

BEAR CREEK SWIM AND TENNIS CLUB

BYLAWS AND CLUB RULES

Amended August 1999, July 17, 2005, July 2007, July 10, 2011, July 15, 2012,
July 21, 2013, July 20, 2014, August 22, 2015

Printed August 2015

If you have changes or corrections,
Please send them in writing to:

Bear Creek Swim and Tennis Club
P.O. Box 27412
Lakewood, CO 80227

Or

Call: 303-988-9808

Bylaws of Bear Creek Swim and Tennis Club (as amended, August 1999, July 2005, July 2007, July 2011, July 2012, July 2013, July 2014, August 2015 and printed August 2015)

ARTICLE I, NAME

The name of this organization shall be Bear Creek Swim and Tennis Club, Inc.

ARTICLE II, OBJECTS AND PURPOSES

The purposes for which this non-profit club is formed is to promote the health, safety and general welfare of its members and in pursuance thereof to construct, develop, own and operate swimming pools and other recreational and social facilities, together with such incidental objects as are appropriate in the conduct of its activities, in the County of Jefferson. State of Colorado, for the use of its members, their families and others approved by the Board of Directors.

ARTICLE III, GOVERNMENT

Section 1. The Club shall be overseen by a President and a Board of Directors, consisting of a minimum of seven and a maximum of fourteen members, in addition to the President, who shall also be a member of the Board of Directors. During the term of office, the President will be granted a membership free of annual dues.

Section 2. The Board of Directors shall serve for a term of two years. Seven new directors shall be elected each year, except those seven directors of the first Board of Directors shall be elected for a term of one year only. The President, who shall also be a member of the Board of Directors, shall be elected each year. The President and the Board of Directors shall be elected from the active members of the Club.

Section 3. When a member of the Board of Directors misses two (2) consecutive Board meetings, without notification, that Board member shall be considered unwilling to serve and may be replaced by the Board of Directors.

ARTICLE IV, BOARD OF DIRECTORS

Section 1. Consistent with these bylaws the Board of Directors shall:

- a) Have the power to fill vacancies on the Board to complete terms left vacant.
- b) Adopt rules, regulations and policies for conducting the business of the Club.
- c) Submit, at the Annual election, a report of the finances of the Club.
- d) Elect one of its members as Vice President.
- e) Elect one of its members as Secretary.
- f) Elect one of its members as Treasurer and one of its members as Membership Chairperson. These officers will not be required to pay annual dues during their terms of office.

Section 2. Board Meetings

- a) The Board shall meet at least once a month during the months of March, April, May, June, July, August and September, and at such other time intervals as may be deemed necessary by the Board.
- b) Half the members of the Board of Directors shall constitute a quorum.

Section 3. The Board shall designate the bank or banks in which the funds of the Club shall be deposited, and determine the manner in which checks, drafts and other instruments for the payment of the funds of the Club shall be executed.

Section 4. The accounts of the Treasurer shall be reviewed by the Board of Directors periodically and annually by independent audit, selected by the Board of Directors or its designee.

Section 5. The Board of Directors may, by vote of eight (8) members, empower the President and Treasurer to secure short-term loans, in the name of the Club, of sufficient money to pay outstanding bills and to maintain a bank balance of at least \$20,000.00. Nothing in these bylaws shall be construed to permit the Board of Directors to borrow or pledge the credit of the Club without the specific approval of the majority of the members present at the annual meeting in accordance with the provisions of these bylaws.

Section 6. Any officer or member of the Board of Directors may be removed from office by the following procedure:

- a) A petition signed by 10% of the current, active membership (not more than one signature per family) shall be presented to the Secretary or to the President of the Club. The Petition shall state, in full, the grievance against the Officer or the Board member.

Article 1V, Section 6b continued

- b) Upon the presentation of the petition complying with the above requirement, the Secretary, or the President, shall call a special election, giving notice of the purpose thereof and at such election, a majority vote of the members present shall be sufficient to remove the Officer or Board member complained of.

ARTICLE V, OFFICERS

Section 1. Within 30 day of the annual meeting, the Directors shall meet and shall elect officers for the ensuing year, a Vice President, a Secretary and a Treasurer. All of said officers shall be members of the Board of Directors.

Section 2. The Treasurer and Club Manager shall furnish a surety bond in such amount as the Board shall deem necessary, the cost to be paid by the Club.

