Transcript of Board Removal & Community Trust
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Speaker 1
Many of you in the room, I'm sure. So Lena is a resident board member. And as we'll talk about today, the board is made up of three declarant control board members, plus two resident board members, all described in the bylaws, the governing documents for the community. Everybody should have access to that. I know for a fact everybody does have access to that through town square as well as typically in the closing documents. If you got it from the home builder, you would have received the governing documents and bylaws that outline the way the governance of the community should be operated or is operated. So that's going to. We're going to come back to that because that's a big part of it. So introductions. Okay. Somebody did ask already about the. The police again. This, this. Or the sheriff's office. I'm sorry. This was truly just to add security for everybody, that everybody feels more comfortable, not less comfortable. I don't want them here. We don't need them here. But this idea that, hey, we're neighbors, we're civil, we're in your neighborhood, you're in the neighborhood, you live down the street, you work out together, you play pickleball together. Although that's usually more fractious, I think, than any. So they're here for that. I want to thank them. When I said I don't want you here. I really wish we didn't have you. And I hope to not see you in our behind our gates again. But. But thank you for being here. Thank

Speaker 2
you. Question, Are you paying them to be here? Are you paying them to be here? Answer the question.

Speaker 1
It's $300. They are being paid to be here.

Speaker 2
So you're. So you're scared. I'm paying them to.

Speaker 1
So let's, let's. Sir, if we can. Sir, if we can get back to this ability. Please, Please, please. And I will say this. We're. This is a discussion, right? And so what kind of talking about what we're going to get into in some of the topic points. Krista has a microphone as we sent it out in the announcement. This is a discussion around the topic of board removals and vacancies. Right? This is a very specific thing in the governing bylaws that we want to answer questions about, talk about and how the board vacancies are filled. That's what we're here to talk about today. Okay? We do have board meetings. We do those monthly. There is town square where notifications do come out. There are comments that come through town square that go through Krista Keep those coming. The board talks about items that need to be addressed. Krista handles items on a management

report weekly. So there is an avenue for doing that. Today's discussion, today's conversation is about board member removal and vacancies and, and questions related to that. Again, we want this to be civil. We want this to be related to the bylaws and decisions that are happening and that are being made what we believe on the behalf of the membership and the community. That's as much as I'll say then at this point about that. Okay. So as I mentioned, Krista has a microphone. I know there's going to be several questions. Many people have questions. We do want to relate it as much as we can to the. Well, I definitely want to relate as much as I can to the topic that we're here to discuss today. What's that? There is a raccoon. Apparently the raccoon gone. Krista. Yeah,

Speaker 3
actually I did send an update. He is outside right now playing or doing whatever he does. But he may come back tonight. We have someone coming to trap it in the evening. It's a five day process but been assured that everyone is saved.

Speaker 1
Okay, thank you. Yeah, it sounds like a cell phone is going up there, but. Okay. Okay. So I'm going to. We're going to start off by talking about the bylaws and what's within those bylaws and some of the decisions that can be made related to those bylaws and the governance of the community. Okay. That's what we'll start and then we'll transition into the vacancies of that and how those are filled. This I'm going to, I'm going to say this multiple times throughout this conversation. It's in the bylaws. This gives us the governing guidance for what we do and how we should operate. Right. I know there's going to be lots of criticism about the. We didn't do this. Right. And we didn't do that. Right. It related to what do we always hear? Speeders, pet waste and what's the third one? Krista? There's always too many. There's too many. Right. There's going to be criticisms about many things. Right. But the bylaws typically don't address those. There's rules and regulations, how many gnomes you can have in your front yard. The bylaws though outline the governance for the community. Talks about the community wide standard. It talks about how to collect dues, it talks about your regular meetings. It talks about some of the meeting order of Meetings. It talks about assessments. Right. The bylaws outline all of that. So I do, if you are not familiar with them, I do encourage you to get on town square to download those documents. It's all there. Okay, so. And really what I'd like to get to is if you have a question, please raise your hand. As we're talking through, through these few topics that we got. Raise your hand. We'll do our best to get a microphone over there. There's details around security. There's a bunch of things you would enjoy reading. Maintenance is a whole section. What the special service is, what the association's responsibility is within the maintenance requirements. Street lighting alterations, standards of performance. These are all things that are outlined in our, in our, in our documents. Insurance and casualty losses. Describing what the association's obligations are for insurance, what they're supposed to have for the community. Annexation and withdrawal of property. So this does describe that there may be parcels or pieces of the property that can be annexed in or withdrawn from the property. As the community ages, some things may get transferred over to the association. There's not going to be one here, but there could be a church that the

association decides to dedicate the land to. Those are things that are described in the governing documents. Assessments is a big one. Talks about what should be covered in those assessments. Talks about fees for non payments of charges. Talks about utility cost bills to homeowners. I'm just reading off this index of the things that get talked about here. Architectural standards, use restrictions. I'll get right to you, sir. Hold on one second. Easements, mortgagee provisions, declarant rights. Now I'm going to quickly go to the end here. Dispute resolution, private amenities. The rules, the initial rules and regulations related to that condominium and other subordinate associations. General provisions. That's all in the CCNRs, the initial CCNRs. So I'm going to get back to a section that we'll reference. Sir, do you have a question before we go further?

