

Resolution 97-5: Procedures for Member Appeals from Covenants and Architectural Standards Decisions Update

BOARD OF DIRECTORS MEETING DECEMBER 18, 2020

RECOMMENDED ACTION

Direct staff to prepare proposed update to Resolution 97-5: Procedures for Member Appeals from Covenants and Architectural Standards Committee Decisions with goal of presenting an updated resolution for the board of directors to approve for 45-day notification and member comment.

AREA RECOMMEND TO ADDRESS

- Appeals procedures are part of the Association Rules, therefore any modification to the resolution requires 45-day notice and comment period
- Hearing procedures clarifications including but not limited to,
 - What comprises the 30 minutes of an appeal hearing
 - Strengthen basis of member appeal language
- Conform with state law and C&Rs including but not limited to,
 - Scheduling of appeals and reasons to deny hearing of appeal
 - What and when appeals can be held in executive session versus open session
 - Board appeal decisions when committee decision is reversed or modified
 - There is a conflict between the resolution and Architectural Standards Rules and Procedures for Land Use (AS Rules) when naming who is an eligible appellant. That resolution states an owner of the property affected by the committee decision is eligible for appeals. The AS Rules state that neighbors who provide neighbor comment during a project application submittal also have appeal rights.

TAHOE DONNER NEXT STEPS

- Draft proposed updates to Resolution 97-5 – December
- Coordinate review of proposed updates with Architectural Standards and Covenants Committee – Dec/Jan
- Bring back proposed updates to Resolution 97-5 to the board of directors for approval for 45-day member notice and comment period

QUESTIONS?