

Bylaws Committee

Special Meeting Minutes

December 29, 2020

9:00 am – 9:54 am

- I. Call to Order: The meeting is called to order by Chairperson Belinda Belvin at 9:00 am.
- II. Roll Call: In attendance are: Belinda Belvin, Larry Hembree, Kim Macaulay, Beth Patterson, and Daniel Strickland. A quorum is present.
- III. Minutes: The minutes from 12/22/20 are presented by Kim Macaulay, Secretary. Kim makes a motion to waive the reading of the minutes and to approve the minutes. Larry seconds the motion, a vote is held, and the motion passes with 5 yeas.
- IV. Old Business

- a) Article II – Definitions

- Kim makes a motion to add the following definitions to the Article:

'Yearly Assessment' means a sum of money payable to the Association, by lot, as authorized in governing documents in Article XV Section 2. This money is for the operation of the Association and the maintenance of common areas. Failure to pay this assessment will result in the actions outlined in Article XVI.

'Special Assessment' means a sum of money payable to the Association, by lot, as authorized in governing documents in Article XV Section 3. This money is designated for a specific project. Failure to pay this assessment will result in the actions outlined in Article XVI.

'Emergency Assessment' means a sum of money payable to the Association, by lot, as authorized in governing documents in Article XV Section 4. This money can be collected any time though out the fiscal year as needed for a catastrophic event or an Act of God emergency. Failure to pay this assessment will result in the actions outlined in Article XVI.

'Specific Assessment' means a sum of money payable to the Association, by occurrence, as authorized in governing documents in Article XV Section 5. This is money collected in the form of fees that can be found in the various

Guidelines of the Association. Failure to pay this assessment will result in a denial of the permit or privilege you are requesting.

'Assessment for Legal Fees and Costs' means a sum of money payable to the Association, by lot, as authorized in governing documents in Article XV Section 6. This is money collected for pursuing and defending the Association in legal cases. Failure to pay assessment this will result in the actions outlined in Article XVI.

'Use fee' means a sum of money paid as a necessary condition to gain access to a particular service or facility. Failure to pay this assessment will result in loss of use of the service or facility.

'Dues' see definition of yearly assessment.

Larry second the motion. During discussion Dan suggests the wording be changed from "by" to "per" and to add to yearly assessments the phrase, 'which may be referred to as dues'. Kim agrees to amend her motion and Dan seconds the amended motion. After further discussion a vote is held and the motion passes with 5 yeas. The final wording is:

'Yearly Assessment', which may be referred to as dues, means a sum of money payable to the Association, per lot, as authorized in governing documents in Article XV Section 2. This money is for the operation of the Association and the maintenance of common areas. Failure to pay this assessment will result in the actions outlined in Article XVI.

'Special Assessment' means a sum of money payable to the Association, per lot, as authorized in governing documents in Article XV Section 3. This money is designated for a specific project. Failure to pay this assessment will result in the actions outlined in Article XVI.

'Emergency Assessment' means a sum of money payable to the Association, per lot, as authorized in governing documents in Article XV Section 4. This money can be collected any time though out the fiscal year as needed for a catastrophic event or an Act of God emergency. Failure to pay this assessment will result in the actions outlined in Article XVI.

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Guidelines of the Association. Failure to pay this assessment will result in a denial of the permit or privilege you are requesting.

'Assessment for Legal Fees and Costs' means a sum of money payable to the Association, per lot, as authorized in governing documents in Article XV Section 6. This is money collected for pursuing and defending the Association in legal cases. Failure to pay assessment this will result in the actions outlined in Article XVI.

'Use fee' means a sum of money paid as a necessary condition to gain access to a particular service or facility. Failure to pay this assessment will result in loss of use of the service or facility.

V. New Business

a) Article VII – Association Purposes and Powers

- Kim makes a motion to change the Article wording as listed below:

ARTICLE VII ASSOCIATION PURPOSES AND POWERS (The powers listed in this Article are powers the Association possesses, because it is a non-profit corporation, under South Carolina Code Section 33-31-302. The Association has always possessed these powers.) And governed by South Carolina Homeowners Association Act, Title 27 - Property and Conveyances, CHAPTER 30 - Homeowners Associations

Section 1. The Association shall have the power to do all things necessary or convenient to carry out its affairs, including:

c. To make and amend bylaws not inconsistent with its articles of incorporation or with the laws of South Carolina for regulating and managing the affairs of the corporation; with a 2/3 majority approval of the voting membership.

d. To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with, real or personal property or any legal or equitable interest in property, wherever located; within the 8% spending limit.

e. To market, sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property; with a simple majority approval of the voting membership required for the sale of common areas.

f. To purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in

and with, shares or other interest in or obligations of any entity; with a simple majority vote of the membership.

g. To make contracts and guaranties, incur liabilities, borrow money, issue notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income; to not exceed 50% of prior year's annual collected assessments without a simple majority vote of the membership.

Belinda seconds the motion. During discussion Dan ask's for clarification on who will be voting on letters c and e. Beth asks to add the word "market" to letter e. Kim agrees to amend her motion. After further discussion a vote is held and the vote passes with 5 yeas.

b) Article IX, Section 3

- Larry makes a motion to change the wording from "The Nominating Committee shall make nominations for election to the Board" to "The Nominating Committee shall confirm nominations for election to the Board,". Dan seconds the motion. After discussion, a vote his held and the motion passes with 5 yeas.

c) Article X, Section 1, Item t.

- Larry makes a motion to change the wording to: "To charge use fees for the use of any particular facility or service that becomes excessively costly to operate or maintain." Beth seconds the motion. After discussion, a vote is held and the motion passes with 5 yeas.

d) Article XXII, Section 3

- Larry makes a motion to strike this section. Beth seconds the motion. After discussion, a vote is held and the motion passes with 5 yeas.

VI. Adjourn: The meeting is adjourned at 9:54 am.