

Choctaw Lake Property Owners Association
CONSTITUTION

CONSTITUTION APPROVED BY MEMBERSHIP 1975

(Revised April 25, 1976, October 17, 1976, April 7, 1977, April 16, 1978, October 21, 1979, October 20, 1985, April 20, 1986, May 25, 1989, May 23, 1991, May 28, 1992, October 25, 2000, May 19, 2004, May 19, 2010, May 16, 2012, May 15, 2013, October 14, 2014, October 13, 2016, October 24, 2017, October 27, 2021, October 24, 2023)

ARTICLE I
NAME AND PURPOSE

The name of this organization is "Choctaw Lake Property Owners Association, Inc." It is incorporated in the State of Ohio as a nonprofit group whose principal office shall be located at Choctaw Lake, Madison County, Ohio.

The purpose of "Choctaw Lake Property Owners Association, Inc." is to conduct all business matters and serve as the local governing body for property owners at Choctaw Lake (through supervision and management by the Board of Trustees).

ARTICLE II
MEMBERS

Section 1 - This association shall have four (4) classes of members as follows:

A. Full Voting Member:

To qualify as a full voting member, all three of the following conditions must be met:

- (1) Own or be purchasing a lot or lots at Choctaw Lake subdivision as recorded in the official records of the Auditor's (Revised October 13, 2016) office of Madison County, Ohio. (Where title to a lot or lots are held by more than one person whether jointly or as joint tenants with rights of survivorship, only one member shall be entitled to vote).
- (2) Be a member in good standing (see Article II, Sections 3 and 4). (Revised October 24, 2017).
- (3) Have on file with the Board of Trustees a signed Membership agreement that said member has read, and agrees to abide by all the rules and regulations established by the Board pursuant to Article XIII hereof.

B. Associate Members:

Any person related by blood or marriage and residing with a full voting member in good standing, shall be known as an associate member with all the lake and guest privileges of a full member, but with no voting right except as stated in Article III, Section 7.

C. Tenant Members:

Bona fide tenants shall become tenant members. Tenant members shall have no voting rights. Tenant members shall obtain lake and guest privileges by meeting the same requirements as full voting members with regard to abiding by the rules and regulations and remaining a member in good standing pursuant to Article II, Sections 3 and 4. To qualify as a bona fide tenant, an individual must be occupying a lot pursuant to a written lease for an initial term of no less than one (1) full year and pay the tenant membership fee as established by the Board of Trustees. A copy of the written lease and payment of the tenant membership fee must be submitted to the Association at least seven (7) days prior to the commencement of the tenancy or the tenant will not be considered a bona fide tenant. Roomers or boarders, that is, individuals renting or leasing a portion of a lot or residence only, shall not be considered bona fide tenants. Only bona fide tenants shall be considered to be tenant members and shall be entitled to the use and enjoyment of the common properties and facilities. (Revised October 24, 2023).

D. Honorary Members:

A majority vote of the membership when a quorum is present can decide to recognize any individual for effort above

and beyond call by designating him or her as an honorary member with a special membership card for one year.

Section 2 - Membership

Any person who obtains title to any property within the subdivision shall automatically become a full voting member of the Choctaw Lake Property Owners Association Inc. and be obligated to pay all dues, assessments or other obligations promulgated by the Association. However, a member shall only assume the rights of a full voting member upon satisfying the requirements of Article II, Section 1A. (Revised 5/92).

