



Olde Port Cove Homeowner's Association, Inc.

Olde Port Cove, March 24, 2026.

Attention: All Homeowners,

The Board of Directors recently sought guidance from the Association's attorney on several matters concerning the Environmental Control Committee (ECC). Without waiving attorney-client privilege, the Board is sharing the following information to provide clarity for homeowners.

1. Appointment of the ECC Chair

The Declaration and Bylaws provide that the Board appoints the members of the ECC. Although the documents do not specifically state who appoints the ECC Chair, under applicable Virginia law, that authority rests with the Board. The governing documents do not give ECC members the authority to select their own Chair. Therefore, the Board appoints the ECC Chair.

2. Appointment and Removal of ECC Members

Only the Board has the authority to appoint or remove members of the ECC. The ECC Chair does not have the authority to appoint or remove ECC members.

3. Review of ECC Applications

Under the Virginia Property Owners' Association Act (Va. Code § 55.1-1816(A)), ECC applications must be reviewed during open meetings. Executive sessions are permitted only for limited purposes, such as personnel matters, consultation with legal counsel, contracts or litigation matters, covenant violations, or issues involving potential personal liability.

4. Voting Requirements

All voting during ECC meetings must take place in open session. Voting by secret or written ballot is not permitted under Virginia law (Va. Code § 55.1-1816(B)).

5. Meeting Minutes

Because the ECC exercises decision-making authority on behalf of the Association, it is required to keep minutes of its meetings.

6. Appeals of ECC Decisions

Homeowners may appeal an ECC decision to the Board (or its designee) within thirty (30) days of the decision. Appeals must be submitted in writing and must identify alleged procedural or substantive

errors. The Board may reverse or modify an ECC decision upon a two-thirds (2/3) vote of the Board.

7. Scope of ECC Authority

The ECC does not have the authority to issue directives—such as stop-work orders—directly to contractors of the homeowner. If an ECC member provides direction to a contractor while representing the Association, it may create potential liability for the Association.

8. Exterior Lighting and ECC Approval

The Association may enforce only those restrictions that are clearly stated in the governing documents or that are necessarily implied by them.

The Declaration grants the ECC authority to review and approve construction plans and exterior modifications, including required gas lamps. Therefore, exterior lighting that is part of a home's construction plans or a permanent exterior modification—such as porch lights, entry lights, architectural façade lighting, driveway lighting, or pathway lighting—is subject to ECC approval.

However, the Declaration does not grant the Association or ECC authority over other types of lighting, such as holiday lighting, seasonal or decorative lighting, temporary lighting, or lighting that is not permanently integrated into the structure of the home.

Yours sincerely,

BOARD OF DIRECTORS

A handwritten signature in blue ink that reads "Roger Ruber". The signature is written in a cursive, flowing style.

Roger Ruber
Olde Port Cove President