

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

BOARD OF DIRECTORS MEETING FEBRUARY 26, 2021

# RECOMMENDED ACTION

**By Motion:**

Approve proposed Resolution 21-X: Procedures for Member Appeals from Covenants and Architectural Standards Committee Decisions to publish for 45-day member notification and member comment.

# AREAS ADDRESSED IN UPDATE

- 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.
- Typographical, reference siting and grammatic corrections

# TIMELINE TO UPDATE RESOLUTION + PROCEDURES

- December/January
  - Draft proposed updates to Resolution 97-5 – December
  - Coordinate review of proposed updates with Architectural Standards and Covenants Committee
  - Review of proposed updates by TDA General Counsel
- January 22 board meeting – Discussed draft proposed updates to Resolution 97-5
- February 26 board meeting - Approval for 45-day member notice and comment period
- April 1 Tahoe Donner News - 45-day member notice and comment period starts
- April 23 board meeting – board hears member comments as discussion topic
- May 28 board meeting – board considers adopting new resolution and amendments to procedures

**QUESTIONS?**