Memo

To: Lesley Nalley, CEO  
From: Linda Mayhood, COO  
Date: June 21, 2017  
Re: Motion- Approve Revisions to Appeals Committee Charter

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Motion

I move to approve revisions to the Appeals Committee Charter as follows:

I. **AUTHORITY** - Adds “Article VIII, Section 3(j) of the Declaration of the Hot Springs Village Property Owners’ Association”, that was approved by members and became effective April 20, 2013, which allows monetary fines for infractions.

II. **PURPOSE** - Adds “published rules and regulations”, as referenced in Article VIII, Section 3(j) of the Declaration.

IV. **DUTIES AND RESPONSIBILITIES** - Adds G. “The Committee is the authorized delegated representative of the Board of Directors and the decision of the committee shall be final”, in accordance with the Declaration Article VIII, Section 3(j).

VII. **REPORTS** - Replaces General Manager with COO.

The Appeals Committee has reviewed its charter and recommends the above noted revisions to update and reflect current practice.

A redlined copy of the current Appeals Committee Charter is included for your reference.

This was discussed at the May 17, 2017 regular board meeting.
CHARTER
ADMINISTRATIVE FINES APPEALS COMMITTEE
HOT SPRINGS VILLAGE PROPERTY OWNERS’ ASSOCIATION

I. AUTHORITY

Article XII of the Bylaws of the Hot Springs Village Property Owners’ Association.
Article VIII, Section 3(j) of the Declaration of the Hot Springs Village Property Owners’ Association.

II. PURPOSE

To provide a process by which members may appeal administrative fines assessed by the Property Owners’ Association or its authorized representatives (“POA”) for infractions as provided in Article VIII, Section 3, paragraph (j) of the Hot Springs Village Covenants and Restrictions Declaration and published rules and regulations.

III. ORGANIZATION

A. The Administrative Fines Appeals Committee (the “Committee”) shall consist of five members in good standing of the POA who shall be appointed by the Board of Directors.
B. Committee members shall be appointed at the regular March Board meeting for staggered three year terms. Appointments made to fill a vacancy shall serve the balance of the term vacated.
C. A chairperson shall be elected by a majority of the Committee members for a term of office not to exceed one year and shall not succeed himself/herself unless requested by the Committee and authorized by the Board of Directors. He/she shall preside over all meetings, announce the order of business, state and put to vote all motions brought before the Committee and appoint sub-committees as required to conduct the Committee’s business. Guidelines to assist the chairperson in the execution of his/her duties can be found in POA Operating Policies, Chapter 7, Article 3.
D. A vice-chairperson shall be elected annually by the Committee. The vice-chairperson shall perform the duties of the chairperson in his/her absence.
E. A secretary shall be elected annually by the Committee to record minutes of all meetings and hearings.

IV. DUTIES AND RESPONSIBILITIES

A. The Committee is responsible for maintaining a workable and coordinated Administrative Fines Appeals process (the “Process”).
B. When a member desires to contest a fine for an infraction assessed by the POA, the Committee will arrange a hearing as provided in the Process to hear the member’s appeal. The Committee will ensure that the member has an impartial hearing, is treated fairly, and given a proper opportunity to present his/her case.
C. All Committee hearings are open to the public and will be scheduled and announced in advance. Deliberations by Committee members after a hearing may be held in executive session, but voting on and rendering of the Committee’s decision shall be at a meeting open to the public.
D. At each hearing, the POA will describe the infraction and the Committee will describe the procedures to be followed during the hearing. The POA and the member may each make an opening statement, present evidence, witnesses and testimony, and make a closing statement. Committee members may ask questions of any party present.

E. If a member fails to appear at a scheduled hearing, the Committee may proceed and make a decision based upon the information before it.

F. The Committee will make its decision based upon the information presented at the hearing. After the hearing has concluded, the Committee will render its decision within a reasonable time. The decision will be in writing and mailed to the member.

F.G. The Committee is the authorized delegated representative of the Board of Directors and the decision of the Committee shall be final.

V. LIMITATIONS

A. The Committee shall not issue orders to any POA employee, nor will any member have the authority to discipline employees.

B. The Committee is not authorized to commit funds of the POA.

C. No Committee member shall engage in any activity that would constitute a conflict of interest with the duties and responsibilities of the Committee.

D. Committee 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 with or in competition with the POA.

VI. MEETINGS

The Committee will meet when called by the chairperson. All meetings are open to the public, except for Committee deliberations after a hearing.

VII. REPORTS

A. Minutes of Committee meetings and hearings shall be submitted to the office of the General Manager–COO.

B. Annual report of Committee activity to be completed in accordance with Article XII, Section 4.K. of the By-Laws.

Adopted 07-17-13, Revised: 12-18-13