

Prosperity Heights Homeowners Association Agenda

Meeting Name: Board of Directors Meeting

Date: January 27th, 2021

Time: 7:00pm

Location: Zoom

Attendees: TBD

Other Attendees: TBD

- I. Welcome and Opening Remarks**
- II. Open Forum - 7:00 - 7:10 PM**
- III. Administrative Matters - 7:10 - 7:25 PM**
 - a. Approval of Meeting Minutes
 - b. Resolutions Passed Via Email
 - i. None
- IV. Reports - 7:25 - 7:45 PM**
 - a. **Financial Management Report**
 - i. Budget Update
 - ii. Audit Update
 - b. **Architectural Report**
- V. Unfinished/Old Business - 7:45 - 7:55 PM**
 - a. **File Management in Dropbox**
- VI. New Business - 7:55 - 8:40 PM**
 - a. **Discussion of Policy Resolutions**
 - i. Policy Resolution NO. 2019-05-RCD Regarding the Recordation of Board Meetings.
 - ii. Policy Resolution NO. 2016-0915-WEB, Website Blog/Message Board (Establishing Guidelines and Procedures for the Association Website Blog/Message Board).
 - iii. Policy Resolution NO. 2020-10-COC-OF, Code of Conduct and Open Forum at Meetings.
 - b. **Voting Procedures for Future Elections**
 - c. **Community Information Sign**
 - d. **Vote for New ACC Member(s)**
- VII. Closing**
- VIII. Adjourn**

Attachments

- Previous Meeting Minutes
- ACC Report
- Policy Resolutions
- Owner Feedback on Draft Resolutions
- ACC Candidates

ACC Report

As of 1/4/2020

11/16	3394 Monarch Ln	Jackson	Fence	Approved
11/16	8462 Sevan Ct	Cober	Fence	Approved
12/13	3352 Taleen Ct	Brewer	Fence	Approved

**PROSPERITY HEIGHTS HOMEOWNERS ASSOCIATION, INC.
ADMINISTRATIVE POLICY RESOLUTION NO. 2020-10-COC-OF**

**CODE OF CONDUCT AND
OPEN FORUM AT MEETINGS**

Relating to the establishment of a Code of Conduct for Annual, Special and Other Meetings of the Association.

WHEREAS, Article IV, Section 1[g] of the Bylaws states that "The affairs of the Corporation shall be managed by its Board of Directors," and

WHEREAS, Article III, Section 1 of the Bylaws calls for an annual meeting of the Members of the Association to be held each year, and

WHEREAS, Article II, Section 1 of the Bylaws calls for a minimum of four (4) Board of Directors meetings held per year; and

NOW THEREFORE, BE IT RESOLVED THAT the Meeting Code of Conduct, as it may be amended by the Board of Directors, is hereby adopted and shall be followed at each Meeting of this Association:

**Prosperity Heights Homeowners Association, Inc.
Meeting Code of Conduct**

The Prosperity Heights Homeowners Association, Inc., (the "Association") will hold an annual Meeting of the Members, along with periodic Meetings of the Board of Directors to conduct Association business. The Board of Directors (the "Board") welcomes and encourages members of the association to be present at these Meetings. However, it is essential for the efficient and effective transaction of Association business that all members present conduct themselves appropriately. To this end, all Members are expected to adhere to the following Code of Conduct.

A. Open Forum

Open Forum is the section of the Meeting in which members of the Association are invited to address the Board. Open Forum shall be conducted in the following manner:

1. A member may only address the Board when recognized by the Chairperson.
2. When recognized, a member shall be afforded a maximum of 3 minutes to address the Board. The Board may, at its discretion, respond to the member. The response will not count against the member's floor time.

3. No member shall interrupt another member who has the floor or otherwise comment unless recognized by the Meeting Chairperson.
4. Members shall not interrupt another Member who has the floor or otherwise comment unless recognized by the Chairperson.
5. Members shall not be recognized a second time until all Members wishing to be recognized have had an opportunity to speak.
6. Open Forum shall not exceed 30 minutes in total. (can be re-opened at the end of the Meeting, at the Board's discretion)
7. Chairperson may extend a Members floor time, at their discretion.
8. Chairperson may extend the Open Forum time limit, at their discretion.
9. Board members may address the Member who has the floor at will.
10. Chairperson may allow an off-topic comment or question, at their discretion.
11. In accordance with Section 55.1-1816 D of the Property Owners' Association Act of Virginia (the "POAA") members may only address topics contained in the Meeting agenda.

B. General Meeting

The "General Meeting" represents all Association business conducted outside of Open Forum. The following rules shall apply:

1. Members are invited to observe the proceedings but may not interrupt, comment, or otherwise inhibit the transaction of Association business during the Meeting.
2. The Meeting chairperson may, at his or her discretion, recognize a member present to speak on a specific topic.

C. Executive Session

Executive session is the section of the Meeting where the Board will discuss sensitive matters as defined in Section 55.1-1816, Subsection C of the POAA. Members may not be present for this Session.

D. Recording of the Meeting

1. Members are permitted to record the Meeting. In accordance with Section 55.1-1816 B of, ("The POAA"), the Board establishes the following rules governing the recording of the Meeting;
 - a. Members must provide notice to the Board, prior to the start of the Meeting of his or her intent to record the Meeting.
 - b. Recording equipment shall not obstruct the transaction of the Meeting or in any way inhibit the ability of any Member present to participate.
 - c. Association is not obligated to provide equipment or assistance to record the Meeting.

