

Deebank Village Community Association

CONSTITUTION and BY-LAWS 1997

A constitution and by-laws regulating generally the purpose and conduct of affairs of the Deebank Village Community Association (hereinafter called the Association) is as follows:

CONSTITUTION

It is hereby declared that a community organization of property owners was formed by constitution and by-laws dated September 4, 1971, in Deebank Village, Watt Township, in the Township of Muskoka Lakes, Ontario, Canada, in order to conform with "Schedule A" of all property and/or predecessor property deeds granting rights and certain responsibilities to all Village common areas with proviso use of such community property. These proviso uses were melded into a general community spirit of responsibility, co-operation and protection of common interests by present and past individuals concerned. Coupled with needed social interaction the inherent rights of all are protected and cherished to form the strong Association required as representative of the community in total.

This new constitution and by-laws dated May 23, 1993, are intended to update and refine the existing constitution and bylaws to present-day practises for the purposes of protecting and serving the members of the Association as a total entity within the community. This new constitution and by-laws when approved should be amended as deemed necessary when collective opinion of the members of the Association require such changes.

BY-LAWS

ARTICLE I - PURPOSE

- 1.00 The **Association** shall be known as the "Deebank Village Community Association"
- 1.01 The **Association** shall be a non-profit organization with all revenues received and/or generated used or returned to the members of the **Association** in the form of community property improvement, maintenance, social functions and administrative expenses.
- 1.02 All elected officers, committee members and appointed members shall serve the **Association** in a voluntary capacity and shall receive no remuneration for such services rendered save and except reimbursement for second party expenses directly resulting from **Association** expenses.
- 1.03 The **Association** for the present time shall not be incorporated under present laws and regulations governing such non-profit corporations under the Government of Canada or Provincial Government of Ontario, but shall conduct the business and affairs of the **Association** under the intent of such non-profit corporation regulations governing same, save and except, legal, financial and administrative reporting which shall be solely reported and held responsible to the membership of the **Association**.

ARTICLE II - OBJECTIVES

- 2.00 To maintain the roads and community property common to all member/property owner(s) of the **Association** and respond to member/property owner(s) needs and recommendations as required.
- 2.01 To promote social interaction among all property owners to create a friendly, co-operative and neighborly spirit of community belonging as part of a vital **Association**.
- 2.02 To deal with the **Association**, individual member/property owner(s), Municipality and common community problems, recommendations and promotions under all prerequisites of this constitution and by-laws.

ARTICLE III - MEMBERSHIP

- 3.00 Membership in the **Association** shall be available to all property owners, spouses or trustees upon payment of annual fees levied by the **Association**.
- 3.01 Upon payment of the annual fee levied by the **Association** a property owner and his/her spouse or designated family member(s) or named trustee(s) shall have representation and voting rights as part of the **Association**. Two (2) persons per property or multiple property owners are considered a representative member of the **Association** with all voting rights and privileges extended.

ARTICLE IV - OFFICERS and COMMITTEES

- 4.00 The following positions shall be appointed at the Annual or General Meeting of the **Association**;

The **President**, the **Vice-President**, the **Secretary**, the **Treasurer**, **Village Superintendent**, **Past President** and two **Executive Assistants** of the **Association**. These eight (8) positions shall form the **Executive Board** of the **Association**.

- 4.01 **All** members of the **Executive Board** shall be appointed for a minimum of two (2) years term of office.
- 4.02 A vacancy of any member of the **Executive Board** may be elected by the unanimous vote of the **Executive Board**. Such new elected officer(s) shall hold this elected office until such time as new elections are called at an Annual or General meeting of the **Association** members.
- 4.03 One member of the **Association** may be appointed as an Ex Officio to a meeting of the **Executive Board** for the purpose of forming a quorum.
- 4.04 Three (3) elected **Property Trustees** shall be reviewed by the **Association** members at the Annual Meeting to ensure the **Association** property held in trust by the **Trustees** is maintained and administered according to the responsibilities and authorities outlined by a separate **Trustee Agreement**. Replacement of such individual trustees shall conform with Article 4.02 as outlined.

ARTICLE V - DUTIES of OFFICERS

- 5.00 The **President** shall preside at all Annual Meetings, General Meetings and Executive Meetings of the **Association** and shall be an Ex Officio member of all appointed committees.

The **Vice-President** shall act in place of the **President** in his/her absence at all Annual Meetings, General Meetings and Executive Board meetings. The **Vice-President** may assume the **President** position when vacated by the **President**.

