

Note ID	PM Section	POAA REF
1-1	Chapter 1	
Subject		
Tracking Status of Lots		

In an effort to streamline the policies and deal with frequent changes in the information, the listing of lots that was once carried in PM 1.05A was deleted from the policy manual by Board action on 4/26/07. This listing tracked consolidation, deconsolidation, or acquisition/disposal by LMOA of LMOA property. In Lieu of inclusion in the PM, the Board agreed that this listing should be maintained by the administrative staff. The Ad Hoc Committee believes that PM 1.05A holds the history of the evolution of the community and should be reviewed annually by the Board. The number of lots is the basis for defining dues and LMOA property can be sold to offset costs. There is a need to review the subdivision lots and their numbers on an annual basis. The notes contained are essential in regaining dues. Should a lot that has been consolidated is deconsolidated, dues are owed. Further, since a member vote on 6/29/96 terminated waiver of dues, such a consolidation could well require back payment of dues from that date.

Issue	Action
Lot Consolidation/De-consolidation	Decision on Placement

**Original Text**

**Suggested Rewrite**

Annual report should be prepared by staff listing all lots consolidated and de-consolidation, along with necessary note describing the rationale for the action so that the Board understands the issues and can identify the number of lots subject to dues. In addition, the annual report should show a list of LMOA real property, along with a diagram showing locations. This report should be reviewed annually by the board.

**Recommendations**

Staff to prepare an annual report to the Board as of October 1 of each year for Board review

Note ID	PM Section	POAA REF
2-1	By-Laws	55-513B
Subject		
Right of Appeal Before Loss of Vote		

These comments apply to both Section 8.04 of the By-laws and Chapter 18 that refers to the By-Laws. POAA 55-513 provides for two conditions, the first is suspensions of rights cannot occur before 60 days and the second is the right to hearing and representation by counsel before the Board of directors or other tribunal specified in the documents. Further, POAA 55-516 covers the process for Liens against a property for non-payment. Chapters 4 and 18 relating to non-payment need to be modified to be consistent. POAA 55-514C. provides specific language for non-payment of special assessments and should track with Chapter 4 and 18.

Issue	Action
Rights of appeal by member	Board Decision

### Original Text

Section 8.04. Loss of Voting Rights  
 Any member who shall not have paid any dues or assessments payable by him within 30 days after the same shall become due and payable, shall not be entitled to vote as a member and shall be denied the use of facilities while such arrearage continues. Nothing in this Section is to be construed as denying access to the member's lot(s).

### Suggested Rewrite

Change 30 days to 60 days and add the right to a hearing and legal counsel representation at member's expense.

Note that the Board decides if this matter will be handled by the Compliance Committee as its specified tribunal, but modification of the by-laws (Chapter 8) will require member vote.

### Recommendations

Modify Chapter 2, 8.04, Chapter 4 and Chapter 18 and use POAA language verbatim

Note ID	PM Section	POAA REF
3-1	Chapter 3.03	55.510.1

**Subject**

Numerous POAA references are missing from the text and need to be inserted. It is important to refer to the executive session 55.510.1C and clarify what can happen in executive session.

Issue	Action
Complete references in the chapter	Upgrade Content

**Original Text**

**Suggested Rewrite**

**Recommendations**

Add References where already identified by POAA number.

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
3-2	Chapter 3.03	55.510.1
<b>Subject</b>	Meeting Minutes	

The current meeting minutes of the Board of Directors do not capture discussions by members or the background on any motion. While motion background is included in the Board packets before the meeting, the context of the motion is not reflected in the minutes. This is important for those researching the history of a particular issue or previous Board Action. The minutes represent the history of Board actions. As a minimum, written comments provided by members during member comment, committee reports, and the motion proposal should be attached to the minutes. This documentation will help to understand the intent and content of the action by the Board.

<b>Issue</b>	<b>Action</b>
Quality of Minutes on Motions	Modify Minutes

**Original Text**

**Suggested Rewrite**

**Recommendations**

Use attachments to reflect the background for business conducted in the Board Meeting

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
5-1	Chapter 5	55-510

**Subject**  
 Personnel Policies and Procedures

In July 2006, the personnel policies were removed from the Policy Manual and recast as a Personnel Policies and Procedures Manual. This manual is currently on-line under Employment Opportunities. Members not seeking employment would not know where to look. Provisions in the Personnel Policies and Procedures Manual govern member expectations of employees of LMOA and access to this information is important in meeting provisions of antidiscrimination and sexual harrassment which actually apply to not only the staff, but members as well.

<b>Issue</b>	<b>Action</b>
Access to Personnel Procedures	Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Modify Chapter 5 reference to link to Personnel Policies and Procedures Manual so there is a link from Chapter 5

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
5-2	Chapter 5	55-513
<b>Subject</b>	Personnel Policy	

The General Manager was delegated responsibility and authority for the enforcement and administration of the policies, rules and regulations in July, 2006. In doing so, the Board removed the content from the Policy Manual. There are now no policies in place for the Board to develop personnel policy, or any requirement to regularly review the policies and procedures relating to personnel. Nor is there a requirement for the General Manager to recommend changes in policy for his/her enforcement and administration. The by-laws require development and adoption of policies by the Board. Board review of Personnel Policies and Procedures on an annual basis should occur and the General Manager should identify any policy changes that may be needed.

<b>Issue</b>	<b>Action</b>
Personnel Policy Development	Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Board review of Personnel Policies and Procedures on an annual basis.

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
5-3	Chapter 5	NA

<b>Subject</b>
EEO and Harrassment

The Personnel Policy and Procedures Manual, as it relates to harassment, applies to residents as well as employees. As a minimum, either the provisions that affect members and their guests be returned to a new section in Chapter 5, or Chapter 14 be modified to pick up the language in the Personnel Policy and Procedures Manual. Harrassment, Discrimination or Retaliation applies to members because we are a corporation, in which each lot owner is a member. Further, federal law applies to both employees, members and their guests, and visitors to the workplace.

<b>Issue</b>
Compliance with Federal Protection

<b>Action</b>
Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Modify Chapter 5 or Chapter 14 to cover EEO and Harrassment

Note ID	PM Section	POAA REF
6-1	Chapter 6	
Subject	Amenities	

Errors were found in various segments of Chapter 6 that are unrelated to legislative changes. Included is a restriction on the Golf Course to LMOA members and their guests only, yet the course is now open for the public to play.

Issue	Action
General Updates Required	Staff Review

**Original Text**

**Suggested Rewrite**

**Recommendations**

Modify to reflect current users permitted

Note ID	PM Section	POAA REF
7-1	Capter 7	
Subject		

Chapter withdrawn and not reviewed

Issue	Action
	None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None

Note ID	PM Section	POAA REF
8-1	Chapter 8	
Subject		

No discrepancies

Issue	Action
	None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None

Note ID	PM Section	POAA REF
9-1	Chapter 9	
Subject	Chapter Deleted	

Issue	Action
	None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None

Note ID	PM Section	POAA REF
10-1	Chapter 10.1F	
Subject	Chapter Deleted	

Issue

Action
None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None
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Note ID	PM Section	POAA REF
11-1	Chapter 11	55-514/55-516
Subject		
Special Assessments		

On special assessments and not paying, the POAA has specific language in both 55-514 and 55-516. This language is leading to assigning a lien on the property in the amount of the special assessment.

The rewrite of Chapter 4.02N needs to provide a one-place location for information on delinquency, rights of the member, and responsibilities of LMOA.

Issue	Action
None	

**Original Text**

...within 30 days after written notice by the ASSOCIATION, ...The lot owner shall pay the Association for such charges which shall be a special assessment on the lot, within 30 days written notice of the special assessment. In the event of an emergency, the Association shall take corrective action without giving the written notice or waiting 30 days. Failure to maintain the culvert or pay the special assessment within such 30 days time frame after written notice shall constitute a violation of the Rules and Regulations.

**Suggested Rewrite**

Failure to maintain the culvert constitutes a violation of the Rules and Regulations. Failure to pay the assessment shall entitle the Association to a lien on the property, filed with the Clerk of the Court in accordance with POAA § 55-516.

**Recommendations**

Modify 11.01 and refer to a new Chapter 4.02N

Note ID	PM Section	POAA REF
12-1	Chapter 12	
Subject	Public Relations	

No changes

Issue	Action
	None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
13-1	Chapter 13	55-513
<b>Subject</b>	<b>Chapter Title</b>	

Section 55-513 specifically authorizes the board of directors the power to establish, adopt, and enforce rules and regulations. Chapter 13 is not about the committee, it is about the polices, rules and regulations approved by the board to enforce standards. For 35 years, counsel has repeatedly advised the Board to not change the rules and regulations used by the association and supported by the by-laws, statements of subdivision and the covenants. In October 2008 the Board approved chapter changes, including the title "LMOA Environmental Controls." The Ad Hoc Committee has unanimously agreed that the title of Chapter 13 needs to return to "Environmental Control - Rules and Regulations." This change brings the chapter focus into conformance with the POAA 55-513.

<b>Issue</b>	<b>Action</b>
Clarity and consistency with POAA	Modify Text

**Original Text**

Chapter Thirteen  
LMOA Environmental Controls

**Suggested Rewrite**

Chapter 13  
Environmental Control  
Rules and Regulations

**Recommendations**

Modify text for chapter title.

Note ID	PM Section	POAA REF
13-2	Ch 13.02.II.A and B	55-513
Subject		
Clarification on Notifications		

There is lack of clarity on who is giving notice (the ECC) and what are the member (owner) responsibilities. This can be corrected by a simple text change. In II.B, there needs to be added the maximum fine up to 90 days with an added discussion directly related to court settlements under 55-516 on liens, where the cost of corrective action taken by LMOA can be recovered. Recommend legal counsel provide the actual language. The difference here is that the courts can require payment in excess of fines to cover reasonable costs.

Issue	Action
Clarification of responsibilities	Modify Text

**Original Text**

If, upon notification that a violation of the rules and regulations exists, the violation is not corrected within a reasonable time, the violation will be reported to the LMOA Compliance Committee for adjudication.

**Suggested Rewrite**

It is the lot owner's responsibility to remain in compliance with the rules and regulations enforced by the Environmental Control Committee. If, upon notification that a violation of the rules and regulations exists, the violation is not corrected within a reasonable time, the violation will be reported to the LMOA Compliance Committee for adjudication.

**Recommendations**

Modify Text

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
13-3	Ch 13.03.IV.D.1	55-513
<b>Subject</b>		
Materials for Accessory Structures		

Corrects error in sentence that omitted "be constructed"

<b>Issue</b>	<b>Action</b>
Materials definition	Modify

**Original Text**

The exterior materials of accessory structures shall be of the same colors roofing materials and siding materials used on the exterior of the primary structure.

**Suggested Rewrite**

The exterior materials of accessory structures shall be constructed of the same colors roofing materials and siding materials used on the exterior of the primary structure.

**Recommendations**

Modify text to add "be constructed"

Note ID	PM Section	POAA REF
13-4	Ch 13.03.IV.D	55-513
Subject		
Adding a completion timeframe		

Unlike construction of a primary home, there is no requirement for completion of the accessory structure. Recommend adding a 4. Completed within 3 months of start.

Issue	Action
No limit on completion	Add

**Original Text**

**Suggested Rewrite**

4. Accessory structures shall be completed within 3 months of start of construction. This period may be extended month-to-month with approval of the ECC.

**Recommendations**

Modify by adding 4. As recommended

Note ID	PM Section	POAA REF
13-5	Ch 13.03.X	55-514

**Subject**  
Special Assessment for Dredging at Owners Request

Dredging in Chapter 13 is focused on requirements as if the owner were contracting for the dredging. There needs to be a new section added for the case where LMOA is dredging for the homeowner. This would be covered as a special assessment subject to 55-514.

Issue	Action
Dredging update	Modify

**Original Text**

**Suggested Rewrite**

**Recommendations**

Add LMOA dredging procedures for waterfront lots as a new policy

Note ID	PM Section	POAA REF
13-6	Ch 13.04.II.A	55-513
Subject		
Section Correction of Citation		

Wrong section cited for fees and deposits

Issue	Action
Wrong citation	Clerical Update

**Original Text**

This requirement shall apply for each single family residence, Marina Point Condominium Unit, or project to be constructed and shall be accompanied by the applicable fees and deposits as required by Section 13.06.

**Suggested Rewrite**

This requirement shall apply for each single family residence, Marina Point Condominium Unit, or project to be constructed and shall be accompanied by the applicable fees and deposits as required by Section 13.07.

**Recommendations**

Modify text to reflect Section 13.07

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
13-7	Ch 13.04.V.A and B	55-513

**Subject**  
Provisions Not Supported By POAA

55-513 has been modified, making 13.04.V A and B no longer current as to timeframes for action. This also affects Article 2.01 and Article 7.0 of the by-laws, since they are based on language in the POAA that no longer exists. There are two appeals processes: 1)ECC rehearing and 2) Board of Directors hearing. Under 55-513 notice must be delivered at least 14 days in advance of the hearing. A hearing result must be delivered within 7 days of the conclusion of the hearing. The by-laws and policies can be more restrictive, but you cannot then say "within the timeframe stated in the Virginia Property Owners' Association Act.

<b>Issue</b>	<b>Action</b>
Timing for hearing appeals	Modify

**Original Text**

**Suggested Rewrite**

**Recommendations**

Review this section plus the by-laws for consistency and requirements of the POAA

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
13-8	Ch 13.06	55-509

<b>Subject</b>
Disclosure Packet

See discussion of disclosure packet in the body of the report.

<b>Issue</b>
Consistency with the POAA

<b>Action</b>
Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Modify Disclosure Packet

Note ID	PM Section	POAA REF
13-9	Ch 13.08	None

**Subject**  
Deconsolidation

Consolidations and boundary changes have been delegated to the General Manager by the Board. The policy is void on deconsolidation, the splitting of previously joined lots. Further, adding or removing lots is reflected in the statement of subdivision restricts further subdivision, so deconsolidation should not be allowed. The Board of Directors should at least review consolidations on an annual basis. Until policies are in place, deconsolidations need to be reviewed and approved by the Board and need to be consistent to the restrictions of the statement of subdivision. Deconsolidations also include some back payment of dues, depending on when consolidation occurred. These funds need to be allocated to reserves. It is questionable whether the delegation to the General Manager for signature approval is correct. By-laws Section 6.07 provide that the President of the Board is the chief executive and chief administrative officer and as such should sign consolidations. Accurate disclosures under the disclosure packet provisions of the POAA dictate accurate lot descriptions, including restriction

Issue	Action
Approvals and lack of guidance	Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Board review of consolidations/deconsolidation on an occurrence basis with verification of funds to reserves

Note ID	PM Section	POAA REF
14-1	Chapter 14	55-513
Subject		
Rewrite Member's Handbook		

It is the sense of the Ad Hoc Committee that the Members' Handbook should be structured as an owners' manual, containing information that the owner needs. It should restate the larger restrictions in the covenants, statement of subdivision and in the policy manual, provide information on procedures to follow, member rights, and member responsibilities. As written, it does not address the perspectives and information needs of the property owners. The structure on the website precludes searches across the PM for information. Recommend a single file also be accessible for use in searches by topics.

Issue	Action
Value of Information	Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Form an Ad Hoc committee to write an owners' manual led by the Board Vice President

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
14-2	Ch 14.02	55-513

<b>Subject</b>
Grouping of Rules and Regulations

Throughout the Policy Manual there are sections devoted to rules and regulations. As a long-term strategy to improve the Policy Manual, all rules and regulations that govern the lot owner should be combined into a single chapter. As it is now, it is spread mostly between Chapter 13 and 14, with some in Chapters 15 and 16. The conformance with the POAA would be strengthened if rules applying to the Board, Staff and committees were in their appropriate sections and rules and regulations for members were placed in Chapter 14.

<b>Issue</b>
Rules and regulations consolidation

<b>Action</b>
Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Consider consolidation of member rules into a single chapter.

Note ID	PM Section	POAA REF
15-1	Ch 15.04	55-510 B.
Subject		
Access to Records		

The POAA is very specific as to what members are allowed to have access to. Included are "all books and records" of the association. This would include tax filings, insurance coverage, budget information, awarded contracts, and actions of the Board and committees. While the reading files are focused on Board information in compliance with POAA 55-510.1, more restrictive access (possibly through the permanent reading files) must be granted under 55-510 once the individual meets member in good standing and not seeking information for pecuniary gain. The more general content is subject to the written notice requirement in 55-510. Chapter 15.04 needs to be modified to reflect the content available under "all books and records."

Issue	Action
Access to records	Staff Update

**Original Text**

**Suggested Rewrite**

**Recommendations**

Modify Section 15.04 to conform to POAA § 55-510

Note ID	PM Section	POAA REF
15-2	Chapter 15	None

**Subject**  
Update of Information

This chapter is replete with incomplete and outdated information. Most of which has nothing to do with the POAA, but needs attention of staff. As examples, snow removal is more than snow removal. It also applies to clearing roads after severe storms, ice control, contracts for snow removal, and recovery after any storm. Section 15.08 has not been updated since 1992 and contains information no longer current. There is now in Section 15.13 a channel 10 and 14 and the section needs to be updated by the Broadcast Group. Section 15.14 belongs in the personnel policies and procedures section and in Chapter 14 as it relates to members as part of the Members' Handbook. Note that harrassment procedures need to be correctly presented consistent with federal and state requirements.

**Issue**  
Currency of Information

**Action**  
Staff Update

**Original Text**

[Empty box for original text]

**Suggested Rewrite**

[Empty box for suggested rewrite]

**Recommendations**

Rewrite of Chapter 15

Note ID	PM Section	POAA REF
15-3	Chapter 15.01	55-513
Subject		
Sunset Agreement		

The Sunset Agreement sets a significant portion of this policy and should be attached.

Issue	Action
Transparency	Staff Update

**Original Text**

**Suggested Rewrite**

**Recommendations**

Add Sunset Agreement as attachment

Note ID	PM Section	POAA REF
16-1	Chapter 16	55-510

**Subject**  
Consistency of Content

Chapter 16 is a mix of committee charters and operations of these committees, including rules and regulations that affect members and member rights to appeal. The ECC charter has been removed. The Compliance Committee description includes operating procedures, fines and schedules. It is recommended that this chapter be limited to committee charters, roles and responsibilities, that the ECC charter be returned to this charter, using Chapter 13 for rules and regulations, and creating a new chapter on compliance operations. This new compliance chapter would contain the processes, assessments, rights of appeal, and responsibilities of the members (lot owners). The creation of a new chapter would also represent the place where the provisions of the Common Interest Community Board regulations and avenue's of appeal would be carried. This places all non-compliance matters in one chapter. Use another ad hoc committee to develop the structure for compliance.

Issue	Action
Transparency	Board Action

**Original Text**

**Suggested Rewrite**

**Recommendations**

Consider limiting the chapter to committee charters and structure and create a new compliance chapter

Note ID	PM Section	POAA REF
17-1	Chapter 17	
Subject	Chapter Withdrawn	

No actions

Issue	Action
	None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None

<b>Note ID</b>	<b>PM Section</b>	<b>POAA REF</b>
18-01	Chapter 18	55-514

**Subject**  
Member Responsibilities

Chapter 18 assigns to the Board responsibility for approving a schedule of dues and fees during the annual budget process. Chapter 18 also defines member responsibilities relating to dues, fees and special assessments. Chapter 18 is tied to Chapter 8 of the by-laws. POAA 55-509.3 refers to the ability of the association to charge appropriate fees supporting common interest. The Ad Hoc Committee agreed that language in Chapter 18 needs to be modified to be consistent with (recommend repeating the POAA Language) 55-514C. This language is also recommended under Section 4.02N, Delinquent Dues, Fees and Assessments

<b>Issue</b>	<b>Action</b>
Member Responsibilities	Board Action

**Original Text**

**Suggested Rewrite**

B. Members must be in good standing to enjoy the amenities and access to common areas of the community. The failure of a member to pay an assessment will provide the association with the right to deny the member access to any or all of the common areas. Direct access to the member's lot over roads within the development which is a common area shall not be denied to the member.

**Recommendations**

Add language from 55-514 to II Responsibilities

Note ID	PM Section	POAA REF
19-1	Chapter 19	
Subject	Safety and Security	

No POAA related comments

Issue	Action
None	None

**Original Text**

**Suggested Rewrite**

**Recommendations**

None

Note ID	PM Section	POAA REF
20-1	Chapter 20	
Subject		
Non-Voting Members		

20.01 Non-voting Membership Policy  
Types of non-voting members include 1) Golf Associate Member, 2) Social Associate Member, 3) Corporate Associate Member, 4) Business Member, and 5) Tenant Associate Member. For Corporate and Business, there is no criteria or application form. Administratively, and at least annually, the Board should receive a listing of each class of non-voting memberships with the number of participants, the revenue and expenditures and status of any dues and fees. The reference is Section 2.07 of the By-laws.

Issue	Action
None	None

**Original Text**

**Suggested Rewrite**

It should be noted that 20.04 and 20.05 members are now LMOA voting members through a deed agreement. There should be a Marina Point Chapter in the Policy Manual that covers the differences. For example, Marina Point is a condominium under the Virginia Condominium Act and has an additional homeowners' association.

**Recommendations**

None