Section 3 - Dues and Assessments

- A. Dues and regular annual assessments shall be payable four times per year, specifically to be billed on March 1st, June 1st, September 1st, and December 1st. Any outstanding amount on the last day of the billing month, specifically March 31st, June 30th, September 30th or December 31st, will have an additional 1.5% per month added to the payment due. This charge will be added for each month or partial month that payment in full is not received, and will be added on the 1st of each month. (Revised 5/12).
- B. Each voting member and tenant member of the association shall be subject to the annual dues charge of twenty-five (\$25.00) dollars, irrespective of whether the privilege of using said areas is exercised or not. This membership fee will be deducted from the first quarterly payment specifically, on March 1st of each year.
- C. (1) Furthermore, there shall be for all property owners an annual assessment per lot based upon the allocated share to promote the recreation, health, safety and welfare of said property owners, and in particular, for the improvement, maintenance and care of roads, beaches and other facilities devoted to the common use.
- (2) If a property owner owns two (2) adjacent lots, undeveloped or with only one (1) dwelling on the two (2) lots, said owner shall only be assessed one annual assessment. This exemption can only be used once by a property owner regardless of the number of pairs of adjacent lots owned. If one of the adjacent lots is sold, or has a dwelling erected on it, both lots will be assessed an annual assessment. (Effective October 24, 2017).
- (3) Tenant members shall be subject to an annual assessment equal to 50% of the property owner's basic assessment, paid in accordance with Section 3(A). This is in addition to that paid by the property owner. (Revised October 13, 2016).
- D. Special Assessments
- (1) It is the declared policy of this Association that special assessments are generally undesirable and shall be levied only in an emergency or under extraordinary circumstances. Special assessments shall be levied on the same basis as annual assessments and shall be for road construction or improvement, sidewalks, utilities or other improvements, which benefit each individual lot.
- (2) Special assessments shall be levied only upon the recommendation of the Board of the Trustees, in good faith and for just cause shown, and upon the affirmative vote of a majority of the membership present at any regular or special property owners meeting, provided there is a quorum present. (Revised October 13, 2016).
- (3) The due date of any special assessment shall be fixed in the resolution authorizing such. Any outstanding amount after the 1st of the month, following the due date, will have an additional 1.5% per month added to the payment due.
- E. The amount of the twenty-five (\$25.00) dollar dues provided herein is subject to change only as provided in individual deed restrictions as recorded in Madison County, Ohio. The annual assessments and any special, limited assessments are controlled by the membership, and the amounts may be revised in accordance with Article XII of this Constitution.
- F. Professional Fees and Expenses
- It is the policy of the Association to attempt to avoid the unnecessary expenditure of legal, accounting and expert fees and expenses in (1) investigating and defending against meritless charges or claims asserted by members or their agents, or (2) enforcing the Constitution, Restrictive Covenants, Rules and Regulations, or Building Code, so that the Association funds can be better expended instead on efforts to promote the recreation, health, safety, and welfare of the property owners.

G. Professional Fees and Expenses (continued)

In the event a member or its agent asserts a claim, demand, lawsuit or other charge (“the claim”) that forces the Association to incur the fees and expenses (“expenses”) of attorneys, accountants or experts associated with its effort to defend the Association, and the claim is found to be without merit by the Court, then the member shall be liable to indemnify and reimburse the Association for all such expenses. (Revised 5/04).

In the event the Association finds it necessary to take legal action to enforce the Restrictive Covenants, Constitution, Rules and Regulations or Building Code against any member or its agent in violation of said documents, and the Association incurs the fees and expenses (“expenses”) of attorneys, accountants or experts in these efforts, then the offending member shall be liable to indemnify and reimburse the Association for all such expenses.

The charge for professional fees and expenses shall be collected by the Association in the same manner as any other Association charge as set forth in Paragraph 8 of the Restrictive Covenants.

Section 4 - Membership in Good Standing

A. Privileges of Members, Associate Members, Tenant Members and Honorary Members:

Members in good standing shall be entitled to the use and enjoyment of the common properties and facilities, subject however to provisions of the Restrictive Covenants and to such other regulations as may be established by the Board of Trustees.

