

**PART 5                    RULES AND REGULATIONS**

This section of the LISE Rules and Regulations can be changed by a majority vote of the Board of Directors at any regular meeting.

**TABLE OF CONTENTS**

SECTION 5.1.	PREAMBLE	
ARTICLE	5.1.1. PUBLICATION.....	5-4
ARTICLE	5.1.2. RESPONSIBILITY.....	5-4
ARTICLE	5.1.3. ANIMALS.....	5-4
SECTION 5.2.	CLUBHOUSE AREA	
ARTICLE	5.2.1. THE CLUBHOUSE.....	5-5
ARTICLE	5.2.2. THE PICNIC AREA.....	5-6
ARTICLE	5.2.3. THE BARBECUE AREA.....	5-6
ARTICLE	5.2.4. THE BEACH.....	5-6
ARTICLE	5.2.5. THE MARINA.....	5-6
SECTION 5.3.	THE LAKE AREA	
ARTICLE	5.3.1. THE CABANA.....	5-8
ARTICLE	5.3.2. PLAYGROUND AREA.....	5-8
ARTICLE	5.3.3. LAKE BEACH.....	5-8
ARTICLE	5.3.4. THE LAKE.....	5-8
ARTICLE	5.3.5. PARKING LOT.....	5-9
SECTION 5.4.	WATER SERVICE	
ARTICLE	5.4.1. PERMITS.....	5-9
ARTICLE	5.4.2. CONNECTIONS.....	5-9
ARTICLE	5.4.3. PENALTIES.....	5-10
ARTICLE	5.4.4. WATER USE CONSERVATION.....	5-11
ARTICLE	5.4.5. ONSITE SEPTIC SYSTEMS.....	5-15
SECTION 5.5.	LAND MANAGEMENT	
ARTICLE	5.5.1. SHOOTING, HUNTING AND TRAPPING.....	5-16

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

ARTICLE	5.5.2. MEMBERS' RESPONSIBILITIES.....	5-16
---------	---------------------------------------	------

---

SECTION 5.6.	GENERAL MANAGER
--------------	-----------------

---

ARTICLE	5.6.1. AUTHORITY.....	5-17
ARTICLE	5.6.2. RESPONSIBILITIES.....	5-18
ARTICLE	5.6.3. DUTIES.....	5-18
ARTICLE	5.6.4. REPORTS.....	5-19
ARTICLE	5.6.5. COMPENSATION.....	5-19
ARTICLE	5.6.6. REVIEW AND CHANGE.....	5-19

---

SECTION 5.7.	OPERATIONS MANAGER
--------------	--------------------

---

ARTICLE	5.7.1. AUTHORITY.....	5-19
ARTICLE	5.7.2. RESPONSIBILITIES.....	5-20
ARTICLE	5.7.3. DUTIES.....	5-20
ARTICLE	5.7.4. REPORTS.....	5-21
ARTICLE	5.7.5. COMPENSATION.....	5-21
ARTICLE	5.7.6. REVIEW AND CHANGE.....	5-21

---

SECTION 5.8	ASSISTANT OPERATIONS MANAGER
-------------	------------------------------

---

ARTICLE	5.8.1. PAY STRUCTURE AND LINE OF AUTHORITY.....	5-22
ARTICLE	5.8.2. SCHEDULE.....	5-22
ARTICLE	5.8.3. PRINCIPAL DUTIES & RESPONSIBILITIES.....	5-22
ARTICLE	5.8.4. REVIEW AND CHANGE.....	5-24

---

SECTION 5.9	OFFICE MANAGER
-------------	----------------

---

ARTICLE	5.9.1. AUTHORITY.....	5-24
ARTICLE	5.9.2. COMPENSATION.....	5-24
ARTICLE	5.9.3. OFFICE HOURS.....	5-24
ARTICLE	5.9.4. DUTIES AND PRINCIPAL RESPONSIBILITIES.....	5-24
ARTICLE	5.9.5. COMPENSATION.....	5-26
ARTICLE	5.9.6. REVIEW AND CHANGE.....	5-26

---

SECTION 5.10	OPERATIONS STAFF
--------------	------------------

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ARTICLE	5.10.1. AUTHORITY.....	5-26
ARTICLE	5.10.2. PAY STRUCTURE.....	5-26

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

ARTICLE	5.10.3 OFFICE HOURS.....	5-26
ARTICLE	5.10.4 PRINCIPAL DUTIES AND RESPONSIBILITIES.....	5-26
SECTION 5.11	EMPLOYEE PERFORMANCE STANDARDS AND POLICIES	
ARTICLE	5.11.1. GUIDES OF CONDUCT.....	5-28
ARTICLE	5.11.2. PERFORMANCE REVIEWS.....	5-28
SECTION 5.12	AMENDMENTS AND ADOPTION	
ARTICLE	5.12.1. AMENDMENTS.....	5-28
ARTICLE	5.12.2. ADOPTION.....	5-31

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

SECTION 5.1. PREAMBLE

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ARTICLE 5.1.1. PUBLICATION

- 5.1.1.1. In accordance with Clause 4.4.2.3. the Rules and Regulations adopted by the Directors shall be considered published when posted in the Community Clubhouse.

ARTICLE 5.1.2. RESPONSIBILITY

- 5.1.2.1. The responsibility for the adherence to the Rules and Regulations as well as for the conduct and behavior of accompanied and/or invited guests shall fully rest with the host member. Guests using Club facilities must be accompanied by a host member. Any person not in the company of a host member shall be regarded as a trespasser. Members who rent their properties shall be responsible for their tenants' conduct, behavior and adherence to the Club Bylaws.

ARTICLE 5.1.3. ANIMALS

- 5.1.3.1.<sup>1</sup> (A) Scenic Estates follows all state and county ordinances concerning Animal Control. LEASH LAW: Dogs that are off-premises (that is, off the owner's immediate premises) are to be under control by means of a leash, as stipulated by Whatcom County Code Chapter 6.04.040.A. VACCINATION: State of Washington WAC246-100-197(3) mandates that, "An owner of a dog, cat, or ferret shall have it vaccinated and revaccinated against rabies following veterinary and USDA-licensed rabies vaccine manufacturer instructions". DOG LICENSING: Whatcom County Code 6.04.050 states: "It is unlawful to keep or harbor a dog over seven months of age anywhere in the unincorporated areas of Whatcom County unless a dog license has been procured for the animal from the county or the county's authorized agent or agency".
- (B) For health and safety reasons, only service animals (as defined by Americans with Disabilities Act) are allowed inside the Clubhouse or on the Clubhouse steps and deck area.
- (C) Animals in the Marina area, including the asphalt, the grassy areas, the beach and the boat ramps, and boat launch areas must be on leash and under control. Animal feces must be bagged and properly disposed of.
- (D) Pets are prohibited in the Sanitary Control Area, which includes the swim lake, the lake beach area, the picnic or barbecue area, in or around the Cabana, the playground area, or in the asphalt parking area or driveway near the treatment plant and Cabana area. Individuals are further asked to refrain from walking their pets along the lakeside portions of Dogwood Terrace, Rosewood Terrace, and Carol Lane, as these roads are part of the Sanitary Control Area.
- 5.1.3.2. Each LISE member household is limited to keeping no more than two dogs, two cats, two birds, and two female chickens. Following reproduction, the young must be removed from LISE lot premises within 8 weeks of age. No animals may be raised for commercial purposes. If a household wishes to maintain more animals than this regulation stipulates, the owner must petition the Board for a waiver of this mandate. Be advised that there is no guarantee of waiver.<sup>2</sup>
- 5.1.3.3. Animals shall not be permitted to chase wildlife at any time anywhere. Animal owners are fully responsible for the behavior of their animals, which includes the actions and noise of their animals. All animals which are permitted to run free in violation of county ordinances will be reported to the Whatcom County Enforcement Agent for action. All animals which

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<sup>1</sup> Inserted Sections A-D, 24 April 2022.

<sup>2</sup> Inserted 24 April 2022.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

are permitted to run free in violation of these Bylaws on Club owned property will be reported to the County Enforcement Agent and to the Board of Directors for action.

SECTION 5.2. CLUBHOUSE AREA

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ARTICLE 5.2.1. THE CLUBHOUSE

5.2.1.1. The clubhouse shall be open to all members and their guests as follows:

- |                         |                                                                                                                                              |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1 March - 31 May        | Open Saturdays, Sundays and Holidays from 9:00 a.m. to dusk. On other days it will be opened only upon written request to the Administrator. |
| 1 June - 30 September   | Open daily from 9:00 a.m. to dusk.                                                                                                           |
| 1 October - 30 November | Open Saturdays, Sundays and Holidays from 9:00 a.m. to dusk. On other days it will be opened only upon written request to the Administrator. |
| 1 December - 1 March    | The clubhouse will be opened only upon request to the Administrator and for social and special events scheduled by the Board of Directors.   |

5.2.1.2. For scheduled social events the normal closing hour will be extended until midnight. Any Director may authorize remaining open later, provided that Director remains and accepts responsibility for closing and locking the clubhouse. No loud music or noise will be permitted after 10:00 p.m. in any case. Violation of this provision may result in prompt closing of the clubhouse.

5.2.1.3. The clubhouse area is open only to members and their guests.

5.2.1.4. No member may use the facilities on an exclusive basis. The clubhouse is to be available to all members for use when open as set forth above. Members must request permission in advance for use of the clubhouse for social events, involving their immediate and extended families, friends or for small gatherings of non-profit associations to which the member belongs. Clubhouse shall not be available for such events on holiday weekends. For times other than those outlined in 5.2.1.1., a clubhouse requisition form must be used and a deposit must be given to the Club office to guard against damage or inadequate cleaning following the event, such deposit or portion thereof being returned to the member following inspection after the event. No loud music or noise will be permitted after 10:00 p.m. The clubhouse must be left in a clean condition and the garbage deposited in proper containers and removed from the premises.

(1) Usage fee of \$50.00 plus deposit of \$150 for members and fee of \$25 for utilities, October 1 to March 1.

