

OAK HILLS ESTATES OWNERS ASSOCIATION

POLICY REGARDING ELECTRONIC TRANSMISSION FOR COMMUNICATIONS BY THE CORPORATION (Corporations Code § 20; Civil Code §§ 4040, 4045, 4050, and 4055)

This Policy Regarding Electronic Transmission for Communications by the Corporation (“Policy”) outlines the policies and procedures of Oak Hills Estates Owners Association (“Association”) relating to member notices and other documents the Association is required to provide and may make available through electronic transmission (*e.g.*, e-mail). This Policy complies with the laws governing electronic communications by a corporation to its directors, officers and/or members. While a member has the right to receive certain documents and notices by mail or other non-electric means (Civil Code sections 4040 and 4045), many documents can easily be sent to a member via e-mail and/or posted and retrieved from the Association’s website, if the member so consents in writing.

1. Before sending a member notice or information through electronic transmission:
 - a. The member must review, complete and return to the Association his or her signed Consent to Electronic Communications by Corporation form (“Consent Form”) attached hereto and incorporated herein by reference as Addendum “A”;
 - b. The Association must send the consenting member a test e-mail from the e-mail address to be used by the Association to send notices and other information. If two (or more) e-mail addresses will be used to send electronic communications to a member, a test e-mail must be sent from each address.
 - c. The Association must receive a reply e-mail from the member to the test e-mail. **A member’s consent is not effective until the Association receives a reply e-mail from the member to the test e-mail.** Verbal or other confirmation that the member received the test e-mail is insufficient to effectuate the member’s consent. If the Association sends a test e-mail from more than one e-mail address, a member’s consent is only effective as to the e-mail address he or she replies to. Thus, if a test e-mail is not replied to, electronic communications cannot be sent from that e-mail (unless and until a reply is received).
2. Except as otherwise required by law, by signing and returning the Consent Form, a member waives his or her right to receive information and notices required to be provided or made available to the member through the means designated in the Association’s governing documents and/or the law in favor of receiving such information and notices through electronic communication.
3. The Association will send electronic transmissions for communications to members in a method that is capable of being retained, retrieved, reviewed and rendered into hard-copy form. Specifically, documents will be delivered via e-mail with the attachment of an Adobe Acrobat® (.pdf) file. Documents will be posted to the website in a printable format. By signing the Consent Form, the Consenting member acknowledges and agrees that he or she has access to, and can open, Adobe Acrobat® (.pdf) files.
4. Electronic transmissions will be sent to directors, officers and/or members in their capacity as a director, officer and/or member.

5. If a member notifies the Association, in writing, of a change in his or her e-mail address, the Association will update its records to reflect the change.
6. The Association is not responsible for the member not receiving an e-mail that is sent to a consenting member's spam, junk or deleted e-mail box. It is the members' duty to add the Association's e-mail address(es) to their contacts list, or otherwise change the security or other settings on their e-mail account, to ensure the Association's e-mails are deposited in their Inbox and not their spam, junk or deleted e-mail folder(s).
7. An auto-reply, out-of-office, or similar automatically generated response e-mail from the member's e-mail account does not invalidate an otherwise properly sent e-mail from the Association.
8. If a member consents to receive electronic communications from the Association, that member is expected to check his or her e-mail account and the Association's website on a regular basis. An intentional or inadvertent failure to check, open, or review e-mails from the Association, or the website, does not invalidate otherwise proper notice by the Association.
9. Delivery of any notice, information or document sent by the Association shall be deemed complete on the date of transmission (according to the time and date electronically recorded on the sender's transmission record). (Civil Code § 4050.) A member's intentional or inadvertent failure to check, open or review an electronic communication shall not affect the timing of any applicable notice requirements.
10. By signing the Consent Form, a member understands and agrees that, despite the Association's or its representative's reasonable exercise of care, a shared e-mail address/account or computer may compromise and waive his or her right to privacy in electronic communications sent to that shared e-mail address, and/or that the confidentiality of information may be compromised.
11. To update a member's email address, the member may complete the Consent Form or otherwise inform the Association's manager, in writing, of the new address.
12. If a Lot is owned by more than one member, the member signing the Consent Form must acknowledge and declare they have authority to receive communications on behalf of the other members, and all other members must consent to the named member being the dedicated recipient to communications from Association by signing the Consent Form.
13. The Association may send the following list of documents to members by electronic transmission:

Annual Budget Report and Annual Policy Statement (or Summaries Thereof), Meeting Minutes, General Notices to Members, Documents and Notices Subject to Individual Delivery in the Civil Code, Notices of Meetings, Copies of Governing Documents and Policies, Event Information, Election Results, Other Information and Documents Required to be Sent under the Civil Code.
14. Confidential or otherwise sensitive information, including, but not limited to, information relating to litigation involving a member, collections and notices of violations, **shall not**

be sent by electronic communication, unless the member expressly, in writing, requests this specific information or documentation via e-mail.

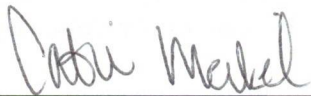
15. For all elections, ballots and envelopes will continue to be mailed to the members in hard-copy.

