

Waynoka Property Owners Association, Inc.

REVISED CODE OF REGULATIONS (“Blue Book”)

December 6, 2017

POSTED ON-LINE FOR REVIEW BY PROPERTY OWNERS
AND DISCUSSION AT WPOA ROUNDTABLES IN THE LODGE ON:

Saturday, March 17, 10:00 am

Saturday, April 14, 11:00 am (following Board Meeting)

Saturday, April 28, 10:00 am

=====

The Board has reviewed and approved several changes in the Revised CODE in the last several months. CCW Requests: 1/30/2017; Reviewed by Board 02-06-2017. Changes for Review by R&R & Board (04-18-2017). Changes made in Board discussion 05/05/2017. Changes made by Board re: Elections. 07/07/2017. Updates to comments made 07/26/2017

Conventions Used in This Document:

Deleted material is shown in black font with a “strike-through” [~~black font with strikethrough~~].

New or added material is shown in black **bold** font with an underline [**black bold font with underline**].

A “**Comment**” statement, **highlighted in grey**, follows most changes to indicate why the change is being proposed:

1. **Some recommended changes add, alter or delete a section and as such make a substantive difference in the regulation.**
2. **Other recommended changes alter an existing section for clarification and do NOT change the original intent or meaning of the section.**
3. **Other changes are miscellaneous corrections to punctuation, spelling, grammar, “typos” or to standardize a way of stating things in the CODE (e.g., all CAPS for defined terms) and are not boldfaced or “struck-thru” for ease in reading the document.**

How to make comments or ask questions:

Members may submit comments or questions regarding the proposed CODE revisions via email to **WPOArevCODE@gmail.com** or in written form to the WPOA Office (ATTN: Revised Code). Please state the ARTICLE, SECTION, Sub-section, and /or page when submitting questions or comments. Questions & comments submitted will be discussed at the Roundtables scheduled in January & February; at a later time questions/comments and responses will be posted on www.LakeWaynoka.com for the benefit of all Members.

FOREWORD

The information contained herein is the basis for the governing and management of the Lake Waynoka Subdivision and is comprised of two elements. All property owners should become familiar with this document for a thorough understanding and compliance.

The first section is the Waynoka Property Owners Association, Inc. CODE of Regulations, this being the sixth revision. It derives its authority directly from the Lake Waynoka Subdivision Restrictive Covenants, as amended, and supersedes all previously issued WPOA Code of Regulations. Any item not specifically addressed in the CODE of Regulations will by default be governed by applicable guidelines set forth in the Ohio Revised Code.

The second section is the original Lake Waynoka Subdivision Restrictive Covenants as amended in 1996. Please note that all references to Lake Waynoka, Inc., the developer of the Lake Waynoka Subdivision, apply to the Waynoka Property Owners Association, Inc. as being that developer's successor in fact.

This is a major revision. Intensive work has been expended on behalf of this project by the Association's Rules and Regulations Committee and by members of the WPOA Board of Trustees. This revision is to ensure compatibility with Ohio Revised Code, Section 5312, Planned Community Law of 2010, to reflect current practices of the Association, to clarify sections as appropriate and to correct other minor oversights in the previous revision. We trust that this version will become the basis for the prosperity and protection that all property owners of the Lake Waynoka Subdivision expect.

Board of Trustees
Waynoka Property Owners Association, Inc.

Foreword – Revision 6, 12/xx/2017

WAYNOKA PROPERTY OWNERS ASSOCIATION, INC.

CODE OF REGULATIONS

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WAYNOKA PROPERTY OWNERS ASSOCIATION, INC.
CODE of Regulations Definitions

The following definitions will apply when used in a bold and/or capitalized form in the Waynoka Property Owners Association (WPOA) CODE of Regulations and Rules and Regulations.

BOARD

The governing body responsible for the administrative and financial policies of the WPOA.

CODE

The WPOA's CODE of Regulations.

DUES

Charges established **and levied** by the WPOA ~~or WRWSD~~ **BOARDS** and paid by **OWNERS, TENANTS,** and certain land contract **VENDEES**. It includes, if applicable, but is not limited to, mowing costs, extra lot charges, **annual membership charges**, assessments, and fines. **All DUES and fines are considered “assessments” or “enforcement assessments” as referred to in ORC 5312.**

[Comment: Modification removes WRWSD from the definition of DUES because DUES are not levied by that organization. Additional minor grammatical changes and notations are for clarification.]

FEES

Charges established **and levied** by the WPOA **BOARD** to cover the cost of **maintaining and** operating the various **certain elements of the WPOA COMMON GROUNDS and FACILITIES** ~~facilities of the WPOA profitably.~~ (e.g., Swimming Pool, Camping, etc.). **All FEES are considered “assessments” or “enforcement assessments” as referred to in ORC Sec.5312.**

[Comment: Proposed text inserts the newly defined term WPOA COMMON GROUNDS and FACILITIES that is consistent with the “common elements” term used in ORC 5312, (Ohio Planned Community Law) and recognizes that not all of these are supported by FEES. The term “profitably” is not consistent with the “to cover the cost of maintaining and operating” portion of the definition. Additional minor grammatical changes are for clarification.]

GUEST

A **MEMBER's** mother, father, grandmother, grandfather, sons and/or daughters and their spouse and children, **or a person identified by a MEMBER to the WPOA office as a significant other.**

[Comment: Proposed change recognizes another GUEST, TENANT and OWNER category consistent with current public practices and legal requirements. Additional minor grammatical changes are for clarity.]

LOT

LOT (whether singular or plural) shall be deemed to mean a Lake Waynoka platted LOT whether developed with a residence or not.

[Comment: defines new term LOT to be consistent with ORC 5312.]

MEMBER

MEMBER-in-good-standing ~~which includes~~ **is one of any three of the recognized classes of OWNERS, TENANTS, and/or VENDEES,** who have paid all past and current charges ~~(DUES).~~

[Comment: Proposed change clarifies who is a MEMBER and reflects recommendation of legal counsel].

OWNER

Property owners and their spouses who own a fee simple interest in a LOT or LOTs of the SUBDIVISION of

record in the office of the County Recorder of Brown County, Ohio.

R&Rs

Latest revision of the various WPOA Rules and Regulations. (e.g., General, Camping, WATERCRAFT).

RECREATIONAL VEHICLE(S)

Vehicles manufactured specifically for human occupancy, including, but not limited to campers, tent campers, travel trailers, camping vans, and motor homes.

[Comment: Adds current accepted definition of a RECREATIONAL VEHICLE and re-defines the original term used for this purpose.]

SECURITY

The WPOA Security Department.

SUBDIVISION

Lake Waynoka Subdivision located in Brown County, Ohio.

TENANT

Renter and/or lessee and their spouse **or significant other**, who are non-voting MEMBERS.

[Comment: Proposed change recognizes another GUEST, TENANT and OWNER category consistent with current public practices and legal requirements. Additional minor grammatical changes are for clarity.]

TRAILER(S)

Vehicles manufactured **for transport of materials and property that are pulled by a motor VEHICLE, including, but not limited to, boat trailers, utility trailers, and motorcycle trailers.** ~~specifically for camping- including but not limited to campers, tent campers, travel trailers, house vans, buses, and motor homes.~~

[Comment: Adds current accepted definition of a RECREATIONAL VEHICLE and re-defines the original term used for this purpose.]

TRUSTEE

An elected or appointed member of the BOARD.

VEHICLE

Any motorized land conveyance and bicycles.

VENDEES

Holders of land contracts and their spouses.

VISITOR

Any person not a MEMBER or GUEST.

WATERCRAFT

Any gasoline, electric, wind or manually operated marine craft, or other forms of water conveyances.

WPOA

Waynoka Property Owners Association

WPOA COMMON GROUNDS and FACILITIES

All of the grounds, land, lake and other facilities owned, leased or operated by the WPOA, or for which the WPOA has rights of use by way of an easement, for the common good and benefit of all MEMBERS and the

WPOA.

*[Comment: Proposed change defines the new term “**WPOA COMMON GROUNDS and FACILITIES**” that is consistent with the “common elements” term used in ORC Sec. 5312, (Ohio Planned Community Law)].*

WRWSD

Waynoka Regional Water and Sewer District.

WAYNOKA PROPERTY OWNERS ASSOCIATION, INC.
CODE of Regulations

ARTICLE I
OFFICES

The principal offices of the WPOA shall be located in the SUBDIVISION of Brown County, Ohio at 1 Waynoka Drive, Sardinia, Ohio 45171.

ARTICLE II
MEMBERS AND MEMBERS' GUESTS

SECTION 1. Type of MEMBERS.

- 1.1 OWNER.
- 1.2 TENANT.
- 1.3 VENDEES.

SECTION 2. MEMBERS-in-good-standing (~~MEMBERS~~).

- 2.1 OWNERS and VENDEES who have paid all their past and current **WPOA** charges (e.g., DUES, **FEES or other charges**), **WRWSD charges, and are not subject to penalties and/or sanctions from either the WPOA or WRWSD.**

[Comment: Proposed change clarifies requirements to be a MEMBER-in-good-standing and reflects current practice.]

- 2.2 TENANTS who have paid all their past and current TENANT charges to the WPOA in accordance with the CODE. TENANTS have no voting rights. They do have all other rights, privileges and responsibilities of membership and shall abide by the CODE and the WPOA R&Rs.

