



Chapter 20 – Committees

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20.010 Committees

As provided for in the Shelter Bay By-Laws, the board shall create committees as necessary to assist in conducting the affairs of the community. (Res. 10-08 am, 9/15/10; Res 12-14, 12/15/10)

A. Definitions

- 1. A "statutory committee" is a permanent committee established by the By-Laws. There is one statutory committee, the rules committee, whose duties and responsibilities are also outlined in the By-Laws. The rules committee is also a standing committee and will follow the policies expressed in this chapter, as are applicable.
2. A "standing committee" is a permanent committee established by the board of directors to fulfill goals and perform functions and tasks to assist with community operations on an ongoing basis.
3. An "ad hoc committee" is a committee established by the board of directors with an identified advisory purpose and/or tasks to be fulfilled and shall sunset on a specified date or upon the Board's receipt of the committee's final report.
4. "Mission statement" states the committee's purpose and clearly defines the scope of the committee's work. In the case of an ad hoc committee, the mission statement will define the committee's term.
5. "Operating guidelines" define how a committee will function, including the day, time and location of the regularly scheduled meetings and how the community membership and the committee will interact. Such guidelines may also provide the details for covenant enforcement for those covenants which are ambiguous or do not set a rule that is applicable in all cases.
6. A "regular member" is a committee member who has been appointed by the board of directors to perform the functions of the committee.
7. An "alternate member" is a committee member who has been appointed by the board of directors to be available to fill-in and assume the role of a regular member in their absence.)
8. An "ex officio member" is a staff person or other individual who is appointed by the board of directors to serve in an advisory capacity as a non-voting member of a committee.
9. Unless otherwise specified, the term 'days', as used in this chapter, refers to calendar days.



20.010.010 Standing committees

- A. As provided for in Article VI of the By-Laws, all standing committees shall consist of not less than five nor more than seven (7) regular members, two (2) of whom will be board members, and as many alternate members as the board deems appropriate for carrying out the Committee's mission.
- B. Shelter Bay has five standing committees: Architectural Compliance, Facilities and Amenities, Greenbelt/Lot, Harbor, and Rules.

(Res. 10-08 am, 9/15/10; Res. 13-12, 4/17/13; Res. 16-21, 12/14/16, Res. 20-01, 2/19/20)

20.010.020 Ad hoc committees

- A. On an as-needed basis, the board may create an ad hoc committee. The board may appoint any number of members, including board members, to an ad hoc committee as it may deem appropriate. The sunset date of an ad hoc committee may be extended at the discretion of the board.

(Res. 10-08 am, 9/15/10)

20.010.030 Committee mission statement and guidelines

- A. A committee is to operate according to board-approved operating guidelines, within the scope of the Protective Covenants, By-Laws, and Rules and Regulations.
- B. Mission statement development: Using the Mission Statement and Guidelines Development Form provided in this Chapter for assistance, each committee's initial responsibility is to draft a mission statement. Board members on the committee are responsible for taking the lead on this effort and obtaining board approval. The committee is responsible for updating its mission statement, as needed, and for obtaining board approval. Following board approval of its mission statement, the Committee will develop operating guidelines as provided below.
- C. Committee operating guidelines development: Using the Mission Statement and Guidelines Development Form provided in this Chapter, each committee must prepare its operating guidelines and forward them to the rules committee. The rules committee, in coordination with the affected committee, will review them for compliance with the governing documents and form prescribed by the board. The rules committee will forward the guidelines with its recommendation to the board for approval. The committee is responsible for keeping the operating guidelines current and having any changes reviewed by the rules committee and approved by the board.

(Res. 10-08 am, 9/15/10; Res. 12-11, 6/20/12)

20.010.040 Committee membership

- A. A member of a committee must be a community member in good standing and in support of the goals of the community.
- B. Except for the Board representatives on the committees, a member shall apply to serve on a committee by making application on a form approved by the board and provided by the secretary. Such application will also include a Good Faith Conduct Statement on a form approved by the board. The secretary shall verify that the applicant is a member in good standing and forward it to the appropriate committee. The committee shall review the application, may interview the applicant, and shall provide the Board with a recommendation on the applicant's suitability for serving on the committee. The committee chair shall then forward the application form with its recommendation to the vice president for board consideration.
- C. Committee members will be appointed by the board of directors, who will make such appointments as they best see fit in order to avoid any conflicts of interest. Unless otherwise specified, committee members serve for a one-year term beginning on July 1 and ending on June 30 of the following year.



- D. Regular committee members.
 - 1. As provided above, the board shall appoint no less than three or more than five regular members who, along with the two board members appointed to the committee, shall constitute the regular members of the standing committee.
 - 2. Regular members are responsible for attending the committee's meetings to conduct the business of the committee including participating in site visits as applicable, and making, seconding and voting on motions.
- E. Alternate committee members.
 - 1. The board may appoint any number of alternate members to a committee.
 - 2. Alternate members are responsible for attending committee meetings and being available to be seated by the chair to assume the role and responsibilities of an absent regular member for a meeting and/or an interim period, as needed.
 - 3. Alternate members are a vital component of the committee's make-up and are encouraged to participate in the discussion of committee business. However, alternate members shall not make, second or vote on motions unless seated in the absence of a regular member as provided in this subsection.
- F. Committee Chair.
 - 1. With the recommendation of the committee, the Board will appoint the committee's chair. A board representative on a committee may serve as the acting chair; however, it is preferred that the chair position be filled by a regular member who is not a board representative.
 - 2. The committee chair is authorized to seat an alternate member or board member to fill-in for an absent regular member.
- G. The committee will select from its membership a vice chair and, if needed, a secretary and treasurer.
- H. The board may appoint the manager, other staff member, or non-member as an ex officio member of any standing or ad hoc committee.

