

July 2006  
Stabled

# INDIAN LAKE OWNERS ASSOCIATION

\* \* \* \* \*

## ASSOCIATION BY-LAWS

(As Amended July 23, 2005-Proposed)

### ARTICLE ONE – MEMBERSHIP

**SECTION 1.** Each owner of one or more lots in any section or sections of Indian Lake subdivision shall be designated as a member of Indian Lake Owners association, a non-profit organization, and is entitled to one (1) vote in the Annual Indian Lake Owners Association meeting, or any emergency meeting called by the Board of Directors. Voting privileges will be limited to one owner-member, either in person or by proxy, eligibility being contingent on a paid maintenance assessment **as set by the property owners** <sup>\$120</sup> payable the first of each calendar year, as set forth in the Property Restrictions, and any other assessments or accounts due Indian Lake Owners Association. **A late fee for non-payment of dues and assessments may be set and imposed by the Board of Directors. Assessment of dues will be on a lot basis as approved by a unanimous vote of the board of directors and 2/3 thirds of the members attending the annual meeting attending in person or by proxy.**

**SECTION 2.** All members and their families and guests shall have the right to use all of the Association's facilities, including its **swimming pool, boat ramp, lake, fishing dock, parks and recreation areas**, to the extent permitted by Association's rules which may from time to time be established by its Board of Directors. Pertaining to **a lot held by more than two individuals** i.e. a membership by **three** or more persons, by a corporation, firm or partnership, the use of the Association's facilities shall be only by an individual person and the family of such individual person so designated by any of the above listed joint owners. This individual will also be the only eligible member to vote at any meeting of owner-members, such eligibility being contingent as outlined in Section 1

**SECTION 3.** An owner of rental property shall be required to pay **Annual Dues on each rental property owned. A renter and family become Association Members of Indian Lake Owners Association upon payment of dues by the property owner. Any cap on maximum dues paid by a member shall not apply to rental properties owned by the property owner.**

**SECTION 4.** Membership shall be evidenced by such **membership card, certificate or other writing as the Board of Directors shall authorize and which must be presented by members, as required by the Board of Directors, for access to Indian Lake Association amenities such as parks, boat dock, lake, pool, fishing dock and all other Association facilities.**

**SECTION 5.** Upon termination of membership by a member disposing of his or her property, all rights and interests of the member and his family in the privileges, rights, properties, funds or assets of Indian Lake Owners Association shall cease. In addition, failure of member to pay Indian Lake Owners Association dues and/or fees **and assessments** as outlined in Section 1, shall prohibit a member and his family of participation in the above privileges.

## **ARTICLE TWO – ASSESSMENT OF DUES**

**SECTION 1.** There shall be no initiation fees. The Board of Directors, by unanimous vote of the entire Board, plus the approval of at least two-thirds of the members present, in person or by proxy, in Annual Business sessions **or special business sessions** called by the Board of Directors, may from time to time assess additional dues and assessments as dictated by a contingency development.

**SECTION 2.** Annual membership dues are assessed for the calendar year beginning January 1 and ending December 31 of each year. Dues are billed to members in early January and are payable within thirty days. **Special late fees may be imposed by a majority vote of the Board of Directors for the late payment of dues, fees and/or special assessments.**

## **ARTICLE THREE – BOARD OF DIRECTORS**

**SECTION 1.** The affairs and management of Indian Lake Owners Association shall be conducted by a Board of Directors consisting of seven members as provided in Section 2 of Article Three, which Board shall have the full power and authority to carry out the purposes of the Association and to do all lawful acts necessary or proper thereto.

**SECTION 2.** Directors shall serve a term of three years and thereafter until their successors are elected and qualified. Any Director may succeed himself and serve as many consecutive terms as he may be elected. Directors must be members of the Association.

**SECTION 3.** The President of the Board of Directors, **prior to the annual meeting**, shall appoint a nominating committee comprised of a total of not less than **two** Association members **and/or** Board members, which committee shall nominate one nominee for each Directorship to be filled. The Nominating Committee will then report the nominees to the Board of Directors **prior to the Annual Meeting** for approval as regards the following:

1. Being of good morals and congenial nature.
2. Eligibility by financial status in relationship to Indian Lake Owners Association: i.e., all dues, assessments **and fees** paid to current date.
3. Concerned interest in affairs regarding Association business and will plan or attend a majority of Board of Directors business meetings while serving as a member. The names of these nominees will then be proposed in the Annual business meeting of the Indian Lake Owners Association conducted the **FOURTH SATURDAY** in July to be balloted on by those members present in person or by proxy vote. Nominations from the floor by members will be accepted. Each nominee having previously agreed to serve if elected.

**SECTION 4.** The Board of Directors shall meet the last Saturday of each even month; to wit, February, April, June, August, October and December; meetings to begin at 10:00 a.m. and continue until all business is accomplished. The President shall send or cause to have sent, a written notice to each Board Member at least ten 4 in advance of each meeting, stating the meeting place, the date, the time, and **an agenda of business items** to be covered. All meetings to be conducted at Indian Lake Subdivision or the immediate environs thereto. A majority of the **current** Directors shall constitute a quorum at any meeting. **Any meeting date and time may be temporarily changed by a majority vote of a quorum of the Board of Directors where it is determined that serious meeting conflicts exist.** The President or a quorum of Directors may call an emergency meeting between regularly scheduled meetings. Emergency Board meetings may be permitted by telephone communication.

**SECTION 5.** A Director **including the President** unable to fill his term of office for any reason shall be replaced by recommendation of the President **and/or member of the board** and approved by a majority vote of the Board members. Name of the replacement Board member, **approved by a majority vote of the Board of Directors**, will then be submitted to Association members for final vote of approval during the next Annual business meeting to fill an unexpired term. A Director that is found to be unsuited to serve on the Board for reasons given in Section 3, and listed under items 1, 2, or 3, will be required to resign by recommendation of the President and/or Board members and approved by AYE vote of a majority of Board members. His/Her vacancy to be filled as outlined above. **The President of the board may appoint a replacement to fill a seat, with the approval of a majority vote of the Board of Directors, after three unauthorized absences or misuse of position as Committee Chairperson/Director, or flagrant violation of Association Rules, Restrictions and/or Bylaws** following the above formula.

**SECTION 6.** No Board member shall receive remuneration for services rendered to Indian Lake Owners Association while a member of the Board of Directors. **Board members can and shall be reimbursed for out-of-pocket expenses when expending personal Funds for Association supplies. i.e., Gas, trash dumps, equipment repairs, etc.**

**SECTION 7.** The board of directors, by a unanimous vote may assess special assessments, not to exceed <sup>\$50.00</sup> \$100.00 per calendar year, as required to cover emergency situations and to ~~meet the~~ budgeting requirements of the approved categories of expenses previously approved by the unanimous vote of the board of directors.

#### **ARTICLE FOUR – OFFICERS**

**SECTION 1.** The Officers of the Board of Directors shall be one President, one Vice President, one Secretary, one Treasurer, Pool Committee Chairman, Parks and Roads Committee Chairman, Lakes and Fish Committee Chairman, and Architectural Committee Chairman. **All committee assignments will be made by the President and approved by a majority of the board members in a special session immediately following the annual meeting. The term of office shall be from annual meeting to annual meeting.**

**SECTION 2.** The President shall be the chief executive officer of Indian Lake Owners Association and shall preside over the members Annual business meeting and shall, during his term, conduct all business matters for the Association with its best interest foremost. All such action must first receive an approval vote of the majority of the Board of Directors. He shall also preside over the Board of Directors in their regularly scheduled business sessions as well as any called emergency sessions. No action may be taken by the President until an approval vote by a majority of Board members is received. **All legal actions, involving the courts or an attorney, taken by the Association must be approved by a majority vote of the Board of Directors.**

**SECTION 3.** The Vice President shall exercise the functions of the President in his absence and shall perform such other duties as the Board of Directors may prescribe.

**SECTION 4.** The Secretary (see section 6 below) shall keep or cause to be kept, the minutes of all meetings, a complete list of all members and their addresses, updating said list throughout the year as required, shall mail such notices as required therein, and shall perform all duties required as a Secretary **and/or such other duties and responsibilities as approved by a majority vote of the Board of Directors.**

**SECTION 5.** The Treasurer (see section 6 below) shall be responsible for the collection of all fees, dues, and charges, and the handling and disbursing of all money. He shall be responsible for the proper accounting of the Association's financial affairs and the preparing of proper reports on financial matters and such other reports as may be specified by the Board of Directors.

**SECTION 6.** In lieu of Section 4 and 5 above, and approval vote of all members of the Board of Directors, a professional secretary/bookkeeper may be hired, preferably from the Smithville area. Equitable remuneration shall be established between the person so elected and all members of the Board of Directors. Duties of the Secretary/Bookkeeper shall include all those outlined in Section 4 and 5 above and he shall be responsible for the Minutes and Financial Report to the Annual Association business meeting, the Minutes of which shall be read at the first regularly scheduled business meeting of the Board of Directors. **The reading of the Minutes of the last Annual Meeting may be omitted by a majority vote of all members present if all members have previously received a copy of the minutes at least ten days in advance of the Annual Meeting.**

**SECTION 7.** Pool Committee Chairman shall (1) be responsible for maintaining buildings and grounds in a safe and attractive condition, i.e. Pool, Pavilion, and Playgrounds; (2) hire employees, 3) **set employee and/or contract labor remuneration**) and assign their duties and be responsible for same; (4) assign opening and closing dates and **opening and closing** times for pool and restrooms. **Any or all of the above responsibilities shall be approved by a majority vote of the Board of Directors and may be assigned to any officer or director by a majority vote of the board of directors.**

**SECTION 8.** Lakes and Fish Committee Chairman shall (1) be responsible for stocking of fish in lake; (2) checking for vegetation in lake and need for fertilization; (3) maintenance of dam and spillway, fishing dock and boat ramp; (4) patrolling for trespassers on lake, checking for current ILOA passes; and (5) observation and maintenance of lower pond.

**SECTION 9.** Parks and Roads Committee Chairman shall (1) check with Bastrop County for repair and maintenance of all roads except "dead-ends" and "cul-de-sacs", including mowing of grass along said roads; (2) hire person(s) to mow front entrance area, lower pond park area, **storage areas, top and sides of Dam, boat ramp area pool area, spillway, and any other area designated by the Board of Directors**); and) (3) check for replacement of County and all other road signs within the subdivision. **All grass mowing responsibilities can be delegated to any Director or officer with the approval of a majority of the Board of Directors.**)

**SECTION 10.** Architectural Committee Chairman shall enforce deed restrictions and by-laws for Sections I, II, III, and IV.

**SECTION 11.** All records shall be audited annually. The incoming President will appoint an Audit Team consisting of **the Treasurer and any additional members the Treasurer may select** in good standing to perform an audit and report to the Board of Directors in regular business session. Should a further audit be required, the Audit Team shall recommend to the Directors that a professional Audit be obtained.

**SECTION 12.** All Funds belonging to Indian Lake Owners Association shall be maintained in a banking institution and/or Savings and Loan Association approved by the Board of Directors. Financial disbursement or fund transfer shall require **the signature of the Treasurer or the President. This responsibility may be delegated to the Secretary, who shall be bonded in the amount of \$10,000.00, by a majority vote of the Board of Directors. Only the Secretary shall be required to be bonded in the amount of \$10,000.00.**

**SECTION 13.** All records of Indian Lake Owners Association shall be made available for inspection by any member, in good standing with the Association, at the Office of the Secretary by appointment.

#### **ARTICLE FIVE – COMMITTEES**

**SECTION 1.** The Board of Directors may appoint certain committees from time to time and delegate each committee such duties as the Directors may deem proper.

**SECTION 2.** The appointment of the nominating committee shall be made by the President as provided in Article Three-Section 3.

#### **ARTICLE SIX - MEETINGS**

**SECTION 1.** An Annual Meeting of Indian Lake Owners Association shall be conducted at Indian Lake Subdivision or the environs thereto each Fourth Saturday of July, commencing at 10:00 A.M. The President of the Board of Directors for the current year shall preside. With the President will also be Board Members acting in their official capacity, the Secretary and Treasurer or a representative, to keep Minutes and give required reports, and a parliamentarian, **if available**, who will judge on parliamentary procedures based on Roberts Rules of Order. A special emergency **Business Meeting of all Association Members** may be called by the President or a majority of the Board of Directors **with fifteen days notice to all members.**