- 2.3 **Trusts. Upon the transfer of property (e.g., LOT(s), residences) held in a trust, a list of the successor trustee(s) and beneficiaries must be provided to the administrative office of the WPOA in order to establish the identity and addresses of new MEMBERS.**

[Comment: In the event that a property is held in a trust, WPOA administration requires this information to ensure proper billing of DUES and other charges.]

SECTION 3. ~~Family members (GUEST). Are MEMBERS' mother, father, grandmother, grandfather, sons and/or daughters their spouse and children-~~

[Comment: Section deleted per legal counsel recommendation as this duplicates definition of GUEST.]

SECTION 4. Membership Entitlements. MEMBERS, and GUESTS can use the lake, various community areas, beaches and other WPOA facilities **available for MEMBER use** and attend any of the WPOA's scheduled social activities.

[Comment: Modification clarifies that not all WPOA facilities are open to general MEMBER and GUEST use.]

SECTION 5. Sale of Real Estate.

All persons, MEMBERS, Real Estate Brokers, and their agents, who wish to sell real estate in the SUBDIVISION, shall abide by the following:

- 5.1 Any indebtedness to WRWSD or WPOA must be determined before closing and be paid in full at time of closing.
- 5.2 The seller, or his agent, must advise prospective buyers that they must become MEMBERS of WPOA and

pay WPOA DUES.

5.3 Purchaser must be given the latest CODE, Covenants and R&Rs.

5.4 A Real Estate Broker who fails to abide by these requirements shall be prohibited from advertising the sale of any Real Estate in the SUBDIVISION.

5.5 The WPOA reserves the right to impose **fin**es, penalties and sanctions upon OWNERS who violate these requirements. (See R&Rs for details.)

*[Comment: Legal counsel recommends adding "fin*es"]

SECTION 6. Prohibition of Short-Term Rentals.

No MEMBER shall rent or lease their property for a period of less than 31 consecutive days, and no MEMBER shall allow or permit subletting of their property for a period less than 31 consecutive days.

[Comment: A new section to prohibit short-term rentals in the SUBDIVISION.]

[Note: subsequent sections will be re-numbered when approved.]

SECTION 6. MEMBERS DUES.

6.1 Each MEMBER shall pay DUES, as determined by the BOARD.

6.2 DUES, as determined by the BOARD, are due and payable the first day of March.

6.3 If a residence is constructed such that the structure crosses the common line between adjacent LOTs, then the WPOA shall consider these adjacent LOTs to be **co-joined** as one and the OWNER shall be invoiced accordingly.

6.4 When two or more LOTs are adjacent to one another, and a residence does not cross the common property line, the LOTs may be legally joined by means of a Joint LOT Agreement and registered as such in the Brown County Office of the Recorder. Joint LOTs (any LOT other than the one on which the residence sits) are charged an additional LOT FEE each year. Other LOTs not considered as a Joint LOT are also charged an additional LOT FEE.

[Comment: Proposed changes distinguish Joint LOT Agreements from co-joined LOTs, and specifies FEES to be charged. Consistent with long-standing daily practice.]

6.5 Multiple, business and institutional OWNERS do not include spouses, and shall be required to pay annual DUES for each OWNER of record. The number of GUEST cards issued may be restricted by the BOARD. (See R&Rs for more detailed information.)

SECTION 7. Delinquency.

MEMBERS who have not paid their DUES and or previously incurred charges by the first day of April, each year, are considered delinquent. The BOARD shall review and determine, **annually** by ~~January~~, the method of handling delinquent accounts (assessment, referral, etc.)

SECTION 8. Voting Rights.

MEMBERS (except TENANTS) are entitled to vote as shown below, regardless of the number of LOTs owned:

8.1 OWNERS shall have only one (1) vote each. **Multiple OWNERS, which does not include a spouse or significant other, have one (1) vote each.**

[Comment: Proposed change recognizes another GUEST, TENANT, and OWNER category consistent with current public practices and legal requirements. Additional minor grammatical changes are for clarity.]

8.2 VENDEES shall have only one (1) vote each.

8.3 Business and institutional OWNERS shall have only one vote.

SECTION 9. Suspension of MEMBERS privileges.

MEMBERS who violate any of WPOA's CODE, Covenants, R&Rs, or State Laws that are enforced within the SUBDIVISION shall be subject to the suspension of their membership privileges. Such action requires a two-thirds (2/3) vote of the entire BOARD. These violations shall also be considered grounds for any other legal remedies that may be available to the WPOA.

SECTION 10. Identification.

10.1 Identification is required to enter the SUBDIVISION as follows:

10.2 Personal Identification Cards:

10.2.1 GUEST Cards. When requested, by a MEMBER, GUEST cards shall be issued to the MEMBER for distribution to their GUESTS.

~~10.2.2 VISITOR Cards.~~

~~VISITOR cards are issued to persons not qualified for a GUEST card. A VISITOR card must be requested, in person, by a MEMBER, at the WPOA office, and shall be made for a specific period not to exceed fourteen (14) days. MEMBERS or GUESTS must be present within the SUBDIVISION during the entire time the VISITOR is in the SUBDIVISION, unless other provisions are made with the WPOA office. In the absence of major mitigating circumstances, if it is discovered that the MEMBER or GUEST is not present, the VISITOR(S) may be directed, by SECURITY, to leave the SUBDIVISION immediately.~~

[Comment: Section 10.2.2 deleted since VISITOR Cards are no longer issued by WPOA.]

~~10.2.3 Employee Cards: Employees, their spouses and minor children, who are not MEMBERS, shall be issued Employee Cards (single Employees shall be allowed one (1) VISITOR pass, good for the day, for each visit to the SUBDIVISION). These cards entitle the Employee and their families to use all of the WPOA facilities. No group passes shall be allowed.~~

[Comment: Section 10.2.3 deleted because the process for Employee Cards is now incorporated into the WPOA Personnel Manual.]

10.2.4 Special Cards. A MEMBER who permanently employs a person(s), not a MEMBER, can request that a special identification card be issued.

10.2.4.1 Special cards may be requested by a MEMBER for a limited time for certain medical conditions.

10.2.4.2 The WPOA may from time to time issue special cards to contractors engaged in special projects within the SUBDIVISION.

10.2.5 Additional information is available in the R&Rs.

10.3 Automobile Identification:

10.3.1 MEMBERS, GUESTS and employees shall be issued a numbered automobile decal(s) when they present to SECURITY at the main gate a current membership card and a current registration form for the VEHICLE in their name.

~~10.3.2 Short Term VISITOR Auto Pass: A MEMBER may request from SECURITY at the main entrance gate, in writing or in person, a short term VISITORS auto pass. Short term Auto Passes are limited to no more than three consecutive days, and are to be displayed whenever within the confines of the SUBDIVISION. The MEMBER or GUEST must remain within the SUBDIVISION during the duration of the visit or the VISITORS shall be directed, by SECURITY, to leave. Group passes may also be requested by providing a written list to SECURITY to prevent "gate crashing".~~

[Comment: SECTION 10.3.2 deleted since processes for issuing short-term VISITOR passes are included in the R&Rs.]

10.4 MEMBER(S) WATERCRAFT Identification.

10.4.1 All MEMBER(S) WATERCRAFT shall be issued a numbered decal(s), when the MEMBER presents to SECURITY at the main gate:

10.4.1.1 A current membership card.

10.4.1.2 Proof of ownership of WATERCRAFT in their name.

~~10.4.1.3~~ A current registration form, in their name, for the WATERCRAFT'S trailer.

10.4.1.4 Payment of the appropriate WATERCRAFT FEE to cover the WATERCRAFT and any associated TRAILER.

10.4.2 All WATERCRAFT OWNERS **or spouse** must sign a waiver to accept responsibility.

[Comment: Sub-section 10.4.1.3 deleted because it is no longer being used; added Sub-section 10.4.1.4 to reflect current practice; added spouse in 10.4.2 to facilitate process.]

10.5 OWNERS who are delinquent in the payment of their DUES shall not be issued any decals or be permitted the use of WPOA facilities in the SUBDIVISION. Entry into the SUBDIVISION shall require the issuance of a short-term ~~VISITORS~~ **automobile** pass at the main entrance. ~~(see SECTION 10.2.2.)~~

[Comment: Modified to permit issuance of short-term automobile passes for VISITORS.]

SECTION 11. General Rules and Regulations.

11.1 The BOARD shall issue, and maintain separately from this CODE, a set of Rules and Regulations (R&Rs) for, but not limited to, **WPOA zoning/building requirements** ~~Building Codes~~, Lake Rules, Swimming Rules, SECURITY, Camping, Vehicular Rules, WATERCRAFT regulations, Rent/Lease Rules, **Election Processes**, and General SUBDIVISION Rules. The enforcement of the CODE, and the various R&Rs, within the SUBDIVISION, shall be the responsibility of SECURITY **as authorized by the BOARD.**

[Comment: Modification inserts language for clarification and adds the "Election Processes" to reflect current practice.]

