



Memorandum

To: ACL Board

Date: August 17, 2022

From: Megan Shamp

Memo #: 2022-85

Topic: August committee/commission changes - amended

Recommendation: To appoint Robert Cook to the Rules & Regulations and Safety & Emergency Planning Ad Hoc Commission; to appoint Dave Homb as Chair and Barb Hendren as Co-Chair of the Rules & Regulations Commission; Dave Allgood as Chair, Jim Frank as Vice Chair, and Bill Ware as Secretary of the AECC; and Al Hendren as Chair, Gordy Williams as Vice Chair, and Kim Rees as Secretary of the Deer Management Commission; and to accept the resignation of Gordy Ostrander from the Deer Management Commission, Vickie Sershon from the Rules & Regulations Commission, and Barb Hendren from the Board Policy Ad Hoc and Rules & Regulations Commissions.

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

To: ACL Board

Date: July 27, 2022

From: Rules & Regulations Commission

Memo #: 2022-84 (2)

Topic: Rules & Regulations: Kayak Lockers

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.

This section was presented to the Board of Directors at their July meeting. Mark Kosco questioned whether license agreement was the correct term. That is the name of the document created by the Association's legal counsel Costello, Sury & Rooney and approved by the Board of Directors at their July 18, 2020 meeting.

Recommendation: To approve the Rules & Regulation: Kayak Lockers as included in the August 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 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 ~~is~~ "currently" after Association in first sentence.

Action Taken Passed

MOTION MADE BY: MARK Marky Knew
MOTION SECONDED BY: GEO Geo Dwyer
CHAIR: Vickie Sershon

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

To: ACL Board

Date: August 5, 2022

From: Rules & Regulations Commission

Memo #: 2022-81 (2)

Topic: Rules & Regulations: Housekeeping

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.

At the July Board meeting, Steve Borst had several questions which were reviewed with the Rules & Regulations Commission at their August 5 meeting. After reviewing each item, they motioned "to approve the attached revisions to the Rules & Regulations in response to questions asked at the July 16, 2022 Board meeting." These items are identified in the attached document in green font. Formatting throughout the document will be fixed in the master document. The Table of Contents will be referenced against the formatted document when all revisions have been incorporated and updated, as needed, for accuracy.

Further revisions to rules regarding pets and motorized kayaks, canoes, etc. will be presented to the Board for first reading next month.

Recommendation: To approve the Rules & Regulations Housekeeping as included in the August 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 8-5-2022

I move:

Rules & Regs Commission recommends to the ACL Bd to approve the attached revisions to the Rules & Regulations in response to questions as per at the July 16, 2022 Board Meeting.

Action Taken Passed

MOTION MADE BY: <u>Mark</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>George</u>	YEA: <u>5</u>
CHAIR: <u>Don</u>	NAY: <u>0</u>
	ABSTAIN: <u>1</u>

Date Received 8/5/22 Given to Board Date Completed 8/20/22

**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>

Table of Contents

Rules & Regulations

Preamble	Page 5
I. Clubhouse.....	Page 7
II. Amenity Tags for Property Owners & Guests	Page 7
III. Guests	Page 8
IV. Miscellaneous Regulations.....	Page 9
V. General Violation Fines	Page 10
VI. Boating	Page 12
VII. Lake	Page 16
VIII. Fishing Rules	Page 17
IX. Ice Fishing	Page 18
X. Campground.....	Page 18
XI. Golf Course.....	Page 22
XII. Motorized Vehicles – Recreational.....	Page 24
XIII. Snowmobiles	Page 27
XIV. Swimming Pool	Page 29
XV. Multi-Sport Complex.....	Page 30
XVI. Appeal Process	Page 31
XVII. Personal & Commercial Signs.....	Page 31
XVIII. Conservation Management	Page 32
XIX. Archery	Page 32
XX. Hunting.....	Page 34
XXI. Burning.....	Page 36
XXII. Trash Disposal & Recycling.....	Page 36

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.

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 no 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 2nd offense and tripled for 3rd 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 \$100
- 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 st	
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:	
o First Offense	\$100
o Second Offense	\$300
o 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	
• <u>Snowmobile or UTV/ATV breaks the ice and fall beneath the ice</u>	\$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

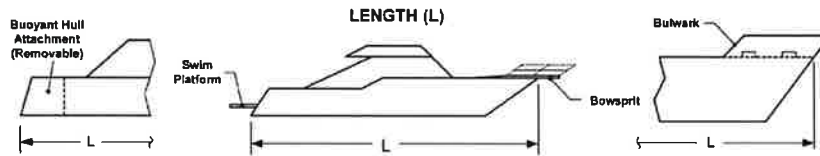
Amended: October 20, 2018

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 $\frac{3}{4}$ 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.

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

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 "should not" needs to be replaced with "shall not".

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 refunded. 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.

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.

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. 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.**

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 [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.

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 ensuring 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 floatation 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 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" sign. 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](tel: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 27, 2022

From: Board Policy Ad Hoc

Memo #: 2022-75 (2)

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. They 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.

These policies were presented to the Board at their July meeting. Suggestions from the Board were sent back to the Board Policy Ad Hoc Commission. All suggestions were reviewed, and some were incorporated into the document. The updated 6000s section is included in the Board packet.

Recommendation: To approve the Board Policy 6000's section as included in the August 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

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

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:

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 five members~~ 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.

As 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 **in accordance with the Declaration 2017** Article VI. Section 5.

In accordance with the provisions of CICAA subsection 1-45(e), special assessments for expenditures related to emergencies or mandated by law may be adopted by the Board **of Directors** without being subject to member approval or the provisions of CICAA 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 **of Directors**. 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 1st 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 health, 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 of Directors.

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 **Projects** 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 CICA.

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 ~~designee~~ **department 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

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

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; **and**,
- C. The auditor's communication with those charged with governance, including any significant findings or issues from the audit.

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.**
CICAA 765 ILCS 160/1-45 (b)(ii)

Adopted:

Last Revised:



Memorandum

To: ACL Board

Date: July 27, 2022

From: Board Policy Ad Hoc

Memo #: 2022-76 (2)

Topic: Board Policy Non-Commercial Purpose for Document Inspection

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.

