

## **APPROVED ACC OPERATING GUIDELINES – July 21, 2010**

The ACC's duties established in the CC&R's are summarized here as:

- To review and approve plans for construction or improvements, additions, remodeling or alterations of any improvement on any lot within the Subdivision by evaluating whether the proposed construction will harmonize with the motif and style of the Subdivision and be compatible with surrounding homes and the character of the Subdivision
- To adopt Design Guidelines for approval of Construction Improvements that ensure compatibility to the uniqueness of the sites and the character of the Subdivision without creating a look-alike community
- To grant variances from Design Guidelines

The ACC is directed to adopt the following practices in fulfilling its duties and committee functions.

### Membership -

- To be an active volunteer group that is “hands-on” in the fulfillment of its responsibilities. This means limiting the use of consultant services to those duties that are beyond the scope and talents of committee members and that are primarily paid by SPCE Lot Owner construction improvement fees. Any consultant fees paid by the HOA must be budgeted and pre-approved by the SPCE Board.
- To recruit volunteers to serve on the ACC, subject to appointment by the Board per the CC&R's, recognizing the committee should be of a size that enables it to be an active working committee without one person bearing too much of the work or influencing decisions; any interested lot owner is eligible to volunteer; prospective members should be interviewed by the ACC (which includes at least one board member on the committee) to be sure the person understands and accepts ACC responsibilities and doesn't have a personal agenda.
- To involve the Board's representative(s) to the ACC as a full working, voting member of the committee.

### Duties -

- To follow the Compliance Policy adopted by the SPCE Board.
- To follow the Appeal Process adopted by the SPCE Board.
- To conduct ACC meetings which are open to the general membership, since the ACC is primarily concerned with the outward appearance of homes and this information is, or will become, public knowledge. In certain cases of compliance disputes, personnel matters, etc. the ACC may have Executive Session meetings, but these should be rare. The agenda should be posted on the website the week before the meeting and the exterior elevations of the plans to be discussed should be available for viewing at least 30 minutes prior to the meeting time. Time should be allowed at the beginning of the meeting for general membership input, similar to the process followed at SPCE Board meetings.
- To report the status of outstanding ACC projects to the SPCE Board at least three days prior to each Board meeting.
- To confine reviews to architectural issues and the construction process. For small improvement projects, including installations of out-buildings, sheds, security gates, mailboxes, fences, etc., ACC members will evaluate the project and assist the homeowner in meeting the intent of the Design Guidelines rather than use a consultant's services for this purpose.

- To address construction phase issues only from plan approval through certification. Post construction and non-construction compliance issues are to be referred to the Hoamco manager for resolution per the Compliance Policy.
- To assign a committee liaison with the Lot Owner to assist with communication during construction of new homes.
- To inform the Lot Owner in writing that the consultant serves as an advisor to the ACC but final decisions and approval are made by the ACC.
- To inform the Lot Owner that he/she may attend open ACC meetings or contact the ACC directly for resolution of any questions.
- To create and submit an annual budget to the SPCE Board for approval.

#### Design Guidelines –

- To research and recommend changes to the Design Guidelines or, if needed, propose the creation of a Task Force to research and address a specific Design Guideline issue. Proposed changes are to be presented to the SPCE Board, no more than once per calendar year, for review, comment and publishing to the general membership for input. Lot Owner comments will be summarized, with the resulting action noted, and published for the general membership before the SPCE Board takes action on the proposed changes.

#### Use of Consultant(s) -

- To advise the SPCE Board on the type and scope of services needed from a consultant. The Board is responsible for engaging the services of an ACC consultant. The consultant assists the ACC but reports to the Board. The Hoamco manager attends and facilitates the ACC meetings, performs administrative duties related to the ACC function, as outlined in its service agreement with the SPCE Board, and assists in communicating the Board of Directors' direction regarding the consultant's services.
- To assist the Board in the selection of an ACC consultant. The Board develops a Request for Proposal with ACC input, interviews jointly with the ACC and selects the consultant. The Board's representative to the ACC approves consultant invoices for payment and assists with clarifying the Board's direction to the consultant.
- To use the services of a consultant only in an advisory capacity and not as a voting member of the ACC.

#### General

- To communicate directly with SPCE Lot Owners by face-to-face meeting or phone conversation followed by email or other written correspondence, recognizing that written communication is always required. Direct interaction with the Lot Owner is preferred.
- To base decisions on compliance with Design Guidelines in a fair and consistent manner.
- To be mindful of potential conflicts of interest on the part of the consultant, ACC members or Board members and make committee members aware of the conflict so appropriate resolution may be determined.
- To remain cordial but objective with Lot Owners and always professional. The Appeal Process adopted by the Board enables an appropriate process to assure additional review of Lot Owner assertions and ACC decisions in the event of a disagreement between the Lot Owner and ACC.