



## West Side Cottages

A Neighborhood in Gulf Shores, Alabama  
43 homes with a community pool

1592 West Beach Boulevard Gulf Shores, Alabama 36542  
Mailing address: PO Box 3825, Gulf Shores, AL 36542

# West Side Cottages Homeowners' Association Information, Rules, and Guidance Document

# Information, Rules, and Guidance Document

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#### A. The role of our Property Management Company

The Board retains a residential property management company as an agent of our homeowners' association corporation. Effective July 1, Waves Association Management will service as our property management company and their primary role is to increase our property values and facilitate the enjoyment of our community. Waves has no say in the development of our Declaration of Protective Covenants, Bylaws, or HOA Information & Guidance Documents; they simply act to implement the guidelines set forth by the West Side Cottages Homeowners' Association Board of Directors. They also provide expert advice and guidance as we develop our community's guidelines to ensure that we adhere to state and local laws. They also provide practical advice to ensure the Board is making the decisions that best protect and enhance our community.

Waves Property Management  
191 Northshore Cir, Suite 100, Gulf Shores, AL 36542  
Primary Contact: Hilary Gentry, Senior Association Agent  
Phone: 251-943-7410  
Email: [hilary@wavesassocmgmt.com](mailto:hilary@wavesassocmgmt.com)  
Web: [www.wavesassocmgmt.com](http://www.wavesassocmgmt.com)

#### B. General and emergency contact information

- I. If you have an emergency, always call 911 first.
- II. For security issues call Gulf Shores Patrol Division at (251) 968-2431. The Gulf Shores police department encourages owners and renters to contact them for nuisance calls or threatening disturbances.
- III. The HOA board has secured a contract with Gulf Coast Security effective July 1, 2021. They can be contacted 24/7 for nuisance calls and illegal parking issues. This company is also responsible for the daily swimming pool closure at 10:00pm nightly by locking the pool gates. They can be called to resolve pool ordinance or nuisance violations. Phone: (251) 215-9970 Email: [Patriclandrum@gcsecurity.org](mailto:Patriclandrum@gcsecurity.org)
- IV. General Contact information: Waves Association Management: Phone: (251) 943-7410. Email: [jessicas@wavesassocmgmt.com](mailto:jessicas@wavesassocmgmt.com)

#### C. General contact and website information

- I. West Side Cottages Subdivision website is: <https://westsidecottages.com/>. The website is managed by RE/MAX of Gulf Shores and if you have questions about the site's content, please contact the Board.
- II. West Side Cottages Subdivision maintains a private homeowners' page on Facebook. The group's purpose is to have a place where owners can communicate all things West Side Cottages. This is a good place to learn about current events, updates/changes to the property, rental opportunities and more. David Turk is the administrator of the site. The site is open to owners only: visit this link <https://www.facebook.com/groups/276486536794825>, or search Facebook "owners/managers at West Side Cottages" and request to join.

#### D. HOA meetings and member dues

- I. The current HOA member fee for every West Side Cottages homeowner is \$235.00 per month, per home. **HOA member fees are being assessed as the financials for 2021 are balanced and new services are added to maintain a high-level living community. Please anticipate the HOA monthly fees to increase for every homeowner. An annual homeowners' meeting is held in October of every year and we will have these conversations at that time. The HOA will email an agenda packet ahead of the meeting for your review.**

- II. Member dues are invoiced prior to the first day of the month on a monthly basis. A \$25.00 late fee will be applied sixteen (16) days after the due date, per month. In addition, a 1.50% interest on unpaid balances will be computed every 30 days on the late fee. Any member not current with HOA financial obligations will forfeit voting rights.

#### E. Where your HOA fees go

Below is a list of services provided by your homeowners' association. The Board has contracts in place with the following service companies.

- a. Property management services
- b. Pool maintenance
- c. Janitorial services for pool bathroom and common pool area
- d. Landscaping services
- e. Pest control services
- f. Security services
- g. Liability insurance
- h. Lighting
- i. Trash can move for garbage pickup
- j. Cable, internet, and emergency phone

Utilities include electricity, cable/internet/emergency phones, waste/trash collection, water/sewage. Other expenses to operate the HOA include, but are not limited to banking charges, pool chemicals, repairs and maintenance, storm/hurricane damage to common areas, legal fees, etc.