Speaker 4
Yeah.

Speaker 1
Yes. Yes, sir,

Speaker 4
Please skip all this.

Speaker 1
Yeah, Okay, so the gentleman brought up. Hey, skip all that. So what I think is important is I'm going to go to this section, right. That we reference. So there is a section of, in the bylaws themselves that talks about, and I already described it, when the developer, the declarant ceases to own 75% or owns less than 25% of the properties that we must hold a nomination and an election. We elected two board members at the beginning of this year. We sat them in January again. Leno was one of them. And you all know Mr. Trainer was the other. Right. So that was member elected board members. We sat them and we actually sat on the board. And I'm gonna just lean on Lena a little bit as it relates to her experience so far. She's been on the board sitting in board meetings, we've been in working sessions, we've been in. She's been very involved in all facets of board discussions. On emails with the rest of the board members talking about the board related issues. I will give her a lot of credit and Mr. Trainer a lot of credit for sharing a lot of the questions, the comments, the concerns that many of you had. Leah, with this transition, I will ask you a question. Sorry. The exposure to the daily issues that I think the management team deals with. The exposure to the concerns, the exposure to the items that want to be addressed by residents. I mean I think you see it all. You're not shielded from any of it. And I think you would argue you get most of it actually with that. She's not even the affirmative. I bring that up because we have the two resident board members that are active participants in board discussions, that were active participants and guiding board direction, that were active participants and guiders in the investments we were making as a board and in the decisions we were making. So that from January, from January, January on when we brought them aboard, they have been significant in providing that input. I think many of you were hearing from both Lena and Tim for periods of time and regular meetings that they would have on your behalf that that was happening. That is still happening and at this stage it's through Lena as the. The

remaining resident elected board member. Okay, so two board members were elected by the bylaws. There was, there is within the documents. So section four point. Excuse me, 4.2. Okay, so board members are elected to serve two year terms. Board resident board members. The declarant has, has a three person declarant control board until we cease to own any property in our last of the properties in the project. So at that stage it's just again defined the bylaws. Three decorate two resident board members, they serve two year terms and they start to begin alternating terms. So those two board members are always going to be resident elected board members. Okay, so 100% clear that the two non decorate control board members are resident elected board members. Okay. Within the guidelines there is then a section related to resignation and removal and vacancies. And again those are the two topics we're talking about. The resident elected board members can resign at any Time and under their own due process if they are so inclined. If that happens, we get into the vacancy replacement. So that is leads us to the elections. That is one way that that unopening may occur. Or if they get to their two year term, or when they get to their two year term, just prior to that we would open up nominations and elections to replace that board member. So in perpetuity there's going to be resident elected board members. Right. Regardless. The other way that there might be a vacancy is a removal. And as many of you are aware, the resident board, the community, I'm sorry, the community can elect to remove a board member. That's in the bylaws, that's in the state statutes, right. There is also a secondary and that's I'm sorry for with or without cause. There is also, and we believe this, and I'm going to read it directly from the section 4.8. A director may resign at any time by delivering a written resignation to either the president or the board. In this regard, this is related to any of the board members. Unless otherwise specific specified therein. Such resignation shall take effect upon delivery. And then again we go into the vacancy side. Any director may be removed at any time for or without cost by proper action of the persons having the right to designate or elect directors at the time of removal. So there's another section 4.2.1 and 4.2.2 all in the bylaws. Again, many of you, I think are familiar with this. It is our belief, my belief personally, my obligation on behalf of all of you to take that seriously and what we represent in our community seriously. So the without cause, I have no right to remove anybody as the decorate. I have no right without cause, right? 100%. And I think the language is there, we talked about this internally, that if the residents elected somebody I didn't like, I don't have the right to just say I don't like you and you're not going to be a board member anymore. Right? So I want that to be clear that we believe that as well that there is and any replacement board member that was elected by the community is reelected by the community. I think the language and the law is there to protect that, that you can't just remove somebody for the heck of it because you don't like them, right? That said, there is an obligation that I have that we have for this community, this membership, this association, not just this board, this community, to protect the community. So if something does happen, if something gives us reason, if there is anything that would occur. And for you in the future, as you have board members that you elect, you should take that responsibility seriously. I believe this. And do what you need to do to protect the association, the community and the membership. We will. That said, that is. That is what I believe led. Well, as what I know led to our actions a couple of months ago. So the removal, we believe under the bylaws, under the. Or under the governing documents was right. Is right for our community. Is

right for us to do. To move forward and to. To remove. To go on to the next step of. Sorry, replacing the. The. The vacant spot in the. In the board. In the resident elected board. I'm going to repeat that question then, Chris, So if I'm going to rephrase what you said, we don't want the person removed from the board. Right. Okay. Okay. What I'm going to say in response to that is again for. Based on the potential in the. And the. Without getting details. The potential to protect the membership, to protect the association. There is a section also in the. In the governing documents and in the bylaws related to indemnification. If there is something that. Is something that can. Where the board member cannot be defended, that would leave us exposed and leave the community exposed to potential litigation. Potential litigation. So I'm going to leave that and go to the question we have in the back.

