



# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Megan Shamp

**Memo #:** 2022-77

**Topic:** July committee/commission changes

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**Recommendation:** To appoint Jeff Rice to the Trails and Golf Commissions; and Ryan Blentlinger to the Multi-Sport Complex Ad Hoc Commission; and to accept the resignation of Tom Ohms from the AECC; Gordon Williams from the AECC; Barb Hendren from the AECC, Editorial Review Board, and Safety & Emergency Planning Ad Hoc Commission; Jon Sonntag from the Deer Management Commission; and Vickie Sershon as Chair of the Rules & Regulations Commission.

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



# Memorandum

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**To:** ACL Board

Date: June 10, 2022

**From:** Ashlee Miller

**Memo #:** 2022-59 (2)

**Topic:** Approval of the K&S Marine Service Center Lease Contract

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**Issue & Analysis:** The lease for K&S Marine expires at the end of 2022. A new proposal has been drafted by the ACLPOA legal counsel with input from the Association's insurance agent. This draft was given to Kevin Drane for review and suggested changes. The contract for approval is a new 5-year lease with K&S Marine, Inc. starting in January 2023 and running until December 2027.

The lease was submitted to the Board of Directors at their May meeting, but approval of the lease was tabled due to Henry Doden's questions regarding the disposal of hazardous waste. Ashlee met with Kevin Drane and drums of hazardous waste are picked up by a disposal company. He also has a tank as required by EPA.

**Recommendation:** To approve the proposed contract with K&S Marine Inc. 11A267 Nicklaus Court, Apple River, IL 61001.



# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Deer Management & Rules & Regulations Commissions

**Memo #:** 2022-80

**Topic:** Deer Management Zone Selection Procedures

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**Analysis:** The Deer Management Commission has prepared Zone Selection Procedures in anticipation that as the program continues to grow from year to year, there will come a time when there are not enough zones to accommodate all hunters who have qualified to participate in the Deer Management Program.

Their procedures were presented to the Rules & Regulations Commission and approved at their June 3 meeting with one small change – change “Megan” to “the Office Manager.”

The Zone Selection Procedures will be inserted into the Rules & Regulations section XX. Hunting.

The Zone Selection Procedures were presented to the Board for review at the June meeting and no changes were suggested.

**Recommendation:** To approve the Deer Management Commission Zone Selection Procedures as included in the July Board packet.

*Plan on a Page: High Performing Operations and Management – Long Range Goals and Measures – Review and update, if necessary, all Governing Documents on an annual basis*

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Rules & Regs Committee/Commission

Date 6-3-22

I move:

Rules & Regs Commission recommends the ACL Board to approve the attached motion from the Deer Management Commission ~~and~~ as presented with one correction.

Action Taken passed

GLEO MOTION MADE BY: <u>Gregory Dreyfus</u> MARK MOTION SECONDED BY: <u>Mark Dreyfus</u> CHAIR: <u>Vickie Serston</u>	VOTE RECORDED: YEA: <u>15</u> NAY: <u>0</u> ABSTAIN: <u>-</u>
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Date Received \_\_\_\_\_ Given to \_\_\_\_\_ Date Completed \_\_\_\_\_



## Definitions:

ACL Zone - An ACL zone is an area identified by the Deer Management Commission to be more than 100 yards from a dwelling, more than 75 feet from a trail, and on ACL green space.

Private Zone - A private zone is a zone located on ACL green space where written permission to allow hunting within 100 yards of a dwelling is required from one or more property owners.

## Zone Selection:

Zone selection is based on a point system with one point earned for each deer harvested up to a maximum of three deer, one of which may be an antlered deer. An antlered deer will only be counted if an antlerless deer is also harvested.

A hunter may earn 0.5 point for participating in the annual deer count, 0.5 point for participating in the Youth Archery event, and 0.5 point for activities approved by the Deer Management Commission. A maximum limit of 1.0 point may be earned by a hunter for volunteer work.

Zone selection order shall be determined by points in descending order with ties determined by the most days hunted the previous season. Ties for the same points and days hunted shall be broken by drawing names. The tie breaker for those with no points (new applicants and those who did not hunt any days the previous year) will be done by drawing names.

The maximum hunters allowed to participate in the ACL Deer Management Program will be limited to the total number of zones (Private and ACL combined). Applicants that exceed the number of ACL zones can seek a private zone and/or be put on an annual zone waiting list. Those who do not get a zone will have their application fee returned.

If an applicant has arranged for a private zone and there are fewer applicants than ACL zones, the applicant may also choose an ACL zone.

During the archery deer hunting season, if a participant has harvested the maximum allowed number of deer, the zone may be made available to another hunter at the Deer Management Commission's discretion. (The decision will be based on previous deer counts, deer seen, whether the zone is shared, DNR input, and other factors.) The zone would be made available for trade using the zone selection order. If no hunter chooses to trade for an available ACL zone, the zone will be offered to those on the waiting list using the zone selection order.

A refund is issued to those on the waiting list when a person requests to be taken off the waiting and notifies a member of the Deer Management Commission or at the end of the season. A member of the Deer Management Commission will notify the Office Manager when a refund is to be issued.

A hunter will be penalized 1.0 credit for zone selection if their stand(s) are not removed by April 1<sup>st</sup>. An exception is for anyone who notifies the Deer Management Commission of family or health issues that prevent them from removing stands so others can remove the stands.

Apple Canyon Lake Property Owners Association Committee Motion Card

Deer Management Committee

Date April 30, 202

I Move:

Each year there has been an increase in the number of applications for the deer management program. The Deer Management Commission anticipates that there may be more applicants than greenway zones available in the future. The Deer Management Commission has developed (find attached) a proposed written procedure for zone selection for approval.

Action Taken

MOTION MADE BY:

[Signature]

MOTION SECONDED BY:

[Signature]

CHAIR: \_\_\_\_\_

VOTE RECORDED:

YEA: 6

NAY: 0

ABSTAIN: 0

Date Received \_\_\_\_\_

Given to \_\_\_\_\_

Date Completed \_\_\_\_\_

Definitions:

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A refund is issued to those on the waiting list when a person requests to be taken off the waiting and notifies a member of the Deer Management Commission or at the end of the season. A member of the Deer Management Commission will notify Megan when a refund is to be issued.

A hunter will be penalized 1.0 credit for zone selection if their stand(s) are not removed by April 1<sup>st</sup>. An exception is for anyone who notifies the Deer Management Commission of family or health issues that prevent them from removing stands so others can remove the stands.



# Memorandum

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**To:** ACL Board

**Date:** June 10, 2022

**From:** Flood Mitigation Ad Hoc Commission

**Memo #:** 2022-71

**Topic:** Flood Mitigation Spillway Option

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**Analysis:** At their June 2, 2022, meeting, the Flood Mitigation Ad Hoc Commission made two motions for the Board to consider, the first was to alert the Board of their recommendation of Alternate 2 (A2) option for the spillway which will be an approximate total cost of \$2 million. These costs will include the cost of their second motion, which is to approve \$249,000 for final design and permitting for the spillway project, construction costs of approximately \$1,550,000 plus additional costs of around \$100,000 for hiring CMT to perform the RFP and bidding process and be hired as onsite engineers during construction. The Ad Hoc Commission is not asking you to approve the expenditure of \$2 million at your June meeting, but they wanted you to be aware of the total cost of this project once the Board approves design and permitting.

**Recommendation:** To approve moving forward with Alternative 2 for a labyrinth spillway concept as described in the June 2020 Planning Report from CMT.

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

FLOOD MITIGATION <sup>ADHOC</sup> Committee/Commission

Date 6/2/22

I move:

THE FM AD HOC COMMITTEE RECOMMENDS TO BOS TO PURSUE ALTERNATE #2 FROM CMT WITH AN EXPECTED COST OF APPROXIMATELY TWO MILLION DOLLARS.

Action Taken

MOTION MADE BY: RON CARPENTER <i>[Signature]</i>	VOTE RECORDED:
MOTION SECONDED BY: STEVE NELSON <i>[Signature]</i>	YEA: 5
CHAIR: HANNON/NELSON <i>[Signature]</i>	NAY: 0
	ABSTAIN: 0

Date Received \_\_\_\_\_ Given to \_\_\_\_\_ Date Completed \_\_\_\_\_



At their June 2, 2022, meeting, the Flood Mitigation Ad Hoc commission made two motions for the Board to consider, the first was to alert the Board of their recommendation of Alternate 2 (A2) option for the spillway which will be an approximate total cost of \$2 million. These costs will include the cost of their second motion, which is to approve \$249,000 for final design and permitting for the spillway project, construction costs of approximately \$1, 550,000 plus additional costs of around \$100,000 for hiring CMT to perform the RFP and bidding process and be hired as onsite engineers during construction. The Ad Hoc commission is not asking you to approve the expenditure of \$2 million at your June meeting, but they wanted you to be aware of the total cost of this project once the Board approves design and permitting.

The second recommendation is to proceed with design and permitting of A2 for the spillway. The Flood Mitigation Ad Hoc commission has been meeting since July 2021, in that time they have met with CMT Engineer Ted LaBelle four times and PSI Geotechnical Engineer Kevin Miller once. From the June 2020 Dam and Spillway Planning Report, the January 2022 Preliminary Design report and now, the May 2022 Labyrinth Spillway and Dam Crest Raise Design Engineering Proposal, the commission has considered the best options for the spillway project to reduce the risk of flooding during the next one-hundred-year flood.

In their June 2020 report, CMT introduced ACL to a labyrinth weir. A zigzag shape that would increase the amount of water going over the spillway during a heavy rain event by four times the current spillway. In their report, CMT gave two options, both with the labyrinth spillway, but different options for the spillway shoot. Alternative 1 (A1) widened the spillway shoot, which would reduce some of the bottleneck of the additional water going over the new spillway and improve the risk of flooding during a one-hundred-year flood, but it was not the only option and A1, although improved the efficiency of the spillway, did not get our spillway into compliance with IDNR standards for a spillway. Alternative 2 still proposed the labyrinth spillway, but this design widened the spillway shoot even more and also lowered the spillway floor (page 5). This reduced the bottleneck after the new spillway and reduced the flooding levels in the models to levels where flooding would be reduced drastically. A2 also improved the spillway into compliance with IDNR.

As far as compliance, I spoke to our IDNR contact for dams, Paul Mauer, he stated that compliance is important, but any progress on our spillway would be an improvement, so either option would most likely be permitted by IDNR. This information allowed us to consider both options. So, then the question for the Ad Hoc was which option is best for ACL?

Alternative 1 is less expensive, before the estimated cost increases, the difference was just under \$400,000, but for a project of this importance and with the occurrence of flooding in NW Illinois in the past 10-15 years, would \$400,000 not spent, make us regret a decision in the future? The new estimated costs of A2 are now closer to \$1.55 million, the Ad Hoc wanted to make sure that we were not planning without considering inflation as well as material costs and labor increases. The updated May 2022 estimates do include a 20% contingency in the amount of \$259,000. There is also an increase in the rock removal. This is found during the survey work of the upstream ledge in front of the spillway. To increase efficiency of the spillway, the upstream channel of the spillway should be the same level as the bottom of the spillway. This ledge is currently about 18" below pool, so rock will need to be removed. Ted commented that this rock could be dropped back into the lake since it is already in the lake, not affecting depths. This would be the most efficient way to remove the rock. If ACL wanted to keep this



rock for rip rap or other armoring, it could also be moved to shore and then moved to a location where the rock could be used. An updated cost estimate for A1 was not obtained by the Ad Hoc.

If you look at the models supplied in the June 2020 report (pages 13 & 14), A2 offers the best protection for the dam, only overtopping in the event of a 100% Probable Maximum Flood, which is a 24-hour rainstorm that drops over 31" of rain in that time. In a 60% Probable Maximum flood A2 does not overtop the spillway and has a maximum lake level that is 2.8 feet lower than the existing spillway. A1 would be overtopped in the 60% Probable Maximum flood.

The recommendation from CMT from the June 2020 report is as follows (page 20) –

*The Planning Report presents two alternatives to ACLPOA to increase spillway capacity and reduce peak water levels on Apple Canyon Lake during major flood events. Alternative No. 2 with labyrinth spillway and deeper spillway channel is recommended. Alternative No. 2 will bring the dam into compliance with the current INDR regulations for existing dams having High Hazard Classification and Intermediate Size except for insufficient freeboard on the dam. Further analysis of the design flood would be performed during the design phase if ACLPOA proceeds with the project. Alternative No. 1 with labyrinth spillway and wider spillway channel is a secondary alternative which will significantly reduce the peak water level during the 100-year frequency flood, although it will not bring the dam into compliance with current dam regulations for existing High Hazard dams. Alternative No. 1 has a lower project cost in comparison to Alternative No. 2. The dam could meet IDNR regulations for 60% PMF with adequate freeboard if a new labyrinth spillway of greater length is constructed. The cost for the larger spillway would be greater than Alternative No. 2*

The January 2022 Preliminary Design Report looks into four areas that the BOD had requested from CMT

1. Should the channel downstream of the waterfall be widened?
2. What are the regulatory requirements related to increased downstream flooding?
3. Can rock removal for the new spillway be done without impact of the dam?
4. What is the estimated cost of adding fill to level the crest of the dam?

CMT conducted an onsite survey to determine what impact the additional discharge of water over the spillway would have on the downstream channel, the bridge abutment, and the road. CMT met with the Township Road Commissioner and County Engineer at the site to discuss the bridge and historic damage caused from the floods of 2010, 2011 and 2017. It was determined that the additional discharge could be handled and no changes would be necessary. A Geotechnical Engineer was brought on site to review the spillway channel and determine how rock removal could be performed and whether the removal could impact the integrity of the dam. The Engineer explained different methods for rock removal and educated us on blasting and the low impact of blasting on the dam as well as neighboring houses.

The crest of the dam should be level, the BOD determined to wait on this project until construction of the spillway, but to include the project in the bidding process, so this will be included in the final design.

The Ad Hoc Commission has taken all of this information into consideration for their recommendations. They recommend to the Board to proceed with approval of the Labyrinth Spillway and Dam Crest Raise Design Engineering Proposal for an amount not to exceed \$249,000. The information provided in the reports from CMT show that Alternative 2 is the best solution for ACL spillway to assure that the next

flood event will not impact the Marina, docks, and shoreline in the same way that the previous floods have. A2 will be in compliance with IDNR dam standards and although not required, will allow piece of mind during the next flood event, that the spillway is better equipped to disposing of water faster. With approval, the timeline for CMT is 8 – 10 months for design and permitting. Any delays will most likely come from permitting and when IDNR and Army Corps has time to look at the plans and give us approval for the required permits. With our relationship with IDNR, I am hopeful that any delays will not be lengthy. We will include in the bidding process options for construction to not lower the lake or to only lower the lake after a set date or at a set elevation. The purpose of this to not reduce lake use after Labor Day weekend and to also eliminate the need for removing the majority of the boats, docks and shore stations prior to construction. If the cost to start construction without lowering the lake is too much, construction will most likely not be considered until 2024, due to the amount of time needed to educate owners on lake use after the lake is lowered. If the construction bid is awarded with the provision of not lowering the lake or delaying the lowering of the lake, construction could start in August 2023.

APPLE CANYON LAKE  
 ALTERNATIVE NO. 2 - NEW LABYRINTH SPILLWAY - WIDEN & DEEPEN CHANNEL - NEW APPROACH CHANNEL - RAISE TOP OF DAM  
 PRELIMINARY OPINION OF CONSTRUCTION COST  
 COSTS AS OF MAY 2022

Item of Construction	Units	ORIGINAL CONSTRUCTION COST OPINION			UPDATED CONSTRUCTION COST OPINION FOR MAY 2022 FOR ORIGINAL QUANTITIES			UPDATED CONSTRUCTION COST OPINION FOR MAY 2022 WITH INCREASED ROCK EXCAVATION FOR 10 FOOT DEEP APPROACH CHANNEL				
		Calculated Quantity	Estimated Quantity 10% incr.	Original Unit Prices	Amount	Estimated Quantities	Updated Unit Prices	Amount	Increase	Estimated Quantities	Updated Unit Prices	Amount
Mobilization					\$ 50,000			\$ 65,000			\$ 65,000	
Rock anchors	each	56	56	283	\$ 15,848	56	340	\$ 19,040	56	340	\$ 19,040	
Apron Slab on Grade (floor under labyrinth walls)	c.y.	211	232.1	600	\$ 139,260	232.1	750	\$ 174,075	232.1	750	\$ 174,075	
Labyrinth wall - Reinforced Concrete 10 feet tall	c.y.	167	183.7	750	\$ 137,775	183.7	1,200	\$ 220,440	183.7	1,200	\$ 220,440	
Removal of Existing Channel Walls and Floor	c.y.	118	129.8	350	\$ 45,430	129.8	450	\$ 58,410	129.8	450	\$ 58,410	
Outlet Channel Floor Slab	c.y.	152	167.2	600	\$ 100,320	167.2	750	\$ 125,400	167.2	750	\$ 125,400	
Side walls at labyrinth	c.y.	30	33	750	\$ 24,750	33	900	\$ 29,700	33	900	\$ 29,700	
Downstream channel side walls	c.y.	67	73.7	750	\$ 55,275	73.7	900	\$ 66,330	73.7	900	\$ 66,330	
Upstream approach side wall	c.y.	10.5	11.55	750	\$ 8,663	11.55	900	\$ 10,395	11.55	900	\$ 10,395	
Removal of Existing Spillway	c.y.	59	64.9	350	\$ 22,715	64.9	450	\$ 29,205	64.9	450	\$ 29,205	
Removal of Rock for New Spillway and Channel	c.y.	5400		50	\$ 270,000	5400	60	\$ 324,000	5400	60	\$ 324,000	
Raise Dam Crest					\$ 8,000			\$ 25,000			\$ 25,000	
Datalogger (WORK COMPLETED)					\$ 5,000			\$ -			\$ -	
Subtotal - Construction					\$ 884,000			\$ 1,147,000			\$ 1,147,000	23%
Contingency - 20%					\$ 177,000			\$ 230,000			\$ 230,000	23%
<b>Subtotal Construction</b>					<b>\$ 1,061,000</b>			<b>\$ 1,377,000</b>			<b>\$ 1,550,000</b>	<b>32%</b>

NOTE:  
 Rock Removal for Approach Channel  
 Estimated in Jan 2020  
 6 feet deep based on April 2022 survey  
 10 feet deep based on April 2022 survey

c.y. 1500  
 c.y. 1800  
 c.y. 3820

**Apple Canyon Lake  
Preliminary Design Report  
Jo Daviess County Illinois**

**January 2022**



**Crawford, Murphy & Tilly**

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Engineers and Consultants

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# APPLE CANYON LAKE DAM

## PRELIMINARY DESIGN REPORT

### Executive Summary

The report provides responses to questions raised by the Property Owners Association following the completion of the Planning Report in 2020. Summary of the questions:

- 1) Should the channel downstream of the waterfall be widened?
- 2) What are regulatory requirements related to increased downstream flooding?
- 3) Can rock removal for the new spillway be done without impact on the dam?
- 4) What is the estimated cost of adding fill to level the crest of the dam?

The proposed labyrinth spillway will result in increased discharge in comparison to the existing spillway for the same storm event across the watershed. For the 100-year flood, the channel will have a peak water level 3 feet higher. For Alternative No. 1 (30% PMF flood event) in the Planning Report, the peak water level will be 9 feet below the bridge deck. For Alternative No. 2 (60% PMF flood event), the peak water level will be 2 feet below the bridge deck.

The channel downstream of the waterfall does not need to be widened. The bridge downstream of the waterfall will not be overtopped by the design flood required by IDNR. The rock walls of the channel can withstand higher velocities of the increased discharge. The three design floods discuss in the report are rare events. Bridges and county roads are typically designed for flood events of 100-year or less.

The proposed labyrinth spillway will require a construction permit from IDNR and Jo Daviess County. IDNR will not object to the increased discharges from the new spillway which afford better protection of the dam from being overtopped. Jo Daviess County will issue a construction permit if IDNR issues a construction permit.

Rock removal for the labyrinth spillway can be done without impacting the existing dam. Alternative techniques of rock removal such as rock excavating equipment, hydraulic rams and controlled blasting can be specified. Requirements for each technique can be tailored to minimize vibration and other impacts outside the spillway vicinity. Creation of seepage paths through rock not removed is to be considered during design. Soil borings of the dam embankment may be recommended during design.

The estimated cost to raise the dam crest with compacted clay is \$44,000. The estimated cost to raise the dam crest with general fill is \$33,000.

An additional item was noted in the site visit. The lake depth upstream of the spillway is relatively shallow - 1 to 2 feet deep near spillway and gradually sloping down toward the lake. Rock removal in this area is recommended for increased flow over the labyrinth spillway. Rock removal can be done while the lake is lowered for construction.

## 1. Introduction

Following the completion of the Planning Report for the Apple Canyon Lake spillway, the Property Owners Association (POA) authorized further investigation into the proposed project to construct a new labyrinth spillway. The areas of investigation are as follows.

- Evaluation of the flow in the channel downstream of the waterfall
- County and State regulatory requirements for spillway replacement
- Removal of rock for the spillway (Report by Rubino Engineering included)
  - Impact of rock removal methods on the dam
  - Recommendations on rock removal methods
  - Geotechnical aspects of the rock removal for the proposed spillway
- Cost Opinion to raise the crest of the dam to be level

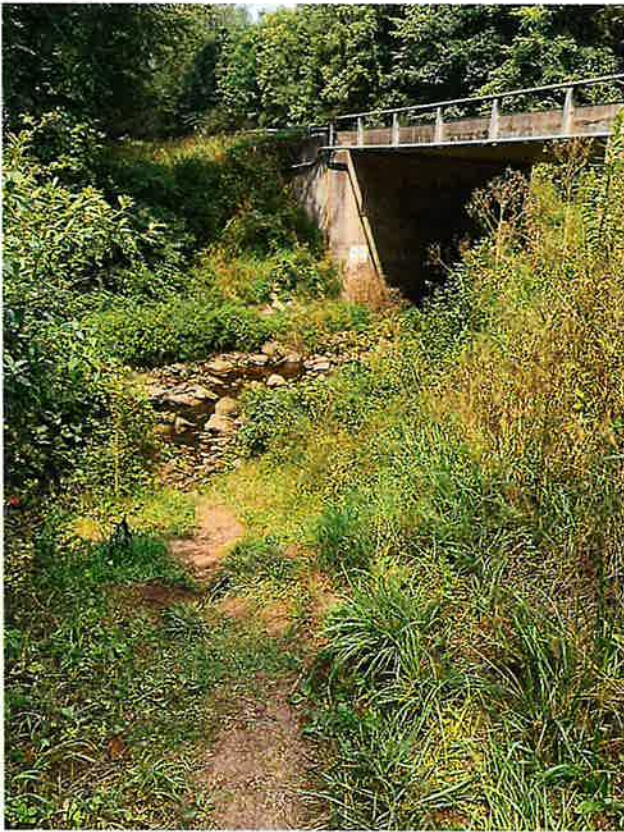
## 2. Hydraulic Analysis of Downstream Channel

The proposed labyrinth spillway will release water from Apple Canyon Lake at a higher rate than the existing spillway will for the same rainfall event across the watershed. The concern is whether the channel downstream of the waterfall has adequate flow capacity or if additional rock removal from the channel will be needed.



View upstream of  
bridge on South  
Apple Canyon  
Lake Road





Channel downstream of bridge  
on South Apple Canyon Road

The channel downstream of the waterfall was analyzed hydraulically from the waterfall to 300 feet downstream of the bridge. The channel was field surveyed to develop cross sections. The HEC-RAS hydraulic software developed by the U.S. Army Corps of Engineers was utilized for calculations. The following information was input to the computer model:

- Ten cross sections of the channel
- Dimensions of the bridge opening under South Apple Canyon Road
- Peak flow rates for four storm events taken from the Planning Report
  - 100-year flood with existing spillway – Flow 2,827 cfs
  - 100-year flood with proposed labyrinth spillway - Flow 5,026 cfs
  - 30% of the Probable Maximum Flood (PMF) – Flow 6,926 cfs
  - 60% of the Probable Maximum Flood – Flow 14,407 cfs
- Estimation of the channel roughness factor (n value)

The Planning Report prepared in June 2020 includes two alternatives for the proposed spillway. Alternative No. 1 is a labyrinth spillway and channel capable of handling a flood of 30% of the PMF without overtopping the dam. Alternative No. 2 is a labyrinth spillway and channel capable of handling a flood of 60% of the PMF without overtopping the dam. The 60% PMF flood is the current requirement of the IDNR regulations for existing dams with High Hazard downstream .

The results of the hydraulic analysis are summarized as follows.



- For the 100-year flood, the water level under the South Apple Canyon Road bridge will be 3 feet higher with the labyrinth spillway than with the existing spillway.
- For Alternative No. 1 with the 30% PMF flood, the peak water level will be 9 feet below the underside of the bridge deck. The bridge will not be overtopped in this flood scenario.
- For Alternative No. 2 with the 60% PMF flood, the peak water level will be 2 feet below the underside of the bridge deck. The bridge will not be overtopped in this flood scenario.

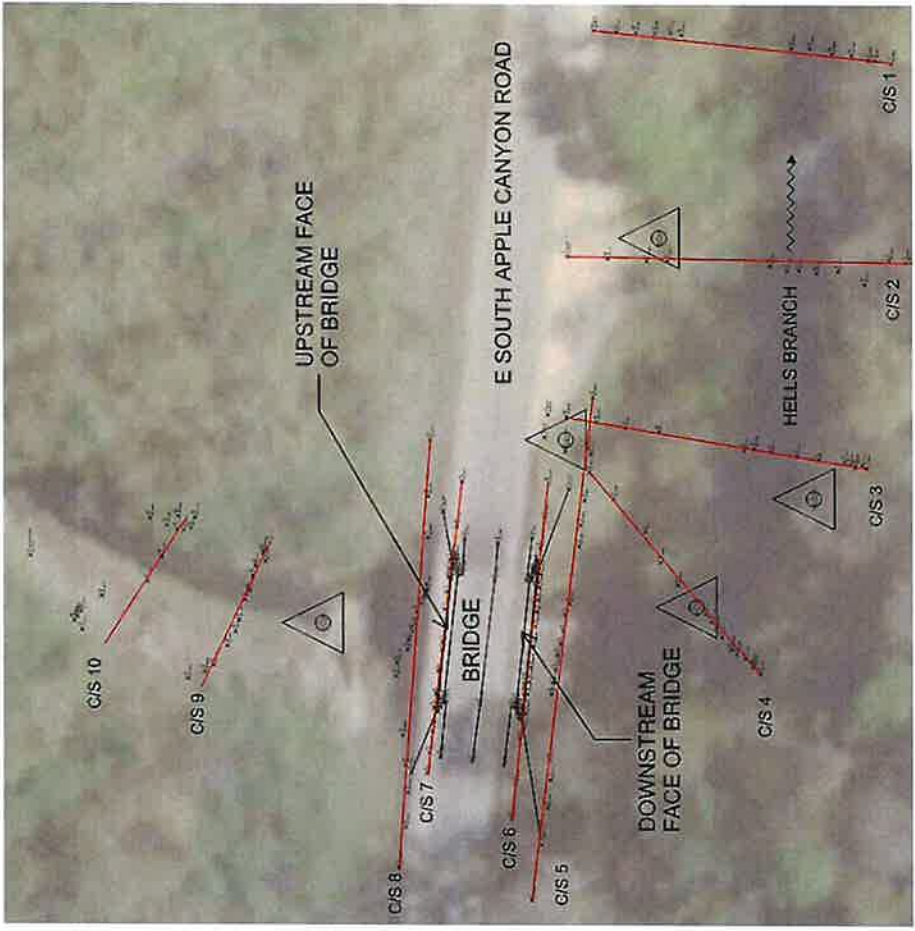
The results of the hydraulic analysis are presented in Exhibits 1 – 5. Exhibit 1 shows the location of the cross sections of the downstream channel. Exhibit 2 shows the peak water surface profile of the four flood events. The peak water surface is defined as the highest water level predicted during the flood event. Exhibits 3 – 5 show the peak water levels in the downstream channel at three cross sections: between the bridge and the waterfall; at the upstream side of the bridge; and 200 feet downstream of the bridge.

The flow in the downstream channel between the waterfall and 300 feet downstream of the bridge will not be backed up by flooding in Hells Branch Creek which is 700 feet east of the bridge. The conclusion was determined as follows. First, the flow through the downstream channel is in critical flow stage at the end which means that the water surface profile is not affected by the downstream water levels based on principles of open channel hydraulics.

Second, the report prepared by IDOT in November 1983 (Hydrologic, Hydraulic and Dam Breach Analysis for Apple Canyon Lake Dam Jo Daviess County) shows a peak water level of El. 728 in Hells Branch Creek on the downstream side of the dam for the 100% PMF flood with no dam breach. The water level El. 728 is 7 feet lower than the water level in the downstream channel analyzed for this report for the 60% PMF. Therefore, the water level in Hells Branch Creek will not cause a backwater effect on the flow in the downstream channel.

The higher flow rates from the labyrinth spillway may result in overtopping of South Apple Canyon Road for a certain range of flood events which would not have overtopped the road with the existing spillway.

	
APPLE CANYON LAKE PROPERTY OWNERS ASSOCIATION 	
APPLE RIVER, ILLINOIS	
MARK	DATE / DESCRIPTION
PROJECT NO.	1800344-1
CAD DWG FILE	
DESIGNED BY:	
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### *Rock Removal in Downstream Channel*

The increased flow rates in the downstream channel raise the question of whether the downstream channel should be widened by removal of rock along the channel. The higher flow rates will result in higher velocities under the bridge and in the channel.

The hydraulic analysis shows that the velocities through the bridge opening will be between 13 and 16 feet per second (fps) for the 100-year flood. The velocities will be between 21 and 23 fps for the design flood of 60% PMF. The velocities in the channel upstream and downstream of the bridge are lower because the channel is wider than the bridge.

The rock surfaces of the channel will be able to withstand the higher velocities. The higher velocities may result in movement of the loose rocks on the bottom of the channel and erosion of the earth banks of the channel downstream of the bridge.

The channel and bridge do not need to be widened in our opinion because they are capable of passing the discharge flows without overtopping the bridge. Furthermore, the flood events analyzed herein are extremely rare events. Roadway bridges and drainage channels for counties and townships in Illinois are typically designed for floods equal to or smaller than the 100-year frequency flood.

The bridge plans dated 1969 show that the bridge foundation is in a trench excavated into the native rock. The bottom of the foundation is 2 to 4 feet below the creek bottom. The condition around the bridge foundation should be checked after major flood events for undermining of the bridge.

During the site visit on August 6, 2021, a Thompson Township employee mentioned that the riprap on the upstream side of the bridge base has been replenished following a few high flow events in the past. It is recommended that larger riprap pieces be placed at the base of the bridge to prevent scour during future floods.

### **3. Downstream Flooding Hazard - Regulatory Requirements**

The replacement of the existing spillway with a labyrinth spillway will require governmental permits from Illinois Department of Natural Resources (IDNR) and from Jo Daviess County. One concern raised about the new spillway is that the discharges downstream will be greater than the existing spillway for the same storm across the watershed.

The question of increased discharge was presented to IDNR Division of Water Resource Management who issues the construction permits for dams. IDNR stated that increased discharge does not violate any provision of the regulations that apply to the project. IDNR regulations have a primary intent to protect the dam from overtopping and being breached. The dam does not meet current IDNR regulations because the dam was constructed before the regulations were enacted. The proposed

spillway Alternative No. 2 would bring the dam into compliance with current state regulations which have changed since the dam was constructed. IDNR commented that local floodplain regulations would apply also.

Although the flow in Hell's Branch Creek will increase if the spillway is replaced, the peak flow rate from the new spillway will be less than would occur if the dam did not exist. The lake detains the natural flooding surge which reduces peak flows and water levels downstream of the dam.

The spillway project construction will be regulated by Jo Daviess County ordinance Title 10 Flood Control, Section 10-1-6: Preventing Increased Flood Heights and Resulting Damages. The Jo Daviess County Engineer stated that a county construction permit would be issued if the IDNR issues a construction permit. The response agrees with the wording in Paragraph B.1 of the county ordinance.

#### **4. Raising the Dam Crest**

It is recommended to add earth fill to make the crest of the dam level at El. 807.81. The raising of the crest will increase the freeboard above the lake level for all flood scenarios because freeboard is defined as the vertical difference between the water level and the lowest point on the crest of the dam. The east end of the dam crest is 1.05 feet lower in elevation than the west end of the dam based on the survey of the four control points on the crest. It is not known why the crest of the dam is not level from end to end.

There are two options to raising the crest of the dam.

##### **Option 1**

Remove vegetation and roots. Place compacted clay fill up to El. 807.81 for the full length of the dam. The dam will be considered capable of retaining water to the crest elevation if the fill is placed in accordance with IDNR requirements for an earthen dam. The estimate includes adding riprap to the upstream side of the fill. A construction permit will be required from IDNR for Option 1.

The total project cost opinion for Option 1 is \$44,000 in Table 1. The delivery cost of the clay fill in Option 1 is based on a quotation from Stagecoach Trails Limestone quarry located northeasterly of Apple Canyon Lake.

##### **Option 2**

Remove vegetation and roots. Place lightly compacted general dirt fill up to El. 807.81. The material would not be considered capable of retaining water. The top of dam will be considered to be the lowest point of the existing crest at El. 806.76. The estimate includes adding riprap to the upstream side of the fill. It is unknown at this time if IDNR will require a construction permit for Option 2 based on communication with IDNR about the matter.

The total project cost opinion for Option 2 is \$33,000 in Table 2. The delivery cost of the general dirt fill in Option 2 earth is based on a quotation from the Helm Group quarry located southwest of the Apple Canyon Lake.

Option 1 is recommended because the peak water level of Apple Canyon Lake for the design flood of 60% PMF is El. 807.7 which is 0.1 foot below the crest in Option 1. The dam will have less freeboard than recommended by IDNR but would be capable of retaining the peak water level of the design flood.

**Table 1**  
**Apple Canyon Lake Dam**  
**Option 1 - Raise the Dam Crest with Compacted Clay**

**OPINION OF PROJECT COST**

	Quantity	Unit	Unit Price	Amount
Mobilization				\$ 3,000
Strip 3" topsoil & vegetation	111	C.Y.	11.90	\$ 1,320
Haul away topsoil	111	C.Y.	5.44	\$ 603
Loosen soil disk	1685	S.Y.	1.15	\$ 1,938
Clay fill delivered to site	380	C.Y.	\$16.50	\$ 6,272
Spread soil	380	C.Y.	11.90	\$ 4,525
Compact soil	380	C.Y.	2.15	\$ 817
Soil testing in lab		L.S.		\$ 1,000
Soil testing on site		L.S.		\$ 1,500
Filter Fabric	140	S.Y.	2.30	\$ 323
Riprap on upstream face	140	S.Y.	36.23	\$ 5,087
Fertilize & seed	0.35	acre	1,810	\$ 630
<b>Total Construction Cost</b>				<b>\$ 25,000</b>
Geotechnical Engineering				\$ 1,500
Field Survey				\$ 4,000
Prepare Request for Construction Proposal				\$ 5,000
IDNR Permit Application & Response				\$ 2,000
Construction Observation (3 days part time)				\$ 3,000
Reset Four Survey Monuments on Crest				\$ 3,000
<b>Total Non-construction Cost</b>				<b>\$ 18,500</b>
<b>Total Project Cost</b>				<b>\$ 44,000</b>

**Table 2**  
**Apple Canyon Lake Dam**  
**Option 2 - Raise the Dam Crest with General Fill**

**OPINION OF PROJECT COST**

	Quantity	Unit	Unit Price	Amount
Mobilization				\$ 3,000
Strip 3" topsoil & vegetation	0	C.Y.	-	\$ -
Haul away topsoil	0	C.Y.	-	\$ -
Loosen soil disk	1685	S.Y.	1.15	\$ 1,938
General fill delivered to site	269	C.Y.	13.61	\$ 3,665
Spread soil	269	C.Y.	11.90	\$ 3,205
Compact soil		C.Y.		\$ -
Soil testing in lab		L.S.		\$ -
Soil testing on site		L.S.		\$ -
Filter Fabric	140	S.Y.	2.30	\$ 323
Riprap on upstream face	140	S.Y.	36.23	\$ 5,087
Fertilize & seed	0.35	acre	1,810.12	\$ 630
<b>Total Construction Cost</b>				<b>\$ 15,000</b>
Geotechnical Engineering				\$ 1,500
Field Survey				\$ 4,000
Prepare Request for Construction Proposal				\$ 5,000
IDNR Permit Application & Response				\$ 2,000
Construction Observation (2 days part time)				\$ 2,000
Reset Four Survey Monuments on Crest				\$ 3,000
<b>Total Non-construction Cost</b>				<b>\$ 17,500</b>
<b>Total Project Cost</b>				<b>\$ 33,000</b>

**GEOTECHNICAL ENGINEERING REPORT BY RUBINO ENGINEERING IS ON THE FOLLOWING PAGES**

## PROJECT UNDERSTANDING - DAM HISTORY

The purpose of this geotechnical report is to discuss rock removal for the spillway channel, raising the Dam crest, and potential impacts on the Dam itself.

