

BY-LAWS OF BILLS ISLAND ASSOCIATION, INC.

ARTICLE I.

Meetings of Members

- 1) Members' meetings shall be held at the Bills Island Association machine shop, Bills Island, Island Park, Idaho.
- 2) The annual meeting of the members of this association shall be held the Saturday closest to the 4th of July each year. The date for the next year is to be determined by the Board of Directors and announced in the first newsletter after the annual meeting just held, beginning with the year 1972, at which time there shall be elected by the members of the association, by ballot, directors for the ensuing year, and the members shall transact such other business as shall properly come before them.
- 3) A notice setting out the time and place of such annual meeting shall be mailed, postage prepaid, to each member of record, at his or her address as the same appears on the records of the Association, or if no such address appears, at his or her last known place of address, at least thirty days prior to the annual meeting.
- 4) If a quorum¹ is not present at the annual meeting, the members present may adjourn to such future time as shall be agreed upon by them and notice of such adjournment shall be mailed, postage prepaid, to each member at least five days before such adjourned meeting; but if a quorum is present, they may adjourn from day to day as they see fit, and no notice of such adjournment need be given.
- 5) Special meetings of the members may be called at any time by the Board of Directors. If more than eighteen months are allowed to elapse without the annual members' meeting being held, any member may call such meeting to be held at the registered office of the Association. At any time, upon written request of any director, or of any members holding in the aggregate one-fifth of the voting power of the members, it shall be the duty of the secretary to call a special meeting of the members to be held at the registered office at such time as the secretary may fix, not less than ten nor more than thirty-five days after the receipt of said request, and if the secretary shall neglect or refuse to issue such call, the director or members making the request may do so. An adjournment, or adjournments, of any special meeting may be taken

¹ A quorum is defined as the simple majority of members in good standing present at the annual meeting and members in good standing represented by valid proxy held by members duly assembled to transact business of the Bills Island Association.

without new notice being given. No business shall be transacted at a special meeting except as stated in the notice sent to the members, unless by the unanimous consent of all members.

- 6) Notice of time, place and purpose of any meeting of members may be waived by written assent of a member entitled to notice filed with or entered upon the records of the meeting either before or after the holding thereof.
- 7) Any action which under the provisions of the statutes, articles of incorporation or by-laws may be lawfully taken at a meeting of the members may be taken without a meeting if authorized by consent in writing signed by all of the members who would be entitled to notice of a meeting for such purpose. Whenever a certificate in respect to any such action is required by statute to be filed in the Office of the County Recorder or in the office of the Secretary of State, the officers signing the same shall therein state that the action was authorized in the manner aforesaid.
- 8) When all members of the association are present at any meeting, however called or notified, and sign a written consent thereto on the records of such meeting, the doings of such meeting are as valid as if had at a meeting legally called and notified.
- 9) A simple majority of the members² of this Association present at any meeting duly and regularly called shall constitute a quorum for the transaction of business at any such meeting of the Association.
- 10) The following order of business shall be observed at all annual and special meetings of the members so far as practicable, viz.:
 - a) The President calling the meeting to order.
 - b) Reading, correction and approval of minutes of previous meeting.
 - c) Reports of Officer.
 - d) Reports of Committees.
 - e) Election of Directors.
 - f) Unfinished business.
 - g) New business.

² A simple majority of members in good standing present at the annual meeting or represented by valid proxy held by members in good standing constitute a quorum for the transaction of business at any such meeting of the Association.

ARTICLE II.

