



# Memorandum

---

**To:** ACL Board

**Date:** February 3, 2020

**From:** Megan Shamp

**Memo #:** 2020-7

**Topic:** February committee/commission changes

---

**Recommendation:** To accept the resignation of Barb Hendren as Secretary of the Architectural & Environmental Control Committee; and to appoint Steve Tribbey as Secretary of the Architectural & Environmental Control Committee.

*Plan on a Page: High Performing Operations and Management –  
To operate at full efficiency and effectiveness for the benefit of the  
Association*



# Memorandum

**To:** Board of Directors

**Date:** February 7, 2020

**From:** Rules & Regulations Commission

**Memo:** 2020-3

**Topic:** Rules & Regulations Fines

**Issue:** The Rules & Regulations Commission feels that fines should all be outlined in one section of the Rules & Regulations. Their recommendation was provided to the Board in January.

Following the January Board meeting, a memo was sent to Rules & Regulations with three things to address. One typo was corrected, and Rules & Regulations reviewed the fines for being on the lake while it is closed for safety reasons and added a fine for underage drivers on the trails. Both fines were set at \$250. The fine for operating on the lake while it is closed for safety reasons now matches the fine for swimming at the beach when it is closed for safety reasons. The commission hopes the \$250 fine for underage operation of recreational vehicles will be a deterrent to parents/responsible adults who currently allow underage children to operate these vehicles. The revisions are highlighted in yellow in the document provided in the February Board packet.

**Recommendation:** To approve the Rules & Regulations Fines section as included in the February Board packet.

*Plan on a Page: High Performing Operations and Management -To operate at full efficiency and effectiveness for the benefit of the Association.*

# Memorandum

**To:** ACL Board

**Date:** February 7, 2020

**From:** AECC

**Memo #:** 2020-09

**Topic:** Apple Canyon Lake Building and Environmental Code

**Issue & Analysis:** The Apple Canyon Lake Building and Environmental Code prescribes the minimum standards necessary for the building of any structure, garage, dwelling, accessory building, septic system, pier, and dock at Apple Canyon Lake. The Building Code was first adopted by the ACLPOA Board of Directors on November 20, 1982. The Building Code was subsequently revised and approved by the ACLPOA Board of Directors on December 17, 1988, since then, the Apple Canyon Lake Building and Environmental Code has been amended or revised thirty times by the ACLPOA Board of Directors. While these periodic changes have responded to changing needs and challenges, the organization and format of the Code has been compromised. The Architectural and Environmental Control Committee has carefully rewritten the Code to serve and safeguard each individual property owner while, at the same time furthering the best interests of the Apple Canyon Lake community.

The Code presented today has been coordinated with the:

- International Residential Code for One- and Two-Family Dwellings
- Jo Daviess County Private Sewage Disposal Ordinances
- Illinois Subchapter r: Water and Sewage Part 905 Private Sewage Disposal Code
- ACLPOA's Primary Governing Documents

The Code presented today incorporates review comments and suggestions made by legal counsel Key & Costello, PC and the ACL Legal Commission. The Apple Canyon Lake Building and Environmental Code adopted January 2006 and all amendments thereto are to hereby be deleted and replaced with the terms of this Code effective coincident with the effective date of adoption. The AECC has unanimously voted to recommend that the BOD adopt the February 1, 2020 version of the Code.

**Recommendation:** No motion required at this meeting. For presentation & discussion only.

*Plan on a Page: High Performing Operations and Management  
Long Range Goals and Measures – Assure the knowledge and understanding of roles, responsibilities and governing documents by the Board of Directors*





# Memorandum

**To:** ACL Board

**Date:** February 7, 2020

**From:** Shaun Nordlie

**Memo #:** 2020-11

**Topic:** CAMP Owner/Architect Contract

**Issue & Analysis:** CAMP is currently in the preparation of the Design Development and Construction Documents phase. Farnsworth Group has been working on Design Development since September. The Owner/Architect contract could not be drawn up until the Construction Manager contract was completed. Due to the delay in the contract with Cord, we are now approving the AIA B133-2019 contract which details the following:

- Provide Architecture, Structural Engineering, Site, Civil Engineering, Mechanical, Electrical and Plumbing Engineering, Basic Interior Design Services, Firehouse parking lot design
- Coordinate with a cost consultant
- Issue Design Development drawings for review and final budget development
- Provide Construction Documents for bidding and construction contract award
- Provide Construction Contract Administration Services (attend monthly project meetings, review payment applications, review shop drawings, project close-out)

The contract has been negotiated between Farnsworth Group and Keay and Costello, the Associations legal counsel.

