

CONSTITUTION AND BYLAWS

OF THE

NEWBERRY-HARVARD PROPERTY OWNERS ASSOCIATION

PREAMBLE

Recognizing the advantage and necessity of cooperative effort properly and legally directed to protect and defend our rights and interest as “real property owners” in all matters affecting our existence in the Newberry-Harvard area, we hereby pledge our united efforts and support as members of the Newberry-Harvard Property Owners Association, in the accomplishment of such purpose.

It is essential and mandatory that we organize in order to establish and maintain conditions in our community regarding property rights and investments to provide for ourselves and our families that measure of comfort, happiness and security to which every citizen is entitled.

For reasons stated, we adopt this Constitution and By-Laws, pledge our support to the said organization, and, as members thereof, we agree to abide and be governed by the provisions, requirements, purpose and intent of this Constitution and all subsequent amendments duly enacted hereto.

CONSTITUTION AND BYLAWS

Article I

NAME AND LOCATION

Section 1: This organization shall be known as the Newberry-Harvard Property Owners Association.

Section 2: It shall be a non-profit organization.

Section 3: The organization shall be located (headquartered) in Newberry Springs, California and shall encompass the Newberry Springs planning area as formulated by San Bernardino County and shown on the map thereof.

Article II

PURPOSE

Section 1: To promote and protect the rights and interests of property owners of the Newberry-Harvard areas as formulated by the San Bernardino County Planning Boundaries.

Section 2: To provide a public forum for the membership for discussion and proposed solution of problems inimical to the welfare and well-being of said property owners.

Section 3: To act as a liaison between the property owners and the agencies of government, or any entity promoting conditions that would adversely affect the residents of the communities.

Section 4: To establish standards and criteria for the current and future needs the population in Newberry Springs and Harvard that will afford clean air, pure and sufficient water, open spaces, schools, churches, recreational facilities, and roads, with business and industrial zones for the accommodation of the residents.

Section 5: To enlist cooperative effort toward the solution of problems adversely affecting the real property owners of the said area.

Article III

MEMBERSHIP

Section 1: Membership shall be open to all Newberry-Harvard Real Property Owners.

Section 2: Eligibility for membership will be proof of real property ownership of property within the boundaries of the areas as stated in Article (I), Section (3). This proof will be any one of the following:

- a. By furnishing a Grant Deed showing the name of the grantee(s).
- b. By furnishing a tax bill containing the name of the owner and a parcel number or a legal description of the real property.
- c. In the case of a family trust, by furnishing written proof from other family members of the trust that the applicant is the legal member of the trust and either a, b, or c, above.
- d. Power of Attorney from the family member or partner/associate who is listed on the parcel to confirm the applicant's vested interest.
- e. In situations such as properties owned by a business, church or corporation a letter from the executive head indicating the person authorized to act on their behalf and by furnishing a legal contract containing a legal description of the real property and showing the names of all parties to the contract and all shareholders if held in a corporation.

- f. Any situation not covered by the above may be brought before the Board of Directors for a decision.

Section 3: Persons who are not property owners within the Newberry Springs-Harvard Planning areas may become an Associate Member by paying the annual dues as specified in Article IV, Section 1. Associate Members do not have the right to vote or hold an office.

Section 4: Regardless of number of parcels or value of respective parcels, membership (vote) shall be as follows:

- a. An individual owner of one or more parcels is entitled to one vote.
- b. Husband and wife, owners of one or more parcels, are entitled to one vote only.
- c. Joint ownership, owning one or more parcels, are entitled to only one vote, not one vote each.
- d. A Corporation, (church or business) owning one or more parcel/s is entitled to only one vote.

Section 5: Members in good standing shall be eligible to vote on all matters presented at all regular meetings and will be eligible to hold office provided they do not hold office on any board having the power to tax or regulate within the boundaries of this organization. Voting on motions and other regular meeting business (other than elections) shall be by a) an oral vote by “aye” or “nay” as called for by the president or presiding officer, b) a counted showing of hands if necessary due to close vote or c) a written ballot if deemed necessary by the Board of Directors.