#### F. Homeowner responsibilities

- I. **Mailbox/Package Deliveries:** mailbox keys are available by contacting your local United States Postal Service (USPS) carrier/office. All owners have a dedicated USPS mailbox located outside just east side of the pool area near the main entrance. If you expect mail to be delivered via USPS, you will need to complete a new address (green form) with the post office.

**Association Tip:** Other delivery companies such as Amazon, FedEx, UPS, etc....will deliver packages to your unit and usually place at the bottom of the stairs in the carport area. Sometimes they will climb the stairs and leave it on your balcony.

- II. **BBQ Grills and Propane Tanks:** Per the Gulf Shore ordinance and 2018 International Fire Code 308.1.4: Open-flame cooking devices must be at least 10 feet from combustible construction. As such:
  - a. Propane gas grills are allowed as long as they are pulled out from under the carport so that there is no combustible material over the grill or within the 10 feet ordinance. Propane gas grills can be stored under your carport (underneath your dwelling), but when cooking, must be rolled out into a common area 10 feet from the home or any wooden structure.
  - b. Charcoal grills and fire pits are not allowed on the premises in any dwelling whether it be personally owned or in common areas.
  - c. Propane gas, natural gas, electric, and charcoal grills are prohibited from any form of grilling or cooking on balconies.

**Association Tip:** If you rent your home and provide a propane gas grill and you fasten the grill to the structure or poles of your carport, you must provide the combination code or key so your renters can unlock it and move it 10 feet outside your carport for use. Further, it is advised that each owner install a fire extinguisher under your carport dwelling in case of a propane gas grill fire.

- III. **Utilities:** All utilities shall be placed underground. Each homeowner is required to connect to said utilities at his or her expense. No exterior towers or satellite dishes shall be erected on any dwelling except the approved consolidated area in the front west side of the community for common internet, TV, and phone services for all homeowners.

- a. **Cable, Internet, Phone:** This service is included in your HOA dues. SecureVision, Inc. serves as the community's TV, Internet, and land-line phone provider. It is not mandatory; however, they do pay for one (1) TV access with basic level channels, one (1) emergency analog landline telephone (connection in most kitchens) and dedicated wireless internet (WiFi) service. They can be reached at 251-967-4455.
- b. **Electricity:** Baldwin EMC 251-989-6247 or 800-837-3374
- c. **Sewage:** Every home at West Side Cottages subdivision is equipped with a grinder pump assembly and serves as the central part of your sewer system. It consists of an in-ground reservoir, a grinder mechanism, a pressure pump, on/off control device and an electrical panel. The wastewater is collected in the reservoir until the water level reaches a point where an internal float turns on the grinder pump. The wastewater is then pulled through the grinder mechanism and pumped through the yard line to the Gulf Shores Utilities Board's public sewer system, in most cases located on the edge of the street. The grinder control panel is located close to the grinder and is equipped with a red flashing light and/or buzzer alarm system. The alarm system should activate when the wastewater in the reservoir has not pumped down which may result in a pending overflow situation. Several problems can cause a grinder system to fail. These problems include:

- i. Disposal of non-biodegradable materials down the toilet.
- ii. Feminine hygiene product lodged in the grinder mechanism.
- iii. Grease or powdered soap scum build up in the reservoir, causing float control failure.
- iv. Electrical problems including house electrical breakers tripping, fire ants, and component failure.

