



Shadowood Condominium Association
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SHADOWOOD CONDOMINIUM ASSOCIATION

POLICY RESOLUTION 2009-02

SUBMETERING OF UTILITIES and UTILITY RESALE DEPOSITS

WHEREAS, the Board of Directors shall have such authority and responsibility as is necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by the Association's governing documents prohibited them, and shall be responsible for the following:

- A. Maintenance, repair, replacement or improvement of the General and Limited Common Elements.
- B. Establishing the annual budget and setting the level of monthly assessments.
- C. Collection of monthly assessments from the Unit owners.
- D. Enforcement and interpretation of the terms of the Association's governing documents; and

WHEREAS, the Unit owners, by the acceptance of their deeds, covenant and agree that the administration of the condominium shall be in accordance with the Association's governing documents and each Unit owner of record and his/her bona fide tenants or occupants of a "family unit" shall comply with the provisions of the Association's governing documents and decisions and resolutions of the Association, its Board of Directors, or its representatives and agents; and,

WHEREAS, all Unit owners are obligated to pay monthly assessments imposed by the Association to meet all common expenses "and all charges for utilities serving the Property and the family units thereon, except telephone";

NOW THEREFORE BE IT RESOLVED THAT in order to maintain and improve the common elements, to encourage conservation of electricity, heat, air conditioning, hot water and all other utilities serving the property thereby reducing the Association's total energy and utility costs, and to fairly allocate the cost of each unit's electricity or other utility consumption to the unit owner of each unit, the Association may initially submeter the electricity or other utility consumption by purchasing, leasing or acquiring and installing equipment, devices, wiring, and any other component parts necessary for such purposes which, collectively, shall be called the "Submeter System." The Submeter System shall initially measure and record the amount of electricity or other utility consumed within the unit owner's unit and may be expanded, replaced, upgraded or otherwise amended to submeter any other such utilities serving the Property as funding, technology and resources and means allow the Association to do so.

AND FURTHER BE IT RESOLVED, THAT the Submeter System is a part of the Common Elements of Shadowood Condominium Association and shall be owned and used in accordance with the condominium instruments and governing documents, resolutions and decisions of the Board of Directors, and of any Rules and Regulations which may be in effect upon the Property. Repair or replacement of any component part of the Submeter System, the circuit-breaker or electronic display panels, and any wiring or related components due to misuse, abuse, tampering or vandalism shall be at the sole expense of the Unit owner of the unit through which access to such common elements is gained. Additionally, the cost for electricity and all other submetered utilities serving the unit within any billing period in which any misuse, abuse, tampering or vandalism is detected shall be assessed at the cost to be determined by the Association to be sufficient to cover such usage.

Any repair or replacement or change to the electrical circuitry or other submeter apparatus within a unit must have the prior written approval of the Association Board of Directors. And any such work performed must meet the requirements of state and local codes and be performed by a licensed and insured electrician, plumber or other tradesperson as appropriate.

In the unlikely event of a failure, obsolescence or decommissioning of the Submeter System, the Association shall levy and collect from each Unit owner his or her proportionate share of the budgeted, or actual, monthly amount of electricity or other submetered utility, according to the Master Deed.

AND ADDITIONALLY, THAT the Submeter System, and all its component parts, shall be purchased, installed, operated and administered in compliance with the Code of Virginia, 1950, as amended, and the "Rules for Submetering of Electricity," 1980, and any amendments to the same.

The entire cost of electricity and other utilities serving the Property and measured through the master meter or distributed meters shall remain payable to the utility company which provides the service, upon their rendered billing, by the Association in full and in a timely manner.

All costs of purchase, financing, installation, operation, administration and general maintenance of the Submeter System shall be a common expense, payable by each Unit owner to the Association in the proportionate share, according to the Master Deed.

As allowed by Virginia statutes, costs the Association encounters for utility billing and submetering may be charged to the Unit Owner accounts as follows: total costs divided by the number of Family Units and not in Master Deed proportionate share since the costs of billing and submetering are uniform across the Property and are not affected by unit size.

Each Unit owner shall be assessed by the Association for all costs pertaining to the measured usage of electricity, or other submetered utility, through the submeter installed for the unit which he or she owns. Such usage assessment shall include measured consumption of the metered utility, and any related demand and energy charges, fuel adjustment charges, local taxes, surcharges, late and facilities charge. The individual electricity usage assessment charge shall be based on the following computation:

Upon receipt of the periodic billing from the utility company, the "total current charges" shall be divided by the total consumed units billed, resulting in the cost, in cents or dollars, as applicable, per unit billed.