**Recommendation:** To approve the AIA B133-2019 Owner/Architect contract negotiated with Farnsworth Group of Peoria, IL. For a lump sum price of \$226,000. This sum consists of:

- Architecture, Structural Engineering, Site, Civil Engineering, Mechanical, Electrical and Plumbing Engineering, Basic Interior Design Services, Firehouse parking lot design,
- Coordinating with a cost consultant
- Issue Design Development drawings for review and final budget development
- Provide Construction Documents for bidding and construction contract award
- Provide Construction Contract Administration Services

*Plan on a Page: Improvement of Infrastructure–  
Long Range Goals and Measures – Develop and implement the Clubhouse Area Master Plan  
OYAP – Design and construct the Clubhouse Area Master Plan*



# Memorandum

**To:** ACL Board

**Date:** February 7, 2020

**From:** AECC

**Memo #:** 2020-12

**Topic:** Apple Canyon Lake Homeowner's Energy Policy Statement Act

**Issue & Analysis:** The Illinois legislature has passed the Homeowners' Energy Policy Statement Act. The legislative intent in enacting this Act is to prevent the adoption of measures which will prevent the use of solar energy systems on any home that is subject to a homeowners' association, common interest community association, or condominium unit owners' association. According to Keay and Costello, under the Homeowners' Energy Policy Statement Act ("Act") (765 ILCS 165/ eq. seq), condominium, homeowner, and common interest community associations are provided certain rights, but must also comply with some restrictions.

An Association's governing documents cannot prohibit, or have the effect of prohibiting, the installation of solar energy systems within the community. However, the Association can draft an "Energy Policy Statement" on the installation, location and use of solar collector systems to inform the homeowners with its policy on such location, installation and use. The Association may restrict the location of the solar energy system to the dwelling roof, as long as such specifications do not "impair the effective operation" of the system. The statement may also include a statement of whether or not wind energy collections are allowed, and, if so, the architectural requirements. Although the Act labels this a "policy," pursuant to Section 20 of the Act, the policy must be made a part of the Declaration. Therefore, an amendment to the Association's Declaration is required. This amendment does not require a homeowners' vote.

The Homeowner's Energy Policy Statement presented today incorporates AECC review comments and was written by legal counsel Keay & Costello, PC. Notable points include the systems are considered structures and building permits are required. Ground installed arrays are possible if a variance is granted by the AECC. Wind energy collection systems are prohibited. Composting and rainwater collection systems are permitted. The AECC has unanimously voted to recommend that the BOD adopt the February 1, 2020 version of the Policy. The BOD may wish to amend the document to include a frame color restricted to black or dark color matching the roofing.

**Recommendation:** No motion required at this meeting. For presentation & discussion only.

*Plan on a Page: High Performing Operations and Management  
Long Range Goals and Measures: Assure the roles, responsibilities and governing documents by the Board of Directors*





# Memorandum

---

**To:** ACL Board

**Date:** February 7, 2020

**From:** Board Policy Ad Hoc Commission

**Memo #:** 2020-8

**Topic:** Board of Directors Mission Statement

---

**Issue & Analysis:** A key point in Doug Sury's Board training was direction to the Board to act as a fiduciary. A fiduciary is a person or organization that acts on behalf of another person or persons to manage assets. Essentially, a fiduciary owes to that other entity the duties of good faith and trust. The Board Policy Ad Hoc Commission feels that "as a fiduciary" should be added to the ACL Board of Directors Mission Statement. This statement serves as a guide for all actions taken in the management of the Association.

At their January 30, 2020 meeting, the ad hoc commission motioned "To recommend to the Board of Directors, to amend the Board of Directors Mission Statement to read: "The Apple Canyon Lake Property Owners Association Board of Directors shall act in a fiscally responsible manner, **as a fiduciary**, while exercising all powers and authority vested in the Association, so as to preserve its values and amenities, and promote health, safety and welfare for the common benefit and enjoyment of its membership while maintaining its not-for-profit status."

While the change is not major, because the Mission Statement is so key to guiding the Board, the commission feels this proposed amendment should be reviewed over two meetings.

**Recommendation:** No motion required at this meeting. For presentation & discussion only.

***Plan on a Page: High Performing Operations and Management –  
Assure the knowledge and understanding of roles, responsibilities,  
and governing documents by Board of Directors***



# Memorandum

---

**To:** Board of Directors

**Date:** February 7, 2020

**From:** Rules & Regulations Commission

**Memo:** 2020-13

**Topic:** Rules & Regulations: Swimming Pool – 1<sup>st</sup> Reading

---

**Issue:** The Swimming Pool section of the Rules & Regulations has not been updated since the new facility was built. Julie Janssen, Megan Shamp, and Shaun Nordlie prepared a recommendation for the Rules & Regulations Commission. This was first reviewed by Rules & Regs at their January meeting. Two minor changes were made at the February 7 Rules & Regulations meeting, and their commission's recommended language is included in the Board packet. A Swimming Pool section will also need to be added to Fines.

**Recommendation:** No motion required at this meeting. For presentation & discussion only.

*Plan on a Page: High Performing Operations and Management -To operate at full efficiency and effectiveness for the benefit of the Association.*