

**KENSINGTON HEIGHTS RECREATION ASSOCIATION, INC.
(T/A KENMONT SWIM AND TENNIS CLUB)**

BYLAWS
(As Revised at Annual Membership Meeting on 11/14/09)

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1 KENSINGTON HEIGHTS RECREATION ASSOCIATION, INC.
2 (T/A KENMONT SWIM AND TENNIS CLUB)

3
4 2900 Faulkner Place
5 Kensington, Maryland 20895

6
7 BYLAWS

8
9 *(As Revised at Annual Membership Meeting on 11/14/09)*

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13 ARTICLE I – Name

14
15 The name of the Association shall be the Kensington Heights Recreation Association, Inc. For trade purposes, the
16 Association shall be named as the Kenmont Swim and Tennis Club.

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18 ARTICLE II – Purpose

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20 The purpose of the Association shall be to own, construct, develop, maintain and manage suitable facilities for the
21 safe and healthful recreation of the Association’s Members, said facilities to include a swimming pool, tennis
22 court, basketball court and such other appurtenances as the Association may deem desirable and economical.

23
24 ARTICLE III – Number and Qualification of Members

- 25
26 1. Membership shall be open so long as it has not reached the maximum allowable by law,
27 regulation or action by the Board of Directors. There shall be no discrimination in membership
28 on the basis of race, creed, national origin, religion, age, sex or handicap.
- 29
30 2. A Class A Membership Certificate, which shall constitute a “membership interest,” shall be
31 issued to each Class A household unit.
- 32
33 3. Membership in the Association shall consist of household units within which there shall be the
34 following classification of Members:
- 35
36 (a) Senior Member – Head of Household. The term “Member,” when used in these Bylaws,
37 shall refer to this classification unless otherwise specified. There is but one Senior
38 Member for each household unit.
- 39
40 (b) Associate Member – Child (under twenty-one (21)) or adult (twenty-one (21) or older)
41 who is a member of the Senior Member’s household, provided such person shall be
42 approved for Associate membership by the Board of Directors upon request of the Senior
43 Member. Age shall be the age attained as of January 1 of the current year.
- 44
45 4. Membership shall be limited to the maximum allowable under Montgomery County law and
46 regulation or as limited by action of the Board of Directors.
- 47
48 5. The Board of Directors may establish a non-voting Class C membership in the event that the
49 Class A membership has not reached the maximum permissible. The Board shall establish an
50 annual fee for Class C membership, to be paid in addition to annual dues.

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6. Class A membership shall have priority over Class C membership in the event that membership has reached the maximum permissible and the Board has established a waiting list. Class C Members can be replaced by Class A members and thereby lose their membership when a waiting list has been established, in reverse chronological order of the date that the Association receives payment of the member's dues, fees and assessments.

ARTICLE IV – Price of Membership, Dues and Assessments

1. The Board of Directors will establish the price of membership, dues, administrative fees and assessments from time to time, and may increase or decrease membership fees, dues and assessments by a two-thirds (2/3) majority vote of the Board of Directors.
2. The Board may establish a waiting list and charge a fee for the privilege of and placement on the waiting list for establishing priority for future membership whenever the membership has reached its maximum permissible by law or regulation, or action of the Board of Directors.
3. Whenever the membership has reached its maximum, a Class A Member can tender his membership back to the pool for a payment of the share price (Class A membership fee) in effect at the time for purchase by a prospective new Class A Member who is on the waiting list.
4. The Board may establish a penalty/late fee for dues that have not been paid by March 31, the due date for payment of annual dues. Members who are more than sixty (60) days in arrears in payment of annual dues or special assessments will be placed on inactive status in accordance with Article V, and shall be subject to devaluation of their share as stated in Article V, after ten (10) days' written notice by registered, return receipt request by mail.
5. Each year, the Board, at its discretion, on majority vote, may adopt various incentives to increase membership.
6. (a) A deficit assessment to cover a deficit in the previous season's operations may be levied on each Member by a two-thirds (2/3) majority vote of the Board of Directors and, if levied, shall be announced at the annual meeting and in a notice sent by mail to the membership as soon after the annual meeting as possible.

