

BELLA VISTA PROPERTY OWNERS ASSOCIATION POLICY

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DEFINITIONS

The following defined terms shall have the following meanings ascribed to them throughout this Policy Manual, unless expressly stated otherwise.

“Activity Card” shall mean a card that is purchased from the Association which allows access to Association amenities at a discounted rate as approved by the Board and described in the current fee schedule.

“Annual Meeting” shall mean the meeting of Members conducted on the third Tuesday of May of each year.

“Association” shall mean and refer to the Bella Vista Village Property Owners Association, formerly Bella Vista Country Club, a not-for-profit corporation organized and existing under the laws of the State of Arkansas.

“Board” shall mean and refer to the duly elected and acting Board of Directors of the Bella Vista Village Property Owners Association.

“Bylaws” shall mean those legally adopted bylaws of the Bella Vista Village Property Owners Association then in existence.

“Common Property” shall mean that property designated as Common Property in the Declaration filed May 18, 1965, in the public records of Benton County, Arkansas, and such additions thereto as may be made pursuant to Article II of the Declaration.

“Declaration” shall mean and refer to that document dated May 18, 1965, and filed of record in Benton County, Arkansas the same date in Book 373 at Page 08.

“Developer” shall mean and refer to Cherokee Village Development Company, Inc. as described in the Declaration and now known as Cooper Communities, Inc., an Arkansas corporation.

“Director” shall mean and refer to a Member who has been duly elected or appointed as provided in the Declaration, Articles of Incorporation and Bylaws to serve as a member of the Board of Directors of the Bella Vista Village Property Owners Association.

“Member” shall mean and refer to every person or entity who is a record owner of a fee or undivided fee interest in one or more Lots or Living Units, and for any one or more of which the Developer has been paid in full, and shall also mean and refer to the Developer or its successors or assigns, so long as it shall be the record owner of a fee or undivided fee interest in any Lot or Living Unit or until it is paid in full for every Lot or Living Unit which it shall sell.

“Member in Good Standing” shall mean one whose assessments and/or fees to the Association are no more than 90 days past due as determined by Management and whose privileges are not currently suspended.

“Policies” shall mean and refer to those policies contained within this Policy Manual, then currently in effect.

“Policy Manual” shall mean and refer to this manual and the policies then currently in effect.

“Protective Covenants” shall mean the document recorded in Book 373 at Page 8 of the records of Benton County, Arkansas, and amendment recorded at Instrument Record No. 93-08028 on February 8, 1993.

July 19, 2007
November 15, 2007
November 17, 2011
November 20, 2014
November 17, 2016
November 15, 2018

November 17, 2022
March 23, 2023

P 1.01

MEMBER ACCESS TO ASSOCIATION INFORMATION

PURPOSE:

To ensure that the spirit of Bylaw IV.3.F. is followed, thereby ensuring that Members shall be advised of the performance of its Board and management. To also advise the Members of the decisions that are reached and policies adopted on behalf of the Association and its Members. This policy will ensure that Members have appropriate access to information and proceedings of their Association, consistent with the right and need to know, while still enabling the Association to conduct its business and operations to the best advantage of its Members.

I. MEETINGS OF THE ASSOCIATION BOARD

1. All Board meetings shall be announced as far in advance as practical.
2. Work sessions, regular meetings, and special meetings of the Board which conduct the business of the Association shall be announced to the Members and open to all Members. All formal actions of the Board shall occur only in these meetings, except for those occurring in Executive Session (see I.3 below). The minutes of such work sessions, regular meetings, and special meetings shall be accessible to Members.
3. The Board will hold an Executive Session at the call of the Chairperson, the request of the Chief Operating Officer/President, or upon the written request of at least three members of the Board. Executive Sessions are normally used for Association personnel issues, membership discipline, legal issues, and/or other sensitive issues or topics of which the Board needs to be informed or topics on which the Board may need to give direction. Each Director shall be notified of an Executive Session as far in advance as practical. The Corporate Secretary may attend an Executive Session for the purpose of taking minutes. Formal actions by the Board of Directors may be taken in Executive Session subject to the normal quorum and voting requirements.

Executive Sessions are closed meetings and all minutes of such meetings, the materials used in such meetings, and the discussions occurring in such meetings, shall be kept and remain confidential. The subject of or general topics discussed at Executive Sessions shall be reported normally at the next regular meeting of the Board. Any action taken by a vote of the Board at an Executive Session shall be reported normally at the next regular Board meeting to include each individual Director's vote on the topic or by a confirming roll call vote.

4. Work sessions of the Board will be open meetings. Formal actions normally will not be taken at such sessions.
5. The Board may hold discussion sessions that will normally not be open to others. No formal action may be taken at such sessions and minutes will not be recorded.

II. COMMITTEE MEETINGS

1. All Association Committee meetings shall be announced as far in advance as practical.
2. Meetings of the Elections, Audit, and Charitable Giving Committees will normally be closed meetings.
3. Meetings of Joint Advisory Committees will be open and minutes will be accessible to Members. Subcommittee meetings developing recommendations for the full committee may be closed and no minutes of the meeting are required.
4. Meetings of Special or Ad Hoc Committees and Task Forces will normally be open but may be closed at the discretion of the committee chairperson. All recommendations resulting from such committee meetings will be accessible to Members. If the meeting is closed to Members, no minutes will be taken of the meeting.
5. The schedule of all Association meetings, whether open or closed, shall be made widely available in a timely manner. The agendas of all Board meetings shall be widely accessible in a timely manner and as far in advance of such meeting as practical.

III. OTHER MEETINGS

1. Meetings of Association staff, Management, or Directors with other organizations shall be closed, unless mutually agreed to be open.
2. Meetings of Association staff or Management shall not be open unless an exception is made by the Chief Operating Officer.

IV. PRESS ACCREDITATION

For the purpose of assisting in the dissemination of information to the Members, the Chief Operating Officer is empowered to provide media organizations the same access to Association meetings and information as a Member.

V. DOCUMENTS

1. Any document distributed at an open meeting of the Board, an open meeting of a Board Committee, an open Special meeting, a Joint Advisory Committee, or an Ad-Hoc Committee or Task Force shall be deemed an open document and therefore available to the Members. Whenever feasible, copies of such documents shall be made available to attendees at such meetings.
2. "Books and Records" as cited in Bylaw IV.3.F are defined herein as official Association reports, both financial and otherwise, including documents distributed in accordance with item V.1 above. They shall be made accessible to Members electronically and at the Association general offices during normal working hours. Books and Records shall be made electronically available at www.bvvpoa.com. Members desiring personal copies of such documents shall be required to pay for the cost of producing copies, except if such should have been available at an open meeting.
3. Working papers prepared by Association staff or Directors normally will not be available to the Members unless they are presented at open meetings (see V.1 above).

4. While financial reports shall be made accessible to Members (see V.2 above), background documentation and accounting files normally will not be made available to other than Association staff or Directors.

5. Most contracts executed by the Association shall be open to inspection by the Members. Excluded will be personnel-related contracts and those that have non-disclosure provisions or other legally sensitive information, as determined by the Chief Operating Officer in conjunction with the Association's General Counsel.

6. The Association shall not be required to uniquely compile information for a Member unless agreed to by the Chief Operating Officer or the Board. Complying with requests by committees for unique compilations must be approved by Management.

7. Communications between or among Directors, Association staff, or committee members shall be considered private and not accessible to Members, regardless of whether such documents exist in electronic or hard-copy form.

8. Personal information, including the wages or salary of individual Association staff, shall be confidential.

9. The Chief Operating Officer or the Chairperson of the Board may, at their discretion, permit a confidential document to be made available to Members.

VI. MEMBERSHIP LISTS

Lists of Members are to be used for Association business only. Such lists will not be distributed to Members or to other parties. However, the Association may make a list of Members available for inspection if the requesting party can demonstrate a proper purpose for such request. In accordance with a court case filed in 2009, the Association will review the request to determine if a proper purpose has been demonstrated. The list will contain the Members' names and addresses but will not contain email addresses or phone numbers. Such information will never be sold to a third party.

VII. ATTORNEY-CLIENT RELATIONSHIP

1. The Association will follow the normal practice of attorney-client privilege with its General Counsel and with outside counsel. This includes written and oral advice and opinions rendered to the Association, Management, its staff, and the Board, which shall be confidential unless released by the Association at its discretion. Directors shall be considered part of the client body and shall have confidential access to such advice and opinions.

VIII. ENFORCEMENT

1. If any member of the Association staff, Management, or the Board violates the provisions of this policy, the Board shall commence any applicable process to discipline such person.

July 5, 1985
September 2, 1993
December 1, 1994
January 5, 1995
February 15, 2007
November 15, 2007

May 15, 2014
November 17, 2016
April 23, 2020
November 18, 2021
November 17, 2022

P 1.02

GOVERNING DOCUMENTS: ESTABLISHING, CHANGING, OR RESCINDING

PURPOSE:

To establish a uniform method and responsibility for the recommendation of establishing, changing, or rescinding Association governing documents.

I. DUTIES

1. It is the responsibility of the Rules and Regulations Committee to recommend the establishing, changing, or rescinding of Association governing documents. Issues of concern may be referred to the Rules and Regulations Committee by the Chairperson of the Board, Joint Advisory Committee, or any individual Director.

II. PROCEDURES

1. Notice of an intent to establish, change, or rescind any governing document shall be given via published agenda for two consecutive regular Board meetings. Upon approval of two-thirds of the Directors, an emergency may be declared and the second agenda notice may be waived. A violation of this notice requirement may result in disciplinary action taken against Directors as provided for in Policy 2.04.

2. Procedure:

- a. To establish, change, or rescind bylaws or policies after notice by agenda has been made, a motion shall be made at two consecutive regular Board meetings and passed by a majority of the Board. If an emergency is approved, one notice and vote is required, with a two-thirds vote of the Board required.
- b. To establish, change, or rescind Articles of Incorporation after notice by agenda has been made, a motion shall be made at two consecutive regular Board meetings and passed by a super majority of the Board.
- c. To establish, change, or rescind the Declaration after notice by agenda has been made, a motion shall be made at two consecutive regular Board meetings and passed by the membership in accordance with the procedure outlined in the Declaration.

3. The Board may adopt resolutions by a majority vote of all Directors, provided that such resolutions have been a part of the regular printed agenda. Adding a resolution to the agenda after it is printed requires the request of at least three Directors who are present. Resolutions may express a “sense of the Board” or may direct or approve specific actions. However, resolutions may not be used as a tool to change or create Association bylaws, or to create or amend Association policies.

November 15, 2007
September 18, 2008
November 17, 2011
November 17, 2016
November 15, 2018
August 27, 2020

September 24, 2020
November 17, 2022

P 1.03

ASSOCIATION COMMITTEES

PURPOSE:

To clearly state and define the purpose, composition, duties, and method(s) to be used by Association committees.

Association committees are categorized in the Bylaws as follows:

- a. Election Committee
- b. Operational Committees
- c. Joint Advisory Committees
- d. Special or Ad-Hoc Committees and Task Forces

I. ELECTION COMMITTEE

1. The Election Committee is appointed under the authority of the Bylaws (Article VIII, Section 1). Its composition and duties shall be as directed by the Board and in accordance with stated policies.

II. OPERATIONAL COMMITTEES

1. Operational Committees are appointed under the authority of the Bylaws (Article VIII, Section 2). Their composition and duties shall be as directed by the Board and in accordance with stated policies. The Operational Committees listed by the Bylaws are as follows: Audit, Rules and Regulations, and Charitable Giving.

III. JOINT ADVISORY COMMITTEES (JACs)

JACs are appointed under the authority of the Bylaws (Article VIII, Section 3). Their composition and duties shall be as directed by the Board and in accordance with stated policies. The JACs listed by the Bylaws are as follows: Golf, Lakes, and Recreation.

IV. SPECIAL OR AD-HOC COMMITTEES AND TASK FORCES

Special or Ad-Hoc committees and Task Forces are appointed by the Board Chairperson or Chief Operating Officer under the authority of the Bylaws (Article VIII, Section 4), with the simple majority approval of the Board.

V. MISCELLANEOUS

1. The removal of a committee member for cause shall follow the procedure outlined for JACs in Policy 1.04.
2. Any committee may create appropriate sub-committees to assist in completing their assigned work.

3. The allocation of resources to any Special or Ad-Hoc Committees, or Task Force, beyond those provided in the existing budget, requires the approval of the Board.

4. Certain committee meetings are open to the public and comments from Members are welcome. In the interest of time and the effective administration of committee meetings, each committee chairperson has the option and may elect to limit input from community members in attendance to not less than three (3) minutes on any given subject.

VI. RECORDING OF MEETINGS

Meetings open to the Membership will be streamed on social media in real time by the Association, plus an unedited copy of the recording will be made available on the Association's website. No other individual, group, or entity will be allowed to record or stream these meetings without the express written permission of the Association.

November 15, 2007
November 17, 2016
November 17, 2022

P 1.03.1

AUDIT COMMITTEE

PURPOSE:

The Audit Committee is to ensure that the annual independent audit is performed satisfactorily within the desired scope and is reported appropriately to the Members.

I. ORGANIZATION AND APPOINTMENT

1. The Board Chairperson will appoint at least three Members to the committee each June. Members will serve one-year terms. The Treasurer is an ex-officio member without a vote.
2. The committee will elect its chairperson.
3. Meetings will be held as determined by the chairperson.
4. Minutes will be taken by the Corporate Secretary and distributed to the Board.

