

**HOLLY HILLS COMMUNITY ASSOCIATION**  
**Administrative Resolution 2006-1**

**Election of Additional Officers of the Association**

WHEREAS, Article 7.0, Section 7.1, of the Bylaws states that the principal officers of the Association shall be the President, Vice-President, Secretary, Treasurer, and Design Review Board Chairman, all of whom shall be members of the Board of Directors. The Article further states that the Board of Directors may appoint other officers as in its judgment may be desirable. Officers other than the principal officers shall be members of the Association, but need not be members of the Board of Directors; and,

WHEREAS, the Board of Directors has decided to appoint the active President of the CORE Committee and the active Chairperson of the Neighbor Awareness for Neighbor Committee as officers of the Association. The officers shall have rights to participate in and vote on matters taken up by the Board, except those matters expressly set aside in the Governing Documents as the purview of the Board of Directors;

NOW, THEREFORE, BE IT RESOLVED THAT except as otherwise expressly provided by law, the Articles, the Declarations, or the Bylaws, the Association shall recognize the active President of the CORE Committee and the active Chairperson of the Neighbor Awareness for Neighbor Committee as officers of the Holly Hills Community Association.

January 26, 2006

# **HOLLY HILLS COMMUNITY ASSOCIATION**

## **Administrative Resolution 2006-2**

### **Execution of Legal Instruments**

WHEREAS, Article 4.0, Section 4.2, of the Bylaws grants the Board of Directors all the powers and duties necessary for the administration of the affairs of the Association and such acts or things required to be done by applicable law, the Declarations, the Articles, or the Bylaws; and,

WHEREAS, legal instruments and documents executed by the Association require the signature of a representative authorized to act on behalf of the Association,

NOW, THEREFORE, BE IT RESOLVED THAT except as otherwise expressly provided by law, the Articles, the Declarations, or the Bylaws, the Association President shall, in the name of the Holly Hills Community Association, execute such contracts, agreements, or other legal instruments, which may from time to time be authorized by the Board of Directors.

January 26, 2006

**HOLLY HILLS COMMUNITY ASSOCIATION**  
**Administrative Resolution 2006-3**

**Managing Agent Liaison**

WHEREAS, Article 4.0, Section 4.3 of the Bylaws authorizes the Board of Directors to employ a Managing Agent for the Association; and,

WHEREAS, the Association has signed an Agent Agreement employing Berkeley Realty Property Management, Inc. (“Berkeley”) as its Agent to assist in the discharge of Association responsibilities; and,

WHEREAS, Article 4.0, Section 4.3, paragraph (d) requires the Board of Directors to designate one of its members as liaison officer who shall be authorized to instruct and deal with the Managing Agent on any matter; and,

WHEREAS, the Agent Agreement with Berkeley requires that the Association shall appoint a liaison responsible for handling communications with Berkeley that relate to the scope of the Agreement or Berkeley methods of operation; and,

WHEREAS, the majority of Berkeley’s managerial efforts are associated with financial matters related to the duties and responsibilities of the Association Treasurer,

NOW THEREFORE, BE IT RESOLVED that the Association Treasurer is designated as the liaison between the Board of Directors and Berkeley for all activities covered under the Agent Agreement. As the liaison, the Treasurer shall keep the Board of Directors apprised of any matters of concern related to Berkeley’s support of the Association. The Treasurer shall be the single officer authorized to communicate, to Berkeley, instructions approved by the Board with regard to such matters.

January 26, 2006

**HOLLY HILLS COMMUNITY ASSOCIATION**  
**Administrative Resolution 2006-4**

**Operations Manager**

WHEREAS, Article 3.0, Section 3.1 of the Declarations specifies that the Association shall be responsible for the maintenance, management, operations and control of the common areas and the improvements thereon, and keeping the same in good, clean, and attractive condition, order and repair. And, the Association shall be responsible for management, control, and maintenance of all landscaping and plantings in the common areas and landscape easement areas; and,

WHEREAS, Article 4.0, Section 4.2 of the Bylaws specifies that the Board of Directors shall have all the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things the Declarations and Bylaws require to be done by the Association; and,

Whereas, Article 4.0, Section 4.2, paragraphs (iii), (iv), and (viii) of the Bylaws specify that the Board of Directors has the power and duty to provide for the operations, care, upkeep, maintenance, and servicing of the common areas; to designate, hire, and dismiss necessary personnel; to purchase equipment, supplies and materials needed by such personnel; and to make, or contract for, repairs, additions, improvements, or alterations in accordance with the Declarations; and,

WHEREAS, an Operations Manager is required to oversee, perform, and coordinate all of the above mentioned management duties on behalf of the Board of Directors; and,

WHEREAS, an Operations Manager needs some level of authority to negotiate with vendors and make purchases on a day-to-day basis; and,

WHEREAS, Article 7.0, Section 7.5 states the only ongoing duties of the Vice President are those that from time to time shall be imposed by the Board of Directors or the President.

