

**CIVANO 1 NEIGHBORHOOD 1 ASSOCIATION, INC.**

**RESOLUTION 10-04**

**DESIGN REVIEW COMMITTEE**

[revised 11/17/2015]

**WHEREAS**, in accordance with Section 4.7 of the *Amended and Restated Declaration of Covenants, Conditions and Restrictions for Civano 1: Neighborhood 1* (the "Declaration"), the Design Review Committee<sup>1</sup> of Civano 1: Neighborhood 1 Association, Inc. is responsible for review and approval of all alterations to the exterior appearance of any Lot or Parcel and of all buildings and other improvements constructed or changed on any Lot or Parcel in Civano 1; and

**WHEREAS**, the *Addendum* to the Declaration, recorded on November 16, 2012, in Sequence #20123210882, office of the Pima County Recorder, gives notice of the delegation from the Civano Community Association (the "Master Association") to Civano 1: Neighborhood 1 Association, Inc. (the "Association") of all of the powers of the Master Association's Design Review Committee under Section 4.1 of the Declaration and

**WHEREAS**, in accordance with Section 4.3 of the Declaration, the Civano 1 Design Review Committee ("DRC") has all of the powers, authority and duties conferred upon it by the Governing Documents, and by action of the Association's Board of Directors (the "Board"); and

**WHEREAS**, the Board wishes to revise this Resolution 10-04 to give the DRC and the Members an updated summary of the DRC's authority, responsibilities and procedures.

**NOW THEREFORE, BE IT RESOLVED THAT** the following restrictions, rules, procedures and guidelines pertain to the operations of the DRC:

1. **Intent:** The purpose of the DRC in administering the Civano 1 Design Guidelines is not to create uniformity but to create a harmonious architectural approach compatible with the principles in the Design Guidelines. The DRC will encourage creativity in design, innovative use of materials, and unique

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<sup>1</sup> The Declaration refers to the "Review Committee" in Article 4 on Architectural and Landscaping Restrictions and Control. Because the Review Committee is commonly referred to as the "Design Review Committee" or "DRC" in the Association, the Review Committee shall be referred to as the Design Review Committee ("DRC") in this Resolution.

methods of construction so long as the final result is consistent with overall philosophy and requirements of the Association as set forth in the Civano 1 Design Guidelines.

2. Primary Responsibilities of the DRC:

(A) The Board of Directors of the Association hereby delegates to the DRC, the authority and responsibility to consider and act upon all proposals or plans submitted to the Association in accordance with Article 4 of the Declaration and that certain Addendum to the Declaration, recorded on November 16, 2012, in Sequence 20123210882, office of the Pima County Recorder. This delegation of authority includes but is not limited to the approval of initial development of any Lots in Civano 1.

(B) The DRC shall consider and act upon all submitted proposals, applications or plans in a timely manner;

(C) The DRC may amend, supplement or repeal any part or all of the Civano 1 Design Guidelines. All changes to the Design Guidelines by the DRC are subject to the written approval of the Board of Directors; and

(D) The DRC shall perform any other duties assigned to it by the Governing Documents or the Board of Directors.

3. Organization of the Design Review Committee: The DRC is to be organized in the following manner [per Section 4.4 of the Declaration]:

3.1. Committee Composition. The DRC shall consist of at least three regular members and one alternate member. The Board has the discretion to determine the number of regular members on the DRC.<sup>2</sup> All members of the DRC must be Members of the Association.

3.2. Alternate Members. In the event any regular member of the DRC is absent or unable to serve on the DRC for a period of time, the remaining regular members, even though less than a quorum, may designate an alternate member to act as a substitute for the regular member of the DRC so long as any one or more regular members remain absent. The alternate member has the same voting rights as the regular member for whom he or she is substituting.

3.3. Term of Office. Unless a member of the DRC has resigned or been removed, his/her term on the DRC shall be for a period of one year or until the appointment of his/her successor. Any new member appointed to replace a member who has resigned or has been removed shall serve for the remainder of that member's unexpired term.

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<sup>2</sup>A.R.S. §33-1817 requires the DRC to "include at least one member of the board of directors who shall serve as chairperson of the committee."



Members of the DRC who resigned, been removed or whose terms have expired may be reappointed.

3.4. Appointment and Removal. The right to appoint and remove, at any time, and without cause, all regular and alternate members of the DRC is vested solely in the Board of Directors upon the vote or written consent of a majority of the Board members.

3.5. Resignations. Any regular or alternate member of the DRC may at any time, resign from the DRC by giving written notice to the Board.

3.6. Vacancies. The Board shall fill any vacancies on the DRC. A vacancy on the DRC occurs upon the death, resignation or removal of any regular or alternate member.

4. Meetings, Actions, and Compensation of the DRC [per Section 4.5 of the Declaration].

4.1. Meetings. The DRC shall meet when necessary to perform its duties. All DRC meeting shall be open to any Association Member per A.R.S. §33-1804, unless a meeting is closed in accordance with this statute.

4.2. Voting. The vote or written consent of a majority of the regular members (including any alternate members serving pursuant to Section 3.2 above) shall constitute the act of the DRC.

4.3. Records. The DRC shall keep and maintain a written record of all actions which it takes.

4.4. Compensation. Although members of the DRC are not entitled to compensation for their services, consultants hired by the DRC, if authorized by the Board, may be entitled to compensation at the discretion of the Board.

5. Design Guidelines [per Section 4.6 of the Declaration]. The Design Guidelines shall interpret, implement and supplement the Declaration, and shall set forth procedures for the review of modifications to existing improvements on, and/or construction and installation of improvements on, any Covered Property, and the standards for development within the Covered Property. The Design Guidelines shall have the same force and effect as the Association Rules. See Section 4.6 of the Declaration for specific provisions to be included in the Design Guidelines.

6. Appeal of DRC Decision [per Section 4.12 of the Declaration]. Any Owner or Occupant aggrieved by a decision of the DRC may appeal the decision to the Board by submitting a notice of appeal to the Board within 30 days after the date the decision of the DRC is mailed to the Owner. The Board of Directors shall consider the appeal in a closed meeting and render a decision within 60 days of its receipt of the notice of appeal. The Board of Directors shall review the decision of the DRC and either approve it, reject it, or modify it. The decision of the Board is final and binding and shall

modify the decision of the DRC to the extent specified by the Board. The Board may include procedures for DRC appeals in the Design Guidelines.

DATED this 10 day of Dec., 2015.

CIVANO 1: NEIGHBORHOOD 1 ASSOCIATION,  
an Arizona non-profit corporation

By: Robert J. Small  
Its: President

ATTEST:

Juanne Delgado-Keller  
Secretary