Preventive measures which help maintain a long and dependable grinder pump system are:

- I. Ensure that no trash is flushed down the sewer drains. (grinder blades jam and pump will not work)
- II. Pour grease in a container and discard appropriately. Never pour oil or grease down the drain. (oil and grease will coagulate in cool temperatures of grinder basins and restrict on/off float switches)
- III. Utilize liquid soaps for dish washing and laundry (powder soaps will coagulate in cool temperatures of grinder basins and restrict on/off float switches)
- IV. Pour enzymes down the drain to promote treatment process within the grinder basin.
- V. Never disconnect or turn off breaker to grinder pump system when leaving town. (the only exception is in an Emergency/Hurricane situation)
- VI. When grinder pump systems are off, toilet or faucet leaks may overflow grinder basins, back up into house drains and cause damage to pumps.
- VII. Be alert to any unusual noises or red light coming from the grinder system and report them as soon as possible.
- VIII. **Please make sure everyone who utilizes your home is aware of these facts.**

**Association Tip:** Your sewage grinder pump system may no longer be covered under the 1-year warranty through the property developers and you should conduct routine annual maintenance to service your system. Any time a resident sees the red light on, even for a few seconds, they should contact the Gulf Shores Utilities Board's staff who can help with any sewage emergency. Call 251-968-6323. Staff is available 24-hours a day, seven days a week to respond to sewage emergencies. If it is after normal business hours, their answering service will notify their staff and they will get back to you as soon as possible. Should you need a plumber, Bruce's Plumbing is familiar with the property and our sewage grinder pump systems. They are located at 18488 Highway 180 West Gulf Shores, AL 36542. Phone number is 251-747- 4792.

- d. **Water:** Gulf Shores Utilities Board's staff can help with any water emergency. Call 251-968-6323. Staff is available 24-hours a day, seven days a week to respond to water emergencies. If it is after normal business hours, their answering service will notify their staff and they will get back to you as soon as possible.
- e. **Waste/Trash Collection:** The City of Gulf Shores contracts with Republic Services to provide bi-weekly residential garbage services for standard household garbage. Owners are billed for these services quarterly by Republic.
  - v. You are provided two trash cans – one is for trash, the other is a recycle can.

- vi. All Garbage is picked up twice a week on Mondays and Thursdays.
- vii. Mondays will be just your garbage can (not your recycle bin)
- viii. Your recycled garbage will be picked up on Thursdays only (both cans will be collected on Thursdays. Items that can be placed in recycle cans for curbside pickup:
  - 1. Aluminum Cans
  - 2. Cardboard
  - 3. Newspaper, Magazines, & Office Paper
  - 4. Paper Products
  - 5. Plastic Jugs (rinsed)
  - 6. Tin Cans (rinsed)
  - 7. \*No items containing food residue, oil, aerosol, wax, or Styrofoam are allowed in residential curbside cans.
- ix. Trash can move for garbage pickup. The Association pays for a service to pull your trash bins out from under your staircase/carport area and place them in the common drive area. This is a separate service from Republic. The garbage trucks will drive through the community and dump the trash carts. When empty, the service will place your trash carts in their original location that same day.
- x. Broken trash bin? Need new service set up? Contact Republic Services at 888-425-7667.
- xi. No owners' home shall be used or maintained as a dumping ground for rubbish, garbage, trash, or other waste. All such waste shall be kept in a clean and sanitary condition.
- xii. If you have trash beyond standard household garbage in terms of content and amount, a residential debris service is available by the City of Gulf Shores that provides weekly residential debris services. Items that will be picked up include yard debris, cardboard boxes, old furniture, and white goods. Pickup for our community is on Tuesdays. For additional information, contact the Public Works Department at 251-968-1156 or by email at msingleton@gulfshoresal.gov.

**Association Tip:** Your trash containers should be kept in an enclosed area hidden from view as much as possible. A common practice is to place them under your stairwell or inside your carport area. They should not be placed outside your carport space. Note what your neighbors are doing and attempt to align to that standard.

- IV. **Structures and Property Modifications:** No structure of a temporary character, trailer, shack, garage, barn, or other outbuilding shall be erected or used on any home at any time either temporarily or permanently. Homeowners are not allowed to make modifications to the exterior of their home on any level except repainting and repairing existing structures. If a homeowner wants to explore outside these guidelines, you must discuss with the HOA Board of Directors for approval.

**Association Tip:** If you plan to make changes to the outside of your existing home (color, windows, substantial landscaping, parking, roofing, and the like), always contact the HOA Board of Directors before proceeding.

