



Memorandum

To: ACL Board

Date: March 10, 2020

From: Megan Shamp

Memo #: 2020-16

Topic: March committee/commission changes

Recommendation: To appoint Tim Reese as Chair, Fred Turek as Vice Chair, and Pat Reese as Secretary of the Golf Commission; and to accept the resignation of John Sershon from the Deer Management Commission and Cindy Donth-Carton from the CAMP Architecture & Design Ad Hoc Commission.

***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: March 13, 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 Keay & 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. Following the February Board meeting, language was added defining the AECC and describing its duties.

Recommendation: To approve the full replacement of the Apple Canyon Lake Building and Environmental Code Amended 04-21-12 with these Amendments and Revisions dated March 21, 2020 and that this document be adopted as the Secondary Governing Document- Apple Canyon Lake Building and Environmental Code, prescribing minimum standards necessary for the building of any dwelling, garage, accessory building, septic system, water facility, and any above or underground structure at Apple Canyon Lake in accordance with the Governing Documents. Recognizing that The Secondary Governing Documents can be changed at any time, these changes go into effect immediately upon approval by the ACLPOA Board of Directors.

*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: March 13, 2020

From: AECC

Memo #: 2020-10

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 membership 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. At the February meeting, the Board identified three points that will be discussed and revised at the March meeting.

Recommendation: To adopt the Keay & Costello, P.C Proposed 1st Amendment to Declaration (77051105xCF553) as amended at the March 21, 2020 Board of Directors meeting. The document will act as a Secondary Document providing a publishable policy guiding the AECC review of building permit applications for solar energy installations until adopted as a Primary Governing Document.

*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: March 10, 2020

From: Board Policy Ad Hoc Commission

Memo #: 2020-18

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.

The Mission Statement was presented at the February Board meeting for first reading & discussion. No recommendations or changes were presented following this reading.

Recommendation: To approve the revised Board of Directors Mission statement "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."

***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: March 10, 2020

From: Rules & Regulations Commission

Memo: 2020-17

Topic: Rules & Regulations: Swimming Pool

Issue: The Swimming Pool section of the Rules & Regulations has not been updated since the new facility was built. A recommendation from staff and the Rules & Regulations Commission was reviewed by the Board at their February meeting.

Following that Board meeting, staff and Rules & Regulations reviewed the memo submitted by the Board. Regarding 7. c. "No rafts of large inflatables when bather load is high." is recommended to be left as-is by the group. There are too many variables at play to determine a number or more specific definition. This will be left up to the discretion of the Aquatics Manager and pool staff. The group also looked at a clarification of the term horseplay used in 7. e. – we were unable to find a clear and concise replacement and feel that horseplay is accurate here.

Recommendation: To approve the Rules & Regulations: Swimming Pool as presented in the March 2020 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: Board of Directors

Date: March 9, 2020

From: Bass Club

Memo: 2020-14

Topic: Fishing out the Spillway

Issue: Every year, fish from Apple Canyon Lake go over the spillway/waterfall and are captive in the pond at the bottom of the waterfall. The Bass Club has offered to fish this area and return as many fish that they can catch back to our lake. Association Lake Consultant Joe Rush has agreed to this practice, stipulating that the only fish species returned to the lake would be fish species that came from the lake. This event will be a sanctioned Bass Club event and must be approved by the Board of Directors because fishing from this area is not allowed. The Bass Club has their own insurance, so the Association does not have any additional cost. There is not a date set yet for this event, but the Bass Club does want to do this in 2020. The last time that the Bass Club cleaned out the spillway was over ten years ago.

Recommendation: To approve the Bass Club to fish the spillway in 2020, returning all fish caught to the lake as long as they are species that are currently in the lake.

Plan on a Page: Improvement of Infrastructure: Provide Consistent lake and environmental management using the expertise of consultants: Retain and continue utilizing consultant services for lake and watershed management



Memorandum

To: ACL Board

Date: March 10, 2020

From: Pat Reese, Tellers Committee Chair

Memo #: 2020-15

Topic: Tellers Committee Guidelines

Analysis: The Apple Canyon Lake Amended & Restated Bylaws require that the Tellers Committee "Not less than two months prior to the commencement of the annual meeting adopt written Tellers Committee Guidelines, which will describe the procedures it will follow to count all valid Written Ballots at all votes taken during the following year, which will be submitted to the Board for approval." The Tellers Committee Guidelines presented have no changes from the 2019 approved Guidelines.

Recommendation: To approve the Tellers Committee Guidelines as presented.



Memorandum

To: Board of Directors

Date: March 9, 2020

From: Shaun Nordlie

Memo: 2020-19

Topic: Verizon Cell Phone Tower Contract

Issue: In August 2019, Dolan Realty Advisors of Kirkwood, MO contacted General Manager, Shaun Nordlie about the possibility of placing a Verizon cell phone tower on Association property. Verizon had received many complaints from their customers about the cell phone service in the area of the lake, so Verizon wanted to explore the possibility of adding a tower in our area. After meeting Dolan Realty Advisors on site, it was determined that the best location for a tower would be just east of the Maintenance Building, directly south of the Solid Waste/Recycling Center. The tower would be a 250' self-supported tower with no guy wires, similar to the US Cellular tower located west of the ACL property. The lease would be for a 60' x 60' area, for a term of 40 years, with one additional ten-year option. All utilities for the tower would be paid by Verizon as well as all construction costs. Annual rent as well as the terms of the contract have been negotiated between Dolan Realty Advisors with the Association's Legal Counsel.

Recommendation: To approve the contract for a Verizon cell phone tower with Dolan Realty Advisors of Kirkwood, MO as negotiated by Keay and Costello, Association Legal Counsel.

Plan on a Page: Improvement of Infrastructure: Enhance internet service for the Association.



12.4

www.AppleCanyonLake.org/Foundation

14A157 CANYON CLUB DR., APPLE RIVER, IL 61001 PH 815.492.2238 FAX 815.492.2160

Date: March 13, 2020

To: ACLPOA Board of Directors

From: ACLPOF Board of Trustees

Subject: 1st quarterly UTV loan payment

In December 2019, Apple Canyon Lake Property Owners' Foundation received a loan of \$11,000 from Apple Canyon Lake Property Owners' Association for the purchase of a UTV to be raffled off in 2020. The agreement stated ACLPOF would make quarterly payments to ACLPOA, with full payment to be made by year-end.

The Association has collected UTV raffle ticket sales on behalf of the Foundation during the normal dues collection process. The monies collected by the Association are held in an account payable to the Foundation.

Apple Canyon Lake Property Owners' Foundation would like to remit payment to the Association for the 1st quarterly payment. In lieu of physical money being transferred to the Association, the Foundation proposes the Association retain the monies collected in the Association's payable account #2335-001 "Due to ACLPO Foundation" in the amount of the account balance as of 3/31/20, estimated to be approximately \$5,000.

To provide for the preservation, conservation, and beautification of the properties owned by the Apple Canyon Lake Property Owners Association.