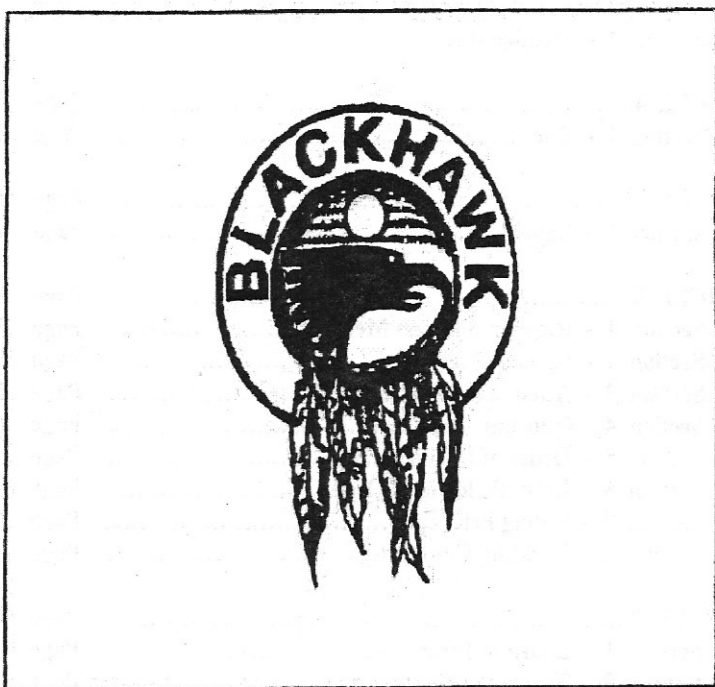


# **BLACKHAWK HOME OWNERS ASSOCIATION**



## **BY-LAWS**

May 2008

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## ARTICLE 1

### **Section 1 - Description**

The name of this organization shall be the  
BLACKHAWK HOME OWNERS ASSOCIATION.  
A nonprofit corporation as filed with the State of Nebraska in  
Articles of Incorporation signed by the Secretary of State of  
Nebraska on November 19, 1991.

#### ***Subsection (a)***

The Association will provide services to all persons who  
are residing, renting or otherwise owning property within the  
borders of the Blackhawk Subdivision.

#### ***Subsection (b)***

The official business address of the Blackhawk Home  
Owners Association shall be the resident address of the current  
Secretary of the Association.

## ARTICLE 2

### **Section 1 - Goals**

The goals of the Association shall be, in general, to work for  
the establishment and maintenance of the Blackhawk Subdivision.  
Also to foster and promote good will among all the subdivision  
residents and with the community in which it resides. The  
Association will support all activities that promote the safety, peace  
and management of the Blackhawk subdivision.

### **Section 2 - Duties**

The duties of the Blackhawk Home Owners Association are  
to work for the Goals as outlined in these By-Laws and the  
Protective Covenants of the Blackhawk Subdivision. Specific  
duties include, but are not limited to the following concerns:

- (a) The care, upkeep, lighting and maintenance of  
common facilities including decorative walls,  
landscaped areas, walkways, streets, street islands,  
medians, parkways or similar property.

- (b) To plant trees, shrubs, grass and otherwise beautify streets, landscaped areas, walkways, streets, street islands, medians, parkways or similar property.
- (c) To clean streets and other public property in the area including the removal of snow to the extent such services are not performed by a governmental subdivision.
- (d) To pay gas, water and electrical charges incurred in the maintaining, operating and lighting common facilities including lighting and maintenance of common facilities including decorative walls, landscaped areas, walkways, street islands, medians, parkways or similar property, but not including normal street lighting paid by any governmental subdivision.
- (e) To enter into contracts as may be necessary to do each of the foregoing set out in (a) through (d).
- (f) Determination of the common expenses required for the affairs of the Association.
- (g) Collection of required dues and charges from the owners.
- (h) Employment and dismissal of the personnel necessary for the maintenance and operation of the Association.
- (i) Opening of bank accounts on behalf of the Association and designating the signatories required therefore.
- (j) Obtaining insurance for the Association to cover the operations of the Association.
- (k) Maintain records of all activities of the Association.
- (l) Taking all other necessary and proper actions for the sound management of the Association and fulfillment of the purposes of the Property Owners Association

providing those purposes are consistent with these By-Laws, the Covenant of the Home Owners Association and State, Local and federal laws.

### **ARTICLE 3**

#### **Section 1 - Membership**

The owners of any lot within the Blackhawk Subdivision are required to belong to the Association and pay dues as described in Article 4 of these By-Laws. All other persons residing in the subdivision are encouraged to participate in the Association as a non-voting member.

##### ***Subsection (a)***

Furthermore, any business that is near the Blackhawk Subdivision that is interested in the objectives of the Association may become a non-voting member by paying the required dues or fees.

### **ARTICLE 4**

#### **Section 1 - Dues**

Dues shall be in such amount as determined by majority vote of the members present at a regular business meeting of the Association and will be assessed against each platted lot in the subdivision.