- V. **Painting:** Owners are subject to ensuring exterior paint matches the current two colors used during the original construction of your home by the property developers. Contact the HOA Board for color names/styles.

- VI. **Signs:** Each home is limited to 2 signs. No sign of any kind shall be displayed to the public view on your home, except one (1) professional sign of not more than 20" X 20" advertising the home for sale or rent may be placed in the window or on the outside pillar of a dwelling and one (1) standard realtor sign may be placed near the road. Political signs or any offensive signage is strictly prohibited.

**Association Tip:** The Association has paid for your unit letter sign. If you rent your home and advertise a property management company sign, it must be no more than 20" x 20" and placed at eye level on your exterior pillar. Note what your neighbors are doing and attempt to align to that standard.

- VII. **Maintenance of Property:** Each homeowner shall keep his or her respective Lots and all improvements thereon in good appearance and repair, free of debris. In the event a homeowner fails to comply with these provisions, the Board, upon thirty (30) days written notice to owner shall have the right to enter upon said Lot to correct the same and shall be entitled to levy a special assessment against the owner (see assessment obligations section). You



are always expected to keep your property and parking area in tip-top shape. Accumulation of abandoned property and debris on the property is usually a clear violation.

**Association Tip:** Do not hang towels, swimsuits, or beach equipment on railings or balconies.

- VIII. **Landscaping:** This service is included in your HOA dues. All lawns shall be well landscaped and mowed regularly by a landscaping service. All trees and shrubbery shall be pruned regularly, and ground cover placed in common areas where sand exists, and grass does not. Lawns and common areas shall be kept free of noxious insects, and infectious and spreading weeds, all in a manner consistent with good property landscaping management.
- Association Tip:** Each homeowner owns an easement around their property that can be construed as a common area and the Association contracts with a landscaping service to maintain the area. These areas are considered “exclusive use common areas”— i.e. though it is technically the owners’ common area that surrounds the perimeter of your home. Currently, the HOA Board is exploring a standardized ground cover to replace fire hazardous pine straw, such as decomposed granite or pea gravel to cover exposed sanded areas. Anything to the contrary requires Board approval.
- IX. **Animals:** No animals, livestock or poultry of any kind shall be raised, bred, or kept on at your home. In terms of domestic animals, a homeowner can have no more than two (2) dogs. No pet may be kept for breeding or maintained for any commercial purposes, nor shall they be bred for non-commercial purposes. All pets shall be kept inside the owner’s dwelling and shall not be allowed onto the balconies, decks, or carports unless accompanied by the owner. No pet shall become an annoyance or nuisance to the other owners and guests. All pets shall be kept on leashes when outside the dwelling. Homeowners, guests, and renters are always expected to maintain control of their pets.
- Association Tip:** Pets are not allowed in the pool area. Service animals must be clearly identified as being so (vest, collar, or leash.) West Side Cottages maintains a pet station near the back lagoon entrance to the neighborhood near the bridge crosswalk. It contains bags and a disposal box. There is no excuse to have pet waste anywhere in the community.
- X. **Vehicles:** The immobilization of any vehicle for repairing or overhauling on an owner’s lot and carport or in the common street area in the Subdivision is strictly prohibited. Vehicles shall not be parked on any yard or Lot other than the owners’ carport. Only licensed drivers are permitted to operate scooters, mopeds, or other types of motorized vehicles within the complex. Scooters are expected to observe the speed limit.
- Association Tip:** There is no overflow parking on the premises in any part of the community or on any part of the common street areas. Vehicles parking where ‘no parking’ signs are posted whether during the day or night are subject to be towed at the vehicle owner’s expense. That means if an owner’s guests or renters do not adhere to the parking rules, the offending vehicle(s) may be towed at their expense.
- XI. **Boats, Boat Trailers, Recreational Vehicles, Campers, Busses, RVs, Commercial Vehicles, and Golf Carts:** Boats, watercraft, trailers, boat trailers, and recreational vehicles (including golf carts) are not allowed on the premises, or may not be driven, stored or kept at an owner’s dwelling or in the common areas.
- XII. **Speed Limit:** The maximum speed limit in the Subdivision shall be five (5) miles per hour as posted by the Declarant.
- XIII. **Parking:** Observe all NO PARKING signs. Vehicles or anything with wheels parking where signs are posted “No Parking Allowed” whether during the day or night are subject to be towed at the vehicle owner’s expense. Improper vehicles being parked or stored at a home, such as, abandoned, and unregistered vehicles will be towed.
- Association Tip:** There are four dead end locations in our subdivision with clearly posted signs prohibiting parking at any time. Failure to adhere to the no parking zones may initiate the HOA security services vendor to be contacted. They will first provide a warning then, if ignored, will tow the vehicle(s) at the owner’s expense.

