

SECTION X
RESOLUTIONS

**HATHAWAY TOWER
A CONDOMINIUM ASSOCIATION, INC.
2956 HATHAWAY ROAD, RICHMOND, VA 23225**

INSURANCE DEDUCTIBLE RESOLUTION

WHEREAS, Article 3.1 of the By-laws states that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Condominium and may do all such acts and things as are not by the Virginia Condominium Act or the By-laws directed to be exercised and done by the Unit Owners Association ("Association");

WHEREAS, Article 5.1 of the Declaration of Condominium defines the maintenance and repair responsibility of the Association in subsection (a) and the maintenance and repair responsibility of the Unit Owner in subsection (b);

WHEREAS, Article 8.1 of the Declaration of Condominium requires the Board of Directors to obtain and maintain at all times insurance policies relating to the Property for the benefit of the Unit Owner's Association, the Unit Owners and their respective Mortgages;

WHEREAS, the master insurance policy of the Association contains a deductible provision under the terms of which the amount of each insured loss paid by the insurance carrier, where in consequence of loss to the common elements, or to any unit, is reduced by a deductible amount; and

WHEREAS, the Board of Directors deems it to be in the best interest of the Association to establish by policy resolution a means for determining in each instance whether such deductible amount will be borne by the Association or specially assessed to a unit or units.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby adopts the following policy with respect to responsibility for payment of the deductible portion of any claims presented under the Association's master insurance policy:

1. Damages caused by circumstances originating from property which the Association maintains and repairs pursuant to provisions Article V, Section .1(a) of the Declaration will be paid from Association funds.
2. Damages caused by circumstances originating from property which an individual unit owner maintains and repairs pursuant to Article V, Section .1(b) of the Declaration will be paid by that unit owner.

3. Damages to other units, Common Elements or Limited Common Elements caused by the negligence, misuse or neglect, whether or not intentional, of the unit owner, his or her friends, family, tenants, or other invitees, shall be paid by the Unit Owner.
4. The Association will make a claim against the master policy of insurance when the damages sustained appear to be damages covered by the Association's policies of insurance and the amount of the damages are in excess of the deductible.
5. Individual unit owners will be responsible to pay damages not covered by the Association's policies of insurance. Individual unit owners are encouraged to consult with their insurance carriers to make certain that individual coverage is adequate to protect damages to their units and belongings, as well as units and belongings of other unit owners and the common elements.
6. Unit Owners responsible for payment of all or a portion of the deductible in accordance with the terms of this Resolution, shall be specially assessed for any deductible amount deducted by the insurance carrier from the payment made under the master insurance policy of the Condominium for an insured loss.
7. The provisions of the By-laws and Resolutions of the Board of Directors with respect to the payment of all assessments and special assessments, including the provision for the recovery of costs, interest, and attorneys' fees, shall be fully applicable to any special assessment made pursuant to the provisions of this Resolution.

This resolution is adopted and made a part of the minutes of the meeting of January 18, 2011.

RESOLUTION

WHEREAS the Articles of Incorporation of Hathaway Association, Inc. as amended, state that the purpose of the corporation is to create an entity to own and operate the common elements of the condominium known as Hathaway Tower and conduct all business related thereto; and

WHEREAS the Articles of Incorporation provide that the affairs of the Association shall be managed by a Board of Directors, consisting of nine members, which shall constitute the Council of co-owners as provided in the Virginia Horizontal Property Act; and

WHEREAS the Articles of Incorporation provide that the Association may contract for the management of the condominium and to delegate to such contractor all the powers and duties of the Association, except such as are specifically required by the Declaration of Condominium to have approval of the Board of Directors or the membership of the Association; and in addition to employ personnel to perform the services required for the proper operation of the Condominium; and

WHEREAS the function of the Board of Directors is to establish policy, having employed a manager to manage the day-to-day operation of the Condominium;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Board of Directors, the President and Officers of the Association shall not interfere with nor direct the operation of the Association by the designated Manager, but shall limit their activity to making policy and offering advice when and if requested by the Manager.