Speaker 5
I have a question. According to the key provisions of the South Carolina Code, Section 3331, 808. Removal of board elected directors. Homeowners may remove a director they elected with or without cause. The removal must take place at a meeting called specifically for that purpose. The meeting knows that notice explicitly stating that. And the number of votes has to remove the director must be sufficient to have elected the director in the first place. The argument here is that we were not given an opportunity. We voted. Whether we want Tim Traynor on or not should have been our decision, not the board.

Speaker 1
Take that as a comment, sir.

Speaker 6
So you said that you removed him from the board. You didn't state the cause. Why? What was your cause for removing him explicitly

Speaker 1
due to the sensitivity of the matter? Well, I know there's a lot of groaning around that, but there is really. There is real sensitivity on the matter. And. And again, when we are discussing this idea that there's the potential for litigation. And again, this would apply to anyone serving on the board, regardless of how they were put there. If there is the potential and risk litigation risk for. For breaking any rules beyond what's written in the bylaws that's what we were concerned with. So I cannot speak more to the very specifics of that, but that is where the board came from.

Speaker 5
I just wanted to know, because I know Tim very well and I just wanted to know if you talked to him about. Before you removed him. And I don't need to know the reason, but did he get the reason or was he just dismissed and then he found out later? Because I want to know if he was notified that it was going to be dismissed.

Speaker 1
So, look, I really. What we're really attempting to do is to not make this a trial. Right. The

question is. Yes. Did I hear. Did we hear from the other again about the allegations? That wasn't the question. That was the question, Tim. Did we hear the other side? Right. Or did we have a conversation? Well, here's Me. Let me do my best to explain this. So this is not a trial about an individual. Okay? So if someone is. If someone is accused of something, there is a discussion, and that is what should happen. And that is what happened. Okay. So. But this is not a trial. We're not going to get into the. To the. The specific. Because there are. There are people that this would be sensitive to. Right. I think somebody mentioned it. Look, I cannot give direct answers. What we're saying is. For cause. There is the obligation to protect the community. No, that is a very private, insensitive. I. I would let her speak, but I'm also a novel or witness. You don't speak. Actually, let's go to there.

Speaker 5
I. I have a question. You mentioned civility at the beginning, and there was a resolution that was passed by the board. Civil conduct resolution, I believe, and I have tried several times to. To get the minutes regarding that resolution that was not passed during a regular meeting of the board of directors. I have not. It was. It was signed on June 8, and it was recorded with the county on June 24 into an executive session. So find out that this was

Speaker 7
not at the regular meeting.

Speaker 5
This document was not signed at a regular meeting.

Speaker 3
It would be agreed to or disapproved in an executive session. Just because it was signed on a later date, that doesn't mean that's the date that it was decided, if that makes sense. So just like anything, if you approve something during a January 1st meeting, the signature on a resolution may not appear until the next month. The open board minutes that I. That we post on Town Square, those say if we had an executive session. Well, I can give you any open minutes that you would like to have. That's Not a problem. I'm not legally bound to keep those confidential. So if there's something missing, you let me know. We should be current on Town Square. I have to go to the next. You want the next person.

Speaker 7
Sorry, there's two questions here. So it seems to me that everything that you want to keep confidential from us, you just do in an executive session. So you just call it executive session and you just decide so that you don't have to. Which is wrong. Number two is you've now alluded to it and stated here that you are protecting us against legal. Potential legal problems with. And that's why you dismissed him. So do you. Whatever happened for his dismissal, did that person threaten us with legal action? Did they hire a lawyer? Do you have that documented? Did they say, you take Tim Trainer off the board or we're going to take legal action? Were there those threats? So

that we understand, actually, you know, what the situation was.

Speaker 1
And I'm sorry, I think the first question. Remind me of the first question that was.

Speaker 7
Oh, executive

Speaker 1
session. Okay. So it's a fair question about the executive session. It should really only be personnel, legal matters. Right, Right. And then we tend to do that if there's a. I think even in some. To. To avoid the use of a resident's name. If there's a. A complaint. Right. Or some collection,

Speaker 3
a confidential personal request, for instance, that applies to them directly to their account or something like

Speaker 1
that. That's right. So that's what the executive session is for.

Speaker 7
Right. Well, I have to disagree with that, because we had plans before the architectural committee. They referred that to the board for a full vote, and the board took that into an executive committee meeting so it didn't have to report to us what the outcome of that was. So why was that in an executive session? I mean, this is what we're talking about. You hold these executive sessions just to keep things confidential under the guise of, you know, privilege. It's wrong.

