

Harbor Oaks Homeowners Association

By- Laws

ARTICLE I

NAME AND AFFILIATION

SECTION 1. The name of this organization shall be HARBOR OAKS HOMEOWNERS ASSOCIATION, hereinafter referred to in these by-laws as "HOHA".

ARTICLE 11

OBJECTS AND PURPOSES

SECTION 1. The objects and purposes of this association shall be to promote the betterment of Harbor Oaks Estates Subdivision, Pinellas County, Florida and to promote the upkeep maintenance and improvement of property within said subdivision.

SECTION 2. HOHA shall be non-sectarian, non-partisan, non-political and non-profit.

SECTION 3. HOHA shall be responsible for the enforcement of all deed restrictions and covenants now or hereafter existing upon the property within Harbor Oaks Estates Subdivision.

ARTICLE 111

MEMBERSHIP

SECTION 1. Eligibility for membership in HOHA

Any individual purchasing property in the Harbor Oaks Estates Subdivision upon which a residence is to be constructed, or has been constructed may make application for full membership

**Note 1*

SECTION 2. Application for membership shall be submitted to the chairman of the membership committee and shall be approved as a member, if eligible, upon payment of the amount of dues herein required.

SECTION 3. Annual dues shall be payable on the day of the first meeting of each and every year. Dues shall be assessed at the rate of \$60 per household for full membership.

***Note 2*

ARTICLE IV

OFFICERS

SECTION 1. The elected officers of HOHA shall be: President, Vice-President, Recording Secretary, and Treasurer. No one person shall hold more than one elected office per term of office.

SECTION 2. An appointed officer shall be the Parliamentarian, who shall be appointed by the Executive Board of Directors.

SECTION 3. The term of office for all officers shall be one (1) year from the date of election or until their successors shall be elected or appointed,

SECTION 4. Removal of Officers:

(A) If an elected officer fails or neglects to perform the duties of the elected office, or is charged with misconduct, that officer may be removed from office in the following manner:

- 1 . Written charges must be served upon the officer charged with a violation.
- 2 . A copy of the written charges shall be filed with recording secretary and an additional copy filed with highest ranking officer at the next regular or special meeting of HOHA or the HOHA Board of Directors. Any officer(s) named in the written charges shall not be considered in the determination of the highest ranking officer.
- 3 . The Executive Board of HOHA, minus any officer named in the written charges, shall meet to review the written charges. If said board determines that the written charges, if un rebutted, constitute a prima facie case for removal from office, then they shall proceed with formal notice and hearing procedures as set forth herein below. In the event that the unanimous Executive Board determines that the written charge is insufficient on its face or does not state a prima facie case for the removal of the named elected officer(s), then no charges shall be filed and the complaint ant shall be so notified.
- 4 . If charges are to be brought, they shall be presented at the next regular meeting of HOHA or a Special Meeting may be called for the purpose of considering the written charge.
- 5 . No less than fifteen (15) days prior to the next regular or special meeting wherein the written charges

(2)

are to be considered, written notice of said meeting shall be sent to the officer(s) charged. The notice shall include copy of all written charges to be considered, the time, date and location for the meeting and a statement indicating that the accused officer has the right to present evidence, cross-examine witnesses, and to be represented by counsel at the meeting. Notice of said meeting shall be mailed to the accused officer, by certified mail, return receipt requested, to the last known address of the accused officer.

6 . At the Special or general meeting called for the purpose of considering the written charges, the board shall hear testimony and receive evidence from any interested person who has knowledge of the charges or knowledge of any defense or explanation tendered by the accused officer. The accused officer shall have the right to cross-examine any witness and shall have the right to testify on his or her own behalf. The burden of proof remains with the person(s) initiating the charge. The Florida rules of evidence do not apply to this proceeding and all evidence which is ruled by the Board to be relevant shall be considered. Any party may arrange for stenograph recording of the proceedings at their own cost.

7 . Upon the conclusion of the taking of all testimony and the receipt of all other evidence, a vote of the members of HOHA shall be taken. An affirmative vote of two-thirds (2/3) of the members shall be required to remove any officer from office.

SECTION 5. The Executive Board of Directors shall consist of the officers elected for that fiscal year.

SECTION 6. In the event of a permanent vacancy in any office, the membership shall be so notified immediately and a *new* the officer be elected by the membership at the next regular or special meeting.

ARTICLE V

NOMINATION AND ELECTION OF OFFICERS

SECTION 1. Qualification of officers and Election Ballots:

(A) No person shall be eligible to hold office in HOHA who has not paid the appropriate dues.

(B) All officers of HOHA shall be elected by ballot at the Election Meeting, except the Parliamentarian who shall be appointed by the Executive Board.

(3)

(C) All voting shall be by written ballots, except when there is but one candidate for the office, in which case a vote cast in the minutes by the secretary shall constitute a valid election of the single candidate.