(2)<sup>3</sup> Clubhouse rental is available for LISECC members only.

5.2.1.5. The range is to be turned off after use and is not to be left unattended while in use.

5.2.1.6. All water is to be turned off after use, especially hot water.

5.2.1.7. The refrigerator is not to be used to freeze block ice. The automatic ice-maker is not to be tampered with. Notify the Operations Staff on duty immediately if it is not working. The door is not to be left open unnecessarily.

5.2.1.8. The refrigerator is not to be used to store food for long periods. Food containers are to be marked and food is to be removed when leaving the clubhouse.

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<sup>3</sup> Inserted 27 February 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- 5.2.1.9. The refrigerator is under no circumstances to be used for the storage of seafood.
- 5.2.1.10. The club is not responsible for any items lost or stolen.
- 5.2.1.11. Fires may be lit in the fireplace by an adult. Be prepared to provide needed firewood and kindling. The person lighting a fire is responsible for it and to see that it is properly extinguished. The glass fire screen is to be closed when leaving the fire.
- 5.2.1.12. The clubhouse restrooms are not to be used as change houses. No wet swimming suits are permitted inside the clubhouse.
- 5.2.1.13. The clubhouse, parking lots and beach areas are not to be used for sleeping overnight.
- 5.2.1.14. The clubhouse is to be kept clean; sink and vanity drains are to be kept clear. Trash is to be deposited in the proper receptacles; this includes bottle tops, etc.
- 5.2.1.15. No "horseplay" is permitted in or around the clubhouse. No running on the deck is allowed. Climbing and playing in landscaped area is prohibited.
- 5.2.1.16. The stereo system, microwave, cutlery, and dishes are not available.
- 5.2.1.17.<sup>4</sup> No pets other than service dogs are allowed in the clubhouse, on the clubhouse deck area, or on the stairs or walkway leading to the clubhouse.
- 5.2.1.18. Smoking is not permitted within the Clubhouse.
- ARTICLE 5.2.2. THE PICNIC AREA
  - 5.2.2.1. Open fires are not permitted in this area. Charcoal broilers are permitted. Charcoal is not to be left on Club facilities.
- ARTICLE 5.2.3. THE BARBECUE AREA
  - 5.2.3.1. Fires may be lit in the fireplace by an adult. Firewood and kindling are not provided. The person lighting the fire is responsible for it. The fire must be fully extinguished prior to leaving the area.
- ARTICLE 5.2.4. THE BEACH
  - 5.2.4.1. The saltwater beach is open to members and their guests only.
  - 5.2.4.2. The saltwater beach is open to swimming at all times. There is no lifeguard on duty and swimmers use the water at their own risk.
  - 5.2.4.3. The beach area is to be kept clean. Trash is to be deposited in the proper receptacles. This especially includes bottle tops, beer cans and bottles, pull tabs, etc.
  - 5.2.4.4. No "horseplay" is permitted on the beach.
  - 5.2.4.5.<sup>5</sup> Legal consumer fireworks permitted on saltwater beach only and directed over the water, on legally designated days only.
- ARTICLE 5.2.5. THE MARINA<sup>6</sup>
  - 5.2.5.1. Saltwater fishing, clam digging, and crab fishing are subject to State of Washington regulations.
  - 5.2.5.2.<sup>7</sup> The docks are for the use of all members and members' boating guests. Boaters shall observe such other regulations as are posted at the dock and in LISECC Policy #9 as follows:

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<sup>4</sup> Changed 24 April 2022

<sup>5</sup> Revised 25 June 2023

<sup>6</sup> Changed 24 April 2022

<sup>7</sup> Revised and inserted Marina (Policy #9) 24 April 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

**Marina (Policy #9)**

1. Lummi Island Scenic Estates Community Club (LISECC) assumes no responsibility for boats or other vehicles moored or parked on club property.
2. All boats must be identified with a LISECC marina decal which may be purchased from the LISECC office for \$5.00 per boat. Skiffs, dinghies, canoes, kayaks , and other non-powered vessels must have a LISECC identification decal as well, provided free of charge at the Office. Temporary permits (also available from the Office) are required for members' boating guests.
3. Moored vessels without a LISECC registration of some type are subject to immediate towing.
4. Boat owners are responsible for their skiffs, rowboats, etc. and should remove them when they are not being used during the off season.
5. The "RED ZONE" on the dock facilities is a moorage area for loading and unloading with a 30-minute time limit or while in the active process of loading or unloading. All vessels are allowed access to the RED ZONE for loading or unloading.
6. No overnight moorage is permitted in the 30-minute "RED ZONE".
7. No boats can be moored at the dock longer than 3 days and must be in active use. At the end of three days boats must be removed for 24 hours. HOWEVER, during holiday weekends and crab season, vessels must be removed for 72 hours.
8. Dinghies: LISECC-registered dinghies used as tenders may tie up in the BLUE ZONE located directly across from the RED ZONE. These vessels must be secured by a bowline (painter) with sufficient slack as to allow maximum use of this area. Engines should be left down to minimize potential damage to other craft. Under no circumstances is this area to be used as storage.
9. Personal buoys fall under the auspices of the Department of Natural Resources. All buoys must be properly permitted and are subject to removal by that agency.
10. Boat trailers are to be parked only in the upper lot.
11. Vehicle parking is restricted to memes and visitors who are actively using the marina or clubhouse facilities. Overnight parking is allowed with written approval from the LISECC General Manager. No vessels or vehicles are to be "stored" or otherwise abandoned on LISECC properties<sup>8</sup>.
12. Marina Facilities are for use by members for recreational use only.
13. For boats or vehicles in violation of this policy (Policy #9), owners will be assessed a fine of \$50 per day. Boats and vehicles in violation of marina rules are subject to towing at the owner's expense.
14. Dogs are allowed in the marina area so long as they are on leashes. Owners must remove waste and dispose of it properly. However, no dogs, other than service dogs, are allowed in the Clubhouse area.
15. RULES RELATIVE TO LAUNCHING, DOCK USAGE, AND TRAILER STORAGE ARE IN EFFECT THROUGHOUT THE YEAR.

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<sup>8</sup> Revised 22 May 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- 5.2.5.3.<sup>9</sup> The docks, beaches and the adjacent water are to be kept clean. Bottles, tops, cans, and/or pulltabs, and all other forms of litter are not to be thrown about or in the water, but are to be deposited in the proper receptacles or transported off site.
- 5.2.5.4. No "horseplay" is permitted on the docks.
- 5.2.5.5.<sup>10</sup> Dogs on leashes are allowed in the dock/boat ramp area. Owners must remove all waste and dispose of it properly.
- 5.2.5.6.<sup>11</sup> Vessels in violation of Marina Rules as stated in LISECC Policy #9 are subject to fines and towing at owner's expense. Marina rules are in effect year round.

SECTION 5.3. THE LAKE AREA

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ARTICLE 5.3.1. THE CABANA

- 5.3.1.1. The cabana and lake shall be available to all members and their guests as follows:
- |                          |                                   |
|--------------------------|-----------------------------------|
| 1 June - Labor Day       | Open daily from 9:00 a.m. to Dusk |
| Labor Day - 30 September | Open Weekends and Holidays        |
| 1 October - 30 April     | Closed and winterized.            |
| 1 May - 31 May           | Open Weekends and Holidays        |
- 5.3.1.2. The cabana is to be kept clean; sink and vanity drains are to be kept clear. Trash is to be deposited in the proper receptacles. This includes bottle tops, pulltabs, etc.
- 5.3.1.3. All water is to be turned off after use, especially hot water.

ARTICLE 5.3.2. PLAYGROUND AREA

- 5.3.2.1. The playground equipment is for the use of all members -- children should be supervised by an adult.

ARTICLE 5.3.3. LAKE BEACH

- 5.3.3.1. Open fires are not permitted in this area. Charcoal broilers are permitted. Charcoal is to be extinguished properly and then disposed of safely.
- 5.3.3.2. The grassed area is to be kept clean. Trash is to be deposited in the proper receptacles. Especially bottles, cans, bottle tops, and pulltabs are not to be thrown about and in the lake.
- 5.3.3.3. No "horseplay" will be permitted on the grassed area. Running around among other users of the beach is not permitted.
- 5.3.3.4. Overnight camping around the cabana or the beach will not be permitted.

ARTICLE 5.3.4. THE LAKE

- 5.3.4.1. The recreation lake is available, when filled, to all members and their guests. The lake may be drained during the winter as a flood-control measure. All swimmers are warned that there is no lifeguard and that they swim at their own risk.
- 5.3.4.2. No hard-construction boats with or without motor and/or oars will be permitted in the lake, except a service and rescue dinghy that may be provided from time to time. Paddled or sailed inflatables will be permitted in the lake.

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<sup>9</sup> Revised 24 April 2022

<sup>10</sup> Clause inserted 24 April 2022

<sup>11</sup> Clause inserted 24 April 2022



Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

ARTICLE 5.3.5. PARKING LOT

- 5.3.5.1. Park in designated spaces. Do not block entrance to parking area.

SECTION 5.4. WATER SERVICE

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ARTICLE 5.4.1. PERMITS

- 5.4.1.1. All permits must be obtained by the Club for services that require work in the County Right-of-way.
- 5.4.1.2.<sup>12</sup> After obtaining a building permit, a member desiring a water service shall apply to the Operations Staff on duty. Operations staff will give the member a blank form titled “Notice of Temporary Approval for Water Connection”. Member must complete and sign form with signature to be notarized, and return to Operations Staff. The LISECC bookkeeper will submit the completed form for recording by Whatcom County and the expense will be invoiced to the member’s LISECC account. The temporary water connection is valid for one year from the date of connection. Member can request a one-time extension, not to exceed one year, provided member is in good standing and in the process of obtaining a building permit. All service connections are subject to provisions of Bylaw section 4.6. All services will be placed from the main to the property line by the club as set forth in Article 5.4.2.

