MEMBERSHIP Meeting Minutes

Thursday, Oct. 24, 2024, 7 p.m., Jim Scott Community Center

<u>Attendees</u> – Tim Thompson, Sue Kovach Shuman, Bill Barfield, Morgan Jameson, Jeff Parnes, Luann Whittenburg, Gabe Goldberg, Lewis Grimm, Mark Crawford, Dave Fitzpatrick, Bob Gribbin, Gerry Anderson, Patrick Smaldore, Mike Perel, Doug Birnie, Nancy Trainer, Dianne Quattrone, Amy Hayden, Anna Dixon, W. Bynes; and speakers Brent Riddle and Arthur Purvis

<u>Call to Order</u> – 7:10 p.m. by President Tim Thompson

SPEAKERS

- Brent Riddle, Fairfax County Department of Transportation, on Funding for the Washington Metropolitan Area Transportation Agency (WMATA)
- Arthur Purves, president, Fairfax County Taxpayers Alliance
- Both spoke on the transportation bond referendum on the November ballot.

Old Business -

Approved Sept. 26 membership meeting minutes

New Business -

- Discussion and vote on the 9-issue Legislative Package. Leaf blowers and casino legislation voted on separately, both passed. (leaf blowers 21 to 5, no idea on other)
- Two new Issues for the Legislative package were introduced by new members from South Run HOA:
 - (Attachment 1) HOA Board Accountability passed with two-thirds Yea vote (Attachment 2) HOA Notarization passed 13 Yea, 2 No, 1 Abstention.
- One member stated that his association board did not have enough time to review the package. For this reason, there were No votes and abstentions on several issues.
- Education Committee resolution was passed and to be sent to FCPS Board and Supervisor (Attachment 3).
- Public Safety Committee announcement about November 21 membership meeting presentation by the FBI Private Sector Team.

Next Meetings –

NO Board Meeting in November (tentative)
Membership meeting: Thursday, Nov. 21, 7 p.m. Braddock Hall, Burke



Adjourn: 9:25 p.m.

Recorded by: Sue Kovach Shuman and Bill Barfield

Attachments:

Attachment 1. HOA Board Accountability

Attachment 2. HOA Notarization Requirements

Attachment 3. Secondary Grading Resolution

Attachment 1.

Issue ID: 25A01	HOA Board Accountability
This Issue is for:	X Fairfax County Delegation to the General Assembly Fairfax County Board of Supervisors
Date Approved by F	Cederation: 26 October 2024
homeowner's associa	Property Owners' Association Act (POA) needs clarification that governing bodies of a tion (HOA), as a whole or as individuals, shall be personally liable for knowingly or g the POA and/or the HOS's own governing documents.
that an HOA governi	HOAs operate in violation of their own rules and/or the POA. This proposal specifies ng body or Board member who violates such rules shall <i>not</i> be covered under the blanker the HOA; and therefore, be personally responsible for their actions.
accountability of HO of the Common Inter- cannot use communit recently increased HO	A Boards, as is evidenced by the number of complaints appealed to the Virginia Office est Community Ombudsman. The State fails to ensure that those in violation of the POA y resources to defend their personal violation of that statute. Prince George's County DA accountability by requiring that violations be heard publicly by their oversight such ruling be binding. It is time for Virginia to take similar actions.
or unknowingly fail t Restrictions (CCRs). complaints through ti protections/indemnifi directly to the state of actions by the state. requirement of holding	Amend the POA to hold HOA board members personally liable when they knowingly o comply with state and local laws or the HOA's Covenants, Conditions, and This should expressly apply if an HOA fails to meet the requirement to address mely and fully transparent public hearings via fines, penalties, loss of legal cation, etc. imposed on the perpetrators. Require that non-compliant HOAs be reported mbudsman, resulting in additional scrutiny and the potential for further enforcement These penalties would provide strong incentives for HOAs to comply with the ag public hearings for complaints, ensuring that transparency and accountability are ernance of homeowners' associations.
not be allowed to be this position provides with more control over process is transparent of homeowners' right	ng all complaints be adjudicated in public hearings and that HOA community insurance used by individual Trustees/Directors who have violated the requirements of the POA, members of HOA communities (who are mandated to pay HOA fees with no choice) er the money they paid for community administration and ensure that the complaint at This includes increased accountability and fairness; enhanced transparency; protection its; proper use of community resources; good governance; reduces legal disputes. I standards among board members, and promotes a sense of fairness and transparency in tent.

Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): The more than two million Virginia residents live in roughly 9,100 HOAs in Virginia and who paid about \$2.4 billion in HOA assessments in 2021. With overly-restrictive, and expensive processes for updating the governing documents for individual HOA communities, this action would directly support transparency and accountability in these communities.

<u>Lead Federation Committees</u>: Citizen Association Services, Legislation

<u>Prepared by & Federation email</u>: Anna Dixon, <u>Services@FairfaxFederation.org</u>
William Barfield, Legislation@FairfaxFederation.org

Attachment 2.

<u>Issue ID</u> : 25A02 HOA Notarization Requirements		
This Issue is for: X Fairfax County Delegation to the General Assembly Fairfax County Board of Supervisors		
Date Approved by Federation: 26 October 2024		
Issue: Grant relief to older Homeowner Associations (HOAs) wanting to amend their Covenants, Conditions, and Restrictions (CCRs) so they can operate cost effectively and efficiently using digital capabilities in lieu of extant high quorums and notarized signatures in our 21st century. Virginia's notarial law, under the Virginia Notary Act (Virginia Code § 47.1-1 et seq.), allows for electronic notarization. However, its use is not directly tied to the amendment processes for HOA documents within the Virginia Property Owners' Association Act (POA) framework.		
<u>Background</u> : Many (40+ years old) Virginia HOAs desire to amend their dated CCRs to comply with current law, court rulings, technology, etc., but are burdened with requiring physical, notarized signatures from all members.		
Existing Conditions/Impacts: Current Virginia law typically subjects older HOAs to costly and laborious inefficient manual processes (i.e., collection of physical, notarized signatures from a specified percentage (quorum) of property owners (often 60-75%). The requirement for notarized signatures adds a significant burden to the amendment process (e.g., a layering of legal and notarial fees, hiring of external administrative support to track down homeowners, organize signing events, maintain records of signatures, and ensure compliance with legal requirements). Such a process becomes circuitous and self-defeating and obstructs the amendment process. As a result, important community updates to the CCRs - such as those addressing modern safety needs, technological advancements, or local regulatory changes - may be delayed or blocked, keeping the community from adapting to current standards. Recent cost estimates to comply exceed \$40,000. Other States have recognized the challenges associated with the notarization requirement and have implemented more streamlined digital processes. For example, California's Davis-Stirling Act allows for electronic voting on amendments to governing documents, reducing the time and effort required for HOAs to achieve quorum and secure member approval. Such changes have helped to lower costs, improve participation rates, and ensure that associations can respond more quickly to evolving community needs.		
<u>Preferred Position</u> : We propose adding legislation that amends the POA (1) to allow electronic signatures, and (2) to authorize electronic voting for CCR changes to modernize the amendment process while preserving community involvement and transparency. The amendment process for CCRs in many HOAs is dictated by provisions in the original HOA documents, which do not provide flexibility for electronic or digital means of collecting approvals.		
Benefits : A digital consent process will allow HOAs to gather electronic signatures, conduct virtual meetings, increase homeowner participation, and modernize Virginia's laws governing HOAs.		
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Virginia lawmakers representing older HOAs; Housing and community development advocacy Organizations; Community Associations Institute.		
<u>Lead Federation Committee</u> : Citizen Association Services, Legislation		
<u>Prepared by & Federation email</u> : Anna Dixon, <u>Seervices@FairfaxFederation.org</u> William Barfield, <u>Legislation@FairfaxFederation.org</u>		



