

Villas at Blackberry Run Homeowners Association

Landscape & Irrigation Committee Charter

Purpose:

The Landscape & Irrigation Committee (L&I C), a standing committee is hereby formed with the responsibility of the maintenance and improvement of all areas of landscaping and irrigation that is the responsibility of the Villas at Blackberry Run Homeowners Association (HOA) and has the responsibility for arranging for and ensuring proper ongoing landscape and irrigation maintenance services.

The L&I C shall assist the Board of Directors (BOD), through regular reports on the maintenance, enforcement, and the development of specifications, and rules and regulations for standards that promote and protect the appearance of the areas of common responsibility and common areas throughout the community. The L&I C shall make recommendations, and report violations to the Board Liaison, regarding necessary actions to preserve and protect the appearance of the landscaping throughout the community and maintaining the Community-wide standards.

For the purpose of the Committee, "common areas" and "areas of common responsibility" shall be defined as reflected in the VBR Restated Covenants Article I Definitions (b) and (h) as well as Article V Maintenance.

Scope of Responsibility:

The L&I C is responsible to the BOD for (1) irrigation, (2) landscaping and (3) drafting of related specifications, and Rules & Regulations within the VBR community to be recommended to and approved by the BOD, The L&I C shall ensure all applications for changes, alterations, design, additions, or deletions to area of common responsibility and/or common area landscaping, are in accordance with Restated Declaration of Covenants, Conditions and Restrictions (RDCC&R) and any specifications, design guidelines and/or Rules & Regulations established for VBR and Seven Hills master association governing documents. Further, the responsibility of the L&I C shall be:

- Working with the Management Company and Board Liaison, facilitating the contract process, and recommending the selection of a landscape management company to the BOD
- Working with the Management Company and the Board Liaison, manage landscape and irrigation maintenance contractor relationships
- Review and monitor landscape and irrigation contractor performance against contracts
- Review the landscape and irrigation maintenance specifications and make recommendations for changes and adjustments, as may be warranted or as needed through the year

- Ensure proper operation and maintenance of the irrigation system
- Maintain oversight of the condition and maintenance of the HOA property, including but not limited to trees and landscape, lawn
- Advise the Board Liaison of financial needs to properly maintain HOA property
- The L&I C will concern itself with the short and long-term viability of the irrigation system advise the Board Liaison of problems and/or corrective actions
- Maintain oversight of the cost and quality of service being rendered by contractors selected to maintain the community's areas of common responsibility and common areas, and make appropriate recommendations to Board Liaison
- Maintain ongoing evaluation of the current landscape and irrigation systems and make appropriate recommendations to the Board Liaison for review, comment, and possible presentation to the BOD regarding such recommendations
 1. Identify any deficiencies in the current landscaping and grounds maintenance and document any required recommended actions.
 2. Make recommendations to the Board Liaison regarding any planting projects, annual landscape or irrigation maintenance and other enhancements to areas of common responsibility/common areas.
- Provide for common area, front and back of home landscape areas, and general site inspections on a regular basis, and at least monthly for unapproved alterations or modifications and overall proper maintenance and safety
- L&I C shall follow procedures as established by the committee for timely reporting of issues, concerns and recommendations to the Board Liaison, and to the Management Company
- The L&I C shall work with the Board Liaison to promulgate and maintain, as needed, specifications, design guidelines, and Rules & Regulations, to be presented to and approved by the BOD, fostering a community where property owners enjoy living because of a pleasing environment and attractive community with sustained property values
- Courtyard landscape additions, changes that are "visible" from the street or will be "visible" from the street at some future time, such as courtyard trees. All exterior landscape modifications to homeowner property or the area of common responsibility/common area are within the jurisdiction of the L&I C
- Timely review of plans for exterior landscape requests or modifications, or changes to area of common responsibility/common area landscape, Decisions on approval or disapproval will be in the form of a written communication by Management Company
- Shall ensure that specifications, RDCC&R's and any Design Guidelines are applied uniformly and fairly to homeowners
- The L&I C may develop lists of suitable shrubbery and landscape plants, utilizing experts in this field that will be acceptable additions requests or modifications, or changes to area of

- Provide appropriate activity updates and minutes of meeting to Board Liaison
- Other tasks as may be assigned by the Board

The L&I C will develop operating procedures for BOD approval for areas under its responsibility, such, as review of plans for landscape improvements, and modifications, responding to homeowner landscape violation complaints, and identifying Rules & Regulations violations. In doing so, the L&I C will coordinate with the Management Company to ensure the process is efficient and timely, as well as effectively utilizing the Management Company's resources and service.

