

**LAKE DALECARLIA PROPERTY OWNERS ASSOCIATION, INC.**

**BY-LAWS**

Approved by the Board of Directors  
and the General Membership  
May 19, 2003

**ARTICLE I-NAME**

- Section 1: The name of this Association shall be the Lake Dalecarlia Property Owners Association, Incorporated (also referred to herein as “Association” or “LDPOA”), a Non-Profit Organization located at Lake Dalecarlia in Cedar Creek Township, Lake County, State of Indiana.
- Section 2: Mailing address shall be 4665, Main Street, Lowell, Indiana 46356.

**ARTICLE II -PURPOSES**

- Section 1: The purpose of this association *is* to promote civic improvements and strive for the upkeep, protection, welfare and conservation of Lake Dalecarlia and the Lake Dalecarlia community, and to constitute a meeting point, socially, for the members of said Association.
- Section 2: \*This Association shall cooperate and work closely with all civic organizations in the Lake Dalecarlia community, and civil authorities within Lake County and the State of Indiana

\*As contained in Articles of Incorporation

**ARTICLE 111- ELIGIBILITY**

- Section 1a: Definition of Property Owner. Owning, by right of purchase, or inheriting, a plot of land of not less than 2,000 square feet, lying within the following boundaries: Beginning at the NE corner of the SE1/4 of Sec. 1, Twp. 33N, R.9W of the 2nd P.M.; thence W. on the center line of said section, which is the N. line of the SE1/4 of said section, to the NW. Cor. of the SW1/4 of said section; thence S. along the W. line of section 1-33-9 to the SW cor. of said section, which is coincidental with the NW cor. of Sec. 12-33-9 and continue S. to the SW cor. of the NW1/4 of Section 12-33-9; then E. along the S. line of the NW1/4 of Sec. 12-33-9 to the SE cor. of the NE1/4 of said section; thence N. along the E. line of the NE1/4 of Sec 12-33-9 and continue N. on the E. line of the SE1/4 of Sec 1-33-9 to the point of beginning all this being the S1/2 of Sec. 1-33-9 and the N1/2 of Sec. 12-33-9; containing 640 acres, more or less, all in Lake County.

- Section 1b: Joint Ownership of Property. Joint Ownership by more than one individual shall be restricted to no more than one vote, as defined in Article IV, Section 1.
- Section 1c: \*Any property owner, as defined in Section 1a, 1b or 1c, shall be eligible for full membership in this Association, so long as said owner owns property as described in Article III, Section 1a or 1b. Any member who sells their property, must re-purchase in the area within ninety days or lose eligibility of current membership.

#### **ARTICLE IV -VOTING AND ELECTIONS**

- Section 1: Each assessed property shall have one vote at General Membership meetings, subject to provision in Article III, Sections 1a, b, or c.
- Section 2: Intentionally Omitted
- Section 3a: The General Membership shall elect a Board of Directors.
- Section 3b: The following offices will be filled in July of odd numbered years for a two-year term:  
President  
Secretary  
Section Representatives for Sections 1, 3 and 5

One Representative shall be elected by the members of each of the three (3) Sections 1, 3 and 5 of the Community. In the event that one or more Sections fail to elect a Representative, the Board shall appoint a Representative for said Section(s) at the November General Membership meeting. Section boundaries may be changed, when required by the Board, at the March Board meeting and will take effect after the July election.

- Section 3c: The following offices will be filled in July of even numbered years for a two-year term:  
Vice President  
Treasurer  
Section Representatives for Sections 2, 4 and 6

One Representative shall be elected by the members of each of the three (3) Sections 2, 4 and 6 of the Community. In the event that one or more Sections fail to elect a Representative, the Board shall appoint a Representative for said Section(s) at the November General Membership meeting. Section boundaries

may be changed, when required by the Board, at the March Board meeting and will take effect after the July election.

