

## **COUNTRYSIDE PROPRIETARY**

### **RESOLUTION NO. 134**

#### **SUSPENSION OF POOL PRIVILEGES**

WHEREAS, Article III, Section 3(c)(2) of the Covenants and Restrictions of the CountrySide Proprietary give the Proprietary's Board of Directors the power and obligation to establish rules and regulations for the use of the property in the CountrySide Subdivision; and

WHEREAS, Article IV, Section 1(d) of the Covenants and Restrictions of the CountrySide Proprietary grants the Proprietary the right to suspend a member's rights to use of the common areas for any period not to exceed sixty (60) days for any infraction of the published rules and regulations of the Proprietary; and

WHEREAS, the Proprietary has caused to be published certain rules and regulations governing use of the common area pool facilities in the CountrySide subdivision; and

WHEREAS, the Proprietary has entered into a private pool management contract whereby the Proprietary has authorized the designated pool management company, its employees and agents, to act on the Proprietary's behalf in accordance with the provisions of said pool management contract; and

WHEREAS, the pool management contract and the published rules and regulations governing the use of the swimming pools in the CountrySide subdivision authorizes the pool management company, its employees and agents, to suspend a member's pool privileges for up to 72 hours under certain circumstances; and

WHEREAS, the Board of Directors of the CountrySide Proprietary deem it in the best interest of the CountrySide subdivision to provide a fair, workable and standard procedure governing suspension of a member's pool privileges;

NOW, THEREFORE, BE IT RESOLVED that the following guidelines and procedures governing suspension of a member's pool privileges be, and hereby are, enacted the 29th day of May, 1990.

I. In the event a member's pool privileges are suspended by the pool management company, its agents or employees, as outlined in Section IV(1) of the Pool Rules and Regulations, the managing agent will immediately distribute to the Board of Directors copies of the written report submitted by the pool management company.

II. Upon receiving the report of the pool management company, the Board of Directors hereby authorizes its president to contact the affected member through the management company, at the earliest possible convenience, to state the time, date and nature of the violation and to set forth the conditions and terms for reinstatement of pool privileges. The Board of Directors also authorizes its president, in his sole discretion after taking into consideration the severity of the

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complaint or offense, to automatically and immediately suspend the affected member's pool privileges until the Board of Directors holds a hearing. Should the president be unavailable, the Board of Directors authorizes its vice-president to act pursuant to this paragraph.

- III. The Board of Directors hereby ratifies the actions of its president/vice-president, taken pursuant to this paragraph, provided that said actions are undertaken in good faith and are not the result of willful misconduct.
- IV. If the affected member is a tenant, the record owner of the unit shall also be notified.
- V. The Board of Directors shall notify all affected members by certified mail, return receipt requested, at the address appearing in the files of The Proprietary. Copies of such correspondence shall be maintained in The Proprietary files, and a copy may be sent to counsel for The Proprietary.
- VI. The Board of Directors will schedule a hearing on any incident involving suspension of pool privileges within two weeks of a request for a hearing by the affected member. To be deemed valid, a request for a hearing must be in writing and delivered to the Proprietary office. Notwithstanding the above, the Board of Directors may conduct a hearing on its own motion, at such time as may be reasonably practicable, provided that all affected members are given notice of such a hearing.
- VII. No hearing shall be convened and/or rulings undertaken by the Board of Directors without at least a quorum of the Board present.
- VIII. All hearings involving suspension of pool privileges will be conducted using the following procedural format:
  - A. Opening remarks by president/vice-president.
  - B. Briefing by representative of pool management company.
  - C. Remarks from affected members.
  - D. Questions from Board members.
  - E. Closing remarks from affected members.
  - F. Board discussion and vote.
- IX. The Board shall issue a ruling at the time of the hearing. The Board shall also prepare a written confirmation of its ruling. The decision of the Board of Directors shall be final on all issues raised in the hearing.

ATTEST:

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PRESIDENT: Roy Soltoff

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DATE:

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SECRETARY: Judith A. Startzell

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DATE: