



LRCA 2009 Elections of 2010 Board

July 2009

OVERVIEW

As promised during the December 4, 2006 LRCA Annual Meeting Great Traditions (the developer) officially announced their intention to transfer control of the LRCA Board to residents. As a result, there was an election of residents by residents to the LRCA Board of Trustees to begin serving January 1, 2008.¹

Starting in 2008 the LRCA Board "...shall consist of 5 Trustees who shall be owners..." with each of the five positions having been elected that year.

Maintaining a level of experience from one Board to the next is critical, so per our By-Laws, residents elected in 2008 three positions each for 3-year terms, and two positions for 2-year terms. Elections thereafter will be for three-year terms. So in 2009 elections will be held for the 2 two-year expiring term Trustee positions; 3 positions will stand for election in 2010; no election in 2011, and so forth, ensuring continuity of experience.

Note: if a Trustee resigns prior to the end of their elected term that vacancy will "...be filled by appointment of the Board...for the remainder of the term..."

The following outlines the voting process and associated key roles and responsibilities, accompanied by the pertinent references to the Declaration and By-Laws.

2009 BOARD OF TRUSTEES RESPONSIBILITIES

- ✓ Appoint Nominating Chairman: "The Nominating Committee shall consist of a Chairman who shall be a Member of the Board of Trustees, and two or more Members of the Association appointed by the Chairman"²
- ✓ Authorize Chair to solicit members for the Nominating Committee and to solicit membership and/or recommendations from Trustees of Legendary Run sub-associations, committee members (past & present), leaders in the community of good character and skill, members from as many neighborhoods as realistic, etc.
- ✓ Committee members must be in good standing. Those who are 30-days or more past-due on payment of association fees and have been sent a second-notice letter and/or have had their privileges suspended are not in good standing and therefore barred from serving³

- ✓ Approve process and responsibilities as described in this document
- ✓ Leave to the committee discretion on “how” to operate consistent with LRCA Declaration, Articles of Incorporation, By-Laws, and these guidelines ⁴

Current Status: By unanimous vote The Board of Trustees appointed Mr. Gerry Roerty as Nominating Committee Chair and to lead the committee in fulfilling the responsibilities described below.

Gerry has served our community with honor and integrity over the past 2 years as a Trustee and will not stand for election to the new Board.

Gerry has solicited committee members from all of our 13 Neighborhoods. Each member has also indicated that they will not be standing for election this year.

Residents interested in running for a Trustee position should contact:

Gerry Roerty at 943-1582

NOMINATING COMMITTEE RESPONSIBILITIES

- ✓ Committee will solicit and contact nominees for trustee positions ⁵
- ✓ Committee will produce and distribute ballots with bios, run the voting, tabulate votes, certify results, and announce the results at the December 7, 2009 LRCA Annual Meeting
- ✓ Committee will have the sole authority over execution of its responsibilities within the rules and spirit described above

TRUSTEE CANDIDATES RESPONSIBILITIES

Each candidate must:

- ✓ Be a resident of Legendary Run and in good standing. Those who are 30-days+ past-due on payment of association fees and have been sent a second-notice letter and/or have had their privileges suspended are not in good standing and therefore barred from voting (see footnote #3 below)
- ✓ Submit a nomination form in full (as described in “Voting Process” below)
- ✓ Affirm that if elected you will:
 - Represent all of Legendary Run not just the neighborhood where they live, and
 - Abide by and defend the LRCA Articles of Incorporation, Declaration, By-Laws, Covenants and policies

VOTING PROCESS

- ✓ Candidates being nominated for office must provide to the Chair of the Nominating Committee no later than September 15, 2009 a:
 - Recent picture,
 - Summary of credentials (knowledge, skills and experience),
 - List of pertinent volunteer positions held,
 - Paragraph (100 words or less) on:
 - Why you want to be an LRCA Trustee
 - What you can “bring to the table”
 - What are the most important challenges facing LRCA in the future

- ✓ Candidate information will be distributed to residents via print and email, and will be posted on our website (www.legendaryruninfo.com)

- ✓ “One Lot, One Vote,” as per LRCA Articles of Incorporation: “Members shall be entitled to a total of one vote per Lot in which they hold the fee interest. If more than one person, or group of persons, or entity is the record Owner of a fee interest in any Lot, then the vote shall be exercised as they determine among themselves but in no event shall more than one vote be cast with respect to any Lot.”

