

Banner Mountain Homeowners Association By-laws

The Banner Mountain Homeowners Association (BMHA) is a non-profit organization composed of Banner Mountain residents, property owners and all others concerned with the quality of life in the Banner Mountain area.

Purpose

1. To promote activities which help to provide for the optimum living conditions in the area and to discourage activities which threaten to affect the area adversely.
2. To keep the members informed of current issues which might affect the Banner Mountain area.
3. To establish committees to study the possible relationship of any proposed activity in light of its effects on the Banner Mountain area.
4. To voice the consensus of opinion of the BMHA to pertinent governmental bodies.

Membership

There shall be two (2) classes of membership in the Association:

1. **Regular membership** shall be limited to residents or residential property owners of the Banner Mountain area. There shall be no more than one (1) membership per family, corporation, or other entity regardless of the number of parcels owned. There shall be no more than two (2) votes per regular membership.

The Banner Mountain area shall be defined as all land which is east of the Nevada City limits, the Golden Center Freeway, Brunswick Road, and south of Deer Creek and Scotts Flat Lake, and north of a line running along the north side of the County airport from the Brunswick Road to Little Clipper Creek and the southern limits of sections 21, 22, 23 and 24 (R9E, T16N) east of Little Clipper Creek, and west of a line passing through the center sections 12, 13, and 24 (R9E, T16N). This includes all or part of the sections 7 to 24, and 28 to 30, in Range 9 east, and sections 13, 24, and 25 in Range 8 east, all of which are in Township 16 north.

2. **Associate Membership** shall be those who wish to support the BMHA and are not defined under **Regular Membership**. Associate members shall not have a vote, but will receive newsletters.

Dues

Annual dues, payable January 1, shall be fifteen (\$15) dollars per regular or associate membership. Any change in yearly dues shall be approved by the Board of Directors and presented for vote by the General Membership at the Annual Meeting. The membership year shall be from January 1 to December 31. Members who have not paid dues prior to or at the General Meeting shall be declared not in good standing and shall be dropped from the membership rolls.

Banner Mountain Homeowners Association By-laws

Board of Directors

The Board of Directors shall consist of at least seven members. The Board shall select annually, a President and Vice-president, from its members. The offices of Secretary and Treasurer should be filled by members of the Board of Directors but may be appointed by the Board of Directors from the general membership. If the Secretary and/or Treasurer are appointed, they shall not have a vote in decisions of the Board. Members of the Board shall be elected for two year terms. In addition to the stated duties of the officers, the Board shall conduct all business of the Association. Public statements on behalf of the Association shall be made only by, or with concurrence of, a majority of the Board. All meetings of the Board shall be open to the general membership.

Offices and Duties

Board of Directors

The Board of Directors shall administer the affairs of the BMHA, set policy and have the authority to expend funds.

President

The President shall preside at all meetings of the Board and general membership. Subject to prior approval of the Board, he/she shall exercise supervision and direction in carrying out the policies and programs of the Association. He/she shall be an ex-officio member of all Association committees.

Vice-President

The Vice-President shall, under the direction of the President, and with the approval of the Board of Directors, perform such duties as are assigned by the President. In the absence of the President, the Vice-President shall act as presiding officer at Board or General meetings.

Secretary

The Secretary shall be responsible for keeping complete records of all proceedings of the Association. All records shall be in writing. Shall cause a current list of members in good standing to be present at each general membership meeting and shall advise the President of the number of such members present and the number which constitute a majority vote or a two thirds (2/3) vote.

Treasurer

The Treasurer shall be responsible for all monies received and disbursed and for all records and journals associated with such fund. The Treasurer shall present a summary financial report at each Board and general membership meeting. All checks issued by the BMHA shall be signed by the Treasurer, or designate, and be approved by the President by email.

Activities of the Board

Audits

An audit committee shall audit the books and financial records of the Association and present a written report to the membership at the BMHA annual meeting. A special audit shall be made by the committee at any time that a change occurs in the office of the Treasurer.

Banner Mountain Homeowners Association By-laws

Accounting: The fiscal year for the Association shall be the calendar year, January 1 through December 31. An audit shall be made at the end of the fiscal year.

Elections: A list of candidates for Board membership will be provided to all members in good standing during the last quarter of the year. Voting shall be by email or paper absentee ballot. The email or absentee ballot must be received by the end of December. Candidates receiving the highest number of votes (in descending order from the highest number of votes) shall be deemed elected until all vacancies have been filled. In January of each year the Board will elect the officers of the Board for the coming year. The results of the election and Board members will be made available on the BMHA webpage. Any vacancy on the Board shall be filled by appointment by the remaining members until the next annual election.

Removal from Office: A member of the Board may be removed from office at the BMHA annual membership meeting, or at a special meeting, by a two thirds (2/3) vote of all Association members present in good standing, provided that notice of the proposed removal, along with a statement by the Board member in question if he/she desires, accompany the notice of the meeting and provided that the Board member have the opportunity to speak at the meeting prior to the vote.

Meetings: All meetings of the BMHA Board of Directors, the annual general membership meeting and special meetings will be conducted according to Robert's Rules of Order.

Meetings of the Board: The Board shall meet quarterly; meetings shall also be held at the call of the President or at the request of any two (2) members of the Board or on written request of any ten (10) members in good standing of the Association. A reason for the meeting must be made at the time of the request.

Membership Meetings: The BMHA Annual Membership Meeting shall be held annually. General or special membership meetings shall be held at the call of the Board or by written request of ten (10) members in good standing, with the approval by the Board, for the purpose of conducting any business concerning or pertinent to the membership as a whole. All members in good standing shall be notified by email or by telephone of the place, time, and purpose of the meeting.

Committees: The President may, with the consent of the Board, appoint and dissolve committees. Committees may include, but are not limited to: government relations and liaison, audit, hospitality, membership, bulletin, budget, fund-raising and publicity.

Amendments: These By-laws may be amended at the BMHA annual membership meeting, at a special or general meeting by two-thirds (2/3) of the vote cast by regular members in good standing and voting in person, by email or by absentee ballot, providing that notice of the proposed amendment was provided to the membership 30 days prior to the vote. Absentee ballots must be received by the Secretary prior to the meeting.