

## KENNSINGTON COURTS COMMUNITY ASSOCIATION

### Board Meeting Minutes – September 28, 2006

**Call to Order:** This meeting was conducted as a review of the status of currently ongoing activities, with an outline of the plan going forward, and then adjourned. The subjects addressed were as followed:

**Covenant Revision Process:** The meeting opened up with a member from the floor addressing their concern with regards to the covenant revision process. He feels that the revision process should be by majority vote, rather than having to be approved by a 2/3rds vote of the community, as it stands now. The “difficulty” in getting revisions, when members do not actively vote on issues, is why he feels that way.

The board explained that the covenants are legally binding for the board to follow, and are what requires us to get 2/3rds affirmative votes to change a covenant. It was also pointed out that a change to the “covenant revision requirements” would, itself, require the same 2/3 affirmative vote.

It was agreed to continue to discuss the various options that might exist on this subject, and to investigate the ramifications of each.

**Fines:** A question was raised about the “Fine Structure” referenced in recently implemented enforcement policy disclosures. The Board explained, first, the inescapable legal obligation it has to protect the interest of community members, who do want the covenants enforced as written, and about the ongoing problem of a few individuals being unresponsive to simple requests for compliance, and being unresponsive to the proposition of small fines. In other words, it was explained that the board really had no other choice, in order to fulfill its responsibilities. However, the Board also pointed out that it would continue to strive to be reasonable and fair with members in all dealings, and that simple courtesy, and reasonable responsiveness can make it possible for members to avoid any such fines, and so, for most people there will be no impact.

**Covenant Committee:** Discussion was initiated about the status of enforcement on all covenant questions. The Board responded by explaining the strategy that it was employing in “phasing in” enforcement. It also explained the difficulty of working this issue with limited resources. It was reiterated that the Board was in the process of assembling a covenants committee to help work through Architectural Reviews, and to make it possible to address the broader set of potential compliance issues, which have been raised within the community. This process was initiated with a recent community bulletin, and remains ongoing.

**Standardized Covenants:** The conversation lead into a continuation of the discussion about the potential benefit of redrafting our Covenants, in order to standardize the community into a single set, perhaps, also affording an opportunity for a single pass at weeding out the more problematic covenants. The

consensus seems to be that it would be a good idea, but it was recognized that it would be a large effort, and that perhaps it should be deferred until some of our current projects are completed.

**Architectural Approvals:** A member raised a question regarding the time frame, associated with getting an architectural review request processed. There was also some confusion expressed about how this relates to the town building permit process. The board explained that it has nothing to do with the town building permit process, and that, therefore, it has no control over the timing or requirements of those. The board also explained that it was critically important that members respect this process, so that they may be assured that their property improvements are (in fact) compliant to the covenants. This helps ensure that they will not (later) be legally required to reverse their work, by (among other things) providing them a letter of approval from the covenants committee, which serves to defend their project from future questions or challenges. Some general examples were illustrated, where members began projects, believing, they were in compliance, when in fact they were not. In one case... moving to place a fence on an incorrect property line.

The Board also explained that pursuant to our covenants, the Board has 30 days to get a response back to a member, once a request has been received, so it is important that members build an adequate schedule into their plans to permit this process. While the Board will do what it can to process requests as quickly as possible, it was pointed out that all Association Staff are volunteers, who have “regular full time jobs”, “personal lives”, etc., and so, there is also an obligation for the community to be reasonable and understanding, in this regard.

**Legal up-date with the common ground and water rights:** It was advised we are still in the discovery phase, leading up to a court date, scheduled for November. The board indicated that it was satisfied with our progress in this case, and remained optimistic about the potential outcome. As the situation unfolds, further updates will be made available.

Following this discussion, the meeting was adjourned.

**Next Month’s meeting: October 26, 2006 8:30pm at the Elkton Town Hall (2<sup>nd</sup> floor). Website: [www.kccaelkton.com](http://www.kccaelkton.com)**

Rhonda Quay-Perez  
Secretary, KCCA