This policy was presented to the Board at their July meeting and was sent back to the Board Policy Ad Hoc Commission for further discussion. The fine was discussed, but the commission did not opt to increase it. The Board may change the fee if they wish; the commission just asks to be notified of the change.

Recommendation: To approve 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 as included in the August Board packet.

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

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(l.))

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.

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 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



Memorandum

To: Board of Directors

Date: July 27, 2022

From: Appeals

Memo: 2022-88

Topic: Property Owner citation appeal - Assmus

Issue: Carl Assmus is appealing citation #0036 issued for trespassing in the spillway. The Appeals Board upheld the citation, at which time Mr. Assmus stated he would appeal this citation to the Board of Directors. The packet sent to the Appeals Board, including a copy of the citation and the incident report, is included in the Board packet.

Recommended Motion: TBD



Memorandum

To: Board of Directors

Date: July 27, 2022

From: Joe Wiener, Building Inspector

Memo: 2022-87

Topic: Lot Combination 02-004 and 02-005

Issue & Analysis: The owners of lots 4 and 5 in the Hidden Springs (2) subdivision have requested a Lot Combination. This request was reviewed and approved by the Architectural and Environmental Control Committee at their July 9, 2022 meeting.

Recommendation: To approve the Lot Combination Agreement requested by the Joseph T. and Sandra M. Jenkins Family Trust of lots 4 and 5 in the Hidden Springs (2) subdivision. Once recorded, the Lot Combination Agreement may not be revoked or rescinded.

*Plan on a Page: Improvement of Infrastructure – To develop, maintain and improve the existing infrastructure.
High Performing Operations and Management - 1YAP – Provide on-going training of Board of Directors and staff on governing documents for consistency in decision-making.*

Apple Canyon Lake Property Owners Association Committee Motion Card

Committee: AECC

Date: July 9, 2022

Agenda Item: 7.5

I Move:
Regarding 2A005 and 2A004 Hidden Spring Lane

To permit the combination of ACL Hidden Spring Lane Lots 2A004 and 2A005 as per the submitted ACL Lot Combination Agreement. No plans or specifications are approved. No variance is granted.

Action Taken

MOTION MADE BY: <u><i>Nolan Muller</i></u>	VOTE RECORDED:
MOTION SECONDED BY: <u><i>Tom R</i></u>	YEA: <u>5</u>
CHAIR: <u><i>[Signature]</i></u>	NAY: <u>0</u>
	ABSTAIN: <u>0</u>



Memorandum

To: Board of Directors

Date: July 27, 2022

From: Tim Brokl

Memo: 2022-89

Topic: Concessionaire Agreement with Jay Upmann, d/b/a JJ & Freddie's

Issue & Analysis: Legal counsel has developed a Concessionaire Agreement that the Association will use going forward with food trucks that sell their products on ACL property. The agreement details the products that can be sold by the concessionaire, signage, hours of operation, financial arrangements, location, insurance (as detailed by the Association insurance agent), and terms of the agreement among other items. The Agreement with Jay Upmann d/b/a JJ & Freddie's states that food and non-alcoholic beverages can be served from 10:00am to 4:00pm, Sunday, September 4, 2022 during the Fall Craft Fair. Additional hours of operation shall be determined by the Communications & Recreation Manager based on a specific recreation event they are invited to. The cost will be \$25 per weekend, or higher if the event has a separate vendor fee, with the location for sales being in the Firehouse Fitness parking lot, unless otherwise specified by the Communications & Recreation Manager for a Recreation event.

Recommendation: To approve the proposed Concessionaire Agreement with Jay Upmann d/b/a JJ & Freddie's.



Memorandum

To: ACL Board

Date: July 27, 2022

From: Recreation Commission

Memo #: 2022-86

Topic: Recreation Commission Designated Fund request

Issue & Analysis: The Recreation Commission is requesting that the Board approve use of their Designated Fund to purchase four new bocce ball sets for use by the ACL bocce ball group, at a cost not to exceed \$500. The current balance in their Designated Fund is \$26,130.42.

Recommendation: To approve the Recreation Commission's request for up to \$500 from their Designated Fund to be spent to purchase four new bocce ball sets for use by the ACL bocce ball group.

Apple Canyon Lake Property Owners Association
Committee Motion Card

RECREATION Committee

Date 7.21.22

I Move:

to purchase four new Bocce Ball sets for use
by the ACL Bocce Ball group at a cost not
to exceed \$1500.

Action Taken

MOTION MADE BY: <u>JOHN DIEHL</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>MICKI BECKER</u>	YEA: <u>5</u>
PRESIDENT: <u>EMIL MISICHKO</u> <i>Emil Misichko</i>	NAY: <u>0</u>
	ABSTAIN: _____



Memorandum

To: Board of Directors

Date: August 5, 2022

From: Ashlee Miller

Memo: 2022-91

Topic: Cove Operator Search Ad Hoc Commission

Issue & Analysis: Jacky Jacobs has notified us that she will not be renewing her lease agreement with the Association to run the Cove. A Cove Operator Search Ad Hoc Commission will be formed to assist in finding a new operator for the restaurant.

Recommendation: To approve the creation of the Cove Operator Search Ad Hoc Commission and its charge: The Cove Operator Search Ad Hoc Commission has been established for the purpose of conducting a search for a new Cove restaurant operator. The primary duties of the ad hoc commission shall include creation and distribution of an RFQ; interviewing potential operators; and recommend a short list of qualified operators to be interviewed by the Board of Directors.



Memorandum

To: Board of Directors

Date: August 5, 2022

From: Multi-Sport Complex Ad Hoc Commission

Memo: 2022-92

Topic: Multi-Sport Complex proposal

Issue & Analysis: The Multi-Sport Complex has been working with Fred Kolkmann of Tennis and Sport Surfaces, LLC on a plan to renovate the existing Multi-Sport Complex. The ad hoc commission motioned at their July 26, 2022 meeting "to move ahead with presenting Kolkmann proposal to the Board at next meeting." The proposal provided by Fred Kolkmann is included in the Board packet.

