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ARTICLE 1

PERSONNEL POLICY

Section 1. The HSVPOA shall have a written personnel procedural manual administered and maintained by the CEO that will provide employees with information regarding their employment with HSVPOA.

Section 2. The procedures shall contain provisions intended to comply with all applicable federal and state law.

Section 3. The procedures shall define and describe personnel rules and regulations including pay treatment, fringe benefit administration and grievance and disciplinary procedures that are intended to be fair and equitable among all employees.

Section 4. The procedures shall be competitive in the marketplace to attract and retain employees.

Section 5. The procedures shall be within the HSVPOA’s ability to fund in accordance with appropriate budget approvals by the Board of Directors.

Section 6. The written procedures can be amended by the CEO in compliance with the above provisions.

Section 7. In order to provide equal employment opportunities to all individuals, employment decisions at HSVPOA will be based on merit, qualifications and abilities. HSVPOA does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, veteran status or any other characteristic protected by law.

Section 8. All hiring and changes in employee status will be approved by the CEO. The CEO will review all terminations of Division Directors with the Board of Directors prior to final action unless immediate action is otherwise warranted. Hiring for newly created positions shall be in accordance with the approved annual budget. Hiring of the CEO will be the responsibility of the Board of Directors.

Section 9. Compensation of the CEO will comply with the CEO Employee Agreement and will be administered by the Board of Directors.

Section 10: The annual performance of the CEO will be administered and maintained by the Board of Directors.

Section 11: Personnel matters shall be considered confidential in accordance with Chapter 1, Article 14 of the Administrative Policies and Article XV of the Bylaws.

Adopted B.O.D. 2-21-01, Rev. 1-21-09, 5-16-12, 12-19-12, 04-18-18
Chapter One General Administration

ARTICLE 2
BUDGET POLICY

PURPOSE: To establish a structure for the association’s budgeting process and provide a process for making amendments to the budget once approved.

SECTION 1: The staff of the Hot Springs Village Property Owners’ Association will prepare a five-year capital plan, an annual operating and capital expenditure budget and the fee schedule from which the operating budget is prepared, using the Comprehensive Master Plan as a long-range guide in the process.

SECTION 2: The five-year capital plan is to be used for long-range planning and as a guide for capital expenditures, major maintenance and repairs in the formation of the annual operating and capital budget. This is a planning tool and requires input from staff, committees, the Board of Directors, and the Comprehensive Master Plan.

SECTION 3: The operating and capital budget is a management tool to be used as direction for the budget year it represents. The budget along with the fee schedule is to be approved and adopted each year by the Board of Directors at the October Board meeting prior to the budget year.

SECTION 4: Budgets are managed at the Board level, Executive level and the department level. Any amendments that increase or decrease departmental budgets must follow established procedures and coincide with purchasing authority levels. Amendments to the original budget may occur throughout the year for a variety of reasons. There are two types of Budget Amendments permitted under this policy:

1. No Impact to the bottom line (Net Excess (Deficit) before Depreciation)
   Intra and interdepartmental adjustments submitted and approved by Division Directors and the COO or CEO with concurrence of the Controller.

2. Bottom Line Impact
   Any increase or decrease of revenue or expenditures that impact the overall budget bottom line (Excess (Deficit) Before Depreciation) requires the approval of the Board of Directors.

The Controller manages the budget amendment process, monitors expenses and revenues, adjusts budgets as permitted under this policy, and prepares reports for the CEO. All amendments will be reflected in monthly financial reports.

SECTION 5: Once approved by the Board of Directors, the CEO shall have full authority to align personnel and resources to best meet enterprise goals, except as noted in Section 4.2.

Replaced Guidelines for the Development of the Three Year Financial Plan 2-25-87, 1-12-88, 1-20-88, 4-26-89, 2-6-02, 3-6-02, 3-20-02, 2-21-18
ARTICLE 3  
VEHICLE ASSIGNMENT & USE POLICY  

SECTION 1. Association personnel required to travel each day in the performance of their job may use or be assigned a POA owned vehicle for business purposes only.

Personnel will be required to meet the requirements as outlined in the vehicle use procedures to drive a POA owned vehicle.  
Personal use of any POA vehicle is not allowed, except for de minimus uses in connection with work related travel.

SECTION 2. Association vehicles or a car allowance may be assigned by the General Manager to an employee for transportation to and from his/her home, when such is a condition of employment or required by their job duties. Personnel with assigned vehicles shall abide by appropriate Internal Revenue Service regulations/tax codes regarding income taxes for the benefits received for assigned company vehicles.

All Personnel who drive a POA vehicle, have an assigned vehicle or use their personal vehicle for business purposes must complete and sign a vehicle assignment/use procedure form and abide by all rules and requirements set forth.

SECTION 3. Personnel required to use their personal vehicle for business purposes will be reimbursed at the appropriate rate as set by the POA annual budget using the Internal Revenue Service mileage allowance as a guide.

Personnel will be required to meet the insurance requirements and rules as set forth in the vehicle use procedures.

Adopted 10-76 B.O.D., Rev. 6-21-89, 7-25-89, 1-25-95, 7-20-05
ARTICLE 4
REFUND POLICY

Refund of an annual fee (green fee, cart lease, fitness center or Coronado tennis).

A refund will be given in case of death, to be prorated monthly from the month after death and paid to the surviving spouse or estate.

A refund will be given in case of a permanent medical disability for duration of fee year with a statement from his/her physician, to be prorated monthly from the month after disability. The permanent medical disability refund is a one-time occurrence and the Property Owner forgoes the ability to purchase the same annual fee pass for any future year.

New volunteers and new employees are not eligible to receive annual refunds.

Refunds must be requested in writing to the CFO. Prorated refunds will not be considered for anything other than an annual fee listed above.

Medical information will not be stored by the POA.

The annual fee is divided by 12 months then multiplied by number of full months to the end of the calendar year.

A processing fee will be charged. This processing fee is set by the Board of Directors.

BOD approved: 12-16-09, 05-18-16
ARTICLE 5
PROPERTY OWNERS ASSOCIATION IDENTIFICATION CARDS

SECTION 1. GENERAL POLICY:
Identification cards for members, guests, visitors and others will be issued so as to facilitate entry into Hot Springs Village by those authorized to do so.

SECTION 2. DEFINITIONS:
A. Property Owner
Any person or entity owning property within Hot Springs Village.

B. “Property Owner in Good Standing”
Any Hot Springs Village property owner who is current in the payment of all assessments, service and use charges (no more than 60 days delinquent) and not under any suspension of privileges.

C. Member – A property owner identified on a recorded deed or on a “Privilege Designation Form” if the recorded deed contains two or more names or is in the name of a trust, corporation or company.

D. Assignee – Anyone who is not a member but assigned membership privileges on an “Assigned Privilege Designation Form”.

E. Membership Transfer Fee
An administrative service charge for any membership change from a recorded deed.

F. Assignment Fee
As administrative service charge for any assignment in membership privileges.

G. Deed in Trust, Corporation or Company Ownership deeds of POA Property
For the purpose of establishing a “membership household” for lots deeded in trust for amenity use, a trustee may request membership cards issued in the names of a trustee’s household by filling out the “lot in trust privileges” form. If a second trustee, not in the same household, is designated to receive a membership card then dependent cards are not allowed for any trustee.

SECTION 3. POA IDENTIFICATION CARD POLICIES:
A. Issued at the Property Owners Association administration office to all having authorization to enter the Village.

B. Two types will be issued, a photo, and a non-photo.

C. The issuance of all POA Identification Cards is contingent upon the Property Owner being in good standing.

D. No more than two membership cards are to be issued per lot or living unit.

E. Except where noted, the POA Identification Cards gives unlimited access to the Village to amenities and facilities owned and operated by the Property Owners’ Association at the published rate for the card classification.
F. Privilege Designations may not be changed more often than annually.

G. If two individuals, not in the same household, are designated to receive a membership card, dependent cards are not allowed for either.

SECTION 4. ASSIGNMENT OF PRIVILEGES:

A. The Member’s privileges of use of amenities and facilities is assignable. Such delegation of privileges is a matter between the Member and the Assignee. The POA shall not assist the Member in obtaining assignees, nor in the collection of fees and assessments after the initiation of the assignment. The Association will provide the necessary forms and guidelines to complete an assignment.

B. An “Assigned Privilege Designation Form” must be submitted along with an assignment fee charged by the Association for handling such assignments.

C. Assigned Privilege Designations may not be changed more often than annually.

D. The Member’s privilege of use of facilities (except ingress and egress to property) shall be suspended during the period of the assignment. An assignment shall be canceled by either party at any time upon proper notification to the Association.

SECTION 5. POA IDENTIFICATION CARD CLASSIFICATIONS:

A. Member - Issued to those persons who are identified on the recorded deed or on the Privilege Designation Form. Eligible for “Property Owner” rate.

B. Assignee – Issued to those persons who are identified on an “Assigned Privilege Designation Form”. Eligible for “Property Owner” rate.

C. Dependent - Issued to those persons who meet all of the following criteria:
   a. Are related by blood or by law to the Member/Assignee.
   b. Are provided living facilities by the Member/Owner.
   c. Are solely, or partially dependent on the Member/Assignee, and/or mentally, or physically disabled.
   d. Are accepted by the IRS as a dependent.

   Eligible for “Property Owner” rate.

D. Family - Issued, upon request of member, or assignee, to the following who are related by blood, or law:
   1. Sons and Daughters
   2. Sons-in-law and Daughters-in-law
   3. Parents
   4. Grandparents
   5. Grandchildren

   Eligible for “Family Member” rate.

E. Resident/Tenant

Residents who do not hold another classification of identification card are entitled to a Long Term Renter Card, provided that they are sponsored by a Member, or a bonafide rental agent. Eligible for “Guest” rate.

F. Temporary - Issued as an interim Membership Card until such time as a regular Membership Card is issued. This card is for a limited (dated) duration. To be issued to Los Lagos owners for utilization during their time-share allotment. Eligible for “Property Owner” rate.
G. Visitor/Guest - Issued to guests of members and individuals with a short-term rental arrangement. The name of the guest or visitor, the sponsoring party and an expiration date must appear on the card. The expiration date will not exceed the length of stay or term of lease and generally, should not exceed thirty days. Eligible for “Guest” rate.

H. Employee - Issued to persons employed by the P.O.A. Eligible for “Employee” Rates.

I. Volunteer - Issued to volunteers serving the P.O.A. Eligible for special rates.

J. Work - Issued to those persons who are working in the Village that are not residents nor Members. This identification card is only for access to the Village, and not for recreational uses.

SECTION 5. MANAGEMENT CONTROLS

A. A POA Identification Card must be shown to a P.O.A. employee on demand for the purpose of identification and/or access to P.O.A. amenities and facilities. Additional identification procedures may be initiated from time to time by management to facilitate control and equitable use of facilities.

B. Abuse of the visitor passes by any sponsoring party could result in the revocation of privileges. This card is not to be utilized in lieu of a work pass.

SECTION 6. AUTHORITY

The General Manager and staff are responsible for the development of a standard operating procedure (SOP) to insure the most effective and efficient implementation of the policy.

Chapter One General Administration

ARTICLE 6
AUDIT & FUNDS CONTROL

PURPOSE: To safeguard the Association’s assets and financial transactions.

AUTHORITY: Article XI, Section 5 of the Bylaws grants certain authorities and responsibilities to the Treasurer related to the funds of the Association. The Audit Committee’s authority is detailed in Article XII of the Bylaws.

SECTION 1: The Treasurer, CEO, COO & Controller shall be named on all Association bank accounts. Additionally, the Fire Chief and one captain shall be named on the Act 833 account.

SECTION 2: All cash and checks received are to be deposited promptly in the POA’s deposit bank accounts. POA facility managers are charged with the responsibility to assure cash is safeguarded and managed according to established procedures. The POA Controller is responsible for developing and issuing cash receipt reporting procedures for the POA.

SECTION 3: The Association’s books and 401k plan shall be audited annually by an independent firm of Certified Public Accountants as approved by the Audit Committee, and as ratified by the Board of Directors. Audit and tax services shall be reviewed by the CEO/Treasurer and Audit Committee every five years, at a minimum, using the purchasing policies outlined in Article 19.

SECTION 4: Internal auditing procedures shall be directed by the Controller to ensure transactions align with generally accepted accounting principles (GAAP), using the accrual basis of accounting.

SECTION 5: Any irregularity revealed through audit procedures shall be reported immediately to the CEO and Board of Directors for corrective action. The final audit reports shall be presented in a public Board meeting.

Adopted 10-76, B.O.D.
Rev. 5-17-89, 7-22-98, 9-12-01, 10-17-01, 07-15-15, 2-21-18
ARTICLE 7
MANAGEMENT CONTROL

Section 1.  GENERAL

The affairs of the Association shall be governed by a seven (7) member Board of Directors elected by the membership and managed by the CEO, who shall serve as a non-voting member of the Board.

Management authority for the affairs of the Association shall be delegated to the CEO hired by the Board for that purpose. The CEO shall operate within the framework of the policies, general procedures, and budgets approved by the Board.

Section 2.  BOARD OF DIRECTORS

After the term expirations of the initial Board, all members are elected by the Membership for three (3) year terms. Members of the Board receive no remuneration for service.

The Board shall exercise budgetary control of the Association funds and approve capital improvement programs for the development of the Village. The Board shall review and approve operational policies proposed by management.

The Board shall sit in public session once each month to review current operation of the Association, make decisions on member related requests not within the scope of established policy and consider budgetary changes.

Section 3.  SENIOR EXECUTIVE OFFICER FOR MANAGEMENT

The CEO is appointed by the Board and serves at the pleasure of the Board. Individual members of the Board shall not normally assume duties in the actual daily management of Association affairs, nor individually direct any activity specifically delegated to the CEO.

Management of the Association is delegated to the CEO who shall exercise full management authority over the daily affairs of the Association. The CEO, with in accordance with Article 1, Personnel Policies, shall organize and employ personnel to effectively perform the functions of the Association, prepare the necessary budgets and establish controls.

Adopted 11-83, B.O.D., Reviewed 5-17-89, No change, Rev. 04-15-15, 04-18-18
Chapter One General Administration

ARTICLE 8
DEBT USAGE AND MANAGEMENT

PURPOSE: This policy serves as the Hot Springs Village Property Owners’ Association (HSVPOA) guiding philosophy for analyzing and using debt to ensure adequate funding from which to fulfil its obligations to current and future property owners. As such, it should be periodically reviewed and updated to reflect current market options, best practices, business needs, and regional or national benchmarks.

AUTHORITY: As directed in Article VI, Section 1.6 of the Bylaws, the HSVPOA Board of Directors retains authority to approve debt usage.

The following guidelines shall be used by management to bring forward recommendations, and likewise by the Board, for scrutinizing the debt arrangements.

SECTION 1: PURPOSES FOR WHICH DEBT MAY BE USED
a. Short term debt such as credit cards, lines of credit, or vehicle and equipment leasing programs may be considered to smooth operational cash flow.
   i. Leasing programs may be considered for equipment and vehicles required for routine operations when traditional bank financing options are less favorable. Safety, reliability, and total cost of ownership will guide such decisions.
   ii. Credit card balances must be paid in full each month or their usage suspended.

b. Long term debt should be considered when constructing or improving fixed assets and not to support operating expenses.

SECTION 2: DEBT LIMITS & COLLATERAL
a. When analyzing HSVPOA’s long term debt capacity, the viability ratio shall be calculated. The viability ratio equals (=) expendable net assets divided (/) by total long term debt. Expendable net assets equals (=) total assets minus (-) total liabilities minus (-) net property, plant, and equipment plus (+) long term debt. This ratio is used to determine whether sufficient assets exist to cover debt and should not fall below 1.1.

b. When considering whether HSVPOA can afford to pay debt service from current operational cash, the debt service coverage ratio (DSCR) shall be calculated. The DSCR equals (=) 3 year average net operating income before depreciation divided by (/) total current debt service for one year. This calculation is meant to represent current results, using established or known data. It should be carefully studied and scrutinized to ensure the best course of action is taken before choosing a long term debt arrangement. When significant shifts in net income or additional debt service is readily known, both a current result and a projected calculation should be considered. HSV will strive for a DSCR of 1.25 or higher, but will not fall below 1.1.
c. Both revenues and assets may be used for collateral, as follows:
   i. Assessments, water, and sanitation fees may be pledged. The total pledged amount shall not exceed 25% of the current year’s budgeted or projected revenues, whichever is less. When calculating available assessment revenue, it shall be net of the allowance for doubtful accounts.
   ii. Although revenues are the preferred collateral, assets may be used as collateral when required by the institution or more favorable terms are granted, as a result.

