

Lake Cushman Maintenance Company


POLICY RESOLUTION NUMBER 2023-06

Relating to the Public Works Committee Charter

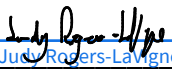
WHEREAS, the Board President, with the consent of the full Board, in accordance with the By-laws of the LCMC, has authority to appoint a committee of volunteers from the lessees to serve on the Public Works Committee.

NOW, THEREFORE, BE IT RESOLVED that the LCMC Board of Directors hereby adopts Resolution 2023-06 relating to the Public Works Committee Charter as identified in Exhibit A within this resolution.

ATTEST:


[Jeffery Greb \(Jul 29, 2023 07:31 PDT\)](#)
Board President, Jeffery Greb

07/29/2023
Date


[Judy Rogers-Lavigne \(Jul 29, 2023 12:09 PDT\)](#)
Board Secretary, Judy Rogers-Lavigne

07/29/2023
Date

EXHIBIT A

Public Works Committee Charter

Applicability

These rules apply to all leased lands within the Lake Cushman Development located in Mason County, Washington, and are subject to the jurisdiction of the Lake Cushman Maintenance Company and are established pursuant to the authority vested in LCMC and the LCC.

Purpose

The Lake Cushman Development is subject to restrictive covenants, administered by the LCMC pursuant to the Articles of Incorporation, Bylaws, and other governing documents. The purpose of these rules is to preserve the integrity of all Lake Cushman Maintenance Company infrastructure, including but not limited to roadways, surface water drainage facilities, greenbelts, and open space, both water systems and their related components, fleet and other components identified by the Board of Directors; including all improvements and the use of the same within the confines of the master lease, specific to the common areas identified. This policy supersedes the Public Works Committee Protective Policies and Procedures adopted on April 22, 2021, under the Lake Cushman Board resolution 02-21.

Committee Formation

Committee membership will consist of a minimum of two and maximum of three Board members and a minimum of three and a maximum of five volunteer lessees, all as appointed pursuant to formal Board action and will be a permanent Board Advisory Committee, unless eliminated by a majority vote of the Board. The Board members on the Committee serve as general liaisons between the Board and the Public Works Committee.

One Public Works Committee member will be chosen to serve as the Committee Chairperson. The Public Works Committee may also elect a Vice-Chairperson to serve in the absence of the Committee Chairperson. The designated Committee Chairperson or Vice-Chairperson will report to the LCMC Board regarding all matters addressed by the Committee.

Purpose of the Committee

The Public Works Committee's purpose is to preserve the integrity of all Lake Cushman Maintenance Company infrastructure, including but not limited to roadways, surface water drainage facilities, greenbelts, and open space, both water systems and their related components, fleet and other components identified by the Board of Directors.

Committee Work Products

Unless otherwise specified in these procedures, committee authority is limited to making recommendations to the Board of Directors (Board), unless the Board has delegated authority to the General Manager (GM). Recommendations may be in the form of written reports, drafts of new or revised policies/procedures, or oral briefings. Products being presented as committee products have to have the support of a majority of committee members. In the event the committee is unable to

obtain majority agreement on a product, the chairperson will make the Board or GM aware of that situation and obtain guidance on how to proceed.

Committee Member Appointment / Resignation / Removal

The Committee Chair and other Committee members will serve for a period of two years and are eligible for reappointment. When a Committee member terminates Committee membership for any reason, the Committee Chair will perform duties in place of the departed member until the Board appoints a replacement. A Committee member may be removed from the Committee upon a majority vote by the LCMC Board, or upon the Committee Chair's recommendation approved by a majority vote by the LCMC Board.

Meeting Schedule

The Committee will meet no less than once per month. The Committee meeting schedule, including meeting place and time, will be set forth in written form and will be maintained as a business record available at the LCMC Business Office. Said meeting schedule will not be changed except by majority vote of the Committee members. Written notice of any meeting schedule change will be provided in written form to each Committee member not less than fourteen (14) days prior to the subject Committee meeting and will be made available as an LCMC business record in the LCMC Business Office not less than five (5) calendar days prior to the subject Committee meeting.

Special Meetings

Special meetings of the Committee will be called upon the request of the Committee Chair, or by written request by one-third (1/3) of existing Committee members, or at the direction of the LCMC Board majority. Special meetings require notice to all Committee members at least five (5) calendar days prior to the special meeting and notice posted at the LCMC Business Office at least five (5) calendar days prior to the meeting. Notice will be in writing or other form expressly agreed to by the recipient Committee member, and will state the date, time, place, and purpose of the special meeting.

