

Date of Adoption: June 27, 2016
Motion #: 16-06-073
Revised Date: February 27, 2023
Motion #: 23-02-017

LAKENGREN WATER AUTHORITY TRUSTEE SELECTION

Reason for Policy: When the LPOA initiated the purchase of the water company, it was determined, with advice of counsel, that the trustees thereof would be selected by the LPOA Board of Trustees rather than by popular election of the membership. Freedom from PUCO control requires that a monopolistic utility be controlled by the people it serves. It was the opinion of counsel that since the LPOA Board of Trustees was elected by the membership, it would meet the test of statute for the LPOA Board of Trustees to select the LWA Trustees. This process was established in the court order creating the LWA as a public utility under Chapter 6119 O.R.C. This policy determines a logical procedure for the LPOA Board of Trustees, as an elected body, to assume its proper responsibility for independently selecting the LWA Trustees they deem to be representative of the interests of the people served by the LWA.

Source of Board Authority: Code of Regulations and Corporate By-Laws of Lakengren Property Owners Association, Inc. Article XIII - b.

Case No. 88 CV 20476 Court of Common Pleas of Preble County, Ohio Civil Division

1. Applications for LWA Trustee

- A.** The LPOA Board of Trustees will solicit on the LPOA website, and /or any other means it deems necessary, for Applications of those interested in serving as a Trustee of the Lakengren Water Authority (LWA). Any qualification restrictions imposed by the bond requirements or other governing regulations will be so stated in the announcement. Also, a list of the duties of an LWA Trustee should be included.
- B.** Applications for the position of Lakengren Water Authority Trustee should be completed and returned to the Lakengren Property Owners Association.

2. Expiring term of office LWA Trustee

Prior to the expiration of the term of office of any LWA Board Member, the LPOA Board of Trustees will have the duty and responsibility of selecting and appointing a replacement member of the LWA Board of Trustees in the manner set forth.

However, should appointment of any Member fail to occur as set forth within ninety (90) days for whose term of office has expired, the Authority Board of Trustees, by a majority vote, will have the duty and responsibility of selecting and appointing a replacement for any Board Member for whose term of office has expired.

- A. Advertise on the LPOA website, and/or any other means it deems necessary, during the months of August, September, and October.
- B. Copies of all resumes will be submitted to members of both the LPOA Board of Trustees and the Interview committee in October.
- C. At the LPOA Board of Trustees meeting in November the interview committee will submit in writing their recommendations to fill the expiring term of LWA Trustee.
- D. The LPOA Board of Trustees will designate the person of their choice to serve as the LWA Trustee for the next three-year term. At the December Open Board Meeting the Members of the LPOA Board of Trustees will vote on the selection and the result will be published within two business days on the LPOA website, and /or any other means it deems necessary,
- E. If the process is completed more quickly than outlined above, the LPOA Board of Trustees may choose to accelerate the schedule by voting on and announcing the result sooner than provided for by this policy.

3. Unexpired term of Office LWA Trustee

In the event of the death or resignation at any time of any LWA Board Member prior to the expiration of said LWA Board Member's term, the LPOA Board of Trustees will have the duty and responsibility of selecting and appointing a replacement.

In all cases of replacement due to death or resignation, the successor will serve and complete the term of office of their predecessor.

However, should appointment of any Member fail to occur as set forth above within ninety (90) days of written notice to the LPOA Board of Trustees, the LWA Board of Trustees, by a majority vote, will have the duty and responsibility of selecting and appointing a replacement for any Board Member who has died, or so resigned.

- A. Advertise on the LPOA website, and/or any other means it deems necessary, to the membership for 2 consecutive months.
- B. Copies of all Applications will be submitted to members of both the LPOA Board of Trustees and the Interview selection committee.
- C. At the first available LPOA Board of Trustees meeting after the application deadline the interview committee will submit in writing their recommendations to fill the unexpired term of the LWA Trustee.

- D.** The LPOA Board of Trustees will designate the person of their choice to serve as the LWA Trustee for the unexpired term of office. At the Next Open Board Meeting the Members of the LPOA Board of Trustees will vote on the selection and the result will be published within two business days on the LPOA website, and/or any other means it deems necessary.
- E.** If the process is completed more quickly than outlined above, the LPOA Board of Trustees may choose to accelerate the schedule by voting on and announcing the result sooner than provided for by this policy.

Submitted by the LPOA Board of Trustees

APPLICATION
FOR
TRUSTEE of the LAKENGREN WATER AUTHORITY

Name: _____

Address: _____ Lot #: _____

Phone Number: _____ Email Address: _____

Please attach a resume to this application.

Please address the following:

1. What skills, knowledge, abilities and/or talents do you possess that are relevant to the position of LWA trustee?
2. Why are you applying for the position of LWA Trustee?
3. What is your level of involvement in the activities of Lakengren?
4. Have you attended any of the LWA or LPOA Board of Trustees meetings?
5. Are you able to attend the regular meetings of the LWA Board of Trustees? Are you able to be bonded? Are you able to meet the other qualifications established by the organizational documents of the Lakengren Water Authority?
6. Please feel free to address any other issues you feel are important to the consideration of your application.

Please attach your resume and the responses to the above questions and return the completed application to the Lakengren Property Owners Association office, 22 West Lakengren Dr., no later than the close of business on August 31.

If you have any questions about this application or the application process, please feel free to call the LPOA Office at 456- 3173.

Thank You for your interest in and willingness to serve the residents of Lakengren.

Approved By the LPOA Board of Trustees 4/11/2011