B. Suspension of Membership Privileges:

Membership privileges, including any voting privileges or right to use the common properties, shall be suspended to members, associate members, tenant members, or honorary members under the following terms and conditions:

- (1) Membership shall be automatically suspended where annual dues, assessments, special assessments, fines or water bills are delinquent for sixty (60) days or more, unless the suspension is stayed due to hardship by action of the Board of Trustees. Where membership has been suspended for nonpayment of annual dues, assessments, special assessments, fines or utility bills, the membership shall be reinstated upon payment of said delinquent charges plus accrued interest and penalty charges. (Revised 5/04).
- (2) Membership may also be suspended by action of the Board of Trustees for infraction of the Restrictive Covenants, or for infraction of the published regulations of the Association, which suspension may be for a period not to exceed six (6) months.

C. It shall be the duty of the Secretary of the Board of Trustees to prepare or cause to be prepared a list of the members entitled to vote at each meeting against which list all members voting, shall be checked, either by the Secretary, or by some individual designated by the Board of Trustees.

D. Members shall not permit their lot to be occupied by any tenant other than a bona fide tenant. Any member who permits their lot to be occupied by a tenant who is not a bona fide tenant as defined in Article II, Section 1(C) above shall be subject to having their membership privileges suspended for a period not to exceed six (6) months and/or the imposition of a reasonable fine in an amount to be set by the Board of Trustees for each violation. For the purposes of this section, a tenant shall refer to any individual or group who is paying any sum of money or anything else of value in exchange for staying on any lot and/or using any of the common areas or facilities. It shall be presumed to be a violation of this provision if any individual has arranged to use or occupy a lot and/or any of the common areas or facilities through Airbnb, VRBO, online retreat venue finder, or any similar website or service. (Effective October 24, 2023).

Section 5 – Resignation

Any member may resign, subject to the terms and conditions of his or her purchase contract and the restrictive files of record or to be so filed in the Recorder’s Office of Madison County, Ohio, regarding Choctaw Lake Subdivision, by filing a written resignation with the Secretary, but such resignation shall not relieve the member of the obligation to pay any dues, assessments, or other charges previously accrued and unpaid, and assessments and other charges duly levied after such resignation so long as that person owns property at Choctaw Lake.

Section 6 – Reinstatement

Upon written request signed by a former member and filed with the Secretary, the Board of Trustees, by the affirmative vote of two-thirds of the members of the Board, may reinstate such former members to membership upon such terms as the Board of

Trustees may deem appropriate.

Section 7 - Transfer of Membership

Membership in this Association is not transferable or assignable (See pertinent rules under Article XIII regarding membership and the sale, rental or transfer of property).

ARTICLE III MEETING OF MEMBERS

Section 1 - Biannual Meetings

Regular meetings of the members will be held at the Lodge of Choctaw Lake in April and October for the transaction of business as may come before the meeting. The April meeting shall be known as the Annual Meeting for the purpose of the annual reports. The meeting of members shall be conducted by the Board of Trustees. (Revised October 13, 2016).

Section 2 - Special Meetings of Members

The President, Board of Trustees or seventy-five (75) or more of the full voting members in good standing may call a special meeting of the members. Members shall submit a petition with at least 75 signatures a minimum of five (5) working days prior to the date of the event. The CLPOA office will verify that at least seventy-five (75) of the members calling the meeting are in good standing. (Revised October 24, 2017).

Section 3 - Place of Meeting

All biannual and special meetings will be held at the Lodge of Lake Choctaw. In case of any emergency involving the Lodge, the Board of Trustees may designate an alternate meeting place within Madison County, Ohio.

Section 4 - Notice of Meetings

Every reasonable attempt shall be made by the President, the Board of Trustees or the property owners calling the meeting to deliver a notice to members. Methods used may include but not limited to: electronic means, entrance sign, Peace Pipe, phone, or US mail between ten (10) and thirty (30) days before the date of such meeting. (Revised October 24, 2017). The purpose or purposes for which the meeting is being held shall be stated in the notice for all meetings of the members. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the Association. It is the responsibility of each property owner to keep contact information up to date including, but not limited to email and phonenumber.

