

VENTANA LAKES

PROPERTY OWNERS ASSOCIATION

COMMUNITY INFORMATION

2011

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VENTANA LAKES COMMUNITY INFORMATION

INTRODUCTION

Welcome to the community of Ventana Lakes. When you bought a home here, you became a member of the “Ventana Lakes Property Owners Association” (VLPOA). This protects your property values and that of your neighbors, as we must all abide by the **CC&Rs, Bylaws, and Rules of Ventana Lakes**. One of the most sensitive issues in any planned community is the enforcement of these documents. **You must read these documents to understand what is required of you.** This paper is to let you know what and where these documents are, and to give you a summary of the Association’s organization and how you can learn more about it.

When you purchased your home, you were given a copy of the Covenants, Conditions and Restrictions (CC&Rs) and the Bylaws for this Association. These documents were revised by vote of the community in April of 2009. **If you do not have a current copy, you can find them online at the Ventana Lakes website at www.vlpoa.org linked to “Governing Documents.”** If you don’t have a computer, you can pick up a copy at the Management Office.

As authorized by the CC&Rs and the Bylaws, the Board of Directors has in 2010 adopted the **Ventana Lakes Rules**. This organized body of rules replaces previously-adopted policies, procedures, resolutions, and guidelines. (In the event of a conflict between the Ventana Lakes Rules and the CC&Rs, the provisions of the CC&Rs and Bylaws take precedence.) The Rules are intended to ensure that our community functions harmoniously. **There are seven “Rules for Homeowners,” two of which are included with this document for your convenience, as they are the most commonly needed.** There are also rules governing the Board of Directors, volunteers and committees, and our professional Management staff. (See the **Index to the Rules, page 31** of this document.) The Community Manager is responsible for the day to day business operations of our community, and reports to the President of the Board of Directors. The Management Staff is available to answer your questions, respond to concerns about maintenance of common areas and facilities, issue identification badges and key, to sell tickets to fun activities, and more.

Citations to the CC&Rs and Bylaws are provided in this document as applicable. The CC&Rs and Bylaws may only be changed by vote of the community at large. The Ventana Lakes Rules may be modified by the Board in open meeting. Open Meetings are posted by the Community Manager at least 48 hours in advance of the meeting with an agenda which will advise the subjects that the Board may address. Look for these postings at the Management Office, Yacht Club, Recreation Center and at the swimming pools.

You will enjoy being an integral part of your community, as we all work together for the common good. Be sure to come to Board meetings when you can, vote every year in the election of your Board of Directors, and remember **you can bring your ideas and suggestions to your Board** by filling out an **“Agenda Item Request”** form which is available from the Management Office and at www.vlpoa.org. See Rules for Homeowners, Rule 7.9 (**also on page 31 of this document.**)

Daily e-mails are broadcast from the Community Management office which will keep you up to date on what is going on in your community. This includes the agenda for Board Meetings. If you want to be kept advised of proposed Board actions that may affect your rights, duties or privileges as a Ventana Lakes homeowner, sign up to receive these regular e-mails by contacting asstmgr@vlpoa.org. There is also a newspaper, the **Ventana Views**, which is delivered monthly by volunteers. **Volunteering is a great way to get connected and enjoy your community.** Contact the Activities Coordinator or Community Manager – or a Board member – to learn about these opportunities.

COMMUNITY ORGANIZATION, ASSESSMENTS AND INSURANCE

The Board of Directors

The Board is comprised of seven members, elected by the homeowners of Ventana Lakes. The Board of Directors manages the affairs of the Association. The Board is responsible for the overall operation of the Association through the Community Manager and his staff. The Board has responsibility for the maintenance, repairs and supplies for all property within the common areas by contracting for various services and products. The Board is responsible for following the financial plan as set forth in an annual budget, and for establishing maintenance and replacement Reserves to supplement future Association expenses. (CC&Rs Article V, Section B (*Board of Directors and Officers*) and Article X (*Maintenance*). The Board also has its own set of Ventana Lakes Rules governing its procedures, duties, and ethics.

You and the Architectural Committee

It is your responsibility to ensure that any proposed alterations to the exterior of your home or lot is submitted to the Architectural Committee and other local, state, and federal government agencies. This Committee is appointed by the Board and established by the CC&Rs to review all improvements by homeowners within Ventana Lakes. The Rules for homeowners' architectural and landscaping are included in this document. **(beginning at page 8.)** See also CC&Rs Article I (*definition 2*); Article IV, Section C. (*Architectural Control*); and Article XI. (*Architectural Committee*).

Assessments

There is a regular annual Master Assessment for each of Ventana's 1701 lots, which is divided into quarterly payments (January 1, April 1, July 1, and October 1). Electronic transfer for payment is available and recommended. Forms for automatic withdrawal are available on the VLPOA website and in the Management Office. Late fees automatically apply on the 30th of the billing month unless the homeowner has approval to pay the financial management company monthly. See CC&Rs Articles VII (*Covenant for Assessments and Creation of Lien*) and Article VIII (*Enforcement of Payment et al*).

Insurance

The Association maintains the following insurance: public liability covering the common areas for personal injury or property damage; property insurance covering all of the Association property, i.e., Recreation Center, Yacht Club, lakes, etc; fidelity coverage against dishonest acts on the part of Board of Directors, managers or employees handling the funds of the Association; and an accident policy for medical coverage if a volunteer is injured while working on Common Areas. See CC&Rs Article V, Section D (*Personal Liability*); and Article IX, (*Use of Funds, Borrower Power*) Section D. (*Insurance*.)

VIOLATIONS

Any resident in the Community may submit a written description of a possible violation of the architectural and landscaping requirements made by a homeowner to the Architectural Committee or to the Community Manager. Forms are available in the Management Office and on the VLPOA website. Arizona State law (ARS 33-1803) requires that complaints must be signed by the person making the complaint. The Rules governing this process are in **Rule 1.13 through 1.16 of the Rules for Homeowners (see page 21-22)**. Other violations of the governing documents may be reported to the Community Manager for action. The processes for this are in **Rules for Homeowners Rule 7. Compliance, Conduct, Due Process**. As stated previously, this rule (and all other rules) is available at www.vlpoa.org or from the Management Office.

IMPORTANT NOTES

Age Restriction

No person who is less than 18 years of age shall reside in or occupy any dwelling unit. At least one permanent occupant of each dwelling unit must be at least 55 years of age. (CC&Rs Article IV, Section D.)

Identification “Badges”

Identification badges (laminated identification cards) are available at the Management Office for all residents. The **Rule for (wearing) Identification Badges** is on **Page 24** of this document.

Noise Control

Please be considerate of your neighbors. Loud music, electrical tools, barking dogs, and some motorcycles can be quite a nuisance during the late evening hours and early morning hours (10:00 p.m. and 6 a.m.) Ventana Lakes is a retirement community and residents expect a calm, quiet environment. (CC&Rs Article IV, Section C.5.)

Parking

The intent of the Association is to restrict on-street parking to the extent possible. Vehicles of all owners, tenants, and their guests are to be kept in garages and residential driveways of the owner and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a Lot. Parking, as presented in this Section, shall not be construed to permit the parking in the above described areas of any vehicle whose parking in Ventana Lakes is otherwise prohibited, or the parking of any inoperable or unlicensed vehicle. Peoria City Ordinance prohibits parking on the street in the Shores and on 107th Drive in Heritage II. No motor vehicles are allowed to park overnight in any Ventana Lakes parking lot, except while on a sponsored Ventana Lakes trip. (CC&Rs Article IV, Section C. 21).

Parking of RVs and Other Trailers

Parking of RVs and other tow-able trailers at the Yacht Club requires a parking permit obtainable from the Management Office. Maximum length of stay is seven days. Additional time may be granted on an individual basis. Those who arrive to park after the Management Office is closed should place an 8 x11 size notice in the RV or trailer window, indicating name of driver and where the driver is staying, and stating a permit will be obtained when the Management Office is again open. (CC&Rs Article IV, Section C.19.)

Home Businesses

In residential areas no gainful occupation, trade or other nonresidential use, which creates noise, odor, or increases traffic in the community, may be conducted on the property. (CC&Rs Article IV, Section E.1.a.)

Renters

At least one renter, **who will reside in the dwelling, must be 55** years of age. **No children** under the age of 18 are permitted. It is the responsibility of the property owners to inform their tenants of the CC&Rs and Ventana Lakes Rules and require that be followed by the renter. Only owners may submit requests for alterations to the exterior of their homes or yards; requests submitted by renters will not be considered. (CC&Rs Article I 41; Article IV, Section E 4. and Ventana Lakes Rules for Homewoners, Rule 6.)