-February 15, 2011

Hathaway Association, Inc.
POLICY RESOLUTION NO. 3

ASSOCIATION COMPLAINT PROCEDURES
(for resolving certain complaints from members and others)

WHEREAS, pursuant to Section 55-530(E) of the Virginia Code, the Virginia Common Interest Community Board (“CICB”) has promulgated final regulations imposing a requirement that each common interest community (including condominiums, property owners’ associations and cooperatives) adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

WHEREAS, within 90 days of the effective date of the CICB regulations, all common interest communities must adopt a complaint procedure that is compliant with the CICB regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Hathaway Association, Inc. (“Association”), acting through its Board of Directors, hereby adopts and establishes the following CICB-mandated Association complaint procedure **for handling written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities:**

A. **Definitions.** Unless otherwise defined in this Resolution, the words, terms or phrases used in this Resolution shall have the same meanings as defined in the CICB regulations and/or in the Association’s recorded covenants.

B. **Complaint Form.** If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association, the Board of Directors (“Board”) or the Association’s Manager (“Managing Agent”) is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint (“Complaint”) to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Managing Agent or the Board without using the attached form.

1. **Complaint Form Instructions and Attachments.** A completed Complaint Form must include a description of the specific facts and circumstances relevant to the individual’s Complaint, and the specific action, result or resolution that is being requested. If the individual submitting the Complaint Form (the “Complainant”) knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documents that Complainant believes support the validity of the Complaint (not including laws, regulations or the Association’s governing documents).

A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting the Assistant Secretary in the Business Office.

C. **Mailing or Delivering Complaint to Board of Directors.** The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) shall be mailed or otherwise delivered to the Board at the following address:

By Mail: Board of Directors, Hathaway Association, Inc.
ATT: Assistant Secretary
2956 Hathaway Road
Richmond, VA 23225

By Hand-Delivery: Board of Directors, Hathaway Association, Inc.
ATT: Assistant Secretary
Hathaway Tower Business Office

D. **Means of Providing Notices to Complainant.** All written acknowledgments or other notices required by these procedures to be provided by the Association to the Complainant shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint Form, or by facsimile transmission or email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Managing Agent shall retain in the Association's records proof of the mailing, delivery or electronic transmission of the acknowledgments and notices per Section H below.

E. **Acknowledging Receipt of Complaint.** Within seven (7) days of receipt of a Complainant's Complaint Form, the Managing Agent shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.

1. **Incomplete Complaint.** If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and forwarded to the Board for consideration.
2. **Forwarding to the Board.** If it appears to the Managing Agent that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the Complaint is provided to the Complainant, the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

F. **Formal Action – Consideration of Complaint by Board.** All completed, signed and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide what action, if any, to take in response to the Complaint.

1. **Meeting at which Complaint will be Considered.** Complaints will be considered by the Board at a regular or special Board meeting held within 90 days from the date on which the Complaint was forwarded to the Board for consideration.
2. **Notice to the Complainant.** At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Managing Agent shall provide the Complainant with notice of

the date, time, and location of the Board meeting at which the matter will be considered by the Board. This Notice may be combined with the acknowledgment of receipt referenced in Section D above.

3. **Board's Decision on Complaint.** The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The Board's decision at the meeting shall fall into one of the following two categories:
 - (a) A decision that there is *insufficient information* on which to make a final determination on the Complaint *or that additional time is otherwise required* to make a final determination, in which case the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days notice to the Complainant) and, if needed, make a written request for additional information from the applicable party(s), specifying a deadline by which time the additional information must be received by the Managing Agent for forwarding to the Board; or
 - (b) A *final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Association. No appeal process is available; the Board's rendered decision is final.

G. **Notice of Final Determination.** Within seven (7) days after the final determination is made (per subsection F.3.b. above), the Managing Agent shall provide the Complainant with written notice of the Board's final determination. The notice of final determination shall be dated as of the date of issuance and include:

1. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;
2. The Association's registration number as assigned by the CICB, and if applicable, the name and CICB-issued license number for the Managing Agent; and
3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).

H. **Records.** The Managing Agent shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and notices, and any action taken by the Association or Board in response to such Complaint) for a period of at least one (1) year from the date of the Association's final action on the Complaint.

I. **Resale Disclosure Packet.** A copy of this Resolution (including the Exhibit A Complaint Form) shall be included as an attachment to Association-issued resale certificates.

EXHIBIT A
(POLICY RESOLUTION NO. 3: "ASSOCIATION COMPLAINT PROCEDURES")

Hathaway Association, Inc.