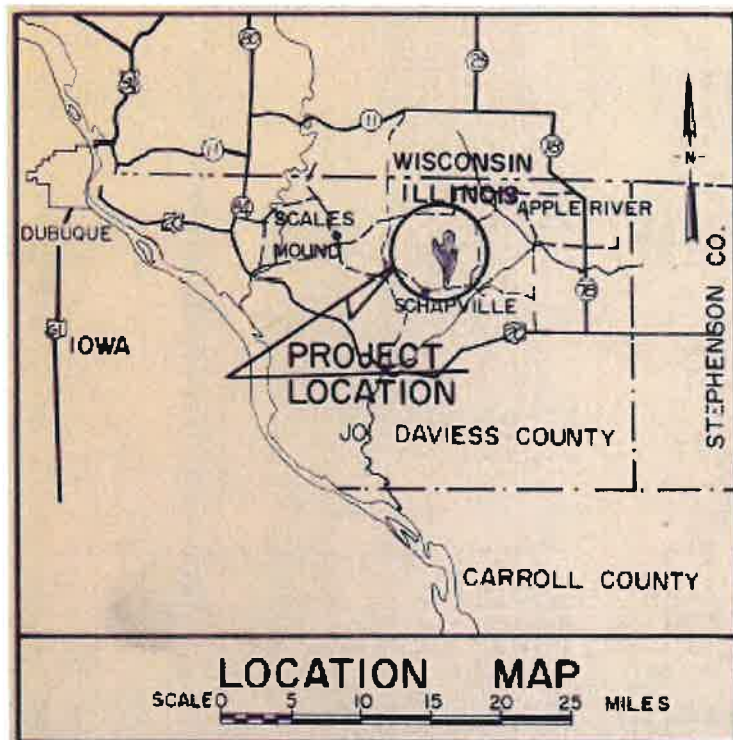
Mr. Ted LaBelle, P.E. with Crawford Murphy & Tilly (CMT) provided the project information to PSI through multiple emails from December 15, 2020 through January 27, 2021. Attached to the emails, PSI received the following documents which were then passed on to Rubino.

- Apple Canyon Lake Dam and Spillway Planning Report by CMT dated June 2020
- Apple Canyon Lake Dam and Spillway Construction Plans with completed soil borings at the Dam and Lake site, prepared by Bauer Engineering, Inc. dated April 1969
- Army Corp of Engineering Inspection Report dated July 1978
- Apple Canyon Lake Dam and Spillway Phase-II investigation Report by Hanson Engineering Inc. dated 10/1/1982

Based on the provided information, Rubino and PSI Intertek understand that the Apple Canyon Lake Dam is an 80-foot high and 1,100 feet in length, earth and rock fill Dam. The Dam was constructed during 1969 and was classified as the "high hazard potential", intermediate size Dam under Illinois Department of Natural Resources (IDNR) regulations.

The Dam is owned by Apple Canyon Lake Property Owner's Association and the reservoir is used by the Association members for recreational purposes. The appurtenant work consists of a concrete broad-crested weir chute spillway cut in rock and discharging into a vertical drop plunge pool located at the right abutment and a steel-lined concrete conduit outlet works located at the approximate midpoint of the Dam. The weir is a concrete wall with overall length of 95.7

feet long and height of 4 feet. The crest of the wall has an elevation 800.00 for a length of 82 feet and a low flow notch at elevation 799.42 for a length of 13.7 feet long. The spillway channel is a combination of natural rock floor and walls, followed by concrete floor and walls.



**Apple Canyon Lake has reportedly experienced three unusually high flood levels since 2010 with the highest level occurring in July 2017. The peak water level was within 1 to 2 feet of the top of the Dam according to information from Apple Canyon Lake Property Owners Association (ACLPOA).**

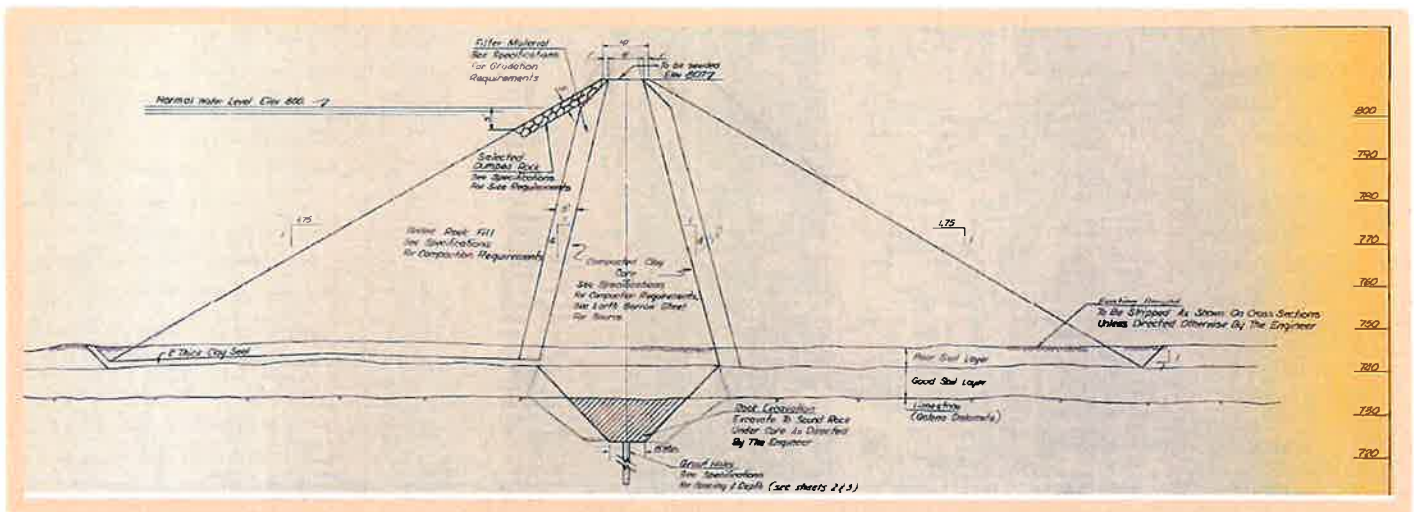
Photo: Panoramic View



Based on recently completed planning report by CMT, it was discussed that if water had over topped the Dam, erosion of the Dam could have occurred with the risk of washing out and breaching the Dam. Such an occurrence would have been more detrimental than the property damage which occurred around the lake. A report titled Flood Mitigation Investigation Summary was prepared in June 2019 with options to reduce peak lake levels during flood events. This Planning Report provides additional alternatives to consider which will result in lower peak lake levels for the same flood events. The results of flood modeling of the existing spillway and proposed changes to the spillway are presented in the June 2019 report to demonstrate the changes that would occur for various degrees of flooding.

### PROJECT UNDERSTANDING - PLANNING PHASE

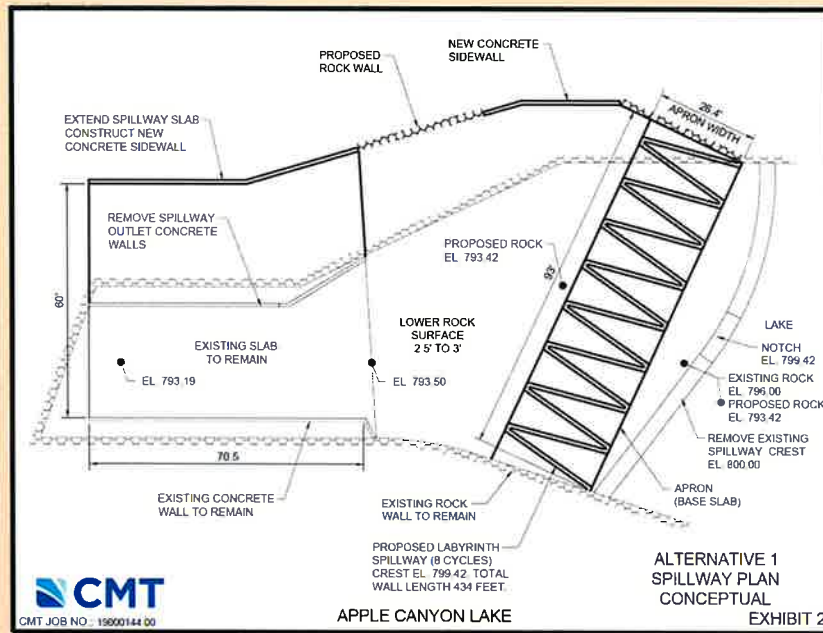
Rubino and PSI Intertek understand that CMT is in the planning phase and proposing two spillway alternatives to increase the discharge capacity, and these alternatives are discussed below:



↑ Typical Section of Dam ↑

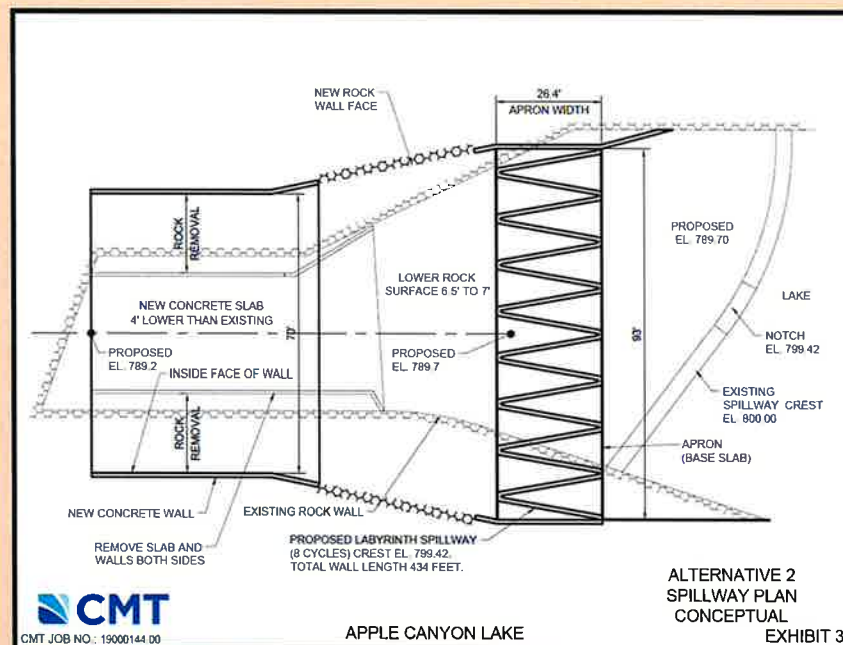


**Alternative No. 1** is a labyrinth spillway with a total wall length of 434 feet, overall length of 93 feet and height of 6 feet. The existing spillway channel will be widened from 28 feet to 60 feet and extending primarily into the north-western bank of the existing rock cut. The channel floor would potentially remain at the same elevation.



↑ Alternative 1, Proposed by CMT ↑

**Alternative No. 2** is a labyrinth spillway with a total wall length of 434 feet, overall length of 93 feet and height of 10 feet. The spillway channel will be widened from 28 feet to 70 feet on both the south-eastern and north-western sides of the existing channel and lowered by 4 feet.



↑ Alternative 2, Proposed by CMT ↑



**SITE VISIT SUMMARY – DECEMBER 3, 2021**

On December 3, 2021, Michelle Lipinski of Rubino Engineering and Kevin Miller of PSI Intertek met with Ted LaBelle of CMT and Sean Nordlie of the Apple Canyon Dam POA at the Apple Canyon Dam site in Jo Daviess County near Woodbine, Illinois.

The purpose of the meeting was to visually observe the dam and spillway to make geotechnical recommendations to aid in future improvements to the dam. Future improvements could include:

- Adding fill to restore the original design elevations of the dam
- Widening the concrete mouth of the spillway to increase the hydraulic flow capacity of the existing spillway.

Soil was sampled at the crest of the dam and taken back to Rubino’s laboratory with the following results:

<b>Rubino Project No. G21.236</b>			
<b>Apple Canyon Lake Dam – Jo Daviess County, Illinois</b>			
Sample Location	West End	Middle	East End
Atterberg Results	LL: 41 PL: 25 PI: 16	---	---
Loss on Ignition (Organic Content)	3 %	3 %	3 %
Moisture Content	13 %	19 %	21 %
Visual Classification	Brown Clayey Sand with gravel	Brown Silty Clay	Brown Silty Clay



Photo: Downstream Face of Dam looking NW



Spillway Wall Options and on-site discussions:

- Widening the existing spillway channel at least an additional 10 feet is anticipated.
- Lowering the channel floor by 0 - 3 feet (Alternative #1) or by 4 to 7 feet (Alternative #2)
- Freeze/Thaw cycles as well as roots that are growing through natural jointing and layering of the existing rock wall may have resulted in the loosening up of the surficial rock. Weathering of the rock should make first 2-3 feet of rock excavation easier.







The POA Board members have voiced concern for the potential degradation of the integrity of the Dam as a result of rock removal in the spillway. Removal of rock in the existing spillway could potentially impact the Dam in the following ways:

- The excavation processes could fragment the rock in the vicinity of the rock/dam embankment contact area, increasing potential seepage
- The excavation process could induce vibration which could result in additional settlement of the existing dam embankment
- The excavation of rock could reduce overburden on the rock in the spillway channel which could cause existing fractures and layers to open up and cause an increase in seepage.

Typically, rock excavation is executed with equipment that has sufficient power to bend and break rock material. Hydraulic Rams can be used to break rock with high impact point loads. Rock Excavators can be used to break rock with their high strength teeth, shovels, and hydraulic breakout pressures. Controlled Blasting is a viable alternative to using an excavator.

With either the machine excavator or blasting method, the embankment of the existing dam can be isolated from vibrations and expanding fractures by using a technique known as pre-splitting. This technique involves a straight row of tightly spaced holes (typically 2 feet on center) located between the embankment dam and the rock excavation work. If the option is selected to widen the rock face to the Southeast, the presplit line may be shot with a light load to create a crack along the pre-split alignment. This produces a smoother rock face, but also creates a plane fracture that mitigates fractures and vibrations from being transmitted through the pre-split zone. The same pre-split zone can be used to mitigate machine-induced vibrations to avoid impacting the embankment dam.

As discussed later in this report, in blasting, the primary control will be in limiting the amount of explosive per delay. Controlled blastings will require planned drilling depths, spacing of holes, and planning sequences of delays to successfully remove the rock with limited overbreaking and minimal ground vibrations. The blast or rock excavation plan can include ground vibration monitoring to document actual motion in the dam embankment and pipe structures. Therefore, the rock excavation should be able to be completed with minimal and controlled ground vibration and fracture control.



- Removal or repair of existing concrete training walls appears to be needed (Distress on the southeastern training wall needs some repair (see photo above))
- Shot Crete can be applied on the exposed rock walls instead of constructing a higher concrete training wall to create a combination of formed training walls and higher anchored shotcrete walls
- Fixing cracks in the rock face down stream of the waterfall is not necessary. Noted in the on-site meeting is that there is desire by the residents to retain the drop high wall at the downstream end of the rock cut spillway.

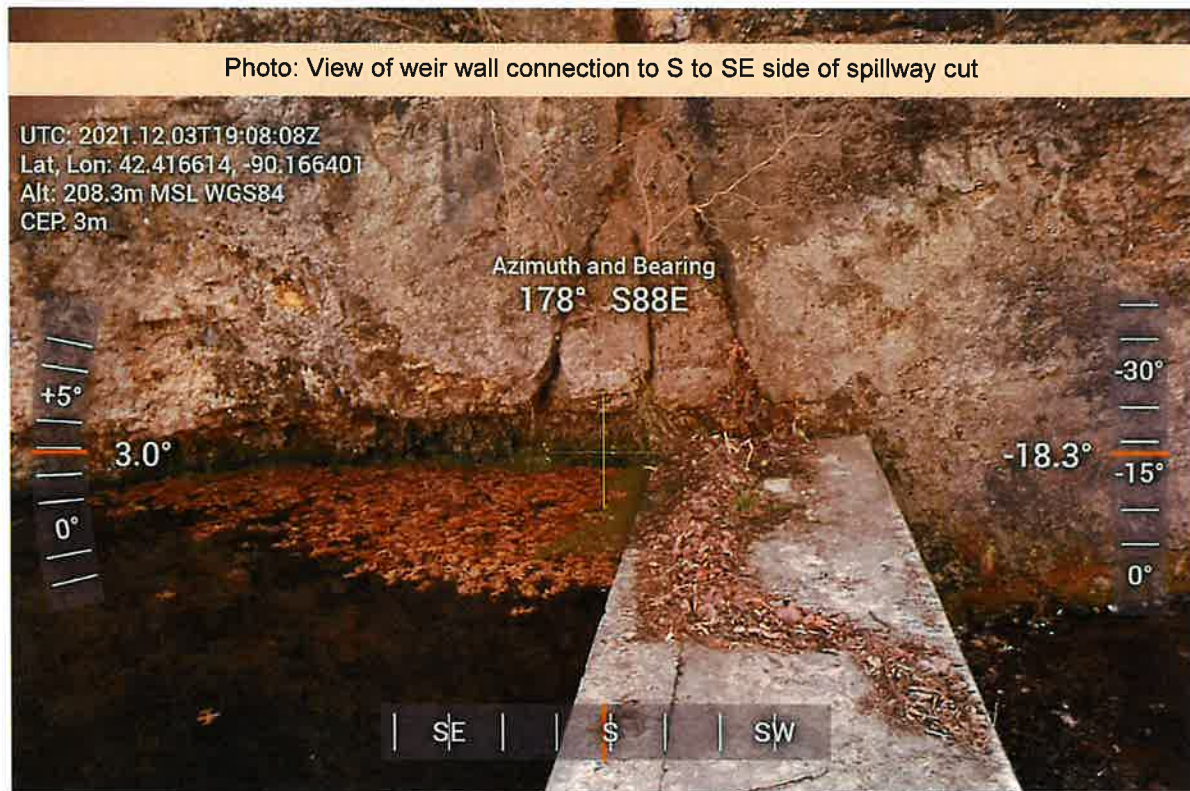


Photo: View of Plunge Pool below existing spillway discharge point



- CMT is considering a Labyrinth spillway to lengthen the weir length of the spillway to increase the outflow and reduce the head fluctuation in the pool during storm events. NOTE: shallow water depth within the reservoir upstream of the proposed labyrinth spillway can cause some inefficiencies in the spillway.
- During transport to the spillway, it was observed that the rock in front of the spillway was very shallow. It may be necessary to excavate a sloping channel into the approach to the spillway control section to improve the hydraulic characteristic of the spillway. A shallow approach could substantially reduce the flow capacity of the spillway.
- Rock removal in the approach channel can be considered in the design phase in order to improve the hydraulic deficiency.







- The current lake drain, which consists of a pressurized, lined, cylinder concrete pipe, has a valve on the downstream end that maintains a full reservoir head pressure throughout the pipe penetrating the earthen embankment. It is anticipated that this pressure head in the lake drain may be as high as 35 to 40 psi.

Estimate of how the spillway was constructed:

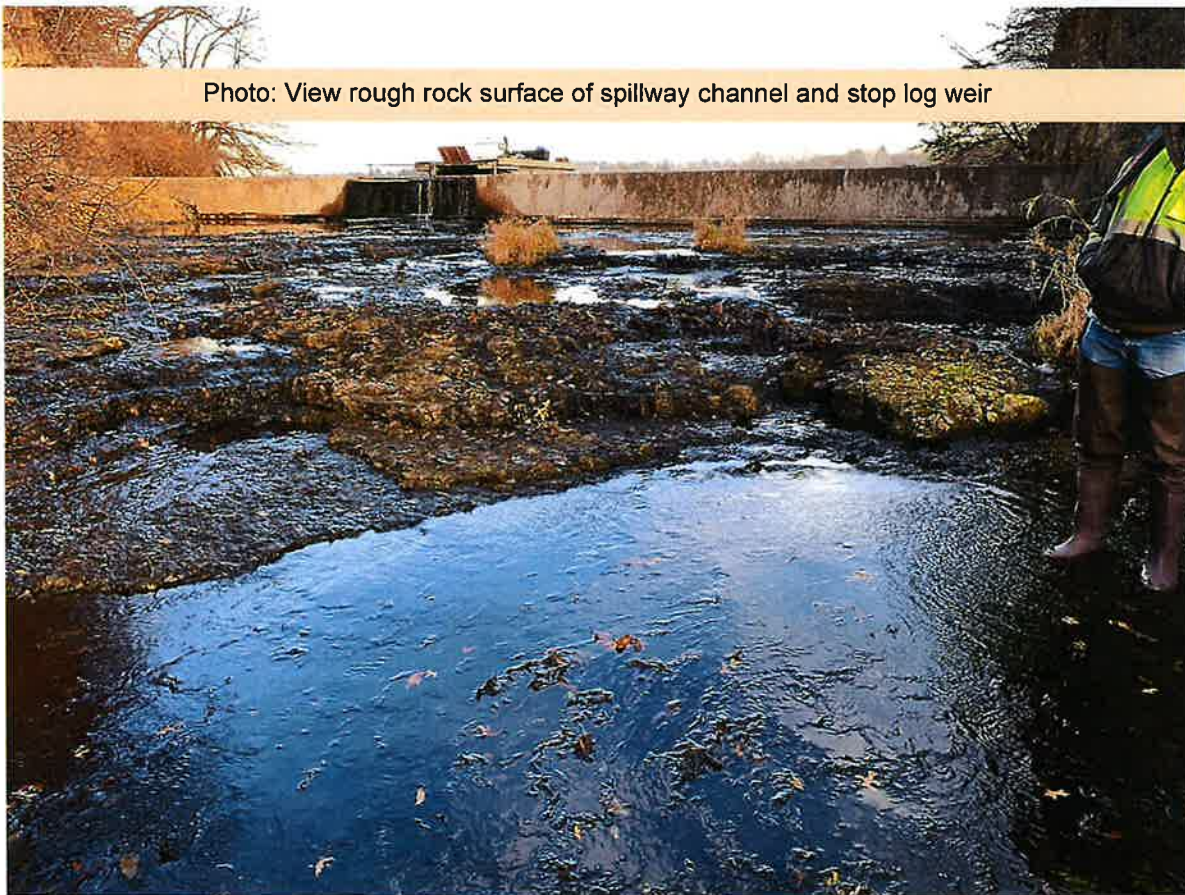
It appears that the rock channel was excavated to its current configuration with either conventional rock excavation equipment or may have been blasted. Once the channel was excavated it appears that a concrete weir was installed near the upstream edge of the spillway to control the pool of the reservoir with a notch to control low flow conditions. The weir wall was reported to have been widened at some later time. The water down stream of the concrete weir wall traverses a rock channel until it engages wing wall and training walls downstream of the control weir. The wing walls are connected to the highwalls at different lengths from the weir wall. The training walls then appear to focus the discharge through a concrete lined pathway that ends with pinch walls before dumping into the overflow high wall. It was reported by Shaun Nordlie, General Manager, that extreme flows during historical events had overtopped the training walls in the spillway. Evidence of erosion above the wall and along the outside edges of the spillway appeared to confirm the overtopping. A HEC-RAS analysis run by CMT has demonstrated the need for a wider and possible deeper channel to route the currently required design storm event safely through the spillway channel.



Photo: NW view of spillway discharge and overtopping erosion



Photo: View rough rock surface of spillway channel and stop log weir





### Estimate of Spillway adjustment / Hydraulic needs

Discussions on the adjustment to improve the flow capacity of the spillway included the following items:

- Determine the extent of widening the spillway channel.
- Creating training walls at a wider width that would convey up to a specific storm (such as the 100-year storm or greater) within the training walls and provide erosion protection above that level with an anchored shotcrete wall on the exposed rock surface to an elevation required to route the maximum design storm.
- Limited discussion was held on staging the size of the spillway and whether or not there was a possibility of utilizing the existing walls and adding wider wall widths above that. These options would likely require widening in both directions.
- The current spillway configuration has multiple convergence points that are not particularly symmetric, which can be improved upon to increase the flow of water throughout the channel.
- During future construction excess excavated rock can be "placed" in the pool area of the highwall below the current discharge point of the spillway.
- Discussions were held concerning the labyrinth spillway having secondary gates in for drawdown, but having a lake drain likely negates the need for that.

## ROCK BLASTING DISCUSSION

Discussions were held on the potential methods of rock excavations. It is believed that much of the excavation can be performed with conventional rock removal equipment such as a backhoe with a rock ram attachment. Blasting was discussed and that also is a viable excavation technique. Ground vibrations will be controlled by how much blasting agent is set off per delay with breakage controlled by spacing of blastholes, depth of overdrilling, and pre-drilling/pre-splitting defined limits to the spillway expansion in the rock. Blast monitoring would be performed to document actual vibrations experienced by the dam and other defined structures.

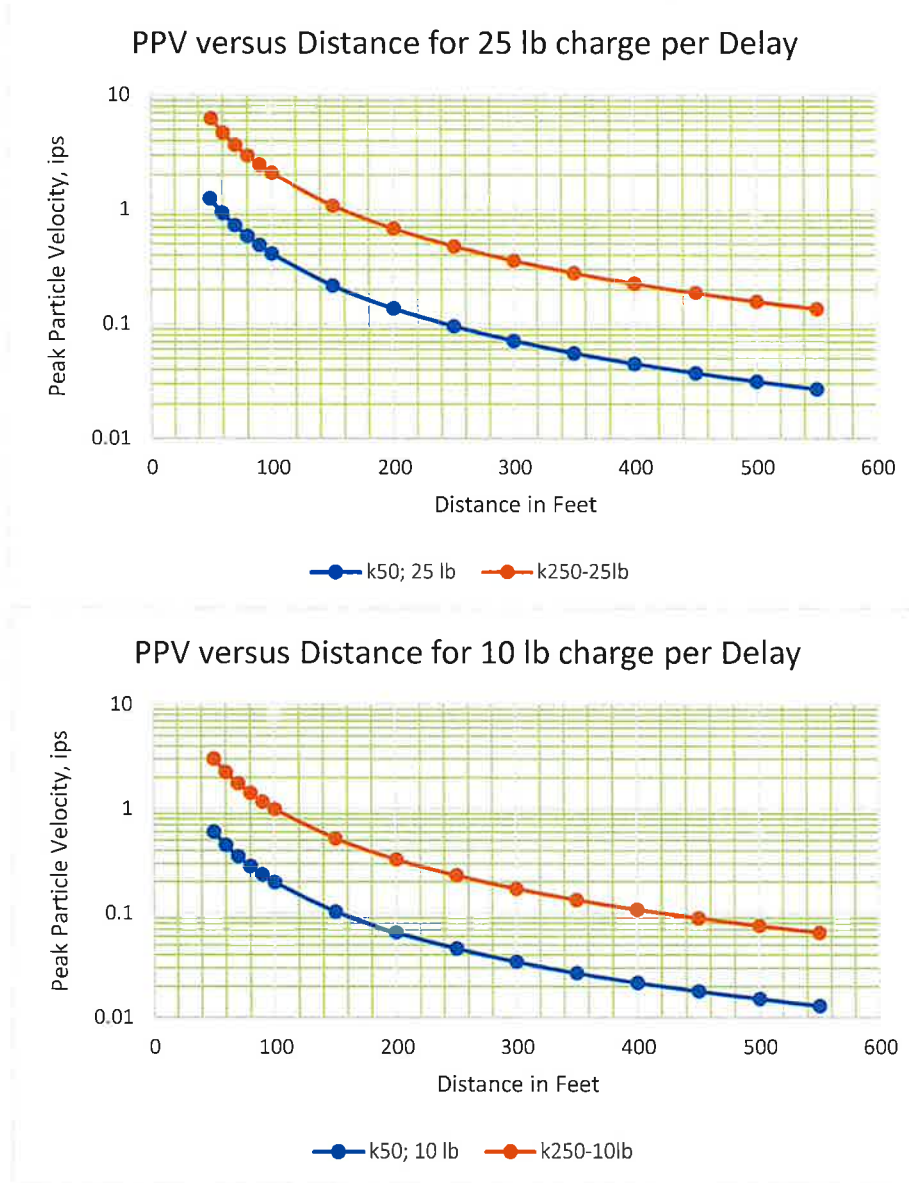
Based on the CalTrans Manual on transportation and construction generated ground vibrations, the prediction of blast vibrations uses a scaling method that is based on the energy released, the distance to the blast and the relationship between then variables at a specific site. Square-root scaled distance is a scale that divides the distance from the point of interest to the blast by the square root of the largest charge weight detonated on one delay period. Explosives detonating within any given 8-millisecond time period are typically counted as having been detonated on the same delay. One of the more commonly accepted blast vibration prediction curves in use today were developed by Lewis L. Oriard and are based on data collected from a large number of blasts in various geological settings.

Using Oriard's basic formula for calculating peak particle velocity (PPV) attenuation with distance:

$$PPV = K * (D_s)^{-1.6}$$

$$\text{where } D_s = (\text{distance from blast}) / \sqrt{\text{charge weight in pounds}}$$

K would be developed for this site based on the physical information obtained for the rock units, but would be expected to be in a range between 50 and 250. Typically, we would target to keep the PPV below 0.5 inch per second. Using these relationships the following curves show what the expect range of Peak Particle Velocity (PPV) would be expected per delayed blast of a specific weight of charge over a distance from the charge:



The blasting contractor would then determine the depth of rock to be removed and prepare a blast spacing based on the depth and diameter of the blasthole. Typically, these blastholes will be drilled 30 to 50% deeper than the desired depth of removal with the charge initiated at the depth of removal. Based on the pattern of the blasthole and loading factors, this would determine how many blastholes could be placed on a delay and have the anticipated vibration PPV shown on the above charts.

This work could also be performed with rock excavation equipment. Rock excavators with buckets designed for rock excavation combined with hydraulic rock breaking rams can be used in this type of rock excavation. As in the blasting option, Rubino would likely recommend a pre-splitting technique to limit the extent of the rock breakage and give a more defined surface to the rock excavation. The technique chosen is typically part of the contract bidding process and allows the contractor to bid with the technique that they are most comfortable with and thereby the more economical choice.

To provide contractors with the information for them to provide an economical rock excavation estimate, Rubino would need to explore the rock unit near the spillway channel. A rock core on the northern side of the channel, if accessible, could provide a continuous core of the units that would need to be excavated. If

slope is too large for vehicle access, a rock core maybe taken adjacent to the removal area in an area with the same or similar surface elevation. The type, density, RQD and unconfined compressive strength would provide the contractors with the information they need to develop an excavation plan. It may also be possible to perform a core on the southern side of the spillway which would be closer to the dam structure, but it may not extend high enough to define the rock units on the northern side to be excavated. Based on the option chosen for the shape of the dam and accessibility, the northern side may be the best side to explore. Furthermore, Alternative #2 would involve the widening of both sides of the channel so if this option is desired, Rubino recommends that two borings/rock cores are taken (one on the south and one on the north side of the spillway).

#### RECOMMENDATIONS FOR ADDITIONAL TESTING / CONSTRUCTION PHASE

Rubino also plans to explore the existing dam to assist in the leveling of the crest of the dam to the design elevation. Additional exploration borings would be performed to evaluate the embankment's ability to resist rock removal for the spillway and to gather data for a slope stability analysis (if IDNR requires one or if the Owner requests one). Rubino plans to perform conventional geotechnical exploration borings with SPT testing and Shelby tube samples combined with CPT probes of the clay core materials. The CPT will provide an insitu shear strength measurement of the in-place soils and allow our geotechnical evaluation of proposed configuration changes to the shell of the dam. Both the conventional and CPT probes will be used in the evaluation of the dam. It should be noted that during the exploration of the dam embankment, it would be a good time to place instrumentation in the dam to measure the phreatic (water) surface that exists in the dam. This type of instrumentation can be installed in a conventional exploration borehole if desired by the Owner or State Agency.

Possible Contractors: Contractors to perform this work will likely come out of eastern Iowa. Rubino and PSI can be of assistance in the location of potential bidders for this work if needed.

# Apple Canyon Lake Dam and Spillway Planning Report Jo Daviess County Illinois

June 2020



Crawford, Murphy & Tilly

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Engineers and Consultants

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# APPLE CANYON LAKE DAM PLANNING REPORT

## Executive Summary

Apple Canyon Lake experienced a few unusually high lake levels during flood events since 2010.

Two alternatives are proposed to increase the capacity of the spillway and to increase the freeboard on the dam during major flood events. Both alternatives utilize a new spillway of a labyrinth style which will increase discharge from the lake for the same lake level compared to the existing spillway.

Alternative No. 1 is to construct a 6-foot tall labyrinth spillway with 434 feet of crest length and to widen the existing spillway channel. Alternative No. 2 is to construct a 10-foot tall labyrinth spillway with 434 of crest length and to widen and deepen the spillway channel.

Alternative No. 1 will lower the peak water level of the 100-year storm by 2.5 feet. Alternative No. 1 will pass approximately 30% of the Probable Maximum Flood without overtopping the dam. Alternative No. 2 will lower the peak water level of the 100-year storm by 2.5 feet and will allow the spillway to pass 60% of the Probable Maximum Flood without overtopping the dam. Alternative No. 2 will result in compliance with current IDNR regulations for existing High Hazard Dams except that there will be near zero freeboard on the dam.

Two other improvements are recommended. One is to modify the top of the dam so that the crest is level. Currently one end of the dam is one foot lower than the other end. The second improvement is to install an electronic datalogger to automatically record the lake level.

The Preliminary Opinion of Project Cost for Alternative No. 1 is estimated to be in the range of \$710,000 to \$860,000. The Preliminary Opinion of Project Cost for Alternative No. 2 is estimated to be in the range of \$1,060,00 to \$1,230,000.

The downstream impact of higher peak flows which result from changes to the spillway are not presented in this report and should be further considered in future planning if ACLPOA moves forward with spillway improvements.

Alternative No. 2 with the new labyrinth spillway and wider, deeper spillway channel is recommended because the dam will meet current IDNR regulations for existing High Hazard Dams except that freeboard on the dam will be less than required.

## **1. Introduction**

Apple Canyon Lake dam and spillway were constructed about 50 years ago. Apple Canyon Lake has experienced three unusually high flood levels since 2010 with the highest level occurring in July 2017. The peak water level was within 1 to 2 feet of the top of the dam according to information from Apple Canyon Lake Property Owners Association (ACLPOA).

If water had run over the top of the dam, erosion of the dam could have occurred with the risk of washing out and breaching the dam. Such an occurrence would have been more detrimental than the property damage which occurred around the lake.

Apple Canyon Lake dam is classified as a High Hazard, Intermediate Size dam under Illinois Department of Natural Resources (IDNR) regulations.

A report titled Flood Mitigation Investigation Summary was prepared in June 2019 with options to reduce peak lake levels during flood events. This Planning Report provides additional alternatives to consider which will result in lower peak lake levels for the same flood events.

The results of flood modeling of the existing spillway and proposed changes to the spillway are presented in the report to demonstrate the changes that would occur for various degrees of flooding. The modeling utilizes recent aerial data for elevations around the lake and recently released rainfall projections from the Illinois State Water Survey.

If the spillway or dam is modified by ACLPOA, the Dam Safety Section of IDNR will consider it a major modification to the dam. A major modification will usually require that ACLPOA bring the facility into compliance with current regulations. One key issue will be meeting the current requirement for Total Spillway Design Flood for Apple Canyon Lake. This topic will be covered in the Planning Report.

Past reports and correspondence about the dam and spillway were obtained from the IDNR Dam Safety Section. ACLPOA provided the original construction plans for the dam and spillway as well as the Flood Mitigation Investigation Summary.

## **2. Available Documents and Information**

The following information about the dam and spillway was obtained from ACLPOA and IDNR Dam Safety Section and reviewed for the preparation of the Planning Report.

- Dam and Spillway Construction Drawings – Dated 1969



- Hydrologic and Hydraulic Analysis Reports
  - Phase 1 Inspection Report – July 1978 (Corps of Engineers)
  - Phase II Investigation – Apple Canyon Dam 1982 (Hanson Engineers)
  - Hydrologic, Hydraulic and Dam Breach Analysis for Apple Canyon Lake Dam - November 1983 (IDOT Div. of Water Resources)
- Correspondence and calculations for IDNR dam permit application
- Apple Canyon Lake - Watershed Based Management Plan 2016 (Jo Daviess County Soil and Water Conservation District)
- LiDAR contour mapping from State of Illinois

### 3. Flood Modeling

Computer modeling of floods is used to predict the peak lake water level for various rainfall events in the Apple Canyon watershed. The goal of the modeling for this study is to determine how much the peak water level can be lowered with spillway configurations that are different from the existing spillway if the storm is the same.

Flooding for Apple Canyon Lake was modeled with HEC-HMS software available from the Army Corps of Engineers. Input data to HEC-HMS software are the characteristics for Apple Canyon Lake such as the watershed, rainfall, lake volume and spillway. Results from the software are inflow to the lake, peak lake water level, discharge from the lake and other data.

The first step was to calibrate the new HEC-HMS model to the previous modeling done 40 years ago. The IDOT DWR Report (1983) contains the most thorough analysis of the watershed and lake parameters in comparison to the three previous reports available. IDOT used the HEC-1 software which is the predecessor to HEC-HMS. The calibration event is the 100-year frequency rainfall of 8.14 inches with a 24-hour duration. The rainfall event was based on Illinois State Water Survey Contract Report 253 dated May 1981 which utilized previous rainfall records from the period of 1887 to 1980.

After the model was calibrated, the next step was to input current rainfall projections to forecast peak lake levels during flooding. The two types of storms are as follows. The rainfall amounts for each type of storm are shown in Table 1.

- *100-Year Frequency Flood Event*  
Illinois State Water Survey Bulletin 75 dated March 2020 is the source of the 100-year rainfall data. Bulletin 75 is based on precipitation data from

1948 to 2017. The previous report (Flood Mitigation Investigation Summary) does not provide the rainfall amounts used in its analysis.