- Section 3d: Three (3) Trustees shall be elected to the Board. In July, one Trustee will be elected per year for a three-year term. In the event a Trustee cannot complete a three-year term, a substitute Trustee will be appointed by the Board to complete the three-year term.
- Section 4a: A nominating committee, composed of the Section Representatives of Sections 2, 4 and 6 along with the two standing Trustees, one of which shall serve as Chairman, will be announced at the May General Membership meeting of odd numbered years for the election of offices stated in Article IV, Section 3b and 3d. They will announce their recommendations at the June Board meeting for election at the July General Membership meeting. Nominations will also be accepted from the floor at the June Board meeting. All elections shall be by secret ballot or Proxy vote as defined in Article IV, Section 6.
- Section 4b: A nominating committee, composed of the Section Representatives of Sections 1, 3 and 5 along with the two standing Trustees, one of which shall serve as Chairman, will be announced at the May General Membership meeting of even numbered years for the election of offices stated in Article IV, Section 3c and 3d. They will announce their recommendations at the June Board meeting for election at the July General Membership meeting. Nominations will also be accepted from the floor at the June Board meeting. All elections shall be by secret ballot or Proxy vote as defined in Article IV, Section 6.
- Section 5: No person shall be eligible for nomination for any elective or appointive position on the Board unless his/her annual assessment has been paid prior to April 30<sup>th</sup> of the current year.
- Section 6: Proxy voting shall be permitted for recommendations, as defined in Article X Sections 1, 2, and 3, brought to the Property Owners for approval at the May, July and November General Membership meetings or as defined in Article X Section 6, brought to the Property Owners for approval at a special meeting. Any eligible Property Owner, as defined in Article III Sections 1a, 1b and 1c, requesting a proxy card must do so in writing and have their request postmarked by the date that is one month prior to the General Membership meeting at which the vote will occur. All completed proxy cards must be signed by the eligible Property Owner, sent to the address indicated on the proxy card and post marked no later than ten (10) days prior to the General Membership meeting at which the vote will occur. Proxy cards will be held until the start of the meeting at which the vote occurs, at

which time each will be opened, verified for eligibility and tabulated along with all ballots received from eligible Property Owners present.

**ARTICLE V -DUES**

Section 1: Assessments are payable on an annual basis commencing on the first of the year and become delinquent after January 31<sup>st</sup>, subject to a one-time 5% late fee due March 1st.

Section 2: The Board, with approval by the majority of Board members present, shall recommend any change in the budget and annual assessment to the Property Owners at the September Board meeting with notice given to all Property Owners by the end of September by the following methods: (i) first-class mail, (ii) posted notice, and (iii) published in the October newsletter. The proposed budget and annual assessment shall be subject to discussion at the October General Membership meeting and requires a majority of the Property Owners voting at the November General Membership meeting, to be adopted. Voting by proxy, as defined in Article IV Section 6, shall be permitted. If the proposed budget and annual assessment is not approved, the current year’s assessment will remain in effect until a revised budget and annual assessment is put forth and approved, at which time any increase in the annual assessment will become due and payable.

Section 3: After April 30<sup>th</sup> of the current year any unpaid assessments are subject to the filing of a property lien against the Property Owner plus all costs associated with the collection of the assessment.

**ARTICLE VI -MEETINGS**

Section 1: General Membership meetings shall be held in February, April, May, July, October and November; the day and time as currently established. Any change of the day or time shall be proposed at any Board meeting. The purpose of each General Membership meeting is as follows:

- February Property Owners to make proposals on changes to the By-Laws, Ordinances, Rules and Regulations for the Board of Directors to investigate;
- April Discussion of proposed changes to By-Laws, Ordinances, Rules and Regulations;
- May Vote on the proposed changes to By-Laws, Ordinances, Rules and Regulations;
- July Election of members to the Board of Directors;
- October Discussion of proposed budget and annual assessment;
- November Vote on the budget and annual assessment for the following year.

