

Clearwood Community Compliance Program

January 2020

REVISION LOG

Technical Documentation Control and Signoff Form

This is a controlled document. Any content change to this document must be reviewed and approved by the appropriate authority prior to use and issue.

Rev #	Date	Revision Details	Checked by	Approved by
1	10/18/2019	Committee Review and Acceptance	MAW	
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Chapter 1 INTRODUCTION

Purpose

Compliance procedures can have a significant impact on property values and owner enjoyment. The following procedures have been established to provide a consistent and equitable process under which compliance enforcement shall be conducted in CCA.

Definition – Compliance

The purpose of this document, compliance is defined as;

Compliance with the Governing Documents of the community and/or abiding by the rules and regulations established or modified by the Association.

The requirements start with Plat Maps and building requirements, and flow down through Articles of Incorporation, By-laws, CC&R's, and Rules and Regulations established by the Association.

CCA Compliance Goal

The Compliance Program is conducted to achieve an orderly and attractive community by ensuring community standards are being maintained consistent with established Rules and Regulations with fair approval.

Educating members on requirements associated with Association Rules and Regulations is the priority.

Violations Committee is dedicated to working with our membership to identify, address and resolve non-compliant conditions.

Enforcement

The General Manager is expressly authorized to pursue all available legal remedies to enforce CCA Rules and Regulations per Board Operating Resolution 2019-10-19B¹. Assessment of a penalty shall not constitute an election of remedies by CCA. Indeed, CCA expressly reserves all of its legal rights and remedies, including but not limited to, commencing legal action for an injunction or order to abate the violation identified herein. If a penalty is assessed, it may be appealed to the Review Panel in compliance with the Appeals Committee Procedures, which are available on the Clearwood Community Association website or at the main office.

Section Q. of the Bylaws provides that any unpaid fines shall be subject to the CCA Collections Policy and shall constitute a lien against your property, which may be foreclosed by CCA. Upon levying a fourth fine for the same unresolved non-compliance issue, the Violations Committee will refer the issue to the Board of Directors for enforcement.

Implementing Community Compliance

Compliance is achieved through two methods:

- 1) Year-round monitoring.
- 2) In response to a written signed complaint from a member or staff.

A Compliance Specialist, a part time assignment of a staff position, tours through the community monitoring for compliance on an average of 24 hours/month. All observations will be documented on a

