

# RESOLUTION NO. 136

As amended July 5, 2012

## RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROLLING HILLS COMMUNITY ASSOCIATION OF RANCHO PALOS VERDES ESTABLISHING “RULES ON APPEAL” AND RESCINDING RESOLUTION NO. 16

WHEREAS, Section 5.07 of the By-laws of the corporation provide, among other things, that any member of this corporation aggrieved by any act or decision of any committee of the corporation shall have the right to appeal such an act or decision to the Board of Directors of this corporation; and

WHEREAS, the Board of Directors now desires, by this Resolution, to establish Rules for appeals by members from all committees except the View Committee. Appeals from decisions of the View Committee shall follow the procedures in RHCA Resolution 193 or the view resolution in effect at the time of the Appeal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of this corporation does establish and adopt the hereinafter Rules on Appeal for the processing of all appeals by members of actions or a decision of the committees of this corporation;

1. The Act or decision of any committee of the corporation shall be final and effective fifteen (15) business days following the performance of said act or the said decision unless within said period an appeal in writing is filed by the aggrieved party with the Association office.

2. Prior to filing a written appeal to the Board of Directors, the property owner must meet in person with the committee to discuss the disapproval and try to resolve the issue prior to appealing to the Board of Directors.

3. The written appeal must set forth the name and address of the appealing member; the name of the committee which performed the act or made the decision appealed from; the date said act or decision was made by the committee; and the grounds on which the appealing member contends said act or decision is in error.

4. Upon receipt of the written appeal, the Manager shall forthwith transmit to each member of the Board the following:

- A. The written appeal;
- B. The minutes of any committee meeting pertaining to the acts or decisions complained of;
- C. The original application or request for action filed with the committee by the aggrieved appealing member;
- D. All correspondence, reports, plan, diagram, pictures or drawings pertaining to the act or decision;
- E. Filings and / or decisions of the committee.

5. Upon receipt of the written appeal, the manager shall set the same for hearing before the Board of Directors within thirty (30) calendar days and shall give notice in writing of the date of said hearing to the appealing member, and to each member of the committee.

5. Any member of the committee may appear before the Board to give evidence in support of the act or decision appealed from, and is encouraged to do so.

6. The Board of Directors shall, at the conclusion of the hearing, review the written record and all other evidence produced at said hearing, and shall within fifteen (15) calendar days, by a majority vote, make one of the following decisions:

- A. Uphold the act or decision of the committee;
- B. Modify the act or decision of the Committee
- C. Issue its own decision on the subject;
- D. Order an additional hearing, which would be held before the Board within thirty (30) calendar days, or
- E. Remand for a new hearing before the Committee.

7. After the Board has made a decision in accordance with the previous rule, the Manager shall forthwith mail a copy of said decision to the appealing member and to each member of the committee;

8. The decision of the Board in each appeal shall be final and conclusive.

9. The time specified for the performance of any act or giving any notice set forth in these rules may be extended with the agreement of the appealing member and the Board of Directors.

10. Resolution No. 16, entitled "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROLLING HILLS COMMUNITY ASSOCIATION, ESTABLISHING RULES ON APPEAL", for the orderly processing of appeals, passed, approved and adopted by the Board of Directors of this corporation on the twentieth day of March, 1963, is repealed as of the date of adoption of this Resolution and shall be of no further force or effect.

PASSED, APPROVED and ADOPTED 5<sup>th</sup> day of July, 2012.

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Robin Hill-Breckenridge, President of the  
Rolling Hills Community Association

ATTEST:

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Leslie Stetson, Secretary of the  
Rolling Hills Community Association