- Section 2a: Board of Directors meetings shall be held monthly except for December. The day and time of the Board of Directors meetings shall be set by the Board.
- Section 2b: Board meetings shall be open to all residents of the community. Business conducted at the Board meetings shall be subject to Board vote only.
- Section 3: Board and General Membership meetings shall normally be held at the Property Owners community Building, and are open to all residents of the community. Residents with specific topics for discussion must contact the Secretary one week prior to the Board or General Membership meeting in order to have their topic placed on the agenda. The Agenda of the Board or General Membership meeting shall be posted on the Saturday before the scheduled meeting by 9:00 a.m.
- Section 4: Emergency or special meetings of the Board of Directors, Committees, Representatives of Sections and General Membership, may be called by the President or a majority of the Board of Directors, or the Board of Trustees. Only matters for which the meeting was called can be discussed. Emergency meetings of the Board of Directors shall be called only when immediate action is necessary to repair, replace, protect or safeguard the assets of the Association, including but not limited to its buildings, properties, structures, equipment, funds, investments, Officers, Representatives, Trustees, General Members and personnel, or whenever the safety and welfare of the community is at risk. Special meetings of the Board or General Membership shall be called whenever topics requiring discussion or action cannot be held until the next regularly scheduled monthly meeting and shall be posted one week in advance (except as noted in Article VII Section 1e). Any action taken at an emergency or special meeting of the Board of Directors or the General Membership shall be posted.
- Section 5a: A quorum at the General Membership meeting, necessary to transact any official business of the Association shall consist of fourteen (14) members eligible to vote.
- Section 5b: A quorum at the Board of Directors meeting, necessary to transact any official business of the Association, shall consist of seven (7) members of the Board.

## **ARTICLE VII -DUTIES OF BOARD MEMBERS**

- Section 1a: Elected officers, Section Representatives, and Trustees shall serve as the Board of Directors. The President of the LDPOA shall serve as the Chairman of the Board of Directors.

Section 1b: Signatories for financial documents, relating to the General Fund and Lake Improvement Fund shall be two of the following officers:

- President
- Vice President
- Secretary
- Treasurer

All of these officers shall be bonded.

Section 1c: Signatories for access to the Safety Deposit Box shall be any two of the officers listed in Article VII, Section 1b, or Trustees.

Section 1d: Signatories for Special Funds will be assigned to specific Committee members of the Board. In addition, the Treasurer's or one of the officer's signature will be required.

Section 1e: Ownership and deeds to all property, buildings, and equipment owned by the Association shall be held in the name of and by the Lake Dalecarlia Property Owners Association, Inc. All deeds, mortgages, notes and other obligations shall be signed by the President and the Treasurer, if authorized by a 2/3 vote of the Board of Directors present with confirmation by 2/3 of the Property Owners voting at a special meeting of the General Membership, with notice given to all Property Owners forty-five (45) days prior to the date of the meeting by the following methods: (i) first-class mail, (ii) posted notice, and (iii) published in the newsletter (if timing permits). Voting by proxy, as defined in Article IV Section 6, shall be permitted.

Section 1f: Bonding for signatories of Special Funds will be designated by the Board.

Section 2: It shall be the duty of the President to preside at all Association meetings, make all appointments, subject to the approval of the Board of Directors. The President shall vote only in case of a tie. The President shall appoint the Chairman of the following Standing Committees, and shall be an ex-officio member of all committees:

- Executive Committee
- Beach & Park Committee
- Budget/Audit Committee
- Membership Committee
- Nominating Committee
- Lake Boating & Safety Committee
- Newsletter Committee
- Lake Improvement & Outlot Committee
- Building Management Committee
- General Maintenance Committee

- Condolence Committee
- Section Representative Committee
- Any other special Committee as necessary

Section 3: The Vice-President shall assist the President; and in the absence of the President, assume the duties of the office, and be a member of the By-laws and Executive Committee.

Section 4a: The Secretary shall take minutes of all Board and General Membership meetings for presentation at the next meeting for Board approval. The Secretary shall be responsible for all correspondence directed to the Association. The Secretary shall maintain a separate ledger for each of the following:

- By-laws
- Ordinances
- Water Safety Rules & Regulations
- Covenants

With the exception of requests for information, all correspondence must be countersigned by the President unless authorized otherwise by the President.

Section 4b: The Secretary is a member of the Executive Committee.

Section 5a: The Treasurer shall receive all funds and shall see to the payment of all invoices. Committee Chairman shall turn in all funds received from projects with itemized statements showing source of funds, together with invoices showing cost of the project. Bank accounts shall be maintained with financial institutions approved by the Board of Directors. The Treasurer shall be a signatory on all financial accounts. The Treasurer shall present a written Financial Report at each Board and General Membership meeting, and an Annual Report at the February meeting.