- Probable Maximum Precipitation*  
 The Probable Maximum Precipitation (PMP) from the Hydrometeorological Report 51 (by National Weather Service) is entered as input data. The PMP value used for the Planning Report is greater than used in the IDOT DWR Report (1983) possibly due to an adjustment presented in HMR 52 which refines PMP values from HMR 51. The Probably Maximum Flood (PMF) is the flood which results from the occurrence of the PMP.

Table 1 shows the percentage increase in rainfall from the prior reports to 2020

Table 1 – Rainfall Values for HEC-HMS Modeling at Apple Canyon Lake

RAINFALL EVENT	IDOT DWR REPORT (1983) BASED ON ISWS CONTRACT REPORT 253 (1981)	2020 RAINFALL PROJECTIONS ISWS BULLETIN 75	PERCENT INCREASE
100-YEAR FLOOD			
6 HOUR DURATION	5.64 inches	6.19 inches	10%
12 HOUR DURATION	6.74 inches	7.18 inches	7%
24 HOUR DURATION	8.14 inches	8.25 inches	1%
PROBABLE MAXIMUM PRECIPITATION			
24 HOUR DURATION	29.76 inches	31.12 inches	5%

The capacity of the lake is updated for this report in comparison to IDOT DWR Report (1983). The data is based on recent LiDAR aerial survey data from the State of Illinois with one-foot elevation contours. The IDOT DWR Report (1983) was based on USGS mapping dated from the mid-1970's with 20-foot contour intervals.

The watershed characteristics for the 15.2 square mile watershed were the same as in the IDOT DWR Report (1983). There appears to be little new development in the watershed since 1983 which would significantly alter the runoff from a storm event. The watershed was divided into multiple sub-basins similar to the approach in IDOT DWR Report (1983).

Two different spillway designs were entered into the HEC-HMS model. The spillway is described further in the following section of the report.

- Existing spillway weir as shown in the IDOT DWR Report
- Proposed labyrinth spillway

#### 4. Spillway

The existing spillway consists of weir wall, spillway channel and vertical drop from the end of the channel. The weir is a concrete wall with overall length of 95.7 feet long and height of 4 feet. The crest of the wall has an elevation 800.00 for a length of 82 feet and a low flow notch at elevation 799.42 for a length of 13.7 feet long. The spillway channel is a combination of natural rock floor and walls, followed by concrete floor and walls. The waterfall is a short distance downstream from the end of the concrete floor. A drawing of the existing spillway is shown as Exhibit 1.

The proposed spillway is a labyrinth spillway as shown conceptually on Exhibits 2 and 3. Labyrinth spillways have been used in the United States and around the world for many years to increase the discharge capacity. The Association of Dam Safety Officials organization estimates that 30% to 40% of projects that increase spillway capacity have installed labyrinth spillways. Photos of a labyrinth spillway at other locations are provided in Figures 1 and 2. A labyrinth spillway was recently installed for an expansion of Lake Winnebago in southwest Missouri. The lake surface area is similar to Apple Canyon Lake.

Two alternatives are proposed for the new labyrinth spillway.

- Alternative No. 1 is a labyrinth spillway with a total wall length of 434 feet, overall length of 93 feet and height of 6 feet. The spillway channel will be widened from 28 feet to 60 feet. The channel floor would remain at the same elevation.
- Alternative No. 2 is a labyrinth spillway with a total wall length of 434 feet, overall length of 93 feet and height of 10 feet. The spillway channel will be widened from 28 feet to 70 feet and lowered by 4 feet.

The labyrinth spillway has 8 cycles (8 points) from end to end. The proposed labyrinth spillway walls have an angle of 10 degrees to the flow direction. The angle of labyrinth spillways can range from 6 to 35 degrees. Seven different spillway angles and number of cycles were analyzed and evaluated before selecting the 10-degree weir for the Apple Canyon Lake spillway.

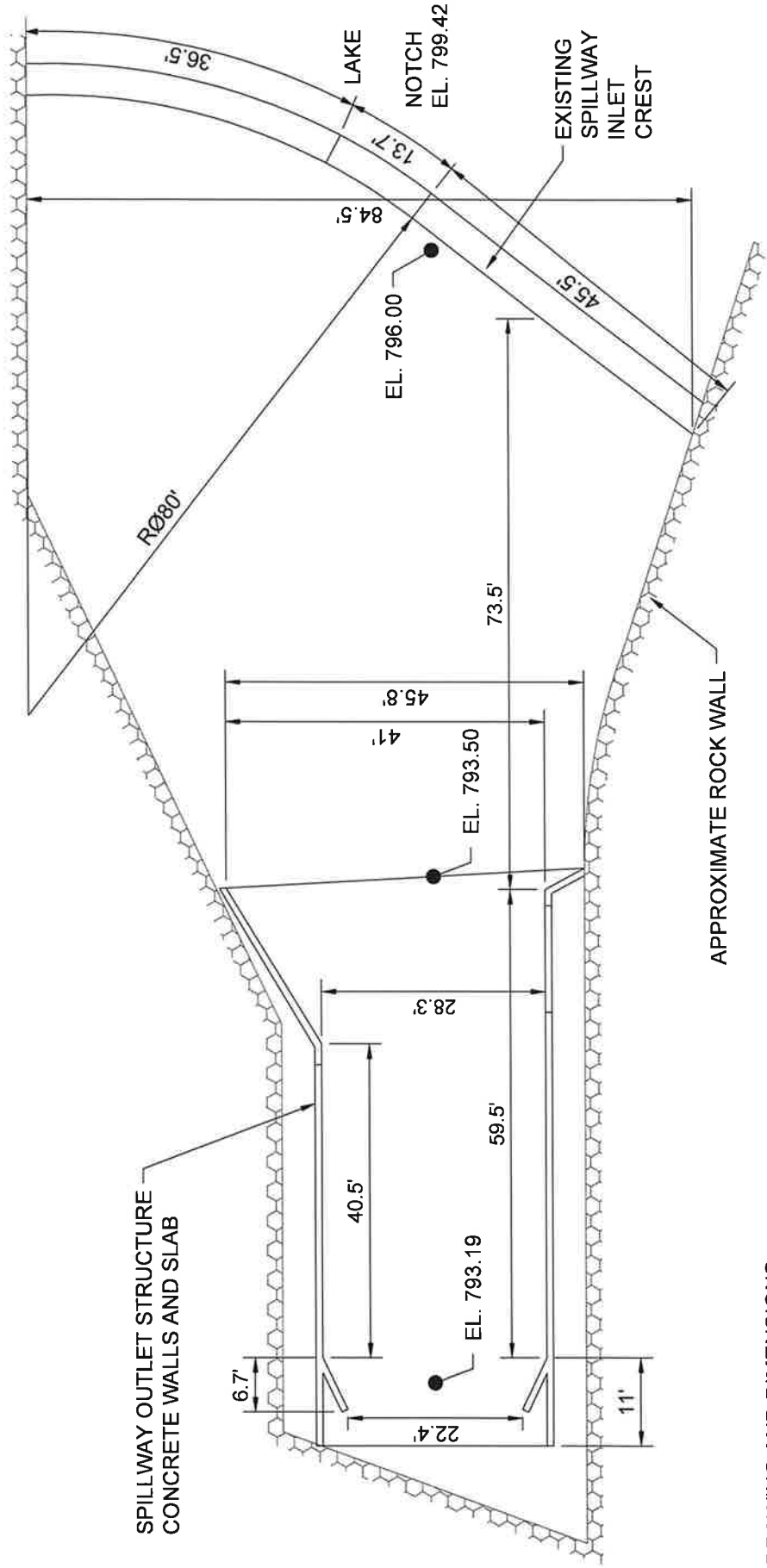
The crest of the labyrinth spillway is at Elevation 799.42 which is the elevation of the notch in the existing spillway. The elevation was selected to maximize the amount of flow through the spillway in the flood events. The labyrinth spillway could be designed with a notch at Elevation 799.42 and the remaining length at elevation

800.00. However, the peak water level during flood events would be somewhat higher than the values shown in Table 2.

The length of the labyrinth spillway is 93 feet and selected to fit in the opening where the existing weir is located. The labyrinth spillway can discharge 6,220 cubic feet per second (cfs) when the lake level is 4 feet above the spillway crest which is 3.5 times the discharge of 1,750 cfs for the existing concrete spillway. During a rainfall event, the Apple Canyon Lake level would rise much less with the new labyrinth spillway than it would with the existing spillway.

Downstream of the existing weir spillway, the width of the existing channel narrows drastically from about 84 feet near the weir to 23 feet upstream of the waterfall as shown on Exhibit 1. As a result, the capacities of both the existing and proposed spillways are restricted at higher flows. In order to achieve the higher discharge rates during a flood, it is recommended to widen and/or deepen the channel as shown on Exhibits 2 and 3. The side walls and floor of the channel will be altered by excavation of the native rock.

Drawings of the existing and proposed spillway alternatives are shown on the following three exhibits. Examples of other spillways are shown on Figures 1 and 2 following the exhibits.



SPILLWAY OUTLET STRUCTURE  
CONCRETE WALLS AND SLAB

APPROXIMATE ROCK WALL

EXISTING  
SPILLWAY  
INLET  
CREST

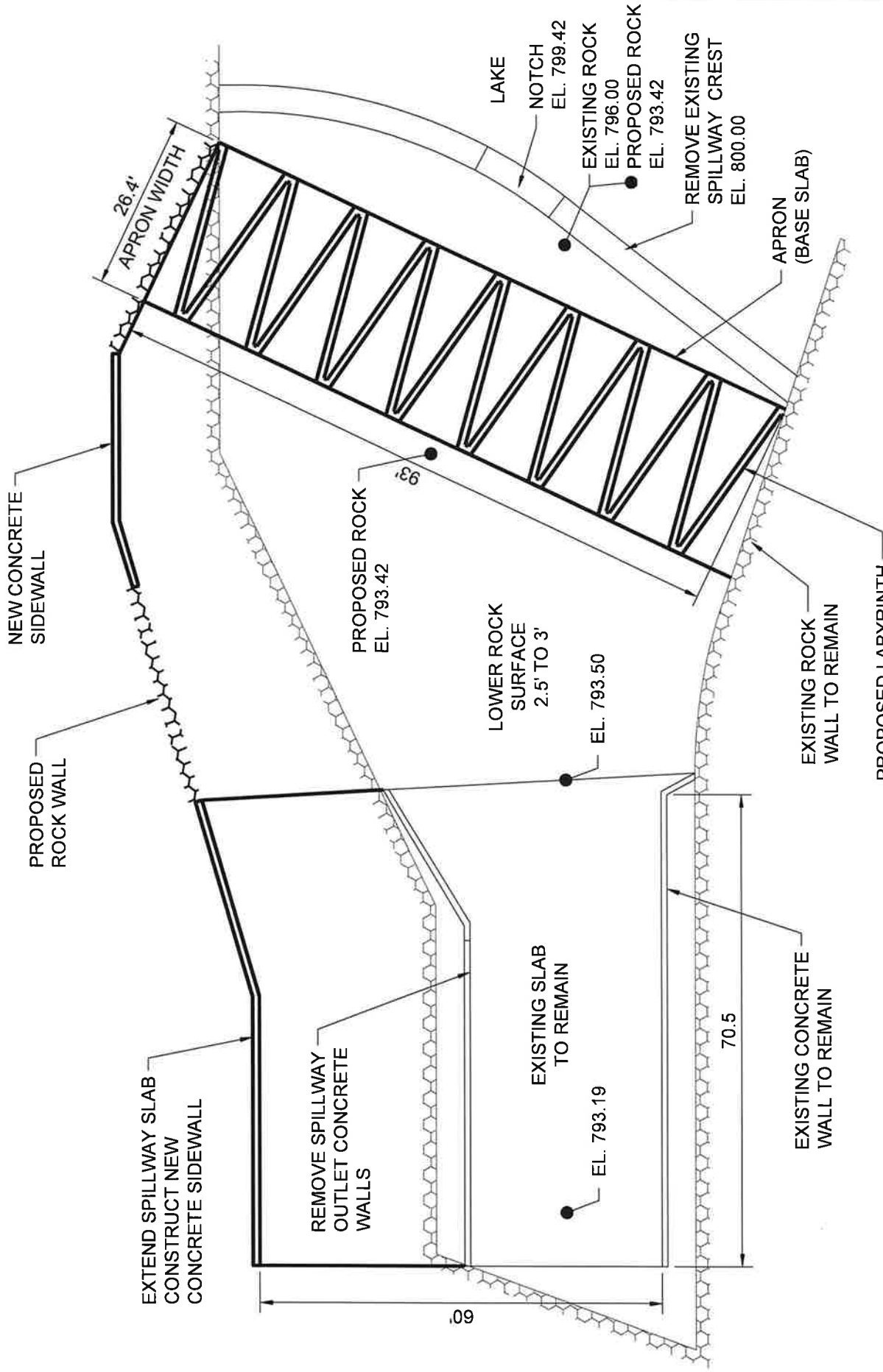
# EXISTING SPILLWAY PLAN EXHIBIT 1

## APPLE CANYON LAKE

DRAWING AND DIMENSIONS  
RE-DRAWN FROM IDOT DWR  
REPORT DATED 1983



CMT JOB NO.: 19000144.00



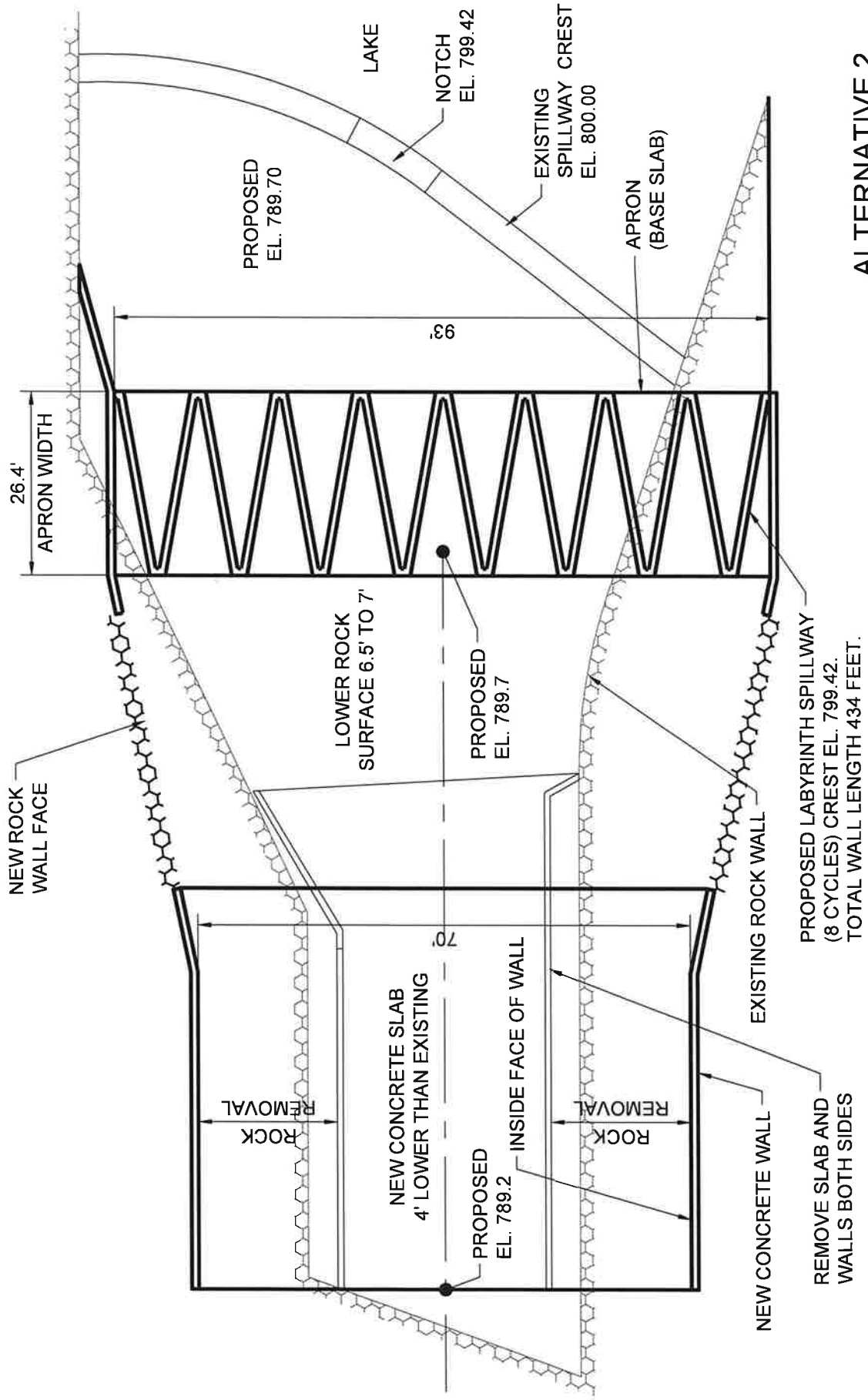
ALTERNATIVE 1  
SPILLWAY PLAN  
CONCEPTUAL

APPLE CANYON LAKE

EXHIBIT 2







**ALTERNATIVE 2  
SPILLWAY PLAN  
CONCEPTUAL**

**EXHIBIT 3**

**APPLE CANYON LAKE**

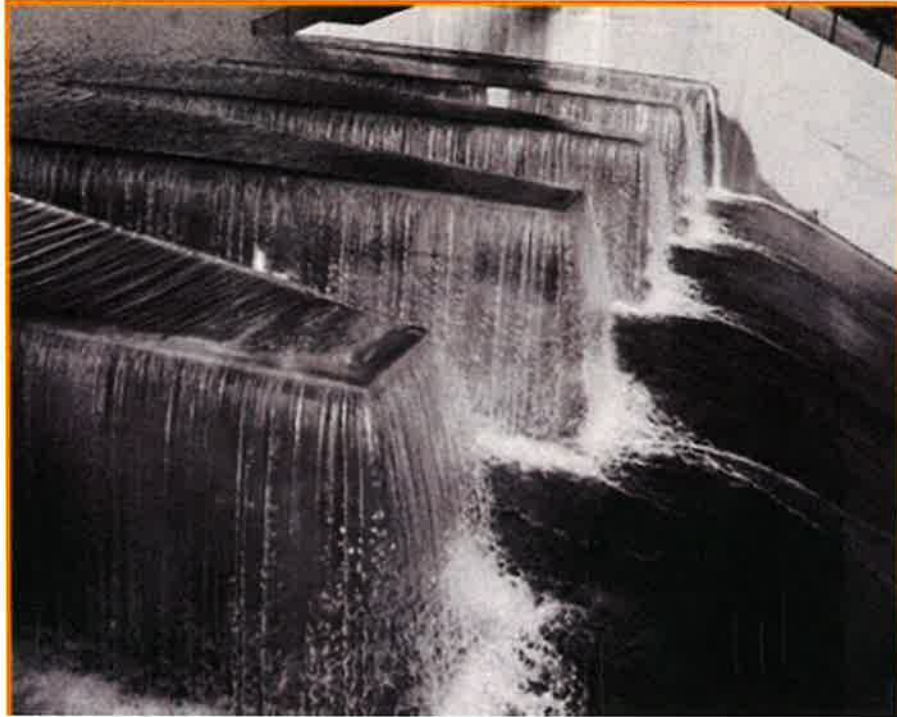


CMT JOB NO.: 19000144.00

Figure 1 – Labyrinth Spillway Examples



Figure 2 – Labyrinth Spillway Example



## 5. Results of Flood Modeling

A comparison of the peak water levels of the 100-year flood by different engineers are presented in the first four lines of Table 2. The four engineers are the original plans (1960), the Corps of Engineers Phase 1 Inspection Report (1978), IDOT DWR Report (1983) and CMT (2020). The predicted peak lake levels vary by 1.2 feet.

For the calibration runs, the peak water level by CMT with HEC-HMS is 0.7 feet (8 inches) higher than the IDOT DWR Report (1983). The IDOT DWR Report is considered the most detailed of the three analyses in our opinion because it compares the three previous reports and explains its rationale for selecting its parameters to input. The source of the difference in peak water levels between IDOT DWR and CMT could not be determined even though the input parameters appear to be the same.

For design of the new spillway at Apple Canyon Lake, the capacity will be based on the IDNR requirements for an existing High Hazard (Class 1) dam with Intermediate Size which are presented in Table 3. Current regulations state that

an existing dam constructed before September 2, 1980 shall have a Spillway Design Flood equal or greater to the 100-year flood with adequate freeboard to the top of the dam. Existing dams constructed before September 2, 1980 shall have a Total Spillway Design flood which is equal to or greater than 60% of the Probable Maximum Flood (PMF) with adequate freeboard to the top of the dam. Freeboard is the vertical distance between the peak water level and the top of the dam. Apple Canyon Lake has only one spillway which has to meet both the Principal Spillway Design Flood and the Total Spillway Design Flood requirement.

The IDNR accommodates older dams by having less stringent requirements. For comparison, a new dam of the same size and High Hazard (Class 1) constructed after September 2, 1980, would have to pass 100% of the PMF with adequate freeboard on the dam.

For the Principal Spillway Design Flood (100-year frequency) with the new labyrinth spillway, the peak water level will be Elevation 803.1 with 4.7 feet of freeboard to the top of the dam. This will meet current IDNR regulations if the design freeboard is less than 4.7 feet which can be expected. The peak lake level with the new labyrinth spillway is projected to be 2.5 feet lower than the peak lake level with the existing spillway.

For the Total Spillway Design flood, 60% of the PMF, the peak water level is estimated to be Elevation 807.7 with 0.1 foot of freeboard on the dam. Water would not overtop the dam but there would be less than the design freeboard required by IDNR. The peak lake level with the labyrinth spillway is projected to be 2.8 feet lower than the peak lake level with the existing spillway as projected by the IDOT DWR Report (1983).

The three previous reports show that the existing spillway falls far short of being able to pass 60% of the PMF and that the dam would be overtopped.

The hydrologic analyses show that the addition of more spillway capacity will greatly reduce the peak lake levels during flooding.

The key results of the HEC-HMS computer modeling are shown below in Table 2 and Table 3. The tables show the improvement in lake level which results from a labyrinth spillway in place of the existing spillway.

Table 2 – Principal Spillway Design Flood - Peak Lake Levels

STORM EVENT	RAINFALL AMOUNT inches	SPILLWAY	PEAK LAKE LEVEL – ELEV. FEET	LAKE LEVEL LOWER BY
100-year Flood, 6-hour storm. <i>Original Construction Plans (Prior to construction)</i>	7 or 4.74 *	Original Plans 100' length*	804.0	-----
100-year Flood, 24-hour storm <i>IDOT DWR Report (1983)</i>	8.14	Existing spillway	804.5	-----
100-year Flood, 24-hour storm <i>Corps Engineers 1978</i>	6.2	Existing spillway	804.1	-----
100-year Flood, 24-hour storm <i>CMT 2020 Calibration Run</i>	8.14	Existing spillway	805.2	-----
100-year Flood, 24-hour storm Bulletin 75. <i>CMT 2020</i>	8.25	New Labyrinth spillway 10 deg	802.7	<b>2.5 Feet</b>
100-year Flood, 12-hour storm Bulletin 75. <i>CMT 2020</i>	8.25	New Labyrinth spillway 10 deg	803.1	-----
<p>Notes</p> <p>* Based on statement in IDOT DWR 1983 report and original construction plans.</p> <p>Existing spillway crest El. 799.42 and El, 800.00.                      New labyrinth spillway crest El. 799.42.                      Proposed peak lake water level applies to both Alternative No. 1 and Alternative No. 2.</p>				



Table 3 – Total Spillway Design Flood - Peak Lake Levels

STORM EVENT	RAINFALL AMOUNT inches	SPILLWAY	PEAK LAKE LEVEL – ELEV. FEET	LAKE LEVEL LOWER BY
60% Probable Maximum Flood, 24-hour storm <i>IDOT DWR Report</i>		Existing spillway	810.5	-----
60% Probable Maximum Flood, 24-hour storm <i>COE REPORT 1978</i>		Existing spillway	808.7	-----
60% Probable Maximum Flood 24-hour storm (IDNR regulation requirement) <i>CMT 2020</i>		Alternative No. 2 New Labyrinth spillway 10 degree	807.7**	<b>2.8 feet</b>
100% Probable Maximum Flood 24-hour storm <i>CMT 2020</i>	31.1	Alternative No. 2 New Labyrinth spillway 10 degree	809.5	-----
20% Probable Maximum Flood 24-hour storm (to compare to 100-year flood) <i>CMT 2020</i>		Alternative No. 1 and 2 New Labyrinth spillway 10 degree	802.2	-----
<p>Notes</p> <p>** Dam not overtopped if dam crest is raised to uniform El. 807.81.</p> <p>Existing spillway crest El. 799.42 and El. 800.00. New labyrinth spillway crest El. 799.42. The 60% PMF for future condition is based on Spillway Alternative No. 2. Spillway Alternative No. 1 would pass approximately 30% of the PMF.</p>				



## 6. Potential Major Modification Items – IDNR Regulations

Dams in Illinois are regulated by the Dam Safety Section of IDNR Division of Water Resources. The regulation for dams is Part 3702 – Construction and Maintenance of Dams. Changes to a dam or spillway are considered a major modification which will require that the entire facility meet the current dam regulations.

If ACLPOA moves forward with increasing the capacity of the principal spillway, additional work may be required at the discretion of the IDNR if there are deficiencies. The following items may need to be addressed after CMT reviewed the current dam regulations and past inspection reports, and after CMT contacted the IDNR Dam Safety Section.

- a. Evaluate freeboard on dam during design storm events.
- b. Revise/update the Operation & Maintenance Plan.
- c. Update of dam breach analysis – IDNR to determine after review of spillway modifications.
- d. Update of Emergency Action Plan – IDNR to determine.
- e. Correct various deficiencies identified in annual inspection reports.
- f. Check adequacy of lake drawdown capacity.
- g. Add to dam upstream slope protection if needed.
- h. Slope stability analysis is not required. However, IDNR recommends a slope stability analysis because of improved methods of soil testing and computer analysis. Furthermore, IDNR has expressed concern with the interface of rock zones in the abutment and the embankment.

IDNR Dam Safety Section indicated to CMT that IDNR would consider issuing a construction permit for a spillway capacity which is less than 60% PMF, or has less than adequate freeboard than required, if construction cost for the full improvement becomes too costly for ACLPOA. In other words, IDNR wants to encourage ACLPOA to improve its spillway capacity.

## 7. Preliminary Opinions of Project Cost

Opinions of Project Costs are provided for the following project components to reduce the peak water level of flooding on Apple Canyon Lake.

### Spillway Replacement – Two Alternatives to Consider

- Alternative No. 1 – Shown on Exhibit 2  
New labyrinth spillway. Widen spillway channel.

This alternative will lower the peak lake level for the 100-year flood by 2.5 feet. The dam would be overtopped by the Total Spillway Design Flood of 60% PMF.

Alternative No. 2 - Shown on Exhibit 3

New labyrinth spillway. Widen and deepen spillway channel.

This alternative will lower the peak lake level for the 100-year flood by 2.5 feet. The dam would NOT be overtopped by the Total Spillway Design Flood of 60% PMF based on preliminary HEC-HMS runs for the Planning Report and would meet IDNR regulations for existing High Hazard dams except that freeboard would be less than required.

Removal of Existing Spillway

The existing spillway would be removed under both Alternative No. 1 and Alternative No. 2. The existing spillway would remain in place during construction of the new spillway and the lake level would be drawn down by the manual dewatering valve.

Raise Crest of Dam to Uniform Elevation 807.81

The 2019 annual inspection report shows that the east end "Point E" ground is at El. 806.76 and the west end "Point B" ground is at El. 807.81. The crest should be raised to a uniform elevation 807.81 by either earth fill or structural wall on the crest of the dam. Raising the dam will increase the freeboard for all flood scenarios.

Installation of datalogger for lake level

Continuous recording of the Apple Canyon Lake level is recommended. Many major lakes record lake levels. One easy method is to install an electronic datalogger in the lake at a convenient location to periodically download readings. The information will be useful for recording peak water levels of flood events and well as other purposes. One model is the Solinst Levellogger Edge. The datalogger would be attached to a permanent structure under water. Data readings can be downloaded periodically to a handheld device. The device can record up to 40,000 readings and has a battery life on the order of 10 years. The device should be mounted permanently under water well below the expected lowest lake levels.

Items listed in Section 7 of the Planning Report

Implement the items listed in Section 7 to the extent they are required by IDNR or determined by ACLPOA to be done.

Preliminary opinions of project cost are presented in Tables 4 and 5 along with conditions included in the cost opinions. The cost opinions are based upon the information that CMT has at the time of the report. The cost opinions include a

significant contingency amount because detailed survey information is not available and the new spillway could be revised during the design phase. For more accurate cost opinions, the construction access to the site for construction and the effort to remove the existing rock will be evaluated in more detail.

The Preliminary Opinion of Project Cost for Alternative No. 1 is estimated to be in the range of \$710,000 to \$860,000 (Table 4). The Preliminary Opinion of Project Cost for Alternative No. 2 is estimated to be in the range of \$1,055,000 to \$1,230,000 (Table 5). Both cost opinions include a 20% contingency added to the construction cost for items that are not known at this preliminary stage of cost preparation.

During the design phase, it is recommended to evaluate certain aspects of the design for further value engineering and possible construction cost reduction.

- Choice of concrete or exposed rock walls and floor slab in the spillway channel. Concrete is included in the cost opinion because the existing spillway channel has concrete walls and floor at the downstream end.
- Rock removal is approximately 30% of the construction cost for each alternative. The geometry of the enlarged spillway can be optimized in the next phase to reduce the cost of rock removal. Unit cost for rock removal can be further refined in the next opinion of construction cost.
- Refinement of the labyrinth spillway dimensions and spillway channel alignment.

The impact of higher peak flows released by new spillway for the same storms to the downstream creek and culvert should be evaluated in a subsequent phase if ACLPOA moves forward with spillway improvements.

TABLE 3

Alternative No. 1

New Labyrinth Spillway. Widen Spillway Channel.

Raise Top of Dam to be Level. Install Lake Level Datalogger.

PRELIMINARY OPINION OF PROJECT COST

MOBILIZATION	\$ 50,000
LABYRINTH SPILLWAY	
Rock Anchors	\$ 16,000
Apron Slab on Grade	\$ 140,000
Labyrinth Walls - Reinforced Concrete 6 Feet Tall	\$ 79,000
OUTLET CHANNEL	
Removal of Existing Channel Wall	\$ 7,000
Outlet Channel Floor Slab - Reinforced Concrete	\$ 56,000
Outlet Channel Walls - Reinforced Concrete	\$ 24,000
Removal of Existing Spillway	\$ 23,000
OUTLET CHANNEL	
Removal of Rock for New Spillway and Channel	\$ 183,000
OTHER ITEMS	
Raise Dam Crest to El. 807.8 - Earth Fill	\$ 8,000
Datalogger	\$ 5,000
Flow Diversion	\$ -
Subtotal - Construction	\$ 591,000
Contingency - 20%	\$ 119,000
<b>Subtotal Construction</b>	<b>\$ 710,000</b>
PROFESSIONAL SERVICES	
Land and Hydrographic Survey of Spillway Area	\$ 8,000
Geotechnical Engineering	\$ 10,000
Preliminary Design (30% of design)	\$ 50,000
Final Design and Bid Documents	\$ 32,000
Application for IDNR Construction Permit	\$ 8,000
Bidding and Construction Engineering	\$ 40,000
<b>Subtotal - Professional Services</b>	<b>\$ 148,000</b>
<b>Total Project Cost</b>	<b>\$ 863,000</b>

TABLE 4

Alternative No. 2

New Labyrinth Spillway. Widen and Deepen Spillway Channel.

Raise Top of Dam to be Level. Install Lake Level Datalogger.

PRELIMINARY OPINION OF PROJECT COST

MOBILIZATION	\$ 50,000
LABYRINTH SPILLWAY	
Rock Anchors	\$ 16,000
Apron Slab on Grade	\$ 140,000
Labyrinth Walls - Reinforced Concrete 6 Feet Tall	\$ 138,000
OUTLET CHANNEL	
Removal of Existing Channel Wall	\$ 45,000
Outlet Channel Floor Slab - Reinforced Concrete	\$ 100,000
Outlet Channel Walls - Reinforced Concrete	\$ 89,000
Removal of Existing Spillway	\$ 23,000
OUTLET CHANNEL	
Removal of Rock for New Spillway and Channel	\$ 270,000
OTHER ITEMS	
Raise Dam Crest to El. 807.8 - Earth Fill	\$ 8,000
Datalogger	\$ 5,000
Flow Diversion	\$ -
Subtotal - Construction	\$ 884,000
Contingency - 20%	\$ 177,000
<b>Subtotal Construction</b>	<b>\$ 1,061,000</b>
PROFESSIONAL SERVICES	
Land and Hydrographic Survey of Spillway Area	\$ 8,000
Geotechnical Engineering	\$ 10,000
Preliminary Design (30% of design)	\$ 60,000
Final Design and Bid Documents	\$ 40,000
Application for IDNR Construction Permit	\$ 8,000
Bidding and Construction Engineering	\$ 45,000
<b>Subtotal - Professional Services</b>	<b>\$ 171,000</b>
<b>Total Project Cost</b>	<b>\$ 1,237,000</b>

### Conditions of Cost Opinions

1. For rock removal, crushed rock and demolished concrete would be pushed beyond the outlet of the spillway channel to outlet channel below or into the lake.
2. Access for concrete trucks and construction equipment would be from the northwest (Nixon Lane) or pumped up from the bottom of the waterfall. An alternative to consider is access across the crest of the dam.
3. Datalogger is to be mounted to an existing structure which is accessible for downloading data.
4. During construction of the new spillway, lake would be drawn down and there would be no flow through the spillway.
5. Preliminary Design includes spillway footprint, preliminary structural design and hydrologic and hydraulic analysis. Does not include breach analysis or any work related to the dam embankment other than adjustment of the top of the dam.
6. Costs for Items in Section 7 of the Planning Report are not included except for the update of O&M Plan and evaluation of freeboard on dam.
7. The design phase would consider ways to minimize the quantity of rock removal.
8. Application for Corps of Engineers Section 404 permit may or may not be required and is not included in the cost opinion.

### 8. Conclusions and Recommendations

The Planning Report presents two alternatives to ACLPOA to increase spillway capacity and reduce peak water levels on Apple Canyon Lake during major flood events. Alternative No. 2 with labyrinth spillway and deeper spillway channel is recommended. Alternative No. 2 will bring the dam into compliance with the current INDR regulations for existing dams having High Hazard Classification and Intermediate Size except for insufficient freeboard on the dam. Further analysis of the design flood would be performed during the design phase if ACLPOA proceeds with the project.

Alternative No. 1 with labyrinth spillway and wider spillway channel is a secondary alternative which will significantly reduce the peak water level during the 100-year frequency flood, although it will not bring the dam into compliance with current dam regulations for existing High Hazard dams. Alternative No. 1 has a lower project cost in comparison to Alternative No. 2.

The dam could meet IDNR regulations for 60% PMF with adequate freeboard if a new labyrinth spillway of greater length is constructed. The cost for the larger spillway would be greater than Alternative No. 2.

END OF PLANNING REPORT



## Megan Shamp

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**From:** Ashlee Miller  
**Sent:** Friday, June 10, 2022 11:19 AM  
**To:** Megan Shamp  
**Subject:** FW: Apple Canyon Lake Dam  
**Attachments:** Spillway Profile.pdf; Spillway Plan no points.pdf; Dam Plan no points.pdf; Dam Profile.pdf

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**From:** Shaun Nordlie <shaun.nordlie@applecanyonlake.org>  
**Sent:** Friday, June 10, 2022 7:19 AM  
**To:** Ashlee Miller <ashlee.miller@applecanyonlake.org>  
**Cc:** sgnels00@gmail.com; Gary Hannon <grhannon@yahoo.com>; Shaun Nordlie <shaun.nordlie@applecanyonlake.org>  
**Subject:** FW: Apple Canyon Lake Dam

Use these four attachments with Ted's explanation of each attachment -

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**From:** Ted LaBelle <elabelle@cmtengr.com>  
**Sent:** Friday, June 3, 2022 5:32 PM  
**To:** Shaun Nordlie <shaun.nordlie@applecanyonlake.org>  
**Subject:** Apple Canyon Lake Dam

Shaun

We spent more time this week refining the drawings of existing conditions from the survey data. Copies of the drawings are attached.

Attached are the following revised drawings.

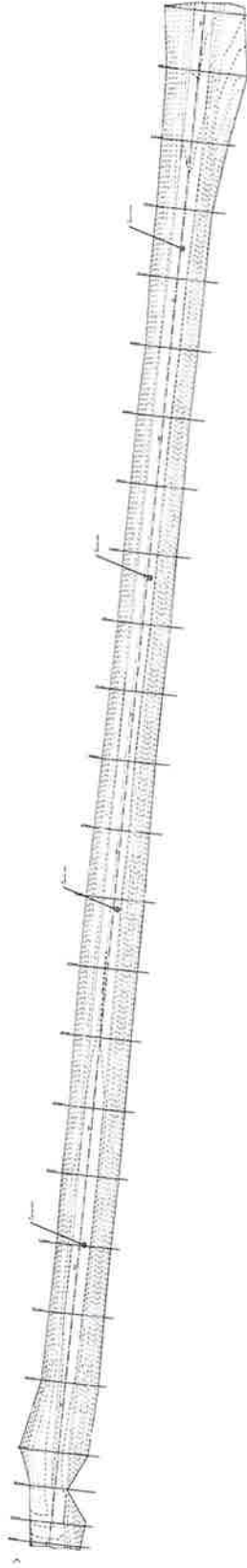
- 1) Dam crest plan. The west end of the baseline was shifted further west to begin where ground elevation is above 808.
- 2) New drawing: Profile view of the centerline of the dam. The dam cross sections was surveyed at 50-foot spacing. (We also developed sheets with the cross sections cut at the new locations.)
- 3) The spillway plan view. The boundary of the contours was revised to provide more accurate contours of existing conditions.
- 4) Profile of the existing ground along the baseline. Note that the lake depth is about 2.5 feet dep 75 feet away from the existing spillway. (We also developed sheets with the cross sections revised to reflect the revised elevation contours.)