(Res. 10-08 am, 9/15/10)

20.010.050 Committee meetings

- A. Chapter 40.030 provides the rules of order that govern the conduct of all meetings.
- B. The committee chair is responsible for preparing the meeting agenda and providing notice of the meeting to committee members and community membership. Provision must be made on the agenda for community member comments during the meeting. Notice to the committee members must be given not less than 24 hours in advance of a meeting. In case of an emergency, notice of a meeting may be waived provided that the committee members acknowledge receipt of such waiver of notification and such acknowledgement is retained in the committee's records.
- C. Community notice of the business before a committee is vital to the decision making process. Regular meeting agendas will be posted at the business office and on the community website on the Friday prior to the meeting. Meeting agendas should not be revised at the meeting unless the matter is most urgent in nature and postponing action would cause an undue hardship.
- D. Special meetings may be called by the Chair by the posting of an agenda at the business office, and if possible on the community website, not less than 24 hours in advance of the meeting. Special meeting agendas are not to be revised. Action may only take place on those business items posted on the agenda.
- E. The Chair should take care in placing items on the Agenda in order to keep the meeting duration to no more than 2 hours, 3 hours maximum. If the committee is experiencing a large number of business items, the Chair shall determine which items are most time critical and which items can be postponed to the next meeting or call for a special meeting, if needed.



- F. Meeting agendas shall identify the date, time, location, and business items of the meeting. Enough detail will be provided in describing the business items on the agenda in order to allow for a general understanding of the issue.
- G. A quorum consists of a majority of the members of a committee. Any board member may be called and seated by the committee chair as a temporary regular member to attend and participate for purposes of creating a quorum. Such action shall be recorded in the minutes. A committee may not hold a meeting or conduct business unless a quorum is present.
- H. If the total number of regular members present at a standing committee meeting is less than seven, the committee chair, at their discretion, may seat alternate members as regular members as needed in order to bring the number of committee members to no more than seven. Such action shall be recorded in the minutes of the Committee.
- I. When an alternate is seated as a regular member, such alternate member may also be appointed by the committee as an acting chair to perform all such duties in the absence of the chair. Such action shall be recorded in the minutes of the Committee.
- J. Meetings may be held in person, by telephone or by any other means where members may communicate with one another in real time and are able to freely discuss the issues on the agenda. If a vote is to be taken, a provision must be made for community member input.
- K. Regular meetings shall be held at the clubhouse or as specified in the committee's guidelines. Giving proper notice, the committee chair may call a special meeting provided a quorum of members is present. Business conducted at such special meetings shall be recorded in minutes, the same as if it were conducted at a regular meeting.
- L. Committees may hold an executive session using the process provided for in Chapter 30 to discuss matters involving possible violations of the governing documents or committee-related personnel matters. Decisions made in executive session must be subsequently ratified by committee vote in open session before that action becomes effective. Except for executive sessions, committee meetings shall be open to community members.
- M. In the performance of their work for the community, committees must use a minimum of four regular committee members to conduct site visits. Committee members assigned to perform such obligations shall recognize that they are representing the community and will carry out all such duties in a professional manner. Such members shall sign off on committee forms, as appropriate.
- N. If circumstances should require a committee member to visit a member lot between meetings to provide guidance or compliance information, that committee member is to be accompanied by at least one other committee member. If another committee member is not available, a board member or staff member may be called upon to join in the visit.
- O. A committee, at its discretion, may create subcommittees to perform specific tasks, such as site monitoring. Subcommittees may be comprised of any combination of committee members and community members. A subcommittee will provide timely notice to its members of meetings. It is not required to keep minutes or meeting notes, nor is it required to provide notice of meetings to the membership. The subcommittee meetings are open to the community membership.
- P. In a situation deemed to be an emergency by the chair, or in the chair's absence the vice chair, permits and /or action may be approved by a single committee member. All available members will participate in such decisions, but if only one member can be located, that member may make such decisions on behalf of the committee. All such actions shall be approved by the committee responsible at their next regularly scheduled meeting.
- Q. Within ten business days following a committee meeting, the committee will post at the business office a summary of the business conducted and make it available to the committee members. Within ten business days of approval, the approved committee meeting minutes/notes shall be posted at the office and on the website.



- R. At least monthly, the committee chair, or designee, will provide the board with a report of committee activities. At the annual meeting, the committee chair, or designee, shall prepare and submit to the board a summary of the committee's activities.