Recommendation: To approve Fred Kolkmann of Tennis and Sport Surfaces LLC to create a design for the Multi-Sport Complex, at the cost of approximately \$15,000, to be paid from the R & R fund. The Multi-Sport Complex project was approved as part of the 2022 R & R budget.



FRED KOLKMANN TENNIS & SPORT SURFACES, LLC
1921 MAYFAIR RD
GRAFTON, WI 53024
262 - 685 - 7507
Email: courtbuilder@ameritech.net
www.kolkmanncourtbuilder.com



June 19, 2022

Mr. Shaun Nordlie, GM
Apple Canyon Lake Property Owners Association
14A157 Canyon Club Drive
Apple River, IL 61001

Dear Shaun,

Re: Plans and Specifications Proposal – Apple Canyon POA

I am pleased to submit the following proposal to create plans, specifications, and provide inspection services for the reconstruction of the asphalt tennis courts located in Apple River, IL.

PROJECT DESCRIPTION

The work is to include:

- 1) Remove membrane system
- 2) Pulverize asphalt
- 3) Re-grade for correct slope
- 4) Pave with a 2" binder course
- 5) Pave with a 1 3/4" surface course
- 6) Install net posts for pickleball and tennis
- 7) Install basketball goals and volleyball posts
- 8) Color with a 2 coat AR and 2 coat Color system over fiberglass
- 8) Stripe for various sports
- 9) Fence work either new or retrofit (TBD)

Alternate for Post-tensioned concrete slab.

SCOPE OF WORK

PHASE I - DESIGN SERVICES

- We will re-evaluate the site as necessary for reconstruction.
- Develop construction plans and technical specifications for the tennis courts project for contractor bidding. Construction plans will include details showing how the various components of the project are to be constructed and the types of materials to be used.
- Technical specifications will be provided to assure quality control and to aid the contractor in materials and product selection and use. Specifications will be developed along with your assistance concerning insurance, performance bonds, construction schedule, wage rates and other items relevant to the project.
- Prior to construction bidding, we will contact several contractors that typically perform this type of work to inform them of the project and to solicit bids. We will also make additional

FRED KOLKMANN TENNIS & SPORT SURFACES, LLC
1921 MAYFAIR RD
GRAFTON, WI 53024
262 - 685 - 7507
Email: courtbuilder@ameritech.net
www.kolkmanncourtbuilder.com

plan sets available for other interested bidders.

- Conduct a Pre-Bid Meeting on-site with Owner and Contractors to review the scope of work, view the work site and to answer any questions about the project prior to the bid date.
- Provide a bid tabulation form for the bid opening and assist with the analysis of the bid results to determine the low bidder.

PHASE II – CONSTRUCTION ADMINISTRATION AND INSPECTION

When construction of the project is authorized by the Owner, we will conduct and document the pre-construction conference, review submittals, verify payment requests, prepare a construction photo log, and provide intermittent inspection as needed. We will also conduct the pre-final and final inspections, and obtain a signed and dated guarantee.

EXEMPTIONS

Our work will not include any design for storm water management plans since this is deemed a maintenance project. We also do not include survey by a licensed professional if needed, or any permitting.

SCHEDULE

No schedule at this time

INSURANCE

We will maintain insurance for Workers Comp, \$1M General Liability, and a \$1M Professional Liability policy.

FEES

For the plans and specifications, we propose to perform the work described herein for a fee of eight thousand dollars and no cents (\$8,000.00), in accordance with our Standard Terms and Conditions. This would be invoiced 50% after 60% completion of documents and 50% after the bid opening whether the owner accepts the bids or not.

For the Inspection services we propose to perform the work described herein for a fee of seven thousand dollars and no cents (\$7,000.00), in accordance with our Standard Terms and Conditions. Any change orders agreed to by both parties will be subject to a 10% fee.

If the services covered by this agreement have not been completed within 12 months of the date of beginning work through no fault of ours, the amounts of compensation, rates and multiples set herein shall be adjusted.

Our terms and conditions apply to this contract and are attached. This proposal is good for 90 days.

This contract shall be governed by the laws of the State of Illinois.

Sincerely,

Fred Kolkmann Tennis & Sport Surfaces, LLC.

Fred Kolkmann

Fred Kolkmann, CTCB



FRED KOLKMANN TENNIS & SPORT SURFACES, LLC
1921 MAYFAIR RD
GRAFTON, WI 53024
262 - 685 - 7507
Email: courtbuilder@ameritech.net
www.kolkmanncourtbuilder.com

President

FRED KOLKMANN TENNIS & SPORT SURFACES, LLC.
Terms and Conditions

1. **Invoicing and payments:** Invoices shall be rendered as indicated. Payment is due within 30 days of invoice unless other terms are specified in the body of the contract. If payments are not received in a timely manner per the payment schedule, Fred Kolkmann Tennis & Sport Surfaces, LLC, reserves the right to file a Mechanics' Lien against the property. Any invoice unpaid after 60 days from the invoice date, may cause Fred Kolkmann Tennis & Sport Surfaces, LLC to withdraw permanently from any and all future activity on the project, and all other projects.
2. **Interest and Unpaid Balance Due:** If any amount is not paid by Client when due, the unpaid balance shall accrue interest at annual effective rate of 18%.
3. **Document Ownership:** All original calculations, sketches and construction document drawings shall remain the property of Fred Kolkmann Tennis & Sport Surfaces, LLC.

