

EFAC Agenda 9/12/2016 6:00 – 8:30 PM

	Topic		Assigned			Comments/Reference
1	Minutes		Kara			8/4, 8/16, 9/1
2	Watkins					Notification letter
3	Non-compliance -Turner		Sharon			Measurement 3 rd Notification
4	Pier Enforcement Policy		Dick			Discuss changes proposed by Dick Vote
5	Community Pier					Suzy status report Kokomo & Huntington Letters of notification Kara DNR Update
6	5 th Director		All			Interview dates
7	Schrader/Dingledine					
8	Annual Meeting Agenda & Powerpoint					

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EPWORTH FOREST ADMINISTRATION COMMITTEE

Pier Violation Enforcement Policy

Approved: August, 2016

ByLaws of Epworth Forest Administration Committee Section 5 States:

The Board of Directors shall have such powers as are reasonable and necessary for the administration of the affairs of the Committee and to accomplish the performance of their duties, conferred by the Indiana Nonprofit Corporation Act or by other law and which powers include, but are not limited to, the power: (a) To adopt and publish reasonable rules and regulations governing the use and enjoyment of the Easement, the management and administration of the Committee, and as otherwise permitted in the 1994 Judgment and 2014 Order, and to establish sanctions for the infraction thereof, in each case in a manner consistent with the 1994 Judgment and 2014 Order;

Agreed Amended Contentions, March 20, 2014, Paragraph 34 h

vii. The Epworth Forest Administration Committee will possess the authority to levy reasonable fines for violations of policies and pier assignments and to levy reasonable late fees for failure to pay pier fees all consistent with the Court's January 21, 2014 Order;

viii. The Epworth Forest Administration Committee will possess the authority to place a lien on any lot in Epworth Forest to secure payment of any assessed fee and to secure a judgment obtained against a lot owner

Enforcement Procedure for Violations of Pier Administration Policy

1. Pier Administration Committee will attempt to contact the owner via telephone and follow up with written communication in the form of the First Notice as outlined below.
2. First Notice – Pier Administration Committee will send a (friendly) written notice to the owner which will outline the specific violation and give a seven (7) day notice to bring pier assignment back into compliance. The notice will state a re-inspection to take place after seven (7) days from date of notice. The notice will contain no mention of fees or potential charges.

3. Pier Administration Committee will attempt to contact the owner via telephone and follow up with written communication in the form of the Second Notice as outlined below.
4. Second Notice – Pier Administration Committee will send a second written notice to the owner. The notice will outline the repeated specific violation and give a seven (7) day notice to bring pier back into compliance and detail the fee that will be assessed if pier is not brought back into compliance within the seven (7) day period. The letter will state a re-inspection to take place after seven (7) days from the date of notice.
5. Third Notice – Pier Administration Committee will send a final written notice to the owner. The notice will outline the repeated violation, detail that the violation fine below shall now be assessed and shall include payment terms and conditions. It will also state that we have repeatedly tried to work with the property owner to resolve the non-compliance issue and that if we cannot resolve the issue in the next 30 days further action may be required including legal resolution.

Appeal Guidelines

1. Once EFAC has notified the owner in writing that the owner has a noncompliance issue, the pier owner has five (5) days to request an Appeal hearing.
2. EFAC will notify the pier owner within five (5) days of an Appeal hearing date.
3. At the Appeal hearing, the pier owner or his representative will be given fifteen (15) minutes to make an appeal.
4. After the appeal is heard, EFAC has 5 days in which to send a written decision to the pier owner.
5. Once the decision issued in writing, the EFAC decision is complete and final after thirty (30) days of issue.

Schedule of Fees

Fee	Amount	Description
Violation Fine	\$20 per day, not to exceed \$ 500.00 per month	Fine amount shall be determined by the Committee and shall apply to all violations of the Pier Administration Policy

Fine Structure for Late or Non-payment of Pier Fees

Pier Administration Committee will deliver late notices 30, 60 and 90 days after due date of pier fees with details of the late charges outlined in the notice.

Schedule of Fees

Fee	Amount	Description
Late Charge	\$ 50.00 per month	Shall apply to pier assignments not paid within 30 days of due date and shall be charged for

		consecutive month delinquent thereafter
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EPWORTH FOREST
PIER ADMINISTRATION
Pier Assignment Process
Approved: 2016

Shoreline Piers

Shoreline piers are assigned when they are available to offshore owners on the Wait List.

Wait list has 2 sections: Displaced List and Wait List.

Persons on the Displaced List have priority in assignments as they had previous assignments and have been removed from the lake by Court Order or by EFAC rulings. Displaced List will be assigned prior to Wait List.

Selection is based on date of placement on the both Displaced List and Wait List. If two or more individuals have the same date, the assignments are offered in the order on the List.

If multiple piers are available they are assigned in numeric pier number order, low to high.

If the individual does not accept the assignment they are placed at the end of the Wait List.

Community Piers

Community Piers are assigned as they become available. If multiple piers are available they are assigned in numeric pier number order, high to low.

Individuals are assigned in date and position order, first from Displaced List, then from Wait List.

If an individual does not accept the assignment they stay on the Wait List without changing place.

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EPWORTH FOREST
PIER ADMINISTRATION
Pier Assignment Process
Approved: 2016

Shoreline Piers

Shoreline piers are assigned to offshore property owners on the Shoreline Pier Waitlist if/when they are become available to offshore owners on the Wait List.

Wait list has 2 sections: A Displaced List and a Wait List.

Persons on the Displaced List have priority in receiving assignments as they had previous assignments and but have been removed from the lake due to instructions in the 2014 by Court Order or by EFAC rulings. The Wait List is for any other offshore Epworth Forest residents seeking a pier assignment. Again, the Displaced List will be assigned prior to Wait List.

The order of persons on each list is Selection is based on date of the person's displacement or request placement on the both Displaced List and Wait List. If two or more individuals have the same date, the assignments are offered in the order on the List.

If multiple piers are available, they are assigned in the order/by the date the pier assignments were identified as available by EFAC. in numeric pier number order, low to high.

If the-an individual does not accept the assignment offered, they are placed at the end of the Wait List. (need to discuss). Why not skip over them and they hold their place but have no pier? The order would stay s-intact.

Community Piers

Community Pier assignments may be assigned to individuals that are on the Waitlist or Displaced list, and priority is identical to the Shoreline Pier lists (Displaced first, then Waitlist). Assignments are offered as s-are assigned-as they become available. An individual can request to be considered for both a Shoreline and Community Pier assignment, but can only have one or the other. If multiple community pier spots s are available, the first individual on the list can choose which community pier assignment they want, then the next person can choose from the remaining options.y are assigned in numeric pier number order, high to low.

Individuals are assigned in date and position order, first from Displaced List, then from Wait List.If an individual accepts a Community Pier assignment, they can remain on the Shoreline Waitlist if desired, but are moved to the bottom of the list-order.

If an individual does not accept the assignment they stay on the Wait List without changing place.