(Res. 10-08, 9/15/10; Res. 13-11, 4/17/13; Res. 15-03, 1/21/15; Res. 16-15, 9/21/16; Res.18-03, 3/21/18)

20.020 Mediation and the Decision Making Process

Much of the work of the committees involves the review and approval/disapproval of member requests for committee actions and various permits. During the review of such requests, the committee will take into consideration the opinion of other parties who may be affected by the committee's decision. In some cases, the original requestor and their neighbors or other affected parties may be in disagreement over the potential outcome. If the committee involved is aware of such a disagreement between the parties, the committee may, at its discretion, offer mediation to the parties in an to attempt to resolve conflicts prior to or in conjunction with the committee's action. The parties shall be given 5 business days to respond to the offer of mediation. If either party refuses the offer of mediation, or are unable to reach agreement through mediation, the committee will go forward with the processing action and act on the request. *(Res. 10-13, 11/17/10)*

20.030 Appeals from committee decisions

The board prefers that any objection to a committee decision first be handled by the committee in a formal review with all parties to the issue being present and minutes of the proceedings being kept.

(Res. 06-14 am, 12/13/06; Res. 08-20 am, 10/15/08)

20.030.010 Formal review at committee level

- A. An affected member may file an application for a formal review of a committee decision with the committee involved within 30 days of notification of the decision by the committee.
1. Notice of the committee's decision will be given as determined by the committee's operating guidelines and shall be considered delivered upon execution of the delivery action.
 2. Upon receipt of a request for a formal review by a committee, the committee may again offer mediation to the parties as provided for in Chapter 20.010.020.
 3. If mediation is offered and it is refused or no agreement is reached, the committee shall establish a hearing date/time/location and notify all parties involved in writing at least 10 days in advance of the hearing.
 4. The hearing date/time will be set at the convenience of the committee and affected member and scheduled not later than 45 days from the date of receipt of the review request.
 5. Upon completion of the formal review, the committee shall notify the affected member and other parties involved of its decision.
 6. The notice of the formal review schedule from the committee and the notice of the committee's decision will be delivered by U.S. Certified Mail to the mailing address on file at the Shelter Bay Business Office.
- B. No appeal to the rules committee may be made unless a timely request for a formal review has been filed and processed according to this policy.
- C. A decision of the committee involved may be appealed to the rules committee within 30 days of notice of the committee's decision.
- D. "Other parties involved" is defined as all those members directly affected by the committee's decision.
- E. The chair of the committee involved and the applicant may waive the committee review and so note the waiver on the appeal form.

(Res. 08-20 am, 10/15/08; Res. 10-13, 11/17/10)



20.030.020 Appeals to rules committee and board of directors

All appeals shall follow the same basic procedure. The following are the guidelines for the procedure and other pertinent advice regarding appeal matters.

A. Definitions

1. “Reviewing Authority” – the rules committee or the board of directors.
2. “Appellant” – the community member, his/her representative or committee filing the appeal.
3. “Affected Party or Parties” – any community members who would be affected by the resulting decisions of the committee, rules committee or board of directors.

(Res 09-19, 6/17/09)

B. Process

1. The appellant must initiate an appeal within thirty (30) days of notification of the decision. Appeals filed after this thirty (30) day limitation shall not be heard.
2. An appeal may be initiated by any community member or by any standing committee of the board of directors by filing an Appeal Request Form as attached to this chapter. For community members a deposit is required in accordance with the Schedule of Fees, to be refunded if the appellant prevails and all appeal processes are final. Simultaneous appeals from two or more standing committee decisions are to be made separately; however, they require only one deposit if it is found the appeals are interrelated.
3. The appeal of an initial fine levied by the Rules Committee shall be made back to the Rules Committee. The Rules Committee appeal decision may then be appealed to the Board of Directors. The Board is the only authority that can mitigate or make compromises on a fine.
4. The appeal must clearly state the decision(s) being appealed and the grounds for the appeal. Additional documents may be submitted with the Appeal Request Form. This will be the basis for the opening statement of the purpose of the hearing.
5. Upon receipt of the Appeal Request Form and accompanying deposit, the Board Secretary or the Rules Committee Chair, as appropriate, shall determine if the Appeal Request Form is complete. If it is deemed incomplete, it shall be returned to the appellant stating the area of deficiency and requesting that the completed appeal form be resubmitted to the reviewing authority within ten business days.
6. It is the preference of the board that any objection to a committee decision be resolved at the committee level.
7. Appeals must be made in succession to the rules committee and finally to the board of directors.
8. The president/chair of the reviewing authority shall schedule an appeal hearing and determine whether to again offer mediation to the parties as provided for in Chapter 20.010.020. If mediation is pursued, the appeal process will be held in abeyance until mediation is completed. If through mediation the dispute is resolved in compliance with the requirements of Shelter Bay, the application will be returned to the permitting committee for final ratification. Upon official notice by either party in the mediation that mediation has failed to bring resolution to the dispute, the appeal process will resume. The scheduling of the appeal hearing will be accomplished within seven (7) business days of receipt of the appeal.
9. A quorum of the reviewing authority members shall be present for all appeal deliberations.
10. The reviewing authority secretary shall prepare and post a notice of the time/date/purpose of the hearing in the business office and mail a copy of the notice to the appellant, affected party or parties and deliver a copy to the chair persons of affected committees.
11. The secretary will also request that pertinent documentation, minutes and other documents be submitted by the committee involved to the reviewing authority no later than seven (7) days prior to the appeal hearing. The secretary of the reviewing authority shall make the submitted documentation available to reviewing authority members at least five (5) days prior to the hearing.



