



Chapter 80 Manager

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80.010. Status

- A. The manager shall be considered an employee of the community, and not an independent contractor. The manager’s employment status is and shall remain that of a professional salaried person.
B. The manager reports directly to the board of directors.
C. The terms and conditions of the manager’s employment shall be set out in an employment agreement. The conditions of employment and/or benefits contained in the agreement between the community and manager may differ from the provisions set out in chapter 70 for other employees of the community. The written employment contract for the manager must be approved by board and signed by the president and the appointed manager.
D. The board shall provide that a performance evaluation is completed on the new manager prior to the end of the orientation period. Upon completion of the evaluation, a determination shall be made by the board, whether or not to appoint the manager to permanent status. With a satisfactory evaluation, the manager will be appointed to permanent status. With an unsatisfactory evaluation, the manager will be terminated.
E. Following successful completion of the orientation period, the board shall provide for an annual evaluation to be completed on the performance of the manager.
F. Notwithstanding the provisions of this subsection, the community is an at-will employer, and, as such, both the community and the manager have the right to terminate the employment relationship at anytime “at will”, with or without just cause.
G. In the absence of the manager, the board may appoint an interim manager to assume all or a portion of the duties until a permanent manager has been appointed.

(Res. 05-04 am, 5/20/05)

80.020. Manager recruitment

- A. The board will appoint a recruitment committee to oversee the recruitment process. The following process shall be followed for filling the manager position.
1. Ensure that there is a board approved, current, and accurate job description that includes duties, knowledge, skills, abilities, and minimum required qualifications.
2. Advertise the position opening widely, using local as well as major regional newspapers, web sites, etc. for a minimum of three weeks.



3. Screen all applications received to ensure that the applicants meet the minimum qualifications as stated in the job description. Applicants who do not meet the minimum qualifications shall not be considered further.
 4. Depending on the number of qualified applicants, provide for a second screening to reduce the field to the top 6 to 8 most qualified applicants for interviews. The same group that performed the initial screening in step 3 and the interview team, step 5 below, shall conduct this screening and interviewing.
 5. Provide for a board appointed five-person interview team to interview the top applicants. This team shall consist of a community member at-large and members of various committees.
 6. Arrange for the recruitment committee to assist the interview team in developing appropriate interview questions. Each applicant shall be interviewed using the same basic set of questions. The questions, responses and ratings for each applicant shall be documented and retained on file.
 7. Prior to consummating the hiring process, applicant's references as pertaining to experience and qualifications shall be checked, and the responses must be documented, evaluated and considered.
 8. Notify all applicants who were not chosen for the position upon completion of the selection process.
- B. During the orientation period, the Board shall initiate a criminal history and background inquiry for the manager by the Washington State Patrol Identification and Criminal History Section (WASIS) or a private firm specializing in this service. Once the criminal history and background inquiry process have been commenced, the manager shall remain on orientation status until cleared. If not satisfactorily cleared, the manager may be terminated by the board.

(Res. 05-04 am, 5/20/05, Res. 07-11, 8/15/07)

80.030. Manager's role and duties

- A. The manager's function is to assist the board of directors in the operation and administration of the community. The manager shall at all times confer freely and fully with the board in the performance of the services set forth hereinafter and in the board approved position description.
- B. The manager shall assist the board in administering the provisions of the governing documents, drafting resolutions, rules and regulations, and any changes to the governing documents.
- C. The manager, in accordance with board adopted policies, shall provide notice to members and other residents who may be in violation of the governing documents, and shall take such reasonable and timely actions as to resolve such violations consistent with board policies.
- D. The manager shall provide the board with recommended procedures, specifications, policies and any other information relative to the community operation.
- E. The manager shall attend monthly meetings of the board and other meetings as are necessary.
- F. Provided the information is available and considered relevant by the manager, the manager shall prepare written monthly reports to the board to include, but not limited to the:
 1. Status of maintenance and construction – site inspection reports, progress of repairs and maintenance work performed by employees and contractors, emerging problems with grounds and buildings, and recommendations for future actions.
 2. Status of finances – balance sheet, income statement, significant unanticipated general ledger entries, delinquent accounts summaries, summaries of assessment year-to-date collections, budget deviations of significance, future trends in receipts and expenditures, and such other items necessary for the prudent financial administration of the community's financial affairs.



3. Status of administration – significant violations of the governing documents and other actions involving security, vandalism, insurance claims, personnel issues, or other items not falling within the categories of finance or grounds maintenance/construction, including in-holds such as the Shelter Bay Company.
4. Other information and issues – significant other issues, activities and holdings such as those of Shelter Bay Company.

(Res. 05-04 am, 5/20/05)

80.040. Financial management

80.040.010 Financial records

In accordance with board approved policy, the manager shall administer all financial records of the community.

- A. The manager shall provide the board and membership with timely and accurate financial information.
- B. The manager shall establish internal financial controls in order to protect the security of all community funds and financial records.
- C. The board authorizes the manager to request, receive and receipt, as necessary, any and all charges or assessments due the community and to institute such appropriate collection measures and/or legal actions as may be reasonably required to effect such accounts as may be in default.
- D. The manager shall be authorized to disperse funds regularly and punctually according to board adopted policies from those funds as are collected and deposited in the accounts of the community.