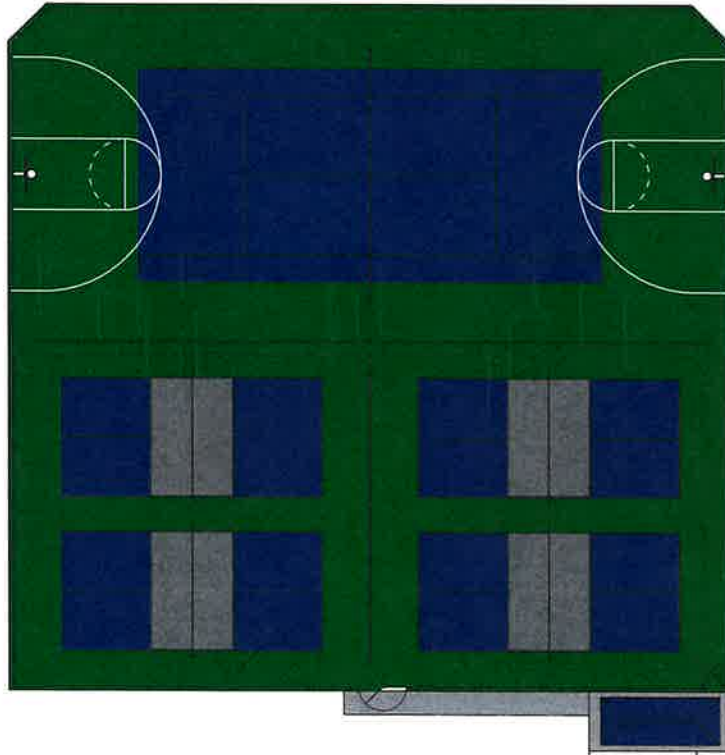


Fred Kolkmann Tennis
And Sport Surfaces, LLC
1921 Mayfair Rd, Craiton, WI 53024
www.kolkmanncourtsurfaces.com
Courtbuilder@amenitech.net
262-665-7507

Apple Canyon Multi Sport Courts
Tennis Courts On Canyon Club Dr
Thompson Township, IL 61001

Concept

Project #	22-015
Sheet #	1
Date	7-7-2022
CAD By	Peter K.
Scale	NTS
Version	1.0



Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Multi-Sport Complex ^{Ad Hoc} Committee/Commission

Date 7/26/22

I move:

to move ahead with presenting Kellemann proposal to the Board at ~~the~~ next meeting.

Action Taken

MOTION MADE BY: Scott
MOTION SECONDED BY: Gary
CHAIR: Scott

VOTE RECORDED:
YEA: 3
NAY: 0
ABSTAIN: 0

Date Received _____ Given to _____ Date Completed _____

**Apple Canyon Lake Property Owners Association
Multi-Sport Complex Ad Hoc Commission Meeting Minutes
July 26, 2022**

UNAPPROVED

1.0 Call to Order - The meeting was called to order by member Scott LoSasso at 1:05 p.m.

Members in attendance - Gary Hannon, Suzanne LoSasso, Mike Harris, Scott LoSasso. Guests in attendance - Ed Ziarko, Ashlee Miller. Members absent - Phil McDermott, Ryan Blentlinger.

2.0 Recognize New Member – Ryan Blentlinger – Saved for a future meeting since Ryan was not present.

3.0 Election of Officers - Scott LoSasso voted Chair, Gary Hannon Co-Chair, and Suzanne LoSasso Secretary of this ad hoc commission.

4.0 Fred Kolkmann proposal dated June 19, 2022 - Discussion of Kolkmann report: Everyone found Fred's proposal to be straightforward with no surprises. Group feels that Fred's pricing is reasonable for an 18-month project and we agree that engaging a General Contractor is unnecessary. Setting timeline expectations - likely cannot be done before Fall 2023. Spring might be unrealistic, but we will wait to hear from Fred and the contractors in terms of final timeline. Need to weigh which season(s) we are willing to sacrifice considering curing time and contractor availability.

4.1 Plans and specs, \$8,000 – Commission felt this was a reasonable proposal for this scope of work and an 18-month project.

4.2 Inspection services, \$7,000 - Commission felt this was a reasonable proposal for this scope of work and an 18-month project.

5.0 Motion to proceed with Kolkmann proposal - Scott motions to move ahead with presenting Kolkmann proposal to the Board at next meeting. Gary Hannon seconds the motion. Let record show all members verbalized “aye,” no “nays.”

6.0 Future determinations/recommendations - Additional discussion points:

6.1 Court expansion (4'-6' to the West) for parking or court needs - We want to explore 4–6-foot expansion to the west - this should be included in the proposal, does Fred recommend we push out to accommodate shade and benches or are we happy with current footprint? Will it accommodate shades and benches?

6.2 Surface type: reinforced concrete, asphalt – Will request numbers from Fred for each option.

6.5 Equipment purchasing, help from Rec Dept and/or Foundation - We should confirm with Fred that quotes from Douglas are in his job description or will he consult us on such matters. Otherwise, commission will do the research with Douglas and make allocations from the budget. The question of expanding the budget through other entities within ACL (the Foundation, etc.) came up for exploration.

7.0 Maintenance Involvement - Ideally, we want to use one contractor for whole job but if we need to trim, is there anything we can do in-house (taking down, reinstalling fence, reusing poles) to reduce costs. Ed prefers that the contractor doing the job does it all, due to warranty issues, time constraints, etc.

Ed recommends we include a design to the Board along with the Kolkmann proposal - need to reach out to Fred for final “concept.”

8.0 Work timeline start to finish - We should have this work done by August 10th for presentation to Board for August 20th meeting.

6.3 Design layout to include benches, shade covers, equipment shed, etc. - Scott and Suzanne will follow up with Fred on timeline, equipment purchases, benches and shades inside fence, final “concept.”

6.4 RFP preparation and review part of Fred’s proposal, three companies – Fred will be writing the RFP and will send it out to contractors. Getting three companies to submit a bid may be difficult.

9.0 New Business – None.

10.0 Next Meeting – Next meeting date not set – TBD.

11.0 Adjournment - Scott adjourns the meeting at 1:50 p.m.

Respectfully submitted,
Suzanne LoSasso, Secretary



Memorandum

To: Board of Directors

Date: August 16, 2022

From: Budget Commission

Memo: 2022-93

Topic: Publication of the 2023 Annual Assessment

Issue: The Budget Commission has recommended the 2023 Annual Assessment to the Board for approval. Per CICAA, the budget must be advertised for a minimum of 30 days prior to the Board adopting the budget. The 2023 Annual Assessment will be published in the September issue of *The Apple Core*. The Annual Assessment will then be adopted by the Board at the October 15, 2022 meeting.

Recommendation: To authorize staff to publish the recommended 2023 Annual Assessment of \$1,235 in the September issue of *The Apple Core*.