12. Hearings before the reviewing authority may be tape recorded, and the tape recording becomes a part of the documentation of the hearing. If recorded, the tape shall be kept until all known administrative appeals with regard to the particular case are exhausted.
13. When the reviewing authority makes its final decision on an appeal, it will issue a written summary of facts and conclusions. The reviewing authority will notify the appellant and affected party or parties of its decision in writing by U.S. Certified Mail. The appellant will be notified of the right to further appeal a Rules Committee decision to the Board within thirty (30) days after receipt of a notice of such decision.
14. The board's decision is final for the community.
15. After the final decision of the reviewing authority, records pertaining to the appeal will be maintained in the appellant's lot file.
16. Upon completion of the appeal process an appellant, who is a member in good standing and has prevailed in their appeal, shall have their appeal deposit returned. Authorization for the return of deposit will be by the Board President and the Rules Committee Chair, or their designees, in coordination with the Community Manager.

(Res. 09-19, 6/17/09; Res. 10-13, 11/17/10; Res. 10-14, 12/15/10; Res. 15-02, 1/21/15; Res. 16-05, 2/17/16)

C. Appeal Hearing Procedures

The following procedures will govern the conduct of a hearing:

1. A speaker for each side shall be given five (5) minutes to state the case, starting with the appeal side. Speakers will direct their testimony to the actual committee decision and applicable community policies which are the subject of the appeal before the reviewing authority. Speakers who make comments deemed to be of a personal or derogatory nature toward committee or other community members will be brought back to the point of order by the chair.
2. Other participants, when recognized by the chair, may each have five (5) minutes to add pertinent remarks to the record.
3. Members of the reviewing authority will be invited to ask questions, in rotation, of the participants. Questions may be pursued, if to the point. A second question may be asked in rotation, but not before all members have had a chance to ask a first question.
4. After all questions have been exhausted, the speaker for each side will be given two (2) minutes to provide a closing statement.
5. After the closing statements, and upon the passage of a motion, the reviewing authority shall recess the regular session and convene in executive session to consider the evidence presented and reach a decision. The reviewing authority shall then adjourn the executive session, reconvene the hearing by returning to regular session, and ratify any decision(s) made in the executive session. If deemed necessary by the reviewing authority, the executive session may be recessed and then reconvened at a specified date and time. The reviewing authority's chair/president shall notify the appellant of the decision by certified mail.
6. The appellant may request a copy of all documents pertinent to the case and held by the reviewing authority.

(Res. 06-14 am, 12/13/06; Res. 09-19, 6/17/09; Res. 10-16 am, 1/19/11)



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shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

For Office Use Only

Applicant is a member
in good standing

Initials _____

Date _____

Committee Member Application Form

(Prepared by Applicant for committee membership and submitted to Board Secretary)

The purpose of this application is to provide the Board with information on your background and interest in serving on a Board appointed Committee in Shelter Bay. Add additional pages if desired.

Name of **Committee** for which you are applying: _____

Name: _____ Phone: _____

Address: _____ Email Address: _____

Years of residency in Shelter Bay: _____ Hours per month you are employed: _____

Employment background and education: _____

Other career related activities: _____

Other outside interests: _____

Committee participation within Shelter Bay: _____

What is your interest in serving on this Committee and what can you offer? _____

What are your goals as a member of this Committee? _____

NOTE: For your application to be considered, the attached Good Faith Conduct Statement must be completed and returned with this form.

Signature: _____ Date: _____

COMMITTEE RECOMMENDATION: Recommend appointment? Yes No

As a Regular Member Alternate Member (if applicable) Chair Signature: _____

BOARD ACTION: _____ **DATE:** _____



Good Faith Conduct Statement
Board of Directors, all Committee Members, Management and Staff

Good Faith is the foundation of the existence of the Shelter Bay Community. Such good faith is a delicate commodity that must be guarded by the Board of Directors, Committee members, management and staff.

CONFLICT OF INTEREST: No member of the board, or any of its committees, shall derive a substantial profit or gain, directly or indirectly, by virtue of his/her association or participation within the community. Each individual shall disclose to either the board or to the committee any personal interest he/she may have in any matter pending before the board or respective committee. The board or committee shall determine by vote of the members whether or not a disclosing member is disqualified from participating in any decision on a pending matter.

CONFIDENTIALITY OF INFORMATION:

1. Each Director and Committee member who has access to confidential information discussed or disclosed in executive session has the responsibility to safeguard all such information, including all records and documents. This policy extends to the dissemination of information over the telephone and via e-mail.
2. Information discussed in executive session shall be disclosed and/or discussed with individuals only on a “need to know” basis. Conversation of a confidential nature must never be held within earshot of community members or other members of the public.
3. Unauthorized disclosure of information discussed in executive session may result in removal of the member from the committee.
4. The following are some examples of conduct that are considered violations of this policy:
 - a. Willful manipulation of documents, computer records, or other community information for personal gain.
 - b. Misappropriation or unauthorized use of community monies, property, or services of any kind.
 - c. Willful disclosure of confidential community information to any unauthorized person.

