

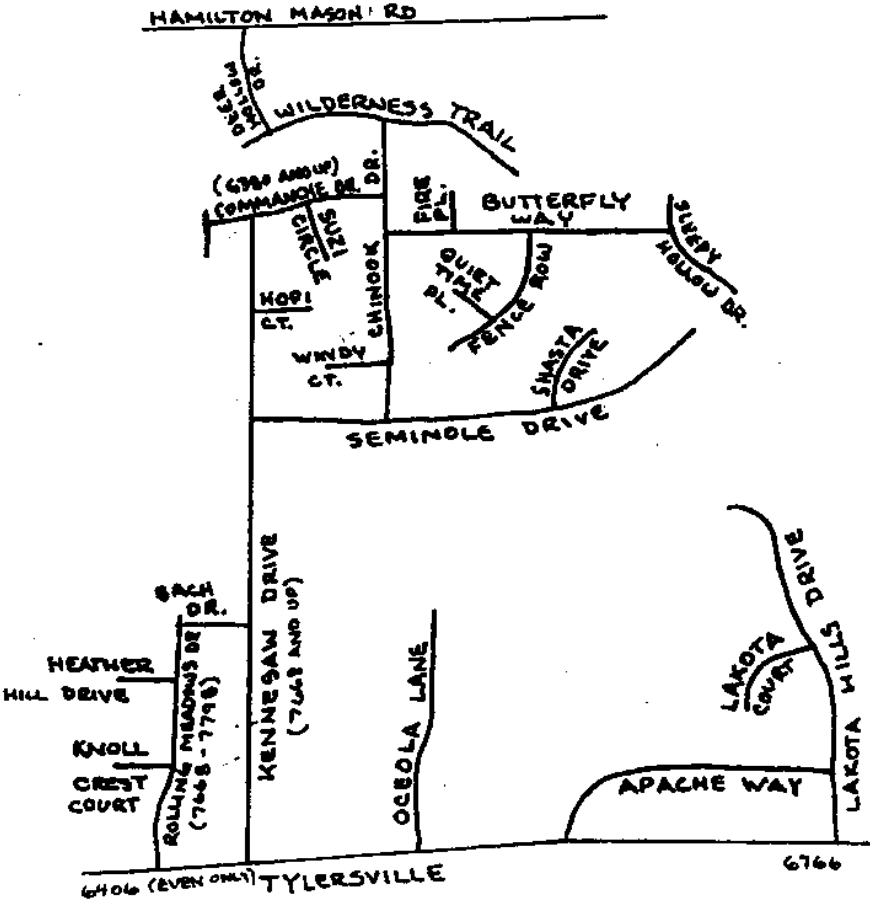
**AMENDED BYLAWS  
OF LAKOTA HILLS  
HOMEOWNERS ASSOCIATION**

*Article I*  
**Name**

The name of this organization is Lakota Hills Homeowners Association, hereinafter referred to as the Association.

*Article II*  
**Area**

The Association shall encompass the area known as Lakota Hills as per the map below.



*Article III*

## **Purpose**

- Section 1. The Association shall concern itself with any and all matters pursuant to the improvement, and general welfare of the area encompassed by the Association.
- Section 2. The Association shall concern itself with any and all matters that may affect the value and quality of life of its Membership
- Section 3. The Association shall concern itself with the betterment and continuance of a cooperative spirit with all public services, including all law enforcement groups, all fire protection groups, all emergency squads, and all elected State, County, and Township officials insofar as they have jurisdiction over the area encompassed by the Association.
- Section 4. The Association shall concern itself with developing and maintaining a well- rounded program of social activities for its membership and with the operation, management, and supervision of the swimming facility known as “Lakota Hills Swim Club,” hereinafter referred to as the Swim Club.
- Section 5. The Association Board of Directors hereinafter referred to as the Board, shall keep its Membership informed of the activities and decisions of the Board.