11.2 The R&Rs above may be added-to, amended, altered or repealed by a two-thirds(2/3) vote of the entire BOARD.

11.3 Weapons.

11.3.1 The discharging of a ~~weapon~~ **firearm** within the SUBDIVISION is prohibited **unless authorized by the BOARD OF TRUSTEES for a specific purpose.**

~~11.3.2 Weapons may be retained within a residence.~~

~~11.3.3 The carrying of concealed weapons of any type, not properly licensed, is not permitted within the SUBDIVISION.~~

11.3.4 Hunting is not allowed within the SUBDIVISION.

[Comment: ORC laws regarding weapons, now and in the future, prevail and are enforced by SECURITY within the SUBDIVISION.]

11.4 Trespassing within the SUBDIVISION.

11.4.1 Any person(s) not a MEMBER, GUEST, or an authorized VISITOR shall be considered a trespasser.

11.4.2 A MEMBER or GUEST shall be considered a trespasser if they are on a MEMBER'S property, other than their own without verbal or written permission.

11.4.3 An authorized VISITOR shall be considered a trespasser if they are on property other than that of the MEMBER they are visiting **without verbal or written permission.** This does not apply to WPOA **COMMON GROUNDS and FACILITIES** ~~common areas.~~

[Comment: Legal counsel recommendation to make 11.4.3 consistent with 11.4.2; substitute COMMON GROUNDS & FACILITIES for "common areas."]

11.5 Motor VEHICLE Rules: The BOARD shall enforce, through SECURITY, all Ohio Revised Code (ORC) laws relating to the operation, registration, and licensing of motor VEHICLES and drivers operating within the SUBDIVISION.

11.6 Authority of SECURITY. SECURITY **department personnel** ~~Officers~~ employed by the WPOA are:

11.6.1 Constables (**Rangers**): Appointed **in accordance with the Ohio Revised Code within** ~~by the Brown County Court, Brown County, Ohio~~ **as sworn peace officers.** They are empowered and directed to fully enforce all State and County laws. They are also empowered to enforce WPOA's CODE and all R&Rs.

11.6.2 **Security Officers** ~~Gate Guards~~: **They** ~~Who~~ are empowered to enforce only WPOA's CODE and **R&Rs and are not sworn peace officers.**

[Comment: Modification inserts current titles and modifies language to more accurately reflect

empowerments of SECURITY personnel.]

SECTION 12. Transfer of Membership.

Membership in the WPOA is non-transferable and non-assignable.

ARTICLE III MEETINGS

SECTION 1. Quorum.

A simple majority of TRUSTEES, five (5) of the BOARD in attendance at a meeting shall constitute a quorum for the transaction of business in any meeting of the BOARD, unless specifically stated otherwise. **If the BOARD consists of fewer than nine (9) members, a quorum is constituted by one TRUSTEE beyond 50% of the BOARD TRUSTEES.**

[Comment: Legal counsel recommended re-wording of first line. Modification in order to clarify what a quorum would be in the situation where the BOARD has fewer than nine (9) MEMBERS.]

SECTION 2. Annual Meeting.

2.1 An annual meeting of the WPOA shall be held in the SUBDIVISION on the third Saturday in the month of April at ~~7:30 p.m.~~ **a time to be determined by the BOARD** to:

2.1.1 ~~Install~~ **Administer the oath of office to TRUSTEES.**

2.1.1.1 Should a TRUSTEE-elect be unable to attend the Annual Meeting the TRUSTEE-elect may take the oath of office at a regularly scheduled monthly BOARD meeting any time following their election. Their term shall take effect on the date of the annual meeting.

[Comment: To allow the flexibility to accommodate unforeseen and unavoidable circumstances and the personal schedules of TRUSTEE-Elects.]

2.1.2 Elect the executive officers of the WPOA. (See ARTICLE VI).

2.2 If the day established for the **WPOA** annual meeting is a legal holiday in the State of Ohio the meeting shall be held on the following Saturday at **a time to be determined by the BOARD.** ~~7:30 p.m.~~

SECTION 3. Special MEMBER Meetings.

3.1 Special meetings of the MEMBERS may be called by the:

3.1.1 President.

3.1.2 **BOARD, by affirmative vote of a majority of the TRUSTEES where a quorum is present.**

[Comment: Legal counsel recommendation to clarify BOARD vote.]

3.1.3 President when a petition signed by not less than ten (10) percent of the MEMBERS is presented to the President.

3.2 A written or printed notification stating the location, specific purpose, and the day and hour of the Special MEMBER Meeting shall be delivered, either personally or by mail, to each MEMBER, not less than ten (10) nor more than sixty (60) days before the date of such Special MEMBER Meeting.

3.3 If mailed by using the required postage and the MEMBERS latest address, as it appears on the records of the WPOA, the notice shall be deemed to be delivered when deposited in the United States Mail.

3.4 The MEMBERS present at a special MEMBER meeting shall constitute a quorum.

SECTION 4. Regular BOARD Meetings.

The BOARD shall meet as a group in regular monthly meetings to accomplish the business of the WPOA. This meeting shall be held the second Saturday of each month in the SUBDIVISION, unless otherwise posted.

SECTION 5. Workshops. ~~Meetings.~~

Workshops ~~meetings~~ of the BOARD may be called by the President to discuss everyday business matters pertaining to operation of the SUBDIVISION. Voting is not permitted in a workshop.

[Comment: A "workshop" is a meeting by definition; therefore, the word "meetings" was deleted because it is redundant.]

SECTION 6. Special BOARD Meetings.

Special meetings of the BOARD may be called by the request of the President or any two

(2) TRUSTEES. These meeting(s) shall be conducted within the confines of the SUBDIVISION.

6.1 Notice of any special meeting(s) of the BOARD shall be given to every TRUSTEE at least ~~five (5)-~~ ~~working~~ **seven (7)** days before the meeting by written notice delivered personally or sent by mail ~~or telegram~~ to each TRUSTEE at his/**her** address as shown by the records of the WPOA **or via electronic communications as agreed upon by a majority of current TRUSTEES.** The day on which the notice is given shall be excluded, and the day of the meeting shall be included for the purpose of determining the ~~five (5)~~ **seven (7)** day period. The President may request to waive the ~~five (5)~~ **seven (7)** day notification requirement by having each TRUSTEE sign a "Waiver of Notice" form indicating the time, date, and specific purpose(s) of the meeting.

[Comment: To clarify the number of days that notice is to be given for a special meeting, recommended by legal counsel, and to allow the flexibility to utilize electronic communications for notification and participation in meetings.]

6.2 The business to be transacted at the Special Meeting must be specified in the notice of such a meeting.

6.3 If a quorum is present only those items referred to in the written notice may be voted on at the special meeting.

6.4 A TRUSTEE(S) **absentee vote(s)** ~~proxy(s)~~, held by the Secretary, shall constitute the presence of that TRUSTEE(S) in determining a quorum for a special meeting.

[Comment: Modification based on legal counsel recommendation that the term "proxy" is incorrect in this form of use.]

SECTION 7. Manner of Acting.

The act of a majority of the TRUSTEES, at a legally convened meeting where a quorum is present, shall be considered as an act of the full BOARD, unless the act of a greater number is required ~~by law~~ ~~or~~ by the CODE. Unless otherwise stipulated Robert's Rules of Order will be the manner of conducting business **for all meetings.**

[Comment: Legal counsel recommendation to provide that CODE takes precedence over ORC laws.]

SECTION 8. **Absentee Votes** ~~Proxies~~ (BOARD members only).

[Comment: Modification based on legal counsel recommendation that the term "proxy" is incorrect in this form of use.]

TRUSTEES, not attending a meeting, may deliver to the Secretary (in the Secretary's absence, the President) a sealed envelope, properly identifying the subject meeting, containing their **absentee vote(s)** ~~proxy(s)~~. After a vote is taken, the Secretary will open the sealed envelope, if any, count the **absentee vote(s)** ~~proxy(s)~~, and include them in **the** final tabulation. Each **absentee vote** ~~proxy~~ may be used only once and must:

- 8.1 Indicate the subject(s), and be specific in nature.
- 8.2 Indicate the absent TRUSTEE'S voting desire on each subject(s), for, against, or abstain.
- 8.3 Be signed by the TRUSTEE.
- 8.4 Be attached to the minutes of the meeting.
- 8.5 Be used sparingly and generally for those areas requiring a vote by the entire BOARD (see **ARTICLES II, Section 9; IV, Section 4; V, Section 4; VII, Section 8; and XIII, Section 1. ARTICLE II, Section 12; ARTICLE V, Sub-sections 4.1 and 4.4, and Section 7; ARTICLE**

VII, Sub-sections 2.3.4 and 8.4; and ARTICLE XII, Section 1).

[Comment: Corrects incorrect references.]

SECTION 9. TRUSTEE Meeting Participation by Electronic Communications.

In the event that a MEMBER cannot attend a workshop or special BOARD meeting and has an excused absence (i.e., ARTICLE V, SECTION 5.5) the TRUSTEE may request permission from the President to participate in any portion of the meeting by means of electronic communications so long as those TRUSTEES at the event can hear or see the communication.

[Comment: To allow the flexibility to utilize electronic communications for notification and participation in meetings.]

ARTICLE IV

ELECTIONS AND SPECIAL MEMBERSHIP VOTE

SECTION 1. Election of the BOARD.