(b) A special assessment for any purpose shall only be levied by a majority vote of the membership present at the annual meeting or at a special meeting called for the purpose.
7. <blank>
8. The fiscal year of the Association shall begin on the first day of October of each year.

94 ARTICLE V – Inactive Members
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- 96 1. A Class A Member who cannot use the pool or other facilities of the Association during any part
97 of the fiscal year may, at the discretion of the Board of Directors, become an Inactive Member for
98 the year. Special assessments shall be payable in full unless the resolution levying the special
99 assessment expressly provides otherwise. To warrant consideration of the Board of Directors for
100 the status of an Inactive Member or the termination of membership for the purposes of refunding
101 annual dues, written notice must be received by the Secretary prior to the opening day of that
102 season. Inactive Members shall pay a maintenance fee, in an amount to be established by the
103 Board, to maintain membership. Failure to pay such fee shall result in a loss of one-third (1/3)
104 the share value each year and removal from the membership rolls after three (3) years. In the
105 event that the membership rolls are full at the time the inactive Member seeks to reactivate his
106 membership, he shall be placed at the top of the waiting list in chronological order of payment of
107 the annual dues, which shall be refundable less the maintenance fee, in the event the membership
108 rolls remain full. To reclaim active membership, all dues, fees and assessments, including lost
109 share value, must be paid in full. Class C Members may not become inactive.
110
- 111 2. Inactive Members shall not be entitled to the use of the facilities of the Association, including off-
112 season use of the tennis courts and other Association facilities. Associate Members who owe
113 their status to an Inactive Member shall not be entitled to use the facilities of the Association.
114

115 ARTICLE VI – Resignation of Membership
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- 117 1. A Class A Member in good standing may resign membership in writing or by failure to pay
118 annual dues, special assessments or maintenance fees, as set forth in Articles IV and V above. If
119 the Association has a waiting list of applicants, it will repurchase the membership at the then-
120 current Class A membership initiation fee. If there is no waiting list, the Member may sell and
121 assign the membership interest for whatever mutually agreeable price and subject to payment of
122 all current dues, fees and assessments, upon application and approval by the Board of Directors
123 and, in such event, a new membership certificate shall be issued. The Board of Directors, at its
124 option, may repurchase the Class A membership share at the Class A share price then in effect.
125 Any transfer of membership shall be subject to all Association Bylaws, rules and regulations then
126 in effect.
127
- 128 2. Class C Members shall be deemed to have resigned if they fail to pay dues, administrative fees
129 and any special assessments.
130

131 ARTICLE VII – Membership Privileges
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- 133 1. Members of the Association (Senior or Associate) shall be entitled to use the Association's pool
134 and other facilities, subject to such rules, regulations and guest fees in effect at that time.
135 Members who sponsor guests for admission to the pool on a daily basis shall be responsible for
136 the actions of their guests and may be subject to discipline for the infractions committed by their
137 guests.
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- 139 2. The use of the pool and other Association facilities by non-members and the children of non-
140 members shall be subject to all rules and regulations in effect at that time.
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ARTICLE VIII – Disciplinary Action

1. Any Member, Associate Member or guest may be required to leave the pool premises at the direction of the Manager, or Assistant Manager in his absence, for the remainder of that day on which his or her conduct violates the rules or Bylaws of the Association. For serious violation or conduct detrimental to the membership which may result in suspension for more than one (1) day, the Member or Associate Member shall be entitled to a hearing by the Board of Directors upon the written charges and recommendations of the Manager, or Assistant Manger in his absence, provided that in the event a hearing is not requested within forty-eight (48 hours) after notice, the recommendation of the Manager, or Assistant Manager in his absence, shall be deemed to have been approved by the Board of Directors and shall be effective as the judgment of the Board of Directors.
2. For the purpose of a disciplinary hearing which may result in suspension, it shall require an affirmative vote of two-thirds (2/3) of the Directors present to suspend a Member or Associate Member.
3. In the event the conduct of a Member or Associate Member is deemed so serious as to warrant expulsion or in the event that a Member or Associate Member refuses to accept the penalty adjudged by the Board of Directors, either after a hearing or in the absence of a hearing if none is requested, or if such Member or Associate Member refuses to leave the pool premises when directed to do so by the pool Manager, or the Assistant Manager in his absence, the Senior Member shall be required to appear at a hearing before the Board of Directors to show cause why his or her family membership should not be revoked. In order to effect revocation of a membership, it shall require a two-thirds (2/3) affirmative vote of the Board of Directors. If revocation of membership is adjudged, the Association shall treat the “membership interest” in the same manner as in the case of resignation under Article VI of these Bylaws.
4. A Member shall be responsible for the conduct of his guest and shall be subject to discipline for the misconduct of a guest.