SECTION 3: DEBT STRUCTURING
a. HSVPOA recognizes there are many financing and funding sources available, each with specific benefits, risks, and costs. Bonds, notes, mortgages, and other customarily used financial instruments may be considered, with the most appropriate instrument chosen for the project goals. Cost and benefits have various meanings in debt. Therefore, the goals of a particular debt arrangement shall be clearly understood; i.e. 1) to fund construction while minimizing monthly debt service, 2) to fund construction while expediting repayment, 3) to refund bonds in order to take advantage of favorable net present value savings; 4) other business needs.

b. Bonds may be issued under public or private offerings.

c. Refinancing or refunding without additional debt issuance may be considered for economic or legal reasons. In the case of economic reasons, the associated fees should be less than the interest saved, without extending the maturity date, unless sufficient evidence supports economic benefits received by extending maturity.

d. When refinancing or refunding includes additional debt issuance for new projects, or when new standalone debt is considered, the overall project goals shall drive the meaning for and decisions surrounding cost and benefits.

e. The repayment of principle shall be setup such that interest expense is minimized.

f. The repayment period shall be as short as economically feasible and, at a minimum, correlate to the asset’s useful life.

g. Payoff terms shall be scrutinized to determine cost and benefit of either allowing or not allowing principle to be repaid early.

h. Impacts to the organization’s credit rating must be considered for the purpose of maintaining or improving HSVPOA’s credit rating and, when prudent, using credit enhancements.

SECTION 4: SERVICE PROVIDER SELECTION
a. Either competitive sourcing or direct negotiation with known local or regional industry leaders may be used to identify the appropriate debt solution. Depending upon the instrument chosen, various service providers may comprise associated fees, such as attorneys, underwriters, trustees, investors, CPAs, financial advisors, and other professionals or experts.

b. Professionals chosen by direct negotiation and internal research shall be subject to competitive sourcing every 3-5 years to ensure the organization continues receiving the highest level of service, most qualified professionals, and competitive pricing.
SECTION 5: COMMUNICATION AND COMPLIANCE

a. Debt recommendations will be made in a public forum with the appropriate external professional presenting and answering questions. Afterwards, summary information to include provider credentials, total fees, interest rates, and repayment terms will be posted on the HSVPOA website. Full details will be provided confidentially to the Board prior to the meeting and may be reviewed afterwards by members in good standing in accordance with the Declaration and Bylaws.

b. Although the Declaration grants the Board ultimate authority for debt approval, keeping property owners apprised on matters impacting the organization’s overall net worth is important. Therefore, a member comment period between recommendation and Board approval will occur, with the length between the two determined by market conditions and urgency of need.

c. A local or regional legal firm possessing industry leading experience in the debt instrument under consideration shall be engaged to develop related documents and guide the organization on related laws governing its issuance and future management.

d. Arbitrage and other financial analysis or audit requirements will be performed by the audit firm engaged at the time of such requirement, as prescribed by Article 6 of the General Administration policies.

Sources Used or Cited

City of Texarkana Bond Refunding Underwriting Proposal & Resolution. (2015, June 1). Retrieved December 2015, from City of Texarkana Board Reports
and


BOD 07/18/07; 01/20/16, 2-21-18
ARTICLE 9
CONTRACTS EXECUTION POLICY

PURPOSE: To establish authority for contract agreements.

AUTHORITY: The authority to execute contracts and/or agreements shall be vested in the officers of the Association as stated in Article XI, Section 6 of the Bylaws.

SECTION 1: CONTRACT LIMITATIONS
Any and all contracts and/or agreements obligating the Association to an expenditure over $50,000 for the life of the contract must be approved by the Board of Directors. The CEO approves contract expenditures below this amount or contracts allowing for termination at any time and with a maximum annual obligation of $50,000.

CHAPTER 1, ARTICLE 10
RESERVE FUNDS

SECTION 1. PURPOSE: To provide cash reserves for maintaining corporate assets and/or operations in a manner that encourages long term sustainability and market relevance.

SECTION 2. FUND TYPES: HSVPOA shall maintain three separate funds, as follows.

A. Public Utility Reserve. To be funded through net utility profits and used for water or waste water projects, except as noted in Section 3 below. 1 year of annual depreciation (water and waste water assets) shall be the minimum targeted funded level.

B. Non-Utility Asset Repairs & Replacements. To be funded through net operating profits (excluding water & waste water operations) and used for capital projects that maintain and/or improve property value and asset conditions or emergency asset repairs. 1 year of annual depreciation shall be the minimum targeted funding level.

C. Operating Reserves – To be funded through a combination of net operating profits and available line of credit access. These funds will be used for priority operational needs during a short-term cash shortage. One month of average budgeted operating expense shall be the minimum targeted funding level.

SECTION 3. FUNDING STARTUP:
As of the date of policy adoption, HSVPOA has $100k in Public Utility Reserves, $358k in Non-Utility Reserves, a $1mil available Line of Credit, and $1.5mil in investments, which serve as the starting point for this revised policy. The minimum funding levels described above are projected to be in place within 5 years and will be a component of the annual budget process.

It is also understood that the 2014 water plant expansion exhausted all previous reserves, using $6.2mil of cash for the project. The Public Utility Department will repay $3mil into the general operating account over the next 6 years to help address the deferred maintenance resulting from such usage of cash. Upon repayment, all excess profits of the Public Utility Department shall go to fund the Public Utility Reserve. Until that time, a minimum of $100k will be added to the Public Utility Reserve Fund.

This policy was formerly referred to as “Building Reserve Fund”. It is expanded herein to reflect both operating and capital reserve elements, along with minimum funding levels.

SECTION 4. FUNDING PHILOSOPHY: HSVPOA recognizes the duty to adequately fund both current operations and save for future needs. As such, related annual budgets will balance spending and saving decisions.

SECTION 5. ACCOUNT REQUIREMENTS: Interest earned on the Public Utility Reserve will remain within that fund. Interest income earned on asset and operating funds will be deposited to the general operating account.

Reserve contributions shall be deposited, at a minimum, annually in accounts as defined in Article 20’s Investment Policy Statement.

8-11-99, 8-25-99 B.O.D., Rev. 11-19-03, 07-19-17
ARTICLE 11
DELINQUENT ACCOUNTS/BAD DEBT WRITE-OFF POLICY

PURPOSE: To outline action to be taken when assessments, utilities, fines, fees or any other receivable become delinquent.

AUTHORITY: Various authorities are stated throughout the policy that reference the Declarations & Bylaws.

SECTION 1: ASSESSMENTS

A. All assessment accounts become delinquent on the 15th day of the month and will be placed on the delinquent list with written notifications, penalties, and collection procedures enacted. As per the Declaration (Article X, Section 7), assessments are due on the first day of each month. This 15-day window is merely a reprieve from delinquency communications and is not intended to circumvent the assessment due date or counting of days for collection actions.

B. On the last day of the month due, balances shall incur the Board approved late payment penalty which will be charged each subsequent month of delinquency.

C. As provided in Article X, Section 7 and Section 10 of the Declaration, beginning with the second year of assessments, monthly assessment payments that are more than 45 days outstanding will be subject to the following payment stipulation: “In the event of default as to a monthly payment, and if the default is not remedied within 30 days, the Association shall have the option of declaring the assessment for the entire year due and payable.” If this action is taken, “the assessment shall bear interest from the date of delinquency at the rate of 6% per annum, and the Association may foreclose the lien against said property, or may bring an action at law against the individual(s) or entity personally obligated to pay the same”.

D. Penalties on delinquent assessments will be established by the Board of Directors of the Hot Springs Village Property Owners’ Association.

SECTION 2: UTILITY BILLS

A. Any unpaid balances on utility bills are considered past due 21 days after the billing date.

B. On the 21st day after the billing date, all utility accounts with balances shall incur the Board approved late payment penalty, which will be charged each subsequent month of delinquency and late notices will be mailed.

C. Utility services will be shut off for non-payment (and charged related shut off/on fees as approved by the Board) 30 days after the billing date.
SECTION 3: USAGE FEES, FINES, ETC.

A. Any unpaid balances of other receivables, including fines, fees, lease payments, or any other accounts due to the Association will be considered past due 31 days after the billing date.
B. Past due notices will be sent after 31 days and for each month thereafter.

SECTION 4: DELINQUENT ACCOUNTS

A. On the 61st day from the billing date, the property is no longer in good standing and subject to the suspension of privileges as described in the Declaration (Article XIV, Section 1) and Bylaws (Article I, Section 9).
B. On the 120th day, the property will be subject to third-party collection action, which may include credit bureau reporting, foreclosure proceedings, and any other legal recourse available to HSVPOA.
C. To avoid repeat delinquencies, the POA will not sell any POA owned lots to property owners that are not in good standing as defined in Article XIV, Section 1 of the Declaration.
D. The POA staff, under the guidance of the CEO, may to adjust down any penalty charges in its efforts to collect delinquent accounts or to facilitate the sale of property in inventory.

SECTION 5: BAD DEBT WRITE OFFS

A. In accordance with accrual accounting, a provision for bad debt shall be included as a separate line in the approved annual budget. It shall be calculated and recorded monthly as 100% of all balances that are more than 365 days outstanding and any other assessments deemed “uncollectable”.
B. The Controller shall prepare and review an aged trial balance of accounts receivable monthly and provide summary balances during the monthly financial presentation to the Board.
C. The CEO will evaluate delinquent accounts each June and December to identify and write off all balances outstanding beyond the statute of limitations, currently 5 years. The bad debt write-off will only occur after all measures of debt collection have been exhausted, such as in-house and outside third-party collections and when debts have reached the statute of limitations set by the State of Arkansas (Arkansas Code Ann. 16-56-111).

Adopted B.O.D. 2-21-01, 8-5-09, 1-18-12, 10-15-14, 02-21-18, 6-20-18
ARTICLE 12
ASSOCIATION COMMUNICATIONS

Press Releases

All press releases or news articles relating to the Property Owners Association intended for dissemination to the members or general public must be approved by the COO/General Manager or his/her designee. This does not extend to advertisements generated by departments of the Association or articles written by the Board of Directors.

POA Advocate and Special Communications

The POA Advocate and special communications provided members of the Association will be approved by the COO/General Manager or his/her designee prior to their printing and distribution except articles written by the Board of Directors. Advertising is allowed in the POA Advocate.

Adopted 10-76, B.O.D.
Rev. 5-17-89, 6-21-89, 1-26-00, 04-15-15
ARTICLE 13  
MASS EMAIL POLICY

Purpose: This policy reflects the Hot Springs Village Property Owners’ Association decision to use email as a form of communication with property owners and residents of Hot Springs Village.

To facilitate electronic communication among property owners and residents, the Hot Springs Village Property Owners Association offers electronic mailing list services to all property owners, residents and any other recognized group which are issued unique ID numbers.

Mass emails are electronic mailings in which the message is sent to members of various groups. Those property owners wishing to receive information must enter their email address and subscribe to receive the information/email alerts.

Email messages are limited to official POA communications and must be approved by the COO/General Manager or his/her designee before any messages are sent.

Mass email will only be used for items related to Hot Springs Village POA. Mass emails will not be used for political statements, expressions of personal opinion, personal business, unauthorized fundraising or solicitation or commercial promotions.

Adopted 1-21-09 B.O.D., Rev. 04-15-15
Chapter One General Administration

ARTICLE 14
RECORDS AVAILABILITY

PURPOSE: To provide appropriate transparency to property owners in good standing.

AUTHORITY: As stated in the Bylaws, Article XV, Section 1 the books, records, and papers of the Association, with the exception of personnel records, shall at all times, during reasonable business hours, be available for public inspection by any member in good standing of the Association.

SECTION 1: Certain records of the Association, such as membership name and address listings, membership payment records, etc. shall not be distributed to any person without the written consent of such members. Likewise, members will not be permitted to copy such records for removal from the Association office.

SECTION 2: All personal information, relative to a member or employee, in the possession of the Association shall be held confidential to that member and will not be made available for general public scrutiny.

SECTION 3: Upon proper identification, all federal, state or local agencies authorized by law shall have access to the Association records without protest.

Adopted 10-76, B.O.D., Amended 11-76, 2-21-18
ARTICLE 15
RULES VIOLATION AND/OR ABUSE OF PROPERTY

SECTION 1. GENERAL
All rules, regulations and procedures for the operation of all Association facilities shall be duly enacted to ensure equitable use by all members, guests and visitors to maintain acceptable standards of operation.

It is the responsibility of all Association employees to prevent abuse of Association property and to help ensure that all members, guests and visitors abide by all Association rules and regulations. Members are responsible for the actions of their guests and visitors.

SECTION 2. RULES VIOLATIONS
Observation by an employee of a rule violation shall be called to the attention of the offending party by the employee or his/her immediate supervisor along with an explanation of the correct procedure. Such contact with a member, guest or visitor must be conducted in a courteous, firm and reasonable manner.

In the event the member, guest or visitor refuses to accept direction and explanation of rule violations, the observing employee will advise the member, guest or visitor that such violation will be referred to his or her immediate supervisor.

The employee’s supervisor, after being advised of the violation, shall attempt to obtain compliance of the member, guest or visitor. Failure to secure cooperation of the member, guest or visitor shall be sufficient cause to direct the party to leave the facility. The supervisor will, as soon as possible, advise the General Manager of such incident and also prepare a written report.

SECTION 3. ABUSE OF PROPERTY
An employee observing physical abuse of Association property shall immediately request cessation of such action. Failure to secure cooperation from the offending party shall be pursued in the same manner as rule violations except that expediency is much more critical where destruction or damage to property is involved.

SECTION 4. OBTAINING COMPLIANCE
An employee shall not attempt to secure compliance by physical force. Neither shall the employee submit to verbal or physical abuse. Should such action appear imminent, the employee or supervisor should leave the area immediately and refer the matter to the Security Supervisor for further action.

Threats of violence or retribution against the Association shall be pursued with all diligence as provided by law. Personal threats against individuals resulting from their performance in carrying out their Association responsibilities should immediately be reported to Security and Management for a determination of appropriate action.

Repeated violations shall be reported in writing to the General Manager. Repetitive violations shall be sufficient cause for referral to the Board of Directors with a recommendation for suspension of privileges.

Any incident or violation involving threats or violence shall be referred to the General Manager at the earliest possible moment after security personnel are notified. All employees (except Security Officers) shall abstain from further contact upon arrival of the Security officer at the scene. A copy of the security incident report shall be furnished to the General Manager upon completion.

SECTION 5. PENALTIES
Violations referred to the Board of Directors shall be considered for suspension of membership privileges, denial of access (non-members, contractors, employees) or other action.

Notice of such presentation to the Board shall be issued to the violator in writing by certified mail, return receipt requested, 10 days prior to the scheduled Board meeting. Penalty action procedures, except suspension of membership privileges, may be designated to management at the discretion of the Board.
Authority to assess penalties provided in Article VIII, Section (c) of the Declaration and Article III of the Association Bylaws.

Adopted 10-76, B.O.D., Amended 11-76, 4-25-90
Chapter One General Administration

ARTICLE 16

CONDUCT

All members, members’ guests, and visitors are expected and required to conduct themselves in a reasonable, lawful and courteous manner at all times. Conduct contrary to this requirement will subject the person(s) to punishment by suspension of privileges in accordance with Article VIII, Section 3(C) of the Declaration and Protective Covenants and Article III of the Association Bylaws. The requirement shall apply to all household persons of such members or guests.

MIS-USE MEMBERSHIP AND GATE CARDS

Membership cards and cards issued for the operation of the electric entrance gates are for use only by the person to whom the card is issued.

Misuse of a membership card or a gate card is in violation of Article VIII, Section (c and f) of the Declaration. Violators are subject to possible suspension for a period not to exceed thirty (30) days under Article III of the Bylaws.

The use of electronic gate cards that are attached to a lot that is more than ninety days delinquent will be suspended. When the assessment account returns to good standing the electronic gate cards will be instated.

Adopted 3-23-83, B.O.D., Amended 5-17-89, 4-25-90, 6-17-09
ARTICLE 17
INFORMATION SYSTEM POLICY

SECTION 1. PURPOSE: To safeguard the POA's Information System against loss, damage, misuse and system failure. This policy also includes all forms of POA owned electronic communications including, but not limited to, electronic mail, internet services, voice mail and fax messages that are sent and/or received.

SECTION 2. The Data Processing Department is responsible for insuring proper handling of its files and software.

SECTION 3. PERSONAL COMPUTER SYSTEMS
The departmental users are responsible for the proper backup of their Personal Computer system.

SECTION 4. RETENTION SCHEDULE AND PERIOD: The following retention schedule is for all computer records and/or paper records.

