

La Bon Vie Homeowners Association, Inc.

BYLAWS

Amended & Restated June 21, 2021

Article 1 – Purpose, Legal Basis, Amendment

- 1.01 The purpose of these Bylaws is to establish procedures, policies, and rules for regulating and managing the HOA. The Bylaws must be consistent with applicable State laws and with the HOA Articles, Covenants, and Restrictions. The Bylaws do not invent new powers. For convenience, a few Covenant & Restriction provisions are repeated in these Bylaws.
- 1.02 The legal basis for Bylaws is LRS 12:222 of the Louisiana Nonprofit Corporation Law. The authority of the Board to establish, amend and repeal Bylaws on behalf of the HOA is derived from HOA Covenants §2.3.
- 1.03 These Bylaws may be amended at any duly convened meeting of the Board, provided that the text of the proposed amendment(s) is delivered to all Directors, in hardcopy or by email, at least 48 hours before the meeting.

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Article 2 – Class A Membership Only

- 2.01 Since about the year 2010, the total number of votes outstanding in the Class A Membership (lot count x 1) has exceeded the total number of votes outstanding in the Class B Membership (lot count x 7). Therefore, pursuant to HOA Covenants §1.6, Class B Membership has terminated. Only Class A Membership remains, and “one vote per lot” applies.

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Article 3 – Community Meetings

- 3.01 LA R.S. 12:229 requires an Annual Meeting to be held for the purpose of electing Directors. LBV HOA’s Annual Meeting shall be held during April at a time and place specified by the Board.
- 3.02 Notice for each Community Meeting (a) shall be mailed by the Secretary (with or without the assistance of the Business Manager) to all property owners at least 10 days but not more than 30 days in advance; and (b) shall state the general or specific purposes of the meeting.
- 3.03 For business to be transacted at any duly convened Community Meeting including the Annual Meeting, a quorum must be present in person or by proxy. Pursuant to HOA Covenants §2.1, the quorum for Community Meetings is here defined to be that number of members sufficient to represent 25% (if fractional, rounded up to the next integer) of the total number of lots. The minutes for each Community Meeting shall state the current

total number of lots, what the quorum was for the meeting, how many lots were represented at the meeting, and whether or not a quorum was present.

- 3.04 When so directed by the President, by the Board, by the written request of any 20 members, or by request of at least 25% of members for budget review pursuant to HOA Covenants 3.4.C, the Secretary (with or without the assistance of the Business Manager) shall send out the notices for a Community Meeting. If the Secretary is unwilling or unavailable, the notices may be sent by any one of the requesting Association members to whom shall be given the names and mailing addresses of all Association members. (Ref. LA R.S. 12:229)
- 3.05 Association members always retain the power to change the action of the Board. (Ref. LA R.S. 12.222.A)

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Article 4 – Action by Membership without a Community Meeting

- 4.01 Pursuant to HOA Covenants §2.2, the Board is permitted to seek approval from the HOA Membership for certain proposals without a Community Meeting, without prior notice, and without a vote. Such approval shall be obtained via signed written consent by a sufficient percentage of lot owners. The minimum percentage required is here defined as a majority of the total number of lots, unless a higher percentage is required by Covenant or statute.
- 4.02 An attempt by the Board to secure approval by signed written consent shall be initiated by mailing to all property owners a letter (based on Form LBV-04a-InviteSignedConsent). This letter invites owners to grant their consent by so indicating on the “signed-consent ballot” (based on Form LBV-04b-SignedConsentBallot) that is enclosed with the letter of invitation. The signed-consent ballot is allowed to solicit consent with individual proposals, a group of proposals, or a combination of individual and grouped proposals. The ballot shall (a) announce the proportion of members who must consent with the proposals to be approved; (b) announce the deadline for receipt of consents; and (c) present the rationale for the individual or grouped proposals that will help Association members to understand the proposals and why approval is needed.
- 4.03 A record of each such attempt at securing approval shall be recorded by the Secretary in the minutes of a subsequent Board meeting. Such a record shall state the text of the proposal, the current total number of lots, how many lots were represented by signed consent, what the required minimum number of consenting lots was, and whether or not the proposed action was thus approved.

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Article 5 – Board of Directors

- 5.01 The number of Directors shall normally be 7. Each Director shall usually be elected for a three-year term. It is permissible to have a number of Directors that is greater or smaller than 7, except that the legal minimum is 3. (Ref. LA R.S. 12:224.B)

5.02 To qualify for election as Director (Ref: LA R.S. 12:224.E), a person must: (a) be an owner of property in La Bon Vie; (b) be available to meet monthly; (c) give assent in advance to the Directors' Oath of Office; and (d) currently have no unresolved Covenant or Rule violations associated with their LBV property.

5.03 Directors' Oath of Office:

"As a Director of La Bon Vie Homeowners Association,

- (a) "I will support the Association's Articles of Incorporation, Covenants, Restrictions, and Bylaws; I will become familiar with the contents of those documents as they apply to me;
- (b) "I will faithfully carry out the responsibilities that I accept;
- (c) "I will not use my office to grant preferential treatment or seek personal advantage;
- (d) "Actions that I take in the name of the Board, will only be those that have been authorized by the Board OR are clearly within the normal scope of duties assigned to me by the Board;
- (e) "For matters of significance that are in dispute, I will seek a Board decision;
- (f) "I will encourage and respect the free expression of opinion by fellow Directors;
AND
- (g) "I will abide by the decisions of the Board, while retaining the right to seek changes through ethical and constructive means.

