

TVAQ1 COMMUNITY ASSOCIATION

CHARTERED CLUB RULES

October 15, 2024
(Previous editions are rescinded)

**TVAQ1 COMMUNITY ASSOCIATION
27980 NORTH TRILOGY BLVD, SUITE 101
PEORIA, AZ 85383**

CHARTERED CLUB RULES

Rule I. Introduction

The Association will charter Clubs that the Association Board believes will be beneficial to the community and residents.

Rule II. Formation

A. Application

Any group of Residents may apply to be a Club. The application must be submitted to the Lifestyle Director on a form approved by the Lifestyle Director. Typically, applications must include a minimum of 20 interested Residents, but each application will be reviewed on a case-by-case basis. Each application must indicate the number of interested Residents, the anticipated impact on staff and the anticipated need for space.

The Lifestyle Director will review the application and make a recommendation to the Association Board. The Association Board will decide whether to charter the Club.

B. No Political Clubs

The Association does not allow political clubs. The Association Board, in its sole discretion, has the authority to decide whether a Club is political. That decision can be made while reviewing the application or at any later time.

C. Charters will not be granted to a club which requires subsequent membership in an affiliated national, state, or regional organizations as a precondition for membership. Charters will not be granted to a club which is affiliated with or is a chapter of an outside organization.

D. Bylaws

If a Club is approved by the Association Board, the Club must submit draft Bylaws to the Association Board. Only upon approval of Bylaws will a Club be chartered. A Club Bylaws Template is available from the Lifestyle Director or HOA office upon request. A Club's bylaws may deviate from the Bylaws Template with the approval of the Lifestyle Director. If the Lifestyle Director

denies a modification, the Club can request review by the Association Board for a final decision.

Rule III. Club Officers

Each Club shall elect a President, Vice President, Secretary and Treasurer. The terms and duties of the officers will be set forth in the Club Bylaws. The duties of the Secretary and Treasurer may be combined into a single position, but the minimum number of Officers is three individuals. There must be at least three (3) club officers at all times.

Rule IV. Membership

Membership in a Club is open to all Applicable Residents as determined by the Club Board. This includes Owners and people renting in the Association for a minimum of 30 days and who hold a current and valid Association Resident ID card or Renter card. A member may not be deemed Non-Applicable based upon any Class protected from discrimination as determined by Federal or State law. The Association Board has the authority to suspend the right to participate in any Club. This can be done based on the recommendation from a Club Board or upon the Association Board's own motion.

To participate in a Club, any Owner must be current in their Assessments and in compliance with the Governing Documents. If the Club Member is a renter, the owner of the property must be current in their Assessments and in compliance with the Governing Documents.

Rule V. Reservation of Space

Clubs are generally entitled to priority in reserving space within the Common Areas at no charge. Prior to each year, by a time designated by the Lifestyle Director, each Club shall submit its request for space to the Lifestyle Director. The Lifestyle Director will put together a master calendar. The Lifestyle Director reserves the right to change the calendar at any time for any reason but must do so in writing and provide the reason for the cancellation to the Club President or Secretary. Any reservations during the year must be submitted to and approved in writing by the Lifestyle Director. Any decision to cancel a Club event that requires tickets or outside speakers must be approved by the Association Board. In this case, the LifeStyle Director shall assist in finding an alternate time or venue.

Rule VI. Financials

Each Club shall operate on a fiscal year as set forward in the Bylaws. The Board of each Club shall set the dues, if any, for the Club each year. Each Club is responsible for collecting dues (if any) from each Club Member.

The Club operates as a part of the Association. All Club bank accounts (if any) shall be opened under the Association's Federal Identification number.

Each Club is expected to operate on an independent basis with no financial contribution from the Association. The Association Board may consider requests for financial assistance on a case-by-case basis but is not obligated to provide financial assistance.

Each Club that has income of any sort (dues or otherwise) must provide a financial report to the Operations Manager within 15 days after the end of each calendar year. The Club officers will also make this report available to any Club member upon request. The annual report may be based on the bank statement released by the bank in December. Any tax liability to the Association caused by the Club must be paid by the Club.

