

NVMC Q&A

August 13, 2024

- 1) Do you know how the HO representation will be selected? i.e. 1 each from NVLC & NVMC? *We do not know the answer to this. Alan met with RSA in-house counsel Thursday 15th and suggested this point noting it would provide a great conduit to both of these community entities involving app. 225 persons total, both to and from the Board. Alan does think this point was well received especially when emphasizing the value of both of these entities to the community.*
- 2) Is Connor Brothers on their way out? *Friday Aug. 17th an announcement was sent out via TS stating rumors to this are not true and they will remain in place.*
- 3) Do we know how McKay was selected? *No, but they are involved with RSA in other properties we think. Same with LAI.*
- 4) Is the Council still communicating with RSA? *The Focus Group ("FG") is communicating and met with the full Board and in-house counsel on July 8. In addition, Alan was able to secure a 1:1 meeting with in-house counsel that took place Thursday 15th.*
- 5) Do you still see a need for the Council? *Alan stated at the moment he is the Council, but actually the FG is now leading the charge. In addition, with the Board allowing HO presentation on the Board there is no need for the Council – they could possibly be competing against themselves on some issues.*
- 6) Do you know if our assessments are in line with other RSA properties? *No, we do not.*
- 7) Do you know if our assessments are in line with other properties in Opelika/AU area? *No, we do not.*
- 8) Can we get copies of the Bylaws of parent organization that governs this development, not HOA? *The parent organization (declarant) of the NVPOA is The Teachers' Retirement System of Alabama and The Employees' Retirement System of Alabama, both of which are an*

instrumentality of the State of Alabama. Information is available at www.rsa-al.gov.

- 9) Can we get copies of federal tax return? 501C associations are required to provide when asked for. *NVPOA is an Alabama nonprofit corporation, appearing to qualify as an IRC § 501(c)(4) organization (File a Form 1120-H, U.S. Federal Income Tax Return for Homeowners Association – Not subject to public disclosure). To date, the FG has only had the opportunity to review financial records that have been posted to townSq.*
- 10) How much fixed cost are in the assessments? *The FG only has access to the financial information posted to townSq. From this financial information it appears most of the costs could be defined as fixed as they relate to agreements/contracts with McKay Management Corporation, Landscape Associates, RTJ, Opelika Utilities, and other vendors. The variable costs appear to be primarily related to repairs and maintenance.*
- 11) What are the variable elements of the assessments? *See question (10) above.*
- 12) Can we see the requirements as written in the contracted services for NV? *Per the POA/McKay contract item 8 Physical Systems Management – “On behalf of the Association, Agent shall secure contracts for the maintenance and physical plant operations of the Property,...” Per the Bylaws 5.03 Inspections – “The books, records, and papers of the Association shall at all times during reasonable business hours be subject to inspection by any member or his agent or attorney for any proper purpose.” The answer is yes, but would need to know the contracts in question. The contract with LAI was recently posted on TS. The calendar of services for LAI can also be found on TS.*
- 13) How open-ended are these contracts with contractors? *The FG has viewed agreements/contracts with McKay Management Corporation and Landscape Associates, both of which were annual agreements/contracts containing specifics and flexible variables.*

14) Where is the accountability for contractors doing quality work? Don't say Brent! *This was one of the main focus points of Steve and Alan's, and now FG discussions – oversight.*