



## DRAFT BOARD Minutes – November 4, 2013

Meeting Agenda for Monday, November 4, 2013 @ 700 pm - Location – Ettinger's #7204

The Board meeting was attended by Arch Turner, Tom Ettinger, Bob Hudec, Jim Robertson; Kathryn Pett did not attend.

Jim called meeting to order @ 7:07 PM

Approval of Minutes for October 7. 2013 Board Meetings – Jim – approved 3 for/0 opposed

### New Business

#### 1. Treasurer's Report

- a. 2013 Budget- \$92.8K
- b. Expenditures as of - 4-Nov-13- \$62.3 K
- c. Cash as of – 2-Nov-13- \$30.6 K
- d. Reserves as of - 2-Nov-13- \$255.7
- e. D. Liss questions relative to reserves allocations was responded to by Arch prior to the meeting.
- f. CD renewals – The Board voted 3/0 to direct the Treasurer to invest in short-term CDs (90 days or less) anticipating that interest rates will rise in 2014. Current short-term interest rates are low and the Board did not want to lock in low rates for the Community's Reserve portfolio.

The Board approved the Treasurer's report 3/0

#### 2. Reports from Committee Chairs

- a. ARC – no report
  - i. September 7th Walk-Through follow-up – Tom – Will re-gather team and follow-up on identified deficiencies only and communicate again with homeowners about a correction plan.
  - ii. Two applications were submitted subsequent to the meeting on November 7<sup>th</sup> and were approved 4/0 – see attachments on pages 6 and 7
- b. Landscape – A special payment of \$250 was made to the Genesis work crew for work beyond the agreed upon project scope of the front curve plantings in November 2013.
- c. LRP – there was considerable discussion on the Committee's year-end comprehensive report. Two changes will be made to the report in the form of a footnote indicating that future board decisions Board will impact the Reserve numbers as funds may be withdrawn for items other than capital expenditures. Secondly, the \$19k projected Reserve future funding dollars will undoubtedly be affected by maintenance costs, dues increases and Reserve investment performance.
- d. Maintenance – Bob – Street lights. Bob has had the power company fix one of the broken lamps located in the front section of the Community and will have them fix the broken lamp in the back of the Community.

- e. Walkway in front of #7266 was discussed and the Board's view continues to be that no repair is needed at this time. The Board has examined this issue as well as the Maintenance Committee who support this view. Board voted 3/0 to not repair walkway and will so state should the issue be raised at the annual Meeting.
3. Governance issues – Jim
- a. Levy project status, cost, deliverables, etc. The board has agreed to go forward with the review and overhaul of the Communities governance documents. An agreement with Mr Levy has been reached in terms of the deliverables and of the cost. See the attached for details on page 3. The Board voted 3/0 to move forward with the governance document review and revision project.
  - b. Board terms – Jim will brief the Community on the Board's recommendation to change the term of board office to two years from one with staggered terms to assure continuity of process and knowledge. This change will require a 2/3 approval vote by the Community and requires a change to the EMPOA Articles of Incorporation.
4. 2013 AGM and Board Nominations - Tom
- Susan Arthur # 7212
  - Andres Escobero #7220
  - Bob Hudec #7260
  - Kevin Price #7276
  - Jim Robertson # 7209
  - Board voted 3/0 to accept the Nomination Committees' recommendation
5. Preparation for Annual Meeting – Jim/Tom
- a. Meeting notice – distributed and posted
  - b. Meeting agenda – review draft and post – the Agenda was approved 3/0
  - c. 2012 annual Meeting Minutes- posted
  - d. Board candidates- review and post
  - e. Proxy form - posted
  - f. Committee Reports - Jim
    - i. 2014 budget– review, approve and post – The Board approved the budget in consideration of its responsibility to do so as dictated by the EMPOA Governance Documents and will present it at the Annual Meeting as information only.
    - ii. LRP – draft, needs to be reviewed and posted – see note above under Para. 2.c
    - iii. Pond- posted
    - iv. ARC – no report
    - v. Landscape – no report
    - vi. Tennis – no report
    - vii. Social- no report

Jim will follow-up with Committee heads to obtain their reports and produce a single document with containing all the committee reports.
  - g. President's message – Jim outlined his statement which the board agreed was appropriate.
  - h. Governance updates and Levy presentation – Mr. Levy will attend and brief the community on the need to update the EMPOA Governance Documents
  - i. Other issues that may arise. Should the issue of the color palette be raised the Board's position is to defer any decision to change the color palette pending the appointment of a special

Committee by the Board to review and subsequently recommend to the Board if any changes are desired.

6. Other business – the issue of a community garage sale was postponed until the spring at the request of Jim Davenport.

#### Old Business

1. Other issues – none.
2. Meeting prior to November 18<sup>th</sup>- No need for another meeting

*Tom Ettinger*

Secretary

## **EMPOA Governance Documents Comprehensive Review – October 2013**

Jim and Tom,

As discussed, below is a detailed list of the documents that we intend to draft/revise for the Association. I have also included our estimate for the cost of each particular item.

1) Committee Charters. These charters will help establish the existence of a particular committee and lay out the committee's scope of authority and responsibilities.

- A) Architectural Review Committee (\$240.00)
- B) Long Range Planning Committee (\$240.00)
- C) Landscaping Committee (\$240.00)

2) Collections Policy Resolution (\$300.00). This policy will establish how delinquent accounts of owners will be handled, so that there is a step-by-step system in place for dealing with those accounts. The uniformity of this policy will also help ensure that all delinquent owners are dealt with in the same manner.

3) Due Process Policy Resolution (\$300.00). This policy will establish how to deal with owners and properties that are in violation of the Association's covenants and rules and regulations. It will establish the step-by-step process that will need to be followed in the event of a violation. By following these procedures, the Association will be better able to comply with the due process requirements under Virginia law that have to be afforded in certain instances before certain enforcement measures can be taken. This policy is critical to the proper governance of the Association in how it handles violations that arise. It also helps the Board in ensuring that it approaches each violation the same way so that there is consistency from Board to Board over time and no selective enforcement.

4) Rules and Regulations Update (\$500.00). We will update the Association's rules and regulations so that there is a better, clearer system of rules in place for owners to follow. The rules and regulations, by nature, tend to be quite specific. For instance, they establish what owners can and cannot do when making changes to the exterior of their

homes, and the application process that needs to be followed for certain exterior modifications. When a violation of the rules and regulations occurs, the Board will look to the due process policy for how to go about enforcing the violation. Although we have estimated \$500.00 for this document revision, that estimate could go up depending on the amount of feedback from the Board and/or committees and the amount of revisions necessary after the first draft.

5) Resale Packet Review (\$500.00). We will review the Association's current resale disclosure packet to determine if it is compliant with Virginia law and will advise the Board on any changes needed to the packet. For example, if a particular document or disclosure statement needs to be added to the packet, we will let the Board know. Likewise, if a particular document in the packet is unnecessary, we will let the Board know so that any unnecessary or duplicative documents can be removed.

6) Amending the Bylaws (\$500.00 to \$750.00). We will review the Bylaws with an eye toward what changes or amendments may be needed. We will then provide 2 lists to the Board. The first list will be our recommended changes to the Bylaws. The second will be those changes to the Bylaws that are required. We will also advise the Board on the steps that would need to be taken in order to accomplish a formal amendment to the Bylaws. The cost estimate covers the review of the Bylaws; it does not cover the drafting of the actual Bylaw amendments. If and when the Board does decide to move forward with any Bylaw amendments, we can assist in the preparation of the necessary documents and help walk the Board and the membership through the amendment process. We can discuss cost estimates for those actions at that time.

7) Filings and Registration Compliance. We will advise the Board on the filings and registration requirements that have to be completed annually. To the extent that there are filings and registrations that the Association is not in compliance with, we will assist the Board in bringing the Association into compliance.

7) Complaint Policy Resolution (\$150.00). Already completed and forwarded to the Board.

8) Record Access Policy Resolution (\$150.00). Already completed and forwarded to the Board.

Also, I received the documents that Jim sent me following our meeting. Thank you for forwarding those, as they were helpful. Per our discussion, I will hold off on preparing/revising the documents described above until I receive authorization from you to do so. In the meantime, I have put the annual meeting on my calendar for November 18th at 7:00 pm. If that changes, please let me know. From our discussion, my understanding is that at the annual meeting, I will describe for the membership what revisions/draftings are being done and why they are necessary.

Best regards,

**Douglas S. Levy, Esquire**

Rees Broome, PC

1900 Gallows Road, Suite 700

Tysons Corner, Virginia 22182

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[dlevy@reesbroome.com](mailto:dlevy@reesbroome.com)

**EMPOA APPLICATION FOR IMPROVEMENT**

Please include 2 copies of your entire application. Allow 30 days for the approval process to be completed.

Homeowner's name: Alamy Evans  
House Number: 7219  
Contact phone: 7-877-5959  
E-mail: jevans40@msa.com

Please attach a detailed explanation of the proposed improvement. Be very specific. Include as much information as possible. Examples: site plans, drawings and diagrams, permits, brochures, photos. **EACH PAINT COLOR REQUEST MUST BE SUBMITTED ON 8.5 x 11 INCH COLOR BOARD** with your name, date, the requested color name and color catalog number printed on the backside.

Signature of Homeowner & Date Submitted to ARC:

Alamy Evans 10-31-13

Signature of ARC Chair & Date of Receipt:

Elizabeth K. Rice 10/31/13

Signature of ARC Chair & Date of ARC Approval/Denial (circle one):

Elizabeth K. Rice 11/1/13

Date of Board Approval/Denial (circle one) & Board President's signature:

2<sup>nd</sup> copy to remain on file with the Board.

IT IS YOUR RESPONSIBILITY TO FOLLOW UP ON THIS REQUEST. PLEASE DO NOT PROCEED WITH ANY WORK UNTIL FINAL WRITTEN APPROVAL HAS BEEN GRANTED BY THE BOARD AND A SIGNED COPY OF THIS FORM IS RECEIVED BY YOU. A \$250 fine, along with other possible penalties, will be imposed for changes done without the Board's approval.

ARC Chair  
Check [www.evansmillpond.org](http://www.evansmillpond.org) for current Chair and contact information

**EMPOA APPLICATION FOR IMPROVEMENT**

Please provide 3 copies of your signed Application. Allow 30 days for the approval process to be completed.

Name: Joyce E Turnquist  
House Number: 7256  
Email Address: Jturnquist@gmail.com  
Phone(s) H: 703 744-3188 W: 202 863-6129

Please attach a detailed explanation of the proposed improvement. Be very specific. Include as much information as possible. Examples: site plans, drawings and diagrams, permits, brochures, photos. EACH PAINT COLOR REQUEST must be submitted on an 8.5 x 11 inch COLOR BOARD with your name, date, the requested color name and color catalog number printed on the backside.

Signature of Homeowner & Date Submitted to ARC: Joyce E Turnquist 27 Oct 2013

Signature of ARC Chair & Date of Receipt: Elizabeth K Rice 10/28/13

|                                  |   |                              |
|----------------------------------|---|------------------------------|
| ARC Recommendation (circle one): | <input checked="" type="radio"/> APPROVED | <input type="radio"/> DENIED |
| Signature of ARC Chair & Date:   | <u>Elizabeth K. Rice 11/1/13</u>          |                              |

|                                     |                                |                              |
|-------------------------------------|--------------------------------|------------------------------|
| BOARD (circle one):                 | <input type="radio"/> APPROVED | <input type="radio"/> DENIED |
| Board President's Signature & Date: | _____                          |                              |

ARC and the Board will each retain a copy for their files. A signed copy will be returned to the Homeowner for their files.

Please note: It is the homeowner's responsibility to follow up on this request. Please do not proceed with any work until you have received a signed application indicating Board approval of your request. Approval is limited to the changes detailed in your Application. A fine, along with other possible penalties, will be imposed for changes done without the Board's approval.

Kip Howlett, ARC Chair  
7238 Evans Mill Road  
(703) 655-7131