

Assistant General Manager's Message by Dela LeFleur, CMCA, AMS
About Proxies

Sometime in January, every homeowner will receive a notice of the annual meeting and a proxy by mail. ~~The meeting will be held on Wednesday, February 22 at 2:00p.m. in the large pavilion at Thomas H. Gentry Community Center.~~

One of the paragraphs in the annual meeting notice reads:

All owners are encouraged to attend the meeting. However, whether or not you currently plan to attend the meeting, please complete and sign the enclosed proxy and return it immediately in the stamped, self-addressed envelope that we have provided. This will help to ensure that a quorum will be present so Association business may be transacted.

Much of the language in the proxy form is required by Hawaii Revised Statute 421(j) and applies to planned communities. The statute states there must be four choices for homeowners on the proxy.

A quick survey of a small number of our homeowners show that there is some question as to what each option means. For illustration purposes, let's say Charlie Brown and Linus are running for an open Board of Directors position. Homeowners are allowed one vote which will apply to the processing of your vote for an open position. The proxy allows you to choose one of the four positions:

"The Board as a whole, to be voted on the basis of the preference of the majority of the Board" – Let's say 100 homeowners turn in ballots designating their proxy to the board as a whole. There are nine board members and 4 vote for Charlie Brown, 5 vote for Linus. 100 votes will be counted for Linus, because that is the preference of the majority of the board.

"The Directors present at the meeting and the vote to be shared with each Director receiving an equal percentage" – Let's say 100 homeowners turn in ballots designating their proxy to the Directors present. Let's assume there are five directors present at the meeting. Four of the directors present voted for Charlie Brown and one voted for Linus. 80 votes would be counted for Charlie Brown and 20 votes would be counted for Linus.

"_____ The individual whose name is printed on this line (to be used for quorum if absent and if the individual has not assigned his proxy)" – A homeowner can assign a representative, (often a neighbor who they expect will attend the meeting, sometimes another

family member of a legal representative). That person will complete your ballot for you, selecting on your behalf. If the individual you selected is unable to attend the meeting and has issued their proxy to someone else, your proxy will go to that person as well. If there was no proxy, your choice will be counted as "for quorum purposes only."

"For quorum purposes only" – You are not allowing anyone to cast a vote for a director on your behalf, but you are helping to assure that the meeting attendance requirement is satisfied and doesn't have to be rescheduled.

Here are a few of the other questions we received:

I own my home with several other family members. Do we each get a vote? – Each property is entitled to one vote. If there are multiple owners on the property, there is still only one vote.

My spouse is working out of the country. I can't get her signature in time to turn in the paperwork by the deadline. Can we still submit it? – The proxy form has room for two signatures, but if one of the homeowners listed on the deed signs the proxy, it is valid.

Does signing the proxy give my rights to the Board indefinitely? – The Proxy is only valid for the annual meeting ~~on February 22, 2017.~~

What if I turned in my proxy, but I later find that I'm able to attend the meeting and want to vote for myself? – Attend the meeting and sign in. Have a photo ID available. You will be given a ballot to fill out and your proxy will be returned to you.

Every homeowner is encouraged to participate in the process. Hope to see you ~~on February 22.~~

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