II. DUTIES

1. Be guided by Policy 6.04 in the selection of auditors.
2. Periodically review the performance of the auditors, make recommendations to Management and the Board, review any necessary request for proposal (RFP), and evaluate the responses to effect any necessary changes.
3. Report to the Board as appropriate.
4. Provide the Treasurer with assistance or guidance as requested.
5. May request a meeting with the auditors prior to the beginning of the audit work to discuss the general scope of the audit and to direct the auditors regarding any special focus or emphasis to be covered by the audit.
6. Meet with the auditors for an exit interview upon completion of the field work to identify and discuss any problems or points of concern identified by the auditors.
7. Inform the Board of any special engagements that the committee requires the auditors to perform in addition to the annual financial audit of the Association.

March 8, 1985
January 7, 1987
November 3, 1988
May 4, 1989
January 2, 1992
February 4, 1993

April 5, 2001
October 17, 2002
August 19, 2004
November 16, 2006
August 19, 2006
May 17, 2017

March 28, 2019
August 27, 2020
November 17, 2022

P 1.03.2

ELECTION COMMITTEE

PURPOSE:

To provide the Association an independent resource through which Directors may be elected to the Board, and to establish voting procedures for special situations as might arise at the direction of the Board.

I. BOARD VOTES

1. The committee will supervise the process for nominating Members for Board elections (Nomination by Petition).

2. The committee will oversee the development of a timetable for Board elections and review the election timetable with all individuals involved in the election process. The election timetable shall be finalized no later than four months before the Annual Association Meeting. The timetable will be made available to all staff involved in the election procedure.

In the event of a delayed election, the committee will oversee the development of a timetable for the election process which will provide for an election to occur at the earliest reasonable time. All other duties of the committee will be carried out with allowances for the delayed election process.

3. The chairperson of the committee will receive the list of candidates from the Corporate Secretary at the January meeting of the Board. There must be no prior disclosures of the candidates' names.

4. The committee will announce the candidates' names during the February regular Board meeting (Bylaws, Article V, Section 1, Paragraph C).

5. If necessary, the committee will conduct a lottery drawing at the February regular Board meeting to determine the order in which the candidates' names shall appear on the ballots. In the event the lottery does not take place at the February regular Board meeting, the lottery drawing shall be held at a public meeting after notice has been given to all candidates of the date and time of the meeting, as soon as practical thereafter.

6. The committee will oversee the process of preparing, distributing, and receiving ballots from eligible Members. The committee has the authority to hire a professional outside firm to administer the process.

7. The committee will oversee the process of counting and tabulating ballots as outlined in the Bylaws (Bylaws, Article V and X). If the committee is recommending a change from the prior year's counting process, the change shall be presented at a Board work session and approved by the Board at the following Board meeting. If the Board takes no action, the change is deemed approved.

8. The committee will meet before the election to perform the following:

- a. Finalize ballot layout, size, and tally design.

b. Review all materials to be published and mailed; the material shall not otherwise be edited (except for length). If candidate resumes are edited for length, the candidates' approval of the change will be sought (Bylaws, Article V and XI).

9. BALLOT MATERIALS CONSIST OF:

- a. Notice of Annual Meeting
 - b. Resumes of candidates
 - c. Ballot
 - d. Description of vacancies to be filled and the terms of office.
 - e. Set forth the names of the candidates.
 - f. Appropriate instructions, including but not limited to:
 - 1) How to identify the candidate(s) for whom a person wishes to vote.
 - 2) A person may vote for up to, but no more than, the number of vacant positions.
 - 3) Any vote which is qualified or restricted in any way is invalid and will not be counted.
 - 4) How, where, and when to return the ballot.
 - 5) Ballots may be delivered in person thirty (30) minutes prior to the start of the Annual Meeting.
 - 6) A member of the committee will stand at the end of the line beginning thirty (30) minutes prior to the start of the Annual Meeting and will not allow any further members to vote for this election.
 - 7) Mailed envelopes with insufficient postage will not be accepted.
10. Ballot materials must be mailed or provided electronically at least 30 days prior to the 3rd Tuesday in May of each year. Each lot is entitled to one vote, provided the lot is owned by a Member in Good Standing (Bylaws, Article I, Section 10). Each Member in Good Standing as of March 31 will receive a ballot representing the number of lots they own and for each of which they are considered a Member in Good Standing. Ballots may be cast by mail, electronically, or in person at the Annual Meeting.
11. The committee will ensure the verification of received ballots.
12. The committee will ensure ballots are secured until counted (Bylaws, Article V, Section 2, Paragraph F).
13. The committee will ensure ballots submitted up to thirty (30) minutes prior to the Annual Meeting are validated, counted, and added to the total.
14. The committee will oversee the announcement of the election results at the Annual Meeting and present the tabulated results to the Corporate Secretary for recording as a permanent record (Bylaws, Article V, Section 2, Paragraph H).
15. A candidate may request a recount if they lose by less than 100 votes. The request must be made to the Corporate Secretary within three (3) business days of the day the results are announced.
16. Fifteen (15) days after the announcement of the election results, unless a recount is requested, all returned ballot materials shall be destroyed.

17. A copy of committee meeting minutes, along with other supporting data, reports, and committee recommendations, if any, will be submitted to the Corporate Secretary within twenty (20) working days of the Annual Meeting.

II. ASSESSMENT VOTES

1. To consider a proposed assessment increase, the Members must vote at a special meeting of the Members called for that purpose. To call a special meeting of the Members, a majority of the Directors must first vote in the affirmative at a regular meeting of the Board. The Board must then provide the Members at least a thirty (30) day notice of the special meeting.

2. The Election Committee will supervise the process for the Members to vote on a proposed assessment increase. The committee has the authority to hire a professional outside firm to administer the process.

3. The Election Committee will oversee the development of a timetable for an assessment increase vote and review the election timetable with all individuals involved in the election process. The timetable will be made available to all staff involved in the election process.

4. For an assessment increase to be approved by the Members, a quorum requirement of 50% of Members in good standing must be reached on both Class A and Class B lots. Of those Members who submit a vote, at least 51% must vote in the affirmative for the proposed assessment increase to be approved.

5. If the quorum requirement of 50% is not reached, a second vote may be taken within ninety (90) days, provided the proposed assessment increase is the same as the first vote. For the second vote, the quorum requirement drops to 25%.

6. If the proposed assessment increase meets the requirements for approval as required by the Association's governing documents, the Directors must vote at a regular meeting of the Board to implement the assessment increase.

III. ELECTION ADMINISTRATION

1. The Election Committee has the authority to hire a professional outside firm to administer any election process.

2. At least every five (5) years, or sooner if required, the committee shall solicit management to conduct a request for proposal (RFP) for such outside firms.

December 13, 2007
January 19, 2017
April 23, 2020
January 26, 2023

P 1.03.3

RULES AND REGULATIONS COMMITTEE

PURPOSE:

The Rules and Regulations (R&R) Committee's responsibility is to ensure that the Association's governing documents are kept in good order.

I. ORGANIZATION AND APPOINTMENT

1. The Board Chairperson will appoint at least three Directors to the committee each June. The Chief Operating Officer is an ex-officio member of the committee without vote. The Association's General Counsel and Corporate Secretary will provide staff support to the committee.
2. The committee will elect its chairperson by a majority vote. In the event of a tie, the Board Chairperson shall cast the deciding vote.
3. Meetings will generally be held monthly, or as needed.
4. Minutes will be taken and maintained by the Corporate Secretary and distributed to the Board.

II. DUTIES

The duties of the Rules and Regulations Committee are as follows:

1. To be guided by Policy 1.02 in the creation, amending, and rescinding of governing documents.
2. To make recommendations to the Board regarding the Association's governing documents.
3. To originate action designed to update or amend as necessary the Association governing documents.
4. To assist any Director who may wish to recommend establishing, changing, or rescinding any parts of the governing documents.
5. The Corporate Secretary shall maintain a copy of the current governing documents and shall make them available upon request. The current governing documents will also be made available on the Association's website.

III. REQUIREMENTS TO CHANGE THE GOVERNING DOCUMENTS

There are different requirements to change each of the Association's governing documents.

1. Declaration and Covenants – To change, modify, or add to the Declaration and Covenants, requires the affirmative vote of two-thirds of all Members, regardless of whether the Member is in good standing. Of the approximately 39,000 Member lots in the Association, at least two-thirds, or approximately 26,000 Member lots would have to vote in the affirmative to change the Declaration and Covenants.

2. Articles of Incorporation – To change, modify, or add to the Articles of Incorporation, requires the affirmative vote of at least six Directors.

3. Bylaws – To change, modify, or add to the Bylaws, requires the affirmative vote of at least five Directors.

4. Policies – To change, modify, or add to the Policies, requires the affirmative vote of at least five Directors.

April 21, 2016
January 19, 2017
September 24, 2020
January 26, 2023

P 1.03.4

CHARITABLE GIVING COMMITTEE

PURPOSE:

The Charitable Giving Committee's responsibility is to evaluate charitable requests and determine which charities, if any, will be given a donation by the Association.

I. ORGANIZATION AND APPOINTMENT

1. The Board Chairperson will appoint at least three Members to the committee each June. The members of the Committee serve at the pleasure of the Board Chairperson. The Chief Operating Officer is an ex-officio member without vote.
2. The committee will elect its chairperson.
3. Meetings will be held on an as needed basis.
4. Minutes of the meetings will be taken and distributed to the Corporate Secretary and to the Board.
5. In accordance with Policy 1.01 – *Member Access to Association Information*, the meetings of the Charitable Giving Committee will be closed to the Membership.

II. DUTIES

1. The committee will evaluate requests for donations using the following set of guidelines:
 - a. The requesting entity must be a duly organized, validly existing, non-profit entity in good standing.
 - b. The non-profit organization must have an office located in Bella Vista and have a positive direct impact upon the residents of Bella Vista.
 - c. Donations may not be made to political or religious organizations.
2. Donations will be limited to \$10,000 per organization annually.
3. Each year the Board, in its sole discretion, may budget funds for charitable giving. The committee must stay within the limitations of the budget.
4. A member of the committee, who also serves on the board of an organization requesting a donation, must recuse themselves from any decision regarding the organization for which they serve.
5. Donations for community events, for example a music festival, will be handled separately. Requests for such events will be forwarded to the Chief Operating Officer.

The Board has the authority to grant a waiver of any restriction detailed above.

October 18, 2007
May 12, 2011
April 21, 2016
July 21, 2016
January 19, 2017
October 26, 2017

November 15, 2018
April 23, 2020
October 22, 2020
January 26, 2023

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.

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 Association 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.
5. Appointments and any re-appointments to the committees are to be made by at least June, with terms to begin 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 limits.

III. LIAISONS

1. The Chief Operating Officer shall appoint a non-voting Association employee(s) to act as a liaison to each JAC. Liaisons shall provide current information to the committee concerning their 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. 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 monthly. 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 stipulated, proxy to another committee member to exercise their 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 to the Membership.

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 suggestions. The committee chairperson has the option and may elect to limit Member input to not more than three (3) minutes.

8. Emails and email addresses collected or obtained from the Association by a JAC 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 presented by the Chief Operating Officer. This presentation will include a general overall orientation of the budget process, the purpose of the JACs, and the role committee members play.

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 and should be considered by the Board.

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 monthly. If possible, on an annual basis, 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 interfacing 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 uses of the lakes. The committee will also review all aspects concerning the lakes, including the ramps, docks, marinas, cleaning stations and seawalls. The committee will not review the beaches or the parks adjacent to the lakes, since these amenities are the responsibility of the Recreation Committee.

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 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.

SPECIAL OR AD-HOC COMMITTEES AND TASK FORCES

PURPOSE:

To provide for the creation, functioning, and delineation of areas of responsibility for special or ad-hoc committees and task forces.

I. FORMATION OF COMMITTEES

1. The Board Chairperson and the Chief Operating Officer have the power to appoint Special or Ad-Hoc Committees or Task Forces as deemed necessary, with the simple majority approval of the Board. With the concurrence of the Chief Operating Officer, an Association representative(s) may be assigned to provide assistance to any Special or Ad-Hoc Committee or Task Force.
2. The appointment of such committees and task forces, their mandate, their expected time frame, and their composition shall be reported promptly to the Board by its chairperson.

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. Prospective committee members may also elect to provide any supporting documents such as a resume or statement of interest to demonstrate their qualifications.
2. 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.
3. 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.
4. Each committee member must be a Member in Good Standing.

III. COMMITTEE OPERATIONS

1. The committee or task force will meet as needed and as determined by the committee or task force in consultation with its chairperson.
2. Minutes will be kept for each meeting and posted to the Association's website. These will be provided to the Corporate Secretary for inclusion in the monthly Board information.
3. At the final meeting of any Special or Ad-Hoc Committee or Task Force, the committee will provide a written report with recommendations to the Board. After studying the report and recommendations, the Board will have a discussion and take appropriate action to determine the outcome of the committee's recommendations. Unless further tasks are requested by the Board, the committee or task force will be dissolved.

May 15, 2008
August 16, 2012
March 17, 2016
February 16, 2017
August 17, 2017
August 27, 2020

February 23, 2023

P 2.01

BOARD MEETINGS

PURPOSE:

It is the purpose of this policy to provide for the planning, conduct, and reporting the proceedings of the regular meetings of the Board.

I. BOARD MEETINGS

Board meetings are called in accordance with the provisions of the Bylaws, Article VI, and Policy 1.01. The Board will normally hold its regular meeting at least once each month on a day and time to be set by the Board to address general business and act as necessary.