Authority:

The "Restated Declarations of Covenants, Conditions and Restrictions" (RDCC&R) establishes the rights of each homeowner to the use of the property, limitations of homeowner rights and obligations as a member of the Association. The RDCC&R, as well as this Charter, establishes the maintenance responsibilities of the L&I C and the BOD which the L&I C reports to through the Board Liaison.

The L&I C shall approve or reject homeowner landscape plans, subject to the Governing Documents, Rules & Regulations, and Guidelines. When a set of submitted plans are rejected by the L&I C, the applicant will be informed of the reason(s), any changes that could be made to facilitate approval of the plan, and their right to appeal the decision to the BOD, with guidance on the appeal procedure per Article VII, Section 6. When an appeal is made the BOD may: (a) uphold the rejection of the plan by L&I C; (b) approve the plans, or (c) return the plans to the L&I C with questions and/or comments for consideration.

The L&I C expends funds as approved by BOD, or as may be authorized by regulation passed by BOD.

No committee member has any authority to bind the Association to any contractual or other liabilities, which is binding on the Association.

The Board of Directors has the right and the authority to take action and/or make decisions with or without involving any committees and to take action and/or make decisions which are consistent with and/or contrary, in whole or in part, to any committee recommendations or decisions.

Reporting and Relationship to BOD:

The L&I C chairperson shall report directly to the Board Liaison; if a Board Member serves as Chairperson they report directly to the President. All recommendations shall be made to the Board Liaison, if requested; the Board Liaison may present recommendations that have been approved by the committee directly to the BOD.

The Chairperson shall provide the Board Liaison a written report of any committee recommendations at least 10 days prior to the Board meeting.

Chairperson (or designated committee member) will attend board meetings to provide updates to BOD and when required monthly, quarterly, semi-annual and/or annual reports on committees functions and/or building.

Rules and Enforcement:

The L&I C will work with the Management Company and Architectural Review Committee to establish procedures for violation letters, and notifications on approval or disapproval of modification requests and changes. The L&I C has no authority to enforce rules, guidelines or restrictions relating to fines, penalties, sanctions or any other similar action, under this Charter. The L&I C Chairperson shall advise Board Liaison of any violations warranting enforcement in a timely manner prior to having letter sent to homeowner/resident.

L&I C has no authority to make policy regarding activities at the Villas at Blackberry Run.

The L&I C Chairperson, through the Board Liaison, shall recommend specific policy decision to the Board for approval.

Approval Philosophy:

The approval process is intended to minimize hardships or undue delays, while preventing additions or modifications to landscape that would be costly to correct if done improperly or in violation of the RDCC&R's, Rules & Regulations, Guidelines or does not meet the community wide standards. The goal is the review process is not to inform Owner that changes cannot be made, but rather to assist in making changes in a way which conforms to the character of the community, and the specifications and guidelines that have been adopted to maintain the community-wide standards.

Precedents:

While the L&I C will make every reasonable attempt to be fair and equitable, the L&I C will not necessarily be bound by past decisions made by prior L&I committees or while under Declarant control. The L&I C reserves the right to disapprove applications for improvements that require approval or a variance from established RDCC&R's if the L&I C believes that such changes are not in the best interest of the future of the Community even if a precedent was set by a decision made by prior L&I C committee or the Declarant.

In spite of their best efforts, the L&I C may from time to time make a decision that, in retrospect, is not in the best interest of the Community. The Committee reserves the right to recognize such a situation, document it in the minutes of a meeting and no longer permit its use as a precedent.

Membership Structure:

The L&I C may be comprised of both homeowners and directors of the Association. Every effort should be made to have an Owner fill the position of L&I C Chairperson. In the event that an Resident does not volunteer to serve as chairperson, the Board Liaison, or any Director, may serve as Interim Chairperson for not more than an one year term or until a Resident is appointed to fill the unexpired term. The President appoints both the Chairperson and Board Liaison to one year renewable terms. The committee will consist of at least three (3) but not more than five (5) members including the chairperson depending upon the needs of the committee to perform their duties and responsibilities.

