

**THE UNIT OWNERS ASSOCIATION OF THE
VILLAS AT THE RIDGES CONDOMINIUM**

POLICY RESOLUTION NO. 9

GUIDELINES FOR SENDING ELECTRONIC NOTICES TO MEMBERS

WHEREAS, Article III, Sections 1 and 2 of the Bylaws for The Unit Owners Association of the Villas at the Ridges Condominium (“Association”) provides that the business and affairs of the Association shall be managed by the Association’s Board of Directors (“Board”); and

WHEREAS, Article III, Section 2 of the Bylaws and Section 55.1-1959 of the Virginia Condominium Act (“Act”) provide that the Board may establish, adopt and enforce rules and regulations pertaining to areas of Association responsibility; and

WHEREAS, Section 55.1-1935 of the Act provides, in part, that “unless prohibited by the condominium instruments” any notice required to be sent or received may be accomplished by using electronic means as defined by statute; and

WHEREAS, the Association’s condominium instruments do not expressly prohibit notices to be sent by electronic means; and

WHEREAS, the Association wishes to send notices by electronic means to Members of the Association who wish and consent to receiving notices from the Association by electronic means; and

WHEREAS, Section 55.1-1949, Paragraph A.3. of the Act provides the notice may be sent by electronic means to Unit Owners who elect to receive notice by electronic means and that the Association officer or his agent certifies in writing that notice was sent by electronic means to the Unit Owner and, if such electronic mail was returned as undeliverable, said Officer or agent subsequently sends notice by United States mail to the mailing address of record on file with the Association.;

WHEREAS, the Board has determined that it is in the best interests of the Association to adopt guidelines for using electronic means for providing notices and other Association information to the Association’s Unit Owner and Members.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby adopts as part of the Association’s Rules and Regulations the following guidelines, policies and procedures for using electronic means for providing notices of the Association’s Board of Directors, Committees, and members meetings by email or other electronic means to Owners as well as other notices required under the Association’s Bylaws, including but not limited to notices of annual assessment (“these Guidelines”).

I. Conflict with Other Rules / Definitions.

- A. **Conflict with Other Rules.** If there is an irreconcilable conflict between these Guidelines and any provision of previously-adopted Rules and Regulations (including any policies and procedures previously adopted by the Board), these Guidelines control when applied to notices sent by electronic means to Owner/Members.
- B. **Defined Terms.** Unless otherwise defined in these Guidelines, the capitalized words used in these Guidelines have the same meanings as defined in the Association's Declaration and Bylaws or, if not defined in the Declaration or Bylaws, then as defined in the Act.
- C. **Recitals Made Part of the Policy Resolution.:** The recitals set forth above are expressly made a part of this Policy Resolution as if stated expressly in the body of this Resolution.

II. Sending Association Meeting Notices by Email / Owner Opt-In.

- A. **Methods for Sending Association Meeting Notices.** By default, notices of annual and special meetings of the Association are sent by U.S. mail to all Owners at their address of record as listed in the Association's records. However, the Board or the Association's management agent ("Managing Agent"), if any, may send Association meeting notices, as well as other notices from the Association, including those required to be sent under the Condominium Instruments, by email to those Owners who have opted into receiving email notices from the Association. *However, if an email notice is returned as undeliverable, meeting notices will subsequently be sent to that Owner by U.S. mail.*
- B. **Opting Into Receiving Email Notices.** Attached as **Exhibit A** to these Guidelines is the form titled "Consent to Use Email for Electronic Notices" that should be used by Owners to authorize the Association to use the Owner's email for Association meeting notices and other official purposes. Alternatively, an Owner may submit a letter or email to the Board stating that the Owner authorizes the Association to send Association notices by email – if such a letter or email is sent (rather than using the Exhibit A form), then that Owner's letter or email will be deemed to incorporate the content of the Exhibit A form. *By providing the Association with a designated email address for electronic notice purposes, the Owner is deemed to also be designating that same email address for purposes of all other official Association notice purposes).*
- C. **Opting Out of Receiving Email Notices.** After an Owner opts into receiving email notices per subsection B above, the Owner may subsequently revoke that consent by submitting a letter or email to the Board specifically revoking that Owner's consent to receive email notices from the Association at the stated email address. *By revoking consent to receive email notices per this subsection C, the Owner is*

also deemed to revoke use of that same email address for all other purposes.
Notwithstanding the foregoing, Owners may provide notice of a change in their email address, which acts to revoke use of the prior email address.

EFFECTIVE DATE:

This Policy shall be effective upon the date it is adopted.

Exhibit A

**Consent to Use Email
for Association Notices**

The undersigned, being an Owner(s) of the below-listed Condominium Unit subject to the Condominium Instruments of the Unit Owners Association of the Villas at the Ridges Condominium (the "Association") hereby agree, acknowledge and consent to the following on behalf of myself and, if applicable, all other co-owners of my Lot:

1. I consent to receiving Association notices by email, including for Association meetings.
2. I designate the following email address for electronic notice purposes:

[print email address]
3. By providing the Association with the above-designated email address for electronic notice purposes, I am designating that same email address for all other official Association notification purposes
4. I understand that by consenting to receive notices by email, the Association will no longer be required to send me notices in most instances by U.S. mail unless and until I revoke my consent by submitting a letter or email to the Association specifically revoking my consent to receive email notices from the Association. Also, if I revoke consent to receive email notices, I understand that I would also be revoking use of that same email address for electronic meetings, voting and other official purposes. *[note: applicable law still requires certain notices to be sent by U.S. mail, such as notices regarding violations of the governing documents]*
5. I understand that, given the nature of the internet and electronic transmissions and given that no internet or IT security system is infallible, the Association cannot guarantee that third parties will improperly gain access to my email, improperly use my email, or send me emails with viruses, malware, cookies or the like. Accordingly, by signing this consent form, I hereby release and waive any claim against the Association pertaining to such third-party actions to the fullest extent permissible under applicable law.

I have read and agree to the above.

Owner's Unit address: _____

Owner's Signature: _____

Owner's Printed Name: _____

Date of Signature: _____

**THE UNIT OWNERS ASSOCIATION OF THE
VILLAS AT THE RIDGES CONDOMINIUM
Resolution Action Record**

Resolution Type: Administrative No.: _____

Pertaining to: Guidelines for Sending Electronic Notices

Duly adopted by the Board of Directors on 5/26/2022, 2022, by [check applicable]:

- majority vote at a Board meeting, or
- unanimous written consent through an action without a meeting.

Motion by: Linda Neideer Seconded by: Mark Dusley

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Benjamin H Mc Cartney</u> , Director	✓			
<u>Michelle Simmons</u> , Director	✓			
<u>Linda Neideer</u> , Director	✓			
<u>[Signature]</u> , Director	✓			
<u>James [Signature]</u> , Director	✓			

ATTEST [Signature] 6-8-2022
Secretary Date

Resolution effective upon adoption.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2022, a copy of the above-referenced Policy was mailed (by first-class U.S. mail) to all Owners as reflected in the Association's books and records (or emailed to those Owners who have consented to receiving Association notices by email).

Secretary/Management Agent