XIV. **Common Area Use:** Common area is meant for the enjoyment of all property owners and their accompanied guests. It is designed for a limited recreation area. It is your responsibility to clean up after use. Excessive noise and music are NOT allowed after the hours of 10:00pm or before 8:00am.

XV. **Exterior Lighting:**

The West Side Cottages Subdivision is subject to the Federal Endangered Species Act and is subject to maintain sea turtle friendly lights (amber lights), so sea turtles are not disoriented by bright lights. In our subdivision area, the U.S. Fish and Wildlife Service (FWS) is concerned about the impact of beach lighting on threatened and endangered sea turtles on Alabama's nesting beaches. As such, within the Alabama coastal lines for which our subdivision resides, the FWS receives documentation on numerous nesting sea turtle and sea turtle hatchling disorientation events that are directly attributable to lighting problems. Our community is subject to potential liability under the prohibitions of the Endangered Species Act (Act) when sea turtles are disoriented by the lights. Sea turtles, their eggs, and nests are protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1351 et seq.).

- a. All sea turtles that nest on Alabama's beaches are federally threatened or endangered species, and sea turtles, their eggs, and nests are provided protection under the Act. The Service's Alabama Field Office (AFO), has launched an initiative designed to ensure that beachfront lighting problems adversely impacting sea turtles are corrected.
- b. Artificial lighting can be detrimental to sea turtles in several ways, and field observations have shown reduced sea turtle nesting on lighted beaches. Adult females rely on visual brightness cues to find their way back to the ocean after nesting and those turtles that nest on lighted beaches may be disoriented by artificial lights and have difficulty finding their way back to the ocean. Beachfront lighting has an even more profound effect on hatchling sea turtles. Under natural conditions, hatchlings, which typically emerge from nests at night, move toward the brightest, most open horizon, which is over the ocean. However, when bright light sources are visible on the beach, they attract hatchlings in the wrong direction, resulting in an increased risk of death or injury because they are more vulnerable to predators, dehydration, entrapment in debris or vegetation, and exhaustion. In addition, artificial lights often lure hatchlings or adult sea turtles onto roadways and parking lots where they are vulnerable to car strikes. Artificial lights can also disorient hatchlings once they reach the water.
- b. Any activity that results in disorientation of nesting and hatchling sea turtles by artificial lighting, or otherwise significantly alters the behavior of sea turtles, or results in injury or death to sea turtles may constitute a violation under the Act. The purpose of this explanation is to provide recommendations to help eliminate the artificial lighting problems along our coastline, which have caused disorientation of nesting females and sea turtle hatchlings and thereby reduce your potential liability under the ESA.

**Association Tip:** All balcony, staircase, carport, and back side of home lighting must be replaced with sea turtle friendly amber lighting. Certain homeowners based on their location in the community may use regular incandescent lighting as long as it is not visible AT ANY POINT from West Beach Boulevard. Contact the Board for further instructions and guidance on this sensitive matter. The Board has verified the above to be accurate and true on May 25, 2021 by the following Fish and Wildlife employee.

