



Joint Task Force For ARB Relationship Review

Background:

The TOKI Council has determined to establish a working group or task force, headed by Council members Brad Belt and John Moffitt, to review and make recommendations with regard to various architectural review issues on Kiawah Island. This decision was driven by concerns that have been expressed by many homeowners about the cost, consistency, and transparency of the practices of Kiawah Partners' controlled Architectural Review Board (the KP/ARB), as well as the pending termination of the Town's Development Agreement with Kiawah Partners at the end of 2023.

A joint effort with KICA would (i) enable the most comprehensive review of relevant issues, (ii) demonstrate cooperation and aligned interests of TOKI and KICA and (iii) strengthen the credibility of the report within the community.

Purpose and Scope:

It is anticipated that the Task Force would examine several aspects of architectural review on Kiawah Island, including, but not limited to:

- The scope and authority for architectural related matters as between and among TOKI, KICA, and KP/ARB, and with regard to TOKI-owned properties, KICA Common Properties, and privately-owned property;
- Homeowner complaints regarding the cost, timeliness, consistency, and transparency of current architectural review policies and practices;
- The interaction of TOKI and KICA with KP/ARB; and

- Which entity or entities should have primary responsibility for architectural review functions going forward, and what structures, processes and legal requirements would be necessary.

With regard to the latter assessment, the question is whether architectural review functions, at least with regard to purely aesthetic matters, should best reside within a homeowner's association, controlled by the HOA's members, or whether it should be a municipal function, subject to the authorities and procedural restrictions provided for in SC Code of Laws Sec. 6-29-870 et seq, or whether there is an appropriate division of responsibilities.

Task Force Composition

Two members of the TOKI Council and two members of the KICA Board, one of each who shall serve as co-chairs. In addition, TOKI and KICA will each designate two persons to serve on the Task Force, and any other persons as may be mutually agreed. Ideally, such designated persons would have backgrounds relevant to the work of the Task Force, including planning or architectural, development or construction, and land use or municipal law experience. The work of the Task Force would be aided by the respective staff of TOKI and KICA as needed and appropriate.

Process and Output:

Once constituted, it is anticipated that the Task Force will conduct one or more public hearings as soon as practicable thereafter as part of its information gathering, assessment and recommendation process. It is further anticipated that the Task Force will issue two reports with findings and recommendations. The first report, targeted within 90 days, would be with regard to near term recommendations pertaining to current policies and practices and the interaction of TOKI and KICA with KP/ARB. The second report is intended to be issued prior to the end of 2023 (and the termination of the TOKI - KP Development Agreement) and would address and make recommendations with regard to longer term structural and legal issues pertaining to architectural review on Kiawah Island.

KICA Board/Task Force Interface

The two KICA Board Members involved in the Task Force will report frequently to the KICA Board and KICA Membership on progress, any obstacles encountered, and timing for delivery of a formal report. It is fully expected that both KICA Board Members and TOKI will have equal access to information available to the Task Force.

In the case of a difference of opinion between the TOKI and KICA representatives on the subject of the report or recommendations, such alternatives will be disclosed and explored in the report in an attempt to help the community understand all perspectives and develop a consistent approach to the future of the architectural review process on Kiawah Island.

Reviewed by KICA Board 3-17-2023