Section 3. The President shall preside at all meetings of the Club and the Board of Directors, and perform all duties incident to this office. He shall, subject to the approval of the Board of Directors, appoint all committees and shall be an ex-officio member of all committees. The President shall, at the annual meeting of the Club, and at such other times as deemed proper, recommend to the membership of the Board of Directors such matters and make such suggestions as may tend to promote the prosperity and increase the usefulness of the Club.

Section 4. The Vice President shall act in the absence or disability of the President. In the absence or disability of the two officers named (President and Vice President) a member of the Board of Directors shall be chosen to act temporarily.

Section 5. The Treasurer shall be responsible for the receipt of the funds of the Club. He shall keep all moneys of the Club deposited in the Club's name. At frequent intervals, he shall make reports to the Board of Directors.

Section 6. It shall be the duty of the Secretary to maintain an accurate record of the proceedings of the Club and Board meetings. The Secretary shall perform such duties as may be incident to his office, subject to the direction of the Board of Director. At the expiration of the term of office he shall deliver, to the Board of Directors, all books, papers and property of the Club.

ARTICLE VI, COMMITTEES

Section 1. The Board of Directors shall authorize and define the powers and duties of all committees.

Section 2. The President shall appoint all Committee Chairmen, subject to the confirmation of the Board of Directors. Committee Chairmen may be members of the Board of Directors or any other active member.

Section 3. The executive committee shall be composed of the President, Vice President, Secretary, Treasurer and two members of the Board of Directors. The executive committee may refer matters brought before it to a proper standing committee, hereinafter designated, which it may name, or to the Board of Directors.

Section 4. Standing committees may include Swim, Grounds, Membership, Finance, Rules, Social, Nominating, Tennis and others deemed necessary by the Board. The duties and powers assigned to all committees shall be subject to the authority of the Board.

ARTICLE VII, NOMINATION FOR PRESIDENT AND BOARD MEMBERS

A nominating Chairperson shall submit a list of nominees for the offices of the President and Board Members for the New Year. The list or ballot shall be submitted at the annual meeting. Nominations may also be made from the floor. The President will first be elected from the nominees and thereafter new Board Members will be elected to fill vacancies for the upcoming year.

ARTICLE VIII, MEMBERS

Section 1. Membership in this Club shall consist of family units within which shall be the following classes of members:

- a) Active
- b) Associate
- c) Empty Nester

Section 2. An active voting member is a husband/wife, a head of a household, a couple, or a single parent, age 18 or over, paying annual dues. Following divorce, the membership shall not be held jointly or otherwise retained by both parties subsequent to the divorce decree. The spouse who does not retain the membership pursuant to the divorce decree or settlement agreement must acquire a new membership in order to participate in the Club's activities as a member.

Section 3. A non-voting, associate member is any unmarried, nuclear family (nuclear family defined as: wife/mother, husband/father and children; includes child(ren) that either parent has legal guardianship and/or legal custody/parental responsibilities of) member living in the primary residence of an active family membership. An associate member must be under the age of 25 as of December 31st of the calendar year for which that person is claiming an associate membership.

Section 4. An active voting empty nester is defined as either a single adult or couple, age 18 or over, without children living within their home, paying annual dues.

Section 5. Relinquishment of Membership

- a) Any member of the Club may withdraw at any time. There shall be no refund of the current year's dues. Under special circumstances requests for refunds shall be submitted in writing to the Board of Directors for consideration. Board of Directors shall have the power to grant or deny such request.
- b) Memberships are transferable by members without restriction, subject only to a transfer fee, as set by the Board of Directors. Any waiting list for membership shall be made available for use of any member wishing to sell their membership. For members wishing to transfer their own membership from family to empty nester or empty nester to family, there will be no transfer fee.

Section 6. Contiguous Property

- a) The four- (4) houses contiguous to the Club property, on the East border shall be given a free, non-transferable membership. The addresses of these properties are 3233, 3235, 3237, and 3239 S. Newland Street. These memberships cannot be sold or transferred. The owners of these memberships are required to pay the annual dues and all normal fees and charges for the use of the Club's facilities.