Section 5 - Quorum

A quorum for the transacting of business at any meeting of members shall be seventy-five (75) or more of the full voting members in good standing. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from time to time without further notice.

Section 6 - Order of Business

Order of business at Property Owners' meetings shall be as follows:

- A. Roll call
- B. Reading of the minutes of the previous meeting
- C. Reports of the officers
- D. Reports of committees
- E. Unfinished business
- F. New business

The order of items C – F may be modified by the Board of Trustees.

Section 7 - Voting

- A. Voting at membership meetings shall be by majority of the votes present unless a greater proportion is required by law or by the Restrictive Covenants. Each full voting member in good standing or associate members in his or her stead, may cast one vote on any issue, for each lot owned on which full assessments are paid, with no more than five (5) votes per property owner. (Revised 10/14) (See pertinent rules under Section XII for amending Constitution).
- B. No proxy votes will be accepted.

ARTICLE IV BOARD OF TRUSTEES

Section 1 - General Powers

The affairs of the Association shall be supervised and managed by its Board of Trustees.

Section 2 - Number, Tenure and Qualifications

The number of trustees shall consist of nine (9) active members, each of whom must be a full voting member in good standing. Three (3) trustees are to be elected annually for a three (3) year term. New trustees shall be seated and assume duties and responsibilities after the conclusion of the annual Board meeting in February. Each trustee shall hold office until his or her successor shall have been elected and qualified. Only one member per household shall be eligible to serve on the Board of Trustees at any given time. (Revised October 13, 2016). No trustee may serve more than four (4) consecutive terms of three (3) years. However, a trustee may be elected again, once he or she has been out of office for a minimum of one (1) year.

Section 3 - Election of Trustees

An annual election of trustees will be conducted by mail in January. The president shall set a date and hour for such election and the Nominating and Ballot Counting Committees, appointed by the Board of Trustees, shall have the responsibility to conduct the annual election. For election procedures, Committee duties and restrictions see Article VI, Sections 3B and 3C.

Section 4 - Meetings of Trustees

The Board of Trustees may provide by resolution the time and place anywhere within 30 miles of Choctaw Lake for the holding of any regular or special meeting, provided there is sufficient reason for holding the meeting away from the Choctaw Lake property. (Revised October 24, 2017).

Section 5 - Notice of Special Meetings of Trustees

Notice of any special meeting of the Board of Trustees shall be given to the Trustees at least two (2) working days prior to the date of the meeting, notices shall state the purpose for which the stated meeting is being called. Every reasonable attempt shall be made by the Board of Trustees to deliver the notice to the members. Methods used may include, but not limited to electronic means, entrance sign or phone. (Revised October 24, 2017). The attendance of a trustee at any meeting shall constitute a waiver of notice of such meeting, except where a trustee attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called or convened.

Section 6 - Attendance at Meetings

The Board, as often as possible, should operate with a full nine (9) members. Unexcused absence by a trustee from two (2) regular consecutive meetings shall be cause for dismissal. After two (2) such absences, the Board may request in writing that trustee's resignation. If unanswered within ten (10) days, dismissal is automatic. Any Trustee, who does not attend sixty (60) per cent of all regular and special meetings for any reason during a prior consecutive 12-month period after taking office, will be automatically dismissed. (Revised October 13, 2017).

Section 7 - Order of Business

Order of business at Board of Trustees' meetings shall be as follows:

- A. Roll call
- B. Property owners' comments
- C. Reading of the minutes of the previous meeting
- D. Reports of committees
- E. Unfinished business
- F. New business.

The order of items C – F may be modified by the Board of Trustees.
(Revised October 13, 2016).

Section 8 - Quorum

A majority of the Board of Trustees shall constitute a quorum for the transaction of business at any meeting of the board other than the first annual meeting wherein officers are selected. A minimum of seven (7) must be present for such selection. If less than a quorum is present at said meeting, a majority of the trustees present may adjourn the meeting from time to time without further notice. A trustee may attend a meeting by means of a telephone or live electronic connection as long as this arrangement does not result in additional expense to the association.