We will end our work on the Spillway Survey agreement as of today. We have reached the not-to-exceed amount of the agreement. We developed base drawings of the existing conditions at the site and did some refinement of the drawings. The drawing work was not part of the original scope of the agreement. This effort will give us a head start on the design phase drawings.

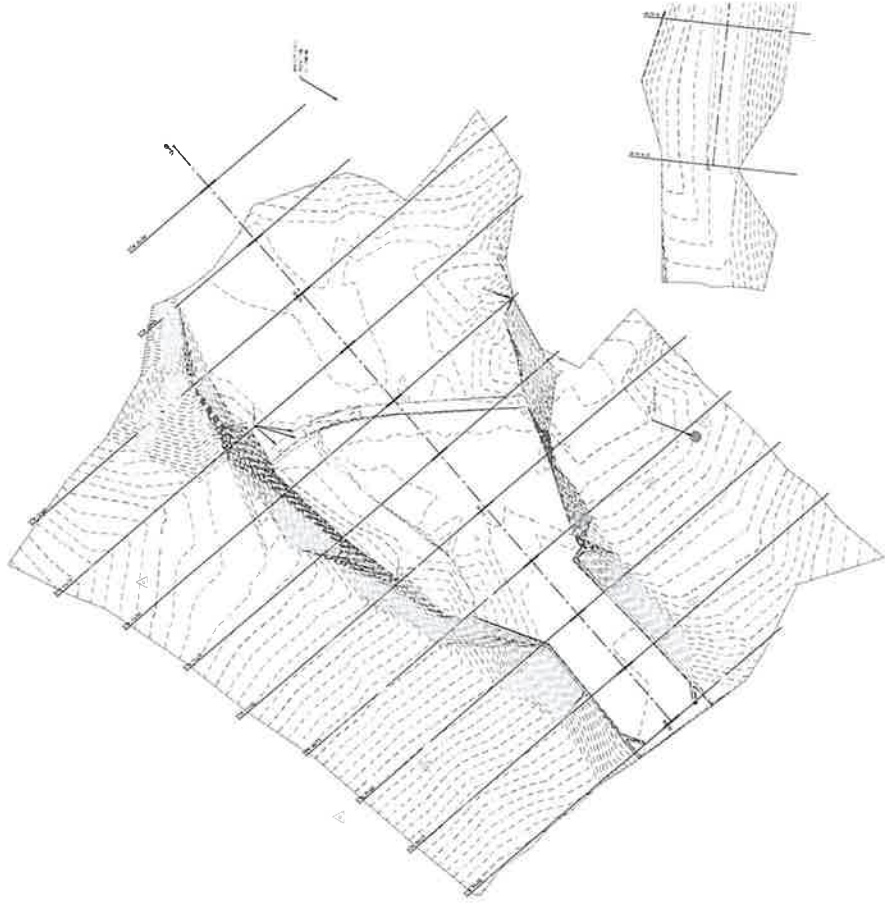
TED LABELLE PE CFM EnvSP | Project Engineer II



Dam Plan- No Points

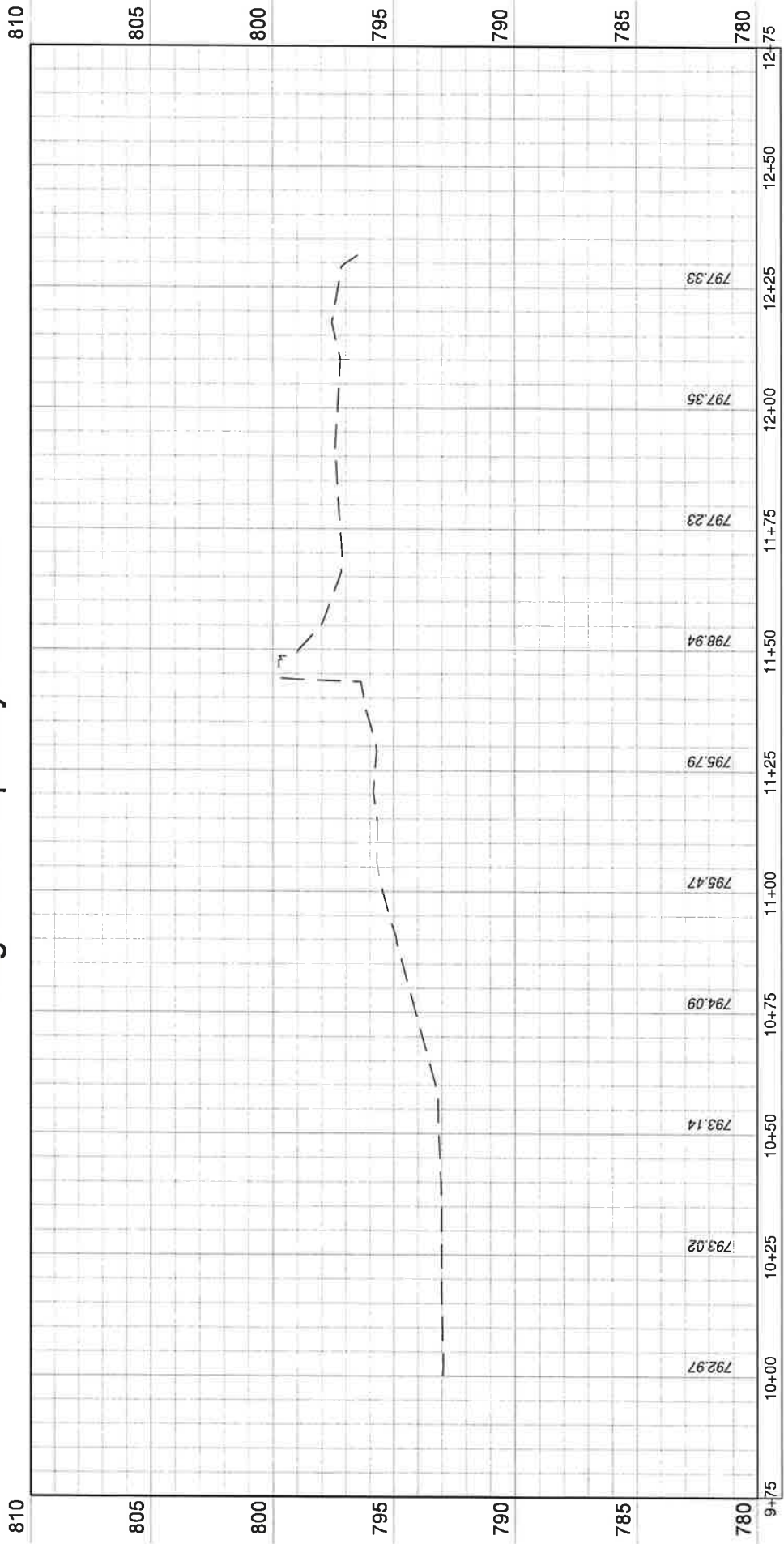


Spillway Plan - No Points



SCALE = 1" = 20'-0"  
NORTH IS UP

# Alignment - Spillway PROFILE



HORIZ SCALE = 20'-0"

Dam Profile



1000000000



# Memorandum

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**To:** ACL Board

**Date:** June 10, 2022

**From:** Flood Mitigation Ad Hoc Commission

**Memo #:** 2022-72

**Topic:** Design and Permitting of A2 Option for Spillway

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**Analysis:** The Flood Mitigation Ad Hoc Commission's recommendation is to proceed with design and permitting of A2 for the spillway. The Flood Mitigation Ad Hoc Commission has been meeting since July 2021, in that time they have met with CMT Engineer Ted LaBelle four times and PSI Geotechnical Engineer Kevin Miller once. From the June 2020 Dam and Spillway Planning Report, the January 2022 Preliminary Design report and now, the May 2022 Labyrinth Spillway and Dam Crest Raise Design Engineering Proposal, the commission has considered the best options for the spillway project to reduce the risk of flooding during the next one-hundred-year flood.

**Recommendation:** To approve the Labyrinth Spillway and Dam Crest Raise Design Engineering Proposal from CMT for an amount not to exceed \$249,000 with the money coming out of the Capital Project fund.



Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

FLOOD MITIGATION <sup>AD HOC</sup> Committee/Commission

Date 6/2/22

I move:

THE F.M. AD HOC COMMITTEE RECOMMENDS TO BOD TO APPROVE THE CMT LABYRINTH SPILLWAY & DAM CREST RAKE DESIGN ENGINEERING PROPOSAL FOR CONTRACT PRICE NOT TO EXCEED \$249,200. THIS PRICE IS INCLUSIVE OF TOTAL APPROXIMATE PROJECT COST OF TWO MILLION.

Action Taken

MOTION MADE BY: STEVE NELSON Steve Nelson	VOTE RECORDED:
MOTION SECONDED BY: MIKE CAMMAK Mike Cammack	YEA: 5
CHAIR: HANNOV/NELSON Steve Nelson	NAY: 0
	ABSTAIN: 0

Date Received \_\_\_\_\_ Given to \_\_\_\_\_ Date Completed \_\_\_\_\_



Crawford, Murphy & Tilly

2750 W Washington Street  
Springfield, Illinois 62702

May 11, 2022

Property Owners Association  
c/o Mr. Shaun Nordlie  
Apple Canyon Lake Property Owners Association  
14A157 Canyon Club Drive  
Apple River IL 61001

Re: Apple Canyon Lake – Labyrinth Spillway and Dam Crest Raise  
Design Engineering Proposal

Shaun:

We are providing you with an engineering proposal for Apple Canyon Lake Spillway and Dam as requested. The proposal includes design phase services for Alternative No. 2 of the Planning Report (January 2020) for a labyrinth spillway which will pass the 60% Probable Maximum Flood and for raising the crest of the dam to be level from end to end.

The following items are attached for your review.

- CMT Professional Services Agreement
- Exhibit A Detailed scope of work including engineering and environmental services

The project deliverables will be

- Construction plans and specifications to obtain construction bids
- Joint Waterways Application and environmental report to be submitted to Corps of Engineers (COE), Illinois Department of Natural Resources (IDNR) and Illinois Environmental Protection Agency (IEPA).
- Permit application package to IDNR including plans, specs, Final Design Report and items required by Part 3702 regulations.
- Revised O&M Plan and Emergency Action Plan

The first phase of the work will be to finalize the computer modeling of the hydrology and hydraulics of the spillway. The second phase will be to prepare the detailed construction plans and specifications. We are planning on a single construction contract for the labyrinth spillway, channels and raising the top of the dam. The scope includes three progress meetings with CMT, the Ad Hoc Committee and POA. Coordination with the designated representative of the POA (Shaun Nordlie) is also included in the scope.

Crawford, Murphy & Tilly

Centered in Value

2750 W Washington Street Springfield, Illinois 62702 PHONE 217.787.8050 FAX 217.787.4183 cmtengr.com Engineers and Consultants

The scope of work includes consultation with two subconsultants in the review of the hydrology and labyrinth spillway.

- o Michael Horst – Specialist in HEC-HMS modeling (Professor at College of New Jersey) for QA/QC review of the modeling. We have specific items for his review.
- o Blake Tullis – Hydraulic lab modeling and developer of labyrinth spillway hydraulic equations. (Professor at Utah State University.) for advising on labyrinth spillway layout and spillway rating curve calculations. (Tullis Hydraulic Engineering Consulting Inc.)

Environmental assessment is included in the proposal. The project will include submitting a permit application to the COE - Rock Island District because Apple Canyon Lake and its outlet stream are considered Waters of the U.S. The channel between the spillway and waterfall is considered a stream which will be impacted. The proposal includes a site visit by environmental scientists to assess the areas which will be disturbed and prepare an environmental report which will be submitted with the Joint Waterways Application. The environmental report will address streams, lake, wetlands, endangered species and cultural resources which are required by regulations.

The initial discussion with the COE indicates that no stream mitigation will be required for deepening and widening the channel which is subject to further review by the COE. We do not anticipate any wetlands will be disturbed or impacted by the project and therefore no mitigation will be required. The expectation is that one or more COE nationwide permits will apply to the project and an individual permit will not be required.

Company	Not-to-exceed Amount	Comments
CMT – Design Engineering Services	\$175,520	
CMT – Environmental Services	\$ 20,000	Required for COE permit
PSI Geotechnical Services	\$ 22,580	Rock borings and report
Michael Horst	\$ 3,600	Up to 24 hours
Blake Tullis	\$ 4,800	Up to 16 hours
Contingency Amount (10%)	\$ 22,700	
<b>Total Amount</b>	<b>\$ 249,200</b>	

A detailed breakdown of the tasks and costs are presented on the following page. We propose to perform the work included in the Scope of Work on a time and expense basis not to exceed \$249,200.

Please review the attachments and let us know if you have comments or revisions. We will be available for a conference call to respond to questions if requested. If the proposal is acceptable, please sign the agreement and return to us.

We look forward to working with the Apple Canyon Lake Property Owners Association on this project.

Sincerely,  
Crawford Murphy and Tilly



Edward LaBelle P.E., CFM, Env SP  
Senior Project Manager

<b>PROJECT TASK</b>	<b>AMOUNT</b>
Project Kickoff Meetings	\$ 3,600
Final hydrologic analysis, reservoir routing and hydraulic analysis (includes up to \$8,400 for subconsultants Michael Horst and Blake Tullis)	\$ 21,000
Design summary report of hydrology and hydraulics	\$ 4,400
Lake drawdown time	\$ 3,300
Develop layout of labyrinth spillway and channels	\$ 8,300
Pre-application conference with Corps of Engineers	\$ 2,900
Coordination with Owner on various items	\$ 1,900
Rock borings on site and geotechnical report	\$ 22,600
Structural design of labyrinth spillway	\$ 12,800
Prepare construction drawings	
Cover & general notes sheets	\$ 3,500
Rock removal sheets	\$ 10,800
Spillway and channel section sheets	\$ 14,200
Structural sheets	\$ 25,700
Raise dam crest sheets	\$ 14,500
Environmental Site Survey	\$ 2,800
Prepare environmental assessment report	\$ 9,600
Prepare technical specifications, bidding documents & contract documents	\$ 17,400
Prepare revisions to Emergency Action Plan and O&M Plan	\$ 3,200
Prepare Final Design Report & Joint Waterways Application for IDNR & COE	\$ 11,300
Submit application to IDNR, COE and IEPA. Respond to comments.	\$ 5,400
Prepare SWPPP & Notice of Intent for NPDES Stormwater Permit (IEPA)	\$ 3,900
Conference calls & coordination with POA & Ad Hoc Committee (up to 3)	\$ 2,600
Site visit (if required)	\$ 3,100
Prepare Opinion of Probable Construction Cost	\$ 4,500
Project Management	\$ 9,400
Contingency Amount – 10% and hours occurring in 2023	\$ 26,700
<b>TOTAL AMOUNT NOT TO EXCEED</b>	<b>\$ 249,200</b>

**Notes:**

Amounts above include labor and travel expenses, and are based on 30% of hours occurring in 2023. IDNR will charge a fee for construction permit application. Amount currently published by IDNR for a Major Modification of existing dam is \$4,030. Amount will increase by inflation in the next fiscal year. The amount of the fee will be paid by Apple Canyon Lake POA. Amount is not included in the engineering fees.

Crawford, Murphy & Tilly

Centered in Value

**2022 STANDARD AGREEMENT FOR PROFESSIONAL SERVICES**

**THIS AGREEMENT** made between Apple Canyon Lake Property Owners Association, whose address is 14A157 Canyon Club Drive, hereinafter called the **CLIENT** and Crawford, Murphy & Tilly, Inc., Consulting Engineers, 2750 West Washington Street, Springfield, Illinois 62702, hereinafter called the **ENGINEER**.

**WITNESSETH**, that whereas the **CLIENT** desires the following described professional engineering, land surveying or architectural services:

Design Phase engineering and environmental services as described in **EXHIBIT A**.

**NOW THEREFORE**, the **ENGINEER** agrees to provide the above described services and the **CLIENT** agrees to compensate the **ENGINEER** for these services in the manner checked below:

- On a time and expense basis in accordance with the attached Schedule of Hourly Charges which is subject to change at the beginning of each calendar year. Reimbursable direct expenses will be invoiced at cost. Professional or Subconsultant services performed by another firm will be invoiced at cost plus ten percent.
- At the lump sum amount of \$\_\_\_\_\_.

**IT IS MUTUALLY AGREED THAT**, payment for services rendered shall be made monthly in accordance with invoices rendered by the **ENGINEER**.

**IT IS FURTHER MUTUALLY AGREED:**

The total amount of the services shall not exceed \$249,200 without prior written authorization by the Owner.

The **CLIENT** and the **ENGINEER** each binds himself, his partners, successors, executors, administrators and assignees to each other party hereto in respect to all the covenants and agreements herein and, except as above, neither the **CLIENT** nor the **ENGINEER** shall assign, sublet or transfer any part of his interest in this **AGREEMENT** without the written consent of the other party hereto. This **AGREEMENT**, and its construction, validity and performance, shall be governed and construed in accordance with the laws of the State of Illinois. This **AGREEMENT** is subject to the General Conditions attached hereto.

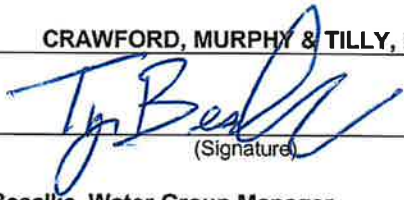
**IN WITNESS WHEREOF**, the parties hereto have affixed their hands and seals this \_\_\_\_ day of \_\_\_\_, 2022.

**CLIENT:**  
**Apple Canyon Lake**  
**Property Owners Association**  
 \_\_\_\_\_  
 (Client Name)

\_\_\_\_\_  
 (Signature)

**Bard Hendren, President**  
 \_\_\_\_\_  
 (Name and Title)

\_\_\_\_\_  
 Date

**ENGINEER:**  
**CRAWFORD, MURPHY & TILLY, INC.**  
 \_\_\_\_\_  
  
 (Signature)

**Ty Besalke, Water Group Manager**  
 \_\_\_\_\_  
 (Name and Title)

**5/11/2022**  
 \_\_\_\_\_  
 Date

**CMT Job No.** 19000144.03



**STANDARD GENERAL CONDITIONS**  
**Crawford, Murphy & Tilly, Inc.**

1. Standard of Care

In performing its professional services hereunder, the **ENGINEER** will use that degree of care and skill ordinarily exercised, under similar circumstances, by members of its profession practicing in the same or similar locality. No other warranty, express or implied, is made or intended by the **ENGINEER'S** undertaking herein or its performance of services hereunder.

2. Reuse of Document

All documents including Drawings and Specifications prepared by **ENGINEER** pursuant to this Agreement are instruments of service. They are not intended or represented to be suitable for reuse by **CLIENT** or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by **ENGINEER** for the specific purpose intended will be at **CLIENT'S** sole risk and without liability or legal exposure to **ENGINEER**; and **CLIENT** shall indemnify and hold harmless **ENGINEER** from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.

3. Termination

This Agreement may be terminated by either party upon seven days prior written notice. In the event of termination, the **ENGINEER** shall be compensated by the client for all services performed up to and including the termination date, including reimbursable expenses, and for the completion of such services and records as are necessary to place the **ENGINEER'S** files in order and/or to protect its professional reputation.

4. Parties to the Agreement

The services to be performed by the **ENGINEER** under this Agreement are intended solely for the benefit of the **CLIENT**. Nothing contained herein shall confer any rights upon or create any duties on the part of the **ENGINEER** toward any person or persons not a party to this Agreement including, but not limited to any contractor, subcontractor, supplier, or the agents, officers, employees, insurers, or sureties of any of them.

5. Construction and Safety

The **ENGINEER** shall not be responsible for the means, methods, procedures, techniques, or sequences of construction, nor for safety on the job site, nor shall the **ENGINEER** be responsible for the contractor's failure to carry out the work in accordance with the contract documents.

6. Payment

Payment for services rendered shall be made monthly in accordance with invoices rendered by the **ENGINEER**. If payment is to be on a lump sum basis, monthly payments will be based on the portion of total services completed during the month. Invoices, or any part thereof, which are not paid within 30 days after the date of issue shall bear interest at the rate of 1-1/2% for each month or fraction thereof from the date 30 days after issue to time of payment. **CLIENT** will pay on demand all collection costs, legal expenses and attorneys' fees incurred or paid by **ENGINEER** in collecting payment, including interest, for services rendered.

7. Indemnification for Release of Pollutants

If this project does not involve pollutants, this provision will not apply. This provision may not be deleted if the project involves pollutants.

If, due to the nature of the service covered under this Agreement including the potential for damages arising out of the release of pollutants, **CLIENT** agrees that in the event of one or more suits or judgments against **ENGINEER** in favor of any person or persons, or any entity, for death or bodily injury or loss of or damage to property or for any other claimed injury or damages arising from services performed by **ENGINEER**, **CLIENT** will indemnify and hold harmless **ENGINEER** from and against liability to **CLIENT** or to any other persons or entities irrespective of Engineer's compensation and without limitation. It is understood that the total aggregate liability of **ENGINEER** arising from services performed by **ENGINEER** shall in no event exceed \$50,000 or the total compensation received under this agreement whichever is greater, irrespective of the number of or amount of such claims, suits, or judgments.

8. Risk Allocation  Check box if this does not apply

The total liability, in the aggregate, of the **ENGINEER** and **ENGINEER'S** officers, directors, employees, agents and consultants, and any of them, to **CLIENT** and anyone claiming by, through or under **CLIENT**, for any and all injuries, claims, losses, expenses or damages arising out of the **ENGINEER'S** services, the project or this agreement, including but not limited to the negligence, errors, omissions, strict liability or breach of contract of **ENGINEER** or **ENGINEER'S** officers, directors, employees, agents or consultants, or any of them, shall not exceed the total compensation received by **ENGINEER** under this agreement, or the total amount of \$50,000, whichever is greater.

9. Project Schedule and Scope

Based on the schedule objectives provided by **CLIENT**, **ENGINEER** will develop a schedule of important milestones as necessary for the project for **CLIENT'S** review and approval. **ENGINEER** will monitor performance of services for conformance with the schedule and will notify **CLIENT** of any necessary changes to or deviations from the schedule. Where required by approved project schedule, **ENGINEER** will present the required deliverables and complete the required tasks at the appropriate intervals for **CLIENT'S** review and approval prior to payment.



**CRAWFORD, MURPHY & TILLY, INC.**  
**STANDARD SCHEDULE OF HOURLY CHARGES**  
**JANUARY 1, 2022**

Classification	Regular Rate
Principal	\$ 245
Project Engineer II Project Architect II Project Manager II Project Environmental Scientist II	\$ 235
Project Engineer I Project Architect I Project Manager I Project Environmental Scientist I Project Structural Engineer I	\$ 205
Sr. Structural Engineer II Sr. Architect II	\$ 190
Sr. Technician II	\$ 170
Aerial Mapping Specialist	\$ 165
Sr. Engineer I Sr. Architect I Sr. Structural Engineer I Land Surveyor	\$ 165
Technical Manager II Environmental Scientist III	\$ 150
Sr. Technician I	\$ 145
Sr. Planner I GIS Specialist Engineer I Architect I Structural Engineer I	\$ 145
Environmental Scientist II Technician II	\$ 125
Planner I Technical Manager I Environmental Scientist I Technician I Project Administrative Assistant	\$ 105
Administrative/Accounting Assistant	\$ 70

If the completion of services on the project assignment requires work to be performed on an overtime basis, labor charges above are subject to a 15% premium. These rates are subject to change upon reasonable and proper notice. In any event this schedule will be superseded by a new schedule effective January 1, 2023.

Out of pocket direct costs will be added at actual cost for blueprints, supplies, transportation and subsistence and other miscellaneous job-related expenses directly attributable to the performance of services. A usage charge may be made when specialized equipment is used directly on the project.

Subconsultant services furnished to CMT by another company will be invoiced at actual cost, plus ten percent.

**EXHIBIT A**  
**APPLE CANYON LAKE SPILLWAY AND DAM**  
**SCOPE OF SERVICES**  
**May 11, 2022**

General Description of Project

1. Deepen the approach channel to new spillway.
2. New concrete labyrinth spillway and end walls.
3. Widening and deepening of channel downstream of new spillway.
4. Concrete floor slab and side walls at downstream end of downstream channel.
5. Relocation of rock removed from spillway channel.
6. Demolish the existing concrete weir wall.
7. Raise crest of dam to uniform elevation. Add riprap from top of existing to new crest fill.

Notes:

- The work does not include an energy dissipater structure because the existing water fall functions as an energy dissipater.
- The concrete slab in the spillway channel shall be designed to preserve the appearance of the existing waterfall.
- Owner and Engineer shall coordinate on the determination of the normal water level of the lake.

Scope of Engineering Design Phase Services

1. Project kickoff meeting with Apple Canyon POA and Ad Hoc Committee. Internal CMT kickoff meeting.
2. Develop final hydrologic analysis and reservoir routing:
  - a. Review historical lake levels and select normal lake level. Review water level records from datalogger. Coordinate with Owner. Evaluate low flow notch.
  - b. Coordinate with PSI on orientation of spillway considering rock removal.
  - c. Consult with HEC-HMS specialist (Michael Horst) on calibration of previous HEC-HMS model with HEC-1 model in report dated 1980.
  - d. Consult with labyrinth spillway specialist (Blake Tullis PhD Utah State University) of Tullis Hydraulic Engineering Consulting on labyrinth spillway layout, approach channel orientation, end walls and other items.
  - e. Review and refine labyrinth spillway rating curve and geometry.
  - f. Revise HEC-HMS hydrologic and reservoir routing of 60% PMF flood and lesser floods.
3. Develop final hydraulic modeling of channel downstream of spillway
  - a. Refine dimensions of channel downstream of labyrinth weir based on field survey.
  - b. Perform HEC-RAS modeling of downstream channel.
4. Prepare Design Summary of hydrologic and hydraulic modeling (use for Final Design Report).

5. Lake drawdown time calculations
6. Develop layout of labyrinth spillway and channels
7. Pre-application coordination with Corps of Engineers – Rock Island District for construction permit.
8. Coordination with Owner on various items
  - a. Property available for construction contractor and restrictions to its use.
  - b. Method for maintaining waterfall
  - c. Lake normal water level
  - d. Safety aspects of visitors to spillway from lake or adjacent ground
9. Geotechnical services (by Intertek PSI):
  - a. One rock boring at site by subcontractor with Rubino Inc. engineer onsite
  - b. Lab testing of rock samples
  - c. Geotechnical report contents
    - i. Review of soil and rock borings on 1969 construction plans
    - ii. Foundation recommendation for labyrinth spillway structure
    - iii. Rock excavation recommendations for approach channel. Rock fissure sealing if required.
    - iv. Rock excavation recommendations for downstream channel floors and walls.
    - v. Recommendation for rock removal methods
    - vi. Recommendations on earth fill on dam crest (0 to 12 inches thick)
    - vii. Construction sequence recommendations
    - viii. Provide technical specifications for rock removal for construction contract
  - d. Review of rock removal construction plan sheets
  - e. Consultation with CMT on geotechnical questions
10. Structural design of labyrinth spillway and channel slabs and walls
11. Prepare construction drawings:
  - a. Cover and general notes sheets
  - b. Removal of existing material
    - i. Native rock for labyrinth weir and downstream channel
    - ii. Native rock for channel upstream of labyrinth wall (lake bottom)
    - iii. Concrete floor slab and walls
    - iv. Concrete weir wall.
  - c. Proposed spillway and channel profile and sections
  - d. Structural work
    - i. Labyrinth spillway and foundation
    - ii. Labyrinth spillway end walls
    - iii. Downstream channel floor slab and side walls
    - iv. Incorporate design feature in floor slab to preserve look of existing waterfall
    - v. Drawdown valve or sluice gate in labyrinth spillway if desired
  - e. Raise crest of dam
    - i. Select new crest elevation from existing longitudinal profile. Typical sections.
    - ii. Geotechnical recommendations for crest stripping and fill placement.
    - iii. Consider clay material sources (onsite or offsite).
12. Environmental site survey and report preparation
13. Prepare technical specifications for spillway and dam crest
  - a. CMT
    - i. Concrete

- ii. Earth fill
  - iii. Riprap
  - iv. Construction sequence
  - v. Diversion and lake drawdown
  - vi. Erosion control
  - vii. Etc.
- b. Intertek PSI
  - i. Rock removal
  - ii. Protection of dam from blasting
  - iii. Etc.
- 14. Prepare construction bidding documents and contract documents.
- 15. Modify Emergency Action Plan for changes to labyrinth spillway and dam crest
- 16. Modify Operation and Maintenance Plan for changes to labyrinth spillway and dam crest
- 17. Prepare Final Design Report per IDNR requirements
  - a. Hydrologic and Hydraulic Investigations
  - b. Structural and Geotechnical Investigation and Design (only for Spillway & dam crest)
- 18. Quality control review
- 19. Review Final Design Report and plans with Apple Canyon Lake POA in conference call.
- 20. Submit Application for Permit to Construct Major Modification to IDNR (IL Admin Code 3702.60).
  - a. Final Design Report
  - b. Geotechnical Report
  - c. Soil boring logs from 1969 plans if applicable
  - d. Construction plans
  - e. Specifications
  - f. Owner compliance statement(s)
- 21. Review IDNR comments. Revise plans and specifications if required. Submit to IDNR.
- 22. Receive IDNR construction permit.
- 23. Prepare Stormwater Pollution Prevention Plan (SWPPP) and submit Notice of Intent for NPDES stormwater permit to Illinois EPA if required (Disturbed area > 1 acre).
- 24. Field site visit during design (if required)
- 25. Prepare Opinion of Probable Construction Cost
- 26. Project Management

Note: Payment of IDNR permit application fee to be made by ACL POA.

Not Included in Scope of Services

- Bidding Phase Services
- Construction Phase Services
- Clearing of trees for rock boring



# Memorandum

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**To:** Board of Directors

**Date:** July 5, 2022

**From:** Carrie Miller

**Memo:** 2022-79

**Topic:** Designated Signers for ACLPOA accounts

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**Issue & Analysis:** The designated signers for all ACLPOA accounts at Apple River State Bank and the CDs at Apple River State Bank, must be updated following the 2022 Annual Meeting.

**Recommendation:** To designate Ashlee Miller, Interim General Manager & Financial Manager; and Carrie Miller, Accounts Payable/Human Resources; and Board of Directors members Nolan Mullen, President; Mike Harris, Vice President; Steve Borst, Treasurer; Laura Pratt, Corporate Secretary; John Anderson; Bob Ballenger; Bill Becker; Henry Doden; and Mark Kosco; as designated signers for ACLPOA accounts and CDs at Apple River State Bank.

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



# Memorandum

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To: ACL Board

Date: July 4, 2022

From: Megan Shamp

Memo #: 2022-78

Topic: Board Liaisons to Committees/Commissions

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**Issue & Analysis:** The Amended & Restated Bylaws state: "The Board may appoint a Board member as a full member to any commission, who shall be liaison to the Board."

**Recommendation:** To appoint the following Board Liaisons to commissions:

**Board Policy Ad Hoc** – Mike Harris  
**Budget** – Steve Borst  
**Campground** – Nolan Mullen  
**Conservation** – Henry Doden  
**Deer Management** –  
**Editorial Review** – Nolan Mullen  
**Employee Handbook Ad Hoc** – Mike Harris  
**Flood Mitigation Ad Hoc** – Bob Ballenger  
**General Manager Search Ad Hoc** – Steve Borst  
**Golf** –  
**Legal** – Mark Kosco  
**Multi-Sport Complex Ad Hoc** -  
**Nominating** – Mike Harris  
**Recreation** – John Anderson  
**Rule & Regulations** – Mark Kosco  
**Safety & Emergency Planning** – Laura Pratt  
**Strategic/Long Range Planning** – Steve Borst  
**Tellers** – Laura Pratt  
**Trails** – Bill Becker  
**Zebra Mussel Ad Hoc** – Laura Pratt

<p><i>Plan on a Page: High Performing Operations and Management – To operate at full efficiency and effectiveness for the benefit of the Association.</i></p>
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# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Ashlee Miller

**Memo #:** 2022-82

**Topic:** Organizational Chart Update

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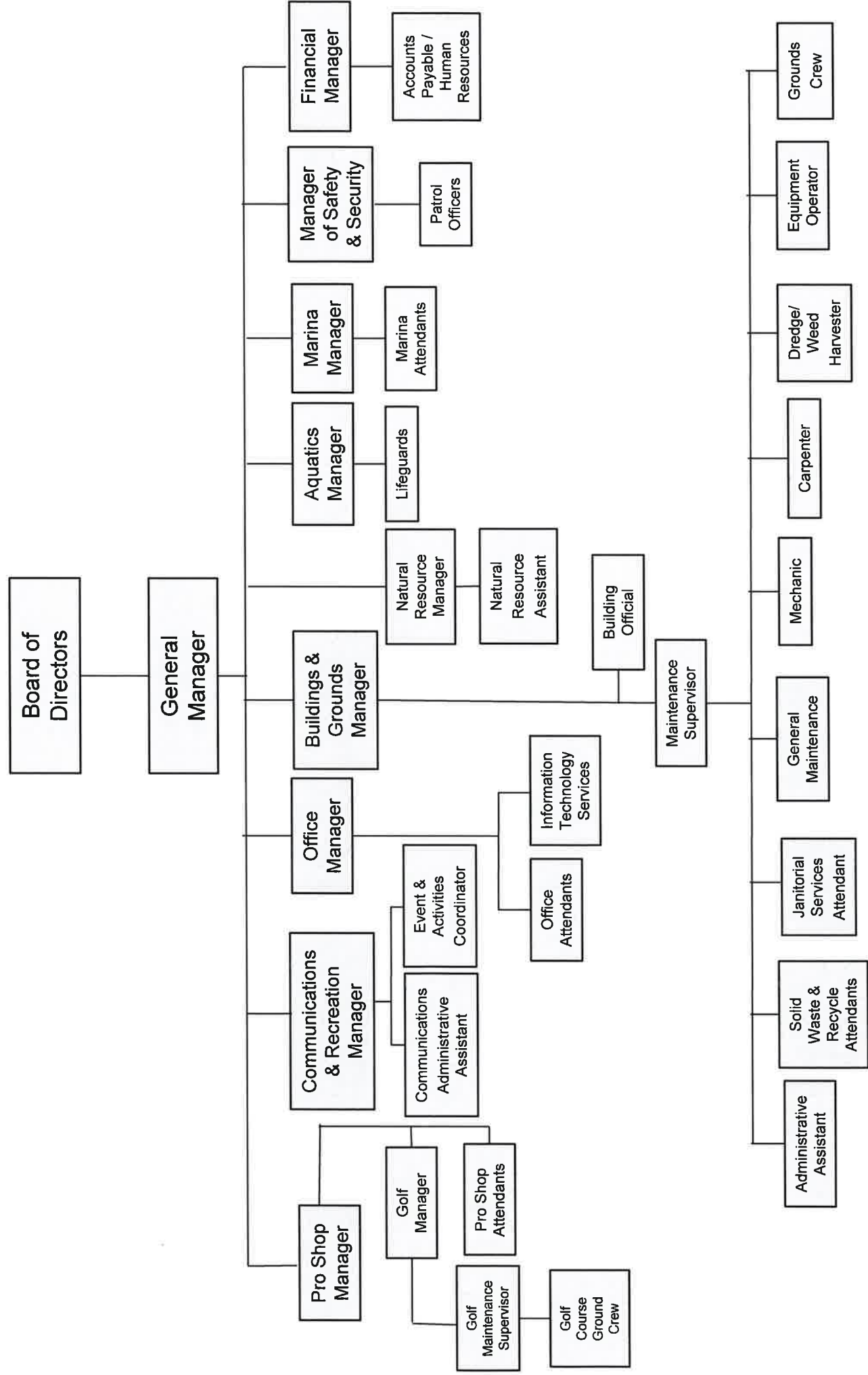
**Issue & Analysis:** With the addition of the Recreation Assistant, the Organizational Chart needs to be updated and approved by the Board of Directors. The Natural Resources Manager reports directly to the General Manager, but the Organizational Chart does not reflect the proper report. The Recreation Assistant position was not approved in the 2022 Operating Budget as a single full-time position. It was approved for multiple part-time positions, which were not able to be filled.

**Recommendation:** To approve the changes to the ACL Organizational Chart.

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



# ACL Organizational Chart





# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Ashlee Miller

**Memo #:** 2022-83

**Topic:** Search Firm Engagement

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**Issue & Analysis:** The General Manager Search Ad Hoc Commission has solicited candidates and are conducting second interviews with two candidates. Dependent on the outcome of those two interviews, engagement of a search firm may be necessary. We are asking for approval of funds to engage a search firm to locate a qualified candidate.

**Recommendation:** To approve up to \$45,000 to engage Management Matters in the search for a General Manager, if needed, and for travel expenses for any in-person BOD interviews, to be paid out of the Operating Fund.

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



# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Rules & Regulations Commission

**Memo #:** 2022-84

**Topic:** Rules & Regulations: Kayak Lockers – 1<sup>st</sup> Reading

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**Analysis:** Staff has prepared new language for the kayak lockers. The Rules & Regulations Commission reviewed this language at their June 3 meeting and made two minor changes to the document.