Speaker 1
You want me to talk about that? If you would. If you recall that

Speaker 3
one. So I don't recall yours. When someone has been denied an architectural application and there's a variance request that has always gone on the executive session, because not everybody wants their denial printed out for the whole world to see. So you might be wanting something that's private, personal. You might just be one of those people that doesn't. I don't want the whole world to know my address. So that's why it's in. In executive session, you'll always get notification of the board's decision and the only thing you are missing is the actual discussion behind it. So that's why that's on executive session. Not to hide anything, but to protect people's right to priv. The second question.

Speaker 7
What was the second part? The question is what, what evidence or what this person who had an issue with Tim Trainer say to them, come to the board and say, I'm going to

take legal action if you do not dismiss this person off the board.

Speaker 1
No one is going to like my answer because I cannot answer very specifically to the particular issue. There was, there was a discussion, there was a analysis, there was internal conversation and that's, that's all I can say beyond yes, there was a risk assessment and we decided to do what we did.

Speaker 7
Sir,

Speaker 8
you continue to refer to sensitive issues, but Mr. Trainor has come been very forthright and given written. His written statement about what happened. Do you dispute his statement? And it's not the fact that he is willing to make, put this matter out for in the sunlight, relieve you of your sensitive issues.

Speaker 1
So I, I think there is a judicial proceeding that can occur related to the removal of a board member. We, we could, we could go that route, but that's not what today is and that's not what we're trying to do. I'm not trying to, to put anyone on trial today. This is representing the, the, the actions, the responsibilities of the board. That's what we're trying to describe to everybody today. Again, it's not suitable for most of you that, that answer because I, I, we are not here to, to, to litigate that particular

Speaker 8
asking. Did you dispute what Mr. Trainer has made public?

Speaker 1
Not willing to speak to the specific issue, but we made a decision based on evidence and conversations. Right. That, that's what we do. We deliberate, we talk in board meetings, we discuss. And if we have to go into executive session regarding personal personnel, confidential items, we do that and then we deliberate. Right. S. Here comes your defense, sir. I think he said, why can't we use a hypothetical? I mean,

Speaker 9
Jack,

Speaker 10
if I recall correctly, in some of the early communications that came out to us from Town Square, I recall it was not a single issue that led to Tim's dismissal. It was a number of issues. Is that correct? What are they?

Speaker 1
We're not talking about that particular one. But, but so what I will say is in deliberations for anything. So if so. Yes. Would we take any particular example? The one and done. I,

I think everybody believes that this board, or at least the declarant was out to get somebody would Would remove somebody the second they breathed incorrectly or said mispronounce something. Right. That. That. That is not the. That is.

Speaker 10
Okay. So you don't want to directly talk about that at this point. I fully understand. I just also wanted to mention to everybody that what we've heard is the dismissal was not just K hov nanny and people saying Tim needs to go. It was a unanimous decision, which I would think we should recognize. There must be something seriously there in order for all five people to make that decision.

Speaker 11
I guess my question. Jack, actually, he answered it. I was wondering if it was a unanimous decision, which it was on the board, as we go through. And I've been on a board. I was board chair. I've signed NDAs. I understand where all this is. How does the community. And I'd like to lean on Lena. Sorry. How do we move forward? Because based on what you're saying and the legal precedence that you can't talk about because of the sensitivity in this meeting, which is. It is what it is. If you've been in corporate, you understand this. How does this community move forward? Because 580 people signed the petition. A thousand didn't. So how do we get back to going, we're here to have fun, to go to our neighbors, to play pickleball, to go golfing. How do we get past the situation? And I'd ask Lena to answer that if she wants to.

Speaker 12
First of all, I'd like to thank everyone who has been supportive during this very difficult time. This was not an easy decision for me. It was not an easy decision for the rest of the. The board. No one wanted this to happen. No one did. This is not that we did not like him, that he was difficult to deal with, etc. As Brian alluded to, there were something very serious that happened that we had to address.

Speaker 13
So moving forward, I

Speaker 12
would ask that you trust that I would not make any decision that would do you any harm. I spend hours and hours and hours every week working with these people that they are not the nefarious, evil people we want to think that they are. They just are not. Who the hell is they? Hey is khab or associate. They are not unmanageable. They are not totally irresponsible or unreasonable. I would just ask that you trust that I have your best interest at heart. I'm doing everything I can to get this behind us, to have us move forward. I encourage all of you. You contact me all the time. I do everything I can do to make sure your daily lives are better than they were before. Thank you.

Speaker 14
Thank you.

