

BEVERLY BEACH ASSOCIATION, INC. BY-LAWS

Adopted: August 19, 2023
Revised: August 16, 2025

ARTICLE I Meetings

Section 1: Parliamentary Procedure

All meetings shall be conducted in accordance with established parliamentary procedure as governed by Robert's Rules of Order.

Section 2: Annual Meeting of Members

An annual meeting of the members shall be held each year on the third Saturday of August at 10:00 AM.

Section 3: Notice of Annual Meeting of Members

At least fourteen days prior to the date fixed by Section 2 of this Article for the holding of the annual meeting of members, written notice of the time, place and agenda for the meeting shall be delivered, as hereinafter provided, to each Association household.

Section 4: Order of Business at Annual Meeting

The order of business at the annual meeting of members shall be as follows:

1. Call to order by President
2. Reading of the minutes of the previous meeting
3. Introduction of new members
4. President's report
5. Treasurer's report
6. Annual dues
7. Counting of Mail-in Ballots for the Election of Officers and Directors
8. Announcement Officer and Director Election Results
9. Unfinished business
10. New business
11. Adjournment

In the absence of any objections, the order of business may vary at the presiding officer's discretion.

Following the meeting, a copy of the Treasurer's report and the full minutes shall be delivered to all Association households

Section 5: Special Meeting of Members

A special meeting of the members may be called at any time by the President or by a majority of the Board of Directors. To call such a meeting, a written notice shall be prepared setting forth its date and purposes, and signed either by the President or by a majority of the Board of Directors. No business not stated in the notice shall be transacted at any special meeting. Following a special meeting, a copy of the full minutes shall be provided to each Association household.

Section 6: Notice of Special Meeting of Members

At least fourteen days prior to the date fixed for the holding of any special meeting of members, written notice of the time, place and purposes of such meeting shall be delivered, as hereinafter provided, to each Association household.

Section 7: Meetings of Board of Directors

Meetings of the Board of Directors shall be held at such time and place as the President shall from time to time determine. At the request of individual Association members, Special Board meetings to discuss specific issues may be held, but only if approved by a majority of the Board. Whether or not there is majority approval may be determined by a poll of individual Board members. The results of such a poll shall be made available to all Board members. At a Special Board meeting, no business not included in the specific issues for which it was requested shall be transacted. Following each Board of Directors meeting, a copy of the full minutes shall be delivered to each Board member.

Section 8: Notices of Meetings of Board of Directors

At least seven days prior to the date fixed for the holding of a meeting of the Board of Directors, written notice of the time, place and purposes of such meeting shall be delivered to each Board member.

Section 9: Delivery of Notices and Minutes

All notices and minutes required to be delivered by these By-Laws shall be deemed duly delivered when the same have been addressed to the addressee at his or her last address and/or email address appearing upon the membership record of the Association, deposited in the United States mail, emailed, posted on the Association's official website, or hand delivered by an Officer or designee. Community members shall be notified via email of any new notices or minutes posted on the website, using the email address provided in the membership record.

Drafts of minutes and approved minutes may be delivered to Directors via email.

Section 10: Meeting Format

All membership and board meetings must be held in person except for any unforeseen or emergency situations.

ARTICLE II Quorum

Section 1: Quorum of Members

Presence of ten members, in person, shall constitute a quorum at any meeting of the members.

Section 2: Quorum of Directors

Presence, in person, of a majority of Directors shall constitute a quorum at any meeting of the Directors.

ARTICLE III Voting and Proxies

Section 1: Entitlement to Vote

Entitlement to vote shall be governed by Article IV of the Constitution of the Corporation.

