



Memorandum

To: ACL Board

Date: February 13, 2015

From: Megan Shamp

Memo #: 2015-20

Topic: February committee changes

Recommendation: To accept the resignation of Erin Winter as Chairman of the Conservation Committee and John Matheson as Chairman as the Trails Committee. Both will remain on their respective committees as members. To appoint Paula Wiener as Chairman of the Conservation Committee.



Memorandum

To: ACL Board

Date: February 13, 2015

From: Megan Shamp

Memo #: 2015-21

Topic: Property Owner fee appeal

Recommendation: To deny the Owner Amenity Registration Fee appeal submitted by Mike McNett.

Issue & Analysis: Mr. Mike McNett has previously emailed the Board regarding this request that the Owner Amenity Registration Fee assessed to the previous owner of his property be waived. Mr. McNett has a bill of sale from April 3, 2013, however, the deed removing the previous owner was not recorded until February 13, 2014. The Board Approved Policy states:

"With the exception of new owners, the date of January 1 of each year will serve as the basis for the OARF invoice. No refunds or pro-rating will be allowed. New owners subsequent to January 1 will be charged the OARF on a per owner basis."

Although it is not expressly stated, this policy refers to the recorded deed as of January 1. The Covenants state:

Article 1 Definitions, Section 1, *w. "Natural Person"* shall mean any human being over the age of 18 who has the legal capacity to be the grantee of a deed conveying legal or equitable title to a Lot or Dwelling in the Association.

Article IV Membership and Voting Rights in the Association, Section 1.

Membership, In the event there are multiple Owners of a Lot or Dwelling who are Natural Persons, including their spouses, and they fail to designate one Natural Person as the Voting Member, the first person named in the deed conveying title to the Lot or Dwelling shall be deemed to be the Voting Member.

Article VI Covenant to Pay Assessments, Section 1. Creation of the Lien and Personal Obligation of Assessments. Each Owner of any Lot or Dwelling by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital

improvements; such assessments to be fixed, established and collected from time to time as hereinafter provided.

Article VIII, Water Service, Section 1. Every Owner of a Lot in the Properties which is subject to this Article shall be presumed conclusively to have covenanted by accepting a deed of conveyance to a Lot, regardless of the means of acquisition of title, to pay charges for water service available to the Lot by a common water system at a monthly rate as fixed by the utility furnishing water service, and approved by the Illinois Commerce Commission from and after the availability of water service for connection to the Lot.

A bill of sale is not mentioned one time in the Covenants. A recorded deed is the only accepted method of transferring property at Apple Canyon Lake. As Mr. Ballenger pointed out at the previous workshop, a bill of sale for real estate is not legally acceptable.

This issue was already discussed at Workshop, and the Board did decide at that time to deny the appeal, however Mr. McNett would like something in writing. He has requested that the issue be brought back to an open meeting. Rick Paulson asked him to submit his request in writing, and as of this writing it has not been received.



Memorandum

To: Board of Directors

Date: 2/13/15

From: Rick Paulson

Memo: 2015-24

Topic: Cove Lease agreement

Issue & Analysis: The Cove lease with Eric White has been reviewed and revised by Phil Jensen and Eric White's attorney David Olson. Both attorneys are in communication with one another finalizing details and answering questions. Staff is presenting this memo and item on the Agenda in expectation that the Cove lease will be finalized by both parties prior to February 21, 2015. The final lease will be presented to the Board for review in Executive Session and approved at the open Board Meeting on that date.

Recommendation: To approve the Cove lease with Eric White as presented. The lease has been reviewed and approved by Association counsel and Mr. White's counsel.

Memorandum



To: ACL Board

Date: February 13, 2015

From: Megan Shamp

Memo #: 2015-22

Topic: ACLPOA Sub-Committee procedure

Recommendation: That every committee wishing to form a sub-committee must submit the creation of the sub-committee, its members, and its charge to the Board of Directors for approval. All sub-committee meetings are to be conducted following Roberts Rules of Order. Agendas and minutes of all sub-committee meetings are to be submitted to the office in accordance with the timeline set forth for all committee meetings.

Issue & Analysis: In the past few months, three sub-committees have been created without the approval of the Board of Directors. The Bylaws state:

“Article XIII Committees, Section 13: With the exception of the Nominating Committee and the Architectural and Environmental Control Committee, each committee shall have power to appoint a subcommittee from among its membership or the membership of the Association and may delegate to any such subcommittee any of its powers, duties and functions subject to the approval of the Board.”

The Committee Statements, Procedures, and Charges are in dire need of updating, but until the time that can be done, the above recommended motion will ensure that all sub-committees are created in accordance with the Bylaws. The three committees that have formed sub-committees will be asked to present a motion to the Board for approval.

Memorandum



To: ACL Board

Date: February 13, 2015

From: Megan Shamp

Memo #: 2015-27

Topic: Rules and Regulations Committee request

Recommendation: To approve the working procedures as presented by the Rules and Regulations Committee.

Issue & Analysis: The Rules and Regulations Committee is meeting February 14, 2015. Their motion to the Board will follow that meeting. They are proposing working procedures for the committee to use which will aid their review of the Governing Documents and provide consistency in the future.

Memorandum



To: Board of Directors

Date: 2-13-15

From: Rick Paulson

Memo: 2015-26

Topic: Long Range Planning Committee request

Issue & Analysis: The strategic plan that was completed in February of 2014 specifically targeted the clubhouse in the action steps by requesting proposal for architectural services in 2015. The current condition of both buildings are at a state that decisions need to be made. The club house exterior, roof, windows, doors and concrete walkways are all in need of replacement. The fire house sustained water damage over the years and is in need of exterior wall repairs along with new siding and a new roof. The building should also be evaluated for possible demolition. The Long Range Planning Committee is looking for the board's approval to move forward with researching different options and scenarios for future use of the clubhouse and firehouse. They will be considering renovations, additions, repairs, and replacement of the two buildings. They will also be addressing the different uses for each facility based on property owner's wants & needs as stated in the survey conducted in recent years. In addition, the functionality of the administration operations will be evaluated to determine what, if anything, can be done to expand office space and improve operations. The Long Range Planning Committee has motioned "to respectfully ask the Board of Directors to authorize and financially support the Long Range Planning Committee to evaluate and suggest alternatives for the use, possible renovation, or replacement of existing clubhouse and old firehouse facilities." In the best interest of the association, I would like to see the board commit to addressing the issues with both of these buildings. The Long Range Planning Committee has expressed an interest in this project and I highly recommend that the board honors their request.

Recommendation: To direct the Long Range Planning Committee to evaluate and suggest alternatives for the use, possible renovation, or replacement of the existing clubhouse and old firehouse facilities.