

# Rules, Regulations and Procedures for the Hiddenbrook Swim and Tennis Club

## Club Background

The residents of the Hiddenbrook Homes Association, a Virginia corporation, hereinafter referred to as the "HOA," owns and operates the facilities of the Hiddenbrook Swim and Tennis Club hereinafter referred to as the "Club."

## Purpose

The purpose of the Club is to furnish opportunities for swimming, playing tennis, and clubhouse rentals. Use of the pool and tennis court facilities is limited to paying Club members in good standing, their immediate household members and their authorized guests. The clubhouse is available for rental by HOA residents and Club members. The facilities shall be operated solely for the pleasure and recreation of the residents and membership as authorized by the HOA Board of Directors, hereinafter referred to as the "HOA Board."

## Management

The HOA Board governs and manages the affairs of the Club. The HOA Board establishes procedures for membership registration and use, determines all assessments necessary for operating the recreational facility, and maintains records relative to Club operations.

**Meetings of the HOA Board:** In its monthly meetings, the HOA Board shall consider Club matters and will conduct an open forum for input from Club members. Club matters may also be addressed in executive sessions of the HOA Board as deemed necessary.

**Officers of the Board:** Officers of the HOA Board serve in the same capacity and with the same title related to all Club decisions.

**Duties of the Board:** The HOA Board shall exercise general direction and control of the affairs of the Club. The authority of the HOA Board shall include; but not be limited to, such matters as:

- Establishing and collecting annual dues, special assessments, guest fees, rental fees, and late fees.
- Recommending, when required, special assessments subject to approval by the Club membership.
- Developing yearly budgets for Club operations to include annual contributions as part of the reserve plan
- Preparing, approving, and submitting a financial report of the affairs of the Club separate from the HOA financials and making available the annual budget to the membership of the Club at its annual meeting.

- Transacting the general business of the Club including but not limited to, construction, operations, new purchases, maintenance and management of the recreation facilities.
- Authorizing contractual agreements requiring funding for recurring and/or one-time costs associated with operation and maintenance of the recreation facilities and the payment of such obligations. (i.e.: pool management contract)
- Officiating any contract or agreement with any swim team or outside entity requesting single or recurring use of the pool or tennis facilities.
- Selecting banks and investments for the operating and reserve funds of the Club which shall be separate accounts from those selected for the funds of the HOA. This does not preclude the use of the same bank or other similar facility for deposit of funds, but separate accounts shall be kept.
- Contracting for a certified audit of the Club's records once a year and maintaining records of such audits.
- Maintaining and providing adequate records of the affairs of the Club
- Ensuring the Club members have a method for submitting comments and suggestions at any time to the HOA Board, the Property Manager, the Pool Committee and/or the Tennis Committee
- Establishing the rules and/or operational guidelines for the swim and tennis facilities. Making amendments to those rules from time to time, as deemed necessary by the HOA Board or at the recommendation of the pool or tennis committees.

The HOA Board shall make efforts each year to recruit volunteers to serve on the Pool and Tennis committees. To participate on a committee, the individual must be a member in good standing with the Club as well as with the HOA if he/she is a resident of the HOA. The Pool and Tennis committee members shall be appointed by HOA Board. Individuals may serve on both committees. The members of each committee will select their own Chairperson.

**The Pool Committee will be responsible for:**

- Reporting to the HOA Board and/or the HOA Property Manager any suggested budgetary changes or capital improvement purchases, to include the pool and clubhouse (with an emphasis on the lower level).
- Ensuring that appropriate Pool Rules and Regulations are prepared, reviewed, and communicated to the membership. All rules and regulations must be approved by the HOA Board before publishing.
- Knowing and supporting all rules and regulations when interacting with pool members.
- Advising the HOA Board on all matters pertaining to the Pool facilities, especially safety
- Recommending the appointment of ad hoc committees as needed for specific functions of the Club as approved by the HOA Board
- Attendance of HOA Board meetings May through August by the committee Chair.