<table>
<thead>
<tr>
<th>Retention Type</th>
<th>Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual audited financial statements</td>
<td>Permanent</td>
</tr>
<tr>
<td>General ledger and supporting journals</td>
<td>Permanent</td>
</tr>
<tr>
<td>Federal Tax Returns</td>
<td>Permanent</td>
</tr>
<tr>
<td>Corporate Documents, Minutes, By-laws, Incorporation Papers</td>
<td>Permanent</td>
</tr>
<tr>
<td>Contracts (after expiration)</td>
<td>6 years</td>
</tr>
<tr>
<td>Utility Billing Data</td>
<td>6 years</td>
</tr>
<tr>
<td>ERISA Reports</td>
<td>6 years</td>
</tr>
<tr>
<td>Payroll Records</td>
<td>5 years</td>
</tr>
<tr>
<td>OSHA Records</td>
<td>5 years</td>
</tr>
<tr>
<td>Employee Personnel Files</td>
<td>5 Years (after termination)</td>
</tr>
<tr>
<td>Employee Earning Records</td>
<td>5 Years</td>
</tr>
<tr>
<td>Employee related documentation</td>
<td>5 years (after termination)</td>
</tr>
<tr>
<td>Medical &amp; Psychological Records</td>
<td>5 years (after termination)</td>
</tr>
<tr>
<td>Cancelled Checks</td>
<td>3 Years</td>
</tr>
<tr>
<td>Bank Deposit Slips/Reconciliation</td>
<td>3 Years</td>
</tr>
<tr>
<td>Daily Sales Records</td>
<td>3 Years</td>
</tr>
<tr>
<td>Expenses &amp; Cost Acct. Reports</td>
<td>3 Years</td>
</tr>
<tr>
<td>Inventory Records</td>
<td>3 Years</td>
</tr>
<tr>
<td>Paid Vendor Invoices</td>
<td>3 Years</td>
</tr>
<tr>
<td>Auto Mileage Log</td>
<td>3 Years</td>
</tr>
<tr>
<td>Wage Rate Tables</td>
<td>2 Years</td>
</tr>
<tr>
<td>Time Sheets</td>
<td>2 Years</td>
</tr>
<tr>
<td>Vacation/Sick Time Reports</td>
<td>2 Years</td>
</tr>
<tr>
<td>Employment Application</td>
<td>1 Year</td>
</tr>
<tr>
<td>Sales Receipts/Reports</td>
<td>1 Month</td>
</tr>
</tbody>
</table>

SECTION 5. COMPUTER AND TELECOMMUNICATIONS USER RESPONSIBILITIES/RULES
Computers, fax machines and telephones provide access to resources on and off POA premises, as well as the ability to communicate with other users. Such open access is a privilege, and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all laws, regulations and contractual obligations.

Users will protect the confidentiality and privacy of computer data, including personnel information, individual property owner financial information and any other information protected by applicable law. All electronic communications transmitted, received and stored are the property of the POA, as allowed by applicable law.

The POA may access user systems as appropriate and necessary to protect the integrity of the systems. The POA may access or examine files or accounts that are suspected of unauthorized use or misuse, or that have been corrupted or damaged.
Examples of misuse include, but are not limited to, the activities in the following list.

1. Using a computer account that you are not authorized to use.
2. Breaking into other user accounts: for example, using password-guessing or other password-stealing programs.
3. Using the P.O.A.’s Network to gain unauthorized access to any computer systems.
4. Knowingly performing an act which will interfere with the normal operation of computers, terminals, peripherals, or networks.
5. Knowingly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes but is not limited to programs known as computer viruses.
6. Attempting to circumvent data protection schemes or uncover security loopholes.
7. Violating terms of applicable software licensing agreements or copyright laws.
8. Deliberately wasting computing and other information resources.
9. Deliberately crashing the system.
10. Using electronic, voice or fax mail to slander or harass others.
11. Forging electronic mail from other users.
12. Masking the identity of an account or machine.
13. Posting on electronic bulletin boards materials that violate existing laws.
14. Unauthorized monitoring or tampering with another user’s electronic communications, or reading, copying, changing, or deleting another user’s files or software without the explicit approval of the Data Processing Department, within the limits of applicable laws.
15. Use of information systems for illegal purposes is prohibited.
16. No unauthorized person shall connect, disconnect, tamper with or make changes to any physical components of a P.O.A. computer system or computer network unless the Data Processing Department has granted permission, within the limits of applicable law.
17. Theft of telephone or communication services or telephone I.D. numbers to gain unauthorized access to telephone services is prohibited.

Adopted 7-28-82, Amended 10-22-97, 9-12-01, 10-17-01
ARTICLE 18
INSURANCE CLAIMS AND LITIGATION POLICY

PURPOSE: To establish authority for handling insurance claims and litigation.

AUTHORITY: Article 9’s contract execution policy and related spending limits shall govern decisions to enter into agreement or litigation under this policy.

SECTION 1: INSURANCE CLAIMS
Through its daily operations, the Corporation is subject to claims being filed against it which exposes the Association to a direct liability or a liability against its insurance. The COO is assigned the responsibility to manage and control the disposition of claims.

SECTION 2: LITIGATION
1. Delinquent Assessments - All legal action necessary to pursue the collection of assessments is to be administered by the CEO under the provisions of applicable federal and state law, the Declaration, Bylaws and policies.
2. Enforcement of Declaration and Governance Policies - Any legal action required to pursue the enforcement of the protective covenants, Bylaws, and policies of the POA must receive the prior approval of the Board of Directors. Enforcement of Operational Policies shall be administered by the CEO.
3. Personnel – All legal action related to personnel under the CEO’s authority shall be pursued by the CEO, in coordination with the HR Director and an Employment Law attorney. Legal matters relating to the CEO’s employment are pursued by the Board of Directors.
4. Damages – All legal action necessary to pursue the collection of damages is to be administered by the CEO under the provisions of applicable federal and state law and within the spending authorities stated in Article 19.

5-15-89, 9-12-01, 10-17-01, 6-11-03, Approved 7-16-03 BOD, 04-15-15, 2-21-18
ARTICLE 19
PURCHASING POLICY

PURPOSE: To obtain maximum value when acquiring materials and services for the benefit of the HSV Property Owners Association (POA). This policy shall extend to all levels of procurement activity. The CEO or designated staff are herein referred to as the purchasing authority (P.A.), as determined by commitment authority levels.

SECTION I: DELEGATION OF AUTHORITY
The board of directors shall delegate the total purchasing responsibility to the CEO whom shall extend subordinate authority to staff as defined in established procedures.

Commitment Authority of Approved Budgetary Spending
1. CEO, up to $50,000 for operating expenses
2. CEO, up to $100,000 for budgeted capital items previously approved and noted in the budget. The CEO will keep the board apprised of any purchases over $50,000.
3. COO, up to $25,000
4. Division Director, up to $10,000
5. Supervisor, up to $5,000
6. The board of directors shall approve any expenditures not delegated to the CEO as noted above.

SECTION II: CONTRACTS
Board approval of the annual budget is not to be presumed as sufficient authorization for the CEO or staff to enter into contractual agreements obligating the POA beyond this policy. Advance notice of contract awards over $50,000 is prohibited until approved by the board of directors and related purchasing procedures have been completed. Additional policies on contracts are found in Chapter One, General Administration, Article 9, Contracts Execution Policy.

SECTION III: PROJECT APPROVAL
Projects, unlike general ongoing maintenance efforts, shall be defined as repurposing or procuring buildings, amenities, or other infrastructure and capital.

The CEO (or COO as designee) shall approve all expenditures over $50,000 that have been authorized within a board approved project. At any time that project costs are projected to exceed the original project authorization, such increase must be presented to the Board for approval within 30 days.

SECTION IV: EXCEPTIONS
The following expenditures are exceptions to this policy: utilities, taxes, insurance premiums, or legal fees incurred to enforce current policies or to pursue board approved litigation. The CEO has authority to re-direct line item spending up to the CEO’s commitment authority, as deemed appropriate for accomplishing the Enterprise Goals and without perpetuating infrastructure neglect. The Board retains approval authority for spending in excess of the approved total annual budget.

Adopted BOD 1-15-14; 12-16-15, 2-21-18
Chapter One General Administration

ARTICLE 20
INVESTMENT POLICY
HOT SPRINGS VILLAGE
PROPERTY OWNERS’ ASSOCIATION

Objectives:

I. Ensure safety of funds.
II. Maintain adequate liquidity for operation.
III. Maximize income from investable funds subject to I. and II. above.

IV. Safety of Funds
   A. The Research and Special Projects Committee shall review as needed, a list of security types deemed suitable for investment of association funds. The list is set forth in Addendum B.
   B. The general factors to be considered in approving a bank are listed in Addendum B where Funds deposited in any one institution which exceeds U.S. guaranties should be secured by that institution.

V. Liquidity
   Treasurer shall make estimates of operational funds required for current operations and use short to medium term investments of non-current operational funds until needed.

VI. Maximize Income
   A. Treasurer shall determine investable funds and maturities required to obtain most favorable yield on parked funds.
   B. Reserve funds and restricted funds for projects in excess of one year hence where suitable should be funded in maturities up to the time the cash is required.

Adopted 1-10-91, Amended 4-24-91, 7-1-96, 5-1-97, 5-28-97, 10-27-99, 9-12-01, 10-17-01, 4-23-04, 5-19-04
ARTICLE 20
INVESTMENT POLICY

ADDENDUM A
AS OF
5-28-97, Rev. 10-27-99

1. Treasury Bills
2. Approved agencies of U.S.A.
3. C.D.’s in approved banks.
4. C.D.’s in any financial institution which do not exceed amount of U.S. guarantee.
5. Bank money management funds in approved banks.
6. Brokerage management funds to 95% of the guaranteed limit or to limit of approved securities pledged to security safety of P.O.A. funds.
7. Repurchase agreements.
8. Investments or deposits with any financial institution to the extent same are secured by U.S. Government Securities.
9. Any approved government securities portfolio which is secured by the customary U.S. Government type insurance.
10. Al or P1 commercial paper with amount limited to 50% of idle operating funds nd for no longer than a term of 60 days.

ARTICLE 20
INVESTMENT POLICY

ADDENDUM B
AS OF
5-28-97

Banks should have a minimum capital/asset ratio of 6 – 1. should have been profitable 3 of the last 4 quarters and profitable for the prior 12 months period. Factors such as non-performing loans and ratios of 1) loans to deposits, 2) types of deposits to total deposits, 3) types of loans to types of deposits and GAP analysis, etc. should also be considered.

In addition, if rated, the approved banks or their holding company should have a satisfactory rating from a recognized rating agenda.
ARTICLE 21
SAFETY POLICY

SECTION 1. The health and safety of employees, guests, and property owners on P.O.A. property are of the utmost concern. It is the policy of the P.O.A. to strive for the highest level of safety in all activities and operations. The P.O.A. is committed to comply with all health and safety laws applicable to our business. Employees will help ensure that public and work areas are free of hazardous conditions.

SECTION 2. The P.O.A. will make every effort to provide the safest possible working conditions that are in compliance with industry standards, federal and state laws. Employees are expected to be equally conscientious about workplace safety. This includes proper work methods, reporting potential hazards and alleviating known hazards. The P.O.A. provides to its employees’ required and appropriate personal protective equipment relative to their job.

SECTION 3. The P.O.A. shall have a written safety procedural manual administered and maintained by the General Manager. The procedures shall contain provisions intended to comply with all applicable federal and state laws.

9-14-01, 10-17-01
Chapter One – General Administration

ARTICLE 22
CAPITAL INVESTMENT RESERVE FUND
Policy previously combined with Article 10, RESERVE FUNDS POLICY on 7/19/17

Adopted 11-19-03, BOD approved 2-21-18
ENFORCEMENT OF THE DECLARATION/PROTECTIVE COVENANTS/POLICIES

Section 1. PURPOSE

The intent of this policy is to help ensure that conditions violating the Declaration, Protective Covenants, Policies, and Rules and Regulations of the Hot Springs Village Property Owners’ Association are dealt with in a timely manner and that corrective actions are taken. It is also the intent of this policy that violators of the Declaration, Protective Covenants, Policies, and Rules and Regulations are provided an adequate due process that includes the specifics of the violation, reasonable deadlines and information on the consequences for not complying.

Section 2. ENFORCEMENT PROVISIONS

It is the intent of the POA to use all available legal remedies at its disposal to seek correction of violations. Such remedies include, but are not limited, to the following:

A. Suspension of enjoyment rights as authorized under Article VIII, Section 3(c) of the Declaration. Suspension of enjoyment rights shall include the prohibited use of all amenities controlled through the Hot Springs Village Property Owners’ Association membership card including access at electronic gates.

B. Right to impose reasonable monetary penalty as authorized under Article VIII, Section 3(j) of the Declaration. The right of the Association by and through its authorized and delegated representatives to impose a reasonable monetary penalty for any single incident infraction as defined in its Protective Covenants and published rules and regulations, such monetary penalty not to exceed the amount of the annual assessment in effect at the time of such infraction.

C. The right of the Association to impose a reasonable monetary penalty on a daily basis for ongoing infractions as defined in the Association’s Protective Covenants and published rules and regulations which are not corrected within thirty (30) days of written notice of the infraction to the property owner. Accumulated monetary penalties for ongoing infractions shall not exceed five times the total of the annual assessment.

D. The correction of violations at the initial expense of the Property Owners’ Association, with the cost billed to the responsible party and, if unpaid, a lien filed against the property as authorized under Article XII, Section 1 and 2 of the Declaration.

E. Any legal recourse, including litigation, as authorized under Section 30. of the Protective Covenants. The administrative fees are applicable to members and/or contractors who fail to obtain the proper permits before beginning work or fail to adhere to the requirements of any approved permit. Enforcement may also include denial of future permits to the member and/or contractor.

Section 3. APPEALS COMMITTEE

The Appeals Committee provides a process by which members may appeal administrative fines assessed by the Property Owners’ Association for infractions as provided in Article VIII, Section 3(j) of the Hot Springs Village Covenants and Restrictions, Declaration, and published rules and regulations. The Appeals Committee is the authorized delegated representative of the Board of Directors and the decision of the Appeals Committee shall be final.

Section 4. ADMINISTRATIVE FEE

The administrative fees are established by the Board of Directors in each year’s annual fee schedule and will be billed to the responsible party for all noncompliance infractions.
Section 5. CONFLICT RESOLUTION THROUGH MEDIATION

The POA may use an experienced mediator for conflicts.

Adopted 2-18-04, 3-15-06, 06-21-17
Chapter One General Administration

ARTICLE 25
BUDGET AMENDMENT POLICY

Combined with Article 2 – Budget Policy

Adopted BOD 1-15-14; BOD Approved 2-21-18
ARTICLE 26

HOT SPRINGS VILLAGE POA COMMITTEE OPEN MEETING POLICY

A. Except as otherwise specifically provided herein, all meetings of Hot Springs Village POA committees shall be public meetings.

B. The time and place of each regular meeting of a committee shall be published in advance in a generally accepted manner and furnished to anyone who requests the information. If it is necessary to change the date, time or location of a meeting, the committee chairperson shall notify the POA staff and request appropriate public notification. Public notification shall normally be made at least two hours before the meeting takes place.

C. Subcommittees or individual members of committees may conduct business at times that are not announced to the public, providing that all work done by the subcommittees or individual members is reported to the full committee in a public meeting.

D. Executive sessions will be permitted only under the following circumstances:

1. For the Appeals Committee and Audit Committee under the circumstances specified in their charters.

2. When specifically authorized in advance by the COO/General Manager, Assistant General Manager for staff committees or POA Board of Directors President for Board committees. Examples of situations which may justify an executive session are:

   a. Legal matters.

   b. The purchase, lease, exchange or value of real property.

   c. Security issues and law enforcement investigations.

   d. Economic development negotiations.

E. Executive sessions may not be called for the purpose of defeating the reason or the spirit of this policy.

03-18-15
ARTICLE 27

CONSENT AGENDA POLICY

SECTION 1. PURPOSE: The purpose of this policy is to allow the use of a consent agenda.

SECTION 2. GENERAL: To expedite the conduct of routine business during Hot Springs Village Property Owners’ Association (HSVPOA) regular Board of Directors meetings, the HSVPOA board can elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

SECTION 3. CONSENT AGENDA:

A. The General Manager/COO or designee, in consultation with the board president, may place items on the consent agenda. By using a consent agenda, the board has consented to the consideration of certain items as a group.

B. Consent items are those which do not require discussion or explanation prior to board action, are noncontroversial and/or similar in content, or are those items which have already been discussed and/or explained and do not require further discussion or explanation.

Such agenda items include, but are not limited to, routine matters that require board action, such as, the approval of the agenda, approval of previous board minutes, committee minutes, committee appointments, committee and staff reports, updates or reports, governing policies, correspondence requiring no action, routine contracts that fall within policies and guidelines, purchase items discussed and reviewed by the board in the previous month.

C. All supporting materials for the consent agenda will be sent to board members at least one week in advance of regular board meetings.

D. Items can be removed from the consent agenda by a request by an individual board member for independent consideration. A request must be made prior to the vote on the consent agenda. The request does not require a second or a vote by the board. An item removed from the consent agenda will then be moved to Current or New Business and acted on separately.