##### ***Subsection (a)***

Dues shall be billed by the Treasurer on an annual basis (January 1<sup>st</sup>) and are payable upon receipt. Otherwise, payment begins the month of real estate closing. Payment is made to the Blackhawk Home Owners Association. Dues shall become delinquent 30 (thirty) days after billing date and then will be subject to 10% of the outstanding balance as a late fee. A second notice will be sent to include late charges after 30 (thirty) days in arrears. Furthermore, 6 (six) months after the first billing date, a lien will be placed upon said property until the unpaid balance has been paid. The payment will include all late charges and filing fees.

***Subsection (b)***

The Association shall cause a review to be conducted at least annually of the amount of dues required to be paid.

**ARTICLE 5**

**Section 1 - Expenses**

The President, Vice President, Secretary and Treasurer will authorize all expenses that pertain to the normal operation of the Association. A minimum of two members of the Board of Directors must authorize each expenditure that is not authorized by the general membership.

***Subsection (a)***

Single expenses in excess of \$500.00 (five hundred dollars) will require a majority vote of the membership present at the meeting where the item is brought to the floor for discussion.

***Subsection (b)***

All normal expenses will be paid for by check. Each check will have no less than two signatures of members on the Board of Directors one of which shall be the President or Vice President.

***Subsection (c)***

Funds or property of the Blackhawk Home Owners Association cannot be divided gratuitously among the members. They shall remain intact for the use of the Association for its legitimate purposes while the subdivision remains in the Sanitary Improvement District. In the event the subdivision is annexed into a city government the remaining funds and property shall be disposed of by majority vote of the general membership on a closed ballot.

***Subsection (d)***

General operating expenses incurred by the Board of Directors or members doing transactions for the Association will be presented at the general business meetings for reimbursement.

***Subsection (e)***

The fiscal year of the Blackhawk Home Owners Association shall begin January 1<sup>st</sup> of each year and last until December 31<sup>st</sup> of that year.

**ARTICLE 6**

**Section 1 - Regular Business Meeting**

General membership meetings of the Blackhawk Home Owners Association shall be held on a bi-monthly basis beginning with the January meeting. The Board of Directors will meet on the months that the General membership does not meet. The date, time and location of the Board of Directors meeting will be set by the Board members and will be announced so that the general membership can attend if they desire.

**Section 2 - Special Meetings**

A Special meeting of the membership or Board of Directors can be held at the call of the President or their designee or by petition from any Association member. Petitions are filed with the Secretary who will then post the meeting for not less than 3 (three) business days from the date of petition receipt. The agenda and topic of the special meeting will be outlined on the petition.

**Section 3 - Attendance Roll**

Anyone attending any meeting of the Association will be required to sign an attendance roll that will be kept on file by the Secretary with the minutes of that meeting.

**Section 4 - Quorum**

10% of the occupied homes in the Blackhawk Subdivision shall constitute the numbers required to achieve a quorum at a regular business meeting. Non-voting members shall not be counted towards a meeting quorum.

**Section 5 - Order of Business**

The following shall be the order of business for regular business meetings:

1. Call to order
2. Sign in of members present



3. Reading of the minutes of previous meetings
4. Treasurer's report
5. Correspondence
6. Reports from committees
7. Unfinished business
8. New Business
9. Adjournment

### **Section 6 - Robert's Rules of Order**

The Scott, Foresman Robert's Rules of Order, newly revised, shall be the guide in all cases to which they are applicable, and in which they do not conflict with these By-Laws. Additionally, O. Garfield Jones' parliamentary procedure at a glance, new edition may be used as a reference guide during meetings by the Parliamentarian when such reference does not conflict with the By-Laws of Robert's Rules of Order.

### **Section 7 - Voting Privileges**

The privilege of voting on matters of interest to the Blackhawk Home Owners Association will be conferred to permanent residents and those otherwise holding property within the subdivision. Only one vote per platted lot regardless of the number of persons residing there.

#### ***Subsection (a)***

Members of the Association can hold proxy votes for other members who cannot attend a specific meeting. The proxy vote will be valid for that specific meeting and no more than one proxy vote is authorized for each platted lot. The proxy vote is only valid for the specific meeting. The member having the proxy vote will deliver a written request to the Secretary prior to the meeting with the name, address and signature of the member who is giving their proxy. Proxies can also be mailed into the Secretary by the property owner.

#### ***Subsection (b)***

Commercial or business interests that are dues paying members of the Blackhawk Home Owners Association, but who do

not permanently reside within the subdivision, are not eligible to vote during business or special meetings.

**Section 8 - Standing Committees**

1. By-Laws
2. Activities
3. Welcome/Membership
4. Parliamentary
5. Maintenance Committee
6. Other, as required

***Subsection (a)***

Committees cannot incur any debt or use the Association's name or resources in any fashion without approval of the Board of Directors or membership.

***Subsection (b)***

The President of the Home Owners Association shall act as an ex-officio member of all committees.

***Subsection (c)***

The Board of Directors may appoint Association members as required to the above committees. They may also appoint special committees for purposes that are necessary or required by the membership or the By-Laws.

**ARTICLE 7**

**Section 1 - Board of Directors**

The Board of Directors will consist of a President, Vice President, Treasurer and Secretary.

***Subsection (a)***

The Board of Directors may obtain fidelity bonds for all officers and employees of the Association and its managing agent, if any.

**Section 2 - Term of Offices**

Members of the Board of Directors will be elected by majority ballot at a general membership meeting for a term in office of two years (24 months). The term of office will begin on January 1<sup>st</sup> of that term.

***Subsection (a)***

Nominations for the offices will be held on the last regular business meeting of the year that elections are required. If more than one member is running for an office then a simple majority vote of the membership determines the office holder. Ballots will be distributed at the direction of the Board of Directors for voting.

**Section 3 - Eligibility for Office**

Only voting members in good standing in the Blackhawk Home Owners Association will be eligible for any office position.

**Section 4 - Vacancies in Office**

Vacancies in office or committee appointments, except that of President, are filled for the remainder of the unexpired term by a simple majority vote of the membership quorum at the next regular business meeting falling after the vacancy occurs.

***Subsection (a)***

Committee appointee vacancies may be replaced by the Board of Directors if an emergency appointment is necessary for the safety, peace and management of the subdivision.

***Subsection (b)***

A vacancy in the office of President will be filled by the Vice President for the remainder of the term.

**Section 5 - Removal for Cause**

Members holding office or committee appointments can be removed by the President for cause. The President shall meet with the Board of Directors regarding the removal. The member can appeal the removal from office by writing a letter to the Secretary prior to the next general business meeting. The nature of removal, the letter for reinstatement and any testimony will be heard at that

meeting. A simple majority vote of the members present at that meeting will determine if the removal stands.

***Subsection (a)***

Any officer or committee appointee can be removed by the membership at a general or special membership meeting. A two-thirds (2/3) margin on the vote remove that officer or committee appointee will be required.

**ARTICLE 8**

**Section 1 - Duties of the President**

The President will act in a manner which will enhance the Association and benefit its membership at all times. The president shall sign all necessary correspondence authorized by the Secretary and the membership. The President shall direct and be responsible for the day to day implementation of the Association's interests. The President will be prepared to appear before the Board of County Commissioners, the City Council of Bellevue, the Nebraska Legislature or any other body which may have an effect on the welfare, safety and maintenance of the Blackhawk Subdivision. The President shall receive all plans or blueprints for landscaping or other building improvements. The President shall then cause the Board of Directors to review the plans for possible approval.

**Section 2 - Duties of the Vice President**

The Vice President shall act in all matters pertaining to the Association in the absence of the President. The Vice President shall post notices of all meetings of the Association showing the date, time, location and agenda of such meetings. The Vice President shall be in charge of all properties owned, rented, leased or otherwise coming under the control of the Association.

**Section 3 - Duties of the Secretary**

The Secretary shall prepare and maintain the minutes of each regular membership meeting and all special meetings of the Association. The Secretary shall prepare correspondence at the direction of the President, Vice President, Treasurer, the membership or the By-Laws and shall maintain a file of all

correspondence sent or received by the Association. The Secretary shall maintain reports from the various committees.

***Subsection (a)***

The official business address of the Blackhawk Home Owners Association shall be the resident address of the current Secretary of the Association.

**Section 4 - Duties of the Treasurer**

The Treasurer shall receive and take charge of all monies and securities of the Association. The Treasurer will be responsible for the annual billing for the Association dues. The Treasurer will deposit all monies into the bank or banks selected by the Board of Directors. The Treasurer will keep accurate records of all receipts and disbursements and at the regular business meetings of the Association shall give a report of those transactions. The Treasurer will be responsible for preparing an annual budget for the Association and for billing the homeowners/lot owners on an annual basis for dues.

**ARTICLE 9**

**Section 1 - Liability of Officers and Committees**

The officers on the Board of Directors and all committee members shall not be held liable to the owners of the Subdivision for any mistake of judgment, negligence or otherwise except for their own individual willful misconduct or bad faith. The owners shall indemnify and hold harmless each of the officers of the Board of Directors and all committee members against all contractual liability to others arising out of approved contracts made by the Board of Directors or committee members on behalf of the Association unless any such contract shall have been made in willful misconduct or bad faith or contrary to the provisions of these By-Laws, the subdivision Covenant or State and federal laws.

***Subsection (a)***

It is intended that the officers of the Board of Directors and all committee members shall have no personal liability arising out of the aforesaid indemnity in favor of the officers of the Board of Directors or all committee members which shall be limited to such

proportion of the total liability there under as his interest in his own property bears to the interest of all the owners in the Association.

## ARTICLE 10

### Section 1 - By-Law

These By-Laws may be amended by a two-thirds (2/3) majority vote of the membership quorum present at a general business meeting of this Association. Any amended By-Laws will take effect at the conclusion of a two-thirds (2/3) majority vote of the membership quorum.