

# **Fairwood Greens Homeowners' Association**

## **POLICY FOR DISCLOSURE OF INFORMATION ABOUT OWNERS SEEKING TRUSTEE POSITIONSON THE BOARD**

It is important for the Association to maintain the integrity of the election process and proper fulfillment of the Board of Trustees' duties to, among other things, properly, uniformly and consistently enforce the Declaration of Covenants and other governing documents. This means that Owners who wish to be on the Board of Trustees should be above reproach regarding compliance with our governing documents. Having a Trustee who is himself or herself not in compliance with our governing documents would undermine the integrity of the Board and weaken it's ability to properly enforce, especially of the noncompliance concerns being delinquent in paying assessments or failing to comply with serious issues addressed by our Declaration of Covenants, such as, by way of example, operating a business in a home which impacts the neighbors and community.

There are provisions in our governing documents that clearly indicate the Association has the right to suspend the voting rights of Owners and the right to use recreational facilities if they are delinquent in paying assessments or are in violation of Rules & Regulations established by the Board (see CCRs Article VI, Section 1(e) and Bylaws Article III). These provisions support the concept that owners who are in violation of our governing documents should not be able to participate in decision-making at owners' meetings.

Equally important for the proper, fair and unbiased governance of our Association, owners serving as Trustees should and must be above reproach regarding being in compliance with our governing documents. Otherwise, how can they make decisions that involve collection and enforcement against other owners on the very issues they are not abiding by? Accordingly the Board believes it is reasonable and necessary, if Owners seeking election to the Board are not in compliance with our governing documents, to provide such information to all owners before each annual election occurs.

The Board understands that it cannot enact policies that prohibit an owner from running for a Board position or require removal of a Trustee who is not complying with our governing documents, as those powers must be expressly stated in our governing documents and they are not at this time except insofar as providing for the removal of a Trustee by an Owners' vote. However, in order to enhance Owners' ability to know the possible interests of who they are voting for at elections for Trustee positions, and to make the best, most informed decisions in such voting, the Board adopts the following Policy:

**POLICY:**

Before each election of owners for Trustee positions, either before the meeting or at the meeting before voting occurs, information will be announced or provided to Owners about each candidate or nominee, as to whether they are in compliance with respect to the Association's governing documents, so that Owners participating and exercising their vote have adequate information with which to make an informed decision when voting on any particular candidate. If a Trustee during his or her term becomes delinquent in paying assessments or any Association charges, or violates any provisions of the governing documents, and does not cure the delinquency or violation(s) within Thirty (30) days of being asked to do so by the Board of Trustees or an Officer (or within such other reasonable deadline given due to the circumstances), the Board will urge that Trustee to resign in order to protect the integrity of the Board of Trustees.

This Policy was adopted by the Board of Trustees of the Association on October 27<sup>th</sup>, 2015.