- 1) A board of seven directors shall be chosen to manage the affairs of the Association. The directors shall be classified with respect to time for which they shall severally hold office by dividing them into three classes. The first class shall consist of three members serving for a term of three years. The second class will consist of three members serving for a term of two years. The third class will consist of one member serving for one year. At each annual election after 1971 successors two classes of directors whose terms expire that year shall be elected to hold office for a term of three years so that the term of office of one class of directors shall expire each year. *Directors will be elected and other matters decided by majority vote of members in good standing present at the annual meeting or members in good standing represented by valid proxy held by members duly assembled to transact business of the Bills Island Association.
- 2) Vacancies in the Board of Directors by reason of death, resignation or other causes shall be filled by the remaining directors choosing from among the members a director to fill the unexpired term.
- 3) Meetings of the Board of Directors shall be held at such time and place, whether in this state or elsewhere, as a majority of the directors may from time to time appoint. Special meetings may be called by the President or any two Directors upon giving five days' notice to each director.
- 4) Directors shall not (as such) receive any stated or fixed salary, but may receive compensation for expenses actually incurred by them. Such compensation to be fixed by the Board.
- 5) The Board of Directors shall elect a president and one or more vice presidents from its members and shall also elect or select a secretary and a treasurer, who may or may not, be a member of the Board of Directors. All officers shall hold office for one year unless sooner removed and until their successors shall have been elected and qualified.
- 6) The directors may elect, appoint or remove at will and without previous notice, all appointive officers, managers, agents and employees of the association, prescribe their duties and fix their compensation. Bonds or other security may be required for faithful performance of duties when deemed necessary.
- 7) The Board of Directors shall have the general management and control of the business and affairs of the Association and shall exercise all of the powers that may be exercised or performed by the Association under the statutes and articles of incorporation and by-laws; to incur indebtedness within the limits fixed by statute, and any note or obligation given for any such indebtedness, when signed officially by the president and duly attested by the secretary,

shall be binding on the Association such obligation having been first authorized by the Board of Directors.

- 8) At each annual meeting of the members the Board shall present a full and complete statement of the affairs of the association, such statement may, however, be presented by its duly constituted officers.
- 9) The order of business at all meetings of the Board of Directors shall be as follows:
 1. The president calling the meeting to order;
 2. Reading the minutes of the last meeting, consideration and approval of the same;
 3. Consideration of communications;
 4. Report of officers or employees;
 5. Reports of Committees;
 6. Unfinished business;
 7. New Business and general discussions.

ARTICLE III.

OFFICERS

- 1) The President shall preside at all meetings of the Board and of the members. He or she is also empowered to sign all contracts, all leases and other written instruments in the ordinary course of business, and shall have full authority to convey full and complete title to any real estate and personal property owned by the Association, first having obtained such authority from the Board. He or she shall have general supervision over the affairs of the Association and over the other officers and employees of the Association.
- 2) The Vice President shall have all the powers and perform all the duties of the President in case of the absence of the President or his inability to act, or in case of a vacancy in the office of President.
- 3) The Secretary shall attend all meetings of the Board and members and shall keep and record a full and complete account of their proceedings in an association minute book. He or she shall keep all association records and do such other duties as may from time to time be prescribed by the Board.
- 4) The Treasurer shall keep accounts of all moneys of the association received and disbursed and shall deposit all moneys and valuables in the name of and to the credit of the Association in such banks or depositories as the Board of Directors say designate and money shall be

withdrawn therefrom only by check signed by any two Board members. The Treasurer shall, if possible, attend all meetings of the Board and shall do such duties as may be prescribed by the Board.

- 5) The office of Secretary and Treasurer may be combined in one person.

ARTICLE IV.

Membership

- 1) The membership of this Association shall be composed of property owners on the I. P. Bills Island in Fremont County, Idaho, who are mandated to join this association or *are members by virtue of purchase of property in the Welling Addition. (See Articles of Incorporation VIIC.) Membership of this Association is also composed of property owners of the Rexburg Boat Club. Members of the Woodlands at Bills Island are a separate entity.³
- 2) The voting power and property rights and interest of each member in this association who is in good standing shall be as follows:
 - a) All property owners of improved lots on said I. P. Bills Island who are members of this association shall be entitled to two votes. All property owners of unimproved lots shall be entitled to one vote. As the unimproved lots are improved, the owners thereof shall become entitled to two votes. The Rexburg Boat Club shall be considered as consisting of seven improved lots and shall be entitled to fourteen votes.
 - b) A property owner on I. P. Bills Island or Welling Addition is mandated to become a member
 - c) Annual assessments are set at \$500.00 for each improved lot and \$450.00 for each unimproved lot. Owners of more than one unimproved lot will pay only one annual assessment. Owners of both improved and unimproved lots will pay annual assessment for improved lots only.

