

KEHALANI COMMUNITY ASSOCIATION

RESOLUTION REGARDING ARCHITECTURAL REVIEW

WHEREAS, pursuant to Article IX, Section 9.1 of the Declaration of Covenants, Conditions, and Restrictions for Kehalani (the "DCCRs"), no structure shall be placed, erected, or installed upon any Unit, and no improvements shall take place except in compliance with Article IX of the DCCRs and the appropriate committee under Article IX, Section 9.2 of the DCCRs; and

WHEREAS, pursuant to Article IX, Section 9.1 of the DCCRs, the Board of Directors of Kehalani Community Association (the "Board") may also exempt certain activities from the application and approval requirements of Article IX of the DCCRs, provided such activities are undertaken in strict compliance with the requirements of such resolution;

WHEREAS, pursuant to Article IX, Section 9.2(b) of the DCCRs, the Modifications Committee (the "MC"), if established, shall have jurisdiction over modifications, additions, or alterations made on or to existing structures on Units or contained in Units and the adjacent open space; and

WHEREAS, pursuant to Article IX, Section 9.2(b) of the DCCRs, the MC may delegate its authority as to a particular Neighborhood to the Neighborhood Association, if any, so long as the MC has determined that such Neighborhood Association has in force review and enforcement practices, procedures, and appropriate standards at least equal to those of the MC; and

WHEREAS, pursuant to Article IX, Section 9.3(a) of the DCCRs, the MC may adopt detailed procedures and standards governing its area of responsibility that are consistent with the Design Guidelines; and

WHEREAS, in accordance with these powers and authority, the Board has decided to adopt the following policy regarding the responsibility for review of all applications for construction and modifications under Article IX of the DCCRs;

RESOLVED, the Board adopts the following policy, which shall apply to all owners, occupants, and other users of the Properties:

- A. The Board or MC may delegate its authority to review and approve applications for minor construction or modifications to a particular Neighborhood Association, provided that: (1) the construction or modifications are consistent with the Kehalani Community Association's ("KCA") Design Guidelines and MC's Rules and Guidelines; and (2) the construction or modifications are approved by the Neighborhood Association's Board of Directors, if required by the Neighborhood Association's governing documents;


B. The Board or MC may delegate its authority to enforce the KCA's architectural standards, including the Design Guidelines, to a Neighborhood Association, provided that: (1) the Neighborhood functions independently and has its own governing documents; and (2) the governing documents of the Neighborhood authorize the Neighborhood Association to enforce the KCA's governing documents; and

C. The Board or MC may revoke a Neighborhood Association's authority to: (1) review and approve and (2) enforce the KCA Design Guidelines, the MC's Rules and Guidelines, and any other KCA architectural standards at any time, with or without cause.

CERTIFICATE

I hereby certify that the above resolution was adopted pursuant to the provisions of the DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR KEHALANI stated above, by the Board of Directors of the Association, at a Board meeting on February 19, 2019.

DATED: Wailuku, Hawai'i, February 19, 2019.



Stephen Fox
[Print Name]
Secretary, Kehalani Community Association