1.1 The Annual Election of the BOARD ~~and/or special membership votes~~ Elections shall be conducted by first-class mail **or secure electronic means as determined by the BOARD and** as provided for in the CODE and any published R&Rs.

[Comment: Striking "special membership votes" limits Sub-section 1.1 to election of the Board only. Also adding electronic processes provides greater flexibility for voting in the future.]

1.2 Only MEMBERS **-in-good-standing** (except TENANTS) shall be eligible to be a candidate for, or serve on the BOARD.

1.3 Either spouse shall be eligible to be a candidate for, or, to serve on, the BOARD regardless of ownership as recorded on the deed; but they may not serve concurrently. However, if two (2) MEMBERS become ~~betrothed and are~~ married after installation they shall be permitted to serve out their terms.

[Comment: Modification removes dated and unnecessary use of the term "betrothed."]

1.4 Each candidate shall provide the Nominating Committee a properly completed application and:

1.4.1 A recent passport-type photograph.

1.4.2 An up-to-date resume' with information regarding their past and present work positions.

1.4.3 A brief statement as to why the MEMBERS should consider them a potential TRUSTEE.

SECTION 2. Election Inspectors.

2.1 The President of the WPOA shall, by thirty (30) days after installation, **if necessary (e.g., position(s) vacant), appoint a maximum of two (2) Inspectors of Election-Inspectors for a term of three (3) years. Election Inspectors cannot be WPOA or WRWSD TRUSTEES or their spouses unless approved by a majority vote of the BOARD.**

2.1.1 **Election Inspectors may be removed by a two-thirds (2/3) majority vote of the BOARD of TRUSTEES.**

2.1.2 **The WPOA President is responsible for appointing replacement(s) within 30 days of an Election Inspector vacancy.**

2.2 **The Election Inspector(s) shall have the sole and final decision making authority for all matters not otherwise specifically defined in the CODE of Regulations, R&Rs or approved procedural manual pertaining to the processes and procedures for conducting and certifying results of the annual election of TRUSTEES, the annual caucus for election of BOARD executive officers, and special membership votes.**

2.3 **The Election Inspectors shall:**

2.3.1 Appoint a Nominating Committee of **up to** three (3) MEMBERS, **one of whom is determined to be the Chairperson,** who are not candidates in the current election, **WPOA or WRWSD**

TRUSTEES or their spouses, or Election Inspectors to:

- 2.3.1.1 Solicit candidates to run for office.
- 2.3.1.2 Verify the candidates' applications.
- 2.3.1.3 **Verify with the WPOA staff those MEMBERS who are qualified to vote as MEMBERS-in-good-standing based on their status at the end of September.**
- 2.3.1.4 Prepare and ~~mail~~ **distribute** ballots with voting instructions, to each MEMBER.
- 2.3.1.5 Do such other related duties as the Election Inspectors may direct.
- 2.3.1.6 **In the event that the Nominating Committee cannot be filled by MEMBERS who meet the above criteria, then one of the Election Inspectors may fill the Nominating Committee position.**

2.3.2 Count the ballots received.

2.3.3 Certify the results.

2.3.4 **Direct and oversee a recount of votes from ballots if the margin of victory of any candidate is equal to or less than five (5) votes of a losing candidate.**

2.3.5 **Conduct one additional recount if requested in writing by any candidate who is unelected by a margin of five (5) or fewer votes. Recounts must be requested within ten (10) days after the notification of the results to the candidate.**

2.3.6 Recommend and maintain, in the R&Rs, the proper procedures for the preparation, ~~mailing~~, **distribution**, disqualification, **receipt, control** and counting of ballots.

[Comment: Changes in the elections section reflect recommendations made by a sub-committee composed of current and past Election Inspectors and Nominating Committee members and legal counsel.]

SECTION 3. Ballots.

During the September monthly **BOARD** meeting the BOARD shall determine the specific dates that ballots are to be sent **distributed** (on or before) and returned by (~~e.g., post-marked~~) **based on a recommendation from the Nominating Committee.** The MEMBERS ballots **received** ~~post-marked~~ after the return date, returned as undeliverable or disqualified for any reason shall be included in the tabulated results as disqualified ballots, and shall be held in place, in a separate container, away from the qualified ballots. All ballots shall be held for **three years.** ~~six (6) months.~~

[Comment: Changes allow for balloting by means other than postal service, and recognize that Nominating Committee currently makes date recommendations to BOARD. Legal counsel recommends retaining ballots for length of TRUSTEE's terms.]

SECTION 4. Notification.

Before announcing the results publicly, an Election Inspector shall notify by telephone or in person each candidate of the election results; this should be accomplished within five (5) days.

SECTION 5. Non-acceptance.

If, when notified, a winning candidate declines acceptance to the BOARD the Election Inspectors shall declare the candidate with the next highest vote as the winner. The declining candidate shall be requested to indicate their refusal, in writing, to accept election to the BOARD. If no other candidates are available see ARTICLE V, SECTION 4.

SECTION 6. Special **Membership Vote** Elections.

[Comment: Change (in Sections 6 & 7) is more descriptive of process and recognizes some votes may not be for the purpose of electing a candidate.]

On all matters requiring a vote of the membership, other than the election of TRUSTEES, the BOARD shall:

- 6.1** Request the Election Inspectors to prepare and conduct a special **membership vote** ~~Election~~ in

accordance ~~to~~ **with** the guidelines set down in ARTICLE IV, Section 2, and Section 3, with the **exception that the date MEMBERS-in-good-standing are determined and the date ballots are distributed and returned may occur at any time as appropriate or directed by the BOARD.**

[Comment: Legal counsel recommendation to establish clear process for setting dates for special votes.]

6.2 **Special membership votes shall ~~may~~ be conducted by first-class mail, by secure electronic means as determined by the Board, or by holding a special member meeting.** *Comment: This section was added to clearly define "special member vote," and to ensure that all property owners could vote on any sale of WPOA COMMON GROUNDS AND FACILITIES.]*

6.3 The voting results of all special **membership votes** ~~Elections~~ shall be reported, in writing by the Election Inspectors, to the BOARD for their action.

SECTION 7. Cost of Special **Membership Votes** ~~Elections~~/Meetings and Recounts.

7.1 Costs incurred for special ~~Elections~~ **membership votes** and/or meetings requested by MEMBER(S) shall be the responsibility of the MEMBER(S).

7.2 Petitioning for a recount of the ballots **of special membership votes** shall also be at the MEMBER(S) expense, unless an error, which will affect the outcome of the election, is discovered.

ARTICLE V BOARD OF TRUSTEES

SECTION 1. General Powers.

The affairs of the WPOA shall be managed by the BOARD in accordance with **the following**:

- 1.1 The WPOA Articles of Incorporation as placed on file with the Ohio Secretary of State;**
- 1.2 This CODE, as may be amended and as recorded at the Brown County, Ohio Recorder's Office;**
- 1.3 The SUBDIVISION'S Restrictive Covenants as recorded at the Brown County, Ohio Recorder's Office;**
and
- 1.4 Any of the published R&Rs; and**
- 1.5 Those powers afforded to the BOARD under the Ohio Planned Community Law, Ohio Revised Code Sections 5312.01 – 5312.15 (the "PCL") to the extent that such power has not been provided for in the Articles of Incorporation, this CODE or the SUBDIVISION'S Restrictive Covenants.**

The BOARD may adopt rules, regulations, and decisions not inconsistent with this CODE, promulgate and enforce rules governing the use of the WPOA COMMON GROUNDS and FACILITIES, and privileges of the WPOA by the MEMBERS, their GUESTS, TENANTS, and invitees. The BOARD may raise DUES and FEES and enter into contracts in such amounts and at such times as it may deem necessary to manage the business affairs and advance the purposes of the WPOA. The BOARD shall establish a reserve fund in such amount as may be deemed appropriate. The BOARD shall have the power to acquire, manage, mortgage (or secure an assessment-backed loan), and dispose of real and personal property owned by WPOA and to adopt such rules, regulations and decisions relating to the same that are not otherwise inconsistent with this CODE.

Notwithstanding the foregoing, the following restrictions shall apply to the powers conveyed to the BOARD:

- 1.6 The sale of any WPOA COMMON GROUNDS and FACILITIES designated in Appendix A must be approved by sixty per cent (60%) of those voting in a special membership vote by first class mail in accordance with ARTICLE IV, SECTION 6.**
- 1.7 The BOARD may not approve leasing the Health & Recreation Facility or the Campground facility to a third party unless approved by a majority of those voting in a special membership vote in accordance with ARTICLE IV, SECTION 6**

[Comment: Sub-sections 1.1 to 1.5 were modified to identify clearly the several documents that provide guidance and structure for the governance of the Association.]

*Proposed text inserts the newly defined term **WPOA COMMON GROUNDS and FACILITIES** and related language recommended by legal counsel that is consistent with ORC 5312 (Ohio Planned Community Law). It states and clarifies the general powers of the **BOARD**.*

The power to mortgage or secure assessment-backed loans on WPOA-owned property is included and is important to ensure that the Board can respond to both planned and emergency situations in a timely manner.

*Sub-sections 1.6 and 1.7 place specific restrictions on the powers of the Board. Sub-section 1.6 specifically establishes a list of WPOA-owned properties that **require MEMBER** approval in order to be sold (Appendix A attached).*

SECTION 2. Number and Tenure.

