

Bylaws of Jacobs Creek Community Association, Inc.

Revised April 23, 2024

Article I: Name and Purposes

Section 1: The name of this Association shall be "Jacobs Creek Community Association, Inc."

Section 2: The Association recognizes and affirms the diversity of our neighborhood as the foundation of a healthy, vital, and dynamic community. The purposes of this Association shall be:

- 1) To promote and foster participation in the neighborhood by Providing a forum for discussion of neighborhood concerns.
- 2) To enhance and strengthen the community through neighborhood social activities, workshops, and other programs which serve the needs and interests of Association members.
- 3) To encourage and facilitate informed citizen participation in issues affecting our neighborhood, including commercial development, land use housing standards, zoning issues, traffic patterns, and street modifications.
- 4) To be voice for our common neighborhood interests by acting as a liaison with governmental bodies and with institutions, schools, and businesses in and around our neighborhood, and by working with other neighborhood associations on common concerns.
- 5) To advocate maintenance and improvement of institutions and facilities serving our neighborhood, including parks, schools, and public safety services; and
- 6) To provide for the community welfare generally and to conduct other lawful business not inconsistent with the Bylaws.

Section 3: This Association is and shall remain a non-profit organization and no part of the net thereof shall inure to any individual member.

Section 4: This Association shall not endorse or align itself with any political party or candidate for public office.

Article II: Membership

Section 1: Eligibility of Membership

All persons who are owners of lot or lots in Jacobs Creek or the Coves of Jacobs Creek are members of the Association by virtue of their land ownership and have paid their annual dues.

- a. All joint owners of land in fee simple, whether as tenants in common, joint tenants, tenants by the entireties, or as tenants in partnerships, shall be considered a single member for purposes of membership eligibility and voting.
- b. If the land is rented, the landlord and not the tenant shall be eligible for membership.

Section 2: The Jacobs Creek Neighborhood shall include all the lots, streets, and other properties facing the following streets:

- Jacobs Creek Run
- Monaco Place
- Conifer Place
- Porteco Place
- Sageport Place
- Jasmine Place
- Riverton Drive

The Jacobs Creek Neighborhood will have the following boundaries:

- Bounded on the west by North Clinton Street.
- Bounded on the north by the common property lines of the North Point Ridge Subdivision.
- Bounded on the east by the common property lines of the St. Joseph River.
- Bounded on the south by the common property lines of River Cove Apartments and the Concordia Gardens Subdivisions.

Section 3: Rights of Membership

Regular membership is a right that runs with land and is transferable only with title. If a dispute shall arise between the holder of legal title and holder of equitable title as to the right of membership, membership shall belong to that person who is ultimately liable for the real estate taxes. In all matters placed before members for vote, each member shall have two ballots for each home owned by a member, and if the member owns unimproved land not functionally part of the improved lot owned by that member, then for each such lot as platted said regular member shall have two ballots. Each lot as developed represents a single membership. All members have the right to serve as officers on the Board of Directors. Questions concerning eligibility and/or appeals for membership shall be presented to and decided by the Board of Directors.

Section 4: Meetings of Members

- 1) The annual meeting will be held in November on a particular day, hour, and place determined and designated by the Board of Directors. At this meeting, elections will be held for the offices of the Board of Directors for the coming year.
- 2) The Board of Directors will meet only when deemed necessary. Most Board business of approvals and discussion can be handled by e-mail, phone, and/or text messages.
- 3) Special meetings of the membership for any purpose may be called:
 - a. By the President, or in the President's absence, the Vice President, or
 - b. By resolution of the Board of Directors, or
 - c. By Secretary upon written request of ten (10) members of the Association. Upon receipt of such a valid request the Secretary shall schedule a meeting within 30 days of the request.

Notice of all special meetings shall be given at least a two (2) day notice before such meeting.

- 4) At each meeting of the membership, each member shall be entitled to one vote and decisions shall be made by a simple majority vote.

Article III: Government

Section 1: The Jacobs Creek Community Association shall be governed by a Board of Directors, which may take action in the name of the association.

Section 2: The Board of Directors shall consist of a President, Vice President, and a Member at Large elected by the membership at the November annual meeting of the preceding year. No less than 3 members shall govern the Board. Additional Board members may be added as long as the Board remains an odd number.

The Board of Directors will also consist of one Director designated by the Coves of Jacobs Creek Association.

Section 3: A simple majority of the Board of Directors shall constitute a quorum for doing business. Each member of the Board shall be entitled to one vote.

Section 4: To be eligible for elected office, a person must be a member in good standing of the Association.

Section 5: Board of Directors members shall serve without compensation.

