



Back to Basics: Association Committees

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DEF Homeowners Association

Landscape Committee Sample Charter (Advisory Committee Only)

Adopted: XXX

1. Authority. In accordance with Article 10, Section 10.1, "...the Board may, by resolution of a majority of the Directors then in office, designate one or more committees, each consisting of two or more Members to serve at the pleasure of the Board. All such committees shall meet the requirements of California Corporations Code Section 7212 and any successor statute. The Chairperson of each Committee shall be a member of the Board. Committees shall have all the authority of the Board with respect to matters within their area of assigned responsibility, except that no committee, regardless of Board resolution may:

(A) Take any final action on any matter that, under the California Nonprofit Mutual Benefit Corporation law also requires approval of the Members.

(B) Fill vacancies on the Board of Directors or on any committee that has been delegated any authority of the Board.

(C) Amend or repeal Bylaws or adopt new Bylaws.

(D) Amend or repeal any resolution of the Board of Directors that by its express terms is not so amendable or repealable.

(E) Appoint any other committees of the Board of Directors or the Members of those committees.

(F) Approve any transaction: (1) to which the Association is a party and one or more Directors have a material financial interest; or (2) between the Association and one or more of its Directors or between the Association or any person in which one or more of its directors have a material financial interest."

2. Landscape Committee Appointment and Membership. In accordance with its authority as stated above, The Board of Directors has appointed a Landscape Committee and designated XXX as the Committee Chairperson. The committee shall consist of not less than three members, and not more than seven members. Landscape Committee members upon appointment are:

*** LIST COMMITTEE MEMBERS HERE...

3. Meetings and Actions of the Landscape Committee. In accordance with Article 10, Section 10.2, of the Association Bylaws, meetings and actions of the Landscape Committee shall be governed by and held and taken in accordance with the provisions of Article 8 of the Association Bylaws, concerning meetings of Directors, with such changes in the context of those Bylaws as are necessary to substitute the committee and its members for the Board of Directors and its members, except that the time for regular meetings of the Committee may be determined either by resolution of the Board of Directors or by resolution of the Committee. Special meetings of the Committee may also be called by resolution of the Board of Directors. Notice of special meetings of the Landscape Committee shall be given to all committee members. Minutes shall be kept of each meeting of the Committee and shall be filed with the Association records.

4. Effect of Landscape Committee Actions. In accordance with Article 10, Section 10.3, of the Association Bylaws, all actions of the Landscape Committee shall be considered advisory to the Board and shall be scheduled on the agenda of the next Board meeting following the Committee's action or decision for affirmation, rescission, or modification, as the Board in its discretion deems appropriate.

5. Responsibilities. The Landscape Committee is established for the implied responsibility of reviewing, analyzing, and assisting in preparation of budget plans, the reserve study, programs, and policies; develop scopes of work, identify contractors for the various aspects of work required, review contractual agreements, make recommendations to the Board of Directors for contractor selection; maintain accountability of those responsible (the community management, the landscape maintenance company,)), in all things relevant to the management and maintenance of the complex landscape to include the following areas of concern: landscape. The committee will monitor and advise the Board on all issues related to the previously stated and the following specified:

A. Landscape (lawns, vegetation).

(1) Irrigation/Watering. Monitor system for proper management, maintenance requirements, and water application rates, with a focus on conservation and efficiency. (Sprinkler heads, controllers, valves. etc....)

(2) Review, provide input, and approve the annual application plan for seeding, fertilizing, and herbicide/pesticide application.

- (3) Review, provide input, and approve the annual color bed plan.
- (4) Review, provide input, and approve the annual plan for tree trimming and care.
- (5) Seek advice and counsel from certified arborist as deemed necessary. Program requirements into the annual budget.
- (6) Provide recommendations to the Board for landscape conversion to desert scape
- (7) Forecast requirements for previously stated and provide input for future budget and Reserve Study.
- (8) Review and monitor compliance with all contracts currently in effect, and take corrective actions as required for non-compliance. Recommend contract modifications/additions as required.

6. Duration of Charter. Although committee membership may change periodically, this charter will remain in effect until determined otherwise by the Board. This charter requires a majority vote of the Board to dissolve its existence.

Recommended to the XXX Board of Directors: _____

By: _____

I, the undersigned do hereby certify:

1. That I am the duly elected and acting Secretary of DEF HOMEOWNERS ASSOCIATION, a California Nonprofit Mutual Benefit Corporation and certify:

2. That the foregoing LANDSCAPE COMMITTEE CHARTER comprising three pages, is consistent with the Bylaws of the corporation and duly appointed by at least a majority vote of the Board of Directors.