## ***Article IV*** **General Membership**

- Section 1. *Definitions:* The General Membership of the Association shall be those who are defined as such at the time of the adoption of these Amended Bylaws or are admitted hereafter in accordance with the provisions of these Amended Bylaws. The General Membership shall consist of Members and Associate Members.
- Section 2. *Requirements:* Members must live within the area described in Article II and must be “in good standing.” Members have the right to vote on any changes to the Bylaws. Any person that lives outside the boundaries described in Article II and is a member “in good standing” of the Swim Club is deemed as an Associate Member. Associate Members can only vote on changes to the Bylaws that affects membership levels. Only those Members and Associate Members that have paid all the dues required by the Amended Bylaws shall be “in good standing.”
- Section 3. *Membership in the Swim Club.*
- a. “All” Swim Club members must be Members or Associate Members in the Association.
  - b. Membership fees shall be set by the Board of the Association. These fees will include annual maintenance fees and guest fees.
  - c. Class of Certificates:
    1. Non-transferable/Non-refundable:
      - (a.) Cost to be determined by the Board.
      - (b.) Non-refundable/non-transferable certificates have NO residual value.
    2. Transferable/Refundable:

- prior to  
May 15, 1985  
redemption
- (a.) This class of certificate is only applicable to residents in the area described in Article II.
  - (b.) The refundable amount is determined by the date of purchase. Transferable/Refundable certificates issued May 15, 1985 shall be refundable at purchase price. Transferable/Refundable certificates issued after and before May 15, 1989 shall be refundable at a value of \$250.
  - (c.) All transfers must go through the membership chairperson.

***Example***

*Joe/Pat living on Seminole bought a swim club certificate for \$295.00. They sold their house to Sam/Jane in June of 1994. Joe and Pat have two (2) options: (1) turn in the certificate to the membership chairperson and receive \$295.00; or (2) transfer the certificate to the membership chairperson designating it go to Sam/Jane upon receipt of the balance of current certificate value. In either case the certificate is now no longer refundable.*

- d. Certificate holders not paying annual maintenance fees or special fees by the required date of each year shall be placed on “inactive” status. “Inactive” certificate holders desiring to return to “active” status will be placed on a preferential waiting list by chronological date of certificate. Holders of non-transferable/non-refundable certificates shall lose all rights to membership if they are voluntarily inactive for two (2) consecutive Swim Club seasons.
- e. ***Limited Use Inactive Status.*** Any “active” or “inactive” certificate holder who has paid annual maintenance fees for a period of four (4) years may elect to go to a “Limited Use Inactive Status,” which permits the certificate holder to a limited number of admissions to the Swim Club per year. The number of Swim Club admissions and the yearly dues are set by the Board. These limited admissions may be used only by members of the certificate holder’s family. “Limited Use Inactive Status” is considered active status for the purpose of Paragraph f, the next paragraph.
- f. Swim club members wishing to cancel their membership must do so in writing to the Board.
- g. In case of a lost, stolen or destroyed certificate, the member requesting a refund must submit a notarized statement to the effect. The membership chairperson will then remove that certificate from the list.
- h. *Membership will be limited to three hundred fifty (350) active, annual maintenance-fee-paying families. Family members are defined as per the IRS definition of dependent.*
- i. If an active member in good standing sells their transferable membership according to the example following Section 4. c. 2. Of this Article, the buyer then becomes the active member.
- j. Preference for all other memberships shall be given to applicants residing within the boundaries described in Article II.
- k. In the event of liquidation of the Swim Club, and after payment of all liabilities, the assets of the Swim Club shall be disposed of by pro rata to all certificate holders up to the redemption value of their certificate as defined in Article IV Section 4. f. The remaining funds, if any, shall be retained by the Association.
- l. Except for the redemption of Swim Club certificates as provided herein,

no part of the net earnings of the corporation shall be used to the benefit of, or be distributed to, its members, trustees, officers, or other private persons. The corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles. The corporation shall not carry on any other activities not permitted by a corporation exempt from federal income tax under section 501 (c)(7) of the Internal Revenue Code, or corresponding section of any future federal tax code.

m. Upon dissolution of this corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c)(7) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of Butler County, Ohio.