Attendance

Committee meetings will be open for participation by all Committee members and will be open for observation by all LCMC Board members and all LCMC membership, (with the exception of executive/closed portions of meetings which are to be attended only by the Committee, the LCMC Board and necessary parties as determined by the LCMC Board). Committee meetings are also open to third parties by invitation of the Committee. Unless otherwise explicitly authorized, any Committee member who fails to attend four successive, regularly scheduled meetings will be terminated.

Quorum / Vote Requirements

A quorum of the Committee must be present in-person or electronic device for the purpose of transacting business. A quorum of the Committee is defined as the presence of no less than fifty (50) percent of the number of Committee members. All matters will be decided by a simple majority of

the quorum present. Every Committee member, including the Committee Chair, will have an equal vote.

Conflicts of Interest

Any matter presenting an actual or potential conflict of interest with respect to any Committee Member(s) will be managed as follows:

1. The Member(s) with an actual or potential conflict of interest will immediately disclose the same to the Committee membership at a regular or special Committee meeting.
2. The Member(s) with an actual or potential conflict of interest will refrain from participating in any related vote/formal Committee action regarding the matter.
3. The remaining Committee Membership will deliberate and determine the appropriate way to proceed to address the issue and such Committee determination will be reviewed and either approved or modified by the LCMC Board at the LCMC Board's discretion.

Committee Operating Rules

Operating rules for the Public Works Committee, in addition to these policies, are established in LCMC governing instruments, including but not limited to the Lease Agreement, Covenants, Articles of Incorporation, Bylaws and Resolutions. Any discrepancy between provisions contained in such instruments will be resolved in the following order of priority:

1. Lease Agreement
2. Covenants
3. Articles of Incorporation
4. Bylaws
5. This policy

Correspondence Requirements

The Public Works Committee's correspondence files will be kept current. Copies of incoming correspondence will be immediately routed to the Committee Chair, or designated Committee member, and the appropriate Committee member for disposition. The original incoming and a copy of outgoing correspondence will be kept in the LCMC files.

Permit Filing Requirements

A copy of approved permits issued for Right-of-way Use, Green Belt Maintenance, or other permits will be retained in the LCMC files. One copy will be forwarded to the member requesting the permit. Only the official, approved form of any permit will be issued or used by any member of the Public Works Committee.

Code of Conduct and Disclaimer

No member of this Committee will give individual, arbitrary, capricious, or impromptu verbal opinion or permission on any requested action or proposed requested action. If such an opinion is given by any member on an individual basis, it is in no way to be interpreted as permission for any construction, work or any other matter that normally requires Committee approval.

Interrelationships

All lots within the development are owned by the Tacoma Public Utilities and leased to the LCC. The LCC enters subleases with lessees, who are members of the LCMC. These rules, and all other provisions of governing documents of the Lake Cushman Development, apply to all lessees, those to whom they sublease their interest, family members, and guests.

Legal Responsibility

The ONLY parties that can act with respect to essential and fundamental property maintenance and development issues (for example: submittal of permit requests for removing trees or constructing building(s), making an address change on a lot record, making payment arrangements for payment of assessments, or voting) is the party who has signed an Acceptance of Lease (part of your Assignment of Lease) which has been approved by LCC, or that party's legally appointed personal representative (requires letters testamentary or small estate affidavit); legally appointed attorney-in-fact (power of attorney, requires a copy of the appointing document); legally appointed guardian (requires a copy of the court order); or legally authorized agent for a legal entity (requires records to establish legal agency). Renters, occupants (other than the legal lessee), relatives or guests do not have authority to do any of the above.

The legal lessee is responsible for all activities on the lot, payment of fees, and violations of the CC&R's (even if caused by a renter, occupant, or guest), and for resolving any issues concerning the lot.

NOTE - LCMC CANNOT NEGOTIATE PAYMENT ARRANGEMENTS, RESOLVE VIOLATIONS, OR ADDRESS ANY OTHER ISSUES WITH ANYONE OTHER THAN WITH THE PARTY(S) AS SPECIFIED PURSUANT TO THE TERMS ABOVE.

General Overview

The LCMC will be primarily responsible for enforcing LCMC's governing instruments, and for preventing and abating violations thereof. In performing this function, LCMC may avail itself of such injunctive and other legal remedies as may be available to it under Washington Law and LCMC's governing instruments, including by actions at law or in equity against any person violating or attempting to violate any of said rules, either to restrain such violations and/or to recover damages. LCMC or any member damaged by such violations may bring such lawsuits. LCMC may charge to a lessee found to have committed a violation or may charge to the subject property upon which a violation is found to have been committed, the costs of preventing or abating such violation(s), and such charges will be, in LCMC's sole discretion, continuing personal obligations and/or liens upon such lot(s) until the entire sum is paid, and may further serve as the basis for termination of lease. Such costs may include reasonable attorney fees as provided for herein. In any action to enforce these rules, the prevailing party may be awarded all costs of suit, including reasonable attorney fees, surveyor and expert witness fees, title report fees, and any other costs of proceeding.

