**Blue Jordan Forest Owners’ Association**

 **Policy and Procedure Manual**

 **This policy supersedes any previously adopted as of September 10, 2014**

 ADOPTION OF POLICIES, PROCEDURES AND RULES

The Board of Directors from time to time in accordance with the Blue Jordan Forest governing documents, may in any open meeting Amend, Adopt or Delete, the Rules and Regulations, Policies and Procedures of the Association with a majority vote from the Board. Should the Board make changes to the above, it shall give all members via regular mail, a copy within 30 days after adopting the change.

**I ASSOCIATION ENFORCEMENT AND COMPLAINT PROCEDURES**

1. Fines Policy

The fine schedule is attached to the Rules and Regulations specifying the fine structure. Each Rule is subject to a separate fine and violation

1. Enforcement Policy (Fees and Fines For Violations)

Enforcement of the governing documents is the responsibility of the Board of Directors. From time to time the Board or its agents may do property inspections to determine if violations of the governing documents have occurred. Additionally, any member of the Blue Jordan Florida Homeowners Association may file a written complaint detailing time, date and nature of the alleged violation to the Board of Directors, which then will take the necessary steps to investigate the complaint and if warranted, issue a violation notice.

1. Blue Jordan Forest Home Owners Association Violation Procedures
2. A Violation form which can be found of the Blue Jordon Forest Website:

[www.bluejordanforest.com](http://www.bluejordanforest.com) must be completed. The violation should reference the section of the governing documents that are allegedly being violated and sent to the Board of Directors for investigation.

1. The violation form can be sent to Board of Directors anonymously for a warning to be sent to the owner.
2. The Board of Directors will review the violation form and verify that the alleged violation is in compliance with the governing documents of the Blue Jordan Forest Home Owners Association.
3. The Board will send out the notice of violation as follows:
4. 1st Offense: “notice of Violation Warning” will be sent to property owner for compliance within 10 business days. On the 10th business day, if the Board has not received an appeal or response from the offending owner, the Board will follow up with the person who submitted the complaint to see if the violation persists. If violation does persist, the 2nd offense will be automatically imposed.
5. 2nd Offense: A Fine notice will be sent indicating the amount of the fine and the right to appeal (amount will be according to the Blue Jordan Forest fining schedule). The fine will be imposed after the appeal procedure has lapsed.

If the violation has not been corrected after the 2nd notice further action will be taken at the discretion of The Board for failure to comply.

4. Appeals and Hearings:

1. An appeal of hearing request must be submitted in writing to the Board within **10 business days** from the date of the notice of violation letter. An owner (or resident, by written consent of owner) shall have the right to appeal any notice of violation and/or fine by appearing for the hearing to present evidence or explanation why the property owner has not violated the governing documents or why special circumstances exist.

 If a hearing is requested within the **10 days** no further action or additional notices for the same violation or fine shall be assessed until the hearing process is complete. The Board will notify the owner of the date, time and location of the hearing.

1. Board Decision Final – If the property owners fail to appear, the Board may assess the fine to the property owner’s account. If the property owner appears, or appeals by writing, the Board will hold a hearing to gather the facts of the alleged violation. Within 30 days after the hearing a determination as to the validity of the alleged violation will be rendered by the Board, and notify the property owner in writing of its decision. The Board reserves the right to waive or reduce the fine at their discretion. Any fines levied by the Board will be due and payable immediately. Failure to pay will be treated in accordance with the governing documents.
2. ATTORNEY FEES POLICY

1. Attorney Fees.

The Association will require owners to reimburse for collection costs, reasonable attorney fees and any other costs incurred by its attempts to collect sums owed to the Association for enforcement of governing documents and Rules and Regulations for Blue Jordan Forest. In the event the owners prevail, Blue Jordan Forest shall not charge any of the above costs to the owner.

1. Attorney Client Privilege

Once the Board has resolved any matter seeking legal advice or litigation, including collection of past due assessments, the Board will not disclose those communications pending legal advice. The Board may also at its discretion, preserve the attorney client privilege on the issue. The Board shall discuss in Executive Session prior to relinquishing the attorney client privilege information.