Section 6: Responsibility for establishing membership and maintaining good standing in accordance with this Constitution rests entirely with each member. Payments of dues are to be acknowledged by the membership card signed by the treasurer or membership chair and a receipt, if requested, signed by the treasurer or membership chair. If the membership card or receipt is unavailable, a current membership roster will be maintained and available at all meetings to evidence all members in good standing. Members in good standing are defined as those members who have paid their dues in full.

Article IV

FINANCES

Section 1: The annual membership dues shall be \$15.00 beginning the year 2008 and shall be payable at the beginning of each ensuing year. A grace period of 90 days will exist from that date, or from the renewal notification date, whichever is later, to allow sufficient time to renew annual memberships. After the grace period, a member shall be removed from the membership roster and his/her voting right shall be revoked until such time as he/she brings the dues current.

Section 2: The membership dues shall be modified as necessary by two-thirds vote of the members present at any meeting, or by canvassing of the entire membership through any other physical or electronic means.

Section 3: Expenditures up to five hundred dollars (\$500.00) shall be approved by a majority vote of the Board. Cost of printing and mailings to membership on a periodic schedule is to be set by vote.

Section 4: The Secretary shall be permitted a petty cash fund of one hundred dollars (\$100.00) for small expenses and shall be included in the Financial Report made to the Board.

Section5: Checks written in the name of the Association shall require any two (2) signatures of ~~three~~ officers of the Association authorized to sign checks by the Board of Directors and one of the two signatures must be that of the President.

Section 6: All finances, files, records, and correspondence are the exclusive property of the NHPOA and will be relinquished to the governing board of directors upon request.

Article V OFFICERS

Section1: The officers of this organization shall be President, Vice-President, Secretary and/or Treasurer, and one director-at-large. One officer may assume multiple duties, except that the President and Vice-President may not be a single person. Other officers may be appointed or elected if deemed necessary by the Board of Directors. All members in good standing shall be eligible for office, including Newberry-Harvard property owners outside the area.

Section 2: Those elected officers and the elected or appointed Director(s) shall constitute the Board of Directors.

Section3: The duties of the President shall be the legislative head of the association and shall preside at all meetings. He/She shall be the official legislative representative and spokesman of the NHPOA in all instances and situations when such representation is appropriate. He/she shall with counsel and advice of the Board of Directors appoint as needed the program, steering committees and task forces. He/she, with authorization of the Board shall sign all deeds, contracts, and other instruments affecting the operation of the NHPOA and of any of its properties. The president may ask the Board to add specific items to the agenda. The president of the board of directors shall approve all outgoing correspondence, which represents this association or an action of the association.

Section4: Duties of the Vice-President. In the absence of the President he/she shall perform the duties of the President and assume any duties directed by the President.

Section5. Duties of the Secretary shall be to record the minutes of all meetings, coordinate with President to prepare agenda for board meetings and general membership meetings and perform any other duties assigned by the President.

Section 6: Duties of the Treasurer shall be to have charge and custody of and be responsible for all funds, render an accounting thereof at all Board Meetings, be accountable for membership dues, shall receive and give receipts for money due and payable to the organization and deposit all such monies in the name of the organization in one or more depositories as shall be selected by the Board.

Section 7: Duties of the Directors. The Directors shall be present at all meetings and have the right to vote on all matters requiring action by the Board and will be available for such duties as may be assigned to them by the President.

Article VI

MEETINGS

Section 1: The membership meetings shall be held a minimum of four times a year. The membership meetings may be held on the second Saturday of each month from January through December. The regular membership meetings in July and August may be excluded with approval of the Board. Additional meetings may be called if deemed necessary. Such meetings shall be by public notification.

Section 2: The board of Directors shall meet as needed when called by the President, as such time and place as designated by the President. The presence of either the President or Vice-President and one other board member shall constitute a quorum for conducting a Board Meeting as well as a quorum for the transaction of business.

Section 3: The presence of one of the Board of Directors either the President or Vice-President plus two members in good standing at any legal membership meeting shall constitute a quorum for the transaction of business.