Section 5b: The Treasurer, Secretary, President and vice President shall be bonded for a minimum of \$25,000; fee to be paid by the Association.

Section 5c: The Treasurer is a member of the Executive Committee.

Section 5d: The Treasurer shall be responsible for the completion of any property tax forms and filing any necessary exemptions.

Section 6: Section Representatives shall represent the views and desires of their section at all Board meetings and strive to involve each property owner and tenant in their section in the Association. They shall act as liaison between the Board and residents who have questions or problems. They should personally contact

residents in their section when LDPOA projects need to be explained or help enlisted. Section Representatives are also members of the Nominating Committee in years when their position is not up for election.

Section 7a: Trustees shall be guardians of all properties, assets and documents of the Association.

Section 7b: Trustees shall be responsible for having copies of the following documents at all Board and General Membership meetings: By-laws, with amendments; Rules and Ordinances governing LDPOA property and other items as requested by the Board.

Section 7c: Trustees shall be members of the Executive Committee.

Section 7d: Trustees shall be members of the By-laws Committee.

Section 7e: All Trustees shall be members of the Budget/Audit Committee.

Section 7f: The Trustees shall be responsible for the inventory of all equipment used and/or owned by the Association. A complete inventory shall be made annually; the time to be determined by the Board or at other times that the Trustees shall deem necessary. A copy shall be presented to the Board of Directors.

Section 7g: Trustees shall not concurrently hold any other office on the Board nor shall they serve on the Building Management Committee.

Section 7h: The Board of Trustees are hereby granted full power to act in the behalf of the Association wherever and whenever they have reason to believe an office holder(s), or anyone on any committee or any other person, firm, corporation or any other group area acting in a manner so as to jeopardize the security, safekeeping, etc. of the assets of the Association.

Section 8a: The Directors shall enter upon their official duties immediately after the Board meeting of their election or appointment and shall serve for two years subject to the provisions of Article XI (Succession). Members of the Board are committed to attending all Board meetings. In the event of absence, every effort should be made to notify the President or Vice-President in advance. After two successive unexcused absences, irregular attendance or any other reason, the Executive Committee may review the effectiveness of that member and recommend necessary action.

Section 8b: Duties of the Board of Directors are:

- i. Oversee the payment of major bills.
- ii. Protect all assets and property of the Association and protect the rights of all property owners.
- iii. To protect the conservation of the lake and surrounding areas.
- iv. Oversee the operation of the community Building, grounds, dam, spillway and other equipment.
- v. Recommend ordinances, rules and regulations governing the usage of LDPOA property and interests and By-law changes at the March Board of Directors meeting.
- vi. Receive all Committee reports and make recommendations to the General Membership meeting, of expenditures for Committee projects or action to be taken.
- vii. Recommend a budget for operation of the Association at the September Board of Directors meeting.
- viii. Enforce ordinances and rules established by the General Membership.
- ix. Promote social activities in the community.
- x. The Board of Directors of the LDPOA shall constitute the Board of Directors Newsletter.
- xi. Shall recommend the amount to be paid as the annual assessment at the September General Membership meeting.
- xii. It is the duty of all Board of Directors to pass on to succeeding counterparts, all records of LDPOA business.

Section 9: In the event of the absence of the President and Vice President, the Board of Directors shall appoint a Chairman pro-tem for that meeting.

#### **ARTICLE VIII -DUTIES OF COMMITTEES**

Section 1a: Standing committee members are to serve a coinciding term of office with the appointing President. The President, with Board approval, may replace any committee members as deemed necessary.

Section 1b: Special committees may be established by the President, with Board approval, for a special purpose and will be disbanded upon completion of the project.

Section 1c: All committee members of the LDPOA must be property owners current on their annual assessment. Committees shall not exceed seven (7) members unless authorized by the Board.