**The Tennis Committee will be responsible for:**

- Reporting to the HOA Board and/or the HOA Property Manager any suggested budgetary changes or capital improvement purchases, related to the tennis courts.
- Ensuring that appropriate Tennis rules and regulations are prepared, reviewed, and communicated to the membership. All rules and regulations must be approved by the HOA Board before publishing.
- Knowing and supporting all rules and regulations when interacting with tennis members.
- Advising the HOA Board on all matters pertaining to the Tennis facilities
- Recommending the appointment of ad hoc committees as needed for specific functions of the Club as approved by the HOA Board.
- Attendance of HOA Board meetings May through August by the committee Chair.

**CLUB MEMBERSHIP**

Club memberships may be purchased from the HOA (if available) or from other members who choose to sell their membership outright. HOA residents have priority for memberships owned by the HOA. Annual HOA dues assessments are separate from the purchase price of the membership. Club membership certificates shall be limited to a maximum number of four hundred (400) unless changed at the annual meeting of Club members with the approval of the HOA Board. Membership applies ONLY to the persons residing within the home address registered with the certificate. Proof of residency may be required. Any other individuals who do not reside in the registered home address are considered guests and are not entitled to member privileges.

**Tennis-Only Memberships:** Tennis-only memberships are limited to simple payment for use of the tennis courts. No pool or clubhouse privileges are included with the tennis-only membership. Tennis-only members have no voting rights on Club matters. The number of the Tennis-only memberships is evaluated annually and determined at the discretion of the HOA Board.

**Membership Eligibility:** All prospective purchases of membership certificates must first be approved through the HOA Property Manager. Qualification for membership is determined by the HOA Board in conjunction with the HOA's Property Manager. Eligibility will be denied from a prospective member if:

- information provided is falsified in any manner
- the member's home is located within Hiddenbrook and the HOA dues are in arrears
- a prior membership with the Club was revoked for any reason
- a prior membership with the Club was re-claimed for non-payment of dues

**Governance of Membership:** The HOA Board governs Club membership and all activities related to Club participation. Members have the opportunity to contribute at the monthly board meetings.

**Membership in Good Standing:** A non- HOA resident member shall be considered in good standing as long as all Club dues, assessments and fees are paid within the time specified, and as long as persons entitled to use the Club's facilities under such membership, and comply with the established rules and regulations of the Club. Resident members within the HOA must be in good standing meaning HOA dues, assessments, and fees are paid and there are no unresolved covenant or architecture guideline violations. All members and their guests are required to exhibit appropriate behavior and demeanor to maintain good standing status. The Board has final say in what is appropriate behavior. The actions of guests may impact the good standing of the membership owner.

**Inactive membership:** The intention of Inactive Membership is to provide temporary (one year) financial relief from full annual assessments due to circumstances such as but not limited to: military/government families deployed temporarily and families experiencing a financial crisis due to a medical emergency, death in the family, divorce and/or temporary loss of residence due to fire or other major disaster. Members on inactive status forfeit all privileges for facility use until resumption of active status.

A member must apply in writing to the HOA Board explaining their reason for requesting Inactive Membership status. Inactive Membership status applies to one full swim season and may not be re-activated mid-season unless full dues are rendered. If approved for Inactive Membership, the member may be excused from the payment of the operational portion of the annual assessment but shall remain liable for the maintenance portion of the annual dues and for any other special assessments.

**Suspension or Revocation of Membership:** Maintenance of Club membership is at the discretion of the HOA Board. Members who are in arrears for annual dues payment to the Club or the HOA may not use the facilities until the dues and any late fees are fully paid. Members who violate the rules and regulations, or behavioral and demeanor requirements, threaten any harm against the Club, the HOA Board, HOA Members, Club members, the Property Management staff, or the Pool Management Company staff may be subject to penalties ranging from temporary suspension of membership privileges to temporary/permanent expulsion or revocation of membership. The HOA Board judges and determines the ruling as warranted by the circumstances. Prior to any suspension longer than one week or revocation, the HOA Board shall provide the member with notice and the opportunity to be heard. The HOA Property Manager shall have the authority to suspend a member's membership for violations of these rules for a period of up to one week.

