



### Appeal Request Form

TO:  Rules Committee  Board of Directors

Waiver of Committee Review \_\_\_\_\_ and \_\_\_\_\_  
Signed by: *Committee Chair/Date* *Appellant/Date*

Name/Committee: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
(Please Print)

Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

<b>Please <input checked="" type="checkbox"/> the Committee whose decision you are appealing.</b> <i>(If you are appealing the decisions of more than one committee, use a separate form for each appeal.)</i>								
Rules		Building		Lot		Greenbelt		Other:

<b>Reason for Appeal</b> <b>To be Completed by the Appellant</b>
Specifically state the Committee decision being appealed and the grounds for your appeal. Appeals determined to be incomplete will be returned to the Appellant.
<small>Attach additional sheets as necessary.</small>

Within seven (7) days of receipt of this Form, the Rules Committee or the Board will schedule an appeal hearing to be held at the convenience of its members and the appellant. Please indicate below the dates and times you could be available:

Month \_\_\_\_\_ Days \_\_\_\_\_ Times \_\_\_\_\_

Month \_\_\_\_\_ Days \_\_\_\_\_ Times \_\_\_\_\_

Appellant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Attachment: R&R's Part II 20.010.030

<b>(Office Use Only)</b>	
Appeal Deposit Paid: (Yes) _____; (No) _____; Initials/Date: _____	
Appeal Deposit Refunded: (Yes) _____; (No) _____; Initials/Date: _____	
Authorized by:	
Board President: _____ Date _____; Rules Chair: _____ Date: _____; Manager: _____ Date _____	
(Authorization will be by Board President and Rules Chair in coordination with Manager)	

### **20.010.030 Appeals from committee decisions**

The board prefers that any objection to a committee decision first be handled by the committee in a formal review with all parties to the issue being present and minutes of the proceedings being kept. (Res. 06-14 am, 12/13/06; Res. 08-20 am, 10/15/08)

#### **20.010.032 Formal review at committee level**

- A. An affected member may file an application for a formal review of a committee decision with the committee involved within 30 days of notification of the decision by the committee.
1. Notice of the committee's decision will be given as determined by the committee's operating guidelines and shall be considered delivered upon execution of the delivery action.
  2. Upon receipt of a request for a formal review by a committee, the committee shall establish a hearing date/time/location and notify all parties involved in writing at least 10 days in advance of the hearing.
  3. The hearing date/time will be set at the convenience of the committee and affected member and scheduled not later than 45 days from the date of receipt of the review request.
  4. Upon completion of the formal review, the committee shall notify the affected member and other parties involved of its decision.
  5. The notice of the formal review schedule from the committee and the notice of the committee's decision will be delivered by U.S. Certified Mail to the mailing address on file at the Shelter Bay Business Office.
- B. No appeal to the rules committee may be made unless a timely request for a formal review has been filed and processed according to this policy.
- C. A decision of the committee involved may be appealed to the rules committee within 30 days of notice of the committee's decision.
- D. "Other parties involved" is defined as all those members directly affected by the committee's decision.
- E. The chair of the committee involved and the applicant may waive the committee review and so note the waiver on the appeal form.

(Res. 08-20 am, 10/15/08)

#### **20.010.034 Appeals to rules committee and board of directors**

All appeals shall follow the same basic procedure. The following are the guidelines for the procedure and other pertinent advice regarding appeal matters.

##### **A. Definitions**

1. "Reviewing Authority" – the rules committee or the board of directors.
2. "Appellant" – the community member, his/her representative or committee filing the appeal.
3. "Affected Party or Parties" – any community members who would be affected by the resulting decisions of the committee, rules committee or board of directors.

##### **B. Process**

1. The appellant must initiate an appeal within thirty (30) days of notification of the decision. Appeals filed after this thirty (30) day limitation shall not be heard.
2. An appeal may be initiated by any community member or by any standing committee of the board of directors by filing an Appeal Request Form as attached to this chapter. For community members a deposit is required in accordance with the Schedule of Fees, to be refunded when all appeal processes are final. Simultaneous appeals from two or more standing committee decisions are to be made separately; however, they require only one deposit if it is found the appeals are inter-related.
3. The appeal must clearly state the decision(s) being appealed and the grounds for the appeal. Additional documents may be submitted with the Appeal Request Form. This will be the basis for the opening statement of the purpose of the hearing.
4. Upon receipt of the Appeal Request Form and accompanying deposit, the Board Secretary or the Rules Committee Chair, as appropriate, shall determine if the Appeal Request Form is

complete. If it is deemed incomplete, it shall be returned to the appellant stating the area of deficiency and requesting that the completed appeal form be resubmitted to the reviewing authority within ten business days.

5. It is the preference of the board that any objection to a committee decision be resolved at the committee level.
  6. Appeals must be made in succession to the rules committee and finally to the board of directors.
  7. The president/chair of the reviewing authority shall schedule an appeal hearing. The scheduling of the appeal hearing will be accomplished within seven (7) days of receipt of the appeal.
  8. A quorum of the reviewing authority members shall be present for all appeal deliberations.
  9. The reviewing authority secretary shall prepare and post a notice of the time/date/purpose of the hearing in the business office and mail a copy of the notice to the appellant, affected party or parties and deliver a copy to the chair persons of affected committees.
  10. The secretary will also request that pertinent documentation, minutes and other documents be submitted by the committee involved to the reviewing authority no later than seven (7) days prior to the appeal hearing. The secretary of the reviewing authority shall make the submitted documentation available to reviewing authority members at least five (5) days prior to the hearing.
  11. Hearings before the reviewing authority may be tape recorded, and the tape recording becomes a part of the documentation of the hearing. If recorded, the tape shall be kept until all known administrative appeals with regard to the particular case are exhausted.
  12. When the reviewing authority makes its final decision on an appeal, it will issue a written summary of facts and conclusions. The reviewing authority will notify the appellant and affected party or parties of its decision in writing by U.S. Certified Mail. The appellant will be notified of the right to further appeal a Rules Committee decision to the Board within thirty (30) days after receipt of a notice of such decision.
  13. The board's decision is final for the community.
  14. After the final decision of the reviewing authority, records pertaining to the appeal will be maintained in the appellant's lot file.
  15. Upon completion of the appeal process an appellant, who is a member in good standing, shall have their appeal deposit returned when the appeal judgment has been satisfied. Authorization for the return of deposit will be by the Board President and the Rules Committee Chair, or their designees, in coordination with the Community Manager.
- C. Appeal Hearing Procedures
- The following procedures will govern the conduct of a hearing:
1. A speaker for each side shall be given five (5) minutes to state the case, starting with the appeal side.
  2. Other participants, when recognized by the chair, may each have five (5) minutes to add pertinent remarks to the record.
  3. When the appeal is before the rules committee or the board of directors, members of such will be invited to ask questions, in rotation, of the participants. Questions may be pursued, if to the point. A second question may be asked in rotation, but not before all members have had a chance to ask a first question.
  4. After all questions have been exhausted and upon the passage of a motion, the reviewing authority shall convene in executive session to consider the evidence presented and reach a decision. The reviewing authority shall then reconvene the hearing, move to return to regular session and ratify their decision made in the executive session. The reviewing authority's chair/president shall notify the appellant of the decision by certified mail.
  5. The appellant may request a copy of all documents pertinent to the case and held by the reviewing committee or reviewing authority.

(Res. 09-19, 6/17/09)