

# La Vita Homeowners Association

## ARCHITECTURAL COMMITTEE CHARTER

### Purpose

The Board hereby creates the Architectural Committee Charter and identifies the specific duties and limits of authority per the Bylaws and the CC&Rs of the Association. The Architectural Committee ensures compliance with aesthetic standards established by the Association in order to maintain the beauty and character of La Vita Homeowners Association and to safeguard standards that might affect the value of the property. The Committee shall conduct its business in the best interest of the Association and in accordance with the Charter, the Association's Articles of Incorporation, CC&Rs, and Bylaws.

### Membership

The architectural committee shall consist of 3 members per the CC&Rs of the Association and is formed as follows:

- The Board shall appoint the Chair of the committee and its committee members. The committee can recommend homeowners to the Board for appointment.
- Members appointed to the committee by the Board shall be members of the Association.
- Committee members appointed may be members of the Board of Directors and/or any other Association Committee.
- Members shall serve for a one-year term, effective on the date of the appointment of the Chair.

### Responsibilities

Responsibilities include but may not be limited to:

- Regularly monitor for compliance violations and report them to the Board.
- Have a thorough understanding of what is and is not allowed in the community.
- Be consistent and diligent in maintaining the standards set forth in the Bylaws, CC&R's, and the Architectural Guidelines of the Association.
- Use the governing documents as the standards for assessing Member compliance.
- Be able to reference the section of the governing documents that lead to their decisions.
- Impartially hold all Members to the same standard.
- Review owners submitted plans for external alterations of their homes for approval.
- Approve/deny the submitted plans within 30 days of receiving the email application from management.
- Monitor performance and work quality of contractors
- Research for and coordinate with the Board as needed.
- Refrain from discussing personal owner contact information with the general membership.
- Refrain from discussing compliance violations with the general membership.

### Reporting

- Copies of correspondence and other related materials developed to enable the committee fulfill its function should be forwarded to the onsite office for record keeping.

- Extra consideration may be needed for information, reports, and decisions, which are of a confidential nature. If information must be presented that falls into this category, care must be maintained to ensure the confidentiality of the association member.

## **Code Compliance**

Ensuring compliance with state and local building codes is not the duty of the architectural committee and they have no jurisdiction over their enforcement.

Code compliance is the duty of the city or county building department, whichever one is applicable.

The Architectural Committee must advise owners that separate approvals may be required from each.

In addition, obtaining a building permit from the city does not automatically give approval by the association, and approval by the Architectural Committee does not negate the need for a building permit should one be required.

## **Vacancies**

- The Board may remove a member of the Committee, with or without cause. The Committee may vote to recommend removal of its Chairman or any Committee Member to the Board with cause. Vacancies created by either of the above or for any other reason shall be filled by appointment by the Board.

## **What is the Davis-Stirling Act?**

The **Davis–Stirling Common Interest Development Act** is the popular name of the portion of the **California Civil Code**, which governs condominium, cooperative, and planned unit development communities in California.

## **Davis-Stirling Act Guidelines for Committees**

**Formation of Committees.** Committees are appointed by or at the direction of the board of directors. (Corp. Code §7210; Corp. Code §7212(b).) Homeowners do not have the right to appoint themselves to committees

**Size of Committees.** Committees can be as small as one person or as large as the board deems necessary. However, a committee size typically falls in the one to five member range with the average being two or three members.

**Committee Chair.** Committee chairs are appointed by the board. Once appointed, the committee cannot elect a different chairperson. However, the committee can apply to the board for the appointment of a new chairperson.

**Open Meeting Act.** There is no law requiring that committees hold open meetings or post agendas. The Open Meeting Act applies only to meetings of the board. Most committees are advisory in nature and deliver their recommendations to the board of directors in open meetings where members can hear the committee's recommendations.