



# The Glen Echo

Newsletter of Fairlington Glen

July 2008

## BYLAWS APPROVAL WELL UNDERWAY

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At the June 18 Special Meeting of the Fairlington Glen Council of Co-Owners, about **68%** of co-owners (using weighted voting) approved the new Bylaws, just over **7%** shy of the **75%** we ultimately need for passage. **Peter Philbin**, our lawyer at **Rees Broome PC** (the Glen's legal counsel) who helped prepare the revised Bylaws, says that the level of approval the Glen has achieved is a very positive sign--far higher, in his experience, than most condos reach in the first two months of voting.

**We have recessed the Special Meeting until September 17, the date of the Community Forum on the 2009 budget.** Court captains and the Board will now redouble our efforts to reach out to those who have not yet voted. While it is not uncommon for condominium associations to take a year or more to approve Bylaws changes, we very much hope to avoid such an extended period and urge those of you who have not yet responded to turn in your ratification forms. This can be done by mail, by fax, or by e-mail.

*Many thanks to those of you who have already voted!*

### Upcoming events

Landscape meeting  
July 22, 7:30 pm FCC  
Room 103

FINS Swim Classes  
July 28- Aug 1 3-6pm

Pool Event  
30-Somethings at Pool  
July 30, 7pm to 9pm

Landscape Walk About  
August 3, 8:00am  
Meet at Stafford Circle

## WHAT ARE THE BYLAWS ANYWAY?

There are some misconceptions about the role that the Bylaws play in the operation of the Glen. Without overstating the comparison, our Bylaws are like our constitution. They set forth the rules by which the Glen operates – the number of directors, how they are elected and their duties; required meetings, how are they called and how much notice is required; and, based on our basic legal document (the Master Deed), the relative responsibilities of the Glen as a Council and the responsibilities of the co-owners that make up that Council.

Policy decisions about a whole host of day to day operational issues are not included in the Bylaws. We establish committees to oversee the operation of the Glen - the **Court Representatives Group** and the **Finance, Maintenance, Landscape and Pool Committees** are the best known. These committees operate at the behest of the Board and the decisions that they make are subject to the oversight of the Board. Pool rules and hours, chemical use on the common landscape, spring and fall plantings and variance procedures are just a few of the many decisions which volunteer committee members make day to day in the operation of Fairlington Glen. If residents have problems with such decisions, they are welcome to bring their concerns to the relevant committee and, if not satisfied with the result, to the Board for resolution. Such policies are, in large measure, collected in the *Fairlington Glen Handbook*.

## WHY SHOULD I CARE WHETHER THE GLEN'S BYLAWS EVER GET UPDATED?

*While we have tried to communicate why we believe that changing our Bylaws will benefit the Glen's unit owners, we want to be very clear about why folks should care about this update, recognizing that the opportunity to govern ourselves legally, taking advantage of all the new technologies available in a new century will not be equally motivating to everyone.*

*However, we want every Glen owner to understand that our Bylaws need to be up-to-date.*