Article VIII continued

Section 7. Suspension of Privileges

- a) Any member may, for cause and after having been given an opportunity for hearing, be suspended for a period, deemed appropriate, by the Board. The revocation of membership requires a two thirds vote of the entire membership of the Board of Directors. Cause for suspension, in general, shall consist of violation of these Bylaws and the Rules and Regulation of the Club, vandalism or anything causing Police action.
- b) The Board of Directors has the power to suspend, as deemed necessary, Club privileges for the violation of Club Rules and Regulation, provided such suspension does not exceed seven (7) days. A written report of such suspension, containing the reasons therefor, shall be submitted to the President within twenty-four hours of such suspension.

Section 8. All members of the Club shall be accorded the facilities of the Club subject to the Club rules and regulations, which shall be posted, at all times, on the premises of the Club.

Section 9. The Board shall, by rule, fix the terms and conditions upon which the guests of members may use the facilities of the Club.

Section 10. Such member shall promptly pay for any property of the Club's broken or damaged by a member or their guest(s). No person shall take any article belonging to the Club.

Section 11. The Club assumes no responsibility, and members (of any classification), or their guests, can have no claim against the Club for the property of the members (of any classification), or any guest, which they brought into or left in the Club buildings, or on the grounds.

Section 12. The Club assumes no responsibility and members (of any classification) or their guests can have no claim against the Club, its Officers, Board of Directors, or the employees, for any accident or injury to any person or his property.

Section 13. The maximum membership to the Club shall be 400 which include a maximum of 350 family memberships and a maximum of 50 empty nester memberships.

ARTICLE IX, DUES AND FEES

Section 1. Annual Dues

- a) The Board, at the meeting prior to the annual meeting of the Club, shall establish dues for the ensuing year.
- b) The term, "Dues" shall include all fees and assessments imposed by the Club, specifically season dues, discounts and delinquency fees.
- c) Dues shall be sufficient to provide for the necessary running expenses of the Club and the property maintenance and improvement of its property.
- d) The annual dues shall be approved by a majority of the members present at the annual meeting of the Club.
- e) No dues or any part thereof shall be refunded in the event that the pool operations are required to be suspended for any period.
- f) The annual dues on new Memberships may be prorated according to the remainder of the year, after July 1st of each year.
- g) A one time holding fee, as determined by the Board of Directors, shall be assessed to hold an active family or empty nester membership for a maximum of five years with no initiation fee assessed upon return to the Club.

Section 2. All applicants for Membership must pay a membership fee, as determined from time to time, by the Board of Directors.

Section 3. A Membership installment payment will be due each October 1st. The amount to be determined by the Board at the meeting prior to the annual meeting. The remaining balance will be due April 1st of each year. A delinquency fee, determined by the Board of Directors, is due and payable after April 1st. The Club facilities cannot be used until the dues and delinquency fee is paid in full. When a member does not pay dues and/or delinquency fees by April 15th, the membership may be completely terminated without any financial obligation on the part of the Club to the said member. The terminated member relinquishes all rights and interest in said membership.

Section 4. Members shall be responsible for the payment of all charges that may be incurred by members of their families to whom the privileges of the Club have been extended, and for all charges imposed upon or incurred by guests recommended by them.

Section 5. The Board of Directors may, at its discretion, provide for the use of the Club buildings, pools and related facilities by outside individuals and/or organizations for such fees, as the Board of Directors shall determine.

ARTICLE X, MEETINGS

Section 1. Annual Meetings

- a) The annual meeting of the Club shall be held during the third quarter of each year at such place and times as the Board may determine.
- b) The annual meeting shall be for the purpose of electing Directors, presenting committee reports, presenting budget for the oncoming year, and for the transaction of such other business that may be indicated and brought before it.
- c) Notice of the annual meeting shall be given as hereinafter provided. The notice of the annual meeting shall include the names of the nominees for the next Board of Directors and Presidency as nominated by the nominating committee. Notice shall be posted at least fifteen days prior to said meeting.

Section 2. Special Meetings

- a) Special meetings of the Club may be called by the Board of Directors. Also, upon written request of twenty-five (25) members to the Secretary, stating the purpose thereof, a special meeting will be called by the Secretary within thirty (30) days.
- b) Special meetings of the Club may be held by giving notice, as previously provided, which shall state the purpose for which the special meeting is called and no other business shall be transacted thereat.

Section 3. Only active members shall be entitled to vote at meetings of the Club. Voting may be by voice, but ten (10) members shall have the right to demand voting by roll call. Delinquent members shall have no right to vote. There shall be no casting of votes by proxy.