1. CODE OF CONDUCT FOR BOARD MEMBERS

**Board Members shall act in the best interest of Blue Jordan Forest**. Board Members serve for the benefit of the entire community, and shall, at all times, strive to do what is best for the Association as a whole. Board Members shall not use their positions as such for private gain.

1. No Board Member shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who is seeking a contractual or other business or financial relationship with the Association.
2. No Board Member shall seek preferential treatment by the Board, any of its committees, or any contractors or suppliers.
3. No Board Member shall accept a gift or favor made with the intent of influencing a decision or action on any official mater.
4. No Board Member shall receive any compensation from the Association for serving on the Boards.
5. No Board Member shall willingly misrepresent facts to advance a personal cause or influence the community to advance a personal cause.
6. No Board Member shall use his/her financial status through the use of certain contractors or suppliers.

The above list is not intended to be exclusive.

1. Board Members shall comply with the governing documents and relevant law.

Board Members shall use their best efforts at all times to make reasonable decisions that are consistent with the Declaration, Bylaws, and other governing documents of the Association, and to be familiar with all such documents. Board Members shall likewise comply with and make decisions that are consistent with all applicable laws, including, but not limited to, refraining from discriminating against any person on the basis of race, color, religion, national origin, gender, family status, or mental or physical disability.

1. Board Members shall set high standards for themselves as Association Member.

Board Members shall hold themselves to the highest standards as members of the Association, and shall in all ways comply with the provisions of the Association’s governing documents.

1. Board Members shall work within the Association’s framework and refrain from unilateral action.

Board Members shall at all times work within the Association’s framework and abide by the systems of management established by the Association’s governing documents and shall act upon decisions duly made, and no Board Member shall act unilaterally or contrary to such decisions.

1. Board Members shall conduct themselves professionally at Meetings.

Board Members shall conduct themselves at all meetings, including Board Meetings, Annual Meetings of the members, and committee meetings, in a professional and businesslike manner. Personal attacks against other Board Members, association members, or guests are not consistent with the best interests of the community and will not be tolerated. Language at meetings shall be kept professional. Though differences of opinion are inevitable, they must be expressed in a professional and businesslike manner.

1. Board Members shall maintain confidentiality when appropriate.

Board Members shall maintain the confidentiality of all legal, contractual, and management matters involving the Association. Board Members shall also maintain the confidentiality of the lives of the other Board Members, association members, and residents.

**Board Members shall disclose conflicts of interest**

Board Members shall immediately disclose to the Board any perceived or potential conflict of interest regarding any aspect of the business operations of the Association.

**Board Members shall refrain from defaming anyone in the community**

Board Members shall not engage in defamation, by any means, of any other Board Member, Association member or resident. The Association shall deem any Board Member who engages in defamation to be action outside the scope of his authority as a Board Member.

**Board Members shall refrain from harassing Association members or Residents**.

Members shall not in any way harass, threaten, or otherwise attempt to intimidate any other Board Member, Association member, or resident. The Association shall deem any board Member who harasses, threatens, or otherwise attempts to intimidate other Association members or residents to be action outside the scope of his authority as a Board Member.

**Board Members shall refrain from interfering with Contractors**.

No Board Member shall interfere with the duties of any contractor executing a contract in progress. All communications with contractors must go through one designated Board Member; or must otherwise be in accordance with Board policy.

**Violations of Code**

Violations of the Code of Conduct shall be brought to an Advisory Hearing Board, comprised of other Board Members, the Association attorney and/or accountant. Any Board Member who violates this Code of Conduct agrees that the Board may seek injunctive Relief against him/her, following a hearing before the Advisory Hearing Board, unless circumstances necessitate the issuance of injunctive relief prior to such hearing. The Board Member also agrees that the Board shall be relieved of posting bond as a condition to its injunctive remedy. Such Board Member must pay the attorney’s fees incurred by the Board in any enforcement effort.