Mailing: Hathaway Association, Inc
ATT: Assistant Secretary
2956 Hathaway Road
Richmond, VA 23225
Phone #: (804) 320-7947

Delivery: ATT: Assistant Secretary
Hathaway Tower Business Office

ASSOCIATION COMPLAINT FORM
(for Complaints Against Association, Board or Managing Agent)

Pursuant to Section 55-530(E) of the Code of Virginia, 1950, as amended, the Board of Directors ("Board") of the Hathaway Association, Inc. (the "Association") has established this complaint form for use by persons who wish to register written complaints with the Association regarding the action, inaction or decision by the Association or its Board or managing agent inconsistent with applicable laws and regulations.

1. Legibly describe your complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to the complaint (not including copies of laws, regulations or the Association's governing documents).

2. Sign, date & print your name and address below and submit this completed form to the Association at the above address.

_____	_____	_____
Printed Name	Signature	Date

Mailing Address		

Lot/Unit Address		
_____	_____	Contact Preference
E-mail Address	Phone Number	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail
		<input type="checkbox"/> Other _____

If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233 804/367-2941 CICombudsman@dpor.virginia.gov

Hathaway Association, Inc.

RESOLUTION ACTION RECORD

Resolution Type: Policy No. 3

Pertaining to: CICB-mandated Association Complaint Procedures

Duly adopted by the Board of Directors of the Association on August 21, 2012.

Motion by: Jane Lane Seconded by: Marcia Lawton

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
Marianne Duty	President	X			
Russell Wilson	Vice-President	X			
Betty Wood	Secretary	X			
Marcia Lawton	Treasurer	X			
Lewis Cash	Director				X
Harry Cohn	Director				X
Judith Herr	Director	X			
Jane Lane	Director	X			
Gary Paganne	Director	X			

Attest: Betty Wood (Secretary)

Date: Aug 7, 2012

Resolution effective as of date of adoption.

HATHAWAY ASSOCIATION A CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NO. 4

Cost Schedule for Providing Copies of Books and Records

WHEREAS, Hathaway Association, Inc. A Condominium Unit Owners Association, Inc. (“the Association”) is a unit owners’ association organized and operating pursuant to the Virginia Condominium Act (“Act”) and the Declaration of Hathaway Association A Condominium Unit Owners Association, Inc., as amended (“Declaration”); and, the Bylaws of Hathaway Association, A Condominium Unit Owners Association, Inc. (“Bylaws”), as amended; and Articles of Incorporation of Hathaway Association A Condominium Unit Owners Association, Inc. (“Articles”) as amended,

WHEREAS, Section 55-79.74:1 of the Act provides that certain books and records of the Association must be made available for examination and copying by Members in good standing, and provides that, prior to providing copies of any books and records, the Association may require the Member to pay a charge to cover the costs of material and labor; and

WHEREAS, Section 55-79.74:1 (D) of the Act, as amended and effective July 1, 2012, provides that charges for providing copies may be imposed only in accordance with a cost schedule adopted by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following cost schedule policy pursuant to Section 55-79.74:1 (D) of the Act:

1. When a member in good standing requests copies of Association books and records pursuant to Section 55-79.74:1 of the Act, the Association’s Manager (“Manager”) shall not provide the Member with any requested copies until or unless the Manager receives from the Member payment in full of the applicable charge as calculated by the Manager in accordance with the then current cost schedule specified in the attached Exhibit A, as may be revised from time to time as set forth below (“Cost Schedule”).

On an annual basis or as otherwise needed, the Manager is authorized and directed by the Board to prepare and implement an updated Cost Schedule to replace the existing Cost Schedule attached as Exhibit A to this Resolution. A Cost Schedule updated by the Manager pursuant to this provision is effective immediately upon being so updated.

2. The Cost Schedule applies equally to all Members in good standing.
3. The Manager will provide a copy of the Cost Schedule to a requesting Member at the time the request is made by the Member to inspect/copy Association books and records.

HATHAWAY ASSOCIATION A CONDOMINIUM UNIT OWNERS
ASSOCIATION, INC.