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



Memorandum

To: Board of Directors

Date: August 16, 2022

From: Budget Commission

Memo: 2022-94

Topic: publication of the 2023 Operating Budget

Issue: The Budget Commission has recommended the 2023 Operating Budget to the Board for approval. Per CICAA, the budget must be advertised for a minimum of 30 days prior to the Board adopting the budget. The 2023 Operating Budget will be published in the September issue of *The Apple Core*. The Budget will then be adopted by the Board at the October 15, 2022 meeting.

Recommendation: To authorize staff to publish the recommended 2023 Operating Budget, with a total revenue of \$5,236,571.00 and total operating expenses of \$4,074,455.00, with a transfer to the R&R fund of \$652,000 and a transfer to the Capital fund of \$500,000, in the September issue of *The Apple Core*.

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

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Budget

Committee/Commission

Date 08/08/2022

I move:

The Commission recommends to the BOA the 2023 Operating Budget with a total revenue of \$5,236,571 and total operating expenses of \$4,074,455 with a transfer to the RR Fund of \$652,000 and a transfer to the Capital Fund of \$500,000.

Action Taken

MOTION MADE BY:	SN Jane Wicks	VOTE RECORDED:
MOTION SECONDED BY:	NG [Signature]	YEA: <u>9</u>
CHAIR:	[Signature]	NAY: <u>0</u>
		ABSTAIN: <u> </u>

Date Received _____ Given to _____ Date Completed _____

Revenue	2021 Actual	2021 Budget	2022 Budget	2023 Budget	
Admin	\$ 2,475,526.25	\$ 2,437,079.00	\$ 2,678,522.00	\$ 3,197,510.00	
Communications	\$ 137,348.99	\$ 158,455.00	\$ 154,955.00	\$ 147,150.00	
Building	\$ 12,898.22	\$ 9,290.00	\$ 14,490.00	\$ 10,850.00	
Maintenance	\$ 2,419.54	\$ 2,000.00	\$ 2,000.00	\$ -	
Solid Waste	\$ 117,885.00	\$ 124,238.00	\$ 116,004.96	\$ 115,290.00	
Safety & Security	\$ 13,071.87	\$ 9,750.00	\$ 9,750.00	\$ 8,850.00	
Pro Shop	\$ 460,276.35	\$ 349,550.00	\$ 353,300.04	\$ 381,396.00	
Marina	\$ 227,747.56	\$ 266,800.00	\$ 241,420.08	\$ 215,600.00	
Pool	\$ 6,662.00	\$ 10,125.00	\$ 8,525.04	\$ 7,925.00	
Total	\$ 3,453,835.78	\$ 3,367,287.00	\$ 3,578,967.12	\$ 4,084,571.00	\$ 5,236,571.00
Expenses					
Admin	\$ 1,147,002.46	\$ 1,043,874.96	\$ 1,116,197.00	\$ 1,339,446.89	
Communications	\$ 209,436.93	\$ 228,153.67	\$ 249,017.00	\$ 283,632.00	
Building	\$ 33,094.42	\$ 31,243.06	\$ 33,890.00	\$ 36,051.79	
Maintenance	\$ 763,096.55	\$ 802,568.29	\$ 849,094.00	\$ 940,037.74	
Solid Waste	\$ 61,980.47	\$ 55,998.41	\$ 56,650.92	\$ 63,746.89	
Safety & Security	\$ 332,314.54	\$ 289,917.98	\$ 344,547.04	\$ 379,135.83	
Pro Shop	\$ 605,688.20	\$ 522,270.34	\$ 565,200.24	\$ 608,689.88	
Marina	\$ 269,719.87	\$ 266,177.52	\$ 262,454.04	\$ 265,525.44	
Pool	\$ 121,888.16	\$ 127,583.25	\$ 150,084.84	\$ 158,188.67	
Total	\$ 3,544,221.60	\$ 3,367,787.48	\$ 3,627,135.08	\$ 4,074,455.14	
Net Operating Income/Loss	\$ (90,385.82)	\$ (500.48)	\$ (48,167.96)	\$ 10,115.86	



Memorandum

To: Board of Directors

Date: August 16, 2022

From: Budget Commission

Memo: 2022-95

Topic: publication of the 2023 R & R Budget

Issue: The Budget Commission has recommended the 2023 R & R Budget to the Board for approval. Per CICAA, the budget must be advertised for a minimum of 30 days prior to the Board adopting the budget. The 2023 R & R Budget will be published in the September issue of *The Apple Core*. The R & R Budget will then be adopted by the Board at the October 15, 2022 meeting.

Recommendation: To authorize staff to publish the recommended 2023 R & R Budget, in the amount of \$580,000 in expenditures, in the September issue of *The Apple Core*.

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

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Budget Committee/Commission

Date 08/08/2022

I move:

The Commission recommends to the BOA the 2023 R&R Budget in Expenditures of \$ 580,000

Action Taken

<p>MOTION MADE BY: <u>SM [Signature]</u></p> <p>MOTION SECONDED BY: <u>SM Five ONds</u></p> <p>CHAIR: <u>[Signature]</u></p>	<p>VOTE RECORDED:</p> <p>YEA: <u>9</u></p> <p>NAY: <u>0</u></p> <p>ABSTAIN: <u> </u></p>
--	---

Date Received _____ Given to _____ Date Completed _____

2023 R&R Budget Recommended to BOD

Property, Land and Lake	\$ 235,000
Dry Dam	
Streambank Stabilization	
Dock Repair	
Rip Rap	
Zebra Mussel Treatment	
Cove Kitchen Floor	
Vehicles	\$ 170,000
Security Boat	
UTV -Recreation/ Staff	
Dump Truck (Trade)	
Equipment	\$ 152,000
Skid Loader (Trade)	
JD Tees Mower	
Work Boat	
Furniture & Fixtures	\$ 23,000
Marina Upright Freezer	
Pro Shop Ice Machine	
Cameras	
Fitness Equipment, phase 2	
Total	<u><u>\$ 580,000</u></u>



Memorandum

To: Board of Directors

Date: August 16, 2022

From: Budget Commission

Memo: 2022-96

Topic: Publication of the 2023 Operating and Building Fee Schedules

Issue: The Budget Commission recommends the following changes to the 2023 Operating Fee Schedule –

- Annual Assessment (Dues) raised to \$1,235
- Owner Amenity Registration Fee raised to \$200
- Swimming Lessons (per person, two sessions) raised to \$40
- Swimming Lessons (per person, one session) raised to \$20

The Budget Commission did not recommend any changes to the 2023 Building Fee Schedule but failed to include the Building Fee Schedule in their motion.