E. Enforcement

1. Should any Member choose not to cooperate with the rules set forth in this document, the Board reserves the right to take reasonable action concerning a general failure to follow the rules.
2. Any Member who disrupts a Meeting or violates the rules may be expelled from the Meeting.

This Resolution was duly adopted by the Board of Directors on this ____ day of _____ 20__.

EFFECTIVE this __th day of _____ 2020

Prosperity Heights Homeowners Association, Inc.

By: _____
Steve Boveri, President

ATTEST:

I, Andrew Frank, Secretary for Prosperity Heights Homeowners Association, Inc., hereby attest that the foregoing Policy Resolution NO. 2020-10-COC-OF was adopted at a properly held meeting of the Board of Directors on the ___ day of _____, 2020.

Andrew Frank, Secretary

CERTIFICATION OF DISTRIBUTION OF ADOPTED POLICY RESOLUTION

I hereby certify that a copy of the foregoing Policy Resolution, NO. 2020-10-COC-OF, was
____ (1) mailed to all owners of record or
____ (2) was posted to the community website with notice of the posting by separate
communication to the Members.

My certification of these acts is as of this ____ day of _____, 2020.

Andrew Frank, Secretary

PROSPERITY HEIGHTS HOMEOWNERS ASSOCIATION, INC.

RESOLUTIONS ACTION RECORD

Resolution Type _____ Policy _____ No. 2020-10-COC-OF

Pertaining to: Establishing guidelines and procedures for Member and Board
conduct at Meetings

Duly adopted _____ the Board of Directors of Prosperity Heights Homeowners
Association, Inc., held this _____ Day of _____, 2020

Motion by: _____ Seconded by: _____

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Steve Boveri	President				
Rich Cober	Vice President				
Andrew Frank	Secretary				
Keith Fulk	Treasurer				
Jeff Allen	Director				
Monica Duggal	Director				
Kaye Lee	Director				
Milena Santoro	Director				
Mark Westerfield	Director				

ATTEST:

Andrew Frank, Secretary

Date

EFFECTIVE: ___th day of _____ 2020

PROSPERITY HEIGHTS HOMEOWNERS ASSOCIATION, INC.

Policy Resolution No. 2019-05-RCD

Regarding the Recordation of Board Meetings

WHEREAS, pursuant to Article III of the Articles of Incorporation of Prosperity Heights Homeowners Association, Inc. (the 'Association'), one of the purposes for which the HOA is organized is to promote the health, safety or welfare of the Members; and

WHEREAS, Section 55.1-1819 (*Adoption and enforcement of rules*) of the Virginia Property Owners Association Act, in Subsection A, states that the Board of Directors has the power to establish, adopt and enforce rules and regulations with respect to the Association; and

WHEREAS, Section 55.1-1816 (*Meetings of the board of directors*) of the Virginia Property Owners Association Act allows any HOA member to record any portion of an open Board meeting and further authorizes the Board (or committee or subcommittee) to adopt rules (i) governing the placement and use of equipment necessary for recording a meeting to prevent interference with the proceedings, and (ii) requiring the member recording the meeting to provide notice that the meeting is being recorded; and

WHEREAS, the Board of Directors has determined that the adoption of such rules shall be in the best interest of the Association and its members, inasmuch as adoption of such rules shall provide the members with both the benefit of notice as well as advance knowledge of the relevant rules regarding the recording of meetings; and

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors, pursuant the Virginia Property Owners Association Act, the Bylaws, the Declaration and this Resolution, hereby approve and adopt the following rules governing the audio and video recording of Board of Directors meetings, and of meetings of committees and subcommittees, when in person or virtual/Internet/Web meetings are held ("hereinafter Meetings") and these rules shall be enforceable as such under Va. Code §55.1-1819 and the Declaration:

1. Recording by Board Members. The Board may elect to use audio or video equipment to record meetings of the Board to assist in the preparation of the official record of the meeting but shall not do so absent a unanimous vote of the Directors.

- 1.1. In the event a unanimous vote to record the meeting is achieved, recordings of the Board meetings shall not constitute the official record of the meeting. Only the written minutes, as approved by the official participants of the meeting, shall constitute the legal documentation of the Board meeting.

1.2. The Association Secretary's recording of a Board meeting shall remain the property of the Association. Once the official minutes of the meeting have been approved, the recording shall be destroyed, unless a majority of the voting Board members determine otherwise.

1.3. The Secretary of the Association or the Association's agent shall be the custodian of the recording secretary's recording. The Board of Directors or its agent shall ensure that no unauthorized copies are made, and that such recordings are promptly recycled or otherwise destroyed once the official minutes are approved.

1.4. At no time shall closed and/or executive sessions of the Board meetings be recorded.

2. Recording by Association Members. Members are permitted to use audio or video recording equipment to record any portion of a Board of Directors meeting required to be open, subject to the following stated conditions:

2.1 No video or audio recording made at any Association Board meeting shall be published in any manner to any print, photo, video or audio media service, any social media platforms or website, including the internet or any and all other type of file sharing services, without the express prior written permission of the Board of Directors.

2.2 Any publication of any kind of meeting recording or video shall be deemed noncompliant and in violation of this Resolution, and such act by or on behalf of a Member shall cause the Member to be subject to Rules Enforcement Actions by the Association (Due Process Resolution), whether such publication was intentional or not.