Speaker 1
To expound, though, on really where Lena went with that. Appreciate her for saying that because I think, how do we move forward? Mr. Trainer came up to me and said, look, here's what we want, right? And unrelated, I think, to his own personal. He. He said this. And, and I, I appreciate this. We want more. You didn't say this, Tim, but more transparency in what we're doing. We want discussions around the transition. We want. Those are all things that, to me, it's this, it's not mediation. That is what we've been opening up more of. Right. For many of you have been here for many years. We've done more things. We've opened up. I hope Tim would agree and nod and say, hey, we went through several working sessions that were cut short, unfortunately. But we've been spending hours with Lena and Tim and whoever the next board member is and whoever the next board members are going to be in the future to keep this community growing, to keep this community looking beautiful. And I say that, I laugh because everybody will have a reason for whatever's not working today. But. But that is what the board is working on. And Lena will say, yes, they are. They are working on those things. They are hearing those things, the priorities. And that's one of the big exercises we've been doing. The residents want many things. The residents should have the right to have many things. And they pay for what they pay for, but we can't get it all done at once. And that's been the exercise we've been doing internally. How do we prioritize those things? So when Tim mentioned, hey, the transition would get somebody on there, we're talking about, we've been saying this, the infrastructure team, the landscaping team, the, you know, name it, getting more involvement. We do have a finance committee. We do have an architectural arc committee, we do have a social committee. We have committees with residents involved that are board adjacent, that provide reports to the board that help us make decisions. Those things happen daily, weekly. And I'm speaking for Krista, dealing with this, dealing with this, working with the residents daily, weekly, and then the board gets the update. My trust is in Krista and the management team to do what's right for this community on a daily basis. Again, everybody can have a criticism. And I think a lot of people are saying, she does a great job, this team does a great job. This is a beautiful community. Every time I drive in, we can find something, but this is a darn beautiful community. Right? So to Kalina's point, To the gentleman's point, how do we move forward? We will continue to commit to more transparency. To commit to, again, the board meeting we just had the other day. Raise your hand if you actually witnessed it. Right. Thank you for joining. But that's what a board meet. I'm not sure. Once you run out of the board, if you want some excitement and fireworks, right. You're not going to see that necessary sometimes, I mean, Lena will get fired up, but. But you know, for expectations, it's. This is the governance of the community. Krista is and her team are seeing things out there, saying, hey, board, this is outside of our scope. This is budgeted. This is not budgeted. What do you want us to do? It is some boring stuff. That's what a board meeting is approved. Keep moving. I don't think the residents are going to be willing to pay that. Let's talk about that. Let's table that. That's what happens at a board meeting. So there's nothing exciting that that happens at a board meeting. And I hate to be the one that sits on board. Means they're nothing but exciting every time. Right. So that's not the intention. We are here to represent this community, as I mentioned, to protect this community, to do what we can to improve the assets of this community. It's almost 10 years old at this stage. So that's.

That's how we move forward. We continue to the civility component. I want to say, I think when we got back to the gentleman's question about that policy, we did feel. And you feel it, the team felt the incivility that was unnecessary. And I think that was one of those. I want to say, Tim was the one who said we have no teeth in our documents. To come back to somebody who was cruel, mean to our team members. I get to go home and not be in this community. Poor Lena hears it every day while she gets coffee, while she walks and plays pickleball. Right. Krista hears it every day. So I feel bad for them. I said, I'm all for that and I want to. I think we had a template for it. I think everybody said, yeah, let's sign this thing, let's send this out, let's get this to the community. We need to tone this down because we're not here to try to take from these residents, from this community, from this membership. We're here to try to make it better. We have our foibles, we have our faults. Right. We have our dodging some of these questions because we are looking out for this community. This I've got. And I said this in our annual meetings, I've got several years in front of us of an investment in this community. I want this community to do well on a professional, business level. I need this community to do well and want to need that. Okay.

Speaker 15
Yeah. Jackson, you had mentioned that the board made this decision to protect

Speaker 3
the community from. Okay, hang on, Tom. I'll come back to you. I got it, Jack. You got it. All right.

Speaker 15
Getting exercise. Thank you. You stated that you made that the board made this decision to protect the community from legal, illegal action. But in doing so, you broke South Carolina law and have introduced another possibility of legal action.

Speaker 1
We disagree and our council disagrees as well. We're going to find out.

Speaker 16
I was just going to bring up kind of. In regards to the South Carolina law, it's very specific that we as a community voted in Tim and Lena and we should have the right to hear the evidence. The only evidence we heard is that Tim did something very bad. It's been very murky, cloudy and stuff like that. I suggest present the evidence right here. There's plenty of people on both sides here that believe we should move forward and elect a new board member. And there's other people that believe we should reinstate Tim Trainor and hear the evidence and put it into the community here. So we're all in the room here together, both people for both sides. You presented some murky evidence here. Why don't we just have a little straw pole here and people standing up that go for Tim Traynor? Because based on the evidence that you're telling us right now, you're really not telling us anything. So what did he do?

Speaker 1

Again, we're not litigating that case. And a gentleman, the. The temptation to want to reply the. We. We cannot do that. We cannot do that. Again, we're acting on behalf of the residents and the membership in the community as a whole.