- 5.01 The **Secretary** shall be responsible for a record of Minutes of each Meeting of the Annual Meetings, General Meetings and Executive Board Meetings, and shall attend to all business correspondence; keep a correct record of names, addresses and telephone numbers of all members; attend to all mailings to members and notification.
- 5.02 The **Treasurer** shall be responsible for all monies and shall pay by cheque or petty cash voucher all expenses of the **Association**. Signing authorities of such expenditures by cheque shall be vested in two members of the **Executive Board**. The **Treasurer** shall keep records of all financial transactions and provide current statements, records and report to the **President** and **Executive Board** upon request. The **Treasurer's** records shall be presented to the **President**, or his/her designate, for auditing once a year. The **Treasurer** will present a financial report to the **Association** at all Annual or General Meetings.
- 5.03 The **Executive Board** may rule on an urgent matter/situation of importance when a meeting of the general membership cannot be convened in order to expedite the matter/situation. A report on such action taken by the **Executive Board** shall be tabled at the next Annual or General meeting of the general membership for ratification.
- 5.04 The **Property Trustees** shall ensure the property of the **Association** held in trust is maintained, administered and taxes paid each year according to the responsibilities and authority outlined by separate agreement between the **Association** and the named **Trustees**.
- 5.05 The **Past President** shall be an Ex Officio on other committees as deemed necessary where his/her experience is required and deemed necessary by the **President**.
- 5.06 All other **Executive Board** appointed **Committee Chairpersons** and members shall act in accordance with the duties and responsibilities vested by their appointment. The Chairperson of all Committees shall report and be held accountable to the **President**. The **President** shall report to and be held accountable to the members.
- 5.07 The **President** shall appoint a Nominating Committee comprised of a minimum of three (3) members prior to the Annual Meeting to seek out potential candidates for positions being vacated on the **Executive Board**. This will not override any other nominations that may be made at the Annual Meeting. The incumbent **President** will preside at the elections.

ARTICLE VI - FISCAL YEAR and MEETINGS

- 6.00 The fiscal year shall start June 1st of each year and shall end May 31st of the following year.
- 6.01 An Annual Meeting of the membership of the **Association** shall be called by the **President** within a sixty (60) day period prior to or after the fiscal year end closing.
- 6.02 The **President** and Committee reports shall be received and approved at the Annual Meeting of the members.
- 6.03 Only paid members of the **Association** shall have voting privileges at all Annual and General Meetings of the members.
- 6.04 A quorum shall constitute fifty percent (50%) or more of elected or Ex Officio members of the **Executive Board** or Committee. A quorum at an Annual or General Meeting of Members shall constitute fifty percent (50%) or more of the elected **Executive Board** members or appointed proxy delegates and a sufficient representation of paid members deemed necessary by the **President** to convene the Annual or General Meeting.

ARTICLE VII - FEES

- 7.00 The annual membership fees shall be determined at the Annual Meeting of members. Such fees shall be recommended by the **President** after consultation with the **Executive Board** and other Committees and shall be comprised of sufficient funds to maintain and snowplow the roads and cover administration expenses of the **Association** for the new fiscal year.
- 7.01 Fees shall become due and payable by the member/property owner(s) or their trustee(s) at the start of the fiscal year and/or upon receipt of an invoice initiated by the **Treasurer**.
- 7.02 The **President, Treasurer** and/or delegated Committee members of the **Association** shall be entrusted to ensure that all annual fees levied are collected or carried forward to the next fiscal year for attempted collection.

ARTICLE VIII - GENERAL CONDITIONS

- 8.00 The **Association** may purchase, hold and dispose of property in the Village common to the **Association** and property owners needs and only by approval of the membership and property owners majority vote by mailed secret ballot.
- 8.01 Sufficient public liability and property damage insurance shall be obtained each year to protect the **Association** from claims, damages and possible legal action incurred on **Association** property and to protect elected officials and **Association** members from similar claims when acting on the Association's behalf. The **President** shall arrange such insurance coverage with premium and coverage limits approved by the **Executive Board** and reviewed with the members at the Annual Meeting.
- 8.02 The **Association** legal deeds and important papers will be stored in a Bank safety deposit box with three members signing authority of access.

ARTICLE IX - AMENDMENTS

- 9.01 The **Constitution** and **By-Laws** may be amended at an Annual Meeting of members and by majority vote.

1995 CHANGES

- 3.01 Add "or designated family member(s)"

APPROVED BY MAJORITY VOTE AT THE ANNUAL MEETING

May 27, 1995

1997 CHANGES

- 4.00 Delete "and committees"

Add "The **President**, the **Vice-President**, the **Secretary**, the **Treasurer**,
Village Superintendent, **Past President** and two **Executive Assistants** of the **Association**. These eight (8) positions shall form the **Executive Board** of the **Association**."

- 4.00.01 Delete

- 4.00.02 Delete

- 4.00.03 Delete

- 4.00.04 Delete

- 4.00.05 Delete

- 4.01 Delete "all the **Advisory Board Members** and **Committee Members** may stand and be elected for a one (1) two (2) or three (3) year terms."
Change "All members of the **Executive Board** shall be appointed for a minimum of two (2) years term of office."

- 4.02 Change to "A vacancy of any member of the **Executive Board** may be elected by unanimous vote of the **Executive Board**. Such new elected officer(s)"

- 4.03 Change to "One member of the **Association** may be appointed as an **Ex Officio** to a meeting of the **Executive Board** for the purpose of forming a quorum."

- 5.00 Change to reflect new **Executive Board** in articles 5.01; 5.02; 5.03; 5.06; 5.07; 6.04; and 7.00.