



## Memo

**To:** Board of Directors  
**From:** Buddy Dixon Ad Hoc Governing Documents Review Committee  
**Date:** January 15, 2020  
**Re:** Motion – Approve Revisions to Policies Chapter 1, Articles 1, 5 and 14

### Motion

I move to approve the proposed revisions to Chapter 1, Articles 1, 5 and 14 as presented.

### Background

The Ad hoc Governing Documents Committee recommends revisions to the following policies, as noted on the attached red-lined versions to comply with Arkansas law as it relates to records inspection and copying by members.

- Chapter 1, Article 1 Personnel Policy
- Chapter 1, Article 5 Property Owners Association Identification Cards Policy
- Chapter 1, Article 14 Records Availability Policy

In addition, it is recommended that all HSVPOA policies be changed to revise all references to property owner(s) to member(s), GM to CEO and President to Chair.

Chp. One General Administration

ARTICLE 1

PERSONNEL POLICY

Section 1. The HSVPOA shall have a written personnel procedural manual administered and maintained by the CEO that will provide employees with information regarding their employment with HSVPOA.

Section 2. The procedures shall contain provisions intended to comply with all applicable federal and state law.

Section 3. The procedures shall define and describe personnel rules and regulations including pay treatment, fringe benefit administration and grievance and disciplinary procedures that are intended to be fair and equitable among all employees.

Section 4. The procedures shall be competitive in the marketplace to attract and retain employees.

Section 5. The procedures shall be within the HSVPOA's ability to fund in accordance with appropriate budget approvals by the Board of Directors.

Section 6. The written procedures can be amended by the CEO in compliance with the above provisions.

Section 7. In order to provide equal employment opportunities to all individuals, employment decisions at HSVPOA will be based on merit, qualifications and abilities. HSVPOA does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, veteran status or any other characteristic protected by law.

Section 8. All hiring and changes in employee status will be approved by the CEO. The CEO will review all terminations of Division Directors with the Board of Directors prior to final action unless immediate action is otherwise warranted. Hiring for newly created positions shall be in accordance with the approved annual budget. Hiring of the CEO will be the responsibility of the Board of Directors.

Section 9. Compensation of the CEO will comply with the CEO Employee Agreement and will be administered by the Board of Directors.

Section 10: The annual performance of the CEO will be administered and maintained by the Board of Directors.

Section 11: Personnel matters shall be considered confidential ~~in accordance with Chapter 1, Article 14 of the Administrative Policies and Article XV of the Bylaws.~~

ARTICLE 5

**PROPERTY OWNERS ASSOCIATION IDENTIFICATION CARDS**

**SECTION 1. GENERAL POLICY:**

Identification cards for members, guests, visitors and others will be issued so as to facilitate entry into Hot Springs Village by those authorized to do so.

**SECTION 2. DEFINITIONS:**

A. ~~Property Owner Member~~

~~Any person or entity owning property within Hot Springs Village. As defined by the Declaration Article III, Section 1.~~

B. ~~“Property Owner Member in Good Standing”~~

~~Any Hot Springs Village property owner who is current in the payment of all assessments, service and use charges (no more than 60 days delinquent) and not under any suspension of privileges. As defined by the Bylaws Article I, Section 9.~~

~~C. Member—A property owner identified on a recorded deed or on a “Privilege Designation Form” if the recorded deed contains two or more names or is in the name of a trust, corporation or company.~~

~~D. C. Assignee~~ – Anyone who is not a ~~member~~ Member but assigned limited membership privileges on an “Assigned Privilege Designation Form”.

~~E D.~~ Membership Transfer Fee

An administrative service charge for any membership change from a recorded deed.

~~F E.~~ Assignment Fee

An administrative service charge for any assignment in membership privileges.

**SECTION 3. POA IDENTIFICATION CARD POLICIES:**

A. Issued at the Property Owners Association administration office to all having authorization to enter the Village.

B. Two types will be issued, a photo, and a non-photo.

C. The issuance of all POA Identification Cards is contingent upon the ~~Property Owner~~ Member being in good standing.

D. No more than two membership cards are to be issued per lot or living unit.

E. Except where noted, the POA Identification Cards gives unlimited access to the Village to amenities and facilities owned and operated by the Property Owners’ Association at the published rate for the card classification.

F. Privilege Designations may not be changed more often than annually.

G. If two individuals, not in the same household, are designated to receive a membership card, dependent cards are not allowed for either.

**SECTION 4. ASSIGNMENT OF PRIVILEGES:**

A. The Member's privileges of use of amenities and facilities is assignable. Such delegation of privileges is a matter between the Member and the Assignee. The POA shall not assist the Member in obtaining assignees, nor in the collection of fees and assessments after the initiation of the assignment. The Association will provide the necessary forms and guidelines to complete an assignment.