ARTICLE 5.4.2.<sup>13</sup> CONNECTIONS

- 5.4.2.1. All lots, except dues exempt lots, are entitled to one hookup to the club-owned water system. The cost of the hookup, materials, labor, and meter are to be paid for by the owner of the lot. A new hook up will have a service charge of \$800 plus the additional cost of materials and labor to be paid for by the owner of the lot.
- 5.4.2.2. Single lot services shall not be made with less than 3/4" pipe from main to lot line.
- 5.4.2.3. Dual lot services (one hookup for two lots) shall not be made with less than 1" pipe from main to lot line.
- 5.4.2.4. All street cuts must be replaced to their original condition. Oil mats must be replaced with asphalt not less than 2" thick to meet County standards.
- 5.4.2.5. All new and replacement hookups must have a standard corporation (shutoff) at the main and have a standard stop and waste at the property line at owners’ expense.
- 5.4.2.6. When meters are required, the club will install the meter and meter box. The owner will be billed.
- 5.4.2.7. No hookup will be permitted to any lot or lots upon which the club dues and assessments are not paid in full.
- 5.4.2.8. **WHEREAS**, the Lummi Island Scenic Estates Community Club, Inc. (the “Association”) as a result of a vote of the Membership at a Special Meeting held on November 5, 2011, has determined that the Drinking Water State Revolving Fund (DWSRF) loan shall be repaid by all dues-paying members LISECC;
- WHEREAS**, the Association completed the DWRSF Loan scope of work at a lower cost than projected, and the resulting outstanding loan principal balance as of November 5, 2011 is \$520,814.70;

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<sup>12</sup> Revised 21 May 2023

<sup>13</sup> Changed 27 February 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

**WHEREAS**, the member payment terminology used in the prior Resolution Article 5.4.2.8 has created confusion as to the intent and usage of monies collected;

**WHEREAS**, fees need to be set at an amount adequate to provide for such loan repayment until the end of the repayment period stated in the DWSRF loan contract between LISECC and the Washington State Department of Commerce, Trade and Development (CTED);

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

An annual Water Loan repayment fee shall be assessed for all LISECC dues paying members, on a prorata basis, in an amount sufficient to pay the annual DWSRF loan fee effective January, 2012 through December 2028. The annual water loan repayment fee shall be deposited to the dedicated account for loan repayment per Section 1.10. Dedicated Account for Loan Repayment of the Contract.

A monthly Water Ready to Serve Fee will be assessed for all LISECC members with a water connection. This will be a base rate with a tiered increase based on volume to motivate conservation. This fee is for operations to produce water, not for loan repayment.

***ADOPTED** by the Board of Directors of the Lummi Island Scenic Estates Community Club, Inc. at a board meeting held on December 4, 2011.*

ARTICLE 5.4.3. PENALTIES

- 5.4.3.1. Water may be shut off on any lot upon which the club dues, assessments, charges, interest, fines or penalties are overdue. The cost of disconnection and reconnection shall be billed to the lot owner's account, which must be paid in full before water will be reconnected. Dues and assessments will be considered overdue on 1 February for the purposes of this paragraph. Water may be shut off on April 1. All other charges, interest, fines or penalties will be considered overdue 30 days after invoice. Water may be shut off after invoices are over 90 days late.
- 5.4.3.2.<sup>14</sup> All components of the water system located after the meter are considered the property and responsibility of the member. Any faults in this section that result in wasted water must be repaired in a timely manner at the member's expense. The LISECC staff assess for leaks on a weekly basis and immediately report any anomalies to the member. The member is responsible for the full quantity of water reflected in the water use assessment. Failure to address a chronic leak could result in water being shut off or disconnected, along with the fees and assessments reflected in 5.4.3.1. All shut-off and reconnection fees must be paid in full before water service is restored.
- 5.4.3.2.1.<sup>15</sup> If a member feels that significant contributory circumstances are present in a given situation, he or she may present these circumstances to the Board at a monthly Board of Directors' meeting. At this time the member can request a one-time release from the extra water usage charges associated with a major leak. The board will consider the circumstances as presented and render a decision no later than the following Board meeting. The member remains responsible for fixing the leak regardless of the Board's decision. It must be underscored that any release from fiscal responsibility will be a one-time exception, not to be repeated at a later time. The Board considers these appeals on a case-by-case basis and in no way guarantees a release from debt.
- 5.4.3.3.<sup>16</sup> For a simple **shut off** requested by a member or in response to an identified leak, the member shall be billed \$25. A typical reason for a member to request such might be for temporary seasonal shut off.

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<sup>14</sup> Revised 15 August 2021

<sup>15</sup> Clause inserted 15 August 2021

<sup>16</sup> Revised 17 November 2019, Revised 27 February 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

For a **disconnection** (or lock out) pursuant to Rules and Regulations 5.4.3.1 and Policy 7, the member shall be billed \$150.

If a water connection has been terminated pursuant to Rules and Regulations 5.4.3.1 and Policy 7 or at the request of a member (voluntary disconnect), reconnection is dependent upon availability of service connections and is not guaranteed. **Reconnection** shall require all of the following:

- I. Payment of all past due amounts (dues, assessments, charges, interest, fines, penalties, late charges, costs of collection, attorney fees incurred by LISECC, and judgements) or member compliance with an LISECC approved payment plan at the discretion of the LISECC Board of Directors.
- II. Confirmation of the availability of a water connection.
- III. Payment of a reconnection fee in the amount of \$150 plus all costs that may include a backflow prevention device, associated box, installation, and annual inspection as stipulated in Policy Statement 7, Dues and Assessments.

ARTICLE 5.4.4.<sup>17</sup> WATER USE CONSERVATION

The following additions to LISECC rules and regulations address the Municipal Water Law.

5.4.4.1 DECLARATION OF A WATER SUPPLY SHORTAGE

Upon declaration of a water supply shortage or other emergency conditions for LISECC by a majority of its Board of Directors, LISECC shall be authorized and empowered to impose such restrictions as necessary to conserve and maintain adequate reserves to operate its municipal water supply. The Board will determine and announce LISECC's water shortage level within 48 hours of the following conditions being met.

1. When rolling weekly average water usage rate are below 25%, there is no ongoing water shortage and the usage level is set at the **normal level**.
2. The **conserve level** will be activated when the rolling weekly average water usage reaches 25% of LISECC's average daily water supply capacity.
3. The **restricted level** will be activated when the rolling weekly average water usage rate reaches 40% of LISECC's average daily water supply capacity. Once the rolling average weekly water usage rate drops below 38%, the usage level will be returned to conserve level within 48 hours.
4. The **OUT OF WATER level** will be activated when the water system is shut down. When the system has passed inspection and approved for operation, the usage level will be returned to restricted level for one week to ensure stability of the system.

5.4.4.2 WATER USAGE RESTRICTIONS

Normal conservation practices for LISECC's members are described in article 5.4.4.1 #1 above. Additional water usage restrictions will be applied when the board determines water shortage levels as follows:

1. Once the board sets the water shortage level at **conserve**, residents will be subject to the following restrictions:
  - a. Odd/Even Day Landscape Watering: Residents with odd numbered street addresses are being asked to limit watering to Wednesdays, Fridays and

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<sup>17</sup> Section 5.4.4 inserted 1/2009.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

Sundays. Residents with even numbered street addresses can water on Tuesdays, Thursdays and Saturdays. Mondays are non-watering days to allow the reservoir to recharge after the weekend.

- b. Landscape irrigation shall be prohibited except for irrigation, by low volume devices only, of crops for use as food by residents at a primary residence.
  - c. The filling of swimming pools is prohibited.
  - d. Use of automated landscape sprinkler systems is prohibited.
  - e. Washing or cleaning streets, driveways, sidewalks or other impervious areas is prohibited.
  - f. Washing of cars and boats shall be restricted to odd/even days as described in paragraph a, above.
  - g. The use of water for firefighting, health, sanitation, medical purposes and other essential uses shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.
2. Once the board set the water shortage level at **restricted**, residents will be subject to the following restrictions:
- a. All outdoor watering is prohibited, other than the use of treated wastewater; or use of handheld water containers.
  - b. The use of water for firefighting, health, sanitation, medical purposes and other essential uses shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.

5.4.4.3 PUBLIC NOTIFICATION OF A WATER SUPPLY LEVELS

Notification of any intent to change restrictions in water use by LISECC membership as part of a water supply shortage shall be posted in LISECC's public locations (at the corner of Beach Ave. and Island Drive, at the Clubhouse, at the Water Works) and will be published in the Bellingham Herald or by such other means reasonably calculated to reach and inform all water users, such as the US Mail or direct communication.

5.4.4.4 NOTICE AND IMPOSITION OF FINES FOR WATER-USE VIOLATIONS

Notice of water use violations will be submitted to LISECC's board of director's Water Committee Chair. The committee will impose a fine and request a "Fine Notice" to be delivered to the alleged violator.

1. The Fine Notice will be sent to the alleged violator via certified mail to the address on file with the LISECC.
2. The proposed fine set forth in the Fine Notice shall become final unless the alleged violator requests a Fine Hearing with the Water Committee Chair within fourteen (14) days after the issuance date of the Fine Notice. Requests for hearing must pose three dates for a meeting with the Water Committee Chair, which meeting shall be held not later than forty (40) days following the date of the Fine Notice. Such meeting can be held in person or by telephone, at the option of the alleged violator. Upon receipt of the

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

request, the Water Committee Chair shall select one of the days proposed for the Fine Hearing and shall notify the alleged violator of the date and time.

3. Failure of the alleged violator to timely request a Fine Hearing or failure to participate in such Fine Hearing shall render the fine “due and owing” and a Fine Invoice shall be issued for payment within thirty (30) days.

First time offenses for the violation of water restrictions would include a minimum \$100 fine plus an outdoors watering ban for a period of one week. Further offenses within any two-year period would include a minimum \$300 fine plus an outdoor watering ban. Serial offenders with more than two fines in a two-year period would have a flow restrictor installed.

The board will also set policy for payments of fines and water usage charges, and policies for emergency water shutoff actions. When the operations manager finds water lines broken on residence properties or extreme water usage violations, LISECC has the authority to disconnect service. The fee for reconnection of services will be \$100.00. Payment of water related fines and service charges would be handled according to established LISECC collection practices.