ARTICLE IX – Principal Office and Resident Agent

1. The principal office of the Association shall be located at the site of the swimming pool, 2900 Faulkner Place, Kensington, Maryland 20895.
2. The resident agent of the Association shall be appointed by the Board.
3. The books and records of the Association shall be kept at the principal office unless in the hands of an officer, the General Counsel or accountant on official Association business.
4. The mailing address for service of any correspondence shall be

Kenmont Swim & Tennis Club
P.O. Box 32
Kensington, MD 20895

191 ARTICLE X – Meeting of Members
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- 193 1. The annual meeting of the Members of the Association shall be held during May of each year, at
194 a time and place to be designated by the Board of Directors. Members shall be notified of this
195 meeting in writing not less than ten (10) days prior thereto. At such meeting, the Members shall
196 nominate and elect Members to the Board of Directors and transact such other business as may
197 properly come before it.
198
- 199 2. Special meetings of the Members of the Association may be called at any time by the Chairman
200 of the Board of Directors, provided the Chairman first obtains consent in writing of not less than
201 fifteen (15) Members. A special meeting shall be called by the Chairman upon the request in
202 writing of not less than twenty percent (20%) of the Members or three-quarters (3/4) of the
203 Members of the Board of Directors. Due notice of the special meeting shall be given to the
204 Members, in writing, not less than ten (10) days prior thereto. The purpose for which a special
205 meeting is called shall be stated in the notice of said meeting, and no other business shall be
206 entertained or transacted at this meeting.
207
- 208 3. A quorum shall consist of not less than five percent (5%) of the household units constituting
209 membership. If no quorum is present, an adjournment shall be taken to a date not fewer than ten
210 (10) or more than twenty (20) days thereafter, and the Members present at any such later meeting
211 shall constitute a quorum, regardless of the number of Members present. The same notice shall
212 be given for the later meeting as is prescribed in these Bylaws for the original meeting.
213
- 214 4. Parliamentary Rule – The business transacted at all meetings of the Association and the Board of
215 Directors shall be pursuant to Roberts Rules of Order (Simplified) for use in business meetings,
216 except when said rules conflict with statute, the charter or the Bylaws.
217

218 ARTICLE XI – The Board of Directors
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- 220 1. The Board of Directors shall consist of eleven (11) Members, all of whom shall be Class A
221 Members of the Association in good standing with full payment of dues, fees and assessments.
222
- 223 2. At each annual meeting, there shall be elected to the Board of Directors four (4), four (4), or three
224 (3) Members, depending on the year, each of whom shall serve for a term of three (3) years.
225
- 226 3. In case of any vacancy in the membership of the Board of Directors, the remaining Directors, by
227 an affirmative vote of a majority thereof, may elect a successor to hold office until the expiration
228 of the unexpired portion of the term.
229
- 230 4. The Board of Directors, by a majority vote of its entire membership, may remove a Director who
231 is absent from three (3) consecutive regular meetings of the Board without valid cause, provided
232 the Board notifies him in writing, at least five (5) days prior to a regular Board meeting, of such
233 contemplated action. Such action may be initiated only following at least three (3) successive
234 absences. The Board shall determine the validity or reasonableness of a Director's explanation of
235 absence.
236
- 237 5. Regular meetings of the Board shall be held during the second week of each month, except during
238 June, July and August, meetings will be held the second (2nd) and fourth (4th) weeks. The Board
239 of Directors may change the time and location of any meeting upon majority vote of the Board
240 members in attendance.