2.3 The location and placement of any recording device is at the sole discretion of the Board of Directors or its agent.

2.4 The Members will announce at the beginning of each meeting that it is being recorded.

3. Association Members who adhere to these rules may make audio or video recordings of open meetings of the Board of Directors or any committee or subcommittee. Non-members of the Association (i.e., those who are not owners of record of a property in the Association) shall not make such recordings without the prior written permission of the Board of Directors. Unless otherwise determined by the Board of Directors, executive sessions of the Board or of any committee or subcommittee shall not be recorded by audio or video equipment.

4. Members intending to make audio or video recordings of an open meeting of the Board of Directors shall verbally inform all persons present at the meeting of that person's intent to record the meeting, and such statements to all persons present must be on the recording itself, prior to the start of any recording. Persons present can opt-out of having their video image recorded, and the Member making the recording shall take all steps necessary to ensure that persons requesting that their image not be recorded are prevented from actually being recorded. All audio shall be recorded.

5. Members who intend to make audio or video recordings of an open meeting shall provide their own recording equipment, including any electric cords, microphones or other necessary equipment. No equipment may be used if it produces any audible sound while operating. No additional lighting may be used to augment regular room lighting.

6. Videotaping equipment shall be mounted on a stand furnished by the Member and located at the rear of the meeting room in a location identified by the Board of Directors or its agent. Audio taping equipment, including microphones, shall be placed in locations approved by the Board of Directors or its agent. Upon being activated, all taping equipment shall be left unattended during the meeting.

5.1. For virtual/Internet/Web meetings, videotaping equipment shall be utilizing the members computer as the recording method and the entire meeting shall be recorded, except for those members requesting that their video image not be recorded.

7. Mobile cell phone or other portable devices with embedded camera or recording equipment shall not be used to tape any part of any meeting. Video cameras shall be set and remain at wide-angle settings so as to encompass the entire Board of Directors and shall not be focused on any particular individual.

8. In the event a person present expressly objects to the video recording of their image, their image may not be recorded in any form of visual recorded format.

9. Members who have made a recording of a meeting shall, at the end of the meeting, promptly remove all recording equipment from the meeting room and replace any furniture or items which were moved or disturbed in order to position the recording equipment.

10. Members recording meetings of the Board of Directors or committee or subcommittee shall be responsible for costs to repair any damage caused by the individual making the recording or caused by the individual's equipment.

11. On a case-by-case basis, the Board of Directors or its agent is authorized to impose such other requirements and restrictions with respect to the audio or video recording of Board of Directors' meetings, which requirements and restrictions shall not be inconsistent with this Resolution. Such requirements and restrictions may be imposed as the Board of Directors or its agent deems appropriate to prevent interference with the conduct of a meeting, to prevent embarrassment of other individuals, and/or to protect the property of the Association.

12. If a Member places the recording equipment in a location that interferes with the meeting or if a Member uses the recording equipment in a manner that interferes with the meeting, the President will ask the Member to relocate the recording equipment or to stop using the equipment in that manner.

13. If the Member fails to take these steps, the President or a Director will ask the Member to stop using the recording equipment. If the Member fails to comply with this request, the President or Director shall ask that person to leave the meeting with his or her recording equipment. Failure of the Member to leave the meeting and the meeting premises may result in further legal actions.

14. Violations of this Resolution shall subject the Member to the provisions of Subsection B, of Section 55.1-1819 (*Adoption and enforcement of rules*) of the Virginia Property Owners Association Act, and under Article II Section (b) and (c) of the Declaration, And Declaration Article VI, section 6.3 to include monetary sanctions, revocation of rights and possible court enforcement actions.

15. Members that have had their rights formally revoked by Board action may not record meetings until such time as their Member rights are restored.

This Resolution supplements and expressly does not supersede any and all previously adopted Resolutions governing enforcement procedures.

This Resolution was duly adopted by the Board of Directors on this ____ day of _____ 20__.

EFFECTIVE this __th day of _____ 2020

Prosperity Heights Homeowners Association, Inc.

By: _____
Steve Boveri, President

ATTEST:

I, Andrew Frank, Secretary for Prosperity Heights Homeowners Association, Inc., hereby attest that the foregoing Policy Resolution 2020-10-RCD was adopted at a properly held meeting of the Board of Directors on the ___ day of _____, 2020.

Andrew Frank, Secretary

CERTIFICATION OF DISTRIBUTION OF ADOPTED POLICY RESOLUTION

I hereby certify that a copy of the foregoing Policy Resolution, No. 2020-10-RCD, was
____ (1) mailed to all owners of record or
____ (2) was posted to the community website with notice of the posting by separate
communication to the Members.

My certification of these acts is as of this ____ day of _____, 2020.

Andrew Frank, Secretary

PROSPERITY HEIGHTS HOMEOWNERS ASSOCIATION, INC.