City Trash Containers and Collection

City Trash containers should not be placed on the sidewalk prior to 3 pm the day before collection. They must be removed from the sidewalk on the day of collection per City of Peoria ordinance. These containers must be stored where they are not visible in accordance with CC&Rs Article IV, Section B.10 and the Ventana Lakes Rules (see page 18 of this document.)

Vehicles, Campers and Boats

Vehicles of all owners and residents and their guests are to be kept in garages, carports, or the owner's driveway. No inoperable or unlicensed vehicle may be stored or parked on any lot or street. No motor vehicle exceeding one ton, mobile home, travel trailer, camper shell or similar equipment or vehicles may be kept or repaired on a lot so as to be visible from neighboring property. To see further requirements and exceptions, see the CC&Rs Article IV, Sections 19, 20, and 21.

ABOUT THE LAKES

All lakes in Ventana Lakes are classified as private lakes which are available for use only by Ventana Lakes' residents and authorized guests. Proper VLPOA identification should be on display while on VLPOA property. **All children under age 18 must be accompanied by an adult while engaged in boating, fishing or other lake activities.** No swimming, wading or diving in the lakes is permitted at any time. Pets also are prohibited from entering the water. ((CC&Rs Article IV, Section F.)

Boats

Watercrafts approved by the Association are as follows: rowboats, canoes, kayaks, inflatable boats, pedal boats. The following are **not approved**: inner tubes or swimming pool type floats or rafts, sailboats with keels, sailboards, sailfish, and sunfish. Hobby-craft models such as radio-controlled boats, sailboats, etc., are permitted as long as they are less than 36 inches in length and have no more than a small battery-powered motor. All watercraft must be under positive control of the operator at all times. No internal combustion or other source of power is permitted on passenger-carrying boats, except Lakes' Management and Maintenance craft. (CC&Rs Article IV, Section F. 6.)

Anyone using any type of watercraft on the lakes to abide by Arizona State Boating Regulations (*The Boater's Guide of Arizona*, available from the Arizona Game and Fish Department). For example, the law states that children age 12 or younger must wear a properly fitting Coast Guard approved Type I, II, or III PFD when on board a boat.

Boat Docks (applies to lots on the lakes)

Current owners with existing boat docks must keep them in good condition and adequately painted in an approved color. No new waterfront facilities may be installed. Docks that need major repairs and have to be rebuilt will be required to obtain approval from the Architectural Committee. See page 11 of this document and CC&Rs Article IV, Section F.5.c.

Boat Dock Insurance

Owners of docks must provide evidence of at least of \$1,000,000 universal coverage for personal injury and property damage. This proof of insurance coverage shall name VLPOA as certificate holder and a copy of the certificate shall be on file in the Management Office. CC&Rs Article 4. Section F.5.d.

The following pages contain Rule 1 and Rule 3 of the Ventana Lakes Rules for Homeowners. These are the most commonly needed of the Rules for Homeowners. Behind them is an Index to ALL Ventana Lakes Rules. Copies are available upon request from the Management Office. All Rules, the CC&R's and the Bylaws are available on the website at www.vlpoa.org.

VENTANA LAKES RULES FOR HOMEOWNERS RULE 1: ARCHITECTURAL AND LANDSCAPING REQUIREMENTS

Rule 1. Architectural and Landscaping Requirements *Formerly "Architectural Guidelines" 2008-2009*

1. Purpose And Policy

- A. These rules are adopted with the intent of maintaining the property values of Ventana Lakes. Compliance by homeowners is expected.
- B. Variances may be granted by either the Architectural Committee or the Board of Directors when it is determined that a variance will create no harm to the community. When the Board determines that a violation or a variance to a guideline or the CC&Rs would create harm to the community, the Board will, with due process, enforce these with the full intent of bringing the homeowner into compliance with the governing documents, until compliance is achieved or the matter is settled by a Court of Law.
- C. The responsibility of the Architectural Committee is to ensure that the harmonious, high-quality image of Ventana Lakes is implemented and maintained. Architectural Rules have been developed with community input and are reviewed by the Board of Directors on at least a yearly basis. They are intended to promote those qualities in Ventana Lakes that enhance the attractiveness and functional unity of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

Adopted 2-17-2010.

2. General

- A. Within the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Ventana Lakes, a provision grants the Board of Directors authority to appoint an Architectural Committee (AC) to ensure architectural consistency within the community master plan (Article XI, Section A).
- B. The purpose of this committee is to review submitted Change Request Forms for additions and changes to home sites within Ventana Lakes, monitor residents' AC compliance to Article IV, Section C of the CC&Rs, and check home re-sales to ensure new home buyers that there are no violations to the exterior of the home and lot being purchased.
- C. Article IV, Section C, 1. States - No improvements, alterations, repairs, excavation, grading, or other work which in any way alters the appearance of any Lot or Common Area within Ventana Lakes, or the improvements located thereon, from its natural or improved state (existing on the date a Tract Declaration for such property was first Recorded) shall be made or done without prior approval of the Architectural Committee, except as otherwise expressly provided in this Declaration. No building, fence, wall, residence or other structure shall be commenced, erected, maintained, improved, altered, or made without the prior written approval of the Architectural Committee. All subsequent additions to or changes or alterations in any building, fence, wall or other structure, including exterior color scheme, and all changes in the grade of Lots shall be subject to the prior written approval of the Architectural Committee. No changes or deviations in or from the plans and specifications once approved by the Architectural Committee shall be made without prior written approval of the Architectural Committee. All requests to make changes to a home must be made by the Recorded Owner.
- D. In the event said Architectural Committee fails to approve or disapprove such design, location, or other matter described above within thirty (30) calendar days after the written

request and plans and specifications have been submitted to it, approval will not be required and this Section C will be deemed to have been fully in compliance.

Adopted 2-17-2010.

3. Application Procedure

- A. Requests for approval shall be submitted in the following manner:
 - 1. If a Change Request contains improvements that would require architectural plans, the request must include rough drawings and a detailed written explanation of what is being requested, along with a “before” photograph. If the request is not prohibited by the Governing Documents, the Architectural Committees should approve the Request with the stipulation that the approval is contingent on presentation of architectural plans. In all cases, the property owner must submit a written request giving specific details of what is being requested. Residents who wish to make several changes at the same time are to submit separate requests for each item. There are four Change Request Forms, as follows:
 - a. exterior changes to a home and installations of Solar Panels;
 - b. flagpole installation;
 - c. installation of a pool, spa, hot tub;
 - d. installation of a satellite dish
- B. All of these forms are available at the Management Office or they may be downloaded from VLPOA's website www.vlpoa.org. Requests are valid for 90 calendar days except those for pools that have a 180-day completion time frame. Work not completed in this time frame will require submission of another request form.
- C. The Architectural Committee will review the request.
- D. The Architectural Committee meets on Mondays at 10:00 a.m. in the Management Office for the majority of months. The Committee Chair may change the schedule according to need, with advance notice to the Community and the Board. Residents are welcome to attend. All written requests and outcome decisions are maintained in the respective property owner’s file.
- E. The property owner will be notified in writing as to whether the requested changes or alterations were approved or disapproved.
- F. If any owner or resident of Ventana Lakes disagrees with a decision of the Architectural Committee, he/she may appeal to the Architectural Committee in person or in writing within 10 business days of the decision. However, if after 10 business days no appeal has been received, the Architectural Committee's decision is final.
- G. Once the approved work has been completed, the approved Change Request is to be returned to the Office, so members of the Architectural Committee can make a final inspection of the work to ensure that it was done according to that which was initially approved. For all completed alterations to the exterior of the house or yard, a post photograph is to be included. If the change request was completed prior to the initial approval from the AC, the Homeowner will still need final approval from the Architectural Committee.
- H. **Variances.** The Board or the Architectural Committee may, at its option and in extenuating circumstances, grant variances from the restrictions set forth in Article IV of the CC&Rs if the Board determines (a) either (1) that a restriction would create an unreasonable hardship or burden on an owner, or (2) that a change of circumstances since the recordation of the CC&RS has rendered such restriction obsolete and (b) that the activity permitted under the variance will not have any substantial adverse effect on the owners and residents of Ventana Lakes and is consistent with the quality of life intended for residents of Ventana Lakes.

Adopted 2-17-2010.

4. Written Approval Required for Exterior Changes

Changes or alterations to the exterior of a home or a lot require prior written approval from the Architectural Committee, UNLESS SPECIFICALLY EXEMPTED UNDER THESE RULES. Those not referenced to a specific CC&R have been categorized as belonging to Article IV, Section C.1.

Adopted 2-17-2010.

5. Completion Time Frame

All approved requests must be completed within three months (90 calendar days) of approval date, except swimming pools, which have a 180-day completion time frame.

Adopted 2-17-2010.

6. Alphabetical List of Requirements by Title of Project:

Air Conditioners for Garages. Air conditioners to cool a garage must have prior written approval from the Architectural Committee. The air conditioner must be placed below the height of the privacy wall and hidden from view.

Alumina wood patio covers: see Patio covers

Antennae/Satellite or HDTV Dishes. This has a separate Change Request Form. Residents should contact the Architectural Committee to discuss placement of the dish before having one installed. The Association has the authority under federal law to require that these be shielded from view from the street and neighboring properties to the maximum extent possible as long as an acceptable signal quality can be received. All dish installations must have a final inspection of placement by the Architectural Committee.

Attic Fans: Solar Powered. Prior written approval from the architectural committee is required. The attic fan must not extend above the ridgeline of the roof. The flashing and housing of the attic fan must be painted to match the color of the vents if roof mounted, or the body color of the house if side vented. Penetration through the roof when installing the fan cannot exceed 18 inches.

Awnings-Window. Prior written approval from the Architectural Committee is required. All installations of any type of awning are restricted to the approved solid colors on file at the Ventana Lakes Management Office. A small border of another solid color as added by the manufacturer is permitted. Awnings must be kept in good condition and maintained in their original color.

- 1. Fabric House awnings:** The color selected must be an approved color but need not match the body color of the house. The chosen color for the awnings may be coordinated with the house colors.
- 2. Metal House Awnings:** The color must closely match the body color of the house.
- 3. Backyard Retractable Patio Awnings/Rollup Patio Shades:** The color selected must be an approved color but need not match the body color of the house. The chosen color for the awnings may be coordinated with house colors.
- 4. Retractable front yard RV type awnings are prohibited.**

Backyard issues. Homeowners with backyards not visible from outside the lot are not required to obtain approval for changes to their back yard, except as follows:

1. Installation of a pool, spa, and hot tub (has a separate Change Request Form.)
2. Pond, fountain or other water-related equipment must have water that re-circulate sufficient to prevent the breeding of mosquitoes or the feature is to be left dry. Stagnant water is a breeding site for mosquitoes.
3. Nothing in the backyard may extend above the privacy wall except for trees, shrubs and umbrellas. Exception: see Gazebos
4. Trees must be planted at least 6 feet from the privacy wall and/or property line.
5. A grading change should not be made which will allow irrigation water to seep into the privacy wall which will eventually damage the wall.
6. Homeowners with lake front property shall obtain prior written approval for landscaping and other work for back yard.

Barbecue Grills: Permanent. Permanent barbecue grills must have prior written approval from the Architectural Committee. The structure of the barbecue grill must be lower than the height of the privacy wall.

Bird Feeders. No bird feeders, except those for hummingbirds, are permitted.

Boat Docks: Painting and Repairs. Current owners with existing boat docks must keep them in good condition and adequately painted in an approved color. Painting of a boat dock and fence requires prior written approval from the Architectural Committee. Boat docks and dock fences may be stained with water-based redwood color or painted, using Navajo White paint. (CC&Rs Article IV, Section F5). Any repairs of a dock must be submitted to the Architectural Committee for review. Depending upon the nature and the extent of repair, approval of the request may not be granted. The decision will be on a case by case basis.

Building Repair. The owner of every home or structure within Ventana Lakes is responsible at all times for keeping the buildings in good condition, adequately painted or otherwise finished. CC&Rs, Article IV, Section C. 7.

Coatings for Driveways, Walkways, and Patios. All driveway and patio coatings are restricted to the approved colors on file at the Ventana Lakes Management Office. The design and color selected should be coordinated with the house colors. Driveways, walkways, and patios may be done in the following designs: simulated cool deck, simulated flagstone, vinyl chip, pebble-tee and epoxy seal. All coatings must be of a satin finish and not glossy in appearance. Driveways and walkways must be kept free from stains, rust, oil, etc. Property owners are required to submit a Change Request Form to the Management Office listing the color selected before having a driveway, walkway, or patio coated.

Clothes Drying Facilities. Outside clotheslines or other facilities for drying or airing clothes may be erected, placed or maintained on any Lot, so long as they are not visible from outside of the Lot. CC&Rs, Article IV, Section C. 11.

Commercial Vehicles. Residents and their guests may not park commercial vehicles or other vehicles used in any profession that display materials or tools of a trade on the

street and/or driveway of any lot. Exceptions are for those parked while providing a service to that owner and those exempt by law.

Communication Cables. All exposed wiring must match the body color of the house or trim wherever it is attached.

Completion Periods: See Paragraph 5 of this Rule.

Curbing Between Yards. Prior written approval from the Architectural Committee is required before curbing is installed. Curbing must stay on a homeowner's property line.

Decorative Foot Walls. Decorative foot walls in the front of a house may not exceed two (2) feet in height. Prior written approval from the Architectural Committee is required for a foot wall.

Design Compatibility. For additions to the house (enclosed patio), the proposed construction must be compatible with the design characteristics of the property itself, adjoining properties, and the neighborhood setting. Compatibility is defined as: harmony in style, scale, materials, and color and construction details. The Change Request Form to the AC requests should include a copy of the drawing submitted to the City with all the dimensions.

Doors: New, replacement or refinishing of house doors. A new painted front entry door color should closely match the one being replaced. However, a painted door may be replaced with a wood-finish door with Architectural Committee approval. The color of a garage side door should closely match the body color of the house. All refinishing of an exterior house door or replacing an exterior door requires prior Architectural Committee approval. Also see Painting.

Driveway Extension: Driveway expansions require prior written approval from the Architectural Committee. The maximum width a driveway may be expanded is three feet on one side, or 18 inches on each side, providing that no more than 30% of the front yard is covered in concrete. Separate concrete strips, which may serve as a second driveway, may not be added.

Duck Decoys. See Lake Waterfowl decoys.

Evaporative Coolers. Evaporative coolers require prior written approval from the Architectural Committee. Evaporative coolers may be used to cool a garage or a house. The cooler may not be mounted on the roof. The cooler must be located below the height of the privacy wall or hidden from view.

Fence to prevent rabbits. A small piece of wire screen no higher than 24 inches may be used around individual shrubs.

Fire pits. All outside, backyard, in-ground, conversational fire pits that are gas burning only are authorized. Prior written approval from the Architectural Committee is needed. The proposed structure must be compatible with the characteristics of the property (i.e. style, harmony, materials, color and construction materials). No wood fire pits are permitted. Fire from the wood-burning pits presents a potential fire hazard in dry conditions, and wood smoke from a fire pit may become a nuisance for a neighbor.

Flagpoles. All flagpoles of a permanent nature must have prior written approval from the Architectural Committee. There is a separate Change Request Form for flagpoles. Such poles are intended to fly or display the American flag. The flagpole must be a distance of 10 feet from the inside edge (edge closest to the house) of the front sidewalk adjacent to the street, and may not exceed 20 feet in height. All other flags are deemed decorative in nature and shall be displayed in accordance with the rules for Holiday Lights and Exterior Decorations. Only two flags per pole. One smaller U.S. Military organization flag or AZ State flag may be flown on the same flagpole below the American flag. The flags must be kept in good condition at all times or removed.

Foil. Neither house nor garage door windows may have foil to reduce the effects of heat. Also see under Sun Screens (Window Films).

Fountains. Height is limited to 4 feet in the front yard, and no higher than the fence in the back yard. Must have recirculating pump or be left dry. Stagnant water breeds mosquitoes.

Garage Door color. Painting of garage doors requires prior written approval from the Architectural Committee. The color of a garage door and the trim around the garage door must match the body color of the house. **When any home is repainted, the garage door must be painted at the same time to match the body color of the home.** When a new section or entire garage door is replaced, it must be painted to match the body color of the home within 30 calendar days. Also, see Painting (1.b).

Garage Door Louvers/Vents. Prior written approval from the Architectural Committee must be obtained before garage door louvers are installed. Vents cannot be homemade or altered from their original form or size as purchased. The vents are to be placed in the lower panels of the door. The vents must match the color of the garage door.

Gardens Landscaping. See Ventana Lakes Rules for Homeowners, Rule 2.

Gates: Single and double, and side gate to backyard. Property owners may install double gates at Ventana Lakes to allow wider access to back yards only with prior written approval from the Architectural Committee. All gates must be constructed of an iron frame with closely placed wood slats. All frames are to be painted black or the color of the privacy wall. All wood slats must be sealed and preserved or painted the color of the wall. Redwood side gates may be kept in their Redwood color. No additional solid surface, such as concrete, paver blocks, bricks, etc., are permitted in front of a double gate between the gate and street sidewalk.

