

WEXFORD CONSERVANCY

POLICY RESOLUTION NO. 2014-01

(Rules Relating to the Recording of Wexford Meetings)

WHEREAS, the Wexford Conservancy is a private non-stock corporation governed by the Declaration and other governing documents of the Association as further described herein, as well as by the Property Owners Association Act (“POAA”); and

WHEREAS, Section 55-515 of the Virginia Property Owners’ Conservancy Act charges all lot owners and their tenants, guests and invitees with compliance with the Wexford Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 1867 at page 1363 among the land records of Prince William County, Virginia (the “**Declaration**”); and

WHEREAS, The Declaration establishes Wexford Conservancy (the “**Conservancy**”) for the purposes of administering the property submitted to the Declaration; and

WHEREAS, Article VI of the Conservancy’s Bylaws (“**Bylaws**”) states that the affairs of the Conservancy shall be managed by the Board of Trustees (“**Board**”); and

WHEREAS, the Conservancy is not a “public body” as defined in the Virginia Freedom of Information Act, located at Code of Virginia, Title 2.2, Chapter 37, and is therefore not obligated to conform its conduct to the requirements therein; nevertheless, because the POAA, (Virginia Code § 55-510.1) requires that “[a]ll meetings of the board of directors, including any subcommittee or other committee thereof, shall be open to all members of record,” the Wexford Conservancy finds the following section of the Code to be instructive: Virginia Code § 2.2-3707 Paragraph (H) states that any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open; and further states that “[t]he public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited”; and

WHEREAS, Virginia Code § 55-510.1, states in Paragraph (B) that the board of directors or subcommittee or other committee thereof conducting a Board Meeting may 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 Trustees for Wexford Conservancy deems it necessary to implement and establish rules and regulations regarding the recording of meetings for the benefit and protection of all Members of the Association.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES ADOPTS THE FOLLOWING POLICY:

I. Definitions:

"**Approval**" shall mean and refer to the issuance by the Wexford Conservancy of written approval, or any written waiver of approval rights or formal letter stating "no objection."

"**Conservancy**" or "**Association**" shall mean and refer to the Wexford Conservancy, its successors and assigns.

"**Declaration**" shall mean and refer to the Wexford Conservancy's covenants, conditions, and restrictions and all other provisions set forth in the Declaration of Covenants, Conditions and Restrictions, along with any and all Supplemental Declarations.

"**Guest**" shall mean anyone who is not a member of the Association, but has obtained written permission from the Board of Trustees to be present at a meeting of the Board of Trustees or the Association Membership.

"**Members**" shall mean and refer to members of the Conservancy which shall consist of all Owners, as such term is defined in the Declaration and herein.

"**Open Meeting**" shall mean a meeting or portion of a Board Meeting or Membership Meeting where Association Members of record and approved guests are allowed to be present pursuant to the Declaration or at law.

"**Owner**" shall mean and refer to the record holder of the fee simple title to any Lot, as further defined in the Declaration; the term shall exclude those having such interest merely as security for the performance of any obligation.

"**Properties**" shall mean and refer to all real property subject to the Declaration..

II. Resolution

The Wexford Conservancy is a private non-stock corporation composed of Members who are the Owners of certain properties subject to the Declaration and governed by the Association. All meetings of the Wexford Board of Trustees, committees, or sub-committees are "open" only for Members of record of the Conservancy and are therefore considered private to the general public.

Anyone desiring to use any form of electronic recording device must:

1. In advance of any meeting, the Member shall provide notice of his/her intent to record the meeting, which notice shall include the type of recording device which is to be used, e.g. voice recorder, video camera, etc.
2. The recording device and all associated equipment must be set up in a conspicuous location in full view of all persons in attendance at the meeting, and such recording device shall be capable of picking up a clear recording for all people desiring to speak at such meeting.

3. Recording devices capable of making use of any cellular or wired or wireless data network to transmit audio or video shall not be permitted without a prior written request from the Member as well as written approval of the Board of Trustees prior to any meeting.
4. Prior to the beginning of any meeting where a recording device is to be used, the person making such recording must state, on the record, that the meeting is being recorded and the purpose of the recording.
5. Any person who speaks at the meeting shall clearly identify themselves by stating his/her full name and address before speaking, so that the recording will accurately reflect who is speaking.
6. If an executive session or closed hearing is called for by the Board, the recording device must be turned off and removed from the meeting location until such time as the executive session or closed hearing has ended and the meeting is called back into open session.
7. Any recording of a meeting of the Board or the Association membership shall become a record of the Association and a copy thereof shall be made available to the Association for its records.

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