Shannon Holbrook  
Alabama Ecological Services Field Office  
U. S. Fish and Wildlife Service  
1208-B Main Street  
Daphne, AL 36526  
Office: (251) 441-5871 Fax: (251) 441-6222  
shannon\_holbrook@fws.gov

**Note:** The HOA Board will provide lighting services for all home dwellings to replace the outside light located on the second story on the back side of each home. Some owners may use a regular light bulb (up to 60 watts, soft white), and others will have to keep the turtle friendly amber lights, depending on the home's location and visibility



to the beach. The light service will ensure we standardize lighting wattage, type, and color. The HOA Board is working on a property map and will advise each owner as to what type of exterior lights are recommended.

XVI. **Nuisances:** No noxious or offensive activity shall be carried upon any home, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

**Association Tip:** Quiet hours are from 10:00pm to 8:00am, seven days a week, 365 days a year. There are no exceptions to this policy.

XVII. **Pool Pavilion:** Located in the center of the community is the pool pavilion. It is the only pool on the premises. It consists of a restroom, pool, tables, umbrellas, chairs, and loungers. These facilities are for use by homeowners and guests, as well as renters. There is no code to the pool gates, however the gates are locked between the hours of 10:00pm and 8:00am. No smoking is allowed at the pool facility. No glass containers are allowed at the pool facility. Food and drinks are allowed on the pool deck areas, but neither can be consumed while in the pool. Children under the age of 13 require adult supervision while in the pool area.

**Association Tip:** ALL persons using the West Side Cottages swimming pool do so at their OWN risk. Neither the Owners nor West Side Cottages Property Owners' Board shall be responsible or liable for any injury in connection with the use of the swimming pool or for any loss or damage to personal property. NO boisterous or rough play is allowed in or around the pool area. **Important: Please follow the pool area occupancy rules of no more than 50 people inside the fenced in pool area. Posted signage will be strictly followed for owners, guests, and renters. Pool hours follow the Gulf Shores noise ordinance, so all occupants must exit the pool area at 10:00pm and not enter the pool area until 8:00am. Security is enforced.**

XVIII. **Homeowners who rent:** West Side Cottages maintains strict standards regarding renters. Renters are expected to follow all the guidelines provided in this overview. Homes are to be rented by clients at least 25 years of age. This should be stated in your personal house rules and on any websites you market on. A copy of the West Side Cottages Rules should also be included and accessible to your renters during their stay. A strict adherence to the posted occupancy number or "heads in beds" number is expected.

**Association Tip:** If management, contracted security, or law enforcement is called to your home because of a disturbance by renters, you can be fined, and your renters will risk eviction.

## G. Mechanisms for rule enforcement and dispute resolution

If you are a homeowner and disagree with one or some of the operating guidance, please contact the HOA Board of Directors to discuss. Make sure to let the board know why you (and/or others) oppose the guidance. You can also check your local laws or reference other governing documents to see what else you can do. In general, any change or modification to the information and guidance requires a majority vote of the board membership.

## H. Owner acknowledgement

All West Side Cottages homeowners will be provided a copy of new governing documents and the Board will maintain a record of documentation of receipt.

## I. Failure to comply

This document clearly defines homeowners' obligations and the mechanism for enforcement is as follows. Should disputes arise and homeowners fail to comply with these documents, the homeowner may be subject to a fine or fines assessed by the board. The property owner will be subject to a warning for the first offense, \$100.00 fine for the second offense, and \$250.00 for the third offense and repeated violations. Interest, at the highest lawful rate, will be added to unpaid violation balances. Property liens may be assessed due to non-payment of dues and violation assessments.

## J. Understanding the Homeowners' Association

The homeowners' Association is the cornerstone of a planned residential community. It brings continuity and order to the community; it preserves the architectural integrity and it maintains the common elements. The Association promotes the concept of "community" and protects the neighborhood's property values. In many cases, it collectively makes available

recreational and other facilities that might not otherwise be affordable or available to homeowners and residents on an individual basis.

Westside Cottages is a deed-initiated homeowners' Association and is an essential part of the overall success and sustainability of our community. It requires a mandatory membership that provides the structure for operation and management of the community. With membership comes certain maintenance obligations, financial responsibilities, and a commitment to abide by use restrictions and other rules of the Association. To a degree, it necessitates individual conformity for the good of the whole.