"These things I solemnly pledge to do, to the best of my ability and judgment."

5.04 Procedure for Election of Directors

- (a) HOA Covenants 1.7.B. states that Directors "shall be elected as provided in [the Association] Bylaws". The election procedure below centers on electronic voting, and it allows for and proxies.
- (b) Before the end of January each year, the Board shall decide how many Directors need to be elected and for what term lengths, so that the normal number of Directors defined above will be maintained.
- (c) Between February 1 and 15 of each year, the Secretary, with or without the assistance of the Business Manager, shall send an email letter to all Lbv property owners, based on Form Lbv-05a-InviteNominations. This letter shall (1) invite nominations for Director, (2) tell nominees how to accept nomination using Form Lbv-05b-AcceptNomination, and (3) declare February 28 to be the deadline for nominations and acceptances to reach the Secretary in advance of the Annual Meeting. Additional nominations shall be permitted at the Annual Meeting until that Assembly votes to close nominations.
- (d) The Business Manager shall maintain electronic records showing the email address of the one owner per lot who would vote electronically at Community Meetings.
- (e) The remainder of this procedure is written for use at Annual Meetings, but it is permitted to be adapted for use for any Lbv Community Meeting.

- (f) Ten to 30 days before the Annual Meeting, the Secretary, with or without the assistance of the Business Manager, shall mail a letter (based on Form LBV-05c-AnnounceAnnualMtg) to all LBV property owners, to announce the Annual Meeting that shall include election of Directors. With the announcement shall be included: (1) the list of nominations for Director made in advance and the list of proposals (if any) to be decided on; (2) the number of Directors to be elected for what term lengths; and (3) information about the nominees (based on Form LBV-05e-NomineeInfo) and proposals (based on Form LBV-05f-ProposalInfo-AnnualMtg) that will help members to decide how to vote.
- (g) The Secretary shall prepare, in advance, the Attendance Register -- a hardcopy document containing the following for each LBV property: lot number, LBV street address, name(s) of owner(s), the one email address to be used in voting, blank space for recording the identity of the owner's proxy (if any), and blank space for the owner or proxy to initial for the purpose of registering their attendance upon arrival at the Annual Meeting.
- (h) The Election Commissioner shall, in advance, set up LBV's account at a Board approved voting website or Electronic Software for electronic voting at the Annual Meeting.
- (i) The Election Commissioner shall prepare, in advance, the Electronic Election Register. This is a computer spreadsheet containing the following for the voting owner of each LBV property (the one owner who will cast votes on behalf of the property): lot number, LBV street address, name, email address, and cell phone number. In addition, the Electronic Election Register shall contain fields to allow – as appropriate – the answer YES to two questions: (1) “Is the voting owner or proxy present at the Annual Meeting?”, and (2) “Does the email address that is to be used in voting belong to a proxy rather than the owner?” The Election Commissioner shall bring, to the Annual Meeting, an Internet-connected computer on which the Electronic Election Register resides.
- (j) A property owner who wishes a proxy to represent them in votes taken at the Annual Meeting shall inform the Secretary regarding whom they have named as proxy by delivering to the Secretary, more than 24 hours in advance of the Annual Meeting, a signed-hardcopy or emailed note specifying their choice and specifying the email address which their proxy will use in the electronic voting process.
- (k) Upon arrival at the Annual Meeting venue, the owner or proxy representing each LBV property shall (a) register their attendance by initialing, in the presence of the Secretary, the Attendance Register in the blank space corresponding to each property they represent for voting purposes, and (b) confirm that the Electronic Election Register has the correct email address for voting purposes.
- (l) The Election Commissioner shall use the fields provided in the Electronic Election Register to indicate that the voting owner or proxy is present and whether they are serving as proxy (i.e. if the email listed is that of a proxy).