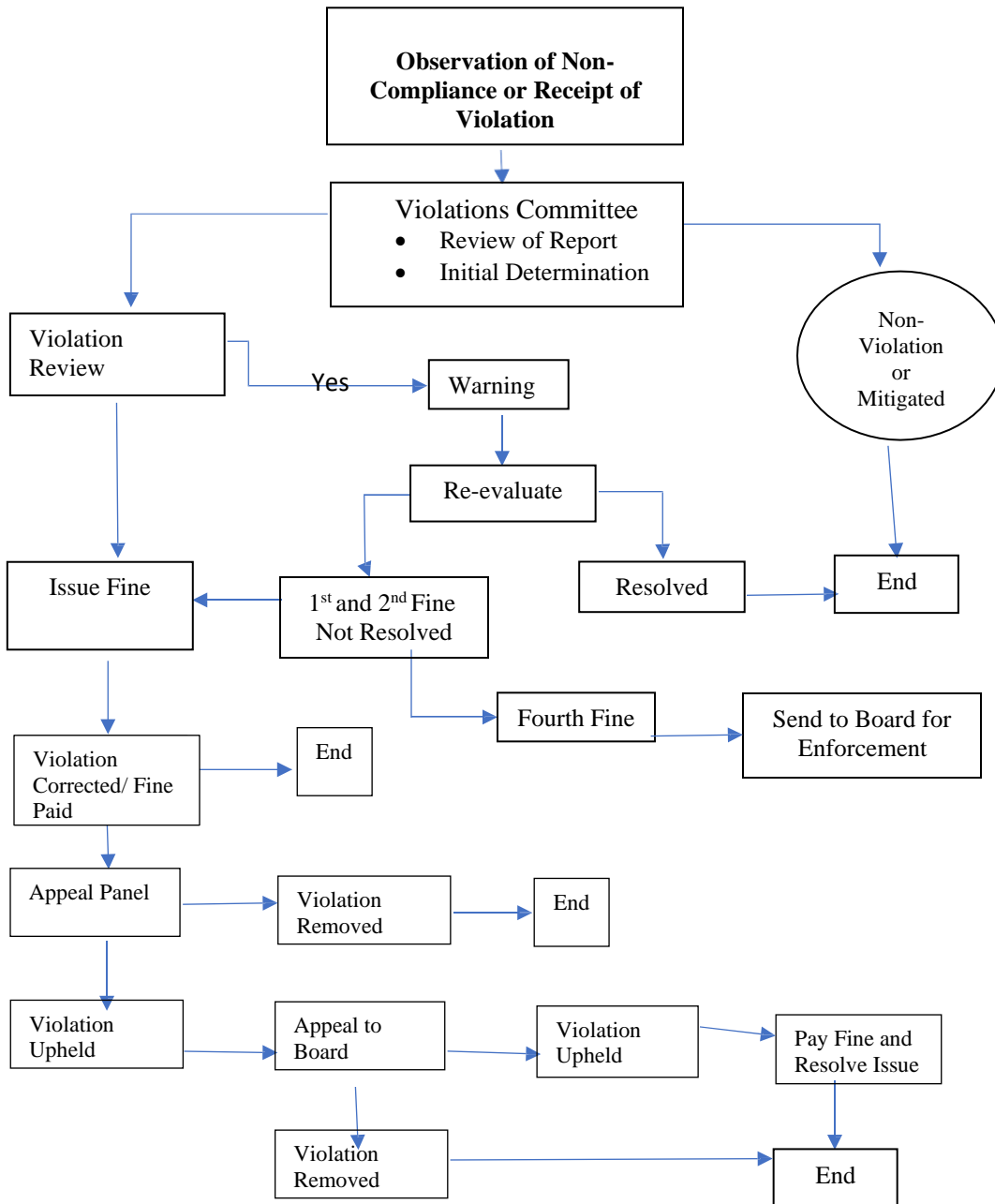
¹ Section 1.11.7 of Rules and Regulations.

standard form with a picture, a statement of the non-compliant condition, and the date of observation.
Complaint Compliance – Written reports of violation submitted to the Violations Committee will be evaluated to determine an appropriate response.

Chapter 2 Compliance Process

Decision Tree – Compliance Process

The following decision tree is utilized by the Association in addressing compliance concerns.



Documentation Retention

Documentation of each step is vital to our procedure, particularly if an issue should escalate to the court system. Compliance actions are maintained electronically or hard copy by Division/ Lot.

Chapter 3 Compliance Focus Program

Criteria

The CCA Violations Committee Chair is responsible for the development and annual update of the Compliance focus topics schedule. The following criteria are utilized when developing the annual matrix;

- Schedule is equally applied to all locations
- The focus topics are set by quarter/ seasonally adjusted
- The topics are based on a specific established governing requirement

The matrix is adjusted following the Annual Meeting to allow for incorporating changes to rules and regulations that may have been approved by the membership.

Community Notification

Compliance activities will be communicated regularly to the membership using the CCA Web Page, Eblast and metrically reported to the BOARD OF DIRECTORS. All such reporting to the Membership shall be generic in nature and not disclose the names or addresses of any owner or resident.

Compliance Process

Compliance implementation will be conducted to promote harmonious community living; the compliance staff member will not approach or engage members. If approached while touring they will refer all questions to the General Manager.

Compliance enforcement generally follow the following process:

- Tour the Association monitoring compliance or as assigned by the Chair of the Violations Committee in response to a member generated complaint.
- Identify specific non-compliant observations
 - o Date/ time
 - o Location
 - o Photographic record
- Provide report to the Violations Chair who, along with Committee, will determine appropriate level of response.

Timeline for Compliance

The following is the general timeline for the compliance process: 15 days from the date of letter to comply or appeal. Violations Committee has discretion to increase time to complete remedy enabling owners to accomplish compliance.

Collections Process

Administration will follow their standard collections process for collecting the fines.

Chapter 4 Documentation Statistics for Compliance Specialist

The following statistics will be tracked for the Compliance Focus Program

- Number of hours/ week expended touring on Compliance
- Number of "Notice of violations "issued
- Number of Warnings/ Violations by Gate

These statics will be utilized for Compliance Program monitoring.