SECTION 2. Nominations and Elections Committee:

(A) At the first Election Meeting there may not be sufficient time to appoint a Nominations and Elections Committee (hereinafter referred to N & E Committee) in the manner provided herein. However, if an N & E Committee has been appointed by an Interim President or by mutual agreement of the members, and has prepared a slate of officers, that slate may be presented at the Election Meeting without prior notification and the election shall proceed in accordance with Article V Section 2, hereof.

(B) The President shall submit a nomination for Chairman of the N & E Committee for approval by the Executive Board no later than September 1 of each year. Only those persons who have served on the N & E Committee in the previous year shall be eligible for nomination for the position of Chairman. The Executive Board shall appoint two (2) members to serve on the N & E Committee and at the August general meeting the general membership shall select two (2) members to serve on the N & E Committee. No member of the Executive Board may serve on the N & E Committee.

(C) At least one (1) week before the Election Meeting, the N & E Committee shall publish the proposed slate, containing one nominee for each office. The N & E Committee shall prepare the ballots for the election.

SECTION 3. Election Process:

(A) At the Election Meeting, the Chairman of the N & E Committee shall preside for the duration of the elections. Said Chairman shall appoint three (3) tellers, none of whom is a candidate for any elective office, and they shall have general charge of the election. Nominations may be made from the floor at the time of the election, provided that consent of the prospective candidate has been obtained prior to the nomination.

(B) Only full members in attendance shall have the right to participate in the election procedures. A majority of the votes cast shall be necessary for the election of any officer. In the event that there is not a majority of ballots cast for a single candidate, there shall follow a series of balloting wherein the candidate receiving the

(4)

Offices

RoSt.....f G. KIPP, P. A.

P. O. 130X 69

DUNEDIN,

FLORIDA 34296

Least number of ballots shall be deleted from the next successive rounds until a majority has been received by a candidate.

ARTICLE VI

MEETINGS

SECTION 1 Business meetings of HOHA shall be held quarterly. Special meetings may be called by the Executive Board. The secretary shall see that notice of all Business and Special meetings is published not less than ten days prior to such meeting.

SECTION 2 The election of officers shall be held each year during the month of October.

SECTION 3 The President may either designate regular monthly meetings of the Executive Board of Directors, or may hold such meetings as may be necessary for the efficient operation of this organization, giving ample notification of all such meetings. A majority of the members of the Executive Board shall constitute a quorum.

SECTION 4 A minimum ten (10) full member households present at a meeting shall constitute a quorum. Proxies shall not be considered for the purpose of determining the existence of a quorum.

SECTION 5 Each household or lot upon which a residence is to be constructed and is owned or occupied by a HOHA full member is entitled to two votes for that household or lot, regardless of the number of members occupying or owning that household or lot.

ARTICLE VII

DUTIES OF OFFICERS

SECTION 1 The President Shall:

(A) Preside at all meetings of HOHA and its executive Board with the exception of the election meeting. The Chairman of the N & E Committee shall preside for the duration of elections at the Election Meeting;

(B) Perform such other duties ordinarily pertaining to such office;

(C) Within thirty (30) days after election, appoint the chairman of all standing committees, with the exception of the finance, by-laws and membership committees, and all special committees as may be required; all

(5)

Offices

G. KIPP, **P. A.**

P. O. BOX 69

DUNEDIN, FLORIDA 34296

(313) 734-2629

appointments shall be subject to the approval of the newly elected officers of HOHA;

- (D) Be an ex-officio member of all committees, with the exception of the N & E Committee.
- (E) In the event of a tie vote on any matter pending before the Executive Board or general membership, cast the deciding vote;
- (F) Act as "Liaison Officer" with the city of Safety Harbor in all matters of interest to HOHA and/or Harbor Oaks Estate A and its residents.

SECTION 2. The Vice-President shall:

- (A) Preside at all meetings in the absence of the President with the exception of the election meeting.
- (B) Perform such other duties as ordinarily pertain to such office;
- (C) Act as chairman of the Membership Committee

SECTION 3. The Recording Secretary shall:

- (A) Keep a correct record of the proceedings of all meetings of HOHA and of the Executive Board;
- (B) See that all notices are duly given in accordance with these By-laws;
- (C) Preserve a permanent file of all records and letters of HOHA and its officers;
- (D) Turn over to the successor Recording Secretary at the end of the term of office all records and letters including the minute book.

SECTION 4. The Treasurer shall:

- (A) Collect and deposit all dues of HOHA;
- (B) * Make disbursements of funds by check which shall be signed by two of the following: Treasurer or President or Vice President. No discretionary disbursement is to be made which is in excess of \$100.00 without the approval of the membership;

**Note 3*

- (C) Keep an account of all receipts and disbursements;
- (D) Make a written and oral report to the membership at any business meeting and make a written annual report at the annual meeting;

(E) Deposit the funds of HOHA in such bank(s) as the Executive Board may direct;

(F) Be Chairman of the Finance Committee. SECTION 5. The

Parliamentarian shall:

(A) Keep an up-to-date copy of the by-laws and all approved revisions on file;

(B) Rule on all questions of order;

(C) See that parliamentary rules are followed in all matters in accord with Roberts Rules of Order, except where said rules are in conflict with these by-laws;

(D) Interpret the by-laws of this Association. SECTION 6. All

Officers shall:

(A) Make written reports to be included in the minutes of the organization regarding that officer's activities;

(B) Maintain a file reflecting that Officer's activities for the current year;

(C) Make an annual written report to HOHA at the annual meeting;

(D) Be responsible for the files pertaining to the office kept by the previous officers and pass same along to the successor officer;

(E) Attend all meetings of HOHA and the Executive Board.

ARTICLE VIII

COMMITTEES

SECTION 1. There shall be the following standing committees: auditing, bulletin, finance, and membership, nominations and elections, and deed restrictions;

(A) The Auditing Committee shall consist of not less than three members. It shall be the duty of this committee to audit the books of the Treasurer at the end of the fiscal year for which the Treasurer was elected and to make a formal report of its findings to the general membership.

(B) The Bulletin Committee shall publish whatever bulletin or newsletter that is deemed to be necessary or desirable by the membership.

(7)

v Offices

ROEL G. KIP?, **P. A.**
P. O. BOX 69
DUNEDIN, FLORIDA 34296
(813) 734-9629

(C) The Finance Committee shall prepare the proposed annual budget for HOHA and shall monitor the current financial status as to the balance on hand and receipts to be paid.

(D) The Membership Committee shall solicit new members, accept applications and, if necessary verify eligibility of an applicant.

(E) The Nominations and Elections Committee shall function as set forth in Article V, Sections 2 (A),(C) and 3 hereof.

(F) The Deed Restrictions Committee shall periodically review and make recommendations to improve, clarify or enforce the deed restrictions applicable to property within Harbor Oaks Estates subdivision.

SECTION 2. The President may appoint from time to time such additional committees as may be considered necessary subject to the approval of the Executive Board.

ARTICLE IX

FISCAL YEAR

SECTION 1. The fiscal year of HOHA shall be from October 1, through the last day of September.

ARTICLE X

AMENDMENT OR REVISION OF BY-LAWS

SECTION 1. These by laws may be amended or revised at any business meeting of HOHA by a two-thirds (2/3) vote of the members present. Written notice of the proposed amendments shall be given to each active member at least ten (10) days prior to the meeting at which such amendment is to be submitted for discussion and action.

SECTION 2. If the proposed amendment is adopted, it shall become effective upon passage, unless otherwise stated within the amendment. A copy of the amendment shall be incorporated into the by-laws held by the Parliamentarian and shall be distributed by the Secretary to all members of HOHA.

ARTICLE XI

WAIVER AND SUSPENSION OF BY-LAWS

SECTION 1. Any by-law relating to procedural matters that does not require prior notice to vote by ballot, may be waived or suspended for one meeting only, by two-thirds (2/3) of the votes

cast at a regular or special meeting of the membership.

ARTICLE XII

DISSOLUTION

SECTION 1. In the event of the dissolution of this association, after payment of all bills, debts and valid claims, all property and assets shall be distributed to a non-profit charitable organization to be selected by a majority of the Executive Board of Directors. In no event shall any such property or assets be distributed to any member of the association or any private individual.


ARTICLE XIII

ACCEPTANCE

SECTION 1. These By-laws become effective with the fiscal year beginning October 1, 1983, as ratified by vote of the membership taken at the special meeting of HOHA on September 21, 1983 at the City Hall, City of Safety Harbor, Florida.

HARBOR OAKS HOMEOWNERS ASSOCIATION

ATTEST:


Secretary

By:


President

C.

Offices

ROb G. KIPP,
P. A.
P. O. BOX 89
DUNEDIN, FLORIDA
34296
813) 734-9629

Harbor Oaks Homeowners Association

By-Laws revisions

Page 1, Note 1 — Section 1 (B)

Any tenant, renting, leasing or occupying a residence in Harbor Oaks Estates Subdivision may make application for an associate membership.

This section was removed from the by-laws at the HOHA General Meeting held on November 16, 2016.

Page 1, Note 2 — Section 3

Annual Dues due date was changed from October 1 to the date of the first meeting of that year. The Harbor Oaks Association dues were raised to \$60.

This section was revised at the HOHA General Meeting held on November 16, 2016.

Page 6, Note 3 Section 4 (B)

Discretionary disbursement was raised from \$50 to \$100.

This section was revised at the HOHA General Meeting held on November 16, 2016.