

# ORCHARD VALLEY NEWS

Orchard Valley Homeowners Association

January, 2013

## OVHA Board Reviewing Covenants and Bylaws



The Orchard Valley Homeowners Association Bylaws and Covenants were enacted in 1990 when the Orchard Valley subdivision was essentially created. These bylaws and covenants serve essentially as the rules and regulations of the subdivision. One of the “rules” mandates our Annual Board Election. Our Annual Board Election requires the participation of a majority of homeowners in the selection process. Should the election fail to draw 169+ electors (*50% plus one of the OV homeowners*), another election is mandated — an awkward (*and costly*) situation that has occurred more than once. Much of our current “rules” are “boilerplate” or generic standardized – and perhaps in some cases – archaic regulations.

During the past year the Board had obtained a legal opinion of our twenty-plus year-old “rules” and, from the resulting opinion, emerged numerous suggestions how to update our “rules” in an effort to make them more consistent and straightforward. However, the amendment process — under the current “rules” — is difficult. Whereas the Annual Election of Directors requires a simple majority, amending the covenants and bylaws requires a three-fourths majority — 75% of the OV homeowners.

In July of 2010 the State of Illinois enacted legislation known as the *Illinois Common Interest Community Association Act* (CICAA). This legislation encompasses entities such as homeowners’ associations — like OVHA. This legislation provides for, among other things, a more manageable amendment process. Another significant change would mandate staggered terms of office for the Directors. Attorney Lara A. Anderson commenting on CICAA states that, “...*common interest community associations that have declarations and/or bylaws that conflict with any CICAA’s provisions should consider amending their governing documents.*”<sup>1</sup> Among several suggested structural modifications from Keith Jones of the Keay and Costello law firm addressed the existence of the Architectural Review Committee (ARC). In his interpretation of the covenants, the appointed ARC solely - *and NOT the Board* – possessed the authority to regulate, approve and enforce architectural changes within the community. Jones stated his, “...*recommendation is to adopt a resolution that provides that the [elected] Board of the Association shall be the acting Architectural Review Committee...*” Based upon Mr. Jones recommendation, the Board acted to dissolve the existing ARC and have the duly elected Board serve as the ARC.

The Board feels that there is ample reason and opportunity to embrace the CICAA and to move forward with updating and enhancing the covenants and bylaws to reflect the wants and needs our community.

<sup>1</sup> *Common Interest*, Winter 2011, p. 31-33

### Upcoming Social Events!!!

Sunday, April 21st

**SPRING FLING**



Saturday, June 1st

**PICNIC IN THE PARK**



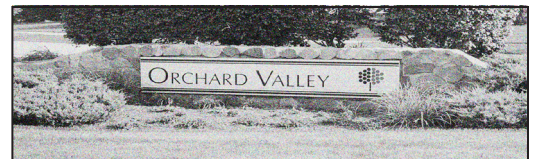
Friday-Saturday, June 21st & 22nd

**OV GARAGE SALE**



### Surveying of Monument Easements Completed

As one drives through the subdivision lately one may come to wonder why the Orchard Valley monuments are adorned with 3-foot wooden lath and pink ribbons. The Orchard Valley Board



of Directors is/was in the process of reviewing landscaping bids for the eleven monuments when the discussion focused in on the actual boundaries of these monuments. (*Maintenance of the monuments has been and remains the sole responsibility of the Association.*) Given that the Board was sending out request for landscaping proposals it was appropriate that a dimensional description of the boundaries of these monuments be included in the bidding process.

Consequently, the Board authorized the surveying of the monument boundaries throughout Orchard Valley. Each of the monuments rests within the private property of the respective homeowners. And when the subdivision was established in 1990 an easement was created within that private property area for the Orchard Valley monuments.

## Sebert Landscaping Awarded Orchard Valley Landscaping Contract

Sebert Landscaping was the low bidder amongst the five competing landscaping companies submitting bids. The scope of the work includes maintenance of the horticultural arrays associated with the eleven Orchard Valley monuments as well as caring for the cul-de-sacs within the subdivision. The annual expenditure for this work is budgeted at \$7280. Provisions have also been made for watering should the extreme drought conditions of last summer revisit the subdivision.