- (m) If total attendance at the Annual Meeting – by proxy and in person – does not meet quorum, then no election or other business shall be permitted to be conducted, with the one exception that is permitted by LA R.S. 12:231(3): a motion may be considered to adjourn and continue the meeting to a future time and location. The purpose(s) of the Continued Annual Meeting shall be the same as the purpose(s) for which the original Annual Meeting was called. Choice of time for the Continued Annual Meeting shall consider the requirement for the Secretary to give due notice of 10 to 30 days. Then, whichever HOA members are present at the Continued Annual Meeting, in person or by proxy, shall constitute a quorum for conducting the election and other business, if any.
- (n) Nominations for Director shall be permitted from the floor of the Annual Meeting (without being seconded) until those assembled have voted to close nominations.
- (o) The Election Commissioner shall set up the Board approved voting website or electronic software to include additional nominations, if any.
- (p) When instructed by the Chair, the Election Commissioner shall cause the Board approved voting website or electronic software to initiate the electronic voting process, and voting owners and proxies shall cast their votes. The Secretary shall assist voters who did not bring smart phones to the meeting.
- (q) Upon a hand vote by the Assembly, the Election Commissioner shall manually close electronic voting.
- (r) The Election Commissioner shall: (1) In PDF form, capture and label both (i) the final Electronic Election Register, and (ii) the final Election Report produced by the Board approved voting website or electronic software; (2) Display voting results to the Secretary; and (3) Immediately after the meeting, sign and date a hardcopy version of each of the two foregoing PDF files and send them to the Secretary for archiving.
- (s) Let “x” equal the number of Directors being chosen in the election at hand. The “x” persons who receive the highest number of votes shall be accepted as elected, except that if last place among the “x” persons is shared by two or more persons in a tie, then one person from among those in the tie shall be chosen using a second electronic ballot set up onsite in real time by the Election Commissioner. The person with the highest number of votes shall be chosen.
- (t) If Directors with varying term lengths are elected, those receiving higher numbers of votes are elected to serve the longer terms.
- (u) The Secretary shall announce to the Assembly the final results of all voting.
- (v) Adjournment of the Annual Meeting should not occur until after the election is complete.

- (w) The Secretary shall include, in the minutes of the Annual Meeting, both (1) the signed hardcopy Election Report(s), and (2) the final results of all voting in the election including term lengths.
- (x) The Secretary shall file the hardcopy Attendance Register in HOA archives and mark it to be discarded after three years. The Election Commissioner shall label the following for deletion after three years and place them in electronic HOA archives: (1) the PDF version of the final Electronic Election Register; and (2) the PDF version of the final Election Report(s) from the Board approved voting website or electronic software.
- (y) Election results shall be announced to the community via an email message authored by the Secretary and sent out by the Business Manager.

5.05 Meetings of the Board

- (a) Regular meetings of the Board shall be conducted at least monthly, at a time and place approved by the Board. Special meetings of the Board may be called by the President or by any five Directors, provided that advance notice is delivered to all Directors in hardcopy or by email at least 48 hours before such special meeting.
- (b) At its first meeting following the election of Directors, the Board shall annually elect a President, Vice-President, Secretary, and Treasurer from among its members. At the same meeting it shall annually make appointments and populate committees as far as is practical.
- (c) Except as otherwise stipulated in our community documents, Board meetings shall be generally conducted in accordance with Roberts Rules of Order.
- (d) The presiding officer is permitted to participate in voting on all matters considered by the Board.
- (e) Any Director may bring a motion for consideration at a Board meeting. To save time in Board meetings, Directors are encouraged to write out motions and distribute them by email well in advance of the next Board meeting.
- (f) The use of proxies at Board meetings is not allowed because the HOA Articles have no provision for such. (Ref: LA R.S. 12:224.G)
- (g) Only Directors, and those persons responding to invitations from Directors, are permitted to attend Board meetings. The Sergeant-at-Arms has a standing invitation to attend, but may be uninvited for certain parts of meetings.
- (h) The standing agenda for regular Board meetings shall include: (a) a demonstration that a quorum is present; (b) an opportunity for Directors to make corrections to previous meetings' minutes; (c) the signing of those minutes by the presiding officer; (d) an opportunity for reports to be presented by officers, committee chairs and other appointees; and (e) motions.

- (i) An action required to be taken by vote of the Board may instead be taken in the absence of a meeting (or in the absence of a quorum at a meeting), by obtaining the written approval of a majority of the Directors. (Ref: HOA Covenants §2.3B) “Written approval” may be given in hardcopy or by email, but must be handed in to the Secretary or President whichever is specified in the invitation for written approval. A record of Board approval thus made shall be filed by the Secretary with the minutes of the next Board meeting.
- (j) The Board may declare vacant the office of a Director who resigns or who no longer meets one or more of the above qualifications for Directors. If a Director has missed three consecutive regular Board meetings, the Board may vote to conclude that the Director has demonstrated an inability to meet the qualification to “be available to meet monthly”. Once a vacancy has been declared by the Board, then the Board may appoint a replacement by majority vote of remaining Directors – giving preference to unelected nominees who received the highest number of votes in the most recent election. (Ref: LA R.S. 12:224.E (2) (e))
- (k) A Director, committee chair, committee member, or other appointee may resign by delivering to an officer a statement of resignation in hardcopy or by email. The resignation shall be in effect on the day of receipt unless a later effective date is specified in the resignation. A record of the resignation shall be recorded by the Secretary in the minutes of a subsequent Board meeting.