RESOLUTIONS ACTION RECORD

Resolution Type _____ Policy _____ No. 2020-10-RCD

Pertaining to: Establishing guidelines and procedures for the Association website

Duly adopted _____ the Board of Directors of Prosperity Heights Homeowners Association, Inc.

held this _____ Day of _____, 2020

Motion by: _____ Seconded by: _____

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Steve Boveri	President				
Rich Cober	Vice President				
Andrew Frank	Secretary				
Keith Fulk	Treasurer				
Jeff Allen	Director				
Monica Duggal	Director				
Kaye Lee	Director				
Milena Santoro	Director				
Mark Westerfield	Director				

ATTEST:

Andrew Frank, Secretary

Date

EFFECTIVE: ___th day of _____ 2020

Prosperity Heights Homeowners Association, Inc.
RESOLUTION NO. 2016-0915-WEB

WEBSITE BLOG/MESSAGE BOARD POLICY
(Establishing Guidelines and Procedures for the
Association Website Blog/ Message Board)

WHEREAS, Article IV, Section 1 (g) of the By-laws of Prosperity Heights Homeowners Association, Inc. ("By-laws") provides that the Board of Directors ("Board") shall exercise all the powers for The Prosperity Heights Association Inc. ("Association") except such as are, by the laws of Virginia, the Articles of Incorporation, the Declaration or these Bylaws, conferred upon or reserved to the Members; and

WHEREAS, the Prosperity Heights Association website for its Blog/Message Board(website URL here) ("Website") is the primary means of communication information from the Board of Directors to residents and promotes the recreation, health, safety, and welfare of residents in the Association; and

WHEREAS, for the benefit and protection of the Association and its Members, the Board deems it necessary and desirable to establish a policy establishing guidelines and procedures for the Association Website Blog/ Message Board; and

WHEREAS, all postings become the property of Prosperity Heights, and once posted, no intellectual property rights can be asserted to the materials, nor any other property or possessory rights of the party posting the material, and the Board of Directors has all control over the continued posting of the material; and

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of Prosperity Heights hereby adopts the following Website Blog/ Message Board Policy:

ARTICLE I

Form and Content of Website

Section 1. The Board of Directors, or its designee, shall have sole responsibility for determining the form, content, publication and policies of the Website Blog/ Message Board.

Section 2. The Board of Directors, from time to time, may establish guidelines for the types, format, and sizes of content to be accepted.

Section 3. The Board of Directors, or its designee, shall have sole discretion in the location of placement of the content on the Website Blog/ Message Board.

Section 4. The Board of Directors may delegate user account maintenance and content control of the Website Blog/ Message Board to the Webmaster, at is discretion.

Section 5. The Board is the sole arbiter of when information or materials posted to the Website violate intellectual property laws, that are obscene, pornographic, defamatory, violent, harassing, or that otherwise violates applicable laws or community standards or that are objectionable as determined by the Board or is libelous or otherwise illegal.

ARTICLE II

MEMBER AREA TERMS OF USE

All pages shall be marked with the following paragraph:

“Accessing or otherwise using this website indicates express consent to the terms and conditions governing this website. Reproduction in whole or part is not permitted without the express, written consent of the Board. The contents of this site are believed accurate, but accuracy is not guaranteed. This is the Association’s only official web site. Please click here to review additional terms and conditions governing the use of this website.”

POSTINGS

All postings become the property of Prosperity Heights, and once posted, no intellectual property rights can be asserted to the materials, nor any other property or possessory rights of the party posting the material, and the Board of Directors has all control over the continued posting of the material. The Board is under no obligation to remove the posts, unless they are posts that require removal under the published Website Terms of Use policy as “...information or materials that violate intellectual property laws, that are obscene, pornographic, defamatory, violent, harassing, or that otherwise violates applicable laws or community standards or that are objectionable as determined by the Board of Directors.”

DEFAMATORY OR OTHERWISE OFFENSIVE CONTENT

In no event will the Association be liable and you, the member, agree to hold the Association harmless for any damages, losses, or causes of action, including defamation, libel, slander and any other tort action, arising out of any content posted on this website by any person, including a member of the Association and any other third party. If any person posts any content on this

website that, in the sole judgment of the Board or its delegate, is information or material that violates intellectual property laws, that are obscene, pornographic, defamatory, violent, harassing, or that otherwise violates applicable laws or community standards, or that are objectionable as determined by the Board, or is libelous or otherwise illegal, the Board reserves the right to remove such content and shall immediately deactivate the user from use of the site for a period of 30 days. After thirty (30) days, the user may petition the Board of Directors in writing for restoration of the user's privileges. The Board of Directors has the exclusive right to decide whether to reactivate a user's account. In the event the user violates this policy a second time, the Board reserves the right to remove such content and shall deactivate the user from use of the site for a period of one (1) year.

LEGAL DISCLAIMER

Material contained in the Association website is for information purposes only. Due to the technical and security risks inherent on the Internet, and because the document you access may differ from the original depending on your browser software, the information set out in this website should not be used for the purpose of making decisions with respect to the Association. Formal notices and other communications with the Board or Association required or allowed by the Declaration of Covenants, Conditions and Restrictions or Bylaws should be made in writing to the Association at its official address. While the Association has attempted to maintain current and accurate information on the website, such accuracy is not guaranteed.

DISCLAIMER OF WARRANTIES

The information, material and software algorithms contained in this website or which may be downloaded from this website, including text, graphics and hyperlinks, are provided "as is" and "as available". The Association does not warrant, guarantee or otherwise endorse any particular product, vendor or service which may be advertised on the Association website. The information and material contained on this website is believed to be accurate and complete at the time of posting. Although the Association attempts to ensure that all information and material remain current and accurate, the Association does not warrant its accuracy, completeness, and currency at all times. In addition, the Association does not warrant the accuracy, adequacy or completeness or software algorithms and expressly disclaims liability for error or omission in any software algorithms.

