



Ratified by the board of Directors October 13, 2021

### **FALLING WATERS GRIEVANCE COMMITTEE**

**Purpose** - The purpose of the Falling Waters Grievance Committee is to provide a forum where Property Owners may receive an impartial hearing of their complaints by a group of their peers, to issue an advisory opinion to the Board for enforcement. Hearings may be appropriate concerning a controversy between Property Owners or an appeal from a citation issued for an alleged rules violation. Such a hearing body is essential in a Homeowner Association for harmony in the community and legitimatizing rule enforcement procedures, including fines.

#### **Composition** –

The Grievance Committee shall consist of five or more residents, who must be members of good standing, appointed by the Board of Directors, and serving at the pleasure of the Board of Directors. The term of each Grievance Committee Member will terminate on the date of the Annual Meeting. The Chairman shall be designated by the Board of Directors.

#### **Authority** –

The Grievance Committee shall hear such complaints as are properly referred to it. The Committee shall seek to arbitrate disputes between property owners, shall conduct advisory hearings and create advisory appeals from citations issued for alleged rule infractions, and shall make advisory recommendations to the Board of Directors. The Committee shall make advisory recommendations of violations in the case of citations issued for rules infractions and may recommend reducing the fine amount if there are mitigating or extenuating circumstances. Advisory findings of no violation, in a case of citations issued for rule violations shall be considered by the Board, and the Board shall communicate all decisions made, upon review of the Grievance Committee, to the involved parties.

Findings of violation may be subsequently appealed to the Board of Directors for further review in accordance with prescribed procedures, as further outlined herein.

#### **Procedures** -

The Grievance Committee shall meet upon call of the Chairman. All appeals to the Grievance Committee shall be in writing and should be delivered to the Chairman. Appeals from citations for rule violations must be received within ten (10) calendar days after the postmark date of the letter notification of violation from the HOA. Failure to file a written appeal within the prescribed ten (10) day period shall constitute a waiver of appeal rights. Nonetheless, the Chairman of the Grievance Committee may, at his/her discretion, extend the appeal period if such action is considered in the best interest of the community



Property Owners filing an appeal will be notified by the Chairman of the time of the hearing, as set by the Chairman, and shall have the opportunity to present testimony, witnesses, and evidence on their behalf. Failure of a petitioner to appear for a scheduled hearing without providing at least 24 hours advance notice shall constitute a waiver of the appeal right on the issued being appealed. Additionally, there shall be a \$50.00 fee assigned for such failure to appear, such fee being collectible in the same manner as the annual assessment. In the event of rule infractions, a representative of the Board of Directors shall be present to provide evidence supporting the charge.

The Grievance Committee shall strive to hear testimony from the Petitioner, as well as from any and all contrary parties, so as to enable a full factual review of the situation. A quorum for a hearing shall constitute at least three (3) members. No recommendations to the board shall be rendered without a quorum. Committee members shall disqualify themselves from cases wherein a family member is the petitioner, a close neighbor is a petitioner, or when the committee member request to be absent from a hearing for personal reasons. A petitioner may challenge a member for cause or ask that a member not be present for the hearing for personal reasons. The Chairman shall rule on such a request.

Voting on the findings of a hearing shall be written ballot as to recommendations made by the Committee and the amount of the recommended fine. The Chairman shall provide written notice of the recommendations to the Board of Directors. Upon receipt of the filed decision of the Board, should the Petitioner believe they have been wronged, the recourse shall be to file an appeal, in a small claim's venue, located in Porter County, Indiana. Said Petition must be filed within thirty (30) days of receipt of the date of the final decision of the Board of Directors, or else the time for appealing shall expire. Each Party shall bear their own legal cost with same.

**General-** Any committee member who fails to attend two (2) consecutive scheduled hearings without being excused for cause or fails to attend three (3) scheduled meetings within a six (6) month period, for any reason, shall be assumed to be unable to meet their commitment to the Committee and shall be asked by the Chairman to resign.

Then Grievance Committee has a special responsibility to ensure that existing rules are in the best interest of harmony in the community, are being sensibly enforced, and have apparent support of the majority of the property owners. Areas of concern, or recommendations for improvement, shall be brought to the attention of the Board of Directors by the Committee Chairman.

Any member of the Grievance Committee may be removed from the Committee by the Board of Directors, at their discretion.

The Committee may be utilized for arbitration purposes of employee grievances, at the discretion of the Board of Directors. Their findings in such cases shall be advisory unless there is a prior agreement of the participants for a binding decision.

Hearings before the Grievance Committee are of a confidential nature and all committee members shall be cautioned by the Chairman regarding public discussion of hearing matters.



The Chairman and Secretary of the Grievance Committee are authorized direct liaison with, and shall be supported as necessary by, the Board of Directors for purpose of notifying participants and committee members of meetings, publishing findings, typing recommendations and related correspondence, and such other administrative support as may be necessary for the conduct of Committee affairs. A meeting place, and access thereto, shall be arranged for by the Chairman

Passed and adopted this 13<sup>th</sup> day of October 2021



## INFRACTION NOTIFICATION FORM

**Comes now \_\_\_\_\_, resident of the premises commonly known as the Falling Waters Subdivision and does hereby report to the Falling Waters Homeowners Association the following alleged vehicle infraction which occurred within the Falling Waters Subdivision.**

**On or about \_\_\_\_\_ I did hereby observe the following:**

---

---

---

---

**Location:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**I do hereby state that the above facts are true, that I did observe them, and that I am willing to submit additional necessary evidence and/or testimony to the Board of the Falling Waters Association, as required pursuant to Covenants, Policies, and rules as enunciated by the Homeowners Association.**

\_\_\_\_\_

**Sign**

\_\_\_\_\_

**Printed Name and Resident Address**

**Date:** \_\_\_\_\_