

Tubac Valley Property Owners Association (TVPOA)

Architectural Committee (ArchComm)

Policies and Procedures – Restated and adopted September 30, 2021 – Privacy section revised and adopted November 9, 2021

Role of the TVPOA Board. The TVPOA Board of Directors elected by the members has the responsibility and authority to appoint the members and the Chair of the ArchComm, and to appoint the Supervising Architect of TVPOA. The Chair must be a member of the TVPOA board. Members of ArchComm must be members of TVPOA. The Supervising Architect is not required to be a member of the TVPOA. The members and Chair of ArchComm, and the Supervising Architect, serve at the pleasure of the Board.

Role of the Supervising Architect. The Supervising Architect must be a registered architect. A retired registered architect is permitted to serve. The duty of the Supervising Architect is to review and approve or disapprove all drawings, specifications and color schemes of any structure or site improvement for compliance with the recorded Covenants and Restrictions binding on all lot owners (C&Rs), and for compliance or non-compliance with other requirements of the C&Rs specifically assigned to the Supervising Architect. The decisions of the Supervising Architect on matters specifically assigned to the Supervising Architect are final and not subject to review by ArchComm or the Board of TVPOA. The Supervising Architect is not a member of the ArchComm but shall attend meetings of ArchComm as invited and shall copy ArchComm on all correspondence and email to and from the Supervising Architect in the performance of his/her duties. The Supervising Architect shall attend meeting of the Board of Directors as invited from time to time.

Role of ArchComm. ArchComm has the duty of enforcing the decisions of the Supervising Architect and to enforce all other provisions of the C&Rs which are not the specific responsibility of the Supervising Architect. ArchComm shall hear complaints from members, gather evidence, hold hearings, and enforce such compliance. Enforcement may include fines, liens, and foreclosure on liens on the property of a member for unpaid fines, injunctions, or other appropriate remedies at law or in equity, all as authorized by the C&Rs or statutes of the State of Arizona.

Guidance to Lot Owners. It is the policy and intention of the ArchComm to advise and inform all TVPOA members of processes and procedures for lot owners to apply for and gain approval of plans for construction of improvements to lots in the Santa Cruz Valley Country Club Estates (SCVCCE - the subdivision governed the TVPOA). This policy will be implemented by the publication on the TVPOA website of a manual of guidelines for lot owners advising them of ArchComm processes to follow in planning for and during actual construction of improvements, and of interpretations of the Recorded Covenants and Restrictions (C&Rs) binding on all lot owners in the TVPOA. In addition, ArchComm will contact new owners individually as they become owners to inform them of the existence of the manual. The manual will be updated from time to time as changes are adopted.

Meeting with the ArchComm. Any member of TVPOA may attend a meeting of ArchComm for the purpose of seeking guidance on the planning and construction of improvements on their own lot, to resolve disputes with ArchComm or the Supervising Architect voluntarily, or for the purpose of presenting a complaint about improvements on any other lot in the SCVCCE. As ArchComm does not meet as body on a regular schedule, written request by the lot owner is recommended to schedule such a meeting. In addition, ArchComm will hold a general meeting open to all members from time to time, not less than annually, at which members can inquire about and voice their opinions and concerns about general policies and interpretations of the C&R's. Such general meetings will not be used for the purpose of resolving any issue affecting an individual lot.

Enforcement of C&R's. It is the policy and intention of ArchComm to seek compliance by information, persuasion, and negotiation with affected lot owners before taking further enforcement action. Failing voluntary compliance, ArchComm has adopted a policy and schedule of fines for certain violations of the C&R's. This policy will generally be followed but is not limiting and number and size of fines may be amended at any time, including retroactively as may be appropriate for intentional violations. In addition, ArchComm has adopted a policy of recording a statutory lien for unpaid fines on the lot which is the subject of the violation. The timing of foreclosure of this lien is at the discretion of the ArchComm. However, in cases where time is of the essence, ArchComm may act promptly in any manner authorized by the C&R's or Arizona law to prevent a violation or stop a continuing violation. Action of the ArchComm is taken by majority vote at any meeting of ArchComm at which a majority of its members are present. Tie votes will be resolved in favor of the vote cast by the Chair. If a tie vote occurs at a meeting where the Chair is not present, no action will be taken.

Privacy. In accordance with TVPOA Bylaws (Article 12, Section 1200) any member, or his/her agent or attorney may inspect all books and records of the Association for any proper purpose at any reasonable time, subject to such exceptions as set forth in Arizona Revised Statute § 33-1805 (B) and 33-1805 (C). Thus, the files of individual lots of the ArchComm and of the Supervising Architect may be inspected by any individual lot owner after a showing of a proper purpose. These files include applications for approval, plans and specifications, approvals and disapprovals, communications concerning an individual lot between the Supervising Architect, members of ArchComm, members of the Board and the lot owner. These files do not include files of communications between TVPOA, ArchComm, the Supervising Architect, and its attorneys, and the files of other matters excepted from inspection by the statutes referred to above.

Waiver. No prior action, failure to act, or delay in acting by the Supervising Architect, ArchComm or the Board of TVPOA with respect to interpretation, approval, disapproval, enforcement or nonenforcement of the C&R's, will act as a waiver of the rights and responsibility of the Supervising Architect or ArchComm to act in the present in accordance with their duties and responsibilities.