STANDARDS OF CONDUCT:

1. The following is prohibited Director and Committee member conduct while in the performance of the work of the community.
 - a. Illegal harassment or discrimination in any form.
 - b. Abusive behavior toward a community or staff member
 - c. Sexual harassment or sexual violence in any form.
 - d. Being under the influence of drugs or alcohol.
 - e. Endangering the safety of community or staff members.
 - f. Carrying a weapon while actively engaged in community business.
 - g. Violation of community rules and regulations.
2. The above is not meant to be all-inclusive. The Board of Directors reserves the right to remove a committee member or sanction a Director for a violation of any of the above or any other serious misconduct not specified. Violations may also result in disciplinary action, up to and including termination of employment. *(Res. 09-03, 1/21/09)*

By executing this form, the undersigned agrees to abide by the terms and conditions set out herein for such time as he/she serves in the position.

Signature of Board/Committee Member
or Management/Staff Member

Title of Position

Printed Name of Board/Committee Member
or Management/Staff Member

Date



shelter bay community, inc.

1000 Shoshone Drive • La Conner, WA 98257 • 360-466-3805

Appeal Request Form

TO: Rules Committee Board of Directors

Waiver of Committee Review _____ and _____
Signed by: *Committee Chair/Date* *Appellant/Date*

Name/Committee: _____ Lot Number: _____
(Please Print)

Mailing Address: _____ Telephone: _____

Please ✓ the Committee whose decision you are appealing. <i>(If you are appealing the decisions of more than one committee, use a separate form for each appeal.)</i>								
Rules		Architectural Compliance		Lot		Greenbelt		Other:

Reason for Appeal To be Completed by the Appellant
Specifically state the Committee decision being appealed and the grounds for your appeal. Appeals determined to be incomplete will be returned to the Appellant.
<i>Attach additional sheets as necessary.</i>

Within seven (7) business days of receipt of this Form, the Rules Committee or the Board will schedule an appeal hearing to be held at the convenience of its members and the appellant. Please indicate below the dates and times you could be available:

Month _____ Days _____ Times _____

Month _____ Days _____ Times _____

Appellant's Signature _____ Date _____

Attachment: R&R Part II, Chapter 20.010.030

(Office Use Only)
Appeal Deposit Paid: (Yes) _____ (No) _____ ; Initials/Date: _____
Appeal Deposits are Non-Refundable unless the Appellant Prevails.
Appeal Deposit Refunded: (Yes) _____ ; (No) _____ ; Initials/Date: _____
Authorized by:
Board President: _____ Date _____ ; Rules Chair: _____ Date _____ ; Manager: _____ Date _____
(Authorization will be by Board President or Rules Chair in coordination with Manager)

20.030 Appeals from committee decisions

The board prefers that any objection to a committee decision first be handled by the committee in a formal review with all parties to the issue being present and minutes of the proceedings being kept.

20.030.010 Formal review at committee level

- A. An affected member may file an application for a formal review of a committee decision with the committee involved within 30 days of notification of the decision by the committee.
 1. Notice of the committee's decision will be given as determined by the committee's operating guidelines and shall be considered delivered upon execution of the delivery action.
 2. Upon receipt of a request for a formal review by a committee, the committee may again offer mediation to the parties as provided for in Chapter 20.010.020.
 3. If mediation is offered and it is refused or no agreement is reached, the committee shall establish a hearing date/time/location and notify all parties involved in writing at least 10 days in advance of the hearing.
 4. The hearing date/time will be set at the convenience of the committee and affected member and scheduled not later than 45 days from the date of receipt of the review request.
 5. Upon completion of the formal review, the committee shall notify the affected member and other parties involved of its decision.
 6. The notice of the formal review schedule from the committee and the notice of the committee's decision will be delivered by U.S. Certified Mail to the mailing address on file at the Shelter Bay Business Office.
- B. No appeal to the rules committee may be made unless a timely request for a formal review has been filed and processed according to this policy.
- C. A decision of the committee involved may be appealed to the rules committee within 30 days of notice of the committee's decision.
- D. "Other parties involved" is defined as all those members directly affected by the committee's decision.
- E. The chair of the committee involved and the applicant may waive the committee review and so note the waiver on the appeal form.

20.030.020 Appeals to rules committee and board of directors

All appeals shall follow the same basic procedure. The following are the guidelines for the procedure and other pertinent advice regarding appeal matters.

- A. Definitions
 1. "Reviewing Authority" – the rules committee or the board of directors.
 2. "Appellant" – the community member, his/her representative or committee filing the appeal.
 3. "Affected Party or Parties" – any community members who would be affected by the resulting decisions of the committee, rules committee or board of directors.
- B. Process
 1. The appellant must initiate an appeal within 30 days of the decision. Appeals filed after this 30 day limitation shall not be heard.
 2. An appeal may be initiated by any community member or by any standing committee of the board of directors by filing an Appeal Request Form as attached to this chapter. For community members a deposit is required in accordance with the Schedule of Fees, to be refunded if the appellant prevails and all appeal processes are final. Simultaneous appeals from two or more standing committee decisions are to be made separately; however, they require only one deposit if it is found the appeals are interrelated.
 3. The appeal of an initial fine levied by the Rules Committee shall be made back to the Rules Committee. The Rules Committee appeal decision may then be appealed to the Board of Directors. The Board is the only authority that can mitigate or make compromises on a fine.
 4. The appeal must clearly state the decision(s) being appealed and the grounds for the appeal. Additional documents may be submitted with the Appeal Request Form. This will be the basis for the opening statement of the purpose of the hearing.
 5. Upon receipt of the Appeal Request Form and accompanying deposit, the Board Secretary or the Rules Committee Chair, as appropriate, shall determine if the Appeal Request Form is complete. If it is deemed incomplete, it shall be returned to the appellant stating the area of deficiency and requesting that the completed appeal form be resubmitted to the reviewing authority within ten business days.
 6. It is the preference of the board that any objection to a committee decision be resolved at the committee level.
 7. Appeals must be made in succession to the rules committee and finally to the board of directors.