**Collection Policy**

Homeowner’s Dues and Special Assessments

An invoice for the Yearly Association Dues will be mailed to the address of record.

1. An owner may choose to pay in full with a $25.00 discount payable by January15th. Payment made after the 15th will not be eligible for the discount.

 OR

2. Coupons will be provided for monthly payments. Monthly payments are due by the 1st of the month. A late fee of $10.00 will be assessed if not received by the 15th of the month.

If a payment is not received on time, late fees and/or interest will be assessed as described by the governing documents or by the Rules and Regulation of the Association. The property owner will be given 30 days to become current before collection process begins. After 60 days, the Board will turn over all past due accounts to the collection agency to take whatever action they deem necessary to collect the debt. All cost related to collecting delinquent assessments shall be the responsibility of the delinquent homeowner.

The Board at its discretion may enter into a payment agreement with an owner prior to the start of the collection process. If the owner does not fulfill his agreement for payment the account will be handed over to the collection agency. All collection efforts by the Board shall be discussed in executive session only.

**Returned Checks:**

If a check is returned to the Association, for any reason, a fee of $25.00 will be charged to the property owner’s account. Additionally, other fees allowed by the governing documents, and all fees and cost incurred to collect the returned Item, shall be the responsibility of the property owner. Should the Association receive 2 return items it may require the property owner to pay by Certified Funds.

**Application for payments made to the Association**

Regardless of inscriptions or notations on the check all payments received shall be applied as follows: any and all attorney fees, legal fees and costs; fines; late fees; return check charges or fees; past due assessments; past due special assessments; current assessments: current special assessments: and other fees. Checks containing restrictive endorsement on the back will be returned to the owner and the amount tendered shall be considered unpaid.

**FINANCE**

**Purchasing Procedures**

The following procedures are for the expenditures required for the daily operations of the Association.

Purchases for materials and/or supplies up to $249 may be made as needed.

Expenditures from $250 to $3000 for general maintenance such as roads and gates will require approval of the Board.

Purchases of new assets and/or improvements over $3000 will require a bid process with a minimum of three (3) bids to reviewed and voted on by the Board.

All purchases MUST have a proper/detailed invoice before payment or reimbursement will be issued.

**ACCOUNTING PROCEDURES**

The following procedures are for the management of the Associations funds.

All checks must have two (2) signatures.

The treasurer/bookkeeper **is not allowed** to sign any checks.

Checks must be presented for signing with proper back-up information before a check may be signed. Directors must review documentation and/or ask questions before signing checks.

No electronic or e-mail payments may be made.

No credit or debit cards will be issued in the Association’s name.

Bank deposits will be made on a timely basis. Checks should not be held more than one (1) week.

**ASSETS**

All assets will be inventoried by the President on a quarterly basis and a report given to the Treasurer for the permanent records of the Association. Report should include but not limited to: items condition, if sold the monies received, location of storage, future repairs, any discrepancies in the maintenance logs, diesel usage, etc.

**Blue Jordan Forest Business Records – Examination Policy**

All official records will be posted on the website. No other notice will be given. The BJF website – [www.bluejordanforest.com](http://www.bluejordanforest.com) – is the official means of communication for BJF owners. Anyone can request a hard copy and/or an email copy by contacting the secretary at [www.bluejordanforest.com](http://www.bluejordanforest.com).

Any member of the Association may examine the financial and business records of the Association under the following conditions and guidelines:

1. Financial and business records listed herein shall be made reasonably available for inspection and copying by any member or their authorized agent(s) during regular business hours. The Treasurer will set the time, date, and location for the inspection of the Association’s records.
2. The Association will respond to a written request of a member by making documents available for inspection or copying within ten (10) business days of receiving the written request specifically identifying the documents sought to be inspected/copied. A request that would invade the privacy of any employee or member of the Association will be denied.
3. Records for Inspection shall include but are not necessarily limited to:
4. Corporation’s Articles of Incorporation and all Amendments.
5. Association’s Bylaws and Amendments.
6. Resolutions adopted by the Board of Directors relating to members.
7. Open Minutes of all members’ meetings for the past five (5) years.
8. Written communications to members generally including financial statements furnished.
9. A list of the names of its current directors and officers.
10. The most recent annual report.
11. Accounting records of the Association and in reasonable detail. A statement showing the Association’s assets and liabilities.

