 24, 2020 Regular Session Reading. This will be the second of two required readings.

VII. Next Rules & Regulations Committee Meeting

The next meeting date for the Rules and Regulations Committee was not yet set.

VIII. Adjournment

Committee Chair Bidwell adjourned the meeting at 4:45 p.m.

May 15, 2008
December 11, 2014
April 20, 2017

P 9.04

BOARD ELECTION AND POLITICAL CANDIDATES /USE OF FACILITIES

PURPOSE:

The purpose of this policy is to prescribe the conditions under which Association facilities and Common Property may be used for Board election and political activities.

I. ASSOCIATION ROLE IN CAMPAIGNING

1. Neither ~~members of senior staff (while conducting Association business) nor the Board nor Management~~ shall endorse any candidate running for the Board ~~or for any other political/elected office.~~
2. The Association may sponsor forums for candidates for election to the Board in Association facilities. All eligible candidates must be invited to participate. The Association may not sponsor forums for candidates for election to any other political/elected office.

II. CAMPAIGNING ON ASSOCIATION FACILITIES

Qualified candidates for the Board may utilize Association facilities for the purpose of campaigning for election to the Board. Such practice shall be in conformance with the following:

1. Approval must be granted by the manager of the facility where the campaigning is to take place and shall not interfere in any manner with the regular operations of the facility.
2. Campaigning shall be limited to the distribution of flyers, brochures, cards or other forms of informational material. Speeches, political signs, or any other form of overt or conspicuous campaigning is not allowed.
3. All campaigning will be conducted in a courteous manner.
4. Such campaigning may occur at an event in an Association facility only with the permission of both the manager of the facility where the campaigning is to take place and the sponsor of the event.

III. USE OF ASSOCIATION FACILITIES BY CANDIDATES FOR POLITICAL/ELECTED OFFICE

1. Any Member may rent an Association facility for purposes of holding a political event.
2. No political signs, posters, or other forms of conspicuous campaign materials may be affixed to or placed upon Common Property such as buildings, parking lots, playgrounds, lake facilities, parks, golf courses, or roadside entrances to facilities that are on Association property. Unattended vehicles which are identified with political signs or other campaign material (except bumper stickers) may not be parked on Common Property. All political signs must comply with the current zoning ordinance of the City of Bella Vista, Arkansas, as amended.

VOLUNTEERISM

PURPOSE:

The purpose of this policy is to set forth the ~~procedures~~guidelines for providing volunteer service to the Association.

I. GENERAL GUIDELINES

Volunteering provides Members with an opportunity to share their expertise and interest in serving their community and promoting the legacy of Bella Vista.

1. The community benefits by receiving a service or expertise that saves time and money, and enhances the attributes of the Association.
2. The volunteer benefits by gaining a voice, involvement, empowerment, ownership, self-satisfaction, and socialization.

II. OPPORTUNITIES FOR VOLUNTEER SERVICE

1. Board of Directors – Elected by Members.
2. Joint Advisory Committees (JAC's) – Interested Members volunteer and the Chief Operating Officer and Chairperson select Members for the Recreation, Golf, and Lakes, ~~and Community Involvement~~ committees.
3. Task Forces and Other Committees – Appointed by Chairperson or Chief Operating Officer.

III. VOLUNTEER RIGHTS AND RESPONSIBILITIES

1. Volunteers are viewed as an altruistic and valuable resource, not entitled to remuneration.
2. Volunteers will be treated as co-workers with the right to effective training and supervision.
3. Volunteer position descriptions with an application process and consistent assignment procedures will be followed.
4. Volunteers will not replace paid employees.
5. The health and safety of volunteers will be a priority, and they will not perform hazardous duties.
6. Volunteers will be expected to perform to the best of their ability and remain loyal to the goals and procedures to the end date of service.
7. No person who has a conflict of interest with any activity or program whether personal, philosophical or financial shall be accepted as a volunteer.

October 18, 2007
May 12, 2011
April 21, 2016
July 21, 2016
January 19, 2017
October 26, 2017
November 15, 2018
April 23, 2020

P 1.04

JOINT ADVISORY COMMITTEES

PURPOSE:

To provide for the creation, functioning, and delineation of areas of responsibility for Joint Advisory Committees (JACs).

I. JOINT ADVISORY COMMITTEE DUTIES

It is the duty of each committee to discuss, analyze and propose solutions for problems and opportunities within its area of concern and to make recommendations to Management or the Board. The committees have no authority on their own. Matters for study may originate with the committee, a Member, or be suggested by Management, the Board, or the Board liaisons. Issues for study that may be outside of a JAC's normal area of concern must first be approved by the Board or Chief Operating Officer to ensure that there is a minimum of duplication of effort with other committees or Management.