EXHIBIT A
TO
ADMINISTRATIVE RESOLUTION NO. 4

COST SCHEDULE – 2014 (Until revised in the future)
FOR PROVIDING COPIES OF BOOKS AND RECORDS

1. Labor Charges	(in minimum 30-minute increments) \$25.00/hour
2. Materials Charge	<u>\$.20</u> per page copied and (if applicable) <u>\$10.00</u> per mailing, plus actual postage (if mailing requested by Member)

HATHAWAY ASSOCIATION A CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Written Vote

Resolution Type: Administrative

No. 4

Pertaining to: Cost Schedule for Providing Copies of Books and Records

Duly adopted by written and verbal vote on January 20, 2014 by the Board of Directors of Hathaway Association, Inc., A Condominium Unit Owners Association.

VOTE:

		<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Tim Funn</u> , Director		X			
<u>RG Parkman</u> , Director		X			
<u>Paul Brown</u> , Director		X			
<u>Mary Jane Lane</u> , Director		X			
<u>Luces</u> , Director		X			
<u>Marcia J. Lawton</u> , Director		X			
<u>Carol Sharp</u> , Director		X			
<u>Pat Barrett</u> , Director		X			
_____, Director					

ATTEST:

Tim Funn
Secretary

1/22/14
Date

Book of Minutes – 2014
Book Resolutions – Declaration/Bylaws and Articles of Incorporation with Amendments.

Resolution effective: January 20, 2014

FINANCIAL GOVERNANCE RESOLUTION

RESOLUTION NO. 5

RESERVE FUNDS

Reserve Budget Planning by project will be updated and approved by the Board on an annual basis. Detail will state estimated project expenditures for seven years forward. Projected revenue will be stated showing an end of year balance for each year, source of revenue and estimated annual assessments required to support the reserve program with an end of year minimum balance of \$200,000.00 is recommended. This will allow a cushion for unanticipated expenditures.

The House Committee will hold a minimum of one public meeting a year to finalize and discuss the updated program. Projects will include any common area maintenance or replacements on a greater than annual basis requiring funds accumulated over more than a year. This Budget will also include funds for capital expenditures for improvements to the common area, provided that such improvements have been approved by the members in the manner required by the Declaration of Condominium.

A second schedule will be maintained stating estimated costs and project descriptions for all projects that fit the above criterion for 8 years to 20 years forward. Revenue sources will not be required for the second schedule until they occur within the seven year window.

Project schedules will be based on projected life cycle of the building component listed. Actual replacement can be rescheduled within one or two years of the project if the projected life cycle is expected to last longer than anticipated.

It is also recommended that increases in Reserve Dues be a minimum of \$6.00 per Unit per month when required. The increase cannot exceed 115% of the Budget for this account for the prior year.

The President of the Association is recommended to Chair the House Committee and provide oversight for the Program.

OPERATING FUNDS

The Operating Budget will be developed in October of each year. This Budget will include all estimated Funds required for the upcoming year that are not included in the Reserve Budget. This Budget cannot exceed 110% of the Budget for the prior year.

The Treasurer will chair a Finance Committee that will provide oversight for the development of the Operating Budget. A public meeting will be held for the discussion of this Budget.

A minimum balance of \$10,000.00 is recommended for this account. Any carry over funds in this account must be approved by the membership.

The Operating Budget must be approved by the Board of Directors.

Copies of the budget and proposed assessments shall be sent to each member on or before December 1st, preceding the year for which the budget is made.

This Resolution is to supplement Fiscal Management as stated in the By Laws and Declaration.

HATHAWAY ASSOCIATION A CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Written Vote

Resolution Type: Administrative

No. 5

Pertaining to: Financial Governance

Duly adopted by written and verbal vote on November 16, 2015 by the Board of Directors of Hathaway Association, Inc., A Condominium Unit Owners Association.

VOTE:

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Kenneth A Wolf</u> Director	✓	—	—	—
<u>R G Robinson</u> Director	✓	—	—	—
<u>Carol V. Sharp</u> Director	✓	—	—	—
<u>Jason Skilling</u> Director	✓	—	—	—
<u>Pat Clark</u> Director	✓	—	—	—
<u>Rachel Davis</u> Director	✓	—	—	—
<u>Rachelle</u> Director	✓	—	—	—
<u>Myra Wahyuni</u> Director	✓	—	—	—
<u>J. Clark</u> Director	✓	—	—	—

ATTEST:

R G Robinson
Secretary

12/2/15
Date

Book of Minutes – 2015
Book Resolutions – Declaration/Bylaws and Articles of Incorporation with Amendments.

Resolution effective: November 16, 2015