NOW THEREFORE, BE IT RESOLVED THAT the Vice President, in addition to her other duties, shall serve as Operations Manager and shall be responsible for management of all operations and contract services necessary to provide for the care, maintenance, upkeep, and improvements of the Association common areas and landscape easement areas and to keep the same in good, clean, and attractive condition, order and repair.

BE IT FURTHER RESOLVED THAT when repairs/replacements are required to maintain the common or landscape easement areas, the Vice President, without any specific authorization from the Board of Directors, is authorized to purchase items and/or

services on behalf of the Association where the total amount will not exceed Five Hundred Dollars (\$500.00) for a single repair/replacement activity, and the annual cumulative expenditures against budget line items will not exceed the budgeted amounts. All other repairs, term service contracts, and all improvements shall be approved and authorized by the Board of Directors prior to any commitment or expenditure of Association funds.

January 26, 2006

**HOLLY HILLS COMMUNITY ASSOCIATION**  
**Administrative Resolution 2006-5**

**Risk Management**

WHEREAS, Article VII of the Articles of Incorporation mandates that the Association shall indemnify Directors, members of the Design Review Board, and other legal entities controlled by the Association against liabilities and reasonable expenses which may be incurred in connection with civil, criminal, investigative or administrative proceedings except in cases of willful misconduct or knowingly illegal acts; and,

WHEREAS, Article 9.0 of the Bylaws stipulates the required provisions, coverage amounts, and conditions of insurance policies to be purchased by and for the Association in keeping with insurable risk; and,

WHEREAS, Article 4.0, Section 4.2, paragraph (x) of the Bylaws specifies that the Board of Directors has the power and duty to obtain and carry such insurance; and,

WHEREAS, Article 7.0 of the Bylaws does not stipulate that the management of insurable risk is the specific duty of any designated officer.

NOW THEREFORE, BE IT RESOLVED THAT the Secretary, in addition to his/her other duties, shall serve as Risk Manager and shall be responsible for managing insurable risk coverage on behalf of the Association.

January 26, 2006

**HOLLY HILLS COMMUNITY ASSOCIATION**  
**RESOLUTION 2006-6**  
**ENFORCEMENT PROCEDURES**

**INTRODUCTION**

1.     **Authority.** Holly Hills Community Association is the owners association (the "Association") to which all owners of lots in Holly Hills Subdivision – Phases I, II, III, IV and V, located in the City of Williamsburg, Virginia, belong. Section 55-513 of the Virginia Property Owners Association Act (the "Act") provides that the Board of Directors of the Association shall have the power to establish, adopt and enforce rules and regulations with respect to the common areas and such other areas of responsibility assigned to the Association by the declaration. Subparagraph B of Section 55-513 of the Act provides that the Board of Directors of the Association shall also have the power, to the extent the declaration or the rules and regulations so provide, to take certain enforcement actions with respect to any violation of the declaration or rules and regulations for which a member or his/her family members, tenants, guests, or other invitees are responsible.

2.     **Resolution.** In order to implement the statutory remedies available to the Association with respect to the enforcement of the Governing Documents (as hereinafter defined) and in order to assure that all members are afforded due process in connection with such enforcement by the Association, the Board of Directors by Resolution 2006-6 dated October 9, 2006, hereby adopts the following rules and regulations (collectively, "Rules").

3.     **Governing Documents.** The Rules should be considered with the Declaration, the Articles of Incorporation, and the Bylaws of the Association. The foregoing documents are collectively referred to as the Governing Documents. If any provision of these Rules conflicts with the terms or provisions of any of the Governing Documents, the terms and provisions of the applicable Governing Document(s) shall control. It is intended that these rules and regulations include all the requirements of the Governing Documents including but not limited to noise, lot

maintenance, street parking, signage, animals, business use, and the Design and Environmental Standards.

4. **Definitions.** Unless otherwise indicated, defined terms used herein shall have the meaning set forth in the Governing Documents.

### **ENFORCEMENT PROCEDURES**

Courtesy and cooperation among residents are a must for community living. When complaints related to violations of the Governing Documents involve neighbors, it is most often best to simply discuss the problem with them. Should a complaint related to a violation of the Governing Documents remain unresolved or if a member feels uncomfortable talking with a neighbor, members may contact the President to request assistance. The request for assistance should describe the problem as thoroughly as possible. The President will review the complaint, clarify any questions, and if appropriate, generally attempt to resolve the problem informally as follows.

#### 1. **Informal Procedures for Violations of the Governing Documents.**

(a) Noncompliance with the governing documents may be noted by a resident, an Owner, a Director, or agent of the Association or by a City employee acting in an official capacity, by notification either verbally to a member of the Board or in writing to the President of the Association. Such notice shall specify the time, date, place and nature of the violation.

(b) Upon receipt of any notice, the President will determine what course of action is appropriate based on the nature and severity of the violation. For minor violations such as inappropriate signs, parking on the street, boats stored in driveways, etc., the President will often be able to handle the violation by a phone call, email, or visit to resolve and correct the violation. Alternately, if the violation is significant or the initial contact is unsuccessful, the President may assign a unique identification number, (i.e. Case 2006-1). All future written and verbal discussion, to the extent practical, will refer to the notice by Case Number to protect the privacy/confidentiality of any members involved. Generally, if the notice is significant and the President assigns a case number, the Board will

collectively review the information pertaining to the notice and determine a course of action to be taken. This may include written notice to the Owner stating the time, date, place and nature of the violation to be corrected. This contact with the Owner will also clarify that noncompliance or repetition of such violation may result in imposition of sanctions, fines and/or legal action, after notice and hearings by the Board. A record of this action and a copy of all notices sent by the Board and any correspondence relating thereto shall be kept in the Association files by the Secretary.

- (c) The results of any informal contact shall be recorded in a timely fashion and included in the files to provide evidence of successful closure/correction of the violation. If the informal action is not successful a formal procedure may be initiated, (as hereinafter described).

2. **Formal Procedures for Violations of the Governing Documents.**

(a) If deemed necessary, the Board of Directors will initiate the formal procedures set forth below by a duly adopted resolution. Alternatively, the filing of a written formal complaint to the Board by a Member, may also initiate the formal procedures set forth below. No Member may file a formal complaint unless the informal procedures set forth in paragraph 1 above have been exhausted and such violation was not corrected within the time period specified therefore in the notice sent by the Board. A formal complaint by a Member shall include the specific provisions of the Governing Documents which the offending Owner or resident is alleged to have violated or be in violation of, shall contain allegations of fact sufficient to support a finding of such violations, and shall, to the extent possible, specify the times, dates, places and persons involved, along with a description of any informal attempts the Member may have taken to have the violation corrected.

(b) Every resident or Owner who is the subject of a formal complaint shall receive notice from the Board stating that a formal complaint has been filed and describing the specifics of the complaint. Prior to further action by the Association, the resident or Owner who is the subject of a formal complaint shall have the opportunity to be heard and represented by

counsel before the Board. Notice of a hearing shall be hand delivered or mailed by certified mail, return receipt requested, to the Owner and, if applicable to the resident, at the address(es) of record with the Association at least fourteen (14) days prior to the hearing. If, after the hearing, the Board determines that a violation of the Governing Documents has occurred, the Board shall have the power to assess charges against any Owner for any violation for which the Owner or the Owner's family members, tenants, guests, or other invitees are responsible. Fines will commence on a date determined by the Board at the time the decision is rendered. The amount of any fines assessed by the Board shall be in accordance with the Act, (currently up to Fifty Dollars (\$50.00) for a single offense or Ten Dollars (\$10.00) per day for any offense of a continuing nature and shall be treated as a special assessment against the Owner's Lot). (Multiple violations under the same complaint may be treated as separate offenses for assessing fines.) Any recurrence of a violation within ninety (90) days from the date of the decision by the Board will be deemed a part of the original violation for the purpose of notification and hearing processes and shall be subject to immediate fines. The foregoing remedies are in addition to any remedy the Association may seek through the legal process. The Board of Directors may adopt further procedural rules from time to time to facilitate an orderly hearing process.