ISSUE #1

Section 1: [DHPOA Rules and Regulations, Fine Schedule & Enforcement Policy] Board-Imposed Daily Fines and Auto

The Board of Directors may assess monetary fines up to $100.00 per violation and continuing daily fines for uncured violations of the Bylaws or Rules and Regulations, and may immediately suspend a Member's voting privileges and access to all Association amenities (including golf courses, pools, marina, and country club facilities) until all fines and assessments are paid in full.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Clause authorizes imposing fines or suspending member rights without the fair and reasonable 15-day written notice and hearing procedure required by Miss. Code Ann. § 79-11-189.

Statutory / Legal Reference: Miss. Code Ann. § 79-11-189

Statutory Comparison: Under Miss. Code Ann. § 79-11-189(1) - (2), no member of a Mississippi nonprofit corporation may be expelled or suspended, and no membership or membership rights may be terminated or suspended, except pursuant to a procedure that is fair and reasonable and is carried out in good faith, including not less than fifteen (15) days' prior written notice of the reasons therefor and an opportunity for the member to be heard, orally or in writing, not less than five (5) days before the effective date of the sanction.

CURRENT WORDING IN DOCUMENT:

[DHPOA Rules and Regulations, Fine Schedule & Enforcement Policy] Board-Imposed Daily Fines and Autom The Board of Directors may assess monetary fines up to $100.00 per violation and continuing daily fines for uncured violations of the Bylaws or Rules and Regulations, and may immediately suspend a Member's voting privileges and access to all Association amenities (including golf courses, pools, marina, and country club facilities) until all fines and assessments are paid in full.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Miss. Code Ann. § 79-11-189, no fine or suspension of membership rights or privileges shall be imposed except pursuant to a fair and reasonable procedure carried out in good faith providing the Owner not less than fifteen (15) days' prior written notice of the alleged violation and an opportunity to be heard before the Board at least five (5) days prior to the effective date of the fine or suspension.