4. Records not open for inspection, in accordance to Florida State Statues, and as determined by the Board of Directors, shall include;

1. Employee personnel, financial, and medical files and records.
2. Communication between the Board and an Attorney for the Association.
3. Pending or contemplated legal matters relating to enforcement of the Association’s documents or rules.
4. Closed Executive session meeting minutes or other records related to Association meetings not open to all members and correspondence from or with association members regarding individual homeowner’s files.
5. The Association shall not be required to disclose financial or other

records if disclosure would violate any State or Federal Law.

**EDUCATION**:

**Board Members Education**

Board Members are required by Florida statute to attend classes and/or seminars to further their knowledge and understanding of their position/responsibilities as board members. The Board may approve reimbursement for educational class if that request is made prior to taking the class. Board Members must show proof of attendance for reimbursement. The Board will only reimburse for classes, educational materials, travel and mileage.

**HOMEOWNERS CONFLICTS**

If Disputes occur between the Association and Homeowner, the Board will make every effort to resolve those disputes with the Homeowner. The Board does reserve the right to consult the BJF Attorney for advice on any dispute. If the dispute cannot be resolved the Board shall take what every action they deem necessary to enforce the governing documents, and protect the wellbeing of the Association.

**MEETING POLICY AND PROCEDURES**

 **Notice of Meetings**

Notice of meetings along with an agenda, location shall be posted on the website 48 hours before the next meeting.

**Board Executive Session**

Executive or closed door session of the Board shall be conducted for personnel, legal issues and other subjects permitted by Blue Jordan Forest Bylaws. Board Members and other invitees of the Executive Session are bound not to disclose information discussed in the Executive or closed door sessions to any other person or persons. If action is warranted by the Board, the Board may take that specific action in a form of a motion, in open session, with great care of not disclosing the confidential discussion of the executive discussion. The minutes of all meetings at which an executive session was held shall indicate that an executive session was held and general subject matter of the executive session.

**Board Meeting**

Homeowners are encouraged and welcome to attend all Board Meetings and Homeowner’s comments are also encouraged. The President of the Association may at their discretion set a time limit on the comments from each property owner.

All Meetings and Agendas will follow the latest version of Roberts Rules of Order. The final Agenda will be strictly followed.

**Membership Annual or Special Meetings**

**Annual Meeting**

The annual meeting of members for the election of Directors and transaction of other business shall be held on the second Saturday of February of each year at a place specified by the Board in the notice of the meeting. If the annual meeting is not held on the date herein provided for, a special meeting in lieu thereof shall be held as soon thereafter as practical, and any business transacted or election held at such meeting shall be valid as if transacted or held at the annual meeting.

Notice of annual meeting shall be mailed to members by the Association to each voting member of record at least twenty (20), but not more than sixty (60), days prior to the date of such meeting.

All Homeowners will get notice of Membership or Special Meetings as set forth in the Bylaws, as described in the governing documents for the Association. Homeowners are urged to attend these Meetings to protect their interests as Homeowners and the wellbeing of the Association. Homeowner’s comments are encouraged at Membership Annual or Special Meetings and will be allowed on each issue prior to a vote of the Membership. The President of the Association may at their discretion, set a time limit on the individual topics.

Association Members, that wish to have Membership business included on the Agenda, must submit them in writing to any Board Member, 20 days prior to the meeting.

Order of Business, unless otherwise provided by the Association Documents the Agenda will be established as follows:

 Call the Meeting to Order

 Establish a Quorum

 Approve Minutes

 Financials Review

 Committee Reports

Old Business

New Business

Announcements

Adjournments

The Board at its discretion may alter the order of business for any meeting.

All Meetings and Agendas will follow the latest version of Roberts Rules of Order.

