

Walden Cluster Association Operating Procedures

6 June 2016

This version of the Walden Cluster Association Operating Procedures was unanimously approved by Walden Cluster Board at the 6 June 2016 Board meeting.

TABLE OF CONTENTS

1. Overview of Board Meetings and Cluster Operations.....	3
2. Cluster Dues and Assessments	3
3. Parking and Parking Lot Use	4
4. Trash Disposal	6
5. Snow Removal.....	6
6. Exterior Changes to Property.....	6
7. Community Notices.....	7
8. Use of Cluster Dock.....	7
9. Leash Laws	7
10. Signs and Flags	7
11. Prohibited Invasive Plant Species	8
12. Guidelines for Planting in Walden Cluster Common Areas	8
Appendix A – Tenant Rules	10
Appendix B – Complaint Procedure.....	12
Appendix C – Contact Information	15

1. Overview of Board Meetings and Cluster Operations

The Walden Cluster Association is a Virginia non-profit corporation. It was established with a set of rules known as the “Articles of Incorporation” (which cannot be amended) and a set of By-Laws (which can be amended). The operating rules have been separated from the By-Laws into a document called “Operating Procedures” (which can also be amended). All three documents are available in electronic form.

This document describes the operating procedures (rules and regulations) by which the day-to-day operation of Walden Cluster Association is carried out. Although separate from the By-Laws, these Operating Procedures are enforceable by the same means.

Operations are governed by a Board of six directors, all of whom can vote. Board members are elected to 3-year terms, with two members’ terms expiring each fall. Nominations and elections for Board member positions being vacated occur at the fall annual meeting (which is typically held on the cluster dock). [Refer to “By Laws of Walden Cluster Association,” Edition 3, adopted August 18, 2003, for complete explanation of membership, meetings, voting rules and procedures for Walden Cluster.]

During the year, the Board meets at least quarterly at the home of one of the Board members. Board meetings are open to all Walden Cluster Association owners (or their representatives) and tenants.

Board meetings are conducted according to Robert's Rules of Order; however, where possible, decisions are made by consensus rather than by vote. An agenda is produced no later than two weeks prior to each Board meeting; a copy of the agenda can be obtained from any Board member. Meeting minutes are taken; copies are available from the Board Secretary.

As needed, subcommittees are formed to address specific issues.

Walden Cluster Association business is conducted by volunteers. All suggestions and constructive criticism is welcome, as are offers of help in planning and maintenance.

It is recognized that the operating procedures may be too restrictive in some matters, not restrictive enough in others, and silent on others. If you have any suggestions on how to improve these procedures, please contact a Board member.

2. Cluster Dues and Assessments

Walden Cluster dues are billed and collected quarterly; special assessments are as determined by the Walden Cluster Board. These dues are necessary for the operation, maintenance, and capital improvement of Walden Cluster. The Cluster Association may, at its discretion, handle any delinquencies by charging late fees, suspending parking space assignments, and, as a last resort, initiating legal actions, which may result in attorney costs, and liens.

The homeowner is responsible for paying their dues on time, regardless of whether they receive notice from the Cluster, and are responsible for the payment of any late fees assessed, as well as attorney's fees, and all other costs incurred by the Cluster Association in the collection of dues. Parking spaces, for which the assignment has been suspended, will be made available to all residents and visitors on a first-come, first-served basis.

The current process for handling delinquent accounts is described below, but the Board may vote to modify the fees and steps associated with this process:

A past due notice will be sent to any owner whose account is overdue by 45 days or more. Overdue accounts are assessed a late fee of \$15.00 per billing period. If residents do not respond to a past due notice, the cluster will send final notice by certified mail with return receipt requested.

If the cluster is not able to collect dues after the above measures, the cluster will file a lien on the property and take legal action. Once the legal collection process is started, the homeowner is responsible for all legal and administrative fees incurred by the association.

3. Parking and Parking Lot Use

Parking Privilege: Parking in Walden Cluster is for the convenience of Walden Cluster residents and their guests only. The parking lot is owned by Walden Cluster, not individual homeowners, as parking spaces do not convey to a property owner by deed. Parking for residents is limited to two (2) reserve-numbered spaces, designated by Walden Cluster, per townhouse. Violators are subject to towing at the owner's expense. As noted in Section 2 above, parking assignments are subject to suspension if Cluster dues are not paid on time.

