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MEMORANDUM

TO: Trailer Estates Board of Trustees *8/24/07*

THRU: Mark P. Barnebey, Board Attorney *MB*

FROM: Scott E. Rudacille, Esquire

RE: Architectural Review Committee

DATE: August 24, 2007

RECEIVED
8/27/07

COPY

It has recently come to our attention that the Architectural Review Committee (ARC) has been approving permit applications from compliance with the Deed Restrictions by review of a single member of the Committee. While it is logical to have an administrative approval for this type of review, the Amended Deed Restrictions require the ARC itself to approve or deny all applications. They are charged with reviewing all applications for erection of a building, fence, wall or structure, to determine in writing if the nature, kind, shape, height, materials, color and location are in compliance with the adopted Deed Restrictions of the District. Because the ARC is appointed by the Board and is theoretically exercising a power of the Board, the ARC must meet in noticed, public meetings.

Thus, it is our recommendation that the ARC meet regularly in a noticed, public meeting to approve or deny all applications which are pending. The agenda for these meetings should be noticed as with all other committees, and minutes should be taken.

An issue was also raised regarding the fact that there is a Trustee on the ARC, as well as a Trustee liaison for that committee. Traditionally, the Trustee liaison has not attended these meetings. Their presence in those roles is not a per se violation of the Sunshine Laws, but they may not discuss matters which may come before the Board of Trustees for action, outside of properly noticed meetings.

If you have any questions, please do not hesitate to contact me.

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