5.4.4.5 EXCEPTIONS TO RESTRICTIONS

Notwithstanding the authority granted by this regulation, any order imposing restrictions in the use of water shall not apply to any person obtaining water from sources other than the public water supply, unless it can be clearly shown that the use of such water directly affects the public water supply. Written notice restricting the use of such water shall be given to the person in control of the same, and may be effective forthwith.

5.4.4.6 PENALTIES

Any person failing to comply with restrictions noted in article 5.4.4.2 of these regulations shall be subject to a fine of **\$100 per day for first time violations. Further violations occurring within any two-year period will result in a fine of \$300 per day.** Recovered penalties shall inure to LISECC for such uses as the Board of Directors may direct. In addition to the foregoing penalties, LISECC is authorized to discontinue the furnishing of water where orders and restrictions have been violated. Such discontinuance shall be continued so long as there is evidence that the violations have not been corrected or will continue.

Households that are serial offenders, having multiple violations within any two-year period, may be subject to the installation of a flow restrictor. This device will be installed by LISECC at the household water meter or connection and will limit the flow to approximately 2.5 gallons per minute. The flow restrictor will substantially reduce the flow rate to the household. However, its installation will not affect household appliances (dishwashers, washing machines etc) if they are not used concurrently. Restrictors will only be installed for 30 days, but may be reinstalled if the household continues to violate water restrictions. The resident will be responsible for the cost on installing and removing of flow restrictors, at a cost of \$450 for the first offense, and \$1,000 for additional offenses.

Significant fines apply to residents who tamper with the meter and flow restrictor. Such fines will not be less than \$450, plus the cost of equipment or repairs.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

5.4.4.7 NOTICE AND IMPOSITION OF FINE

1. The Board appoints its Water Committee as the representative for LISECC to impose a fine and to hold a hearing on such fine (Fine Hearing). Notice of proposed fines for violations of the Rules may be issued by Chair to the alleged violator. The Fine Notice shall be sent via certified mail to the alleged violator at the address on file with LISECC.
2. The proposed fine set forth in the Fine Notice shall become final unless the alleged violator timely requests a Fine Hearing with the Chair of the Water Committee. Any such request must be received by LISECC within fourteen (14) days after the issuance date of the Fine Notice. The request must propose three days for a meeting with the Chair, which meeting shall be held not later than forty (40) days following the date of the Fine Notice. Such meeting can be held in person or by telephone, at the option of the alleged violator. Upon receipt of the request for a Fine Hearing, the Chair shall select one of the days proposed for the Fine Hearing and shall notify the alleged violator of the date and time.
3. Failure of the alleged violator to timely request a Fine Hearing or failure to participate in such Fine Hearing shall render the fine “due and owing” and an invoice shall be issued for payment within fourteen (14) days (Fine Invoice).

5.4.4.8 APPEAL OF FINE INVOICE

1. The alleged violator may appeal the Fine Invoice to the Board of Directors so long as a written appeal is received by LISECC within fourteen (14) days of the date of the Fine Invoice. Any appeal shall briefly describe the basis for the appeal, the witnesses to be called and the relief requested. Failure of the alleged violator to strictly comply with this provision shall constitute a waiver of the member’s right to appeal the Fine Invoice.
2. If an appeal request is complete and timely received, the Board of Directors will schedule the appeal hearing for the next Board meeting, which is at least 10 days in advance. If the hearing cannot be held on that date or must be continued due to lack of quorum, inclement weather or any other reason, the appeal hearing shall be continued to the following Board meeting.
3. The member may pay the Fine Invoice prior to the appeal hearing in order to avoid interest charges. If the fine is overturned at the appeal hearing, the amount paid by the member will be refunded without interest.
4. At the appeal hearing the alleged violator will be entitled to present relevant evidence and witness testimony. All witnesses shall take an oath to tell the truth before testifying. The Board may interrogate the alleged violator and any witnesses called on behalf of the member. Sworn affidavits may also be submitted by the member, but live witness testimony shall be preferable.
5. The Board will issue a ruling within ten (10) days of the appeal hearing. The ruling need not include findings of fact or conclusions. The Board’s ruling will be final.

5.4.4.9 ENFORCEMENT

1. Interest will accrue at the rate of 12% per annum on any fine from the due date established in the Fine Invoice.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

2. LISECC may record a claim of lien against the lot(s) of any member who fails to timely pay a Fine Invoice, regardless of whether an appeal has been timely requested. However, no lien will be filed if the member has paid the Fine Invoice pending the appeal hearing.
3. The claim of lien may be foreclosed in the manner of a mortgage on real property, and in such foreclosure action, LISECC shall be entitled to an award of its attorneys' fees and costs, including the cost of a report, all collection costs and foreclosure expenses.

ARTICLE 5.4.5.<sup>18</sup>      ONSITE SEPTIC SYSTEMS

The following LISECC rules and regulations address the state and county mandates concerning Onsite Septic Systems.

5.4.5.1.      ONSITE SEPTIC SYSTEMS IN GENERAL

All Onsite Septic Systems (OSS) must comply with state law, county ordinance, and any governmental or quasi-governmental agency rules or regulations. Compliance includes construction, maintenance, and inspection as outlined in Washington Administrative Code (WAC) 246-272. Inspections must meet Whatcom County requirements for OSS systems.

5.4.5.2.      SANITARY CONTROL AREA

Because clean water is the lifeblood of any community, LISECC must, by state ordinance, protect its source water from contamination. A Sanitary Control Area (SCA) surrounds both our lakes. It is incumbent upon LISECC to ensure that land uses and activities in this control area do not threaten our drinking water. All homes, properties, and roads adjacent to the lakes are part of the SCA. Further, all homes, properties, and roads located on the slope whose runoff eventually reaches the lakes are also part of the SCA. Owners of these properties, as well as individuals who utilize these areas in any capacity, must fulfill certain obligations as required by law. Preventing contamination of source water is of the highest priority. Owners whose property sits entirely or partially within the SCA must perform the following actions:

1. Inspect their septic systems annually and submit the results to Lummi Island Scenic Estates Community Club. Results must be submitted to the LISECC on or before June 30 each year.
2. Provide adequate, fail-safe storage for hazardous materials such as gasoline or diesel fuel, oil of any type, cleaning products, pesticides, herbicides, and fertilizers.
3. Refrain from using residential or commercial sprays such as the above-referenced pesticides, herbicides, and fertilizers.

5.4.5.3.<sup>19</sup>      ANIMAL WASTE WITHIN THE SANITARY CONTROL AREA

All owners and visitors must prevent animal waste where possible and remove any that may be deposited in the Sanitary Control Area. All individuals are reminded not to feed deer or other wild mammals, as this action increases the concentration of these animals and their waste. Pets are prohibited in the Cabana/lake area, and all individuals are asked to refrain from walking their pets along Dogwood Terrace, Rosewood Terrace, and Carol Lane, as these roads are part of the SCA. Keeping of any animal of the species, horse, mule, ass, cattle, sheep, goat, pig,

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<sup>18</sup> Article 5.4.5 inserted November 2021

<sup>19</sup> Revised 23 March 2024

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

chicken, and exotic animals within the SCA is prohibited. **Any ruminants or livestock that are kept in the SCA will result in a fine of \$50 per day per ruminant or livestock, until the animal or animals are removed.**

5.4.5.3.1.<sup>20</sup> USE OF SHEEP, GOATS, CATTLE, OR OTHER RUMINANTS FOR PROPERTY MAINTENANCE

Owners may use ruminants (grazing animals such as sheep, goats, cattle, etc.) on a temporary basis to mitigate noxious or unsightly vegetation for up to 30 days so long as the animals are confined within a fence of sufficient height and strength in such a manner that they cannot get upon any street or commit any nuisance to neighboring properties. Animals must be removed after this time period. The animals must be kept in a healthy condition by the persons owning or possessing them. Failure to adhere to time limitations and/or humane treatment may result in a fine of \$50 per day per animal, up to \$100 per day per animal for repeat or egregious infractions. Any infractions will be reported to animal control. **The property owner will be responsible for all fines and any damage to the adjoining properties caused by the animals. Note: Ruminants may not be used within any area designated as a Sanitary Control Area and will be subject to the same schedule of fines.**

5.4.5.4. INSPECTIONS

Washington Administrative Code WAC 246-272-270 stipulates that OSS owners must, “Assure a complete evaluation of the functionality, maintenance needs and compliance with regulations and any permits” and submit the results to the Lummi Island Scenic Estates Community Club on or before June 30 of their inspection cycle:

- i) At least once every three years for all systems consisting solely of a septic tank and gravity subsurface soil absorption system (SSAS);
- ii) Annually for all other systems unless more frequent inspections are specified by the local health officer. [note: Sanitary Control Area systems fall under this part of the statute]

Owners who fail to submit inspection results in a timely manner may incur fines or other sanctions.

SECTION 5.5. LAND MANAGEMENT

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ARTICLE 5.5.1. SHOOTING, HUNTING AND TRAPPING

- 5.5.1.1. It is unlawful to discharge firearms within the Estates or to shoot within one mile of any Whatcom County road. Reports should be made to the Sheriff - 911; and the LISE Operations Manager.
- 5.5.1.2. No hunting, trapping or taking of wildlife in any form will be tolerated. Members are to call 911 (who will relay to the game warden) immediately of any violation and are to notify the Operations Staff on duty.

ARTICLE 5.5.2. MEMBERS' RESPONSIBILITIES

- 5.5.2.1. Members are obligated to know the boundaries of their property and to keep all improvements within the legal setbacks.
- 5.5.2.2. Members are to keep watercourses through their property, as well as roadway ditches in front of their property, clear and open at all times.
- 5.5.2.3. Members are at all times to keep all trees and brush cut back alongside and over the roadway bordering their property.

