

Memorandum



To: ACL Board

Date: April 7, 2015

From: Megan Shamp

Memo #: 2015-36

Topic: April committee changes

Recommendation: To accept the resignation of Cindy Cisek from the Budget/Finance Committee.



Memorandum

To: ACL Board

Date: April 7, 2015

From: Megan Shamp

Memo #: 2015-37

Topic: Tellers Committee Guidelines

Issue & Analysis: The Bylaws state:

Article XIII Committees

Section 11: The Tellers Committee shall consist of not less than five members approved by the Board. The Tellers Committee shall:

a. Not less than two months prior to the commencement of the annual meeting adopt written Tellers Committee Guidelines, which will describe the procedures it will follow to count all valid Written Ballots at all votes taken during the following year, which will be submitted to the Board for approval.

The Tellers Committee Guidelines have been revised to include Observer's Guidelines and to reflect the procedure that was implemented last year to ensure an accurate ballot count. The revisions are highlighted in yellow.

Recommendation: To approve the Teller's Committee Guidelines as presented.

TELLERS' COMMITTEE

OBSERVERS' GUIDELINES:

1. "A candidate for election to the board or such candidate's representative shall have the right to be present at the counting of ballots at such election." (CICAA 765 ILCS 160/1-25(i))
2. Observers must remain seated in the area provided while present during ballot counting.
3. Observers must refrain from talking while present during ballot counting.
4. Observers must refrain from any cell phone use while present during ballot counting.
5. Only Board members who are candidates may be present at ballot counting.

GUIDELINES AND REQUIREMENTS (See Bylaws, Article XIII, Sec. 11)

1. Association attorney shall be present at all ballot counting.
2. Teller's Committee shall consist of not less than Five (5) Members approved by the Board.
3. Not less than two months prior to the commencement of the annual meeting, adopt written Tellers' Committee Guidelines which will describe the procedures it will follow to count all valid Written Ballots at all votes taken during the following year. Guidelines shall be submitted annually to the Board for approval at the April Board Meeting.
4. Before beginning to count Written Ballots, obtain the General Manager/Operations Director's verification that the signature of the Voting Member whose name appears on the Return Envelope is authorized to vote for each Lot or Dwelling identified on the Return Envelope.
5. Count all of the Written Ballots cast by all eligible Voting members, and report the results to the Board President.
6. Deliver to the General Manager/Operations Director for safekeeping for a period of one year, all Return Envelopes and Written Ballots.
7. Ensure that all actions taken shall be taken in such a manner that the vote of any Voting Member shall not be disclosed to anyone, including the members of the Tellers' Committee.

PROCEDURES

GENERAL MANAGER/OPERATIONS DIRECTOR'S DUTIES:

1. Upon receipt of each Return Envelope, the General Manager/Operations Director will verify that the Voting Member whose name appears on the Return Envelope is authorized to cast Written Ballots for each Lot or Dwelling listed on the outside of the Return Envelope.
2. The General Manager/Operations Director shall place all unopened Return Envelopes in a secure lock box until the day of the meeting at which the Written Ballots are to be counted, and shall then deliver the Return Envelopes, unopened, to the Tellers Committee on the date set for the votes to be counted.
3. The General Manager/Operations Director shall permit a Voting Member, not less than one day prior to the start of the meeting, to request his/her Return Envelope be returned and a new Return Envelope, Written Ballot(s) and a new Ballot Envelope be supplied to Voting Member, so he/she may submit a new Ballot Envelope and a new Written Ballot.

TELLERS COMMITTEE DUTIES:

1. Obtain the General Manager/Operations Director's(OD) written verification that for every Return Envelope delivered to the Tellers' Committee, the GM/OD has determined that the person whose name appears on the Return Envelope is the designated Voting Member for EACH Lot and Dwelling listed on the Return Envelope.
2. On the day of the annual or special meeting of Members, receive from the General Manager/Operations Director all Return Envelopes submitted by Voting Members. All such Return Envelopes shall be delivered unopened to the Tellers' Committee.

