

Please RSVP to  
Management Workshop  
to Joanne Harse  
NLA Administrator  
jmharse@gmail.com

*Shorelines* is a  
publication  
of the Nebraska  
Lakes Association,  
a nonprofit organization  
of private lakes.

**Our Mission**  
is to provide a forum for  
information and  
resources to educate  
members so their lake  
experience is safe,  
healthy and enjoyable.

### Join NLA Today!

Membership forms and  
Workshop Registration forms are  
available on our website

[www.nebraskalakes.org](http://www.nebraskalakes.org)

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## NLA 18th Annual Spring Management Workshop

Sunday, April 22, 2018

1:00 – 3:30 p.m.

Nebraska Game and Parks Outdoor Education Center

4703 North 44th Street  
Lincoln, NE 68504

**Register now!**

Registration is only **\$20 per NLA Member Lake for any and all residents on your lake to attend.**

Non-member Registration is \$20 per person.

[See program details below.](#)

### About the Workshop... Are You Liable?

**Has there been an increase in liability for our HOAs?**

**Do HOAs need to review the rules and adjust to a changing environment?**

Many of our lakes are now full-time communities not just made up of many part time residents. Boats are bigger and faster with more types of watercrafts on the water. Are there more responsibilities on the shoulders of HOA? How do we address these new challenges?

**Water is our most valuable resource:**

As lake residents, how do we maintain good water quality in our lakes?

**Boating Safety:**

How are we doing across the state? What can we do better?

How do we keep everyone safe on our lake waters?

**Zebra Mussel and other Invasive Species:**

Where are they now and how do we protect our lake waters?

These questions and many others are being discussed and answered at our 19th annual NLA Spring Workshop on Sunday, April 22. Join leaders from our NLA member lakes as well as these professionals in the field:

**Allison Zach** - Director, UNL Invasive Species

**Katie Pekarek** -Water Quality, UNL Institute of Agri. and Natural Resources

**Herb Angell** - NGPC Boating Law Administrator

**J. Michael Rierden** - Attorney and NLA Board Member

Participate in discussions covering all these important issues. Our goal is to start this conversation this year and help our HOA's develop guidelines for their HOAs over the next year. Please invite and bring your neighbors to share and to learn from our knowledgeable and experienced subject matter professionals.

## WHEN TO ABANDON SHIP

Herb Angell, NGPC Boating Law Administrator

### BOARD OF DIRECTORS

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**Ford Fischer (19), Ginger Cove**

fffginger@yahoo.com

402-214-7397

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**Carl Bortol (19), West Shores Lake**

402-740-6881

cbortol@datasupport.com

#### 2nd VICE PRESIDENT

**Brian Ellis (20), Valley Shores**

402-330-9441

bellis@taylorandmartin.com

#### SECRETARY / TREASURER

**Mary Lou Butler (18), Ginger Cove**

402-672-7574

mlbutler1@gmail.com

#### BOARD MEMBERS AT LARGE

**Sean Kenney (18), Woodcliff Lakes**

402-416-0118

seanmgm@gmail.com

**Tim Krause (19), Woodcliff Lakes**

khclsmith1@gmail.com

**J. Michael Rierden (20)**

402-476-2413

jjrierden@aol.com

**Ron Vlach (20), Summer Haven**

402-721-1341

rvlach@victorymarinellc.com

#### NE GAME & PARKS ADVISOR

##### Herb Angell

Boating Law Administrator

402-471-5579

herb.angell@nebraska.gov

#### NLA ADMINISTRATOR

##### Joanne Harse

402-430-4607

jmharse@gmail.com

### What criteria do you have to abandon your boat?

There are two general schools of thought with respect to abandoning your boat as lost, both summarized by the semi-wisecrack question of whether it is better to step down into a life raft or step up into one.

One need not own a life raft to understand the concepts. The first implies that you are leaving a boat that is still floating. The second school of thought applies to those abandoning a vessel that is sinking, or gone.

Certainly, cases can be made for acting along either line of thought. Like so many important boating questions, the best answer is “it depends.”

It depends upon you, the people on your boat, your boat, your equipment, and the exact situation you find yourself in.

I believe good boating dictates running through scenarios in advance so as to be more prepared to act decisively should worse come to worst. Here, I present two notional abandon-ship situations that will hopefully inspire you to consider the potentialities before the need for you to leave your boat for real arises. In each scenario, we’ll presume you’ve donned a life jacket and made a call on your cell phone.

Let’s say the grill flares up and ignites something on the inside of your boat. Can you put out the fire with a single extinguisher? Can you even get to your extinguisher, or are the flames blocking your access to the place where the extinguisher is stowed? Got a bucket?

### Step Down

Unless I could put the fire out in about 10 seconds — or with a single fire extinguisher — I’d get off. Cut the boat loose, board the other boat, get in a raft, or swim away from the burning boat.

Another case might occur during a local lake cruise. With night approaching, your high-water alarm sounds. You stop the boat, check the deck floors, and there is water, water everywhere and coming in fast. Did the plug fall out? Was it put in? So, when you start up the bilge pump, it’s working but it’s not enough.