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6. Special meetings of the Board may be called at any time by the Chairman of the Board, provided he first obtains consent in writing of not less than four (4) Directors. A special meeting shall be called by the Chairman upon request in writing of not less than six (6) Directors, and due notice of such meeting stating the purpose thereof shall be given Directors in writing no less than three (3) days prior thereto, excluding Sunday and holidays.
7. A majority of the Board of Directors shall constitute a quorum for the transaction of business, except on occasions that specifically require a greater number.
8. In the absence of the Chairman of the Board from a meeting, the Vice Chairman shall act in his place. In the absence of both the Chairman and Vice Chairman, a Director previously designated by the Chairman may serve as acting Chairman. If no acting Chairman has been so designated, the Directors attending the meeting shall elect a temporary Chairman.
9. Duties – In the Board of Directors shall be vested the authority for the general direction and control of the affairs of the Association. In addition to the duties customarily performed by boards of directors, the Board of Directors shall have the following authority and responsibilities, including, but not limited to:
 - (a) act upon all applications for membership;
 - (b) fix the amount and character of, and approve, surety bonds required of any person handling or having custody of funds;
 - (c) fill vacancies on the Board of Directors as herein provided;
 - (d) employ, fix compensation and prescribe the duties of such employees as may, in the discretion of the Board, be necessary;
 - (e) establish and approve rules and regulations for the safe and convenient use of the Association's facilities, and inform all Members and other authorized users of the facilities of such rules and regulations;
 - (f) appoint one of its own Members to be the contracting officer of the Association, to have such duties and authority as shall be granted from time to time by the Board, by specific resolution;
 - (g) authorize and supervise investments of the Association;
 - (h) designate the depository or depositories for funds;
 - (i) each year, fix the amount of any special fees or assessments deemed necessary for satisfactory operation of the Association;
 - (j) call annual meetings of the Members of the Association (and special) as herein provided, and establish the time and place of such meetings;
 - (k) constitute and appoint committees, and define the duties and powers of such committees;