E. The consent agenda items shall be separately recorded in the minutes.

B.O.D. approved 5-18-16
ARTICLE 1
USE OF ASSOCIATION FACILITIES

Section 1. General

The properties and facilities of the Association are maintained for the use, benefit and enjoyment of members and guests.

Members in good standing of the Association may request the use of designated facilities.

The use of POA Association facilities for commercial activities is permitted upon approval of the appropriate facility manager. The POA reserves the right to deny rental/use of POA facilities for any activity deemed not appropriate or in the best interest of the membership.

All users must abide by the rules and regulations of each POA facility. All POA operated facilities are non-smoking.

Except for official business meetings of the POA, all individuals/organizations conducting activities at Association facilities will pay a fee in accordance with rates and schedules established by the POA Board of Directors.

POA staff members have authority to enforce all POA Rules and Regulations.

12-19-84. 1-28-97, 2-25-87, 2-6-02, 2-20-02, 4-16-14, 5-18-16
ARTICLE 2

DESO TO EVENTS CENTER, PONCE DE LEON AND CORONADO COMMUNIT Y CENTER USE POLICY

Section 1. General

All Hot Springs Village facilities are non-smoking.

Arkansas State Liquor laws regulating DeSoto Events Center, Ponce De Leon and Coronado Community Center requires all alcoholic beverages to be sold and dispensed by the facility. There will be no exceptions to this policy.

Advance reservations and a signed contract are required for rental of all facilities. All users must abide by the rules and regulations of each facility.

Except for official business meetings of the POA, all individuals/organizations conducting activities at the DeSoto Events Center, Ponce De Leon or Coronado Community Center will pay a fee in accordance with rates and schedules established by the POA Board of Directors.

Tickets purchased for events held at Hot Springs Village facilities may be used for security gate access.

Combines Policies:  Art. 3A -Use of Coronado Center Food Service, 12-19-84, 7-27-88
                  Art. 3B - Ponce de Leon Center, 8-20-91, 8-21-91, 8-28-91, 9-25-91, 10-7-91, 10-18-91, 
                  10-21-91, 10-23-91, 12-18-91, 6-26-96, 2-6-02, 2-20-02, 4-16-14
ARTICLE 4
ART DISPLAY POLICY

Section 1.   Purpose

This policy is applicable to the display of art and memorabilia in buildings under POA control.

Section 2.   General

All artists/groups must contact the appropriate facility manager to request display space. There is no fee for the display, however, artists/groups must abide by all rules and regulations governing this activity.

The POA disclaims any liability related to art and plaques displayed at POA facilities.

Section 3.   Display Cases at Coronado Community Center

Groups will be allowed to continue their display until such time that they no longer meet at least monthly at the Coronado Community Center or until a major remodeling of the existing facility is done.

Section 4.   Displays in Other Facilities

No new permanent displays of any kind will be allowed in any POA facility.

No memorabilia other than POA items will be displayed on a permanent basis at any facility.

7-24-91, 3-25-92, 4-22-92, 5-26-93, 2-6-02, 2-2-02, 3-16-05, 9-21-05, 1-19-11, 4-16-14, 5-18-16
Chapter Two Facilities and Amenities

ARTICLE 5

FOOD & BEVERAGE SERVICE POLICY

Section 1.

The POA shall provide under POA management or through private firms or individuals, food and beverage services at POA owned facilities.

Any POA owned facility managed through a private firm or individual will be independently operated under a separate food and beverage agreement.

These facilities are for the use and enjoyment of the membership, their guests and visitors.

Adopted 8-15-01, 1-19-11, 4-16-14, 5-18-16
ARTICLE 6
POLICY GOVERNING TOURNAMENTS
(Golf excluded, See Chp. Six)

Section 1: General
The POA will permit tournaments, leagues, meets and practices as they relate to tennis, swimming, fishing or any other applicable recreational activity. The Director of Recreation Lifestyle and Community Development is responsible for approval of the request(s).

All tournaments, leagues, meets and practices will be scheduled to minimize disruption of services to the membership.

All tournament members and guests must abide by the rules and regulations of each POA facility. All POA operated facilities are non-smoking.

All fees, deposits and charges shall be in accordance with rates and schedules established by the POA Board of Directors.

The POA reserves the authority to delay, change or cancel any activity by giving twenty-four (24) hour notice.

Adopted 6/24/81, Revised 10/23/85 B.O.D, Rev. 12/26/89, Rev. 4/25/90 Rev. 6/12/90, Rev. 6/20/90, 8/22/90, 8/30/93, 9/22/93 B.O.D., Rev. 3/23/94 B.O.D., 2-6-02, 2-20-02, 4-16-14
ARTICLE 7
COMMON PROPERTY POLICY

Section 1. General

The Common Property and Forest Committee (CPFC) and the Permitting and Inspections (P&I) Department have oversight responsibilities of all activities on common property within the boundaries of Hot Springs Village. P&I issues permits and collects fees as set annually by HSV POA Board of Directors, for the activities on common property. The adopted procedures, rules, and regulations are available in the P&I Department. Rules and regulations comply with the following:

Current HSV Covenants and Restrictions

Current CPFC Charter

Current Common Property Procedures

The Common Property and Forest Committee reviews the following activities on common property:

Class 1: General clean-up; removal of vines and shrubs; pruning and cutting of seedlings and small trees less than three inches in diameter; cutting of large trees that are hazardous, unhealthy, diseased, or dead; and limited landscaping.

Class 2: Selective cutting and/or pruning of large healthy trees.

Class 3: Shaping under and around boat docks and lakefront property line.

Any violations of Common Property will be governed by CPFC charter, policy, and procedures.

ARTICLE 8
ORGANIZATIONS SIGN POLICY

SECTION 1. PURPOSE
This policy is applicable to the organizational sign board(s) located in Hot Springs Village and is intended to regulate the placement of signs.

SECTION 2. GENERAL
The POA will approve and have authority for placement of all signs and enforcement of rules and regulations for same. All approved signs will be charged a fee and must meet the criteria set forth in the rules, regulations governing this activity.

5-23-89, 9-9-92, 6-16-93, 6-23-93, 2-6-02, 2-20-02
ARTICLE 9
LAKES POLICY

Section 1. Authority
The authority for this Lake Use Policy is the Declaration, Protective Covenants and the By-laws of Hot Springs Village. All state and federal boating and fishing regulations apply to Hot Springs Village lakes. All of the rules and regulations of the Arkansas Game and Fish Commission apply to anyone fishing the lakes and streams of Hot Springs Village. The Arkansas Soil and Water Conservation Commission inspect and make recommendations on the dams and spillways.

Section 2. Purpose and Introduction
A. The POA maintains the recreational lakes for the use and enjoyment of all membership and as reservoirs for irrigation for golf courses.
B. Lake Lago is the only reservoir lake in which swimming, boating and fishing are not permitted.

Section 3. General Regulations
A. All lake use regulations regarding boating, towing sports activities such as skiing, tubing, knee boarding, etc., swimming, “no wake” violations, litter, beach use and fishing are contained in the POA Village Lakes Guidelines and Information brochure.

Section 4. Buoys
A. The POA will place lake markers with or without lights or flags etc.) to assist boaters in recognizing no, ski, swim, danger, shoal and no wake areas.
B. No markers, other than those placed and maintained by HSVPOA are permitted.

Section 5. Herbicides
A. Herbicides must meet State and Federal regulations for use on waterways and be approved by the POA.

Section 6. Lake Maintenance
A. The POA will maintain the lakes and its buoys on an on-going basis.
Section 7. Boat/Trailer Registration

A. The POA requires all property owners to purchase annually and display a lake use decal on all boats and trailers used on HSV lakes. Decals must be affixed to the boat before it is used on any HSV lake.

B. Lake use is any boat (powered or unpowered) used in a Village lake, or any boat sitting upon or suspended above the lakes within HSV, or any boat trailer sitting within the parking area of any HSV boat launch area.

C. Sponsored guests are required to register their boats at the Desoto or Balboa Marina by securing and displaying either a daily or 14 day temporary lake use tag before usage on any HSV lake.

D. Long-term renters (defined as renters who have a lease of six months or longer) may purchase and display the same lake use decals available to property owners. To purchase a decal, the renter must present a copy of his or her lease. The fee will be established in the annual fee schedule as approved by the Board of Directors.

E. Failure to properly display a decal may result in the suspension of privileges and an administrative fee.

Adopted B.O.D. 4-26-95, Rev. 11-20-96, 11-15-00, Rev. 12-19-01 BOD, Rev. 5-17-06, 9-17-08, 10-21-09, 3-16-11, 6-15-16
Chapter Two Facilities & Amenities

ARTICLE 10
MEMORIALS
(Construction on Common Property)

Section 1. GENERAL

This policy provides for the construction and maintenance of Memorials by members of the association, honoring deceased members of the immediate family.

Construction and maintenance of “Memorials” on common property may be permitted under the conditions and guidelines stated below.

Section 2. AUTHORIZATION

Authority for approval shall lie with the General Manager of the Association.

Each project shall be considered on its merits, design and location and shall not be considered as setting a precedent.

Section 3. TYPES OF MEMORIALS

Memorials shall be of such design and construction so as to enhance the aesthetics of the Village and/or be functional; examples:

A. Benches on trails
B. Flag poles; with appropriate flag
C. Foot bridges
D. Trees
E. Flowering shrubs
F. Site furnishings – picnic tables, benches, playground equipment
G. Plaques

Note: Statues, fountains, and items requiring continuing maintenance and/or operating cost should be avoided.

Section 4. PLACEMENT OF MEMORIALS

Memorials may be located on the following common properties:

A. Trails
B. Parks
C. Golf courses; Memorial Trees only with the location approved by the Director of Golf.

Section 5. FUNDING & MAINTENANCE

Funding shall be the responsibility of the donor of the honoree as their agent(s) and should be sufficient to cover the cost of construction, on-going maintenance and/or replacement.

Design shall be such as to require minimal maintenance by the P.O.A. Beyond this, responsibility for maintenance shall be agreed upon, in writing, before commencement of the project.

Section 6. REMOVAL AND/OR RELOCATION CLAUSE

Should the “Memorial” become unsightly from lack of maintenance or from deterioration, the P.O.A. reserves the right of removal.

Should the “Memorial” ultimately be in the way of P.O.A. amenity expansion or new construction, the P.O.A. will be responsible for relocation.

Adopted 3-27-85 B.O.D., Amended 10-29-01, 11-14-01, 2-6-02, 2-20-02, 5-18-16
ARTICLE 1
INGRESS & EGRESS

Section 1. Policy

The Association maintains gated entrances to Hot Springs Village to assist members, guests, visitors and others. The number of gates, the type of gate (electronic, keyed, staffed), and the locations for each gate will be determined by operating procedures.

Hot Springs Village property owners have the unimpaired right to ingress and egress to property owned by him/her.

All visitors/guests entering Hot Springs Village will be issued a vehicle identification pass.

Any person not a Hot Springs Village property owner whose only egress and ingress to his property is through Hot Springs Village will not be denied such privilege unless the Association provides alternate access capability.

Section 2. Definitions

A. Member

Any person owning property within Hot Springs Village. The property owner’s spouse and all dependents. (Dependents defined in Property Owners Association ID card policy).

B. “Member in good standing”

Any Hot Springs Village property owner who is current in the payment of all assessments, service and use charges (no more than 60 days delinquent) and not under any suspension of privileges.

C. Guest/Visitor

Any sponsored person granted access to the Village. Members, residents and any other entity authorized by the POA may sponsor guests/visitors. The conduct and actions of a guest/visitor are the responsibility of the party declaring such person to be their guest or visitor.

D. Others

Any person required by law to inspect, perform duties, oversee official activities, regulate or control facilities, personnel, or equipment in Hot Springs Village. Also, includes individuals required to obtain a Hot Springs Village work pass, deliver goods, or provide services.
Chp. Three, Art. 1, Ingress and Egress

E. Gates

(1) Electronic – any gate activated by use of an access card issued by the Property Owners’ Association.

(2) Staffed – those having personnel on duty to assist members, guests, visitors.

F. Decals/Passes/electronic Gate Cards

Decals, passes, member ID and electronic gate cards are devices for controlled ingress into Hot Springs Village.

Section 3. Authority

The COO/General Manager and staff are responsible for the development of a standard operating procedure (SOP) to insure the most effective and efficient implementation of the policy.

Section 4. Enforcement

(1) Any misuse, or abuse, of the card privileges may result in confiscation of the card and/or suspension of the card privilege for all cards issued to the party for a period of 30 days for the first offense and indefinitely for any subsequent abuse.

(2) “Tailgating” another vehicle through an electronic gate is prohibited and will be considered an abuse of the card privilege. Only one car per gate activation is permitted.

(3) The Hot Springs Village Property Owners Association shall be the enforcing agency.

1-18-99, Adopted BOD 1-27-99, 7-17-02, 6-17-09, 7-25-13, 8-21-13, 5-18-16
ARTICLE 2

FIRE POLICY

Section 1. Purpose

To establish guidelines for the use of warming barrels, recreational fire pits, bonfires and open burning.

Section 2. Regulation

All burn permits will be issued by the Fire Department, according to established procedure.

All open burning (any fire not contained) is prohibited without a written permit from the Fire Department.

During periods of a “burn ban” declaration by the county judge of Garland, or Saline Counties, no burn permits will be authorized.

Warming barrels are prohibited between April 1 and October 31. Warming barrels will be allowed between November 1 and March 31, with a valid permit.

Permanent recreational fire pits must be inspected and permitted prior to first usage. Portable recreational fire pits must be inspected and permitted annually.

Any Fire Department response caused by a warming barrel or recreational fire pit will subject the person(s) listed on the permit to a service fee as established by the Board of Directors.

Any Fire Department response caused by a violation of this policy will subject the person, or person(s), responsible to a service fee as established by the Board of Directors.

Failure on the part of a property owner to pay the service fee may result in appropriate sanctions as determined by the Board of Directors. Failure on the part of a non-property owner to pay the service fee may result in cancellation of work pass privileges and/or gate card privileges.

Section 3. Enforcement

(1) The Hot Springs Village Property Owners Association shall be the enforcing agency.

(2) The Board of Directors empowers the Hot Springs Village Fire Department to enforce this regulation.

Adopted 10-76 BOD, Amended 9-26-01, 10-16-01, 11-14-01, 7-17-02, 6-18-14
ARTICLE 3A
FIRE RESPONSE OUTSIDE VILLAGE BOUNDARIES

Section 1. PURPOSE:

The purpose of this policy is to give guidance to the COO/General Manager and Chief of the Fire Department relative to the dispatching and use of firefighting equipment and personnel outside the boundaries of the Hot Springs Village Fire District and Hot Springs Village.

Section 2. USE OF APPARATUS OUTSIDE OF VILLAGE BOUNDARIES:

Normally POA firefighting equipment and personnel shall not be dispatched outside the boundaries of the Village/District, with exception of following and at the discretion of the Fire Chief and/or COO/General Manager:

A) Forest Fires:
   In the event a forest fire outside the Village is threatening the Village property and/or at the request of the Fire Department responding or the Forest Service.

B) Auto Accidents:
   When requested by any surrounding emergency service, POA Village fire personnel and equipment may respond.

   School Buildings: POA equipment and personnel may respond to the Fountain Lake and Jessieville Schools.

C) Natural Disasters:
   In the case of large scale natural disaster(s), personnel and equipment may be dispatched to assist neighboring communities.

D) Structure Fires:
   Personnel and equipment may be dispatched when requested by responding department needing assistance.

E) Landlocked property:
   Fires occurring on property “landlocked” by or completely surrounded by the Village.

F) In the event a Mutual Aid fire protection pact is agreed upon by the POA Board and neighboring District Boards.

7-15-92, 7-16-92, 7-22-92, 6-18-14
ARTICLE 4
AMBULANCE SERVICE

SECTION 1. PURPOSE
To provide ambulance service to the residents of Hot Springs Village by contract with an Emergency Medical Service (EMS) provider that is licensed under the Arkansas Department of Health.

SECTION 2. FEES AND CHARGES
An annual fee necessary to support the availability of at least three (3) Advanced Life Support Ambulance units at all times shall be established by the Board of Directors of the Property Owners’ Association and shall be collected on the residential POA utility bill.

The collection of fees shall be in accordance with the POA utility bill collection procedures of the Association.

11-14-07, Rev. 7-21-10
ARTICLE 5
REGULATION AND CONTROL OF PETS

SECTION 1. POLICY

The Board of Directors for the Hot Springs Village Property Owners’ Association recognizes the need for specific regulations relative to pets in the Village, and therefore agrees that a specific policy concerning unfettered movement, annoying activity, nuisance activities and animal control is hereby established.

SECTION 2. DEFINITIONS

The following words and phrases shall have the following meaning for purposes of these regulations:

A. Animal – Any description of vertebrate, excluding Homo Sapiens.

B. Animal Control Authority – The person or persons employed by the Hot Springs Village Property Owners’ Association and designated by Garland County and Saline County, as the animal control enforcement officer(s).