Speaker 5
Okay. I have a question for you. You mentioned about moving forward. Okay. And I think all of us here want to do that. But until some of this is resolved, we're not going to get past this. Because what prevents this from something in the future? Again, we have South Carolina. We have our own bylaws here. We have a. South Carolina laws. Okay. And it clearly says that we should have. If we voted someone in, we should have had that opportunity. I understand you're saying, well, there's all this legal stuff, and just like the gentleman said, it's very murky about it. It makes us feel like we don't and I hate to say this, but that we don't trust the board in their decisions. You're hiding things from people, and that gives us all an unhealthy feeling about it. I just think that for us going forward, we don't know it's going to happen. The next person who comes along, for whatever reason, the board decides, we're going to put in an executive and we're going to put this in a little box here. And what keeps us from having this in the future?

Speaker 1
I guess what I can say to that Is there. Is there. Yeah. Is there something. Is there a tool, is there an amendment that clarifies somehow further clarifies what those obligations are? Or, you know, is there some other. More not transparent. Is there some other tool or avenue for us to be able to explain this right in the future? But we can't follow them. We. We cannot. The exposure. We cannot. Sir,

Speaker 6
I would

Speaker 5
like

Speaker 6
to know

Speaker 5
that the

Speaker 6
standards

Speaker 5
of conduct that you

Speaker 6
enacted in special session, I guess you call it executive session, is that applicable to Tim, because was he elected by us before you enacted that or afterwards? I would like

you to answer

Speaker 1
that, please. Yeah, I think that was implemented and signed by the board members after. But that wasn't referenced in the action. That wasn't referenced in the action, Sir.

Speaker 3
Got a question back here,

Speaker 5
Mr. McSweeney. You were reading that particular declaration that says. Or the bylaw section that says for or without cause, that's when we get to vote on the removal of our resident elected director. Are you ignoring the for cause and saying we only get to vote when it's without cause?

Speaker 1
No, I think that it's clear that you could vote today to remove a board member. You could vote today. Members. So does that answer your question? No.

Speaker 5
No, no, no. Why did you get to decide.

Speaker 1
Why did I get to decide on a 4 cause? Why did the board get to decide on a 4 cause

Speaker 5
reading that particular.

Speaker 1
So I think that's a great question and that is the heart of. Of what the obligation. What I believe the obligation of the board is to do is for cause. They have the obligation to make the right decision for the community, the membership. And that's. That's. So I appreciate that. That is actually the firm belief and that's where the action came from.

Speaker 5
Authority in that particular section. Section of the bylaw.

Speaker 1
We do, yes. Well, we have the authority under the bylaws. I don't remember if that particular section you're referencing, but yes, we have the authority under the bylaws.

Speaker 17
Jack, what is really perverse about your argument. You and I had a discussion about this is that it was the threat of some sort of litigation that caused you to remove tip. But there are many of us here on legal advice that believe this board has acted illegally. You just dismissed the question of the South Carolina code 3331808. And your greatest

fiduciary duty to all of us is to stay within the law. And I don't think you have.

Speaker 1
I appreciate that. Put the next question in the back. We do believe in. Under the bylaws, which the state statute also references the bylaws. Right. That is the forecast component of this. And the obligation of the board

Speaker 17
under the dispute resolution that you went through under the dispute resolution procedures. We have not go to mediation. Could you confirm to all of us that you will abide by the decision of that mediation?

Speaker 1
I'm not sure what mediation work.

Speaker 17
So in our bylaws, we have a mechanism to resolve disputes. You're supposed to have 30 days of good faith discussions. That hasn't happened. The only other course you have is to a mediator takes it on to decide the rights and wrongs of the case. Whether we're right on South Carolina law issue or. Or whether Jack is right saying the binders prevail. So we have to mediate. Go to a mediator who decides. Now I'm asking Jack this question because this is going to happen. The process is underway. Will you abide by the decision of the mediator?

Speaker 1
We would abide by the law. And I bring that up because the mediation is. There's. That's not specific to this issue. Right. So the law. Yeah, of course we would abide by the laws.

Speaker 14
We're talking about law here. I fell due to a sewer cap that was lifted up on the sidewalk.

Speaker 1
I'm sorry to hear that.

Speaker 14
I chose to take on the responsibility to pay for my surgery that was required to correct it. I have. I chose to not sue. I was told that there are other people who have fallen and injured themselves in much the same way and they have chosen to go through legislation. So my feeling here is that we're all basically good, honest people. And Tim has done an excellent job as best he can of correcting things that were wrong. Some have still not been addressed. And so this is just an example of what. What happens when there's lack of communication, whatever. I'm sorry it happened. But I can't do anything about the people who sued either because they did have a right to sue, or they wouldn't have done it.

Speaker 18
First. I think the South Carolina law has been quoted and I think that's very clear. But I also want to address it. Tim. Tim, thank you so much.

Speaker 1
Your knowledge and your background

Speaker 18
that you have held people accountable for the things that are wrong. Yes, people didn't like it, but a lot of us did like it. We appreciate the work, work you've done and the work you're going to continue to do because you are a resident of this community.

Speaker 19
I have a question for you and the gentleman that brought this up. I'm unfamiliar with any action taken towards mediation of this issue. And my question is that action going to be costly for us as residents in this community?

