

## **Procedural rules for JBMI Assessment and Complaint Procedure**

1. A schedule of assessments establishing procedures for enforcement of JBMI's covenants, conditions and restrictions, bylaws and all other association rules and regulations, including the CCR's and Articles has been established by resolution of the board dated December 6, 2011. A complaint and issue management policy was adopted by the board on June 1, 2008.

Any complaints whose subject is an architectural matter shall not be subject to this resolution. Such complaints shall be referred to the architectural committee for further processing in accordance with the established procedures of that committee.

2. The board's resolution allows for the management office, board, a person or committee authorized by the board to conduct investigations to confirm the nature and existence of the allegations contained in the complaint.

3. The resolution provides for notice to tenants or members residing in the moorage of violations which describes the violation, provides an opportunity to request a hearing to appeal if the violation is contested. Notice of violations and proposed assessments will be provided in writing not only to the respondent of a complaint, but as well to the complainant.

4. A hearing procedure has been established whereby the board of directors can be conduct hearings to appeal regarding proposed assessments if requested in writing.

5. The board shall establish a three person committee by appointment whose function shall be to make findings resulting in approval or disapproval of any proposed assessment. Rejection of a complaint whether resulting from complaint of a member, tenant or the moorage manager can be made by the committee. Each person so appointed shall serve for a six months term except that the initial term of appointments shall be staggered so that a term expires each six month period over the initial eighteen months from the date the committee is initially established.

The first three appointments shall serve for terms of 1) six months, 2) twelve months and 3) eighteen months respectively. Thereafter appointments shall be for a six month term so that a new member of the committee is appointed by the board every six months. The duration of the assessment committee shall be perpetual.

If the complaint is referred to the assessment committee shall have the authority at its sole discretion to make findings of fact recommending that the full board approve or disapprove of any proposed notice of violation before it is issued to a member or tenant. The assessment committee shall have authority to make findings to recommend that a determination made by the moorage manager to reject a complaint, be reversed.

The complaint procedure shall be initiated by any member or tenant or by the moorage manager filing a written complaint with the moorage-office citing to a violation of the enforcement resolution.

The moorage manager shall make the initial determination as to whether a complaint if founded would be subject to assessment. Upon receipt at the moorage office of a written complaint on a form previously authorized by the board of directors and accessible on the moorage website or at the moorage office, moorage management will log receipt of the form and contact the complainant.

The purpose of such contact shall be to acknowledge receipt of the complaint, establish a preferred means of contact and to obtain any additional information deemed relevant to the complaint by the complainant. This contact shall take place via a phone call, first class mail or e-mail within 2 days of the complaint being received and logged by the office. If the contact is via first class mail, the response it will made within 5 days.

Moorage management shall have four options with regard to the complaint once it is logged-except in those instances where moorage management or an employee of JBMI is the subject of the complaint. If the moorage manager or an employee of the moorage is the subject of the complaint the complaint will be logged in by the manager and then immediately referred to the assessment committee without further action by the manager and the complainant within 2 days of its receipt.

- 1)** Moorage management can determine to handle the complaint internally in a manner satisfactory to both the complainant and respondent. In the event of such determination, both the complainant and respondent are to be notified of such action in writing within 5 days so that they are aware that no referral of the complaint will be made to the assessment committee.
- 2)** The complaint can be referred to an outside resource such as a mediation service or a regulatory agency Notice is to be furnished to the complainant and the respondent within 5 days of the complaint being logged in by the manager.
- 3)** If the moorage manager determines that a violation has occurred, the matter shall be referred to the assessment committee for action.-Notice of referral to the assessment committee shall be furnished to the complainant and respondent in writing within 5 days of the complaint being logged in by the manager.
- 4)** The moorage manager may reject any complaint filed by a member or tenant. Notice of rejection of the complaint by the manager will be furnished in writing to both the complainant and respondent within 5 days of the complaint being logged in.

In the event of rejection by moorage management of any complaint, the person whose complaint has been rejected may submit a copy of their complaint in writing to the assessment committee for review within 14 days of notice being furnished to them as to the rejection of their complaint.

The requested review shall be logged in by moorage management within two business days of receipt and being logged in, be forwarded by the manager to the assessment committee for review. Review of rejected complaints referred to the committee will take place by the committee within 30 days of referral.

Assessment committee meetings shall be held in a confidential setting and without making its deliberations public, make findings at its sole discretion by majority vote. The full board can approve or disapprove issuance of a notice of violation to a member or tenant for violation. Such findings by the assessment committee or Board will simultaneously be furnished in writing to both the complainant and respondent. Any deliberations and discussion by the board shall be conducted in executive session.

6. Committee members and board members in review of any proposed finding with an actual conflict of interest shall be required to excuse themselves from any determinations involving the subject matter. An actual conflict of interest exists when the committee or board member, or a person with whom the committee or board member resides, is named as the complainant, respondent or witness.

An actual conflict of interest also exists if as a result of the determination, the committee member and or a person in their household would financially benefit from the outcome. In the event of an actual conflict of interest the committee shall not act on the complaint of interest until the board appoints a replacement member from the community at large to hear the complaint. In no event shall any findings be made by the committee in the absence of three committee members-

7. When a notice of violation finding has been approved or disapproved by the board. Both the complainant and the respondent shall be furnished notice in writing within 5 days of such determination. Thereafter an aggrieved member or tenant shall have the right to appeal-

8. Any prior established procedures or policies of the board that are inconsistent with the provisions of this resolution are repealed and superseded by the terms of this resolution. It is the specific intent of this resolution that any notification procedures or appeal rights set forth in the December 2011 enforcement resolution is allowed to any aggrieved complainant as well as to any aggrieved respondent.