Visitor Parking: There is one parking space designated for visitors. This space has a 24-hour limit. Additional parking is available on Ridge Heights subject to posted Fairfax County restrictions.

Towing: A towing company is authorized to tow cars, without notice to violators, if any of the following conditions apply:

- a) Unauthorized car parked in a resident's assigned numbered space,
- b) Car parked behind other cars,
- c) Car parked at yellow curb zones (fire lanes),
- d) Car parked in a mailbox access area (please remember that the Postal Service is not obliged to deliver mail if access to our mailboxes is denied the letter carrier).

All Walden Cluster residents are authorized to call the towing company if the above violations are observed. Do not call a Walden Cluster Board member. Do make an effort to locate the owner of the vehicle.

The owner of the vehicle shall bear the full expense for towing the vehicle and shall assume full responsibility for any damage which may occur to the vehicle while it is being removed from Walden Cluster and transported to another location.

In the event a car has been towed, contact the Fairfax County Police non-emergency number (703-691-2131) for location information. Do not contact a Walden Cluster Board member.

Additional Cause for Removal of Vehicle: Any vehicle which remains on Walden Cluster property for a period of more than thirty (30) consecutive days, and which meets one or more of the following criteria, is subject to removal from Walden Cluster at the owner's expense:

- a) Vehicle is non-operational,
- b) Vehicle does not have valid Virginia license tag,
- c) Vehicle does not have valid Virginia inspection sticker.

Notice of violation shall be sent by registered mail to the owner(s) or resident(s) of the townhouse where the person owning or in control of such vehicle resides, or in the case where ownership cannot be determined, notice shall be physically placed on the vehicle in violation. The notice shall provide a ten (10) day notice period, after which the vehicle shall, at the discretion of the Board of Directors of Walden Cluster, be removed from Walden Cluster. The owner of the vehicle shall bear the full expense of removing the vehicle and shall assume full responsibility for any damage which may occur to the vehicle while it is being removed from Walden Cluster and transported to another location.

Recreation Vehicles: Recreation vehicles (including boats, trailers, and motor homes) shall not be parked or stored within Walden Cluster except for up to 24 hours for loading and unloading. A motor home is defined, pursuant to Virginia Motor Vehicle Code Section 46.2-100 (2012), as being a motor vehicle designed primarily for use as living quarters for human beings.

Car Repair: Minor car repairs such as tire changes as well as car washing are permitted in the parking lot. Major car repairs must be completed elsewhere.

Common Grounds: Driving or parking on common grounds, non-paved surfaces, sidewalks, or Reston pathways is not permitted.

Temporary/Limited Use of Storage Pods: Since the parking lot is owned by Walden Cluster Association, not individual homeowners, the temporary use of any storage pods in resident's reserved spaces must be approved by the Walden Cluster Board prior to the placement of the storage pod on Walden property. The storage pod must be placed completely within the lined parking space and shall not block traffic nor ingress/egress to other resident's vehicles. Repair to any damage to the parking lot caused by improper storage device footing or the install/removal process will be at homeowner's expense. Approved use of temporary storage pods on Walden property shall not exceed fourteen (14) consecutive days. Notice of violation shall provide a ten (10) day notice period, after which the storage pod shall be removed from Walden Cluster. The owner of the storage pod shall bear the full expense of removing the storage pod and shall assume full responsibility for any damage which may occur to the storage pod while it is being removed from Walden Cluster and transported to another location. These stipulations are driven by the fact that the parking lot is owned by Walden Cluster Association,

not individual homeowners, thus the Walden Cluster Board wants to ensure that residents understand that approval is to facilitate the moving process and that use of a storage pod should minimize any inconvenience to other residents or the Cluster.

4. Trash Disposal

Trash is picked up twice a week and recycling is picked up once a week. There is no collection on Thanksgiving, Christmas, or New Year's day. Special pick-ups are at homeowner's expense and may be arranged with the trash removal vendor directly.

Trash should be placed at designated curbside locations no earlier than 6pm the night before pick-up. Pick-up times are between 6am and 6pm on the day of pick-up. If violations occur, the Board reserves the right to arrange for a special pick-up at the violator's expense.

