

DRAFT

8/8/2020

JOINT BY-LAWS
OF THE
LAKE BULLARD HOMEOWNERS ASSOCIATION
AND
LAKE BULLARD NEIGHBORHOOD IMPROVEMENT DISTRICT

Enactment

The purpose of these Joint By-Laws is to facilitate the governance of the Lake Bullard Homeowners Association and its complementary special assessment district, The Lake Bullard Neighborhood Improvement District.

The **Lake Bullard Homeowners Association** (LBHA) is a non-profit organization created by the Lake Bullard Subdivision homeowners to primarily better safeguard the general health, safety, and welfare of residents of the Lake Bullard Subdivision as well as to maintain and enforce the building codes and land restrictions outlined in the Covenants or “Acts of Restrictions” of Lake Bullard Subdivision. The members of LBHA sought the creation of a special assessment district to raise funds for the Subdivision’s benefit which ‘district’ would be governed by members of its own Board of Directors. The **Lake Bullard Neighborhood Improvement District** (District) was subsequently established pursuant to Louisiana Revised Statute 33:9080, as amended, and by majority vote of the residents of Lake Bullard Subdivision to provide for imposition of an annual parcel fee promoting and encouraging the beautification, security and overall betterment of the District.

Boundaries

The District is comprised of the Lake Bullard Subdivision which is the area of the parish of Orleans lying within the following perimeter: Bullard Avenue, Dwyer Road, Berg Canal and Lake Forest Boulevard.

Governance

The District shall be governed by a Board of Commissioners referred to in this section as the “Board”, consisting of seven members elected by the members of the Lake Bullard Homeowners Association from the duly elected members of the Board of Directors of the Lake Bullard Homeowners Association. The elected members shall therefore serve as members of Board of Directors of the Lake Bullard Homeowners Association and the Board of Commissioners of the Lake Bullard Neighborhood Improvement District. All members of the Board shall be residents and qualified voters of the District.

Elections and Terms of Office

Election of members of the Board of Directors and Board of Commissioners shall be conducted in March of each year with those candidates for office receiving a majority votes cast by residents in attendance at that meeting being selected.

Members of the Board of Directors and Board of Commissioners shall serve three (3) year terms before putting themselves before the membership for re-election. Nevertheless, to ensure staggered terms, elections will be held each year beginning with the schedule listed below:

<u>Terms Expiring in 2021</u>	<u>Terms Expiring in 2022</u>	<u>Terms Expiring in 2023</u>
Mtumishi St. Julien	Velma Modacure-Johnson	Patricia Mitchell
Bryan Jourdain	Alton Newton	Brenda Wilcox Hogan
		Albert J. Parker, Jr.

Vacancies resulting from the expiration of a term or any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.

The members of the Board shall serve without compensation.

Powers and Duties

The District, acting through its Board of Commissioners, shall have the following powers and duties: (1) to sue and be sued; (2) to adopt, use and alter at will a corporate seal; and (3) to receive and expend funds collected pursuant to enactment and in

accordance with a budget adopted as provided therein; (4) to enter into contracts with individuals or entities, private or public, for the benefit of the District; (5) to purchase items and supplies which the Board deems instrumental to achieving the purpose of the District; and (6) to perform or have performed any other function or activity necessary for the achievement of the purpose of the District.

Officers

The members of the Board of Commissioners shall select from among themselves on an annual basis a President and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided by these bylaws.

President. The president shall be the chief executive officer of the District; shall preside at all meetings of the District and of the Board of Commissioners; shall have all of the general powers and duties which are usually vested in the office of president of a Louisiana non-profit corporation, including, but not limited to, the power to enter into contracts, to make expenditures, to comply with all applicable laws and regulations imposed on the organization, appoint committees from among the members from time to time, as the President may, in discretion, decide is appropriate to assist in the conducting of the affairs of the District or as may be established by the Board or by the members at any regular or special meeting.

The President is authorized to represent the District and the Lake Bullard Homeowners Association at all meetings of civic, governmental, or provincial affairs affecting the District. In particular, the President shall have the authority to represent the District at the Eastern New Orleans Neighborhood Advisory Commission (ENONAC) meetings and vote on issues brought before that body on behalf of the District and Association. It is incumbent on the President to inform the body of the LBHA and District of the outcome of the vote and the President's position on the issue. In the President's absence he or she may designate a representative to attend and participate in these meetings with all the powers and responsibilities of same.

Vice President. The Vice President shall have all the powers and authority and perform all the functions and duties of the President, in the absence of the President, or

due to the inability for any reasons to exercise such powers and functions or perform such duties, and also will perform any duties directed to perform by the president.

Secretary. The Secretary shall keep or oversee the compilation of all the minutes of the meetings of the Board and the minutes of all meetings of the District in one or more books provided for that purpose; shall have charge of such books and papers as the Board may direct.

The Secretary shall be custodian of the Association Records and shall keep a register of the post office address of each member of the Subdivision, which is to be furnished to the Secretary by such members.