C. Annoying Activity – Actions on the part of an animal, or pet that desecrate, destroy or damage the property of one who is not the owner.

D. At Large – Any pet shall be deemed to be at large when he is off the property of his owner, and not under control of a competent person.

E. Detention Shelter – Any premises designated by action of the Board of Directors, Hot Springs Village Property Owners’ Association, for the purposes of impounding and retaining all animals found running at large in violation on this regulation.

F. Humane Manner – Care of an animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animal’s size, species and breed.

G. Nuisance Activity – Actions on the part of an animal that causes the peace and tranquility of the surrounding area to be disturbed even though the animal is on the owner’s premises.

H. Owner – Any person, group of persons, or entity owning, keeping or harboring pets.

I. Pet – Any animal owned or cared for, for pleasure or companionship or for domestic utilitarian use.

J. Restraint – A pet is under restraint within the meaning of Garland and Saline County ordinances, specific to Hot Springs Village. Any animal classified by either County District Court as Vicious
shall be restrained at any time the owner of, custodian, or person with authority to control a vicious dog permits such dog to go beyond the premises of said owner with a restraint having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

All dogs shall at all times be under the restraint and control of the owner or a responsible person by leash while on Hot Springs Village common and limited property. All dogs shall be on a leash while on the Hot Springs Village trails. Dogs riding in the open bed of any vehicle are required to be controlled from exiting the bed. Dogs are subject to being leashed upon exit from a vehicle outside the legal property limits/boundaries of the dog owner or keeper.

K. Restraint on Trails – Any pet on the Hot Springs Village Trails shall be on a leash and under the control of their owners at all times so as to not be a nuisance or hazard to others.

SECTION 3. AUTHORITY
The COO/General Manager and staff are responsible for operating the shelter within the spirit of guidelines established by the Humane Society of the United States and for working with the HSV Animal Welfare League in accordance with the then current signed Memorandum of Understanding that exists between the two organizations.

SECTION 4. ENFORCEMENT
All federal, state and county laws and ordinances will be enforced where applicable, and charges filed in the appropriate jurisdiction. In absence of a law or ordinance, this policy will prevail and the Board of Directors will have enforcement authority as established by the Declaration.

Adopted 11-76, B.O.D., Rev. 3-20-90, 11-2-96, 7-28-99, 10-21-09, 10-17-12, 5-21-14, 5-18-16
ARTICLE 6
TRAFFIC CONTROL – HOT SPRINGS VILLAGE

Section 1. GENERAL

Roadways of Hot Springs Village are private property. Traffic control shall be administered through the Hot Springs Village Police Department. All traffic enforcement is in accordance with the Arkansas Motor Vehicle and Traffic Laws and State Highway Commission regulations.

Section 2. SPEED LIMITS

Speed limits on the streets of Hot Springs Village are established as follows, unless otherwise posted:

A. Primary Roads 40 M.P.H.
B. Subdivision (Residential) Roads 25 M.P.H.
C. Unpaved Roads 25 M.P.H.
D. Main Entrance & Townhouse Areas 15 M.P.H.
E. Parking Lots- POA 5 M.P.H.

The COO/General Manager, upon the recommendation of the Director of Public Works and Chief of Police may impose temporary changes in speed limits and traffic control devices. The COO/General Manager or his/her designee shall notify the Board of Directors of any such change. Upon such notice, the temporary change shall become permanent after 90 calendar days, unless the Board of Directors votes to override the change during the 90 day period.

Section 3. NOISE CONTROL

No vehicle with excessively loud muffler, etc. shall be permitted to travel on the streets of Hot Springs Village. The community concept of a quiet, rural setting shall be preserved to the extent possible.

Section 4. ENFORCEMENT

The Arkansas Motor Vehicle Traffic Laws and State Highway Commission Regulations have been adopted by the Association.

Traffic warning tickets may be used and maintained as a record of violations for a moving traffic offense such as, but without limitation, failure to stop, failure to yield, speeding, illegal parking, etc., which do not result in injury to persons or property.
Enforcement shall be as follows:

(A) Property owners: Violators receiving (3) warning tickets or uniform traffic citations within a consecutive twelve month period shall be referred to the Board of Directors for action in accordance with Article VIII, Sec. 3 (c) of the Declaration.

(B) Non property owners: Violators receiving two (2) warning tickets or uniform citations within a consecutive twelve (12) month period shall be subject to banning from the Village for a period of time to be determined by the COO/General Manager.

State uniform citations may be issued for violations of traffic offenses and shall be processed through the Municipal Court System of the respective County.

Section 5. PENALTIES

Violators referred to the Board of Directors shall be considered for suspension of membership privileges, denial of access (non-members, contractor, employees) or other action.

 Violations referred to the Municipal Court shall be resolved at the discretion of the Municipal Judge.

Chapter Three Public Safety

ARTICLE 7

DOOR-TO-DOOR SOLICITATIONS;
DISTRIBUTION OF CIRCULARS, HANDBILLS OR SIMILAR ARTICLES

Section 1. PURPOSE

To establish guidelines to preserve the peace and tranquility of Village residents by restricting door-to-door solicitations and to prevent the potential of litter from random distribution of unsolicited circulars, advertising flyers and other like material.

Section 2. REGULATION

The door-to-door solicitation for the purpose of collecting contributions; selling of goods or services; collecting data for surveys; or similar activities is prohibited.

The random depositing of circulars, newsletters, advertising material, placards, business cards and similar printed products is prohibited at homes, businesses and on vehicles parked within the Village.

Section 3. DEFINITIONS

A. Advertising material – printed material intended for distribution to a large, unaddressed population.
B. Business cards – personalized cards commonly used by individuals engaged in business and professional endeavors.
C. Circulars – See “A”
D. Door-to-door – refers to the canvassing or contacting residents in a random, unannounced, unscheduled manner for any purpose.
E. Goods – products of all types.
F. Newsletters – those prepared and distributed by special interest groups for their members or prospects.
G. Placards – see “A”
H. Random – having no specific pattern.
I. Services – duties or works performed for another.
J. Solicitation – the act of approaching another for the purpose of selling a product or services, eliciting information for a survey, or collecting donations, or similar activities.
K. Surveys – compilation of data pertaining to individual preferences concerning a topic, product or subject matter.
Chp. Three, Article 7 Door-to-door Solicitations; 
Distribution of Circulars, Handbills or Similar Articles

Section 4. EXCLUSIONS

A. Scheduled appointments previously made.

B. Neighbors communicating with their neighbors concerning community or public service-related activities within their neighborhoods.

C. Nationally affiliated service clubs serving Hot Springs Village may make application to obtain written permission for a waiver to this policy for each requested distribution. The application must be submitted to the COO/General Manager on the form provided by the POA. All conditions imposed and decisions of the COO/General Manager shall be final.

Section 5. ENFORCEMENT

A. The Hot Springs Village Property Owners’ Association shall be the enforcing agency.

B. The Board of Directors empowers the Hot Springs Village Police Department to enforce this regulation.

Section 6. CORRECTIVE ACTION

A. Property owners failing to comply with the provisions of the regulation are subject to appropriate enforcement action.

B. Non-property owning residents failing to comply with the provisions of this regulation are subject to appropriate enforcement action.

C. Persons employed within the Village failing to comply with the provisions of this regulation are subject to appropriate enforcement action, which may include denial of access to the Village, and forfeiture of all fees and deposits.

D. POA employees failing to comply with the provisions of this regulation are subject to appropriate enforcement action, which may include termination of employment.

E. Visitors and guests failing to comply with the provisions of this regulation are subject to appropriate enforcement action, which may include denial of access to the Village.

Section 7. AUTHORITY

Hot Springs Village Property Owners’ Association Declaration and Protective Covenants.

11-1-00, Rev. 11/8/00, Adopted BOD 11-15-00, 3-16-11, 5-18-16
ARTICLE 8
REGULATIONS GOVERNING USE OF MOTORIZED VEHICLES
ON VILLAGE ROADS AND TRAILS (OTHER THAN AUTOS AND TRUCKS)

SECTION 1. PURPOSE
To provide regulations governing the equipping and operation of motorized vehicles other than automobiles and trucks within Hot Springs Village; to enhance safety of operators of all kinds of motorized vehicles; and to provide safety for pedestrians.

SECTION 2. DEFINITION
For purposes of this regulation a motorized vehicle is presumed to include the following:
A. Golf Cart
B. Motorcycle, Trail, Bike, Racing Bike
C. All Terrain Vehicle
D. MoPed
E. Motor Scooter
F. Go Cart

SECTION 3. SAFETY DEVICES AND PROCEDURES
All motorized vehicles operated on the roads and trails of Hot Springs Village shall be equipped and operated as follows:
A. Golf carts shall be equipped with at least two front mounted headlights, white in color.
B. Golf carts shall be equipped with a pennant or colored flag of high visibility orange and fastened to a pole at least seven (7) feet above the ground, when operated on Village roads.
C. Golf carts will turn on lights when operated on the roads of Hot Springs Village.
D. All other vehicles shall be equipped with at least one front mounted headlight, white in color; and each shall be equipped with at least one rear mounted tail light, red in color.
E. Each vehicle will be equipped with a rear view mirror.
F. Vehicle passengers should not exceed those recommended by the vehicle manufacturer.
G. Pedestrians have the right-of-way over motorized vehicles.
H. Automobiles and trucks have the right-of-way over golf carts.
I. Motorized vehicles will turn on lights when operated on the roads of Hot Springs Village.

SECTION 4. MINIMUM AGE REQUIREMENT AND LICENSE
A. Golf Carts: A person must have a valid Driver’s license to operate a golf cart on Hot Springs Village roads and be at least 14 years of age to operate a golf cart on multi-purpose trails.
B. Motorcycles and Mopeds: State statues apply.

SECTION 5. REGISTRATION
A. Motorized vehicles regulated herein shall bear a Hot Springs Village Registration Decal. The decal shall be numbered and a record of registration kept in an appropriate POA office.
B. Registration period is annually (January 1st to December 31st).
C. Registration fee is part of Hot Springs Village fee schedule as adopted by the Board of Directors.

SECTION 6. MOTORIZED VEHICLES PROHIBITED FROM OPERATING ON ROADS
A. Go Carts
B. Motorized vehicles not equipped as specified in Section 3 (above) or not having mufflers (i.e. trail bikes, racing bikes)
C. All Terrain Vehicles.
D. Golf carts shall not be operated on roads or sections thereof, designated by “Golf Cart Prohibited” signs.

SECTION 7. MOTORIZED VEHICLES PROHIBITED FROM OPERATING ON TRAILS
A. Motorized vehicles of any type are prohibited from operating on any nature/walking trail.
B. Motorized vehicles having motors with a displacement of 50 cc or greater are prohibited from operating on multi-purpose trails. (Note: This does not apply to golf carts.)
SECTION 8. ENFORCEMENT
Enforcement of the provisions of the foregoing rules and regulations will be by either or both of the following methods:

A. Arkansas Motor Vehicle Traffic Laws.
B. The Declaration and Protective Covenants, Article VIII, Section 3.(c).

Adopted 8/22/84, Rev. 9-26-84, 7-22-87, 8-19-87, 8-26-87, 6-26-90, 7-6-90, 8-22-90, 9-16-09
ARTICLE 9

ESTATE AND AUCTION SALES

Section 1. POLICY

The POA shall maintain a policy of controlling estate and auction sales within the Village. Ingress and egress of visitors to the Village for such sales shall be regulated according to Chapter 3, Article 1. Traffic in and around such sales, as well as the parking of vehicles in the vicinity, shall be controlled via law enforcement authority granted to the Hot Springs Village Police Department by Garland and Saline County Sheriff’s Departments.

Section 2. DEFINITIONS

1. ESTATE OR AUCTION SALE - Any sale involving a commercial venture in which an individual or company has been contracted for the purpose of the sale or auction, and the person or company is paid for such services.

2. PERMIT - A written authorization to conduct an estate or auction sale, shall be issued by the Chief of Police or his/her designee to the person or company representative conducting the sale.

Section 3. AUTHORITY

The COO/General Manager and staff are responsible for the development of a standard operating procedure to ensure the most effective and efficient implementation of the policy.

Section 4. ENFORCEMENT

All federal, state, and county laws will be enforced where applicable. In absence of a law or ordinance, this policy will prevail and the Board of Directors will have enforcement authority as established by the Declaration. Any estate or auction sale being conducted without a permit will be subject to immediate suspension.

9-17-08, 5-18-16
ARTICLE 10
FIREWORKS REGULATIONS

Section 1. GENERAL

Due to the wooded environment of the Village and the susceptibility to brushfires during dry seasons, it is the policy of the Association to prohibit the personal use of all types of fireworks in HSV.

Section 3. ORGANIZATIONAL DISPLAYS

None of the above is intended to preclude the 4th of July fireworks display sponsored by the POA or sponsored by any group or organization with the approval of the Board of Directors of the Association.

Adopted 7-28-93 BOD, 6-18-14
ARTICLE 11
CONTROL OF LITTER TRANSPORTATION OF DEBRIS & REFUSE

SECTION 1. PURPOSE
To establish regulations, responsibility and enforcement relative to the prevention of littering along Village roadways that may be caused by the hauling of debris refuse, garbage, trash, and/or construction materials.

SECTION 2. RESPONSIBILITY OF HAULERS
(A) To cover, or otherwise secure all contents of all vehicles in such a manner so as to prevent its load from dropping, blowing, falling off, shifting, leaking or otherwise escaping from the vehicle while traveling on Village roadways.
(B) To stop immediately and pick up and remove any material that may fall along the route.

SECTION 3. ENFORCEMENT
(A) Any person, firm or corporation found violating this regulation is subject to being charged with a misdemeanor in the appropriate judicial court.
(B) In addition to (A) above, the Board of Directors of the Property Owners’ Association may, after due process, restrict the hauler from the use of Village roadways and/or restrict access to the Village.
(C) In addition to (A) and (B) above the Board of Directors empowers the officers and security personnel of the Hot Springs Village Police Department to deny access to the Village any vehicle containing a load which is not properly secured so as to prevent the load from blowing, dropping, falling off, shifting, leaking or otherwise escaping until the load is properly secured. In addition, any vehicle bearing an unsecured load on any roadway within the Village will be given the option of securing the load immediately, or being escorted from the Village.

SECTION 4. AUTHORITY
(A) State Statute Mp/ 82-3901ET-SEQ.
(B) Hot Springs Village Property Owners’ Association Declaration and Protective Covenants.

ARTICLE 12
COMPLIMENTARY VEHICLE DECAL PROGRAM

SECTION 1. PURPOSE: To define who is eligible to receive complimentary vehicle decals, the maximum number allowed, and the penalty for misuse.

The program is intended to support the spirit of Article, 1, Chapter 3 and encourage the safe and efficient movement of property owners’ vehicles through manned gates.

SECTION 2. AUTHORITY: The CFO shall oversee the annual procedures necessary to carry out and interpret this program.

SECTION 3. ELIGIBILITY: Existing property owners in good standing are eligible to receive up to two complimentary decals for use on their personal vehicle(s), upon POA registration of said vehicle(s) during the November through February annual renewal period.

No more than two complimentary decals will be issued to property owners, regardless of the number of properties owned.

When two or more property owners are listed on a single deed, only two complimentary decals between the individuals will be given. Additional decals may be purchased at the current fee ($5 for 2016).

SECTION 4. EXCLUSIONS:
Workers, renters, assignees, vendors, dependents, family members, and other non-property owners do not qualify and will be charged their respective published fees.

New property owners that have not yet purchased their gate card, photo id, and decal bundled package will pay the current rate for these items ($15 for 2016).

SECTION 5. ENFORCEMENT: Due to safety concerns associated with misuse, property owners found to have provided their decal to another party will be required to purchase a replacement decal at the current worker & renter bundled rate ($35 for 2016) and will not be eligible for the complimentary renewal program the following year.

B.O.D. approval 11-18-15
ARTICLE 13
REGULATION GOVERNING THE DISCHARGE OF FIREARMS AND ARCHERY EQUIPMENT

SECTION 1. REGULATION
The discharge of a firearm or archery equipment within Hot Springs Village is specifically prohibited.

SECTION 2. PURPOSE
This regulation is put into effect to protect the life and property of the citizens of Hot Springs Village.

SECTION 3.
This regulation will prohibit all hunting with firearms or archery equipment within the area of Hot Springs Village.

SECTION 4. DEFINITIONS
(A) Firearm – any device which will expel a projectile by the action of an explosion.
(B) Archery equipment – a long bow, cross bow, compound bow, or a standard bow which will propel an arrow or dart.

SECTION 5. ENFORCEMENT
(A) The Hot Springs Village Property Owners’ Association shall be the enforcing agency.
(B) The Board of Directors empowers the officers of the Hot Springs Village Police Department to enforce this regulation.