Section 2: Committee Operation:

- i. The Chairman shall call committee meetings by notifying all members of the committee and shall provide a current list of committee members to the Association Secretary.
- ii. The Committee Chairman is responsible for submitting a brief memorandum of Committee plans, information gathered, and sources of information to the Board.
- iii. The Committee Chairman will pass on records and correspondence etc., received on behalf of the LDPOA, which are the property of the LDPOA, to successive Chairmen for continuity of planning.
- iv. The Committees must have a quorum (majority of committee members) present, in order to have a meeting.
- v. In the event that the Committee Chairman is absent or negligent, it is the duty of the Committee members to meet on the call of any two of its members.
- vi. In the event of the absence of the Committee Chairman, the Committee members will appoint a Chairman Pro-tem.
- vii. It is the responsibility of the Committee Chairman to prepare resolutions for presentation to the Board from the Committee.
- viii. The Committee Chairman and/or designated members will be a signatory along with the LDPOA Treasurer and one other officer.

Section 3a: Executive Committee shall be Officers and Trustees. The Executive Committee's primary functions pertain to the following:

- i. Long range planning
- ii. Sensitive grievances
- iii. Development of policy

All finalized plans will be presented to the Board for action.

Section 3b: A Budget/Audit Committee shall be appointed by the President. They shall review the books and records annually from the present Treasurer. All books and records {including record of documents in Safety Deposit Box) shall be audited and delivered by the Budget/Audit Committee to the Treasurer and Secretary no later than the November meeting at which time the auditing report shall be

presented and be subject to the approval of the Board of Directors. The Budget/Audit Committee will recommend a proposed budget and annual assessment at the September Board meeting.

\*NOTE: An independent accounting service may be utilized at the discretion of the Board.

Section 3c: The Membership Committee is responsible for keeping current, dated property owner roles, collecting annual assessments, and issuing membership cards. An independent, part-time clerk may be retained by the Board of Directors for the purpose of invoicing and processing annual assessments. The cost of this service shall be included in the annual budget.

Section 3d: The Lake Boating & Safety Committee is responsible for the registration of all watercraft, the keeping of current, dated registration records, the issuance of registration documents and decals, and the development and enforcement of water safety rules and regulations subject to approval by the Board of Directors and General Membership.

Section 3e: The Lake Improvement & Outlot Committee is responsible for the preservation and conservation of the community, Lake improvement and maintenance, lake level control, water quality and the maintenance and preservation of outlots.

Section 3f: The Beach and Park Committee shall be responsible for the development, repair, maintenance and enhancement of all community parks and beaches.

Section 3g: The Newsletter Committee shall be responsible for publishing and distributing a monthly newsletter. This newsletter is the official publishing document of the LDPOA. It shall include monthly meeting minutes, the annual financial report, as well as LDPOA business and community news. The Committee is authorized to solicit outside advertising to offset publishing costs and shall recommend adjustments of advertising rates to the Board of Directors on an annual basis.

Section 3h: The Section Representative Committee is responsible to inspect all construction projects impacting the community, monitor neighborhood conditions and propose alternatives to the Board for action.

Section 3i: The Nominating Committee as spelled out in Article IV, Sections 4a and 4b, is responsible for developing respective slates for election.

Section 3j: The Building Management Committee is responsible for operation and management of the LDPOA building and grounds as directed by the Board.

Section 3k: The General Maintenance Committee is responsible for the maintenance and upkeep of the LDPOA building and grounds.

Section 3l: The Condolence Committee is an arm of the LDPOA in acknowledging special needs of community members.

## **ARTICLE IX -ORDER OF BUSINESS**

Section 1: Board Meeting:

- Call to Order
- Pledge of Allegiance
- Roll call of Officers to establish a quorum
- Presentation of Minutes
- Synopsis of Financial Report
- Bills for Approval
- Communications requiring action
- Committee Reports
- Unfinished business
- New business
- Open Forum
- Adjournment

Section 2: General Membership Meeting:

- Call to Order
- Pledge of Allegiance
- Report of quorum
- Presentation of Minutes
- Synopsis of Financial Report
- Bills for Approval
- Communications requiring action
- Committee Reports
- Unfinished business