The Secretary shall send out notices of meetings as may be ‘called’ by the President and/or Board of Commissioners in accordance with the provisions of these by-laws and shall, in general, perform all duties incident to the office of Secretary.

The Board may hire an assistant to help perform the duties of Secretary.

Treasurer. The Treasurer shall have the responsibility to (a) collect and deposit, in the appropriate bank account, all monies of the District; (b) disburse funds as directed and upon approval of the District; (c) maintain accurate records of fees paid and unpaid; (d) maintain the financial and accounting records of the District established in accordance with Generally Accepted Accounting Principles (GAAP); (e) provide the Board with a periodic statement of revenues and expenses; (f) perform other duties as assigned by the President of the District. The Board may hire an accounting assistant to help perform the duties of Treasurer.

Removal of Officers or Board Membership

Any officer may be removed from her/his office by majority vote of the Board for cause. A Board member may be removed for cause by a majority vote of the membership attending a duly notified meeting as specified below.

Meetings

Regular meetings of the District shall be held quarterly, dates and times to be adopted and promulgated by the Board of Commissioners in each calendar year. The first quarter meeting shall be held in January, or soon thereafter, and designated **the Financial**

Review Meeting to receive an end-of-the-year report from the Treasurer and CPA. The second quarter meeting shall be at the end of March, or soon thereafter, and shall be designated as **the Annual Meeting** to hold election of members of the Board and Officers, if necessary. The third quarter meeting shall be in July, or soon thereafter, and be designated as **the Budget Meeting** to present and approve an annual calendar year budget for City Council approval. The fourth quarter meeting shall be held in November, or soon thereafter, after the budget is finalized and designated **Subdivision Review Meeting** to engage in a strategic review of the subdivision needs.

All regular meetings shall be appropriately announced by postcard notice to be mailed not later than twelve (12) days prior to the scheduled meeting giving the date, time, and place of the meeting. Special "call" meetings, may be appropriately announced at least 48 hours in advance – the date, time and place of the special meeting to be so designated via e-mail transmittals and posted signage at all entrances into the District: Bullard Avenue at Lake Forest Boulevard; at Stillwater Drive; Bullard Avenue at Midpoint Drive; and at the location of the meeting place.

Quorum

A majority of the Board members shall constitute a quorum for the transaction of business at any meeting of the Board. The act of a quorum of Directors or Commissioners present at a meeting shall be an act of the Board of Directors and the Board of Commission, except where otherwise provided by law or these by-laws.

All members of the Board shall vote in person. Each member of the Board shall have one vote. There shall be no proxy voting. A simple majority of members voting shall approve a motion for passage.

Meeting Procedures & Protocols

Robert's Rules of Order shall be the Parliamentary Authority for all matters of meetings where procedure is not otherwise provided for in the by-laws. The rules contained in these by-laws shall govern in all cases to which they are applicable and in which they are not inconsistent with the rules of order of this District.

Block Captains

A Primary Block Captain and Backup Block Captain shall be appointed by the Board for each street within the boundaries of the Association. Block Captains are responsible for distributing information to each household on his/her street and/or collecting from the same households, if necessary. The Association streets are as follows:

Lake Forest Boulevard *Bullard Avenue (at least 2)* *Midpoint Drive*

Winrock Drive *Stillwater Drive (at least 2)* *Waverly Drive*

Fernley Drive *Asphodel Drive* *Beaver Drive*

Nottaway Lane *McKindall Place*

Budget

The Board of Commissioners shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act R.S. 39:1301 et seq. The budget and all amendments shall be subject to the approval of the New Orleans City Council and the District shall be subject to review by the legislative auditor pursuant to R.S. 24:513.

Checks and Reimbursements

All checks, drafts and notes of the corporation shall be signed by such officers as designated, requiring the signatures of at least two officers to be effective.

Individuals making authorized payments for goods or services on behalf of the Association may be reimbursed for those payments. Payments may be authorized by the President or Vice-President of the District and reimbursed by check signed by the President and the Treasurer.

Contracts

All contracts must have a Request for Proposal, a Request for Qualifications and/or Best Price, or Analysis of Goods, Costs and Services prepared from at least three companies. A justification for selection must also be prepared. No member of the Board

may have an interest in or participate in a contract which may be prohibited by the Louisiana Code of Governmental Ethics.

Amendments

These by laws may be altered, amended, or repealed by the affirmative vote of two thirds (2/3) of the Board at any quarterly or special meeting of the members called for that purpose.

Severance

If any term or provision of these by laws or any application thereof shall be invalid or unenforceable, the remainder of these by laws or any other application of such term or provision shall not be affected thereby.

THUS, DONE AND ADOPTED in their amended form this ____ day of _____, 20__.

Lake Bullard Homeowners Association

BY: PRESIDENT _____

ATTEST: SECRETARY _____

And

Lake Bullard Neighborhood Improvement District

BY: PRESIDENT _____

ATTEST: SECRETARY _____