Written proxies may be used. The use of Proxies must be done on the Board approved proxy forms and must comply with the governing documents of the Association.

**Procedure for Committee’s and Election**

Nominating Committee will be selected by the President of the Board at the October Board Meeting. (2nd Wednesday in October)

Resumes for election of new board members will be turned in to the Board by the nominating committee at the November Board Meeting. (2nd Wednesday in November)

At the December Board Meeting resumes will be given to the Secretary, and a Canvassing Committee will be selected. (2nd Wednesday in December)

Mailing of documents for Annual Meeting will be mailed out the 1st week in January to eligible members.

WRITTEN MAIL-IN BALLOT PROCEDURE

Written mail-in ballots may be used in lieu of a membership meeting unless prohibited by the Associations governing documents. If mail-in ballots are selected to be used to determine an issue, the procedure will comply with the Blue Jordan Forest Bylaws. The following procedure shall be used:

The association will mail to each Member at the last known address of the Member the following information:

1. General letter explaining the issues to be decided.
2. A ballot that has been prepared by the Association which is randomly numbered. The number of ballots that need to be returned to achieve a quorum, the number or percentage of positive votes to approve the ballot issue, and the ballot question with the appropriate spaces to vote in favor or against. In addition the ballot will also state the date the ballot must be returned by and the date the ballots will be opened.
3. A return envelope will be provided and must be used to return the ballot. Ballots’ not enclosed in the original envelope shall be void. On the back of this envelope the Member of the association must sign to certify they are the property owner and have cast only the vote they are entitled to cast.

Procedure to count mail in ballots:

1. Each envelope will be inspected for the Owners certification on the back of the envelope. Envelopes that do not have the proper certification shall not be opened nor counted.
2. All valid envelopes will be opened and ballots removed without opening the ballot and placed as a group. The envelopes also will be grouped. A count of the envelopes and ballots will be conducted to assure equal number of ballots and envelopes, after conformation the envelopes will be placed in the voting control envelope. Each ballot will then be opened and counted. The results will be noted on the outside of the voting control envelope and the ballots placed in the voting control envelope.
3. The Envelope will then be sealed and the person sealing the envelope will then sign across the seal.

**ACCEPTENACE OR REJECTION OF VOTING INSTRUMENTS**

The Association Board of Directors have the right to reject a vote, consent, written ballot, waiver, proxy appointment or validity of the signatory’s authority to sign for the homeowner when the authenticity is in question. The Association and its officers or agent who accepts or rejects any of the above must be done in good faith and is not liable from any damage that may result for the acceptance or rejections of these instruments. Unless a court decides otherwise, any action taken on the acceptance or rejection of any of the above will be deemed valid.

**REQUIRED PERSONAL CONDUCT**

At all Meetings, when speaking, you must be recognized by the President or the Chair. No person in attendance shall interrupt anyone who has the floor. All discussion and comments must, be relevant to the Agenda items. All people in attendance, at any meeting, will conduct themselves with common courtesy and civility. All people shall refrain from personal attacks/abuse as in, but not limited to, profanity, rude and threatening language. Members will have the opportunity to speak once on an issue before permission is given to speak to the same issues twice. All people present will obey the President or the Chair of the meeting, including but not limited to, stepping down. Failure to comply will result in the person being removed from the meeting.

**Audit/Review**

It shall be the determination of the Board whether or not an audit or review will be performed for the Association. The Association will conduct an audit if it’s annual revenue or expenditures exceed $250,000, or owners of at least 1/3 of Association owners request it. The Association must make available the audit or review available upon request of the owners no later than 30 days after its completion. The documents may also be copied at the Associations cost per page cost.

**MEMBERS CONTACT INFORMATION**

It shall be the Associations members’ responsibility to inform the Board of any changes to the Members personal information in writing.

**RESERVE ACCOUNT POLICY**

 Hold until Secretary gets information from the Attorney.

The undersigned hereby certifies that the forgoing resolution is adopted by the Board of Directors of the Association at a duly called and held meeting of the Association on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_.

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By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tittle\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Final Revision 9/7/2014