Per CICAA, the budget must be advertised for a minimum of 30 days prior to the Board adopting the budget. The 2023 Operating and Building Fee Schedules will be published in the September issue of *The Apple Core*. The fee schedules will then be adopted by the Board at the October 15, 2022 meeting.

Recommendation: To authorize staff to publish the recommended 2023 Operating Fee Schedule and the recommended 2023 Building Fee Schedule in the September issue of *The Apple Core*.

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

Apple Canyon Lake Property Owners Association Committee/Commission Motion Card

Budget Committee/Commission

Date 08/08/2022

I move:

Recommend to the BOD: The 2022 Fee Schedule be renewed for 2023 with the following changes:
Annual Assessment \$1235 raised to 0
Owner Amenity Registration Fee raised to \$200 (OARF),
Swimming Lessons - Per person 2 sessions raised to \$40,
Swimming Lessons - Per person 1 session raised to \$20

Action Taken

MOTION MADE BY: <u>RC [Signature]</u>	VOTE RECORDED:
MOTION SECONDED BY: <u>BSM [Signature]</u>	YEA: <u>9</u>
CHAIR: <u>[Signature]</u>	NAY: <u>0</u>
	ABSTAIN: <u> </u>

Date Received _____ Given to _____ Date Completed _____

ANNUAL FEE		DAILY RATE	
Annual Assessment (Due March 1)	\$ 1,235.00	Golf	Mon-Fri
Annual Trash Fee* (Due March 1)	\$ 120	Property Owner	Wknd/Hol
*required for all ACL homes, fee includes two passes (paper or decal)		Holes (9)	9
		Holes (18)	12
Seasonal Amenity Licenses (Due March 1)		Non Property Owner	
Marina Boat Slip (\$200) & Boat Registration (\$5)	\$ 205	Holes (9)	12
Nixon Boat Slip (\$200) & Boat Registration (\$5)	\$ 205	Holes (18)	17
Zone Boat Slip (\$200) & Boat Registration (\$5)	\$ 205		
Seasonal Campsite (\$700)/Trash (\$80)/Camper (\$5)	\$ 785	Cart Rental	
Camper Winter Storage (Onsite)	\$ 135	Holes (9)	7
Golf Cart/ATV/UTV Storage Inside	\$ 125	Holes (18)	13
Golf Cart Storage Outside	\$ 25		
Kayak Locker Rental	\$ 25	Call ACL Pro Shop for tee times (815) 492-2477	
Registration Fees		Campground	Mon - Thurs
Owner Amenity Registration Fee (per owner)	\$ 200	RV Site (power and water)	Wknd/Hol
Golf Cart Registration	\$ 5	Property Owner	\$ 14
Motorized 1st Boat	\$ 30	Guest	\$ 28
Motorized 2nd Boat	\$ 5	Tent Site (primitive)	
Non-Motorized Boat	\$ 5	Property Owner	\$ 9
Snowmobile	\$ 5	Guest	\$ 19
ATV/UTV	\$ 30	Extended Camping Fees Primitive/Full Hook Up per week	
Annual Golf Season Passes		PO 60	PO \$ 85
Property Owner (Individual)	\$ 225	Guest 125	Guest \$ 170
Junior (Age 10-16)	\$ 25	Washer/Dryer	\$ 1.25 (per load)
Non Property Owner (Individual)	\$ 350	Call ACL Office for reservations (815) 492-2238	
Corporate	\$ 2,000	Marina Boat Slip Rentals	
Classes		Daily	\$25
Swimming Lessons (per person, two sessions)	\$ 40	Weekly	\$105
Swimming Lessons (per person, one session)	\$ 20	Monthly	\$200
Private Swimming Lesson (per person, per lesson)	\$ 25	Call ACL Office for reservations (815) 492-2238	
Miscellaneous	Each	Boat Rentals	Mon-Thurs
Auto Decals (5 free per OARF paid)	\$ 5	Pontoon 1/2 Day	Property Owner
Amenity Tag (10 free per OARF paid)	\$ -	Pontoon Per Day	Guest
One Additional One (1) Day Amenity Tag	\$ 3		100
One Additional Three (3) Day Amenity Tag	\$ 5		175
One Additional Annual Amenity Tag	\$ 15		
Replacement Trash Pass	\$ 30		Wknd/Hol
Directory	\$ 5		Property Owner & Guest
Electronic Item Disposal	\$ 30	Pontoon 1/2 Day	\$230
Large Item Disposal	\$ 15	Pontoon Per Day	\$325
Mattress Disposal	\$ 30	Call ACL Office for reservations (815) 492-2238	
Map	\$ 5	Clubhouse Rental	
Delinquent Dues Fee (Assessed March, April, May)	\$ 125	Business Meetings	Number
Payment Plan Processing Fee	\$ 35	Mon - Thurs	1-100
Payment Plan Late Sign Up Fee	\$ 25		101-250
Lot Mowing	\$ 80	Parties/Open Houses	PO Fee
Pool Party	\$ 125	Sun-Thurs	\$ 100
	\$ 150		\$ 200
	\$ 50	Fri-Sat	\$ 400
	\$ 50		\$ 125
	\$ 50		\$ 275
	\$ 50		\$ 450
Programs		Weddings/Receptions	
Heat Light Program Call SSD Office (815) 492-2436		Fri-Sat	1-250
Sub-License Boat Slip Program Call ACL Office (815) 492-2238		ACL Club Fee: Non-ACL events, etc.	\$ 25
		ACL Employee (restrictions apply)	\$ 25
		Deposit of equal amount required. For guests, add \$100 to above rate.	
		For reservations call (815) 492-2769	

ALL MANDATORY FEES MUST BE PAID ON ALL LOTS OWNED PRIOR TO ANY REGISTRATIONS OR DISTRIBUTION OF PASSES, AMENITY TAGS, OR STICKERS, UNLESS PROPERTY OWNER IS ON THE ACLPOA PAYMENT PLAN.