**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 – Review and update, if necessary, all Governing Documents on an annual basis***

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Rules & Regs Committee/Commission

Date 6-3-22

I move:

Rules & Regs Commission recommends to the ACL Board that the Section on Kayak Lockers be added in the Watercraft Section after the Boat Slips and the addition of the word ~~in~~ "currently" after Association in first sentence.

Action Taken Passed

MOTION MADE BY: MARK Marky Knerl  
MOTION SECONDED BY: GEO Greg Dwyer  
CHAIR: Vickie Serston

VOTE RECORDED:  
YEA: 5  
NAY: 0  
ABSTAIN: -

Date Received 6/3/22 Given to Board Date Completed 7/11/22

## **Kayak Lockers**

**(Suggest inserting in Watercraft section after F. Boat Slips)**

The Association **currently** has kayak lockers in place at the President's Cove picnic area and in Winchester Bay. Property Owners can license a locker from the Association. The license fee is as determined by the current Operating Fee Schedule. The Kayak Locker License Agreement must be completed upon assignment.

Lockers are to be used only for the storage of kayaks and related items. The kayak stored in the kayak locker must be registered with the Association and display the current year sticker no later than March 1 of each year. Property Owners shall not permit anyone else to store a kayak or other items in their assigned Locker.

The Property Owner will provide their own lock for their locker. Apple Canyon Lake Property Owners' Association shall not be liable for any damage or missing equipment, or personal property stored in a kayak locker.

To maintain the kayak locker assignment from year to year:

- a. Payment of Annual Dues, OARF(s), Trash, and the Seasonal Boat Slip/Boat Fee must be made on or before March 1 on all properties owned by all owners. (As outlined above in Section A, #5.)
- b. A completed and signed Kayak Locker License Agreement-Renewal must be returned with payment on or before March 1.
- c. Failure to complete all requirements of the Kayak Locker License Agreement-Renewal by the date specified therein will result in forfeiture of the kayak locker to ACL, any previously granted license will be revoked, and the kayak locker will be assigned to another ACL lot owner.





# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Rules & Regulations Commission

**Memo #:** 2022-81

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

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**Analysis:** The Rules & Regulations Commission met to review housekeeping recommendations from ACL staff and ACL legal counsel. At their March 3, 2022 meeting, they reviewed the recommendations from staff and motioned that the commission “recommends to the ACL Board to approve the document changes made in the Staff copy of the Rules & Regulations as presented.” At their April 1 meeting, they reviewed the Rules & Regulations recommendations and questions from legal counsel (with language to these questions as prepared by staff) and motioned that the commission “recommends to the ACL Board to approve the latest Rules & Regulations document as presented in the attached.”

Both the staff recommendations and legal counsel recommendations are included in the same document for Board review. Recommendations written by legal counsel are in blue, and recommendations written by staff are in red.

Housekeeping was sent to the Board for review at their April meeting. Changes suggested by the Board at that time have been reviewed by the Rules & Regulations Commission and some have been updated in the document included in the July Board packet and are highlighted in yellow. The commission did not change the wording of the Boating section to Watercraft because the section also includes boat slips and (pending approval) kayak lockers. The commission is further working on the Rules & Regulations surrounding pets. The formatting in the document was altered in file conversion and will be corrected. The Table of Contents will be referenced against the formatted document when all revisions have been incorporated and updated, as needed, for accuracy.

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

<p><i>Plan on a Page: High Performing Operations and Management – Long Range Goals and Measures – Review and update, if necessary, all Governing Documents on an annual basis</i></p>
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**Apple Canyon Lake  
Property Owners' Association**



**Board Approved  
Rules & Regulations**

JANUARY 2022

**14A157 Canyon Club Drive • Apple River, IL 61001  
(815) 492-2238: ACL Office**

This document, along with any additions or amendments throughout the year, is also available on the website:  
<https://www.applecanyonlake.org/group/pages/rules-regulations>



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#### **PREAMBLE:**

The rules and regulations contained herein have been adopted by the Apple Canyon Lake Property Owners Association (ACLPOA) Board of Directors pursuant to Article V, Section I, and Article VIII, Section I (n), (o) and (p) of the Amended and Restated Bylaws. Those sections provide in part that the Board of Directors have authority to adopt and publish rules and regulations governing the use of the Properties, the Common Properties, Facilities and the personal conduct of the members and their guests thereon; to suspend the enjoyment rights of any member for any period not to exceed ninety (90) days for any infraction of its published regulations and/or the power to establish fines for non-compliance therewith.

The rules and regulations have been written to provide for the safety and well-being of all ACLPOA members. Consideration has been given to the public safety, the ecology of the property and recreational enjoyment.

The rules and regulations have been formulated with an aim toward establishing orderly and reasonable procedures for governing activities and for maintaining the integrity of the ACL property, while restricting individual freedom as little as possible.

The job of the Association's Safety and Security personnel is to enforce the rules and regulations. Enforcement personnel (lifeguards, water patrol, security, etc.) will carry identification as evidence of the authority that has been delegated to them.

Violation of any rule or regulation set forth by the Board of Directors of ACLPOA is subject to fine. A detailed fine schedule is available in Section V General Violation Fines.

#### **A. General**

1. Members are expected to respect the requests of enforcement personnel and to follow their direction (e.g., identify self, stop upon request, and not interfere with duties).
2. In the spirit of friendly cooperation, we ask that Property Owners politely remind other Property Owners or guests of the regulations should a violation occur. If the violation persists, Property Owners are asked to report it to the Security Office or the General Manager.
3. Non-property owner employees of the ACLPOA may register approved recreational vehicles. Such employees must provide the same identification and insurance requirements as Property Owners. Termination of employment terminates their rights and access to Apple Canyon Lake amenities and vehicles must be removed within seven days of the employment termination.

*Amended: March 17, 2018*



## I. CLUBHOUSE

**Preamble:** The clubhouse is maintained for use of all members and is available on a limited basis for private parties. Contact the Communications & Recreation Manager for information.

### A. General

1. Members wishing to schedule the use of space and/or serve food at the Clubhouse are to verify the date and time with the Communications & Recreation Manager.
2. Maximum capacity for the clubhouse is 250 persons.

### B. Attire

1. The wearing of proper attire (shirts and shoes) is required in social areas.

### C. Private Parties

**NOTE:** A detailed Rental Rules and Agreement must be signed by Property Owners when renting the clubhouse prior to any rental being permitted.

1. All reservations are to be made through the Communications & Recreation Manager and approved by the General Manager.
2. Reservations are to be made at least one month in advance of event. Association events take precedence.
3. A damage deposit is required upon reservation confirmation. See fee schedule. Refunds of the damage deposit are dependent upon the extent of damage, if any, to the facility occurring during the event.
4. There is a six (6) hour time limit on private parties.

### D. Open Clubhouse

1. The Clubhouse serves as a quiet place for members to relax, socialize, watch TV, and use free Wi-Fi provided by the Association.
2. The hours that the Clubhouse is open for owners are posted in the lobby. However, Association events and meetings take precedence.
  - Regularly scheduled events and meetings can be found on the web calendar on the website – [www.applecanyonlake.org](http://www.applecanyonlake.org).

*Amended: March 17, 2018*

*Amended: July 18, 2020*

*Amended: April 17, 2021*

## II. AMENITY TAGS FOR PROPERTY OWNERS & GUESTS

Each Property Owner paying an Owner Amenity Registration Fee (OARF) will receive ten (10) Amenity Tags and five (5) auto stickers. The number of auto stickers issued to those Owners who pay the Trash Assessment and elect to receive Trash Auto Stickers will be reduced accordingly. These Amenity Tags authorize the use of ACLPOA amenities for Property Owners, their family, guests, or occupants. Persons of all ages must have an Amenity Tag. The Amenity Tag must be worn in a visible location or presented upon request. Additional Annual, Three Day, and One Day Amenity Tags may be purchased from the ACL Office. Owners of multiple lots will pay one OARF but may elect to pay an additional OARF for each multiple lot owned. The tags remain the property of ACLPOA.

Amenity Tags must be presented to enter the Pool, and worn or presented upon request at Nixon Beach, the Sports Complex, Firehouse Fitness, designated walking trails, and while walking the trail system. Tags may be required for private special events throughout the year. Individuals

fishing from the shoreline, or a dock, must wear an Amenity Tag or present it upon request.  
Amenity Tags must be worn or presented upon request while ice fishing. A vehicle sticker or guest

parking pass will be required for access to Nixon Beach. Amenity Tags do not have to be worn while on an ACLPOA registered recreational vehicle, including ATVs, golf carts, snowmobiles, and boats. Amenity Tags do not need to be worn while in the Campground. A vehicle sticker or guest parking pass will be required for access to the Campground.

Anyone found to be on the Common Properties without an Amenity Tag will be required to leave immediately. They may return with an Amenity Tag.

Dues, Trash, OARF(s), special assessments, interest, lien fees and any other outstanding amounts owed to the ACLPOA must be paid on all properties owned by all owners, designated members or occupants associated with all their properties prior to any owner receiving Amenity Tags, unless the property owner has been approved for the ACLPOA Payment Plan. Without limiting this requirement, but by way of example, if Lot 1 has two owners, persons A and B, and Lot 2 is owned by one owner, person A, then even if the dues on lot 1 have been paid by person A and/or B, neither person A nor person B can receive a boat tag or sticker until the dues for Lot 2 are paid by owner A, regardless of the fact that person B has no ownership interest in Lot 2.

The sale or unauthorized use of Association Amenity Tags is strictly prohibited. Any violation of this will result in a fine for the property owner. All violations will be presented to the Board of Directors. The Board of Directors may at their discretion suspend the membership rights of a property owner for up to ninety (90) days for violation of the Rules and Regulations in addition to the fines.

*Adopted: October 12, 2012*

*Amended: April 21, 2013*

*Amended: October 18, 2014*

*Amended: March 17, 2018*

*Amended: February 20, 2021*

**Commented [KJ1]:** I know that I have previously expressed my concerns with the potential enforceability issues of this provision (as well as the similar provision in the boating rules section), and I believe that Doug Sury in my office has commented in the past on this as well expressing his concerns. Since I am reviewing the rules again, I did want to reiterate the concerns I have and recommend revising the rules so that an owner is not denied an amenity tag based on a delinquency of a lot that the owner has no ownership interest in.

### III. GUESTS

**Preamble:** Property Owners are responsible for the activities of their Guests and any violation of the rules by a Guest will be charged against the Property Owner. In order that Guests may enjoy ACL in comfort and safety, an Amenity Tag Program has been adopted. The Amenity Tag(s) makes management and employees aware when non-members are present. All Property Owners must follow and are responsible for their Guests following the Amenity Tag Program. See Rules and Regulations, Article II above.

#### A. Definitions

1. "Guest" is any invited friend, relative, or occupant of a Property Owner using the ACL facilities with or without the Property Owner being present.
2. Immediate family members are those members and their dependents living in Property Owner's household full time. The Property Owner's children and their spouses not living in the Property Owner's household are not considered immediate family.

#### B. Guest Parking Passes

1. Guest Parking Passes must be visible on vehicle dashboard, with pass number facing upward, while vehicle is parked on any ACL "members only" property.
2. Guest Parking Pass is required for access to Nixon Beach.
3. Guest Parking Pass is required for access to the Campground.
4. Misuse or unauthorized use of Guest Parking Passes is subject to a fine to be paid by the Property Owner

*Amended: April 20, 2013*

*Amended: March 19, 2016*

*Amended: June 19, 2021*

#### IV. MISCELLANEOUS REGULATIONS

1. **Firearms:** Firearms shall not be discharged on the properties of ACL and all common properties, except by authorized Law Enforcement Personnel. Firearms shall not be carried on any part of the ACL common properties.
2. **Fireworks:** Fireworks shall not be discharged on the properties of ACL and all common properties unless approval by the Scales Mound Fire Protection District has been granted. Fireworks shall not be discharged from a watercraft.
3. **Littering:** Littering or defacing of property anywhere on the properties of ACL and all common properties is prohibited.
4. **Horses:** Horses are not permitted on the properties of ACL and all common properties.
5. **Common Property:** There shall be no cutting of trees, brush or shrubs on common property without the prior written permission of the General Manager.
6. **Pets:** Pets are not permitted in any ACL building, pool, or beach.
7. **Pets:** Pets must be leashed when not on owner's property.
8. **Pets:** Pet owner is responsible to clean up animal waste on the properties of ACL and all common properties.
9. **Tents:** **Camping** tents may be allowed on improved properties by receiving permission solely from the ACL Safety & Security Manager prior to occupancy. This special permission allows occupancy to be limited to 7 days.
10. **Swimming:** Swimming is not allowed at Cove Restaurant area, Marina and Nixon Beach designated boat area.
11. **Renting:** Property Owners wishing to rent their home must register annually with the ACLPOA office and conform with all registration and licensing requirements as required by Jo Daviess County, including the Guest Accommodations Ordinance which pertains to transient rentals.
12. **Vehicle Identification:** A valid property owner vehicle identification device must be permanently affixed to the driver's side lower windshield when parked on any ACL "members only" property, with number facing outward. Vehicle identification devices are available at the ACL Association Office. A valid property owner vehicle identification device is required for access to Nixon Beach and the Campground.
13. **Noxious or Offensive Activity:** No noxious or offensive activity shall be permitted.
14. **Lake:** No material shall be placed in the lake without permission of the Conservation Commission as to the type of material and location.
15. **Disobeying a Control Device (Signs):** Property owners/guests must comply with all signage while on the properties of ACL and all common properties.
16. **Speeding or Reckless Driving:** Property owners/guests are not to speed or drive any vehicle or boat recklessly while on the properties of ACL and all common properties.
17. **Interference with an Enforcement Officer:** Property owners/guests must not interfere with an enforcement officer on the properties of ACL and all common properties.
18. **Failure to Identify Self, Fleeing, Use of Abusive or Threatening Language:** Property owners/guests must identify themselves, must not flee from an enforcement officer or other ACLPOA personnel, or use abusive/threatening language while on the properties of ACL and all common properties.

**Commented [KJ2]:** This reference to "occupancy" is not clear. Are these tents for sleeping, such as for camping? Or are these event style tents for hosting parties? I recommend adding some clarification here.



**19. Household Pets:** No animals shall be kept or maintained on the properties of ACL and all common properties except the usual household pets and these pets must be leashed when off owner's property.

**20. Smoking and Cannabis Use:** Smoking and vaping is prohibited inside all ACL facilities and is only allowed in designated areas not less than 15 feet from the entrance of all facilities. "Smoking" is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars. Smoking or consumption of cannabis, marijuana or illegal controlled substances is not permitted in any common area throughout the property.

*Amended: July 18, 2020 Amended: March 20, 2021*

## V. GENERAL VIOLATION FINES

General fines where not specifically listed herein shall be \$50 for the first offense. All fines unless otherwise stated will be doubled for 2<sup>nd</sup> offense and tripled for 3<sup>rd</sup> and subsequent offenses within 3 years of the date of the same offense.

### Amenity Tags and Stickers for Property Owners and Guests

- The sale or unauthorized use of Association Amenity Tags is strictly prohibited
  - For the first violation \$500
  - Each additional violation \$1,000
- Failure to display ID Numbers as issued by the Association and current year ACL sticker on watercraft, camper, golf cart, UTV/ATV, snowmobile \$50
- Violation of vehicle stickers and/or Guest Parking Pass \$250

### Miscellaneous Regulations

- **All General** pet violations \$250
- **Pet violation causing physical harm to a pet or individual** \$500
- Illegal discharge of fireworks \$100
- Littering or defacing of property at ACL \$100
- Noxious or offensive activity \$250
- Interference with an enforcement officer \$250
- Failure to identify self, fleeing, use of abusive or threatening language towards an enforcement officer or other ACLPOA personnel. \$250
- Speeding or reckless driving of a vehicle or boat \$250

### Boating/Lake

- Non-compliance with Scuba diving rules \$50
- Non-compliance with waterskiing and towing regulations and those of Apple Canyon Lake \$100
- Non-compliance with boating regulations \$100
- Any boat that is on the lake and not properly registered with ACL \$250
- **Changing motor size after registration of a 10HP or less watercraft** \$500
- Operating a boat on the lake after it has been closed for safety reasons \$250
- Entry/Trespassing in the Spillway \$250
- Swimming at the beach when it has been closed for safety reasons \$250

### Fishing/Ice Fishing

- Failure to comply with the fishing regulations \$50
- Size and creel limit violations (PER FISH) \$50

### Campground

- Campground opening and closing violations \$50
- Failure to display a valid site tag \$50

- Failure to display ID numbers in the parking lot \$50
  - Failure to vacate a rented campsite \$100
  - Improper discharge of gray/black water from the holding tank of a campsite \$1,000
  - Camping unit not renewed and not removed by the annual opening day \$25/day
  - Air conditioning unit left running in an unoccupied camper for more than 48 hours \$50/day
  - Camper storage fee not paid by official closing day of campground \$50
- If not paid within thirty (30) days an additional fine of \$100 will be assessed monthly until March 1<sup>st</sup>

#### Golf Course

- Noncompliance with general golfcourse rules \$25
- Misuse or abuse of rented golf cart – Fine plus damages \$100

#### Motorized Vehicles – Recreational

- Riding or operating motorized recreational vehicles on closed trails or in an area that is not an ACL authorized area for recreational vehicles:
  - First Offense \$100
  - Second Offense \$300
  - Third or Subsequent Offense \$500
- Any prohibited vehicle that is on the trails or golf course \$250
- Any recreational vehicle that is on the trails or golf course and not properly registered with ACL \$250
- Operating a recreation vehicle in a careless or heedless manner \$250
- Operating a recreation vehicle on a private property \$100
- Unlawful Operation of All Terrain Vehicles and Golf Carts (under age 16 and/or not possessing a valid driver's license or permit of state of origin) \$250

#### Snowmobiles

- Snowmobile or UTV/ATV breaks the ice and fall beneath the ice \$500

#### Archery

- Failure to follow archery rules \$100

#### Burning/Cutting Trees

- Partial cutting or trimming of or downing of trees on common property without prior written permission of the General Manager \*Up to \$1,000
  - Burning or cutting to clear on common property without prior written permission of the General Manager \*Up to \$1,000
- \*per tree, plus \*\*restoration expense  
 \*per occurrence, plus restoration expense  
 \*\*Restoration to be defined as: Act of restoring, putting back into nearly original form
- Cutting or trimming of trees within 50 feet of the shoreline without prior AECC approval \$1,000 per tree (See ACL Building and Environmental Code, 123.5 Shoreline Buffer Zone and 107.1, C., 3., c.)
  - Violations of the burning regulations may result in the following fines:
    - Private Property: \$100
    - Greenways: Up to \$1,000
    - Open Field Burning: Up to \$1,000

#### Trash

- The improper disposal of trash. Property owners who drop off trash outside the gates of the solid waste recycling center when the center is closed will be issued a citation and be subject to fines. Property owners who observe the illegal dumping of trash anywhere on the property are encouraged to report such activity directly to the General Manager. This includes dumpsters and trash receptacles at the Marina, Campground and Pro Shop.

First Offense:  
Second Offense:

\$100  
\$200

Third Offense \$300

(And the matter will be turned over to law enforcement authorities:  
The Jo Daviess County State's Attorney and Sheriff)

- Disposing of hazardous materials at the Solid Waste & Recycling Center \$100

Amended: March 17, 2018 Amended: November 17, 2018 Amended: March 20, 2021

## VI. BOATING

**Preamble:** Apple Canyon Lake has adopted the Illinois Boat Regulations and Safety Act. All provisions of said Act are applicable to all boats operated on Apple Canyon Lake. Non-compliance with these regulations or those of Apple Canyon Lake could result in a fine.

### A. Registration

1. All boats, motorized and ~~non-motorized non-powered~~, operated on ACL must be registered annually with the ACL Association Office. ~~Non-powered watercraft required to be registered include kayaks, canoes, rowboats, paddleboats, sailboats, and stand up paddleboards (SUPs).~~ A copy of the current State Watercraft Registration (if applicable) and current insurance is to be submitted and kept on file.
2. Prior to launching a motorized ~~boat watercraft~~, a current year ACL sticker must be placed on the boat. The ACL sticker shall be placed on the starboard side (driver's side, right) next to the 3-inch contrasting ID numbers. ~~If the sticker must be re-issued due to improper placement, the owner must pay a replacement fee, at the same rate as the current registration fee on the fee schedule. All registration paperwork must be up to date at the time of re-issue for a sticker to be given.~~
3. Boat owners must affix 3-inch contrasting ID numbers as issued by the Association on both the right and left sides of the watercraft near the rear of the boat and on the right side of the boat trailer tongue so that the ID numbers may be seen from the Security building when the boat is launched at the Marina. The ID number must correspond to the lot to which the watercraft is registered.
4. No guest ~~boats watercraft~~ are allowed on ACL property. Persons not listed on the recorded deed may not register any boat or recreational vehicle. Ownership of registration and insurance must be in the name of the Property Owner. Eligible ACL employees may register a boat per existing Rules and Regulations (Preamble; A. General 3.).
5. Governing Documents require that all assessments (membership dues, trash, special assessments, interest, lien fees) be paid on all properties owned by all owners, designated members or occupants associated with all their properties prior to registration and launching. Without limiting this requirement, but by way of example, if Lot 1 has two owners, persons A and B, and Lot 2 is owned by one owner, person A, then even if the dues on lot 1 have been paid by person A and/or B, neither person A nor person B can receive a boat tag or sticker until the dues for Lot 2 are paid by owner A, regardless of the fact that person B has no ownership interest in Lot 2. Association Boat Slip/Boat fee must also be paid on or before March 1.

Amended: October 20, 2018

### B. Insurance

All motorized and ~~non-motorized non-powered~~ watercraft owners must provide ACLPOA with proof of liability Insurance. The minimum required amount of insurance coverage shall be \$500,000 for bodily injury and property damage combined. Acceptable proof of liability insurance documents must meet the following requirements: the policyholder/named insured is the property owner of record; the insured watercraft must be described, and the policy term expiration date and liability coverage

amounts must be listed.

Continuous until canceled policies will not be accepted. Listing the Association as an Additional Insured or Additional Interest is not required, but by doing so, the insurance company should automatically send [copies of renewal documentations to the Association](#).

*Amended: October 19, 2013 Amended: March 17, 2018*

*Amended: October 20, 2018*



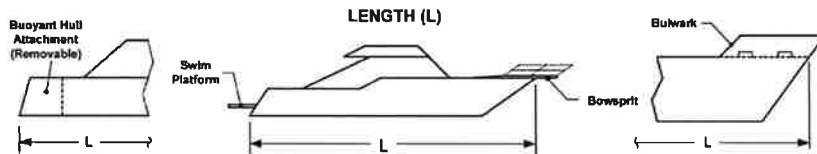
### C. Boat Size/Horsepower

1. Effective July 15, 2017, any newly registered motorized boat must be measured by ACL staff prior to registration. Any boat registered prior to July 15, 2017, that was not measured will be exempt. These "grandfathered" boats shall be exempt as long as these boats remain under present ownership.
2. Powered boats, with the exception of pontoon boats, shall be no more than 21 ft. in length from bow to stern in length overall (LOA), as measured by the ACL staff.

#### Length Overall Defined:

##### **USCG Enclosure (4) to MTN 01-99 CH5, Tonnage Technical Policy, Simplified**

**Measurement 69.203 Definitions, Page 4:** OVERALL LENGTH means the horizontal distance between the outboard side of the foremost part of the bow and the outboard side of the aftermost part of the stern, excluding rudders, outboard motor brackets, and other similar fittings and attachments. Also excluded from length are non-buoyant attachments such as bulwarks, bowsprits, overhanging decks, swim platforms and stern wheel supports. Buoyant hull structures both fixed and removable are included in the overall length.



3. Pontoon boats shall not exceed 25 ft. as measured from the forward most point of the pontoon(s) to the aft most point of the outside pontoon(s).
4. Electric powered boats, sailboats or other than power boats shall not exceed 25 ft. in length as measured bow to stern in Length Overall (LOA), as defined above. Motor not included.
5. Boats exceeding the above size limitations will be exempt if registered for use on ACL prior to November 6, 2000. These "grandfathered" boats shall be exempt as long as these boats remain under present ownership and are continuously registered.
6. If a motorized boat is registered to an Association boat slip, it must be measured no later than Memorial Day. Failure to bring the boat to the Association Office to be measured by the end of business on Memorial Day will result in the \$100 Boat Slip Late Fee being assessed and commencement of the boat slip forfeiture process outlined in the Boat Slip License.
7. Only one (1) boat over 10 horsepower and one (1) boat 10 horsepower or less shall be registered per lot. Association staff will photograph the boat with 10 horsepower or less showing that is the only motor in place. Should a motor over 10 horsepower be placed on the boat following registration, a fine will be issued, and the motor must be removed. All violations will be presented to the Board of Directors. The Board of Directors may at their discretion suspend the membership rights of a property owner for up to ninety (90) days for violation of the Rules and Regulations in addition to the fines.
8. Classifications for motorized boats with detachable motors:
  - a. Boats with electric trolling motors are considered motorized.
  - b. Boats with detachable gas-powered motors are considered motorized.

9. Maximum allowable horsepower must be in accordance with the BIA (Boating Industry Association) plate limitation as shown on each boat.

*Amended: July 15, 2017      Amended: October 19, 2019*

**D. General**

1. Boats must not exceed a speed of 40 mph. However, no person shall operate a boat at a rate of speed too fast for conditions.
2. Boats must remain a safe distance from other boats, shoreline, buoy markers, etc.

3. Boats creating a wake must be at least 100 feet from shore. Boats shall not be operated at a speed in excess of 5 MPH in a no wake zone.
4. All boats shall be operated at a no wake speed after sunset and before sunrise as established by the U.S. Weather Bureau, Dubuque, Iowa.
5. Racing of power boats is not permitted.
6. Jet-skis, Jet-Boats, Wet-Bikes, Parasails, Seaplanes or similar types of vehicles are not allowed on ACL.
7. Boats are not to be tied, moored, or anchored to any buoy or mooring can.
8. All marina parking will be on first come, first serve basis. Boat trailers/cars must park in designated areas.
9. Parking in the ramp area is not allowed.
10. Association rental boats may not be rented to anyone other than Property Owners or Authorized Guests. All rental boats must have current IL registration. Rental of privately-owned boats is prohibited at Apple Canyon Lake.
11. Boats are not permitted to be stored, anchored, or moored on greenways or other Association property, except in a designated area. Short-term mooring of boats is permitted in an identified picnic/playground area when the owner operator is present. Short-term mooring of boats is permitted at the Cove while the owner operator is patronizing the restaurant. Long-term or overnight mooring of boats at these locations, in a bay, or anywhere else other than an assigned Association Boat Slip or private boat slip, is not allowed.
12. A personal flotation device must be properly worn by each person under the age of 13 on board the watercraft (both motorized and non-powered) at all times in which the watercraft is underway. A personal flotation device must be available on the watercraft for each person on board.
13. Operators of any non-motorized non-powered watercraft must also carry a whistle; and a lantern or flashlight shining a white light for use from sunset to sunrise.
14. Boats must travel in a counterclockwise direction. Exceptions include within 100' from shore to achieve enforcement or for an emergency, for kayaks, paddleboats, canoes, stand up paddleboards (SUPs), or row boats, when crossing the lake and for downed skiers or tubers.
15. Violations of IL Boat Regulations and Safety Act are prohibited.

#### **E. Waterskiing and Towing Devices**

**Preamble:** The provisions of the Illinois Boat Registration and Safety Act pertaining to water-skiing are applicable to skiing on ACL. Illinois State Law prohibits pulling a skier without at least one competent person on the boat in addition to the driver. Non-compliance with these regulations and those of Apple Canyon Lake will result in a fine.

1. No more than two (2) persons may be towed behind any one boat.
2. Skiers and other towing devices must stay a safe distance from other boats and at least 100 feet from any docks and shoreline.
3. Skiers and other towing devices must be operated in a safe and careful manner.
4. Dropping of one or more skis is permitted only at the southernmost part of the lake near the dam, south of Nixon Beach and the Marina. Boat operators and skiers must be alert to the possibility of floating skis in this area.
5. The operator of any watercraft that is towing a person or persons shall display on the watercraft

a bright or brilliant orange flag measuring not less than 12 inches per side. The flag shall be displayed at the highest point of the area surrounding the boat's helm as to be visible from all directions, continuously, while the person or persons being towed depart the boat in preparation for towing and until reentry into the boat when the activity has ceased. Display of the flag for purposes other than the activity described in this section is prohibited.

6. Boaters towing skiers, tubers, surfers, etc. must wave a red flag when the person(s) are "down" or in the water.

*Amended: March 19, 2016*

#### **F. Boat Slips**

1. All boat slips must be approved in accordance with the Architectural and Environmental Control Commission Building and Environmental Code. Assignment of boat slips shall be the responsibility of the General Manager.
2. No private boat slips are permitted on greenways. No private boat lifts or boat slips may be stored on greenways.
3. Association boat slip assignments are limited to one boat slip space per lot on an annual basis as per license agreement.
4. All ACLPOA boat slips are assigned to lots and not to the property owner. However, the Property Owner has the right to change the assigned slip to another lot concurrently owned by the same Property Owner. This change must take place prior to the sale of lot.
5. After January 1 the ACL boat slip licensee of record may offer his/her boat slip for sub-license. All sub-license transactions will be executed through the ACL Boat Slip Sub-license Program. The ACL Boat Slip Sub-license Program will be managed by the ACL Association Office. Boat slip sub-licensing not transacted through the ACL Boat Slip Sub-license Program will be considered unauthorized. The ACL boat slip licensor of record will receive a <sup>3</sup>/<sub>4</sub> boat slip rental fee rebate after his/her boat slip has been sub-licensed. The sub-licensor will also pay to the ACLPOA the annual fee in full, based on the current fee schedule. Should a boat slip trade occur on a sub-licensed slip during the calendar year, then the sublicense must travel to the new slip. All boat slip sub-licenses expire on December 31 of each calendar year. Sub-licenses may be terminated at any time by mutual agreement between the licensor of record and the sub-licensee. The ACL Association Office is to be notified when sub-licenses are terminated prior to December 31 of the current calendar year. No fee refunds will be paid by ACLPOA for sub-licenses terminated early.
6. Inflatable rafts, toys, lily pads, or other floating devices will be allowed in a no wake zone only and must be removed by sunset or when not in use. These items may not be tied to or stored on Association docks, **greenway, or other Association property. It is recommended that the lot or ID number be written on these items so they can be identified if lost.**
7. As of March 16, 2013, any property owner licensing an Association boat slip for the first time must register a motorized or **non-motorized non-powered** boat for each boat slip space by March 1 of the following year. Failure to do so will result in the termination of the boat slip license.
8. Boat slip leases granted prior to November 17, 2002, shall be grandfathered as transferable boat slips. If exchanging boat slips for a preferred location, this transferability may be traded to the new boat slip.
9. All new boat slip additions, as well as those released back to the Association, after November 17, 2002, shall be Non-Transferable (N.T.). Such licenses will be subject to annual license renewal and only transferable to ACL property that is owned by the same licensee.
10. To maintain the Association boat slip assignment from year to year:
  - a. Payment of Annual Dues, OARF(s), Trash, and the Seasonal Boat Slip/Boat Fee must be made on or before March 1 on all properties owned by all owners. (As outlined above in

Section A, #5)

b. A completed and signed Boat Slip License agreement must be returned with payment on



or before March 1.

- c. Failure to complete all requirements of the Boat Slip License by the date specified therein will result in forfeiture of the boat slip to ACL, any previously granted license will be revoked, and the slip will be assigned to another ACL lot owner.

11. Liability

- a. Apple Canyon Lake Property Owners' Association shall not be liable for any damage or missing equipment, or personal property stored at a boat dock or in a watercraft. *Amended: October 20, 2018*

**VII. LAKE**

**A. Nixon Beach and Swimming**

Amenity tags and a vehicle sticker or Guest Parking Pass are required to access Nixon Beach. Illinois Department of Public Health requires:

1. Individuals who are not toilet trained or otherwise suffer from incontinence are required to wear tightly fitted rubber or plastic pants while in the lake. Anyone exhibiting symptoms of diarrhea in a 24-hour period should not visit the beach. Anyone with open wounds **should shall** not visit the beach.
2. Pets are not allowed on the sand area of the beach or in the pavilion.
3. Swimming is limited to Nixon Beach, no wake areas and in the main body of the lake within 75' of the shoreline. No one shall swim alone.
4. Posted Rules at the beach will be strictly enforced. Those rules include but are not limited to:
  - a. The beach closes at 10:00 p.m. and reopens at 5:00 a.m. daily. Utilization of the beach other than during these hours requires a permit from the Aquatics Manager. Swimming is prohibited before sunrise or after sunset, or when lightning or thunder is present, including a 30-minute period after the last thunderclap is heard or lightning strike is observed.
  - b. Glass items, breakable containers or hazardous objects are not permitted on the beach. Littering is prohibited.
  - c. No smoking or vaping **is** allowed within fifty (50) feet of the beach. "Smoking" is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars. Please refer to Section IV for ACL cannabis rules.
  - d. Swimming is permitted within the designated swimming boundaries only
  - e. No fishing **is** allowed within the designated swimming boundaries.
  - f. Apple Canyon Lake is not responsible for lost or stolen property
  - g. Persons under the age of 13 must have an adult who is responsible for them present at all times.
  - h. Grills are limited to grassy area behind pavilion.
  - i. Signage shall be posted "No Lifeguard Present, Swim at your Own Risk" as necessary.

**Commented [KJ3]:** Using the phrase "should not" likely makes this a suggestion rather than an enforceable rule. If the desire instead is to make this a requirement, then "shou not" needs to be replaced with "shall not".

5. ~~Persons under the age of 13 must have an adult who is responsible for them present at all~~

times.

6. Grills are limited to grassy area behind pavilion.
7. Signage shall be posted "No Lifeguard Present, Swim at your Own Risk" as necessary.

## B. Scuba Diving

Non-compliance with the following rules will result in a fine.

1. Notify security prior to scuba diving
2. Divers are responsible for designating "Occupied Diving Area" with approved markers.
3. Scuba diving is permitted in no wake zones.
4. Diving is limited in the main body of the lake within 75' of the shoreline.
5. No scuba diving is permitted in the main body of the lake on weekends or holidays.

Amended: March 17, 2018      Amended: January 16, 2021

## VIII. FISHING RULES

**Preamble:** All rules of the Illinois Department of Natural Resources apply at ACL and will be enforced by ACL Security and IDNR. Fishing regulations regarding Apple Canyon Lake defined length and creel limits are subject to change. Size and creel limits will be posted each season at the Marina and published in *The Apple Core*. Fishing is for property owners and their guests or occupants with an amenity tag. Failure to comply with the fishing regulations will result in a fine for each violation.

1. Each person fishing is responsible for knowledge of current size and creel limits for each species of fish. Violations will result in a fine PER FISH.
2. Fishing is allowed from Association common property & greenway or Association docks not otherwise prohibited below.
3. Fishing is also allowed along the Harold Bathum Trail.
4. *Persons shall be limited to two pole and line fishing only. This regulation permits the angler to harvest fish with no more than two poles with no more than two hooks or lures per line. The following recreational fishing tactics are expressly prohibited including, but not limited to: Snagging, spearing, use of firearms, hoop nets, bows, traps, snares, seines, bank poles, trot lines, commercial fishing devices, or any other fishing method besides pole and line.*
5. Persons shall have at all times in their possession a valid Illinois Fishing License while engaged in fishing activities.
6. No person shall introduce any fish species into Apple Canyon Lake waters, except by authority of the Illinois Department of Natural Resources.
7. No fishing is allowed in the following areas: These areas are dangerous – no fishing or trespassing/entry allowed.
  - a. On the dam.
  - b. All reaches of the spillway.
  - c. From the buoy marker to the spillway.
  - d. Bottom of the spillway to the bridge.
8. No fishing from shore at North Bay Wilderness Area Nature Walk.

Commented [KJ4]: Paragraphs 5, 6 and 7 here are repeats of paragraph 4, subparagraphs (g), (h) and (i) right above them.

9. No fishing in the Marina Bay between the parking lot and the posted signs.
10. No fishing from the Cove docks or the area in front of the Cove parking lot during Cove operating hours.
11. Violations of Illinois Department of Natural Resources rules are prohibited. *Amended: January 16, 2021*

#### **IX. ICE FISHING**

**Preamble:** All rules of the Illinois Department of Natural Resources apply at ACL and will be enforced by ACL Security. Ice fishing is for property owners and their guests or occupants with an amenity tag. Apple Canyon Lake Property Owners Association assumes no responsibility for the safety of individuals on the lake.

##### **A. General**

1. No State licensed vehicles such as trucks or automobiles are permitted on the frozen lake.
2. The Association provides no information regarding the thickness of the ice.
3. Violations of Illinois Department of Natural Resources regulations are prohibited.

##### **B. Shelters**

1. Shelters must clearly display the following information in 3" high letters:
  - a. Owner's name
  - b. ID Numbers as issued by the Association
  - c. Phone number
2. Shelter used after dark must have highly visible reflectors on all sides.
3. All shelters must be removed from the ice daily.

*Amended: September 19, 2020*

#### **X. CAMPGROUND**

**Preamble:** The ACL campground is limited to Property Owners and their authorized guests. An ACL auto sticker or Guest Parking Pass is required for entry to the Campground. RV sites and primitive tent sites are available. RV sites have electric and water hookups. Seasonal Campsites are assigned through the Seasonal Campsite Waiting List for long-term RV camping. A reservation system is used for all short-term, non-seasonal campsites. Reservations are made through the ACL Association Office. No person under the age of 18 is permitted to rent a campsite unless accompanied by an adult.