No warranty of any kind, implied, express or statutory, including but not limited to warranties as to non-infringement of intellectual property rights, or third party rights, title, latent defects, uninterrupted service, merchantability, fitness for a particular purpose and freedom from computer viruses, is given in conjunction with the information, materials and software algorithms.

EXCLUSION OF LIABILITY

In no event will the Association be liable and you agree to hold the Association harmless for any damages, including without limitation, direct or indirect, special incidental, moral or consequential damages, loss of profits, opportunities or information or for expenses arising in connection with this website, with any software algorithms available thereon nor with any hyperlinked website or for use thereof or inability to use by interruption, defect, delay in operation or transmission, computer virus or line or system failure, even if the Association is advised of the possibility of such damages, losses or expenses. Software algorithms made available and hyperlinks to other Internet resources are at your own risk. The content, accuracy, opinions expressed on this website or any other links provided by these software algorithms and resources are not investigated, verified, monitored, or endorsed by the Association.

COPYRIGHT AND TRADEMARKS

All material found in the pages of this website is protected under the copyright laws of United States and of other countries. Certain names, words, titles, phrases, logos, icons, graphics or designs in the pages of this website may constitute trade names, trademarks or service marks of the Association, if any, or the use of which may have been licensed to them. The display of trademarks, trade names or service marks on pages at this website does not imply that a license of any kind has been granted to anyone else. Any unauthorized downloading, retransmission, republication or other copying or modification of material posted on this website, including trademarks, trade names, and service marks, may violate federal, provincial, common or civil law trademark law and copyright law, and result in legal action.

LINKS TO THIRD-PARTY WEBSITES

The Association does not control any third-party website and is therefore not responsible for the content of any linked website or any link contained in a linked website. The Association provides such links only as a convenience and the inclusion of any link does not imply endorsement, investigation or verification by the Association of the linked website or information contained therein.

INTERNET E-MAIL

The Internet is not yet a fully secure medium, and therefore confidentiality and privacy cannot be ensured. Association will not be liable for any damages resulting from the transmission of confidential, libelous, defamatory or personal information.

ARTICLE III

USER ACCOUNT

Owners and tenants may have multiple individual accounts for the same property address. A parcel/household is defined as the actual commercial business, commercial owner, retail business, retail owner, or residential owner located within the Association, or if the owner is an off-site owner, then the registered address of the Owner would also be a parcel/household. Accordingly, an Owner with tenants in the Lot would use his or her registered address as an Owner's parcel/household account and the tenants could register as users from the physical address of the parcel/household within the Association. A user is defined as any person with a registered account (homeowner or tenant) with the website.

Members of the Board or a committee may have a separate user account from other members of the parcel/households. If a Board or Committee Member does not set up a separate user account and that member terminates membership on the Board or committee, then that user account will be deactivated. The member will need to re-register with the website to set up a user account.

ARTICLE IV

PERSONAL INFORMATION

Any user of the website shall be prohibited from posting another resident's address or phone number on the website without express written consent from that resident.

ARTICLE V

PERMISSION TO USE

By confirming User's account on the Website through the Website registration process, User agrees to the Website Use Agreement and is granted permission to use the Website for its intended purposes.

Users agree not to post any information or materials that violate intellectual property laws, that are obscene, pornographic, defamatory, violent, harass or that otherwise violate applicable laws or community standards, or that are objectionable as determined by the Board of Directors.

The Association has no obligation to store or maintain any information provided by or on behalf of User.

The Association may cancel the User's permission to use all or any part of the Website at any time for any reason in the sole discretion of the Board of Directors. This cancellation shall become effective after appropriate due process is given as set forth in Article VI.

The Association may limit User's access to any part or the entire Website at anytime for any reason in the sole discretion of the Board of Directors. This limitation shall become effective after appropriate due process is given as set forth in Article VI.

ARTICLE VI

REVOCATION OF USE & DUE PROCESS HEARING

The Board or its delegate, reserves the right to remove content that is offensive, defamatory, libelous or otherwise illegal and shall deactivate all user accounts at the property address from use of the site for a period of 30 days.

1. After thirty (30) days, User may petition the Board of Directors in writing for restoration of the User's privileges with the website.
2. The Board of Directors has the exclusive right to decide whether to reactivate a user's account.
3. In the event the user violates this policy a second time, or in the event the violation is deemed offensive to the community standards, the Board reserves the right to remove such content and shall deactivate identified User accounts at the property address from use of the site for a period of one (1) year, after conducting a Due Process Hearing as set forth in this Article VI.
4. **Notice.** When a hearing is requested by any User in writing by or before the deadline, or on the Board's own motion, the Board shall set the time, date and place of the hearing at its discretion. Written notice of the time, date and place of the hearing shall:

(a) Be delivered to the User by hand or mailed by registered or certified mail, return receipt requested, at his/her address listed in the Association's records, and to the property address, if the User's listed address is different from the property address;

(b) Be hand delivered at least 14 days prior to the hearing date or if mailed, it shall be mailed at least seventeen (17) days prior to the hearing date to effectuate receipt at least fourteen (14) days in advance of the hearing date;

(c) Inform the User of the potential sanctions, as well as costs recoverable by the Association for the revocation and hearing process.

(d) Such notice shall advise the User of the User's right to be represented by counsel, and of the date by which the alleged offender must, by written notification to the Association's Managing Agent, confirm the intention to attend the hearing or make a request for the hearing to be conducted on a date other than as specified in the notice. This request may be granted if reasonable and satisfactory justification for rescheduling the hearing is presented. The Board shall set all hearing dates at its discretion.

