



**BADIN SHORES
RESORT**

Badin Shores Resort
Procedural Manual

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Disclosure Statement: The following procedures supersede all previous versions.

Procedure For BSR Committees

- A. All committee members will consist of non-elected park owner volunteers who desire to contribute to the park. Such committees consist of, but not limited to, finance, events, appeals, amenities, web and water/sewer, with the approval of the Board of Directors (BOD).
- B. It is desired, but not mandatory, that committee member(s) may have current or previous experience in the discipline relating to the respective committee. Hold-over committee members may be desirable in certain committees such as finance and water/sewer as determined by the BOD to allow for continuity of operation based on past experience history.
- C. No limit on the number of committee members, but only 7 of the total shall have voting privileges'. Each committee shall elect a chairperson and report to the BOD in person or in the form of minutes within two weeks of a committee meeting.
- D. All committee members must be approved by the BOD and must be in good standing in the park, meaning no outstanding assessments, dues, liens, foreclosures as determined by the BOD's Treasurer at the time of appointment. In the event such committee member, after the time of appointment, becomes deficient as noted above, that member will be removed from the respective committee and an alternate replacement will be approved by the BOD.
- E. All committees shall have a BOD liaison as directed by the President of the BOD. This liaison will be responsible to see that all funding is fully allocated with documentation for expenditures and receipt of each asset allotment to the BOD.
- F. In the event the committee's desires a "fund-raiser", such action must be approved by the BOD. Request for a "fund-raiser" to the BOD shall include the reason for the event, type of event, and the need to raise additional funds. The respective committee's board liaison will be jointly responsible that all "fund-raiser" monies be properly accounted for. Fund raising does not include voluntary contributions.

Procedure For Annual Election Process

- A. According to the present By-laws the election of either three (3) or four (4) new Board of Directors will be held on the second Saturday in March at the annual meeting. (Article III – Section 3)
- B. Purpose of Election Committee: to handle the process of voting and counting of votes.
- C. The following is the process for submitting your letter of intent. Letters of Intent must submitted as of 12:00am January 1 via one of the following processes:
 - 1. Presented to the office prior to 5:00pm on the last Badin Shores business day of the year. (Office is closed on Sunday and Monday.)
 - 2. Mailed to the office with a postmark of December 31st or before.
 - 3. E-mailed to the office with a date of December 31st or before.
 - 4. Faxed to the office. Date and time will be stamped by the BSR fax machine. (Must be by 11:59pm December 31st or before.)

Names on the ballots shall be listed in the order in which the office receives the candidate's letters of intent to run for the board of directors. This will also be stated on the ballots. These candidates will receive an e-mail or letter stating the details for the next 3 months. Their names will be listed in the January Newsletter/Website. Candidates will speak at the January board meeting and participate in the February Question and Answer Time. Each candidate will have a ½ page article printed in the Newsletter and Ballot Letter, which will be mailed the second week of February.

- D. Ballots OR proxies should be returned to the Richfield Post Office. On the day of the March Board Meeting, 2 members of the Election Committee will pick up the ballots. The ballots will be checked to verify if the lot owner has paid their dues for the prior year and, therefore, may vote. The votes are then tallied and the new Board Members will be announced at 2:00 pm when the board meeting reconvenes.
- E. In order to have a valid election, we must have a quorum (25% or 267 of lot owners). (By-Laws: Article II – Section 4) If there is not a quorum, the lot owners will be sent a notification of the next meeting, a new ballot, and proxy. The same process will take place at

the April meeting with a required quorum now reduced by 50% to 12.5%. (then 6.25%; 3.13%, and 1.56% if needed). Valid ballots and proxies count towards the quorum. (Reduction in the quorum is per NC Planned Community Act, 47F.)

- F. In case of inclement weather at the March board meeting, the meeting will be postponed to the April Meeting. The ballots and proxies will remain secure at the PO Box. The same counting process will take place.