- ✓ A ballot will be mailed to the mailing address of record for each Lot, with the exception of those not in good standing Those who are 30-days+ past-due on payment of association fees and have been sent a second-notice letter and/or have had their privileges suspended are not in good standing and therefore barred from voting (see footnote #3 below)

- ✓ Residents can vote by return mail and are encouraged to do so. Voting in person during the first hour of the December 7, 2009 Annual Meeting will be allowed.

- ✓ Cumulative voting is not permitted. This means that each ballot may contain only 1 vote per candidate and the total votes per ballot may be up to but not exceeding the total number of positions being voted on.

- ✓ Votes will be tabulated, certified and announced at the December 7, 2009 LRCA Annual Meeting, with the results put into LRCA Annual Meeting record

Schedule

- July Nominating Committee solicits Trustee candidates
- September 15 Nominations for Trustee candidates closed
- October 1 Distribute candidate bios and ballots to all residents
- October Residents mail-in votes
- November 1 End of mail-in voting (must be postmarked NLT October 31st)
- December 7 Annual Meeting:
 - ✓ 1 hour in-person voting (for those not voting by mail),
 - ✓ Tabulate votes & certify,

- ✓ Announce result

Jan 1, 2010 New Board assumes its responsibilities

Each LRCA Resident should:

- ✓ Become familiar with the election process
- ✓ Be an active, engaged and positive influence in our community
- ✓ Nominate good candidates for Trustee – nominees, please contact Nominating Committee Chairman Gerry Roerty at 943-1582
- ✓ Candidates being nominated for office must provide to the Chair of the Nominating Committee no later than September 15, 2009 the information noted above and residents are asked to familiarize themselves with each candidate's biographical information.

¹ **Developer turnover to Members:** LRCA By-Laws and Regulations, Article IV, Section 1: "At the 12/2007 meeting, all Developer appointed Trustees shall be deemed removed from office and the Class A Members, including the developer if it is then an Owner, shall elect a Trustee to fill each vacancy on the Board. The terms of said elected Trustees shall be from one to three years, as determined by the Board, so that in **any** one year thereafter, the terms of no more than three (3) nor less than two (2) Trustees shall expire. At all times after this meeting, the Board shall consist of five (5) Trustees who shall be Owners or their employees or agents. Additionally, after this meeting, all trustees, and their successors shall be elected by Class A Members and shall be elected for a three (3) year term."

² **Nominating Committee Chair:** LRCA By-Laws and Regulations, Article V, Nomination of Trustees, Section 1: "Nomination for election to the Board of Trustees shall be made by a Nominating Committee. The Nominating Committee shall consist of a Chairman who shall be a Member of the Board of Trustees, and two or more Members of the Association appointed by the Chairman. The Nominating Chairman shall be appointed by the Board of Trustees at least sixty (60) days prior to each annual meeting of the Members, to serve from the time of appointment until the close of the next annual meeting, and such appointment shall be announced at each annual meeting."

³ **Good Standing:** LRCA By-Laws and Regulations Article VII, Powers and Duties of the Board of Trustees, Section 1 (b) Article VII "The Board of Trustees shall have the power to suspend the voting rights and right to use of the Community Facilities of a member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations"

⁴ **Nominating Committee:** LRCA By-Laws and Regulations, Article V, Nomination of Trustees, Section 1: "The Nominating Committee shall make as many nominations for election to the Board of Trustees as it shall in its discretion determine, but not less than the number of vacancies that are to be filled by election."

⁵ **Terms of Trustees:** pursuant to interpretation and advice of LRCA counsel: The terms of the newly appointed Class A Members, that will replace the Class B members, will be either one, two, or three years, as determined by the Board. So, for example, if the current 3 Class A Members all have years left on their terms, it would be correct to assign either a one year or a three year term to all of the newly appointed Class A Members. In this way, no more than 3, nor less than 2, of the Trustee terms shall expire at the same time.

Per Article VI, "no more than 3, nor less than 2" Trustees' terms shall expire in "**any one year thereafter**". As it may occur in any one particular year, means that no more than 3, nor less than 2 must expire in an election year. In some years, no Trustees' terms will expire, and thus no elections will be needed.

"...all trustees, and their successors shall be elected by Class A Members and shall be elected for a three (3) year term."