(e) When no response is received by the Association from the alleged offender by the hearing confirmation date, or the User confirms attendance but fails to attend the hearing without providing reasonable and satisfactory explanation, the Board may impose sanctions in the absence of the alleged offender.

5. **Hearing Procedure:** At the hearing, the Board shall provide the User at the parcel/household address with a reasonable amount of time to be heard and to present information which bears on the alleged violation. The User may have counsel present at the hearing. The hearing may be convened in open or executive session at the determination of the Board and shall be conducted in accordance with such rules as the Board deems appropriate. When the User exercises his or her right to a hearing, the User has a right to present evidence, present and cross-examine witnesses, and a general right to be heard.

6. **Decision/Notice of Results:** Following the hearing, the Board shall meet in Executive session to discuss the hearing testimony; upon the determination that satisfactory proof of the alleged violation or a defense to the alleged violation was presented, the Board shall move to Open session to vote on the matter. The determination of the Board in open session shall include whether sanctions, and any costs should be imposed and/or privileges should be suspended.

Notice of the hearing results shall:

(a) Be delivered to each User at the property address by hand or mailed by registered or certified mail, return receipt requested, at his/her address listed in the Association's records, and to the property address, if the User's listed address is different from the property address;

(b) Be sent within seven (7) days of the date of the hearing or such other period allowed by the Act.

ARTICLE VII

OTHER REMEDIES

The procedures outlined in this Resolution may be applied to all violations of the governing documents, but do not preclude or in any way limit the Association from exercising, at any time, other enforcement procedures and remedies authorized by the Association's governing documents or law, including, but not limited to, the initiation of lawsuits, as well as the suspension of owner rights and privileges. The Board reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its Manager or Managing Agent.

ARTICLE VIII

WEBSITE NOTICE

The Association's Website Blog/ Message Board is the primary means of notification to the Owners of general information, including notice of Association and committee meetings, and changes to governing documents.

EFFECTIVE this __th day of _____ 2020

Prosperity Heights Homeowners Association, Inc.

By: _____
Steve Boveri, President

ATTEST:

I, Andrew Frank, Secretary for Prosperity Heights Homeowners Association, Inc., hereby attest that the foregoing Policy Resolution was adopted at a properly held meeting of the Board of Directors on the ___ day of _____, 2020.

Andrew Frank, Secretary

CERTIFICATION OF DISTRIBUTION OF ADOPTED POLICY RESOLUTION

I hereby certify that a copy of the foregoing Policy Resolution, No. 2020-0915-WEB, was
____ (1) mailed to all owners of record or
____ (2) was posted to the community website with notice of the posting by separate
communication to the Members.

My certification of these acts is as of this ____ day of _____, 2020.

Andrew Frank, Secretary

PROSPERITY HEIGHTS HOMEOWNERS ASSOCIATION, INC.

RESOLUTIONS ACTION RECORD

Resolution Type _____ Policy _____ No. 2020-0915-WEB

Pertaining to: Establishing guidelines and procedures for the Association website

Duly adopted _____ the Board of Directors of Prosperity Heights Homeowners Association, Inc.,

held this _____ Day of _____, 2020

Motion by: _____ Seconded by: _____

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Steve Boveri	President				
Rich Cober	Vice President				
Andrew Frank	Secretary				
Keith Fulk	Treasurer				
Jeff Allen	Director				
Monica Duggal	Director				
Kaye Lee	Director				
Milena Santoro	Director				
Mark Westerfield	Director				

ATTEST:

Andrew Frank, Secretary

Date

EFFECTIVE: __th day of _____ 2020

Prosperity Heights HOA: Owner Feedback Regarding the Draft Resolutions on Recording of Meetings, Conduct and Open Forum, and Association Communication Forum

Please provide feedback on Policy Resolution No. 2019-05-RCD Regarding the Recordation of Board Meetings.

- In today's world where everyone is recording all kinds of "stuff", these type policies are imperative to protect against items that can be taken out of context, misunderstood, etc. While there will be several (I am sure) who will feel their rights are being infringed upon, I fully support the resolution as stated.
- Recordings of meetings are a normal procedure. You do not need this resolution if you are properly managing our Association. It is allowed by Virginia POAA.
- Allow People to Record, Take out the restrictions and follow the current POAA guidance.
- Regarding paragraph 1 of this draft Resolution, I have no idea what Article III of the Articles of Incorporation says to which you refer, as the version of Article III on our website describes the "Definitions" included in the February 2004 Amended and Restated Articles of Incorporation. Please share the version of the Articles of Incorporation from which you quote.

Section 1.

This section refers to "Recording by Board Members," but then refers to "The Board" and gives the Board the right to record but only by unanimous vote. This ignores the fact that "The Board" consists of Owners who have the statutory right to record the meeting. This provision would allow any one Board member to veto the right of any other Board member to record a meeting, in violation of Virginia law. This Section also prohibits the Board from publishing or disseminating the recording to Owners who were unable to attend the meetings so that they can be informed as to what occurred at a meeting. Minutes of meetings have been "lost" by the Board previously and in any case are not the same as a recording.

In addition, my research into this matter discovered a significant potential problem, highlighted by a legal firm, that an HOA Board might encounter. Specifically, this involves the ease of unauthorized recordings. Members or others can easily record meetings without the approval of other attendees and then post the recordings on the internet in an edited form to embarrass Board members or other attendees. It was recommended that boards consider recording their meetings, so they have a full unedited version in the event legal action needs to be taken against the person who made the unauthorized recording.