The L&I C Chairperson may select the committee members upon approval of the Board Liaison. Members must be residents in good standing.

The terms of the committee members shall be staggered terms, as determined by the L&I C chairperson. All terms shall be for at least one (1) year but no more than three (3) years. All terms will be become two (2) year terms after the initial term expires in the event a member is re-appointed by chairperson. Committee member's terms from January to December of each year.

Although, not binding, it should be a goal of the committee to have a new member appointed when terms expire to increase opportunities for wide resident participation.

All committee members shall work as a team with committee members reporting to the chairperson.

The L&I C Chairperson serves at the pleasure of the President and may be removed by the President without cause, at any time, and with or without a successor being named. All committee members serve at the pleasure of the BOD and any committee member may be removed by a majority of the members of the BOD without cause, at any time and with or without a successor being named.

Committee Meetings:

- Committee members to meet as often as necessary to assign responsibilities and/or conduct the business of the committee and at least once per quarter;
 - The L&I shall provide Board Liaison with minutes of all meetings, who will advise BOD on any pertinent matters;
 - In the event an even number of members attend a meeting with a quorum present and a vote is taken, the chairperson will abstain from voting in order to avoid a tie vote;

- Sub-committee, if formed, members may be included in L&I C meetings and/or meet with L&I C Chairperson as deemed necessary by Chairperson;
- The Board Liaison will attend committee meetings, offering advice, guidance but does not vote on committee matters.

Committee Code of Conduct:

All Landscape & Irrigation Committee members are expected to conduct themselves in a manner that promotes a healthy relationship with the BOD, Management Company, Master Association and VBR owners and residents. Proper committee member conduct includes, but is not limited to the following behaviors:

- Committee members shall forego personal agenda interests and strive for the common good of the Association
- All committee members actions shall comply with the Governing Documents, and Association Rules & Regulations, and Guidelines
- Demonstrate Mutual Respect. Committee Members shall address each other, the Board members, and Association members with respect, even when in disagreement; differences of opinion shall be handled in a professional manner, involving the BOD when needed
- Maintain Confidentiality - Committee members shall not share prohibited or highly confidential, sensitive information, and respect the privacy of all homeowners.
- Maintain a Supportive & Positive Attitude--Committee members shall encourage each other, homeowners, board members, managers and contractors to promote better performance and teamwork.
- Committee members shall respect the authority of the BOD by not undermining majority decisions and enacted policy.
- All Committee members shall refrain from actual or perceived conflicts of interest while acting for the BOD in Association matters.
- Committee members will not seek nor shall accept special favors from Association contractors or potential contractors or suppliers. Special favors are those services or products not made generally available to other community members. Committee members shall not accept any gifts, fees, commissions, rebates, or profit in any way on expenditures, services, or activities made for and in behalf of the Homeowners Association.

Resignation or Removal of a Chairperson or Committee Member:

- Any committee member may resign prior to completing their term. They should submit their written resignation to the chairperson, indicating their desire and effective date of

resignation. The Chairperson will then notify the Board Liaison to discuss selecting a new committee member.

- Chairperson can recommend to the Board Liaison the removal of a member if they habitually miss meetings, fails to complete assigned tasks and/or violate the Code of Conduct.
- In the event it becomes necessary to remove the L& I Chairperson or a committee member, the Chairperson may be removed by the President after notifying the BOD, and a committee member may be removed by a majority members of the BOD. The chairperson and/or member can be removed with or without cause, at any time, and with or without a successor being named.

Subsequently, At the April 26, 2010, Board of Directors Meeting of the Villas at Blackberry Run Association the BOD hereby agrees to formation of the Landscape & Irrigation Sub-Committee in accordance with this document and the Association Bylaws.


Subsequently, At the January 24, 2011 Board of Directors Meeting of the Villas at Blackberry Run Association, the BOD hereby agrees to the revisions of the Landscape and Irrigation Sub-Committee in accordance with this document and the Association By-laws.

Subsequently, At the August 11, 2014 Board of Directors Meeting of The Villas at Blackberry Run Association, the BOD hereby agrees to make the Landscape & Irrigation Sub-Committee a standing committee separate and apart from the Architectural Committee.



Signed: August 11, 2014

Claudia Boscoe, President



Signed: August 11, 2014

John Herr, Vice President/Secretary