**Campground Opening Date:** First weekend in April, weather permitting, or as determined by General Manager.

**Campground Closing Date:** The last Sunday in October, weather permitting, or as determined by General Manager.

Failure to comply with these rules will result in a fine.

##### **A. General Rules**

1. All camping units must arrive in the campgrounds before 10:00 p.m. Check in at ACL Association Office. Campers arriving after the ACL Association Office has closed should make arrangements in advance to have the site ticket left in the dropbox for pickup at check in but must check in prior to noon the next day. All non-seasonal camping units must

display a valid site ticket as designated by the ACL Association Office. Failure to display a valid site ticket will result in a fine.

2. Quiet hours are from 10:00 p.m. until 8:00 a.m.
3. The speed limit within the campgrounds is 10 MPH.
4. Boats, golf carts, or ATVs/UTVs in the campground must be registered with the Association and display ID numbers and a current year ACL sticker. All motorized recreational vehicles used in the Campground must follow the Rules & Regulations outlined in Section XI Motorized Vehicles-Recreational. Boats, boat trailers, ATV/ UTV trailers are not permitted to be stored in the campground parking lots for more than two (2) weeks per year or per season. Boat and ATV/UTV trailers stored in the campground parking lot must display ACL ID numbers. Campground parking lot storage is restricted to those currently camping in the Campground. Failure to display ID numbers in the campground parking lot will result a fine.
5. Non-seasonal sites may be reserved on the basis of:
  - a. Reservations must be made by an ACLPOA member or authorized guest. Only one site may be rented at the Property Owner rate per lot. The Property Owner must be staying at the site and make the reservation to receive this rate. All other reservations will be made at Guest rate.
  - b. Reservations may be made no more than 30 days in advance.
  - c. Reservations may not exceed two (2) weeks.
  - d. All applicable fees must be paid at the time a reservation is made. All RV site reservations canceled are non-refundable. Primitive site reservations canceled with at least 7 days' notice will ~~be have fees~~ refunded by ACL gift card; ~~fees for primitive site reservations~~ refunded.   
 canceled with fewer than 7 days' notice will not be . The property owner or guest making the reservation must ensure their camper will fit on the site. No campsite changes or modifications are allowed.
  - e. Sites must be vacated by the 11:00 a.m. checkout time on the day of the owner's scheduled departure, or an extra day's fee will be assessed. If an incoming rental is displaced due to late removal, a fine will be assessed in addition to the extra day's fee. The Property Owner will be held financially responsible and charged additional fees for early placement or late removal.
6. Campfires must be contained in the fire rings provided for the campsite. Extinguish campfires properly. No garbage or trash shall be placed in the ring.
7. Campers must maintain campsite free of litter, garbage, and debris at all times. Garbage shall be taken to the Recycling Center during their posted hours. A dumpster is provided for the Campground on holiday weekends. Garbage may not be disposed of at the laundry or bathhouse facilities.
8. Domestic pets are allowed in the Campground but must be traditionally or electronically leashed at all times. Campers must pick up after their pet and properly dispose of waste.

Commented [KJ5]: It is implied here that cancelling with fewer than 7 days' notice means the fees won't be refunded but this should be specifically stated if that is the case.

## B. Guest Rules

1. Property Owners are responsible for the activities of their guests and any violation of rules by the guest will be charged against the Property Owner.
2. Guest camping will be permitted. Property Owners may reserve sites for their guests or provide authorization to the ACL Association Office allowing the guest to make the reservation. No guest reservations will be made without authorization from the Property Owner. Property Owners may give permission for guests making reservations to request Guest Parking Pass(es) be included with the site tag at check in. Site fees will apply to the following:
  - a. Primitive - one site fee for up to two (2) tents.

- b. Non-seasonal RV site - one site fee for one camper or up to two tents.
- c. Occupied RV site - one (1) tent per site without charge.
- d. Shared RV site - second unit/full rate, subject to the second camper fitting in entirety on the gravel pad. Fees must be paid before the second unit is placed on the site.

### C. Campground Sanitary Rules

1. Dumping/expelling gray water (sink waste) or black water (toilet waste) on the ground is strictly prohibited. All RVs, whether equipped with holding tanks or not, such as fold down campers, may not uncap the external drain unless it is connected by hose to a sealed container such as a tote-along drain water tank. Open containers such as buckets are not permitted. When dumping holding tanks at the campground dump station located near the bath house, use of a hose is required to discharge gray or black water directly into the campground dump station inlet from a tote or holding tank.
2. Upon confirmed knowledge of deliberate improper discharge of gray/black water from the holding tank of campsite unit the following shall occur, a fine will be issued, - immediate removal of camping unit and personal property from campground will be required, and forfeiture of camping privileges for 90 days. No pro rata refund of fees paid. No warnings. Property owner will be responsible for any cleanup costs.

### D. Seasonal Campsites

1. The previous year's Seasonal Campsite License may be renewed if both renewal and registration are completed by March 1. Payment of Annual Dues, OARF(s), Trash, and the Seasonal Campsite Fee must be made on or before March 1 on all properties owned. Governing Documents require that all assessments (membership dues, trash, special assessments, interest, lien fees) be paid on all properties owned by all owners, designated members or occupants associated with all their properties prior to registration. Without limiting this requirement, but by way of example, if Lot 1 has two owners, persons A and B, and Lot 2 is owned by one owner, person A, then even if the dues on lot 1 have been paid by person A and/or B, neither person A nor person B can receive a camper tag or sticker until the dues for Lot 2 are paid by owner A, regardless of the fact that person B has no ownership interest in Lot 2. A completed and signed Campsite License agreement must be returned with payment on or before March 1 as part of the renewal and registration process. Failure to complete all requirements of the Campsite License by the date specified therein will result in forfeiture of the campsite to ACL, any previously granted license will be revoked, and the site will be assigned to another ACL lot owner. All camping units registered to a seasonal site must be owned by a property owner and registered annually with the Association by providing a completed Campsite License agreement, proof of liability insurance, State Registration or Title (see a. below), and by paying the required fee. All seasonal camping units must display a current year ACL sticker and ID numbers issued by the Association prior to occupying a campsite. For camping units stored on site over the winter, the current year ACL sticker & ID numbers must be displayed by Memorial Day Weekend. The current year ACL sticker and ID numbers must be visible from the road. All Seasonal Campsite Licenses are transferable only to another ACL property owned concurrently by the same Property Owner. Campsite Licenses may not be transferred to another Property Owner or with the sale of a lot. Upon the sale of the lot, the Campsite License agreement will automatically and immediately terminate.
  - a. All camper owners must provide ACLPOA with proof of liability insurance. The minimum required amount of liability insurance coverage shall be \$500,000 for bodily injury and property damage combined. Acceptable proof of liability

insurance documents must meet the following requirements: the policyholder/named insured is the property owner of record; the insured camper must be described, and the policy term expiration date and liability coverage amounts must be listed. Continuous until canceled policies will not be accepted.

- b. A copy of the current State Recreational Vehicle Registration or Title must also be provided to ACLPOA. A current State Recreational Vehicle Registration must be provided if the camper is transported to/from the Campground. A current State Recreational Vehicle Registration or Title will be accepted if Camper Storage fee is paid. The Camper Storage fee must be paid by March 1 if only a Title is provided. If the owner chooses not to store the camper at the Campground over winter, the camper must be removed prior to the Campground closing date and the Camper Storage fee will be refunded after a current State Recreational Vehicle Registration is provided. **If a State Recreational Vehicle Registration is provided, Camper Storage must be paid by the Campground closing date.**

**Commented [KJ6]:** By what date is the Camper Storage fee required to be paid if only a State RV Registration is provided? As I understand this, either a Registration or a Title may be provided by an owner and will be accepted if the Camper Storage fee is paid. But, there is only a specific due date for the Camper Storage fee if title is provided. I recommend clarifying here when the Camper Storage fee must be paid if only a State RV Registration is provided.

2. All camping units that are not renewed or forfeited and that have not been removed from the site by the annual opening date of the campground will be assessed a fine per day in addition to a daily RV site camping fee. The Association will make arrangements to have the camping unit towed at the owner's expense if the unit is not removed by May 1. If a Campsite to Trade assignment (**see Operational Programs & Procedures, Campsite Waiting Lists**) has been accepted, the camper must be moved to the new site prior to the opening date of the Campground. Seasonal Campsite trades between property owners should be completed as expediently as possible. The ACL Association Office will be notified when the move has been completed.
3. Seasonal campsite assignments and/or applications are limited to one campsite per lot.
4. When needed as an entrance requirement, steps and/or a platform may be used. Steps must be wood or similar deck material and removable. Platform is limited to 4' by 4'. The height and grade of the site should dictate height and number of steps needed. Properly installed handrails must be provided on stairs higher than three risers.  
**NOTE:** Variances must be addressed to the AECC at a regularly scheduled meeting.
5. No camper will have skirting.
6. Outside storage containers shall be allowed but limited to a maximum width of up to 8 feet, not to exceed the width of the camper. Containers must not exceed 72 cubic feet. Outside storage containers must be constructed of a pre-manufactured material (plastic) such as Rubbermaid. Each campsite shall be allowed the total of one (1) storage container. Storage containers are allowed on campsites and shall be placed adjacent to the camper so as not to obstruct the maintenance of the grounds around the campsite or common areas.
7. Firewood that is stored on site while the campground is open shall be stored so it does not obstruct the maintenance of the grounds around the campsite or common areas. Vehicles, trailers, ATV/UTVs, boats, golf carts, swing sets, portable gazebos, portable screen rooms, hammocks, umbrellas, lawn furniture, sports equipment, clothes lines, flower pots, bird feeders, signs, lighting, or like items shall be removed from the grass and stored or placed on the gravel pad when maintenance of grounds is in progress.
8. No alterations or improvements shall be made to any campsite by a property owner, including, but not limited to, flower beds, planting of trees, planting of shrubs, retaining

**Commented [KJ7]:** What is a Campsite to Trade assignment? I don't see this term defined or elaborated on anywhere within this document.



walls, or placement of gravel, brick, block, boulders, timbers, mulch, etc. Alterations or improvements will only be considered if a life safety issue or accessibility issue exists. A request must be submitted in writing and permit for the improvements must be granted by

AECC before any alterations or improvements may be made. Any prior alterations or improvements must be removed by the Property Owner upon the trade or forfeiture of a Seasonal Campsite, unless otherwise requested by the Association.

9. All air conditioning units and water must be turned off when the camper is unoccupied for more than 48 hours. Failure to comply will result in a fine per day while not in compliance.

#### E. Campground Winter Rules

1. A Camper Storage Fee will be charged to store a camper at the campground over the winter. This fee must be paid prior to the official closing date **if the camper owner provided a State Recreational Vehicle Registration when completing the Campsite License, or by March 1 of the current year if the camper owner provided a camper title. If an owner provided a State Recreational Vehicle Registration to complete the Campsite License and the Camper Storage fee is not paid by the last Sunday in October, a fine will be assessed. If the fee and the fine are not paid within thirty (30) days an additional fine will be assessed monthly until March 1. If the fee and all fines are not paid by March 1, the Seasonal Campsite License will be revoked.**
2. Camping units must be removed by the Campground closing date unless Camper Storage has been paid. All items to be removed from the campground must be removed by the same date. Vehicle access to the Campground will not be permitted after the official closing date.
3. Nothing may be left near, under or around the camper to be stored, except a storage container, firewood, tote along, access stairs, grills (as referenced below) and carpeting. All furniture, flowerpots, screen rooms and like items shall be removed and properly stored off the property and out of view. Anything left on the site after the specified closing date will be disposed of.
4. Grills will be allowed to be stored during the winter months on campsites that have paid for winter storage. Any grills that are left on a campsite must be securely covered and stored near or under the camper. Propane tanks must be removed.
5. If maintenance is required to work on or near a campsite, the property owners may be required to move their camper to another campsite until the work is completed.
6. When the campground is officially closed, all electricity and water will be shut off.
7. After the official closing date, campsites may not be occupied. The campground entrance gate will be locked, and the roads will not be maintained. Anyone wishing to check on their camper prior to the official opening date of the campground will be required to notify the Safety and Security Department of their presence and walk to the camper location.
8. Seasonal camping units only will be stored at the campground. Boats, ATVs/UTVs, boat and ATV/UTV trailers, etc. must be removed from the Campground before the official closing date.

**Commented [KJ8]:** Is the Camper Storage fee referred to in this paragraph the same as the one referred to in Section D(1)(b) of this Article, which requires payment by March if only title is provided? If so, then it is not clear to me why the fee must be paid. The earlier language would appear to provide that the fee is due on or before March 1, but this paragraph provides that payment is due by the last Sunday in October, or else fines will be charged. If the last Sunday in October is the deadline, then Section D(1)(b) should be revised to provide for that deadline, rather than March 1, unless these paragraphs are referring to 2 different fees.

#### F. Liability

1. Apple Canyon Lake Property Owners' Association shall not be liable for any damage caused to personal property due to the failure of the property owner or guest to follow the Campground rules as specified.
2. Apple Canyon Lake Property Owners' Association shall not be liable for any damage or missing equipment stored at the campground or in campers.

*Amended: November 21, 2015 Amended: March 17, 2018*

*Amended: December 15, 2018*

*Amended: March 20, 2021*

*Amended: December 18, 2021*

**XI. GOLF COURSE**

**Preamble:** Golfers must abide by all USGA Rules, all rules and regulations stated on the score

card and as posted in the Pro Shop. Non-compliance with these rules will result in a fine.

## A. General Rules

### Golf Carts

1. All private golf carts must be registered annually prior to operation and have ID Numbers as issued by the Association and registration sticker displayed as per ACLPOA specifications. Owners must have proof of insurance on file at the ACL Association office. Refer to Section XII-D. Golf Cart operators will also be required to complete a [Trail Indemnity Motorized Recreational Vehicle Waiver](#) prior to issuance of the golf cart sticker.

*Amended: October 19, 2013*

2. As of 11/15/97, the Board of Directors has banned three (3) wheel golf carts. Any existing registered three-wheel cart is "grandfathered" to the present owner only.
3. Private golf carts must have approved tires for golf course use. Tires that are manufactured for off the road (OTR) or All Terrain are prohibited.
4. All carts must be kept 30 feet from tees and greens-except when on cart path unless approved by the Pro Shop and signified with a handicap flag for their cart.
5. No more than two (2) sets of golf clubs in a cart on the course.
6. The rental fee of a golf cart is per person.
7. Misuse or abuse of rented golf carts or golf course will result in forfeiture of golfing privileges for two (2) weeks with a fine plus damage.
8. Operation of a rented golf cart is limited to individuals:
  - a. Possessing a valid driver's license or permit of state of origin.
  - b. Attainment of 16 years of age (or age as mandated by the Association insurance carrier).

### Tee Times

1. Reservations may be made by members in good standing (i.e. Dues, Trash, OARF(s), special assessments, lien fes and any other outstanding amounts owed to the ACLPOA on all properties owned by all owners, designated members or occupants associated with all their properties all assessments and other amounts due to the Association are current and paid in full) no earlier than two (2) weeks in advance in person or by phone.
2. Only soft golf spikes are allowed on the golf course.
3. All golfers are required to wear appropriate attire while on the golf course. Inappropriate attire includes tube tops, tank tops, cut-offs, halter-tops, swimwear and short-shorts. Shoes and shirts must be worn at all times.
4. All golfers must sign in; all members must be in good standing ([see 1. above](#)); and unless approved otherwise by the Pro Shop, must start on hole #1.
5. The Pro Shop reserves the right to group players and require no less than a four (4)-some to play when the golf course is crowded.
6. Groups of more than four (4) golfers will not be allowed unless approved by the Pro Shop.
7. No cash refunds will be granted by the Pro Shop for inclement weather - only rain checks will be issued.
8. Allow faster groups to play through - keep pace with the group ahead. Pace of play to be managed by golf staff or designated ranger and take appropriate course of action if necessary.
9. Please rake all traps, replace all divots, and repair all ball marks - USGA rules apply.

**Commented [KJ9]:** This term "member in good standing" needs to be defined or clarified. I added language to clarify that this means being up to date on all payments due to the Association. If the intent was for this term to mean something else, then this paragraph should be revised to reflect what this term means.

**Commented [KJ10]:** This term "member in good standing" should be defined/clarified in this paragraph as well.

10. Every player must have his or her own set of clubs.
11. Course is limited to approved use only.
12. Golfers playing 18 holes must check into Pro Shop after completing first 9 holes to schedule a second start time.
13. No children under the age of ten (10) are allowed on the golf course, unless they are under the supervision of an adult.
14. Non-golfers are allowed on the course only after checking into the pro shop and when it does not interfere with golfers.

**Fees/Passes**

1. Property Owner green fees are for Owners as defined in the Amended and Restated Declaration of Covenants Article 1. Any person not considered an "Owner" by this definition will pay the non-Property Owner fee.
2. All season pass golfers must show their current Season Pass Card.
3. No golfer may use another golfer's Season Pass card.
4. Corporate Golf Membership is allotted 72 holes of golf with cart per day. Either 1- foursome of 18 holes golf per day or 2- foursomes of 9 holes golf per day.
5. Corporate members are required to make a tee time before coming to the golf course. If corporate members are NOT joining the group playing, a corporate member must call prior to groups arrival and make tee time for party playing.
6. Corporate member guests will NOT be allowed to use any corporate privileges during special events, tournaments, etc.
7. Corporate members listed on the membership form are the only persons that can use corporate privileges during leagues.
8. Unused play does not carry over into additional daily rounds.

**B. Alcoholic Beverages**

1. Alcoholic and non-alcoholic beverages will be allowed on the Golf Course.
  - a. This usage is a privilege and any golfer appearing intoxicated may be requested to leave the course by the Golf Manager or the General Manager to be enforced by a Security Officer when needed.
  - b. All alcoholic beverages consumed on the course must be purchased through the Pro Shop.
2. Private coolers are not allowed on the golf course unless they are affixed onto a private golf cart; The Pro Shop will furnish coolers and ice when beverages are purchased.
3. Abusive language will not be tolerated on the course.

*Amended: March 17, 2018*

*Amended: July 18, 2020*

**XII. MOTORIZED VEHICLES - RECREATIONAL**

**Preamble:** The trail system was built so ACL Property Owners and their guests can enjoy the natural beauty of the property and nature. Improper use detracting from this objective will not be tolerated.

It is the intent of the Apple Canyon Lake Property Owners Association Board of Directors to supplement the statutes of the State of Illinois in respect to the operation of all motorized recreational vehicles upon Association property. These Rules and Regulations are not intended to

allow what the **Jo Daviess County** or state statutes prohibit.

**A. Definitions:** As used in these Rules and Regulations, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

1. "Operate" means to ride in or on, other than as a passenger, use or control the operation of motorized recreational vehicle whether or not the vehicle is moving or underway.
2. "Operator" means every person who operates or is in actual physical or constructive control of a motorized recreational vehicle.
3. "Motorized Recreational Vehicle Owner" means a person, other than a lien holder, having the property in or title to motorized recreational vehicle, entitled to use or possession thereof.
4. "Person" means an individual, partnership, firm, corporation, and any body or association of individuals, or other entity.
5. "Proof of Insurance" shall be defined as an insurance company or insurance agency form that provides ACLPOA with the policyholder/named insured's name (must be a property owner of record), the amount of liability insurance coverage, a description of the insured vehicle(s), and the policy term expiration date.
6. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular traffic.
7. "All-Terrain Vehicle" (ATV) – Any motorized off-highway device, net weight of 900 pounds or less, traveling on four low pressure tires, designed with a seat designed to be straddled for operator use, and handlebars or steering wheel for steering control. ATVs are permitted on our trail system, subject to compliance with all other regulations contained herein.
8. "Utility Task Vehicle" (UTV)/"Side by Side Vehicle" – Any motorized off-highway device, net weight 900 to 1,999 pounds, not a golf cart or low speed vehicle. Vehicle travels on four or more low pressure tires, with seating for at least two passengers in non-straddle type seats, designed with a steering wheel, brake lights, taillights, and two headlights. Four and six-wheel UTVs/Side by Sides are permitted on our trail system, subject to compliance with all other regulations contained herein.
9. "Golf Cart" – A small vehicle primarily designed or manufactured for transportation of persons for golfing. Golf carts are permitted on our trail system, subject to compliance with all other regulations contained herein.
10. "Motorized Recreational Vehicle" – Refers in these Rules & Regulations to vehicles allowed on the ACL trail system, including ATVs, UTVs/Side by Sides, and golf carts.
11. "Other Authorized Trail Vehicles" – Include snowmobiles (see Section XII Snowmobiles for regulations) and pedal bikes.
12. "Designated Trails" – Trails designated by the Association Board of Directors for recreational use by pedestrians and/or motorized recreational vehicles. When using the trails, all pedestrians and motorized recreational vehicles must remain on the clearly marked designated trails located for such purposes within Apple Canyon Lake. Motorized vehicles are not permitted on any walking trail.

**B. Prohibited Vehicles**

1. Amphibious vehicles, go-carts, and 2- and 3-wheel motorized vehicles are not permitted **on the trail system**. Any vehicle using a "skid steer" turning system is not permitted.



2. With the exception of Emergency, Maintenance, and Security vehicles, licensed vehicles such as trucks, automobiles and motorcycles are not permitted on the trails.

### C. Registration

1. All motorized recreational vehicles that are to be on ACL trails must be registered annually and display a current ACL sticker on the center front of vehicle (front roll bar, windshield or front of hood panel so that sticker may be clearly seen from another approaching vehicle or trail walker) and ID numbers as issued by the ACL Association Office. The ID number will be displayed on both the front and rear of the vehicle. The ID numbers may be placed directly on the front center hood or on a front license plate and will also be displayed on a rear license plate. The registered owner will be responsible for the safe operation of the motorized recreational vehicle and be responsible for the activities of their guests. **If the sticker must be re-issued due to improper placement, the owner must pay a replacement fee, at the same rate as the current registration fee on the fee schedule. All registration paperwork must be up to date at the time of re-issue for a sticker to be given.**
2. **No ACL sticker or ID numbers shall be placed on a vehicle until it has been registered with the Association Office.**

### D. Insurance

1. All **motorized** recreational vehicle owners must provide ACLPOA with proof of liability insurance. The minimum required amount of liability insurance coverage shall be \$500,000 for bodily injury and property damage combined. Acceptable proof of liability insurance documents must meet the following requirements: the policyholder/named insured is the property owner of record; the insured vehicle(s) must be described, and the policy term expiration date and liability coverage amounts must be listed. Continuous until canceled policies will not be accepted. Listing the Association as an Additional Insured or Additional Interest is no longer required, but by doing so, the insurance company should automatically send renewal documents.
2. The vehicle operator, operating a motorized recreational vehicle, recognizes and agrees that he/she is using the trails at their own risk, and absolves ACL of any injury sustained while using the trails, regardless of the source or cause of the injury. Each operator must sign a **Motorized Recreational Vehicle Waiver** to this effect each year when their vehicle is registered. If under 18 years of age, their parents/guardian must co-sign. **No golf cart, ATV, UTV, or snowmobile stickers will be issued to any owner or to another designated party without a current, complete waiver on file from the vehicle owner of record.**

### E. Equipment

1. All motorized recreational vehicles are required to have factory equipped or comparable mufflers in fully operable condition.
2. Noise level shall not exceed 90-decibel levels under normal standard testing.
3. Operable headlights and taillights are required if used after sunset.
4. ATV operators and riders are required to wear Department of Transportation approved safety helmets and eye protection.

### F. Operation Limitations

1. All **motorized** recreational ~~motorized~~ vehicles must be in safe operating condition.
2. No person shall operate any vehicle in a careless or heedless manner or at a rate of speed greater than will permit in the exercise of reasonable care to bring the vehicle to a stop

within the assured clear distance ahead.

3. No person shall operate any vehicle in such a manner as to endanger the life, limb, or property of any person. No racing is permitted.
4. No person shall operate any vehicle on private property without the consent of the owner.
5. No person shall operate a vehicle at a rate of speed too fast for conditions or as may be posted.
  - a. A 10 MPH speed limit has been established:

1. From President's Bay creek crossing to Powder Horne Access
2. From the Marina building to Pilot Point Access
6. All vehicles must stop at streets and roads, etc., and yield right of way to pedestrians, vehicles, or pedal bikes.
7. Motorized recreational vehicles are permitted on trails between the hours of 6:00 a.m. and 10:00 p.m. or one hour after the conclusion of an ACL sanctioned event. Use of headlights and taillights is required before sunrise and after sunset.
8. Guest vehicles are not permitted.
9. No riding or operation of vehicles is permitted on closed trails or in nonauthorized ACL areas.
10. The Golf Course is off limits to all [motorized](#) recreational vehicles except golf carts.
11. No person shall operate a motorized recreational vehicle while under the influence of intoxicating beverages or illegal drugs.
12. Passengers are prohibited from riding in open flat bed or on a "pull-a-long" or "tow behind" trailer or cart, etc. attached to an approved vehicle; the number of passengers in a single vehicle may not exceed the manufacturer's recommendation, and/or actual seat count.
13. All motorized recreational vehicles shall be 66" or less in overall width. **After any modifications are made to a vehicle, it must be re-measured at the Association Office prior to use on the properties.**

#### **G. Guest Use**

1. All guests must complete a waiver annually and submit it to the ACL Association Office prior to using a registered vehicle on the trail system.
2. **Rental of privately-owned Motorized Recreational Vehicles is prohibited at Apple Canyon Lake. Property Owners may allow their guests, renters, or occupants to use their registered vehicle, but no fee shall be advertised or collected.**

#### **H. Staging Areas**

1. Illinois State law does not allow unlicensed motor vehicles on roadways. Therefore, the following are recommended as staging areas.
  1. Nixon Beach parking lot.
  2. Greenway area at the end of Powder Horne Lane.
  3. Greenway area at the northeast end of Independence Bay.
  4. Upper Clubhouse parking lot.

#### **I. Lawful Operation**

1. Operation of a motorized recreational vehicle on Association property including the Trail System shall be limited to individuals:
  1. Possessing a valid driver's license or permit of state of origin.
  2. Attainment of 16 years of age (or age as mandated by the Association insurance carrier).

#### **J. Method of Crossing Roadway**

1. Motorized recreational vehicles may make direct crossings over designated roadway crossings providing that the crossing is made as close as possible to a 90-degree angle to the roadway and only after coming to a complete stop and yielding to vehicles and pedestrians on the roadway.

*Amended: November 16, 2013      Amended: January 20, 2018      Amended: March 17, 2018*

### XIII. SNOWMOBILES

**Preamble:** ~~The ACLPOA assumes no liability for individuals operating snowmobiles on the lake when frozen. Extreme Caution should be used!~~

**Commented [KJ11]:** Article revised to incorporate revisions recently adopted by Board.

Snowmobile operators will also be required to complete a Motorized Recreational Vehicle Waiver prior to issuance of the snowmobile sticker. Operators of snowmobiles are to be familiar with the Illinois Snowmobile Registration and

Safety Act. Snowmobiles shall be operated on ACL properties in accordance with this Act, including the age of the operator. Violations of the Illinois Snowmobile Registration and Safety Act are prohibited and subject to a fine. The Golf Course is off limits to any recreational vehicle except golf carts. The Pro Shop may be accessed using the ACL trails. Snowmobile parking is limited to the designated area. The Pro Shop is accessible to the public via Lake Road #3. Non-property owner snowmobiles are only allowed at the Pro Shop and must be operated in accordance with the Illinois Snowmobile Registration and Safety Act.

#### **A. Registration**

1. All snowmobiles that are to be used on the ACL trails and properties must be registered annually with the Association and display a current year ACL sticker on the center front of the vehicle (windshield or front of hood panel so that sticker may be clearly seen from another approaching vehicle) and ID Numbers as issued by the ACL Association Office. The ID numbers will be displayed on both the front and rear of the snowmobile. The ID numbers may be placed directly on the front center hood or on a front license plate and will also be displayed on a rear license plate. The registered owner will be responsible for the safe operation of the snowmobile and be responsible for the activities of their guests.
2. In addition, all snowmobiles must be registered with the Illinois Department of Conservation, Snowmobile License Section and display the number assigned to that snowmobile or covered by a valid registration or license of another state.

#### **B. Insurance**

1. All snowmobile owners must provide ACLPOA with proof of insurance. The minimum required amount of liability insurance coverage shall be \$500,000 bodily injury and property damage combined. Acceptable proof of liability insurance documents must meet the following requirements: the policyholder/named insured is the property owner of record; the insured snowmobile(s) must be described, and the policy term expiration date and liability coverage amounts must be listed. Continuous until canceled policies will not be accepted. Listing the Association as an Additional Insured or Additional Interest is no longer required, but by doing so, the insurance company should automatically send renewal documents.

~~The Association and organized snowmobile clubs must execute an agreement to conduct themselves in a responsible manner at all times and abide by the laws set forth by the State of Illinois Snowmobile Registration and Safety Act, Article V. Control, Section 5-1. In addition, the clubs must file proof of insurance with the Association showing minimum limits of liability for bodily injury and property damage of \$500,000.~~

*Amended: October 19, 2013*

*Amended: December 15, 2018*

#### **C. Operation**

1. All snowmobiles must be in a safe operating condition.
2. All snowmobiles shall be operated ~~only~~ on designated trails ~~and not on roads and parking lots.~~ When operating along roadways, owners must follow the Illinois Snowmobile Registration and Safety Act. When individuals are operating snowmobiles on the frozen lake, ACLPOA assumes no liability for the safety of any individual and/or any snowmobile.
3. Racing of snowmobiles is not permitted.
4. All snowmobiles shall be operated at a safe speed and in a prudent manner.



5. Riding must be in a single file formation on the right shoulder of the road.
6. All snowmobiles must stop at all streets, drives, and roads and yield right of way to pedestrians or vehicles.
- ~~6-7.~~ Individuals operating snowmobiles on the lake when frozen should use extreme caution and are solely responsible for insuring that the ice depth is sufficient to support the weight of the snowmobile and rider(s). If a snowmobile or UTV/ATV were to break the ice and fall beneath the ice, the owner of the machine will be fined as well as required to remove the machine as swiftly as possible. Within ten (10) days of falling beneath the ice, an owner must have the snowmobile or ATV/UTV removed from the lake or report to the General Manager the timeframe for removal and contact information of the company doing the removal. If the Association determines that an owner is not working diligently to remove the machine from the water within the timeframe permitted by the Association, the Association will remove the machine at the owner's expense. Owners and operators of such machines may also be subject to and incur fines and charges accorded to them by IDNR, EPA and any other entity with jurisdiction over the lake.
- ~~7-8.~~ Pedestrians and cross-country skiers have the right of way on trails.
9. Snowmobiles are permitted on trails between the hours of 6:00 a.m. and 10:00 p.m.
- ~~8-10.~~ Operation of a snowmobile on Association property including the Trail System shall be limited to individuals:
  - a. Possessing a valid driver's license or permit of state of origin.
  - b. Attainment of 16 years of age (or age as mandated by the Association insurance carrier).



~~9. Violations of the Illinois Snowmobile Registration and Safety Act are prohibited.~~

#### XIV. SWIMMING POOL

**Preamble:** The Aquatics Manager, lifeguards, and other ACL staff have full authority over the pool area and may suspend privileges for failure to comply with their direction and all pool rules. Offensive behavior towards other patrons or staff will not be tolerated. Anyone violating any of the Swimming Pool Rules and Regulations will be subject to a minimum \$100 fine. All patrons must comply with the rules and regulations of the State of Illinois Department of Public Health.

##### A. General

1. A current Amenity Tag must be presented for every person, regardless of age, entering the pool facility. Entry is only allowed through the bathhouse. The side gates are for exit only. Patrons with strollers or accessibility needs must check in at the bathhouse, and staff will facilitate alternate entry. If a patron leaves the pool facility, they will be required to present an Amenity Tag again upon re-entry.
2. No food or beverage, except for water or sports drink, is allowed in the locker rooms or pool deck. Food and beverage may be consumed on the observation deck or picnic area. No glass containers allowed.
3. No alcoholic beverages allowed. Any patron who staff deems to be intoxicated will not be allowed entry to the pool. No glass containers allowed.
4. No smoking or vaping allowed within fifty (50) feet of the pool. "Smoking" is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars. Please refer to Section IV Miscellaneous Regulations 20. for ACL cannabis rules.
5. Hours of operation: The pool will be open during posted hours, but may close at the discretion of the Aquatics Manager, lifeguards, or other ACL staff for reasons including, but not limited to,
  - a. Inclement weather
    1. In the event of thunder or lightning, all patrons must evacuate the swimming pool and pool deck for 30 minutes after the last thunderclap is heard or lightning strike is observed.
  - b. Cool temperatures
  - c. Lack of patrons
  - d. Fecal emergencies
    1. If a fecal emergency occurs, a minimum 30-minute evacuation from the swimming pool is required. Individuals who are not toilet trained or who are incontinent are required to wear approved swimming diapers while in the pool. Anyone exhibiting symptoms of diarrhea in a 24-hour period should not enter the pool. If a fecal emergency results from diarrhea, the pool will be closed for an extended period of time until water sample tests for E. coli are sent off and returned clear.
  - e. Presence of bodily fluids
    1. Any patrons with open wounds will not be permitted entry to the pool.

f. Mechanical, chemical, or septic problems.

6. Anyone entering the pool after hours without permission of ACL is trespassing and will be subject to criminal charges.
7. The pool will be closed twice daily for 15 minutes at a time for a safety break. All patrons will be required to exit the swimming pool during these breaks.
8. Persons under the age of 13 must have an adult present at all times.
9. All patrons will observe the posted pool rules, including, but not limited to:
  - a. No running.
  - b. No hanging on the ropes.
  - c. No rafts or large inflatables when there is a large number of people in the pool, as determined by pool staff. ~~bather load is high.~~
  - d. No kick boards or other rafts are allowed on the slide.
  - e. No horseplay.
  - f. No swimming in the diving board landing area when the diving board is in use.
  - g. Any swimmer needing a personal flotation device in the deep end must wear a life jacket. Water wings are toys and are not an acceptable personal flotation device.
  - h. Diving is only allowed in the deep end off of the diving board or from the edge of the pool.
  - i. Only one patron allowed on the diving board at a time.
  - j. Patrons must dive straight ahead from the end of the diving board, not off the side.

Commented [KJ12]: What is "bather load" referring to Is this referring to the number of people in the pool? If so, then I recommend re-writing this paragraph to provide the "No rafts or large inflatables are allowed when there are a large number of people in the pool".

## B. Private Parties

1. The pool may be rented for private parties after scheduled pool hours. Private pool parties must be booked in advance and will be subject to lifeguard availability. ACL lifeguards are required at all private pool parties.
2. Pool Party reservations are made through the Aquatics Manager. Only ACL property owners or their authorized guests may rent the pool. Payment must be made at the time of the reservation.
3. All regular Swimming Pool rules must be obeyed during a pool party.
4. Cancellation policy: In the event of forecast thunder and lightning, the Aquatics Manager will give the option to cancel **the rental for a full refund** or reschedule the pool party, or to attempt to continue. If more than one half of the rental has been completed before the pool must be evacuated due to weather, no refunds or pro-ration will be allowed. **If less than one half of the rental has been completed, a pro-rated amount as determined by the Aquatics Manager will be refunded.**

Amended: March 17, 2018 Amended: June 20, 2020

Commented [KJ13]: The implication here is that if less than half of the rental period has been completed when the pool must be evacuated then some type of refund or pro-ration will be given Is that the case? If so, then I recommend specifying here how that would work (i.e. full refund? Partial refund?)

## XV. MULTI-SPORT COMPLEX

### A. General

1. Observe all rules posted at the Multi-Sport Complex.

Amended: September 19, 2020

## XVI. APPEAL PROCESS

**Preamble:** Any Property Owner may appeal a citation issued to them for an infraction of the rules and regulations through the following procedures.

1. Submit a Request for Hearing Form (Exhibit "C") to the General Manager within 10 days of the date the citation was delivered via Priority Mail. GM will set a date to meet with the Appeals Board within sixty (60) days of being notified of the request for hearing. If no request for a hearing is filed within (10) days, a hearing will be considered waived, the allegations in the Notice of Violation shall be deemed admitted by default, and appropriate remedies shall be implemented by the Board.
2. The petitioner or their representative must appear in person before the Appeals Board within sixty (60) days of announcing they want to appeal. The Appeals Board meets on the second Saturday of each month; appeals hearings start at 9:00 am. If the petitioner fails to make an appearance at their scheduled hearing, the petitioner will lose their right to appeal, and the citation will be upheld.
3. All reviews will be done in closed session where both sides of the issue will be given the opportunity to present their views in the presence of each other. Questions by Appeals Board members may be asked at the close of each side's presentation. All deliberations will be done in closed session. *(For a more detailed layout of the appeal process format see: Commission Practices and Procedures, Statements and Charges: Non-Standing and/or Special Commissions: Appeals Board Commission)* The Appeals Board is limited to three options when making any recommendation: (1) they can uphold the citation, (2) suspend the citation, (3) dismiss the citation.
4. Following the Appeals Board recommendation, the Board of Directors will make a determination regarding how the citation will be handled. If the Appeals Board recommends finding finds in the petitioner's behalf, it will recommend to the Board of Directors that the citation will be dismissed voided. If the Appeals Board recommends that the citation beis upheld and it is upheld by the Board of Directors, the fine will beis payable within forty-five (45) days of the Board of Directors' decision to uphold the citation. If the Appeals Board recommends that the citation beis suspended, the Board may decide that the fine beis suspended for 12 calendar months provided no identical or similar violation occurs. At the end of twelve (12) months, if no identical or similar violation occurs, the Board may decide that the fine will be dropped.
5. Petitioner or their representative must inform the Appeals Board at the Appeals Board's hearing if an appeal of the citation will be made to the Board of Directors. No further appeal will be available.
6. All appeals to the Board of Directors must be done in person by the petitioner or their representative.
7. The Board of Directors will hear the appeal in executive session and vote on their decision in open session. *(For a more detailed layout of the appeal process with the Board of Directors see: Board Approved Policies: Appeals: Guidelines for Appeals to the Board of Directors)*
8. If a petitioner fails to make an appearance at their scheduled hearing, the petitioner will lose their right to appeal, and the citation will be upheld.