SECTION 6. CORRECTION OF VIOLATION
(A) Property owners failing to comply with the provisions of the regulation are subject to appropriate enforcement action.
(B) Non-property owning residents failing to comply with the provisions of this regulation are subject to appropriate enforcement action.
(C) Persons employed within the Village failing to comply with the provisions of this regulation are subject to appropriate enforcement action, which may include denial of access to the Village, and forfeiture of all fees and deposits.
(D) POA employees failing to comply with the provisions of this regulation are subject to appropriate enforcement action, which may include termination of employment.
(E) Visitors and guests failing to comply with the provisions of this regulation are subject to appropriate enforcement action, which may include denial of access to the Village.

SECTION 7. EXCLUSIONS
(A) The discharge of a firearm or archery equipment in defense of life or property.
(B) The discharge of a firearm or archery equipment at a public or private shooting range or gallery.
(C) The discharge of a firearm by law enforcement officers in the performance of official duties.
(D) The discharge of a firearm by animal control officers in the performance of official duties.
(E) The discharge of archery equipment during a HSVPOA sponsored hunt.

SECTION 8. AUTHORITY
Hot Springs Village Property Owners’ Association Declaration and Protective Covenants.

8-8-97, Adopted 8-27-97 BOD, 5-18-16
Section 1. PURPOSE
To establish guidelines for the establishment of fees for police response to false alarms at Village businesses and residences.

Section 2. AUTHORITY
The Property Owners’ Association Accounting Department will bill businesses and private residents for police response to false alarms at their business or residence upon notification by the Police Department that the false alarm was not weather related or due to circumstances beyond human control. This billing will be in accord with the fee schedule as established by the Board of Directors during the annual budgetary process. The fee schedule will allow a no-charge fee for the first false alarm. A 12 month period without a false alarm at a business or residence will make the business or residence eligible for another no-charge fee and the fee process will begin anew.

Section 3. DEFINITIONS
A. Alarm – any electronic or mechanical alert system that is designed to elicit immediate response to an emergency situation.

B. False Alarm – any alarm that is activated when no emergency exists.

C. Human Error – any action, or activity on the part of a person that causes an alarm to be activated when no emergency exists.

D. Weather – any adverse climatic condition that produces effects that activate an alarm. Such conditions are lightning, flooding, rain, hail, or high winds.

E. Circumstances Beyond Human Control – any act of nature such as earthquakes or ground shifts.

F. Fire Alarms – for purposes of this policy fire alarms are not addressed.

Adopted 12-15-99 BOD, Rev. 11-19-08
ARTICLE 15
POLICY ON EMERGENCY OPERATIONS

Section 1.

The POA shall have a written Emergency Operation Plan (EOP) administered and maintained by the COO/General Manager, or his designee, that will provide POA employees with guidance, instructions and information necessary to effectively discharge their duties during any emergency.

Section 2.

The EOP will contain individual standard operating procedures (SOPs) for each critical area of responsibility which will contain at a minimum the following:

A. Specific instructions as to the location, activation, composition and function of an emergency operation center (EOC) ensuring the availability of emergency power and appropriate interface with amateur radio operators.
B. Designation of key staff personnel and other emergency related offices with telephone numbers.
C. Priority listing of radio/television stations that Village residents can rely on for Village specific information.
D. A list of equipment owned by the POA that would most likely be needed and used during any emergency, a list of contractors/volunteers who could augment the POA.
E. Priority listing of major roads that will be cleared.
F. Designation of primary and alternate emergency shelters with Red Cross certification including training of staff and volunteers and the identification of backup power.

Section 3.

The POA will make available Village specific and general emergency self-preparedness information to Village residents.

Section 4.

The EOP shall conform to all Federal, State and County law.

Section 5.

The EOP shall be within the POA’s ability to fund in accordance with budget approvals by the Board of Directors.

Section 6.

The EOP shall be tested periodically through disaster drills or table top exercises.

Section 7.

The EOP can be amended and updated by the COO/General Manager in compliance with the preceding provisions. The EOP shall be reviewed and updated in October at a minimum of each year. Any amendments will be submitted to members of the Board of Directors.

3-27-01, Adopted BOD 4-18-01, 5-18-16
Chapter Four Public Works & Utilities

ARTICLE 1
WASTEWATER COLLECTION SYSTEM POLICY

SECTION 1. PURPOSE
To establish policy and fiscal responsibility relative to the maintenance and operations of the “Wastewater Collection System”.

SECTION 2. INSPECTING AGENCY
All installation and equipment referred to herein must be inspected and approved by inspectors of the Hot Springs Village Property Owners’ Association under provisions of state and local plumbing code.

SECTION 3. HOLDING/GRINDER TANKS
A. Physical installation shall be performed by the Property Owners’ Association or its designated agent.
B. The Property Owners’ Association shall install a Pump Failure Alarm System capable of indicating a failure in the holding tank pumping systems.

SECTION 4. PUMPS & MOTORS
A. Installation, repairs, or replacement shall be performed by the Property Owners’ Association.

SECTION 5. RESPONSIBILITY OF OWNER
A. Cost of material and labor for the installation of tank, pump, motor, electric power and alarm system.
B. Cost of repairs, after the one (1) year warranty period. Repair work will be performed by POA personnel.
C. In the case of community tanks/pumps i.e. where more than one town house is serviced by one tank, the above cost shall be divided equally among those property owner units connected to that tank/pump.

SECTION 6. RESPONSIBILITY OF P.O.A.
A. Size pumps and motors and provide on-going service as required to maintain the integrity of the sewage collection systems

SECTION 7. FEES & CHARGES
A. Fees and charges will be established by the Board of Directors of the Hot Springs Village Property Owners’ Association.

SECTION 8. WARRANTY
A. The Property Owners’ Association warrants the labor and materials on the interceptor tank/grinder pump system, for Property Owners’ Association installed items, for a period of one (1) year from date of installation.
B. The Property Owners’ Association warrants the labor and materials on the repair/replacement of the interceptor tank/grinder pump system for Property Owners’ Association repaired/replaced items, for a period of one (1) year from period of repair or replacement.

Adopted 8-24-83 B.O.D., Rev. 9-20-89, Rev. 9-27-89, Rev. 6-28-90, Rev. 12-19-01 BOD
ARTICLE 3
WATER SERVICE & USE POLICY

SECTION 1. PURPOSE
To establish policy relating to the provision and use of potable water via a central transmission system to residential and commercial entities.

SECTION 2. RESPONSIBILITY OF THE POA:
(A) Only employees of the Property Owners Association shall shut off, turn on, repair or install water meters with the exception that an owner/resident may turn off the water supply in cases of emergency or for a short period of time to make plumbing repairs.
(B) All treatment, transmission, and metering systems including:
   (1) Source
   (2) Pumping Facilities
   (3) Treatment Plants
   (4) Storing Facilities
   (5) Transmission Lines
   (6) Service Connections
   (7) Meters
(C) Sole responsibility of installation of all of (B) above.
(D) Maintenance of all of (B) above.
(E) A separate meter shall be installed for each user unit.

SECTION 3. RESPONSIBILITY OF MEMBER/OWNER
(A) Cost of installation of the service line from the main to the meter.
(B) Installation of service line from the meter to the residence (point of use).
(C) Leaks from the meter to the point of use.
(D) Interior plumbing.
(E) Easy access to the meter box.
(F) Easy access to all easements and right-of-ways.
(G) Responsible for delinquent account of tenants.

SECTION 4. FEES AND CHARGES
(A) Fees and charges will be established by the Board of Directors of the Property Owners’ Association.

SECTION 5. SECURITY DEPOSIT
(A) All new accounts, including homes under construction, will be charged a deposit (no interest paid on deposit) as security against non-payment for service with the P.O.A.
(B) The security deposit will be refunded, less any final utility billings due, when the property changes ownership.

SECTION 6. RESPONSIBILITY OF COMMERCIAL OWNER
(A) The responsibility of the POA on commercial property water leaks ends at the property line.

Adopted 6-22-83, B.O.D., Amended 4-25-84, 9-25-89 A.J.K., 12-17-90, 6-16-94, 6-22-94, 4-14-99, 4-28-99, Rev. 12-19-01 BOD
ARTICLE 4
SOLID WASTE MANAGEMENT POLICY

SECTION 1. PURPOSE
To establish policy for solid waste/trash collection and disposal.

SECTION 2. DEFINITION
1. Solid waste is defined as household waste including garbage, which must be disposed of in a sanitary manner.
2. Trash includes all other refuse including leaves, branches, papers, moving boxes, wood scraps and white goods, i.e. scrap water heaters, clothes dryers, washing machines, refrigerators, etc.
3. Solid Waste Service Area means that area within the boundaries of the gated community of Hot Springs Village, Arkansas and any additional areas beyond those boundaries in which the governing body authorizes the collection of solid waste.
4. Hazardous materials are defined as “substances or materials which have been determined by the Environmental Protection Agency (EPA) to be capable of posing an unreasonable risk to health, safety, and property.” Examples are explosives, combustible liquids, flammable materials, poisons, etc.

SECTION 3. GENERAL
Hot Springs Village Property Owners Association (HSVPOA) shall have the exclusive right within the solid-waste service area to collect, dispose and bill for such services. No individual or entity may provide solid waste hauling services for the systematic and routine collection, transportation or disposal of solid waste or trash, without written authorization of HSVPOA.

HSVPOA board of directors has the authority to impose a fee associated with authorized third party collection and disposal of solid waste.

SECTION 4. CONTAINERS
Household solid waste, excluding white goods and trash, must be placed in a container approved by POA.

SECTION 5. LIMITATIONS
A. Residential customers will be limited to a maximum of four (4) waste cans.
B. Commercial customers’ waste removal will be provided by the POA. Large commercial containers may be provided by the POA, upon request.
C. Hazardous materials will not be accepted for pick-up.
D. HSVPOA reserves the right at any time to refuse to collect or receive waste/trash, if in the judgment of HSVPOA, such collection is deemed to be harmful, hazardous or in violation
Chapter Four Public Works & Utilities

of HSVPOA and State of Arkansas regulations governing type of solid waste, weight or waste constituents.

SECTION 6. SERVICE LOCATIONS
Waste/trash to be collected must be placed within ten (10) feet of the edge of the pavement. Customers subscribing to “at house” service will place their waste/trash at the appropriate location.

SECTION 7. SPECIAL PICKUP/YARD WASTE
The Property Owners’ Association will remove, for a fee, solid waste/trash beyond that described in Section 2. by special arrangement.

SECTION 8. SITE APPEARANCES
Residential customers are responsible for the cleanliness of the streets adjacent to their property.

Adopted 6-22-88, Rev. 12-19-01, 2-16-11, 4-20-16
ARTICLE 5
SEWER BACKFLOW PREVENTION PROGRAM

STATEMENT OF POLICY:

1. It is the responsibility of the property owner to maintain sewer service lines to the sewer main in the gravity system and to the interceptor tank or grinder tank in the pumped effluent and pressure sewer systems, respectively.
2. Backflow prevention devices are not required except where a plumbing fixture in a structure is below the grade of a manhole and above the grade of the sewer main.

BACKFLOW PREVENTION PROGRAM:
Anyone who has experienced a sewer backup into their house regardless of cause will be eligible to be reimbursed by the POA for the actual cost of installing a backflow prevention device up to a maximum reimbursement of $50.00.

Adopted B.O.D. 4-18-01
ARTICLE 6
ROAD RIGHT-OF-WAY POLICY

Section 1. PURPOSE

To establish policy relating to Road Right-of-Way and its uses to promote road and shoulder safety and proper drainage.

Section 2. DEFINITION

Road right-of-way is defined as that area of common properties in recorded subdivisions dedicated to vehicle traffic, utility development, surface water drainage, and other possible uses as defined in the individual recorded subdivision record plats and the HSV Covenants and Restrictions dated April 20, 1970 (Rev. 10/13/88).

The width of Road right-of-way is determined by the type of road use.

<table>
<thead>
<tr>
<th>ROAD USE</th>
<th>WIDTH OF R-O-W</th>
<th>PAVED WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>140-200 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>Major Collector</td>
<td>100 “</td>
<td>20 “</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>75 “</td>
<td>20 “</td>
</tr>
<tr>
<td>Residential</td>
<td>40 &amp; 50 “</td>
<td>16 – 20 feet</td>
</tr>
<tr>
<td>Frontage</td>
<td>30 “</td>
<td>12 “</td>
</tr>
</tbody>
</table>

The right-of-way on a typical road consists of a paved street with shoulders on each side, a ditch for drainage of surface water and a back slope to the existing individual lot property line.

Section 3. GENERAL

The road right-of-way is owned as common property by the HSV POA and has responsibility for road maintenance, drainage and vegetative control.

Utilities are placed upon, or contained within road right-of-way and consist of water and wastewater lines, underground and overhead electrical lines, telephone utility systems, cable television facilities and appropriate equipment containers.

Property owners may construct driveways and install landscaping to the pavement edge in conformance to provisions of this policy.

Section 4. PROVISIONS

A. Utility construction will require a Utility Installation Permit – HSV, issued by the POA. In all instances of construction or maintenance of utilities, proper drainage must be restored, and obstructions must not be created in the road right-of-way.
B. Work in right-of-way by property owners, or their contractors:
   1. Paved driveways may be constructed through road right-of-way to connect with the
eexisting paved street area, provided the location is shown on the plot plan and is
approved by the Architectural Control Committee. Driveway culverts shall have a
minimum diameter of 15” and be of an approved material and design. Drainage of
areas above grade elevation must be determined to ensure proper culvert sizing.

C. Any construction or utility maintenance within the road right-of-way must make
provisions to maintain safe traffic flow and allow for emergency traffic. Damage to the
road pavement or shoulders shall be repaired by the POA and the actual cost shall be
charged to the one causing the damage. Utility companies and the POA will return the
road right-of-way to the previous existing grade. Property owners will be responsible for
the replacement of private improvements, extended parking surfaces or landscaping within
the road right-of-way which is removed during utility construction or maintenance.
Property owners will also be responsible for removal of that which is identified as a
hazard by the POA.

ARTICLE 7
ROAD SIGNAGE POLICY

SECTION 1. GENERAL
The Public Works Department and the Public Works Committee have oversight responsibility for all road, traffic control and informational signage located within the road right-of-ways in Hot Springs Village.

Adopted 9-21-05
ARTICLE 1
ARCHITECTURAL CONTROL POLICY

The Architectural Control Committee (ACC) and the Permitting and Inspections (P & I) Department, have oversight responsibilities of all construction activities within the boundaries of Hot Springs Village. The P & I Department, under the direction of the Permitting & Inspections Manager and the ACC Administrator, issues permits, assesses fees, and schedules inspections of the construction activities. The adopted procedures, rules, and regulations are available in the P & I Department. The ACC, with guidance from the P & I Department, has developed procedures, which comply with the following:

- HSV Covenants and Restrictions, dated April 20, 1970, and revised 10-13-88, amended 4-5-11
- HSV/POA/ACC Procedures
- Current Arkansas Plumbing Code
- Current National Electrical Code
- Current Arkansas Mechanical Code

The Architectural Control Committee (ACC) has the following Articles:
1. Architectural Control Policy
2. ACC Permit & Appeal Process
3. Parking or Storage of Certain Vehicles in Residential Areas

The Architectural Control Committee (ACC) has the following policies & procedures:
1. Alterations and/or additions to existing property
2. Commercial construction
3. Fences and screening
4. HVAC/R systems
5. In-Home Business
6. Irrigation Systems, Landscaping, & Seawalls
7. New Home Construction
8. Propane Tanks (buried)
9. Signs
10. Storage & Outbuildings
11. Swimming Pools
12. Tree Cutting
13. Water Front Structures
14. Overlay Zones
15. Storm Shelters

These projects require a permit, fee & inspection. When a project is started without a permit work will be halted until the contractor can appear at the next regularly scheduled Thursday meeting of the ACC to explain the violation.

10-26-01, 11-14-01, Approved 7-16-03 BOD, Revised 11-17-04, Rev. BOD 4-20-05, Rev. 6-21-06, 6-2-11 ACC, BOD 2-18-15
ARTICLE 2
ACC PERMIT AND APPEAL PROCESS

ACC OPTION A: Permit Application Approved

Application is approved as submitted.

APPEAL: None required

ACC OPTION B: Permit Application Approved with Conditions

Application is approved, but modified by the ACC to bring the application within an acceptable concurrence of the intent of the specific permit guidelines and requirements.

This approval requires no further submission to the ACC and a permit will be issued by the Planning Department upon acceptance of the conditions by the applicant.

Example: A fence permit is approved with respect to type of fence and location, but the requested fence height of 6 feet is modified to be 4 feet minimum and 5 feet maximum in height.

APPEAL: The applicant may resubmit the application to the ACC should they feel there are extenuating circumstances when the modification to their application is a hardship (no fee for being resubmitted).