Appendix A – Compliance Calendar

CLEARWOOD COMMUNITY COMPLIANCE SCHEDULE

8/29/2019

Routine Compliance Monitoring Schedule by Week and Division.
 Routine Compliance Monitoring does not include Compliance complaints received by the Association

Code Reference #	Week 1			WEEK 2			Week 3			Week 4		
	1-V	VI-X	XI- XV	1-V	VI-X	XVI- XIX	1-V	VI-X	XVI- XIX	1-V	VI-X	XVI- XIX
GARBAGE AND TRASH												
Violation												
Improperly stored or left out in excess of 48 hours after scheduled pick up	x	x	x	x	x	x	x	x	x	x	x	x
Dumping on community property including maintenance dumpster	x	x	x	x	x	x	x	x	x	x	x	x
No garbage service	x	x	x	x	x	x	x	x	x	x	x	x
UNSIGHTLY LOT												
Furniture in yard	x	x	x	x	x	x	x	x	x	x	x	x
Appliances in yard	x	x	x	x	x	x	x	x	x	x	x	x
Trash/Junk in yard	x	x	x	x	x	x	x	x	x	x	x	x
Fence/Deck/Porch in disrepair	x	x	x	x	x	x	x	x	x	x	x	x
Tall grass and/or weeds	x	x	x	x	x	x	x	x	x	x	x	x
Excessive moss on roof	x	x	x	x	x	x	x	x	x	x	x	x
VEHICLE(S)												
Vehicle(s) in obvious disrepair	x	x	x	x	x	x	x	x	x	x	x	x
Improperly screened without ACC permit (11/1 - 3/1)	x	x	x	x	x	x	x	x	x	x	x	x
Tires on paved road surface	x	x	x	x	x	x	x	x	x	x	x	x
Parked on community property in excess of 36 hrs./month	x	x	x	x	x	x	x	x	x	x	x	x
SAFETY AND SECURITY												
Campfire left unattended	x	x	x	x	x	x	x	x	x	x	x	x
Debris fire in violation of fire policy	x	x	x	x	x	x	x	x	x	x	x	x
Campfire during a total burn ban	x	x	x	x	x	x	x	x	x	x	x	x
Basketball stand/hoop hanging over paved portion of roadway	x	x	x	x	x	x	x	x	x	x	x	x

Safety issue requiring Year round monitoring
 Safety issue requiring Year round monitoring
 Safety issue requiring Year round monitoring
 Safety issue requiring Year round monitoring
 Safety issue requiring Year round monitoring

Appendix B – Violations Committee Charter

Clearwood Community Association
Violations Committee
Charter
October 2019

Purpose: The Violations Committee provides continuity in the processing and enforcing of the protective covenants, By-laws, Policies and Rules and Regulations of the Clearwood Community Association.

Goal: To Achieve an orderly and attractive community by ensuring community standards are being maintained consistent with established rules and regulations and approved fairly.

The Goal is achieved through two separate means: 1) member written and signed violations submitted to the committee for their review; and 2) through violations written by the CCA Compliance Specialist.

Scope: The Violations Committee meets as needed, not less than 1x/ month as a committee to evaluate written violations either submitted by Members or written by the CCA Compliance Specialist. In addition, the Violations Committee performs the following:

- Evaluates and establishes an annual compliance tour schedule
- Evaluates and adjusts areas of focus on the compliance schedule
- Makes recommendations to the Board on changes to rules and fines
- Assesses fines on violations, and assembles a Review Panel when requested by Members

Process: The Violations Committee will follow a Committee accepted, and Board approved Violations Policy that outlines the process from initial receipt of a violation through completion of review and assignment of a fine or closure of the violation. The procedure for processing a violation is outlined in the Violations Policy.

Schedule: Violations Committee meets on the second and fourth Thursday of each month, as needed, in the Association office.

Appendix C – Appeals Procedures

Introduction

The following written guidelines dictate the process and procedures by which Association members may request an appeal / review to explain merits of an alleged rules violation under which they were cited. Restrictive Covenants hold members responsible for their tenants and guests for compliance to CCA CC&Rs. Tenants/guests may be issued citations on CCA property when in violation. Members will be notified when citations are issued to their tenants/guests, those tenants/guests with written approval may use this procedure to appeal and address issued citations.