Purpose

The purpose of this section is to establish a system for identifying and addressing violations of (or Committee rulings on) applicable governing instruments. An investigation into a possible violation is initiated when a written report (Request for Action form), signed by either a member on his or her behalf, the Committee Chair, member of the Public Works Committee, Public Works Staff, or Security is filed with the Public Works Office.

Stop Work Orders

Whenever any work or development is being doing or use is being conducted contrary to the provisions of this Policy, the Public Works Manager or his / her designee may issue a Stop Work Order requiring that all or part of the work on the project be stopped or that the use be discontinued. A Stop Work Order will be in writing unless the Public Works Manager or his / her designee determines that an emergency requires that the order be given orally. Service of the Stop Work Order may be in person, by conspicuously posting the Stop Work Order on the property or common area adjacent to the property, by giving a copy of the Stop Work Order to the person on the property who appears to be in charge and by certified mail return receipt requested. The Public Works Manager, or other designated person who issued the Stop Work Order, may modify, or supplement the Stop Work order. Any violation of a written Stop Work Order will be subject to a daily fine. Each day or part thereof during which any violation is committed or permitted will constitute a separate offense.

The Public Works Manager or his / her designee are the only ones given the authority to remove a Stop Work Order once it has been issued.

Members are responsible for researching and determining Mason County or other governmental requirements and standards.

Authority to Assess Fines

In addition to lawsuits to enforce these rules, the Public Works Office has authority to assess fines against any lessee and related property for violating or attempting to violate these rules. Such fines may constitute liens against the property, as well as personal monetary obligations of those involved, and may be enforced in the same manner as assessment liens. Action may include termination of the lease by the LCC as provided in the lease document (requires full Board action). The Public Works Office may, if deemed appropriate, file a complaint with Mason County.

Citations may be issued for violations listed in the current approved LCMC fee and fine schedule. Members may receive a fine if they, their family members, their renters, or guests are found to have violated LCMC policies, covenants and/or resolutions.

Unpaid fines after 30 days are subject to property liens.

Appeal Procedure

Appeal requests must be made within 120 days from the original fine / bill that contained the charge being appealed. To formally request an appeal, please follow the directions below.

You have three (3) options.

1. Pay the fine / bill in full (no request for an appeal hearing with the Public Works Committee)
2. Pay the fine / bill in full (request an appeal hearing with the Public Works Committee)
3. Defer paying the fine / bill and request a hearing before the Public Works Committee

NOTE 1: Options 1 and 2 will enable you to remain a member in good standing for the purpose of obtaining passes/permits.

NOTE 2: Should you choose Option 2, if the Public Works Committee decides to reduce or cancel the fine / bill, you will be issued the applicable credit.

INSTRUCTIONS FOR REQUESTING A HEARING:

1. Submit a written request (see #2 for request requirements) for a hearing:
2. In your request:
 - a. Submit a written statement explaining your situation & why you are appealing.
 - b. Indicate one of the following options:
 - i. I wish to appear before the Committee in person in the Open Session of a Committee meeting.
 - ii. I wish to appear before the Committee via teleconference in the Open Session of a Committee meeting.
 - iii. In lieu of appearing before the Committee in person, you may request the Committee limit its consideration to written information and materials submitted by you prior to the hearing date.
 - c. Include any supporting documentation.

NOTE 1: If you choose not to appear in person, you may not subsequently request an appeal arising from the decision rendered at the hearing.

NOTE 2: Submitting any written comment or supporting documentation ahead of the appeal will provide the Committee with an opportunity to read the material in advance of the appeal hearing, making efficient use of time during the hearing.

NOTE 3: Committee appeal hearings will be held at the next available Committee meeting. Once you have been informed of the planned hearing date, you will be afforded one rescheduling of the hearing for any reason, if requested in writing and received by LCMC prior to the date of the original hearing. Any subsequent requests for rescheduling will require detailed justification and will be accommodated at the discretion of the Committee.

The office will proceed in accordance with the Committee's decision and will inform the Lessee of the outcome of the Committee's review and will include a current statement. Any balances due after an appeal must be made within 15 days of the date on the Decision Letter.

If the member is not satisfied with the decision made by the Public Works Committee, they may appeal their case to the Board of Directors.











Resolution 2023-06 Public Works Committee Charter

Final Audit Report

2023-07-29

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