

HVLA Frequently Asked Questions (FAQ)

1) Why Don't We Have A Vote At Annual Meeting?

a. Article II, Section 6, Voting.

Unless otherwise required in these By-Laws or by Law, the majority vote of the voting membership present in person or by proxy at any annual or special meeting at which a quorum is present shall decide any matter or question voted upon.

b. Article II, Section 7, Quorum

Resident and Nonresident Members holding 25% of the entire number of regular dues-paying membership outstanding shall constitute a quorum for the transaction of business at any meeting of the Voting Members: but if less than such number of Voting Members are present at a meeting, then a majority of the Voting Membership present may adjourn the meeting from time to time without further notice until a quorum is present.

1. Therefore, No Quorum = No vote

2) So How Can We Ever Have A Vote.

a. Historically, (since 200x) the board of directors developed an alternative means to ensure that all members had opportunity to vote and they began mailing out ballots to the membership. By using the USPS the requirements of Article II, Section 8. Notice, as well as satisfying the requirement for a quorum and keeping the votes anonymous. For example, one election ballots where left in a drop box on a board members front lawn.

b. During more recent elections the board decided in the interest of even more security and anonymity to use the USPS for distribution and collection of your ballots. As in the past and during the most recent election a member of the community designated as the election committee chair collected the ballots from the United States Post Office Box and then count them with the entire election committee.

c. According to the HVLA legal team of Farnham and Simpson

Neb. Rev. Stat. 21-198 states that the use of written ballots provides that any action that may be taken at any annual, regular or special meeting of the members may be taken without a meeting if the corporation delivers a written ballot to every member entitled to vote on the matter. Such ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. Approval by written ballot shall valid only when the number of votes exceeds a quorum required to be present at the meeting and the number of approvals equals or exceeds the number of votes that would be required to approve the action at a meeting.

3) What Are The Requirements For Boat Sticker Identification.

- a. Anyone wanting to deploy a new watercraft on the Lake must first prove ownership and have craft inspected by member of HVLA board.
- b. Once approved for entry the owner should contact Tony @ 402-xxx-xxxx to receive three (3) stickers, one (1) to be placed on starboard aft, one(1) to be placed port aft and one (1) to be placed on the trailer. See blah blah blah

4) What Is The Roll Of The Safety Committee

- a. Attach letter from sheriff re: not legally allowed to enforce any laws
- b. The safety committee members will be the contact point for members to bring up any safety concerns.
- c. They are charged with educating the HVLA membership regarding lake safety.
 - d. They will collect data, via the incident report (see attached), regarding safety concerns and safety incidents and present them to the HVLA Board VP for resolution by the board.

5) Is The Board Required To Hold Monthly Meeting And Must Those Meetings Be Open To The Membership.

- a. Article II (Members), Section 5, Meeting of Members (aka The Membership).

The annual meeting of the Members shall be held at 7:00pm on the first Friday in June of each calendar year, at such place as may be determined by the Board of Directors, for the purpose of electing directors of the corporation as provided by the By-Laws (see question #1 above) and for the transaction of such other business as properly may come before the meeting.

- b. Article III (Board of Directors), Section 4, Meeting of Directors.

The Board of Directors may provide, by resolution, the time and place for the holding of regular meetings, without notice other than such resolution. Special meetings of the Board of Directors may be called by the President or any 3 Directors.

- c. All meetings shall be held at such place as agreed upon by the Board of Directors.

6) Can The Board Meet Electronically As Needed To Conduct Business.

- a. Neb. Rev. Stat. 21-1981 provides that any action permitted to be taken at a meeting of the Board of Directors can be taken without a meeting if the action is taken by all members of the board and is evidenced by one or more written consents describing the action taken and signed by each director and included in the corporate minutes. A consent signed under this section has the effect of a meeting vote.

- b. Article III (Board of Directors), Section 10, Informal Action by Directors, specifically allows actions to be taken by unanimous written consent.

- c. Article III (Board of Directors) Section 1, General Powers. The affairs of the corporation shall be managed by its Board of Directors.

7) Why does the HVLA Board have an attorney/Why does the Board consult the attorney? The Hawaiian Village Lake Association, Inc. is a legal entity. The Board consults with its attorney on a variety of issues – it is prudent that the HVLA maintain a relationship (retainer) with an attorney in order to handle these matters. Farnam & Simpson specializes in Homeowners Associations and Sanitary Improvement Districts and is uniquely qualified to advise the HVLA Board. It is important to note that the retained firm represents the HVLA Board as a collective entity but not individual members of the board. The HVLA Board Director that is designated to communicate with legal counsel is the Board President.

8) Considering the comment “We really like using Nextdoor.com...Why doesn’t the HVLA Board use it as their primary means of communication?” First, after extensive communications with the Nextdoor.com Support in San Francisco CA, the HVLA Board determined that this form of social media should not be used for its official medium. Just browse Nextdoor.com right now and see if your neighbors are following the guidelines.....most are....but not all.

Below are just a few points from the Community Guidelines for Nextdoor.com. Are you following them? What about your neighbors?

Be helpful, not hurtful

The heart and soul of Nextdoor are the helpful conversations that happen between neighbors. When conversations turn disagreeable, everyone on Nextdoor suffers. Our Guidelines prohibit posts and replies that discriminate against, attack, insult, shame, bully, or belittle others.

Don’t use Nextdoor as a soapbox

Nextdoor is a communication platform that allows neighbors to mobilize and get stuff done like never before. However, favorite causes that are pushed too hard, political campaigning, and personal views on controversial issues will inevitably rub one’s neighbors the wrong way. We rely on our members to report those who are over-posting, campaigning, and posting or ranting about controversial, non-local issues.

The HVLA Board will make official notices to the forum for meeting notices and safety issues from time-to-time, but the business of the Board will not be conducted through that forum. Board members do monitor the forum for issues and try and be responsive as they can.