**SECTION 2.** The vote of a majority of the total votes cast by qualified voting members present in person or by signed proxies, shall decide any questions brought before such meeting, with the respective members to have such votes as described in ARTICLE ONE. **All proxies received by the Board of Directors, or presented by any member, shall be verified by both the Association Secretary and the Treasurer, to be proxies received from members in good standing. I.e., All dues, assessments and other charges being current five days prior to the Annual Meeting or a Special Called Business Meeting.**

**SECTION 3.** Meetings of the Board of Directors shall be as provided in Article three, Section 4.

**SECTION 4.** A written notice shall be mailed at least fifteen days prior to the Annual Association business meeting to all members stating date, time and pertinent business matters to be presented **including any proposed changes in the Association Restrictions and/or Bylaws.** A written notice shall be mailed at least **4 days** prior to the meeting of the Board of Directors, stating date, time, place and pertinent business matters to be covered. Emergency Board meetings may be permitted by telephone communication.

#### **ARTICLE SEVEN – AMENDMENTS**

**SECTION 1.** These By-Laws or any part, thereof may be amended, modified or repealed only by the unanimous vote of all members of the Board of Directors plus two-thirds (2/3) of the members present and voting in an Annual **or special called** membership meeting.

**SECTION 2.** The Association shall not enter into any contract to pay, and shall not pay, any salary or other remuneration to any officer, Director or Committee members of the Association, or their families, for their services as such nor in any capacity regardless of the capacity in which they act **with the exception of the reimbursement of actual out-of-pocket expenses for miscellaneous supplies purchased with the approval of a majority vote of the Board of Directors.**

#### **ARTICLE EIGHT – LIABILITY**

**SECTION 1.** Members of the Indian Lake Owners Association Board of Directors, either severally or collectively, are to be absolved of any liability or lawsuit that may arise during their tenure of office as a result of any action he, she, or they may have taken in the performance of their respective duties as Board Members.

**SECTION 2.** The Secretary of Indian Lake Owners Association is hereby designated as the registered agent to receive legal correspondence. The Association Secretary may change from time to time and **the** By-Laws will be updated to reflect these changes. At present, **the** Secretary is **Ernest W. Barnes, located at 109 Big Bow, Smithville, Texas 78957.**

## **ARTICLE NINE – POLICY STATEMENT**

**SECTION 1.** Dogs must be kept within the boundary of owner's property. When walking dogs they must be on a leash. No dogs or cats, or other domesticated animals, shall be allowed in the pavilion or pool area. **Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.**

**Section 2.** Boat Docks must not exceed thirty (30) feet from normal water line when lake is full. **All Boat Docks must be kept in good repair. Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.**

**SECTION 3.** A 25 MPH Speed limit or other posted speed limits will be enforced on all streets in the subdivision. **Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.**

**SECTION 4.** All vehicles must have a current registration and safety inspection sticker to be parked in the subdivision. **Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.**

**SECTION 5.** Houses, mobile homes, campers, travel trailers, and storage buildings; must be kept in an attractive exterior condition. **Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.**

**SECTION 6.** Lot or lots with any of the following; house, mobile home, campers, travel trailers, and storage buildings; must be kept clean of trash, brush, high weeds, and grass must be mowed. **Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.**

**SECTION 7.** Trespassers on properties of Indian Lake Owners are liable to prosecution.

**SECTION 8.** Trotlines and jug lines are not allowed in the lake. State of Texas Parks and Wildlife Department Fishing Laws will be observed on length and number of fish in possession. No motor larger than 10HP will be allowed to power any type of watercraft on the lake. No water skiing or jet skiing allowed.

**SECTION 9.** Motorized vehicles are prohibited on dam, in park(s), spillway area, in pool area or other ILOA common areas. Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment.

**SECTION 10.** The pool park pavilion area shall have signs posted for opening and closing times. No after hours activities shall be permitted in this area and loud music, boom boxes, or other noise devices shall not be permitted at any time. Appropriate fines approved by a majority of the Board of Directors may be levied against property owners found to be in violation of this section. Such fines will carry the same weight and sanctions as dues and special assessment with late fees imposed for non-payment

**SECTION 11.** No dogs, cats or other domesticated animals shall be permitted to be in the pool and pavilion area at any time.

**SECTION 12.** No Firearms will be discharged in Indian Lake Subdivision except for home protection.

*\$55 for first 2*  
*\$5 for each additional*  
*@*

*\$120 per person/member*