

ENCHANTMENT AT HAMILTON HOMEOWNERS ASSOCIATION, INC.
(the "Association")

POLICY RESOLUTION NO. _____

RELATING TO BOARD OF TRUSTEES VACANCY

WHEREAS, Article VI, Section 1 of the Association's By-Laws (the "By-Laws") states that, "The affairs of this Association shall be managed by the Board of Trustees (the "Board")..."; and

WHEREAS, Article IV, Section 5 of the By-Laws sets forth that the Board shall appoint members to the Board for vacancies occurring other than by a membership vote; and

WHEREAS, the Board desires to codify a process to employ when determining how board vacancies shall be filled; and

WHEREAS, the Board deems it to be in the best interest of membership to establish a board vacancy procedure.

BOARD VACANCY APPOINTMENT PROCEDURE

1. In accordance with By-Laws Article IV, Section 5, the remaining board members are tasked with filling any board vacancy by the majority vote of the remaining board members. The board vacancy is defined as when a Trustee has vacated the position and there remains an unexpired term.
2. The procedure for board vacancy appointments shall be that the candidate with the next highest number of votes shall be offered the vacant board position.
3. If the candidate with the highest number of votes declines the position, it shall then be offered to the candidate with the next highest number of votes, and so on, until the position, or positions (if multiple) are filled.
4. If no candidate from the last election accepts the appointment, the Board may then appoint any member of the association as the majority of the board approves.
5. The appointed board member(s) shall serve in accordance with By-Laws Article IV, Section 5.

MISCELLANEOUS PROVISIONS

- I. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it under law in equity and/or pursuant to its Declaration and By-Laws.

- II. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.
- III. Any provision contained within any previously adopted resolution of the Association, which conflicts with any provisions set forth herein, shall be deemed void, and the provision contained herein shall govern.
- IV. The enforcement of this Resolution shall be subject to the Association's alternative dispute resolution process.

ENCHANTMENT AT HAMILTON HOMEOWNERS ASSOCIATION, INC.

Resolution Type: Policy No. _____

Relating to Board of Trustees Vacancy.

Duly adopted at a meeting of Enchantment at Hamilton Association, Inc. held this 07 day of February, 2020.

Officer

Vote:

YES NO ABSTAIN ABSENT

Stephen Statz, President
Stephen Statz

YES NO ABSTAIN ABSENT

Al Nagy, Vice President
Al Nagy

YES NO ABSTAIN ABSENT

Frances Kleinbard Esko, Secretary
Frances Kleinbard Esko

YES NO ABSTAIN ABSENT

John Donahue, Treasurer
John Donahue

YES NO ABSTAIN ABSENT

Jeff Schenker, Trustee
Jeff Schenker

YES NO ABSTAIN ABSENT

ATTEST:

_____, Secretary
Frances Kleinbard Esko

Date _____