Section 4.

*General Membership Meetings:*

- a. Annual General Membership meetings shall be an informational meeting.
- b. They shall be held the first quarter of each year. The specific date, time, and place of this meeting shall be determined by the Board.
- c. All members and associate members shall be notified of the date, time, and place of these meetings at least thirty (30) days prior to the meeting.
- d. The current roster of members and associates shall be available at each meeting.
- e. When matters of procedure are in question, the latest edition of Robert's Rules of Order shall prevail.
- f. The order of business shall be:
  1. Outline of the agenda
  2. Approval of minutes of the previous meeting
  3. Reports from the Board, committees, and others, as necessary.
  4. Introduction of new Board members
  5. Unfinished business
  6. New business
  7. Adjournment

Section 5.

*Special Meetings*

- a. Special meetings of the General Membership may be called by the President of the Association, a vote of three (3) members of the board of Directors, or a written petition of twenty five (25) members or associate members.
- b. Notification of the date, time, and place of any special meeting must be sent to the General Membership, in writing, at least ten (10) days prior to said meeting.
- c. A quorum shall be twenty-five (25) members and or associate members.
- d. Only the business for which the meeting was called shall be transacted at said meeting.

Section 6.

***Voting:*** *Voting shall be conducted by mail. One ballot per household membership will be provided and each household membership will have only one vote. (i.e. Mr. & Mrs. Smith and their 5 children have one vote). Thirty (30) days will be allotted from the date of mailing of the ballots until the close of the balloting All*

*bylaws changes, Board elections, and other issues deemed necessary by the Board shall be voted on in this manner. Ballots will be preprinted postage paid cards.*

Section 7. *Required Dues:* Annual dues shall be set by the Board.

Section 8. A copy of these amended bylaws shall be given to each new Member and Associate Member as soon as possible after said family has paid its membership dues. (Preferably within 30 days.)

## ***Article V*** **Organization**

Section 1. The governing body of the Association shall be the Board.

Section 2. *The Board, Membership, and Elections*

a. The Board shall consist of nine members.

b. The Board shall be elected by all Members and Associate Members during the Swim Club off-season so that the new board members will be in place prior to the annual meeting.

1. Make-up of the Board must meet the following criteria:

(a.) Five (5) of the nine (9) must be Lakota Hills Homeowners Association Members in good standing.

(b.) Four (4) of the nine (9) may be Associate Members.

(c.) Five (5) of the nine (9) must be full Swim Club members.

(d.) Four (4) of the nine (9) may be non-Swim Club members or limited Swim Club members.

2. Board members will serve a maximum of three years before reelection.

3. Nominations for the Board will be solicited in the newsletter in the fall of each year.

4. A minimum of three members are to be elected each year.

c. Within thirty (30) days of a vacancy occurring on the Board, a new board member shall be appointed by the president to fill in for the rest of the term of the replaced board member. At that time, the board member is up for re-election.

d. If a member of the Board absents themselves from three (3) consecutive meetings or seven (7) meetings in a year, without an excuse acceptable to the Board, he/she has forfeited his/her membership on the Board, and a new member shall be appointed.

e. A vote of seven (7) board members are needed to remove a board member from the Board.

Section 3. *Board Meetings*

a. Meetings of the Board shall be held twice monthly during the months of April, May, June, July, August, and September and once a month during the remainder of the year.

b. A quorum of five (5) members of the Board must be present to conduct business.

c. The meetings shall be conducted according to a written agenda.

1. Members and associate members may place items on the agenda by notifying any board member at least forty-eight (48) hours prior to the Board Meeting.

2. The agenda shall include:
  - (a.) Minutes
  - (b.) Treasurer's report
  - (c.) Committee Chair reports
  - (d.) Unfinished business
  - (e.) New business
  - (f.) Adjournment
- d. Attendance is open to the General Membership; however, participation shall be at the discretion of the President of the Association.