- Banks and mortgage companies look at our legal documents to evaluate their adherence to certain standards when prospective loans are being reviewed. Maintaining the health of our condominium Council is actually critical to maintaining the value of your investment as a co-owner, should you decide to sell.
- When an owner is late with their condo fees, it costs us more to notify him that they are late, under the current Bylaws, than we can charge in late fees (set under the existing bylaws at a whopping \$3.00 per month).
- Our current Bylaws are ambiguous in a number of areas that can lead to inconsistent decisions and governance determinations. For instance, the Bylaws do not clearly permit home offices, and while Glen policy has been to allow such uses provided there is no external impact (signs, etc.), a co-owner could try and attack such uses as not “residential” and penalize another co-owner for doing business from his or her home.
- Our Bylaws require us to hold our annual meeting on November 30 each year. In the 20 years that I have lived in the Glen, we have never done so, to my knowledge. Flexibility on this date is important for practical and, to a lesser extent, legal reasons.
- Our current Bylaws require a quorum of 50% + 1 in order to conduct our annual meeting. This has not always been achieved the first time around, causing consternation for everyone involved. The Virginia Condominium Act, in fact, would allow a quorum as low as 10%. We have no interest in having such low participation in our meeting. However, neither do we want a quorum that we cannot attain. We have proposed a 25% quorum, but will always seek as much participation as possible. (*As noted earlier, the current Bylaws require a 75% vote of approval to adopt updates. Our proposed update would lower this percentage to 66.7% which will still ensure that future Boards cannot make changes on a whim.*)
- Our current Bylaws are deficient in a number of areas regarding maintenance responsibilities. For instance, the Bylaws do not make clear that it is your neighbor's responsibility to care for the tree in his backyard, which overhangs your patio and is dying and dropping leaves and branches on your yard. The proposed Bylaws will help neighbors understand their rights and responsibilities and should also make it easier for co-owners to seek insurance coverage under individual policies for certain damage claims.
- Our current Bylaws require each of you to provide management with a key to your unit so that our staff can access it in case of an emergency. This requirement has never been enforced due to owner reluctance, administrative difficulties and legitimate worries concerning the security of such keys and potential liability of the Council if such keys were misused or misplaced. Nevertheless, removal of this requirement (as opposed to conscious avoidance) is recommended by counsel. Our new Bylaws would change this requirement and support Council management to collect contact information so that they are able to reach you more easily and address problems without placing your privacy at risk.

## REALLY, WHY SHOULD I CARE??? (continued)

In addition to the many organizational and clerical changes we have proposed with this update to our Bylaws, the Board has tried to clarify responsibilities between the Council and co-owners, to be consistent with the Master Deed, the primary legal document which defines our legal ownership rights and responsibilities. This enables us both to maintain a reasonable hold on our maintenance expenses and to provide fair and consistent decisions among owners and, over time, by different Boards.

This is a critical concern for all residents of the Glen, and most particularly for the Council’s co-owners. Our buildings are more than 60 years old. Our sewage systems have had many problems, as affected co-owners can attest. Our roofs have sometimes leaked and, all of them have been or will need to be replaced. We have addressed these issues straightforwardly over time. But these kinds of infrastructure maintenance issues entail significant expense, and often subject to unavoidable cost overruns.

We must insure that we identify those areas for which we are responsible as a Council and as individual co-owners. We can then clearly and consistently separate those items which must be paid for by the Council, and those which must not. This will ensure that Glen expenses are appropriate to our needs and that we can avoid increases in condo fees which flow from undertaking expenses which are not legally the responsibility of the Glen as a whole.

I hope that this explanation provides clarity and a sense of the importance of this update to our Bylaws. Please call me (703/379-4379) or e-mail me ([bob.patrician@verizon.net](mailto:bob.patrician@verizon.net)) if you have any questions about this article. If you have not yet voted, please complete the proxy included in this newsletter and drop it off to my home in Court 11, 4229 S 36<sup>th</sup> Street.

———Bob Patrician



## Landscape News and Notes



The Landscape Committee will meet on **Tuesday, July 22 at 7:30pm in Room 103** at the Fairlington Community Center. The Fall Landscape Walk through with the contractor will be held **Saturday, August 3 at 8:00am**. The walk will begin at the Stafford Street circle. Please note there is a form included inside this newsletter if you would like to request work to be done in the fall.

**Bush Trimming requests:** our contractor trims our bushes at the appropriate times of year once or twice depending on the variety of bush. Please remember, if you don’t want any trimming to be done ***you need to have a red reflector placed visibly in your front bed.*** If you would like your bushes to be significantly trimmed down from where they are now, you must fill out a request form to have that service be done at the next appropriate trimming time. The request form is found inside this issue of the Glen Echo or may be found online at [www.fairlington.org/glenindex](http://www.fairlington.org/glenindex).

If you would like more information on how to become involved with landscaping in the Glen, please contact **Fred Hohlweg** at 703-836-4315 or [hohlweg@verizon.net](mailto:hohlweg@verizon.net).