The BOARD shall be made up of nine (9) MEMBERS; each of whom is elected to serve a three (3) year term of office.

SECTION 3. Expired Terms.

3.1 Each Annual Election shall provide three (3) newly elected MEMBERS as TRUSTEES to replace the terms of those that have expired.

3.2 No member of the BOARD can serve more than two consecutive terms (six (6) years) and shall not become eligible to run again, or be appointed to the BOARD, until a one (1) year absence has passed.

3.3 Should the Nominating Committee be unable to garner more than three (3) candidates, no Annual Election shall be required and the candidates shall be elected by acclamation.

3.4 If there are less than three candidates running due to insufficient candidates or disqualification of potential candidates, no annual election shall be required and those candidate(s) remaining shall be elected by acclamation.

3.5 After the new BOARD takes office it shall be their responsibility to appoint a MEMBER(s), except a TENANT, to the BOARD, in the manner prescribed in ARTICLE V **in order to fill any BOARD vacancies still existing.**

SECTION 4. Filling Vacancies on the BOARD.

4.1 Any vacancy occurring on the BOARD other than at normal termination of an elected TRUSTEE's term shall be filled by:

4.1.1 Notifying the membership of the vacancy at the next monthly meeting.

4.1.2 Within three (3) months after notification, select a candidate for appointment.

4.1.3 Selected candidate(s) must be appointed by a two-thirds (2/3) vote of the entire BOARD, excluding the departing TRUSTEE(S).

4.2 The person(s) named to fill a vacancy shall be appointed for the duration of the departed TRUSTEE's term. **If the term is twelve (12) months or less, then the term is not considered a three (3) year term. If the term is thirteen (13) months or greater, then the term is considered a three (3) year term.**

[Comment: Changes to Sub-section 4.2 clarify when a vacant term is considered a full term and when it is not a full term.]

4.3 One source, for such an appointment, may be those persons who unsuccessfully ran for office in the preceding election; however, it is incumbent upon the remaining BOARD members to select a successor whose qualifications shall provide the WPOA a TRUSTEE best suited for the position.

4.4 If, after three (3) months, the BOARD is unsuccessful in finding an appropriate and willing individual to serve, the BOARD:

4.4.1 , May vote **by a two-thirds majority**~~unanimously~~ to leave the position vacant until the next

election. In this event, quorum rules shall change to the current BOARD members.

4.4.2 The President shall direct the Nominating Committee ~~Election Committee~~ to fill all vacancies at the next election.

[Comment: Change to Sub-section 4.4.1 modifies the BOARD vote necessary to leave a vacant TRUSTEE position vacant, and change in Sub-section 4.4.2 corrects the committee responsible for filling vacancies.]

SECTION 5. Removal from Office.

5.1 TRUSTEE(S) may be removed from the BOARD by a two-thirds (2/3) vote of the remaining BOARD members for any of the following reasons:

~~5.1.1~~ **Deliberate support for an action that is in direct conflict with any of the Covenants, CODE, or R&Rs, or deliberate disregard for such policies and rules contained in the Covenants, CODE or R&Rs, provided however, that the preceding in no way is meant to restrict a TRUSTEE's right to propose and/or vote upon revisions to the Covenants, CODE and/or R&Rs or with regard to variances as may be permitted under the Covenants, CODE and/or R&R's.**
~~Knowingly allow, suggest, or support an action that is in direct conflict with any of the Covenants, CODE or R&Rs.~~

[Comment: Change to Sub-section 5.1.1 clarifies TRUSTEE's rights in advocating or approving variances/changes to documents.]

5.1.2 Failure to attend three (3) consecutive **monthly regular BOARD meetings** ~~regularly scheduled monthly meetings~~ unless there is a:

5.1.2.1 Personal illness/**personal emergency**.

5.1.2.2 Weather precluding travel condition.

5.1.2.3 Pre-scheduled absence, one (1).

5.1.3 ~~Failure to attend a total of 1/3 (33%) of all meetings (see ARTICLE III, **SECTIONS 2, 3, 4, 5, and 6**) between one annual meeting and the next annual meeting unless there is a:~~

~~5.1.3.1 Personal illness/**personal emergency**.~~

~~5.1.3.2 Weather precluding travel condition.~~

~~5.1.3.3 Pre-scheduled absences.~~

5.2 TRUSTEE(S) shall be removed for any of the following reasons:

5.2.1 Committing an act of gross malfeasance.

5.2.2 Committing an act of gross moral turpitude.

5.2.3 Loss of MEMBER status.

5.3 Any TRUSTEE may be removed from the BOARD for cause by recall election. The BOARD shall be required to hold a recall election (special membership vote) if it receives a petition with the signatures of no less than twenty percent (20%) of all eligible voting MEMBERS-in-good-standing supporting such a recall. Removal must be approved by sixty (60%) percent of those MEMBERS eligible to vote, and voting in a special membership vote conducted in accordance with ARTICLE IV, SECTION 6.

5.4 A TRUSTEE whose removal has been proposed shall be given at least ten (10) days notice of the calling of the meeting and the purposes thereof and shall be given an opportunity to be heard at the meeting.

[Comment: New sub-section 5.3 allows for removal of a TRUSTEE by MEMBERS, and new sub-section 5.4 provides a TRUSTEE'S right to be heard at a removal meeting.]

SECTION 6. Compensation.

6.1 TRUSTEES shall not receive any compensation for their services.

6.2 A TRUSTEE may be reimbursed for legitimate and substantiated business expenses incurred in conducting WPOA's business by submitting a properly completed expense statement, to the BOARD, for approval.

SECTION 7. Conflict of interest.

No TRUSTEE or TRUSTEE'S immediate family or spouse shall:

7.1 Be an employee of the WPOA. (Exception, see SECTION 8 below)

7.2 Work, perform any contractual services or receive consideration from any business associated with the WPOA unless a complete disclosure is made to the BOARD and the entire BOARD approves of it unanimously.

7.3 TRUSTEES shall recuse themselves from voting on matters before the BOARD that due to personal business interests represent a conflict of interest.

[Comment: Sub-section 7.3 added to ensure that any TRUSTEES doing business in the SUBDIVISION understands they should not vote on a matter that may directly or indirectly affect their business interests.]

SECTION 8. Nepotism.

TRUSTEE's children and grandchildren may be employed to fill seasonal jobs. These opportunities must have the unanimous approval of the entire BOARD.

ARTICLE VI
EXECUTIVE OFFICERS OF THE ASSOCIATION

SECTION 1. Executive Officers.

1.1 The Executive Officers of the WPOA shall be the President, Vice President, Secretary, Treasurer, and Member-at-Large.

1.2 Appointment of Sub-officers. The BOARD may appoint sub-officers, including one (1) Assistant Secretary and/or one (1) Assistant Treasurer; such sub-officers have the authority and perform duties prescribed by the BOARD. The Assistant Secretary and/or Assistant Treasurer may be compensated, by the approval of the BOARD, for the work they perform in behalf of the WPOA.

1.3 Appointment Restriction. Two (2) or more WPOA Executive Offices (see ARTICLE VI, Sub-section 1.1) may not be held by the same TRUSTEE.

SECTION 2. Election Qualifications and Term of Office.

2.1 The WPOA Executive Officers shall be elected annually for a one (1) year term or until their successor has been installed.

2.2 Election of Executive Officers.

2.2.1 The TRUSTEES shall nominate and elect the WPOA Executive Officers. (See ARTICLE VI, Sub-section 1.1)

2.2.2 This nomination and election shall occur in a closed caucus during the annual meeting (see ARTICLE III, Sub-section 2.1.2) and shall be presided over by the **Election Inspectors and/or** Nominating Committee Chairperson.

2.2.3 Absentee votes from TRUSTEES and TRUSTEES-elect are permitted and should be presented to the Election Inspectors and/or Nominating Committee Chairperson prior to the WPOA Annual Meeting in a sealed envelope. Such absentee votes are considered valid for multiple ballots.

[Comment: Changes allow for Election Inspectors to preside at the annual election of officers and allows for absentee voting by TRUSTEE(S) OR TRUSTEE-elect(s).]

2.2.4 In the event that the election of the Executive Officers cannot be held during the annual meeting, such election shall be held before the next regularly scheduled meeting.

SECTION 3. Vacancies.

3.1 A vacancy on the Executive Committee (see ARTICLE VI, Sub-section 1.1) caused by the death, resignation, removal, disqualification, or other unusual circumstances shall be filled during a caucus of the

TRUSTEES that has been called and presided over by the **Election Inspector(s) and/or** Nominating Committee Chairperson.

[Comment: Election Inspectors added to be consistent with Sub-section 2.2.2 above]

- 3.2 The only purpose of this meeting shall be to select one of the TRUSTEES to fill the vacant office.
- 3.3 Such appointment shall be for the unexpired portion of the term.
- 3.4 For the sake of continuity and order, when the Presidency is vacated, the Vice President shall automatically assume the office of President until a caucus can be convened to elect a new President (see above).

SECTION 4. President.