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<sup>20</sup> Clause inserted 23 March 2024



Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- 5.5.2.4. Members are not to cut, uproot or take trees, shrubs and plants and/or to remove rock, dirt or any other soil material from any property -- lots, easements or private roads -- without the affected property owner's written permission.
- 5.5.2.5. Members are not to dump or discard trees, shrubs, plants, rocks, soil, garbage, trash or any other unwanted material onto any property without the affected property owner's written permission.
- 5.5.2.6. All fires must comply with the state and county fire and pollution regulations. Burning permits are required from either or both agencies.
- 5.5.2.7. No one who has not obtained permission from the Club's Board of Directors shall be permitted to enter onto any Club property or private roadway to do any work; any resulting damage shall be charged back to the Member.
- 5.5.2.8. No ditch may be blocked for any reason at any time. A revocable encroachment permit is required by Whatcom County for all tiles and culverts laid in county ditches.
- 5.5.2.9. Deleted.
- 5.5.2.10. Flagrant or repeated violations of the Rules and Regulations set out in Part 5 of these Rules and Regulations will result in the offending owner(s) being fined and remedial steps taken by the Board of Directors. The Board of Directors also may charge for damages to Club or private property and the costs of repair or replacement required to restore said property. Fines and charges will be levied in accordance with Section 4.2.1.5. and 4.5.1.4. of the Bylaws.
- 5.5.2.11. Members and their guests use Club facilities entirely at their own risk. The Club, its Board of Directors and its employees assume no responsibility for members or their guests' usage of Club facilities or for property brought thereon.

SECTION 5.6.<sup>21</sup> THE GENERAL MANAGER

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<sup>22</sup>The General Manager is a Part Time salaried/non-exempt position reporting to and working at the direction of the Board of Directors. Compensation is based upon a part time status of 0.6 FTE and is set by the Board of Directors. Work schedule is determined by job needs and may include occasional weekends, evenings and holidays. Benefits are described in the current LISECC Personnel Policy Manual.

ARTICLE 5.6.1. AUTHORITY

- 5.6.1.1. The General Manager is hired by and responsible to the Board of Directors in accordance with the authority contained in the Bylaws, Part 4, Clause 4.4.2.2. In the absence of an employed General Manager, the President of the Board of Directors, or delegates of the President, shall assume the responsibilities and perform the duties of the General Manager.
- 5.6.1.2. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall carry out all the directions of the Board of Directors, whether issued orally or in writing, and shall be supervised in the performance of duties by the President. Insofar as the duties concern finance, supervision shall be through the Chair of the Finance Committee or designee.
- 5.6.1.3. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall be the direct voice of the Board of Directors in carrying out their wishes but shall also convey written communication from members to the Board's attention.

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<sup>21</sup> Inserted 7 April 2002 (Entire Section 5.6), Revised and renumbered January 2009

<sup>22</sup> Summary inserted 30 January 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

5.6.1.4. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall serve as the Managing Administrator, with responsibility for planning, administration and management of the organizations routine activities and personnel.

5.6.1.5. The General Manager (or the President's delegates) shall not exercise any punitive action without specific direction from the Board of Directors.

ARTICLE 5.6.2. RESPONSIBILITIES

5.6.2.1. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall ensure that all policies and instructions developed by the Board of Directors are properly implemented.

5.6.2.2. In consultation with the Board of Directors, the General Manager (or in the absence of an employed General Manager, the President or the President's delegates), shall: plan, supervise and manage the normal affairs of the organization; interface with the membership, and supervise and evaluate all personnel.

5.6.2.3. Under the guidance of the Board of Directors act as a representative and spokesperson for Scenic Estates to the public, government agencies, staff, and membership.

5.6.2.4. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall be the point of contact for queries regarding the Rules and Regulations and interpretation.

5.6.2.5. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) supports the operation and administration of the Board by advising and informing Board members, and interfacing between Board and staff.

5.6.2.6. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall report all apparent lack of compliance within Scenic Estates of Bylaws or applicable codes or laws of the county, state or federal governments to the Board or its designated chair.

ARTICLE 5.6.3. DUTIES

- 5.6.3.1. (1) Assist in the preparation and monitoring of the annual budget.
- (2) Financial accounting activities to ensure entry and statement preparation for monthly reporting.
- (3) Assemble and distribute all communications to membership and others.
- (4) Maintain records, requests, regulations and violations of compliance codes.
- (5) Attend Board and other meetings as required.
- (6) Provide information to the Board of Directors as needed.
- (7) Update and distribute changes to Scenic Estates Rules and Regulations.
- (8) Point of contact with corporate attorney.
- (9) Maintain all corporate and accounting files in accordance with law.
- (10) Prepare and distribute quarterly newsletter to members.
- (11) Record, prepare and distribute minutes of monthly Board and Annual General Meetings.
- (12) Other duties as changing circumstances might dictate or as directed by the Board of Directors.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

ARTICLE 5.6.4. REPORTS

- 5.6.4.1. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall submit a report on any subject when requested to do so by the Board of Directors, President or Finance Chair.
- 5.6.4.2. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall immediately notify the President of any unusual condition prevailing or damage to any property or equipment owned by the Community Club.

ARTICLE 5.6.5. COMPENSATION

- 5.6.5.1. The General Manager shall receive from the Community Club a salary for the proper execution of the authority and duties of this office. The amount shall be set by the Board of Directors. In the absence of an employed General Manager, in the instance when the responsibilities ordinarily assumed by an Employee General Manager are delegated by the President to a non-Board of Directors Member, compensation may be determined and paid as deemed necessary by the President. However Board of Director Members who are also delegated (General Manager) responsibilities will not be compensated.
- 5.6.5.2. The General Manager shall receive paid vacation upon completion of one full year of employment. The vacation period shall be consistent with the Personnel Policy Handbook of LISECC and arranged for by consulting and receiving the consent of the Board of Directors.

ARTICLE 5.6.6. REVIEW AND CHANGE

- 5.6.6.1. Section 5.6. shall be reviewed annually by the Board of Directors of the Lummi Island Scenic Estates Community Club or more frequently as deemed necessary by that body or if a review is requested by the General Manager.
- 5.6.6.2. Section 5.6. may be changed by the majority vote of the members of the Board of Directors present at any meeting properly constituted to do business.
- 5.6.6.3. Section 5.6. in its entirety shall be considered a condition of employment of the General Manager and shall be reviewed from time to time by the Board of Directors.

SECTION 5.7.<sup>23</sup> THE OPERATIONS MANAGER

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ARTICLE 5.7.1. AUTHORITY

- 5.7.1.1.<sup>24</sup> The Operations Manager is hired by the Board of Directors in accordance with the authority contained in the Bylaws, Part 4, Clause 4.4.3.6. The Operations Manager shall be responsible to the General Manager (or in the absence of an employed General Manager, the President or the President's delegates).
- 5.7.1.2.<sup>2</sup> The Operations Manager shall carry out all the directions of the General Manager (or in the absence of an employed General Manager, the President or the Presidents delegates), whether issued orally or in writing, and shall be supervised in the performance of duties by the General Manager (or in the absence of an employed General Manager, the President or the President's delegates).
- 5.7.1.3.<sup>2</sup> The Operations Manager shall notify all persons in violation of the Rules and Regulations, and of any other directives, and request their immediate compliance. The Operations Manager shall notify the General Manager (or in the absence of an employed General Manager, the President or the President's delegates) of all violations and of the action taken

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<sup>23</sup> Renumbered 7 April 2002, January 2009

<sup>24</sup> Revised 20 January 2002, January 2009

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

to require compliance. The Operations Manager shall also report all apparent lack of compliance.

5.7.1.4.<sup>2</sup> The Operations Manager shall not exercise any punitive action, beyond that of expulsion from Community Club properties, without specific directions from the General Manager (or in the absence of an employed General Manager, the President or the President's delegates). The Operations Manager shall request aid from proper authorities to enforce expulsion if anyone should refuse to leave promptly.

5.7.1.5.<sup>2</sup> The Operations Manager shall notify the proper authorities of any apparent violation of any ordinance, code or criminal law and request that an investigation by these authorities be conducted immediately. The General Manager (or in the absence of an employed General Manager, the President or the President's delegates) shall be immediately notified of such apparent violations.

ARTICLE 5.7.2. RESPONSIBILITIES

5.7.2.2.<sup>2</sup> A member of the Operations staff will patrol the entire Scenic Estates at least once a day and additionally at the discretion of the General Manager (or in the absence of an employed General Manager, the President or the President's delegates), depending upon the season, circumstances or ongoing work.

5.7.2.3. The Operations Manager shall supervise the use of all facilities, in particular, the lake, cabana, clubhouse, beaches and docking facilities, to ensure that proper use is being made of each facility. Violators are to be notified immediately and requested to leave if failure to comply with the Rules and Regulations is not prompt.

5.7.2.4. All unknown persons encountered within the Scenic Estates, whether on Community Club property or private property, should be checked to determine if they are authorized guests, with a current member or have bona fide business to conduct. All unauthorized persons shall be requested to leave after their names, addresses, and license numbers have been recorded. Report to owner if incident is serious and keep a record for referral.

5.7.2.5. The Operations Manager shall maintain all Community Club facilities in a clean, neat, and presentable condition at all times. This shall include the clubhouse, cabana, firehall shop, entrance garden, garden adjacent to the clubhouse, beach areas (free of debris, logs, drift, etc.), all Community Club roadways (including fallen trees, brush, etc.), and any other areas owned by the Community Club on which litter and debris would create an eyesore.

ARTICLE 5.7.3. DUTIES

5.7.3.1. Daily Duties

- (1)<sup>25</sup> Maintenance rounds and monitor the Treatment plant in accordance with Department of Health, Division of Drinking Water rules and regulations and maintain all water appurtenances as required by Department of Health, Division of Drinking Water.
- (2)<sup>1</sup> Look for leaks in water system; be prepared to isolate any major break in water main; and repair in accordance with Department of Health, Division of Drinking Water rules and regulations.
- (3) Keep swimming lake overflow clear.
- (4) See that toilets and wash basins in clubhouse and cabana are clean, functional, and stocked.
- (5) Open and secure clubhouse and cabana in accordance with club rules.
- (6) See that non-members (other than accompanied guests) do not use club facilities.

