

REQUEST FOR ACTION

Subject	Request for Action Policy				
Preparer	Howard Kam, Jr.	AOUO Title	President		
Date	February 10, 2018	For Board	x	Action	Info

EXECUTIVE SUMMARY

This Request for Action Policy, unanimously approved by the Executive Committee on February 9, 2018, is to provide the Association of Unit Owners of The Collection (“Association”) with guidance in preparing and submitting Request for Action (“RFA”), processing of the RFAs by management and the review and resolution of the RFA by Committees and Board.

RECOMMENDATION

Move that the Board, adopt and approve the proposed Association Policy 110 – Request for Action (attached as Exhibit A to this RFA), and that this policy become effective on March 1, 2018.

RATIONAL

Adoption of this policy provides: (1) preparation guidelines for the RFA as to form and contents; (2) submission and processing guidelines; Board consideration guidelines; and (3) testimony for or against guidelines. Additionally, the policy is intended to assist in fulfilling the vision for The Collection through more effective and efficient management of the Association, judicious enforcement of rules, and support initiatives that benefit the greater good of our community.

Exhibits <small>(If applicable)</small>	Index	Title
	A	Association Policy 110 – Request for Action
	B	Association RFA Form (Approved by the Board in Feb 2017)

FOR BOARD USE ONLY

CERTIFICATE OF BOARD ACTION

X	Approved		Declined		Noted		Returned		Deferred		Withdrawn
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Stipulations

The Board approved the policy at the 2/15/18 Board meeting.

Coordinating Instructions

Distribution Instructions

Recording
Secretary

Ryan Kamo

Action
Date

2/15/18

RFA
No.

04-2018

ASSOCIATION POLICY 110 - REQUEST FOR ACTION

Purpose

The purpose of this policy is to provide the Association of Unit Owners of The Collection (“Association”) with guidance in preparing and submitting Request for Action (“RFA”), processing of the RFAs by management, and review and resolution of the RFA by committees and the Board.

Policy and Procedures

1. Preparation Guidelines for Request for Action

a. Form and Content. Request for action should be prepared using the Association’s prescribed RFA Form (enclosed as Exhibit A) and complying with these guidelines: (1) the RFA shall be related to the purpose of the Association as set forth in the Declarations, Bylaws and Administrative Rules, and consistent with the Hawaii Condominium Property Act, the Association’s tax exempt status and the Association’s mission, vision & values statements; (2) the RFA should address only one topic or issue; (3) the purpose, goal or objective of RFA should be clear, concise and complete, and include a timeframe when applicable; (4) the rationale for the RFA should delineate the benefits, and associated financial, liability or legal implications to the Association with appropriate details and supporting arguments, and exhibits, as appropriate; (5) the rationale should also address anticipated questions, objections and answers; and (6) the recommendation shall be drafted as a clear and concise proposed motion for resolution by the Board.

b. Preparation Reminders. The preparer of an RFA should be mindful that a carefully written request for action concisely spells out the details, not leaving anything to chance, delays in having the RFA considered, or result in the Board posing subsidiary or incidental motions (*see Four Basic Motions, below*). Also writing vague, unclear motions will likely result in the RFA being returned to the preparer for redrafting and resubmission. Understanding the type of motion being made, taking time to think it through, and addressing potential objections will assist you in writing a clear motion that will help the Board to make an informed decision.

c. Four Basic Motions. The four basic motions pursuant to Robert’s Rules of Order are:¹

(1) Main Motion. A main motion is an item one wants to introduce to the Board to consider and resolve. A main motion cannot be introduced when another motion is on the floor. Main motions yield to privileged, subsidiary, and incidental motions.

(2) Subsidiary Motions. The purpose of a subsidiary motion is to change or affect how a main motion is handled. The Board votes on the subsidiary motion before they vote on the main motion. *Example: A main motion to take a specific action is filed and seconded. Another voting member moves to refer the action to a committee (subsidiary motion) and it is seconded. The members vote on the subsidiary motion first.*

¹ BoardEffect.com, How to Write a Motion for a Board Meeting.

