

RULES OF ORDER
LAZY BEND EXECUTIVE COMMITTEE
as amended Dec 7, 2017

PREAMBLE

To create and carry out a uniform plan for the maintenance and repair of bulkheads and canals;

To collect, properly account for, and disburse all moneys payable to the Lazy Bend Executive Committee;

To ensure and encourage, proper maintenance of streets, lighting, drainage, general upkeep, etc., through use of the moneys collected, cooperation of property owners, and coordination with appropriate city and county governments;

To guide all actions toward the goal of maintaining or improving Lazy Bend Subdivision property values.

ARTICLE 1 — PURPOSE

The purpose of this document is to set forth rules and procedures by which the Lazy Bend Executive Committee (herein after called LBEC) shall conduct its business. All materials contained herein shall be as authorized and directed by the *AMENDMENT, MODIFICATION AND RESTATEMENT OF COVENANTS AND RESTRICTIONS OF LAZY BEND SUBDIVISION*, recorded in records of Galveston County, Texas on July 15, 1993, as updated from time to time.

The LBEC shall work with the property owners in Lazy Bend Subdivision to support the objectives stated in the preamble and for such worthy causes as may be determined proper by the LBEC.

ARTICLE 2 — MEETINGS

The Lazy Bend Association shall conduct two regular meetings per year which all Lazy Bend Subdivision property owners are urged to attend:

First Semi-annual Meeting: During the fourth week of January to elect President (alternate years only), and three (3) Executive Committee members.

Second Semi-annual Meeting: During the fourth week of July.

Robert's Rules of Order shall apply at all meetings.

The president or LBEC may call a special meeting of the Lazy Bend Association to consider any important and unusual matters that would be of concern to, or would require the vote of, property owners.

The LBEC shall meet bi-monthly or more often as necessary and as directed by the President. Meetings shall be held during February, April, June, August, October and December. A quorum for a LBEC meeting shall be four (4) of the seven (7) members.

ARTICLE 3 — COMMITTEES

The LBEC shall appoint an Architectural Control Committee as prescribed in detail in the *COVENANTS AND RESTRICTIONS*. A Bulkhead Committee shall be appointed by the LBEC as a standing committee. Other temporary or standing committees shall be appointed by the President, as needed.

The Architectural Control Committee and Bulkhead Committee shall operate by rules of order approved by the LBEC.

The LBEC shall require committee reports either written or oral as appropriate and at least annually stating activities and decisions rendered.

ARTICLE 4 — BUDGETS AND EXPENDITURES

The LBEC shall prepare a Proposed Annual Budget in December for the succeeding year. Copies of this budget will be distributed to all members at the January Annual Meeting. The newly elected LBEC will then adopt a final Budget for the year and copies shall be sent to all property owners in the Lazy Bend Subdivision. The Budget shall detail the planned income and expenditures for the coming year.

All contracts and disbursements must be approved by a majority vote of the LBEC present at the meeting.

Limits as to the maximum moneys to be disbursed from the assessments and special assessment fund shall be as follows:

100% of expenses for maintenance and operation of the common areas as prescribed by the *COVENANTS AND RESTRICTIONS*.

100% of all expenses incurred in normal LBEC business (printing, stationery, postage, etc.)

100% of canal dredging made necessary due to normal silting action from tidal movement.

20% reimbursement to Lazy Bend property owners of cost on approved bulkhead and drainage repairs that were made according to the specifications outlined below.

All moneys due to property owners for such repairs as stated above will be paid, as available from the moneys budgeted for that purpose. When money is not available for full immediate payment when due, the remainder will be paid as soon as assessments are received. However, claims for reimbursement will not be accepted from a property owner whose assessment account is delinquent.

A Lazy Bend Association Reserve Fund shall be established and maintained, separate from the Lazy Bend General Fund. The Reserve Fund shall be used to address significant unpredictable expenses not covered in the Lazy Bend Annual Budget.

The Reserve Fund shall be funded and maintained by collecting an additional assessment of \$.01/square foot Reserve Fund fee, in addition to the normal Lazy Bend annual assessment. Payment schedule shall be concurrent with and subject to the same terms as the normal Lazy Bend annual assessment.

The proposed Reserve Fund fee shall be collected annually until the Reserve Fund account exceeds a balance of \$50,000. Should the Reserve Fund account be depleted below a balance of \$37,000, the Reserve Fund fee would then be reinstated until the account balance again exceeds \$50,000.

Expenditures paid from the Reserve Fund will be at the discretion of the Lazy Bend Executive Committee. Establishment of the Reserve Fund will in no way interfere with or replace the optional implementation of Special Assessment(s) when required.

ARTICLE 5 — CHANGES IN RULES OF ORDER

These Rules of Order may be altered, amended, or changed by a majority vote of 51% of those present at a public meeting having a quorum of 25% of the property owners of Lazy Bend Subdivision. Any changes shall then be sent to all Property Owners of record in Lazy Bend Subdivision.

ARTICLE 6 — USE OF CANALS

The purpose of this article is to provide a clear and consistent method of determining compliance with *COVENANTS AND RESTRICTIONS* “Article IV — Use of Canals.”

COVENANTS AND RESTRICTIONS

“Article IV — use of Canals” Paragraph I — reads as follows:

The canals within the Subdivision shall be used only by boats owned by members of the Lazy Bend Association or their guests; all other boats are strictly prohibited. Boats belonging to persons who are not members of this Association are not permitted to enter the canals during times of hurricane or inclement weather.

This article shall apply to:

- 1) All Permanent resident(s) or property owner(s) of Lazy Bend Subdivision.
- 2) All boats power or sail regardless of whether the boat is normally kept in the canal or out of the canal. Boats normally kept outside the bounds of Lazy Bend Subdivision, but otherwise meeting all other requirements of the *COVENANTS AND RESTRICTIONS*, are also required to be in compliance for admittance to the canals during times of hurricane or other inclement weather.

Method of Determining Ownership:

- 1) U.S. Coast Guard Certificate of Documentation which names a permanent resident(s) or property owner(s) of Lazy Bend Subdivision as owner of the boat.
- 2) State of Texas Certificate of Number which names a permanent resident(s) or property owner(s) of Lazy Bend Subdivision as owner of the boat.
- 3) In addition to requirements 1 or 2 above, in a case of multiple owners, not all of which are a permanent resident(s) or property owner(s) of Lazy Bend Subdivision, a Notarized Statement by all owners which reflects the permanent resident(s) or property owner(s) of Lazy Bend Subdivision as principal or majority owner will be required. This document must be dated and presented to the LBEC within 30 days of notification of it being required.
- 4) When the documents in Items 1, 2 & 3 above are not in effect, the LBEC may review on an individual basis other documents to determine if they are of equal legal value to those specified. The documents shall be presented to the LBEC within 30 days of notification of it being required.
- 5) A guest's boat shall be described as a boat which does not violate any *COVENANTS AND RESTRICTIONS* of Lazy Bend Subdivision, and does not spend more than 30 days annually within the bounds of Lazy Bend Subdivision.