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Article 6 - Duties for Officers

- 6.01 The President shall preside at all Community and Board meetings.
- 6.02 The Vice-President, in the absence of the President, shall preside at Community or Board meetings.
- 6.03 The Secretary shall:
 - (a) For each Community meeting and Board meeting:
 - (1) Within two weeks: prepare, sign and date the minutes in hardcopy;
 - (2) Also within two weeks: publish the minutes in PDF by email to all Directors and the Business Manager;
 - (3) At the next Board meeting, manually make corrections as directed by the Board and initial those corrections;
 - (4) At the same Board meeting, present the hardcopy for signature of the presiding officer;
 - (5) File the signed hardcopy and all attachments (which form the official copy of record for permanent retention) in HOA records.
 - (b) Maintain, in HOA records, bound files containing the permanent hardcopies of record of all Community and Board meetings’ minutes including attachments. Insert a note to explain the absence of minutes or attachments, if any. (Ref: LA R.S. 12:223.A)

- (c) Allow Association members to examine finalized Board minutes, but not copy them unless so directed by the Board, at an agreed-on time. (Ref: HOA Covenants §2.4, LA R.S. 12:223.C)

6.04 The Treasurer shall:

- (a) Either conduct or oversee the collection of dues, handling of incoming monies, disbursement of funds as directed by the Board, tracking who is and is not up to date in paying dues, keeping the books of account, and maintaining the HOA files of tax returns and forms 1099-MISC.
- (b) Allow Association members to examine the books of account and financial reports, but not copy them unless so directed by the Board, at an agreed-on time. (Ref: LA R.S. 12:223.C)
- (c) At least quarterly, present a year-to-date financial report to the Board for inclusion in the minutes. Each report shall contain at least the following:

- (1) The period covered by the report (date range starting with January 1)
- (2) January 1 checkbook balance
- (3) Year-to-date Income by type
- (4) Year-to-date Income total
- (5) Year-to-date Expenses by category & compared with budget
- (6) Year-to-date Expenses total
- (7) Ending checkbook balance
- (8) Signature of the Treasurer (permanent hardcopy of record)

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Article 7 – Sergeant-At-Arms

7.01 Appointed by the Board, the Sergeant-At-Arms operates at the direction of the Board to assist in practical details of maintaining order at meetings.

- a) Duties consist of:
 - 1) Greeting visitors at Annual Meetings,
 - 2) Providing security,
 - 3) In charge of property maintenance as assigned.
- b) The Sergeant-At-Arms may have general charge of certain administrative functions as directed by the Grounds Maintenance Committee Chair and/or the Board.

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Article 8 – Election Commissioner

8.01 Appointed by the Board, the Election Commissioner operates the computer-and-Internet system for electronic voting at Community Meetings.

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Article 9 – Fiscal

9.01 The fiscal year is the same as the calendar year.

9.02 All checks may be signed by the Business Manager or by the Treasurer. Any Director is eligible to be a check signer. Each signer must have credentials on file with the bank.

9.03 A Financial Audit shall be conducted each January, by an auditor selected by the Board and invited by the Treasurer. A summary report including commendations and recommendations shall be (a) emailed to all Directors and (b) attached to the minutes of a subsequent Board meeting.

9.04 Budget

- (a) No later than 7 days before the Board’s third-quarter meeting, the Chairs of all Committees shall send to the Board the list of capital improvement projects they recommend for the following fiscal year. Any capital improvement project proposal shall include its estimated cost.
- (b) At its third-quarter meeting, the Board shall decide on the list of capital improvements with estimated costs planned for the following fiscal year.
- (c) If the list of capital improvements represents a “substantial capital improvement” according to the definition of HOA Covenants §3.6, the Board shall seek agreement with the capital improvements by a majority of Association members, by making use of the “Action without a Community Meeting” procedure in Article 4. The signed-consent ballot is allowed to solicit agreement with the improvements as individual projects, as a group of projects, or as a combination of individual and grouped projects.
- (d) At least 7 days before the Board’s fourth-quarter meeting, the Business Manager shall prepare a budget proposed for the following fiscal year, and email it to all Directors. The budget shall include capital improvements (already approved by Association members, if required) and whether they are to be funded by Annual Assessment or by Special Assessment. The budget shall include the amount of Annual Assessment, and Special Assessment if applicable, that shall be payable by each Association member during the following fiscal year.
- (e) The Board shall (1) approve the following fiscal year’s budget at its fourth-quarter meeting, and (2) send a copy of the budget – together with a cover letter based on Form LBV-06-PresentBudget (which shall include information about how to timely register an “objection” to the budget) – to each Association member no later than December 17. (Ref: HOA Covenants §3.4.B)
- (f) If the approved budget calls for the Annual Assessment to be more than 125% of the previous year’s Annual Assessment, AND if at least 25% of members object within 30 days, then notices announcing a Community Meeting called for budget review pursuant to HOA Covenants §3.4.C shall be mailed pursuant to Section 3.04 above.

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Article 10 – Business Manager

- 10.01 The Business Manager works under a signed agreement with the Association that automatically expires at the end of each fiscal year unless (a) it is renewed or replaced by the Board before the end of that year, or (b) it is terminated by either side preferably with at least 30 days’ notice.
- 10.02 The President shall prepare the agreement and get it signed by December 15 each year. The signed agreement shall be attached to Board meeting minutes.