8. The president/chair of the reviewing authority shall schedule an appeal hearing and determine whether to again offer mediation to the parties as provided for in Chapter 20.010.020. If mediation is pursued, the appeal process will be held in abeyance until mediation is completed. If through mediation the dispute is resolved in compliance with the requirements of Shelter Bay, the application will be returned to the permitting committee for final ratification. Upon official notice by either party in the mediation that mediation has failed to bring resolution to the dispute, the appeal process will resume. The scheduling of the appeal hearing will be accomplished within seven (7) business days of receipt of the appeal.
 9. A quorum of the reviewing authority members shall be present for all appeal deliberations.
 10. The reviewing authority secretary shall prepare and post a notice of the time/date/purpose of the hearing in the business office and mail a copy of the notice to the appellant, affected party or parties and deliver a copy to the chair persons of affected committees.
 11. The secretary will also request that pertinent documentation, minutes and other documents be submitted by the committee involved to the reviewing authority no later than seven (7) days prior to the appeal hearing. The secretary of the reviewing authority shall make the submitted documentation available to reviewing authority members at least five (5) days prior to the hearing.
 12. Hearings before the reviewing authority may be tape recorded, and the tape recording becomes a part of the documentation of the hearing. If recorded, the tape shall be kept until all known administrative appeals with regard to the particular case are exhausted.
 13. When the reviewing authority makes its final decision on an appeal, it will issue a written summary of facts and conclusions. The reviewing authority will notify the appellant and affected party or parties of its decision in writing by U.S. Certified Mail. The appellant will be notified of the right to further appeal a Rules Committee decision to the Board within thirty (30) days after receipt of a notice of such decision.
 14. The board's decision is final for the community.
 15. After the final decision of the reviewing authority, records pertaining to the appeal will be maintained in the appellant's lot file.
 16. Upon completion of the appeal process an appellant, who is a member in good standing and has prevailed in their appeal, shall have their appeal deposit returned. Authorization for the return of deposit will be by the Board President and the Rules Committee Chair, or their designees, in coordination with the Community Manager.
- C. Appeal Hearing Procedures
- The following procedures will govern the conduct of a hearing:
1. A speaker for each side shall be given five (5) minutes to state the case, starting with the appeal side. Speakers will direct their testimony to the actual committee decision and applicable community policies which are the subject of the appeal before the reviewing authority. Speakers who make comments deemed to be of a personal or derogatory nature toward committee or other community members will be brought back to the point of order by the chair.
 2. Other participants, when recognized by the chair, may each have five (5) minutes to add pertinent remarks to the record.
 3. Members of the reviewing authority will be invited to ask questions, in rotation, of the participants. Questions may be pursued, if to the point. A second question may be asked in rotation, but not before all members have had a chance to ask a first question.
 4. After all questions have been exhausted, the speaker for each side will be given two (2) minutes to provide a closing statement.
 5. After the closing statements and upon the passage of a motion, the reviewing authority shall recess the regular session and convene in executive session to consider the evidence presented and reach a decision. The reviewing authority shall then adjourn the executive session, reconvene the hearing by returning to regular session, and ratify any decision(s) made in the executive session. If deemed necessary by the reviewing authority, the executive session may be recessed and then reconvened at a specified date and time. The reviewing authority's chair/president shall notify the appellant of the decision by certified mail.
 6. The appellant may request a copy of all documents pertinent to the case and held by the reviewing authority.



Committee Decision Review Request Form

Please print:

Name/Committee: _____ Lot Number: _____

Mailing Address _____ Telephone: _____

Indicate the committee whose decision you are requesting be reviewed:

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> Architectural Compliance | <input type="checkbox"/> Lot |
| <input type="checkbox"/> Greenbelt | <input type="checkbox"/> Other _____ |

State the reason/s for the review request: _____

The Committee will schedule a review at the convenience of its members. Please indicate below the dates and times you could be available:

Month _____ Days _____ Times _____

Month _____ Days _____ Times _____

Signature _____ Date _____

Attachment: R&R's Part II 20.010.030

20.030 Appeals from committee decisions

The board prefers that any objection to a committee decision first be handled by the committee in a formal review with all parties to the issue being present and minutes of the proceedings being kept.