Trash is to be placed in trash cans or trash bags that are closed securely. All trash cans and recycling bins must be removed from the common area within 12 hours of trash pickup. Trash cans are to be stored inside the home or at the rear of the homeowner's property, and not exposed to view from the front of the residence. Refuse and debris may not be stored or exposed to view from the front of the townhouses.

Hazardous materials will not be picked up. Arrangements for disposal of these items must be done through Fairfax County. The following items will not be collected: dead animals, oil, paint, stains, batteries, construction material, manure, tree stumps, mulch, sod, dirt, stone, rocks, cement, bricks, poisons, dangerous acids, caustics, explosives, or other dangerous material or items too large or too heavy to be safely loaded into collection vehicles.

5. Snow Removal

Walden Cluster contracts for snow removal services for the street and parking lot.

Walden Cluster residents are responsible for clearing snow from their assigned parking spaces, sidewalks and walkways. Please do not use salt to remove ice and snow as this can damage the concrete sidewalks (use of sand is recommended for traction).

Snow may not be piled up in front of mailboxes.

6. Exterior Changes to Property

Changes to the exterior of a property, other than general landscaping, must be approved by the Reston Association's Design Review Board (DRB). Examples are: decks, patios, walkways, windows, etc. The DRB is the final arbiter for approving or rejecting any design changes. Prior to making a change to the exterior of your home, please ensure that you have DRB approval.

Available for review, Reston Association's DRB, as well as the Walden Cluster Board of Directors, has the list of DRB-approved exterior design standards for Walden Cluster.

7. Community Notices

Official Walden Cluster community notices, as posted on cluster mailboxes or distributed to residents via email, are restricted to Walden Cluster Association business or Walden community-wide events only. Solicitations and non-cluster related announcements are not permitted.

8. Use of Cluster Dock

The Walden Cluster dock is owned and maintained by the Cluster for the enjoyment of all Walden Cluster residents and their guests.

Use of the dock is at your own risk.

Unauthorized use of the dock by non-residents shall be considered trespassing.

Pursuant to Fairfax County Code Article 5, Section 108-5-1, there shall not be excessive noise, littering, disruptive behavior or any unlawful activity on Walden Cluster property.

The Fairfax County Police and/or any private security service engaged by the Cluster are authorized to enforce these rules on Walden Cluster property.

No boats shall be moored at the Walden Cluster dock or adjacent common property. Only hand-carried boats may be stored at the Cluster boat rack located at the dock. It is recommended that these hand-carried boats display identification numbers. The Walden Cluster Board will issue residents identification stickers for their hand-carried boat(s) for this purpose.

The common area at the dock is limited to the dock and area on the immediate sides of the dock. All other property is privately owned and may not be trespassed upon.

9. Leash Laws

The Walden Cluster Association gives its approval to employees or representatives of Fairfax County, Virginia, to enforce the Fairfax County leash laws and other related animal control laws on Walden Cluster property.

Dogs must be on leash or under radio control while in Walden Cluster.

Animal waste is to be picked up immediately and disposed of properly.

10. Signs and Flags

Walden Cluster adheres to the Reston Association policy regarding signs and flags. Please contact Reston Association's Covenants Advisor for Walden Cluster for further information.

11. Prohibited Invasive Plant Species

In 2008, Reston Association adopted an invasive exotic plant resolution that applies to all private and Cluster property subject to the Reston deed. This resolution prohibits the installation of eight commonly available landscape plants, known to have severe impacts on homeowner properties and Reston's natural areas. These prohibited plants include:

- English Ivy
- Exotic Bamboos
- Flowering Pears
- Chinese Wisteria, Japanese Wisteria
- Oriental Bittersweet
- Japanese Barberry
- Bush Honeysuckles
- Winged Burning Bush

12. Guidelines for Planting in Walden Cluster Common Areas

Homeowners in Walden Cluster sometimes wish to landscape common areas that are in need of attention and beautification. This often makes sense in terms of design and erosion control, particularly for homeowners with end units and along the tree line at the edges of the Cluster. Homeowners willing to take on such responsibility must submit a plan to the Walden Cluster Board for review and final approval. The following four points are of concern to the Walden Cluster Board regarding any planting in common Cluster property:

- 1) Erosion control is to be a major consideration in any landscape design,
- 2) Residents, maintenance, and grounds keeping crews must have accessibility to all common areas,
- 3) Impact of additional planting on existing landscaping,
- 4) Input of immediate neighbors to planned landscaping.

