

# ARCHITECTURAL COMMITTEE PROCEDURAL GUIDELINES POLICY RESOLUTION

**Sugarland Run Homeowners Association, Inc.**  
**Resolution of Architectural Committee Procedural Guidelines**

WHEREAS, the Declaration of Sugarland Run Homeowners Association, Inc. ("Declaration"), the Declaration of Covenants, Conditions and Restrictions of Sugarland Run Homeowners Association, Inc. ("Covenants"), the By-Laws of Sugarland Run Homeowners Association, Inc. ("By-Laws") and the Articles of Incorporation of Sugarland Run Homeowners Association, Inc. ("Articles of Incorporation"), collectively known as the Governing Documents, provide that the Lots are subject to the Governing Documents and the rules and regulations of the Association; and

WHEREAS, the Architectural Committee, also known as the Architectural Review Committee (the "ARC") has the responsibility of reviewing proposed construction or alterations of structures; and

NOW, THEREFORE, BE IT RESOLVED, that the following policies shall supplement the Governing Documents and govern the procedures and meetings of the ARC:

**A. Election**

The Owners of a majority of the Lots shall elect the members ARC, pursuant to the Covenants for three year terms. The number of ARC members is limited to three, however, the ARC may request that the President of Sugarland Run Homeowners Association, Inc. ("SRHOA") or the Board notice a Special Meeting of the Members for the purpose of amending the Covenants and increasing the number of ARC members.

The ARC Members shall elect a Chair, by majority vote, at their next Regular ARC Meeting following the election, for a term of one year. There is no limitation on the number of terms an ARC Member may be elected to the ARC by the SRHOA Members ("Members") or elected as an officer by the ARC members. There are no qualifications to be elected as an ARC officer, other than being a member of the ARC.

**B. Meetings Defined.** Meetings of the ARC shall include Regular Meetings and Special Meetings.

1. Regular Meetings. The ARC may adopt a resolution at the last Regular Meeting of the calendar year setting forth the proposed Regular Meetings for the following calendar year. The resolution shall be published on the Association's website and will be referenced in the Association's newsletter. No other notice of Regular Meeting of the ARC will be provided. Regular Meetings of the ARC shall be held monthly on the second Tuesday of each month at 7:30 p.m. at the offices of SRHOA.

2. Special Meetings. Special Meetings of the ARC may be called by the Chair of the ARC or at the request of any two ARC members. Notice of Special Meetings shall be provided to the Members of the ARC at least two days in advance by written notice



delivered personally or sent by first-class mail or electronic means, unless waived by an ARC Member by attendance at the meeting or by written waiver signed before or after the meeting.

3. An ARC member who misses more than three consecutive meetings or more than six meeting in a calendar year may be asked, but is not required, to submit their resignation.

4. The ARC may request that any ARC member be removed, with cause, at a Special Meeting of the Members by a majority vote of the Members at which there is quorum. The Special Meeting of the Members shall be called pursuant to Article 4, Section 2 of the By-Laws. The vacancy created by a removal of an ARC member shall be filled pursuant to Section N of this Resolution (Death and Resignation).

**C. Notice of ARC Meetings.**

1. Notice of the time, date, and place of each meeting may be published on the Association website.

2. Messages left on answering machines, voice-mail, or by any other means other than as may be specifically permitted shall not constitute notice without the ARC member's consent. Any such consent herein to notice by facsimile communication, electronic mail or any other form of electronic transmission is revocable by written notice to the ARC Chair.

**D. Open Meeting Requirement.** All meetings of the ARC, except those held in executive session, shall be open to the Members, in accordance with the Property Owners' Association Act (the "POAA").

**E. Conduct of Meetings.**

1. The Chair of the ARC shall preside over meetings of the ARC and the Secretary of the ARC or the Managing Agent for the Association shall keep the minutes of the meetings and record in writing all resolutions adopted at the meetings and the proceedings occurring at the meetings. The Vice-Chair shall act in the place and stead of the Chair in the event of absence or inability to act.

2. The then current edition of Robert's Rules of Order shall govern the conduct of the meetings of the ARC when not in conflict with the POAA, the Virginia Nonstock Corporation Act or the Governing Documents.

3. The minutes of a meeting shall be maintained by SRHOA and be made available for copying or inspection by those Members in good standing, pursuant to the POAA.

**F. Meeting Length.** All Regular Meetings of the ARC will automatically conclude four (4) hours after their beginning at 7:30 p.m. (or may adjourn earlier), unless by two-

thirds vote of the quorum of the ARC members present, the ARC decides to suspend the rules and extend the meeting time.

**G. Use of Technology.** A meeting may be conducted by telephone or videoconference or similar electronic means, in accordance with the POAA. ARC members participating in such a manner may vote and shall be deemed present for such a meeting.

