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Thank you for your e-mail of January 18, 2024 regarding various aspects of RELAC and the referendum on it. I write to you in response to it on behalf of Peter Lusk and as the member of the RA Board of Directors from the Lake Anne/Tall Oaks District. My response to the issues you raised probably covers material with which you are already familiar, but I think it is necessary to place the responses in context of the larger picture. Your forbearance with this extended response is appreciated.

The only reference to RELAC (and not by name) in the RA Deed is at Article VI.2(b)(15). It is the basis for RA's involvement with RELAC and is worth setting out here verbatim for convenient reference.

(15) Air-Conditioning Units. In any residential Cluster in which central air-conditioning service is available to the Lot line, no individual air-conditioning unit of any type shall be permitted. This covenant may only be amended or revoked by at least a two-thirds vote of the Category A Members of all residential Clusters on the service.

Category A members are defined at Article III.3(a)(1) and (2) of the Deed to include all owners of lots, except owners of lots on which multi-family dwellings are constructed. There are a total of 343 such lots in six clusters. Each such lot owner in good standing with the RA as of January 19, 2024 may cast a single vote in the referendum. "In Good Standing" is defined by Deed Article I.1(u) and refers to any Member who is not more than 60 days delinquent in meeting any financial obligations to RA, or whose lot is not otherwise in violation of the Reston documents. While the annual assessment for 2024 is due on January 1, 2024, it is not overdue unless it is not paid by March 1, 2024. Thus, a lot whose assessment was fully paid through 2023 and was not otherwise in violation of Reston documents as of January 19 (the date set for determining the eligible voters for the referendum) would be an eligible voter, even through they had not yet paid the 2024 assessment.

As you can well appreciate, the RA is bound to follow the Deed. In order to revoke the prohibition against individual air-conditioning units at lots with central air-conditioning available to the lot line, it is necessary for the RA Board of Directors to approve a referendum to that effect removing that provision from the Deed. Further, a two-thirds vote of such Category A Members is required to approve it in a referendum in which at least 30 % of such Members participate. See, Deed, Articles VI.2(b)(15) and VIII.2(a). The required publication of the formal notification in two consecutive issues of local newspapers; the notification to the affected Members on January 24 of the proposed amendment to the Deed; the two opportunities to be heard concerning the proposed referendum on February 5 and 12; the mailing of the ballots on February 13; the deadline for return of ballots by March 8; and the Board special meeting on March 13 to announce the results of the referendum are in fulfillment of additional requirements related to the referendum and represent an effort to speed things along within regulatory and administrative constraints. See, Election & Referenda Resolution 6: Referenda Procedures.

As "cumbersome" as this referendum process may appear, it is mandated by the Deed and Board Resolutions. The fact that the RELAC owners have announced their intention to discontinue service does not itself make the discontinuance of service a fact. Moreover, the service is regulated by the State Corporation Commission (SCC) as a public utility and as far as we know the SCC has not issued any determination concerning this matter.

Should the referendum be approved, it will be incumbent upon the DRB and the individual clusters to establish how the placement of air-conditioners desired by individual lot owners is to be managed. RA staff has asked the DRB to consider this issue, so that applications can be processed efficiently, should the controlling Deed Article section be revoked. Additionally, Mr. Lusk has held meetings with the leadership of effected clusters concerning the referendum.

I trust that the foregoing is responsive to your concerns. Should you like to speak further on this matter, you may reach out to me or consider attending one of the public hearings.

Cordially,

Irwin Flashman
RA Board of Directors
Lake Anne/Tall Oaks District Director