ACLPOA Construction Fee Schedule

New Dwelling: Permit Fee/Inspection (Good for one (1) year)	\$1,000
Environmental Impact Fee (Non-Refundable): New dwelling only	\$1,000
Environmental/Debris Bond (Refundable)	\$500
Additions to Existing Dwelling: Permit fee	\$0.20/square foot
All Accessory Structures	\$0.20/square foot
General Permits: Per item	\$10
Driveways	
Shoreline Construction	
Demolitions	
Landscaping: Any earthwork or lot grading whether performed as a single project or as a series projects on an existing developed lot	
Roofing	
Boat Docks	
Small Misc Permits/Projects	
GIS: Full Site	\$325

Building code regulations may be obtained from the Building & Environmental Code Book
or on the website www.applecanyonlake.org



Memorandum

To: ACL Board

Date: August 17, 2022

From: Ashlee Miller

Memo #: 2022-97

Topic: Ratify Electronic Vote

Analysis: At the August 11, 2022 Special Board Meeting, John Anderson motioned, seconded by Mike Harris, "To move forward with the General Manager job offer to the candidate as presented in Executive Session." The motion passed unanimously. Following negotiation with the GM candidate, the Board conducted an electronic vote to amend their offer. That electronic vote carried unanimously.

The electronic votes will be attached to the motion card ratifying the electronic vote.

Recommendation: To ratify the electronic vote amending the GM offer.



Memorandum

To: Board of Directors

Date: July 29, 2022

From: Joe Wiener

Memo: 2022-90

Topic: Building Code Amendment: 123.3 Sequential Floating Dock – 1st Reading

Issue & Analysis: Sequential floating dock systems are becoming more popular as property owners try to deal with zebra mussel attachments. The Board of Directors granted a variation to the Code 123.3 100" width limit at the June 18, 2022 meeting. The AECC has another building permit application asking for a SFT width of 116". Larger boats need a wider width. A survey of the lake shows that there are already several unpermitted 117" wide SFTs in place. Manufacturer sales catalogs present the 117" width as a standard size. The space between piers in zone docks varies but is generally 22' to 25'.

The Building Code is considered a secondary document. The secondary Governing Documents can be changed at any time and require approval by the ACLPOA Board of Directors. These changes then immediately go into effect. The current language reads:

123.3 SEQUENTIAL FLOATING DOCK

An 8' - 4" x 20' maximum sequential flex technology (SFT) system may be used in place of a conventional boat lift. A 15' x 20' SFT maximum perpendicular to the shoreline may be used in place of a conventional boat lift and a pier.

The AECC is asking that section 123.3 Sequential Floating Dock be amended to read: "A 10'-8" x 20' is the maximum size of a sequential flex technology (SFT) system that may be used in place of a conventional boat lift. The SFT shall not prevent reasonable access into a shared slip space. SFT systems shall not exceed 50% of the shared dock slip. Permitted SFTs on private docks may not exceed 15' x 20' if it is placed perpendicular to the shoreline."

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>

Apple Canyon Lake Property Owners Association Committee Motion Card

Committee: AECC

Date: July 9, 2022

Agenda Item: 7.1

I Move:

Regarding Apple Canyon Lake Building and Environmental Code 123.3

To approve the revision of Apple Canyon Lake Building and Environmental Code 123.3 to read:

A 10'-8" x 20' is the maximum size of a sequential flex technology (SFT) system that may be used in place of a conventional boat lift. The SFT shall not prevent reasonable access into a shared Zone Dock slip space. ~~A 15' x 20' SFT maximum may be used in place of a conventional boat lift and a pier if it is installed perpendicular to the shoreline.~~

SFT systems shall not exceed 50% of the shared dock slip.

Permitted ~~not~~ SFT's on private docks may not exceed 15' x 20' if it is placed perpendicular to the shore line.

Action Taken

VOTE RECORDED:

MOTION MADE BY: Bill W

MOTION SECONDED BY: Mike H

CHAIR: [Signature]