**H. Voting by Secret Ballot.** Voting by secret or written ballot in an open meeting shall not be permitted except for the election of Officers.

**I. Executive Session.**

1. By majority vote of the ARC members present, the ARC may convene in executive session: to consider personnel matters; consult with legal counsel; discuss and consider contracts; to discuss and consider potential, probable, or pending litigation; and to discuss and consider matters involving violations of the Governing Documents or rules and regulations adopted by the ARC upon the affirmative vote in an open meeting to assemble in executive session.

2. The motion shall state specifically the purpose of the closed session.

3. Reference to the motion and the stated purpose for the executive session shall be included in the minutes.

4. The ARC members shall restrict the consideration of matters during the executive session portions of meetings to only those purposes specifically stated in the motion.

5. No contract, motion or other action adopted, passed, consented, or agreed to in executive session shall become effective unless the ARC, following the executive session, reconvenes in open meeting and takes a vote on such contract, motion or other action which shall have its substance reasonably identified in the open meeting.

**J. Recording Meetings of the ARC.**

1. Any Member may record any open portion of a meeting of the ARC, as permitted in the POAA, and shall inform the ARC prior to recording the meeting that the meeting is being recorded.

**K. Agenda Packets.** SRHOA Members shall have the right to review agenda packets and materials for any open session of the meeting, as permitted in the POAA.

1. The Chair and the Managing Agent shall establish the draft Regular Meeting agenda.



2. Unless otherwise directed by the Chair of the ARC, the agenda package shall be delivered to the ARC members prior to the meeting.

**L. Member Comments.**

1. A portion of each meeting shall be set aside for SRHOA Members' comments, pursuant to POAA, which may be on any matter relating to the ARC, and the Chair shall attempt to determine the number of anticipated speakers and allocate the allotted time fairly among them.
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2. SRHOA Members are encouraged to attend and observe the ARC meetings.

3. During a meeting at which the agenda is limited to specific topics or at a Special Meeting, the Chair may limit the comments of SRHOA Members to the topics listed on the meeting agenda.

4. A sign-up sheet shall be available at the meeting for SRHOA Members who wish to address the ARC. Speakers shall be on a first come, first served basis unless the Chair determines otherwise.

5. The ARC members are not required to respond to SRHOA Member' comments.

**M. Quorum.**

1. Except as otherwise provided in the Governing Documents, a majority of the ARC members shall constitute a quorum for the transaction of business.
2. If less than a quorum is present, a majority of those present may adjourn the meeting without further notice. No business can be conducted.

**N. Death or Resignation**

1. In the event of the death or resignation of any ARC member, the surviving or remaining ARC member or members shall appoint a member to fill out the unexpired term of the deceased or resigning ARC member.

**O. ARC Member Attendance at Meetings**

1. Pursuant to POAA and the Nonstock Corporation Act, ARC members may attend, participate and vote at meetings in person, by telephone conference, videoconference, or similar electronic means.

2. If a meeting is conducted by telephone conference, or videoconference, or similar electronic means, at least two Members of the ARC shall be physically present at the meeting place.

3. The audio equipment shall be sufficient for any Member in attendance to hear what is said by any member of the ARC participating in the meeting who is not physically present.

4. An ARC member participating in a meeting, or a portion thereof, by this means is deemed to be present at the meeting.

5. If an ARC member wishes to attend a meeting by telephone conference or videoconference or similar electronic means, the ARC member must contact the Managing Agent of the Association of such intent, providing SRHOA ample time to setup the necessary equipment for such ARC member to attend the meeting.

**P. Compensation**

1. ARC members shall not be entitled to any compensation for services performed as such.

**Q. Rulemaking**

1. The ARC, in its discretion, may adopt and promulgate reasonable rules and regulations relating to certain subjects as designated in the Covenants. The Association and/or the Managing Agent shall assist the ARC in distributing or circulating any such rules, pursuant to the POAA.

**R. Enforcement**

Pursuant to the procedure set forth in Article II (Remedies) of the Covenants, the ARC or their designated representatives or the Managing Agent may enter upon the land upon or as to which a violation exists, and summarily abate and remove said violations, at the expense of the Owner thereof any structure, thing or condition that may exist. However, this is the exclusive means of enforcement by the ARC.

The existence of a prior, unrelated violation, or the failure to timely pay annual assessment, shall not be the basis for denying an application.

The effective date of this Resolution is 6/11/19.

The ARC directs that this Resolution regarding ARC Meetings shall be reasonably published or distributed to the Members of the SRHOA.

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Architectural Committee  
Sugarland Run Homeowners Association, Inc.

By: Brenda J. Hansen  
Chair

Attest: Misty Yang  
Secretary