- New business
- Open Forum
- Adjournment

## **ARTICLE X -DUTIES OF THE GENERAL MEMBERSHIP MEETINGS**

- Section 1: Elect members of the Board of Directors at the July General Membership meeting as under Article IV (Voting and Elections). Voting by proxy, as defined in Article IV Section 6, shall be permitted.
- Section 2: Vote on recommendations from the Board of Directors, such as the adoption of By-laws, Ordinances, Rules, Regulations and Amendments at the May General Membership meeting after discussion at the April General Membership meeting. Voting by proxy, as defined in Article IV Section 6, shall be permitted.
- Section 3: Vote on recommendations from the Board of Directors for the setting of the annual budget and assessment at the November General Membership meeting after discussion at the October General Membership meeting; authorization to be made by the majority of the Property Owners voting at the November General Membership meeting. Voting by proxy, as defined in Article IV Section 6, shall be permitted.
- Section 4: To make proposals on By-laws, Ordinances, Rules and Regulations at the February General Membership meeting, for the Board of Directors to investigate and make a recommendation on at the March Board of Directors meeting.
- Section 5: Act upon motions from the floor of the General Membership meeting on items not requiring prior publication.
- Section 6: Vote on the recommendation of the Board concerning all deeds, mortgages, notes and other obligations, authorization to be made by 2/3 of the Property Owners voting at a special General Membership meeting (see Article VII, Section 1e). Voting by proxy, as defined in Article IV Section 6, shall be permitted.
- Section 7: Approve, by a majority vote of Property Owners present at any regularly scheduled or special General Membership meeting, all non-budgeted, non-emergency purchases of \$2,500 or more.

## **ARTICLE XI -ORDER OF SUCCESSION**

Section 1: The Vice-President shall assume the office of President in the event of the resignation, dismissal or death of the President. Upon assuming the office of President, he/she shall call for a special election to fill the office of Vice-President by establishing a slate at the next scheduled Board meeting and holding an election at the next scheduled Board meeting thereafter. Article IV Sections 5 and 6 shall apply.

Section 2: In the event of the resignation, dismissal or death of any officer of the Board, the President shall appoint a member pro-tem and call a special election as under Article XI, Section 1. This does not apply to other Board members (see Article VII, Section 2).

## **ARTICLE XII -DISCIPLINARY ACTION**

Section 1: Disciplinary measures may be taken by the Board against any Board members or Committee Chairmen for the following reasons:

- i. Not attending three consecutive Board meetings
- ii. Failure to perform the duties of his/her office
- iii. Conduct unbecoming to a representative of the Board

Section 2a: Any Property Owner may bring a complaint against a Board Member or Committee Chairman, to the Executive Committee.

Section 2b: The Trustees shall investigate any complaint as under Article VII, Section 7h, and report back at the next Board meeting.

Section 3: Disciplinary action may be taken against Board Members or Committee Chairmen by a 2/3 majority of the Board Members present.

Section 4: Action can include, but is not restricted to:

- i. Reprimand or warning
- ii. Request for resignation
- iii. Dismissal from their office

Section 5: Succession shall be as determined in Article XI, Sections 1 and 2.

### **ARTICLE XIII -ORDINANCES AND LAKE RULES**

Section 1: Ordinances and lake rules must be approved by 2/3 of the Board members present at the March Board meeting with notice given to all Property Owners by the end of March by the following methods: (i) first-class mail, (ii) posted notice, and (iii) published in the April newsletter. The proposal shall be subject to discussion at the April General Membership meeting and requires 2/3 of the Property Owners voting at the May General Membership meeting, to be adopted. Voting by proxy, as defined in Article IV Section 6, shall be permitted.

### **ARTICLE XIV –AMENDMENT TO BY-LAWS**

Section 1: By-laws must be approved by 2/3 of the Board members present at the March Board meeting with notice given to all Property Owners by the end of March by the following methods: (i) first-class mail, (ii) posted notice, and (iii) published in the April newsletter. The proposal shall be subject to discussion at the April General Membership meeting and requires 2/3 of the Property Owners voting at the May General Membership meeting, to be adopted. Voting by proxy, as defined in Article IV Section 6, shall be permitted.

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**ARTICLE XV -PARLIAMENTARY AUTHORITY**

Section 1: All business of this Association shall be governed by Roberts Rules of Order, unless otherwise covered by the By-laws.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee