

HVPOA Lower Commons Area Charter (version 6, 1/1/13)

The purpose of this document is to outline the purpose, objectives and operations of the HVPOA Lower Commons Area Committee.

Background

As property owners within Horizons Village we are stewards of 3 distinct areas designated as Open Space or Common Lands, which are defined in the Horizons Village Covenants (*see Reference section at end of this document*). Of these areas, one is now referred to as the “Lower Commons Area” (LCA) and is a mostly non-forested, 35-acre area located in the south portion of Horizons Village along the Rockfish River.

In recent years the HVPOA Board (the Board), and the property owners have investigated and discussed several routes of action to manage the Lower Commons Area according to the principles and philosophy of the Horizons Village Covenants.

Following a report by a Special Committee in 2012 on the Lower Common Area Maintenance, on September 24, 2012, the Board established an ongoing Lower Commons Area Committee to assist the Board in the stewardship activities of the LCA. Previously, the maintenance and stewardship of the LCA was included within the HVPOA Roads Committee charter. Consensus was reached at this annual meeting regarding the plan that “calls for bush hogging every three years with spot bush hogging more often in the problem areas where non-native, invasive plants are established. A motion to bush hog every three years with spot bush hogging the problem areas was passed. This plan will not affect our budget since this money has already been appropriated. A fall mowing was recommended to save the fauna.”

The HVPOA Bylaws (*see Reference section at end of this document*) require that such committees develop a charter to delineate the composition and specific powers and duties of the committee.

The following is the required charter for this new, LCA Committee.

Goals and Objectives of the Lower Commons Area Committee (LCAC)

- Serve as stewards of the LCA land, flora and fauna through dialogue with property owners and local experts
- Provide for an ongoing, open communication with the property owners concerning the tradeoffs, decisions and actions of this Committee
- Develop and maintain LCA long-term use and management plan consistent with the desires of the property owners and our Covenants including spend plans and schedules for the maintenance of the LCA (short-term and long term plans)
- Maintain the LCA in a cost effective manner

Scope of Committee

- Includes:

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- Planning for and managing the maintenance activities of the LCA land, flora and fauna, as directed by inputs from interested property owners
- Development of a long-term strategy for the care and maintenance of the land, flora and fauna within the LCA
- Time and energy permitting, promote an understanding for the role the LCA plays in the ecological health of our environment and raise awareness regarding the native flora and fauna and factors that influence these conditions.
- Reviews of the LCA conditions and proposes considerations for management of the area such as path mowing and bush-hogging
- Reviews and coordinate proposals for area maintenance and community involvement that have an impact on the LCA
- Assisting the Board in evaluation and approval of LCA maintenance strategies and proposals in-line with the criteria of the Covenants and By-laws
- Providing short-term and long-term cost estimates for LCA maintenance in support of the Board's budgeting process
- Identifies and flags areas of the LCA that need special attention during maintenance such as flagging fruit-bearing plants and trees so they will not be bush hogged and flagging specific areas that may need additional "spot" bush hogging periodically to control the growth of invasive plants.
- Excludes
 - Activities prohibited by the Covenants and By-laws, such as constructing large structures or destroying 75-foot setbacks.
 - Management of the remaining 2 Common areas
 - Resolving any issues related to the legal ownership of the LCA

Critical Success Factors

- Implementation of a strategic LCA Management and Maintenance Plan under the oversight of the Board that supports the views and wishes of the HVPOA membership
- Attempts to make decisions based on controlling non-native invasive species so native species can grow.
- Timely gathering of cost estimates for the management and maintenance of the LCA and report information to the Board for decisions.

Assumptions / Constraints

- This LCA Charter, and activities supporting it does not transfer any legal obligation of the HVPOA through its existing legal framework to those supporting or working on behalf of this Charter. This Charter and any revisions to its scope or direction must be sanctioned by the Board. Any costs associated with the LCA Committee activities will be managed through the Board.

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- Each year, as the Board is formulating the next years spend plan and budget, the Committee will submit a long-range LCA maintenance strategy and supporting spend plan for approval by the Board.
- The Committee will keep the Board aware of issues involving potential costs, proposals and spending on a periodic basis.

Oversight

- The LCA Committee reports to the Board
- As of December 2012, an initial LCA Committee has been proposed to consist of 6 members of the association: Ken Hoglund, Stephen Shaffer, Simona Aronow, Larry Herring, David Harrison, and Joe Culbertson
- The LCA Committee shall comply with the Bylaws of the Horizons Village Property Owners Association, Inc, (see Reference section at end of this document).

Structure / Organization / Process

- Each year, a LCA Committee Coordinator will be appointed by the Board. This individual will coordinate the general meetings, communications and activities of the LCAC.
- Each year, the LCA Committee Coordinator shall invite property owners to join the committee, if interested, and identify those members to the Board.
- Additional Subject Matter Experts may be consulted from the local community, government or other private individuals/organizations to consult or perform activities on the Committee
- Once the Board approves the Committee's spend plan, decisions about the details of what is done, when it is done, and who does it will be made by vote of the Committee members. If the Committee can't resolve disagreements in approach, the issue, along with opposing views, will be presented to the Board for resolution.
- As needed, at Board meetings, the Committee Coordinator or designee will describe the Committee activities since the previous Board meeting, outline the detailed plans for future activities, and provide an update on the expenditures against the approved Committee spend plan.
- Certain Committee decisions will require specific approval by the Board:
 - Decisions where a single contract / expenditure decision exceeds \$1,000.
 - Decisions to award contract work to a property owner
 - To the extent possible, the Committee will obtain written estimates for any contractor work exceeding \$1,000.

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- Itemized bills will be submitted to the Board for payment of contractor work or expenses incurred by property owners. Bills will include quantity and cost of all materials, quantity and cost of equipment, and quantity and cost of labor.
- To the extent possible, the Committee will interface with local persons with knowledge and equipment who can help in maintaining the LCA

Meetings / Communication

- The Committee members will meet periodically to resolve issues, make decisions, and develop plans for upcoming activities.
- As required by the Bylaws, the Committee will capture and maintain accurate and complete minutes of each meeting.

Reference Section

Horizons Village Subdivision Covenants, Article III, Section 7. Open Space (*Note that "Declarant" refers to the members of the HVPOA*)

7. OPEN SPACE - The Declarant reserves 100 acres of land shown as Open Space on the attached plat, to be available for use by Owners and their guests, subject to a conservation easement in perpetuity in favor of Owners in the Horizons Village subdivision. This provision shall run with the land and shall survive closing. The Open Space area may be placed, sold or otherwise conveyed by the Declarant to a land trust or Owners Association or organization such as a nature conservancy subject to the conditions stated above. The Declarant shall have responsibility for administering Open Space areas as stated in these Protective Covenants and Restrictions until such time as ownership is transferred to an organization as described above.

No building, fence, structure and/or Improvement, either temporary or permanent, and no vehicle, equipment or property of any kind shall be constructed, erected, placed upon or stored within the confines of the Open Space area as shown and described on the attached plat of survey without express written approval of Declarant, its successors or assigns. Any development shall be limited to small structures for organic farm use, such as stables, sheds, etc., which must comply with the requirements for structures set out elsewhere herein. No building or structure and/or erosion control structures shall be constructed closer than seventy-five (75) feet to the mean low water mark of the Rockfish River, or Spruce Creek.

Said Open Space area within seventy-five (75) feet of the mean low water mark shall remain as close to its natural state as practicable and is not to be cleared of its tree cover, if any, or incorporated into a sod lawn except for pasture land. No tree, bush, shrub or other plant within the confines of the forested Open Space area may be cut, trimmed, disturbed, or removed except as necessary for fire prevention or emergencies, or for nature trails and small areas for picnicking, primitive camping or guided trail walks, it being the intention to preserve the area in a natural and undisturbed state. These restrictions shall run with the land and be binding upon all Owners, their successors and assigns, and upon any and all parties who have or shall acquire any right, title or interest to any of the real property shown on the attached Horizons Village subdivision plat of survey as revised January 15, January 29, February 6, and March 8, 1997. However, these restrictions shall not prohibit the removal of such trees, shrubs and plants as are necessary to construct, maintain and remove utilities in the utility easements, if any, reserved within or upon the Open Space area. Undergrowth may be cleared and shrubs and ground cover may be planted in the Open Space area.

The Declarant may, but shall not be required to provide facilities or land to be used for organic gardening, organic farming, or pasture or for the care and maintenance of livestock or farm animals. The Declarant shall have the right to terminate the use of or modify any uses of said land by any said animals or other use of the facilities at any time without prior notice, unless otherwise expressly authorized in writing. Pets can be prohibited from the Open Space areas if they are deemed a nuisance. Pet owners may be required to clean up after their pets in Open Space areas.

Motorized traffic on the Open Space area is discouraged and shall be limited to that which is essential to the administration of the Open Space areas or their intended use, as determined by Declarant, its successors or assigns.

BYLAWS:

■ *ARTICLE VII. COMMITTEES*

Section 1: Establishment and Operation of Committees

- *The Board of Directors may, by resolution of a majority of the directors present at any meeting at which a quorum is present, designate such committees, operating and standing, as it sees fit, to advise and assist the Board in carrying out its responsibilities.*
- *The composition and specific powers and duties of each committee shall be delineated in a charter approved by the Board.*

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- *The Board of Directors shall have the power at any time to change the members of, fill vacancies in, revise charters, and discharge any such committee, either with or without cause.*
- *All committees shall keep accurate and complete written minutes of all its proceedings and hearings.*