

Bylaws Committee

Weekly Meeting Minutes

October 13, 2020
9:02 am – 11:01 am

- I. Call to Order: The meeting is called to order by Chairperson Belinda Belvin at 9:02 am.
- II. Roll Call: In attendance are: Belinda Belvin, Larry Hembree, Kim Macaulay, Jay McClure, Pat Neville, Beth Patterson, and Daniel Strickland. A quorum is present.
- III. Minutes: The minutes from 10/06/20 are presented by Kim Macaulay, Secretary. After a correction request by Belinda; Kim makes a motion to waive the reading of the minutes and to approve the minutes. Belinda seconds the motion, a vote is held, and the motion passes with 7 yeas.
- IV. Old Business
 - a) Article X, Section 1, Item g
 - Dan makes a motion change the section’s wording to: “To explore the acquisition of, and to acquire common properties, so long as the total cost of such acquisition(s) does not exceed 8% of previous dues collection.” Larry seconds the motion. After discussion, Larry suggests changing the wording to “previous fiscal year’s dues collected.” Dan agrees and amends his motion. Larry seconds the amended motion. After further discussion, a vote is held and the motion passes with 6 yeas and 1 not present. The final wording is: “To explore the acquisition of, and to acquire common properties, so long as the total cost of such acquisition(s) does not exceed 8% of previous fiscal year’s dues collected.”
 - b) Article XI, Section 4
 - Dan makes a motion to change the section’s wording to: “Notice of any special meeting shall be given to each Director and member at least three (3) days prior to the meeting. Notice of the regular meetings will be given to each member at least (7) days prior to the meeting. Notification shall be given by posting in Foxwood Hills bulletin boards, electronic media, and other means appropriate. Minutes will be available for review in the Association office within thee (3) business days after approval by the Board. Any Director may waive notice of any meeting.” Jay seconds the motion. After discussion, Belinda suggests changing the sentence about minutes to reflect the fact that they will also be

available on the website. Dan agrees and amends his motion. Jay seconds the amended motion. After further discussion, a vote is held and the motion passes with 6 yeas and 1 not present. The final wording is, “Notice of any special meeting shall be given to each Director and member at least three (3) days prior to the meeting. Notice of the regular meetings will be given to each member at least (7) days prior to the meeting. Notification shall be given by posting in Foxwood Hills bulletin boards, electronic media, and other means appropriate. Minutes will be available for review in the Association office or on The Association’s website within three (3) business days after approval by the Board. Any Director may waive notice of any meeting.”

(Pat Neville joins at 9:15 am)

c) Article XII, Section 7 – Treasurer

- Belinda presents a motion to change the section to wording that state the current duties of the treasurer. Larry seconds the motion. During discussion the committee decides the wording is not specific enough. Dan asks for an opportunity to rewrite Belinda’s motion. Belinda agrees and the Committee agrees to table the motion. Revisit on 10/20/20.

d) Article XV, Section 1

- Dan makes a motion to strike the wording: “provided for in each lot owner's applicable restrictive covenants and – otherwise” from the section. Pat seconds the motion. After discussion a vote is held and the motion passes with 7 yeas. The final wording is: “The Association, through the vote of the Board of Directors, shall be empowered to charge, impose and collect all fees, dues, and assessments, as permitted by these Bylaws for the purposes and in accordance with the provisions of this article.”

e) Article XV, Section 2

- Dan makes a motion to change the section’s wording to: “Yearly Assessments: The Association is empowered to impose all lot owners' yearly dues and assessments. Such yearly collections shall be set so as to enable the Association to meet the approved yearly budget and all monies so collected shall be deposited into the appropriate operating accounts of the Association. All lots will be assessed the same dues and assessments, which shall be calculated by dividing the total approved budget by the number of member-owned lots. Annual dues shall not be increased more than twice the average CPI of the previous 3 years budgets.” Pat seconds the motion. After much discussion, the committee agrees they need more time to

consider this motion. The committee agrees to table the motion. Revisit on 10/20/20.

V. New Business

a) Article XII, Section 1

- Belinda brings up for discussion the idea of allowing the Secretary and Treasurer to not be members of the Board of Directors. No official motion is made. The committee asks for time to research the matter. Revisit on 10/20/20.

b) Article XV, Section 6

- Dan makes a motion to change the words “at the conclusion” to “during the process”. Jay seconds the motion. After discussion, a vote is held, and the motion passes with 7 yeas. The final wording is: “The Association is empowered, when an authorized legal endeavor or action is undertaken, and when that endeavor or undertaking is for benefit of the membership as a whole as opposed to the Association, to during the process of said endeavor or action, assess each member a prorated share of the final attorney fees and costs incurred in pursuit of the endeavor or action.”

c) Article XV, Section 8

- Belinda makes a motion to add “collection agency fees”. Dan seconds the motion. After discussion, a vote is held, and the motion passes with 7 yeas. The final wording is: “If the assessment is not paid within thirty (30) days, a lien, as herein provided, shall attach and, in addition, the lien shall include interest, twelve percent (12%) per annum on the principal amount due from the date first due and payable, all late charges, all costs of collection, including, without limitation, collection agency fees and reasonable attorney’s fees actually incurred, and any other amounts provided or permitted by law.”

d) Article XV – Section to be determined

- Beth makes a motion to add the following section: “Costs and Attorney's Fees. The Association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent Assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the Association shall be

entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment. In any other proceeding arising out of an alleged default by an Owner, the prevailing party shall be entitled to recover the costs of the proceeding, and such reasonable attorney's fees as may be determined by the court. In the event that the prevailing party is the Association, the costs and attorney's fees so awarded shall constitute a Special Assessment against the Owner's Lot.” Larry seconds the motion. After much discussion, the committee agrees to table the motion to do more research. Revisit on 10/20/20.

VI. Adjourn: The meeting is adjourned at 11:01.