Section 4. Five (5) percent of the current membership present, in person, shall constitute a quorum at all Club meetings.

Section 5. Board Meetings

- a) The Board of Directors shall hold its first meeting within thirty (30) days after the annual meeting of the Club each year.
- b) The Board of Directors may, from time to time, establish a schedule of its meetings and rules of conduct thereof.
- c) Special meetings of the Board of Directors may be called by the President, and shall be called by the Secretary, upon request of two (2) members of the Board.
- d) Notice of the regular Board meetings and Special Board meetings shall be given to each Board member at least five (5) days before the date of the meeting.

ARTICLE XI – MISCELLANEOUS

Section 1. Indemnification

- a) Each person, while acting as Director, Officer or Employee of the Club, while acting in his or her capacity as a Board Member, Officer or Employee of the Club shall be indemnified by the Club against expenses, not to include loss of wages, actually and necessarily incurred by said person in connection with the defense of any action, suit or proceeding in which he is made a party by reason of his being or having been a Director, Officer or Employee of the Club, except in relation to matters he shall be adjudged in such action, suit or proceeding to be liable for gross negligence or willful misconduct, and except any sum paid for by the Club in settlement of an action, suit or proceeding based on gross negligence or willful misconduct in the performance of said persons duties.
- b) The right of indemnification provided herein shall inure to each Director or Officer at the time such costs or expenses are imposed or incurred, and in the event of death shall extend to his representatives.

The Board of Directors will be responsible to make sure adequate liability insurance is provided for the above.

ARTICLE XII – STATE

These Bylaws were drafted in compliance with the provisions of Article 20, Chapter 31, Colorado Revised Statutes 1953. Any conflict between these Bylaws and the Laws of the State of Colorado, the latter will control.

ARTICLE XIII – AMENDMENT OF BYLAWS

These Bylaws may be amended only upon two-thirds majority vote of the members present at the meeting call, in accordance with Article X of the Bylaws.

RULES AND REGULATIONS OF THE BEAR CREEK SWIM AND TENNIS CLUB

The following rules and regulations are for the protection and benefit of all members. Parents are requested to caution their children to observe all rules and to obey instructions of Club staff. Failure to comply with these rules can be considered cause for immediate suspension of privileges for the offending member and can be considered sufficient cause for expulsion of membership in accordance with Section 8 of Article 8 of the Bylaws of the Bear Creek Swim and Tennis Club.

I. CLUB HOURS

- a) Club hours will be established each season, by the Board of Directors. These hours will be published in the Newsletter and posted on Club premises.
- b) Private parties may be scheduled by members, after normal Club hours, on days designated by the Board. The Club Manager is responsible for scheduling these events.
- c) The Club, or portions of it, may be closed when necessary, for maintenance, to preserve safety, or when required by weather conditions. A temperature of less than 65 degrees Fahrenheit, rain, lightening or other inclement weather will cause the pool to be closed.
- d) A schedule of the Club activities will be published, as a part of the Club Newsletter.
- e) Use of the Club facilities and modifications of the hours will be subject to actions by the Board of Directors.

II. ADMISSION TO THE CLUB AREA

- a) Members must give their membership number, and sign in each day, when entering the Club. This applies to member's children, when not accompanied by their parents.
- b) Admission to the game area during normal Club hours shall be through the entry gate to the pool. During the "off season" and during "off hours" admission to the tennis courts shall be through the gate at the northwest corner.
- c) During the designated family swimming evenings, all children, under the age of 16 must be accompanied by a member adult.
- d) Entry to the Club facilities shall only be made through the designated areas.