II. AGENDA

1. The agenda shall be formulated by a committee of three persons – the Board Chairperson, the Vice Chairperson, and the Chief Operating Officer. The Board Chairperson will preside.
2. The draft and final agendas for a regular meeting will be formulated on a schedule that permits timely distribution of the agenda and supporting materials to the Board, and the agenda to Members via the Association's website. The draft agenda will be made available by 3:00pm the Friday preceding the meeting. The final agenda and a packet of supporting materials will be distributed to Directors and the agenda will be posted to the Association's website at least 48 hours in advance of the meeting. The packet provided to the Directors will include supporting materials.
3. Any Director may submit to the Board Chairperson a matter to be considered for inclusion on the Board agenda. The agenda committee shall have the authority to refer any submitted item to another committee for study, review, and recommendation, but any such item shall be considered for inclusion on the agenda for the following monthly meeting.
4. Any matter to be considered by the Board at its meeting must be on the agenda. Items may be added to the agenda at the beginning of the meeting if there is no objection. If there is an objection the item will be included upon the request of three members or a majority vote of the Board.

III. MINUTES

1. A draft copy of the minutes shall be presented at the next Board meeting for approval by the Board. Changes to the minutes may be made by consensus or by a vote of the Board. The final version of the minutes will be approved by vote of the Board. The resulting minutes will be the official record of the meeting.
2. The minutes shall include the voting records of Directors.

3. The approved minutes shall be placed on the Association's website by the next business day following their approval.

IV. CONDUCT OF THE MEETING

1. Board meetings shall be conducted in accordance with the Simplified version of Roberts Rules of Order (Bylaws, Article XIV).

2. Directors are encouraged to provide written copies of motions they intend to make.

3. The Chief Operating Officer and General Counsel may assist with motions by providing the Directors with suggested language. The Directors may elect to accept the suggested language or modify the language as they see fit.

V. OPEN FORUM

Time will be provided on the agenda early in each regularly scheduled Board meeting for the conduct of an Open Forum during which Members may address the Board under the following conditions:

1. Any Member who desires time to speak during open forum, shall sign up for open forum, indicating the topic they wish to discuss. Each Member may speak for a maximum of three (3) minutes. Transferring all or a portion of one Member's time to another Member is prohibited.

2. Members must send their statement to the Corporate Secretary 24 hours in advance of the meeting to be read aloud during the open forum section of the meeting by the Corporate Secretary. If the statement is longer than three minutes, reading will cease at the three-minute mark. Member statements can be emailed to the Corporate Secretary at corporatesecretary@bvvpoa.com.

3. Repetitive statements or topics may be discouraged to save time. A show of hands may be called for by the Chairperson as an indication of support by others present.

4. No personal attacks will be permitted.

5. Once no additional Members have indicated they would like to make a statement, the Board Chairperson or Chief Operating Officer may, to the best of their ability, address the questions and respond to the concerns voiced by the Members.

6. Statements by Members containing errors of fact should be corrected in a non-confrontational manner.

7. Statements of opinion should not be challenged by the Directors, thereby avoiding open debate.

8. Members should be thanked for their interest and contribution.

9. The issues and concerns raised by Members shall be summarized in the minutes of the meeting.

VI. ALTERNATIVE TO ATTENDING THE BOARD MEETING

Members are encouraged to submit questions to the Board via email. The Board may provide a response to emailed questions and, depending on the content, may elect to share such questions and answers at any meeting of the Board.

VII. RECORDING OF MEETINGS

Meetings open to the Membership will be streamed on social media in real time by the Association, plus an unedited copy of the recording will be made available on the Association's website. No other individual, group, or entity will be allowed to record or stream these meetings without the express written permission of the Association.

March 20, 2008
February 16, 2017
February 28, 2019
February 23, 2023

P 2.02

BOARD OF DIRECTOR'S ETHICS

PURPOSE:

This Code of Ethics is to establish the basis for conduct expected of Members who have been elected or appointed to serve on the Association's Board, and thereby to act on behalf of all the Members.

I. INTRODUCTION

The Members expect their Directors to exhibit a high standard of ethical conduct and personal integrity in the performance of the Association's business. Such conduct is essential to warrant Members placing a high level of trust and confidence in the Directors and the Board.

II. ETHICAL CONDUCT

1. Directors serve in order to advance the best interests of the Association and all of its Members. This includes making decisions that protect and enhance the property values of the Members and promote the general welfare of the Association. Directors must have an undivided allegiance to the mission of the Association.
2. In fulfilling this role it is essential, and expected, that Directors shall, both individually and corporately, exhibit the highest standards of ethical conduct. This includes loyalty to high moral standards and placing the interests of the Association ahead of individual or personal interests or gain.
3. Directors are expected to be objective in evaluating personnel, programs, and policies of the Association.
4. Directors are expected to show due diligence in meeting their fiduciary responsibilities and protecting the assets of the Association.
5. Directors shall show respect for the views of others, including other Directors, Association staff, and Members. They should deal fairly and equally with all Members.
6. Directors shall ensure they, both individually and corporately, act such as to follow the letter, spirit, and intent of all laws, bylaws, and policies to which they and the Association are subject.
7. In dealing with external organizations and agencies, Directors shall act to protect the interests of the Association and its Members.
8. Directors shall always act in a manner that brings credit to the Board and the Association and avoid behavior, or even the appearance of behavior, which brings discredit to their service on the Board or to the Board as a whole.
9. Directors should avoid any conflict of interest. If any exists, it shall be declared openly to the Board in advance of any relevant decision-making.

10. Directors shall adhere to the requirements of confidentiality.

11. Directors shall be aware that they have no power or authority as individual members, but only when acting and speaking as part of the entire Board.

12. Directors shall act and speak in a manner which clearly indicates they have no special privileges or authorities due to their service on the Board, but instead have assumed special responsibilities in serving on the Board.

13. Directors shall adhere to Association governing document(s), including the Declaration, Protective Covenants, Articles of Incorporation, Bylaws, Policies, Rules, and Board Member Manual.

III. STANDARDS OF CONDUCT

By following the ethical standards described above, Directors will exhibit standards of conduct that include those enumerated in detail in the Board Member's Manual, the maintenance of which is the responsibility of the Board Chairperson.

March 18, 2010
March 20, 2014
February 16, 2017
February 23, 2023

P 2.03

CONFLICT OF INTEREST POLICY

PURPOSE:

The purpose of this Conflict of Interest Policy is to prevent the institutional or personal interests of Directors, officers, and staff from interfering with the performance of their duties to the Association, and to ensure there is no personal, professional, financial, or political gain at the expense of the Association. This policy is not designed to eliminate relationships and activities that may create a duality of interest, but to require the disclosure of any conflicts of interest and the recusal of any interested party in a decision relating thereto.

I. DEFINITION

A conflict of interest may exist when the interests or potential interests of any Director, officer, or staff member, or that person's close relative, or any individual, group, or organization to which the person associated with the Association has allegiance, may be seen as competing with the interests of the Association, or may impair such person's independence or loyalty to the Association. A conflict of interest is defined as an interest that might affect, or might reasonably appear to affect, the judgment or conduct of any Director, officer, or staff member in a manner that is contrary to the interests of the Association. (See attached examples)

II. USE OF INFORMATION

Directors, officers, and staff shall not use information received from participation in Association affairs, whether expressly denominated as confidential or not, for personal gain or to the detriment of the Association.

III. DISCLOSURE AND RECUSAL

Whenever any Director or officer has a conflict of interest or a perceived conflict of interest with the Association, they shall notify the Board Chairperson of such conflict.

Whenever any staff member has a conflict of interest or a perceived conflict of interest with the Association, they shall notify the Chief Operating Officer of such conflict.

When any conflict of interest is relevant to a matter that comes under consideration or requires action by the Board, or a board committee, the interested person shall call it to the attention of the Board Chairperson and shall not be involved during Board or committee discussion or decision on the matter. However, that person shall provide the Board or applicable committee with any and all relevant information on the particular matter.

Failure by a Director to disclose a conflict of interest is subject to the disciplinary procedures outlined in Bylaws, Article III, Section 5. Failure by a staff member to disclose a conflict of interest is subject to the disciplinary procedures provided in the then current Employee Handbook of the Association.

The minutes of the meeting of the Board or its committee shall reflect that the conflict of interest was disclosed, that the interested person was not involved during discussion or decision on the matter and did not vote.

IV. DISSEMINATION

A copy of this Conflict of Interest Policy shall be furnished to each Director, officer, and staff member who is presently serving the Association or who may become associated with it. A copy will also be kept on the Association's website with the other Board policies.

V. CERTIFICATION

Each Director shall complete a certification of agreement with the Conflict of Interest Policy and disclosure of any known conflicts of interest upon their petition for election or re-election to the Board and annually thereafter. As administered by the employee in charge of Human Resources, each senior staff member shall complete such a certification upon their employment and on an annual basis thereafter. All certifications shall be reviewed by the Board as appropriate.

CONFLICT OF INTEREST POLICY

Examples

A conflict of interest may exist if a Director, officer, staff member, or close relative

- Has a business or financial interest in any third party dealing with the Association. This does not include ownership interest of less than five percent (5%) of outstanding securities of public corporations.
- Holds office, serves on a board, participates in management, or is employed by any third party dealing with the Association, other than direct funders to the Association.
- Derives remuneration or other financial gain from a transaction involving the Association (other than salary reported on a W-2 or W-9 or salary and benefits expressly authorized by the Board).
- Receives gifts from any third party on the basis of their position with the Association (other than occasional gifts valued at no more than \$50, or if valued at more than \$50, the gift is made available in a team space or common area for others to share — e.g., fruit baskets, boxes of candy, etc.). All other gifts should be returned to the donor with the explanation that Association policy does not permit the acceptance of gifts. No personal gift of money should ever be accepted.
- Engages in any outside employment or other activity that will materially encroach on such person's obligations to the Association; compete with the Association's activities; involve any use of the Association's equipment, supplies, or facilities; or imply the Association's sponsorship or support of the outside employment or activity.

**CONFLICT-OF-INTEREST DISCLOSURE STATEMENT
FOR THE PERIOD _____**

I have read and understand the Bella Vista Village Property Owners Association's (the "Association") policy on conflict of interest. As part of the Association, I understand that this policy on conflict of interest applies to me.

I understand that I am expected to conduct business in accordance with the letter, spirit, and intent of all relevant conflict-of-interest laws and the Conflict of Interest Policy and to refrain from any illegal, dishonest, or unethical conduct. I understand that if a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with the Board and/or with the Board Chairperson or Chief Operating Officer for advice and consultation. Furthermore, I understand that this document may be amended at any time.

In compliance with the Association's Conflict of Interest Policy, the positions that I or an immediate family member hold within the community are as follows: _____
_____.

Business and professional activities in which I or an immediate family member hold as an owner, officer, board member, partner, employee, or other beneficiary position as of _____:

<u>Name of Business/Organization</u>	<u>Position Held/By Whom</u>
_____	_____
_____	_____
_____	_____

Other not-for-profit organizations with which I or a family member is associated, and which might reasonably expect to apply for a donation from the Association:

<u>Name of Organization</u>	<u>Position Held/By Whom</u>
_____	_____
_____	_____
_____	_____

Other activities that may produce a possible conflict of interest:

I will promptly inform the Board Chairperson or Chief Operating Officer of the Association of any material change that develops in the information contained in the foregoing statement.

Type/Print Name Signature Date

DISCIPLINARY PROCEDURE FOR DIRECTORS

PURPOSE:

The purpose of this policy is to provide the Board with procedures the Board must follow if a Director is accused of misconduct.

I. INTRODUCTION

The Members expect their elected Directors to exhibit a high standard of ethical conduct and personal integrity in the performance of the Association's business. Such conduct is essential to warrant Members placing a high level of trust and confidence in the Directors and the Board (see Policy 2.02). A Director may be disciplined for cause, up to and including removal from office, by a 2/3 majority vote of the Board.

II. DEFINITION OF CAUSE

Cause may include, but is not limited to:

1. Being absent from three (3) consecutive regular monthly Board meetings (as described in Article VI, Section 1 of the Bylaws) or four (4) regular monthly Board meetings during the organizational year.
2. Mental or physical conditions rendering the Director incapable of performing normal duties required for service on the Board.
3. Interfering directly in the management of the Association operation.
4. Violation of Association governing document(s), including the Declaration, Protective Covenants, Articles of Incorporation, Bylaws, Policies, Rules, or Board Member Manual.

III. IMPLEMENTATION

1. A charge that any Director(s) violated this policy must be made in writing, by completing a Misconduct Allegation Form which may be obtained from the Corporate Secretary. The Misconduct Allegation Form must be completed and returned to the Corporate Secretary, addressed to the Board Chairperson. If the Board Chairperson is included in the charge, the Misconduct Allegation Form shall be addressed to the Board Vice Chairperson. If both the Board Chairperson and Board Vice Chairperson are included in the charge, the Misconduct Allegation Form shall be addressed to the Chief Operating Officer. In such case, the remaining Directors shall elect, by majority vote, a Director to be presented with the charge.
2. The Director presented with the written charge shall gather any available evidence and present the written charge and any evidence gathered, to the accused Director within seven (7) days of receiving the written charge.
3. The accused Director shall have seven (7) days after receiving the written charge to consider the charge and gather any evidence or solicit witnesses for their defense. The accused Director shall have the sole authority to waive some or all this seven (7) day period.