Gazebo, Ramada, Elevated Spa Covers. Gazebo, Ramada, or Elevated Spa Covers require prior written approval from the Architectural Committee. A design plan with dimensions including color, material and type of roof must accompany the Change Request Form. No tent coverings are permitted. The height of the structures cannot be over 8 feet from the ground.

Granite. Homeowners who are changing to granite, or changing the color of the granite in their yards need prior written approval of the Architectural Committee. Color must be a desert color. After the granite has been spread in the yard, the homeowner is

responsible for sweeping up the dust that is left. The dust or dirt that has been left may not be hosed down the driveway or street.

Gutters and Downspouts. Installation of gutters requires prior written approval from the Architectural Committee. The color of the gutters must closely match the trim color of the house. The color of the downspouts must closely match the body color of the house.

Holiday Lights and Exterior Decorations. Holiday lights and exterior decorations shall be allowed 30 calendar days prior to the Holiday. No lights or decorations shall be left on walls or fences facing common areas longer than 15 calendar days after the holiday. Lights or decorations **MUST** be associated with the Holiday in question.

Home Additions. All additions to a home, including patio covers, security doors, walkways, and buildings, shall be submitted to the Architectural Committee for written approval prior to construction.

House Signs – see “Signs”

Iron Bars on Windows. No iron bars are permitted on the outside of windows for safety reasons. The fire department or police cannot get in to rescue persons inside in case of emergency.

Lake Waterfowl Decoys. No decoys of any kind are allowed on the lakes for an aesthetic reason and for possible damage to the Lake liner. There are two areas (Lakes #5 and #9) where decoys were grandfathered in years ago.

Lamp Posts & Lanterns. Lamp posts/lanterns must have prior written approval from the Architectural Committee. Lamp posts may not exceed 6 feet overall, and must be installed at least 4 feet from the sidewalk. The lamp must be a single bulb.

Lattice Material. The use of lattice material for privacy or to screen garbage cans is prohibited in any front yard. Lattice may be used for plant material in other areas of the yard as long as it is properly maintained and with a straight edge.

LIGHTS-Malibu; Lights on Front of Garage; Security Lights; Spotlights. Prior written approval from the Architectural Committee is required for Malibu lights or lights on the front of a garage or for security lights. Lights may not be installed if they will in any way reflect into a neighbor's property.

Neighboring Properties: See Protection of Neighbors

Outdoor Carpet. The colors of Monotone Blue, Brown or Green are the established colors for outdoor carpet **in the Gardens only**, and must have prior written approval from the Architectural Committee.

Outside Spot Lights: (See LIGHTS)

PAINTING.

1. House Painting:

- a. All repainting of exterior portions of homes is restricted to using any approved paint color schemes in any subdivision on file at the Ventana Lakes Management

Office. Painting of a home requires prior written approval of the Architectural Committee. Residents are asked to submit the letter/number of the color scheme selected on the application form.

- b. If touch up work is to be done on the house, the touched up areas must blend into the current colors so the areas repainted do not stand out. If the entire house is to be painted, the new paintbooks in the Management Office are to be used to select a color scheme.
 - c. When the house is painted, the garage door, the trim around it, and the front sidewalls (unless they have never been painted), that face the street and are attached to the house, must also be painted the body color of the house. If the front entry door is to be painted, the door and trim around it may be painted the body color of the house or the original color of the door.
 - d. Either flat or semi gloss type of paint may be used when the house is painted. In addition, a clear acrylic finish may be applied over the paint if the homeowner wants to extend the life of the paint.
 - e. Other notes regarding house painting: any material - wood or stucco – abutting the roof line and extending out from the house wall must be painted the trim color.
 - f. Front sidewalls that extend to the street sidewalk area must be painted the body color of the house, unless they have never been painted. It is the Homeowners choice to paint or not.
 - g. For a house on a corner lot where the wall on the side street is not common area, the homeowner is to maintain the outside of the wall. If the homeowner wishes to paint an unpainted wall, or needs to paint the outside of the wall on the side street, the homeowner must use Dunn Edwards’ Navajo White paint or equal color.
- 2. Fence painting by homeowner (wrought iron view fence on lakes or common areas):**
- a. A homeowner on a lake front lot or common area may paint his/her own fence with prior written approval from the Architectural Committee. All parts of the fence must be painted. Rust areas on the fence must be sanded and primed before the fence is painted. The paint color for the fence, other than at the Shores, is Dunn Edwards’ Navajo White. The Shores’ fence color is Dunn Edwards’ Enchanting Ivy.
 - b. The Association will not compensate a homeowner who paints his/her own fence. Owners who have fences that extend over the water at the back of their property are responsible for painting the fence.
- 3. Painting Outside Wall:** Repainting of the outside of the privacy wall facing the side street, not on common areas, is the homeowner’s responsibility. Dunn Edward’s Navajo white color or equal is to be used. Prior written approval from the Architectural Committee is required.

Parking. Vehicles of any type may not be parked on the granite or grass.

Patio Covers: (see also Awnings) Patio covers require prior written approval from the Architectural Committee.

1. Patio covers must closely match the body color of the house. Patio covers may be a combination of wood and metal. When wood trim is used, the color must match the house trim, and all columns must match the body color of the house. Patio covers must be attached to the house.
2. **Alumina wood patio covers** and supporting structures are restricted to the approved colors on file in the management office. Alumina wood patio covers

must be attached to the house. In the Gardens, the Alumina wood patio cover must be centered and balanced on the patio. **No w-pan canopy cover is to be used.** If the cover is solid, gutters and downspouts must be used. The drainage water from the roof must be contained in the owner's backyard or run to the river rock. Property owners are required to submit a change request application to the management office listing the color selected for the patio cover before having awning covers installed.

Paving to edge of gunnite not allowed. Paving by a homeowner on lake front lots where the private property extends to the water's edge requires prior written approval of the Architectural Committee. The edge of the concrete, flagstone, or wood beams must be a minimum of 6 inches from the gunnite.

Political Signs – see “Signs”

Ponds – see **Rule 1, Section 7. “Landscaping Rules”**

Pools - see Swimming Pools

Protection of Neighbors. The interests of neighboring properties must be protected by making reasonable provisions for matters such as access, surface water drainage, sound and sight buffers, and preservation of views, light and air, and other aspects of design, which can have a substantial effect on neighboring properties.

Real Estate Signs – see “Signs”

Relationship of Structures and Site. Treatment of the site must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction.

Roof Equipment. No devices of any type, including, but not limited to, antennae, evaporative coolers, air conditioner units, ornamental owls, or wind gauges shall be placed on any roof, except solar panels which are allowed by Federal Rules.

Satellite Dishes: see “Antennae”

Security Doors; Screen Doors; Storm Doors: Color. The installation of Security doors, screen doors and storm doors requires prior written approval from the Architectural Committee. The color of the metal frame for a Security door, a screen door or a storm door should closely match the body color of the house. However, Navajo White or equal or a Tan color for the metal parts of these doors may also be approved. White is also allowed if the windows are white.

Shutters. The installation of Decorative Exterior Louvered Shutters (DELS) will be allowed on the back of houses only. Prior written approval from the Architectural Committee is required. Style is limited to a single panel louvered design (continuous louvers from top to bottom) with either a straight or eyebrow detail for the top frame of the panel. No solid or raised "Georgian" style panels can be used. Panel color shall match respectively the pop out color identified in the Ventana Lakes Exterior Color Schemes books available in the Management Office. The panel shall be no less than 9 inches and no greater than 18 inches in width. The length of the panel should be such that it does not exceed the height and depth of the framed inset of the window. The DELS cannot extend

to within four inches of the house corner. No DELS can be installed on windows in the front of houses with vertical pop outs.

Sidewalks. Installation of a sidewalk from the front entrance to the street or from the driveway to the gate must have prior written approval from the Architectural Committee.

SIGNS

- 1. House signs** which are visible from the neighboring property, shall not be erected or maintained on any lot except for the following: (a) signs required by legal proceedings; (b) no more than two (2) identification signs for individual residences, each with a face area of one hundred twenty (120) square inches or less; or (3) alarm/security system signs.
- 2. Realtor signs** shall not be posted in common areas, as they are allowed only on personal property, one such sign is allowed. Once a home is sold, the Realtor's "Sold" sign must be taken down within five (5) business days after close of escrow. "For Sale" or "For Rent" signs shall adhere to the City of Peoria City Code Enforcement Regulations. No more than two "Open House" signs on VLPOA Common ground. These signs must be removed at the end of each day.
- 3. Political signs:** Only one official sign no larger than 24" by 24" may be placed in the front yard of the lot. The sign may be posted 45 calendar days before the election and must be removed within seven calendar days after an election. Political signs are allowed only on personal property.
- 4. All other signs** must have prior written approval from the Architectural Committee.
(CC&Rs Article IV, SectionC,13.)