B. An "Assigned Privilege Designation Form" must be submitted along with an assignment fee charged by the Association for handling such assignments.

C. Assigned Privilege Designations may not be changed more often than annually.

D. The Member's privilege of use of facilities (except ingress and egress to property) shall be suspended during the period of the assignment. An assignment shall be canceled by either party at any time upon proper notification to the Association.

**SECTION 5. POA IDENTIFICATION CARD CLASSIFICATIONS:**

A. Member - Issued to those persons who are identified on the recorded deed or on the Privilege Designation Form. Eligible for "~~Property Owner~~Member" rate.

B. Assignee – Issued to those persons who are identified on an "Assigned Privilege Designation Form". Eligible for "~~Property Owner~~Member" rate.

C. Dependent - Issued to those persons who meet all of the following criteria:  
a. Are related by blood or by law to the Member/Assignee.  
b. Are provided living facilities by the Member/Owner.  
c. Are solely, or partially dependent on the Member/Assignee, and/or mentally, or physically disabled.  
d. Are accepted by the IRS as a dependent.

Eligible for "~~Property Owner~~Member" rate.

D. Family - Issued, upon request of ~~member~~Member, or ~~assignee~~Assignee, - to the following who are related by blood, or law:

1. Sons and Daughters
2. Sons-in-law and Daughters-in-law
3. Parents
4. Grandparents
5. Grandchildren

Eligible for "Family Member" rate.

E. Resident/Tenant

Residents who do not hold another classification of identification card are entitled to a ~~Long Term~~Long-Term Renter Card, provided that they are sponsored by a Member, or a bonafide rental agent. Eligible for "Guest" rate.

F. Temporary - Issued as an interim Membership Card until such time as a regular Membership Card is issued. This card is for a limited (dated) duration. To be issued to Los Lagos owners for utilization during their time-share allotment. Eligible for "~~Property Owner~~Member" rate.

G. Visitor/Guest - Issued to guests of ~~members~~Members and individuals with a short-term rental arrangement. The name of the guest or visitor, the sponsoring party and an expiration date must appear on the card. The expiration date will not exceed the length of stay or term of lease and generally, should not exceed thirty days. Eligible for "Guest" rate.

H. Employee - Issued to persons employed by the P.O.A. Eligible for "Employee" Rates.

I. Volunteer - Issued to volunteers serving the P.O.A. Eligible for special rates.

J. Work - Issued to those persons who are working in the Village that are not residents nor Members. This identification card is only for access to the Village, and not for recreational uses.

#### **SECTION 5. MANAGEMENT CONTROLS**

A. A POA Identification Card must be shown to a P.O.A. employee on demand for the purpose of identification and/or access to P.O.A. amenities and facilities. Additional identification procedures may be initiated from time to time by management to facilitate control and equitable use of facilities.

B. Abuse of the visitor passes by any sponsoring party could result in the revocation of privileges. This card is not to be utilized in lieu of a work pass.

#### **SECTION 6. AUTHORITY**

The CEO and staff are responsible for the development of a standard operating procedure (SOP) to insure the most effective and efficient implementation of the policy.

1-18-99, Adopted BOD 1-27-99, 3-24-99, 9-19-01, Rev. 9-20-06, Rev 10-17-07, 1-16-19

**ARTICLE 14**  
**RECORDS AVAILABILITY**

**PURPOSE:** To provide appropriate transparency to ~~property owners in good standing~~Members.

**AUTHORITY:** As stated in the Bylaws, Article XV, Section 1 the books, records, and papers of the Association, ~~with the exception of personnel records, shall at all times,~~ during reasonable business hours, shall be available for ~~public~~ inspection by any ~~member~~Member. ~~in good standing of the Association.~~

**SECTION 1:** ~~Certain records of the Association, such as membership name and address listings, membership payment records, etc. shall not be distributed to any person without the written consent of such members. Likewise, members~~ Members will not be permitted to copy such records ~~for removal from the Association office with their own equipment and at their own expense.~~

**SECTION 2:** ~~All personal information, relative to a member or employee, in the possession of the Association shall be held confidential to that member and will not be made available for general public scrutiny. Upon proper identification, all federal, state or local agencies authorized by law shall have access to the Association records without protest.~~

**SECTION 3:** ~~Upon proper identification, all federal, state or local agencies authorized by law shall have access to the Association records without protest.~~

A. Membership related information: If information in excess of contact information is accessed the affected Member(s) will be notified and informed of the identity of the party making the request.

B. Individual personnel records: If non-job-related information is accessed the employee will be informed of the identity of the party making the request.

**SECTION 4:** Proper purpose for access to personnel records will be evaluated by the Human Resources director. Access to all non-personnel records will be evaluated for proper purpose by staff. Access denials will be evaluated by the CEO. Members may appeal the CEO's denial decision to the POA board.