

Resolution – Amending and Re-stating the Rules and Regulations

Don Lucas, Chairman - Governance Committee
Chip Munday, General Manager

November 15, 2018

Background

Recommendation

The General Manager has been working with the Governance Committee to amend and re-state the Rules and Regulations for the past few months. The purpose is to ensure that the Rules and Regulations are consistent in structure to the Declaration and language be amended add clarity where required. It is also the intent to have the current Board adopt this resolution before their term expires on December 5, 2018 so the Rules and Regulations will be recorded with the Beaufort County Clerk and Recorder pursuant to new legislation. The Board was presented with a draft of the amended and re-state Rules and Regulation at their regular meeting of November 15, 2018. It was decided at that time for the Board to review the document in its entirety, make any recommended changes to the General Manager, and for a final draft to be presented to the Board for Action Taken Without a Meeting pursuant to the Bylaws. Providing that this resolution is adopted by affirmation via electronic communication, this resolution shall be included in the minutes of the November 15, 2018 regular meeting.

Proposed Resolution

WHEREAS, Article 12.01 of the Declaration of Covenants, Conditions, and Restrictions of the Indigo Run Community Owners Association, Inc. states:

“Subject to the provisions hereof, the Board of Directors may establish the Rules and Regulations concerning the use of Lots, Dwellings, and the Common Areas and facilities located thereon. In particular but without limitation, the Board of Directors may promulgate from time to time Rules and Regulations which shall govern activities which may, in the judgment of the Board of Directors, be environmentally hazardous, such as application of fertilizers, pesticides, and other chemicals. Copies of the Rules and Regulations and amendments thereto shall be furnished by the Association to all Owners prior to the effective date of the Rules and Regulations and amendments thereto. Such Rules and Regulations shall be binding upon the Owners, their families, tenants, guests, invitees, servants, and agents, until and unless any such rule or regulation be specifically overruled, canceled, or modified by the Board of Directors or in a regular or special meeting of the Association by the vote of the Owners, in person or by proxy, holding a majority of the total votes in the Association. Provided, however, in the event that any Rules and Regulations established pursuant to this Section 12.01 materially or adversely alters or changes the Owner's or Owners' of the Recreational Facilities right to use and enjoyment of the Recreational Facilities or adversely effects the title thereto, such rules and regulations shall be valid only upon the written consent thereto by the Owner or Owners of the Recreational Facilities, which consent shall not be unreasonably withheld.”

NOW, THEREFORE, BE IT RESOLVED, on motion duly made and seconded, that the Rules

and Regulations of the Indigo Run Community Owners Association Inc. shall be amended and re-stated as attached and will take effect on January 1, 2019.

[See attached final draft.]