1.3. Who might be the Association's "agent" to whom you refer here? How is this person to be identified by the Owners?

Section 2.

2.1 This would prohibit Owners from publishing or posting the recording without the Board's consent. Clearly, what happens to a recording after a meeting has nothing to do with preventing interference with the meeting, thus this provision clearly violates Virginia law. However, this provision appears to be the primary reason this resolution has been proposed. Owners have recorded the past 3 or 4 meetings, and the video has been uploaded and made available to

Owners with a secure link. Apparently, some Board members do not want meetings to be recorded and do not want recordings to be published, circulated, or posted. I would submit that, if this is the case, the respective Board members have the clear option to resign. The logical course of action, to my way of thinking, before agreeing to join any Board would be to discern what your roles and responsibilities are going to be, as well as discover your duty to follow whatever state and federal laws govern your actions (e.g., The VA POAA) and then decide if you can adhere to them.

2.2 The Board gives itself the right to punish (Rules Enforcement Actions) Owners who do not comply. This will likely result in litigation. The Board has no right to enforce a rule which violates the Virginia Code. Most of the current Board got the HOA into unnecessary litigation with me a year ago that could have been avoided.

2.3 Placement of recording devices is "at the sole discretion of the Board ... " This is arbitrary, suppressive, unnecessarily restrictive and violates the Owners' rights.

2.4 Owners can be required to provide notice that they are recording meetings. There is no reason to require each owner to make this announcement. I, and several other owners, have already provided notice to the Board that we will record all meetings we attend, and the Board via its Meeting Host can simply inform those attending a meeting that the proceedings will be recorded. It is my understanding that this is a recognized obligation of the Meeting Host in most circumstances.

3. This Section is unnecessary.

4. This section repeats the requirement for notice of recording to be made by each person at each meeting verbally. This violates the law, which would allow a blanket notice of recording to be provided. This section also unlawfully gives meeting attendees the right not to have their image on a video recording, however, the right to record by video would include the right to show attendees on the video.

Virginia law does not provide an opt out option and showing the attendees on a video does not in any way interfere with the proceedings, which is the sole basis for limiting the right to record the meeting. What if all Board members refused to have their image on a video? This provision would clearly negate the owner's right to make a video recording of the meeting.

Frankly, I do not see the problem here as meeting attendees are free to block their own image from being recorded from their own computer/smartphone or simply decide to call in such that their image is not visible. I continue to agree with MW that Board members willing to serve in that capacity should avail the owners of their image during the time they are discussing HOA business.

5. Of course members who wish to record should bring their own equipment, cords, etc. However, to forbid ANY audible sound from such equipment I feel is overly optimistic re equipment that very often has a mind of its own; in addition to being restrictive and should be reworded to say, "any major audible sound." Also, there should be no restrictions on additional lighting necessary for recording equipment so long as it does not interfere with the meeting.

6. Video equipment must be mounted on a stand at the rear of the room and must not be attended during the meeting. Again, this provision is not lawful because whether video equipment is mounted vs hand held or attended vs unattended has no connection to whether the recording interferes with a meeting. In many cases, having the video in the back of the room

would prevent any real opportunity to record who is speaking and to ensure that the audio of their speech is recorded.

7. This section would prohibit owners from using a cellphone, which most all possess, to record. This restriction would cause any recording to be more difficult and would interfere more than simply using a phone. Section 7 would also require the video to show all Board members and could not focus on a particular individual, such as the person speaking. This rule has no relationship to preventing interference in the meeting and, instead, is clearly intended to make recording all but impossible for most owners.

8. Permits any person to opt out of their image being recorded. This sort of rule may be permissible in educational or business settings, but this violates our owners' rights to record. I addressed this further in Section 4.

9, 10, 11. Irrelevant, duplicative, and unnecessary provision requiring owner to remove the equipment after the meeting, requiring the owner to be responsible for damage and allowing the Board to create ad hoc rules to further restrict recording. Also once again refers to the HOA's elusive "agent."

13 and 14. These sections threaten legal action and monetary sanctions against owners who do not comply with the terms of this resolution: what happened to our "friendly" neighborhood?

[Please provide feedback on Administrative Policy Resolution No. 2020-10-COC-OF Code of Conduct and Open Forum at Meetings](#)

- Using our most recent annual meeting at a great example, the Board clearly now needs a resolution such as this since some individuals need to be educated about courtesy and proper conduct. The challenge will be in the enforcement. I support the resolution.
- Homeowners are allowed to comment at Board Meetings if you are professional in your approach to community business then you do not need this suppressive resolution.
- I decline this Resolution, and board members should address the question being asked.
- I further agree with MW that this entire resolution is unnecessary and a waste of time and money.

Virginia law gives Owners the right to address the Board with matters of concern, "Open Forum." This should be regarded as an essential aspect of the HOA managing itself, by allowing Owners to ask questions, receive information, and bring concerns to the Board and receive a timely response.

This resolution restricts Owners from fully participating at the meetings, both at the Annual Meeting, regular Board meetings and future committee/subcommittee meetings.

In the few meetings since July when Owners have been permitted to address the Board and did so, there have been no problems. Giving the Chairperson --and not other Board members -- absolute discretion over who speaks, how long they speak and on what topics, is ripe for abuse; and will prevent Owners from raising their own individual concerns. Maximum participation by our neighbors should be encouraged, as much as possible, and not limited or restricted.