(Res. 05-04 am, 5/20/05)

80.040.020 Budget

In accordance with board adopted budget policies, the manager shall:

- A. Prepare and submit the annual operating and capital budgets to the board and any review committees established for that purpose.
- B. Administer the adopted operating and capital budgets.
- C. Report periodically year-to-date budget analysis to the treasurer and the board.

(Res. 05-04 am, 5/20/05)

80.050. Capital projects and physical systems management

- A. The manager shall assist and/or advise the board and/or employees and contractors to the community in all matters related to the maintenance of the community's property and specifically cause the property to be maintained according to standards established by the state and/or tribal law, the governing documents and resolutions and directives of the board.
- B. In accordance with board established policies, the manager shall solicit bids for goods and services pertaining to the maintenance, improvement, and operation of community property. In accordance with the board established policies, the manager shall submit recommendations to the board containing an evaluation of solicited bids and their adherence to the specifications, information on past experience and/or performance, and such other information as may be helpful to the board in making a final determination and selection. The board shall ratify all written contracts in the name of the community.
- C. The manager shall oversee the activities of all contractors including but not limited to receiving certificates of insurance, copies of bonds, manufacturers' warranties and releases of liens. The manager shall have the duty to review the quality of workmanship and to enforce contractors' warranties.



- D. With the approval of the board, the manager shall establish and implement a preventive maintenance program for all major physical systems in order to ensure that these systems are maintained on a regular basis reflecting the useful life cycles of common components and/or equipment.
- E. The manager shall assure the cleanliness and working conditions of all common building areas and equipment including, as applicable, central systems, light fixtures, fire extinguishers, entry doors, common facilities and areas, etc. Regular spot inspections shall be made of these areas.
- F. The manager shall inspect all common grounds, including landscaping improvements, to determine whether such are receiving adequate care and maintenance and take such measures as necessary to assure same. Monthly inspections, during the high growing season, shall be made to aid in maintaining a high quality of grounds care.
- G. The manager shall make recommendations for capital improvements and such other recommendations as may be appropriate for the improvement of the community.

(Res. 05-04 am, 5/20/05)

80.060. Education and Compliance

- A. The Manager and Compliance Officer have the authority to investigate violations and to issue a citation with a fine as needed to ensure member compliance of the Protective Covenants and/or Rules and Regulations.
- B. If a violation has been discovered by or referred to the Manager or Compliance Officer to investigate, they will coordinate with the committee responsible to:
 - 1) Contact the member, or registered tenant, to relay educational information regarding the non-compliance issue.
 - 2) Follow-up the contact with written communication providing instructions for remedying the infraction and, if appropriate, setting a date for full compliance.
 - 3) If member is found to be in violation and does not remedy the issue, the Manager or Compliance Officer may issue a citation with fine; or the committee responsible may request the levy of a fine by the Rules Committee.
 - 4) If the member is non-responsive or if the violation is severe or egregious in nature, the Manager or Compliance Officer may instantly issue a citation and fine.

A flowchart outlining this process is provided in Section 80.100 of this Chapter. This is meant as a guide, individual circumstances will be allowed to determine the best course of action.

- C. Fines will be levied in accordance with the Board approved Schedule of Fines.
- D. Citation Form. To be used by the Manager or Compliance Officer when levying fines on members for a violation of the Protective Covenants and/or Rules and Regulations, as provided in Section 80.100 of this Chapter.

(Res. 16-23 am, 12/14/16)

80.070. Conflict of interest

The manager shall not accept from any party providing goods or services to the community, including vendors or independent contractors, any remuneration or compensation in any manner or form, as inducement for the purpose of using said party's goods or of retaining its services on behalf of the community. Any financial or other interest which the manager may have in any firm providing goods or services to the community shall be disclosed promptly by the manager to the board.

(Res. 05-04 am, 5/20/05)



80.080. Affiliated interest

The manager shall not enter into any agreement to provide goods or services to the community with any party, partnership, corporation, or other entity related to or affiliated with the manager without prior written approval of the board of directors. *(Res. 05-04 am, 5/20/05)*

80.090. Duty of care - indemnity

The manager shall exercise ordinary and reasonable care in the performance of his/her duties and shall not be liable to the community or to the members for minor mistakes of judgment nor for negligence not amounting to gross negligence. However, the manager shall be accountable for willful misconduct or bad faith. The manager shall not be personally liable for contracts signed by him/her on behalf of the community. The community shall indemnify the manager and hold him/her harmless from and against all contractual liability to others arising out of contracts made by the community.

