

**Bay Breeze Point**  
**Homeowner's Association**  
**Board of Directors Resolution # 041221-2**

**RE: Virginia Guidelines on Virtual Meetings (HB1816 Virginia 2021)**

**Background:** COVID-19 impacted the HOA's ability to hold in-person meetings (e.g. monthly BOD meetings and 2020 annual meeting). In early 2020, Virginia approved emergency legislation authorizing virtual HOA meetings due to restricted group meeting and venues. Now Virginia has issued permanent changes to the HOA meeting guidelines (HB1816 Virginia 2021).

**Discussion:** These new guidelines follow:

**Voting.** *Unless expressly prohibited by the governing documents, a member may vote at a meeting of the association in person, by proxy or by absentee ballot. Such voting may take place by electronic means, provided that the board of directors has adopted guidelines for such voting by electronic means. Members voting by absentee ballot or proxy shall be deemed to be present at the meeting for all purposes. If the vote, consent, or approval is required to be obtained by secret ballot, the electronic means shall protect the identity of the voter. If the electronic means cannot protect the identity of the voter, another means of voting shall be used.*

**Notice.** *In lieu of delivering notice [by United States mail or hand delivery], such officer or his agent may send notice by electronic means if consented to by the unit owner to whom the notice is given, provided that the officer or his agent certifies in writing that notice was sent and, if such electronic mail was returned as undeliverable, notice was subsequently sent by United States mail.*

**Conduct of meeting.** *Any meeting of the association, the board of directors, or any committee may be held entirely or partially by electronic means, provided that the board of directors has adopted guidelines for the use of such electronic means for such meetings. Such guidelines shall ensure that persons accessing such meetings are authorized to do so and that persons entitled to participate in such meetings have an opportunity to do so. The board of directors shall determine whether any such meeting may be held entirely or partially by electronic means.*



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**Approved BOD Guidance:** Given Virginia's permanent authorizations (HB1816 Virginia 2021) as presented above, BBP will use the following procedures:

- **Meeting Notifications** -- Electronic media will be the primary means of announcing meetings, e.g., email notices, website notices. Secondary means of mail and/or voice will be used as exceptions
- **Virtual Meetings** -- Unless conditions warrant, all meetings (including BOD monthly meetings, annual HOA meetings, and Due Process Hearings) will be scheduled and held virtually
- **HOA Voting** -- Specific procedures in compliance with BBP "governing documents" and HB1816 Virginia 2021 will be included in annual HOA meeting package, as required
- **Ensuring Only Authorized Persons Attend Virtual Meetings** -- The following meeting procedures will apply:

(Note: Only authorized/invited members will be invited to virtual meetings)

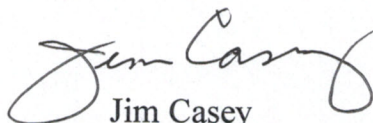
- **For Monthly BOD Meetings** -- Meetings will be announced on the BBP website ([baybreezepoint-norfolk.org](http://baybreezepoint-norfolk.org)) as follows: "The scheduled (insert date) BOD meeting will be held virtually. If a BBP member has a concern that the BOD should be aware of or if an owner wishes to receive an invite to the virtual "zoom" BOD meeting, please forward that concern and/or request for an invite to BBP's Property Manager. In turn, BBP's Property Manager, after ensuring requester's HOA membership, will provide requester with specific meeting "zoom" login and password for the meeting.
- **For Due Process Hearings** -- Hearing will be scheduled per established BBP "governing documents", i.e., BBP Policy Resolution 03-01 "Due Process Procedures for Enforcement of Covenants and Rules" and as updated in compliance with Virginia Virtual Meeting Guidelines (BOD Resolution 051120 that will be replaced by BOD Resolution 041221-3 effective July 1, 2021). BBP's Property Manager will provide appropriate property owner(s) with specific meeting "zoom" login and password for the hearing.

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- **Annual HOA Meetings** – Annual meetings will be announced primarily by electronic means (email and website posts) and if required and/or specifically requested, hard copy information will be provided. Until conditions allow in-person larger meetings, annual HOA meetings will be held via electronic means. BBP's Property Manager will ensure controlled access to electronic meetings and will provide appropriate property owners with specific meeting "zoom" login and password for the annual meeting. Actual meetings will be held in compliance with BBP "governing documents" and HB1816 Virginia 2021 authorizations.

The Board of Directors approved this resolution on April 12, 2021 and it will become effective on July 1, 2021.

Current meeting procedures, as authorized by BBP's "governing documents" and Virginia code, will continue to be used until this resolution and HB1816 Virginia 2021 become effective on July 1, 2021.

  
Jim Casey  
President