An unimproved lot contains no structures or uses requiring water and/or electricity. An improved lot is one on which a permanent building is constructed or a mobile unit is brought in requiring water and/or electricity. An unimproved lot changes to improved lot status as soon as building a permanent structure begins or a mobile unit is moved onto site requiring the use of water and/or electricity.
 - d) Membership will terminate at the end of the Fiscal Year in which no annual assessment is paid.

³ The Woodlands at Bill's Island are subject to user fees and conditions.

- 3) Each member's interest in the assets of the Association shall be in proportion to the assessments paid by each member of the Association.
- 4) The membership fee may be changed at any annual meeting of this Association providing that notice of the proposed change is given in the call of the annual meeting and is voted by a majority of the MEMBERSHIP.
- 5) BIA Gate Access Key Cards and Phone Numbers:
 - a) All access to Bills Island shall be through the controlled gate using a key card or authorized telephone number. The BIA Security Contractor is not allowed to open the gate for anyone; therefore, it is the responsibility of the property owners to provide means of entry for themselves, family, guests and contractors. As stated elsewhere in these By-Laws, damage to the gate will be the responsibility of the member to whom the key card or phone number is issued to.
 - b) All BIA Members are provided 5 registered key cards and 5 authorized phone numbers on the BIA phone system at no cost. Each misplaced or damaged key card can be replaced for a \$20.00 fee. The missing card will be deactivated in the system prior to issuing a replacement key card. Should the member desire to change their authorized phone numbers they need to provide new phone numbers and identify those numbers they wish to delete.
 - c) When a property is sold, the seller is required to surrender their key cards for that property to the buyer. Should some or all of the key cards be missing the cards are deactivated in the system and new cards issued to the buyer. The seller will be held liable for the cost of the lost key cards. The seller's authorized phone numbers are deleted from the system and the phone numbers provided by the buyer are added to the system.

ARTICLE V.

Assessments.

- 1) Should it become necessary to levy an assessment to meet the requirements of the Association, the president and directors shall call a special meeting of the association, stating the object, and submit a full report of the condition of its affairs, and it shall require a vote of two-thirds of the members present, provide one-fourth of the membership votes are cast at such a meeting, to make such assessment.

- 2) Should a property owner on Bill's Island become delinquent on assessments, the Board of Directors will hold a special meeting to consider a lien against the delinquent property owner to recover the property owners failure to pay.
- 3) Damage to the BIA Gate whether accidental or malicious shall be repaired by the BIA at the cost of the property owner whose actions or actions of their guests or renters caused the damage. Gate damage shall be reported to the BIA security contractor immediately. Accidental damage will be assessed at \$200 per accidental incident and \$500 per malicious incident. The BIA security contractor shall have the final authority to assess the fee amount based on his investigation of the incident and review of the gate cameras. Failure to report the damage or attempt to otherwise avoid responsibility for damage will be considered a malicious incident
- 4) "RULE 14" Those property owners of Bills Island who are not members of the BIA shall be assessed an annual user fee for the use and benefit of the maintenance of road, snow removal, gated facilities, security protection and the limited fire protection that is provided by the voluntary fire equipment. The annual fee that will be assessed to non-members of the BIA is \$500. Members pay this fee as part of their annual dues. By using the facilities provided by BIA, users impliedly and expressly agree to the payment of this fee."

ARTICLE VI.

Rentals

- 1) Rentals on Bills Island will be limited to one rental per property.
- 2) Third Party or transient renting of a BIA property owner's property requires a Fremont County Planning and Building Department "Home Occupation/Transient Rental Class 1 Permit". A copy of this permit along with the occupancy limits shall be provided to the BIA Secretary/Treasurer. Members who are delinquent in obtaining said permit will take steps to come into compliance as soon as possible.
- 3) Property owners who engage in third party or transient rental of their property without a permit will be reported to Fremont County Planning and Building Department.
- 4) Property owners who choose to rent their properties on a transient bases will include the "BIA "Rules of Conduct" contained in Article VIII of the BIA By Laws in their rental agreements and post the rules in a conspicuous location within the rental unit. The Property owner shall assure that the renters know and understand the limits of the properties they are renting
- 5) Property owners who rent their property but live more than 30 minutes away from Bills Island shall secure a local property manager responsible for check in check out, verification of proper occupancy, police compliance to BIA rules and regulations. Contact information for the

property manager shall be provided to the BIA secretary so they can be contacted should issues arise.