Solar panels for electricity production or water heating. Solar panels come under Federal Rules but the Architectural Committee should be informed of their placement by submitting a Change Request form with pre- and post- photos/drawings. Make sure that the applicable government permits are obtained. Any tubing from roof to ground is to be painted to match the body color of the house.

Storage Sheds. All storage sheds require prior written approval from the Architectural Committee. Storage sheds are allowed, but when installed can be no higher than the privacy wall. On lake lots, storage sheds are prohibited in the back yard, but may be placed in the side yard if hidden from view.

Structure height for front yards. The height, the width, or length of any structure may not exceed four feet in the front yard.

Sun Screens. A book with screening swatches showing various approved colors is available in the Ventana Lakes Management Office. All sun screens are restricted to these approved colors. Frames for sun screens are to match the frame color of the outside window. Property owners are required to submit a Change Request Form to the Architectural Committee through the Management Office, listing the color selected for the sun screens. No sheets, papers or foil may be used as a sun screen in house or garage windows. NOTE: Window Film is allowed. One Company, Suntek Window Films claim to block the sun's heat 78% and the ray's 99% and does not block the view.

Swimming Pools, Spas and Hot Tubs. Prior written approval from the Architectural Committee is required to install a pool, spa, or hot tub. Property owners who want to

install an in-ground or above ground pool must submit a check (refundable) for \$500 made out to Ventana Lakes Management to insure that waste water from the contractor will be contained and removed from the site, and that any damage to common landscape areas and common perimeter walls is repaired. (The \$500 deposit is not required for spas/hot tubs.) A pool must be no closer than 5 feet from the privacy wall. All back wash water and pool water must be retained on the owner's property.

Trash Containers. In accordance with the CC&Rs, no garbage or trash shall be placed or kept on any lot except in covered containers of a type, size and style which are approved by the Architectural Committee or issued by the City of Peoria. In no event shall containers be maintained so as to be visible from Neighboring Property or street except on collection day and then only for the shortest time reasonably necessary to effect such collection. Trash containers stored on lake front lots must be screened from view from the lake, whenever possible, in a complete or obscuring manner that blends in with the architectural and landscaping scheme of the home.

Tree Planting – New Trees. All trees must be planted at least six feet from the privacy wall and or property line. Prior written approval is required from the Architectural Committee to plant trees. See recommended list of trees at the end of this document. Variance from this policy can be allowed on Common Areas.

Tree Removal. When removing a tree, the tree stump must be removed or at least cut 2 inches below the ground level and then covered with landscape material.

Workmanship. The quality of workmanship evidenced in construction must be equal to or better than that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and even create safety hazards. The AC assumes no responsibility for the safety or liability of new construction by virtue of design or workmanship.

NOTE: When an architectural request for additions, alterations or improvements has been approved, the project must be completed within three (3) months (90 calendar days) from the date of approval. The exception to this is the installation of a pool which has a six (6) month (180 calendar days) completion time frame.

Adopted 2-17-2010.

7. Landscaping Rules

- A. The Association believes that landscape aesthetic integrity, compatibility and owner's pride can be satisfied by informing property owners of landscape rules. All front yard landscaping requires prior written approval from the Architectural Committee. Property owners, when landscaping their backyards, must request approval when doing any of the following:
1. Installing a pool, spa, hot tub: use separate Change Request Form.
 2. Installing a pond, fountain or other water-related equipment: note that water features must have water that re-circulates or the feature is to be left dry; stagnant water is a breeding site for mosquitoes.
 3. Planting trees: trees must be planted at least 6 feet from the privacy wall and/or property line.
 4. Irrigation: should not be made that will allow irrigation water to seep into the privacy wall, which will eventually damage the wall

B. Minimum Requirements: All landscaping shall be maintained in a neat and attractive condition. The minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash. All grounds visible from the street not covered by structures, walkways or paved parking shall be landscaped, and 100% of this area shall be devoted solely to trees, shrubs and groundcover. The Association reserves the right to require a mandatory landscape design for additional landscape items, including low walls, planters, landscape lighting and similar items for each lot. All such facilities, if requested, shall be installed and maintained in good, clean and attractive condition. (CC&Rs Article IV, Section C.)

1. No fence, wall or solid hedge shall be constructed or placed on or between the front or street side setback lines without the prior approval of the AC.
2. The recommended turf to groundcover ratio is 30% maximum turf and 70% groundcover over 2" minimum depth of decomposed granite. Half-inch to three-quarter granite is recommended for longer life. Granite must be a desert color.
3. Shrubs are to be used as foundation plants.
4. It is imperative that all grading be done to prevent nuisance water from collecting on the sidewalk and running down the street. Swales are recommended for installation behind the sidewalk. All grading changes on the lot must have prior written approval from the AC.
5. Landscaping decor such as statues and lawn ornaments is limited to three items, and should measure no more than four (4) feet in any direction. Variance for either restriction may be requested through the Architectural Committee.

Adopted 2-17-2010.

8. Common Area Landscaping and Fences

- A. 2008 opinion by legal counsel has determined that the Board has authority to control maintenance and landscaping of all common areas. This is done in partnership with the Architectural Committee. and the Gardens Advisory Committee.
- B. Homeowners may submit a request to the Management Office to request planting a replacement tree or shrub on common ground at their own expense, generally in memory of a resident who has passed away. This community gift will be recognized by the Board in the newsletter.
- C. When a fence separates a homeowner's property from common area, payment for maintenance shall be handled pursuant to the CC&Rs, Article IV, Section C.16(e).
- D. If the homeowner chooses to paint their fence outside of the maintenance cycle, the homeowner will not be reimbursed for this.

Paragraph B per the Board June 20, 2009. Adopted 2-17-2010.

(continued next page)

9. Recommended Trees and Shrubs

The following is a list of trees and plants/shrubs **RECOMMENDED** by the Landscape Committee in 2007:

Trees for Arid Areas:	
Blackbush Acacia	Desert Museum Palo Verde
Leather-leaf Acacia	Foothill Palo Verde
Shoestring Acacia	Palo Brea
Willow Acacia	Desert Willow
Sweet Acacia	Ironwood
Palo Blanco	Texas Ebony
White Thorn Acacia	Mexican Ebony
Acacia Berlandieri	Mastic Tree
Blue Palo Verde	Cascalote
Hybrid Palo Verde	Mexican Buckeye

Grass Area Trees	Large Shrubs	Medium & Small Shrubs	Ground Covers
Arizona Ash Modesto Ash Chinese Elm Pistache Jacaranda	Fairy Duster Cassia Desert Hackberry Creosol Bush Texas Sage Oleander Shrubby Senna Jojoba Yellowbells AZ Rosewood Bougainvillea Mexican Bird of Paradise Red Bird of Paradise	Japanese Boxwood Natal Plum Damianita Indigo Bush Brittlebush Pineapple Guava Gaura Sage Rosemary Texas Ebony	Desert Carpet Acadia Lantana Blackfoot Daisy Myoporum Bush Morning Glory Desert Senna Purple Heart Yellow Dot Ground Morning Glory Rain Lilly Desert Zinnia

If any statements in this rule are in conflict with the Association's legal governing documents, the terms of the legal documents will take precedence.

Adopted 2-17-2010.

10. The Gardens

- A. Skylights and “solar tubes” may be installed in the Gardens only with approval of the Architectural Committee. Before installation, the homeowner shall agree that any maintenance and any roof repair related to a skylight or solar tube is their responsibility, and that if it is not maintained the Association has the right to address this as necessary and charge the homeowner. The agreement is applicable to the property and shall bind all subsequent purchasers, heirs, successors, and assigns of the Lot.

- B. **Outdoor Carpet.** The colors of Monotone Blue, Brown or Green are the established colors for outdoor carpet **in the Gardens only**, and must have prior written approval from the Architectural Committee.
- C. Additional landscaping requirements for private property in The Gardens are addressed in Ventana Lakes Rules for Property Owners Rule 2.

Adopted 2-17-2010.