This cost per unit billed shall be multiplied by the measured usage of consumption in each unit, recorded by the submeter in the unit, resulting in the cost to the individual Unit Owner of his or her applicable utility assessment. The charge may be rounded up to the nearest dollar at the Association's option. Excess funds that may accumulate through rounding may be contributed to reserves or used for ordinary operating purposes at the Association's discretion.

To the extent technically and administratively possible, demand and/or time-of-use charges for each Family Unit shall be measured and assessed to each unit to the extent that that Family Unit's demand and/or time-of-energy use contributed to the master metered demand and/or time of use charges levied by the respective utility company.

The difference between the total cost of each submetered utility billed to the Association and the total cost of all utility usage assessed to all the individual Unit Owners shall be assessed in accordance with the Master Deed proportionate share to each Unit Owner as a common expense. Such cost represents line loss; stairwell, security, storage and trash room lighting; usage in the office and clubhouse located at 11639 Stoneview Square; for administrative services; operation of mechanical equipment for heat and domestic hot water used within the units, and the security and/or life-safety systems protecting the clubhouse or any other common elements.

All unit Owners are hereby notified that in the event they lease their unit(s), they are responsible for notifying their tenants that utilities may be submetered. It is the sole responsibility of each Unit Owner to make whatever arrangements are deemed necessary to levy and collect the cost of the monthly utility assessment from their tenants at their sole discretion.

Should the Association determine it is in the best interests of Unit Owners, the Association may implement an even monthly utility payment plan for some, or all, utilities, and arrange for settlement of over- or under-billed utility charges periodically and when ownership of any Family Unit changes, as applicable.

Because of time delays between consumption and various billing cycles, the actual cost of all utilities serving the premises, whether submetered or not, are billed to Unit Owners approximately three (3) to five (5) months after the actual energy consumption. The Association's monthly statement may indicate the date ranges for each billed utility to the extent that the billing dates are available from the utility vendors.

When a unit owner requests a Shadowood Condominium resale package or a unit is otherwise, conveyed, sold or transferred, a utility deposit of not less than \$1000, an amount which may, at any time, be increased on majority vote of the Board, shall be assessed to the seller's account. This deposit will be used to cover the cost of submetered and common-expense utilities consumed by the seller's unit up to the date of settlement, but not yet billed by the Association to the seller or billed to the Association by the Association's providers of utility services, including cable television and high-speed internet services. Any unused portion of the deposit shall be refunded to the settlement attorney or agent for disbursement to the seller. Should the Association be unable to collect from the seller any or all final utility charges up to the date of property transfer, the Association shall charge these amounts to the property in the form of a lien against the property, to the account of the new Unit Owner, or through any other lawfully allowed means. Should any excess utility deposit funds remain unclaimed after 120 (one hundred twenty) days, they shall revert to the Association without rights of redemption.

At all times each Unit Owner is solely liable to the Association for full and timely payment to the Association for the total of the monthly maintenance and utility assessments for each unit owned. Assessments and charges are levied and collected according to the Association's Collections Policy Resolution currently in effect. The Collections Policy Resolution and this Policy Resolution may be amended, at any time, by board motion to protect the financial interests of the Association.

This Policy Resolution shall be included in the "resale package" required to be provided upon written request of the seller of a unit and shall be enforced and implemented by the Association and any management agents it may employ.

This Policy Resolution 2009-02 supersedes in its entirety Policy Resolution 2007-08 and is effective immediately. This Policy Resolution shall become part of the Resale Package and any fees and charges described herein shall be added to the list of fees and charges of the Resale Package.

July 16, 2009

BY: _____
Brian Olivia, President

Board of Directors

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of the Shadowood Condominium Unit owners' Association this 16th day of July 2009, and is effective immediately on the date attested hereto.

ATTEST: _____

Michael Santos, Secretary
SHADOWOOD CONDOMINIUM UNIT OWNERS' ASSOCIATION

RESOLUTION ACTION SHEET

Resolution Type: Policy No. 2009-02

Pertaining to: **SUBMETERING OF UTILITIES and UTILITY RESALE DEPOSITS**

Duly adopted at a meeting of the Board of Directors held on July 16, 2009

Motion by: _____

Seconded by: _____

Vote:	YES	NO	ABSTAIN	ABSENT
Brian Olivia, President				
Rodgerick Newhouse, Vice President				
Michael Santos, Director				
Doris Schaefer, Director				
James Purvis, Director				

ATTEST:

Michael Santos, Secretary

File:

Book of Minutes 2009

Book of Resolutions: Book No. Page No.

Policy 1 1

Administrative

Special

General

Resolution effective: July 16th, 2009.