

Clearwood Community Association

Board Resolution 2021-07-07

A resolution to Amend the Bylaws Regarding Violations Committee Membership and Process

Subject to Approval by the Membership at the Annual General Meeting November 6, 2021

WHEREAS, according to the Amended Protective Covenants of the Clearwood Community Association, the Board of Directors is responsible for the enforcement of same; and,

WHEREAS, Bylaws VIII Sec 4 A, first sentence, states, "The Board of Directors shall appoint a Violation Committee comprised of 3 persons."; and,

WHEREAS, the Board of Directors feels it necessary to seat more members to fulfill the work of the committee.; and,

WHEREAS, RCW 24.03.115 first sentence states in part," If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate and appoint one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the articles of incorporation or in the bylaws of the corporation, shall have and exercise the authority of the board of directors in the management of the corporation. "; and,

WHEREAS, warning letters and fine escalation policies need to be included in the Bylaws.; and,

Note the items to be removed will be ~~struck through~~ and items to be added will be underlined.

THEREFORE BE IT RESOLVED that Bylaws VIII Sec A first sentence be amended as follows; "The Board of Directors shall appoint a Violation Committee composed of ~~3 persons~~ at least 3 but no more than 9 members, at least two of which must be members of the Board of Directors."

THEREFORE BE IT FURTHER RESOLVED that Bylaws VIII Sec 4 para B and para E be amended to add;

B. The Committee shall have the power to issue citations and assess fines, according to the schedule established by the Board of Directors, to members who have committed a violation or to notify members of an alleged violation.

1. The Violation Committee may issue a Warning Notice prior to issuing a fine for a member's first violation. Warning Notices shall not be required when, in the Violation Committee's discretion, a violation is incapable of being corrected, the violation creates a risk of injury to persons or damage to property, or the violation creates, in the

reasonable opinion of the Violation Committee, a nuisance.

2. A member receiving a Warning Notice shall have 10 calendar days from the date such notice was mailed to correct the violation and to notify the Violations Committee that the violation was fully corrected. A member who cannot, in the exercise of reasonable diligence, correct such violation within such calendar day period shall advise the Violation Committee within such time frame of all efforts made to correct the violation and of the specific reasons why the violation cannot be timely cured. The Violation Committee may, in its sole discretion, extend the time to cure the violation for good cause shown. As used in this section, the term "notify" means that the members shall provide written notice to the Violation Committee or attend a Violation Committee meeting in person.

3. The Violation Committee may issue a fine in either of the following cases:

a. A member fails to timely and fully correct a violation after a Warning Notice was issued;

b. The violation creates a risk of injury to persons or damage to property or the violation is, in the reasonable discretion of the Violation Committee, a nuisance.

4. Notice of fine will be in writing and will advise the member of their right to appeal by submitting a written appeal to the Clearwood office. Appeals must be received no later than 10 calendar days after the notice of fine is postmarked and mailed to the member. Appeals shall fully explain the member's reason for appeal.

5. If an appeal is timely received, the fine will be suspended pending a hearing with a Violation Review Panel. If an appeal is not timely received, the fine shall be charged against the member's property account and paid within 30 days.

6. The cost of any damage done to CCA Property and/or private property, or any cost of the removal, will be added to the fine.

7. Repeated violations will be assessed the stated fine, multiplied by the number of times

the violation has been committed, with the following multiples of the fine:

a. 1st – Warning Notice (if applicable). If the warning notice is not applicable, then the initial violation shall be deemed a 2nd violation for purposes of imposing a fine.

b. 2nd incident or failure to correct – basic fine

rate. c. 3rd incident of violation – twice the basic rate.

d. 4th and subsequent incidents – double the preceding.

E. Any member adversely affected by the action of the Violations Committee and/or the Violations Review Panel may appeal to the Board of Directors of the Clearwood Community Association. Such appeal must be submitted in writing to the office no later than 20 days from the mailing of written notice of final decision by either the Violation Committee and/or Review Panel. The appeal must include a full explanation of the adverse results.