The President shall:

- 4.1 Be the principal Executive Officer of the WPOA.
- 4.2 Preside at all regular meetings, special meetings and workshops.
- 4.3 Appoint special committees, as necessary.
- 4.4 Nominate individuals to fill vacancies of officers as necessary.
- 4.5 Supervise and control all business affairs of the WPOA (e.g., Resolutions).
- 4.6 Countersign any deeds, mortgages, bonds, contracts or other instruments that the BOARD has authorized to be executed by the WPOA General Manager.
- 4.7 Sign all checks, drafts or orders for payment of monies, notes or other evidence of indebtedness issued in the name of the WPOA when the amount to be issued exceeds the authorized signature limit. If the President is unavailable, the Treasurer is authorized to sign. (See ARTICLE VI, Sub-section 7.5)
- 4.8 Convey all instructions, in writing when deemed necessary, to the WPOA General Manager. The President is the only officer responsible for issuing orders to the WPOA General Manager. Other members of the BOARD shall submit written requests to the President for review and, if appropriate, forward to the Manager.
- 4.9 Open, in the presence of the Treasurer, all ~~required~~ proposals and quotations ~~for expenditures over \$3000.00~~ **as required by the BOARD.** Review the required documents with the WPOA General Manager and the BOARD. (Emergency maintenance and upkeep of the WPOA **COMMON GROUNDS and FACILITIES** ~~properties~~ are exempt.)
[Comment: Clarify language and give the BOARD authority to determine when proposals and quotations are required. Legal counsel recommendation to substitute defined term for general term.]
- 4.10 Review and approve all expenditures of non-budgeted items, except in an emergency (see Sub-section 4.9 above).
- 4.11 Perform such other duties that may be assigned by the BOARD.

SECTION 5. Vice President.

The Vice President shall:

- 5.1 Assume the duties of the President in the absence or incapacitation of the President.
- 5.2 Perform such other duties that may be assigned by the BOARD or the President.

SECTION 6. Secretary.

The Secretary shall:

- 6.1 Record and report the minutes of all meetings of the BOARD.
- 6.2 Keep and maintain the post office address and telephone number of each member of the BOARD and any committees that may be named. A copy of this list shall be provided to each BOARD member.
- 6.3 Assume the duties of the President in the absence or incapacitation of both the President and the Vice President.
- 6.4 Keep records of attendance at all meetings and report quarterly to the President the status of each **TRUSTEE** ~~member~~.
- 6.5 Perform such other duties that may be assigned by the BOARD or the President.
- 6.6 Verify, void, or reject any signatures on **absentee votes** ~~proxies~~ or petitions that appear irregular.

SECTION 7. Treasurer.

The Treasurer shall:

- 7.1 Be bonded. Such bond shall be paid for by the WPOA in such a sum and with such surety or sureties as the BOARD shall determine.
- 7.2 Have charge of and be responsible for all funds and securities of the WPOA. The WPOA General Manager and designated employees of the WPOA are hereby granted the delegated authority of the Treasurer to receive and give receipts for monies that are due and payable to the WPOA from any source whatsoever.
- 7.3 Deposit all such monies in the name of the WPOA in such banks, trust companies or other depositories that are federally insured by insurance or bond assignment, as shall be selected by the Treasurer and approved by the BOARD.
- 7.4 **Ensure safe storage of** ~~Store~~ all investment documents. ~~in a safety deposit box rented by the WPOA.~~
[Comment: Allows for other safe storage practices, & recognizes that many investment documents are now in digital format.]
- 7.5 In the President's absence sign all documents listed in ARTICLE VI, Sub-sections 4.6 and 4.7 above.
- 7.6 Before May 1st, have prepared for signature the necessary Resolutions to establish the signature levels on all WPOA bank accounts, trust companies, safety deposit boxes or other depositories where a signature is required to transact business.
- 7.7 Perform such other duties that may be assigned by the BOARD or the President.

SECTION 8. Assistant Treasurer.

- 8.1 An Assistant Treasurer may be appointed by the BOARD per ARTICLE VI, Sub-section 1.2 above.
- 8.2 The Assistant Treasurer shall:
 - 8.2.1 Be Bonded. Such bond shall be paid for by the WPOA in such a sum and with such surety or sureties as the BOARD shall determine.
 - 8.2.2 Perform such other duties that may be assigned by the BOARD or the President.

ARTICLE VII
COMMITTEES

SECTION 1. Committees.

The BOARD or the President may authorize various Committees to assist in the day to day operation of the WPOA. Each Committee shall consist of:

- 1.1 One Chairperson to be named by the President, when required.
- 1.2 **Except for the Executive Committee, the Citation Review Committee, and the Financial Advisory Committee,** each committee shall consist of a minimum of three and a maximum of seven members as follows:
[Comment: Legal counsel recommended stating that these 3 committees have different composition than other committees.]
 - 1.2.1 A committee of three or four members shall be composed of the Chairperson, one TRUSTEE, if not the Chairperson, and two or three MEMBERS **in-good-standing** who are not TRUSTEES.
 - 1.2.2 A committee of greater than four members shall have a Chairperson, one (1) or two (2) TRUSTEES, plus three to six MEMBERS **in good-standing** who are not TRUSTEES.
[Comment: Legal counsel recommendation to clarify who can serve.]
 - 1.2.3 Each committee may have consultants and or experts sit temporarily on their committee.
- 1.3 The committees described in SECTION 9, 10, 11, 12, 13 and 14 of this ARTICLE shall be named by thirty (30) days after a new BOARD is installed.
- 1.4 With the exception of the Executive and Citation Committees, the President is an *ex officio* member of all the committees listed below.

SECTION 2. Executive Committee.

The Executive Committee shall be composed of:

- 2.1 The Executive Officers (see ARTICLE VI, sub-SECTION 1.1).
- 2.2 One (1) member of the BOARD elected as Member-at-Large during the election of officers (see ARTICLE VI, SECTION 2).
- 2.3 The Executive Committee shall:
 - 2.3.1 Act as the Citation Review Committee (see ARTICLE VII, SECTION 8 below).
 - 2.3.2 Review any changes to County, State or Federal Laws that might require changes to the CODE or any of the various R&Rs written to assist in the operation of this SUBDIVISION and refer them to the proper committee(s) for the appropriate action.
 - 2.3.3 Recruit, interview, and recommend to the entire BOARD candidates for the position of WPOA General Manager.
 - 2.3.4 Oversee the preparation of and approve the terminology in the contract with the WPOA General Manager before submitting it to the entire BOARD for vote, and if passed by a two-thirds (2/3) vote of the entire BOARD, to the WPOA President for signature.
 - 2.3.5 Review all formally appealed employee termination(s).
 - 2.3.6 Review any complaints of hazardous conditions in the SUBDIVISION, which might be brought to its attention by any citizen or outside agency and assign the problem to the appropriate committee(s) or person(s) for correction. In the event the complaint concerns water or sewage, they shall refer the complaint to the WRWSD for action and resolution.

SECTION 3. Chairperson's Responsibility.

The Chairperson shall:

- 3.1 Chair all meetings of the committee.
- 3.2 Convey instructions from the BOARD.
- 3.3 Report, in a timely and professional manner, their findings, results and make suggestions to the BOARD.
- 3.4 Select members for the committee in accordance to ARTICLE VII, SUB-SECTION 1.2.
- 3.5 Furnish to the Secretary a list of all committee member's names, addresses and telephone numbers.

SECTION 4. Responsibility.

Each committee shall have responsibility to act as an agent of the BOARD; but the designation of the committees shall not operate to relieve the BOARD of any responsibility or to act in its capacity.

SECTION 5. Term of Office.

Membership shall continue until the next annual meeting unless the committee is terminated sooner or a MEMBER ceases to be qualified and is removed.

SECTION 6. Removal from a Committee.

6.1 Any Chairperson may be removed when, in the judgment of the President, this action is in the best interest of the WPOA. The President shall notify the BOARD of this action.

6.2 Any committee member may be removed when, in the judgment of the Chairperson, this action is in the best interest of the WPOA. The Chairperson shall notify the President of this action in writing.

[Comment: New Sub-section 6.1 formalizes process for removing a committee chairperson.]

SECTION 7. Rules.

Each committee may adopt Rules for its own government not inconsistent with the CODE, the SUBDIVISION'S Restrictive Covenants, or with any *ad hoc* rules as may be adopted by the BOARD.

SECTION 8. Citation Review Committee.

8.1 The Executive Committee (~~see ARTICLE VI, SECTION 1, paragraphs 1.1 and 1.2 and 2~~) is the Citation

Review Committee. The Chairperson is the President.

8.2 The Committee shall convene as necessary for a hearing requested by a MEMBER receiving a citation or other enforcement action taken by or issued by an authorized agent of the WPOA SECURITY or the WPOA General Manager.

8.2.1 After receiving a written copy of a citation or enforcement action issued by an authorized agent of the WPOA, SECURITY or the General Manager, a MEMBER may appeal the citation by appearing before the Citation Review Committee on the date and time denoted on the citation or enforcement action. Attendees to such hearings other than Committee members and the MEMBER receiving the citation or enforcement action must be approved by the President of the BOARD. Hearings are to be held in an executive or closed session. MEMBERS will be responsible for the actions of any approved invitees during the hearing.

[Comment: Legal counsel recommended that new Sub-section 8.2.1 be added to establish a clearly stated hearing process for MEMBERS who receive citations.]