20.030.010 Formal review at committee level

- A. An affected member may file an application for a formal review of a committee decision with the committee involved within 30 days of notification of the decision by the committee.
1. Notice of the committee's decision will be given as determined by the committee's operating guidelines and shall be considered delivered upon execution of the delivery action.
 2. Upon receipt of a request for a formal review by a committee, the committee may again offer mediation to the parties as provided for in Chapter 20.010.020.
 3. If mediation is offered and it is refused or no agreement is reached, the committee shall establish a hearing date/time/location and notify all parties involved in writing at least 10 days in advance of the hearing.
 4. The hearing date/time will be set at the convenience of the committee and affected member and scheduled not later than 45 days from the date of receipt of the review request.
 5. Upon completion of the formal review, the committee shall notify the affected member and other parties involved of its decision.
 6. The notice of the formal review schedule from the committee and the notice of the committee's decision will be delivered by U.S. Certified Mail to the mailing address on file at the Shelter Bay Business Office.
- B. No appeal to the rules committee may be made unless a timely request for a formal review has been filed and processed according to this policy.
- C. A decision of the committee involved may be appealed to the rules committee within 30 days of notice of the committee's decision.
- D. "Other parties involved" is defined as all those members directly affected by the committee's decision.
- E. The chair of the committee involved and the applicant may waive the committee review and so note the waiver on the appeal form.

20.030.020 Appeals to rules committee and board of directors

All appeals shall follow the same basic procedure. The following are the guidelines for the procedure and other pertinent advice regarding appeal matters.

A. Definitions

1. "Reviewing Authority" – the rules committee or the board of directors.
2. "Appellant" – the community member, his/her representative or committee filing the appeal.
3. "Affected Party or Parties" – any community members who would be affected by the resulting decisions of the committee, rules committee or board of directors.

B. Process

1. The appellant must initiate an appeal within 30 days of a decision. Appeals filed after this 30-day limitation shall not be heard.
2. An appeal may be initiated by any community member or by any standing committee of the board of directors by filing an Appeal Request Form as attached to this chapter. For community members a deposit is required in accordance with the Schedule of Fees, to be refunded if the appellant prevails and all appeal processes are final. Simultaneous appeals from two or more standing committee decisions are to be made separately; however, they require only one deposit if it is found the appeals are interrelated.
3. The appeal of an initial fine levied by the Rules Committee shall be made back to the Rules Committee. The Rules Committee appeal decision may then be appealed to the Board of Directors. The Board is the only authority that can mitigate or make compromises on a fine.
4. The appeal must clearly state the decision(s) being appealed and the grounds for the appeal. Additional documents may be submitted with the Appeal Request Form. This will be the basis for the opening statement of the purpose of the hearing.
5. Upon receipt of the Appeal Request Form and accompanying deposit, the Board Secretary or the Rules Committee Chair, as appropriate, shall determine if the Appeal Request Form is complete. If it is deemed incomplete, it shall be returned to the appellant stating the area of deficiency and requesting that the completed appeal form be resubmitted to the reviewing authority within ten business days.
6. It is the preference of the board that any objection to a committee decision be resolved at the committee level.
7. Appeals must be made in succession to the rules committee and finally to the board of directors.

8. The president/chair of the reviewing authority shall schedule an appeal hearing and determine whether to again offer mediation to the parties as provided for in Chapter 20.010.020. If mediation is pursued, the appeal process will be held in abeyance until mediation is completed. If through mediation the dispute is resolved in compliance with the requirements of Shelter Bay, the application will be returned to the permitting committee for final ratification. Upon official notice by either party in the mediation that mediation has failed to bring resolution to the dispute, the appeal process will resume. The scheduling of the appeal hearing will be accomplished within seven (7) business days of receipt of the appeal.
9. A quorum of the reviewing authority members shall be present for all appeal deliberations.
10. The reviewing authority secretary shall prepare and post a notice of the time/date/purpose of the hearing in the business office and mail a copy of the notice to the appellant, affected party or parties and deliver a copy to the chair persons of affected committees.
11. The secretary will also request that pertinent documentation, minutes and other documents be submitted by the committee involved to the reviewing authority no later than seven (7) days prior to the appeal hearing. The secretary of the reviewing authority shall make the submitted documentation available to reviewing authority members at least five (5) days prior to the hearing.
12. Hearings before the reviewing authority may be tape recorded, and the tape recording becomes a part of the documentation of the hearing. If recorded, the tape shall be kept until all known administrative appeals with regard to the particular case are exhausted.
13. When the reviewing authority makes its final decision on an appeal, it will issue a written summary of facts and conclusions. The reviewing authority will notify the appellant and affected party or parties of its decision in writing by U.S. Certified Mail. The appellant will be notified of the right to further appeal a Rules Committee decision to the Board within thirty (30) days after receipt of a notice of such decision.
14. The board's decision is final for the community.
15. After the final decision of the reviewing authority, records pertaining to the appeal will be maintained in the appellant's lot file.
16. Upon completion of the appeal process an appellant, who is a member in good standing and has prevailed in their appeal, shall have their appeal deposit returned. Authorization for the return of deposit will be by the Board President and the Rules Committee Chair, or their designees, in coordination with the Community Manager.