Section 9 - Manner of Acting

The act of a majority of the trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees, unless the act of a greater number is required by law or by these regulations.

Section 10 - Vacancies

The Trustees shall fill all vacancies on the Board of Trustees created by death, incapacity or resignation until the next annual election of Trustees, by appointing the person receiving the next highest number of votes in the most recent election.

Section 11 - Compensation

Trustees as such shall not receive any stated salaries for their service, but by resolution of the Board of Trustees a fixed sum for expenses may be allowed for transportation or special service assigned by the Board to a trustee.

Section 12 - Indemnification

The Association shall indemnify and hold harmless all officers, elected officials, agents and employees of the same from any and all claims or judgments, to include reasonable attorney fees and expenses arising during and out of the performance of their duties, in conformity with the general statutes and case law of the State of Ohio governing the indemnification of officers and elected officials of a nonprofit corporation.

Section 13 - Additional Duties of the Board of Trustees

In addition to the general powers granted to the Board of Trustees in Section 1, the Board is specifically responsible to:

- A. Accept and/or reject members and rule on members in good standing by a majority vote.
 - B. Annually review and confirm duties assigned to all employees.
 - C. Adopt and/or amend Rules and Regulations according to Article XIII and to enforce such rules and regulations by any legal or appropriate action they deem advisable.
 - D. Annually, provide a list of rules and regulations to include all revisions, deletions, or additions made to it during the previous year. Copies of all current rules and regulations will be available at the office for any member during normal hours and shall be posted on the Choctaw Lake website. (See Article VI - Committees, Section 3A.).
 - E. Recommend changes in regular and special assessments to the membership.
 - F. Annually to designate and secure an auditing firm or appoint an Auditing Committee of non-officers to examine the financial records of the Association.
 - G. Annually review and update the five (5) year long range plan.
 - H. Annually review and approve the annual budget at the February meeting, prior to seating the new board.
 - I. Quarterly review actual numbers vs. the budget.
 - J. Annually review in March the current Directors of the Choctaw Utilities Board, fill any vacancies, by vote of the Trustees, as necessary for the continued operation of the Choctaw Utilities Company.
 - K. Conduct any other business deemed appropriate by the Board of Trustees.
- (Revised October 13, 2016).

ARTICLE V OFFICERS

Section 1 - Officers

The officers of the Association shall be a President, one or more Vice Presidents (the number thereof to be determined by the Board of Trustees) a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Trustees may elect or appoint such other officers, treasurers, including one or more assistant secretaries and one or more assistant treasurers, as it shall deem necessary, such officers to have the authority and perform the duties prescribed, from time to time by the Board of Trustees. No member may hold more than one office at the same time in the Association.

Section 2 - Election Qualifications and Term of Office

The officers of the Association shall be elected annually by the Board of Trustees at the regular annual meeting of the Board of Trustees or by mail as is heretofore provided in these regulations. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until a successor shall have been duly elected and shall have qualified. Officers must be members of the Association in good standing and also be on the Board of Trustees.

Section 3 - Removal

Any officer elected or appointed by the Board of Trustees may be removed as an officer by the Board of Trustees whenever in its judgment the best interests of the Association would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

Section 4 - Vacancies

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Trustees for the unexpired portion of the term.

Section 5 - President

The President shall be the principal executive officer of the Association and shall, in general, supervise and control all the business and affairs of the Association. The President may sign, with the Secretary or any other proper officer of the Association authorized by the Board of Trustees, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Trustees has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Trustees or by these regulations or by statute to some other officer or agent of the Association; and in general, he or she shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Trustees from time to time.