11. Variances

- A. Article IV, Section G, Variances, in the CC&Rs stipulates that the Board may, at its option and in extenuating circumstances, grant variances from the restrictions set forth in the Declaration or in any Tract Declaration if the Board determines in its sole discretion (a) either (i) that a restriction would create an unreasonable hardship or burden on the Owner or Lessee or (ii) that a change of circumstances since the recordation of the Declaration has rendered such restriction obsolete and (b) that the activity permitted under the variance will not have any substantial adverse effect on the Owners, Lessees and Residents of Ventana Lakes and is consistent with the high quality of life intended for the residents of Ventana Lakes.
- B. The Architectural Committee itself may grant variances to the AC rules if it determines that a variance will create no harm to the community or in cases where City, State or Federal law supersedes our Architectural Rules.

Adopted 2-17-2010.

12. Revisions to the Architectural Rules; Committee Rules

The Architectural Committee may make revisions and additions to these rules during the year only with the approval of the Board of Directors in open meeting. Rules for the Architectural Committee are contained in *Ventana Lakes Rules for the Architectural Committee*.

Adopted 2-17-2010.

13. Architectural Rules Violations: Notice of Alleged Violation (Complaint)

- A. The Architectural Committee oversees compliance with the Architectural Rules and Article IV Section C of the CC&Rs.
- B. A violation letter from the Architectural Committee may not impose a fine, but may state that noncompliance will result in referrals to the Board of Directors, and the Board of Directors may impose a fine. The Architectural Committee may work with the homeowner to explain how a violation can be corrected and the home brought into compliance.
- C. The homeowner may provide a written response by certified mail within ten (10) business days after the date of the letter from the Architectural Committee.
- D. If the homeowner's response questions the validity of the alleged violation, the Architectural Committee shall respond within ten business days after receipt of the certified mail, to the address provided in the certified mail, with a written explanation regarding the notice that shall provide at least the following information unless previously provided in the notice of violation:
 1. The provision of the community documents that has allegedly been violated.
 2. The date of the violation or the date the violation was observed.
 3. The first and last name of the person or persons who observed the violation.
 4. The process the homeowner must follow to appeal the notice of violation.
- E. The homeowner may provide a written appeal within ten (10) business days after the date of the notice. The Committee shall have ten (10) business days in which to respond to the appeal after the receipt of the appeal. The decision of the Architectural Committee is final.

- E. If the homeowner believes the Committee’s decision under paragraph E above was not based on a violation of the Architectural Rules, the homeowner may document this in a letter to the Board and request a meeting with them and the Architectural committee. (The Board shall have the option to deny the request for the meeting.) The decision of the Board is final.
- F. If the homeowner comes into compliance, or if the Architectural Committee determines that the violation does not create harm to the community and grants a variance with or without stipulations, the matter is closed. If the Architectural Committee determines that the violation is a threat to the community, it shall refer the matter to the Community Manager for implementation of the rule below.

Adopted 2-17-2010.

14. Architectural Rules Violations: Second Notice of Alleged Violation (Complaint)

- A. The Community Manager shall send the second letter to the alleged violator homeowner by certified mail. The second letter shall include a copy of the Architectural Committee’s violation notice and state that if there is no response within 10 business days of the date of the letter, the matter will be referred to the Board of Directors, who will make the decision whether court action and a fine will be imposed.
- B. The Community Manager, at the end of the 10 business days, will make an attempt to telephone the homeowner or otherwise contact them. If there is no compliance, this will be documented and the matter returned to the Architectural Committee for further action.

Adopted 2-17-2010.

15. Architectural Rules Violations: Assignment of Case Number and AC Referral Status List

- A. When the Community Manager gives the Architectural Committee documentation that the homeowner has not responded or has refused to remedy the violation, the Architectural Committee will assign a case number to the matter (*e.g.* 2008-01) and add it to a AC Referral Status List that will be available in the Community Community Manager’s office for reference by the Board and members of the Architectural Committee. The AC Referral Status List will have headings as follows:

CASE NO.	DATE REFERRED	FIRST BOARD REVIEW	EXPECTED DECISION DATE	FINAL DATE AND OUTCOME
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Adopted 2-17-2010.

16. Architectural Rules Violations and Appeals: Board Review Packet

- A. The following procedure shall be used when the Committee submits a request to the Board for the review of an architectural rules violation for a possible monetary fine for non-compliance. The Architectural Committee shall also use this procedure when a homeowner has requested a hearing by the Committee and wishes to appeal the decision to the Board. The packet for the Board shall include the case number and the date referred (if applicable), and include copies of all letters sent to the homeowner by the Committee and the Community Manager. These should include the requirements of ARS § 33-1803.D which should be included in the notice of the alleged violation that was sent to the homeowner.
- B. ARS § 33-1803.D lays the foundation for an HOA to impose monetary fines. It documents that a homeowner was provided due process.
- C. Additional documents to be provided to the Board shall include:
 - 1. Copies of the homeowner’s letters of response.

2. Documentation of any electronic or in person contact by an AC member or Community Manager with the homeowner listing the dates and a brief synopsis of what transpired.
 3. Photographs, drawings or diagrams of the alleged violation.
 4. Copies of any VLPOA incident reports, policy reports or written documents from neighbors regarding the alleged violation.
- D. The intent of a fine process is not monetary but an attempt to bring the homeowner into compliance.
- E. Failing to obtain prior approval from the AC is not a fineable violation if there was no other violation of the rules.
- F. If after appeal to the Architectural Committee the homeowner believes the Committee's decision was not based on a violation of the Architectural Rules, the homeowner may document this in a letter to the Board and request a meeting with them and the Architectural Committee. (the Board shall have the option to deny the request for the meeting). The decision of the Board is final.
- G. The submission of the Board Review Packet will ensure all the proper procedures were followed and that the necessary documents were completed. A complete packet will afford the Board the opportunity to make a fair and sound decision regarding any alleged violation or to impose justified monetary fines.
- H. The Board will update the AC Referral Status List as it works through the process to keep everyone aware of the status of the matter without the person's name being made public.

Adopted 2-17-2010.

(End Rules for Homeowners Rule 1.)

VENTANA LAKES RULES FOR HOMEOWNERS RULE 3: COMMON AREAS AND FACILITIES

Rule 3. Common Areas and Facilities

Formerly in documents named below and in "Community Information"

1. Identification Badges

- A. The purpose of this rule is to be able to identify whether a person is a resident of Ventana Lakes while using Association common areas (which includes all recreational facilities and the Management Office). It is REQUIRED for the following:
1. The I.D. badge (or Guest Pass) **must** be in possession to enter any swimming pool area, and **must** be visibly displayed with your belongings at all times while using a swimming pool.
 2. To play Bingo.
 3. Voting in the annual Ventana Lakes Board Election.
- B. All residents and their guests should wear their Ventana Lakes POA Badge or have the badge in their possession at all times while on Ventana Lakes common areas and when inside any of the facilities. A homeowner's ID badge is non transferable.
- C. Identification Badges are not required at activities for which tickets have been purchased from the Management Office.
- D. In the event a person is not known to a homeowner and does not have an identifiable homeowner with them, and does not have a VLPOA badge evident, but is using VLPOA common areas, lakes, or facilities, any homeowner may request that the person produce evidence of residency in Ventana Lakes, and/or may call the Police Department to report trespassing.

Formerly #2006-12 of September 9, 2006 with an effective date of December 1, 2006. Amended by the Board November 18, 2009 (A 1 through 3). Adopted January 20, 2010.

2. Prohibition Against Modifying Common Areas

No owner, resident, guest, invitee *et. al.* may take it upon themselves to perform maintenance or repair to any VLPOA common grounds or common ground elements without prior written express direction from the VLPOA Board of Directors, Landscape Committee, or Community Manager. Any owner, resident, guest, invitee, *et al* violating this ~~resolution~~ rule and thusly creating a determinant to the common ground or common ground elements will be charged back any expense incurred by the Association to repair or replace the common ground or common ground elements. Any and all expense incurred, including legal costs, will be collected in the same manner as Assessments.

Previously 2003-03 of September 17, 2003, effective October 1, 2003; reviewed and updated June, 2006. Adopted January 20, 2010.

3. Guests and Guest Passes

- A. A "Day Guest" is an infrequent visitor who remains 24 hours or less. A Day Guest does not have to wear a Guest Pass but must be accompanied by a homeowner in all common areas and facilities.
- B. A "Guest" is a the house guest of a resident of Ventana Lakes. Such visitors may be friends, relatives or family members, not actually members of the household, including adults as well as minors. Minors, for these purposes, are defined as individuals who have not yet attained their eighteenth (18th) birthday. "Guests," regardless of age, shall be accompanied by an adult resident of a Ventana Lakes household while on Association property, unless a GUEST PASS has been issued to them.
- C. A "Guest Pass" may be issued for a person over 18 years of age residing in the household

of a Ventana Lakes resident, for a period of one (1) to thirty (30) calendar days. The host resident shall make application to the Management Office for issuance of Guest Pass. Once issued, guests are entitled to all recreational and other privileges afforded the homeowner, and guests may enjoy those facilities unescorted. Children under the age of 18 SHALL be escorted by an adult resident or authorized guest at all times. Certain facilities, not available to persons under 18 years of age, are posted accordingly.