To avoid potential taxes, clubs are expected to avoid accumulating surplus funds, except to be used for future capital replacements or expenses. The Community Association Director has the authority to request a 3rd Quarter financial report from any club to assess the potential for surplus funds by year-end to help avoid a potential tax liability. If it appears as if a Club will likely end the calendar year with Surplus funds, the Club has three options to reduce or eliminate that potential tax liability. The Club may either:

- (1) spend the money on club events, activities, or equipment by the end of the calendar year, as long as it is not donated to a political organization or candidate,
- (2) give the money to the Association, or
- (3) transfer the money to the Association's capital improvement account where it will be earmarked for their Club.

Money transferred using Option #3 can be requested to be returned to the club at any time to be used for capital expense(s) approved by the Community Association Director or Board of Directors. Surplus is defined as any amount the Club holds that is beyond and/or above what the Club projects for operating expenses plus a reasonable contingency.

Rule VII. Common Area Rules

Each member of a Club must follow all Common Area Rules when participating in Club Activities.

Rule VIII. Events

To host an event in which a Club invites a third-party vendor or invites people who are not Residents to participate, the Club must obtain written permission from the Lifestyle Director. In such cases, the Association reserves the right to charge guest fees and to require waivers, insurance or indemnification agreements suggested by legal counsel. Having a guest speaker address a club meeting or having non-member guests attend a meeting is excluded from this requirement. See Rule XI for further information on guests.

If a Club is providing food and/or beverages (F&B) as part of an event, the contracted HOA F&B providers must be used, unless an exception is granted by the Events Coordinator. The Events Coordinator can be reached via the Kiva Club Member Services desk.

Rule IX. Code of Conduct

Each Member of a Club must conduct themselves in a respectful and appropriate manner toward other Club Members and Association management. Club Members shall refrain from using harassing or disparaging behavior and any language prohibited by the Community's Code of Conduct.

Rule X. Suspension/Dissolution

The Association Board may dissolve or suspend a Club at any time for any reason, based on its own motion, a recommendation from the Club, or a recommendation from the Lifestyle Director. If a Club is being involuntarily dissolved or suspended by the Association Board, it may request an opportunity to present its case against dissolution to the Association Board.

Prior to dissolution of a Club (after all debts are satisfied), all property and assets of the Club shall be turned over to the Association. In the event that incurred debts are not satisfied by Club assets, Club Members may be held liable.

Rule XI. Guests

A. Non-Resident Guests

In the event a Club Member wants to invite a Non-Resident guest to participate in a Club activity, the Club Member must obtain permission from both the Club Board and the Lifestyle Director. The Lifestyle Director may condition such approval based on the payment of guest fees and the signing of any document recommended by legal counsel. The Club Board could provide blanket authorization for certain types of guests with the approval of the LifeStyle Director. A guest speaker invited to address a club meeting, a Non-Resident guest invited to attend a Club meeting, or a Resident non-Club-member guest invited to attend an on-site event that requires a ticket to attend is excluded from this requirement, if the Club Board authorizes it. Guest fees for use of amenities are set out in the Association Rules Section 2.2.

B. Resident Guests

The Club Board can develop its own policy with regard to allowing Resident guests to attend Club activities and events. Such policy must be approved by

the LifeStyle Director to make sure no waiver is required, depending upon the nature of the event.

Rule XII. Duty to inform Lifestyle Director

Each club must immediately inform the Lifestyle Director in the event of any injury or any other issue that could result in legal action or liability to the Association.

Rule XIII. Commercial Activity

No Club shall participate in any commercial activity unless approved in writing by the Lifestyle Director. Commercial Activity includes the offering of goods or services at a price above cost.

Rule XIV. Legal Matters Regarding Club Activities

- A. The Club cannot engage in any activities prohibited by Federal, State or local statutes.
- B. Tax matters, legal issues or financial practices must be referred to the Community Association Manager for appropriate further action.
- C. The Club may not hire an attorney to represent the Club or the Association.