Re the proposed rule that Owners can only "address topics contained in the Meeting agenda."

This prevents Owners from raising new topics or making inquiries into other topics. For example, if the extreme cost of the lawyer is not on the Agenda, that issue could not be raised by Owners, except at the Chairperson's discretion.

Re the proposed rule that Owners comments are arbitrarily restricted to 3 minutes, without any regard for the importance of the topic and is unacceptable.

Re the proposed rule that Owners are limited to one comment on one topic and will not be recognized a second time at the same meeting. This is totally unacceptable.

Re the proposed rule that Open Forum is limited to 30 minutes but can be restricted to as few minutes as the Chairperson determines. I would rather see 30 minutes at the beginning and 30 minutes at the end.

Re the proposed rule that the Chairperson can extend an Owners time at his/her discretion. Once again this is ripe for abuse depending on the Chairperson's discretion.

Please provide feedback on Resolution NO. 2016-0915-WEB Website Blog/Message Board Policy (Establishing Guidelines and Procedures for the Association Website Blog/Message Board)

- Will communications, etc. have an unlimited lifespan on the Web/Message Board?
- Much of today's communication takes place electronically. Some individuals (me included) do not subscribe to social media like Facebook so we will not get information that is shared there. Some of us can use websites or blogs when we know or remember to do so. And many of us have email so we could get a reminder to get information on a website once we get an email. There are still some with no connection electronically and those individuals can get information via mail, hand-carried document, or from a neighbor. Those individuals can let the Board know they are "not connected" and choose how to receive information posted. General sharing - like photos of Halloween or greetings for seasons - are simply casual information sharing. Only information related to meetings, pertinent changes like maybe for trash collection, dues, these resolutions, etc should need an alternative route to their doorstep. Just because a few are not connected electronically does not mean you should not support the Website/blog which will reach the majority, and then have a means to reach the few who are responsible for informing you that they are not connected. I support this resolution.
- The POA was established to give every homeowner rights, the exclusion of that is against the law. Our website is not a place for communication but for information. This resolution is not needed. Your need to control everything the way you want without regard for the Virginia law is suppressive and will probably cause a lawsuit that you will not win.
- Home owners/members should be allowed to host their own blogs or website, as the other site is very biased and communication is poor and our voices are deleted.
- Is the "Comments" section of www.prosperityheights.org webpage the Blog/Message Board for which you are establishing guidelines and procedures? If so, it appears as though there is little interest in this. As of this date, there have been only 2 comments: Kaye Lee on 8/28/20 and Rich Cober on 9/1/20.

If there is feedback you feel do not belong in one of the above cells, please use this space.

- We greatly appreciate the efforts and hard work of the Board. We will not comment on each proposed resolution because it seems to us that the current bylaws and covenants are sufficient to meet the needs of our community. Concomitantly, the proposed resolutions are unnecessary. We do strongly feel that it is important that all homeowners have information made available to

them and that the board encourages and promotes open communication. Therefore, it is particularly important for the community to have the Prosperity Heights POA remain on Facebook. Thank you.

- While I understand the need for these in current times, I'm sad that we have come to the point of needing these due to the increased lack of caring and respect for neighbors and esp volunteers trying to do a good & compassionate job. The lack of trust & community support, and the increased negativism and bullying that we have in our community now is very disconcerting. Personally, I think this is one of the best examples of why we need a management company. No homeowner, no Board member, should have to deal with the rath of the few who work hard purely for the "joy" of disruption!
- At this point, I would like to ask a few questions about the three draft resolutions the Board has sent out for comment. Please understand that I am not trying to question whether or not the Board has the authority to do this under Virginia law. However, I find myself extremely concerned that there is great potential for resolutions becoming a back door means of implementing actions, however benevolent they may appear, that end up having unintended consequences enacted without the same safeguards available when we make changes to our covenants, by-laws and architectural guidelines.

Specifically, my questions are as follows:

- 1) Are the three draft resolutions sent out for comment via email on November 17, 2020 the only ones currently in existence, or are there others already adopted?
- 2) The numbering scheme used for the three draft resolutions is not readily clear. It appears that two of them were created in years prior to 2020. Were any of them adopted earlier?
- 3) Is the current request for comment/engagement being used to officially recognize resolutions previously adopted?
- 4) Should not the official written minutes of any Board or committee meeting include a simple mention that an audio or video recording of said meeting was made by a Board member and subsequently destroyed (or not including reasons)?
- 5) Why is it deemed necessary to threaten unspecified "further legal actions" against a member for not complying with a request to leave?
- 6) Why is it deemed necessary to threaten members with unspecified "monetary sanctions, revocation of rights and possible court enforcement actions"?
- 7) Are not the items listed in draft resolution 2020-10 COC OF more rules of order than a code of conduct?
- 8) Why is it deemed necessary to completely bar website access, be it for 30 days or a full year, when said website is a major method for disseminating information regarding the community?

So, regrettably, I cannot endorse these resolutions given the way they are currently worded. I find the inclusion of what I believe to be overly zealous sanctions, that cause members to, in effect, waive their rights, to be cause for further reconsideration.

ACC Candidates for Board Vote

1. Michael Hayes
2. Dave Dresser
3. Gerald Ray
4. School Leiberman
5. Jamie Steider