Section 4.

*Board - Responsibilities*

- a. The Board shall exercise only such authority as may be delegated to it by the General Membership.
- b. At the first Board meeting after the election of Board members by the General Membership the new Board shall elect from its nine members:
  1. President
  2. Vice-President of the Swim Club
  3. Vice-President of Homeowners
  4. Secretary
  5. Treasurer

All positions shall be voted on by the Board. Every board member will be given 5 Ballots, one for each office. The member receiving the simple majority is elected. In case of a tie vote, a run-off election between all tied candidates will be held. A simple majority wins. Board members not elected to an office will be appointed committee chairs.
- c. The Board shall establish the following committees (can be changed as needed when the Board deems appropriate):
  1. Membership
  2. Communications, Newsletters
  3. Social Activities.
  4. At Large

***Article VI***  
**Hiring**

Section 1.

*Hiring:* When filling the position of the Swim Club Manager and Assistant Manager, the Board shall establish a selection committee made up of the President, vice-president of the Swim Club, and Treasurer. This committee will interview prospective candidate for the Manager's position and report to the full Board for its approval. Guidelines to be used during the selection process are:

- a. Experience
- b. Knowledge of the Swim Club facility
- c. Training, i.e. pool management courses, WSI, Red Cross certification, etc.
- d. Teaching skills
- e. Community involvement
- f. Public Relations

Section 2.

It shall be the Swim Club Manager's responsibility to hire, train, and equip all other positions at the Swim Club.

*Article VII*  
**Financial Accountability**

- Section 1. The Budget for the current year, the accounting to the previous year's budget and the accountant's summary will be made available upon request to all members and associate members anytime after the end of the first quarter.
- Section 2. The Board shall appoint a member or associate member, who is not now nor has ever been a member of the Board, to audit the financial records of the Association each year. The member performing the audit shall provide a written summary of findings to the Board. The results of the audit will be reported to the membership at the annual meeting. The audit items will be determined by the Board.
- Section 3. The books, records, and papers of the Association shall be made available for inspection by any member or associate member upon written request to the Secretary of the Board.

*Article VIII*  
**Indemnification of the Board and Swim Club Staff**

The Association shall indemnify each member of the Board and each former member against costs and expenses reasonably incurred by, or imposed upon him, judgments, decrees, fines, penalties, or amounts paid in settlement suit, or proceeding, criminal, civil or otherwise, or amounts paid in settlement in connection with the defense of any pending or threatened action, suit, or proceeding, criminal, civil or otherwise to which he or she is or may be made a party by reason of having been a member of the Board provided that (a) he/she is not adjudicated to have been negligent or guilty of misconduct in the performance of his/her duty to the Association; (b) he/she is adjudicated or determined not to have been negligent or guilty of misconduct in the performance of his duty to the Association; (c) he/she is determined to have acted in good faith in what he/she reasonably believed to be the best interests of the Association; and (d) in any matter the subject of a criminal action, suit, or proceeding, he/she is determined to have had no reasonable cause to believe that his/her conduct was unlawful. The determination as to (c) and (d) and, in the absence of an adjudication as to (b), the determination as to (b) shall be made by the Board acting at a meeting at which a quorum consisting of members who are not parties to or threatened with any such action, suit, or proceeding is present. Any Board member who is a party to or threatened with any such action, suit, or proceeding shall not be qualified to vote and, if for this reason a quorum of the Board cannot be obtained to vote on such determination, such determinations shall be made by the affirmative vote or written consent of two thirds of the members present at a meeting called therefore. The right of indemnification conferred upon the Board of the Association by this Article shall not be exclusive of any other rights to which they may be lawfully entitled and shall inure to the benefit of their heirs, successors, assigns, and administrators.