Speaker 1
So the mediation clause or the mediation sections in the bylaws, again, our council says that that does not apply. We, again, we're following the law. So that's, that's where that comes from.

Speaker 15
It doesn't apply. Which law?

Speaker 1
No, there will. No, again, if somebody files suit, if there's a, if there's a group that files suit, we would have to defend ourselves. Right. And so, but again, if we believe we follow the law, we have to defend ourselves. If that group files suit, that group isn't covered by the association's legal fees. It's the defense of that. So that would potentially have an impact if someone, somebody sues the association and we have to defend ourselves. Right.

Speaker 20
Good afternoon. At the very beginning, or close to it, a young lady in the back, Lynn Kramer, had a bit to say. She cited law regulation, she gave the numbers, she talked elegantly. And

Speaker 5
your answer was,

Speaker 20
we'll take that as a comment. I would appreciate it. And you may want to hear her say that over again. If we could hear that over again and if you could comment on it instead of just taking it as a comment, because I think she deserves that courtesy and I

Speaker 21
think we deserve some of those answers. I think you deserve

Speaker 22
to be able to say some of those answers.

Speaker 1
I appreciate if that came off as flippant. I apologize. That's not the way I meant. It was reading from the, I think she was reading from the state statute. So for those unfamiliar, S.C. state statute 33, 380, whatever that number is. Yes, we are familiar with that. But the, the, again, what we believe in the bylaws under the sections that I've highlighted and again, the bylaws, many of you have read them, but that is what we believe allows us to make the case, to make the decision we did on behalf of the community, on behalf of the membership, on behalf of the board on behalf of this entity to take the action we did to protect this community. That. That's in. In sum, that is where we ended up. So a couple more questions. We're. We're near the end here. All right.

Speaker 3
I got a question.

Speaker 1
Please. Will you. If I'm asked, will you direct it towards me as the board president? Okay. That's

Speaker 23
the honor. Jack, please let me talk to Tina, to Lena. I'm sorry. Okay. I've got the question for her, not for you.

Speaker 1
Please just ask your question. Okay.

Speaker 23
August 21st, she posted on Facebook that. That Tim Trainor was removal. Very sad. Unfortunate. Then on October 14, about a month later, she confirmed she voted to remove him. She cited a repeated pattern of misconduct, said she personally knew of his witness, some of it, and defended her vote as necessary to protect the hoa. Okay. Why there is such a difference between those two statements?

Speaker 1
So, as a human, we try to do our best to Not. To. To not make conflict. Right. So as soon as this happened, which I think Lena referenced, nobody wanted this. Nobody was planning for this. This was unfortunate, the event that took place. Right. And the actions that took place. Right. So I think a response, and frankly, our response that came from the board, many could be critical of that. It took us too long, but we were. This was probably my direction. I don't want to say too. I don't want to say too much. There's sensitivity here. This is the action we've had to take. And then I think we came up with

the clarifications later. But to me, that's. That's how on a personal. Many of you deal and work with other people. This is being polite, being nice. And then what we felt like there was misinformation, and that's. I think the boat was. There was misinformation being shared about some activities or about what was going on. And that's what the. The clarifications came out.

Speaker 23
He answered some other questions. Why you not answering right now for her?

Speaker 1
Take that as a comment.

Speaker 19
At the moment, we

Speaker 7
seem

Speaker 19
to be somewhat divided here. I think most of us are very appreciative of what Mr. Trainor has done. Done for the community. What I'm concerned about, or I'd like somebody to answer for me. The gentleman over here that was speaking about him going to mediation. And if Kah refuses to go to mediation, they're ready to hire an attorney and go to court and start legal proceedings. Are you representing just the homeowners that you. Now? I. I guess what my question is so if you go to court, we go to court and we go through all this and we or you lose, let's just say hypothetically you lose, the homeowners lose. Are all of the homeowners, if there's a large amount of money that now is needs to debt, are all the homeowners then going to be assessed money to pay that debt off? So you need to think about the fact that there are no, you need to think about the fact that there are maybe 8, 900 of us that do not want another assessment. We are not. So it's not about just what this small. We get the frustration. I'm going to also say to you quite Honestly, there are Mrs. Here, there are things that need to continue to be addressed. We have spoken. I've spoken spoken to you, I've spoken to Lena, I've spoken to others. Communication is not where it needs to be. So that adds to our frustration. But additionally, quite honestly, I'm not looking for any additional assessments coming my way because you refuse to accept that they for the moment are the declarant and legally allowed to do things that we might not. No, they're not allowed. Agree not alone. That's just my personal opinion. I'm just waiting serious.

Speaker 24
You started off and you said it was a unanimous vote of the board to remove Tim Trainor. Well, at that point in time, were there not five members of the board at the time of the vote, were there not five members of the board. Could you please use a microphone? Was Tim Trainor not a member of that board at that time? Did he vote against himself? Your statement should have been there was a majority vote. There was not a unanimous vote. Which makes you a liar.