4. The Board shall consider such charge against the accused Director and the accused Director's defense in an Executive Session called for that purpose. The accused Director has the option of presenting their defense to the Board verbally or in written form.

5. The Board shall be the sole judge of whether any Director misconduct has taken place.

6. The disposition of the charge and how each Director voted shall be announced by the Board at an open meeting.

IV. PROCESS

1. Upon inception of the Executive Session called for the purpose of considering a charge of Director misconduct, the Director selected to accept the charge shall present such charge and any evidence gathered to the Board.

2. The accused Director may then present any evidence the Director deems relevant in defense of their actions. The accused Director may call any witnesses to corroborate their evidence, who shall be admitted to the Executive Session solely for that purpose and then excused from the meeting.

3. Following the presentation of the charges and evidence by the accused Director, if any, the Board shall discuss the matter for consideration of the charge. The Board will vote on the merits of the charge of misconduct. The accused Director shall not be present during this discussion.

4. Following the discussion of the Board, and provided the charge is found to have merit, the Board will discuss the disciplinary actions contained in Section V below. The Board will vote on the disciplinary actions against the accused Director. The accused Director shall not be present during this discussion.

V. DISCIPLINARY ACTIONS

1. If the charge is found to have merit and violates stated Association governing documents, the Board will consider appropriate disciplinary actions. Possible disciplinary actions for the Board to consider include, but are not limited to:

- Reprimand of the Director
- Requiring a formal apology to the aggrieved party/parties by the accused Director
- Written warning, including consequences if the behavior persists – lasting for up to twelve (12) months
- Suspension of the Director for a specified period
- Requesting the Director to resign
- Removal from the board, as provided in the Bylaws, Article III, Section 5

This is not a progressive disciplinary policy. The board may consider any of the disciplinary actions for any offense, although punishment should fit the offense. If the charge is found to have no merit, the Board shall dismiss the charge.

2. Following the discussion, any Director will make a motion for implementation of that disciplinary action agreed upon by the Board, and then seconded by a separate Director. The accused Director may be disciplined for cause, up to and including removal from office, by a 2/3 majority vote of the Board.

Misconduct Allegation Form

YOUR NAME: _____

PHONE: () _____

EMAIL: _____

1. Date of alleged incident: _____

2. Policy violated (please specify the policy number): _____

3. Name of director(s) involved: _____

4. Names and contact information of any available witnesses:

5. Please describe in your own words what transpired: _____

6. Please describe and attach any other relevant documentation: _____

DATE RECEIVED: _____

RECEIVED BY: _____

POSITION: _____

(Forms may be returned to the corporate secretary at corporatesecretary@bvvpoa.com)

December 15, 1986
November 21, 1988
December 20, 2001
September 16, 2004
May 19, 2005
November 16, 2006

September 8, 2011
January 19, 2017
January 26, 2023

P 2.05

NOMINATION BY PETITION

PURPOSE:

The purpose of this policy is to provide guidance for Members and Associate Members wishing to have their names placed on the ballot for election to the Board.

1. Any Member or Associate Member who is in good standing may petition to have their name placed on the ballot for the election of Members to the Board. This nomination process is the only method to gain access to the Board ballot.
2. This nomination process will be under the direct supervision of the Election Committee and the decision(s) of the Election Committee will be final.
3. The petition package shall consist of: 1) a petition statement, 2) Policy 2.02, 3) Policy 2.03, 4) a statement explaining Director fiduciary duties, 5) date of election, 6) a nominating petition which requires the signatures of fifty (50) Members in Good Standing, and 7) date the completed petitions must be returned.
4. Member signatures must be legible, are limited to one signature per lot or living unit, and must be from Members in Good Standing. (The Election Committee's decision in this matter is final.)
5. The Corporate Secretary, under the direction of the Election Committee, shall validate Members' signatures and the signed petition statement to ensure that petition packages are complete.
6. Candidates shall agree to abide by and sign a Statement of Compliance with Policy 2.02 and Policy 2.03, Statement of Understanding regarding Director fiduciary duties and responsibilities to the Association, a Release of Information, and a Disclosure and Authorization form. All required documentation must be provided to the Corporate Secretary on, or in advance of, the petition due date. Upon the timely presentation of the completed petition statement, valid Member signatures, completed statement of compliance, and completed statement of understanding, the candidate shall be included on the ballot for election to the Board.
7. Eligible candidates for the Board will be announced at the February Board meeting.

May 22, 1980
November 3, 1988
March 16, 2017
September 23, 2021
October 28, 2021
March 23, 2023

P 2.06

DIRECTORS AND OFFICERS INDEMNIFICATION

PURPOSE:

To set forth the policy of the Association regarding the indemnification of officers and directors.

I. INDEMNIFICATION OF DIRECTORS AND OFFICERS FOR DEDUCTIBLES

The Association assumes the responsibility for payment of all deductible (retention) amounts which may be payable under its corporation reimbursement and Directors' and Officers' liability insurance policy, and responsibility for any self-insured participation limit.

II. INDEMNIFICATION OF DIRECTORS AND OFFICERS FOR EXPENSES OF LEGAL ACTION

The Association shall indemnify any and all Directors and Officers of the Association against expenses (including attorney's fees) judgments, fines, and amounts paid in settlement and all other claims and expenses actually and reasonably incurred by the Director or Officer as long as said expense is made in connection with or arising out of any action threatened, pending or completed, suit or proceeding whether civil, criminal, administrative or investigative (other than in action by or in the right of the Association) or in any way arising out of actions taken on behalf of the Director or Officer acting in good faith and in a manner reasonable to be in or not opposed to the best interest of the Association and in conjunction with, or arising out of, the business of, scope of enjoyment of, and actions of said Director or Officer in the performance of their duty to the Association.

Indemnification provided for in this policy shall be applicable only as to actions taken, acts done, or failure to perform acts which are within the scope and authority and capability of the Director or Officer with the Association.

III. INSURANCE

The Association purchases and maintains Directors' and Officers' liability insurance and will use its best effort to maintain such insurance, provided that the Association will not be required to purchase and maintain such insurance if it is unavailable or if the Board of Directors of the Association, in its reasonable business judgment, determines that the amount of the premium is substantially disproportionate to the amount or scope of the coverage provided. The indemnification provided for in this policy shall be provided by and through all applicable insurance coverage maintained by the Association. In the event all benefit limits under such coverage have been exhausted or in the event such insurance does not afford coverage, the Association shall indemnify the Director or Officer in accordance with this policy.

IV. NON-EXCLUSIVITY

Nothing in this policy shall be deemed to diminish or otherwise restrict the right of the Directors and Officers of the Association to indemnification or recovery under applicable law, any Directors' and Officers' liability insurance maintained by the Association or otherwise.

V. NOTIFICATION

If the Association takes any action to materially modify or rescind the indemnification afforded to current or former Directors or Officers of the Association under this policy related to any legal action or proceeding against them, the Association will notify those named as quickly as possible after the Board has acted.

May 15, 2008
December 11, 2014
April 20, 2017
October 22, 2020
March 23, 2023

P 2.07

BOARD ELECTION AND POLITICAL CANDIDATES USE OF FACILITIES

PURPOSE:

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

I. ASSOCIATION ROLE IN CAMPAIGNING

1. Salaried members of senior staff (while conducting Association Business) shall not endorse any candidate running for the Board. Likewise, the Board shall not endorse any candidate running for the Board.
2. The Association may sponsor forums for candidates for election to the Board at 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:

2. Approval must be granted by the Chief Operating Officer and shall not interfere in any manner with the regular operations of the facility.
2. Campaigning shall be limited to the distribution of flyers, mailers, brochures, cards, or other forms of informational material.
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 Chief Operating Officer 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.

The Association shall not be responsible for the monitoring or removal of any campaign material in violation of this policy.

February 16, 2012
February 16, 2017
September 24, 2020
March 23, 2023

P 2.08

SPECIAL MEETING OF MEMBERS

PURPOSE:

To establish an organizational structure for special meetings of Members called pursuant to Article XI, Section 2(B) of the Bylaws.

I. PROCEDURE

1. As provided in Article XI of the Bylaws, a special meeting of the Members must be called if five percent (5%) of the Members in good standing sign, date, and deliver to the Corporate Secretary one or more written demands for such a meeting. Petitioners must obtain a standard petition form from the Corporate Secretary. All petition forms must state the purpose(s) of the desired special meeting, be signed by Members in good standing and returned within ninety (90) days to be verified and validated.
2. Each Member in good standing is entitled to sign the petition once for each lot owned. Electronic signatures will be accepted.
3. Petitioners who demonstrate a proper purpose may request access to a list of Members from the Corporate Secretary. In accordance with a court case filed in 2009, the Association will review the Petitioner's request to determine if a proper purpose has been demonstrated. If a proper purpose has been demonstrated by the Petitioner, a copy of the list will be made available for inspection at the Association offices within two (2) business days after the request has been submitted.
4. All signatures for a particular petition drive or initiative must be turned in to the Corporate Secretary no later than ninety (90) days after the initial retrieval of the petition form. Signatures more than ninety (90) days old are not valid and will not be included in the five percent (5%) threshold requirement.
5. The five percent (5%) threshold shall be determined on the date the first signed petitions are received by the Corporate Secretary and is calculated based on the number of lots in good standing.
6. All signatures must be verified by the Corporate Secretary to determine if the person signing is a Member, is in good standing, is the owner of the indicated Subdivision/Block/Lot, and to eliminate duplicates or untimely signatures. The Corporate Secretary will determine if the number of verified signatures meets the five percent (5%) threshold requirement.
7. The Corporate Secretary will report the results of the verification process at the next scheduled regular board meeting following the completion of the verification process.

II. MEETING

1. If the five percent (5%) threshold is met, the Board Chairperson shall set the time, date, and location of the special meeting to be held within forty-five (45) days.
2. The Board Chairperson shall cause Notice of the Special Meeting to be mailed to all Members in good standing pursuant to Article XI, Section 3(A) of the Bylaws.

3. If the Board deems a vote of Members is necessary, then the Board Chairperson shall cause ballots to be mailed to all Members in good standing pursuant to Article XI, Section 3(B) of the Bylaws.
4. The Board Chairperson shall preside over the Special Meeting of Members pursuant to Article IV, Section 3(A) in the Bylaws.

III. AGENDA

The Board Chairperson shall set the agenda for the Special Meeting of Members. The agenda is restricted to the purpose(s) listed on the verified petition(s).

IV. TIME LIMITS

The Special Meeting of Members shall be limited to a total of two hours. One half hour shall be given to the designated petitioner representative(s). One half hour shall be designated for the Board, if needed. One hour shall be designated for an open forum, which shall be limited to three minutes per Member.

August 28, 1980
August 8, 1989
December 10, 1991
February 6, 1992
June 3, 1993
February 15, 2007

March 16, 2017
September 24, 2020
March 23, 2023

P 3.01

USE OF COMMON PROPERTY

PURPOSE:

The purpose of this policy is to provide for the use of Common Property and to promote the aesthetic values of Bella Vista.

I. GENERAL

1. The Board reserves the right to approve or disapprove any installation, activity on, or use of Common Property. Such approval shall require the execution of a license or right of entry permit. Disturbing or damaging any Common Property by unauthorized persons is prohibited.
2. Solicitation on or use of Common Property for commercial or other private enterprises is prohibited without written permission by the Chief Operating Officer.

Exceptions are short-term booth rentals for fairs, etc., which must be scheduled with the Association manager in charge of the event.

October 18, 2012
February 16, 2017
June 25, 2020
October 22, 2020
February 23, 2023

P 3.02

COMMON PROPERTY

PURPOSE:

To provide for the regulation and management of Association Common Property as multiple use property serving the diverse interests of Members to include walking, biking, hunting, and other approved outdoor activities in a safe manner for all Members and in compliance with federal, state, and local laws and regulations.

I. AUTHORITY

The authority for this policy is the Declaration, Protective Covenants, and Bylaws of the Association. The Association also has the responsibility to comply with any additional laws or regulations imposed by local, state, or federal agencies.

II. GENERAL REGULATIONS

Every Member shall have a right and easement of enjoyment in and to the Common Properties. Members shall not utilize Common Property for their own exclusive use. Every Member and guest shall adhere to all federal, state, and local laws and regulations, and Association policies while on Common Property.

III. SPECIFIC REGULATIONS

Common Property which is designated and designed for a particular purpose (i.e., golf course, swimming pool, trail) should be used by Members and guests for that particular purpose or for activities that do not interfere with the intended designated use. In some cases, Common Property is designed for shared use, such as biking/hiking trails crossing golf courses.

Members and guests should not engage in any conduct on Common Property that may put other Members and guests in physical danger. Members and guests should exercise caution and always remain aware others may be utilizing that area of Common Property as well.

In general, children should be accompanied or supervised by adults while utilizing Common Property and amenities. Restrictions on unaccompanied or unsupervised children vary depending upon the Common Property or amenities being used. Please check with Association staff at the amenity or with an Association Lake Ranger to determine what restrictions may apply.

IV. HUNTING

Hunting with a firearm is strictly prohibited on all Common Property and amenities. (Bella Vista City Ordinance 2007-12 and 2007-15)

Hunting by Members and guests is authorized on Common Property only by applying for and securing an Association Hunting Permit at no cost through Member Services. Guests must be accompanied by the sponsoring Member to hunt on Common Property.

Hunting by Members and guests with a bow and arrow or cross bow is only permitted on areas of Common Property that are at least 50 yards away from all homes, trails, golf courses, pavilions, parks, lakes, ball courts, buildings, streets, facilities, or other amenities.

All hunting activities must be in conformance with all federal, state, and local laws, rules and regulations, including the Arkansas Game & Fish Commission regulations. Hunters should always be aware of their surroundings and watchful for other people and hunters in the area.

V. ENFORCEMENT

Association rangers, also referred to as Association Lakes and Parks Rangers, and staff are responsible for enforcing Association rules and policies. Local law enforcement is responsible for enforcing federal, state, and local laws, ordinances, and regulations.

COMMON PROPERTY – LAKES

PURPOSE:

To provide for the regulation and management of the Bella Vista lakes and serve the diverse interests of Members to include boating, fishing, swimming, and other approved water sports in compliance with federal, state, and local laws and regulations.

I. AUTHORITY

The authority for this policy is the Declaration, Protective Covenants, and Bylaws of the Association. The Association also has the responsibility to comply with any additional laws or regulations imposed by federal, state, or local governmental agencies.

II. GENERAL REGULATIONS

All lake use regulations regarding boating, skiing, swimming, and fishing are contained in the *Bella Vista Fishing, Boating, and Water Regulations Booklet*.

III. SPECIFIC REGULATIONS

Any watercraft constructed to provide permanent sleeping facilities, constructed with a permanently enclosed kitchen for food preparation, or with bath or toilet facilities, are prohibited on Bella Vista lakes.

Use of seaplanes or personal watercraft (jet-skis, and/or water scooters) is prohibited on Bella Vista lakes.

IV. NUTRIENT ADDITIONS

If nutrients are added to Bella Vista lakes, such nutrients must meet state and federal regulations for use on waterways and may only be added to the lakes by Association personnel.

V. LAKE MAINTENANCE AND MANAGEMENT

The Association will maintain the lakes on an on-going basis. In so doing, the Association will rely on the experience, advice, and recommendations of its staff in the Lakes and Fisheries Department.

VI. ENFORCEMENT

The lake rangers are responsible for enforcing Association rules, regulations, and lake use policy. State and local law enforcement are responsible for enforcing the Arkansas Game and Fish Commission regulations as well as the Arkansas Criminal Code.

COMMON PROPERTY – CUTTING TREES

PURPOSE:

To provide for the regulation and management of the clearing of Common Property, including the cutting of trees on Common Property.

I. IN GENERAL

The preservation of trees on Common Property is critical to maintain the aesthetics and natural beauty of Bella Vista and to protect property values for all parties. Trees are vital to maintaining the environment by stabilizing soils, minimizing water runoff, protecting native flora, and supporting wildlife. Standing dead trees and downed trees are of value to wildlife and will generally be left in place due to their ecological value and because of the unavoidable additional disturbance caused by their removal.

II. SPECIFIC REGULATIONS

It is a violation of Arkansas State law (A.C.A. §18-60-102) and this policy to cut down, remove, prune, or damage a tree or vegetation located on Common Property without first obtaining a written Common Property Permit from the Maintenance and Construction Division of the Association. Please contact the Maintenance and Construction Division if a tree poses an immediate safety hazard to any person or property. Violations of this policy by those who are Member or non-Members, may be pursued through local law enforcement agencies.

In the event of damage or removal of trees from Common Property in violation of this policy, the Board authorizes the Chief Operating Officer to take one or more of the following actions:

1. Require payment in the amount of \$250 per tree for every damaged or removed tree greater than 3” in diameter, as measured at the base of the tree trunk.
2. Require payment in the amount of up to \$2,500 if the number of damaged or removed trees cannot be determined.
3. Require the replanting and maintenance of new trees, with the Association determining the size, location, and species of the new trees. Individuals violating this policy may be required to incur the cost of up to eight (8) foot tall trees as measured from the base of the tree trunk to the top of the tree.
4. Require removal of any downed trees or debris with related costs becoming the responsibility of the individual violating this policy.
5. File a criminal complaint against the individual violating this policy with the proper legal authority.
6. Pursue any legal remedy authorized by law.

COMMON PROPERTY – TRAILS

PURPOSE:

To provide for the regulation and use of paved and unpaved trails located within the Association.

I. VEHICLE RESTRICTIONS

No gas or electrically powered vehicles (except maintenance vehicles or emergency vehicles) shall be driven or operated on any trail, with the exception that powered wheelchairs or other devices designed for and used by persons with disabilities shall be permitted.

II. USAGE RULES

Users of trails shall follow the requirements of any signage posted on the trail, including, but not limited to, stop signs, yield signs, or other traffic/pedestrian control measures.

III. HOURS OF TRAIL OPERATION

Trails shall open at 5:00 a.m. and close at 10:00 p.m. each day.

The Chief Operating Officer, or the Chief Operating Officer's designee, may cause trails to be closed at any time for purposes of public safety, repair, or special event. Members shall be advised of any such special closure by available and reasonable means, including, but not limited to, appropriate signage.

No person may use or be present on any trail when it is closed, unless such presence or usage is by reason of an approved special event. This prohibition shall not apply to persons crossing a trail while on a city street or other public right-of-way.

IV. SPECIAL EVENTS

During any permitted special event, the usage rules provided for in this policy, shall not apply to any segment of trail for which a special event has been permitted.

**COMMON PROPERTY – PRESERVATION
OF NATURAL ENVIRONMENT**

PURPOSE:

To provide for the regulation of changes to and use of unimproved Common Property.

I. IN GENERAL

The preservation of the natural environment of Common Property is critical to maintain the aesthetics and natural beauty of Bella Vista and to protect property values for all parties. Generally, unimproved Common Property is to remain and be preserved in its natural state. Exceptions to this general policy, including the regulation of changes to and use of Common Property, is the sole responsibility of the Association.

II. GENERAL REGULATIONS

Every Member shall have a right and easement of enjoyment of Common Property. Therefore, the exclusive use of Common Property by one individual Member or group of Members is prohibited. This prohibition includes the placement of permanent structures, driveways, pathways, or any other improvements on Common Property. Every Member and guest shall adhere to all federal, state, and local laws and regulations while on Common Property.

III. SPECIFIC REGULATIONS

Members may request an application for a permit to make modifications to Common Property. This request shall be made, and all required paperwork submitted to the Maintenance and Construction Division of the Association. Any changes made to or use of Common Property without a written permit from the Association or not in accordance with current policies, shall be considered a violation of this policy.

IV. ENFORCEMENT

In the event of damage, use of or modification to Common Property in violation of this policy, the Board authorizes the Chief Operating Officer to take one or more of the following actions:

1. Require the modifications be removed, and the Common Property returned to its previous state as determined by the Association.
2. Require all remediation work meet the work and design quality standards as determined by the Association and communicated to the transgressor.
3. Require all costs for such remediation be borne by the person(s) making the modifications.
4. Require all work meet/pass the quality standards and inspection by the Association.
5. File a criminal complaint against the person(s) making the original modifications with the proper legal authority.

6. Pursue any legal remedy authorized by law.

CROSS-CONNECTION CONTROL POLICY

PURPOSE:

To implement a policy to comply with Arkansas Department of Health requirements to promote cross connection control which will provide for the protection of the public potable water supply, to isolate at the service connection any actual or potential pollution or contamination within the Member's premises and to provide a continuous, systematic, and effective program of cross-connection control.

I. AUTHORITY

In compliance with the Arkansas Department of Health *Rules and Regulations Pertaining to Public Water Systems*, Section VII.E, the Bella Vista Water Department finds it necessary for the health, safety, and welfare of the people served by the Association to adopt cross-connection control standards which establish the requirements for the design, construction, and maintenance of connection to the public water supply. These standards are supplemental to and do not supersede or modify the *Arkansas State Plumbing Code* (ASPC) and its latest revisions under which the Bella Vista Water Department operates. This policy pertains to commercial and industrial establishments as well as certain residential units (such as those involved in commercial operations, or having sprinkler systems, or having in-ground swimming pools, etc.).

II. CRITERIA

The Bella Vista Water Department's Cross-Connection Control Program: Standard Operating Procedure (SOP) is hereby incorporated into this policy by reference. The Bella Vista Water Department will evaluate the hazards inherent in supplying a consumer's water system. When a hazard or potential hazard to the public water system is found on the consumer's premise, the consumer shall be required to install an approved backflow prevention assembly (BPA), or an air gap, at each public water service connection to the premise in accordance with the Bella Vista Water Department requirements. The type of BPA shall depend on the degree of hazard involved, which shall be described in the SOP.

III. NON-COMPLIANCE – SERVICE TO BE DISCONTINUED

The Bella Vista Water Department shall provide the consumer written notice of any violation of this policy. If the violation(s) are not corrected as required in the notice, the water supply will be refused or discontinued. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination, the water service shall be discontinued without written notice.

IV. CONSENT TO ENTER

In the course of meeting its responsibilities and obligations under the regulations of the Arkansas Department of Health and under this policy, the Bella Vista Water Department shall have the right to inspect the water connections of any water consumer. Each consumer, as a condition of the continued delivery of water to their premises, shall be considered as having stated their consent to the entry upon their premise by the Bella Vista Water Department, the Arkansas Department of Health, and/or the plumbing inspector for the purposes stated herein.

June 15, 2006
March 16, 2017
November 15, 2018
September 24, 2020
March 25, 2021
March 23, 2023

P 3.08

REQUEST FOR THE USE OF COMMON PROPERTY

PURPOSE:

To set forth the policy of the Association regarding requests for the use of Common Property for leach fields or the traversing of Common Property for a septic system

I. GENERAL

Common Properties are those properties reserved and intended to be devoted to the common use and enjoyment of all Members and their guests. Therefore, the granting of the exclusive use of Common Property for the benefit of a single or limited number of Members is a significant event.

The decision to license use of Common Property is reserved to the Board whose decision is final.

This policy in no way affects the authority or responsibility of the ACC, City of Bella Vista, or the Arkansas Department of Health in managing the building permit and inspection process.

Members and builders are reminded that the decision to install a septic system in ground of questionable soil morphology or on a lot too small for the home may cause serious and expensive consequences. In all cases the responsibility for any problems remains with the Member and the builder. The Member and builder are required to follow the process and documentation plan set forth by the Association to support a request involving Common Property. For existing homes where the septic system has failed, the Board may grant permission to use Common Property for a leach field or for the traversing of Common Property to connect two lots, with the home located on one lot and the leach field located on the other lot. For new home construction, the Board may grant permission for the traversing of Common Property to connect two lots, with the home located on one lot and the leach field located on the other lot. For new home construction, the use of Common Property for a leach field is prohibited. Trees on Common Property should be removed as a last resort when installing a leach field or traversing Common Property.

All requests for use of Common Property, whether for a septic system or for non-septic issues, will be addressed to the Bella Vista Maintenance and Construction Division who will receive all documents and verify all necessary information before Management makes a recommendation to the Board. The Association will provide an application form along with all documentation requirements.

The information and recommendation will be given to the Board at the first available regular Board meeting after all the information has been gathered and verified by Management. The Board will take appropriate action at the following Board meeting. The decision of the Board is final. No action of the Board shall be deemed to set a precedent. Each act of the Board shall be decided upon its own merit and in accordance with the circumstances of the situation.

A reasonable fee may be charged for licensing the use of Common Property.

May 10, 2007
April 20, 2017
September 24, 2020
March 23, 2023

P 3.09

DOCK AND BOATHOUSE POLICY

PURPOSE:

The purpose of this policy is to clarify the rights, obligations, and authority of adjacent private property owners, the ACC, the Association, and the City of Bella Vista as it concerns Common Property relative to shorelines and lakebeds.

I. GENERAL

1. Common Property belongs to all Members collectively and normally may not be used exclusively for private purposes. The use of Common Property along the shoreline and in the lakebed may be approved for private purposes by the Association as the owner of the property. Permission to use Common Property for a dock or boathouse may be granted by the Association.
2. Design and construction of docks and boathouses are subject to the specifications and approval of the ACC (Declaration Article XII, Protective Covenants Paragraph 9). A permit to construct must be obtained from the ACC and the City of Bella Vista, and any other applicable permits must be secured prior to the commencement of construction.
3. The owner's rights, with respect to their dock or boathouse, shall pass to successive owners.
4. In permitting the use of Common Property for constructing docks or boathouses, the Association does not relinquish title to such Common Property.
5. The Association shall assign a dock number to each lake lot that has or could have a dock or boathouse constructed on it. This number will serve as a permanent method of identification for all docks and boathouses existing or potentially being constructed. Upon approval of the completed dock or boathouse, the Association will issue an ID number sign that must be displayed on the lakeside of the dock or boathouse.

II. MAINTENANCE

1. It is the Member's responsibility to provide maintenance for any dock or boathouse attached to their property.
2. The Association, in coordination with the City of Bella Vista, may periodically conduct inspections from the water of docks and boathouses. If it is determined a safety issue exists, such issue will be handled directly between the City of Bella Vista and the Member.
3. If it is determined any maintenance issue exists, such issue will be handled directly between the ACC and the Member.

September 18, 2014
February 16, 2017
February 23, 2023

P 4.01

MEMBER CONDUCT

PURPOSE:

To provide for the manner in which individuals shall treat Members, guests, visitors, and staff of the Association.

I. IN GENERAL

Bella Vista is a haven for families seeking peace, tranquility, natural beauty, and exceptional recreational opportunities. To preserve that environment, the general rule to follow is the Golden Rule – behave toward others as you would want them to behave toward you.