YEA: 5

NAY: -

ABSTAIN: -



Memorandum

To: AECC Committee

Date: 07/09/22

From: Joe Wiener

Memo ACL Building and Environmental Code

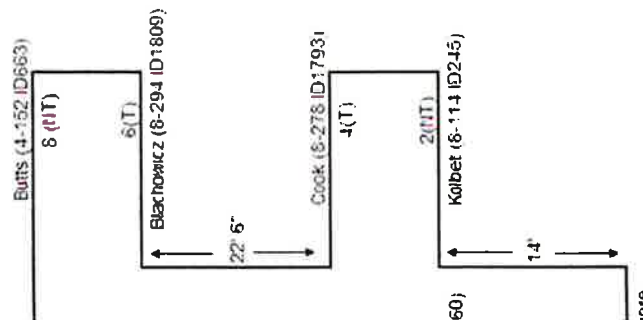
Topic 123.3

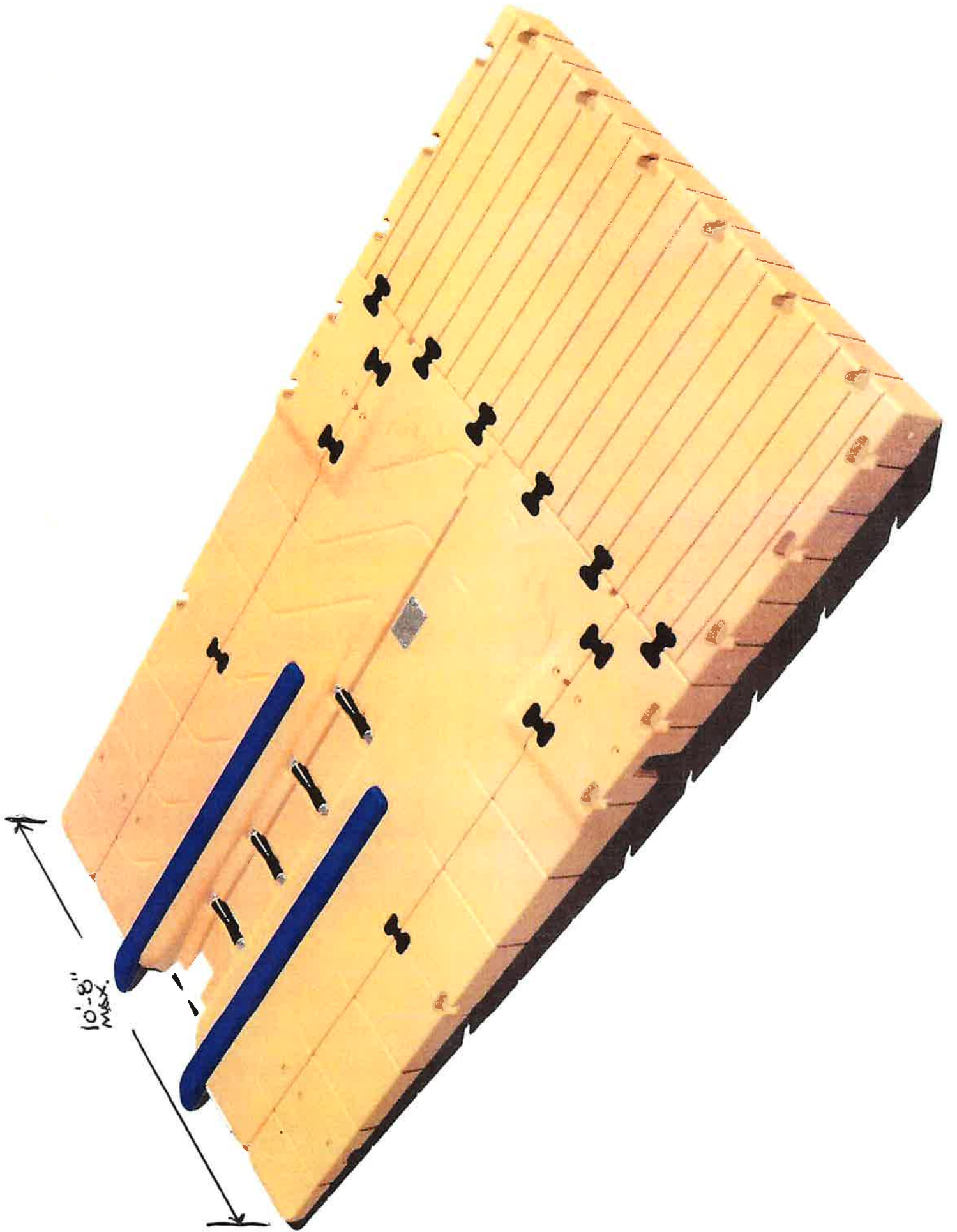
123.3 SEQUENTIAL FLOATING DOCK

An 8' - 4" x 20' maximum sequential flex technology (SFT) system may be used in place of a conventional boat lift. A 15' x 20' SFT maximum perpendicular to the shoreline may be used in place of a conventional boat lift and a pier.

Issue:

Sequential floating dock systems are becoming more popular as property owners try to deal with zebra mussel attachments. The Board of Directors granted a variation to the Code 123.3 100" width limit at the June 18, 2022 meeting. The AECC has another Building Permit Application asking for a SFT width of 116". Larger boats need a wider width. A survey of the lake shows that there are already several unpermitted 117" wide SFTs in place. Manufacturer sales catalogs present the 117" width as a standard size. The space between piers in zone docks varies but is generally 22' to 25'. The Building Code is considered a secondary document. The Secondary Governing Documents can be changed at any time and require approval by the ACLPOA Board of Directors. These changes then immediately go into effect.





APPLE CANYON LAKE PROPERTY OWNERS ASSOCIATION
 ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE
 BUILDING PERMIT APPLICATION

PERMIT NO. 22-081 7.1
 ISSUE DATE 7-9-22

OWNER'S NAME ACLPOA PHONE NO ()
 ADDRESS _____
 BUILDER'S NAME AECC PHONE NO ()
 SUBDIVISION ACL BUDG
 LOT NO. 1/2 ENVIR.
 PO NO CODE
 ADDRESS _____

GENERAL CARPENTRY CONTRACTOR (Name, Address, Phone)
CONCRETE CONTRACTOR (Name, Address, Phone)
ELECTRICAL CONTRACTOR (Name, Address, Phone)
HEATING CONTRACTOR (Name, Address, Phone)
MASONRY CONTRACTOR (Name, Address, Phone)
LANDSCAPING CONTRACTOR (Name, Address, Phone)
PLUMBING CONTRACTOR (Name, Address, Phone)
SEPTIC SYSTEM CONTRACTOR (Name, Address, Phone)
OTHER (Name, Address, Phone)
RESIDENCE _____ ADDITION _____ REMODELING _____ DECK _____ LANDSCAPING _____ OTHER <input checked="" type="checkbox"/> GARAGE _____ DRIVEWAY _____ PIER/DOCK _____ SHED _____ WATER FRONT _____ GENERAL _____

DESCRIPTION Change ACL Building and Environmental code 123.3 to permit the width of the SFT to be 118" wide.

REQUIRED INFORMATION: FOR ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE ONLY

PLANS (3 SETS)	SEPTIC DESIGN w/ County Approval	WATER TAP FEE
PERMIT FEES	BOND FEES	TITLE RECORD
COUNTY BUILDING PERMIT	ENTRANCE PERMIT (Township)	OTHER

APPROVED BY JW Date 7/1/22

Notes

Total Permits Paid \$ N/A

Owner/Builder Signature JW (Date) 7/1/22
 AECC Signature [Signature]
 AECC Signature [Signature]
 AECC Signature [Signature]

*Make all checks payable to Apple Canyon Lake Property Owners Association * See Back Pg for Breakout

THE ISSUANCE OF A BUILDING PERMIT DOES NOT RELIEVE THE OWNER AND/OR CONTRACTOR AND SUBCONTRACTOR OF RESPONSIBILITY TO COMPLY WITH THE ACL BUILDING CODE AND ALL APPLICABLE STATE AND COUNTY REGULATIONS.
 NOTE - AN ON SITE DUMPSTER IS REQUIRED FOR ALL NEW HOUSES AND MAJOR ADDITIONS/REMODELING

Capital Projects Update