# Fairlington Glen Pool Events – July 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
			10-9	10-9	Ping Pong Tournament 10-9	Ping Pong Tournament 10-9
6	7	8	9	10	11	12
Ping Pong Tournament 10-9	10-9	10-9	10-9	Wine Tasting Bring a bottle to share 7:00pm 10-9	10-9	10-9
13	14	15	16	17	18	19
10-9	10-9	10-9	Adult Swim night (21 years old) 7:00—9:00pm	10-9	10-9	10-9
20	21	22	23	24	25	26
10-9	10-9	10-9	10-9	Beer Tasting Bring some to share 7:00pm 10-9	10-9	10-9
27	28	29	30	31	August 1	
10-9	Fins 3:30-5:30 10-9	Fins 3:30-5:30 10-9	Fins 3:30-5:30 30-somethings 7:00-9:00pm	Fins 3:30-5:30 10-9	Fins Event 6:00pm 10-9	

Court # \_\_\_\_\_ House # \_\_\_\_\_

**Fairlington Glen**

**Common Area Landscape Request Form**

Some residents may wish to change or improve the landscape in the mulched beds adjacent to their units. Such changes may be in the form of shrub/tree removals or additions. In order to maintain a harmonious landscape appearance, residents should complete the following form and submit to the Glen Landscape Committee. All requests at association expense will be considered and, if approved, will be completed as funding allows.

➤ **Requests for consideration for fall planting must be received by August 1st.**

Please return completed form to the Glen Landscape Committee at 3545 S. Utah St. or you may email your request to Fred Hohlweg at [hohlweg@verizon.net](mailto:hohlweg@verizon.net). (Email submissions are preferred!)

PLEASE PRINT

Name of Resident(s): \_\_\_\_\_ (check if Co-owner\_\_ or tenant\_\_)

Address: \_\_\_\_\_ Court # \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

- \_\_\_ Request removal of shrub or tree
- \_\_\_ Request installation of a shrub or tree
- \_\_\_ Request significant trimming of shrubs in front of windows
- \_\_\_ Request to install at own expense the following tree or shrub
- \_\_\_ Request to make any other change

Please indicate your requested change by checking the appropriate line(s) above and describing the proposal(s) and the location(s):

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Other units impacted by proposed changes?

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Known support or opposition for changes?

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**FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS  
BY-LAWS AMENDMENT  
PROXY and RATIFICATION**

I/We, \_\_\_\_\_, as the owner(s) of a  
Name(s) of Owner(s)  
condominium unit located in the Fairlington Glen Condominium described as: \_\_\_\_\_

\_\_\_\_\_  
(Unit Address)

am/are authorized to act on behalf of all co-owners (if any) of the above-described Unit with respect to matters pertaining to the Fairlington Glen Condominium Council of Co-Owners ("Council") and, accordingly, do hereby: (select one)

- RATIFY/APPROVE** the proposed amendments to the Council By-Laws as described in the Amended and Restated By-Laws ("Amended By-Laws") circulated initially to the membership in a mailing from the Council on or about April 8, 2008.
  
- VOTE AGAINST** the adoption of the Amended By-Laws.

I/we further hereby appoint the Secretary of the Board of Directors of the Council as my/our proxy and with limited power of attorney to cast my/our vote at any Special Meeting of the Council held on June 18, 2008 and any adjournments or recesses thereof to vote on adoption of the Amended By-Laws and:

If I/we have voted above to **RATIFY/APPROVE** the Amended By-Laws, the Secretary of the Board of Directors is authorized to cast my/our votes in favor of the Amended By-Laws or such reasonable amendments thereto that the Secretary deems acceptable to the same.

If I/we have voted above **AGAINST** the Amended By-Laws, the Secretary of the Board of Directors is only authorized to cast my/our votes against the Amended By-Laws and for no other purpose.

**SIGNATURE(s):** *This Proxy/Ratification will not be valid unless signed and dated below by a co-owner of the Fairlington Glen unit.*

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Address (if other than at Fairlington Glen unit)

**(PLEASE TURN OVER)**

Please return completed form to:  
Alison Burns Trimble, Secretary  
Fairlington Glen Council of Co-Owners  
4280 S. 35th Street  
Arlington, VA 22206

FAX to 703-790-5249  
EMAIL to [alison@comcast.net](mailto:alison@comcast.net)