Every Member and guest shall treat all other Members, guests, visitors, and the staff of the Association with courtesy and respect. Insulting, lewd, vulgar, impolite, or harassing conduct, language, and behavior are expressly prohibited.

Every Member and guest shall treat the physical properties of the Association and other Members with due care and respect and shall not knowingly cause damage to any of them.

In all matters involving safety of persons or property, or during emergencies, every Member and guest shall obey the instructions of responsible members of the staff of the Association.

Every Member and guest shall follow and comply with all Association Policies and Bylaws.

Harassing conduct contrary to this requirement will subject the person(s) to suspension of membership privileges in accordance with Article VIII, Section 3(C) of the Declaration and Article IV, Section 2(E) of the Bylaws.

Every Member shall inform their guests of all provisions of this Member Conduct Policy.

August 16, 2007
February 16, 2017
September 24, 2020
March 23, 2023

P 4.02

PENALIZING A MEMBER

PURPOSE:

To provide for the enforcement of Association Rules and Regulations.

I. IN GENERAL

It shall be the policy of the Association that, prior to a final suspension of the enjoyment of the rights of any Member, otherwise known as membership privileges, for any infringement of its rules and regulations and violations of the Declaration or Protective Covenants, the Board will allow the Member the right of appeal to the Board and the Member shall be notified in writing of such right of appeal. Article VIII, Section 3(c) of the Declaration, Article IV, Section 2(E) of the Bylaws. The Board authorizes the Chief Operating Officer or their designee to temporarily suspend membership privileges until the Member has been notified in writing of their right of appeal.

Examples of circumstances that can lead to the suspension of membership privileges include, but are not limited to:

1. The Member's assessment payment is ninety days past due on any lot owned.
2. The Member owns property which has been determined by the Architectural Control Committee (ACC) to be in violation of the Declaration, Protective Covenants, or Association rules and regulations or Policies.
3. The Member is delinquent for any payments due to the Association.
4. The Member violates Association rules and regulations or Policies.

II. SUSPENSION OF MEMBERSHIP PRIVILEGES

1. The Chief Operating Officer shall inform the Member of the rule, regulation, or policy which the Member violated, the action taken, and the right of the Member to appeal the decision to the Board.
2. The Member shall have five (5) days after receiving notice of the charges to respond to the charges in writing or to request an appeal before the Board. If no appeal is made, the decision of the Chief Operating Officer shall be final.
3. If the Member requests an appeal before the Board, the Board shall set a hearing to take place during an Executive Session of the next Board meeting. During the Executive Session, the Board shall, unless the Board requests additional information regarding the incident, make its ruling as to what punishments, if any, will be given to the Member, and inform the Member in writing of said punishment, including a letter of reprimand or suspension of membership privileges up to a maximum of thirty (30) days.
4. The Chief Operating Officer shall maintain a file of all such infringements and letters of final decision.

III. GUEST OR DEPENDENT ACTIONS ARE MEMBER'S RESPONSIBILITY

Guest actions and dependent actions' are the responsibility of the Member sponsor. Penalties will be against the Member to the same extent as if the Member had committed the violation.

IV. TENANT ACTIONS ARE THE LANDLORD'S RESPONSIBILITY

Tenant actions are the responsibility of the respective Member landlord. Penalties will be against the Member to the same extent as if the Member had committed the violation.

September 18, 2008
February 16, 2017
March 23, 2023

P 4.02.1

APPEAL PROCEDURE

PURPOSE:

To describe the procedure to be used by the Board on those occasions when a Member appeals to the Board a suspension of membership privileges in accordance with Policy 4.02.

I. PROCESS

1. The Board will set a hearing date and time during an Executive Session at which a quorum of Directors must be present.
2. The Chief Operating Officer shall notify the appellant (the Member appealing the decision) of the date, time, and location of the hearing.
3. The appellant shall provide a basis for the appeal in writing to the Board at least five (5) days before the hearing date. If written documentation is not received, as required, the appeal is deemed dismissed and a final affirmative decision is handed down in favor of the Association.
4. The Chief Operating Officer shall provide written documentation to the Board in support of their decision at least five (5) days prior to the hearing date.
5. Each party will be provided a copy of all documentation provided by the opposing party upon receipt by the Board.
6. Neither party is allowed to contact the opposing party's potential witnesses at any time, in any manner, or for any reason.
7. If the appellant cannot attend the scheduled hearing, then the hearing will be conducted based upon the written correspondence on the date scheduled.
8. The Corporate Secretary shall record the proceeding and issue minutes to the Board after transcription.

II. CONDUCT OF HEARING

1. The hearing and decision-making shall be conducted in Executive Session. The Board Chairperson shall preside and may vote regarding the decision. A quorum must be present.
2. At the hearing, each side will be given thirty (30) minutes (including rebuttal time) to present its case.
3. Each side can present up to three speakers.
4. The appellant presents first, followed by the Association.
5. No cross examination of witnesses is allowed by the other party, and the regular courtroom rules of evidence and procedure do not apply to this proceeding.

6. At the end of the presentations, the appellant may use whatever time is remaining, of their thirty (30) minutes, to rebut the Association.
7. Following that, the Association may use whatever time is remaining, of their thirty (30) minutes, to rebut the appellant.
8. Following the presentations and rebuttals, the Board is free to ask questions of both parties.
9. Both parties shall limit their replies to answering the questions presented.

III. DECISION

1. After the question-and-answer period, both parties shall be informed that a written decision will be issued, normally within ten (10) calendar days.
2. Both parties will be excused, and the Board will discuss the appeal during a continuation of the Executive Session.
3. A majority vote of those Board members present for the appeal are required to accept or deny an appeal.
4. The Board Chairperson will record the decision of the Board, the reasons for the decision, any corrective actions that need to be taken, etc.
5. The Board decision is final and binding on all concerned. It shall be communicated to the appellant and the Association in writing by the Board Chairperson.

IV. OTHER

The appellant may, in writing, waive the right to an in-person hearing as described above. In that event, the Board will consider the appeal based only on the written documentation and will render its decision as outlined above.

August 16, 2007
November 19, 2015
March 16, 2017
March 23, 2023

P 5.01

IDENTIFICATION CARDS

PURPOSE:

To describe how various forms of member identification may be obtained and the benefits of each.

I. MEMBERSHIP CARD

1. How Issued:

Members receive a membership card annually, provided the Member's account is in good standing. Membership cards may also be issued at the Member Resources office during regular business hours.

2. Benefits:

A membership card allows for the use of amenities at the current discounted membership rate.

3. Multiple Lot Owners:

Members who own multiple lots may elect to receive fewer than one membership card for each lot.

II. ACTIVITY CARD

1. How Issued:

Members may purchase an Activity Card at the Membership Resources office during regular business hours. The Member must provide proof of property ownership at the time of purchase. Members with an Activity Card may renew by mail or internet provided they are in good standing.

2. Benefits:

An Activity Card allows for the use of amenities at a discounted rate.

III. 30-DAY IDENTIFICATION CARDS

1. How Issued:

Members may obtain a 30-day identification card at the Member Resources office during regular business hours. After regular business hours on weekdays and some weekend hours, the card may be purchased at Riordan Hall, the Country Club Pro Shop, Metfield, Branchwood, Scotsdale Pro Shop, Kingsdale Pro Shop, Tanyard Creek Pro Shop, and Highlands Pro Shop.

2. Benefits:

A 30-day identification card allows for the use of amenities at the Activity Card rate. Refer to the current fee schedule for a list of those amenities with annual registration requirements.

IV. RECIPROCAL IDENTIFICATION

A member from a sister Cooper Community, Inc. development may enjoy the use of Association amenities at a reduced rate provided they can provide either a paper membership card along with an additional form of photo identification or a photo membership card to staff at Member Resources, one of the pro shops, or the marina.

March 3, 1988 May 5, 1994
March 9, 1989 April 20, 2006
August 3, 1989 November 19, 2015
January 3, 1991 March 16, 2017
October 1, 1992 June 25, 2020
January 7, 1993 March 23, 2023

MEMBERSHIP CARDS

PURPOSE:

In order to enjoy membership privileges, an owner of Bella Vista property shall establish membership rights and obtain a membership card by presenting a copy of a recorded deed in that owner's name or contract for purchase made with that owner. All membership cards shall be issued in the name as it appears on the presented legal documents.

I. ISSUANCE OF MEMBERSHIP CARDS

Only two principal membership cards will be issued per Bella Vista property. However, additional non-principal membership cards may be issued in certain circumstances as provided below. In the event of a property owner owning more than one lot or living unit, only one set of membership cards will be issued.

The spouse of a sole property owner will be issued a membership card upon completion of a signed request, which will remain in effect until the property owner provides a cancellation notification to the Association.

Non-principal membership cards may be issued to adults, over the age of 18, residing at the principal residence. To qualify for a non-principal membership card, individuals must reside with the principal property owner and possess government issued identification listing the address of the property as their residence. A non-principal membership card must be renewed on an annual basis.

II. CORPORATE OWNED

Membership cards for company- or corporate-owned property will be issued each year to that entity's named designee and spouse with dependent card privileges, or to two people not married with no dependent card privileges. The designee must be an employee of the company or corporation. The designated member may be changed once during the year. All cards of the previous designated member must be surrendered. A copy of the certificate of incorporation, or company equivalent, is required along with a form designating those individuals to enjoy the rights of enjoyment of the Common Properties. "Company" is defined as an association of individuals formed for a specific purpose. The Association is exempt from the requirement specified in this section.

III. UNRELATED PROPERTY OWNERS

Individual membership cards will be issued in separate names where legally designated property owners are NOT legally married but reside in the same household. However, only two member cards will be issued, unless otherwise provided for herein. (See above.)

IV. DEPENDENT CARDS

The application of all dependent and sole owner spouse cards must be completely filled out and signed,

including the necessary documentation (age, residence, support, etc.) prior to dependent card issuance. It is necessary to request those cards each year. Up to five (5) guests may accompany a dependent holding a valid membership card. Guest cards cannot be issued from a dependent card holder.

V. REPLACEMENT MEMBERSHIP CARDS

A fee shall be levied to cover clerical, administrative, and supply costs on requests for temporary, or replacement membership cards. Misleading or false information regarding age, residency, or support requirements are cause for loss or suspension of membership privileges as determined by Management with the approval of the Board.

VI. DELEGATION OF MEMBERSHIP PRIVILEGES

The purpose of this section is to provide an opportunity for a seller using a land contract to delegate the amenity usage of the property to the purchaser. Before membership cards can be issued to a land contract purchaser, the owner of record must complete and sign an Association form thereby delegating the membership amenity rights of the property to said purchaser. Membership cards for individuals purchasing a lot on contract will be issued each year to the individual(s) purchasing the lot. The membership privilege may be changed once during a twelve-month period. All cards of the previous purchaser must be surrendered. All other policies apply as to who can receive cards and how many cards are allowed per lot.

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

June 25, 2020
October 22, 2020

P 5.03

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.

August 16, 2007
February 16, 2017
April 23, 2020
February 23, 2023

P 5.04

GOLF CART REGISTRATION

PURPOSE:

To permit and control the use of privately owned golf carts on Bella Vista golf courses.

I. GOLF CART REGISTRATION

Registration with Member Services is required for all privately owned golf carts used on Bella Vista courses.

II. PAYMENT OF FEES

Golf cart registration fees are due annually. Such fees are non-refundable and non-transferable. If a Member has registered a golf cart previously, the entire yearly fee must be paid regardless of date of registration. The fee is pro-rated on an annual basis for first time registration only.

III. PER ROUND FEE IN LIEU OF REGISTRATION

Members with privately owned golf carts that do not wish to pay an annual registration fee may opt to pay a per round fee instead.

IV. MANNER OF REGISTRATION OR RENEWAL

Registration or renewal may be done in person at Members Services, by mail, or electronically.

V. REQUIREMENTS FOR REGISTRATION

In order to obtain golf cart registration, a Member must:

1. Be a Member in Good Standing; and
2. Hold a current Activity Card.

August 16, 2007
November 20, 2008
July 16, 2009
September 16, 2010
February 16, 2017
April 23, 2020

February 23, 2023

P 5.05

BOAT REGISTRATION AND MOORING LEASE AGREEMENT

PURPOSE:

To describe the requirements for all boats located, moored, stored, or operated on or above Association lakes or adjacent shorelines.

I. BOAT REGISTRATION

Registration with Member Resources is required for all boats located, moored, stored, or operated on or above Association lakes or adjacent shorelines. Boats requiring registration are listed on the current Association fee schedule.

1. Payment of Fees – All registrations end on December 31 of the year for which the registrations were purchased. Registration after March 31 is subject to a penalty as listed in the current Association fee schedule. First time boat registration is prorated quarterly with no penalty. Registration fees are not refundable and not transferable between boat owners (seller to buyer).

2. Late Penalty Fee – Any boat located, moored, stored, or operated on or above Association lakes or adjacent shorelines that does not have a current year registration sticker after March 31st of each year will be assessed a late penalty fee of 10%. Lake rangers and other authorized Association personnel will provide Member Resources with a list of violators. The late penalty fee is to be collected by Member Resources at the time of boat registration.