Procedure For Filling Non-Elected Board Vacancy

Upon a vacancy of an unexpired term on the Badin Shores Resort Owners Association being announced via website, newsletter, or marquee by the BSR office per instruction of the Board the following steps will be taken:

- A. Individuals wanting to fill the announced unexpired term on the BSR Board of Directors must make their interest in filling the position known to the BSR office within 30 days of the announced vacancy in one of the following manners:
 - 1. Presented in writing to the office prior to 5pm on or before the last business day of operation within that 30 day period.
 - 2. Mailed in writing and received at the office on or before the last business day of operation within that 30 day period.
 - 3. Emailed to the office prior to or on the 30th day.
 - 4. Faxed to the office prior to or on the 30th day.

- B. Interviews to fill position must be scheduled to begin within 45 days of the announced vacancy.

- C. Decision by the Board of Directors, as prescribed in the By Laws, and the announcement of the individual to fill the vacancy, must be made at the next regularly scheduled Board of Directors monthly meeting closest to 60 days following the announced vacancy.

Banning/Restricting Person(s) and Appeal Process

A BOD member, homeowner, or an employee can request from the BOD that a person may need to be banned or restricted at BSR. *Please see the restricted procedure that follows.

- I. If a motion is made by a BOD member to ban someone who was a guest of a homeowner and that motion passes by a majority vote, then the following shall happen:
 - A. The homeowner will be notified in writing by certified letter (or registered mail) and the Montgomery County Sheriff be sent a copy of that notification.
 - B. The effective date is the date of delivery of that notification unless the person resides at BSR. If they reside at BSR, they will be given 30 days from date of delivery of the notification. That date shall be stated in the above letter. Proof of residence must be given such as a copy of a utility bill, driver's license with address, W-2 with address, etc. or a signed lease registered in the office.
 - C. The notification shall also state that the homeowner has a right to request a hearing to discuss why they feel the ban is unjustified, if so, within 2 weeks from the date of delivery but, the ban still is enforced from date as specified in section B above.
*This hearing will be held in accordance to the same procedure as an appeal which follows.
 - D. The notification shall state that the person is permanently banned from BSR and the homeowner does have the right to request an appeal for the ban to be lifted after one year.
 - E. Two copies of this notification will be filed in the office. One in a banned list file and one in the homeowner's file.
 - F. An updated list of banned people will be kept in the banned list file in the office, posted on the website, and one given to security.

- II. If a motion is made by a BOD member to ban someone who was not a guest of a homeowner and that motion passes by a majority vote, then the following shall happen:
 - A. The person's name will be added to the banned list where a copy is on file in the office, posted on the website, and one given to security and is effective immediately.
 - B. After one year has passed, should a homeowner want to request an appeal so they may have this person as their guest(s), they will need to request an appeal from the BOD in the same manner as our appeals process dictates that follows.

- III. If a motion is made by a BOD member to restrict someone who is a homeowner or a child of a homeowner over or under the age of 16 that may or may not reside at BSR or a homeowner and that motion passes by a majority vote, then the following shall happen

- A. The homeowner or child will be allowed only ingress and egress to their property (or the homeowner's property in case of a guests) and the BOD will specify the route(s) they may take.
 - 1. The BOD may decide by a majority vote that they wish to grant certain circumstances or allowances to the restriction that will also be specified.
- B. The homeowner will be notified in writing by certified letter (or registered mail) and the Montgomery County Sheriff be sent a copy of that notification. That notification will state any circumstances or allowances, if granted, in A1 above.
- C. The effective date is the date of delivery of that notification and that date shall be stated in the above letter.
- D. The notification shall also state that the homeowner has a right to request a hearing to discuss why they feel the restriction is unjustified, if so, within (?) weeks from the date of delivery but, the restriction still is enforced from date as specified in section B above.
 - *This hearing will be held in accordance to the same procedure as an appeal which follows.
- E. The notification shall state that the person is permanently restricted at BSR and the homeowner does have the right to request an appeal for the restriction to be lifted after one year.
- F. Two copies of this notification will be filed in the office. One in a restricted list file and one in the homeowner's file.
- G. An updated list of restricted people will be kept in the restricted list file in the office, posted on the website, and one given to security.

IV. If a homeowner wishes to appeal to the BOD to overturn a ban or allow certain privileges to a restricted person, they may do so by requesting that permission be granted by the BOD. This request must be presented in writing or by email to the office. The office will then present this request to the BOD.

