Memo

To: Hot Springs Village Board of Directors
From: Governance Committee
Date: July 18, 2018
Re: ACC Charter Revisions

In relation to the preceding items on today’s agenda, which seek to better define the governances and processes surrounding the Protective Covenants, the Governance Committee recommends the following changes to the ACC Charter:

II. Jurisdiction
Add “by the authority granted them in the Protective Covenants Table 4.1-1”
Add “Amended April 18, 2018”
Remove “except for Lakes, Golf Courses, Water Systems and Sewer Systems”,

III. Purpose
Revise Item D to say “To apply consistently the Protective Covenants of Hot Springs Village as they relate to matters within the purview of the ACC”

IV. Organization and Appointments
Update F to note the ACC Staff Liaison
Add: The ACC Chair, ACC Board Liaison and ACC Staff Liaison shall serve on the Protective Covenant Review Committee, along with the CEO.

VI. Duties and Responsibilities – Replace with these items
A. To establish processes for reviewing and rendering decisions on permits under their purview
B. To reference specific protective covenant (s) in any denial decisions
C. To coordinate permit issuance with the Permitting & Inspection Department
D. To coordinate zoning or permitting infractions with the Compliance Department
E. To recommend Protective Covenant revisions to the Protective Covenant Review Committee.

A redlined version of the current charter is attached.
CHARTER
ARCHITECTURAL CONTROL COMMITTEE ("ACC")
HOT SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION ("POA")

I. AUTHORITY


II. JURISDICTION

All properties as defined by the authority granted them in the Protective Covenants Table 4.1-1 in Article I of Hot Springs Village Covenants and Restrictions dated April 20, 1970, Amended 04-05-2011, Amended 05-21-2014 and Article I, Section I (c) of the Declaration dated April 20, 1970, Amended 04-05-2011, Amended 05-21-2014, Amended 04-18-2018 except for Lakes, Golf Courses, Water Systems and Sewer Systems.

III. PURPOSE

A. To protect the general character, appearance, aesthetics and use of Hot Springs Village.
B. To protect and enhance the property values and environment of Hot Springs Village.
C. To evaluate all residential and commercial construction, alterations and additions in regard to nature, kind, shape, height, materials, location and harmony of external design with the surroundings and topography.
D. To interpret and administer consistently the Protective Covenants and Restrictions of Hot Springs Village as they relate to matters within the purview of the ACC.

IV. ORGANIZATION AND APPOINTMENT

A. The ACC shall consist of a minimum of five but up to seven members of the Property Owners’ Association. The POA Board of Directors shall approve all members for appointment.
B. Committee members shall be appointed prior to the regular April Board meeting for staggered 5-year terms. Appointments made to the ACC to fill a vacancy shall serve the balance of the term vacated.
C. The ACC Chairperson shall be a voting member to resolve tie votes and may vote when such vote will make a difference or determine the result. The ACC Chairperson shall be selected annually by vote of the ACC members for a term of office not to exceed one year and shall not succeed him/herself unless requested by the committee and authorized by the Board of Directors.
D. A vice-chairperson shall be elected by the committee. The vice-chairperson shall perform the duties of the chairperson in his/her absence.
E. A secretary shall be elected by the committee to record minutes of all meetings.
F. The POA shall provide a staff director, Inspector(s), and Compliance staff, as needed, none of whom shall be a member of the Committee. The assigned staff director shall serve as the ACC Staff Liaison.
G. The ACC Chair, ACC Board Liaison and ACC Staff Liaison shall serve on the Protective Covenant Review Committee, along with the CEO.

V. ENFORCEMENT
A. The ACC shall have no enforcement powers.
B. The ACC shall advise the Compliance Officer of any infractions it encounters or is aware of.

VI. DUTIES AND RESPONSIBILITIES

A. To establish processes for reviewing and rendering decisions on permits under their purview
B. To reference specific Protective Covenants in any denial decisions
C. To coordinate permit issuance with the Permitting & Inspections Department
D. To coordinate zoning or permitting infractions, as noted, with the Compliance Department

A. To establish criteria for the approval of all residential and commercial construction, alterations, and additions and other items as delineated in the Declaration and Covenants.
B. To establish criteria for any modifications to landscaping, construction, tree trimming or cutting or any other activity on common property as defined in Article II above.
C. To establish criteria for any and all signs exclusive of street identification, major facilities direction, and traffic control signs.
D. To review applications and plans for all of the above and to render a decision relative to approval or denial of said application.
E. To establish through the Permitting & Inspection Department a means of reporting and keeping permanent records relative to the above.
F. To coordinate with the Permitting & Inspection Department and the Compliance Department the review and issuance of permits for infractions of the established criteria in VI. A, B and C above.
E. To recommend Protective Covenant revisions to the Protective Covenant Review Committee.

VII. LIMITATIONS

A. The ACC shall not have the authority to hire, fire or discipline any POA personnel.
B. The ACC shall not make commitments of POA funds.
C. No ACC member should be associated with any business activities that are directly related to their committee purview.
D. ACC members are prohibited from accepting any form of gratuity, any form of remuneration from suppliers, contractors, realtors, property owners, or any other person doing business, attempting to do business, or in conflict or competition with the POA.

VIII. DISCLAIMER

No warranty or representation is made or should be implied by any individual owner that the actions of the ACC in the approval of permits is intended as a tacit approval of the quality, safety, desirability, or suitability of such design or construction.

IX. MEETINGS

Meetings shall be held at least twice a month and minutes taken and recorded.

X. REPORTS
A. Minutes of meetings shall be submitted to the office of the COO for distribution and filing with the POA Board of Directors by Thursday of the week prior to the monthly meeting of the POA Board of Directors.

B. Committee members are not authorized to submit minutes or unofficial reports to anyone other than the COO, who serves as the Secretary and official record keeper of the corporation.

BOD Approved: Adopter 4-23-80, Amended 6-27-84, B.O.D. 6-4-86, B.O.D. 6-25-86, B.O.D. 9-20-89