Amended: July 20, 2019

Effective: January 1, 2020

Commented [KJ14]: It is my understanding that the Appeals Board is a commission and therefore has no authority to make any decisions on behalf of the Association but rather makes recommendations to the Board. The rules need to be clear on this and that all decisions regarding an alleged violation will be made by the Board of Directors, not the Appeals Board.

## XVII. PERSONAL & COMMERCIAL SIGNS

### A. General

4. Signs must be posted within the property lines or on the township road right-of-way. Signage placed on township road right-of-way falls under the rules of the Thompson Township road commissioner.

5. No sign will be placed on or

6. Signs must not exceed 24" x 36."

7. Signage must be displayed at a height not to exceed 6 ft.

#### B. Commercial Signage

1. Not more than two (2) signs shall be allowed per lot.
2. Sold signs must be removed within 14 days after placement of same.

#### C. Personal Signage

1. Permanent personal signs are allowed within improved property owner lot lines.
2. Campaign signs or political statement signs may be posted 60 days prior to the election event and must be removed within 48 hours after the election event.
3. Temporary event signs may be posted within 48 hours prior to the event and must be removed within 48 hours after the event.
4. All personal signage must conform to Jo Daviess County regulations.

Amended: February 17, 2018

### I. CONSERVATION MANAGEMENT

#### A. General

1. Effective January 1, 2008, to stop the introduction of invasive species or contamination of the lake, it is recommended boats, trailers and live wells using other waters should be dry for five (5) days before launching onto ACL waters. This will help to prohibit foreign/invasive species from entering our lake. It is a practice of some fishermen to dump bait when done fishing but be aware that bait from outside the lake area can carry invasive species such as Lake Winnebago's fish virus. That virus could devastate our fish population.
2. Effective January 1, 2011, to prevent contamination of the lake, the use of fertilizer containing phosphorus will not be allowed on ACL properties and common properties.

#### Exceptions:

1. Fertilizers containing phosphorus may be used on lawns if a soil test by an accredited lab indicates it is needed.
2. Fertilizers containing phosphorus may be used when establishing a new lawn.
3. These restrictions do not apply to fertilizer used for flower and vegetable gardens.

### II.

#### ARCHERY

**Preamble:** Archery will be permitted on ACL common property, in the area commonly referred to as the "quarry" for the hunters to qualify for the ACL Deer Management Program's qualification period which will be conducted by the Deer Management Commission. The use of archery devices is permitted during hunting season for participants in the Deer Management Program only and at the quarry archery practice range. The use of archery devices is prohibited on the properties of ACL and all other common properties at all other times.

- A. Archery practice at ACLPOA is limited to the rock quarry (located at the north end of the lake), adjacent to N. Apple Canyon Lake Road and regulated through the Deer Management Program.
- B. The range will be configured to include a safe backstop, a firing line, and a safety line.
- C. Rules will be posted publicly in clear view at the entrance to the archery range. These rules will be

**Commented [KJ15]:** My recommendation is to eliminate the reference to "political statement" signs here and to instead permit these year round similar to "personal signs". Over the past couple of years especially we have seen an increase in the number of owners in the association communities our office represents who want to display political statement signs such as "Black Lives Matter" signs. For political issue signs that are not tied to a particular election or particular issue on a particular ballot, if an owner challenged this limit on political issue signs I'm not sure what basis there would be to justify limiting the display of these signs to only 60 days before an election while allowing "personal" signs year round. A reasonable argument can be made to limiting political campaign signs (e.g. signs saying "Vote for X candidate in the upcoming election") to a certain timeframe around the election. Those types of signs have a limited scope and time period to which they apply, but a political issue sign typically does not. I'm also not entirely sure how a distinction would be made as to whether a sign is a "political statement" sign or a "personal" sign. I could see different people having different opinions on this, and I do recommend that the Board put itself into the position of having to determine whether a sign is "political" or "personal" in nature when the result of the Board's determination will decide whether or not an owner can display the sign. Therefore, if the Association is going to allow "personal" signs year round, then political statement signs should be allowed year round as well.

strictly enforced and will include but are not limited to:

1. Archers should notify ACLPOA Security prior to using the range.
2. Archery range is open daylight hours, 7 days a week.
3. Archery range is for ACLPOA members and their guests only. An auto sticker, guest pass, and/or ID will be required.
4. For archer's safety, one should not use the range by themselves.
5. Archers under the age of 18 are required to be accompanied by an adult/guardian.
6. ONLY archers and/or instructors are allowed on the shooting range. All others must stay behind the safety rope at all times.
7. Archers are allowed to aim and shoot towards the back wall of the quarry only.
8. The firing line will remain consistent. Targets may be staggered to achieve a variety of target distances.
9. Retrieval of arrows and/or targets is not allowed while any other archers are firing. All archers will stop firing prior to retrieval.
10. When retrieving equipment from behind a target, archer shall place bow in front of target as to indicate to other archers he/she is still retrieving equipment from range. If possible, one person should remain in sight of firing line to ensure others are aware of persons on the range.
11. Archers are responsible for their own equipment, to include targets and butts.
12. Archers are responsible for disposal of any targets or trash. The disposal of butts is not allowed at the range and must be removed.
13. Firearms are not allowed.
14. Glass items are not allowed on the range and no food or beverage is allowed in front of the safety line.
15. Recurve, composite, long bows, compound bows, and crossbows are permitted.

*Amended: July 15, 2017*

**D. General Archery Safety:**

16. All equipment should be checked for damage and functionality prior to use.
17. Never shoot an arrow directly into the air. Wind currents and arch of flight will cause an unpredictable path of travel.
18. Never point a knocked arrow at anyone for any reason, and never shoot an arrow at anything other than a viable target.
19. Always check the path of the arrow prior to shooting, and insure it is clear of people, animals, and obstructions.
20. When removing arrows from the target, stand to one side and ensure no individual is directly behind you.

E. Failure to follow ACLPOA archery rules and safety will result in a fine.

F. An annual registration fee, to be determined by the Board of Directors, will be required for each individual.

*Amended: July 15, 2017*



### III. HUNTING

A. Hunting is prohibited on the properties of ACL and all common properties with the following exceptions:

1. Trapping may be permitted by authorization of the General Manager and the Illinois Department of Natural Resources. No trapping will be allowed on private property without the owner's permission.
2. Deer archery hunting will be permitted during the State of Illinois hunting season. Hunters must qualify to participate in the ACL Deer Management Program by meeting standards approved by the Board of Directors and pay the fee. No hunting will be allowed on private property.

#### DEER MANAGEMENT PROGRAM RULES AND REGULATIONS

1. Each participant MUST attend a mandatory orientation meeting. All application fees must accompany application.
2. Each participant must show proof that they successfully completed a state or federally approved hunter safety education course.
3. Each participant must provide ACLPOA with proof of a minimum \$500,000 liability insurance. The policyholder/named insured must be the property owner of record, and the proof of liability insurance must reflect the amount of insurance coverage, and policy term expiration date. No continuous until canceled policies will be accepted.
4. Each participant must qualify to participate in the ACL Deer Management Program by placing 4 out of 5 arrows in a 6-inch circle with the equipment carried in the field. All participants must bring a minimum of five arrows equipped with regular or practice broadheads for use in qualifying. The distance for this qualification will be twenty (20) yards for compound and crossbows, and fifteen (15) yards for recurve and longbows. Participants will receive two (2) opportunities to qualify. The qualification will be supervised by Commission members. Participants are encouraged to complete a certified Bowhunter Education Course. For more information about courses, contact the National Bowhunter Education Foundation at 309-647-7128.
5. Participants are encouraged to communicate with other participants in adjacent zones before selecting a stand site within their own zone.
6. Commission members will inspect tree stand locations with participant to ensure that they meet all ACL requirements before hunting.
7. Participants may hunt in a zone that is not assigned to them as long as they have been granted permission from the primary hunter assigned to the zone they wish to hunt. They must sign in at Security (SSD) accordingly. Zone guests are not allowed to bring their own stand or move any stands in that zone.
8. No nails, spikes, or piercing of bark is allowed in trees. Permanent stands are not allowed. Stands must be elevated a minimum of six (6) feet from the ground's surface. Stands must be TMA-certified (Tree stand Manufacturers Association).
9. Only branches with a stem diameter of less than 1.5 inches may be removed from the stand tree.
10. Stands must display an original ACL stand tag and be visible from the ground.
11. All stands must be at least seventy-five (75) feet away from the main ATV trail, roadway, parking area, and three hundred (300) feet from an inhabited dwelling. Stands may be closer

than three hundred (300) feet from a dwelling only with the owner's written permission. Stands must be on green space.

12. Each participant is allowed two stands.
13. All participants must use a TMA-certified safety harness while in a tree.
14. Stands must be removed by March 1, weather permitting.
15. Participants must follow reporting instructions as provided at the orientation meeting. Participants are also required to send in a harvest report for each animal taken within a week. In addition, all participants must follow Illinois state check-in regulations.
16. Marking devices are permitted. Marking devices must be removed at the close of the season.
17. All entrails must be removed from ACL property or left in the woods at least one hundred (100) feet from any trail, roadway, residence, or parking area. Field dressing of deer must be conducted more than one hundred (100) feet from any trail, roadway, residence, or parking area.
18. A hunter can only harvest a total of three deer and only harvest one antlered deer per year. The antlered deer will not be counted in the harvest log, for zone selection, until an antlerless deer is harvested.
19. Participants may not drive deer.
20. No still-hunting or ground hunting is allowed.
21. Use of decoys is allowed. Hunters are required to wrap decoys in blaze orange when moving to and from stands.
22. Participants in the Deer Management Program must be property owners 18 years of age or older.
23. All state and federal laws are to be followed.
24. All vehicles must adhere to road and trail rules. Stay on the road or trail.
25. All deer must be covered while transported on ACL property.
26. No hunting will be allowed on the following dates: (First Season Firearms Deer Hunting) (Second Season Firearms Deer Hunting)

#### **DEER MANAGEMENT PROGRAM PARAMETERS/GENERAL INFORMATION**

**ZONES:** Will be determined by the Deer Management Commission. Special accommodations may be granted to persons with disabilities. Commission members will set zones so that they remain at least 300 feet from any occupied dwelling. ACL Deer Management Program Property Owner Permission to Waive 300-Foot Rule form must be completed and returned to the ACL Association Office prior to hunting within 300 feet of an occupied dwelling. Participants may set up anywhere within their assigned zone.

**APPLICATIONS:** Incomplete applications, late applications, and duplicate applications will not be accepted. Documents listed on application must be received by deadlines stated. Late submittal will disqualify participant.

**QUALIFICATIONS:** Each participant must qualify to participate in the Deer Management Program by hitting four out of five arrows in a 6-inch circle with the equipment carried in the field. All participants must bring a minimum of five arrows equipped with regular or practice broadheads for use in qualifying. The distance for this qualification will be twenty (20) yards for compound and

crossbows, and fifteen (15) yards for recurve and longbows. Participants will receive two (2) opportunities to qualify. The qualification will be supervised by commission members.

**HARVESTED ANIMALS:** Participants must record harvested animals on site and must also submit a separate harvest report to the Commission.

**DEER MANAGEMENT PROGRAM PARTICIPANT FEE:** Property Owner: \$125

**SEASON DATES:** Actual calendar dates change each year based on State of Illinois Hunting season.

*Amended: January 19, 2013      Amended: November 16, 2013      Amended: October 18, 2014*

*Amended: July 18, 2020      Amended: February 20, 2021*

#### IV. BURNING

~~All open burning must be reported to Security prior to a fire being started. Security will inform all necessary parties of the event.~~ Open burning is limited to landscape waste. Landscape waste is defined as trees, brush, leaves and vegetative waste from normal yard maintenance.

**NOTE:** A no-burn order could be in effect, and a violation of the fire district rules as well as the Association policy would apply.

**1. PRIVATE PROPERTY:** Burning of landscape waste is restricted to the property of the person reporting open burning.

- a. Burning of landscape waste must be monitored on the burn site throughout the entire duration of the burning time.
- b. The burning site must be extinguished completely after the burn. No embers or unburned material that may ignite a new fire will be allowed. The burning area must be secured by either soaking with water and/or covering with soil. It is the responsibility of the property owner doing the open burn to take whatever measures are necessary to ensure that the fire is completely out.
- c. Burning after dark is permitted only in campfires and fire pits.

**2. GREENWAYS:** Only the Association maintenance staff is permitted to do open burning on greenways.

**3. PRESCRIBED BURNS:** A prescribed burn, such as those used to maintain native prairies, must be done only with the approval of the General Manager and under the supervision of ACL staff.

**4. SMOKE NUISANCE CONTROL:** The burning of any material that will produce objectionable odors and/or toxic chemical vapors\* will not be permitted.

\*Chemical vapors is in reference to emissions resulting from the burning of material other than natural vegetative matter.

**5. VIOLATIONS: See page 11.**

*Amended: March 17, 2018*

*Amended: November 17, 2018*

#### V. TRASH DISPOSAL & RECYCLING

**Preamble:** Household trash and recyclables must be taken to the Solid Waste/Recycling Center during specified hours of operation; pickup is not available. Separate areas are provided for trash and recyclables. Recycling information is included in the Solid Waste/Recycling Center brochure. Every lot with a home will be required to pay an annual Trash Assessment, due March 1 of every year. Owners of unimproved lots may elect to pay the Trash Assessment to use the Solid Waste/Recycling Center

facility. Violations of the Trash Disposal & Recycling Rules and Regulations of Apple Canyon Lake will result in a fine.

#### **A. Registration**

1. Upon payment of the Trash Assessment, two trash passes will be issued. Owners may choose two Trash Auto Stickers, two Paper Trash Passes, or one of each. The sticker/pass issued by the Association must be presented to the attendant to enter the Solid Waste/Recycling Center. Entry to the facility will be denied without the appropriate pass.
  - a. Trash Auto Sticker – Must be affixed to the driver's side lower windshield of the auto. Recommended if one vehicle will be accessing the facility each and every time. May not be used on an ATV, UTV, or golf cart. **If the Trash Auto Sticker is chosen, the number of regular auto stickers (five) issued will be reduced accordingly.**
  - b. Paper Trash Pass - May be transferred between autos or used by an ATV, UTV, or golf cart. Any ATV, UTV, or golf cart entering the facility must be registered with the Association and display a current year sticker. Paper Trash Pass must be displayed on the dash with the number facing outward.
2. If a pass is lost, a replacement pass may be purchased, the fee for which will be determined annually by the Board of Directors.
3. All Trash Auto Stickers and Paper Trash Passes expire March 1 of each year. If the current year Trash Auto Sticker or Paper Trash Pass has been issued prior to March 1, the previous year's Sticker/Pass is no longer valid, and the current year Sticker/Pass must be used.
4. Photographs of, photocopies of, or other unauthorized use of a Trash Auto Sticker or Paper Trash Pass is strictly prohibited.

#### **B. Large Item & Electronic Item Disposal**

1. Those property owners who have paid the Trash Assessment may purchase Large Item Disposal, Mattress Disposal, and Electronic Item Disposal Permits. A permit is required for each item being disposed of. These permits are available for purchase at the ACL Association Office.
  - a. Large Item Disposal Permit – required to dispose of furniture, box springs, microwaves, appliances, etc.
  - b. Mattress Disposal Permit – required to dispose of mattresses.
  - c. Electronic Item Disposal Permit - required to dispose of televisions, computers, computer monitors, printers, stereos, and all other electronic equipment.
2. The property owner must transport and unload all Large Items, Mattresses, and Electronic Items. The permit must be presented to the Solid Waste/Recycling Center attendant when dropping off the item(s).
3. Large Items, Mattresses, and Electronic Items must be disposed of in the same month the permit is issued. No refunds will be issued for expired or unused permits.

#### **C. Prohibited Items**

1. No hazardous materials may be disposed of at the Solid Waste/Recycling Center. Septic tanks, septic components, tires, batteries, paint, stain, and CFL lightbulbs are examples of materials not allowed. Anyone found disposing of hazardous materials will be fined.
2. Building materials cannot be disposed of at the Solid Waste/Recycling Center. The property owner or their contractor must utilize an on-site dumpster for any construction or renovation projects.
3. Yard and landscape waste cannot be disposed of at the Solid Waste/Recycling Center. These materials may be disposed of in accordance with section XXI \_Burning.

#### **D. Improper Disposal of Trash**

1. Property owners who drop off household trash or recyclables outside the gates of the Solid

Waste/Recycling Center, place household trash or recyclables in ACL dumpsters or trash cans,

or improperly dispose of trash anywhere on ACL property will be issued a citation and be subject to fines. Property owners who observe the illegal dumping of trash anywhere on the property are encouraged to report such activity directly to the Safety and Security Department or General Manager. This includes dumpsters and trash receptacles at the Marina, Campground, and Pro Shop.

2. No burning of household trash or recyclables is allowed.
3. Littering is prohibited. Trash cans are provided at each amenity and along the trails to dispose of garbage. Disposal of household trash or recyclables in these trash cans is prohibited per D.1. above.
4. Outdoor ashtrays are provided at each amenity for disposal of smoking materials. *Amended: December 19, 2020*





# Memorandum

To: ACL Board

Date: July 8, 2022

From: Board Policy Ad Hoc

Memo #: 2022-75

Topic: Board Policy 6000's

**Issue & Analysis:** The Board Policy Ad Hoc Commission has been working on a new document to organize Board policies. This manual sets forth the policies of the Board of Directors of the Apple Canyon Lake Property Owners' Association. All policies are intended to support the Mission Statement of the Board of Directors. The purpose of the manual is to help the Board of Directors approach decisions from the perspective of its own previously established standards, values, and expectations by:

- Elevating efficiency of having all ongoing board policies in one place
- Quickly orienting new board members to current policies.
- Eliminating redundant or conflicting policies.
- Having greater ease of reviewing current policy when considering new issues.
- Providing clear, proactive policies to guide the General Manager and staff, as well as the Board of Directors, members, and committees/commissions.

The 6000 section covers the finances of the Association. The have been reviewed by legal counsel and Steve Borst, the Association Treasurer.

The Board Policy 6000's were presented to the Board of Directors at their November 20 meeting. At the December 2021 meeting, approval of the 6000's was tabled pending review by the Legal Commission. The Legal Commission has sent their comments back to the Board Policy Ad Hoc Commission. Those comments have been reviewed and incorporated, where the Board Policy Ad Hoc Commission felt necessary, into the 6000's.

**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 – Review and update, if necessary, all Governing Documents on an annual basis*

## BOARD POLICIES 6000-FINANCES

Number Reference	Policy Name	Approval Date
6108	Authorization to Make Electronic Transfers	
6110	Apple Canyon Lake Property Owners' Association Funds and Reserve Study	
6111	Internal Controls for Grants and Awards	
6112	Cash Management of Grants	
6120	Safety Deposit Box	
6144	Investment Income	
6145	Borrowing	
6151	Bad Checks	
6152	Annual Assessments, Owner Amenity Registration Fee (OARF) and Fines	
6152.01	Assessment Payment Plan	
6220	Budget Preparation	
6230	Budget Publishing	
6231	Budget Implementation	
6235	Fund Balance	
6320	Purchasing	
6330	Leasing Association Property and Equipment	
6423	Use of Credit Cards	
6460	Vendor Relations	
6470	Payment of Invoices	
6510	Payroll Authorization	
6520	Payroll Deductions	
6620	Petty Cash	
6630	Cash Handling & Deposits	
6680	Recognition and Gifting	
6700	Fair Labor Standards Act	
6800	Basis of Accounting and GAAP Conformance	
6830	Audit	

## SECTION 6000

### **6108: AUTHORIZATION TO MAKE ELECTRONIC TRANSFER AND SIGN CHECKS**

The Board of Directors authorizes electronic fund transfers (EFTs) for any purpose including payment on delivery items, direct deposit, wire transfer, withdrawal, investment, or payment. Upon the recommendation of the General Manager, the Board of Directors shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium. Internal procedure and controls for checks and signing Electronic Funds Transfers (EFTs) shall be established by the General Manager, who shall periodically report them to the Board of Directors.

Upon the recommendation of the General Manager, the Board of Directors shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by GAAP that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

- A. The official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;
- B. The approval of the General Manager and the employees authorized to initiate EFTs shall be contained therein. If automatic EFTs are made a requirement then the Association shall maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;
- C. All Association checks must have two authorized signatures;
- D. All current Board of Directors, including the Corporate Secretary (General Manager), Finance Manager and Accounts Payable employee ~~and incumbent members of the Board of Directors~~ are authorized to co-sign checks and to authorize EFTs for the Association. Every new Board of Director member shall be expressly authorized by a Board resolution as a person authorized to sign checks and EFTs delivery items, and shall be added to the applicable fidelity or surety bond coverage. For the purpose of internal controls for signing of checks, the Accounts Payable employee will only be allowed to sign for deposits and check endorsement for cash on hand. The Financial Manager is authorized to be the second signature on Apple Canyon Lake Property Owners' checks in the absence of the General Manager. At no time can a check be signed by the General Manager and the Financial Manager without first obtaining written permission from

the Board of Directors' President. These occurrences should only be for emergencies or unscheduled check requests and only when a Board of Directors' member is not available.

- E. A requirement that when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the fund;
- F. A requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposits.
- G. Automatic electronic transfers may be made for periodic bills, payroll and utility bills. EFTs may be used to pay for all cash on slips, debit and credit memoirs, trust receipts, transfer acknowledgements, or cancelled warrants, shall be provided so that they may be kept in the official files of the Association which shall be maintained in a manner which facilitates easy review and validation of transactions.

All Association staff shall comply with the provisions of this policy when creating, generating, sending, communicating, receiving, storing, processing, using and relying upon electronic records. Further, all staff and other persons who use electronic signatures when completing transactions with the Board of Directors shall do so in compliance with State law.

Cross-References:

Adopted:

Last Revised:

## SECTION 6000

### **6110 – APPLE CANYON LAKE PROPERTY OWNERS' ASSOCIATION FUNDS AND RESERVE STUDY**

**FUNDS** – The accounts of the Association are organized on the basis of funds, each of which is considered a separate accounting entity. Resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

The Association has identified and in turn maintains three (3) funds: Operating Fund, Capital Projects Fund, and Replacement and Renovation Fund. Ultimately it is at the Board of Directors' discretion as to how these funds are assessed and disbursed. However, with the financial experience the Budget/Audit Commission possesses it cannot be overstated how important it is for the Commission to provide informative recommendations to the Board of Directors for when and how the Association spends and saves for the needs of today and tomorrow.

To ensure that each Owner shares equitably in all the Association's annual costs, it is the Budget/Audit Commission's responsibility to properly advise the Board of Directors and Membership of the most fair and equitable means to fund our operations and reserves.

**OPERATING FUND** – Funds that are assessed and ultimately disbursed from the Operating Fund are generally for day-to-day expenses. All Association expenses will generally be paid out of the Operating Fund, including any repairs to fixed assets. As a general rule, if the cost to repair something is twenty percent (20%) or less of an asset's original capitalized value it will be expensed through the Operating Fund.

**CAPITAL PROJECTS FUND** – A capital project is a long-term project to build, improve, maintain, or develop a capital asset. This type of project involves a significant and consistent flow of investment. A capital project is typically large scale, needing significant management and resources for completion. Put simply, a capital project is a huge project that costs a lot of money, lasts a long time, and is generally complex in nature. The Capital Project Fund was and remains established to provide funding for these types of projects.

The Budget/Audit Commission will recommend to the Board of Directors which projects should be classified as Capital Projects, and subsequently paid for through the Capital Project Fund. The Board of Directors will ultimately decide on which projects will flow through this Fund.

If any capital project, including a land acquisition, exceeds ten percent (10%) of the current year's Capital Project Fund assessment, the Board of Directors will disclose

within thirty (30) calendar days to all its owners and specifically identify the subsequent assessments, if any, needed.

**REPLACEMENT AND RENOVATION (R&R) FUND** – Funds that are assessed and ultimately disbursed from the Replacement and Renovation (R&R) Fund are set aside for a specific purpose which primarily includes the replacement or renovation of all assets identified in the Reserve Study. New equipment with an original cost of five-thousand dollars (\$5,000) or more shall be purchased through the R&R Fund and will then be added to the Reserve Study.

Funds may also be set aside for smaller projects that are not classified as a Capital Project due to the limited cost and time to complete but will upon purchase or completion become a capitalized fixed asset of the Association. An example is a land improvement that is not contained in the Reserve Study but is determined by the Board of Directors to be of a similar nature as a Reserve Study renovation, such as a new tee box for the golf course.

It is critical for the Budget/Audit Commission to accurately recommend to the Board of Directors the proper funding requirements needed to meet immediate, short term, and long-term needs for replacing and renovating the Association's fixed assets, especially those listed in the Reserve Study.

**RESERVE STUDY** – A Reserve Study is a listing of all Association physical assets previously capitalized. This asset listing identifies the individual assets, estimates each asset's useful life and projects the cost and timing to replace or renovate the asset. Adequately funding the reserves not only protects and enhances the physical assets, it also protects and enhances the investment that each owner has made in buying property in the community.

Proper accounting and updating of the Reserve Study allows for sound financial planning by making sure that funds are available to replace worn out property components on a timely basis while avoiding the need for special assessments.

It is the Budget/Audit Commission's responsibility to properly advise the Board of Directors of the most fair and equitable means to fund our reserves to ensure that each Owner shares equitably in the cost every year.

**ASSESSMENTS** - The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents in The Properties and, in particular, for the improvement and maintenance of all properties, services, and facilities devoted to this purpose and related to the use and enjoyment of the Common Properties, the Reserved Properties or the Dwellings situated upon The Properties, including but not limited to, the payment of taxes and insurance thereon and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof. (Source: Amended



Declaration to Conform to the Common Interest Community Association Act-2014;  
Article VI. Section 2. Purpose of Assessments)

CROSS-REFERENCE: Amended Declaration to Conform to the Common Interest  
Community Association Act-2017

ADOPTED:

LAST REVISED:

## **SECTION 6000**

### **6112 - CASH MANAGEMENT OF GRANTS**

In order to provide reasonable assurance that all assets are safeguarded against waste, loss, unauthorized use, or misappropriation, the General Manager shall implement internal controls in the area of cash management.

The Association's payment methods shall minimize the time elapsing between the transfer of funds and disbursement by the Association, regardless of whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

The Association shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The Association shall request grant funds payments in accordance with the provisions of the grant. Additionally, the Association's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The General Manager is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used.

When the Association uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The Association shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the Association shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.

- D. The Association shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
  - 1. The Association receives less than \$120,000 in Federal/State awards per year.
  - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
  - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6120 - SAFETY DEPOSIT BOX**

The Association shall maintain at least one (1) safety deposit box at a bank selected by the General Manager. The Board authorizes the General Manager or Finance Manager to sign the signature card for access to each safety deposit box.

Cross-References:

Adopted:

Last Revised:

## SECTION 6000

### 6144 - INVESTMENT INCOME

The major sources of ACLPOA funds are the annual assessment dues paid by property owners, and the fees charged for various services and facility usage. Since funds received by the Association early in the year are used to meet expenses incurred throughout the year, an investment plan is a reasonable method of increasing the funds until they are needed to meet expenses. Also, special purpose funds may not be expended for several years and it is reasonable to provide the Association with a return on these special purpose funds until needed.

**PURPOSE:** The purpose of this policy is to provide for the investment of funds of the Association in a prudent manner.

**GENERAL POLICY:** Funds provided to the Association are to be used for the maintenance and improvement of the quality of life in the lake development. Therefore, the investment of funds is not a primary function of the Association and the conservation of fund principal is paramount when considering investment opportunities.

The Association recognizes its responsibility to participate in and support local financial institutions within the northwest Illinois community. Unless the overriding considerations of security of funds and types of investments preclude the use of local institutions the Association will invest with local financial institutions first.

**OBJECTIVES:** The objectives of the Investment Policy are:

1. Provide the available cash necessary to pay bills and expenses on a timely basis.
2. Maximize return on funds not necessary for cash flow needs.
3. Protect the principal invested.

To accomplish these objectives, the following rules ~~should~~ must be observed:

- a. Placement of investment funds and their subsequent management should not involve payment of special investment management fees.
- b. Measured cash flow requirements by estimating expenditures and income fluctuations based on historical data and any known variances to determine monthly cash flow needs.
- c. Provide for expenses, in excess of related revenues, through appropriately maturing investments.

- d. Investments will be made by the General Manager through FDIC insured financial institutions in the US or Federal Agency Securities or in an insured savings, with prior approval of the Board of Directors. Deposits must not exceed the amount insured by FDIC unless secured by US or Federal Agency Securities.
- e. The General Manager is designated as investment officer and is responsible for the execution of this policy, acting with the guidance of and answerable to the Board of Directors.
- f. The Board of Directors shall receive at least quarterly reports of all investment transactions and a portfolio maturity summary.

Cross-References:

Adopted:

Last Revised:



## SECTION 6000

### 6145 - BORROWING

Upon an affirmative vote of the entire membership of the Board of Directors, consistent with the voting provisions set forth in the Apple Canyon Lake Bylaws, the General Manager or Finance Manager shall prepare the data and applications regarding the borrowing of funds needed for the immediate operation of the Association. Such borrowing shall be in accordance with the provisions of the ACLPOA Amended and Restated Bylaws Article V, Section 4.

Article V, Section 4 of the ACLPOA Amended and Restated Bylaws states that the Association may incur indebtedness for borrowed money or mortgage, pledge or grant security interests in the Common Properties and Facilities as determined from time to time by the Board of Directors. The Association shall not incur indebtedness in an amount that would result in the total principal amount of all indebtedness of the Association then outstanding, after giving effect to such incurrence, to exceed the total annual assessments, fees and other revenue of the Association from all sources for the most recently completed fiscal year of the Association, without the prior approval of a majority of the votes cast by the Voting Members at a Special Meeting of the Association duly called for such purpose, written notice of which shall be given at least ten (10) and not more than thirty (30) days in advance of said meeting. At any such meeting a quorum shall consist of twenty percent (20%) of the votes of all Voting Members.

Quotations shall be solicited for all loans which the Board of Directors have authorized. With Board of Director's approval, funds shall be borrowed from the responsible institution offering the most favorable terms.

Cross-References: Apple Canyon Lake Amended and Restated  
Bylaws Article V. Section 4

Adopted:

Last Revised:

## **SECTION 6000**

### **6151 - BAD CHECKS**

When the Association receives a returned check that is marked "insufficient funds", the General Manager or Finance Manager shall provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within thirty (30) days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board of Directors authorizes the General Manager to remove the assessed fee or charge from the Association's Accounts Receivable and to take appropriate action against the person(s).

Cross-References:

Adopted:

Last Revised:

## **Section 6000**

### **6152 – Annual Assessments, Owner Amenity Registration Fee (OARF) and Fines**

In accordance with the Declaration Article VI. Section 1. each Owner of any Lot or Dwelling by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; such assessments to be fixed, established and collected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the Lot or Dwelling against which each such assessment is made. Each such assessment, together with such interest thereon and cost of collection thereof as hereinafter provided, shall also be the personal obligation of each person who was an Owner of such Lot or Dwelling at the time when the assessment fell due.

As stated in the Declaration Article VI. Section 2. the assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents in the Properties and, in particular, for the improvement and maintenance of all properties, services, and facilities devoted to this purpose and related to the use and enjoyment of the Common Properties, the Reserved Properties or the Dwellings situated upon the Properties, including but not limited to, the payment of taxes and insurance thereon and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof.

In accordance with the Declaration Article VI. Section 3. the Association shall have the power to levy an annual assessment against all of the Lots and Dwellings within the Properties, exempt for only those Lots and properties owned by the Association. The annual assessment shall be fixed in accordance with CICAA as amended from time to time.

Stated in Article VI. Section 4. of the Declaration is change in basis and maximum of Annual Assessments and Special Assessments. Each year the Board of Directors shall prepare an annual budget which shall identify the Association's projected income and expenses for the next year, which shall include an appropriate amount for the reserves, capital expenditures, payment of real estate taxes, and for the repair and replacement of the Association's facilities and equipment. A copy of the proposed annual budget shall be communicated to each Lot or Dwelling owner at least thirty (30) days, but not more than sixty (60) days, prior to the adoption by the Board of Directors. The annual budget, approved by the Board of Directors, shall be acted upon at the November Board Meeting, or at such other meeting as the Board of Directors may determine. If an adopted budget or any separate assessment adopted by the Board would result in the sum of all regular and separate assessments payable in the current fiscal year

exceeding one hundred fifteen percent (115%) of the sum of all regular and separate assessments payable during the preceding fiscal year, the common interest community association, upon written petition by members with twenty (20) percent of the votes of the association delivered to the Board of Directors within fourteen (14) days of the Board of Directors' action, shall call a meeting of the members within thirty (30) days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the members are cast at the meeting to reject the budget or separate assessment, it shall be deemed ratified.

**Special Assessments** – Special Assessments are assessments not included in the Annual Budget. Assessments for additions and alterations to the common areas or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of a majority of the total Voting Members voting in person or by Written Ballot at a meeting duly called for this purpose, written notice of which shall be sent to all Voting Members at least thirty (30) days in advance and shall set forth the purpose of the meeting (Declaration 2017 Article VI. Section 5).

In accordance with the provisions of CICA subsection 1-45(e), special assessments for expenditures related to emergencies or mandated by law may be adopted by the Board without being subject to member approval or the provisions of CICA subsection 1-45(c) or (f). As used herein, "emergency" means a danger to or a compromise of the structural integrity of the common areas or any of the common facilities of the common interest community. "Emergency" also includes a danger to the life, health or safety of the membership (Declaration 2017 Article VI. Section 6).

The annual assessments provided for herein shall become due and payable on the first day of March of said year, or on such other date or dates as may be established by the Board. The due date of any special assessment under Section 5 or 6 of the Declaration hereof shall be fixed in the resolution authorizing such assessment. Written notice of the assessment shall be sent to the Voting Member designated for each Lot or Dwelling subject thereto. If the assessment is not paid within ninety (90) days of the date on which it is due, written notice shall be sent to every Owner of that Lot or Dwelling at the last address on file at the Association office.

**Owners Amenity Registration Fee (OARF)** Every owner of a lot will be assessed a required Owner Amenity Registration Fee (OARF). This fee is assessed on a per owner basis with spouses counted as owner. The Board of Directors will determine the fee annually. If the recorded deed does not list "husband and wife", "a married couple", etc. a copy of the marriage certificate will be required in order to waive the second fee. Exceptions to the fee payment will only be granted beginning with the year the marriage certificate is provided to the Association. Owners of multiple lots will pay one OARF, but may elect to pay an additional OARF for each multiple lot owner. The OARF fee must be paid prior to March 1<sup>st</sup> by all owners, otherwise registrations will not be completed or guest passes/auto decals issued.

With the exception of new owners, the date of January 1 of each year will serve as the basis for the OARF invoice. No refunds or pro-rating will be allowed. New owners subsequent to January 1 will be charged the OARF on a per owner basis.

**Fines:** In accordance with Article V. Section 3a. of the Declaration, the Association has the right to prescribe rules and regulations for the use of Common Properties, including but not limited to the number, size, type and speed of boats operated on any waters on The Properties; the taking of fish from waters on The Properties; and such other regulations as the Association deems necessary to the healthy, safety and welfare of the Association and its Members.

The Association has the right in accordance with the Declaration Article V. Section 3d, to suspend the enjoyment rights of any Owner or Member for any period during which any assessment, charge or fine remains unpaid; or to suspend the enjoyment rights of any Owner or Member for any period not to exceed ninety (90) days; or to levy and assess such fines and penalties for any violation of the Declaration, the Bylaws, the ACL Building and Environmental Code or the Rules and Regulations, all as determined by the Board.

The Association has the right to charge reasonable admission and other charges or fees for the use, maintenance or preservation of the Common Properties or the Reserved Properties (Article V. Section 3e).

CROSS-REFERENCE: Amended Declaration to Conform to the Common Interest  
Community Association Act (2017)

ADOPTED:

LAST REVISED:

## SECTION 6000

### **6152.01 – ASSESSMENT PAYMENT PLAN**

The Board of Directors may create a payment plan or options for property owners to pay their annual assessment (dues) and fees. A per lot payment plan processing fee will be charged and added into the payment plan agreement. If a property owner chooses to participate in a Board of Directors approved payment plan, all payments will be automated clearing house (ACH) withdrawals initiated by the Association office. Other payment types may not be offered as part of the payment plan. The Board approved annual assessment and fees payment plan will be published in *The Apple Core*.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6220 - BUDGET PREPARATION**

The Association's operation plan is reflected in its budgets. Each year, the Board of Directors will cause to have prepared and then review and approve the budget.

The budget shall be designed to carry out Association operations in a thorough and efficient manner, maintain Association facilities properly, and honor continuing obligations of the Association.