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<sup>25</sup> Revised 20 January 2002

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

5.7.3.2. As-Required Duties

- (1) Mow grass.
- (2) Do painting.
- (3) Keep roofs and gutters of club buildings clean.
- (4) Maintain floats in both lakes and at marine facilities.
- (5) Place Club's garbage containers out for pick up.
- (6) Maintain other club-owned equipment.
- (7) See that members comply with rules for use of club facilities.
- (8) Winterize facilities.
- (9) Keep clubhouse, including floors and windows, clean.
- (10) Keep boat ramp clean of moss and barnacles.
- (11) Keep shrubbery at clubhouse area clean and pruned.
- (12) Keep trees along club-owned roads trimmed back.
- (13) Provide firewood in Clubhouse for Club activities.
- (14)<sup>1</sup> Others as changing circumstances might dictate or as directed by the General Manager.

ARTICLE 5.7.4. REPORTS

- 5.7.4.1.<sup>1</sup> The Operations Manager shall submit a special report on any subject when requested to do so by the General Manager (or in the absence of an employed General Manager, the President or the President's delegates).
- 5.7.4.2.<sup>1</sup> The Operations Manager shall immediately notify the General Manager (or in the absence of an employed General Manager, the President or the President's delegates) of any unusual condition prevailing or damage to any property or equipment owned by the Community Club.
- 5.7.4.3. The Operations Manager shall make every effort to notify members of any unusual condition or damage to their private property, which damage or condition may be eliminated or lessened by early knowledge and action by the member.

ARTICLE 5.7.5. COMPENSATION

- 5.7.5.1.<sup>26</sup> The Operations Manager shall receive from the Community Club a salary for the proper execution of the authority and duties of this office. The amount shall be set by the Board of Directors.
- 5.7.5.2.<sup>1</sup> The Operations Manager shall receive paid vacation upon completion of one full year of employment consistent with the Personnel Policy Handbook of LISECC. The vacation period shall be arranged for by consulting and receiving the consent of the General Manager (or in the absence of an employed General Manager, the President or the President's delegates).
- 5.7.5.5. The Operations Manager shall be provided with a suitable vehicle for the purpose of patrol or business, and shall keep it properly maintained and in a good state of repair. If a Community Club vehicle is not provided, the Club shall reimburse the Operations Manager for the use of any private vehicle so used.

ARTICLE 5.7.6. REVIEW AND CHANGE

- 5.7.6.1. Section 5.7.<sup>27</sup> shall be reviewed annually by the Board of Directors of the LISECC or more frequently as deemed necessary by that body or if a review is requested by the Operations

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<sup>26</sup> Revised 20 January 2002

<sup>27</sup> Changed from Section 5.6 to Section 5.7 for consistency, 30 January 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

Manager.

- 5.7.6.2. This entire Section 5.7.<sup>28</sup> shall apply in substance and equally to any Operations Staff that may be employed from time to time by the Board of Directors.
- 5.7.6.3. Section 5.7.<sup>29</sup> may be changed by the majority vote of the members of the Board of Directors present at any meeting properly constituted to do business.
- 5.7.6.4. Section 5.7.<sup>30</sup> in its entirety shall be considered a condition of employment of the Operations Manager and Operations Staff and shall be reviewed from time to time by the Board of Directors.

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SECTION 5.8.<sup>31 32</sup> ASSISTANT OPERATIONS MANAGER

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ARTICLE 5.8.1. PAY STRUCTURE AND LINE OF AUTHORITY

- 5.8.1.1 TheAssistant Operations Manager is hired by and responsible to the Board of Directors in accordance with authority contained in Bylaws, Part 4, Clause 4.4.2.2.
- 5.8.1.2 Full time hourly position reporting to and working at the direction of the Board of Directors and is supervised by the Operations Manager. Compensation may be set by the Board of Directors and benefits as described in current LISECC Personnel Policy Manual. Ferry fares for official LISECC business will be reimbursed by LISECC.

ARTICLE 5.8.2. SCHEDULE

- 5.8.2.1 Pay is based on satisfactory performance of the job, as well as specific hours worked due to the nature of the position and the responsibility for the LISECC water treatment plant. Vacation and holiday time off must be coordinated with the Operations manager to ensure consistent 24/7 “on call” coverage.

ARTICLE 5.8.3. PRINCIPAL REQUIREMENTS AND RESPONSIBILITIES

- 5.8.3.1. Management of Water System
  - (a) Maintain licensing certification as Washington State Water Treatment Plant Operator Level II, Water Distribution Manager I,
  - (b) Develop, implement and document a Cross Connection Control Plan to meet state requirements by the statutory deadline. Cross train the Operations Manager in its implementation.
  - (c) Lead research and application of best practices in water analysis to develop optimal treatment processes in the current plant. Maintain water quality testing and document protocols. Document new practices and cross train the Operations Manager in their application.
  - (d) Ensure that all LISECC water system related permits and licenses are kept current.
  - (e) Responsible for following all regulations and procedures outlined in LISECC Small Water System Manual.
  - (f) Ensure all daily operation and maintenance activities are completed in accordance with acceptable public health practices and water industry standards.
  - (g) Perform water quality monitoring, maintain adequate records and take follow-up action, as necessary, to comply with state and federal drinking water regulations.

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<sup>28</sup> Changed from Section 5.6 to Section 5.7 for consistency, 30 January 2022

<sup>29</sup> Changed from Section 5.6 to Section 5.7 for consistency, 30 January 2022

<sup>30</sup> Changed from Section 5.6 to Section 5.7 for consistency, 30 January 2022

<sup>31</sup> Administrator (5.8 and subsections) deleted, inserted 5.8 Project Manager and subsections 30 January 2022

<sup>32</sup> Project Manager (5.8 and subsections) deleted, inserted 5.8 Assistant Operations Manager and subsections 23 March 2024

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- (h) Implement preventative maintenance program; inspect treatment and other system components for malfunction; keep complete detailed records; make necessary repairs.
  - (i) Analyze recording instrument readings and laboratory tests; determine site of any malfunction, adjust treatment processes as appropriate.
  - (j) Make “on-the-spot” decisions as appropriate with regard to maintenance and repair of LISECC water treatment plant and water distribution system; provide timely communication of emergency situations to LISE President and Operations Committee Chair.
  - (k) Communicate and defer non-emergency maintenance situations that have potential to exceed current year’s line item budget limits to BOD for decision making.
  - (l) Conduct security inspections of storage tanks, reservoir and dams on a daily basis.
  - (m) Act as backup contact individual for: Office of Drinking Water, Department of Health, Department of Ecology, Department of Dam Safety, and any other County, State or Federal agency which has interaction or oversight of LISECC water system.
  - (n) Interface with LISECC contracted outside Vendors for weekly/monthly/quarterly testing procedures and report preparation.
- 5.8.3.2. Interaction with Operations Manager
  - (a) Weekly cross-training on Operations Manager’s administrative and reporting functions to ensure staff is fully able to perform all duties in event of Manager’s sickness/vacation/holiday leave.
  - (b) Safeguard against injury and equipment damage through use of industry best practices and proper procedures.
  - (c) Provide weekly payroll hours report to Operations Manager for review.
- 5.8.3.3. Record Keeping
  - (a) Record and maintain a Leak Log.
  - (b) Maintain ongoing list of maintenance/repair projects.
  - (c) Prepare and record water system tests (per attached list).
  - (d) Monitor renewal dates on LISECC water system licenses and ensure appropriate action taken.
  - (e) Ensure the new water hook-ups are accurately communicated to Office Manager for billing purposes.
  - (f) Maintain organized filing system. Copies of all reports/field notes/”as built drawings”/data files/maintenance logs to be maintained as hard copy or back-up computer files and available for BOD review upon request.
  - (g) Maintain current updated LISE Plat Map and LISE Distribution System Map in LISECC office for viewing by BOD and LISECC Members.
  - (h) Annually prepare, maintain and present to the Board an annual work plan with estimated expense projections for budget preparation.
  - (i) Communicate periodically (weekly to Board chairs, monthly to the Board, and as needed) the status of ongoing projects. Provide reports when requested for inclusion in the newsletter and LISECC website.
- 5.8.3.4. Customer Service

Exercise excellent customer service by responding to LISECC member communications; maintaining harmonious relationships with members, staff and Board; noting and reporting to the Board non-compliant community behavior.
- 5.8.3.5. Project Management
  - (a) Lead technical efforts and long-term planning in the replacement of the current water treatment plant. Serve as the point of contact to manage and report on the work product and progress of contractors engaged by the Board of Directors.
  - (b) Interface with State regulatory agencies during planning and construction. Create and document Standard Operating Procedures associated with a new treatment plant.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- Research and make recommendations to the Board to maximize water quality and distribution capacity.
  - (c) Expenditure authority as may be set by the Board of Directors from time to time.
- 5.8.3.6. Additional duties as may be assigned by the Board President/General Manager.
- ARTICLE 5.8.4. REVIEW AND CHANGE
  - 5.8.4.1. Section 5.8 shall be reviewed annual by the Board of Directors of the Lummi Island Scenic Estates Community Club or more frequently as deemed necessary by that body or if a review is required.
  - 5.8.4.2. Section 5.8 may be changed by the majority vote of the members of the Board of Directors present at any meeting properly constituted to do business.
  - 5.8.4.3. Section 5.8 in its entirety shall be considered a condition of employment of the Assistant Operations Manager and shall be reviewed from time to time by the Board of Directors.
- SECTION 5.9.<sup>33</sup> OFFICE MANAGER