~~8.2.2 Review monthly, with the WPOA General Manager and head of SECURITY, all corrective actions, warnings, and citations issued by SECURITY.~~

~~8.2.3 Levy monetary fines, other forms of restitution, or corrective action it deems necessary. The Security Manual shall serve as a guide to assist the committee in the determining the appropriate disposition of the charges. (Exception: Lawbreaking that requires local law enforcement action; however, this committee may also discipline the MEMBER as necessary.)~~

[Comment: Sub-sections 8.2.2 and 8.2.3 deleted to reflect current practice.]

8.3 All Lake Waynoka Security citations and warnings shall be issued against the MEMBER responsible even if the offense was committed by his GUEST(S) or VISITOR(S). (See Security Manual for further information.)

8.4 The Committee shall direct the head of SECURITY to create and maintain the WPOA's Security General Orders Manual in accordance with State laws, the WPOA CODE of Regulations, and WPOA R&Rs. The head of SECURITY shall submit the proposed Security General Orders Manual to the WPOA General Manager and legal counsel for review prior to presentation to the BOARD. Adoption of this document must be by a two-thirds (2/3) vote of the entire BOARD.

[Comment: Revised Sub-section 8.4 expands & clarifies process for creation and maintenance of WPOA's Security Manual to reflect current practice.]

SECTION 9. Finance Committee.

9.1 The chairperson of the Finance Committee is the Treasurer. The Treasurer shall submit a list of names, following the guide lines set forth in SECTION 1 of this ARTICLE, for approval by the BOARD. The Assistant Treasurer, if appointed, is automatically a member of this committee. Outgoing committee members may serve an indeterminate period of time with the intent that an adequate training period shall be provided for incoming members.

9.2 The Finance Committee shall:

9.2.1 Review and approve WPOA's annual budget before submission to the BOARD.

9.2.2 Review WPOA's monthly financial reports.

9.2.3 Review and recommend possible investments of WPOA's funds.

~~9.2.4 Review all bids and quotations required for capital expenditures.~~

9.2.4 At a minimum review quarterly with the WPOA General Manager, to adjust, if necessary, the budget amounts to better reflect WPOA income and expenses.

[Comment: Deletion of Sub-section 9.2.4 removes a Finance Committee responsibility that has proven impractical and is not currently practiced.]

SECTION 10. Finance Advisory Committee.

The Finance Advisory Committee is established to provide professional advice and service to the BOARD on

managing the WPOA's investment portfolio. The Finance Advisory Committee shall:

10.1 Consist of five (5) members as follows:

10.1.1 The Treasurer.

10.1.1.1 The Assistant Treasurer shall sit on this committee as a non-voting member.

10.1.1.2 In the absence of the Treasurer, the Assistant Treasurer shall have a vote.

10.1.2 The Chairperson of the Long Range Planning Committee.

10.1.3 Three (3) additional committee members **who, if possible, should be versed in financial or business matters and have prior experience in the business world,** recommended by the Treasurer and approved by the BOARD as follows:

10.1.3.1 An outside consultant, to serve a five (5) year term, preferably from a bank or investment firm, versed in the type of financial investments that may be available, to WPOA, to achieve its long range objectives.

10.1.3.2 A **MEMBER-in-good-standing**, except a TENANT, to serve initially a four (4) year term, who is not a TRUSTEE, selected from the SUBDIVISION.

10.1.3.3 A member-at-large, to serve initially a three (3) year term, who may be an outside consultant or a MEMBER, except TENANTS. ~~defined in 10.1.3.2.~~

~~10.1.4 The appointees referred to in paragraph 10.1.3 should be versed in financial or business matters and have prior experience, if possible, in the business world.~~

[Comment: Nothing was omitted or added, just re-stated within a different sub-section to eliminate old Sub-section 10.1.4.]

10.1.4 The Chairperson of this committee shall be chosen from one of the appointees referred to in Sub-section 10.1.3 above.

10.1.5 After the initial term, these members shall be appointed to a five (5) year term and are eligible for reappointment.

10.1.6 Cause for removal shall be for personal reasons or by action of the BOARD if requested by the Treasurer.

10.2 Compensation:

10.2.1 MEMBERS, except TENANTS, serving on this committee shall serve as volunteers. Reimbursement for valid expenses may be received upon completion of a properly executed expense statement.

10.2.2 Committee members who are not MEMBERS, except TENANTS, may be paid through such channels as commissions, retainers, or by the hour. Any form of reimbursement received must be agreed to prior to their appointment to the committee.

10.3 Have the following functions and authority:

10.3.1 To oversee the investment portfolio of the WPOA.

10.3.2 **May recommend to the BOARD** ~~Determine~~ the appropriate monetary amount to be maintained in the portfolio as a strategic reserve.

10.3.3 Recommendations of the committee shall be binding on the BOARD and unless the entire BOARD rejects them by a unanimous vote, shall be implemented. If rejected, the President must give, in writing, the specific detailed reasons for its rejection.

10.3.4 To evaluate and make recommendations to the Treasurer for the funding of major capital improvement projects, including equipment:

10.3.4.1 When **a loan is required to finance a project,** ~~the cost is expected to exceed-~~ \$30,000.00

[Comment: Removes an outdated requirement that is impractical and not currently practiced while allowing for future flexibility.]

10.3.4.2 Where and how the funds are to be obtained.

10.4 If the source of the funds noted in ARTICLE VII, Sub-section 10.3.4 is to be in the nature of a loan

from the WPOA investment portfolio, then said funds shall be secured by formal documentation (i.e., resolution) indicating the term and method of repayment. Such documentation shall be prepared by this committee and requires the signature of the entire BOARD prior to dispersal of any funds. All future WPOA budgets shall contain the necessary provisions for repayment of the loan(s).

- 10.5 If a scheduled repayment to the investment portfolio is deferred, by the BOARD or the WPOA General Manager, for a period greater than sixty (60) days, the committee, by majority vote, shall have the authority to:
- 10.5.1 Notify the bank(s), trust companies, or other depositories, used by the WPOA that all Signatories on said accounts are canceled.
 - 10.5.2 Advise the bank(s), trust companies, or other depositories that chairperson of this committee and a committee member shall be authorized co-signators.
 - 10.5.3 Withdraw sufficient funds to make the payment(s) that is scheduled.
 - 10.5.4 Advise the bank(s), trust companies, or other depositors and the BOARD that they may re-institute the normal signatories.

SECTION 11. Building Committee.

It shall be the Building Committee's responsibility to:

- 11.1 Create, maintain, and enforce the SUBDIVISION'S ~~B~~ zoning/building Code requirements, which must be approved by at least two-thirds (2/3) vote of the entire BOARD.
[Comment: In 2017 the BOARD changed terminology to "zoning/building requirements" and discontinued use of the term "Building Code."]
- 11.2 The committee shall be responsible for the approval/disapproval of all building permits submitted by the WPOA General Manager, with his suggestions noted in writing, to this committee.
- 11.2.1 Building permits, obtained from the Administration Office, are to be properly executed and, along with the required FEE, submitted to the WPOA General Manager for approval.
 - 11.2.2 The MEMBER must obtain an approved building permit before exterior construction can proceed.
 - 11.2.3 Interior remodeling of a MEMBER'S domicile does not require a building permit.
- 11.3 ~~The Chairperson shall sign all permits granted along with the WPOA manager.~~ **The Chairperson and the WPOA General Manager shall sign all permits granted with either electronic or written signatures.**
[Comment: Modifies grammar and allows for electronic signature.]
- 11.4 Request **of the President permission to consult** legal counsel ~~from the president~~ when required.
[Comment: Legal counsel recommended revision to more clearly state the procedure.]
- 11.5 Advise and recommend, to the BOARD, any action that may be required.
- 11.6 The WPOA must obtain an approved state building permit before any budgeted **construction or** remodeling on WPOA property can proceed.
[Comment: to clarify that permits are required for all WPOA construction, not just remodeling.]
- 11.7 Disallowed building permits may be appealed to the BOARD by the MEMBER.

SECTION 12. Long Range Planning Committee.

It shall be the Long Range Planning Committee's responsibility to:

- 12.1 Create and maintain WPOA's long range planning document. This document is to be updated annually. It should contain plans and budgetary considerations for a three (3) to five (5) year window into the future.
- 12.2 Present the long range planning document to the BOARD by the end of the ~~first~~ **third** fiscal quarter and, if changed, quarterly thereafter for their consideration.
[Comment: Due date for the report changed to third fiscal quarter because the BOARD changed the fiscal year several years ago and report is now due before the installation of the new BOARD.]

SECTION 13. Rules and Regulations Committee.

It shall be the responsibility of the Rules and Regulations Committee to:

- 13.1 Review and update all regulatory documents of the WPOA.
- 13.2 To obtain the necessary approval before implementing any new/changed restrictions.
- 13.3 The exceptions to the Rules and Regulations Committee's far reaching authority are the contents of the Building Code zoning/building requirements document, the Security Manual, and the Personnel Policies and Practices Manual.

[Comment: "Building Code" changed to be consistent with Sub-section 11.1 (above) and Security Manual and Personnel Policy and Practices Manual added per recommendation of legal counsel]

SECTION 14. Lake Advisory Committee.

