

**STAFFORD SQUARE COMMUNITY ASSOCIATION POLICY RESOLUTION 2018-4**

**REGARDING POLICIES AND PROCEDURES FOR ELECTRONIC COMMUNICATIONS  
FOR SPECIFIC ASSOCIATION DOCUMENTS / "OPT OUT" PROVISIONS**

**WHEREAS**, Section 55-515.3 of the Code of Virginia, 1950, as amended ("Code") provides that a homeowners association may generally send any notices required to be sent or received; or obtain any signature, vote, consent, or approval required under any declaration or bylaw provision, or any provision of the above-referenced statute, by using the most advanced technology available at that time, if such use is a generally-accepted business practice;

**WHEREAS**, the members of the Stafford Square Community Association ("Association", or "SSCA"), at its annual membership meeting held on May 15, 2018, affirmatively voted to approve the practice of transmitting all Association communications to its membership through means of electronic communications (i.e., e-mail), unless any such members specifically request that such communications continue to be transmitted through regular mail (i.e., First Class U.S. Mail),

**WHEREAS**, Article VI, Section 10 of the Declaration of Covenants, Conditions and Restrictions of the Association sets forth the provision allowing for the establishment of "house rules" to further clarify and focus specific actions of the Association, and

**WHEREAS**, Article VII, Section 1(c) of the By-Laws of the Association sets forth the power of the Association's Board of Directors to exercise for the Association all powers, duties, and authority vested in or delegated to the Association,

**NOW, THEREFORE, BE IT RESOLVED THAT** the following policy and procedures are established and adopted for the Electronic Communications of Notices and Documents concerning the Association:

**(1.) DEFINITIONS:**

- (a.) The name of the Corporation is the Stafford Square Community Association.
- (b.) "Association" and "SSCA" are synonyms that refer to the Stafford Square Community Association, and its successors and assigns.
- (c.) "Declaration" refers to the Declaration of Covenants, Conditions and Restrictions applicable to the properties governed by SSCA and as recorded in the Office of the Clerk of the Circuit Court of Arlington County, Virginia.
- (d.) "Governing Documents" refers to the Articles of Incorporation, the Deed of Dedication and Subdivision, the Declaration, the By-Laws, any Resolution, and the Rules and Regulations duly adopted by the Association.
- (e.) "Member" and "Owner" are synonyms that refer to every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to

assessment by the corporation including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

(f.) "Property" refers to that certain real property as described in the Deed of Dedication and Subdivision of the Association.

(g.) "Lot" refers to any plot of land shown upon any recorded subdivision plat of the Property, but with the exception of the Common Area and areas dedicated as public streets.

(h.) "Board of Directors" refers to the entity vested with the management of affairs for, and on the behalf of the Association.

(i.) "Electronic Communications" refers to the transmission of communications through e-mail.

(j.) "Regular Mail" refers to First Class U.S. Mail, postage prepaid.

(2.) Pursuant to the direction of the Association's membership, the SSCA Board of Directors hereby authorizes the electronic distribution of the following:

(a.) Notices of Regular or Special Meetings of the Members, and of the Board of Directors;

(b.) Notices of SSCA regular maintenance assessments and special assessments;

(c.) New, amended, or updated SSCA resolutions;

(d.) New, amended, or updated SSCA rules and regulations;

(e.) The SSCA Annual Budget;

(f.) SSCA Newsletters and other communications; and

(g.) Other information currently posted on the Association's website, but not presently mailed to the Members.

(3.) In order for a Member to affirmatively elect to **NOT** receive Electronic Communications, and to continue to receive all SSCA communications by Regular Mail, the Member must sign the Electronic Communications "Opt-Out" Form (Exhibit A), and deliver the completed form to the President of the Association. Only one mode of communications shall be authorized for each Lot.

(4.) If such communications are sent to the Member who has directed the Association to transmit such communications through Regular Mail, the President of the Association shall certify in writing that the Association provided such communications as authorized by the Member.

(5.) All Association communications to all other members not "opting-out" of electronic communications shall be sent by electronic communication, until any such member specifically delivers an "Opt-Out" form to the SSCA President and advises the Association in writing that all future notices and information shall be sent by Regular Mail.

(6.) If the Association is unable to deliver two consecutive Electronic Communications and the inability to deliver the electronic transmission becomes known to the person responsible for sending the Electronic Communications, all subsequent notices and information shall be delivered by Regular Mail (or as otherwise provided for in the Association Governing Documents) until the member updates his or her contact information with the Association.

(7.) Upon due notification to its members, the Association may elect to cease sending Electronic Communications to Members for any reason, and resort to transmission of Association communications to all members by Regular Mail.

(8.) Notwithstanding the provisions contained herein, any Association communications to its members for which a mode of transmission other than Regular Mail is specifically required by the Governing Documents or the laws of the Commonwealth of Virginia, or is not otherwise allowed by §55-315.3 of the Code shall continue to be transmitted through such specifically-required means.

**RESOLVED** and adopted by the Board of Directors of the Stafford Square Community Association at a duly-convened meeting held on August 27, 2018, in full accordance with the direction of the general membership of the Association, as expressed at its 2018 Annual Membership meeting held on May 15, 2018, and hereby incorporated into the Resolutions of the Association.

**RESOLVED FURTHER:** That the President of the Corporation is hereby authorized and directed to certify to any interested party that this resolution has been duly adopted, is in full force and effect, and is in accordance with the provisions of the Declaration and By-Laws of the Corporation. I further certify that this Corporation is duly organized and existing, and has the power to take the action called for by the foregoing resolution.

Lindsay Ollice  
SSCA PRESIDENT

8/27/2018  
DATE

To wit:

Audrey E Thindla  
SSCA Vice President

8/27/2018  
DATE

**EXHIBIT A**

**SSCA Electronic Communications "OPT-OUT" Form**

**Member Name(s):** \_\_\_\_\_

**SSCA Property Address:** \_\_\_\_\_

**Mailing Address (if different):** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

I/we hereby "**OPT-OUT**" of the Association's transmission of SSCA communications through electronic means of the following communications, and I/we direct the Association to continue to transmit all SSCA communications through Regular Mail (i.e., First Class U.S. Mail, postage prepaid), including the following communications:

- (1) Notices of SSCA Membership and Board of Directors Meetings;
- (2) Notices of SSCA Regular Maintenance Assessments and Special Maintenance Assessments;
- (3) New, amended, or updated SSCA Resolutions;
- (4) New, amended or updated SSCA Rules and Regulations;
- (5) The SSCA Annual Budget;
- (6) SSCA newsletters; and
- (7) Other information not presently mailed to the Members that are currently posted on the website.

I/we understand and agree that delivery of said documents via Regular Mail is complete at the time of mailing by the Association, and that all statutory or other notice requirements as defined in the Governing Documents are complete at the time of mailing.

I/we understand and agree that, as only one mode of Association communications is authorized by Lot, all future meeting notices and other information listed above will be sent to me/us through Regular Mail, and will not be sent to me/us by e-mail or any other means.

I/we understand and agree that it is my responsibility to notify the Association in writing of either any changes of address, or of any change to my current preference, in order to receive Association communications through electronic transmission.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_