Attachment 3. Fairfax County Federation of Citizens' Associations Resolution on Secondary Grading and Reporting in FCPS Approved by the Membership 26 October 2024

WHEREAS, properly aligned grading and reporting practices provide essential feedback to students and their families, affect scholarship opportunities, college acceptances, and other post-secondary work, and are central to evaluating the success of FCPS as a system; and

WHEREAS, consistent grading and reporting practices help ensure that FCPS operates as a school system and not simply as a disconnected system of schools; and

WHEREAS, since 2020 individual FCPS schools, departments, and teachers have on an ad hoc basis adopted various grading and reporting practices consistent with the philosophy of Standards-Based Grading (SBG);¹ and

WHEREAS, in the fall of 2023 FCPS' Instructional Services Department convened a Secondary Grading Advisory Committee to conduct a broad review of FCPS secondary grading policy and provide recommendations for revisions; and

WHEREAS, the FCPS School Board has held just two work sessions on the topic of secondary grading policy since the pandemic, and has adopted no endorsement of SBG;² and

WHEREAS, in its work session on August 27, 2024 the School Board declined to adopt the recommendations of the Secondary Grading Advisory Committee and instead directed the Board's Governance Committee consult with staff to develop further recommendations regarding both the philosophical goals of FCPS grading policy and practices which would support those goals; and

WHEREAS, FCPS has not engaged in broad, substantive community discussions with either the public or its teaching staff regarding proposed shifts in grading and reporting practices; and

WHEREAS, FCPS has not engaged any scholarly experts to independently provide a systemic review of the evidence regarding SBG and/or its various practices; and

WHEREAS, FCPS staff updated several grading and reporting practices for the 2024-25 school year with directive language (e.g. "FCPS courses will use these uniform grading categories"³),

¹ See, for example, FCPS Instructional Services Department, Secondary Grading Advisory Committee Final Report: School Year 2023-24. May 17, 2024.

² While the Board has permitted the use of certain SBG practices—such as the use of a rolling gradebook, more generous opportunities for test retakes, and gradebook category weighting favoring summative work—the Board's only policy change since the pandemic was to mandate the use of a traditional 100-point scale. Many Board members have expressed skepticism of the wisdom in separating work habits from grading, one of the central pillars of SBG.

³ https://www.fcps.edu/academics/grading-reporting/secondary-school

THEREFORE, BE IT RESOLVED, by the Federation:

- 1. We urge the Governance Committee and School Board to redirect FCPS staff to create a project management plan which will collect and analyze data to assess all recent changes to grading and reporting practices, including those implemented for the 2024-25 school year; and
- 2. We further suggest that this assessment must contain a clear hypothesis, metrics for success, surveys of both students and teachers, and an analysis of the degree of compliance with each specific directive; and
- 3. We suggest this assessment should break out data by school and by each new practice, and that these findings should be presented to the public; and
- 4. We urge the superintendent to contract with external academics with expertise analyzing the effectiveness of grading and reporting to provide FCPS with a systemic review of the evidence regarding best practices in this area, including various SBG-related practices; and
- 5. We suggest that this external study focus on systems with similar class sizes, demographics, and/or overall number of students as FCPS; and
- 6. We urge the School Board to refrain from any policy changes and/or formal changes in regulations until the completion of both the internal staff analysis and an external study; and
- 7. We express our disapproval of FCPS for implementing significant changes to secondary grading and reporting practices without either proof of concept or authentic community engagement; and
- 8. We urge FCPS to implement any future changes in grading practices through a scalable and adjustable pilot program with continual monitoring to ensure these practices "do no harm" to students' grade reports; and
- 9. We reiterate our call for FCPS to implement a decision-making framework⁴ so that future consequential decisions regarding policy and/or or practices are made with full, frank, and transparent deliberation, and in order to minimize problems with implementation.

⁴ As recommended in the 2013 Virginia Department of Education School Efficiency Review of FCPS.