Dated: __ by: _____

_____, Secretary

Dated: __ by: _____

_____, President

**COMMITTEES PRESENTATION
CHEAT SHEET/FAQ**

TOPICS	INFORMATION
Types of committees	<ul style="list-style-type: none"> • Standing committee (mandatory or discretionary) • Ad hoc committee • Committee of the board (only directors)
Ways to form committees	<ul style="list-style-type: none"> • Board resolution/appointment • Mandated by governing documents
Who selects the committee chair and members	<ul style="list-style-type: none"> • The Board may appoint the chair and committee members • The committee members may appoint the chair • The committee chair may appoint the committee members • Charter should state who appoints the chair and the members
Termination of committee	<ul style="list-style-type: none"> • Mandatory committee not terminable, but committee members serve at board's pleasure • Discretionary committee terminable at board's pleasure
Defining the committee's role and authority	<ul style="list-style-type: none"> • Role and authority of mandatory committee often defined by the governing documents • Discretionary committee roles and authority are defined by the board • In all cases, a committee charter setting forth the goals, authority and limitations of the committee is recommended
Contents of a committee charter	<ul style="list-style-type: none"> • No statutory requirements for charter creation or content • Purpose • Size • Composition and appointment (of chair and members) • Duration of terms, term limits • Scope of authority • Budgetary limits • Documentation obligations • Reporting requirements
Duties that may not be delegated by a board to a committee	<ul style="list-style-type: none"> • Appointing committee members to committees of the board (Corps. Code 7212(a)(6)) • Reviewing association finances (Civ. Code 5500) • Recording/foreclosing liens (Civ. Code 5673, 5705) • Financial transfers exceeding Civ. Code 5502 thresholds (exception: committee of the board) • Electing corporate officers • Initiating/resolving litigation • As otherwise provided by governing documents
Application of open meeting act requirements to committee meetings	<ul style="list-style-type: none"> • A committee composed of a quorum of the board must comply with the OMA requirements
Are committees required to give notice of their meetings	<ul style="list-style-type: none"> • Committees with decision-making authority may give notice of their meetings, but are not required to
Do committees need to keep minutes	<ul style="list-style-type: none"> • Committees with decision-making authority must keep minutes (Civ. Code 5210(a)(2))

ARCHITECTURAL COMMITTEE (*Decision Making Committee*)

PURPOSE: The general purpose of the Architectural Committee is to support staff as well as advise and assist the Board of Directors in fulfilling its strategic objectives with respect to matters including but not restricted to, development and adoption of Architectural Committee Rules, approval of Owner Member proposals for architectural improvements, carry out all duties imposed upon them by the Association governing documents, and to advise and recommend on matters pertaining to grounds and landscape maintenance, either directly or through the General Manager. Areas of responsibility shall include but not be limited to areas surrounding swimming pools, waterways, clubhouse, tennis lounge and residential and recreation grounds, not including golf course areas.

The Committee has as its primary responsibility, maintaining a consistent approach to the architectural character and visual/aesthetics of the residential and recreational facilities and the development and oversight of the standards of exterior maintenance of homes and common structures. Additionally, physical additions to homes, changes in exterior features such as decks, spas, etc., selection of exterior paint color schemes, replacement of roofs, garage doors, and decks, and changes to paving, walkways and driveways are included in this committee's purview.

AUTHORITY: The Committee has the authority to consider and act upon proposals and plans submitted to it pursuant to the Declaration, to adopt Architectural Committee Rules, to perform other duties delegated to it by the Board, and to carry out all other duties imposed upon it by the Declaration and the Board. The Chairperson is authorized to communicate directly with the Board, through the General Manager or his or her designee. The Committee does not authorize expenditures nor issue directives to the staff.

MEMBERSHIP:

To assure full compliance with Association governing documents, the Committee shall consist of at least 3 persons and at least one alternate, who may be designated by the Committee to act as a substitute member in the event of absence or disability of any member. Further, no member may serve in excess of 6 consecutive years in any 10 year period, except with Board approval. All members shall be Owner Members. Emphasis for applicant to have an understanding of architecture, construction, engineering, interior design, law as it applies to PUD's, zoning, architectural codes, real estate development, residential or town planning.

STAFF: The General Manager and Homeowner's Association Manager

FUNCTIONS:

1. Develop criteria and procedures to assure consistency in dealing with plans and proposals submitted by homeowners for approval.
2. Consider and act upon all plans and proposals submitted by homeowners.
3. See that approved rules and criteria set forth by the architectural committee are enforced, and any violations to these rules are corrected.
4. Recommend corrective actions and/or fines as may be required to ensure compliance with the governing documents.
5. Develop and oversee standards for maintenance, in compliance with applicable regulations, conformance with manufacturer recommendations, current trade practices and project specifications.
6. Make a semi-annual examination of grounds and landscaping, reporting findings and recommendations to the Board, General Manager, and Association Landscape Manager.
7. Review Homeowner requests and suggestions, coordinating their resolution with the General Manager or designee.
8. Make field visits as necessary to carry out committee responsibilities.
9. Coordinate with other committees on matters of mutual concerns.
10. Budget development and oversight.
11. Perform other duties as may be assigned by the Board.

GENERAL OPERATING POLICIES:

This outline of the responsibilities of the Architectural Committee is to be applied with the General Policies specified for all Association Committees.

Approved by the Board of Directors on xxx