Section 6 - Vice President

In the absence of the President or in the event of the President's inability or refusal to act, the Vice President (or in the event there is more than one Vice President, the Vice Presidents in order of their election) shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Any Vice President shall perform such other duties as from time to time may be assigned to them by the President or by the Board of Trustees.

Section 7 - Treasurer

The Treasurer shall be required by the Board of Trustees to be bonded for the faithful discharge of his or her duties in such sums and with such surety or sureties of the Association; receive and give receipts for monies due and payable to the Association from any source whatsoever, and deposit all such monies in the name of the Association in such banks, trust companies, or other depositories as such be selected in accordance with the provisions of Article VII of these regulations; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Trustees.

Section 8 - Secretary

The Secretary shall keep the minutes, or directly supervise the person hired by the board to record the minutes of the meetings of the members and the Board of Trustees (Revised October 13, 2016); see that all notices are duly given in accordance with the provisions of these regulations or as required by law; be custodian of the corporate records, and in general perform all duties incident to the office of the Secretary and such other duties as from time to time may be assigned to him or her by the President or by the Board of Trustees. (Revised October 24, 2017).

Section 9 - Assistant Treasurers and Assistant Secretaries

If required by the Board of Trustees, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with sureties as the Board of Trustees shall determine. The Assistant Treasurers and Assistant Secretaries, in general, shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the President or the Board of Trustees.

ARTICLE VI COMMITTEES

Section 1 - Committees of Trustees

The Board of Trustees by resolution adopted by a majority of the Trustees in office may designate one or more committees, each of which shall consist of at least two (2) or more trustees. The committees may have and exercise the authority of the Board of Trustees in the management of the Association to the extent provided in said resolution. The designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Trustees, or any individual trustee, of any responsibility imposed upon it or them by law. The Board of Trustees may appoint a member in good standing to serve on any Committee of Trustees, when appropriate. These committees may include, but not be limited to: Collections, Governing Documents Review, Investment, Lake Drainage, Roads and Dam, Lake Water Quality, Land/Facility and Long-Range Planning, Patrol and Security, and Personnel. (Revised October 24, 2017).

A. Governing Documents Review Committee

This committee is to review and recommend changes to the governing documents of the Association. They are charged with updating the governing documents as needed, making sure copies are available in the office and on the website and getting the updated documents registered in the county recorder's office. (Revised October 24, 2017).

Section 2 - Other Committees

Other committees not having and exercising the authority of the Board of Trustees in the management of the Association may be designated by a resolution adopted by a majority of the trustees present at a meeting at which a quorum is present. Other committees shall consist of at least one (1) trustee. Except as otherwise provided in such resolution, members of each such committee shall be members of the Association in good standing. The Board of Trustees may appoint the chairperson and may appoint the members thereof, or empower the chairperson to select his or her committee members. The person or persons having made the appointment may, whenever, in their judgment, the best interests of the Association shall be served, remove the appointed member. These committees may include, but not limited to: Beautification, Building Review, Communications, Fundraising and Volunteers, and Recreation.

Section 3 - Standing Committees

The Board of Trustees shall annually appoint the following standing committees:

A. Nominating Committee:

The Board of Trustees shall appoint annually prior to October 15, a Nominating Committee consisting of three (3) to five (5) members of the Association in good standing, none of whom are serving on the Board at the time of appointment. Said committee shall have the responsibility to conduct the annual election at the time and date set by the Board of Trustees. The duties and restrictions placed upon said committee are as follows:

- (1) Nominations - Said committee shall solicit full voting members in good standing to be candidates for the office of Trustee. The committee will receive, check and certify all candidates seeking office by petition.
 - (a) The committee will ensure there will be more than three candidates in total. The committees should try to limit candidates to a maximum of three (3) for each vacancy.
 - (b) No nomination or petition of candidates will be made or accepted later than December 1st of each fiscal year in which an election is conducted.
- (2) Publicity - Said committee shall be responsible for securing resumes from all candidates prior to December 10th for publication in either a regular or special edition of a newsletter to all members prior to the election.
- (3) Ballots -
 - (a) All Elections to the Board of Trustees shall be made on a written or electronic ballot provided by the Nominating Committee, which shall: (Revised 10/14)
 - (1) Describe the vacancy to be filled.
 - (2) Be distributed on the basis of one ballot for each voting member, except that a member who owns more than one lot on which full assessments are paid, shall receive a vote per lot, with no more than five (5) votes per property owner. (Revised October 24, 2017).