The Budget/Audit Commission shall be chaired by the Board of Directors' Treasurer and consist of two or more additional members. It shall be the duty of this commission to prepare an annual budget for the fiscal year beginning the first day of January for approval by the Board of Directors.

The Budget/Audit Commission's role will be to recommend to the Board of Directors:

1. Annual fees and assessments within the framework of an annual budget appropriation for R&R fund and Capital Fund projects;
2. The release of designated funds held in specific designated funds by the Association; and
3. The types and frequency of financial reports required to adequately perform its responsibilities.

A proposed budget requires the critical analysis by every member of the Board of Directors prior to approval; once adopted, the budget deserves the support of all members of the Board of Directors regardless of their position before its adoption.

The Board of Directors directs the General Manager to present the budget to the Board of Directors, along with all available information associated with each budget, in sufficient time to allow for proper analysis and discussion prior to the publication.

Cross-References: Bylaws Article VIII, Section 1.e.  
Bylaws Article XIII, Section 7

Adopted:

Last Revised:



## SECTION 6000

### **6230 - BUDGET PUBLISHING**

The annual budget adopted by the Board of Directors represents the Board of Directors' position on the allocation of resources required to operate at an appropriate level of operations. All reasonable means shall be employed by the Board of Directors to present and explain that position to all interested parties.

All meetings of the Board of Directors at which the Board of Directors proposes to act upon the annual budget of the Association or consider any annual or special assessments (referred to herein as Budget Matters) shall be held only after notice has been given to all members of the Board of Directors, all Voting Members and all Owners at least ten (10) days but not more than sixty (60) days, prior to such meeting, setting forth the date, time, and location of such meeting and the matter or matters to be acted upon by the Board of Directors at such meeting. Notice shall be sent to all Owners and Voting Members (i) by United States Mail, postage prepaid, sent to the recipient's address on file with the Association, or (ii) by hand delivery, or (iii) by any commonly used electronic media, including but not limited to, email or facsimile, pursuant to electronic communication policies adopted from time to time by the Board of Directors, provided that the recipient has provided the Association with his or her fax number or email address or other address for receipt of such electronic communication. Alternatively, instead of providing Owners and Voting Members individually with such notice, copies of such notices shall be published in *The Apple Core* and posted on the Association's website and at the administrative offices, or as otherwise authorized under applicable law.

Each member of the Board of Directors, the General Manager, and the Finance Manager shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the Association.

A simplified form of the budget may be prepared annually and may be sent to appropriate parties and distributed to each person attending the Board of Directors' meetings where budget matters are being discussed.

A simplified form of the budget will include the expenditure in each major category of current expense for the current year and the coming year and a summary of anticipated receipts as well as a brief explanation of significant increases and decreases from the preceding budget.

The final budget approved by the Board of Directors shall be made available to the membership in the form and places as required by CICAA.

Cross-References: 2017 Bylaws Article VIII (i) and (k)

Adopted:

Last Revised:

## **SECTION 6000**

### **6231 – BUDGET IMPLEMENTATION**

The Board of Directors places the responsibility of administering the budget, once adopted, with the General Manager.

The General Manager is authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the budget, and any limitations stated specifically in Board policies.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board of Directors to keep members informed as to the status of the budget and overall financial condition of the Association.

If during the fiscal year, it appears to the General Manager that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the Operating, Capital Projects, and Renovation and Replacement (R&R) Funds were based, the General Manager shall present to the Board recommended amendments to the budget that will prevent expenditures from exceeding revenues. The General Manager shall ensure that such recommendations shall be in accordance with CICAA Section 1-45 (d): "If total common expenses exceed the total amount of the approved and adopted budget, the common interest community association shall disclose this variance to all its members and specifically identify the subsequent assessments needed to offset this variance in future budgets." Budget amendments must be approved by five (5) affirmative votes of the Board of Directors.

Cross-Reference:        Amended and Restated Bylaws 2021  
                                  CICAA Section 1-45(d)

Adopted:

Last Revised:

## **SECTION 6000**

### **6235 - FUND BALANCE**

The Board of Directors places the responsibility of administering the Operating, Capital Projects and R&R budgets, once adopted, with the General Manager. The General Manager shall monitor the fund balances of Operating, Capital Projects, and R&R funds and shall report the balance to the Board of Directors at the end of each budget year. The fund balances shall be maintained at a level sufficient to minimize or avoid short-term borrowing for cash flow purposes.

Fund balances will be reported in the categories established by generally accepted accounting principles (GAAP) and in consultation with the Association auditors. The Board of Directors will impose constraints on any funds placed in the committed and assigned classifications through consultation with the Association's auditor.

- A. Unrestricted – Undesignated: Net assets that are free of donor-imposed stipulations and include all revenues, expenses, gains and losses that are not charges in permanently or temporarily restricted net assets.
- B. Unrestricted – Designated: Net assets that are free of donor-imposed stipulations but have been designated by the Board of Directors for specific projects or investments and include all revenues, expenses, gains and losses related to such designated net assets.
- C. Unrestricted – Designated Capital Projects Fund: A portion of the annual assessment is designated by the Board of Directors for the Capital Projects Fund. This fund, along with interest earned, is to be used only for acquisition and construction of major capital projects.
- D. Unrestricted – Designated Replacement and Renovation Fund (R&R): A portion of the annual assessment is designated for the Replacement and Renovation fund. This fund, along with interest earned, is to be used only for replacement and improvement expenditures.

If during the fiscal year, it appears to the General Manager that the fund balance will be less than estimated, the General Manager will bring forward to the Board of Directors for consideration recommendations that will protect the fund balances. Such recommendations shall be in accordance with the requirements of the law.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6320 - PURCHASING**

It shall be the policy of the Board of Directors to control and approve any single capital item expenditure in the following manner.

- A. For expenditures up to \$5,000, it shall be the responsibility of the General Manager to use good judgment and prudent business procedures in making purchases.
- B. For expenditures over \$5,000, the General Manager must seek at least three competitive quotations. Any non-budgeted expenditures over \$5,000 must be brought to the Board of Directors for approval prior to purchase. A recommendation must be made by the General Manager to the Board of Directors for approval, taking into consideration:
  - Purchase goods and services at the lowest cost consistent with specified quality and service levels
  - Promote full competition from vendors through a standardized bidding process
  - Comply with all local, state, and federal regulations
  - Maintain continuity of supply to support the various services provided by the Association
  - Maintain standards of quality in materials
  - Avoid duplication, waste, and obsolescence with respect to materials and equipment
  - Maintain the minimum investment in materials inventory needed to provide cost effective services.

#### **Purchasing Policy Categories**

Category A: Goods and services with a cost exceeding \$5,000

Formal written bids or proposal will be opened after an approved solicitation process including a public notice of the opportunity to submit bids or proposals.

The purchase will be made from the vendors who submit the lowest bid or proposal in substantial compliance with the bid specifications or Request for Proposal. All purchases must be formally approved by the Board of Directors in advance and the Board of Directors may reject any and all bids and waive technicalities in the bidding process.

Category B: Goods and services with a cost exceeding \$2,500 but less than or equal to \$5,000

Pricing information will be gathered through an approved process such as sealed bids, price negotiations, and written quotations. The purchase will be made from the vendor who offers the best value in substantial compliance with the bid specifications. All purchases must be approved by the General Manager. The General Manager may reject any and all bids and waive technicalities in the bidding process.

Category C: Goods and services with a cost exceeding \$250 but less than or equal to, \$2,500

Pricing information will be gathered through an approved process such as price quotations or telephone solicitation. The purchase will be made from the vendor who offers the lowest price in substantial compliance with the bid specifications. All purchases must be approved by the General Manager. The General Manager may reject any and all bids and waive technicalities in the bidding process.

Category D: Goods and services with a cost less than or equal to \$250

Purchases may be made without price solicitation with the approval of the Department Manager. Purchases should be made from ACLPOA vendors if they provide competitive pricing.

For determining which purchase category to utilize, a cost is assumed to be the invoice cost. For example, the purchase of ten (10) items with a unit cost of \$200 a piece would be one Category C purchase rather than ten (10) Category D purchases.

## Purchasing Policy Exceptions

### **Exception #1: Emergency Purchases**

#### **Description:**

The acquisition of goods and services when following the normal acquisition procedures would create an unacceptable delay in resolving an emergency situation. A delay is unacceptable if it would create an environmental hazard, place the Association members at risk, lead to increased damage to facilities or create a significant inconvenience for Association members. Examples include major roof leaks and the unexpected failure of critical equipment of facilities.

#### **Alternate Procedure:**

The necessary goods and services will be acquired as quickly as possible. In the case of construction services, paid on time and material basis. Goods and other services will be acquired from the vendor that can make the earliest delivery at reasonable prices.

#### **Approval Process:**

The initial acquisition will be approved by the General Manager. If the acquisition costs exceed \$5,000, the bill or bills will be presented to the Board of Directors for approval prior to payment. If the cost is less than \$2,500, the bill or bills will be paid through the normal accounts payable process and the information will be reported to the Board of Directors after payment.

### **Exception #2: Travel and Training Expenses**

#### **Description:**

Costs incurred while traveling on ACLPOA business and participating in training authorized by the General Manager as long as the costs are within the current year's approved budget. Trainer and training cost in excess of the current year's budget must be approved by the Board of Directors.



**Alternate Procedure:**

The ACLPOA regular Travel Policy as stated in the Employee Handbook will govern all purchases.

**Approval Process:**

Payments will be approved by the General Manager. Bills will be paid through the normal accounts payable process.

**Exception #3: Payroll Payments**

**Description:**

Payroll costs for employees authorized in the current budget.

**Alternate Procedure:**

Paychecks will be issued to employees at the end of the week following completion of a pay period.

**Approval Process:**

A payroll report will be approved by the General Manager.

**Exception #4: Utility Bills**

**Description:**

Bills for propane, electricity, water and communication services, such as cellular telephones, long distance telephone, and local telephone.

**Alternate Procedure**

Utility bills in all amounts will be processed through the normal accounts payable process.

**Approval Process:**

Payments will be approved by the General Manager.

## **Exception #5: Health Insurance Reimbursements**

### **Description:**

Reimbursements to the ACLPOA health and insurance providers for payments made to medical professionals and program participants.

### **Alternate Procedure:**

Individual payments are governed by the rules and regulations controlling the health insurance program.

### **Approval Process:**

The General Manager will approve payments to medical providers.

## **Exception #6: Contract Payments except for Contracts for the Construction of Capital Improvements**

### **Description:**

Partial and final payments on all contracts, purchase orders, and agreements that have been previously approved by the Board of Directors unless the payment causes the total contract amount to exceed the original authorization by more than \$5,000.

### **Alternate Procedure:**

Payments in all amounts, unless the original contract amount will be exceeded by more than \$5,000, will be processed through the normal accounts payable process.

### **Approval Process:**

Contracts exceeding \$5,000 will be approved in advance by the Board of Directors. Information about the payments will be presented to the Board of Directors after payment.

If a payment will cause the original contract amount to be exceeded by more than \$5,000, it will be submitted to the Board of Directors for approval prior to payment.

#### **Exception #7: Contract Payments for the Construction of Capital Improvements**

##### **Description:**

Partial and final payments on all contracts for capital improvements.

##### **Alternate Procedure:**

The General Manager shall authorize all change orders for less than 10% of the contract price, not to exceed \$10,000, for the construction of capital improvements. Any change that exceeds 10% of the original contract price or that exceeds \$10,000, must be approved by the Board of Directors.

##### **Approval Process:**

Final payments on all contracts for capital improvements will be submitted to the Board of Directors for approval prior to payment. The payment request form will include a listing of all approved change orders, the original contract amount and the current approved contract amount.

#### **Exception #8: Debt Service**

##### **Description:**

Cash required to cover the repayment of interest and principal on a debt for a particular period.

##### **Alternate Procedure:**

The payment schedules will be approved by the Board of Directors at the time the debt is incurred.

##### **Approval Process:**

The payments will be approved by the General Manager and made through the

normal accounts payable and the information will be reported to the Board of Directors after payment.

### **Exception #9: Temporary Employment Service Payments**

#### **Description:**

Fees paid to temporary employment service contractors for temporary employees working in ACLPOA departments.

#### **Alternate Procedure:**

Temporary service contracts are approved by the General Manager and a listing of contract service/seasonal employees is included in the budget. The short-term use of temporary employees to fill vacant, full-time positions is approved on a case-by-case basis by the General Manager.

#### **Approval Process:**

The payments will be approved by the General Manager and made through the normal accounts payable process.

### **Exception #10: Payments Required by State and Federal Law**

#### **Description:**

Non-discretionary payments made to comply with state and federal laws such as unemployment compensation to the State of Illinois.

#### **Alternate Procedure:**

The payments are made pursuant to the applicable laws.

#### **Approval Process:**

The payments will be approved by the General Manager and made through the normal accounts payable process.

## **Exception #11: Pro Shop and Marina Purchases**

### **Description:**

Products purchased for the Pro Shop and Marina for resale.

### **Alternate Procedure:**

Twice a year (Spring and Fall) the Pro Shop and Marina management will get quotes from suppliers for the twenty (20) most purchased items to verify that the Association is getting the best price possible from these vendors.

### **Approval Process:**

The payments will be approved by the General Manager and made through the normal accounts payable process.

## **Exception #12: Waiver of Purchasing Policy**

### **Description:**

The General Manager may waive the purchasing policy if it is in the best interest of the Association.

### **Alternate Procedure:**

The General Manager cannot approve a purchase order where the purchasing policy has been waived in the best interest of the Association.

### **Approval Process:**

The payments must be approved by either the Board President or the Board Treasurer, made through the normal accounts payable process, and the details surrounding the purchase will be reported to the Board of Directors after payment.

## **Cross-References:**

Adopted:

Last Revised:

## **SECTION 6000**

### **6330 - LEASING ASSOCIATION PROPERTY AND EQUIPMENT**

The Board of Directors is authorized to lease Association property and equipment to any person for any lawful use at a reasonable rental fee. Leased Association property and equipment shall not be needed for Association purposes.

All agreements, contracts and actions to lease Association property and equipment must be approved by the Board of Directors.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6423 - USE OF CREDIT CARDS**

The ACL staff recognizes the value of an efficient method of payment and recordkeeping for certain expenses. The Board of Directors, therefore, authorizes the use of Association credit cards.

Credit cards shall not be used to circumvent the general purchasing procedures established by Board policy. The Board of Directors affirms that credit cards shall only be used in connection with Board-approved activities and that only those types of expenses that are for the benefit of the Association and serve a valid and proper Association purpose shall be paid for by credit card.

Receipts for all charges made by credit card must be submitted to the General Manager or financial staff regardless of the dollar amount. Credit card receipts, regardless of the amount, shall be submitted to the ACLPOA financial staff via facsimile, delivery or email within seven (7) business days of purchase so that credit card statements can be reconciled. Alcohol charges are not reimbursable by ACLPOA unless authorized by the General Manager.

Credit card usage and all related expenditure records shall be subject to audit by ACLPOA financial staff and the Association's auditor.

Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in the administrative guidelines may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution.

The Board of Directors direct the General Manager to determine and specify those employees authorized to use Association credit cards. The General Manager shall be responsible for giving direction to and supervising such employees' use of Association credit cards.

**Cross-References:**

**Adopted:**

**Last Revised:**



## **SECTION 6000**

### **6460 - VENDOR RELATIONS**

A common interest community association may not enter into a contract with a current board member, or with a corporation, limited liability company, or partnership in which a board member or a member of his or her immediate family has 25% or more interest, unless notice of intent to enter into the contract is given to members within 20 days after a decision is made to enter into the contract and the members are afforded an opportunity by filing a petition, signed by 20% of the membership, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after the filing the petition. For purposes of this paragraph, a board member's immediate family means the board member's spouse, parents, siblings, and children.

Board members and staff shall not accept any gifts or favors from vendors which might, in any way, influence their recommendations on the eventual purchase of equipment, supplies, or services.

All sales persons, regardless of product, shall clear with the General Manager before contacting any staff of the Association. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board of Directors on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

Cross-References: CICAA 765 ILCS 160/1-30(b)

Adopted:

Last Revised:

## **SECTION 6000**

### **6470 - PAYMENT OF INVOICES**

The Board of Directors directs the prompt payment of legitimate invoices by suppliers of goods and services to the Association.

Each bill or obligation of the Association must be itemized fully, and verified before payment may be issued.

When an invoice is received, the General Manager and Finance Manager shall verify:

- that a check voucher or record of electronic payment is submitted properly;
- that acceptable goods were received or satisfactory services rendered;
- that the expenditure is included in the Board's budget;
- that funds are available for its payment; and,
- that the amount of the invoice is correct.

Each verified invoice is to be paid within thirty (30) days or within the terms set by the supplier.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6510 - PAYROLL AUTHORIZATION**

ACLPOA's total compensation program is designed to attract and retain talented employees. Within our financial resources, the Association offers a total compensation package consisting of:

1. Compensation Plan
  - a. Salaries that pay employees fairly for the duties they perform.
  - b. Salary ranges with minimums, midpoints and maximums, based on the median of nonprofit membership associations of similar size and scope in the Tri-State area and the Illinois Association of Lake Communities (IALC). Market data will be drawn from several nonprofit salary surveys. The General Manager will review salary ranges annually in conjunction with the departmental budget allocation process by department.
2. Benefits that are competitive with nonprofit membership organizations, including health and welfare benefits, retirement contributions, work week, flexibility and paid time off.
3. Work environment that supports employee excellence and the professional delivery of services and products for members, affiliates, sponsors, the profession, and public service.
4. A non-defined contribution plan that provides employees the potential for future financial security for retirement.
  - a. The General Manager may offer both an employee contribution and/or an employer match of an employee's own contribution to his/her retirement plan.
5. To recognize exceptional staff performance, the Board of Directors may, upon recommendation by the General Manager and Budget/Audit Commission consider designating a portion of the operating fund at the end of a fiscal year to provide a one-time payment of performance bonuses. Such bonuses may be awarded:
  - a. For the accomplishment of program goals that align with the Association strategic plan;
  - b. For the accomplishment of the Association's budget goals;

- c. For the completeness of a project which results in significant growth or success in a specific program area(s);
- d. For the successful completion of a major project; or,
- e. For any other employee performance deemed exceptional by the General Manger and Board of Directors.

The General Manager is empowered to recommend specific bonus amounts for each staff member and to present the bonus plan to the Board of Directors for approval.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6520 PAYROLL DEDUCTIONS**

The Board of Directors direct the General Manager to ensure that deductions are made from an employee's paycheck as required by law (e.g., State and Federal tax withholding, employment taxes, garnishments, and child support). The Board also authorizes payroll deductions for the following purposes:

- A. Section 125 deductions (cafeteria plans)
- B. Payment of group insurance premiums for a plan in which Association employees participate

All payroll deductions must be expressly authorized in writing by the employee, and communicated to the General Manager or Financial Manager.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides.

Cross-References: Employee Handbook Section III

Adopted:

Last Revised:

## **SECTION 6000**

### **6620 - PETTY CASH**

The Board of Directors recognizes the convenience afforded the day-by-day operation of the Association by the establishment of one (1) or more petty cash funds. The Board shall require the imposition of such controls as will prevent abuse of such funds.

Each custodian of a petty cash fund shall ensure that the funds in his/her care shall be disbursed only for minor expenditures not readily deferred. No petty cash fund may be used to circumvent the purchasing procedures required by law and the policies of this Board of Directors. The petty cash box must be secured daily, and reconciled monthly.

All petty cash funds will be closed out for audit at the end of the fiscal year and unused funds will be returned to the depository. Petty cash fund needs will be determined and funded at the beginning of every fiscal year by the General Manager and Financial Manager.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6630 - CASH HANDLING AND DEPOSITS**

The Board of Directors requires that cash be handled in accordance with generally accepted accounting principles and specific recommendations provided by the Association's independent auditors. Receipts and records of all cash transactions must be maintained for accounting and auditing.

It is prohibited to leave cash in an unsecured location overnight. All collected money shall be submitted to the Association's office no later than the next business day on which the money was collected, and the money shall be secured in a designated location. If there is no access to the Association's office and its designated secure location, then money shall be secured overnight in accordance with the procedures established by the Association.

Cash shall be accounted for and deposited in a financial institution in a timely manner. Whenever possible, cash shall be counted and cross-checked by two (2) personnel.

Cross-References:

Adopted:

Last Revised:



## **SECTION 6000**

### **6680 - RECOGNITION AND GIFTING**

The purpose of this policy is to permit the Board of Directors to honor the Association's staff, former Board members, and non-employee persons with plaques, pins, token retirement gifts awards or recognitions.

The Board of Directors wishes to also honor staff and committee/commissions for their contributions with appropriate recognitions and authorizes managers, with the approval of the General Manager, to purchase meals, refreshments, and/or other gifts to further the interests of the Association.

The Board hereby affirms that the expenses incurred for recognition and gifts as listed above do serve an Association purpose. The Board believes that "Association purpose" serves for the promotion of the Association, rapport with the business community, and overall community relations.

Cross-References:

Adopted:

Last Revised:

## **SECTION 6000**

### **6700 - FAIR LABOR STANDARDS ACT (FLSA)**

It is the Board of Directors' policy to comply with the provisions of State and Federal Law and their respective implementing regulations, relating to minimum wages and overtime. To that end, the Board of Directors shall pay at least the minimum wage to all employees. Further, the Board of Directors recognizes the safe and efficient operation of the Association may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Such employees shall be paid overtime compensation.

Work week is defined as the seven (7) day period of time beginning on Sunday at midnight and continuing to the following Saturday at 11:59 p.m. (or Monday at midnight and continuing to the following Sunday at 11:59 p.m.)

Covered, non-exempt employees who work on behalf of or for the benefit of the Association more than forty (40) hours in a given work week will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in the work week.

The General Manager or his/her designee shall determine the necessity and availability of overtime work.

Overtime may be authorized only by the General Manager or designee, and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the General Manager or manager will be subject to disciplinary action, up to and including termination.

Exempt employees are individuals who are exempt from the State and Federal overtime provisions. Generally, individuals employed in a bona fide executive, administrative, or professional capacity, are considered exempt. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis.

Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

The Association reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability
- B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness
- C. to offset amounts employees receive as jury or witness fees, or for military pay
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions
- E. for penalties imposed in good faith for infractions of safety rules of major significance

The Association shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Association recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the General Manager and Finance Manager or his/her immediate manager.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Association will make a good faith commitment to avoid any recurrence of the error.

Cross-References: 29 U.S.C. 201 et seq; Employee Handbook Section IV, 4.7

Adopted:

Last Revised:

## **SECTION 6000**

### **6830 - AUDIT**

The Board of Directors, in partnership with the Board Treasurer and Budget/Audit Commission requires that, after the close of the fiscal year, December 31, an audit of all accounts of the Association be made annually by an independent, certified public accountant. The audit examination shall be conducted in accordance with generally accepted auditing standards. The audit shall include all funds over which the Board of Directors has direct or supervisory control.

The auditor shall prepare and submit a detailed audit report to the Board of Directors. The auditor's report shall include:

- A. The audited financial statements for the fiscal year;
- B. A management letter;
- C. The auditor's communication with those charged with governance, including any significant findings or issues from the audit; and

The Budget/Audit Commission's Audit role will be:

1. Review and consult with the auditors on the annual audit of the Association books;
2. Review the adequacy and effectiveness of the accounting controls of the Association; and
3. Make recommendations for the improvement of internal control procedures and the correction of any significant financial reporting issues and practices.

The General Manager shall assure that the audit report is completed in a timely manner.

The Board of Directors' minutes shall reflect receipt of the annual audit report by the Board.

Cross-References: Bylaws Article VIII, Section 1.g.  
Bylaws Article VIII, Section 7.c.  
Bylaws Article VII, Section 7.c.  
CICAA 765 ILCS 160/1-45 (b)(ii)

Adopted:

Last Revised:

## **SECTION 6000**

### **6800 - BASIS OF ACCOUNTING AND GAAP CONFORMANCE**

The accounting procedures used by ACLPOA shall conform to Generally Accepted Accounting Principles (GAAP) to ensure accuracy of information and compliance with external standards.

#### 1. Basis of Accounting

The ACLPOA organization shall utilize the accrual basis of accounting. The accrual basis is the method of accounting whereby revenue and expenses are identified with specific periods of time, such as month or year, and are recorded as incurred. This method of recording revenue and expenses is without regard to the date of receipt or payment of cash.

#### 2. Fiscal Year

The fiscal year shall be a calendar year ending on December 31.

Cross-References: CICAA 765 ILCS 160/1-45(i)

Adopted:

Last Revised:

## **SECTION 6000**

### **6800 - BASIS OF ACCOUNTING AND GAAP CONFORMANCE**

The accounting procedures used by ACLPOA shall conform to Generally Accepted Accounting Principles (GAAP) to ensure accuracy of information and compliance with external standards.

#### 1. Basis of Accounting

The ACLPOA organization shall utilize the accrual basis of accounting. The accrual basis is the method of accounting whereby revenue and expenses are identified with specific periods of time, such as month or year, and are recorded as incurred. This method of recording revenue and expenses is without regard to the date of receipt or payment of cash.

#### 2. Fiscal Year

The fiscal year shall be a calendar year ending on December 31.

Cross-References: CICAA 765 ILCS 160/1-45(i)

Adopted:

Last Revised:

## SECTION 6000

### **6111: INTERNAL CONTROLS FOR GRANTS AND AWARDS**

The General Manager shall establish and maintain effective internal operational controls over Federal/State grants and awards that provide reasonable assurance that the Association is managing all awards in compliance with applicable statutes, regulations and the terms and conditions of the awards. The Association has a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations
- B. reliability of reporting for internal and external use
- C. compliance with applicable laws and regulations

The Association shall employ several safeguards to ensure that:

- The Association complies with the standards set forth for non-profit charitable associations under the 501(c)(4) classification established by the US Internal Revenue Service; and
- Financial transactions are properly authorized, appropriated, executed and recorded.

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal/State reports; maintain accountability over assets; and demonstrate compliance with Federal/State statutes, regulations, and the terms and conditions of the Federal/State award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal/State statutes, regulations, and the terms and conditions of the Federal/State award that could have a direct and material effect on a Federal/State award, as well as any other Federal/State statutes and regulations that are identified in the Compliance Supplement. Finally, the Association's internal controls must provide reasonable assurance that all Federal/State funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The Association shall:

- A. comply with **Federal/State statutes**, regulations, and the terms and conditions of the Federal awards;



- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- D. take reasonable measures to safeguard protected "personally identifiable information" (PII) and other information the awarding agency or pass-through entity designates as sensitive or the Association considers sensitive consistent with applicable Federal, state, local, and tribal laws and Association policies regarding privacy and obligations of confidentiality.

PII is defined as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

Cross-References:

Adopted:

Last Revised:



# Memorandum

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**To:** ACL Board

**Date:** July 8, 2022

**From:** Board Policy Ad Hoc

**Memo #:** 2022-76

**Topic:** Board Policy Non-Commercial Purpose for Document Inspection

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**Issue & Analysis:** The Board Policy Ad Hoc Commission recommends to the Board of Directors to adopt the updated and revised Policy 8330.01 Non-Commercial Purpose for Document Inspection Exhibit A – Non-Commercial Purpose Policy for Document Inspection and the Non-Commercial Purpose Certification Form.

The policy and form were originally approved in December 2020 after concerns that the ACL member directory, required by the Bylaws, had been used inappropriately by a business for commercial solicitation. It was later discovered that the membership information was purchased from a third-party site and was not obtained from Association documents. To protect the Association and its Members and prevent inappropriate use of Member information in the future, the Association's legal counsel provided a Non-Commercial Purpose Policy for Document Inspection and form for our use.

Anyone that wishes to examine or copy these documents (including purchasing a Membership Directory) is first required to complete the Non-Commercial Purpose Policy for Document Inspection form. The membership directory will not be provided to anyone who is not a Member of the ACLPOA. When this policy was created, it stated that if a Member violates the Policy outlined in the form and uses the information for a Commercial Purpose or for a purpose unrelated to the Association, that member may be subject to a fine of \$1,000 per violation, (e.g. if member uses 10 members' names or information for a Commercial Purpose or for a purpose not related to the Association, that member would be subject to a fine of \$10,000). The Board Policy Ad Hoc Commission has recognized that the Association would not know how many members' names or information had been used and has struck this language from Exhibit A.

**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 membership*

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Board Policy Update Committee/Commission

Date 6/13/2022

I move:

To recommend the Board of Directors adopt the updated and revised Policy 8330.01 Non-Commercial Purpose for Document Inspection, Exhibit A - Non-Commercial Purpose Policy for Document Inspection, and the Non-Commercial Purpose Certification Form.

Motion made by: Jody White

4 Ayes

Seconded by: Mark Hendren

Action Taken

MOTION MADE BY: _____	VOTE RECORDED:
MOTION SECONDED BY: _____	YEA: _____
CHAIR: _____	NAY: _____
	ABSTAIN: _____

Date Received 6/13/22 Given to Board Date Completed \_\_\_\_\_

## SECTION 8000

### 8330.01 NON-COMMERCIAL PURPOSE FOR DOCUMENT INSPECTION

Pursuant to Section 107.75(a) of the Not-For-Profit Act and Article VIII, Section 1(1) of the Apple Canyon Lake Property Owners' Amended and Restated Bylaws, **Members** of the Association may request to inspect, examine, and/or copy an Association record giving the names **and** addresses of all owners and **Members** entitled to vote. The person of the inspection, examination, and/or copying of such records shall be related to the Association and shall not have a Commercial Purpose as described herein. Inspections, examinations, and/or copying shall be conducted at the Association's office. Any **Member** of the Association requesting to inspect, examine and/or copy the Membership list must sign and acknowledge the Association's Non-Commercial Purpose Certification Form prior to inspection, examination, and/or copying of the Membership list. Such form is attached to this policy.

Any **Member** who wishes to inspect, examine, and/or copy such records shall proceed as follows:

1. Submit a written request to the Association's Board of Directors stating that he/she seeks to review, inspect and/or copy the Association's Membership list.
2. Sign and acknowledge the Association's Non-Commercial Purpose Certification Form.

Once the written request has been received by the Association, it will be reviewed. If it is determined that the request is for a Commercial Purpose or for a purpose unrelated to the Association, the request will be denied.

If a **Member** violates the Non-Commercial Purpose Certification Form and uses the information for a Commercial Purpose or for a purpose unrelated to the Association, that **Member** shall be subject to a fine of \$1,000.00 per **violation**.

CROSS-REFERENCES: **Illinois General Not-For-Profit Corporation 1986**

**(Section 107.75(a))**

**Apple Canyon Lake Amended and Restated Bylaws  
(Article VIII, Section 1(I.))**

**Exhibit A – Non-Commercial Purpose Policy for  
Document Inspection  
Non-Commercial Purpose Certification Form**

ADOPTED:

LAST REVISED:



## EXHIBIT A

### NON-COMMERCIAL PURPOSE POLICY FOR DOCUMENT INSPECTION

OBJECTIVE/PURPOSE: This policy is created and in compliance with Section 1-30(i)(v) of the Illinois Common Interest Community Association Act ("CICAA") and Section 107.75(a) of the Illinois General Not-For-Profit Corporation Act ("NFP Act") by the Board of Directors for Apple Canyon Lake Property Owners' Association ("Association").

This policy shall provide Members of the Association with the procedure to request, inspect, examine, and/or make copies of the Association's Membership list, as referenced in Section 107.75(a) of the NFP Act. This policy is applicable to all Association Members and their agents. This policy is available to all Association Members upon request from the Association.

RESPONSIBILITY: The Association's Board President or the Association's General Manager, shall be responsible for implementing this policy.

#### POLICY:

Pursuant to Section 107.75(a) of the NFP Act and Article VIII, Section 1(1) of the Association's Amended and Restated Bylaws, Members of the Association may request to inspect, examine, and/or copy an Association record giving the names and addresses of all owners and Members entitled to vote. The purpose of the inspection, examination, and/or copying of such records shall be related to the Association and shall not have a Commercial Purpose as described herein. Inspections, examinations, and/or copying **will** be conducted at the Association's principal office. Any Member of the Association requesting to inspect, examine, and/or copy the Membership list must sign and acknowledge the Association's Non-Commercial Purpose Certification Form prior to inspection, examination, and/or copying of the Membership list. Such form is attached to this policy.

Any member who wishes to inspect, examine, and/or copy such records **will** proceed as follows:

1. Submit a written request to the Association's Board of Directors stating that **he/she** seeks to review, inspect, and/or copy the Association's Membership list.
2. Sign and acknowledge the Association's Non-Commercial Purpose Certification Form.

Once the written request has been received by the Association, it will be reviewed. If it is determined that the request is for a Commercial Purpose or for a purpose unrelated to the Association, the request will be denied.

If a Member violates the Non-Commercial Purpose Certification Form and uses the information for a Commercial Purpose or for a purpose unrelated to the Association, that member shall be subject to a fine of \$1,000 per violation (e.g. if member uses 10 members' names or information for a Commercial Purpose or for a purpose not related to the Association, that member would be subject to a fine of \$10,000).

## Non-Commercial Purpose Certification Form

I, \_\_\_\_\_, a Member of Apple Canyon Lake Property Owner's Association, hereby certify that the purpose for my request to inspect, examine, and/or copy the Association's Membership list is not for a Commercial Purpose nor for any purpose unrelated to the Association.

I understand that a Commercial Purpose is the use of any part of the Membership list or the information derived from the Membership list, in any form for sale, resale, or solicitation or advertisement for sales or services.

I understand that should the Membership list I am requesting to inspect, examine, and/or copy be used for a Commercial Purpose or for any purpose unrelated to the Association, I **will** ~~may~~ be subject to a fine in the amount of \$1,000 per violation.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

(Please Print)

Address: \_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

\*Policy 8330.01 Non-Commercial Purpose for Document Inspection

# Maintenance Commission Discussion



# Bylaws

Committee Members who are representative of all of the subdivisions of the Association, with at least one of them being a current Board member. ~~{Left as original version}~~

This Committee shall serve from the close of such annual meeting until the close of the next annual meeting. The appointment of the members of the following year's Nominating Committee shall be announced by the outgoing President at each annual meeting. Within thirty (30) days after the annual meeting, the immediate past chair of the Nominating Committee shall call a meeting at which the Nominating Committee shall elect its chair, vice-chair and secretary and conduct such other business as may be appropriate to prepare for the nominations to be made that year, including but not limited to, the adoption of Nominating Committee Guidelines, which shall be submitted to the Board for approval.

The Nominating Committee shall recruit candidates who meet the eligibility requirements in Article VI, Section 1, (referred to herein as Eligible Members) and shall make as many nominations for election to the Board as it has received applications from Eligible Members and for all Eligible Members submitted on Voting Members Tickets, but not less than two (2) more than the number of vacancies that are to be filled at the next annual meeting. The Nominating Committee shall interview all of the candidates, and inform all of the Members regarding each candidate's positions on matters regarding the Association's affairs, and cause the candidates' answers to questions related to these matters to be published in *The Apple Core*, to be posted on the Association's website, and to be included with the Written Ballots and other voting materials sent to all Voting Members.

The names of all candidates shall be placed on a Written Ballot as provided in Article VII, which shall be prepared in advance of the time fixed in Article VII, Section 3 for the mailing of such Written Ballots to the Voting Members. The listing of names on the Written Ballot shall be determined by a lottery conducted by the Nominating Committee.

Section 4. The Recreation Committee shall advise the Board on all matters pertaining to the recreational program and activities of the Association and shall perform such other functions as the Board, in its discretion, determines.

Section 5. The Maintenance Committee shall advise the Board on all matters pertaining to the maintenance, repair or improvement of the Common Properties and Facilities of the Association, and shall perform such other functions as the Board, in its discretion, determines. At least one member of the Board shall serve as a member of this committee.

Section 6. The Architectural and Environmental Control Committee (AECC) shall be comprised of not less than three (3) representatives. The Board shall appoint at least one (1) architect, licensed engineer or building contractor to the AECC, if one is available, and at least two (2) Board Members to the committee. The majority of the members of the AECC shall be Board Members of the Association. Any vacancies existing from time to time shall be filled by appointments made by the Board. The AECC, subject to the Board's approval, may engage such inspectors or agents to assist it in the performance of its duties and responsibilities. No member of the AECC shall participate in the review of any application in which the member has any interest either as an owner or as the provider of any services for which the member is compensated.

The AECC shall have the duties and functions described in Article VII of the Restated Covenants, and shall perform such other functions as the Board, in its discretion, determines. It

# Memorandum



**To:** Board of Directors

**Date:** May 11, 2018

**From:** Shaun Nordlie

**Memo:** 2018-29

**Topic:** Dissolve the Maintenance Committee

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**Issue & Analysis:** The charge for the Maintenance Committee is:

*"The Maintenance Committee shall advise the Board of Directors on all matters pertaining to the maintenance, repair or improvement of the Common Properties and facilities of the Association, and shall perform such other functions as the Board, in its discretion, determines. The President shall determine the advisability of having a member of the Board of Directors assigned as a liaison to this committee."*

The Building and Grounds Manager is currently fulfilling his duties which include maintenance, repair, and improvement to all common properties and facilities of ACL. It is the opinion of the Maintenance Committee that their function is no longer necessary with the Association and that the committee should be dissolved. There are currently only two members of the committee, chairperson Joe Forman and John Volpert. One application to the committee has been submitted by Rich Hedges.

**Recommendation:** To dissolve the Maintenance Committee.

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

# Firehouse Roof Discussion

# Marina Parking Discussion

# Farmland Discussion

# Capital Projects Update