Article VII

ELECTIONS AND TERMS OF OFFICE

Section 1: The president may appoint a nominating committee consisting of not less than two (2) nor more than five (5) persons at the September meeting. A Chairperson shall be selected from this committee by the committee members. The Chairperson shall get the approval from each candidate prior to placing his/her name on the proposed slate. The Chairperson and his/her committee shall prepare and submit to the Board and the general membership at the October membership meeting a slate of the candidates to be placed on the December election ballot and give a report at the October membership meeting.

Section 2: Nominations may be accepted from the floor at the November membership meeting

and all nominations shall be closed.

Section 3: Absentee ballots shall be accepted.

Section 4: Notification to all members of slate of candidates. The Board may do a mailing to the general membership listing all the candidates. Prominently displayed on this mailing shall be notification that members may request an absentee ballot to vote. The mailing of the slate of candidates shall be sent to all members no later than ten (10) days after the October membership meeting. Candidates may provide a written statement of their biography and intentions. A request for nominations may be included in the Fall Newsletter.

Section 5: Newly elected Officers and Directors shall be sworn in and assume office in the following January at the membership meeting or a) immediately following the vote in the December meeting or b) at the January Board meeting if one takes place prior to the January membership meeting. Newly elected Officers and Directors shall assume office on January 1st.

Section 6: A vacancy shall be created by resignation of an Officer or director or by absence from three consecutive Membership meetings or three consecutive Board meetings. Extenuating circumstances causing such as absence may be approved by the Board of Directors.

Article VIII

COMMITTEES

Section 1: The President shall appoint, at the January membership meeting, an auditing committee whose duty it shall be to audit the Treasurer's accounting at the close of the fiscal year, and to report the results at the following membership meeting. All records from the previous January 1st through December 31st shall be received by the auditing committee by January 15th of the New Year or within five (5) days after the receipt of the January bank statements.

Section 2: Committees shall be appointed by the President or by the Board of Directors and will include, but not be limited to, membership, roads, water, newsletters and meeting committees. Exact duties of these committees shall be clarified in the policy and procedures manual.

Article IX

LIMITATIONS AND LIABILITIES

Section 1: This organization shall not incur, not cause to be incurred, any liabilities or obligations whatsoever, which shall subject it to liability by any individual, corporation or organization.

Section2: Outside of the Board, committee, and regular meetings, no officer or board member shall represent this organization without prior consent and direction of the Board of Directors.

Section3: No officer or board member shall commit acts that may subject this organization to liability by any individual, corporation or organization.

Section4: In the event an officer or a board member violates any of the bylaws or subjects this organization to be potentially liable, may be subject to removal from the Board of Directors. Such removal shall be initiated by a majority vote of the Board of Directors. Removal action must be confirmed by a vote at the following general meeting.

Article X

AMENDMENTS OF BY-LAWS

Section1: At such time these bylaws are amended, a bylaws committee will be appointed. The proposed changes will be submitted to the Board for their review. If two or more proposals for the same Article/Section have been submitted, a majority vote of the Board will determine the proposal to submit to the membership. After Board approval, the finalized proposed bylaws will

be presented at a regular membership meeting and voted on by the membership at the following regular membership meeting.

Section2: These bylaws can be amended at any regular membership meeting of the organization, or other canvassing by physical or electronic means by a two-thirds vote of the votes cast by the members present, provided the amendment has been submitted at the previous membership meeting or distributed to the membership via electronic or physical means before the regular membership meeting.

Section3: A Policies and Procedures Manual shall be formulated and followed as a guideline to carryout and/or enforce the bylaws. The Policies and Procedures Manual shall be established by the Board of Directors. Any changes to the Policies and Procedures must be approved by the Board of Directors.

Article XI

PARLIAMENTARY AUTHORITY

Section 1: Robert's Rules of Order, modified as necessary by the Board, shall govern the organization in all cases to which they are applicable.

Article XII

DISSOLUTION OF THE ORGANIZATION

Section 1: Dissolution of this Association shall be in accordance with California State law.

Section 2: Any assets remaining in the name of the Association at its dissolution shall be distributed to one or more organizations having similar objectives.

Revisions approved at the January 20, 2018 meeting by a unanimous vote

Robert A. Vasquez

President and acting Secretary