The JACs also serve as a sounding board for Members to express their concerns and suggestions, some of which may result in studies and recommendations.

II. APPOINTMENT OF COMMITTEE MEMBERS

1. Prospective committee members must indicate their interest to serve on the committee and complete an application providing basic information and a background check authorization form. Convicted felons and those required to register as a sex offender may not serve on a Joint Advisory Committee. The application and background check authorization form can be found on the POA website or by contacting the Corporate Secretary. Prospective committee members may also elect to provide any supporting documents such as a resume or statement of interest to demonstrate their qualifications.

2. Following the completion of the background check, ~~The~~ application and supporting documents will be provided to the committee for consideration. The committee shall vote on appointments to the committee and shall forward such recommendations to the Board. The Board has the sole authority to approve or deny the recommendations with a simple majority vote of the Board. For new committees or committees where no current committee members exist, the Board Chairperson, with the simple majority approval of the Board, shall appoint new committee members.

3. Each committee member must be a Member in Good Standing.

4. The number of members on each of the JACs, shall be determined by the chairperson of each committee, in consultation with the Board Chairperson and with the simple majority approval of the Board.

5. Appointments and any re-appointments to the committees are to be made in June with terms to begin the following July 1st, with each term being three (3) years. If a committee member cannot complete the three (3) year term of service, the committee will follow the process outlined above in Section II.2. to appoint a replacement member.

No employee of the Association may be selected to serve on a JAC that is in their area of employment.

6. Committee members shall be limited to serving not more than two (2) successive terms on the same committee. An initial appointment as a committee member to serve the remainder of an unexpired term shall not count toward the two successive term limit.

III. LIAISONS

1. The Chief Operating Officer shall appoint a non-voting Association employee to act as a liaison to each JAC. Said liaison shall provide current information to the committee concerning his/her division and be available for advice on matters of administration, operation, and planning.

2. The Board Chairperson shall appoint at least two (2) non-voting liaisons from the Board to each JAC. Said liaisons shall provide current information concerning Association matters to the committee and be available for advice on matters of concern to the Board. They shall report to the Board concerning the work of the JAC.

IV. COMMITTEE OPERATIONS

1. Each committee will meet on a regular schedule on a monthly basis. Exceptions may be made if agreed upon by a majority vote of the committee. The Board Chairperson, committee chairperson or the Chief Operating Officer may call a special meeting as needed.

2. At the first scheduled meeting in July of each year, the committee shall select a chairperson, vice chairperson, and secretary from its membership, who will serve in that capacity for a 12-month term. In the case of a mid-term opening, the committee shall appoint a replacement by a simple majority vote of the committee.

3. In order for the committee to conduct business, a quorum must be present (excluding proxies) at the meeting. A quorum is defined as a majority of appointed committee members, excluding liaison members. Committee members may, at their option, choose to provide a written, general or specific, proxy to another committee member to exercise his/her vote(s) in their absence.

4. Within ten (10) days of each JAC meeting, the committee shall provide a draft of the meeting minutes to the committee members for review and approval. Once approved, the minutes will be submitted in electronic format to the Corporate Secretary. The Corporate Secretary will ensure the approved minutes are posted to the Association's website within three (3) business days of receipt.

5. In accordance with Policy 1.01, JAC meetings shall be open to all Members. Sub-committee meetings developing recommendations for the full committee may be closed.

6. The use of Association staff or other resources by a JAC may occur only with the prior approval of the Chief Operating Officer and Board Chairperson.

7. Each JAC shall provide an opportunity at each regular meeting for Members to express their concerns or advance suggestions regarding the amenity. The committee chairperson has the option and may elect to limit Member input to not less than three (3) minutes on any given subject.

8. Emails collected or obtained from the POA by a Joint Advisory Committee Member are to be used exclusively for committee business only.

V. ORIENTATION

1. Each new committee member will be encouraged to attend an annual orientation for new members jointly presented by the Board Chairperson and the Chief Operating Officer. This presentation will include a general overall orientation of the budget process, the purpose of the JACs, and their members as a whole, etc.

VI. REMOVAL OF COMMITTEE MEMBERS

1. Cause for removal shall include but not be limited to the following actions of a committee member:

- a. Unexcused absence from four (4) regularly scheduled meetings within a twelve (12) month period.
- b. Failure to follow appropriate Association policies and procedures.
- c. Conduct detrimental to the committee or the Association.

2. Initiating action for removal of a committee member shall come from a majority vote of the committee. Initiating action for removal of a committee member may also be made by the Chief Operating Officer or the Board Chairperson.

