

**Kingstream Community Council
Minutes of the June 18, 2020 Meeting**

Attendance	
Board Members	Present
Tyrone Yee, President	Yes
Ken Neuman, Vice President	Yes
Steven Fast, Secretary	Yes
Scott Graff, Co-Treasurer	Yes
Mark Jensen Co-Treasurer	Yes
Mike Wei, Architecture Committee	Yes
Sharon Llewellyn, Activities Committee	Yes
John Rush, Communications Committee	Yes
Other Attendees	
Lisa Cornaire, Management	Yes
Juan Cardenas, Attorney- Rees Broome, PC	Yes
Board meeting held via Zoom (electronically) with community member participation	

A. Call to Order

The meeting was called to order at 7:05 P.M.

B. Welcome/Introduction of Board

The Board President welcomed homeowners attended via Zoom and introduce the other board members. It was noted Elanna Weinstein was no longer on the board since her term had expired and she had other commitments.

C. Meeting Rules/Meeting Overview

Homeowners to be muted except during the Question session where Lisa will unmute those with questions/comments one at a time. Secretary will monitor chat for additional questions. The secretary to give a two minute warning for the end of the question session.

D. Approval of Agenda

Approved as amended.

E. Review/Approval of May Meeting Minutes.

The May meeting minutes were approved.

Pool

F. Task Force Guidelines on Safety Protocols & Pool Operating Procedures

John presented the results of the task force. The results covered reservations, arrivals & departures, volunteers, health screening, hygiene & social distancing, facilities & usage, NV recommendations, supply costs, screening questionnaire, release/waiver form and examples of changes to website. The board President thanked the task force for its efforts at developing a plan.

G. Liability Risk Overview & General Counsel Recommendations

Mr. Cardenas's recommendation was to not open the pool due to the various risks existing at this time. His recommendation was based on the following: no insurance coverage for this situation per our policy, the county is not opening, waivers not enforceable in Virginia, board has fiduciary duty to all 408 homeowners, maintenance of pool essential but recreational use is not, volunteers not covered by insurance, any potential legal costs to HOA & NV Pools would be HOA's uninsured costs, safe harbor legislation to protect entities from being sued has not been established (state or federal), and inexperienced staff/volunteers for this situation. Mr. Cardenas did note the task force's compliance plan was as good as he's seen but can't overcome the lack of insurance. He noted it is the Board's decision to open or close under these conditions.

H. Questions & Comments

Multiple members stated they would like to see the pool open in a safe manner. Other members felt the risks to the community as a whole were too great. Mr. Cardenas was asked what other communities were doing. He stated the majority were closed and the few that were open either had insurance or were strictly swim clubs, not tied to a homeowners association.

He was asked if insurance could be obtained and he stated we would be unable to find any company offering a policy for this situation. He was asked what legal exposure was there for not opening the pool. He stated it was extremely low given the circumstances under which the decision would be made. The possibility of dues refunds was brought up and Mr. Yee stated the most it could be would be \$60 but the community's financial situation truly couldn't be evaluated until the end of the year. Mr. Fast discussed pool usage at the request of Mr. Yee. Half of the community uses the pool at least once a season, the majority of usage is accounted for by about 60 homeowners & families.

I. Pool – Board Discussion

1. Refund/Credit – The board will address this at the end of the fiscal year.
2. Collections – The board extended the deadline for dues payment until July 1 to account for the economic conditions homeowners may be facing during this pandemic. Our financial situation will not be clear until the end of the year.
3. Impact on KCC home values during a lawsuit - A lawsuit against the HOA would have to be disclosed to any potential home buyer with the potential to impact home values.
4. Special assessments impact on homeowner during a lawsuit – The cost of any lawsuits against the HOA could be severe win or lose with the potential of special assessments for an unknown and value and loss of reserve funds.
5. Impact on Reserves and community assets during a lawsuit – Loss of reserve funds would impact maintenance of existing assets and the financial solvency of the HOA.
6. Health & safety – The Board cannot ignore the health impact to our community members.
7. The Board voted to close the pool for the rest of the season with votes as follows: In favor of closing (Yee, Neuman, Fast, Graff, Jensen, Wei, Llewellyn) 7; in favor of opening (Rush) 1.

Tennis & Basketball Courts and Playgrounds

J. Overview

The basketball (signs up) and tennis courts (signs up & locked) are closed. Playgrounds are closed with signs. Repairs to basketball and tennis courts will be happening in the near term (end of June/July).

K. Liability Risk Overview & General Counsel Recommendations

Mr. Cardenas concluded the liability risks for these assets are materially different and much lower than the pool. Access to these assets is not actively managed by the Association; consequently, players use the facilities at their own risk. Players are responsible to administer and follow the government safety guidelines, not the Association. In addition, Fairfax County announced the opening of their tennis courts, basketball courts and playgrounds at the entry of Phase II.

L. Questions & Comments

There was a brief discussion of how many courts could open and what other facilities were doing with their courts. Mr. Cardenas was asked how the risk is different than the pool and restated that these assets are not actively managed by the Board so the legal exposure is considerably less. Questions regarding the annual meeting were also brought up during this discussion.

M. Tennis & Basketball Courts – Board Discussion

1. Open Two Courts vs One Court – After the discussion, it was decided to open both courts.
2. New Lock /Keys – The board will decide on new lock/keys after further discussion.
3. New Signage/Rules – New signs on usage will be posted.
4. Other opened tennis courts
5. Board Vote – The Board voted to open the tennis courts, 7 to 1 (for: Yee, Neuman, Fast, Graff, Jensen, Wei, Rush; against Llewellyn). The board voted to open the basketball courts unanimously. The board voted to open the playground, 7 to 1 (for: Yee, Neuman, Fast, Graff, Jensen, Wei, Rush; against Llewellyn).

N. Annual Meeting

The annual meeting date was brought up by multiple members. The meeting has been deferred due to the pandemic restrictions which is considered acceptable legally by Mr. Cardenas. The Board decided to defer this decision to the July meeting where a date and method for holding the meeting will be considered.

O. Adjourn

Meeting adjourn at 9:50 P.M.

Submitted by Steven Fast

Homeowners in attendance:

Barbara Rogers, Tracy Hartsel, Josh Wixom, Christine Terrell, Brooke Hall, Don & Rosann Fronczak, Lynda & Roger Hammel, Dilma Anaya, Mary-Anne Blodgett, Danielle Schill, James & Andrea Morgan, Keith & Maritza Mullervy, Grace Choi, Missy & Mike Galus, Ed Guy, Kestin & Gordon, Jeff Albanus, John & Jeri Borsi, Jeff Schalk, Cecil Macannan, Tim Fouche, Craig Clayton, Phil Roche, Ash Allgyer, Kate Kiefer, Stephanie Palmer, Beth & Chris Bollerer, Joan & Jim Talbert, Mark & Toni Kupets, Nicole & Ian Rayson, Susan & Jim Cary, Brian & Renee Thomas, Emma Patton, Helen & John Howells, Ann & Kurt Rauscher, Randy & Cathy Blystone, Cindy Wei, Katie Schuster, John Gudgel, John Lau, Tom Baltazar, Linda & Gary Benton, JC Porterfield, Marianne & David Myers, Katie Weatherton, Tony DeMattia