



## Process for recall per HOA legal counsel

Hi everyone-

There has been some talk in the community of a recall effort of some board members. We have a process for this defined in our bylaws. To make absolutely certain we are following the process correctly, we are using outside HOA legal counsel to advise us. Note that our outside counsel represents our association, not individual board members.

Pursuant to Article II, Section (D)(9) of the Bylaws, the Board has established procedures for initiatives and special meetings. With permission of our legal counsel, I am sharing below the steps for recall as reviewed by our counsel to those that wish to proceed with their effort. This was already sent directly to the individual homeowner that is speaking on behalf of the homeowners seeking to move forward with this effort.

As of February 10th, we have received no signatures (#1 below) to verify so we are unable to proceed with the additional steps as listed below.

Sincerely,  
Mitch Robinson  
Lake Limerick Board President

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*The following is from Lake Limerick HOA legal counsel:*

The process will be as follows:

1. Upon receipt of the initiative signed by members in good standing representing ten percent of the total votes of the Association, the LLCC General Manager and staff, will validate the signatures as those of members in good standing. Normally, this validation would be done by the Board Secretary and Treasurer, but given the nature of the initiative, LLCC staff will validate the submission. This is expected to take five to seven business days.
2. If the initiative is signed by members in good standing representing ten percent of the total votes of the Association, the Board of Directors will select a date for the special meeting that is the earliest feasible date.
3. The Board of Directors shall set the agenda for the special meeting. The members in good standing representing ten percent of the total votes of the Association ("petitioners") whom have submitted the initiative may submit a one-page statement to be included in the notice of special meeting and afforded the opportunity to present their initiative at the special meeting. The LLCC General Manager or Secretary shall contact the petitioners' representative to inquire if a presentation will be made and if a statement will be provided. Directors may also include a one-page statement with the notice of special meeting and make a statement at the special meeting.
4. The Boards of Directors shall provide notice of the special meeting, the meeting agenda, one-page statements, and proxy ballots not less than 14 day and not more than 50 days prior to the date selected for the special meeting.
5. The Board of Directors shall conduct the special meeting per the agenda.
6. The removal vote shall follow the same voting process as regular elections. Votes not yet cast per the regular election procedure may be cast at the special meeting. The independent Elections Committee shall count the votes. Because some votes may be received in advance of the special meeting date and some may vote at the special, the vote-counting process is expected to take five to seven business days.
7. Once the votes are tabulated, the result of the vote shall be announced.
8. In the event Directors are removed through the initiative process, the remaining Directors shall appoint successors within a reasonable period of time. The successors shall be selected from those members in good standing. The successors shall fill the remainder of the unexpired term of the former Director.