

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

