

SOUTHWIND SHORES, SECTION II, PROPERTY OWNERS ASSOCIATION, INC.

POLICY RESOLUTION NUMBER 2017-01

Procedures for Receiving and Reviewing Complaints

WHEREAS, Article IV, Section 1.2 of the By-laws for Southwind Shores, Section II, Property Owners Association, Inc. (“the Association”) provides that the Board of Directors shall have all of the powers and duties necessary for the administration and conduct of the affairs of the Association and may do all such acts and things that are not by law or by the Articles of Incorporation, the Declaration or the By-laws (“Association Documents”) directed to be exclusively exercised by the Association; and,

WHEREAS, Article IV, Section 1.4 of the Association’s By-laws empowers the Board to, among other things, adopt and publish rules and regulations not inconsistent with the Association Documents; and

WHEREAS, in the exercise of the said authority, the Board of Directors intends to hereby establish policies and procedures for receiving, considering and resolving complaints about actions, inactions or decisions by the Association or the Board of Directors consistent with requirements of 18 VAC 48-70-30.

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with the requirements of 18 VAC 48-70-30, the Board adopts the following complaint policies and procedures.

- A. All complaints shall be in writing on the Complaint Form attached hereto as Exhibit “A,” the instructions on which are incorporated into and made a part of these complaint policies and procedures and shall be submitted to the Board of Directors.
- B. The Board of Directors shall send a written acknowledgement of receipt of each properly completed and submitted Complaint Form to the complainant by hand delivery, certified mail or electronic means, provided the Board of Directors retains sufficient proof of electronic delivery not later than seven days of receipt of the complaint.
- C. Promptly upon receipt, the Board of Directors shall review each Complaint Form and attachments received to determine if they contain sufficient information to evaluate and act upon the complaint. In the event that the Complaint Form, together with any attached documents, is insufficient to evaluate and act upon, the Board of Directors shall request of the complainant, within seven days of receipt of the Complaint Form, such additional information or documentation as is necessary in order to do so.
- D. If the complainant fails to provide such additional requested information or documentation within fifteen days of the Board of Directors’ request, the Board, in its sole discretion, may either address the complaint on the basis of the available information or consider the complaint resolved and the complaint process shall be closed. In the event

the complaint is deemed resolved under the provisions of this paragraph, the Board of Directors shall send to the complainant within seven days of the Board's decision a Notice of the Final Determination that the complaint process with respect to the complaint has been closed by hand delivery, certified mail or electronic means, provided the Board of Directors retains sufficient proof of electronic delivery.

- E. When the Complaint Form, together with any attached documents and any requested additional information is complete and provides sufficient information to process the complaint, the complaint shall be considered by the Board of Directors at its next regular meeting, or within its sole discretion a special meeting that is convened at least two weeks thereafter. Written notice of the time, date and location of the Board meeting at which the complaint will be considered shall be provided to the complainant within a reasonable period of time prior to the Board meeting by hand delivery, certified mail or electronic means, provided the Board of Directors retains sufficient proof of electronic delivery.
- F. The Board of Directors shall dispose of the complaint by taking such action as the Board deems appropriate to grant the relief sought, including without limitation issuing sanctions, modifying practices or dismissing the complaint. Within seven days after the Board of Directors makes a final determination with respect to the disposition of the complaint, the Board of Directors shall provide a written Notice of the Final Determination to the complainant by hand delivery, certified mail or electronic means, provided the Board of Directors retains sufficient proof of electronic delivery.
- G. The Notice of Final Determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws or regulations that led to the final determination and shall include the registration number of the Association and the license number of the common interest community manager (if any). The Notice of Final Determination shall include a statement that the complainant has the right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Ombudsman and that the Ombudsman may be contacted:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
804-367-2941
CICOmbudsman@dpor.virginia.gov

- H. The Association shall maintain a record of each complaint received and the disposition of the same for one year from and after the date of issuance of the notice of final determination.

- I. The policies and procedures set forth in this Resolution shall apply to all complaints received after the date of adoption hereof.

This Policy Resolution was duly adopted by the Board of Directors at a duly called meeting of the Board of Directors on this ____ day of _____, 20____.

SOUTHWIND SHORES, SECTION II, PROPERTY OWNERS ASSOCIATION, INC.

By: _____
President

By: _____
Secretary

Certificate Mailing of Rules and Regulations

I, _____, Secretary for Southwind Shores, Section II, Property Owners Association, Inc. hereby certify that copies of this Policy Resolution No. 2017-01 were furnished to all Lot Owners via first class mail, at their addresses of record, prior to the Effective Date of the Resolution on this ____ day of _____, 20____.

Secretary for
Southwind Shores, Section II, Property Owners
Association, Inc.

2. Sign, date & print your name and address below and submit this completed form to the Association at the above address.

Printed Name

Signature

Date

Mailing Address

E-mail Address

Lot/Number

Phone Number

Contact Preference

☐ Phone

☐ E-mail

☐ Other _____

If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Maryland Drive, Suite 400
Richmond, VA 23233
804/367-2941
CICOmbudsman@dpor.virginia.gov

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