Section 2: Method of Voting

For the election of Officers and Directors, voting shall be only by secret, mail-in ballot conducted as follows:

- No later than 8 weeks prior to the General Membership meeting to be held in an election year, the President shall appoint an Election Committee of no less than three Association members none of whom are running for an officer position (President, Vice President, Secretary, or Treasurer).
- Within 14 days of its appointment (Week 1 and 2), the Election Committee shall deliver a call for nominations for each officer position and each Board of Directors position to each Association household. A message will be added that the initial nominating process and eligibility for candidacy are going to be restricted to households (that have paid their dues) whose dues have been received by an Officer of the Association by the time that the Election Committee sets the nomination deadline. Any member who is in arrears at 5pm on the day of the nomination deadline date cannot have their nominations counted, or have their names appear on the ballot. If they make their payment after the deadline, they will be permitted to vote in that year's election, but they still cannot appear on the ballot.

- The Election Committee shall poll eligible incumbents to determine if he or she is willing to serve for another term. Those who are willing can nominate themselves on the nomination form and submit it to the Election Committee. Members shall be advised that nominations must be received within 7 days of the date of the notice. Members shall be advised of their right to nominate any eligible candidate for any position, including themselves. Nominations may be made on the nomination form and delivered to any member of the Election Committee. In the event of a dispute, the decision of the Election Committee shall be final within the nomination period.
- The Election Committee shall verify that each candidate is not in arrears, is a member in good standing, is eligible according to the Constitution and these By-Laws, and that candidates nominated by third parties are willing to serve. If the Committee determines a nominee is ineligible, he or she shall be so notified.
- Within 7 days (Week 3) the Election committee shall resolve all comments brought to its attention and prepare an official Ballot Form, which shall be final. The Ballot Form shall show the list of candidates for each elective position, in alphabetical order by surname, with marked space beside each candidate's name where a vote for that candidate may be recorded by a check or similar mark. There shall be no provisions for nay votes. The Ballot Form shall not show the name of the household with which it is associated, nor shall it be required to sign.
- The Ballot Form shall indicate that there shall be no more than one vote cast for each officer position and no more than 15 for Board of Director's positions. If the number of votes cast for a position exceeds these numbers then none of the votes cast for that position or positions will be counted. If there are less than 15 candidates for the 15 elective Board Member positions, then by default, all board member candidates are automatically elected and a Ballot Form shall not be distributed and elected officers will be announced at the membership meeting.
- Within 7 days (Week 4) from the close of the nomination period, the Election Committee shall deliver a copy of the Ballot Form to each Association household eligible to vote, since the President's vote will be required in the event of a tie, as provided for below.
- Delivered with each copy of the Ballot Form shall be a plain envelope with no external markings, and a stamped envelope addressed to the Election Committee at the Association's official address. This envelope shall show the return address of the specific household with which the Ballot Form is associated. The Ballot Form shall indicate that to be counted it must be sealed in the plain envelope, and mailed in the stamped-addressed envelope postmarked no later than 7 days (Week 7) prior to the date of the upcoming General Meeting. Only original Ballot Forms and mailing envelopes will be recognized.

- The count shall be conducted as follows:
 1. The Election Committee shall come to General Membership Meeting with all ballots that have been received up until the day before the meeting. Ballots shall have been kept sealed in their mailing envelopes.
 2. The Election Committee shall conduct its count in full view of the members present at the meeting. Each candidate for an officer position may have a representative observe the count; however, in the event of a dispute, the decision of the Election Committee shall be final.
 3. Ballots not postmarked prior to the required date shall be set aside, unopened, and shall not be counted.
 4. Any of the remaining ballots shall be removed from their mailing envelopes but kept sealed within their plain envelopes. The mailing envelopes shall be discarded. Ballots in their plain envelopes shall then be selected, at random, one at a time. As each ballot is selected the Election Committee shall verify that it includes no more than the allowable number of votes. A valid ballot shall be counted; an invalid ballot shall be set aside uncounted. The Election Committee shall publicly announce its disposition of each ballot before proceeding to open the next ballot. As the count progresses, the official accumulative tally shall be displayed in a manner
 5. Elective positions shall be awarded to the candidates receiving the most votes. It is not necessary for an officer candidate to receive an absolute majority. In the event of ties, the tie will be broken by the vote of the presiding officer. If the presiding officer is one of the tying candidates, then he or she may vote for himself or herself.
 6. Following the count the Election Committee shall announce the official results. A flyer will be sent out after the membership meeting that will include the results of the election.