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- ARTICLE 5.9.1. AUTHORITY
  - 5.9.1.1. The Office Manager position is a position retained as outside services and is retained by the Board of Directors in accordance with authority contained in Bylaws, Part 4, Clause 4.4.2.2.
  - 5.9.1.2. The Office Manager shall carry out the directions of the Board of Directors, whether issued orally or in writing, and shall be supervised in the performance of duties by the Operations Manager.
- ARTICLE 5.9.2. COMPENSATION
  - 5.9.2.1. The Office Manager position is an hourly position, 20 hours per week, and tracking of hours is required. Benefits are as described in the current LISECC Personnel Policy Manual. Ferry fares for LISECC business travel will be reimbursed by LISECC.
- ARTICLE 5.9.3. OFFICE HOURS
  - 5.9.3.1. The Office Manager will maintain regularly scheduled office hours at the Scenic Estates business office adjacent to the Treatment Plant. Weekly work schedule, vacation and holiday time off must be coordinated with and approved by Operations Manager.
- ARTICLE 5.9.4. DUTIES AND PRINCIPAL RESPONSIBILITIES
  - 5.9.4.1. MAINTAIN GENERAL LEDGER
    - (a) Issue invoices for annual member dues/DWSRF loan/basic connection fee.
    - (b) Issue bimonthly invoices for water usage based on meter readings.
    - (c) Post payments received.
    - (d) Review and record GL codes on all income and expense items.
    - (e) Review monthly payroll hours report, submit to Treasurer/President for approval. Once approved, submit for payment via Intuit.
    - (f) Calculate and post late fees and finance charges on delinquent member accounts.
    - (g) Complete month-end posting and deliver laptop to outside accountant for close-out.
  - 5.9.4.2. BANKING
    - (a) Prepare daily bank deposits; scan checks for deposit or deliver deposit as appropriate.
    - (b) Pay bills using online bill pay banking system, once approved by Treasurer/President.
    - (c) Transfer funds from Operations account to DWSRF loan account monthly.
    - (d) Submit annual DWSRF loan payment in September.

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<sup>33</sup>Bookkeeper (5.9 and subsections) deleted, inserted 5.9 Office Manager and subsections 30 January 2022



Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- (e) Transfer funds between Operations and Reserve accounts as directed by President.
- (f) Monitor employee credit card account and transfer money from Operations as appropriate, once approved.
- (g) Monitor renewal dates on LISECC Certificates of Deposit and provide timely details to Treasurer/Finance Chair for renewal decision.

5.9.4.3 RECORD KEEPING & REPORTING

- (a) Prepare and file Labor & Industries quarterly report and payment.
- (b) Submit the Non-Profit Annual Renewal to the WA Secretary of State.
- (c) Submit materials to accountant in January for preparation of IRS tax return.
- (d) Review delinquent account aging report monthly and email to Treasurer/Finance Chair with copies of new Lien Warning letters and Water Shut-Off Warning letters for review.
- (e) Assist members with preparation and submission to the BOD of payment plan requests.
- (f) Submit new liens to attorney for placement, confirm lien release requests on paid-up accounts with attorney.
- (g) Respond to title/escrow company payoff quotes on pending sale transactions.
- (h) Send out “Welcome Letters” to new owners.
- (i) Handle member Clubhouse rental requests.

5.9.4.4 CUSTOMER SERVICE

The Office Manager will:

- (a) Receive and respond appropriately to LISECC member’s communications via phone, email, mail, and in person (during Island office hours).
- (b) Maintain harmonious relationship with LISECC members, LISECC Operations staff and LISECC BOD.

5.9.4.5 ADMINISTRATIVE SUPPORT OF BOARD OF DIRECTORS (BOD)

The Office Manager will:

- (a) Perform functions of Executive Secretary with duties as determined by the Board and as designated in bylaw section 4.4.3.5.
- (b) Ten days prior to Board Meeting, prompt BOD to provide agenda items and materials. Prepare monthly BOD meeting packets and distribute to BOD members.
- (c) Attend Board Meetings (generally 2 hours on 3rd Sunday of each month) to take minutes.
- (d) Prepare and distribute by email meeting minutes to BOD for approval, within 3 business days of meeting.
- (e) Post approved BOD minutes and Operations report to bulletin board at Clubhouse.
- (f) Prepare and mail member packet prior to Annual General Meeting (AGM).
- (g) Organize AGM Election Committee to handle registration/sign-in/vote counting; attend AGM and take minutes.

5.9.4.6 BYLAWS/POLICIES/RULES AND REGULATIONS

- (a) Provide feedback to BOD regarding appropriate changes to Bylaws/Policies/Rules and Regulations.
- (b) Maintain current updated manuals in LISECC office for viewing by LISECC Members.

5.9.4.7 MAIL

The Office Manager will:

- (a) Sort and date-stamp incoming mail.
- (b) Draft correspondence as requested by LISECC Board President.
- (c) Forward incoming member correspondence to BOD as received or in monthly BOD packet as appropriate.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

ARTICLE 5.9.5. COMPENSATION

- 5.9.5.1. The Office Manager shall be paid by a flat rate from the Community Club for the proper execution of the authority and duties of this position. The amount shall be set by the Board of Directors.

ARTICLE 5.9.6. REVIEW AND CHANGE

- 5.9.6.1. Section 5.9. shall be reviewed annual by the Board of Directors of the Lummi Island Scenic Estates Community Club or more frequently as deemed necessary by that body or if a review is required.
- 5.9.6.2. Section 5.9. may be changed by the majority vote of the members of the Board of Directors present at any meeting properly constituted to do business.
- 5.9.6.3. Section 5.9. in its entirety shall be considered a condition of contract of the Office Manager and shall be reviewed from time to time by the Board of Directors.

SECTION 5.10<sup>34</sup>. OPERATIONS STAFF

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ARTICLE 5.10.1. AUTHORITY

- 5.10.1.1 The Operations Staff position is retained by the Board of Directors in accordance with authority contained in Bylaws, Part 4, Clause 4.4.2.2.
- 5.10.1.2. The Operations Staff shall carry out the directions of the Board of Directors, whether issued orally or in writing, and shall be supervised by the Operations Manager.

ARTICLE 5.10.2. PAY STRUCTURE

- 5.10.2.1. The Operations Staff position is a Part Time Hourly position. Benefits are as described in the current LISECC Personnel Policy Manual. Ferry fares for official LISECC business will be reimbursed by LISECC.

ARTICLE 5.10.3. OFFICE HOURS

- 5.10.3.1. Pay is based on satisfactory performance of job, as well as specific hours worked due to the nature of this position and the responsibility for the LISECC water treatment plant. Vacation and Holiday time off must be coordinated between Operations Manager and Operations Staff to ensure consistent 24/7 “on-call” coverage.

ARTICLE 5.10.4. PRINCIPAL DUTIES AND RESPONSIBILITIES

- 5.10.4.1. Management of Water System
- (a) Maintain licensing/certification as Washington State Water Treatment Plant Operator Level II and Water Distribution Manager I.
  - (b) Ensure that all LISECC water system related permits and licenses are kept current.
  - (c) Responsible for following all regulations and procedures outlined in LISECC Small Water System Manual.
  - (d) Ensure all daily operation and maintenance activities are completed in accordance with acceptable public health practices and water industry standards.
  - (e) Perform water quality monitoring, maintain adequate records and take follow-up action, as necessary, to comply with state and federal drinking water regulations.
  - (f) Implement preventative maintenance program; inspect treatment and other system components for malfunction; keep complete detailed records; make necessary repairs.
  - (g) Analyze recording instrument readings and laboratory tests; determine site of any malfunction; adjust treatment processes as appropriate.

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<sup>34</sup> Inserted 5.10 Operations Staff and subsections 30 January 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- (h) Make “on-the-spot” decisions as appropriate with regard to maintenance and repair of LISECC water treatment plant and water distribution system; provide timely communication of emergency situations to LISE President and Operations Committee Chair.
- (i) Communicate and defer non-emergency maintenance situations that have potential to exceed current year’s line item budget limits to BOD for decision making.
- (j) Conduct security inspections of storage tanks and reservoir on a daily basis.
- (k) Act as backup contact individual for: Office of Drinking Water, Department of Health, Department of Ecology, Department of Dam Safety, and any other County, State or Federal agency which has interaction or oversight of LISECC water system.
- (l) Interface with LISECC contracted outside Vendors for weekly/monthly/quarterly testing procedures and report preparation.

5.10.4.2. Interaction with Operations Manager

- (a) Weekly cross-training on Operations Manager’s administrative and reporting functions to ensure staff is fully able to perform all duties in event of Manager’s sickness/vacation/holiday leave.
- (b) Safeguard against injury and equipment damage through use of industry best practices and proper procedures.
- (c) Provide weekly payroll hours report to Operations Manager for review.

5.10.4.3. Record Keeping

- (a) Weekly cross-training on Operations Manager’s administrative and reporting functions to ensure staff is fully able to perform all duties in event of Manager’s sickness/vacation/holiday leave.
- (b) Record and maintain a Leak Log.
- (c) Maintain ongoing list of maintenance/repair projects.
- (d) Prepare and record water system tests (per attached list).
- (e) Monitor renewal dates on LISECC water system licenses and ensure appropriate action taken.
- (f) Ensure that new water hook-ups are accurately communicated to Office Manager for billing purposes.
- (g) Maintain organized filing system. Copies of all reports/field notes/ “as built drawings”/data files/ maintenance logs to be maintained as hard copy or back-up computer files and available for BOD review upon request.
- (h) Maintain current updated LISE Plat Map and LISE Distribution System Map in LISECC office for viewing by BOD and LISECC Members.

5.10.4.4. Customer Service

- (a) Receive and respond appropriately to LISECC member’s communications via phone, email, mail and in person (during Island office hours).
- (b) Maintain harmonious relationship with LISECC Members, LISECC Operations Manager and LISECC BOD.

5.10.4.5. Administrative Support of Board of Directors (BOD)

- (a) Provide ongoing list of maintenance/repair projects and report on current status.