Rule XV. Amendment

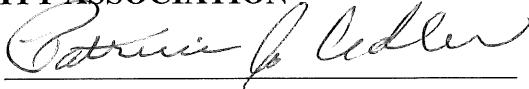
The Association Board may amend these guidelines at any time without approval from any Club. In the interim, the Association Board may decide to deviate from these guidelines on a case-by-case basis.

CERTIFICATION

The Board of Directors approved these Association Rules on October 10, 2024.

DATED this 10th day of October 2024.

TVAQ1 COMMUNITY ASSOCIATION

By: 

Its: President

TVAQ1 COMMUNITY ASSOCIATION
27980 North Trilogy Blvd. Suite 101
Peoria, Arizona 85383

CHARTERED CLUB OR GROUP APPLICATION

Please complete and submit this application to the Lifestyle Director. The Lifestyle Director will review the application and make a recommendation to the Association Board. The Association Board will decide whether or not to charter the Club/Group.

1. Name of proposed Club/Group: _____

2. Number of Residents Interested: _____

3. Application for (Please Check One): Chartered Club Chartered Group

4. Please explain the purpose and reason why you want to start the proposed organization:

5. What is the anticipated need for space? Does your organization need a specific facility or room at the Association? Please explain:

6. What is the anticipated impact on the Association staff? Please explain:

7. (Only for Clubs with anticipated dues or other income) Do you have a financial plan for any anticipated revenue (dues or other) or expenses? Please explain:

8. Is there anything else you want the Lifestyle Director or Association Board to know with respect to the proposed organization? Please explain:

9. Please provide the Name(s), Lot#(s), eMail(s), and Phone Number(s) of Individual(s) submitting this application:

| | | |
|-------------|--------------------------|--------------------------------------|
| <u>Name</u> | <u>Lot # & Email</u> | <u>Phone Number (Home or Mobile)</u> |
|-------------|--------------------------|--------------------------------------|

TVAQ1 Community Association
27980 North Trilogy Blvd. Suite 101
Peoria, AZ 85383

Club Bylaws Template

(BYLAWS) ARTICLE 1 – GENERAL

The name of the Club is _____ (“Club”).

The purpose of the Club is _____.

The Club will comply with all Club Rules and Association Governing Documents. The Club Rules and Governing Documents shall prevail over these Bylaws in the event of a conflict.

(BYLAWS) ARTICLE 2 – MEMBERSHIP

Membership in the Club is open to all Applicable Residents as determined by the Club Board. This includes Owners and people renting in the Association for a minimum of 30 days and who hold a current and valid Association Resident ID card or Renter card. A member may not be deemed Non-Applicable based upon any Class protected from discrimination as determined by Federal or State law. To participate in the Club, all Owners must be current in their Assessments, Club Dues (if any), and in compliance with the Governing Documents. If the Club Member is a renter, the owner of the property must be current in their Assessments and in compliance with the Governing Documents.

The Club shall provide a roster of Club Members to the Association every year.

(BYLAWS) ARTICLE 3 – MEETINGS

Annual meetings of the Club Members shall be held each year for the purpose of Club Officer and Director elections and the dissemination of other information to interested Club members. Additional Regular meetings may be held at the discretion of the Club Board. Annual meetings shall be held on such dates and times as shall be designated by the Board of Directors of the Club (“Club Board”).

The Club Board may call Special Club meetings at any time and for any reason with proper notice.

The Club Board shall send notice to all Club Members at least ten (10) days before any Club membership meeting and 48 hours before any Club Board Meeting. The notice shall be sent to the Club Members address or email address.

The quorum for all Club meetings shall be at least 10% of the Club Members. A quorum must be present at a Club meeting in order to vote on a Club issue.

Club meetings, whether regular or special, may be held in person or by means of a conference telephone call if a speakerphone is available in the meeting room that allows all parties attending to hear all parties who are speaking during the meeting. The Membership may also conduct meetings via electronic or video conferencing, including but not limited to Zoom meetings.

