

Adopted 9/12/20
2:45 pm

Nuestra Señora del Rosario San Fernando y Santiago Land Grant Bad Standing Bylaw

1. Authority and Purpose

The purpose of this bylaw is to establish a fair and consistent process for addressing member infractions and, when necessary, placing a member in Bad Standing while protecting the member's right to notice and a hearing.

2. Definition of Infraction

An infraction is any violation of the bylaws. An infraction also includes but is not limited to, entering the Land Grant during a closure without Board approval, illegal dumping, and failure to renew a lease, or abide by the lease agreement.

↑
grazing ^{cattle} w/out permits

It is the responsibility of every member to know and comply with all bylaws, rules, and closures. Ignorance of these requirements is not a valid defense for failure to comply.

3. Notice of Alleged Infraction

When an alleged infraction occurs, the member shall be notified by certified mail. The notice shall include:

- A description of the alleged infraction;
- The date, time, and location of the next regular meeting;
- Notification of the member's right to appear at the meeting and defend themselves.

4. Hearing and Vote

The alleged infraction shall be considered at the next regular meeting of the membership. The member shall have the right to appear, speak, and present a defense. The member shall be given up to ten (10) minutes per infraction to speak and present a defense.

After hearing from both the Board and the member, the membership shall vote by written ballot on whether to place the member in Bad Standing. A majority vote of the members present, and voting shall be required to place a member in Bad Standing. The member may be present while votes are tallied. Alternatively, the member may ask another member of the Land Grant to be present while the Board tallies the votes.

5. Duration and Finality

If imposed, Bad Standing shall remain in effect for one (1) year from the date of the vote. Bad Standing shall remain in effect regardless of changes in Board membership. A subsequent Board or membership may not revoke or shorten the Bad Standing period.

6. Automatic Bad Standing for Lease Expiration

Prior to the expiration of a lease, a member shall either take the necessary steps to ensure that their lease is renewed, or alternatively, the member may relinquish their lease. If the member intends to renew their lease and fails to take the necessary steps to do so prior to its expiration, the member shall be automatically placed in Bad Standing until a new lease has been properly executed. No vote is required for this action. Consistent with the process set forth above, however, the member will be notified of the infraction via certified mail and membership will be notified that the member who failed to renew their lease has been placed in Bad Standing at the next regularly scheduled meeting.

7. Penalties During Bad Standing

While in Bad Standing, a member shall not:

- Enter the Land Grant and must surrender their key;
- Participate in any hunting drawings;
- Be nominated for, elected to, or serve in any Board position;
- Exercise member privileges, including but not limited to firewood, dirt, latillas, vigas, or Christmas trees.

Additionally, a member in Bad Standing is not permitted to transfer their share, except that if a member passes away while in Bad Standing, the share may be transferred to the member's heir. Any penalty imposed must be satisfied by the heir before the transfer is completed and Bad Standing status is lifted.

Members in Bad Standing may continue to attend meetings but may not vote on any matter requiring a vote from the membership.

8. Subsequent Infractions During Bad Standing

If a member commits another infraction of any kind during the time that they are in Bad Standing, penalties shall be imposed as set forth below:

- The Bad Standing period will be extended for one (1) additional year per infraction, and a fine will be imposed as follows:

1. Second infraction: \$500
2. Third infraction: \$1000
3. Fourth infraction: the member's share will be suspended indefinitely.