



**FIRST COLONY**  
COMMUNITY ASSOCIATION

**MODIFICATIONS COMMITTEE  
CHARTER**

First Colony Community Association (FCCA) has developed a charter for establishment of a Modifications Committee that meets monthly to impose fines and handle appeals.

**Responsibilities**

**Hold Hearings for:**

- Modification Requests which do not fall within FCCA Guidelines. These requests are submitted by property owners.
- Any other appeals or hearings the Board may request of the Committee.

**Composition and Qualifications**

**Membership**

- Membership is limited to those persons who are FCCA members in good standing. As used herein, “good standing” shall mean and refer to:
  - a) A member who is not delinquent in the payment of any assessments levied by the Association against his lot, or any interest, late charges, costs, or reasonable attorney’s fees added to such assessment pursuant to the provisions of the Declaration or as provided by law, unless the member has entered into an agreement with the Association for the payment of all sums due and the member is not in default of the agreement,
  - b) A member who does not have any condition on his lot which violates any provision of the Declaration which has progressed to the stage of a certified demand for compliance by the Association, or beyond,
  - c) A member who has not failed to comply with all terms of a judgment obtained against him by the Association, including the payment of all sums due to the Association by virtue of such judgment, and
  - d) A member who is not involved in litigation against the Association and/or a member of members of the Board of Directors of the Association.
- No paid staff or paid volunteers can serve in any committee position.
- The Committee shall be comprised of not less than 5 or more than 7 members appointed by the Board.

**Term**

**Length**

- Each committee member shall serve for a two year calendar year term to delineate commitment required. Any member may serve for as many terms as desired.

### **Participation as Chairperson**

- Unless otherwise directed by the Board, a committee member may only serve as a Chair and/or Vice Chair for a maximum of two consecutive years to encourage maximum participation by volunteers.

### **Appointment**

- Annual appointment is by the Board of Directors for all committee members.
- Appointments will occur at the January Board Meeting for the ensuing calendar year.
- Committee members shall make recommendations of Chair and Vice Chair positions for Board approval.

### **Ineligibility**

- Any person who is not a member of the Association and not in good standing is ineligible to serve on the committee.
- If a person who is serving on the committee ceases to be a member of the Association, his position on the committee shall automatically cease as of the date of conveyance of his lot.
- If a person who is serving on a committee ceases to be a member in good standing, his position on the committee shall cease upon the expiration of thirty (30) days from the date of written notice thereof by the Board of Directors, unless within such thirty (30) day period the committee member shall be reinstated as a member in good standing of the Association.

### **Removal**

- A committee member who is a member in good standing of the Association may be removed from the committee by the Board of Directors for cause upon thirty (30) days written notice. "Cause" includes, but is not limited to:
  - a) any act of harassment toward any volunteer or staff member of the Association,
  - b) any detrimental or abusive attitude or behavior toward any volunteer or staff member of the Association,
  - c) attending any committee or Association meeting while under the influence of alcohol or drugs,
  - d) participating in the reckless or intentional misrepresentation of information relating to the Association,
  - e) misusing information relating to the Association,
  - f) soliciting personal business or gain while acting in the capacity of a member of the committee or as an Association volunteer,
  - g) communicating directly with any vendor of the Association or person or entity requested to submit a bid to provide services to the Association without express approval to do so from the Board of Directors of the Association, and
  - h) failing to fully disclose to the Board of Directors any personal or business relationship with a vendor of the Association or a person or entity requested to submit a bid to provide services to the Association, if the committee made any recommendation to the Board of Directors to engage that vendor or to renew any existing committee contract, or to request a bid from that person or entity.

The Modification Committee may recommend removal of any member that has three (3) unexcused absences to the Board of Directors. The member may then be relieved of his position at the discretion of the Board of Directors.

## **Meetings**

- Meetings of the Committee shall be open to members of the Association in good standing.
- Any person who attends a Committee meeting who is not a member in good standing shall be removed from the meeting at the direction of the acting Chairperson or any Board member present at the meeting.
- Further, the acting Chairperson or Board member may remove from a Committee meeting any attendee other than a committee member who unreasonably disrupts the business of the Committee.

## Voting

- On any issue to be voted upon at any committee meeting, a majority of those eligible members present at the meeting shall be considered an acceptable vote for any recommendation to the Board.
- The voting rights of the MC members shall be set forth in the FCCA Declaration of Covenants, Conditions and Restrictions, Bylaws and such voting rights provisions are specifically incorporated therein. However, no member shall be entitled to vote who has past due assessments of any kind owed to the Association or has a deed restriction violation being prosecuted in legal proceedings against him by the Association.
- Quorum of the Modification Committee- at all meetings of the MC a majority of the members shall constitute a quorum for the transactions of business and the vote of a majority of the MC members present at a meeting at which a quorum is present shall constitute the decision of the members. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of MC members during the meeting, if any action taken is approved by at least a majority of the required quorum for that meeting.
- At such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice.
- A MC member who owes past due assessments to the Association or has a deed restriction violation being prosecuted in legal proceeding against him by the Association may not vote; however, his presence shall count toward the establishment of the quorum.
- At least three (3) committee members must be present to vote on any issue in order to constitute a quorum.
- The Committee has the power to render decisions without assembling for a formal meeting, provided at least three (3) committee members render the same decision in voting on a particular issue.

### Disclosure

- Additionally, every committee member must disclose any relationship with any vendor involved in a proposed modification, prior to the vote on the recommendation to the Board.

## Authority

- The Committee operates only as a recommending body to Management and the Board of Directors.
- The Committee cannot authorize any transaction or activities on behalf of FCCA unless expressly granted in the FCCA governing documents or given by the Board of Directors.
- The Committee and Committee members will not be involved in the routine management and operation of the management duties of FCCA.
- Committee members do not have authority to make contact with FCCA vendors or bidders.

## Approved by

This charter was approved by the Executive Director on this \_\_\_\_\_ of \_\_\_\_\_, 2007, based on authority granted by the Board of Directors.

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Sherrie Knoepfel, Executive Director