The Association's responsibilities may be limited to basic maintenance functions or they may be expanded to include sophisticated and extensive upkeep of the property as well as governance over common areas of the property. To be successful, its officers and directors must uniformly and fairly govern the community, and it must have a reasonable level of participation by each of its members over time.

#### K. Homeowners' Board of Directors

Name	Board of Director's Title	Year of service
John Barnes	President	2021
Teresa Gober	Vice-President	2021
Sissy Thompson	Secretary	2021
Susan Parker	Treasurer	2021
Kathy Hatwig	Member At Large	2021

Name	Board of Director's Title	Year of service
John Barnes	President	2022
Kathy Hatwig	Vice-President	2022
Derek Zham	Secretary	2022
Teresa Gober	Treasurer	2022
Cathy Jones	Member At Large	2022

Name	Board of Director's Title	Year of service
John Barnes	President	2023
Eric Wommack	Vice-President	2023
Derek Zham	Secretary	2023
Beth Dusha	Treasurer	2023
Cathy Jones	Member At Large	2023

#### I. Board of Directors

The Board has responsibility for its common elements as well as the management and operation of the Association's business affairs, all in accordance with standards established by the governing documents created when the community was first developed. This document, dated June 2021, serves as the original governing declarations, covenants, and general rules for the HOA developed by the Board. The West Side Cottages Homeowners' Association has such authority and control, and it is its Board of Directors that carries out these duties and responsibilities. There shall always be a minimum of five (5) Board members elected as our standard process. Members of the Board serve without compensation. The Board's authority includes all the powers and duties enumerated in general law, as long as these powers are consistent with the provisions of the documents governing the Board.

## II. **Officers of the Board**

The Association acts through its officers and agents. The Board of Directors makes the policies for the Association and the Board, as officers and agents, carry out these policies and administrative functions for the community. Some of the officers are clerical while others carry out substantive functions based on policies established by the Board of Directors. All the officers have an affirmative obligation to act with utmost good faith towards the Association and cannot deal in the funds or the property of the Association to their own self advantage. The Board is structured with five roles, and shall typically have a president, vice-president, secretary, treasurer, and an at-large member.

### a. **President**

The president of the Board is vested with all the powers generally given to the chief executive officer of a corporation. While specific bylaw provisions may vary the president's duties, it is generally presumed that he or she will preside at all meetings of the Board and the membership. The president will execute contracts, orders, and other documents in the name of the Board as its agent. When signing documents, the president shall indicate the capacity in which he or she is signing in order to avoid any personal liability since the president's signature, under most circumstances, will bind the Association under a doctrine of inherent powers.

The president also assumes general charge of the day-to-day administration of the Association and has the authority to order specific actions in furtherance of the Association's policies. The president serves as spokesperson for the Board of Directors in most matters relating to general business. Like all officers of the Board, the president has an affirmative duty to carry out the responsibilities of the office in the best interests of the Association. Unless otherwise specified in governing documents, the president serves at the will of the Board of Directors and can be removed with or without cause at any time by a majority of the full board.

### b. **Vice President**

The vice-president is vested with all the powers which are required to perform the duties of the Board president in the absence of the president. The vice president does not automatically possess inherent powers to act in the capacity of the chief executive officer and may act for the president only when the president is absent or otherwise unable to act. The vice-president may assume such additional duties as are defined by the Board of Directors.

### c. **Secretary**

The secretary of the Board is responsible for keeping and maintaining a record of all meetings of the board and the membership and is the custodian for most of the official records of the board. The position of secretary is not simply a clerical position. In many cases, the secretary will not actually keep the minutes of the meetings but will be responsible for obtaining someone who will do so, such as the property management company, as a recorder or assistant secretary. As the custodian for the minutes and other official records of the Association, the secretary is responsible for insuring access to those records by the members of the Association and their authorized representatives.

### d. **Treasurer**

The treasurer is the custodian of the funds, securities, and financial records of the Association. The Association contracts with a management company that actually handles the funds on a daily basis, and therefore the treasurer's duties will include overseeing the appropriate people to insure that the financial records and reports are properly kept and maintained. Unless the by-laws otherwise specify, the treasurer is responsible for coordinating the development of the proposed annual budget and for preparing and giving the annual financial report on the financial status of the Association.