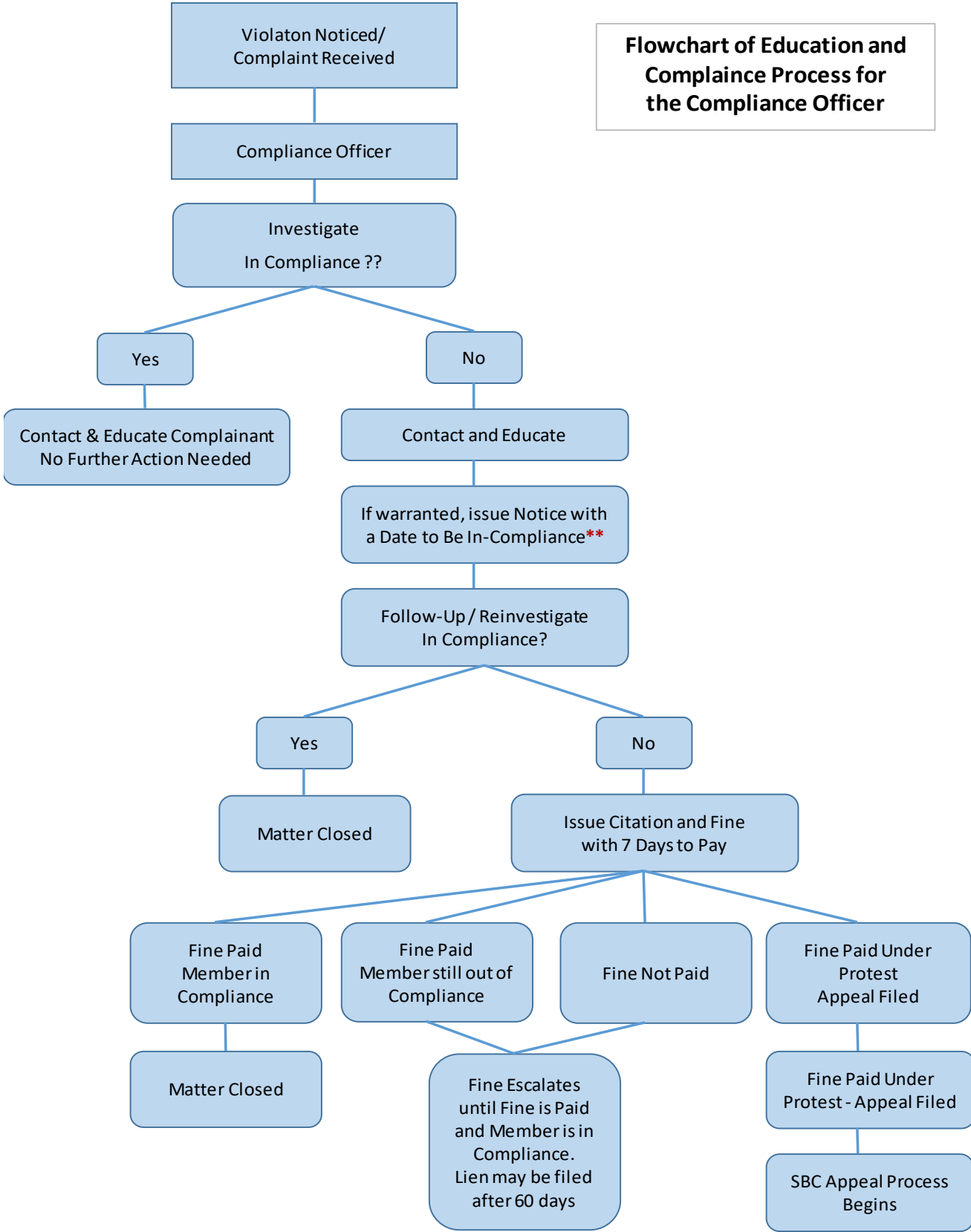
(Res. 05-04 am, 5/20/05)

80.100. Education and Compliance Process Flowchart and Notice/Citation Form

(Res. 16-23 am, 12/14/16)



Flowchart of Education and Compliance Process for the Compliance Officer



****If the violation is severe or egregious in nature, a Citation and fine may be issued immediately.**



Notice/Citation Form:

<input type="checkbox"/> NOTICE	<input type="checkbox"/> CITATION
shelter bay community, inc 1000 Shoshone Drive, La Conner, WA 98257 360-466-3805	
Date _____	
Lot # _____	Name _____
Incident/Violation _____	
Fine? Yes No Amount _____ Fine Date _____	
<small>To be paid within 7 days. See Reverse</small>	
Comments: _____	
Signature _____	

Reverse Side:

Fines – Per Rules and Regulations, Part I:

- Fines may be levied in combination when necessary due to multiple offenses or violations. Any such combination of fines shall run concurrently.
- Fines must be paid within seven (7) days of receipt of the fine notification.
- If not paid by the seventh day, the fine will increase that day and every seven days thereafter, by the amount of the original fine, until the total accumulated fine is paid, and it is determined that the violation has been satisfied.
- Fines levied are appealable to the Rules Committee within 30 days of notification. Appeal forms can be found on the Website at www.shelterbay.net or are available at the Office. Fines will still escalate every 7 days during any such appeal period, unless the fine is 'paid under protest' within 7 days of the date of fine.