- (b) After voting, each ballot shall be returned in a sealed envelope marked "Ballot" but not marked in any other way. Each such "Ballot" envelope shall contain only one (1) ballot and the inclusion of more than one ballot in any "Ballot" envelope shall disqualify the return. Each such "Ballot" envelope shall be placed in another sealed envelope; which shall bear on its face the name of the member, lot number, and such other information as the Board may determine will serve to establish the right to cast the vote presented in the ballot contained therein. This outer envelope shall be addressed and returned to the "Ballot Counting Committee" at a designated P.O. Box, London, OH 43140.
- (c) Ballots shall be picked up from the PO box by the Patrol Chief. The ballots shall remain in his possession in a secure place until the ballots are turned over to the Ballot Counting Committee after the election is closed. (Effective October 24, 2017).
- (d) When secure electronic balloting becomes available, the ballot committee shall formulate procedures for the completion and counting of those ballots. (Revised 10/14).
- (e) When electronic balloting becomes available, a member must elect to participate in the electronic balloting in writing, otherwise the member will receive all ballots pursuant to the procedures outlined above. (Revised 10/14).

B. Ballot Counting Committee:

The Board of Trustees will appoint at least three (3) full voting members in good standing to serve as Election Inspectors whose duty it shall be to the best of their ability, to receive and count ballots cast. This Committee shall receive the "Ballot" envelope, each in its outer envelope as described in Section 3 B- 3 (b) and immediately place it in a safe or other locked place until the day fixed by the Board of Trustees for the counting of such ballots. On that day, the Ballot Counting Committee shall:

- (1) Examine the external envelopes containing the "Ballot" envelopes to establish that such member is a full voting member in good standing. Such procedure shall be taken in such a manner that the vote of any member shall not be disclosed to anyone, including the Ballot Counting Committee. The outside envelope shall thereupon be placed in a safe or locked place.
- (2) The Ballot Counting Committee shall proceed to opening the "Ballot" envelopes, and the counting of the votes. If any "Ballot" envelope is found to contain more than one (1) ballot, all ballots in such envelope shall be disqualified.
- (3) It shall tabulate the results of the voting and certify the winning candidates to the Nominating Committee and the Board of Trustees. The three candidates receiving the highest number of votes shall be deemed winners to fill the vacancies for three-year terms. Any vacancies for shorter than three-year terms shall be filled by the persons receiving the next highest number of votes, first for two-year terms, then for one-year terms. In case of a tie for the third vacancy to be filled, the winner will be determined by a vote of the current Board of Trustees for one of the individuals tied for the third position.
- (4) The Ballot Counting Committee thereafter shall cause each Trustee elected to be notified and secure assurance that the candidates will accept the office to which he or she has been elected.
- (5) All outside envelopes, ballots and statements of candidacy shall be retained at the office of the Association for a period of one year.
- (6) If there are five (5) or less votes between possible winning candidates, then a recount will be conducted by the Board of Trustees. (Revised October 13, 2016).

Section 4 - Term of Office

Each member of a committee may continue as such until the next annual meeting of the Board of Trustees and until a successor is appointed unless the committee shall be sooner terminated, or unless such member shall be removed from such committee or unless such member shall cease to qualify as a member thereof.

Section 5 - Vacancies

Vacancies in the membership of any committee may be filled by appointment made in the same manner as provided in the case of the original appointments.

Section 6 - Quorums

Unless otherwise provided in the resolution of the Board of Trustees designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which quorum is present shall be the act of the committee.