RULES AND REGULATIONS, continued

III. POOL AND DIVING AREA

- a) All bathers must shower before entering the pool.
- b) Only bathing suits will be allowed in the pool.
- c) No glass containers, of any kind, are allowed on the deck.
- d) Inner tubes, balls and other objects will be allowed in the pool, at the discretion of the staff, when conditions allow.
- e) No running, pushing, wrestling or causing undue disturbances in or around the pool.
- f) No pets are allowed within the grounds.
- g) Expecterating and blowing of the nose around the pools is prohibited.
- h) Lounge chairs will be used by adults (16 years and over).
- i) Children unable to swim the length of the pool will not be permitted in the pool and recreation areas, unless accompanied by an adult.
- j) Use of the pool facilities may be refused to anyone with skin abrasions, colds, inflamed eyes, infections, or to anyone wearing bandages. Implementation of this restriction shall be at the discretion of the Club Manager.
- k) Only one person at a time shall be allowed on the diving board.
- l) No diving is allowed from the side of the diving area.
- m) No type of splash diving is permitted
- n) Only those capable of swimming across the diving area will be allowed in the diving area.
- o) No swimming shall be allowed in the diving area except to exit.
- p) Divers shall use the exit ladder closest to the diving board.
- q) No one over the age of 5 will be allowed in the baby pool.
- r) Adult supervision is required for all children using the baby pool.
- s) "Adult Swim" periods are for ages 16 years and over.

RULES AND REGULATIONS, continued

IV. TENNIS AND GAMES USE AREA

- a) League play takes precedence over social play.
- b) Courts cannot be reserved more than one week (7 days) in advance.
- c) Courts may be reserved for two hours for doubles play and two hours for singles play.
- d) All courts must be vacated on the hour if others are waiting to play.
- e) Court reservations are only guaranteed for 15 minutes past reservation time.
- f) Courts may be reserved for the hours of 8am to 10pm. Reservations may be made in the office from 10am to 7pm. You must have a “tennis key” to play during “off hours”.
- g) Tennis keys may be purchased and used only by current members in good-standing.
- h) All court usage must be registered at the office.
- i) No one under the age of 16 may use available courts during adult interclub play unless accompanied by an adult.
- j) No individual may reserve more than two hours of court time per day.
- k) Please observe court courtesy and do not interrupt play to access a court.
- l) Questions regarding court rules, or the tennis program should be directed to the Club Manager, or the Club Tennis Pro.
- m) Tennis shoes must be worn on the tennis courts.
- n) Throwing or slamming of tennis racquets into the court or fence is poor sportsmanship and forbidden.
- o) Only members may compete on adult interclub tennis teams.
- p) No baseball or softball games are allowed in the game area.
- q) Climbing on equipment and light poles is prohibited.
- r) Cook fires shall be contained in the available grills.
- s) Unnecessary roughness in the game area is prohibited.
- t) Users of the games area shall be responsible for their respective actions and the safety of others in the area.

V. MISCELLANEOUS

- a) The cost of repair to any property damaged by a member, or his guest, will be charged to the responsible member.
- b) The Club shall not be responsible for any loss or damages to the personal property of a member.
- c) All members, including children, shall use the pool and Club facilities at their sole risk and Bear Creek Swim and Tennis Club will not be responsible for any accident or injury in connection with such use.
- d) Temporary modification to the above provisions, Rules and Regulations can be made, only by special arrangement with a Club Manager, or the Board of Directors.

MISCELLANEOUS, continued

- e) The right of appeal to these Rules and Regulations can be made by any Club member to the Rules Committee.
- f) These Rules and Regulations may be revised and additional rules added when and if deemed necessary by the Board of Directors.
- g) Unacceptable conduct by any member, as judged by the pool staff or the Board of Directors, will not be tolerated. Violations such as disruptive conduct, abusive language, or flagrant disregard of any pool rules may result in temporary suspension of Swim Club membership or loss of membership.

VI. GUEST PRIVILEGES

- a) All guests must sign the guest register and must be accompanied by a member of the Club.
- b) Guests are not entitled to lessons nor may they enter Club tournaments.
- c) Baby-sitters and Nannies are considered guests and may not use the Club for personal use. They may, however, supervise the children of a member, on behalf of that member and reasonably use the facilities during that time.
- d) RATES
 - 1) Monday through Sunday, during normal Club hours:
 - 3 years of age and over \$5.00
 - 2 years of age and under, free.
 - 2) July 4th, during normal Club hours – the Board determines price annually.
 - 3) Payment of guest fees is required to be made by the Club member at the time the guest is admitted to the facility. All guest fees shall be on a cash basis.
 - 4) Local guests are limited to 7 visits to the Club facilities per year.
- e) PARTIES
 - 1) All parties of 15 or more guests will require a deposit of \$100 by check or credit card due at the prior to the beginning of the party.
 - 2) Parties will be charged an additional \$25 per every 25 guests in attendance, in addition to the normal guest fees.