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(3) Privileged Motions. The purpose of a privileged motion is to bring up items that are urgent about special or important matters that are unrelated to pending business. *Example: A privileged motion is to delay a motion until after a recess. The President addresses this motion before the main motion.*

(4) Incidental Motions. The purpose of an incidental motion is to question or clarify the procedure relative to other motions. Incidental motions must be considered before the motion that it questions. Robert's Rules of Order lists incidental motions that cover almost any issue that surfaces.

2. Submission and Processing of Request for Action

a. Submission. Request for action shall be submitted to the General Manager or Managing Agent of the Association 30 days before the Board meeting in which the RFA is intended to be considered. An RFA may be submitted less than 30 days but no later than 24 hours before the Board meeting, but acceptance of such RFA will be at the discretion of the President, otherwise the RFA shall be processed for the subsequent Board meeting.

b. Processing.

(1) Managing Agent and President. The Managing Agent shall be responsible for entering the receipt of the RFA and maintaining the Association Request for Action Master Log, and submitting the RFA to the President for review and assignment to the appropriate committee or person for review and comment. The Managing Agent may delegate the maintenance of the Association Request for Action Master Log to the General Manager, and the President may delegate the RFA review and assignment function to the Vice President or other Board member.

(2) Committee. The assigned committee shall review the RFA as to format, content, relevance and scope as indicated in above guidelines. If the RFA does not comply with the guidelines, the committee has the option of: (i) returning it to the preparer for redrafting with suggestions to assist the preparer to comply with the preparation guidelines and resubmission to the committee; or (ii) contact the preparer and assist the refinement of the RFA for the committee's consideration. Returned and redrafted RFAs shall be resubmitted at least 15 days before the Board meeting in which the RFA is intended to be considered. Committees shall submit the reviewed RFA with their comments to the President and Managing Agent 10 days before Board meeting to be placed on the Board's meeting agenda. RFAs that are not submitted to a committee shall be reviewed, commented and caused to be placed on the Board meeting agenda by the Executive Committee.

(3) President. The President with assistance of the Managing Agent shall be responsible for placing RFAs on the Board meeting agenda, including those RFAs which shall be considered in executive session, subject to Board meeting time constraints.

3. Board Consideration of Request for Action

a. Board Consideration. The Board shall consider request for action(s) placed on the Board meeting agenda, and shall be available to the owners via Association website at least a day before the Board meeting. Any request for action which may require review by the Association's legal counsel to ensure that the resolution complies with all applicable laws and is otherwise consistent with the Association's purposes and other policies shall be submitted to the Association's legal counsel before

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being acted upon by the Board. The RFA must be seconded by a Board member in order to proceed to discussion and action by the Board.

b. Testimony. The preparer of the RFA or preparer's representative, and committee chair or committee representative, if reviewed by a committee, shall be present at the Board meeting to move the RFA forward for action. Subsequent to the Board's discussion of the RFA, the President shall give owners present the opportunity to provide testimony in support of or opposition to the RFA pursuant to the AUOU's Rules for Owner Participation at the Board Meetings. Any owner written testimony received by the General Manager/Managing Agent in support of or opposition to the RFA shall be provided to the applicable committee, if applicable, and Board and, shall disclose the name of the owner and unit number. Thereafter, the Board shall act upon the request for action.

Delegation Authority

As noted in this policy and procedures.

Reporting

The Managing Agent is responsible for maintaining and making the Association Request for Action Master Log available to the owners monthly.

References

Hawaii Revised Statutes 514B, as amended
Declaration of Condominium Property Regime of The Collection
Bylaws of the Association of Unit Owners of The Collection
The Association's Mission, Vision and Values Statements

Tracking Information

Approved: February 15, 2018
Effective: March 1, 2018

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Coordinating Instructions

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Distribution Instructions

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Recording Secretary		Action Date		RFA No.	
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