

**HIGHLAND SHORES OWNER'S ASSOCIATION
NEW CONSTRUCTION COMMITTEE CHARTER**

Purpose

The purpose of this Charter is to specify and clarify the composition, duties, and responsibilities of the New Construction Committee. This Amended Charter shall become effective March 5, 2010.

I. Organization

- A. New Construction Committee members are appointed and/or removed by the Board of Directors, at their absolute discretion. Membership may include one or more registered design professional(s); remaining members shall be limited to homeowners in good standing.

- B. The New Construction Committee shall consist of at least three (3) and no more than five (5) regular members and up to two (2) alternate members. The alternate member(s) may only serve in the absence of a regular member for purposes of conducting official New Construction Committee business. A quorum, required for all official meetings of the New Construction Committee is defined as the presence of a majority of the number of regular members, or their alternates if the regular member is absent. In the absence of a regular member at any New Construction Committee meeting, an alternate, if present, shall assume all the duties and responsibilities of the absent regular member and may be counted towards a quorum. In the event that one regular member is absent and two alternates are present; alternate one will assume the absent regular member's duties and responsibilities immediately after calling the meeting to order.

- C. The New Construction Committee members will annually, at the first meeting of each calendar year, elect one of its members to serve as the Chairperson and a second member to serve as the Vice Chairperson. The Chairperson shall act as the facilitator of all meetings. In the event the Chairperson is not present, the Vice Chairperson will act as the facilitator. In the event both Chairman and Vice Chairman are absent, the Chairman may by written or e-mail proxy delegate another member to facilitate a meeting. The Committee Chairperson and Vice Chairperson are limited to a maximum of two (2) consecutive one-year terms. At the completion of the two (2) consecutive one-year terms, the New Construction Committee will elect different members to serve as the Chairperson and Vice Chairperson. While the Chairperson and Vice Chairperson may not serve more than two consecutive terms; each is eligible for re-election after a one year hiatus.

- D. The New Construction Committee meeting dates will be set and established by the New Construction Committee at the December meeting of each year for the following year's meetings. Meetings shall be held at the on-site management office on Friday mornings of the specific dates assigned by the Committee at 8:30 a.m., unless an alternate time is specifically agreed in advance by the New Construction Committee.
- E. The Board of Directors will appoint one of its directors as a Board Liaison to the New Construction Committee who will monitor all New Construction Committee meetings in order to facilitate communication and understanding between the two groups.

II. Responsibilities

- A. The New Construction Committee shall have exclusive jurisdiction over all original construction of new residences, including any additional construction projects submitted concurrently on any portion of a Residential Unit for review. The New Construction Committee shall also have jurisdiction over any addition or alteration subsequently made on or to existing Residential Units which affects the roof plan or footprint of the main residence, or affects the drainage pattern on the Residential Unit, including the construction of a swimming pool. The New Construction Committee shall also have an identical jurisdiction over all non-residential and/or commercial construction projects located within Highland Shores. The New Construction Committee shall promulgate, and amend from time to time, detailed Standards and Procedures governing its area of responsibility and practice as set out in the "Design Guidelines & Review Procedures for New Construction", dated August 11, 1995 (the "*NCC Design Guidelines*").
- B. The New Construction Committee shall, in respect to all homeowner requests, interpret and apply the appropriate *NCC Design Guidelines*, and the *Land Use Standards* (as initially set forth in Exhibit 'C' of the Association's C, C and R's and subsequently promulgated by the Board of Directors collectively, and shall determine that each request either: (1) conforms to the *NCC Design Guidelines* and the *Land Use Standards* and is approved for construction start, or (2) does not conform to the *NCC Design Guidelines* and the *Land Use Standards* and is not approved for construction start. In very exceptional, individual cases where a request does not conform to the *NCC Design Guidelines*, given a sufficient unique justification, the New Construction Committee may decide to grant a waiver of the *NCC Design Guidelines*. In no event shall the New Construction Committee approve a waiver after the completion of any project. (Such requests may, at the discretion of the New Construction Committee be submitted to the Board of Directors for a judgment.)

- C. The New Construction Committee must consider and act on each request properly submitted and send a written decision through Management, usually no later than seven days after the Committee meeting in which it was discussed, to approve for construction start or disapprove construction start. Within fourteen (14) days after such decision has been rendered, the builder or homeowner may file a written appeal with Management or request to personally address the Committee at its next scheduled meeting.
- D. After any approved project is completed, the New Construction Committee reserves the right to review the improvement. The scope of the review will be limited to verification of conformance with the application; the committee will not review, nor be responsible for, the municipal code compliance, quality, craftsmanship or structural integrity of the improvement.
- E. The New Construction Committee maintains the right from time to time, at its sole discretion, to waive, amend or modify the *NCC Design Guidelines* in order to maintain community standards, including, but not limited to, aesthetics, of Highland Shores or to address changing circumstances or technology.
- F. To the best of their ability, New Construction Committee members will familiarize themselves with the governing documents of Highland Shores and the relevant laws of the State of Texas governing homeowner's associations.
- G. The Committee may receive comments and/or complaints from homeowners through Management involving matters within the New Construction Committee's jurisdiction and shall handle them according to the Association's documents.
- H. The members of the New Construction Committee, while acting within the course and scope of this Charter, shall be deemed and are considered "Individual Insured's" under the Association's Directors & Officers Liability Policy
- I. In the event of a conflict between the provisions of this Charter, the *NCC Design Guidelines* and the terms of the C, C & R's the latter shall prevail.

The Board of Directors of the Association, at its discretion, may from time to time modify, reduce, expand or supplement the duties of the New Construction Committee as set forth in the above Charter.

Amended by the New Construction Committee on March 5, 2010



Mike Moreland, Chairman