### Step Up

I’d stay with this boat as long as it was stable, using manual pumps and buckets to assist the dewatering. I’d also jam a T-shirt, toilet wax or whatever into the hole where that leak is. Then I’d wait for a Good Samaritan or other boater to come and assist me.

I could create more scenarios. The point is to think about what might happen before anything does happen so that you are as prepared as you can be to protect the lives of your passengers.

## The Three Rs In Your Homeowner's Association

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Reading, writing and arithmetic used to cover what most needed to know, as long as they lived in the "holler". But homeowner associations have their own version of the Three Rs called Rules, Regulations and Resolutions. These are the policies and procedures that define HOA standards. They must comply with state and federal law. For example, the board cannot enact a rule that violates Fair Housing Act.

Rarely if ever are the Three Rs clearly or fully defined in the governing documents. That is by design to allow flexibility and customization. Amending bylaws is tedious and difficult. The Three Rs can usually be modified as needed by the board. The board may use either rules and regulations or resolutions to accomplish this goal. So what's the difference?

**Rules and Regulations** are used to address rules of conduct. Appropriate topics include:

- Quiet Hours
- Pets
- Parking
- Noise
- Restrictions (use of clubhouse, pool rules)
- Limitations on guest use

When adopting new or revised rules, it's wise for the board to solicit owner input for a greater degree of compliance. Any proposed rule or regulation must comply with the governing documents. For example, if the governing documents state that guest parking may only be used by guests, a board rule cannot change that. That requires an amendment voted upon by the members.

**Resolutions** are the preferred method of establishing procedures for the homeowner association. Resolutions come in two types: policy and administrative.

Policy Resolutions define acceptable community standards. An example of a policy resolution: Many governing documents are unclear with regard to homeowner association versus owner maintenance responsibilities. Who repairs a water supply line after it enters an owner's unit? Who repairs damage from a flood originating in an upper unit? There are many variations on this theme that could be answered in a policy resolution that defines each item according to who is responsible. This particular resolution directly impacts homeowner insurance and owner responsibilities. Other significant policy resolutions deal with money collection, architectural guidelines and enforcement procedures.

Administrative Resolutions define procedural guidelines, like how to run board and homeowner meetings.

**Mechanics of a Resolution.** The resolution should first cite the relevant provisions of the governing documents and any applicable state statute, especially those sections which give the homeowner association authority to establish policies. Following the authority section are the details of the resolution. It is highly recommended to circulate proposed resolutions to the membership for a minimum 30 day period for comment before the board votes on it.

Once approved, it should be dated and signed by the board president and the secretary.

About amending the governing documents. The Three Rs can be enacted by the board but amending the governing documents must be approved by the members by the percentage indicated in the governing documents. Getting this vote is often difficult so amendments should not be undertaken lightly. However, if the documents are unwieldy or in violation of the law in some respect, amending may be prescribed. Always consult with an attorney knowledgeable in homeowner association law.

Rules, regulations and resolutions help provide a clear and systematic way to deal with routine issues. Once enacted, they need to be enforced consistently and apply to all members, including the board.

*For sample Rules, Regulations and Resolutions, see [www.Reggenesis.net](http://www.Reggenesis.net). Written by Richard Thompson for [www.RealtyTimes.com](http://www.RealtyTimes.com) Copyright © 2018 Realty Times All Rights Reserved.*

## NLA Associate Members

Our Associate Members are businesses that provide products and services to lake associations and/or lake residents

### AQUARIUS SYSTEMS

Jane Dauffenbach

262-392-2162

[info@aquarius-systems.com](mailto:info@aquarius-systems.com)

[www.aquarius-systems.com](http://www.aquarius-systems.com)

### NEBRASKA LAKE MANAGEMENT

Rob Hofpar

402-784-6005

[nelakes@rocketmail.com](mailto:nelakes@rocketmail.com)

[www.nelakes.net](http://www.nelakes.net)

### OLMSTED & PERRY

James Olmsted

402-399-8552

[jimo@olmstedperry.com](mailto:jimo@olmstedperry.com)

[www.olmstedperry.com](http://www.olmstedperry.com)

### OMAHA MARINE CENTER

John Lawlor

402-339-9600

[jlawlor@omahamarinecenter.com](mailto:jlawlor@omahamarinecenter.com)

[omahamarinecenter.com](http://omahamarinecenter.com)

### SAND SIFTERS

Nick Coollin

402-521-4714

[nick@sandsifters.com](mailto:nick@sandsifters.com)

[sandsifters.com](http://sandsifters.com)

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### Individual Members

Ed Sekera, Jr.

## JOIN TODAY

Dues Statements are available on our website at [www.nebraskalakes.org](http://www.nebraskalakes.org).  
If you would like further information about joining our Association, please contact any of the Board of Directors listed on Page 2, or contact:

### Nebraska Lakes Association

PO Box 80771

Lincoln, NE 68501-0771

### NLA Administrator

Joanne Harse

Phone: 402-430-4607

[jmharse@gmail.com](mailto:jmharse@gmail.com)