The treasurer does not have the authority to bind the Association or the Board of Directors in dealings with third parties unless the board has provided express authority for the treasurer to do so. As with the Board's secretary, the treasurer does not have to perform the day-to-day record keeping functions of the Association when this responsibility is transferred to a management company, but the treasurer will ultimately be responsible for insuring that the financial records of the Association have been maintained properly in accordance with sound accounting practices.

e. **Member At Large**

Member at Large is an officer whose duties and responsibilities are not fixed but instead vary according to the needs of the Association and as directed by the other officers of the board. Member at Large duties include attending board meetings. At large members can also research or participate in special projects because of their knowledge and expertise in a certain area that can benefit the Association. Members at Large also serve as mentors to new board members. Since they have a wider scope of experience and operate in many different capacities within the board, they can help orient new members for a quicker and easier transition. It is not uncommon for a board to plan succession around their Members at Large. At-large members receive breadth of training and can more easily transition into a vacant officer's role and can also substitute for various positions should an officer be temporarily unavailable or unable to complete their responsibilities. An at-large member can be invaluable to the board. Their varying duties and responsibilities can make the position challenging, but a qualified, dedicated Member at Large can make great contributions to achieving goals and improving the overall quality of the community.

III. **Board of Director terms**

The first West Side Cottages HOA Board of Directors was elected by their peers in March 2021. Each year the Board of Directors shall hold an owner meeting to elect new board members. If the board does not receive volunteers, the board member can elect to remain on the board but must be re-elected by the majority of the owners.

Each Director elected by the HOA members at the next membership meeting shall hold office on a staggered term basis for the term of two (2) years. Each director shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall have resigned or shall have been removed, as provided for herein. Each director shall be a member of the Association. There is no limit to the number of terms a director may serve. At the first meeting in which staggered terms are implemented, one-half (½) of the directors so elected receiving the most votes shall receive two (2) year terms, and the remaining directors so elected shall receive one (1) year terms. Thereafter, directors so elected shall all receive two (2) year terms.

IV. **Recap of the Board members' roles:**

Acting through the board, and in tandem with the property management company, a board member shall:

1. Enforce the documents
2. Establish sound fiscal policies and maintain accurate records
3. Develop a workable budget, keeping in mind the needs, requirements, and expectations of the community
4. Establish reserve funds
5. Act on budget items and determine assessment rates
6. Collect assessments
7. Establish, publicize, and enforce rules and penalties
8. Authorize legal action against owners who do not comply with the rules
9. Review local laws before passing rules or sending bylaws to membership for approval
10. Appoint committees and delegate authority to them
11. Select an attorney, an auditor, insurance agent and other professionals for the Association
12. Provide adequate insurance coverage, as required by the bylaws and local governmental agencies
13. Inform board members of all business items that require their vote
14. Inform members of important board decisions and transactions

15. See that the Board is protected for the acts of all parties with fiscal responsibilities
16. Attend and participate at meetings

Operating a homeowner association carries with it many of the very same duties and responsibilities as overseeing any other business. Serving as a board member is a valuable and rewarding experience that should be undertaken by those who see it as an opportunity to serve their fellow neighbors while protecting and enhancing the assets of the community. It is serious business, but also a task worth doing well in order to safeguard the investments of all.

#### **L. Annual Meeting**

The annual meeting of the HOA Members shall be held on the date, at the place, and at the time, as determined by the Board of Directors from time to time, provided that there shall be an annual meeting every calendar year, usually in October and not later than thirteen months after the last preceding annual meeting. The purpose of the annual meeting shall be to elect the Board of Directors, and to transact any other business authorized to be transacted by the Members or stated in the notice of the meeting sent to the Members in advance thereof.

#### **M. Special Meeting**

Special meetings of the HOA Members may be called at any time by the President, a majority of the Board, or on receipt by the Board of a written request of Members representing.