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- (l) cause the books of the Association to be reviewed annually by auditors selected by the Board, such review to be performed by persons who shall not be Directors of the Association;
 - (m) be responsible for causing a written report of the aforementioned review, covering the previous fiscal year, and a consolidated balance sheet showing the assets and liabilities of the Association, to be handed to each Member of the Association in attendance at the annual meeting of the Association and available upon request by other non-attending Members;
 - (n) appoint a general counsel, who shall advise on matters of legal import concerning the Association;
 - (o) rule on all questions as to the meaning or proper interpretation of the Bylaws, such ruling to be determined by majority vote of the Board of Directors; and
 - (p) establish and enforce rules and regulations concerning use of any of the grounds and facilities.
- 310 10. In addition to the powers provided herein, the Board of Directors shall have such other powers,
311 not inconsistent with these Bylaws or existing statutes, as are necessary for the efficient operation
312 and management of the Association, but may not encumber more than Fifteen Thousand Dollars
313 (\$15,000.00) in any specific fiscal year for any capital improvement project unless authorized by
314 vote of a majority of the Members present and voting at a regular or special meeting.
315
- 316 11. The Directors shall receive no remuneration for their services as directors.
317
- 318 12. Each person who acts as a Director of the Association shall be indemnified and held harmless by
319 the Association against expense actually and necessarily incurred by him in connection with the
320 defense of any action, suit or proceeding in which he is made a party by reason of his being or
321 having been a Director, except in relation to matters as to which he shall be adjudged in such
322 action, suit or proceeding to be liable for gross negligence or willful misconduct in the
323 performance of their duties. The Association shall procure and maintain Directors' and officers'
324 liability insurance in an amount not less than One Million Dollars (\$1,000,000.00).
325
- 326 13. Members of the Kenmont Board of Directors must demonstrate proper decorum at Board
327 meetings. All members must treat other members with dignity and respect at all times. Profanity
328 foul, demeaning, and abusive language will not be accepted. Shouting, swearing, and disruptive
329 utterances, with or without having been recognized, is prohibited. There will be no allowance of
330 any physical touching. Any offended Member may ask the Board to have a majority vote for an
331 appropriate punishment including exclusion from the current and future Board meetings,
332 suspension, or in egregious cases or where there is repeated misconduct, termination from the
333 Board.
334
- 335 14. A Director and/or his or her employer may be engaged to complete work for the Association for
336 remuneration by a resolution of the Board, and approval of work completed satisfactorily by,
337 another Director who is not associated or related to the engaged Director and/or engaged
338 Director's employer.
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341 ARTICLE XII – Officers
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- 343 1. At the first meeting of the Board of Directors following the annual meeting of the Members of the
344 Association, the Board shall elect officers for the ensuing year. The officers shall be as follows:
345 President (who shall also serve as the Chairman of the Board of Directors), Vice President (who
346 shall also serve as the Vice Chairman of the Board of Directors), Secretary, Recording Secretary
347 and Treasurer, each of whom shall serve for one (1) year. These officers shall be elected from
348 among the Directors. Any officer or member of the Board of Directors may succeed himself.
349
- 350 2. President – The President shall preside at all meetings of the Members of the Association; he
351 shall have the power to sign certificates of membership, to sign and execute all contracts and
352 instruments of conveyance in the name of the Association, and to appoint and discharge agents
353 and employees, subject to the approval of the Board of Directors; and he shall have general and
354 active management of the business of the Association, and shall perform all the duties usually
355 incident to the office of the President. The President shall execute the mandates of the Board of
356 Directors.
357
- 358 3. Vice President – The Vice President shall have such powers and perform such duties as may be
359 delegated to him by the President. In the absence or disability of the President, he shall perform
360 the duties and exercise the powers of the President.
361
- 362 4. Secretary – The Secretary shall attend to the giving and serving of all notices; he shall sign with
363 the President, or with the Vice President, in the name of the Association, all contracts and
364 instruments of conveyance, and shall affix the seal of the Association thereto; he shall keep
365 charge of the books of certificates of membership, and such other books and papers as the Board
366 of Directors may direct; and he shall perform in general all the duties incident to the office of
367 Secretary, subject to the control of the Board of Directors. He shall submit such reports to the
368 Board as may be requested by it.
369
- 370 5. Recording Secretary – The Recording Secretary shall keep the minutes of all meetings of the
371 Board of Directors and of the meetings of the membership of the Association and of any other
372 meeting to which the Recording Secretary is designated by the Chairman of the Board to attend,
373 in books provided for the purpose; and he shall also have such powers and perform such duties as
374 the Secretary, in the absence or unavailability of the Secretary or upon express instructions from
375 the Secretary.
376
- 377 6. Treasurer – The Treasurer shall have custody of all funds and securities of the Association which
378 may come into his hands; when necessary or proper, he shall endorse, on behalf of the
379 Association, for collection, all negotiable instruments and shall deposit the same to the credit of
380 the Association in such bank or banks as the Board of Directors may designate; whenever
381 required by the Board of Directors, he shall render a statement of his cash account; he shall cause
382 to be entered regularly in the books of the Association for that purpose a full and accurate account
383 of the Association; and he shall perform all acts incident to the position of Treasurer. Upon a
384 change in the Treasurer, the Board of Directors may, at its discretion, either require a complete
385 audit or, alternatively, a review of the books, as set forth in Article IX, Section 9(k).
386
- 387 7. The Treasurer shall be bonded in such amount as the Board of Directors may require, and the
388 Association shall pay the necessary premium for such bond.
389

390 8. The Association may have a general counsel, who is a Member in good standing of the State Bar
391 of Maryland, and if appointed by the Board of Directors, the general counsel shall advise the
392 Board on any and all legal matters concerning the Association.
393

394 ARTICLE XIII – Committees
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- 396 1. The Board of Directors may provide for such committees, as it deems necessary, and define their
397 powers and duties.
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399 2. The Chairman and Vice Chairman shall be Members, ex-officio, of all committees.
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401 ARTICLE XIV – Notices, Waivers and Voting
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- 403 1. All notices mentioned in these Bylaws shall be mailed to the address of the person entitled thereto
404 shown on the books of the Association, and the mailing of same, postage prepaid, shall constitute
405 good notice.
406
407 2. Voting – All Class A Members shall be entitled to cast one (1) vote. It shall be the duty of the
408 Secretary to prepare and make, at least five (5) days before every election, a complete list of
409 Members of the Association entitled to vote, and such list shall be open for inspection by any
410 Member and shall be produced at the time and place of such elections and kept there until the
411 election is concluded. The President shall appoint inspectors and tellers as required.
412 Nominations for members of the Board of Directors may be made by the general membership at
413 the annual meeting. Class C Members shall not be entitled to vote.
414

415 ARTICLE XV – Amendment of Bylaws
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417 These Bylaws may be amended by action of the Members of the Association. Bylaws may similarly be repealed.
418 Amendment, repeal or making of new Bylaws shall be accomplished in the following manner: notice of the
419 proposed amendment or repeal, or making of new Bylaws shall be mailed to each Member of the Association at
420 least ten (10) days prior to any meeting at which such proposal is to be considered. A two-thirds (2/3) majority of
421 the Members present and voting at such meeting shall be required.
422

423 ARTICLE XVI – Miscellaneous
424

- 425 1. Execution of Corporate Papers – All written obligations of the Association shall be executed by
426 the President or the Vice President, and Secretary or Recording Secretary, and shall be
427 solemnized by affixing the Corporate Seal. No obligation in writing of the Association failing to
428 have the required signatures or the Corporate Seal shall be binding upon the Association.
429
430 2. Authority to Execute Papers – No obligation on the part of the Association, other than the
431 continuance of day-to-day operations of the Association, shall be entered into without the
432 approval of the Board of Directors first and obtained, except as to matters involving less than
433 Two Hundred Fifty Dollars (\$250.00).
434
435 3. Corporate Books and Records – Corporate books and records shall be open to inspection by
436 Members at such time as may be reasonably fixed by the President, and such inspection shall take
437 place at the customary place of keeping of said books and records.
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4. Dividends and Refunds – There shall be no dividends to Members of the Association. There shall be no refunds to Members except as may specifically be provided in these Bylaws.
 5. Lost Certificate – Any person claiming a certificate of membership to be lost or destroyed shall make an affidavit or affirmation of that fact, whereupon, after the expiration of thirty (30) days from the filing of such affidavit or affirmation with the Secretary of the Association, a new certificate shall be issued of the same tenor and shall bear on its face language to the effect that the same is a substitute issued in place of a lost or destroyed certificate.
 6. Checks of the Association – Either the Treasurer, President or Vice President of the Association may sign checks of the Association in amounts less than Seven Hundred Fifty Dollars (\$750.00). Checks for Seven Hundred Fifty Dollars (\$750.00) or more shall bear two (2) signatures.
 7. Singular Includes Plural, Etc. – Wherever in these Bylaws reference is made to the singular or the masculine gender, such reference shall apply to the plural, and the female gender with equal force wherever the context requires the same.
 8. Acquisition or Sale of Land – The Association shall not acquire or dispose of any real property except in accordance with such approval as may be granted by a majority of the Members voting on such proposition at a regular or special meeting of the Members.
 9. Gender – Use of the words “he,” “his,” “she” or “her” in these Bylaws is gender-neutral.
 10. Entrance – The Board will adopt rules and regulations to verify membership prior to entry into the facility.
 11. The Association assumes no responsibility, and Members or their guests, adult or child, can have no claim against the Association, for either personal injury or property loss. By becoming a Member and maintaining membership, Members expressly waive liability and hold the Association, its Board of Directors and other Members harmless for any action or injury, or liability for any activity or injury, misfeasance or nonfeasance by the Association, its Members, officers, directors or agents that occurs at Kensington Heights Recreation Association, Inc.
 12. Kenmont Tsunami Swim Team – The Kenmont Tsunami Swim Team operates under the auspices of the Board, with the Board, by majority vote each fiscal year, granting authority to the Team’s officers to operate the Team. The Swim Team’s assets and records are the property of the Kensington Heights Recreation Association, Inc. All papers and obligations of the Swim Team must be executed as described in Sections 1 and 2 of this Article. Checks drawn on the Swim Team’s account in amounts less than Seven Hundred Fifty Dollars (\$750.00) may be signed by a designated officer of the Swim Team. Checks for Seven Hundred Fifty Dollars (\$750.00) or more shall bear two (2) signatures, including one the following officers of the Board: President, Vice President, or Treasurer.

END