Background

CCA Bylaws provide requirements for an established hearing process under which member may contest the merits of a citation they received that alleged a violation of

- A. Restrictive Covenants,
- B. Bylaws, or the
- C. Rules and Regulations of the Association.

The review process provides member with an opportunity for an impartial hearing, as otherwise provided in the Bylaws or in the Restrictive Covenants. The Review Panel consists of six persons randomly selected per By-Laws.

The Review Panel Hearing is convened to hear Member requests for adjustments of fines and penalties levied as a result of violations, and to render judgment after review and consideration. Member dissatisfied with the outcome of the Review Panel Hearing may appeal the outcome to the BOARD OF DIRECTORS, within 15 days of decision, whose appeal is final.

Roles and Responsibilities

Review Panel/Committee Secretary: The Violations Chair, with support from Association staff, is responsible for scheduling meetings, coordinating, assembling, and distributing packets, and recording actions and outcomes.

Review Panel Chair: The Violations Chair (or Alternate) sits with the Review Panel to Chair the meeting and does not have a vote on the review.

Association member to whom the Notice of Violation was issued is present to contest the violation or seek an adjustment.

Appeals Hearing Process

The Appeals Hearing Process provides for a two-step process; 1) Appeals Panel Hearing, and 2) Full Board Appeals Hearing. Members who receive a Notice of Violation may elect to pay the fine, and comply with the regulation, to close the violation. A member may choose to appeal and contest the alleged violation.

- Members contesting a Notice of Violation must contest the violation within 15 days of issue with the postal stamp date being the start date.
- Notice of Violations not contested within 15 days from postal stamp date are affirmed as a violation and referred to Accounting for billing.

Members contesting a Notice of Violation shall contact the Violations Chair at the CCA Administration Office to schedule an Appeals Panel Hearing appointment. The Violations Chair will provide the date and time of the next Appeals Panel Hearing, allowing for a minimum 10 business-day notice, and place the members name onto the agenda.

Meeting Agenda and Process

The agenda of each meeting is a schedule of members contesting alleged violations. Each member of the Appeals Panel and the member contesting will have a citation packet comprised of the following:

- Copy of CCA Notice of Violation;
- Copy of letter(s) issued to the member regarding the violation;
- Supporting documentation, any documents submitted that support why the violation was issued, extract from database showing past violations of the CCA governance documents, photos, statements, etc.
- Documentation prior provided by member in defense or denial of the citation.

The Appeals Panel Hearing will be held in public session as needed to hear requests for waiver or adjustments of fines and penalties levied as a result of the aforesaid alleged violations. The Review Panel's decision regarding such requests will immediately take effect unless appealed as specified herein.

The Violations Chair will call each meeting to order, review the agenda, verify if the member(s) are present, and address requests in order of schedule. Each appeal will adhere to the following time guidelines, in this order:

1. **2 Minutes:** Introduction of the Appeals Panel Chair, other members of the Panel, persons representing the Association, and the member(s).
2. **10 Minutes:** The member(s) will provide their basis for contesting the notice(s) of violation and present documentation to members of the Committee in defense of their basis.
3. **5 Minutes:** Members of the Committee will ask questions of both staff and the member(s) to clarify the issues to their own satisfaction.
4. The Violations Chair will close the discussion by informing the member that the answer will be provided within five (5) business days.
5. If the member does not show for the Appeals Panel review within 10 minutes of the scheduled time, the Panel will render its decision.

The member may appeal the Panel's decision to the full Board within 15 days of receipt of the Panel's decision. The member will contact the Board Secretary, who will place the Notice of Violation Appeal Request onto the next regularly scheduled BOARD OF DIRECTORS meeting agenda, allowing for a 10 business-day notice. The resulting appeal will take place at a regular Board meeting and follow the

same format as an Appeals Panel Hearing, with the following exceptions:

1. The meeting will be held in open session.
2. The Board of Directors will act as the Appeals Panel, will ensure the correct process was followed in the Review.
3. All Board of Director questions will go through the President to the member.
4. If the Appellant does not show for the full Board Appeal, the case will revert to the Review Panel decision. This decision is final.
5. At the completion of discussion, the Board President will ask the member to leave the room, during which time the Board will deliberate in closed session. The member will be informed if a decision was made. If no decision was reached, the Board will reconvene, and the judgment will be mailed to the Appellant within five (5) business days; the Board decision is final.