Speaker 14
Unfortunately. I think this entire situation divides a community and I don't really know what the solution is except to tell you my biggest problem is the procedure. It's not personalities, it's not individuals. Has nothing to do with a particular person. And I understand both of our member board members have been through quite a bit with things being said on both sides and I really hate to see that happen in our community. But I worked with executive sessions all the time in the job that I had, I worked with elected officials. And the only way an elected official could be removed was by a vote of the constituency. They could not be removed in any other way. Also, all officials are covered by insurance, which I assume and maybe wrongly that every board member for KHOP it has some, some kind of protection against legal action. So I think that in this particular case, and this is only My opinion that the procedure that should have been followed was that obviously there was an issue. It should have been brought up, told to the membership of the community. The membership of the community should have made the decision whether to remove them. You're asking for our trust, but you're saying we can't tell you what it is, but we can make the decision and we can take the action. And that's very difficult as a community that we're left in the dark. And I also feel this is extremely unfair to Tim Trainer, who for all we know is the ability child molester. I mean, we have no idea, but we have no idea. And the way that you keep shrouded in secrecy, the way you keep saying he did some horrible thing, but we can't tell you because of potential litigation. Would anyone in this room want that to happen to them? Would anybody want to cloud over their head? And nobody can expect explain. And that's why I think we do need transparency. I think it's the only way this community is going to yield.

Speaker 1
Okay, question. I have a comment. I came here to serve you. That's it. My whole life is about service. Check me out. Get lost. It was a claim that was made against me. I didn't have the opportunity to defend myself. There was no hearing. I was given a choice. Resign and we'll say it was

Speaker 9
a personal reason or. Well, we know what

Speaker 1
the aura

Speaker 9
is. Let me say this to those who have an issue with me. I'm sorry if I disappointed you. I owe this entire community apology. However, I don't want to be here among a group of individuals who I love and who are in

Speaker 20
fact deserving better

Speaker 9
than what we're going through right now. I like unity. Disappointed in my colleague. Things that she said about me, they're unproven. I've never had the opportunity to defend myself because I don't even know what they are. But I will say this. It is imperative that we stick together, especially approaching transition. There are a group of us with some derisive comments about the voices that have spent five years collecting information and data on your behalf. None of us have profited, I assure you. And that information will be and is available to Jack and to the board and to the declarant and to Kahav and to the corporate structure. They can see what we saw. The county ruled on something because they agreed with us. They said it wasn't done properly and there was consequences. We're here to protect you. This isn't a matter of my reputation anymore. That's Been soiled. And I'll live with that. That. But we are here to protect you. At the bottom of all of this. Go to our website. You're going to start seeing it. We're going to publish everything we've discovered and those are exposures for us when they walk out of here. And you're worried about spending some money having them defend a policy which is in our bylaws. You're worried about us defending ourselves. Think about that for one second. We have $17,250 given to us by about 60 folks, some who don't like me, who don't agree with me. And I said this is not about me. This is about your rights. Your rights. You

Speaker 19
have a right to remove a directorate.

Speaker 4
Let's stop

Speaker 9
fighting among our ourselves what these guys are doing to us or have done to us. You'll find out either at transition or now. I like joc, my colleague Lena, I like her a great deal. Even the woman who made the accusation, which by the way is nonsense, I like her and I think they're doing a great job for us. I was an advocate for that. So let's stop pussyfooting around here and let's just work together as a community. There's no one side here or one side there. Jack's got a difficult job trying to manage this as the declarant. I understand that. And when we made decisions on the board, especially when I suggested those, I wanted them to also benefit from

Speaker 1
it because that's how it works. Win win. We need to have a win win here for ourselves as well. He worked hard, Lena worked hard. The board worked hard over the since January with the very specific items, very big priorities to prioritize what needed to get done. And, and the team worked on that. So that last portion of that I agree wholeheartedly with Tim. The way we move forward is to continue to improve this community, this almost 10 year old community, to allow it to grow, to develop. It's going to have people come in, people come out. Right. The way we move forward is you don't ever have to trust the board. This is unfortunate that there is this lack of trust for. We hear you on the, on the transparency, on the conversations, but we, and actually Prior

to leaving Mr. Gaines, Jeff Gaines was a resident board member. Right. So we've had multiple board members, we have associate committees. We asked you to join those committee, to be a part of those, to contribute to this community. We are looking for that. And Tim would never say it. Lena couldn't say it when we sat and talked in the board meetings about items, about discussion points. We had frank conversations. We said, you're right, Tim. You're right, Nina. Or not quite right, Tim. Not quite right, Nina. Here's how we need to move forward. We talk about those things that happens daily, that happens in board meetings, that happens in discussions and emails on your behalf from both of those resident board members. So that's what's also lost in all this. Your voice is being heard. We hear a lot from some voices. Right, but your voices are being heard. We're taking action. We're prioritizing the. The various things that we've got to do to get done for you and the residents of this community. We value you. I appreciate you being here. Thank you very much. Have a good night.