- a. The committee chairperson, Chief Operating Officer or Board Chairperson shall prepare, in writing, a statement clearly identifying the offending action(s). A copy of the statement shall be provided to the committee member in question.
- b. Written rebuttal of such statement(s) may be offered to the Chief Operating Officer or the Board Chairperson by the member in question or other members of the committee.
- c. In a closed session, the Chief Operating Officer, the Board, and the committee chairperson if appropriate, shall consider the statement for cause and discuss whether removal is warranted. The member in question may be present at his/her discretion.

3. The Board may remove for cause any committee member by a two-thirds vote of all Directors.

VII. COMMITTEE RESPONSIBILITIES

1. Golf Committee

The committee provides advice and recommendations regarding all facets of the golfing operations and facilities to the Board and Management. Each committee member is assigned a golf course for maintenance review on a monthly basis. Annually, the committee will meet with a U.S.G.A. representative for a review of Association golf courses. The committee forwards any policy recommendations to the Board for consideration after interface with the Chief Operating Officer and Director of Golf.

2. Lakes Committee

The committee advises the Board and Management on matters pertaining to the recreational use of the lakes in Bella Vista. Responsibilities include observing and making recommendations concerning present and future use of the lakes. The committee also will review all aspects concerning the lakes up to the beaches, and any associated amenities such as ramps, docks, marinas, cleaning stations and seawalls.

3. Recreation Committee

The committee assists in developing, updating and making recommendations to the Board and Management on all facets of the operation of recreational activities, trails and amenities operated by the Association. This pertains to all recreation activities other than Golf and ~~Lakes, but~~ Lakes but does include beaches and parks adjacent to the lakes. The committee observes maintenance conditions of facilities and evaluates the current facilities' needs. They also help plan for the future needs of Members in view of the changing demographics of the Association. Recommending activities to create an interest and participation in all phases of recreation is another area of this committee's responsibilities.

December 13, 2007
March 20, 2008
December 8, 2011
September 19, 2013
November 20, 2014
March 16, 2017
June 25, 2020

P 3.04

GUEST POLICIES

PURPOSE:

To define the conditions under which non-members of the Association may be allowed access to Association amenities, at the then current guest rate, as applicable.

I. GUESTS

1. A guest is a person who is not a Member of the Association and who desires to have access to the Association amenities on a temporary basis.
2. There shall be four categories of guests permitted to have access to Association amenities:
 - a. Those who are “sponsored guests” of a Member of the Association.
 - b. Those who are “Association guests” by being sponsored by the Association. By virtue of its ownership of property, the Bella Vista Property Owners Association is a Member with the authorization to sponsor “Association guests.”
 - c. Those who qualify as “reciprocal guests” by virtue of being a member of one of the other Cooper Communities, Inc. (“CCI”) developments covered by an agreement between the Association and CCI.
 - d. Those who are “participant guests” by virtue of being invited/permitted to participate in a specific Association-sponsored or Association-sanctioned event at a specific facility.

II. ACCESS TO ASSOCIATION AMENITIES

1. “Sponsored guests” may gain access to Association amenities by virtue of possessing a current, valid guest card. “Sponsored guests” possessing a valid guest card shall have access to Association amenities at the then current guest rates, as applicable.
2. Use of amenities by “Association guests” includes the use of restaurants, golf, tennis, the Metfield skills park, Tanyard Creek, Blowing Springs, and other paved and un-paved trails open to the general public for the purpose of pedestrian walking, hiking, jogging, cycling and other human-propelled uses. In those situations, a guest card will neither be issued to, nor required of the guest. The Branchwood paved trail is not one of the paved or un-paved trails which is open to the general public.
3. “Reciprocal guests” may gain access to Association amenities by virtue of possessing a current, valid guest card. “Reciprocal guests” possessing a valid guest card shall have access to Association amenities at the then current guest rates, as applicable.

4. "Participant guests" are those guests who participate in specific events at Association amenities. Such events must have the formal approval of the Board or an official Association committee, normally through a contract signed by Management. Examples include golf tournaments, fishing tournaments, tennis tournaments, gun tournaments, weddings, receptions, birthday parties, anniversary parties, etc. which often include participants who are non-members.

5. Guest cards may be issued and valid for up to one (1) year from the date of issuance.

III. ACCOMPANIED GUESTS

1. In some situations, "sponsored guests" must be accompanied by a Member to enjoy Association amenities without the requirement of paying a guest fee. For these situations, a guest is accompanied by a Member so long as the guest maintains visual and auditory contact with the Member at all times.