3. Requirements for Registration –

a. In order to obtain annual or temporary boat registration, a Member must:

- i) Present a current Arkansas Boat Registration Certificate;
- ii) Be a Member in Good Standing;
- iii) Present a current Activity Card;
- iv) Show proof of ownership or provide a signed and notarized boat lease agreement;
- v) Sign an agreement to abide by the Association's rules and regulations as well as federal, state, and local law when registering any boat.

b. In order for a guest to obtain temporary boat permits, the following conditions must be met:

- i) Present a current Arkansas Boat Registration Certificate;
- ii) Present a current guest card;
- iii) The Member sponsoring the guest must be a Member in Good Standing;
- iv) Show proof of ownership or provide a signed and notarized boat lease agreement;
- v) Sign an agreement to abide by the Association's rules and regulations as well as federal, state, and local law when obtaining temporary boat permits.

4. Manner of Registration or Renewal – Registration or renewal may be done in person, by phone, electronically, or by mail.

II. MOORING AND LEASE AGREEMENT

1. Term – All mooring and lease agreements are for an annual period (January 1 through December 31). The lease is not assignable, nor shall the space be sublet.

2. Fees – All lease fees as provided on the Association fee schedule for marina slips, shoreline mooring, and rack storage are due no later than March 31st of each year. If lease fees are not received by March 31st, the lease is terminated in accordance with the lease agreement.

3. Penalties – Lease fees not received by the due date will be assessed penalties.

A copy of this policy and a copy of the “Bella Vista Fishing, Boating and Water Sports” regulations will be given with each boat registration and mooring lease agreement.

August 16, 2007
February 16, 2017
June 25, 2020
February 23, 2023

P 5.06

RESERVATION OF AMENITIES AND FEE POLICY

PURPOSE:

To provide for the way Association amenities are rented by Members and certain guests. Guest policies are defined in Policy 5.03, which may further limit use by guests.

I. AMENITIES AVAILABLE FOR RENT

Please consult the most current fee schedule for a list of amenities for rent and associated costs.

II. FACILITY RESERVATIONS

1. Only a Member, “Association guest,” “participant guest,” or an official Association committee may sponsor a function at an amenity.
2. Reservations may require the sponsor to enter into an amenity rental agreement.
3. Fees will be paid pursuant to the amenity rental agreement.
4. “Association guests” are non-members who are sponsored by the Association, as defined and limited under Policy 5.03. Use of amenities by “Association guests” includes the use of restaurants and bars, 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.
5. “Participant guests” are those guests who participate in specific events at Association amenities, as defined and limited under Policy 5.03.

III. FEES FOR ORGANIZATION USE OF AMENITIES

It shall be the policy of the Association that when organizations other than Members use Association amenities, the event must be sponsored by a Member, “Association guest,” “participant guest,” or an official Association committee and that an amenity use fee may be charged for the activity. Such fees will be established by the Association and shall be subject to approval by the Board, be made generally known, and fairly and uniformly applied. The Board delegates the authority to waive fees (see Bylaws, Article IV, Section 2C) for an organization’s use of Association amenities to the Chief Operating Officer should they deem the intended use of the amenity to be beneficial to the Members.

IV. AMENITY RESERVATIONS AND PRIORITY

It shall be the policy of the Association to safeguard the rights of Members by granting them, whenever reasonably possible, priority over “Association guests” and “participant guests” in the use of amenities. The Association cannot guarantee a Member will, in every instance, be granted use before an “Association guest” or “participant guest,” and it is not the desire or policy of the Board to do so. Instead, it is the intent of the Board to provide a coherent system of priorities based on criteria such as

membership, availability in terms of time order of request for appropriate use, and economics. Regularly scheduled groups may be pre-empted by paying groups.

August 16, 2007
May 15, 2008
May 15, 2014
January 15, 2015
March 16, 2017
April 23, 2020

March 23, 2023

P 5.07

TEMPORARY PARKING OF VEHICLES

PURPOSE:

To provide for the aesthetic appeal of Bella Vista by describing the regulations that shall apply to the temporary parking or storage of vehicles and property on Association property.

Parking on non-Association owned properties, including residential properties and streets, is regulated by ordinance of the City of Bella Vista and by the Architectural Control Committee (ACC).

I. PARKING

1. There shall be no overnight parking on Association property other than as provided in section 2 below.
2. To provide temporary parking for Members and Members' guests where sufficient area is not available at their home, the following regulations shall apply:
 - a. Overnight parking for unoccupied cars, pickups, RVs, and SUVs may be allowed at Association owned parking facilities only with available space and a permit.
 - b. Free temporary parking permits, for Members and Members' guests may be obtained through Member Resources and at Riordan Hall. This permit will have an expiration date, not to exceed seven (7) days from the date of issue and must be visible at all times. These permits are for unoccupied vehicles only. Failure to comply with these regulations for an overnight parking permit will be strictly enforced by towing of the vehicle at the owner's expense.
3. The parking of semi tractors and trailers on Association property is normally prohibited. The sponsoring Division may authorize such parking at Association-sanctioned events or activities for a limited period.
4. The parking of vehicles and trailers for the purpose of fishing on Association lakes is allowed for Association sanctioned fishing events.

May 3, 1984
September 27, 1984
August 28, 1986
September 25, 1986
December 3, 1987
September 20, 1990

November 15, 2001
October 19, 2006
April 17, 2008
February 16, 2012
March 16, 2017
September 29, 2022

P 6.01

ANNUAL BUDGET

PURPOSE:

To describe the process for determining and setting an annual budget for the Association.

I. GUIDELINES FOR THE ANNUAL BUDGET

Each year the Chief Operating Officer and the Board shall establish a calendar to be used in budget preparation. The Chief Operating Officer, by no later than November 1, shall submit a proposed budget to the Board. Budgets shall be based on simple cash flow (SCF). SCF is calculated by taking the net income, adding back depreciation, adding any reserve funds earmarked for use, adding any planned borrowing, then subtracting capital expenditures and debt service.

Annual budgeted SCF must at a minimum break even for the year.

The Board shall determine and announce the place and time of the budget workshop(s) for Board budget review.

It is the goal of the Board to approve the annual budget at the regular meeting of the Board each November. If the annual budget is not approved in November, the budget shall be finally adopted not later than the regularly scheduled December meeting of the Board. Should the Board take no final action on or prior to its regularly scheduled monthly meeting in December, the budget as submitted by the Chief Operating Officer, shall be deemed to have been adopted by the Board. The Board may amend the budget at its discretion during the fiscal year.

Should circumstances warrant a delay in the submission and/or adoption of the annual budget, the Board, by two thirds vote of those Directors present, may approve such delay.

The Chief Operating Officer shall enforce the provisions of the budget as specified in the Board action adopting the budget. They shall not authorize or approve any expenditure unless there are monies available in the budget.

Management shall prepare and maintain a budget calendar to effectively implement this policy and develop a timely annual budget for approval by the Board.

August 16, 2007
February 21, 2008
August 19, 2010
October 16, 2014
March 16, 2017
March 28, 2019

September 24, 2020
March 23, 2023

P 6.02

INVESTMENT POLICY

PURPOSE:

To create and set forth the investment policy for the investment of funds held by the Association.

I. INTRODUCTION

It shall be the policy of the Association to invest funds in a manner which will provide reasonable investment returns with maximum security while meeting the daily cash flow demands of the Association.

II. INVESTMENT PURPOSE AND OBJECTIVES

1. The preservation of principal is the foremost objective of this investment policy.
2. The Board may elect to retain an outside investment manager (Investment Manager) with the responsibility of investing the funds. The Board will outline investment objectives to the Investment Manager, and review and affirm, or adjust those investment objectives on at least an annual basis. Any change in the previously established investment objectives will be communicated by the Board to the current Investment Manager. The Investment Manager will be chosen on the basis of competitive bidding in accordance with current Association policies for bidding and contracting.

III. INVESTMENT OBJECTIVES

1. Investment Objectives
 - a. The investment objectives of the Association is to preserve invested principal.
 - b. No undue market risk and no speculation or aggressive investments shall be undertaken with the assets of the Association.

2. Investment Portfolios

Association investments will be limited to low-risk investments such as Certificates of Deposit, US Treasury Bills, and Money Market Accounts. To take advantage of FDIC Insurance and reduce the risk of loss of principal, Certificates of Deposit shall be placed in an appropriate number of banking institutions to preserve and protect the invested principal.

3. Investment Policy and Responsibilities

- a. The Chief Operating Officer shall recommend a financial institution designated as the main Association depository for the Board's approval. The Chief Operating Officer shall review this recommendation annually with recommended changes as appropriate. Funds deposited in the main Association designated depository for current operations such as Operating Account, Payroll Account, Health and Insurance Accounts, etc. may exceed the FDIC insured limits.

b. In the event the Board does not elect to employ an Investment Manager, the Chief Operating Officer shall be responsible for investing Association funds in accordance with this policy.

c. In conjunction with the presentation of the annual audit results, the Chief Operating Officer will provide a report to the Board on the Association's investments.

November 5, 1992
April 1, 1993
May 15, 2008
March 16, 2017
September 24, 2020
March 23, 2023

P 6.03

ASSESSMENTS, FEES AND OTHER REVENUES

PURPOSE:

To set forth the way assessments, fees, and other revenues of the Association are expended.

I. GENERAL

1. Assessments will be collected and expended in accordance with the Declaration.
2. The costs of water services will be covered by water service rates and fees.
3. It is the responsibility of Management to prepare a fee schedule in conjunction with the Annual Budget, to be approved by the Board annually. Fees may not be waived except by action of the Board or Chief Operating Officer.
4. Fees may be changed by the Board at any time. Fees may also be changed by action of the Board or the Chief Operating Officer for promotions, specials, or any other consideration.
5. The Board may establish fees for approved uses of the Common Properties.

March 20, 2003
March 20, 2008
April 20, 2017
September 24, 2020
March 23, 2023

P 6.04

ENGAGEMENT OF PROFESSIONAL SERVICE PROVIDERS

PURPOSE:

The purpose of this policy is to describe the criteria and process for selecting individuals or firms providing professional services to the Association.

I. GENERAL

Individuals or firms providing professional services, such as architects, auditors, engineers, surveyors or other state-licensed individuals or consultants who must personally stamp and sign their work, should not compete based on cost only. Selection should also be based on:

- Personal qualifications of the individual providing professional services
- Qualifications of the firm
- The ability to provide the services in a timely, competitive manner
- Prior history of successful services performed, provided the firm or individual has been previously engaged by the Association

To further promote the interest of fair dealing, the selection of professional service providers shall be made by the department manager requesting the professional services, in conjunction with one or more of the following individuals: the Chief Operating Officer, General Counsel, Director of Maintenance and Construction, Director of Golf Operations, Director of Golf Course Maintenance, Director of Marketing and Communications, Director of Water, Director of Business Development, Director of Human Resources, Director of Recreation and Wellness, or the Chief Financial Officer.

June 19, 2003
April 17, 2008
April 20, 2017
September 24, 2020
March 23, 2023

P 6.05

PROCUREMENT OF GOODS, EQUIPMENT, AND CONTRACT SERVICE PROVIDERS

PURPOSE:

The purpose of this policy is to describe the criteria and process for the procurement of goods, equipment, and contract service providers for the Association.

I. GENERAL

It is the policy of the Association to procure goods, equipment, and contract service providers on a competitive bid basis for purchases that are expected to cost \$25,000 or more. Typically, three (3) bids are required, unless a bid waiver is sought from and approved by vote of the Board. Selection should be based on:

- Cost
- Supplier's reputation for service
- Brand reputation for quality and service
- Delivery in a timely, competitive manner
- Warranty terms
- Qualifications of the firm
- The ability to provide the services in a timely, competitive manner
- Prior history of successful services performed, provided the firm has been previously engaged by the Association

To further the interest of fair dealing, awarding of the purchase contract shall be made by the department manager requesting the goods and equipment, in conjunction with one or more of the following individuals: the Chief Operating Officer, General Counsel, Director of Golf Operations, Director of Golf Course Maintenance, Director of Marketing and Communications, Director of Water, Director of Business Development, Director of Human Resources, Director of Recreation and Wellness, or the Chief Financial Officer.

May 15, 2008
April 20, 2017
September 24, 2020
March 23, 2023

P 6.06

LEASING OF ASSOCIATION ASSETS

PURPOSE:

The purpose of this policy is to prescribe the conditions under which Association assets (land, buildings, facilities, equipment, etc.) may be leased to a public or private entity. The power to lease assets rests with the Board (Bylaws Article IV Section 2.B).

I. PROCEDURE

1. Any leasing initiative that affects the amenities or the privileges of Members must be approved in advance by a vote of the Board.
2. The Chief Operating Officer shall submit a written recommendation to the Board for such a leasing initiative and include a full evaluation of the potential impact on the Association and its Members, including operations, finances, access, services, etc.
3. If the leasing is to involve providing access to other than Members and their guests, the written recommendation must specifically document the pros and cons, and the conditions under which property will be leased.
4. Upon approval of leasing by the Board, the Chief Operating Officer may proceed to solicit prospective lessees. The Board delegates the authority to execute a leasing agreement to the Chief Operating Officer.
5. The Chief Operating Officer shall report to the Board upon entering into any lease agreement.

II. GENERAL CONDITIONS FOR LEASES

1. Leases normally may be executed for no more than one year, but with the right of renewal. The Board reserves the right to enter into a lease agreement exceeding one year.
2. Due diligence investigation of the prospective lessees shall be conducted and documented.
3. The selection process shall provide for open and fair competition by prospective lessees. The prospective lessees shall be prohibited from contacting Directors or staff to promote their applications. Such contact may warrant the rejection of the application.
4. Adequate provision shall be made for termination of leases.
5. Leases shall clearly define the premises being leased and the purpose of the lease.
6. The obligations of the Association and the lessee regarding responsibilities (legal, regulatory, operational, insurance, financial, etc.) shall be clearly specified.
7. Appropriate financial security arrangements shall be required of the lessee to protect the Association.