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Article 11 – Website Policy

- 11.01 The following are permitted to be displayed to the public without password protection:
- (a) Useful information whose display to a worldwide audience poses no significant security risk.
 - (b) Information of interest to newcomers and prospective purchasers of LBV property.
 - (c) Community Documents.
 - (d) Names or contact information of people who have given permission.
- 11.02 The following are permitted to be displayed on the website, provided they are restricted to password-protected webpages:
- (a) Names and addresses of LBV owner residents and non-owner residents. Exception: names or contact information allowed per 11.01(d) above.
 - (b) HOA Budget.
 - (c) Past or current issues of La Bon Vie NEWS.
 - (d) Calendar of events.
 - (e) Names of Board members, committee chairs, and appointees.
- 11.03 Minutes of Board Meetings or Community Meetings are not permitted to be displayed anywhere on the website – password protected or not.
- 11.04 The website shall provide for, and inform viewers to send messages directly to the HOA Board of Directors and the Business Manager using propertymanager@labonvie.org. The webmaster may be contacted by a private email without revealing to the public the email address to which messages will be sent.
- 11.05 The website shall include information about how to report problems and make suggestions.

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Article 12 – Newsletter

- 12.01 The Newsletter Editor is instructed to publish La Bon Vie NEWS at least quarterly, within budget constraints.
- 12.02 At least 5 days before publication of each issue, a draft copy shall be emailed to all Directors and to the Business Manager so that the draft can be reviewed for content, accuracy, and tone.

Article 13 – Committees & Appointees

- 13.01 Standing committees shall be the Architectural Control, Grounds & Maintenance, Welcome, Social, Gate Decoration, and Gate Committees. Individual appointees are typically Newsletter Editor, and Webmaster.
- 13.02 To be eligible for committee membership or to be an appointee, a person must own property in La Bon Vie. Preferably, at least one member of a committee is also a Director. In the event that needed expertise is not available within the HOA, expertise may be approved by the Board from outside the HOA to assist the committee.
- 13.03 The Board must approve (a) the membership and Chair for each committee, and (b) the choice of appointees.
- 13.04 Committee decisions shall be made by majority vote of all committee members.
- 13.05 Committees and appointees must conduct themselves in accordance with Board’s instructions, authorizations, and procedures. Particularly where there is potential for acrimony, only Board-approved action shall be permitted to be taken.
- 13.06 The Board may remove from office – with or without cause – any officer, committee member, committee chair, or appointee.
- 13.07 Each committee (through its Chair) and each appointee has a standing invitation to send reports to Board meetings. Preferably, reports are in writing and are sent by email to all Directors well in advance of the Board meeting. Directors may also deliver reports verbally or in hardcopy at a Board meeting.

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Article 14 – Architectural Control Committee

- 14.01 The Architectural Control Committee (ACC) shall be made up of 3 or 5 members, the choice of number being the Board’s (Declaration §4.5). The choice of number occurs when the Board appoints Committee members.
- 14.02 From context, it is clear that the term “Design Review Board”, used twice in the HOA Covenants but nowhere defined, refers to the Architectural Control Committee (ACC). (HOA Covenants §3.6 and §5.6.B)
- 14.03 Methods for ACC decision making are set forth at Declaration §4.3.

- 14.04 Prior ACC approval of construction plans & specifications is required for all buildings and improvements of any kind, as well as modifications. (Declaration §2.1 and §3.3) The ACC must respond to requests for approval within 30 days of receipt; failure to respond is equivalent to approval. The owner may request an explanation for disapproval. (Declaration §3.4)
- 14.05 Applications to request approval of plans for buildings, improvements or modifications must be submitted using Form LBV-10-ApplicForApproval. Although Declaration §3.3 authorizes imposition of a Review Fee, there is currently no Review Fee in effect.
- 14.06 The ACC has authority to review & inspect construction and other improvements. (Declaration §4.2)
- 14.07 ACC approval for a project shall terminate and be rendered void if construction does not commence within 6 months of approval. The ACC may approve of an extension if so requested by the owner due to extenuating circumstances. (Declaration §3.6)
- 14.08 The ACC is responsible for enforcing “overgrown grass” violations. (Declaration §2.15)
- 14.09 The following list is a sampling of the numerous additional responsibilities and authorities that are granted to the ACC by our Declaration. The list reminds the reader to consult the Declaration for details on the subjects shown as well as other subjects.
- (a) Responsible for enforcing “failure to install a sidewalk”. (Declaration §3.27)
 - (b) Consolidation and re-division of lots. (Declaration §2.3)
 - (c) Approval of a utility-service governmental body’s plans for the location of above-ground improvements. (Declaration §2.8)
 - (d) Approval for use of easements by a utility-service non-governmental company. (Declaration §2.8)
 - (e) Approval of temporary structures (Declaration §2.12)
 - (f) Judgment that an article visible from public or private streets is unsightly. (Declaration §2.15)
 - (g) Judgment that any constructed improvement is not being kept in good condition and repair, including paint or other finish. (Declaration §2.16)
 - (h) Approval of signs to be displayed to public view, other than the single “For Sale” sign routinely permitted. (Declaration §2.22)
 - (i) Retain plans and specifications for the amount of time chosen by the ACC. (Declaration §3.6)
 - (j) Approval of trash and debris dumpsters or containers used during construction. (Declaration §3.14)
 - (k) Judgment that landscaping does not ensure continuity or is not compatible in the subdivision. (Declaration §3.15)
 - (l) Grant extensions beyond 30 days for landscaping installation. (Declaration §3.15)
 - (m) Approval of uniform mailboxes and mailbox supplier. (Declaration §3.16)
 - (n) Exceptions for roof penetrations at corner-lot homes. (Declaration §3.18)
 - (o) Grant variances for setbacks. (Declaration §3.19)
 - (p) Determine facing direction of all structures. (Declaration §3.23)
 - (q) Grant variances for minimum living area requirements. (Declaration §3.24)
 - (r) Approve metal roofs other than non-galvanized metal roofs. (Declaration §3.25)