- A. If a BOD member makes a motion (in a BOD meeting or by email for a consent vote) to hear the homeowner's request for appeal and that motion passes by a majority vote, then a meeting can be scheduled by the President at a mutually convenient date with the homeowner and BOD.
- B. After the meeting with the homeowner, the BOD may decide by a majority vote to overturn a ban or allow certain privileges to a restricted person or the ban or restriction is upheld.
- C. Within one week after that meeting, the President will be responsible for communicating the decision to the homeowner.
- D. If the ban or restriction is lifted or changed, the homeowner will be notified in writing by the office.

Marquee Guidelines

Marquee by Security

1. The front of marquee will contain only items of interest or events from Board approved committees. The recognized and approved committee are as follows:

- Appeals
- Beach
- Building guidelines
- Election
- Emergency Plan
- Events
- Finance
- Pool Committee
- Water/Sewer

2. The back of marquee will contain only items of interest or event from any park “civic” type of group. Items posted on the back of the marquee will be posted in a first come, first serve manner. Items may be posted no more than 14 days prior to event and must be removed within 7 days after event is concluded. These groups include, but not limited to, the following:

- Beautification
- Boardwalk
- Boat Slip
- CG Auxiliary
- Chapel
- Dance Club
- Putt-Putt

Marquee by Office

Marquee by the office will be handled in the same manner as the marquee by security.

Any disputes will be handled by the Park Manager.

Three Bid Process

1. The bidding process is implemented, when appropriate, by the Badin Shores Board of Directors. The bidding process is used in order to obtain the greatest benefit to Badin Shores when acquiring goods or services, not including routine budgeted services. When the bid process is necessary, at least three sources must be contacted, providing that adequate sources exist. Committees or individuals are welcome to suggest sources. The Board of Directors may include additional sources.
2. Prior to the initiation of the bid process, the Operations Manager, requesting Board Member, committee or any other entity, may be requested to submit detailed specifications for the desired product or service to the Board of Directors. Please remember that the specifications must describe everything used to evaluate the quotations.
3. Bidding Dollar Amount Guidelines
 - a. Purchases from \$1 - \$1,000 Bids may be requested by the Board of Directors.
 - Bids are not required, but prudent and competitive business practices are encouraged.
 - The Operations Manager has the authority to approve expenditures less than or equal to \$1,000.
 - The President and Treasurer have the authority to approve expenditures less than or equal to \$5,000.
 - b. Purchases from \$5,001 – and up Required unless waived by the Board of Directors.
 - the Board of Directors or Operations Manager is required to send out bid documents, detailing exact specifications and any other pertinent information to vendors to ensure like bids. Bids must be in writing from the vendor, oral bids not accepted. Bids must be obtained from at least three vendors.
4. Bid Allotment Time - Bidding time is the period of time between the date the request for bid was issued, normally during an open Board of Directors meeting, and the date set for the bid opening. A minimum of at least 15 calendar days is the usual and reasonable bidding time. If necessary, the Board of Directors is authorized to alter the bidding response time.
5. After the allotted time, a bid will be awarded by a majority vote of the Board of Directors.
6. Circumstances may arise from time to time when three bids are not possible or feasible. Under these circumstances the bid system may be waived with a recommendation from the Board of Directors President and approval by consensus from the majority of the Board of Directors.

DOCUMENTED GUIDELINES FOR BSR HOMEOWNER'S ASSOCIATION

The following documented guidelines that apply to BSR Homeowner's Association can be viewed at <http://badinshores.org/content/park-documents>

1. Chapter 55A North Carolina Nonprofit Corporation Act
ftp://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_55A.html
2. NCGS 47f As Applies To BSR
3. BSR By Laws
4. BSR Declaration of Covenants
5. BSR Rules & Regulations
6. BSR Procedural Manual
7. BSR Building Guidelines
6. Alcoa Multi-Use Facility Operating Permit
6. Alcoa Shoreline Stewardship Policy
7. Alcoa Permit Requirements
8. Montgomery County RV Resort Ordinance