8. All leases shall involve a thorough review by legal counsel.
9. The lessee will be required to carry an appropriate amount of insurance, with the Association named as additionally insured.
10. The lease agreement will include a hold harmless provision to protect the Association.

III. CONDUCT DURING THE TERM OF THE LEASE

1. The Chief Operating Officer shall be responsible for monitoring the lessee and ensuring the Association and lessee meet the terms of the lease agreement.
2. The Chief Operating Officer shall report to the Board in advance regarding their intent to renew a lease agreement. The Board shall be provided an opportunity for input prior to lease renewal.
3. The Chief Operating Officer shall inform the Board of issues which arise that may lead to a termination of the lease agreement.
4. The Chief Operating Officer normally will take the initiative in terminating a lease agreement, and will report such termination to the Board. However, in circumstances that the Board determines to be unusual, the Board may direct the Chief Operating Officer to terminate a lease for cause.

March 17, 2005
May 15, 2008
December 8, 2011
April 20, 2017
September 29, 2022

P 6.07

APPROVAL AND CHANGE OF SCOPE PROCEDURES FOR CAPITAL PROJECTS

PURPOSE:

This policy will set forth approval mechanisms, limits, controls and reporting for expenditures on capital projects.

I. APPLICATION

This policy will apply to capital projects exceeding \$10,000 for any single capital project to construct, renovate, or acquire capital assets. *Projects may not be subdivided to avoid application of this policy.*

II. PROJECT SCOPE

Before beginning a project as described herein, management will prepare a document describing the scope of the project.

III. APPROVAL OF PROJECTS

Capital projects normally must be approved by the Board during the regular budget consideration process. Any project not covered in the current year's budget will require Board approval. Any request for Board approval must include an assessment of the financial impact on the current year's budget, plus any ongoing financial impact on succeeding years. This information should be in the project scope document for capital projects.

The Chief Operating Officer has the authority to grant immediate authorization for emergency capital projects. Emergency capital projects are characterized as being time sensitive, plus having to do with safety, asset preservation, or for financial considerations. The Chief Operating Officer must notify the Board Chairperson as soon as reasonably possible of the approval of the emergency capital project. The Board will be notified of the emergency capital project at the next regular meeting of the Board or earlier. Given the inherent urgency of emergency capital projects, the three-bid requirement is waived.

IV. PROJECT CONTROL

The Association shall be responsible for control of all capital projects approved under this policy. Financial records will provide accurate accountability for each capital project and will also provide tracking to confirm any significant cost savings projected by the project scope.

Any material changes in the scope of a capital project as presented and approved by the Board (change in components of project for cost or configuration) must go through the approval process a second time. Any immediate changes approved by the Chief Operating Officer will be reported to the Board no later than the next regular Board meeting. The Chief Operating Officer will develop and utilize a common form for approval of changes.

All acquisitions for elements of each capital project will follow applicable bidding and purchasing procedures.

Regular reporting will be provided on all approved projects until completion. Budget review meetings will include information and progress reports as appropriate on the status of capital projects.

Overruns may be permitted on a project without additional Board approval if the cumulative overrun does not exceed 10% of the total project funding. The Chief Operating Officer will inform the Board of a capital project's potential cumulative overrun.

November 15, 2007
April 20, 2017
September 24, 2020
March 23, 2023

P 6.08

OPERATIONS BEYOND THE GEOGRAPHIC BOUNDARIES OF BELLA VISTA

PURPOSE:

The purpose of this policy is to set forth procedures for the conduct of business by the Association outside the geographic boundaries of Bella Vista.

I. AUTHORITY

The Chief Operating Officer is vested with the authority to permit the participation of Association entities in operations beyond the geographic boundaries of Bella Vista. Such permission will be based on responsible business practice coupled with an evaluation of the benefit that will accrue to the Members.

II. RESPONSIBILITY

The Chief Operating Officer may, at their discretion, devise standard operating procedures, forms or other means by which the requirements of sound business practice and benefit may be demonstrated.

August 29, 1985
October 1, 1992
March 16, 2017
September 24, 2020
March 23, 2023

P 6.09

GIFTS AND DONATIONS

PURPOSE:

It shall be the policy of the Association to provide the opportunity for appropriate gifts and donations to be received in the name of the Association.

I. GIFTS AND DONATIONS

The giving of gifts, money, or other items of value can be as satisfying to the giver as it can be to the recipient. There are, however, times and circumstances when accepting a gift can carry obligations not immediately recognized.

1. The Association encourages gifts and donations which will be used for the benefit of Members.
2. Gifts and donations may be designated as supplemental resources for implementing presently scheduled facilities or activities. In the event this action is not practical or is untimely, the gifts and donations may be relegated to the general fund.
3. Non-monetary gifts which require present or future non-scheduled expense will require a planned method through which these expenditures will be funded.
4. Gifts or donations for non-planned facilities or activities may be relegated to the general fund.
5. Prospective donors must sign a copy of this policy to indicate that it has been explained to them. The signed copy will be kept on file should there be a donation.
6. The Board will be advised of any action by the Chief Operating Officer.

February 4, 1988
December 2, 1993
June 17, 2004
May 15, 2008
August 18, 2016
March 16, 2017

March 28, 2019
September 24, 2020
March 23, 2023

P 7.01

OFFICIAL PUBLICATION AND RELEASE OF INFORMATION

PURPOSE:

To describe the individuals and department responsible for Association publications and the dissemination of official Association information.

I. ASSOCIATION PUBLICATIONS

1. The Board shall be responsible for all official Association publications and social media.
2. The Association web site, bellavistapoa.com will be utilized to inform Members of newsworthy Association business and other matters, e.g., Board of Directors' meeting agendas and minutes, Association policies, budgets, and monthly financial information. Management will be responsible for keeping information on the web site current.
3. The Chairperson of the Board or the Chief Operating Officer, or their official designee, shall be the only ones to issue press releases about Association activities.
4. Correspondence, emails, or social media received by all Directors should be coordinated with the Chairperson of the Board so only one reply is given. The Chairperson or their designee will make the reply.
5. Correspondence, emails, or social media received or observed by individual Directors shall be handled by them with the following understanding:
 - a. Responses or postings are clearly identified as being a personal opinion and not necessarily that of the Board. If the Board has taken a position, the individual Director should also provide that information (particularly if it differs from their own point of view).
 - b. If the responses or postings deal with administrative matters, the Director is encouraged to forward the information to the Chief Operating Officer, or their designee. It is the responsibility of the Chief Operating Officer, or their designee, to determine if a response or posting is warranted. If a response or posting is issued, the Director shall receive a copy.
 - c. Whenever possible, the response or posting will be consistent with the message(s) which have been previously distributed by the Association.
 - d. Directors are not required to agree with any final Board decision on any matter, although Directors shall remain professional and respectful of the Board. Directors shall not utilize the media or social media to reveal information or express their opinions on matters before the Board and considered in Board meetings closed to the public. In expressing personal perspectives on issues publicly considered by the Board, the Director must take care so as not to disrespectfully criticize decisions or stances of either the majority or the minority of Directors. Directors shall

not utilize the media or social media to encourage others to criticize decisions of the Board or the Association. All commentary and discussion shall focus on the issues or questions in a professional and respectful manner.

6. Financial Statements, Minutes, reports, agendas and other documents will be made available via the Association's website.

January 9, 1982
September 19, 2002
October 16, 2008
February 18, 2010
April 20, 2017
September 24, 2020

March 23, 2023

P 7.02

BELLA VISTA LOGO

PURPOSE:

The purpose of this policy is to set forth the procedures for use of Association logos.

I. GENERAL

The Association utilizes various logos which are typically filed with the State of Arkansas for protection against unauthorized use. The Association's registered service marks may only be used with written permission, and then only to the extent of and within the scope of the permission granted. Any use of an Association service mark that does not comply with such permission and this policy is not authorized. The Association restricts the use of its name and service marks to avoid confusion that can arise when the name and service marks are used to create the false impression of a connection to or endorsement of the Association.

Changing the appearance of a service mark or adding something to it does not grant authorization to use the revised service mark without the Association's permission.

To request permission to use a service mark, please email the Marketing Department at info@bvvpoa.com. If permission is granted, the Association will provide written notification of the scope of permission and what use of the service mark is allowed.

The appropriate use of these logos shall be at the discretion of the Chief Operating Officer, in conjunction with the Director of Marketing and Communications.

March 17, 2011
May 19, 2016
March 16, 2017
September 24, 2020
March 23, 2023

P 8.01

SUSPENSION OF WATER SERVICE FOR NON-PAYMENT OF ASSESSMENTS

PURPOSE:

To provide for the collection of assessments from delinquent accounts by suspending water service for nonpayment of Association assessments.

I. IN GENERAL

It shall be the policy of the Association that prior to suspension of water service of any Member for non-payment of assessments, the Member will be notified, the Board will allow the Member the right of appeal to the Board and the Member shall be notified in writing of such right of appeal. (Article VIII, Section 3(E) of the Declaration & Protective Covenants, Article IV, Section 2(E) of the Bylaws).

Circumstances that can lead to the suspension of water service include but are not limited to:

1. The Member's assessment account is sixty (60) days or more past due on any lot or combination of lots owned by the Member and the Member is not in a payment arrangement for the payment of the past due assessments.
2. If the Member fails to honor a previous payment arrangement for the payment of past due assessments, the suspension of water service will take place immediately, provided the account is still sixty (60) days or more past due.

II. SUSPENSION OF WATER SERVICE

1. The Member shall be informed in writing of the delinquent assessment account and be given thirty (30) days to pay the past due amount or make a payment arrangement for the past due amount.
2. If the Member fails to pay the delinquent assessments in full or set up a payment arrangement for the past due amount, then the Member shall be informed in writing that their water service will be suspended as of a specific date, and the Member will be informed of their right to appeal the decision to the Board.
3. The Member shall have five (5) days after receiving notice to respond in writing or to request an appeal before the Board. If the delinquent assessment account is not brought current, no payment arrangement is made, and no appeal is made, the decision to suspend water service shall be final.
4. If the Member requests an appeal before the Board, the Board shall set a hearing to take place during an Executive Session. During the Executive Session, the Board shall, unless the Board requests additional information, make its ruling as to the suspension of water service to the Member, and inform the Member in writing of said ruling.
5. The Chief Operating Officer shall maintain a file of all such letters of final decision.

6. Payment arrangements will consist of monthly payments to be made by the last day of each calendar month according to the terms of the agreed upon payment arrangement. Should the terms of a payment arrangement not be met water service will be suspended without further notice.

7. If water service is suspended, the Member will be responsible for the standard disconnect/reconnect fees that apply.

October 18, 2007
April 20, 2017
October 26, 2017
September 24, 2020
March 23, 2023

P 9.01

VOLUNTEERISM

PURPOSE:

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

I. GENERAL

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, money, and enhances the attributes of the Association.
2. The volunteer benefits by gaining a voice in the community, involvement, empowerment, ownership, self-satisfaction, and socialization.

II. OPPORTUNITIES FOR VOLUNTEER SERVICE

1. Board of Directors.
2. Joint Advisory Committees (JAC's).
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.

8. Volunteers performing certain duties may be required to sign a waiver and indemnification agreement with the Association.

9. Volunteers performing certain duties that require working with children will be required to undergo a background check prior to volunteering.

Areas not covered by this policy or other governing documents shall be brought to the Board for resolution based on the specifics of the situation.

February 4, 1988
March 7, 1991
May 10, 2007
April 20, 2017
September 24, 2020
March 23, 2023

P 10.01

DEFINITION OF A DEPENDENT

PURPOSE:

The purpose of this policy is to set forth the definition of a dependent for purposes of utilizing Association amenities.

I. GENERAL

A Member may claim as a dependent:

1. A ward or relative within the first degree of kinship or guardianship for whom the Member provides more than 50 percent of living costs and whose legal address is the Member's home, and who is:

- a. Single and eighteen years of age or younger, or
- b. Single and a full-time student (12 credit hours) not more than 23 years of age, or
- c. According to a doctor's statement, incapable of self-support or in need of such physical assistance as to nullify independent living.

2. An adult child or spouse of an adult child and the children thereof who resides temporarily with the Member while the adult child or spouse of the child is actively serving in a branch of the armed forces of the United States. Documentation of proof of service in the United States armed forces will be required.

In all cases, official documentation of the facts will be required. Such documentation may consist of driver's licenses, proof of college enrollment, the dependent's birth certificate, etc.

May 15, 2014
April 20, 2017
September 24, 2020
March 23, 2023

P 11.01

AUTHORITY TO APPROVE EMPLOYMENT AGREEMENTS

PURPOSE:

The purpose of this policy is to set forth the procedures for entering into employment agreements by the Association.

I. GENERAL

1. The Chief Operating Officer's employment agreement shall be approved solely by the Board. A vote to approve the Chief Operating Officer's employment agreement shall take place in an Executive Session, with a summary of the Executive Session documented at the next regular Board meeting.
2. The approval by the Board of employment agreements for positions other than the Chief Operating Officer, are not required to take place in an Executive Session and do not require documentation at the next regular Board meeting. Upon approval by the Board, the Chief Operating Officer is authorized to enter into such employment agreements on behalf of the Association.