***Article IX***  
**Amendments**

- Section 1. These Amended Bylaws may be amended in accordance with the provisions of this Article at any legally constituted meeting of the Association.
- Section 2. Proposed amendments to these Amended Bylaws shall be submitted in writing to the Secretary at least sixty (60) days before the meeting at which the proposed amendment is to be considered.
- Section 3. The Secretary shall submit a written copy of the proposed amendment to each general member at least fifteen (15) days prior to return of the ballot.
- Section 4. A majority vote of Members voting shall be necessary for adoption.
- Section 5. In accordance with Article IV Section 3 Associate Members cannot vote on Bylaws changes except when it involves changing the number of memberships to the Swim Club. No membership changes can be made without 51% approval by Associate Members. This is the only exception to Article IV Section 3.
- Section 6. When a member has a divorce, the spouse living at the residence identified on the Bond shall be considered to be the Member or Associate Member of the Swim Club. If this is not the case, then an official copy of the court records showing ownership must be given to the Board.
- Section 7. Any Member or Associate Member who causes damage to the Swim Club, to a Member, Associate Member, or guest's property at the Swim Club will be held responsible for all damages. Any Member or Associate Member who subjects the personnel of the Swim Club, or any Member, Associate Member, or guest's at the Swim Club to physical or verbal abuse will be asked to leave the Swim Club. The Board has the right to suspend or terminate the Member or Associate Member's membership to the Swim Club.

## POLICIES

- A. Board meetings shall be open to all members as room permits. Participation by non-Board members at these meetings shall be limited to the “New Business” section only. Responses to the questions/suggestions of non-Board members shall be determined by the “Chair” as to whether further discussion is necessary or immediate. *Effective 6/1/92.*
- B Hours of Swim Club Operations:
1. Pool
    - a. Swim Team Practice: 7:30 AM to 10:30 AM
    - b. Swim Lessons: 10:30 AM to 11:45 AM
    - c. Normal Operation: 12:00 PM to 9:00 PM
    - d. Operation during school days: 4:30 PM to 8:00 PM
    - e. Pool Parties: 9:00 PM to 12:00 AM Friday and Saturday, 9:00 PM to 11:00 PM Sunday through Thursday.
  2. Special Activities on Pool Grounds
    - a. Easter Egg Hunt: 10:30 AM to 12:00 PM
    - b. July 4th Picnic: 12:00 PM to 8:00 PM
    - c. Labor Day Picnic: 12:00 PM to 6:00 PM
    - d. Fall Fest: 7:00 PM to 9:00 PM
    - e. Other special events determined by the Board*Effective 6/1/92 -- moved to Pool rules effective 5/17/93*
- C. Parking for Swim Meets: Four (4) to Five (5) each season.  
The parking lot will be cleared of all pool members and pool staff cars by 5:30 PM on days of swim meets. The entire lot will be made available to the visiting team’s cars. No one else will be permitted to use the parking lot. *Effective 6/1/92 -- Canceled 5/1 5/9 3*
- D. Board members shall have their Homeowners Dues (if applicable) and Pool Maintenance Fees waived for one year for each full term served. The current nine (9) board members and any past board member(s) on waived fees shall be in addition to the number of full members allowed by the by-laws. *Effective 4/1/96, revised 7/24/06*
- E. Pool rules to be reviewed and amended as needed annually. *Effective 9/1/96*
- F. Swim Team shall be financially supplemented by the Association in the amount designed in the annual budget. *Effective 9/1/96*
- G. Legal Matter, Accounting Representative: The Board shall have accounting and legal services available. *Effective 9/1/96*
- H. Guest policy
1. Guests must be with a member in good standing.
  2. Same guest can only come 2 times per month. (Jane came with member Joe twice this month, Jane can not come with member Sue until next month)
  3. Members who work may have a “nanny” bring the members children to the pool with out paying a guest fee for the “nanny”. The “nanny” takes the place of the parents, hence not adding to the crowding of the pool. The “nanny” must be at least 14 years old and has NO guest privileges. This arrangement must be described in detail and submitted to the pool manager in writing along with a picture of the “nanny”. The “nanny” can not leave and come back to pick up the children.
  4. Members who baby sit non- members have to pay guest fees. (The 2 same guest

visits per month rule still in effect)

5. Out of town guests can come to the pool more than 2 times per month. (Must be outside of the Butler, Warren, Hamilton counties)

6. Single guest fees are \$4.00 per day, \$12 per week for out-of-town guests. Family guest fees are \$10.00 per day, \$24 per week for out-of-town guests.