Prior to submission of the plan to the Board, residents must consider the following guidelines:

- Limit your landscaping efforts to plants, natural materials, mulch (and other protective coverings), low profile edging and simple pathways (mulch and flat stone).
- Gravel pathways are not permitted, as they will easily wash out during storms.
- Landscaping must be maintained (including watering, weeding, minor pruning, and other gardening that may be required).

- Limit what you plan to remove from an existing landscape.
- Match plants with the site. Consider light, drainage, wind, water requirements, maturity size, etc., in plant selection. Be aware that soils will most likely need improvement (organic material added).
- Highly invasive plants are prohibited.
- Tree planting on common grounds is not permitted.
- Vegetable gardening on Cluster common grounds is not allowed.
- Do not plant any type of vine. Vines will climb trees and provide shelter for defoliating insects that may kill the tree.

Appendix A – Tenant Rules

Walden Cluster Synopsis of Rules and Regulations for Rental Properties (Tenant Copy)

These rules should be made a part of your lease in the event you rent your property. You are responsible for your tenant knowing these rules.

PARKING

Walden Cluster has assigned two (2) reserved spaces per townhouse. Please do not use a neighbor's parking space unless you have received their permission. Due to fire code, parking is not permitted behind parked cars, in front of mailboxes, or yellow-curb fire lanes. Recreational vehicles, including boats, trailers and motor homes, may not be parked or stored within the Cluster except for loading and unloading (24 hours maximum).

Vehicles in violation of any of the above are subject to towing at owner's expense. In the event a car has been towed, contact the Fairfax County Police non-emergency number (703-691-2131).

There is one parking space designated for visitors. This space has a 24-hour limit. Additional parking is available on Ridge Heights subject to posted Fairfax County restrictions.

Vehicle maintenance in Walden Cluster is limited to minor, routine maintenance, such as changing filters or fluids or the cleaning of the exterior/interior of vehicles.

TRASH AND RECYCLING PICK-UP

Trash is picked up on Tuesdays and Fridays between 6am and 6pm. The earliest trash may be put out is after 6pm Monday and Thursday evenings. Recyclables are picked up every Friday. All residents must store their trash and recycle receptacles so that they cannot be seen from the front of the property.

Hazardous materials will not be picked up. Arrangements for disposal of these items must be done through Fairfax County.

SNOW REMOVAL

Removal of snow from your sidewalks and your parking spaces is tenant responsibility. Do not use salt for ice and snow removal as it damages the walkways. Please use sand for traction, if necessary.

LEASH LAW

The Cluster adheres to the Fairfax County leash law. All dogs must be on leash or firm radio control. County ordinance requires owners to clean up after their dogs.

Tenant Rules (concluded)

CLUSTER DOCK

The dock is private property for the use of Cluster residents and their guests only. Hand-carried boats such as kayaks and canoes may be used by residents that do not live directly on the lake. There is limited storage space on the dock. For identification purposes, a sticker must be obtained from the Walden Cluster Board and affixed to hand-carried boats stored at the Cluster dock. Noise is to be kept to a minimum. Lakefront homeowners have property lines that extend into the lake so please do not walk behind the houses on the shorelines.

Appendix B – Complaint Procedure

Walden Cluster Association Complaint Procedure

In accordance with § 55-530 E of the Code of Virginia, each association shall have a written process for resolving association complaints from members and citizens. An association complaint shall concern a matter regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations. Pursuant to the code, the Walden Cluster Association has developed a complaint procedure in accordance with Common Interest Community Ombudsman Regulations.

The Walden Cluster Association complaint procedure provides the process adopted by the association to receive and consider formal association complaints from members and citizens.