ORCHARDS  
*Restaurant*

**VALENTINE'S DAY DINNER**

*Thursday, February 14th*

**RETURN OF FRIDAY NIGHT**

**FISH FRY**

*Friday, February 15th*

**EASTER SUNDAY BRUNCH**

*Sunday, March 31st*

## Spring Cleaning On Your Agenda? — Here Are Some Recycling Guidelines for Aurora

### **Recyclable Paper Items**

- Newspaper and all newspaper inserts
- Glossy and non-glossy magazines
- Catalogs
- Telephone directories
- Brown Kraft paper bags
- Corrugated cardboard
- Paperboard (chipboard)
- Cereal boxes
- Wet strength carrier stock such as beer and soda boxes
- Frozen food boxes
- Junk mail
- Mixed paper

### **Non-Paper Items**

- Plastic bottles and containers numbered #1 - #7
- Aluminum/bi-metal cans
- Aluminum foil
- Steel or tin cans
- Aerosol cans
- Aluminum baking trays/pie plates
- Brown, green, and clear glass bottles and jars
- Gable top milk cartons
- Juice cartons and boxes
- Household batteries placed in a clear sand-wich bag and placed beside the recycling bin.

### **Unacceptable Items**

- No mirrors, window glass or #6 Polystyrene blocks or packing peanuts will be accepted.

### **Electronics Recycling**

The program has been expanded year-round with twice-monthly collection events from 9 a.m. to 1 p.m. at the City's Customer Service Center, 3770 McCoy Drive, and Central Garage facility, 720 N. Broadway Ave. **For a list of dates, visit the City's website homepage or call the Customer Service Center at 630-256-INFO.**

Eligible electronics that will be collected include monitors, computers (*both PCs and Macs*), laptops, televisions, printers, fax machines, scanners, computer accessories (*mouses, keyboards and modems*), video game consoles, telephones, answering machines, cell phones, personal digital assistants (PDAs), MP3 players, cameras, camcorders, servers and networking equipment, DVD players, stereos, and VCRs. Microwaves are the only kitchen appliance that can be recycled.

### **Medications**

Medications can be dropped off on a regular basis at:

**Fox Metro Water Reclamation District  
682 Route 31  
Oswego, IL 60543**

**8 a.m. to 5 p.m. Monday-Friday**

*However, at this location no controlled substances are allowed.*

### **Hazardous Materials**

There is a hazardous material drop-off at the **Brookdale and Route 59, Naperville Fire Station #4, (630) 420-4190**, on Saturdays and Sundays between the hours of 9 a.m. - 2 p.m., Closed on Holidays. There is no cost for drop-off. Items included are listed below.

- Automotive
- Home Repair/Building/Woodworking/Hobby Supplies
- Painting and Decorating Supplies
- Kitchen, Laundry, Household Cleaning
- Medicines and Cosmetics
- Pesticides and Herbicides
- Pool Chemicals, Whirlpool Chemicals/Cleaners, Water Treatment Products
- Household Batteries (**NO MOTOR VEHICLE BATTERIES**)

### **Totally Unacceptable Items**

- Latex Paint
- Ammunition and all explosives/fireworks (*check with your local police department.*)
- Car Batteries
- Commercial/Industrial/Institutional waste
- Garbage - Non-household hazardous waste
- Radioactive materials
- Propane Tank Cylinders - *use up or take to local propane gas dealer/company.*

## Orchard Valley Homeowners Association



President — George Dyche  
Vice President — Jason Morthland  
Secretary — Andrew Woodward  
Treasurer — Darlene Paciorek  
Director — Harold Borg

Property Manager — Pat Torres  
Management Company — Alpha Management Services, Inc  
625 N. Elmwood Drive - Suite B  
Aurora, Illinois 60506  
630-892-8823  
alphamgmtsvcs@gmail.com



Come Join Us On  
Facebook  
**Orchard  
Valley  
HOA**

Visit us on the web at...

**OVHA.org**