



MEMBER RESOLUTION
2024-05



Member Resolution 2024-05
Amendment to the Semiahmoo Resort Association’s Covenants, Conditions and Restrictions

Resolution Proposed by: Steve Haines

Article 12.01(b), Amendments by Association

WHEREAS, The Declaration of Covenants, Conditions and Restrictions (“Declaration” or “CC&Rs”) for the Semiahmoo Resort Community ARTICLE XII Section 12.01 defines the method by which the Declaration may be amended; and

WHEREAS, Section 12.01 (b) states “a resolution adopting a proposed amendment may be proposed by either the Board or by members of the Association”; and

WHEREAS, At the September 21, 2022 meeting of the Board of Directors it was determined that a single member of the Semiahmoo Resort Association could place an amendment before the community at an appropriately called meeting of the community; and

WHEREAS, At that same meeting, the question of whether the word “members” in Section 12.01(b) required that more than one member indicate support for such a Member Resolution was raised; and

WHEREAS, At the September 21, 2022 meeting of the Board of Directors the Board acted on the assumption that a single member could put such a resolution before the community; and

WHEREAS, At the September 21, 2022 meeting of the Board of Directors the Board acted on the assumption that the Board could not prevent such a resolution from being put before the community for a vote; and

WHEREAS, the ability of a single member of the Association having the ability to require the Association to formally vote on a resolution without evidence of wider community support can pose an undue burden on the resources of the Association, and,

WHEREAS, the recommendation in the amendment to require the support of members representing at least 40 voting units (which is equivalent to 10 members owning single family residences or 14 members owning condominiums between 1201 and 1400 square feet) does not pose a significant burden on members wishing to propose and amendment affecting the entire community; and

WHEREAS, the requirement to provide evidence of community support will reduce the likelihood of frivolous amendments being proposed,

THEREFORE, BE IT RESOLVED THAT the following Amendment to ARTICLE 12, Section 1(b) Declaration of Covenants, Conditions and Restrictions for the Semiahmoo Resort Community be placed before the Association members for voting at an appropriately called meeting of the Association, no later than the 2024 Annual General Meeting of the Association.

THEREFORE, BE IT FURTHER RESOLVED THAT upon a positive vote of the votes cast as described in Article 12 Section 1 of the CC&Rs, Article 12.01(b) will be amended as follows:

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Proposed Amendment

Article 12.01(b)

(b) At such meeting, a resolution adopting a proposed amendment may be proposed by either the Board or by members of the Association **representing at least 40 voting units as defined in Section 4.02. A member-proposed amendment supported by at least 40 voting units must be placed before the SRA community in the manner prescribed in Article 4 for a vote without alteration by the Board of Directors unless the alterations are approved by the submitting members.** Subject to the forty percent (40%) quorum requirement stated in Section 4.11, such amendment must be approved by Owners holding at least two-thirds (2/3) of the votes cast; provided, however, that any amendment which materially and adversely affects the security title and interest of any mortgagee must be approved by such mortgagee.

[Items in **red** be added, items that are stricken through be removed, and items in normal text stay the same.]

Economic Impact Statement

This amendment is expected to decrease the staff and Board of Directors time requirements by eliminating the need for detailed processing of clearly frivolous amendments. Therefore zero to a small negative effect on the operating budget of the SRA is anticipated.