- (s) Allow garages to face the street. (Declaration §3.26)
- (t) Grant variances, for a particular property and for a particular instance, from any provisions of the Declaration or from any of the restrictions. The recording of waivers affecting title, if desired, is up to the owner. (Declaration §3.30)

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Article 15 – Grounds Maintenance Committee

- 15.01 The Grounds Maintenance Committee is responsible for overseeing the maintenance, preservation and improvement of the La Bon Vie common space, including the entrance gates, green spaces, ponds, trees and other plants, perimeter fence, entrance signs, and walking paths.
- 15.02 The Grounds Maintenance Committee shall seek to accomplish its duties by undertaking actions, which include but are not necessarily limited to:
 - (a) Working with the Board of Directors;
 - (b) Assist the Board in overseeing and monitoring La Bon Vie’s contract with the landscaping contractor;
 - (c) Investigate, determine and when appropriate recommend projects which would improve the Common Areas;
 - (d) Assist the Board in obtaining bids for Common Area improvements;
 - (e) Provide a report on Committee Activities at the La Bon Vie Annual Meeting; and
 - (f) Recommend Common Area operating and reserve budgets to the Board on an annual basis;
 - (g) Provide guidance and direction to the Sergeant-At-Arms as needed.
- 15.03 The Grounds Maintenance Committee shall keep track of all lots that are not designated as LBV Common Ground, but being maintained under the current landscape maintenance contract. These lot owners shall be billed a fair and reasonable monthly fee for maintaining their lots payable to LBV.

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Article 16 – Enforcement Procedure

- 16.01 In an effort to reduce violations and increase awareness, the restrictive covenants are readily available by visiting <https://www.labonvie.org>. The objective here is to provide for a pre-authorized and standardized procedure for the fair and impartial enforcement of our Covenants, Restrictions, Rules, etc. Arbitrary decisions and selective enforcement must be prevented. The goal is to maintain property values and quality of life – not to nit-pick.
- 16.02 Except for those enforcement matters expressly delegated by our Covenants to the Architectural Control Committee, the Board shall decide which Covenant and Rule infractions to prosecute.

- 16.03 Residents and owners may file a complaint regarding infractions of Covenants or Rules by sending a message to the Board of Directors using the Contact page of the LBV website or simply by emailing the complaint to propertymanager@labonvie.org.
- 16.04 When the Board has decided to prosecute a violation of the Covenants or Rules, the Business Manager shall:
- (a) Prepare a completed Friendly Reminder using Form LBV-09a-FriendlyReminder and email it to all Board members 48 hours before emailing it to the offender in step (b) below.
 - (b) Providing the draft was agreeable to the majority of Board members, email the completed Friendly Reminder including a time stamped photo attachment(s) to inform the property owner (and renter, if applicable) about the problem.
 - (c) It is up to the owner and/or renter to choose how to resolve the violation.
 - (d) If the problem has not been resolved within 14 days of emailing the Friendly Reminder with attachments, use U.S. Mail with Delivery Confirmation to mail a completed Form LBV-09b-SecondNotice for whichever of the following three scenarios is true, if any:
 - (1) Neither a corrective plan with timeline was submitted, nor a Board hearing requested, within those 14 days; or
 - (2) A corrective plan with timeline was submitted within those 14 days but either the corrective plan or progress against its timeline is not acceptable to the Board; or
 - (3) A Board hearing requested during those 14 days was eventually held but did not change the Board's decision about the existence of a violation.
 - (e) The Business Manager shall keep the Treasurer informed regarding each violation that – pursuant to the Schedule of Noncompliance Assessments in Form LBV-09b-SecondNotice – qualifies for a Noncompliance Assessment. All relevant Noncompliance Assessments shall be assessed by the Business Manager and included in the invoices presented routinely to property owners.
 - (f) If the problem persists 14 days after mailing the Second Notice, the Business Manager shall inform all Board members via email so that the Board can decide what step to take next – such as an offer of mediation, or a plan to file suit to seek an injunction, or a plan to hire an attorney to issue a demand letter.
 - (g) If correction of a violation turns out to be only temporary, the Business Manager is instructed to re-open the case and resume Noncompliance Assessments where they were left off.
- 16.05 If an offender requests a hearing before the Board to explain why (s)he believes the Covenants or Rules are being incorrectly applied, and so notifies the Business Manager within 14 days the Friendly Reminder was mailed:
- (a) The Business Manager shall report the hearing request to the President for consideration at a Board meeting.
 - (b) After being heard, the offender shall be ushered out.
 - (c) The Board may or may not choose to take action.

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Article 17 – Gate Decoration Committee

17.01 The Gate Decoration Committee Chair shall make arrangements for the main entrance gate to be decorated during those holiday seasons selected by the Committee Chair, using budgeted monies and/or donations. If budgeted monies are planned to be used, the Chair shall verify in advance that budgeted monies are available. Each annual budget shall include a line item for main entrance gate decoration.

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Article 18 – Social Committee

18.01 Social events are intended for participation by all LBV property owners and residents. Their purposes are to enhance our sense of community and to provide opportunities for our neighbors to meet and socialize with one another. Each annual budget shall include a line item for social events for the community.

18.02 Social events shall be selected and coordinated by the Social Committee Chair.

18.03 Any social event that is held in the name of the Association is required to have prior Board approval.

18.04 Social events shall be planned sufficiently far in advance to allow time for (a) written Board approval; and (b) announcement via La Bon Vie NEWS blast.

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Article 19 – Rules – Vehicle Parking

19.01 Board authority to regulate vehicle parking derives from Declaration §2.13.

19.02 Declaration §2.13 provides that the parking of vehicles in “streets or rights-of-way” is “subject to the Association's rules”. That provision is interpreted by these Bylaws as meaning that noncompliance with a RULE about parking in “streets or rights-of-way” constitutes noncompliance with our COVENANTS and is therefore enforceable via Noncompliance Assessments.

19.03 No motorized vehicles of any kind are allowed in or on the Common Areas. (Declaration §2.13) These Bylaws interpret “Common Areas” in this context to mean the lawns, landscape, and walkways of the Common Areas. These Bylaws further interpret “motorized vehicles” to NOT include children’s battery-operated toys.

19.04 No vehicle may be parked on any street for longer than 24 hours (Declaration §2.14) whether or not it is in front of a house.

- 19.05 No vehicle may be placed on blocks or in any immovable position anywhere in La Bon Vie. (Declaration §2.14)
- 19.06 Except for the paragraph following this one, the only types of vehicles permitted to be regularly or frequently parked anywhere they can be seen by neighboring residents or by the public, are passenger vehicles used for personal transportation. Such “passenger vehicles” are here defined as automobiles, pickup trucks, vans, SUVs, motorcycles, and the like. (Declaration §2.15 & Board decision)
- 19.07 Vehicles such as boats, trailers, and RVs may be parked only for the purpose of (un)loading (a) in the street for up to 24 hours or (b) upon driveways for up to 72 hours.
- 19.08 No vehicle may be parked for any length of time:
- (a) Anywhere in La Bon Vie, if the vehicle is without a current license plate (Declaration §2.13);
 - (b) On the lawn or shrub bed on the side of a house facing a street – such parking defined as the full width of one or more tires resting on the lawn or shrub bed;
 - (c) In the street where the curb is painted yellow, the location of such curbs chosen by the Board;
 - (d) So as to hinder (1) access to streets, private lanes, or driveways; or (2) the free travel of emergency vehicles;
 - (e) Within 20 feet of the corner at a street or private lane intersection;
 - (f) In private lanes – except that brief temporary parking, usually for (un)loading purposes, is permitted in private lanes but the driver must remain in the vicinity to move the vehicle should the need arise; or
 - (g) On any sidewalk – except that a vehicle may be parked on that portion of a sidewalk that forms part of a driveway.
 - (h) Where signage clearly indicates “No Parking...”
- 19.09 Undeveloped lots are privately owned and not intended to serve as parking areas. Residents who wish to park on an undeveloped lot are advised to first get written permission from the lot owner. If a passenger vehicle is parked on an undeveloped lot, the vehicle is not allowed to be parked within 20 feet of the street curb.
- 19.10 Passenger vehicles parked on the grass, anywhere they can be seen by neighboring residents or by the public, are not allowed to cause unsightly damage to the lawn, nor are they allowed to be parked within 20 feet of the street curb.

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Article 20 – Rules – Animals and Pets

- 20.01 Board authority to regulate animals and pets derives from Declaration §2.21.
- 20.02 Declaration §2.21 provides that “no animals, including without limitation, livestock, poultry, game birds, rabbits, snakes, shall be raised, bred, or kept on any Lot, except that dogs, cats, and other common household pets of the domestic variety may be kept

provided that they are not kept, bred, or maintained for commercial purposes and provided that no more than two (2) of each type animal are kept” is “subject to the Association's rules”. That provision is interpreted by these Bylaws as meaning that noncompliance with a RULE about animals not being kept under control, constitutes noncompliance with our COVENANTS and is therefore enforceable via Noncompliance Assessments.

20.03 It is expressly declared that the Rules of the Association (Declaration §2.21) relative to pets:
a) require pets to be on leashes.

20.04 The Association Board shall have the right to order any Association Member (Declaration §2.21) or resident of LA BON VIE whose pet is considered, in the sole discretion of the Association Board to be dangerous or a nuisance, to remove such pet from LA BON VIE and the Association Board shall have the sole and exclusive authority to determine, after notice to such Member or resident and affording such person an opportunity for a hearing with the Association Board, whether or not any pet is dangerous or a nuisance.

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Article 21 – Rules – Hazardous Activities

21.01 Pursuant to Declaration §2.18, "hazardous" activities are prohibited as is any activity which may be "unsafe" or which may become a hazard to any person or property in La Bon Vie.