- D. Since guests may not be familiar to other residents, the Guest Pass shall be carried and conspicuously displayed on their person at all times. Guest Pass will be issued for a maximum of 30 calendar days. Cost is addressed in the rule "Fees and Charges."
- E. Host Association members are responsible for the conduct of all their guests while in residence. All guests are required to obey governing documents of Ventana Lakes. Failure to obey rules or disorderly conduct can result in loss of facility privileges. If rules continue to be disobeyed, resident privileges may be suspended or revoked and fines may be levied.
- F. This rule applies equally to any type of visit by nonresidents. Residents are cautioned that their resident privileges do not extend on a continued basis to their relatives.

The Board changed the fee and process for the Guest Pass in 2007. Adopted January 20, 2010.

4. Participation In Activities By Non-Homeowners

- A. Ventana Lakes homeowners may sign up to participate in activities. Only current Ventana Lakes homeowners (members of the VLPOA) shall have first consideration in any activity held in a Ventana Lakes facility, if only a limited number of persons may be allowed or able to participate in that activity. This policy applies to any activity where only a limited number of persons may reasonably be allowed or able to participate.
- B. Activities that will occur in Ventana Lakes facilities shall be posted in the monthly newsletter. This notice shall provide the name and phone number of the responsible coordinator for that activity, and the required date for sign-up for the activity. It is the responsibility of the homeowner to call the listed coordinator to sign up for the activity by the date listed. Homeowners are also responsible for ensuring the activity coordinator has a call-back number in case it is needed.
- C. If any homeowner does respond and attempt to sign up for an event and subsequently believes that they were unable to participate because nonresidents were given priority, the homeowner may file a written complaint with the Board pursuant to the rule "Compliance, Conduct and Due Process."
- D. It is the responsibility of the Community Manager (or designated staff) to provide VLPOA homeowners the opportunity to participate in VLPOA sanctioned activities. At no time shall any activity coordinator knowingly allow a nonresident to participate in a VLPOA sanctioned activity if it means that a VLPOA homeowner will be unable to participate.

Formerly Policy 2009-03 adopted by the Board May 20, 2009. Re-adopted January 20, 2010.

5. Animals (Pets)

- A. Cats and dogs must remain on leashes at all times while on Association property. All owners must clean up after their pets. If a resident is caught not cleaning up after his or her pet, a fine may be levied.
- B. No pets are allowed in any Association building, tennis, bocce ball, pickle ball, or handball court areas, or in the pool, spa and cabana areas, with the exception of service animals.

Adopted January 20, 2010.

6. Feeding Wildlife Prohibited:

Homeowners or guests shall not feed or provide water for any wildlife at any time on their

property or common ground property, except for hummingbird feeders which are allowed.
Adopted January 20, 2010.

7. Vehicles in Common Areas

- A. No motor vehicles are allowed to park overnight in any Ventana Lakes parking lot, except while on a sponsored Ventana Lakes trip, or with a permit.
- B. Parking of RVs and other towable trailers at the Yacht Club requires a parking permit obtainable from the Management Office. Maximum length of stay is seven calendar days. Additional time may be granted on an individual basis. Those who arrive to park after the Management Office is closed should place an 8 x 11 size notice in the RV or trailer window, indicating name of driver and where the driver is staying, and stating a permit will be obtained when the Management Office is again open.
- C. No motor vehicle classed by manufacturer rating as exceeding one ton, a mobile home, travel trailer, camper shell, boat, or other similar equipment or vehicle may be parked, maintained, or repaired on any lot, driveway, street, or common area in Ventana Lakes so as to be visible from neighboring property. No resident or guest shall live in or sleep in any such vehicle as classed above while visiting at Ventana Lakes. All motorized vehicles, including ATVs, motorcycles, go-carts and similar vehicles are prohibited, with the exception of any approved VLPOA vehicle, from entering onto any common areas including paths and walkways.

Adopted January 20, 2010.

8. Facilities Scheduling; Weapons Prohibited

- A. Regularly scheduled use of any Ventana Lakes' facilities is intended primarily for the use of Ventana Lakes residents and their guests (CC&Rs Article III, Sec.2). All residents, clubs, or other groups who wish to schedule activities should submit written requests at least 30 calendar days in advance. All regularly scheduled activities require prior written approval from the Activities Coordinator.
- B. No weapons of any kind are allowed in any of the recreational facilities. This includes guns, knives, mace, pepper spray, or any other instrument created for the purpose of bodily harm.
- D. None of the Facilities at Ventana Lakes may be rented by residents or non-residents.

Subsection D: Formerly Policy #2006-05 "Facilities Rental" dated June, 2006. Re-adopted January 20, 2010.

9. No Smoking Areas

- A. No smoking is allowed in any indoor facilities, including restrooms.
- B. No smoking is allowed in the water in any pool or spa and four feet extending outward from the edge of the pool or spa.
- C. Arizona law prohibits smoking within 20 feet from any entry door.

Adopted January 20, 2010.

10. Memorial Services in the Yacht Club

The Yacht Club may be reserved for a Memorial Service for any Ventana Lakes resident free of charge.

Adopted January 20, 2010.

11. Recreation Center

- A. Children are not allowed in the Recreation Center because of unobstructed access to the swimming pool. For the purposes of this Rule, children are considered to be those under 18 years of age.
- B. The Recreation Center may be reserved for events, but this does not prohibit any person from entering and using the Recreation Center during that event.

- C. The Recreation Center doors must remain locked at all times and shall not be propped open.
- D. Recreation Center Pool users are allowed to use the bathrooms inside the Recreation Center to change and shower and are to use the tiled hallway when walking to and from the Pool Area. However, no person is allowed to enter into the main meeting room of the Recreation Center who is not properly dressed or wearing a swimming suit.

Paragraph A was formerly 2003-01 (Children in Recreation Center) dated July 2003. Paragraph B has always been the case. An amendment in 2007 changed the age from 14 to 18. Adopted January 20, 2010.

12. Recreation Center Exercise Room

- A. Exercise equipment is available on a first come basis. Equipment is used at user's risk.
- B. For safety, enclosed shoes must be worn when using a treadmill, an exercise bike or other aerobic equipment.
- C. No open beverage containers are to be held while using any equipment
- D. No one under the age of 18 is to use the equipment in the Exercise Room.
- E. Equipment shall not be moved without prior authorization from the Management Office.
- F. Report any equipment malfunctions or damage immediately to the Management Office, even after hours, weekends and holidays.

Adopted January 20, 2010.

13. Recreation Center Kitchen (Galley), Sauna, Steam Room; Lockers and Showers

- A. Persons using these facilities are responsible for keeping them clean and orderly.
- B. No children under 18 shall be admitted to any of these areas.
- C. Lockers are intended for day use only (not overnight). They are not permanently assigned and must be vacated upon departing the facility for the day. Locks left on lockers overnight may be cut off.

Adopted January 20, 2010.

14. Recreation Center Library.

- A. The library is maintained by volunteers. The honor system prevails, and donations of appropriate items are solicited and appreciated.
- B. No children under 18 are allowed.

Adopted January 20, 2010.

15. Activity Rooms

- A. Residents and guests are required to tidy up after use and to return furnishings and equipment to their original locations (e.g.; pool cues, chalk, bridges, rack, table covers, etc.), turn off lights, and lock the doors.
- B. Children under eighteen (18) years of age are not allowed access to the Billiards room (in the Yacht Club) and Game Room (Card Room) at any time without an adult being present.

Adopted January 20, 2010.

16. Bulletin Boards

- A. The community bulletin boards are for the posting of Ventana Lakes' information only. No commercial flyers of any kind are allowed, such as business advertisements, advertising for local events, etc.
- B. A 3x5 card is allowed on the Recreation Center board for residents to advertise items for sale, but this card must be date-stamped at the Management Office and can only be posted for 30 calendar days.

Adopted January 20, 2010.

17. Arts And Crafts

- A. These activities are held in the Craft Center. Various arts and crafts, including ceramics, T-shirt decorating, painting and other activities, are conducted for the benefit and enjoyment of residents. Schedules, types of activities and other information may be obtained from the Management Office.
- B. Children under 18 years of age shall not be allowed access to the Arts and Crafts rooms at any time.

