

Fairfax County Federation of Citizens Associations
Membership Meeting of September 23, 2004
MINUTES

The meeting of FCFCA was held at the Packard Center at 7:30 p.m. (Attendance list is attached.)

President Carol Hawn introduced Cal Wagner, the homeowners association liaison officer for the county's Consumer Protection Division. Previously with the Park Authority from 1989 to 1994, he has been at the Consumer Protection Division since 1994. He produced the 400-page Fairfax County Community Association Manual, primarily related to homeowner and condominium associations, which is available online through the county web site.

Program — Mr. Wagner began by reviewing the distinction between homeowner and condominium associations and civic, citizens, or community associations.

Homeowner and condominium associations are supported by state laws to enable and authorize them. They have legally enforceable powers and authority to act as a government, to establish rules and regulations, enforce them, judge and try cases that arise, and levy annual and special assessments. Most have a maintenance responsibility for common property.

By contrast, civic, citizens, or community associations have no legal backing. Everything is voluntary, including membership. In general, these associations tend to have a different perspective. HOAs and condo associations deal with internal neighborhood matters such as maintenance, architectural guidelines, and enforcement, which can include towing. Civic associations are typically community-oriented. Many take positions on school, budget, and transportation issues, either on their own or through District Councils and the Federation. They are a frequent voice at hearings and have a direct outlet to the Supervisors.

Because civic associations are purely voluntary, the county has no guidelines and no requirements for them, including no requirement to register. They can choose their own name and geographic boundaries. They can also encompass an area that includes homeowners associations. They are held together by community spirit and community interest. Many of the Supervisors maintain lists of local civic associations where the associations have chosen to share this information.

Although not required to do so, civic associations often organize as corporations under the state's Non-Stock Corporation Act in order to confer limited liability protection on the association officers. In addition, organizations can choose to register with the IRS as non-profit organizations, a separate process. This confers additional liability protection.

Homeowner associations and condo associations are identified by their declaration, filed in the county Records Office. The declaration normally renews automatically, so even HOAs that have become inactive still legally exist. Residents who are not sure whether they are part of a dormant HOA can tell by going to the county Records Office and searching for a declaration.

Associations formed after January 1, 1959, but prior to the 1989 Property Owners Act, are considered "predecessor associations." If they have legally recorded covenants, the covenants can be enforced, but only by individuals or as a class action, unless the association has a declaration. Most such covenants, however, have been superseded by county zoning requirements.

In response to discussion with Federation members, it was suggested that the Federation work with Mr. Wagner and the county to form a taskforce to offer basic guidance to new civic associations, such as providing sample bylaws for large, medium, and small civic associations.

Currently, communities forming new associations often have questions for the Federation or for Mr. Wagner, and this could offer a more systematic response. This could also complement the county manual, which is primarily directed at homeowner and condominium associations.

Bill Hanks noted that in past years, the Federation maintained a file of typical civic association bylaws. (Other bylaws may also be found at association sites listed on the Office of Public Affairs page of the county web site.) The Federation president continues to meet with new community associations at their request to offer assistance and answer questions.

Business Meeting —

- a. The minutes for the June 17 meeting were reviewed and unanimously approved as written.
- b. President Carol Hawn reported that Mary Tycz of the Education Committee was testifying to the School Board that evening on behalf of the Federation position in favor of the sale of 35 acres of school property to fund school construction elsewhere.
- c. Flint Webb reported the area is out of attainment for PM (fine particulate matter) 2.5 and for ozone, but in compliance for PM 10. The main source is most likely vehicle exhaust.
- d. President Carol Hawn reported that the Planning Commission public hearing on the Chesapeake Bay Supplement is to be held on October 7. Also, a concept study regarding the possible expansion of I-66 inside the Beltway is to start in late October.
- e. President Carol Hawn discussed the need for a Federation representative to Fairfax 2007, a committee organized as part of the Virginia 2007 initiative marking the 400th anniversary of the Jamestown settlement. Esther Ferington agreed to be the Federation representative.
- f. President Carol Hawn reported that Jeffrey Nolan has recruited Federation representatives for every board, association, and committee vacancy. None has been appointed for the Criminal Justice Advisory Committee, however, as it appears to be inactive at this time.
- g. Norman Neiss of the Providence District Council reported that the council has been meeting throughout the summer regarding the large development planned in Fairlee, Vienna Station, and nearby areas, particularly with regard to stormwater management and traffic.
- h. Patrick Rea reported from the Mount Vernon Council on ongoing issues of concern, including pedestrian deaths on Route One; new principals at all the local high schools; recent presentation to the council by Gary Groat of the county's Economic Development office; and continued concerns about the status of INOVA Mount Vernon Hospital.
- i. Jeffrey Nolan reported from Braddock District Council that the Burke Center VRE task force was meeting and that efforts are underway to reinvigorate the council.

New Business:

President Carol Hawn reported that the Federation web site is temporarily down. A plan is in progress to remedy the situation and to install the upgrades that have been planned.

Next Membership Meeting: Thursday, October 21, 2004, The Honorable Dana Kauffman, Lee District Supervisor and WMATA (Metro) Board member, "Overview of Metro Issues and the Bond Referendum." Next Board meeting October 28, 2004.

Meeting adjourned at 9:30 p.m.