*Every member has the right, upon the member's request, to have the Association provide the member with a copy of the information or notice on paper or in non-electronic form. The request must be in writing and mailed or delivered to Oak Hills Estates Owners Association, PO Box 998, Calimesa, CA 92320. Copies will be provided to the member at the cost incurred by the Association to produce them.

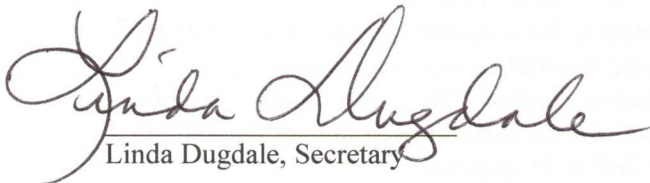
*A member's consent to use electronic transmission for communications is valid until the member revokes or withdraws such consent as set forth below.

*Every member has the right to withdraw or revoke his or her consent at any time. All withdrawals or revocations must be in writing and submitted to the secretary of the board to ensure the member's request is honored. A member may use the Consent Form, or otherwise advise the secretary in writing of the new information.

This Policy was duly approved and adopted at a meeting of the Board of Directors of Oak Hills Estates Owners Association, by resolution, on March 16, 2021.



Cathi Meikel, President



Linda Dugdale, Secretary

California Corporations Code - §20. Electronic Transmission by the Corporation

“Electronic transmission by the corporation” means a communication (a) delivered by (1) facsimile telecommunication or electronic mail when directed to the facsimile number or electronic mail address, respectively, for that recipient on record with the corporation, (2) posting on an electronic message board or network which the corporation has designated for those communications, together with a separate notice to the recipient of the posting, which transmission shall be validly delivered upon the later of the posting or delivery of the separate notice thereof, or (3) other means of electronic communication, (b) to a recipient who has provided an unrevoked consent to the use of those means of transmission for communications under or pursuant to this code, and (c) that creates a record that is capable of retention, retrieval, and review, and that may thereafter be rendered into clearly legible tangible form. However, an electronic transmission under this code by a corporation to an individual shareholder or member of the corporation who is a natural person, and if an officer or director of the corporation, only if communicated to the recipient in that person's capacity as a shareholder or member, is not authorized unless, in addition to satisfying the requirements of this section, the consent to the transmission has been preceded by or includes a clear written statement to the recipient as to (a) any right of the recipient to have the record provided or made available on paper or in nonelectronic form, (b) whether the consent applies only to that transmission, to specified categories of communications, or to all communications from the corporation, and (c) the procedures the recipient must use to withdraw consent.

California Civil Code - §4040. Individual Document Delivery

(a) If a provision of this act requires that an association deliver a document by “individual delivery” or “individual notice,” the document shall be delivered by one of the following methods:

(1) First-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier. The document shall be addressed to the recipient at the address last shown on the books of the association.

(2) E-mail, facsimile, or other electronic means, if the recipient has consented, in writing, to that method of delivery. The consent may be revoked, in writing, by the recipient.

(b) Upon receipt of a request by a member, pursuant to Section 5260, identifying a secondary address for delivery of notices of the following types, the association shall deliver an additional copy of those notices to the secondary address identified in the request:

(1) The documents to be delivered to the member pursuant to Article 7 (commencing with Section 5300) of Chapter 6.

(2) The documents to be delivered to the member pursuant to Article 2 (commencing with Section 5650) of Chapter 8, and Section 5710.

(c) For the purposes of this section, an unrecorded provision of the governing documents providing for a particular method of delivery does not constitute agreement by a member to that method of delivery. [2012 - Based on former §§1350.7, 1365.1(c) & 1367.1(k)].

California Civil Code - §4045. General Document Delivery

(a) If a provision of this act requires “general delivery” or “general notice,” the document shall be provided by one or more of the following methods:

(1) Any method provided for delivery of an individual notice pursuant to Section 4040.

(2) Inclusion in a billing statement, newsletter, or other document that is delivered by one of the methods provided in this section.

(3) Posting the printed document in a prominent location that is accessible to all members, if the location has been designated for the posting of general notices by the association in the annual policy statement, prepared pursuant to Section 5310.

(4) If the association broadcasts television programming for the purpose of distributing information on association business to its members, by inclusion in the programming.

(b) Notwithstanding subdivision (a), if a member requests to receive general notices by individual delivery, all general notices to that member, given under this section, shall be delivered pursuant to Section 4040. The option provided in this subdivision shall be described in the annual policy statement, prepared pursuant to Section 5310. [2012 - Based on former §1350.7].

California Civil Code - §4050. Completion of Document Delivery

(a) This section governs the delivery of a document pursuant to this act.

(b) If a document is delivered by mail, delivery is deemed to be complete on deposit into the United States mail.

(c) If a document is delivered by electronic means, delivery is complete at the time of transmission. [2012 - Based on former §1350.7(b) (2) & (3)].

California Civil Code - §4055. Electronic Delivery

If the association or a member has consented to receive information by electronic delivery, and a provision of this act requires that the information be in writing, that requirement is satisfied if the information is provided in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record. [2012 - Based on former §1350.7(b)(3)].