ACC OPTION C: Permit Application Denied with Suggested Changes

Application is denied as submitted, but may be resubmitted for approval based on ACC suggested alternatives to the conditions of the application. The application along with the ACC recommended alternative changes is referred to the Planning Department Director to meet with the applicant to work out an acceptable solution.

The revised application will be required to be resubmitted to the ACC for review and approval by Option A or B or D (see below).

APPEAL: The applicant may resubmit the application to the ACC should they feel there are extenuating circumstances why the modification to their application is a hardship (no fee for being resubmitted).

ACC OPTION D: Permit Application Denied

Application is denied as submitted along with the ACC’s written explanation with regard to it’s failure to meet the intent of the specific permit guidelines and requirements.

APPEAL: The applicant may resubmit the application to the
ACC for a final review should they feel there are extenuating circumstances why the denial of their application creates a hardship (no fee for being resubmitted).

**ACC OPTION E:** Permit Application denied with Prejudice

This denial of the re-submitted application under the appeal process in Option C and Option D is made with Prejudice with two appeal processes available to the applicant.

**APPEAL OPTION A:** Resubmit the application for reconsideration by the ACC through a personal appearance before the ACC wherein the property owner may personally present the reasons why the application should be approved. There will be an application fee for this appeal process option.

**APPEAL OPTION B:** Submit a written application to the POA Board of Directors and General Manager with a request to appeal the decision of the ACC regarding their permit application.

This appeal application will include all previous documented actions of the ACC relative to the application process.

This appeal to the POA Board of Directors and General Manager will require a fee to cover administration costs. Fees are set by the POA Board.

ACC 6-28-11, B.O.D. 9-21-11, B.O.D. 11-14-12, B.O.D. 2-18-15
ARTICLE 3
PARKING OR STORAGE OF CERTAIN
VEHICLES IN RESIDENTIAL AREAS

Section 1. GENERAL

In order to maintain the aesthetics of the residential character of Hot Springs Village, the following regulations shall apply to the parking and/or storage of vehicles and property, either powered or non powered fitting the description below:

Section 2. VEHICLES STORED ON RESIDENTIAL PROPERTY

No bus, truck, recreation vehicle, motor home, camper, boat or trailer or other vehicle not normally or customarily used for personal or family transportation shall be parked or stored in the area designated as the yard of a residence nor shall it be parked on the paved driveway of a residence for a period exceeding 72 hours, (in any 2 week period) unless parked in an area approved by the A.C.C. for location and screening.

Nothing in this section shall include golf carts or golf cart trailers in the described prohibited vehicles. (Single axle no larger than 5’x10’x3’ excluding trailer tongue & ramps).

Section 3. PARKING AND STORAGE OF COMMERCIAL VEHICLES

Vehicles used specifically for commercial purposes including but not limited to construction trucks, cargo carrying trucks and trailers and construction equipment shall not be parked in a residential area other than for the purpose of accommodating work on the premises. This is not intended to include pickup trucks and vans up to 6,000 lb. G.V.W. normally used as a source of transportation.

Section 4. ENFORCEMENT (of Sec. 2 & 3 above)

Violators shall be notified in writing giving 10 days to comply. Failure to comply will result in the matter being referred to the P.O.A. Board of Directors for action under the Declaration and Protective Covenants Article VIII, Section 3(c) suspension of member’s privileges, and or fines.

Section 5. VEHICLES PARKED/STORED ON STREETS OR OTHER COMMON PROPERTY:

No vehicle, including but not limited to, automobile, truck, camper, trailer, recreational vehicle, boat or golf cart, shall be parked on a street at any time. No vehicle shall be parked or stored on the street right-of-way or other common property without the approval, in writing, of the General Manager; an exception to the street right-of-way parking prohibition is: that for a period of up to 72 hours, (in any 2 week period) parking will be permitted for the purpose of accommodating the temporary requirements of residents, their guests or visitors.

No vehicle, truck, recreation vehicle (RV), boat, trailer, motor home, camper, nor any other item displaying a “For Sale” or “For Lease,” or similar sign, shall be parked or stored on the street, street right-of-way or other common property.

Section 6. ENFORCEMENT

Violators shall be notified and given adequate time to comply. Failure to comply may result in the towing of the vehicle, trailer, R.V., etc. to an area designated by the General Manager. A towing fee and storage fee shall be paid by the violator.

Emergency clause: In the event the vehicle constitutes a hazard to public safety, the ranking Police officer or Sheriff’s Deputy in charge is authorized to have the subject vehicle towed to a P.O.A. owned storage facility and shall notify the owner as soon as possible.
Violator shall also be subject to action under Section 4 above.

Adopted 10-76, B.O.D.
Amended 8-24-83, 4-20-84, 6-27-84, 7-16-87, 8-26-87, 8-24-88, 3-25-98, *3-1-01,
2-4-08, B.O.D. 9-21-11, B.O.D. 11-14-12, 2-18-15
ARTICLE 1  
GOLF FACILITIES

SECTION 1. USE OF HOT SPRINGS VILLAGE PROPERTY OWNER ASSOCIATION  
GOLF FACILITIES; ELIGIBILITY FOR MEMBERSHIP PRIVILEGES:

A. The Property Owners Association, P.O.A., maintains and operates the golfing facilities of  
Hot Springs Village for the primary use and enjoyment of property owners and other  
persons entitled to property ownership privileges. Persons entitled to those privileges are  
referred to in Chapter One, Article 5; Property Owners Association Identification Cards.

SECTION 2. ADVANCE TEE TIMES RESERVATION SYSTEM:

The P.O.A. maintains an Advance Tee Times Reservation System to enable Members to  
reserve tee-times up to 90 days prior to the desired date of play. All Advanced tee time  
reservations must be guaranteed with a valid credit card. This service is designed to serve the  
following HSV Member classifications.

A. Non-Resident Members
   For tee time purposes, Non Resident Members are defined as those who reside outside  
the following contiguous Arkansas counties: Garland, Saline, Pulaski, Hot Spring,  
Johnson, Pope, Van Buren, Logan, Conway, Faulkner, Scott, Yell, Perry, Lonoke, Polk,  
Montgomery, Howard, Pike, Grant, Jefferson and Clark.

B. Resident Members with Guests:
   For tee time purposes, Resident Members are those whose primary residence is within the  
twenty-one contiguous Arkansas counties listed in A. above.

C.

SECTION 3. COMPUTER TEE TIME ASSIGNMENT SYSTEM:

The P.O.A. maintains a Computer Tee Time Assignment System, which is available to all  
persons who are entitled to property owner privileges. Participants must register and may be  
required to pay an annual fee to utilize the system.

A. Participants found abusing the use of the system are subject to suspension from using the  
Computer Tee Time Assignment System, thirty days’ suspension from using HSV  
amenities.

B.

SECTION 4. GUARANTEED TEE-TIME RESERVATIONS, CANCELLATION & NO- 
SHOW POLICIES:

A. Guaranteed Tee-Time Reservations:
   The P.O.A. maintains a system whereby specified classifications of persons, who reserve  
advance tee-times, must guarantee payment of golf fees if the times are not canceled in a  
timely manner or if the player(s) do not show to play.

B. Cancellations:
   The Department of Golf maintains specific guidelines, which specifies what constitutes timely  
and acceptable tee-time cancellation procedures.

C. No-Show:
   A No-Show is defined as a tee-time, or part of a tee-time, (player), that is not utilized or  
canceled within the timeframe specified within the cancellation policy.
If tee-times are made for multiple players, under one Member I.D. Number and one or more players meet the no-show criteria, the member whose I.D. was used will be charged the appropriate cancellation fees. If the reservation is guaranteed, the guarantor will be charged the appropriate fees.

SECTION 5. USE OF GOLF FACILITIES BY NON-MEMBERS:

The P.O.A. maintains and operates the golfing facilities of Hot Springs Village for the primary use and enjoyment of members and other persons entitled to membership privileges. The use of golf facilities by non-members is classified as follows.

A. Family Members:
   Those individuals who have been issued a Family ID card in line with the Rules and Regulations. Designated family members are allowed to play golf at reduced rates.

   Family members who are eligible for reduced golf fees are defined in POA Policies; Chapter 1; General Administration; Article 5, Property Owner Association Identification Cards; Section: 5.D.

B. Accompanied Member Guest:
   Those individuals who are playing in a group accompanied by a Member.

C. Public:
   Those individuals who are not accompanied by a Member.

SECTION 6. COURSE RULES AND REGULATIONS:

The Department of Golf maintains and enforces golf course Rules and Regulations which are designed to protect players, employees, the golf course facilities and equipment. These Rules and Regulations also serve to create and preserve an enjoyable environment for players and preserve the integrity of the game.

SECTION 7. RAIN CHECK POLICIES:

The P.O.A. provides for the issuance of a Rain Check to a player when inclement weather, causes discontinuance of play in line with the Rules and Regulations.

SECTION 8. GOLF CART REGULATIONS AND POLICIES & GOLF CART FLAG PROGRAM

A. General:
   This section prescribes regulations governing the required equipment and operation of golf carts on Hot Springs Village golf course premises. The regulations prescribed are to enhance the safety of cart operators, passengers, players and other cart occupants and to preserve and protect the golf course properties.

   For the purposes of this section, a golf cart is defined as a motorized vehicle designed to carry two players, two golf bags and built primarily for use by players, on a golf course.
B. Golf Cart Registration:
   1) Privately owned golf carts operated on HSV golf course premises, must be registered and display a current decal prominently on the front of the cart. The registration period is annual and for a Calendar year, January 1, through December 31.
   2) The registration fee is a part of the HSV fee schedule and is established by the Board of Directors.

C. Minimum Age and License Requirement:
   An operator of a Hot Springs Village POA owned golf cart or a private cart must possess his/her own valid driver’s license.

D. Enforcement:
   Enforcement of the forgoing rules or regulations will be by either or both of the following:
   2) The Declaration Article VIII, Section 3(c) and Protective Covenants.

E. Use on Golf Courses:
   1) Use on golf courses shall be in accordance with this section and any other instructions along with the or Rules and Regulations issued by the Department of Golf.
   2) The cart operator will be held liable for damage to POA owned golf carts, the golf course and/or course structures or equipment that results from careless operation of a golf cart.

F. Golf Cart Medical Flag Program:
   The POA provides a Medical Flag Program, developed and operated by the Department of Golf, which is intended to increase the opportunities for participants to operate carts off the golf cart paths in some circumstances and conditions when carts operated by non-participants are restricted to the cart paths.

SECTION 9. GOLF COURSE VOLUNTEER MARSHAL PROGRAM:
The POA provides for a volunteer golf course marshal program to assist in controlling play, administering course rules and assist players in obtaining the maximum enjoyment of playing golf on HSV courses. The program is under the direction of the Director of Golf.

SECTION 10. POLICIES GOVERNING TOURNAMENTS, LEAGUE PLAY, HIGH SCHOOL PRACTICE AND TOURNAMENTS

Purpose:
A. This section prescribes policies for regulating fees and schedules for tournaments, league play, other tournament play and policies relating to High School usage of H.S.V. golf facilities. Classification of Play:
   1) Corporate/Charity Tournaments:
      Tournaments conducted for golfers who are charged fees for using the facilities. Participants may include HSV Members and guests. Corporate/Charity tournaments may be scheduled at any time on any HSV golf course at the discretion of the Director of Golf.
      a) The schedule shall be established and the tournament conducted under guidelines established by the Director of Golf.
   2) Member Tournaments:
Member tournaments or play composed entirely of players who are members of sponsoring H.S.V. Golf Associations/leagues or a golfing event that is not designed to raise funds or for profit.

a) The Director of Golf shall assign the number of H.S.V. Golf Association/league play days, the beginning and ending dates and the play days.

b) Allocated tee-times are subject to reduction by the Director of Golf following monthly reviews of the degree of utilization of these tee-times by each of the Golf Associations/leagues.

c) For all association/league play, prizes awarded shall be gift certificates for H.S.V. Golf Shop merchandise. Any Associations/leagues wishing to provide prizes of cash at any level must notify their members, in writing, of the USGA rules governing cash prizes. A copy of this notification will be sent to the Director of Golf.

d) Each of the Golf Associations/leagues must have acceptable by-laws on file with the Director of Golf and be represented by a Board of Directors.

e) Any Golf Association/leagues may hold Guest Play Day events on any of their respective scheduled play days, with their league’s membership approval.

3) Educational Institution’s Practice and Tournament Play.
Golf teams of designated local schools may utilize H.S.V. golf facilities in accordance with schedules and conditions prescribed by the Director of Golf.

C. Suspension of Activities:
The Property Owners Association, through the Director of Golf, reserves the right to delay, change or cancel any activity due to weather conditions or any other unforeseen circumstance.

12-15-99, 9-20-00, 12-19-01, 4-17-02, 6-18-03, 4-23-04, 5-19-04, 7-21-04, 8-17-05, 2-15-06, 1-17-07, 12-16-09, 2-16-11, 3-19-14, 5-18-16
Chapter Seven Guidelines, Article 1

AWARDS PROGRAM GUIDELINES OF THE
HOT SPRINGS VILLAGE
PROPERTY OWNERS’ ASSOCIATION

The Board of Directors of the Hot Springs Village Property Owners’ Association Awards Program is comprised of the following awards:
1. President’s Award
2. Recognition Award
3. Incentive Award
4. Certificate of Appreciation

The President’s Award is given to an individual, or under extraordinary circumstances to an organization, who has performed outstanding service in support of the Association or Village. There shall be only one such award given each year, if any, and only non POA employees or organizations are eligible. Current POA Board members are not eligible. The award shall be a suitable engraved plaque, tray, or medallion and is to be presented by the President at the Annual meeting. The Awards coordinator shall be a board member appointed by the president. The coordinator will review past recipients of the president’s award and be responsible for recommending possible recipients, if any, to the President, who shall make the final selection.

The Recognition Award is given by the President or designee if the recipient is a property owner, or by the General Manager, if the recipient is an employee. The Recognition Awards are given to individuals, committees, or groups who have provided outstanding service in support of the Association or Village. Current POA Board members are not eligible. These may be multiple awards in the form of framed certificates and are to be presented at the Annual meeting. Anyone may nominate a property owner or employee by submitting a name to the General Manager. The General Manager is responsible for administering the employee program and the Awards Coordinator is responsible for administering the property owner recognition program. Awards are generally based on the twelve months preceding each annual meeting.

Non-Employee Recipients: Anyone may nominate a person or group who is not an employee of the Association by submitting a letter to the Awards Coordinator. The Awards Coordinator will make recommendations to the President for suitable action. The Award Coordinator is responsible for administering the non-POA Employee Program.

The Incentive Award is given to an employee who has developed a process, procedure, or policy that results in significant savings of money or human energy. The General Manager and Treasurer are not eligible. These may be multiple awards in any given year, and are to be cash awards to be determined by the General Manager and Board. The awards are to be presented by the General Manager at the annual meeting. Anyone may nominate an employee by submitting a name to the General Manager, who is responsible for administering the program. Awards are generally based on the twelve months preceding each annual meeting.

The Certificate of Appreciation is presented at the Annual Meeting to each standing and ad hoc committee member whose term on a committee has ended, or who has resigned during the year, prior to the annual meeting.

7-31-89, Rev. 8-8-89, 9-8-89, 9-20-89, 11-1-89, 7-28-99, 2-6-02, 2-20-02, 10-17-07
GUIDELINES
STANDING COMMITTEE SELECTIONS PROCESS
HOT SPRINGS VILLAGE PROPERTY OWNERS' ASSOCIATION

The Board of Directors will use the following process in reviewing applications for POA Standing Committees prior to making recommendations for appointment.

1. Any person interested in serving on a specific Standing Committee should complete an application form and file it with the office of the General Manager.

2. A determination will be made whether the applicant is a member in good standing of the Hot Springs Village Property Owners' Association at the time application is submitted. If the applicant is not a member in good standing, the application will be rejected and a written explanation will be mailed to the applicant.

3. Copies of applications of all eligible applicants will be sent to the committee chairperson and the POA Board and staff liaisons. They shall jointly make recommendations on committee vacancies, which will be advanced to the Board through the Board liaison.

4. Prior to submitting any applicant/nominee for recommendation to the Board, there will be a personal interview conducted on all applicants under consideration for appointment. The interview team will consist of the committee chairperson, Board liaison, and staff liaison; criteria for conducting the interview and procedures to be used will be adopted in advance.

5. Letters confirming appointment to a committee will be prepared and mailed by the office of the General Manager.

6. The office of the General Manager will keep applications for a period of one year in the event further vacancies occur on the committee.

7. When a vacancy occurs on a Standing Committee, on-file applications will be forwarded to the committee chairperson.
   a. With respect to mid-term vacancies, no property owner who has been appointed to another Standing Committee during the current term-year may be eligible to be appointed to fill the vacancy.