5.10.4.6. Bylaws/Policies/Rules and Regulations

- (a) Provide feedback to BOD regarding appropriate changes to Bylaws/Policies/Rules and Regulations.
- (b) Maintain current updated manuals in LISECC office for viewing by LISECC members.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- 5.10.4.7. Mail
  - (a) Sort and date-stamp incoming mail in absence of Office Manager.
- 5.10.4.8. Newsletter
  - (a) Prepare article for LISECC Newsletter as requested.
- 5.10.4.9. Website
  - (a) Provide appropriate materials to Office Manager for LISECC website including: Department of Health water quality reports and other items as directed by BOD.
- 5.10.4.10. Miscellaneous
  - (a) Any other duties as directed by LISECC Board President.

SECTION 5.11<sup>35</sup>. EMPLOYEE PERFORMANCE STANDARDS AND POLICIES

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- ARTICLE 5.11.1. All employees of LISECC shall be provided a copy of the LISECC Personnel Policy Handbook. As a condition of employment, employees will read and agree to abide by policies and procedures outlined in this document with their signed acceptance of the manual. This acknowledgement and acceptance will be maintained as part of the employee's records.
- ARTICLE 5.11.2. PERFORMANCE REVIEWS
- 5.11.2.1. All new employees shall be hired on a probation status for the first twelve (12) months of employment. All employees shall have performance reviews at intervals of three (3) months during their first year of employment and annually thereafter.

SECTION 5.12<sup>36</sup>. AMENDMENTS AND ADOPTION

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- ARTICLE 5.12.1. AMENDMENTS
- 5.12.1.1. The Rules and Regulations may be amended at any time by a majority vote of those directors of the club present at any regular meeting or present at any special meeting called for that purpose.
  - 5.12.1.2. These Rules and Regulations have been amended from time to time and those amendments are incorporated herein. Amendments were as follows:
    - 1) Table of Contents Amended December 2007 and associated renumbering., Amended 30 January 2022 and associated renumbering, Amended 27 February 2022
    - 2) Clause 5.1.2.1. Changed 12 April 1981.
    - 3) Clause 5.1.2.2. Deleted January 27, 2013.
    - 4) Clause 5.1.3. Changed, August 15, 2010.
    - 5) Clause 5.1.3.1. Changed, 19 January 2003.
    - 6) Clause 5.1.3.2 Added statement regarding petitioning Board for waiver, 24 April 2022.
    - 7) Section 5.2. Amended December 2007

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<sup>35</sup> Renumbered 30 January 2022

<sup>36</sup> Renumbered 30 January 2022

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- 8) Clause 5.2.1.1. Changed, 19 January 2003.
- 9) Clause 5.2.1.1. Changed months and hours open, adopted 13 December 1998.
- 10) Clause 5.2.1.4. Changed 19 January 2003.
- 11) Clause 5.2.1.4. Added \$150 deposit, adopted 16 January 2000.
- 12) Clause 5.2.1.4.(2) Deleted non-member rental fees 30 January 2022
- 13) Clause 5.2.1.4.(2) Added 27 February 2022
- 14) Clause 5.2.1.17. Changed to allow for dogs at the Marina area, 24 April 2022.
- 15) Clause 5.2.4.5. Added “Legal consumer” fireworks..., 25 June 2023.
- 16) Article 5.2.5. Changed Floats to Docks, adopted 12 March 2000, changed Docks to Marina, adopted 24 April, 2022
- 17) Clause 5.2.5.2. Revised 10 October 1982.
- 18) Clause 5.2.5.2. Changed, adopted 16 January 2000, Revised and inserted Marina (Policy #9) 24 April 2022, Revised Marina Policy #9, Item 11 to include “No vessels or” vehicles are to be stored, adopted 22 May 2022.
- 19) Clause 5.2.5.3. Changed floats to docks, adopted 12 March 2000, Revised 24 April 2022
- 20) Clause 5.2.5.5. Clause inserted 24 April 2022.
- 21) Clause 5.2.5.6. Clause inserted 24 April 2022.
- 22) Clause 5.2.5.4. Changed floats to docks, adopted 12 March 2000.
- 23) Clause 5.4.2. Changed Hookups to Connections, 27 February 2022.
- 24) Clause 5.4.1.2. Revised 20 January 2002, January 2009, April 2018, 21 May 2023.
- 25) Clause 5.4.2.1. Changed, adopted January 27, 2013.
- 26) Clause 5.4.2.8. Adopted 18 July 2010. Revised 4 December 2011.
- 27) Clause 5.4.2.9. Deleted 4 December 2011.
- 28) Clause 5.4.3.1. Changed 13 December 1998.
- 29) Clause 5.4.3.2. Revised 15 August 2021.
- 30) Clause 5.4.3.2.1. Added new clause, adopted 15 August 2021.
- 31) Clause 5.4.3.3. Revised 17 November 2019, 27 February 2022.
- 32) Article 5.4.5. Added new article, adopted 21 November 2021.
- 33) Clause 5.4.5.3. Revised 23 March 2024.
- 34) Clause 5.4.5.3.1. Added new clause, adopted 23 March 2024.
- 35) Clause 5.5.2.6. Substituted new clause regarding pets, adopted 13 February 1983.
- 36) Clause 5.5.2.9. Deleted, adopted 13 December 1998.
- 37) Clause 5.5.2.11. Added new clause, adopted 13 February 1983.
- 38) Section 5.6. Inserted new Section General Manager 7 April 2002
- 39) Section 5.6. New section added December 2007. 5.6.2.6. deleted.
- 40) Section 5.6. Inserted summary 30 January 2022.
- 41) Clause 5.6.1.1. Changed 20 January 2002, renumbered to 5.7.1.1. 7 April 2002.
- 42) Clause 5.6.1.2. Changed 20 January 2002, renumbered to 5.7.1.2. 7 April 2002.
- 43) Clause 5.6.1.3. Changed 20 January 2002, renumbered to 5.7.1.3. 7 April 2002.
- 44) Clause 5.6.1.4. Changed 20 January 2002, renumbered to 5.7.1.4. 7 April 2002.
- 45) Clause 5.6.1.5. Changed 20 January 2002, renumbered to 5.7.1.5. 7 April 2002.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

- 46) Clause 5.6.1.6. Deleted, adopted 20 January 2002.
- 47) Clause 5.6.2.1. Deleted, adopted 20 January 2002.
- 48) Clause 5.6.2.2. Changed 9 December, 2000.
- 49) Clause 5.6.2.2. Changed 20 January 2002, renumbered to 5.7.2.2. 7 April 2002.
- 50) Clause 5.6.2.5. Changed 13 December 1998, renumbered to 5.7.2.5. 7 April 2002.
- 51) Clause 5.6.3.1.(1) Changed 20 January 2002, renumbered to 5.7.3.1.(1) 7 April 2002.
- 52) Clause 5.6.3.1.(2) Changed 20 January 2002, renumbered to 5.7.3.1.(2) 7 April 2002.
- 53) Clause 5.6.3.1.(7) Renumbered to 5.7.3.1.(7) 7 April 2002.
- 54) Clause 5.6.4.1. Changed 20 January 2002, renumbered to 5.7.4.1. 7 April 2002.
- 55) Clause 5.6.4.2. Changed 20 January 2002, renumbered to 5.7.4.2. 7 April 2002.
- 56) Clause 5.6.5.1. Changed 20 January 2002, renumbered to 5.7.5.1. 7 April 2002.
- 57) Clause 5.6.5.2. Changed 20 January 2002, renumbered to 5.7.5.2. 7 April 2002.
- 58) Clause 5.6.5.3. Changed 20 January 2002, renumbered to 5.7.5.3. 7 April 2002.
- 59) Article 5.6.6. Added new article, adopted 10 February 1980.
- 60) Article 5.6.6. Renumbered to 5.8. to create new Section 5.7.
- 61) Article 5.6.7. Renumbered previously numbered 5.6.6., adopted 10 February 1980.
- 62) Section 5.7. Renumbered to 5.8. due to moving Article 5.6.6. to new Section.
- 63) Section 5.7. New section (Bookkeeper) added December 2007.
- 64) Clause 5.7.1.2. (Operations Manager) Added new clause.
- 65) Clause 5.7.6.1. Changed from Section 5.6 to Section 5.7 for consistency, 30 Jan. 2022.
- 66) Clause 5.7.6.2. Changed from Section 5.6 to Section 5.7 for consistency, 30 Jan. 2022.
- 67) Clause 5.7.6.3. Changed from Section 5.6 to Section 5.7 for consistency, 30 Jan. 2022.
- 68) Clause 5.7.6.4. Changed from Section 5.6 to Section 5.7 for consistency, 30 Jan. 2022.
- 69) Section 5.8. Created due to insertion and renumbering of new Section 5.7.
- 70) Section 5.8. Renumbered due to insertion of 5.7 and amended December 2007.
- 71) Section 5.8. Administrator (5.8 and subsections) deleted, Inserted 5.8 Project Manager and subsections 30 January 2022.
- 72) Section 5.8. Project Manager (5.8 and subsections) deleted, Inserted 5.8 Assistant Operations Manager and subsections 23 March 2024.
- 73) Section 5.9.-10. Renumbered and reformatted for consistency December 2007.
- 74) Section 5.9. Bookkeeper (5.9. and subsections) deleted, Inserted 5.9. Office Manager and subsections 30 January 2022.
- 75) Section 5.10. New section (Operations Staff) added 30 January 2022.
- 76) Section 5.10. Renumbered to 5.11 to create new Section 5.10, adopted 30 Jan. 2022.
- 77) Section 5.12. Created due to insertion and renumbering of new Section 5.10 & 5.11, 30 January 2022.

Part 5, Rules and Regulations were changed and adopted by the Board of Directors in regular session on 11 June 1995.

Part 5, Rules and Regulations were changed and by inference reflected in this section, the adoption of the title change of “Resident Manager” to “Operations Manager” by the Board of Directors in regular session on 11 June 2000.

Governing Documents, Part 5 – Rules and Regulations  
Lummi Island Scenic Estates Community Club, Inc.

ARTICLE 5.12.2. ADOPTION

- 5.12.2.1. I certify that the Rules and Regulations as above set forth were adopted by the Board of Directors in regular session on 15 October 1978.

ATTEST:

/S/ Jane E. Roberts  
Secretary

/S/ Wallace W. Croy  
President