Adopted January 20, 2010.

18. Picnic And Cookout Areas

Tables, umbrellas, and benches are available at the Recreation Center, Yacht Club, North Park and the Coves. These amenities are available for residents and guests seven days a week.

Adopted January 20, 2010.

19. Tennis Courts and Pickle Ball Courts

- A. The tennis courts and pickle ball courts are for the use of residents and guests.
- B. Equipment for playing tennis and pickleball shall be supplied by the players. Residents shall provide their own keys. Guests shall use their resident host's key.
- C. Rules for playing pickle ball may be obtained by calling the Management Office for the name of the person to contact.
- D. Open play without court reservations (first come, first served basis) shall prevail.
- E. When others are waiting, please limit play to 60 minutes per group.
- F. No one under the age of 18 is allowed on the tennis courts or pickle ball courts unless accompanied by an adult.
- G. Appropriate soft-soled shoes, sneakers or other appropriate footwear shall be worn on the courts. Hard-soled shoes, shoes with cleats or raised heels, which leave marks or damage playing surfaces, are prohibited.
- H. Bicycles, tricycles, roller skates, roller blades, shoes with wheels, or other such wheeled vehicles or toys or devices are prohibited.
- I. No glass bottles or containers are permitted on the playing surface.

Adopted January 20, 2010.

20. Handball Court

- A. The building used by some residents for racquet ball was originally a hand ball court. The area has never been approved for use as a racquet ball court. However, some residents and guests use the area at their own risk as a racquet ball court.
- B. Open play without court reservations (first come, first served basis) shall prevail.
- C. When others are waiting, please limit play to 60 minutes per group.
- D. Residents shall provide their own key. Guests shall use their resident host's key.
- E. No one under the age of 18 is allowed on the Handball Court unless accompanied by an adult.

Adopted January 20, 2010.

21. Police Access to Recreation Center

Any on-duty Peoria Police Officer employed with the City of Peoria may access the Recreation Center during their tour of duty, to take a relief break and/or write reports.

Access shall be available 24 hours, seven days per week.

Formerly R2008-02-01 adopted by the Board February 9, 2008. Re-adopted January 20, 2010.

22. Lakes, Boats, Docks and Fishing

- A. All lakes in Ventana Lakes are classified as private lakes and are available for use only by Ventana Lakes' residents and authorized guests. See the CC&R's for requirements regarding lakes, boats, docks and fishing.
- B. Fishing privileges are extended and restricted to residents and guests only. A catch and release policy is in effect. Tackle is restricted to single barbless hook varieties. No unattended fishing lines are permitted at any time. All residents and guests are to wear their respective VLPOA ID Badges and/or Guest badges while fishing. Any person under the age of 18 must be accompanied by an adult with a Ventana Lakes ID badge
Formerly 2004-11, Barbless Fish Hooks. Adopted January 20, 2010.

23. Swimming Pools: Health and Safety Violations

- A. When an individual is identified as violating a pool rule which endangers the health or safety of any person, a report shall be submitted to the Board for enforcement action.
- B. Failure to comply with these Rules may result in a Property Owner or Resident being denied pool privileges for up to 60 business days, and/or a fine of up to \$150.00. All Residents share in the responsibility to enforce these Swimming Pool and Spa Rules.

By motion of the Board September 13, 2008. Paragraph B approved and adopted by the Board of Directors July 27, 2004 (no number provided.) Re-adopted January 20, 2010.

24. Who May or May Not Use Swimming Pools and Spas

- A. The pool facilities are to be used ONLY by Ventana Lakes residents and their guests. Pool users are required to have a VLPOA ID Badge or Guest Pass in their possession when in the Pool Area, The I.D. badge (or Guest Pass) must be in possession to enter any swimming pool area, and must be visibly displayed with your belongings at all times while using a swimming pool.
- B. No child age 4 and under, or any person wearing diapers, is permitted in any pool area. The pool area includes anything inside the fence area. Children age 17 and under are not permitted in the Recreation Center including the pool and spa at any time.
- C. Children age 15 and under are not allowed in any spa. The pool area includes anything inside the fence area.
- D. One pool is designated as the Children's Pool for all persons age 4 thru 17 in accordance with this Section. Persons age 4 thru 17 are only to use the Children's Pool at the hours of 10:00 a.m. to 7:00 p.m. A responsible adult age 18 or older must always accompany and supervise children at all times when children are in the Pool Area.
- E. Persons with bandages, cut-off jeans, or makeshift swimsuits are not permitted in the pool or spa - Only proper swimming attire and a clean t-shirt can be worn in the pool or spa.
- F. Persons with incontinence, sore or inflamed eyes, colds, nasal or ear discharge, boils, other acute or obvious skin or body infections, or cuts and lacerations are not to enter the pool or spa.

Portions of the above were Formerly #2006-08 of June 2006, amended by 2007-02 to change the age from 16 to 15 prohibited from the spa. It also defined what is meant by "pool area." Amendment to Subsection A made by the Board November 19, 2009. Adopted January 20, 2010.

25. Swimming Pools Designated for Children; Rotation and Heating of Pools

- A. Each year on a rotating basis there is a designated pool for those age 4 through 17. The pools at North Park, the Coves and the Yacht Club will be rotated each year for children and teen use when the heat is turned on, which is usually October 1. The Community Manager may determine when the pools will be heated. The pool designated for the year will be identified at the entrance to the pool.

- B. The Community Manager shall maintain the pools when heated at 85-88 degrees.
- C. Only two pools are to be heated during the winter season. One shall be the designated children's pool. The Recreation Center pool is always heated and is always for adult use only.

Portions of the above are by motion of the Board on September 13, 2009. Adopted January 20, 2010.

26. Swimming Pool Use and Maricopa County Health Code Requirements

- A. Ventana Lakes pools and spas and their users must comply with the Maricopa County Health Code for Semi-Public Swimming Pools and Spas. These rules are written to meet those requirements as well as VLPOA requirements.
- B. The POOL AREA is defined as the total area inside the fence that surrounds the swimming pools and spas.
- C. An area extending 4 feet outward from the water's edge surrounding the pool or spa is to be kept clear of obstructions – If sitting in this area, move furniture back 4 feet from the waters edge before leaving Pool Area.
- D. There is no lifeguard on duty - Use facility at own risk.
- E. Use restroom and shower before entering pool or spa.
- F. No water balloons, or toys or balls smaller than a tennis ball, are allowed in the pool or spa areas.
- G. Running, jumping, scuffling, riding shoulders, diving, cannonballs, or horseplay is not allowed in any pool area.
- . Abusive or profane language, intoxication, or illegal drug use is not tolerated.
- H. Glass is not allowed in the Pool Area - Use plastic or paper only.
- I. Pets are not allowed in the Pool Area except for Service Animals.
- J. Pool Area gates are to be closed and locked - Do not prop any gate open or disable the latch.
- K. No person is to be in the pool or spa during electrical storms or inclement weather.
- L. No drinks (except plain water in a water bottle), candy, tobacco, popcorn, gum, alcohol, or food of any kind is permitted in the pool or spa or within an area extending 4 feet outward from the water's edge surrounding the pool or spa.
- M. All trash is to be placed into trashcans.
- O. Lower fabric umbrellas before leaving the Pool Area to help prevent wind damage.
- N. Only oil-free suntan lotions or sun blocks are permitted in pool or spa – oil-based products are prohibited in the pool or spa.
- O. Bicycles, scooters, skateboards, and other forms of transportation equipment are not allowed in the Pool Area except for wheelchairs or other similar devices for the handicapped.
- P. No smoking is allowed in the water in any pool or spa and four feet extending outward from the edge of the pool or spa, or in any indoor facilities, including restrooms.

Adopted January 20, 2010.

27. Recreation Center Pool

Recreation Center Pool users are allowed to use the bathrooms inside the Recreation Center to change and shower and are to use the tiled hallway when walking to and from the Pool Area. However, no person is allowed to enter into the main meeting room of the Recreation Center who is not properly dressed or wearing a swimming suit.

Adopted January 20, 2010.

(End Rules for Homeowners, Rule 3.)

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As of: February 17, 2010

All Rules are available from the Management Office or at www.vlpoa.org

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Rule 7. Compliance, Conduct, Due Process*	1-20-2010
* Rule 7.9: "Any homeowner may request that an item be placed on the agenda of a regular Board meeting by submitting a form available on the VLPOA website or from the Management Office to the President of the Board of Directors. The request must be for an action by the Board, and provide the homeowner's reasoning for the proposed action. The resident's name and contact information must be provided with the request."	

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