3. Separate all invalid Return Envelopes from the valid Return Envelopes. Set invalid Return Envelopes unopened aside in the lockbox for return to the General Manager/Operations Director. Tellers' Committee will count all of the unopened invalid envelopes, and report the total number of invalid Return Envelopes.
4. Check number of ballots noted on outside of Return Envelope. Open the Return Envelope. Check that the number marked on the enclosed Ballot Envelope conforms to the number of Lots listed on the Return Envelope. If no number is marked/circled on the Ballot Envelope, the Tellers' Committee representative may mark/circle the appropriate number that conforms to the number of lots listed on the Return Envelope.
5. Gather all unopened valid Ballot Envelopes together for counting.
6. Open all valid Ballot Envelopes and remove Written Ballots. Ballot Envelopes are to be destroyed. Only Written Ballots that are in a Ballot Envelope will be counted.
 - a. Valid Ballot Envelope may contain more than one ballot.
 - b. If fewer ballots are enclosed in the Ballot Envelope than the number marked/circled on the Ballot Envelope, the ballots may be counted as valid.
 - c. If more ballots are enclosed in the Ballot Envelope than the number marked/circled on the Ballot Envelope, the ballots shall be declared invalid.
 - d. Set all empty Return Envelopes aside for return to General Manager/Operations Director.
7. Count all valid Written Ballots. A Written Ballot will be deemed to be invalid if
 - (a) the Written Ballot has not been placed in a Ballot Envelope;
 - (b) there is no indication of what vote is being made on the ballot;
 - (c) more votes are recorded than is permitted (e.g. 3 candidates to be elected, and ballot contains votes for more than 3; or ballot requiring a YES or NO vote, ballot votes for both YES and NO);
 - (d) a ballot is mutilated or illegible
 - (e) another ballot error occurs as determined by Robert's Rules of Order.
8. Tally votes using the following procedures:
 - a. The Tellers' Committee will be divided into two groups--one group of two members, and the second group of the remaining members.
 - b. The group of two members will complete the following tasks:
 - 1) One member will read the ballot
 - 2) The second member will verify what the first member has read.
 - c. The second group of the remaining members will each keep a tally of the votes read.
 - d. When one candidate receives one hundred (100) votes or a problem arises, the process stops. All tally sheets are compared and verified. After verification of the tally sheets, the tally sheets will be collected by the Chair and new tally sheet will be distributed to the members keeping a tally. The count will then resume.
 - e. After all ballots have been read and tallied, the results of each member's tally count will be compared.
 - f. The process will be repeated until all tally sheets match.
9. Under direction of the Chair, record the total counts on an election summary sheet. Each Teller Committee member present and participating will sign the election summary sheet. Specifics of the election results will be detailed on the election summary sheet including the total counts by candidate name or by yes or no vote.
10. The Chair will give the election results to the Board President who will announce the election results at the Annual or Special Meeting.
11. Immediately after the announcement of the election results, unless a review of the procedure is demanded by ten (10) percent of the members present, deliver the Written Ballots and Return Envelopes to the General Manager/Operations Director to be secured and stored for one (1) year.
12. The Committee is to have contact with members of the Association on any matters involving functions, duties, and activities within its field of responsibility, and to submit a report to the membership at the Annual Meeting.

THE ELECTION RESULTS ARE CONFIDENTIAL AND ARE NOT TO LEAVE THE ROOM UNTIL AFTER THEY ARE ANNOUNCED BY THE PRESIDENT OF THE BOARD.

The committee will prepare a summary of activities and projects the committee has been involved in over the past year for presentation at the Annual Meeting.



Memorandum

To: Board of Directors

Date: April 7, 2015

From: Rick Paulson

Memo: 2015-37

Topic: Building and Environmental Code revision

Issue: The purpose of this amendment is to change the building code to reflect the language in the Covenants. The square footage in the Covenants was changed to a minimum of 1400 square feet in November of 2011. The ACL Building and Environmental Code states that the minimum square footage is 800 square feet. We are moving into a period where it appears that new construction will be increasing. The committee respectfully requests that the Board approves this amendment to eliminate any future confusion pertaining to the required minimum square footage for new construction. In addition, the last part of Section 109 is being deleted because the requirements stated in this section are addressed by the adopted International Building Code. The committee continues to review the building code for conflicts to the Covenants and simplification of the code which will be presented at a later date.

Recommendation Motion: Approve the amendment to the Building and Environmental Code Preamble and Section 109 as presented.

PREAMBLE TO APPLE CANYON LAKE
PROPERTY OWNERS ASSOCIATION
BUILDING AND ENVIRONMENTAL CODE

The ground floor area of any dwelling shall not be less than 1000 sq. ft., and all dwellings shall contain a minimum of 1400 sq. ft. in total area unless otherwise approved by the AECC. Lots, mezzanines, attics, or garages cannot be included as contributing to this minimum requirement. A dwelling may be erected with a minimum first floor area of 800 sq. ft., not including the garage, if the dwelling has a second floor of at least 200 sq. ft. as defined in Section 109 of this Code. If title was taken prior to 1/1/97, **minimum** is 800 square feet. Minimum living area is defined as those areas, excluding garages, decks, patios and breezeways, that are heated and/or air conditioned. No areas with less than 5'-0" headroom shall be included in the minimum required area.

109 Floor Area (R-501)

The ground floor area of any dwelling shall not be less than 1000 sq. ft., and all dwellings shall contain a minimum of 1400 sq. ft. in total area unless otherwise approved by the AECC. A dwelling may be erected with a minimum first floor area of 800 sq. ft., not including the garage, if the dwelling has a second floor of at least 200 sq. ft. as defined in Section 109 (adopted September 16, 2000). If title was taken prior to 1/1/97, **minimum** is 800 square feet. Lots, mezzanines, attics or garages cannot be included as contributing to this minimum area requirement. Every dwelling unit shall have at least one room which shall not have less than 150 sq. ft. of floor area. Kitchens shall not be less than 60 sq. ft. (including area occupied by equipment and cabinets). When only one bedroom exists minimum area shall be not less than 100 sq. ft.; additional bedrooms shall not be less than 85 sq. ft. No habitable space other than a kitchen shall be less than 8'6" in any dimension, kitchens not less than 7'6". Loft spaces are restricted to 6 ft. minimum dimension. The first floor shall be entirely above highest adjacent grade. Earth sheltered or below grade dwellings are not permitted, although this does not preclude sloping backfill against first floor walls less than 3' above floor level.



Memorandum

To: Board of Directors

Date: April 9, 2015

From: Rick Paulson

Memo: 2015-39

Topic: pontoon boats purchase clarification

Issue: The Board approved the purchase of two pontoon boats from Frentress Marine at the March 21, 2015 Board meeting using electronic votes. Because electronic votes were used, the motion could not be amended at the time to reflect that the purchase would be paid from the 2015 R & R fund. The purpose of this motion is for clarification and so that Honkamp can make the adjustment.

Recommendation: That the pontoon boats purchased for \$28,045 (includes deposit and tax) are to be paid from the 2015 R & R fund.