It shall be the responsibility of the Lake Advisory Committee to:

- 14.1 ~~Recommend to the BOARD each year by the September meeting:~~
 - 14.1.1 ~~Whether the Lake should be lowered.~~
 - 14.1.2 ~~How low to drop the Lake below pool.~~
 - 14.1.3 ~~Length and time the Lake should be kept in the lowered condition.~~
 - 14.1.4 ~~When to open and close the valve before, during and when lowered.~~
- 14.2 Advise acceptable options for lake erosion control to MEMBERS.
- 14.3 Assist the Building Committee and WPOA General Manager in shoreline protection for WPOA's lake property.
- 14.4 Perform studies of the lake on, but not limited to, lake ecology, dredging, environmental concerns, using outside consultants when necessary.
- 14.5 Writing, maintaining, and submitting to the Rules and Regulations Committee the WATERCRAFT Rules and Regulations, including but not limited to
 - 14.5.1 The proper State and WPOA licensing of WATERCRAFT.
 - 14.5.2 Defining WATERCRAFT'S insurance requirements.
 - 14.5.3 The operation and safety while operating a WATERCRAFT on Lake Waynoka.
- 14.6 ~~Determine whether, because of weather conditions, activity on the Lake should be restricted or terminated.~~
- 14.7 **Notify the General Manager when deteriorated docks, boat covers, or other structures extending into the lake create a hazard to personnel or safe boating.**

[Comment: Deletion of Sub-sections 14.1 & 14.6 removes Lake Advisory Committee responsibilities that do not reflect current practice. Sub-section 14.7 added to include new responsibility of Lake Advisory Committee. Sections will be re-numbered.]

SECTION 15. Other Committees.

Other committees **deemed necessary and/or beneficial to** ~~not having and exercising the authority of the BOARD in the management~~ of the WPOA may be designated, by a motion, and approved by a majority of the BOARD.

[Comment: Revised language recommended by legal counsel to clarify process.]

ARTICLE VIII GIFTS

SECTION 1. Gifts.

The BOARD may accept on behalf of the WPOA any contribution, gift, bequest, or devise to be used solely for the benefit of the WPOA. (See R&Rs for more definitive information.)

ARTICLE IX FISCAL

YEAR

SECTION 1. Fiscal year.

The fiscal year of the WPOA ~~shall be~~ **is determined by a 2/3 vote of the BOARD.** ~~shall begin on the first day of March and end on the last day of February each year.~~

[Comment: Fiscal year was changed several years ago to match the calendar year by vote of the BOARD; this change provides the BOARD with flexibility in making any future changes.]

ARTICLE X
FINANCIAL BOOKS AND RECORDS

SECTION 1. Financial Books and Records.

The WPOA shall keep correct and complete books and records of accounts, and shall keep minutes of the proceedings of its BOARD, ~~and~~ Committees, **and MEMBER meetings.**

[Comment: Legal counsel recommendation to clarify responsibility.]

SECTION 2. Inspection of Records.

All books and records of the **WPOA** may be inspected by any MEMBER, his agent or attorney, for any proper purpose, at any reasonable time during normal business hours and upon reasonable advance notice. Inspection of records shall be under the supervision of the WPOA General Manager or such staff employee as may be charged with the maintenance of such WPOA records. An appropriate charge may be assessed for **all reasonable charges attendant to the inspection of records, including, but not being limited to, the cost of copies and costs attributable to time spent by employees of the WPOA during the process.**

[Comment: Modified per legal counsel recommendation to ensure all costs associated with the inspection of records may be recovered.]

SECTION 3. Audit of Records.

An annual audit of the WPOA's financial books and records shall be performed ~~in the month of March~~ by a qualified accountant (Certified Public Accountant) and who shall attest to the financial condition of the WPOA to the BOARD.

[Comment: Modified to allow flexibility in scheduling the WPOA annual financial audit.]

ARTICLE XI
FWAIVER OF NOTICE

SECTION 1. Waiver of Notice.

Whenever any notice is required to be given under the provision of the Not-For-Profit Corporation Law of Ohio or under the provision of the Articles of Incorporation of the WPOA, the CODE or the WPOA, a waiver in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XII
AMENDMENTS TO THE CODE OF REGULATIONS

SECTION 1. Changes.

Proposed changes or amendments to add, amend, alter or repeal SECTIONS of the CODE can only be made by either a:

1.1 Two-thirds (2/3) vote of the entire BOARD.

1.2 Petition signed by not less than **twenty percent (20%) of the** ~~three hundred (300)~~ MEMBERS **in-good-standing.**

[Comment: Sub-section 1.2 changed to be consistent with ARTICLE V, Sub-section 5.3.]

SECTION 2. Method of Changes.

All changes or amendments suggested must be voted on by the MEMBERS through either a:

- 2.1 Mailed ballot to all MEMBERS.
- 2.2 Special MEMBER Meeting (see ARTICLE III, SECTION 3).
- 2.3 Secure electronic means as determined by the BOARD.**

[Comment: Sub-section 2.3 changed to allow for future flexibility in voting processes.]

SECTION 3. Majority Vote Rule.

Amendments **or changes to add, amend, alter, or repeal SECTIONS of** the CODE shall be enacted if sixty percent (60%) of the:

- 3.1 Ballots returned approve the proposed amendment.
- 3.2 MEMBERS present at a special MEMBERS meeting approve the proposed amendment.

[Comment: Language added to make this section consistent with language in ARTICLE XII, Section 1.]

ARTICLE XIII
HISTORIAN

SECTION 1. WPOA Historian.

The President shall appoint a MEMBER as the official WPOA Historian who shall serve for an indeterminate period with the intent being to provide adequate continuity of the WPOA's historical information.

[Comment: Appendix A, shown on the next page, lists the Designated WPOA COMMON GROUNDS and FACILITIES referred to in ARTICLE V, Section 1.]

APPENDIX A: LIST OF DESIGNATED WPOA COMMON GROUNDS AND FACILITIES

Note: Parcels numbered "08" are in Franklin Township; Parcels numbered "16" are in Jackson Township.

Parcel No.	LOT No.	Description/PLAT Information
08-016116	144	Administration
08-016120	145	Median Site: Administration Bldg.
08-016124	146	Entrance Administration
08-015168	177	8.2 AC/MAJOR RECREATION AREA (Lodge, Recreation Facilities, Lounge, Pools)
08-0093160001		17.07 AC/LAND Behind Subdivision: Includes New Campground
08-009552	319	LAKE ACCESS: Squaw Valley Rec Area
08-009552	328	COMMON ACCESS: Waterfront LOT
08-009552	338	COMMON ACCESS: Waterfront LOT
08-009552	384	COMMON ACCESS: Waterfront LOT
08-009552	400	COMMON ACCESS: Waterfront LOT
08-009552	422	67.47 AC/LAKE ACCESS/Little Turtle Recreation Area
08-009556		25.82 AC/COMMON ACCESS: ROADS
08-009564		17.59 AC/COMMON ACCESS: ROADS
08-009568		43.13 AC/COMMON ACCESS: ROADS
08-012012		127.79 AC/COMMON ACCESS: ROADS
08-013438		183.83 AC/**CAMPGROUND
08-013438		Dam Drainage/Storage Area/Maintenance & Marina Bldgs.
08-013438	2323	COMMON ACCESS: Waterfront LOT
08-013438	2629	LAKE ACCESS: Red Cloud Rec Area
08-013438	2649	COMMON ACCESS: Waterfront LOT
08-013438	2696	Old Campground
08-013438	2827	COMMON ACCESS: Waterfront LOT
08-013438	2860	LAKE ACCESS: Little Chief Rec Area
08-013438	2893	COMMON ACCESS: Waterfront LOT
08-013438	2914	LAKE ACCESS: Quachita Rec Area
08-013438	2919	COMMON ACCESS: Waterfront LOT
08-014400	2700	Campground Office
08-011700	3183	Marina Bldg/Docks/Launch Ramp
08-011704	3184	Beach/Bath House
08-011708	3185	Beach Parking Lot
08-013200	3620	C.G.E. High Tension
08-013204	3621	C.G.E. High Tension
16-028932	478	24.70 AC LAND; COMMON ACCESS: Waterfront LOT + other area
16-028936	675	LAKE ACCESS: Kiddie Corral Recreation Area
16-028936	704	COMMON ACCESS: Waterfront LOT
16-028936	762	26.08 AC/LAKE ACCESS: Tomahawk Recreation Area
16-028936	775	COMMON ACCESS: Waterfront LOT
16-028940	1730	99.07 AC: COMMON ACCESS: Roads, Waterfront LOT
16-028940	1744	LAKE ACCESS: Little Crow Recreation Area
16-028940	1779	LAKE ACCESS: Hiawatha Recreation Area
16-028944	1866	COMMON ACCESS: Waterfront LOT
16-028944	1882	55.52 AC/LAKE ACCESS: Geronimo Recreation Area
16-035736	2217	Back Gate
16-027312	2500	GTE Access (Telephone Co.)
16-028800	3280	LAKE ACCESS: Pontiac Recreation Area
16-027640	3682	Back Gate Entrance
16-027644	3683	Back Gate Entrance
16-028800	4003	COMMON ACCESS: Waterfront LOT
16-028800	4029	73.26 AC/COMMON ACCESS: Waterfront LOT/ROADS