
BAYTREE COMMUNITY ASSOCIATION POLICIES AND PROCEDURES

SUBJECT: Authority for BCA Officers and Agents to Contact the BCA Attorney

Policy No: 2007 - 3

REFERENCES: 1. AMENDED AND RESTATED BY-LAWS OF BAYTREE COMMUNITY ASSOCIATION, INC. Dated August 9, 2005, ARTICLE IX, Section 1.

President. The President shall be the chief executive Officer of the Association and shall:

(f) Act as “gate-keeper” and final authority for all contact with the Association’s Legal Counsel.ⁱ

2. AMENDED AND RESTATED BY-LAWS OF BAYTREE COMMUNITY ASSOCIATION, INC. Dated August 9, 2005, ARTICLE X, Section 1.

(c) **By-Laws Committee.** The By-Laws Committee shall be established to review proposed amendments and revisions to the Baytree Community Association By-Laws and Covenants, and to forward such change proposals to the Directors of the Association with disposition recommendation, as appropriate. The By-Laws Committee shall be comprised entirely of Voting Members, except the Chairman. The Chairman shall be a current member of the Board of Directors.

PURPOSE: To document and clarify the procedures for the authorization to contact and request legal services from the BCA’s attorney. Attorney contact and requested work-products are normally billed by the hour, for services rendered, except when the annual retainer includes a number of pre-paid hours that are amortized first.

PROCEDURE:

1. The President shall specifically authorize each contact with the Association’s attorney. Such authorization may be verbal except when otherwise stipulated and budgeted by Board resolution to resolve a unique legal issue. When so authorized by the Board, any non-BCA Officer contact must be in writing. This does not preclude verbal contact for simple clarifications when individually authorized by the President.
2. Post the annual organizational meeting and election, the BCA’s Administration Manager shall in a letter to legal counsel identify the people authorized to transact business with the BCA’s attorney. These shall include, by name and title, the BCA:
 - a. President; All subjects
 - b. Administration Manager; Administration and Litigation
 - i. Operation of the Association
 - ii. Rules and Regulations,
 - iii. Due Process, and
 - iv. ARC Issues.
 - c. By-Laws Committee Chair; Governing Documents
 - i. Declarations,
 - ii. By-Laws,
 - iii. Policies and Procedures
 - d. Ad hoc Committee Chair; Subject(s) as authorized by the Board

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3. **Correspondence:** All complex governing-document issues shall be reduced to writing, with a copy to the Administration Manager and By-Laws Committee Chair; except for disputes subject to pre-suit mediation or active litigation where the By-Laws Chair is not involved.
4. **Attorney Work-Products:** All attorney work-products shall be sent to the Administration Manager and the requestor*. Work-in-process and attorney-client privileged data shall not be distributed unless authorized by the original requestor or the President. Once an issue is resolved, or unless otherwise stipulated, the Administration Manager shall provide copies to all Board members.
5. **Budgets:** The individual (requestor) charged with managing a Board authorized project or function, shall track their legal expenses and inform the Board of Directors when they have expended eighty percent (80%) of their authorized budget.
6. **Invoices:** Invoices shall be sent to the Administration Manager, who in turn, shall provide a copy to the BCA Treasurer. A copy shall also be sent to the individual charged with managing his/her budget(s).
7. **Attorney-Client Privileged Data:** Attorney-client privileged data shall not be copied, disclosed, or discussed outside of the Executive Committee or authorized agents of the Association.

* "Requestor" is the individual authorized to request services from the BCA attorney.

Prepared: s/ HDBowman
Harry Bowman, Secretary

Approved: s/ G.Antoon, VP for
George Plosa, President
Baytree Community Association
As authorized by the Board of Directors
Signed: 15 October 2007

ⁱ Language, or equivalent, to be added to the next revision of the Baytree By-Laws.