- 6) Property Owners are responsible to provide access through the BIA gate for their renters. The BIA security contractor is not authorized to provide access for your renters. If the property owner is going to use a key lock for their guests access it shall be a robust key lock and installed by the property owner only in the approved key board location as determined by the BIA.
- 7) Property owners shall provide to the BIA the contact information of their local representative in the event of an emergency.
- 8) The annual BIA dues for property owners engaged in third party renting shall be \$2,500. This fee will help offset the additional cost of BIA infrastructure maintenance and the time spent by the BIA security contractor policing activities of their renters.

ARTICLE VII.

Proxies

- 1) At each meeting of the Association every member having a right to vote shall be entitled to vote in person or by proxy appointed by instrument in writing, subscribed to by the member, and bearing date not more than sixty days prior to the meeting; that such proxy should be witnessed but does not need to be acknowledged.

ARTICLE VIII.

RULES and REGULATIONS

The members of the Association, their guests/renters or any other person using Bills Island Association facilities and property shall be subject at all times to the rules and regulations adopted by the BIA as set forth below and shall cooperate at all times with the BIA Security Contractor employed by the BIA to care for the property of the Association in abiding by the rules and regulations of this Association.

1. **BILLS ISLAND ACCESS** – All access to Bills Island shall be through the controlled gate using a key card or telephone number. This includes vehicles, ATV's, UTV's, motor bikes, etc. Cutting new trails around the front fences and gate is prohibited.
2. **SPEED LIMIT** - The speed limit on all roads on the island for all motor vehicles, including automobiles, ATVs/UTVs, motor cycles, and snowmobiles is 20 mph. Many joggers, bikers and pedestrians use these roads frequently. Compliance to the posted speed limit will enhance the safety of all.

3. **NOISE** - Please be considerate of others at all times by keeping excessive noise down in the evening hours and observing quiet time from 10:30p.m. to 8:00a.m.
4. **PARKING** - All vehicles must be parked on the property owner's property, and not on any other private property or BIA roadway or boat ramp access. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the property owner. Boat ramps and docks are for the loading and unloading of boats only. Trailers and towing vehicles are to be parked outside the gate or on the property owner's property.
5. **FIRE SAFETY** - Please follow all warning signs and instructions regarding the use of fires as displayed on the bulletin board at the entrance of the BIA gate. Fireworks are not allowed on the island at any time. Fires and fireworks are inherently dangerous, especially in heavily forested areas, and can cause serious bodily harm, property damage and wild fires. BIA members who desire to have an open fire for cooking, warming, campfire, etc. for family, guests and renters shall develop a fire pit in accordance with Fremont County Open Burning Ordinance NO. 2017-02. Fire pit as defined in the referenced ordinance is as follows;
 - i) an excavation of approximately 16" in depth in the ground
 - ii) surrounded with rocks, stones, bricks, or other non-combustible object that protrude at least 6" above the undisturbed ground level
 - iii) Any fire pit must have a ten (10) foot diameter of cleared space around said fire pit that is free of all combustible materials (typically graveled or bare dirt)
 - iv) A shovel for the purpose of fire suppression or extinguishing said fire is to be immediately available

Open Fires shall not be left unattended and shall be fully extinguished after use. Open fires can be prohibited should extreme fire conditions exist even if you have an approve fire pit. Check the signs at the front gate for instructions

6. **SECURITY** - I. P. Bills Island has always been a gated community for the security of all property owners. The BIA security contractor, who lives in the cabin adjacent to the gate, is available for extreme emergencies. However, he is not allowed to let people in through the gate. It is the responsibility of each property owner to provide access to their family members, guests, renters and any contractors performing work on their property. Gate access is only available through the use of the authorized key cards or the telephone system for BIA property owners. Property owners will be liable for the damages to the gate resulting from the actions of their family, guests or renters.
7. **NO TRESPASSING** - When walking, using ATV's/UTV's, bikes, snowmobiles or other vehicles, do not enter neighboring driveways or property. Traversing any properties other than the island roadways is trespassing.
8. **DOGS** – Property owners are to assure their family, guests or renters keep their pets controlled within the bounds the property owner's property. Dogs are to be kept on a leash while walking on the BIA roadways. There are many walkers on the island and not everyone

is comfortable around other's dogs. If you keep your dog outside, please control the barking.