Section 7 - Rules

Each committee may adopt rules for its own governance consistent with these regulations or with rules adopted by the Board of Trustees.

ARTICLE VII CHECKS, DEPOSITS, FUNDS

Section 1 - Checks, Drafts, Etc.

All checks, drafts or orders for payment of money, notes or other evidences of indebtedness issued in the name of the Association shall be signed by such officer or officers, agent or agents of the Association and in such a manner as shall from time to time be determined by resolution of the Board of Trustees. In the absence of such determination by the Board of Trustees, such instruments shall be signed by the Treasurer or Assistant Treasurer and countersigned by the President or Vice President of the Association.

Section 2 - Deposits

All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies or other depositories as the Board of Trustees may select.

Section 3 - Gifts

The Board of Trustees may accept on behalf of the Association any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Association.

Section 4 - Limitations

The Board of Trustees is limited to expenditures not to exceed ten percent (10%) of the current year's operating budget per annum for capital improvements. (Revised 5/10).

ARTICLE VIII BOOKS AND RECORDS

The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Trustees, and Committees having any of the authority granted by the Board of Trustees, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. Any member or his agent or attorney may inspect all books and records of the Association for any proper purpose during the ordinary business hours.

ARTICLE IX FISCAL YEAR

The fiscal year of the Association shall begin on the first day of March and end on the last day of February in each year.

ARTICLE X PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Roberts Rules of Order shall govern the Choctaw Lake Property Owners Association in all cases to which they are applicable and in which they are consistent with this constitution and any special rules of order the Association may adopt. In addition to Roberts Rules of Order, the Board of Trustees may provide additional procedures to be followed during the meeting. (Revised October 13, 2016).

ARTICLE XI
AMENDMENT OF THE CONSTITUTION

This constitution may be Revised by a majority of members present at any regular biannual meeting of the Association if at least ten (10) days prior to the meeting written notice is given all members in good standing on intention to amend the same at such meeting and provided further that a quorum as defined in Article III. Section 5 is confirmed.

ARTICLE XII
RULES AND REGULATIONS

Section 1

Rules and Regulations may be made by the Board of Trustees as may be necessary to implement this Constitution or for the proper functioning of the Association. They can be changed by the Board of Trustees or by a majority vote of members at a regular biannual meeting provided that a quorum is present. (Revised October 13,2016).

Section 2

These rules and regulations shall be printed and updated annually for availability to all property owners.

ARTICLE XIII
COMMUNAL REAL ESTATE

All communal real estate owned by the Choctaw Lake Property Owners Association for community and individual owner usage, including the Lodge, Arrowhead, Park Areas, Green Areas, Boat Easement Areas are defined as the following lots: 16, 91, 158, 173, 229, 232, 339, 345, 346, 347, 370, 411, 454, 455, 456, 540, 558, 791, 794, 801, 814, 824, 957, 957A and 1056 (Revised 10/07) (Revised October 13, 2016) (excluding lots owned or acquired by Choctaw Lake Property Owners Association, Inc. for resale and boat docks and storage area (Revised 5/91) will be maintained for all property owners in good standing. The above shall continue in their use and availability to all property owners in good standing and shall not be encumbered, sold, leased, rented, or otherwise obligated for any commercial usage for private gain with the exception of the Lodge and Arrowhead which may be rented for commercial use on a limited basis are defined in the "Rules and Regulations". (Revised 5/89).

Section 1 - Intent

- A. Article XIII does not intend to prevent the CLPOA at any Annual or Special Property Owners meeting from utilizing our above assets as collateral to guarantee our roads, dam, water works or other special specific projects of the CLPOA when approved by the vote of the members in good standing when a Quorum is present at said meeting.
- B. Article XIII is not intending that nonprofit organizations should be precluded from using these properties on an occasional basis when sponsored by property owners in good standing who are members of said organizations.