Section 3: Absentee Ballots (replaces Proxies)

Absentee ballots may be provided for a specific vote, as determined by the Board of Directors.

ARTICLE IV Board of Directors

Section 1: Number and Term of Directors.

The business, property and affairs of this corporation shall be managed by a Board of Directors composed of the Officers and eight to fifteen additional persons. All Board members shall be 21 years or older and from a household not in arrears of dues of this Corporation. Each Director shall hold office for a term of two years. There shall be no limitation on Directors succeeding themselves, provided they are re-elected, There shall be no more than one Director from any one household.

Section 2: Election of Directors

The election of Directors shall follow the procedure provided in Article III of these by-laws.

Section 3: Vacancies in Officer and Board of Directors Positions

Vacancies in Officer positions must be filled by an existing Director approved by a majority of the remaining Directors. Vacancies in Board of Director positions may be filled, by a member in good standing approved by a majority of the Directors, but only if the remaining number of Directors, excluding the Officers, is less than eight. Each person so appointed to fill a vacancy, may remain an Officer or Director for the term of the vacancy he or she fills.

Section 4: Power to Order Disbursement of Funds

Power of the Board to order disbursement of funds for recurring expenses such as insurance, maintenance and the block party, shall be limited to a maximum increase of twenty per cent (20%) over the prior year's cost. Power of the Board to order disbursement of funds for non-recurring expenses shall be limited to twenty five percent (25%) of the Association's annual dues revenue for the current year or the last year for which there are complete records. Amounts in excess of these values must go to vote by the membership.

Section 5: Power to Declare an Emergency Disbursement of Funds

By a majority vote of the Board an emergency may be declared which would pose an immediate threat to the safety or property of the membership where time is of the essence and would require an immediate disbursement of funds. This would not require a vote by the membership nor restrict the amount of the disbursement and would be left to the discretion of the Board

ARTICLE V Officers

Section 1: President

The President shall be the chief executive officer of the Corporation and shall preside over all meetings of the Board of Directors and or the members. The President shall have the power to appoint committees with such functions as he or she deems advisable. The President shall be an ex-officio member of every committee. The President shall not vote at any meeting, including general and special membership meetings, Board of Directors' meetings or any committee meeting, unless the vote is equally divided, in which case the President's vote shall be decisive.

Section 2: Vice President

The Vice President shall perform all the duties and exercise the powers of the President during the absence or disability of the President.

Section 3: Secretary

The Secretary shall conduct all correspondence of the Corporation and keep accurate minutes of the proceedings of the Corporation in Robert's Rules format. At each meeting and Board of Directors' meeting the presiding officer shall, in the absence of the Secretary, appoint a designee to record the minutes of that meeting.

Section 4: Treasurer

The Treasurer shall have custody of all corporate funds and shall keep, in books belonging to the Corporation, full and accurate accounts of all receipts and disbursements. The Treasurer shall disburse the funds of the Corporation as may be ordered by the Board of Directors, obtaining proper vouchers for such disbursements, and shall render same to the Board of Directors, whenever requested by the President, and shall render to the members at the annual meeting an account of all the Corporation's transactions. The Treasurer shall deposit the funds of the Corporation in its name and in a bank designated by the Board of Directors and shall make all payments by checks signed by him or her and countersigned by the President. In the event either of them is absent or incapacitated, checks may

be signed or countersigned by the Vice President and Secretary respectively. Once a year prior to the Annual Meeting, the Treasurer shall provide to the Board an official copy of the bank statement confirming the balance as stated in the Treasurer Report.

Section 5: Term of Office

All the foregoing offices shall be held for a term of two years. Officers may hold office for no more than two consecutive terms, unless, at the end of the second term, he or she runs unopposed for the same position. An outgoing officer may not be succeeded in his or her position by a member of his or her household. There shall be no limitation on outgoing Officers being eligible for membership on the Board of Directors. Elections for Officers and Board of Directors positions shall be held concurrently

Section 6: Limitation on Officer Positions

There shall at no time be more than one officer position filled from any single household, nor shall an officer and a director position be filled from a single household.

ARTICLE VI Membership, Dues and Assessments

Section 1: Membership

Membership shall be in accordance with Article IV of the Constitution.

Section 2: Dues and Assessments

The Association protocol for collecting dues:

1. On or about April 1, first dues notices will be sent out with a reply date of 30 days, or late fees will apply.
2. On or about May 1, second notices will be sent out with a \$10 late fee. Late fees are mandatory and will not be waived.
3. On or about June 1, a final notice, in the form of a “priority mail with delivery confirmation” letter, will be sent to non-payers.
4. Financial hardship cases will be considered by the Board for a one time, one year reprieve of the current year’s dues. All prior years’ dues must be paid, including late fees. A letter of financial hardship must be addressed to the Board to be considered. Names will be kept confidential.
5. By August 1, as a courtesy, non-payers who are only in arrears for the current year may be visited by volunteers to try to collect current dues, including a \$10 late fee.

6. When all attempts fail, non-payers will be notified, by a “priority mail with delivery confirmation” letter, that a lien may be placed on their property, along with the following consequences:

- a) Late fees will be multiplied for each year late. Dues that are four years late will have a \$40 late fee, three years late will have a \$30 late fee, two years late a \$20 late fee.
- b) Interest on all monies owed to the Association, of not less than 10% as determined by the Board yearly, will also apply.
- c) Filing fees for a lien will also be recovered by the Association.
- d) A lien may affect non-payers’ ability to refinance their mortgage or get a home equity loan. All monies owed the Association will be collected at or before closing.
- e) The Association will not honor any request from a Realtor or bank for a “member in good standing” letter until all monies owed have been paid.

7. Non-payers will not be able to participate in any BBA functions, hold any office, serve on a committee, or vote in any election. The Board will not address their issues or concerns.

This policy shall be in effect for all homeowners in Beverly Beach.

ARTICLE VII Amendment of By-Laws

These By-Laws may be amended, altered, changed, added to or repealed by the affirmative vote of a majority of the votes entitled to be cast at any regular or special meeting of the members called for that purpose.

ARTICLE VIII Election Results

Following the count the Election Committee shall announce the official results, which shall also be included in and distributed with the minutes of the annual General Membership meeting.

ARTICLE IX Community Communication and Digital Platforms

Section 1: Signal App

- Membership in the BBA Signal App group is limited to current dues-paying members of the Association and their immediate family members residing in the community
- Access may be revoked at any time by a majority vote of the Board for violations of these by-laws or non-payment of dues
- Communications in the Signal App must be relevant to the Association's interests and community welfare. Permitted communication types include:
 - Announcements from the Board, such as community reminders, event schedules, and maintenance alerts.
 - Emergency notifications, including community safety concerns
 - Community event promotions such as beach cleanups, social gatherings, or recreational activities
 - Polite and respectful interactions that enhance community spirit, such as greetings or acknowledgments
 - Informal communications that foster community engagement and thoughtful discussion are encouraged. Any formal communications—such as feedback to the Board, concerns, or community disapproval—are not permitted and should be submitted directly to the Board via the BBA email address.

ARTICLE X Beach Rules

- No Littering: Keep our beaches clean.
- No dogs allowed on beach during July and August
- Dogs must be leashed
- All beachgoers must comply with all applicable town, county, state, and federal laws