(BYLAWS) ARTICLE 4 – BOARD OF DIRECTORS

The business, property and affairs of the Club shall be managed, controlled and conducted by a Board of Directors (“Club Board”). The Club Officers shall be directors of the Club Board. The Club Board shall consist of at least three (3) directors. The number of Club directors may be increased or decreased by the Club Board, but there must be at least three (3) Club directors at all times.

The nomination of Members to run for election to the Club Board may be made by any reasonable method determined by the Club Board.

The term of each Club director will be 1 year (This number can be modified by the Club Bylaws up to a maximum of 3 years). There is no limit on how many terms a Club director may serve.

Vacancies on the Club Board caused by any reason may be filled by vote of the majority of the remaining Club directors even though less than a quorum, or by the remaining Club director if there be only one.

No compensation shall be paid to Club directors for their services as Club directors. Club directors and Club officers, however, may be reimbursed for any actual expenses incurred in connection with their duties as such Club directors or Club officers.

(BYLAWS) ARTICLE 5 – CLUB OFFICERS

Each Club Board shall elect a President, Vice President, Secretary and Treasurer. The duties of the Secretary and Treasurer can be combined into a single position, but the minimum number of Officers is three individuals. There must be at least three (3) club officers at all times.

The president shall be the chief executive officer of the Club. The president shall preside at all Club meetings and have general and active management of the business of the Club.

The vice president shall act in the place of the president in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him or her by the Club Board.

The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Club Board and of the Club Members. The secretary shall serve notice of meetings of the Club Board and of the Club Members. The secretary shall retain all Club records, including the current records showing the Club Members together with their addresses. The secretary shall perform such other duties as required by the Club Board.

The treasurer shall receive and deposit in appropriate bank accounts all monies of the Club and shall disburse such funds for appropriate Club purposes. The treasurer shall keep proper books of account, prepare an annual budget and a statement of income and expenditures, and in general, perform all the duties incident to the office of treasurer. The treasurer shall perform such other duties as required by the Club Board.

(BYLAWS) ARTICLE 6 – FINANCIAL

The Club shall retain financial records of the Club for a period of not less than seven (7) years.

The Club operates as a part of the Association. All Club bank accounts shall be opened under the Association's Federal Identification number.

Every year before January 15, the financial statements of the Club shall be presented to the Lifestyle Director of the Association. The financial statements shall include a balance sheet and an income statement. The fiscal year shall begin on January 1 and end on the last day of December. The fiscal year for purposes of dues collection and application may be modified by the Club. However, the Annual Report is due on January 15 according to the HOA fiscal year for tax reporting purposes. The annual report may be based on the last bank statement released by the bank in December. This report is available to any Club member upon request from the Club officers.

The Lifestyle Director and/or Community Association Director shall have access to all of the books and records of the Club.

Checks greater than or equal to \$1000 drawn on Club bank accounts shall require the signatures of at least two Club officers. All payments shall be made by check and/or other electronic means of payment. Modifications in these requirements may be made in the Club Bylaws with approval of the LifeStyle Director.

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- (1) spend the money on club events, activities, or equipment by the end of the calendar year, as long as it is not donated to a political organization or candidate,
- (2) give the money to the Association, or
- (3) transfer the money to the Association's capital improvement account where it will be earmarked for their Club.

Money transferred using Option #3 can be requested to be returned to the club at any time to be used for capital expense(s) approved by the Community Association Director or Association Board of Directors. Surplus is defined as any amount the Club holds that is beyond and/or above what the Club projects for operating expenses plus a reasonable contingency.

(BYLAWS) ARTICLE 7 – AMENDMENTS

These Bylaws may be amended by the vote of the majority of the Club membership who voted and written approval from the Association's Board of Directors.

(BYLAWS) ARTICLE 8 – DISSOLUTION

Prior to dissolution of a Club (after all debts are satisfied), all property and assets of the Club shall be turned over to the Association. In the event that incurred debts are not satisfied by Club assets, Club Members may be held liable.

A Club may be dissolved by the Association Board of Directors or a majority vote of the Club Members.

These Bylaws were approved by the Board of Directors of the Association on _____.

Board Member Name: _____

Signature: _____

Date: _____