

REVIEW & COMMENT PERIOD:

"It appears that when the merger officially takes place, ALL condominium owners will not have representation on the newly created FOSA Board since FOSCA will be absorbed into the FOSHA BOD. This issue is a large concern of the majority of condominium owners within FOS. It would be helpful to address this particular issue so that a more complete understanding by all concerned takes place." Best regards, Jim T.

This is a very valid comment - one which has been discussed since the Ad Hoc merger committee was formed in May, 2016. The viewpoint of condominium owners has been at the table in all discussions. Two condo owners have been actively involved on the committee and a third recently purchased a site built home during our work tenure. Additionally, the merger project has been addressed at two meetings of the President's group (including presidents/officers of all 13 homeowner/condo-owner associations within the FOS), presented before 3 community forums at which condo owners were present and at two individual condo association meetings. And yet, the *representation* concern continues to surface and may still be misunderstood.

Let's review a couple of areas that may help clarify possible misconceptions:

First, the approved plan of merger *consolidates* two existing organizations (FOSHA & FOSCA) into a singular corporate structure with the name of FOSA. As previously stated, the FOSHA corporate structure was selected from the 3 legal counsel options due to existing Deed Restrictions (i.e. commonly called CC&R's) that are nonexistent in FOSCA documents.

Second, in order to accomplish this merger, we have combined the previous FOSHA and FOSCA bylaws into the rewritten Amended and Restated Bylaws draft. In essence, this bylaw language will manage the ownership and maintenance of the deeded properties within the FOSHA organization as well as allow for administration and management of all duties and obligations preformed by the former FOSCA organization, according to the terms of the 1983 agreement.

Third, the 1983 agreement is now listed as a governing document within the community of FOS. All the duties and obligations of the agreement remain unchanged and will be administered within FOSA corporate structure. All existing common ownership obligations and assessment formulas remain the same, as they have for the past 34+ years.

Fourth, we again want to be more specific as to the *representation* concern as it relates to the makeup of the FOSA Board of Directors. Please reference the Amended & Restated Bylaw draft document.

- **Article 6 Voting** – outlines the specific procedures under 6.4.12 Initial Election Balloting for Seven (7) Board positions. The seven directors to be elected will be the top 7 vote getters in the initial board election. The length of the three (3) year elected terms will be staggered (3) three year terms, (2) two year terms and (2) one year terms, according to highest vote tally. Subsequent yearly elections will be held to fill those terms expiring. **NOTE:** *the date for the initial election has not been set; it is subject to resident approval of these Amended and Restated Bylaws.*

- **Appendix A** – Eligibility for Board Membership Voting. This is a restatement of the “owner” meaning as listed in the original 1983 document and identifying all subdivision owners within FOS.
- Only **Members in Good Standing** as defined under Individuals 1.3.12.3 are allowed to vote. Those individuals whose assessments are current and whose voting rights have not been suspended.
- These **voting rights** have been in place and followed since 1983 when FOSCA was formed. Additionally, the elimination of district voting requirements in 2011 further expanded eligibility to all FOS resident owners. Multiple condo owners have and continue to serve on the Board of Directors plus in leadership roles on various association committees. These bylaws do not list any eligibility restrictions based on type of residential ownership within our community. The intent is to become more inclusive, one community.

We think that the Amended & Restated Bylaws clearly and concisely outline the rules and expectations for operating our association. FOSA is the consolidation of two existing operating organizations under one Board of Directors. There will be associated benefits like:

- A singular operation that is responsible and accountable to all residents, in one office. No more “you have to talk to... we don’t handle that”
- The joint (Association) Presidents group can play an unlimited role in communications and sharing of managing practices that makes FOS one community benefitting all.
- The strengthening of the annual budgeting process, involving more committees and residents will provide transparency in the true operational costs of FOS.

Yes, it is a working document meant to involve and represent all residents. Once again as has been said for the past few years, “working together, we can make it happen.” Thank you for taking the time to participate and provide your comments. Hopefully, we have been able to address your concerns.