7. Any member who requires anything different from the above, must write a letter to the board explaining why an exception should be made. The board will vote on it and let the member know ASAP, until that time, the regular guest policy is still in effect.

Questions that should be answered,

1. How old is the child?
  2. Are there any older children living with the family?
  3. Do they live inside Lakota Hills?
  4. Is the baby sitter getting paid? *6/22/2000*
- I. Baby pool for children under five years only WITH proper supervision present. *11/14/2000*
- J. During adult swim, all children under 18 must exit pool in a timely manner. Toddlers or younger can stay only if with parent. *11/14/2000*
- K. When renting the pool for a private party, a certificate holder must sign the rental agreement and be present for the entire length of the party. The Certificate holder accepts all responsibility for the conduct of all party guests. (including insuring that there is no under age alcoholic consumption). An additional clean-up fee may be assessed to the Certificate holder for any damage and clean-up that is over and above what can be normally expected from a party. Parties during normal pool hours are limited to 50 people. *12/03/01*
- L. Limited or Associate Members will have 20 admissions per year. An admission is when one family member (family member being a parent or dependent living at the address of the certificate) visits the pool for the day. If a family of four visits the pool, it counts as four admissions *2/26/2007*

## **List of Amendments/Policy Changes**

***	Bylaws approved by Board of Directors (Lakota Hills Homeowners Association) and the Board of Governors (Lakota Hills Swim Club) on <u>March 5, 1991.</u>	
***	Bylaws approved by General Membership	3/91
***	Bylaws amended	1/95
***	Policies added	6/1/92
***	Policies amended	5/15/93
***	Policies amended	1/95
***	Policies amended	5/96
***	Bylaws amended	2/3/97
***	Policy H added	6/23/97
***	Bylaws amended: Article IV Section 6 paragraph h and Section 7	2/7/2000
***	Policy H amended	12/03/2001
***	Policies clarified and reordered by date	6/30/2006
***	Policy D amended	7/24/2006
***	Policy L amended	2/26/2007

## LHSC BOARD POLICIES TOWARDS SWIM TEAM May 2008

1. The LHSC board acknowledges that the Swim team is good for the club.
2. LHSC will donate \$2000 towards the swim team's general fund.
3. LHSC will guard all home swim meets at no charge to the swim team.
4. Swim team will be responsible for paying the guards at their functions
  - i.e. meet the coach's night, ice cream social
5. It is not LHSC responsibility to hire swim team coaches but it is necessary for us to agree on the head coach because he/she will have access to the pool during non-business hours. All coaches must be LGT certified.
6. Under no circumstances will swim team coaches be guaranteed positions at LHSC.
7. The swim team's payroll and bonuses must be processed through the LHSC accountant due to the tax liabilities that the LHSC is responsible for. Therefore the LHSC must receive an additional 10% of the gross to cover extended taxes that will be incurred because of this.
8. The swim team is responsible to have a representative meet with the pool manager no later than May 15th to set up dates for the season.
9. Swim team may run fundraisers during normal pool business hours with the approval of the pool manager, and not to impose on members or visitors.
10. Swim team may purchase pop at any of their special functions for half price.
11. Swim team must have volunteers to:
  - a. Help in parking cars for home meets and making sure that late comers do not block assigned exit points
  - b. Serve pop to judges, coaches and timers during swim meets.
  - c. Police the parking lot for children playing among parked cars
  - d. Police rest rooms to make sure that there are no problems
12. Swim teams pool account must be paid by August 10th.
13. Copier is the property of Swim team, but is supported equally between LHSC and Swim team.
14. It is the responsibility for the swim team board to ensure that ALL swim team participants are Lakota Hills Swim Club FULL members in good standing.