21.02 The Association is not required to list in advance all activities which could fall under this prohibition. Nevertheless, these Bylaws hereby inform all owners and residents that the following are among activities which are hazardous and therefore prohibited by the LBV Covenants:

(1) Blowing, dumping, pouring, or sweeping any of the following into LBV's street-drainage system or ponds: lawn clippings, leaves, construction materials, automotive fluids, chemicals, paint, or any other debris. Such materials hinder the flow of water in the drains thereby promoting silt buildup, and/or they threaten the health and well-being of the ponds and fountains. Note: Draining modest amounts of soapy water and dirt into LBV's street-drainage system from the washing of residents' personal vehicles is not considered a hazardous activity.

21.03 LBV property owners are responsible for ensuring that they and their renters hire only those contractors who have been told about the LBV prohibition on hazardous activities AND abide by it.

21.04 LBV property owners specifically will be subject to non-compliance assessments if anyone servicing their property is found to be in violation of the above provision.

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Article 22 – Violation Fees

22.01 Violation fees for offenses of the same type of violation shall be handled as follows:

- (a) First offense: \$25 fine assessed;
- (b) Second offense: \$50 fine assessed;
- (c) Third offense: \$100 assessed.

22.02 Violation fee collections shall be handled according to the following schedule:

- (a) Invoiced upon confirmation that the Friendly Reminder has been provided to the homeowner of the apparent violation and no response or appropriate action has been taken by the homeowner to remedy the violation.

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Article 23 – Collections Procedure

23.01 Five to 10 days before the end of each month, the Business Manager shall use email to send invoices to at least those property owners who are not already paid up for the month which is about to commence.

23.02 Payments are due by the 10th of the month for which the dues have been invoiced. An account shall be considered past due if it is not paid up by the 10th of the month.

23.03 Each invoice shall inform members that for accounts with past due amounts, fines of \$20 shall be assessed on the 11th day of the month (i.e. on the first day after the account became past due). (Ref: HOA Covenants §4.7.E) Writers of bounced (NSF) checks are required to (a) reimburse the Association for all NSF-related expenses they cause, and (b) pay late fees if applicable.

23.04 The Business Manager is authorized to telephone or email reminder messages to owners of past due accounts.

23.05 When an account is 30 days past due, the Business Manager shall email a late statement; at 60 days past due, a certified letter. When an account balance reaches \$500 past due, the Business Manager is authorized to file a lien if the Board has so decided, and

- (a) mail a letter (Priority Mail, Delivery Confirmation) based on Form LBV-14a-
InformLien to inform the owner that a lien will be filed if the account is not settled within 30 days of mailing; and
- (b) document the date of delivery of the letter to the owner.

23.06 If the account is not settled within 30 days of mailing the foregoing letter, the Treasurer shall

- (a) prepare a lien for signature by the President, based on Form LBV-14b-LienAffidavit;
- (b) file the signed lien; and (c) forward a hardcopy to the owner.

23.07 If a lien is not settled by the owner within two months of its filing, the Treasurer shall seek Board approval to hire an attorney to send a letter demanding payment of dues, fines, and collection costs.

- 23.08 If a lien is not settled by the owner within six months of the mailing of the attorney’s demand letter, the Treasurer shall bring a motion before the Board to hire an attorney to sue for payment.
- 23.09 If the account remains unsettled 6 months after a court judgment favorable to the Association, the Treasurer shall bring a motion before the Board to consider further judicial means of getting paid – such as financial examination, garnishment, and foreclosure.
- 23.10 Fines, assessments, and interest collected on past due accounts (excluding dues) may be used in a special fund chosen by the Board.
- 23.11 After funds referenced in a lien have been paid up, the Business Manager shall cancel the lien by filing two Clerk of Court forms: “REQUEST FOR CANCELLATION” and “RELEASE BY OBLIGEE OF RECORD”.

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Forms Referenced by These Bylaws

- Form LBV-04a-InviteSignedConsent
- Form LBV-04b-SignedConsentBallot
- Form LBV-05a-InviteNominations
- Form LBV-05b-AcceptNomination
- Form LBV-05c-AnnounceAnnualMtg
- Form LBV-05e-NomineeInfo
- Form LBV-05f-ProposalsAnnualMtg
- Form LBV-06-PresentBudget
- Form LBV-09a-FriendlyReminder
- Form LBV-09b-Invoice for Non-Compliance, Violation Fee Assessment
- Form LBV-10-ApplicForApproval
- Form LBV-14a-InformLien
- Form LBV-14b-LienAffidavit

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As evidenced by the signatures below and by the Secretary’s initials upon each of these 20 pages, the foregoing *Amended and Restated Bylaws* include the amendments that were approved by the La Bon Vie HOA Board of Directors on June 21, 2021. Otherwise, the foregoing Bylaws are identical to the *Amended and Restated Bylaws* approved January 19, 2021.

The June 21, 2021 amendments did the following:

- Added Article 21 regarding hazardous activities.
- Corrected website address in provision 16.01
- Revision to provision 16.03 to direct complaints to properymanager@labonvie.org

Secretary

President

Signature Date: _____

Printed Name: Phyllis D. Walters

Brody A. Viator

Signature: _____

* * * * *

Signatures On File