Section 6: The powers and duties of the Board of Directors shall include:

- 1) The establishment and execution of policy for the Association;
- 2) The appointment of all standing and other committees or chairpersons thereof. This power may be delegated to the President. Committee shall derive their direction from the Board of Directors;
- 3) The appointment or employment of all persons or organizations to serve the Association;
- 4) The filling of vacancies on the Board of Directors until the next Association meeting;
- 5) The interpretation of the Bylaws;
- 6) The approval of expenditures of Association funds; and

7) The dissolution of all committees. This power may be delegated to the President.

Section 7: The President shall preside at all meetings of all the Association and the Board of Directors and shall perform such duties as directed by the Board of Directors.

Section 8: The Vice President shall perform all duties as may be assigned by the President or Board of Directors and shall be the presiding officer in the absence of the President.

Section 9: The Secretary (Above & Beyond Community Management, Inc.) shall be the official custodian of all records of the Association including membership and financial records and shall keep the minutes of the Association and Board of Directors meetings. The Secretary may delegate authority for correspondence in the name of the Association and for required notices and shall keep records of all correspondence and notices.

Section 10: The Treasurer (Above & Beyond Community Management, Inc.) shall keep and be responsible for all funds of the Association and shall maintain the membership records. All funds shall be deposited in an account in the name of Jacobs Creek Community Association and shall be withdrawn only by the Treasurer or the President. All monies received shall be immediately delivered to the Treasurer for which he/she shall give receipt. All bills shall be paid by the Treasurer. The Treasurer shall provide regular reports of all transactions and prepare financial statements as directed by the Board of Directors including an annual budget for the next calendar year to be presented to the membership for approval during the annual November membership meeting.

Section 11: An officer or director who missed three (3) regularly scheduled consecutive meetings forfeits the office. That office or director may request exception and, at the discretion of the Board by simple majority vote, may be allowed to retain the position.

Section 12: In cases where an officer or director is accused of conduct hurtful to the Association, grossly inconsistent with the Bylaws, or inconsistent with the purposes for which the Association was organized, the office or director may be removed from office by the affirmative vote of a simple majority of the Board of Directors. The accused officer or director shall not have a vote in such an instance.

Article IV: Association Year

Section 1: The Association year shall commence each year on the first of January. The fiscal year will run January 1st to December 31st.

Article V: Procedure

Section 1: Robert's Rules of Order Newly Revised shall govern the proceedings of all the Association meetings (regular and special meetings). They will also govern all Board meetings in cases in which they are applicable and in which they are not inconsistent with the Bylaws or the special rules of the Association.

Article VI: Amendments

Section 1: Proposed amendments to the Bylaws shall be presented to the Board of Directors. A simple majority of the Board of directors is required to adopt a proposed amendment to the Bylaws.

Article VII: Dissolution

Section 1: In the event that the Jacobs Creek Community Association becomes inactive or dissolves, all monies in the general fund shall be distributed to a tax-exempt, community-oriented institution or organization approved by the majority of the members of the Association at the time of the dissolution.

Revisions Approved During Annual Meeting November 18, 2021

Changes approved by 4 Board members and 2 homeowners in attendance were:

Article II: Section 4 – changed to the Board to meet only when necessary because business can be handled by e-mail, phone calls, and/or text messages.

Article III: Sections 2 – lowered the Board to 3 members but additional members can be added in multiples of 3 as long as the Board is an odd number.

Article VI: Section 1 – changed to Bylaw changes are made solely by the Board without having to present the change(s) to the residents at the annual meeting or a special meeting.

**Revisions Approved by the Board
April 23, 2024**

Corrected spelling from “By-Laws” to “Bylaws.”

Article 1 Section 3: corrected wording from “not part” to “no part.”

Article II Section 2: corrected spelling from “Rover Cove” to “River.”

Article II Section 4 – 2): corrected wording approved November 18, 2021 for Bylaw revisions that were not made

Article III Section 2: corrected wording approved November 18, 2021 for Bylaw revisions that were not made

Article III Section 3: corrected wording from “and quorum” to “a quorum”

Article III Section 9: added Above & Beyond Community Management as Secretary, and removed “except” before membership and financial records and replaced with “including”

Article III Section 10: added Above & Beyond Community Management as Treasurer, corrected the wording “of the President” to “or the President”, and added “including an annual budget for the next calendar year to be presented to the membership for approval during the annual November membership meeting” which has been the practice

Article III Section 12: changed from “vote of four (4)” to “vote of simple majority” since the Board is now three (3)

Article VI Section 1: corrected wording approved November 18, 2021 for Bylaw revisions that were not made