**Relinquishing Membership:** Any member in good-standing, unable or unwilling to sell their membership, must relinquish their membership to the HOA Board between Labor Day and March 31st, to avoid penalties or further obligation for assessments. Any membership still in active status as of April 1<sup>st</sup> requires that the annual dues be paid in full by the owner of the membership. Late fees also apply. A relinquished membership is considered forfeited without restitution and is available for immediate resale by the HOA Board. Any forfeiting member is not eligible to purchase a membership from the Club or another member in the future.

**Membership Privileges for Lessees of Member's Home:** A Club member in good standing who wishes the lessee (one family) of their home (registered with their certificate) to use their membership privileges during the period of the lease, must prepare a written application including the names of the lessees they are sponsoring and submit it to the HOA Property Manager. Lessees and the membership owner may not both use the facilities simultaneously. Responsibility for the payment of all dues and assessments remains with the owner of the membership regardless of any arrangements made between the owner and the lessee. Lessees, their families and their guests are held responsible for obeying all Club rules and regulations in the same manner as members. No lessee shall be entitled to vote on any matters pertaining to the Club.

**Guests:** Any member in good standing and any lessee whose lessor is in good standing, may bring guests to the recreation facilities to which they are entitled. Members and lessees bringing guests to the pool will be required to register them and pay a guest fee as prescribed in the Rules and Regulations. Members must always remain at the pool with their guests. To prevent overcrowding, the number of guests is restricted by the HOA Board, Pool Committee or their designee (i.e. contracted pool management company). Members not in good standing, nor inactive members, are not permitted to use the pool or bring guests.

Members and lessees using the tennis courts must have the key provided by the membership owner for access and obey the posted rules for use.

**Membership Certificate Sales & Transfers:** Every Club membership certificate is subject to the following explicit restrictions upon transfer:

- Members are responsible for finding a buyer in order to transfer their membership. The Club is not responsible for assisting member in finding buyers. .
- To complete the transfer process, the member must file all appropriate paper work with the property manager. The Property Manager will review the documents and determine the eligibility of the prospective buyer. If necessary, the potential transfer will go to the HOA Board for further review.
- Failure to follow this process will result in the membership and all associated dues and fees remaining the original owner's responsibility.
- Members are responsible for ensuring that the documents of transfer are submitted to the HOA Property Manager.
- It is the responsibly of the seller to file all necessary paperwork with the HOA property manager when the membership is conveyed with the sale of a home.
- all sales and/or transfers of Club memberships are subject to a one-time registration fee to be charged in addition to the sales price
- Transfers will not be processed thirty (30) days prior to the pool opening.

## **DUES, FEES, AND ASSESSMENTS**

Three types of assessments annual, tennis-only and special may be levied against membership certificates. Delinquent assessment payments may be increased according to established late fees and/or interest.

**Annual Dues:** The HOA Board determines the annual dues and any other fees related to the membership certificate to cover the annual costs of operating and maintain the recreation facilities. The annual assessment shall be based on budget requirements and estimates as approved by the HOA Board. Annual dues are not refundable in any portion for any reason, including but not limited to sale of membership or seasonal facility closures (i.e. health/safety, major repairs, weather-related, HOA/Club approved events.)

**Tennis-Only Annual Dues:** The HOA Board, based on the budget of the Club, shall determine the limited Tennis-only dues to cover the annual costs of operating and maintain the tennis facilities. The annual Tennis-only dues are non-refundable and non-transferable. No pool or clubhouse privileges are included with the annual tennis-only dues. The Tennis-only members have no voting rights on club matters.

**Special Assessments:** The HOA Board may levy in any budget year, special assessments applicable to that budget year for defraying, in whole or in part, the cost of any construction, reconstruction, unexpected repair or replacement of any of the recreational facilities. For capital projects not already in the budget, assessment and payment schedule or due date shall be made only with the approval of two-thirds (2/3) of the Club members in good standing who are voting in person or by proxy at a meeting called for this purpose. Written notice of such meeting shall be sent to all members at least thirty (30) days and no more than sixty (60) days in advance of the meeting and shall set the purpose, date, time and place of the meeting. Any special assessment related to a maintenance issue will not require a vote of the Club membership.

**Membership Late Fees & Forfeiture:** The Club shall assess a late fee as stated in the dues notice for all dues not paid by the established due date. If the member's payment continues to be delinquent, the member shall be notified via U.S. certified mail and have forty-five (45) days from the original due date to make payment on the account balance in full. Payments not received forty-five (45) from the original due date, will result in membership forfeiture without right or claim or restitution. Forfeited membership certificates shall be considered as available for immediate sale by the HOA Board at the current fair market value. Once a member's certificate has been reclaimed for non-payment, the member may not purchase or receive transfer of another membership.

## **MEETINGS OF MEMBERS**

All annual or special meeting of the Club shall be chaired by the HOA Board. The membership shall be advised in writing of the time, date, place and purpose of such meetings at least thirty (30) days and no more than sixty (60) days in advance of the meeting.

**Annual Meeting:** There shall be an annual meeting of the general membership each January at a time, date, and place determined by the HOA Board. This annual meeting shall be held separately from any meeting of the HOA but may be held on the same night.

**Special Meetings:** Special meetings of the membership may be called by the HOA Board or by any Club member in good standing who obtains signatures on a petition requesting such a meeting from ten (10) percent of the membership who are also in good standing.

**Voting:** Whenever a vote of the Club is published, there shall be one vote for each valid membership certificate. Only members in good standing are permitted to vote. Proxies shall be submitted in a written form prescribed by the HOA Board.

## **DOCUMENT AMENDMENT PROCESS**

Amendment(s) to these Rules, Regulations and Procedures become effective immediately upon approval and adoption by two-thirds (2/3) of the membership of the Club or upon approval of the HOA Board.

These Rules, Regulations and Procedures may be amended as follows:

- a. Proposed amendments may be originated by a member of the HOA Board or by a petition signed by ten percent of the membership who are in good standing.
- b. A meeting shall be called by the HOA Board to vote on the proposed amendments. If the HOA Board deems it necessary for the attorney to review them, the Board vote will occur within 60 days of the date that the amendments are reviewed and approved by the attorney.
- c. A copy of the proposed amendment(s) shall be provided to the members not less than thirty (30) days prior to the meeting to review and address questions on the proposed amendment(s). One proponent of each amendment shall be permitted to include a statement with respect to the proposed amendment not exceeding one typewritten page in length with a font size of 12 or larger, with one-inch margins. The HOA Board may indicate its recommendations and make such comments as it deems necessary on each proposed amendment.
- d. An affirmative vote of two-thirds (2/3) of the Club membership voting shall be necessary to approve amendments to the Club Rules, Regulations and Procedures.

Notwithstanding any other provision of these Rules, Regulations and Procedures, the HOA Board may amend these Rules, Regulations and Procedures by unanimous vote with all directors present and voting.

A copy of these Rules, Regulations and Procedures shall be made available electronically to each member. A hard copy version may be requested at the current set copy fee.

*Approved and adopted by the Swim and Tennis Club membership on 19 April 1982.  
Amended by the Board of Directors of the Hiddenbrook Homes Association on 10 January 1986,  
15 February 1988, 25 April 1989. Approved and adopted by the Swim and Tennis Club  
membership on 19 March 2020.*