

RULES AND REGULATIONS – MISCELLANEOUS

PROCEDURES FOR LEVYING FINES, AND RESPONDING TO A MEMBER WHO FILES A COMPLAINT

I. PROCEDURE FOR LEVYING FINES

1. **Member files complaint with Manager.** Member completes **Form MIS04a**, Member Complaint Form.
2. **Manager becomes aware of an alleged or apparent violation.** Manager investigates and determines if a violation has occurred.
3. **Manager Sends Notice of Violation and Selects Response:** Manager sends Member a Notice of Violation (**Form MIS04b**) by regular and certified mail (return receipt requested) that Manager has determined that a violation has occurred. The Notice allows the Manager, in his/her discretion, to select one of three levels of response required of the Member. The three levels of response are: (1) Warning: Penalty to be imposed if violation reoccurs; or (2) Conditional Penalty: Specific penalty to be imposed if Member fails to remedy condition within a set period of time, with appeal rights to the Board; or (3) Unconditional Penalty: Specific penalty imposed with appeal rights to Board.
4. **Factors to be Considered:** In deciding whether to issue a Notice of Violation with a Warning, Conditional Penalty or Unconditional Penalty, the Manager shall consider all relevant factors including the nature and seriousness of the violation, whether the violation is capable of being remedied, whether it is an isolated incident or part of a continuing pattern, whether there is a history of past warnings or violations, whether the violation involved a covenant or rule, the degree of cooperation, the promptness of the response and other relevant circumstances. (Example, a Warning might be appropriate for a first loose dog infraction; a Conditional Penalty might be appropriate if an asphalt driveway should have been but was not laid but still could be; an Unconditional Penalty might be appropriate where a tree was removed without a permit, an instance where it would not be possible to “undo” or correct the violation, or in an instance of a repeat loose dog violation.)
5. **Member Response:** The Notice shall inform the Member that he/she has a right to meet and discuss the matter with the Manager within ten days of the date of the Notice. If a financial penalty has been levied, the Notice shall state that the Member has the right to appeal the levying of the fine by making an appointment and meeting with the Manager no later than ten days after the date of the Notice. The Manager has the discretion to (but is not required to) upon good cause, reduce a penalty. The Notice shall also advise the Member that, following the meeting with the Manager, the Member may appeal to the Board of Trustees for relief from the Penalty. To appeal, the Member shall, within 10 days of the Manager meeting, submit a written Request to Appeal (**Form MIS04c**) to the Board stating the basis for the appeal. The Appeal shall be heard at the next regularly scheduled Board Meeting. After the hearing by the Board the member will be notified by the Board of the results of the action on the appeal. (**Form MIS04d**)
6. **Payment of Penalty:** If the Manager levies a monetary fine, the Member shall pay the amount in full within 15 days of the date of the Notice. If the matter is appealed to the Board of Trustees, the Member shall pay the penalty in full within 15 days after the Board meeting, if the penalty is affirmed. If a fine is not paid when due the amount shall accrue late charges, penalties and collection and attorney fees the same as any other account receivable. The failure to pay a penalty when due shall also have the effect of making the Member a Member Not in Good Standing with the consequent forfeiture of certain membership rights and privileges.

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7. **Second Violation:** The procedure for imposing a penalty or fine for a second violation shall be the same as for a first violation, with the fine or penalty range to be based on the “Failure to Correct and/or Subsequent Violation of the fine Schedule” column of the Fine Schedule below.

II. FINES

See MIS05 for the current Fine Schedule.

III. PROCEDURES FOR RESPONDING TO A MEMBER WHO FILES A COMPLAINT.

1. Member completes official Member Complaint Form (**Form MIS04a**) and turns it into the office.
2. Within a 10 day period of time the Manager investigates the complaint and completes Section 2 of Form MIS04a, “The following actions have occurred.” The Manager consults with the Board President as necessary on the complaint.
3. At the conclusion of the investigation, the Manager notifies the complaining member, in writing, of the results of the investigation and a statement of proposed actions on the complaint.
4. If a member is not satisfied with the actions of the Manager, he/she will have 10 days to file an official appeal to the Board of Trustees for their consideration. The decision of the Board is final..

IV. MEDIATION.

The Manager shall inform the Members involved in a complaint of the availability of a voluntary mediation procedure to assist them in reaching an agreed resolution of the matter.

This policy replaces all prior procedures for complaint policies.

Adopted by the Board of Trustees, July 16, 2009

Adopted by the Board of Trustees, April 14, 2016

Adopted by the Board of Trustees, June 14, 2018

Katie Habegger, President

Carol Wood, Secretary