9. **GARBAGE** – Property owners are responsible to provide secure areas for garbage generated on their property. There are many wild animal species including an occasional bear on the island. Garbage accessible to wildlife poses health and safety problems for wildlife and humans. It is the Property owner's responsibility to assure disposal of garbage and debris generated by their guests or renters. Garbage can be disposed of at the Island Park garbage collection facility off Yale Kilgore Road near Highway 20. Property Owners can individually contract with a garbage collection company. The BIA does not provide garbage collection/disposal services
10. **WINTER SNOWPLOWING** –Should a property owner desire the BIA to plow their driveway during the winter months they will need to have a “Bills Island Association Snow Removal Waiver” on file with the BIA prior to snow removal. The property owner shall agree to pay the current plowing fee for each time the service is provided. The BIA's professional snow removal equipment can be seriously damaged if anything is left on the driveway or parking area such as a block for a snowmobile trailer. Please be sure to remove all debris from driveways and parking areas if you plan to have your driveway plowed by the BIA. Vehicles, trailers ATVs/UTVs and snow mobiles shall not be parked alongside BIA roads to avoid difficulty and damage during snow removal operations. Any damage to a property owner, guest or renter vehicle or BIA equipment will be the responsibility of the property owner.
11. **Boat Ramps** – The BIA provided boat ramps and associated docks are for the launching and take-out of boats only. There is to be no swimming, fishing or parking at these facilities due to safety concerns. Boats are not to be moored at the BIA boat docks unattended. Cleaning of boats following use is to be done at the property owners' property not the boat ramp access road.
12. **Dust Suppression** - The BIA pays to have a dust suppressant applied to the roads each spring to reduce the generation of road dust throughout the summer at a significant cost to the BIA. Aggressive driving on the road surface compromises the dust suppression layer on the surface of the road. Therefore, all wheeled vehicles will be driven at the posted 20 MPH speed limit. Spin-outs and other aggressive driving is prohibited on the island roadways and boat ramps.
13. **Vehicle and Recreational Vehicle Operation** – Use of vehicles of all types on the Bills Island Road system is subject to the Idaho State laws. Vehicles will be licensed/permitted and registered per state law. Operators will also be licensed/permitted to operate vehicles. Owners/guests with underage operators shall assure that an adult licensed operator accompanies their underage operators at all times while using the BIA roadway system.
14. **Firearms** – Discharging of fire arms on Bills Island is prohibited, with the exception of the use of shotguns along the shore for taking waterfowl in season.
15. **Vegetation Removal** - No shrubs or trees will be removed from beside the service roads.

16. **Horses** – Horses may be brought on the Island during hunting season but must be corralled or staked on your property. Horses are not to be ridden on the roads or on any private property.

ARTICLE IX

Buildings

- 1) Property Owners who plan to erect new structures on Bills Island shall obtain a Building Permit from the Fremont County Planning and Building Department and see that the work is completed in accordance with the associated building, plumbing and electrical permits.
- 2) Rule 15 (Voted on and approved June 30, 2018) No metal storage structures are approved for use on improved and unimproved lots within the BIA. This includes oversized cargo boxes, semi containers and storage units. A storage unit for a lot under construction may be approved for the limited time that the lot is being improved only upon notification and approval by the board

ARTICLE X.

Amendments.

- 1) Subject always to by-laws made by the members, the Board of Directors may make by-laws, and, from time to time, may alter, amend or repeal any by-laws; but any by-laws made by the Board of Directors may be altered or repealed by the members at any annual meeting, provided notice of such proposed alteration or repeal by the members be included in the notice of such special meeting of the members.