## LHSC BOARD MEMBERS PRIVILEGES (revised July 2006)

1. Current board members do not have to pay current membership fees or homeowner fees if applicable.
2. For each full term served, a board member will receive 1 year of no membership fees or homeowner fees if applicable, after their last term is finished.
3. Current board members, spouses, and children have free guest privileges as often as they wish (not to be excessive). If the board member cannot be present with their children and guest(s), the board member must call the pool manager to inform him of the guest(s) that will be with the child. If the board members guests can be concluded as a party he/she must be present.
4. Current board members may use the pool for after hour parties as often as they wish. They do not have to pay the rental fees, but they must pay for the use of guards.
5. Current board members may purchase any food item at half price. Please remind the cashier of this and to also use the guard key on the cash register.
6. Current board members are allowed to have soda fountain drinks and popcorn at no cost.
7. All board member parties are to be schedule with the pool manager.

# LAKOTA HILLS SWIM CLUB RULES

The Pool Manager, or a designated assistant, shall have full charge of the pool and shall be the first authority as to the enforcement and interpretation of the following rules. Any failure to comply with these rules may be sufficient cause for immediate suspension or cancellation of membership. These rules are intended to ensure the safety and enjoyment of all members. The club is NOT responsible for any lost, stolen, or damaged items.

1. Glass containers are NOT permitted anywhere on the swim club premises.
2. All injuries should be reported to the staff immediately. All injuries involving bleeding must be reported at once.
3. All members and guests must register at the sign in desk. All guests must be accompanied by a member and pay the appropriate guest fee. Local guests may visit twice per month. Guest behavior is the responsibility of the member.
4. Members who baby sit children who are non-members must follow the guest policy.
5. The club is NOT responsible for children in the wading pool. Parents must supervise their children in that area. Children over five (5) are NOT permitted in the wading pool.
6. Non-swimming children in body holding devices (floats, rafts, tubes, life jackets, etc.), must be properly supervised by their parents at all times (within arms reach and only in the shallow end of the pool)
7. Children under eight (8) years of age are NOT to be left unattended at the pool. Baby sitters must be at least fourteen (14) years of age. Children eight (8) and over should be able to swim two (2) lengths of the pool to be left unattended.
8. "Young" swimmers must wear baby swim diapers, and/or rubber pants.
9. Parents are NOT permitted in the diving well area in an attempt to encourage children to dive off the boards. They should remain at the sides of the pool.
10. Running, pushing, or disruptive play will NOT be permitted anywhere on the club property.
11. An adult is considered to be 18 years or older. During adult swim periods, all non-adults must be completely out of the pool and gutter. Non-swimmers, four or younger, may be in during this time, only if they are in their parent's arms.
12. Diving is permitted only in designated areas. Only one (1) person is permitted on the diving board at a time. The next person in line must remain on the concrete until the diving board is cleared. Multiple bounces are prohibited. Children must be able to swim one width of the pool to use the diving boards. Everyone must dive straight out, NOT to the sides. Goggles or masks may NOT be worn while diving off the boards.
13. Jumping or diving from the sides backwards, or doing flips from the sides of the pool are NOT permitted.
14. Rafts, tubes, and pool games are permitted only when safe conditions exist, as determined by pool staff based on pool crowd size. These floatation devices are NOT permitted in the diving well area.
15. The "lap lane" is for serious lap swimmers only and must be relinquished to members when being used for swim lessons.
16. Shoes must be worn while playing basketball, tetherball, or 4 squares.
17. Skateboards, scooters, roller blades, or any other footwear with wheels are NOT permitted anywhere on the swim club property at any time. (Also when the pool is closed)
18. Damage to club property will be charged to the responsible member

**Please report violations of the pool rules or misconduct to the pool staff immediately.**

**THIS IS YOUR CLUB. YOUR HELP IN KEEPING IT CLEAN,  
SAFE AND ENJOYABLE FOR ALL IS APPRECIATED.**

Revised 4/08 by Pool staff and Board