

RESOLUTION OF THE BOARD OF DIRECTORS ESTABLISHING A HEARING COMMITTEE, HEARING COMMITTEE DUTIES, AND HEARING COMMITTEE PROCEDURE:

WHEREAS, the Board of Directors for Centerville Community Owners' Association, Inc. (herein "Association") has determined that it is in the best interest of the members to establish: a) hearing committee, b) hearing committee duties, and c) hearing committee procedure;

WHEREAS, Chapter 720, Florida Statutes, and the Declaration for Centerville permit the imposition of fines and suspensions for violations;

NOW THEREFORE IT BE RESOLVED, the Board of Directors for Centerville Community Owners' Association, Inc., adopts the following:

1. HEARING COMMITTEE

A Hearing Committee shall be deemed established by the adoption of this Resolution. The Hearing Committee shall be composed of three (3) members of the Association who are not officers, directors, or employees of the Association or the spouse, parent, child, brother, sister, of an officer, director or employee of the Association. The members of the Hearing Committee shall serve at the pleasure of the Board of Directors. The duty of the Hearing Committee is to hold hearings as necessary to consider the approval of the Board levied fines and/or suspensions against alleged violators. The initial Hearing Committee members shall be: Joe Bodiford, Krist'n Hartman, and Kathy Densmore.

2. HEARING COMMITTEE DUTIES

The duties of the Hearing Committee shall be as follows:

- a. To consider all evidence and testimony presented at any Hearing Committee meeting called pursuant to the Board of Director's referral of an alleged violation to the Hearing Committee;
- b. To confirm or reject the fine and/or suspension imposed by the Board of Directors;
- c. If the Hearing Committee agrees that the alleged violation has occurred or is continuing to occur, the proposed fine and/or suspension levied by the Board through this policy must be approved and the fine and/or suspension may be imposed;
- d. If the Hearing Committee does not agree that the alleged violation has occurred or is continuing to occur, the proposed fine and/or suspension levied by the Board through this policy must be rejected and no fine and/or suspension may not be imposed;
- e. It is not the role of the Hearing Committee to consider or otherwise determine the adequacy or deficiency of the fine and/or suspension levied by the Board. Accordingly, the

Hearing Committee may not otherwise eliminate, change, or otherwise modify the fine and/or suspension levied by the Board. Further, the Hearing Committee may not negotiate compliance plans or otherwise defer the imposition of a fine and/or suspension based upon promised compliance.

- f. Keep minutes of all Hearing Committee Meetings.

HEARING COMMITTEE MEETING PROCEDURE

1. The Association shall be provided an opportunity to present oral, written, photographic or eyewitness testimony to the Hearing Committee for each alleged violation contained in the hearing notice. The Association shall have a maximum of four (4) minutes to address each alleged violation contained in the hearing notice, unless an extension of time is granted by the Hearing Committee upon the request of the Association. A request for an extension shall not be unreasonably denied.

2. The alleged violator shall be provided an opportunity to present oral, written, photographic or eyewitness testimony to the Hearing Committee for each alleged violation contained in the hearing notice and to rebut or challenge any evidence offered by the Association. The alleged violator shall have a maximum of four (4) minutes to address each alleged violation contained in the hearing notice, unless an extension of time is granted by the Hearing Committee upon the request of the alleged violator. A request for an extension shall not be unreasonably denied.

3. After the times provided in paragraphs 1 and 2 above, the Association and the alleged violator shall each have two (2) minutes to make a single closing argument for each alleged violation. The Association shall provide its closing argument first.

4. Upon the conclusion of the closing arguments for each alleged violation, the Hearing Committee shall consider the alleged violation and the evidence presented. The Hearing Committee shall make a determination by a majority vote as to whether a violation did in fact

occur for each alleged violation. A separate vote shall be held on each alleged violation. In instances where the Hearing Committee determines that a violation did in fact occur, the Board shall then formally impose the proposed fine and/or proposed suspension by providing written notice of same. In instances where the Hearing Committee finds that a violation did not occur, no fine and/or suspension shall be levied or imposed.

5. The Hearing Committee shall provide meeting minutes to the Board of Directors. The meeting minutes shall at a minimum indicate the parties present at the hearing and that each party in attendance was provided an opportunity to present evidence and/or to rebut evidence presented. Additionally, the hearing meeting minutes shall indicate the disposition of each violation, including whether a Board levied fine and/or suspension was approved or denied.

6. The procedural guidelines provided above are not mandatory and may be modified by the Hearing Committee so long as it determines that each party is provided an adequate opportunity to present evidence and/or make arguments in favor of or opposed to the levy or imposition of a fine and/or suspension of common area use rights. Any deviation from these procedural guidelines shall not invalidate a decision made after hearing evidence/testimony from both parties.

7. An alleged violator's failure or refusal to participate in a hearing or otherwise provide any evidence/testimony shall not invalidate a decision made the hearing committee.

Dated: May 4, 2021

**CENTERVILLE COMMUNITY OWNERS'
ASSOCIATION, INC.**

KENDALL T. STAHL

As Secretary of the Association

