

# Buckhorn Property Owners Association, Inc.

## ASSOCIATION COMPLAINT PROCEDURES RESOLUTION

(for resolving certain complaints from members and others)

WHEREAS pursuant to Section 54.1-2354.4(A) of the Virginia Code, the Virginia Common Interest Community Board ("CICB") has promulgated final regulations imposing a requirement that each common interest community (including condominiums, property owners' associations and cooperatives) adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

WHEREAS within 90 days of the effective date of the CICB regulations, all common interest communities must adopt a complaint procedure that is compliant with the CICB regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Buckhorn Property Owners Association, Inc. acting through its Board of Directors, hereby adopts and establishes the following CICB-mandated Association complaint procedure for **handling written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities.**

- A. **Definitions.** Unless otherwise defined in this Resolution, the words, terms or phrases used in this Resolution shall have the same meanings as defined in the CICB regulations and/or in the Association's recorded covenants.
- B. **Complaint Form.** If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association or the Board of Directors ("Board") is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint ("Complaint") to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Board without using the attached form.
  1. **Complaint Form Instructions and Attachments.** A completed Complaint Form must include a description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requested. If the individual submitting the Complaint Form (the "Complainant") knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documents that Complainant believes support the validity of the Complaint (not including laws, regulations or the Association's governing documents).
- C. **Mailing or Delivering Complaint to Board of Directors.** The fully completed, signed, and dated Complaint (including the Complaint Form and all attachments) shall be mailed or electronically delivered to the Board at the following addresses:

**By Mail:**

Board of Directors  
Buckhorn Property Owners Association  
Post Office Box 534  
Clifton Forge, VA 24422

**By Email:**

[BuckhornPOASec@aol.com](mailto:BuckhornPOASec@aol.com)

- D. Means of Providing Notices to Complainant.** All written acknowledgements or other notices required by these procedures to be provided by the Association to the Complainant shall be mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint Form, or by email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Secretary/Treasurer shall retain in the Association's records proof of the mailing or electronic transmission of the acknowledgements and notices per Section H below.
- E. Acknowledging Receipt of Complaint.** Within seven (7) days of receipt of a Complainant's Complaint Form, the Association Secretary/Treasurer shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.
1. **Incomplete Complaint.** If it appears to the Secretary/Treasurer that the submitted Complaint is missing the required minimum information, then the acknowledgement of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be forwarded to all Board members for consideration.
  2. **Forwarding to the Board.** If it appears to the Secretary/Treasurer that the submitted Complaint includes the required minimum information, then on the same day that acknowledgement of receipt of the Complaint is provided to the Complainant, the Secretary/Treasurer shall provide a copy of the Complaint to the Board for consideration.
- F. Formal Action – Consideration of Complaint by Board.** All completed, signed, and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide what action, if any, to take in response to the Complaint.
1. **Meeting at which Complaint will be Considered.** Complaints will be considered by the Board at a regular meeting held within 90 days from the date on which the Complaint was forwarded to the Board for consideration.
  2. **Notice to the Complainant.** At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Secretary/Treasurer shall provide the Complainant with notice of the date, time and location of the Board meeting at which the matter will be considered by the Board. This notice may be combined with the acknowledgement of receipt referenced in Section D above.
  3. **Board's Decision on Complaint.** The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The Board's decision at the meeting shall fall into one of the following two categories:
    - (a) A decision that there is *insufficient information* on which to make a final determination on the Complaint *or that additional time is otherwise required* to make a final determination, in which case the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days notice to the Complainant) and, if needed, make a written request for additional information from the applicable party(s),

specifying a deadline by which time the additional information must be received by the Secretary/Treasurer for forwarding to the Board; or

(b) A *final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Association. No appeal process is available; the Board's rendered decision is final.

G. **Notice of Final Determination.** Within seven (7) days after the final determination is made (per subsection F.3.b above), the Secretary/Treasurer shall provide the Complainant with written notice via US mail or electronic transmission of the Board's final determination. The notice of final determination shall be dated as of the date of issuance and include:

1. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;
2. The Association's registration number as assigned by the CICB,
3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).

H. **Records.** The Secretary/Treasurer shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and notices, and any action taken by the Association or Board in response to such Complaint(s) for a period of at least one (1) year from the date of the Association's final action on the Complaint.

I. **Resale Disclosure Packet.** A copy of this Resolution (including the Exhibit A Complaint Form) shall be included as an attachment to Association-issued disclosure packet.

REVISIONS APPROVED:\*\*

10 March 2024  
10 MARCH 2024  
3/10/2024  
3-10-2024  
3-10-2024

BOARD OF DIRECTORS

[Signature]  
Stanley Z. Wild  
Mike Ferwald  
Roger R. Brown  
[Signature]

\*\*A Complaint Procedures Resolution was originally approved by the Board in 2017. At that time, complainants were directed to forward complaints to Gibson and Associates, LLC, the management company used by the POA. The management company contract was not renewed for 2024; therefore, the Resolution and complaint form were revised to delete reference to Gibson and Associates and provide new contact information, as well as to correct the State Code citations, which were changed in 2019.