C. Appeal Hearing Procedures

The following procedures will govern the conduct of a hearing:

1. A speaker for each side shall be given five (5) minutes to state the case, starting with the appeal side. Speakers will direct their testimony to the actual committee decision and applicable community policies which are the subject of the appeal before the reviewing authority. Speakers who make comments deemed to be of a personal or derogatory nature toward committee or other community members will be brought back to the point of order by the chair.
2. Other participants, when recognized by the chair, may each have five (5) minutes to add pertinent remarks to the record.
3. Members of the reviewing authority will be invited to ask questions, in rotation, of the participants. Questions may be pursued, if to the point. A second question may be asked in rotation, but not before all members have had a chance to ask a first question.
4. After all questions have been exhausted, the speaker for each side will be given two (2) minutes to provide a closing statement.
5. After the closing statements and upon the passage of a motion, the reviewing authority shall recess the regular session and convene in executive session to consider the evidence presented and reach a decision. The reviewing authority shall then adjourn the executive session, reconvene the hearing by returning to regular session, and ratify any decision(s) made in the executive session. If deemed necessary by the reviewing authority, the executive session may be recessed and then reconvened at a specified date and time. The reviewing authority's chair/president shall notify the appellant of the decision by certified mail.
6. The appellant may request a copy of all documents pertinent to the case and held by the reviewing authority.



Mission Statement and Guidelines Development Form

(Res. 12-11, 6/20/12)

Committee's Title: _____ Board Created Date:

Prepared by: _____ Date & Phone No:

The purpose of this form is to assist a new or existing Committee with the development/revision of its Mission Statement and Guidelines. These documents must be reviewed by the Rules Committee and approved by the Board soon after the creation of a new Committee. Existing committees should routinely review their guidelines to ensure they are up-to-date and compliant with this section.

Committee's Mission Statement:

Prepare a Mission Statement describing the Committee's purpose and its scope of work. For Ad Hoc Committees, the Mission Statement will also contain the Committee's term/sunset date.

Authority for Each Function:

List the Authority (section or paragraph of the Protective Covenants, By-Laws, or Rules and Regulations) that will govern this function of the Committee. If the Committee is responsible for multiple authority issues, (i.e. signs, driveways, trailers in yard, and the like) list each authority with its operating guideline.

Operating Guidelines:

In developing its Operating Guidelines, the Committee will:

1. Describe how the Committee operates, including the day, time and location of the regularly scheduled meetings.
2. Describe how the Committee plans to make the Community Members aware of its meetings:
 _____ Calendar its meetings 24 hours in advance on the office calendar or bulletin board, or
 _____ Hold regularly scheduled meetings at a pre-determined time/date/location.
3. Identify the Committee's Officer positions (chair, vice chair, secretary, treasurer, as applicable).

Mission Statement and Guidelines Development Form

4. Identify who is responsible for preparing the summary of the business conducted and filing that summary in the Committee Minute Book in the office within 5 days of each meeting.

5. Describe how the Committee will function and perform its duties.

6. As applicable, for each Authority, write the process and/or procedure for different applications, permits, variances, and/or complaints the Community Members are to use. [See example]

7. The final draft of the Committee's Guidelines should be provided in the format included with this section.

Helpful hints for developing Committee Guidelines

- 1) The "Authority" is the legal basis for the Guidelines.
- 2) Draft the Guidelines for each Authority separately.
- 3) A Table of Contents is helpful if there are numerous Authorities and numerous Guidelines.
- 4) Guidelines should be brief and easy to understand.
- 5) State Guidelines in positive terms.
- 6) Clearly provide the information needed to guide committee members in the performance of their duties.
- 7) A good Rule is enforceable.

Mission Statement and Guidelines Development Form

Preferred format for the Authority Section and the Committee Guidelines pertaining to that Authority:

AUTHORITY

Declaration of Protective Covenants, Article IV, Covenants and Restrictions:

- 17. Off-Street Parking.** At least two off-street parking spaces for each single family residence shall be provided. Such spaces shall be used only for vehicles which are operational and in regular use. Such spaces shall not become a storage area for unused vehicles and other items which may detract from the natural beauty of surrounding areas. Driveways serving a single family residence must be no less than 25 feet in length from street edge to structure.

GUIDELINES

The intent of this Covenant is to prevent long term parking of unused or commercial vehicles and the storage of miscellaneous items visible from the street (i.e. camper shells, boats, trailers, PODs, dumpsters, etc.).

Shelter Bay is designated as a single-family residential community. Members are to ensure that they have appropriate and adequate parking space for all vehicles associated with the lot.

An inoperable vehicle is defined as one where the physical condition of the vehicle indicates that it may not be operable, is unsightly, or in need of repair (i.e. broken windows, flat tires, major body damage, expired registration, etc.). Storing vehicles for repair is not allowed.

PROCEDURE FOR IMPLEMENTATION

1. The Lot Committee will monitor off-street parking.
2. Upon becoming aware of a possible violation or the receipt of an Incident-Concern-Complaint, the Lot Committee will assess the situation and notify the member of any resulting violation, setting a date for correction. A copy will be placed in the Lot File at the Shelter Bay Community office. If it is a non-compliance issue and the member does not comply by the specific date, the violation may be referred to the Rules Committee with a fine recommendation.

Mission Statement and Guidelines Development Form

Operating Guidelines, continued

Committee: _____

Final Draft of Mission Statement:

Final Draft of Committee Guidelines: