

# **Spring Mills Unit Owners' Association Board of Directors Officers' Manual**

## **Statement of Purpose:**

1. To provide a written guide for maintaining continuity of management for the Spring Mills Subdivision.
2. To provide organizational guidelines for meeting the requirements of the covenants, conditions and restrictions of the Spring Mills Subdivision.
3. To quantify a consistent philosophy of governance and application of the CCRs of our community.
4. To define the functional committees of the Board of Directors and their respective purpose, authority and structure.

## **Board of Director's Officers** (Note: Member of the Board may hold more than one office.)

1. President
2. Vice President
3. Secretary
4. Treasurer
5. Architectural Control
6. Compliance Officer
7. Community Relations
8. Communications
9. At Large Members

## **Committees and Work Groups** for Spring Mills Subdivision Unit Owners' Association 2010

1. Architectural Control Committee
2. CCR Enforcement
3. Financial & Accounting
4. Property (pool, common area, streets etc.)
5. Beautification -- grounds
6. Communication (Newsletter/Web page) -
7. Community Relations (Neighborhood Watch, Block Captains)

## **Philosophy of Governance** for Spring Mills Subdivision;

The purpose of our covenants and restrictions is three-fold. First, the rules are to minimize friction between our Unit owners when issues arise through general guidelines on living in close proximity to each other. Second, the rules are applied to protect the quality of our community and the value of our properties. Third, the rules are tempered to allow the maximum autonomy

for our residents and allow their constitutional rights to “life, liberty and the pursuit of happiness” by exercising the minimum intrusion into their lifestyle.

While we try to show flexibility when applying some of the more restrictive rules of the community, we also try to appreciate the situation of the residents and limit our prosecution to those issues which devalue our community. Draconian enforcement of some of our covenants and restrictions would pose an unreasonable intrusion into the lives of our residents.

### **Scope of Authority and Functional Operation of the Board of Directors**

(See Exhibit “C” of the Covenants, Conditions and Restrictions handbook as defined in the bylaws)

### **Officers of the Association:**

#### **Job Description: President**

The President of the Spring Mills Unit Owners’ Association is elected at the first meeting of the Board each year from the membership of the Board of Directors, by the Board of Directors, by majority vote.

As per the bylaws, the President shall be the chief executive officer of the Association.

The President shall chair all monthly Board meetings and all general meetings unless unavailable. If unavailable for any scheduled meeting, the Vice President shall act as President Pro Tem.

As directed by the covenants and restrictions, the President shall conduct meetings using Roberts Rules of Order, with the President only casting a vote on a motion to break a tie.

The President shall assume other duties and responsibilities as conditions dictate.

The President shall be a cosignatory to the Association bank account.

The President shall assume other duties and responsibilities as conditions dictate.

#### **Job Description: Vice President**

The Vice President of the Spring Mills Unit Owners’ Association is elected at the first meeting of the Board each year from the membership of the Board of Directors, by the Board of Directors, by majority vote.

The Vice President shall, in the absence of the President, act as President when required.

The Vice President shall assume other duties and responsibilities as conditions dictate.

The Vice President shall be a cosignatory to the Association bank account.

The Vice President shall organizing and overseeing the election of officers.

#### **Job Description: Secretary**

The Recording Secretary is responsible for taking, publishing and distributing minutes at all meetings of the Board, general meetings of the membership and any special meetings which require documentation.

The Secretary is responsible for maintaining the files of the association.

The Secretary is responsible for furnishing the Web Master any information for posting on the association Web site.

The Secretary shall assume other duties and responsibilities as conditions dictate.

**Job Description: Treasurer**

The Treasurer of the Spring Mills Unit Owners' Association is elected at the first meeting of the Board each year from the membership of the Board of Directors, by the Board of Directors, by majority vote.

The Treasurer shall act as Chief Financial Officer of the Association and be a cosignatory to the Association bank account.

The Treasurer shall be responsible for the creation of the annual budget, arranging for the required distribution of the adopted budget to the membership, and coordinating the annual assessments.

The Treasurer shall coordinate the accounting functions with the Association's contract accountant, and oversee the collections and financial management of the Association.

The Treasurer shall assume other duties and responsibilities as conditions dictate.

**Credit & Collections Subcommittee;**

This subcommittee reports to the Treasurer and works with the accounting firm in maintaining the association members list, pursuing collections per the policies passed by the Board of Directors (see Addendum A).

**Scope of Authority and Functional Operation of the Committees:**

**Architectural Control Committee** – beyond the definition in the bylaws under Section 22(c);

Article V, Committees, section 2, (see Article XI, section 1) states,

“In addition to any other committees which may be established by the Board pursuant to Section 1 of this article, the Board of Directors may appoint an Architectural Control Committee consisting of at least three (3) and no more than (7) members. Acting in accordance with the provisions of the Declaration, these by-laws, and resolutions the Board may adopt, the Architectural Control Committee, if established, shall be the hearing tribunal of the Association and shall conduct all hearings pursuant to Article III of these by-laws.”

This committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

**Architectural Control Committee Protocols;**

When the Board of Directors receives a request for approval for an addition or remodel under the covenants and restrictions of the owner's association, the application is forwarded to the Architectural Control Committee (ACC) for review and action.

The Unit owner may download an application form from the association Web site or ACC will send an application form to the owner/association member to collect pertinent information regarding the project.

Upon receipt of the pertinent information – plot plan, rendering, contractor information, etc. – the ACC will review the detail to make sure the project is within the covenants and restrictions, proper permits are pulled and that qualified and insured contractors are used.

Conditional approval will be granted to conforming projects subject to Article XI, Section 8.1&2 requiring final inspection. Full approval will be given when the completed project is verified as planned under the covenants.

The ACC may deny the petition for cause. The conditional approval and denial will have an explanation attached to inform the owner/applicant how they may comply as required by the covenants and restrictions for full approval.

Appeals to the denial of a project may be filed with the Board as prescribed in the covenants and restrictions document.

#### **CCR Enforcement Committee;**

Bylaw section 22(d) states,

“Notwithstanding anything to the contrary herein contained, the Association, acting through the Board of Directors, may elect to enforce any provision of the Declaration, these By-Laws, or the rules and regulations of the Association by self-help (specifically including, but not limited to, the towing of vehicles that are in violation of parking rules and regulations) or by suit at law or in equity to enjoin any violation or to recover monetary damages or both without the necessity of compliance with the procedure set forth above. In any such action, to the maximum extent permissible, the Owner or occupants responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney's fees actually incurred.”

This committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

#### **CCR Enforcement Protocols:**

Unit owners may submit a violation complaint form obtainable through the Web site or by calling the Association telephone and requesting a form.

Upon receipt of a completed complaint form, the Compliance Officer shall investigate the alleged violation to determine if, in fact, the covenants and restrictions have been violated, and to what extent.

Based upon the philosophy of governance stated above, the Compliance Officer will notify the violator in writing as to the nature of the violation and the corrections expected. All names of unit owners filing a complaint are to be anonymous and the Compliance Officer pursues correction in the name of, and with the authority of the Association.

All notices of violation must have the information outlined in Section 22 (a) of the bylaws of the association.

Refusal to correct legitimate violations upon receipt of written notice of violation will be brought to the Board of Directors for approval of enforcement action – fines, legal remedy, suspension of neighborhood privileges, etc.

This committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

**Financial & Accounting Committee:**

The Financial & Accounting Committee is chaired by the Treasurer and is responsible for the preparation of the annual budget as defined in the CCR's. This committee will create an annual operating budget and monitor the capital budget as passed by the Board of Directors. This committee is responsible for conducting and auditing elections.

**Property Committee:**

This committee manages the commonly owned property and the sports complex; maintain all capital equipment and installations. The Property Committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

**Beautification Subcommittee:**

This subcommittee will assist the Property Committee in maintaining the cosmetic plantings in the common area of the community.

This committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

**Communication Committee:**

The Communication Committee is responsible for creating and publishing the association news letter, posting information on the association bulletin board at the sports complex and working with the Web Master to keep the association Web site current and informative. This committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

**Community Relations Committee:**

The Community Relations Committee is responsible for organizing the Neighborhood Watch program, coordinating the Block Captains and organizing the general meetings of the association membership.

This committee will create an annual budget for the Finance and Accounting Committee outlining anticipated expenses and capital improvements for each fiscal year.

## **Board of Directors Manual**

### **ADDENDUM "A"**

#### Credit Policies approved by the Board of Directors

Neighborhood assessment billings will go out in May, due June 1. (see page 67 in Green Book)

Unpaid assessments as of July 1 will accrue 1 1/2 % interest per year (18% Annual.) as authorized in the Uniform Common Interest Ownership Act of the State of West Virginia, section 36B-3-115(b).

Assessments unpaid by August 1 will receive a strong letter regarding payment. This letter should contain the required verbiage from the CCR's.

Unpaid Assessments at the end of August will have liens placed upon the property to protect the community interest. Lien will include penalty for non-payment, interest and lien filing charge of \$25. The amount of the lien should be at least \$1,000 -- more than owed to cover any legal or collection costs.

Monthly statement should be mailed to past due members with the interest and lien filing fees clearly stated.

By September a letter should be sent to any past-due owners that their account will be taken to Magistrate Court if it is not paid in 30 days.

When an account is five months overdue, an action should be filed in Magistrate Court. If payment is offered before going through Magistrate Court or to a collection agency, the Board can forgive the additional amount above actual amounts due and issue a release of lien.

When a judgment is rendered by Magistrate Court (either from a hearing or in default,) following the 20 day appeal option, a Writ of Execution should be filed in the Magistrate Court. The Sheriff's office should be assigned to seize personal property to satisfy the Magistrate Court decree.