Revised and Adopted 8-26-98 BOD, 10-28-98, BOD, 11-20-98, 10-17-07
1. The Board of Directors of the Property Owners' Association have established Standing Committees which serve in an advisory capacity to the Board, either directly or indirectly through POA staff depending on the committee's charter. Refer to Article XII, Section 1, of the POA By-Laws for designations.

2. Each committee has a charter that states the purpose, organization and appointment, duties and responsibilities, limitations, meetings, reports, and other information.

3. These guidelines are provided to assist the committee in carrying out its responsibilities.

4. A member of the Board of Directors serves as liaison between the Board and the committee, providing communications between the committee and the Board.

5. A member of the POA staff serves as liaison between Administration and the committee regardless if it reports indirectly to POA staff or directly to the Board.

6. The President of the POA Board of Directors or his designee will annually convene the chairpersons of the Standing Committees during the month of May to discuss these guidelines.

7. Monthly responsibilities:
   a. Attend workshops and meetings of the Board of Directors. May address the Board at each meeting. May be called upon to address questions from the Board or staff concerning committee minutes.
   b. Notify the POA Board and Staff Liaisons of any committee vacancy as soon as possible.
   c. Challenge the committee members to look to the future during their discussions and to make recommendations that are financially justified and in the best interest of all property owners.

8. January responsibilities:
   a. Determine which current committee members will leave the committee at the end of the committee year in April.
   b. Encourage committee members to contact property owners they believe would make productive committee members and encourage them to complete an application to POA Administration. Refer to POA Operating Policies, Chapter 7, Article 2.A for the Standing Committee Application Form.

9. March activities:
   a. The chairperson will prepare an annual report of committee activities and accomplishments through February and submit to the Board by March 31st of the succeeding year.
   b. The Board of Directors appoints new committee members to serve for the next committee term that begins at the April committee meeting.
   c. The chairperson should invite the newly appointed committee members to the April committee meeting.

10. April activities:
    a. The POA Board Liaison will conduct election of officers of the committee. The Chair, Vice Chair and Secretary shall be chosen annually by majority vote of the new committee immediately after the adjournment of the April committee meeting. The chairperson shall be elected for a term of one year and may not succeed himself/herself unless the Board grants special approval.
    b. The chairperson will distribute copies of the committee's charter to each member and ask them to review prior to the May meeting.

11. May activities:
a. The chairperson will lead a discussion of Article XII and the committee's charter to ensure members understand their purpose, duties, and limitations.

b. The chairperson will ensure the committee leadership is aware of their responsibilities, including timely submittal of minutes to the General Manager's office.

10-17-07, Rev. 1-16-08, 4-15-09
ARTICLE 1
CONDUCT OF A BOARD IN A GOVERNANCE ROLE

Section 1. GUIDING PRINCIPLE
Good Governance is achieved by applying best practices for making and implementing decisions. Not every decision is going to be “correct,” but in following the best decision making processes, the Board will strive to protect the interests of all Property Owners.

In following the best decision implementation processes, the Board will achieve its greatest efficiency and effectiveness.

In both decision making and implementation, for the Board to fulfill its Role, it must also adhere to appropriate Conduct.

Section 2. ROLE

A. Responsibility: Article IX, Section 1 of Hot Springs Village Bylaws

B. Authority: Article IX, Section 2 of Hot Springs Village Bylaws

C. Accountability: Article IX, Section 3 of Hot Springs Village Bylaws

Section 3. CONDUCT To achieve its Mission, the Board:

A. Understands what Conduct is appropriate when functioning in a true Governance capacity:
   1. The Board and its Authority only exists when it is in session;
   2. The Board can delegate certain tasks to a committee or an individual, but otherwise no one Board Member has any authority or prerogative;
   3. The Board Members (individually) understand that property owner expectations hold them accountable to a “higher standard” of decorum and should act accordingly both in and outside of the Board Room.

B. Interacts with Management focused on:
   1. Strategy;
   2. Understanding;
   3. Resource requirements – cash creation and uses;
   4. “Big Picture” (sounding board for Management).

C. Understands the difference between Governance and Management and does not:
   1. Fixate on Management details;
   2. Get involved in operating issues unless requested by Management.

D. Interacts with all Property Owners focused on:
   1. Inspiring a shared Vision;
   2. Understanding;
   3. Listening.

E. Interacts with each other:
   1. Respectfully, encouraging differing viewpoints;
   2. Candidly, regarding opinions and concerns with a complete guarantee of confidentiality;
   3. Openly, trying to gain consensus and support by all;
   4. Mindfully of our Fiduciary responsibilities of Care, Obedience and Loyalty;
   5. Cautiously while using electronic communications and social media.

B.O.D. approved 09-20-17
ARTICLE 2
BOARD MEMBER RECRUITMENT

Section I Purpose - Aligning Board Member Competencies
The effectiveness of the board in its governing role depends, in part, on the alignment of
board member competencies with the mission and strategic needs of Hot Springs Village.
Additionally, the board of directors has a fiduciary responsibility as a part of its duties of
care and loyalty to insure property owners are presented with a clear understanding of
what strategic needs the Board and Leadership will be addressing in the future and what
competencies would enhance the Board’s effectiveness in doing so. This information and
a pool of candidates with the needed competencies ensures our election process is
effective.

Section II Board Member Recruiting Process
In an effort to increase the effectiveness of your POA Board and to involve the property
owners in the process, we will use the following “needs based” approach to board
member recruitment.

A. This process will contain the following and will be shared with the property
owners:
   1. A key strategic needs assessment for the next 3-5 years
   2. A Board Members’ position description and pledge
   3. A targeted professional experience needs listing required to enhance board
effectiveness
   4. A standing board committee made up of three members of the board (who are
      not running for election) and 3 property owners will be responsible for:
      a. Informing property owners on the process and strategic needs
      b. Inviting property owners to identify candidates
      c. Discussing the needs based approach with candidates
      d. Educating candidates on governance roles and encouraging them to run
      e. Providing a list of interested candidates to the board

B. This recruitment process is aimed at:
   1. Involving the property owners
   2. Gaining credibility and trust in your board
   3. Enhancing the effectiveness of your board

Section III Board Member Eligibility
These best practices are recommended to ensure successional leadership. We recognize
any property owner who meets the eligibility requirements stated in Article VIII, Section
3 of the Bylaws may run for the Board, independent of this process.
ARTICLE 3

HOT SPRINGS VILLAGE POA BOARD OF DIRECTORS OPEN MEETING POLICY

A. Except as otherwise specifically provided herein, all meetings of the Hot Springs Village POA Board of Directors shall be public meetings.

B. (1) The time and place of each regular meeting shall be published in advance in a generally accepted manner and furnished to anyone who requests the information.

   (2) In the event of emergency or special meetings, the Secretary shall notify the public and media in a generally accepted manner of the time, place, and date of the meeting. Notification shall normally be made at least two (2) hours before the meeting takes place in order that the public and media may have representatives at the meeting.

C. Executive Sessions. Both confidentiality and transparency must be balanced to prevent harm to HSVPOA or frustrate the deliberations of those individuals elected to govern the organization. Executive sessions are not intended to, nor should they be used to hide important and appropriate information from the property owners, but to protect the innocent, assure confidentiality about sensitive matters, and avoid unnecessary legal expense or action.

   (1) Private board deliberations are permitted and their confidentiality required in these matters:

      i. Discussions regarding employment, appointment, promotion, demotion, disciplining, or resignation of the CEO, as well as all other personnel authority delegated to the CEO;
      ii. Discussions regarding board member conduct and conflicts of interest;
      iii. Discussions regarding legal matters;
      iv. Discussions regarding the purchase, lease, exchange, or value of real property;
      v. Discussions regarding prospective gifts to HSVPOA;
      vi. Discussions regarding security issues;
      vii. Discussions regarding economic development negotiations;
      viii. Discussions of other confidential matters as reasonably expected to protect the organization and its interests.

   (2) Public deliberation is otherwise recommended to build property owner trust and support. Board members should not use private deliberations for the sole purpose of circumventing prudent transparency.

Adopted 7-18-12; Revised 12-20-17 (Changed from Chap. 1, Article 24 to Chap. 8, Article 3);
ARTICLE 4
BOARD MEMBER DUTIES

Section I Purpose
Mission of the Board:
"To Govern consistently with the Declaration and Protective Covenants, to assure the viability of Hot Springs Village by establishing and managing goals and objectives and to ensure that the voice of the property owner is represented."

Role of the Board:
The Board's role is defined by the responsibilities, authority, and accountability stated in Article IX, Sections 1, 2, & 3 of HSV By Laws.

Conduct of the Board:
Best practices for making and implementing decisions through appropriate conduct are described in Article 1 of the board policies, "Conduct of a Board in a Governance Role".

Section II Duties of a Board Member
Duties of a Board Member include:
1. To operate in concert with state and federal laws, the Articles of Incorporation, the Declaration and Protective Covenants, Bylaws, and corporation policies;
   Fiduciary Duty of Obedience - Bylaws: Article VII, section 4; IX, section 2.e & 3

2. To develop a working knowledge of fiduciary duties and apply them in your governing role;
   Bylaws: Article IX, section 1.d

3. To establish the vision, mission, values, and Enterprise Goals for Hot Springs Village and ensure that a Comprehensive Master Plan is in place to achieve them;
   Fiduciary duty of Care - Bylaws: Article IX, section 1.b

4. To attend, prepare, and actively participate in meetings and discussions;
   Bylaws: Article VII, section 6.a

5. To approve the annual operating budget from a strategic, enterprise-level perspective, monitoring related financial performance, and appointing independent auditors;
   Fiduciary Duty of Care - Bylaws: Article IX, section 1.d;

6. To participate in Board training and effectiveness assessments;
   Bylaws: Article IX, section 1.e
7. To participate in hiring and releasing the CEO, setting clear performance expectations and providing the governance-level resources to achieve them; 
   Bylaws: Article IX, section 1.a

8. To maintain confidentiality; 
   Bylaws: Article IX, section 3.II.a; Policies: Chapter VIII, Article 3

9. To model each of the organization's values; 
   Policies: Chapter VIII, Article 1, section 3.a

10. To encourage and respect alternative opinions that serve to bring forth the best ideas and point them towards a shared vision; 
    Policies: Chapter VIII, Article 1, section 3.e

11. To support the organization and Board decisions—whether I am of the minority or majority opinion—in a positive and uniting manner at all times and in all places; 
    Fiduciary Duty of Obedience - Policies: Chapter VIII, Article 1, section 3.e 
    Bylaws: Article IX, section 3.1

12. To observe parliamentary procedures and display courteous conduct in all board and committee meetings; 
    Policies: Chapter VIII, Article 1, section 3.d. e

13. To refrain from intruding on issues that are the responsibility of management, except to monitor results and prohibit actions that conflict with governing policies and principles; 
    Bylaws: Article VII, section 4, 6.b; Article IX, section 1; Policies: Article 1, section 3.c

14. To participate in retreats, strategic planning, self-studies, evaluations, and any other opportunities available to enhance my effectiveness as a board member; 
    Bylaws: Article IX, section 1.e

15. To actively prepare for and participate in assigned committees only, modeling and upholding the separation of governance activities from management activities during these meetings; 
    Fiduciary Duty of Care - Bylaws: Article IX, section 1

16. To follow the association's conflict of interest policy, including declaring potential conflicts and refraining from voting on matters in which I have a conflict of interest; and 
    Bylaws: Article IX, section 3.II; Article I, section 10

17. To consider resigning my position as a board member, if, for any reason, I find myself unable to carry out my fiduciary responsibilities: care, loyalty, and obedience. 
    Bylaws: Article VII, Section 5
**Section III Term of Office**
Hot Springs Village Board Members serve in accordance with Article XII of the Articles of Incorporation.

**Section IV Leadership Qualities**
Synergistic virtues and attributes of an aspiring, well-versed member of the board:
1. Leadership practices that inspire a shared vision, model the way, encourage the heart, enable others to act, and challenge the process (from Kouzes and Pozner Leadership Model);
2. Personal values that are rooted in a passion for improving the lives of all property owners and stakeholders of Hot Springs Village;
3. Political considerations of conduct and activity that create and strengthen relationships with county, city, state, and federal government officials.

**Section V Board Officer Duties**
1. **Chair.** The Chair shall be selected from among the members of the Board of Directors and is expected to provide leadership to Hot Springs Village’s Board of Directors and the Board committees. The Board Chair facilitates communication and decision-making within the board. Specific responsibilities include, but are not limited to:
   a. Works with the Chief Executive in preparing an agenda for Board meetings, considering requests made by all Board members and company officers
   b. Convening and facilitating board and executive session meetings.
   c. Facilitates any disciplinary actions for Board members, in accordance with Association Bylaws and Robert’s Rules of Order.
   d. Appoints all Board Committee chairs.
   e. Ensures that Board Committees are focused on pursuing the strategic needs of the association.
   f. Works in partnership with the Chief Executive to make sure that Board resolutions, directives and policies are carried out and support the organization’s mission and comprehensive master plan.
   g. Ensuring that there is a quarterly performance review of the CEO and an annual Effectiveness Assessment of the Board.
   h. Helps guide and mediate Board actions with respect to organizational priorities and governance concerns.
   i. Acts as an ambassador of the association and advocates for its mission to internal and external stakeholders.
   j. Oversees the recruitment, evaluation, and discipline of the Chief Executive.
   k. Ensures the Board Vice Chair is apprised of Board activities and prepared to fulfill the roles and responsibilities of the Chair in the case of her or his inability or absence.
   l. Acts as liaison with CEO on behalf of the Board to ensure majority wishes are understood and executed.
   m. Acts as official spokesperson for the Board on governance matters.

2. **Vice Chair.** The Vice Chair shall be selected from among the members of the Board of Directors and is expected to provide leadership to the association’s Board of Directors.
The Vice Chair shall also perform such other duties as the Chair or Board of Directors may assign to him or her from time to time. Specific responsibilities include, but are not limited to:

a. Fulfill the roles and responsibilities of the Chair in the case of her or his inability or absence.
b. Fulfill the roles and responsibilities of the Secretary in the case of her or his inability or absence.

3. **Secretary.** The Secretary may be a member of the Board, provided, however, that such member of the Board may not be salaried. In the event someone other than a member of the Board is appointed to serve as Secretary, then such person may be salaried and need not be a member of the Association. The Board Secretary is expected to establish and oversee sound practices for documentation and effective procedures for Board communication. Specific responsibilities include, but are not limited to:

   a. Overseeing the recording and timely distribution of Board and Executive Session meeting minutes.
   b. Keeping records of all official and/or legal organizational documents, such as articles of incorporation, Declaration, Protective Covenants, bylaws, policies, legal advice, and other key documents, ensuring that all board resolutions are duly integrated in the appropriate governing document.
   c. Ensuring notices are duly given in accordance with the provisions of the association’s bylaws or as required by law.
   d. Recording all votes.
   e. Signing organizational documents as needed.

4. **Treasurer.** The Treasurer may be a member of the Board, provided, however, that such member of the Board may not be salaried. In the event someone other than a member of the Board is appointed to serve as Treasurer, then such person may be salaried and need not be a member of the Association. The Board Treasurer is expected to provide financial expertise to assist the Board in monitoring and evaluating the financial health of the association. Specific responsibilities include, but are not limited to:

   a. Possesses professional experience using generally accepted accounting principles (GAAP) and accrual accounting
   b. Acts as a subject matter expert in assisting the Board with governance level review and oversight of the Association’s annual budget, tax forms, monthly financial reports, and audits.
   c. Serves on the Board’s Audit Committee, recommending financial and investment policy updates, as needed
   d. Participates in hiring decisions for the top ranking accounting staff member, or financial consultants, should a staff position be temporarily unfilled.
   e. Ensures that financial reports are prepared in accordance with GAAP and are reviewed with the Board on a monthly and annual basis, along with additional supporting schedules where needed to properly evaluate the Association’s financial health.
f. Ensures the timely completion of the association’s corporate tax forms and annual financial and 401k audits by a Certified Public Accountant and that payroll, property, and sales tax payments and reports are filed accurately and timely by internal staff or an appropriate third-party service.
g. Oversees, per Board resolution, the opening or closing of financial institution accounts and is a designated signatory.
h. Performing other duties as from time to time may be assigned to him or her by the Chair of by the Board of Directors

5. **Parliamentarian.** The Parliamentarian may be a member of the Board, provided, however, that such member of the Board may not be salaried. In the event someone other than a member of the Board is appointed to serve as Parliamentarian, then such person may be salaried and need not be a member of the Association. The Parliamentarian is expected to assist the Board in utilizing Roberts Rules of Order.
   a. Ensures a quorum is present prior to Board deliberations
   b. Assists the Board in engaging in orderly debate that encourages all voices to be heard, subsequently arriving at the will of the majority
   c. Performs research on parliamentary procedure and ensures board members have a working knowledge of how to conduct meetings in accordance with governing documents
   d. Participates in annual governing document reviews and other such activities as requested by the Board.

Approved: 03-21-18