1. The formal complaint must be in writing using the Walden Cluster Association Complaint Form (provided as an attachment to this procedure). Using the association complaint form, the complainant shall describe the complaint as well as the requested action or resolution of the complaint issues. The formal complaint shall include the specific facts and circumstances at issue and provide any supporting documents, correspondence, and other materials related to the complaint. To the extent the complainant has knowledge of the law or regulation applicable to the complaint, the complainant shall provide that reference.
2. The complainant shall either hand-deliver or mail, using registered/certified mail, return receipt requested, the formal complaint to the Walden Cluster Association President at the address provided.
3. The association shall provide written acknowledgment of receipt of the formal association complaint to the complainant within seven (7) days of receipt. Such acknowledgment shall be sent via email (requesting email confirmation by the complainant), or, if specifically requested by the complainant on the complaint form, acknowledgment shall be either hand-delivered or mailed, using registered/certified mail, return receipt requested, to the complainant at the address provided.
4. The association shall be able to request additional information, as it relates to the complaint, from the complainant in order to further consider and process the formal complaint. If additional information is necessary, the association shall specifically request required information from the complainant within fourteen (14) days of receipt of the formal complaint. The association request for additional information shall be sent via email (requesting email confirmation by the complainant), or, if requested by the complainant on the complaint form, notice shall be hand-delivered or mailed, using registered/certified mail, return receipt requested,.
5. The complainant shall provide the additional requested information to the association within (14) days of receipt of the request for additional information. The additional information from the complainant shall be sent via email (requesting email confirmation

- by the complainant), or shall be hand-delivered, or mail, using registered/certified mail, return receipt requested, to the association at the address provided.
6. Notice of the date, time, and location that the matter will be considered shall be sent via email (requesting email confirmation by the complainant), or, if requested by the complainant on the complaint form, notice shall be hand delivered or mailed, using registered/certified mail, return receipt requested, to the complainant at the address provided, within either: (a) fourteen (14) days of the initial receipt of the formal complaint; or (b) if the association has requested additional information from the complainant, within fourteen (14) days of the association's receipt of the requested additional information from the complainant. The resident shall present the complaint at this session for consideration by the association and the association shall be able to request any additional pertinent information necessary to continue processing the formal complaint.
 7. After the final determination is made, the association's written Notice of Final Determination shall be sent via email (requesting email confirmation by the complainant), or, if requested by the complainant on the complaint form, notice shall be hand-delivered or mailed, using registered/certified mail, return receipt requested, to the complainant at the address provided, within seven (7) days. The Notice of Final Determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws, or regulations that led to the final determination, as well as the registration number of the association.
 8. A complainant may file a Notice of Final Adverse Decision concerning any final adverse decision that has been issued by the association for which all avenues for appeal, if applicable, have been exhausted. This notice shall be filed with the Office of the Common Interest Community Ombudsman (Ombudsman) within thirty (30) days of the date of the final adverse decision and shall be in writing on forms provided by the 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

OmbudsmanCICOmbudsman@dpor.virginia.gov

Walden Cluster Association Complaint Form
c/o Jennie Koffman (Walden Cluster Association President¹)
2033 Swans Neck Way, Reston, VA 20191

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Walden Cluster Association has established this complaint form for use by persons who wish to file formal written complaints with the association regarding the action, inaction or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Please 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, please attach a separate sheet(s) of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to the complaint.

Sign, date and print your name and address below. The completed form with supporting documents, correspondence and other materials shall be hand deliver or mail by registered/certified mail, return receipt requested, to the Walden Cluster Association President at the address provided above.

Printed Name: _____ Signature: _____

Date: _____

Mailing Address: _____

Phone: _____ Email: _____

Contact Preference: Email Hand Delivered Registered/Certified Mail

¹ The President of the association is elected annually by the Board of Directors at the first Board meeting following the annual meeting of the members of the corporation. The complainant shall ensure that all registered/certified mail is addressed to the currently-elected Walden Cluster Association President.

Appendix C – Contact Information

Walden Cluster Association

Email: board@waldencluster.com

Website: waldencluster.com

Reston Association's Covenants Advisor for Walden Cluster

Lucy Renault (lucy@reston.org, 703-435-6527)

Reston Association

Website: www.reston.org

Address: 12001 Sunrise Valley Drive, Reston, VA 20191-3404

Phone: 703-435-6530