

Lake Thunderbird Association Written Policy for Resolving Complaints

WHEREAS, Lake Thunderbird Association (the "Association") is a common interest community association subject to the Illinois Common Interest Community Association Act, 765 ILCS 160/1-1 ("CICAA"); and

WHEREAS, common interest community associations in Illinois are required by the Condominium and Common Interest Community Ombudsperson Act, 765 ILCS 615/1, *et seq.*, (the "Ombudsperson Act") and CICAA to establish written policies for resolving complaints by Unit Owners, which includes rules and procedures for receiving and considering Complaints from unit Owners; and

WHEREAS one of the stated purposes for the Ombudsperson Act was to provide education to Unit Owners and Boards in order to prevent or reduce the severity of problems within an association; and

WHEREAS, complaints concerning matters regarding action, inaction, or decision(s) by the governing Board of Directors, managing agent, if any, or the Association that are claimed to be inconsistent with applicable laws and regulations and/or the Association's Declaration, Bylaws, and Rules and Regulations (collectively, "Governing Documents") are also included within the written policies; and

WHEREAS the Association desires to implement these Written Policies for Resolving Complaints in accordance with Section 35 of the Ombudsperson Act and pursuant to the powers granted to its Board of Directors as set forth in Article VI, Section 1. (f) of the Association's By-Laws, and to add same to the Association's existing rules and regulations under the portion thereof titled "Policies and Procedures Regarding Enforcement of Rules and Regulations";

NOW THEREFORE, it is hereby resolved that the Association, acting by and through its Board of Directors, makes the changes to its existing Rules and Regulations stated below and adopts the following Written Policies for Resolving Complaints.

1. A new Subsection comprising written policies for resolving complaints in accordance with Section 35 of the Ombudsperson Act shall be added to the Association's existing Rules and Regulations immediately following the Subsection thereof titled: "USE OF TECHNOLOGY AND ELECTRONIC NOTICE TO MEMBERS", and such Form(s) as accompany same, which shall thereafter be titled: "GRIEVANCE PROCEDURES AND FORMS PER ILLINOIS OMBUDSPERSON ACT," the contents of which shall be as follows:

"GRIEVANCE PROCEDURES AND FORMS PER ILLINOIS OMBUDSPERSON ACT

I. Filing the Written Complaint

1. A member of the Association, as defined in the Declaration and By-Laws, must present and register a Complaint in writing.
2. A sample of the "Association Complaint Form" is attached hereto as Exhibit A to this Subsection of the Association's rules and regulations and must be used when filing a Complaint with the Association under these procedures.

3. The completed Complaint form with all supporting documents, correspondence, and other materials that are related to the Complaint, must be mailed, or delivered to the Association, either by certified or registered mail, or if specifically authorized by the Board, by electronic mail.

Lake Thunderbird Association
c/o its Lake Manager, Russell Hawkins
2 Lake Thunderbird Drive
Putnam, Illinois 61560 rhawkins@lakethunderbird.us

4. If specified in the Association's Rules and Regulations, Complaint forms may also be sent by electronic means if such have been adopted by the Association, sent to rhawkins@lakethunderbird.us, and including the Association's name in the re: line, provided the sender retains sufficient proof of electronic delivery.
5. The Complaint must be submitted to the Association within thirty (30) days of the alleged act, failure to act, or other occurrence which is the subject of the Complaint.

II. Receipt and Adequacy of the Complaint

1. The Association shall provide written acknowledgment of receipt of the Complaint to the Complainant/Lot Owner within fourteen (14) days of receipt. Such acknowledgment shall be sent by mail or acceptable electronic means if such have been adopted by the Association, provided the sender retains sufficient proof of the mailing, delivery, electronic delivery, or optionally by registered or certified mail, return receipt requested, to the Complainant/Lot Owner at the address provided on the Complaint form. Acknowledgement of receipt does not equate to acceptance by the Association of the Complaint and does not preclude the Association from deeming the Complaint received "inadequate" or insufficient, as described in subsection 2 and/or 3 of this Section, below.
2. To the extent that the Complainant/Lot Owner has knowledge of the law or Governing Document provision applicable to the Complaint, the Complainant/Unit Owner shall provide that reference, as well as the requested action or resolution. If it appears that the submitted Complaint is inadequate in any way, then the Association may provide notice to the Complainant/Lot Owner that the Complaint is inadequate. Such notice, if issued, should describe how the Complaint is inadequate and advise the Complainant/Lot Owner of the need to submit a revised Complaint, or additional information. If the Board determines that the submitted Complaint includes the required information, the Board of Directors shall proceed to consider the Complaint as provided in Section III, below.
3. Notwithstanding the provisions of Section II., 2 above, submissions untimely made outside of the 30 (thirty) day window in Section I., 5. above, failure to use the form provided, illegibility, or any other inadequacy may, in the Board's discretion, be grounds to deem the Complaint insufficient. Such insufficiency shall be grounds for the Board to issue a final determination adverse to the Complaint/Unit Owner.

III. Board Consideration of the Complaint

1. The Board of Directors will make a reasonable effort to consider an adequate and completed Complaint within ninety (90) days of receipt of that Complaint, or under extenuating circumstances as soon thereafter as may be reasonably practicable. The Board shall review the Complaint at a meeting/meeting of the Board, including a closed session portion of a meeting.
2. Notice of the date, time, and location, and informing the Complainant/Lot Owner when and where the matter will be considered, shall be delivered by mail or other delivery, or electronic means if so adopted by the Board, provided the sender retains sufficient proof of the mailing, delivery, electronic delivery, or optionally by registered or certified mail, return receipt requested, to the Complainant/Lot Owner at the address provided in the Complaint, at least forty eight (48) hours prior to consideration by the Board.

3. If the Association has provided notice to the Complainant/Lot Owner of the insufficiency of the Complaint as provided for in Section II., 3. above, but if the Complainant/Lot Owner does not submit a revised Complaint or additional information within thirty (30) days after such notice is sent, then the Association may consider the Complaint as submitted and make a final determination.
4. The Association shall make its final determination in response to a Complainant/Lot Owner's Complaint or any revised Complaint within 180 days after the Association received the Complainant/Lot Owner's original Complaint, whether or not the Association rejected the original Complaint as inadequate under Section II., subsections 2 and/or 3 above.

IV. Notice of Association Board Decision

1. Once the required final determination is made, a written notice of determination conspicuously marked on its first page as "final" shall be sent by mail or delivery within seven (7) days thereafter, including at the Board's option by registered or certified mail, return receipt requested, to the Complainant/Lot Owner at the address provided in the Complaint, and by electronic means if such have been adopted by the Board.
2. The notice of final determination shall be dated as of the date of issuance and include specific citations to the applicable governing documents that led to the final determination, as well as any applicable provisions of CICAA or other law.

V. Association Records

1. A record of each Complaint and any disposition as to the Complaint shall be maintained for not less than one year after the Association's final determination as to the Complaint. Further records of any Board action or proceeding regarding Complaints shall be maintained in accordance with the Association's governing documents and the applicable portions of the CICAA.
2. The Association's Written Policies for Resolving Complaints and its exhibits/forms shall be readily available (upon request) to all members of the Association."

DULY ADOPTED THIS _____ DAY OF _____, 201____,
BY THE BOARD OF DIRECTORS OF LAKE THUNDERBIRD ASSOCIATION.