

Moloa'a Valley Homeowners

RESOLUTION REGARDING CONSTITUTION OF THE FARM REVIEW COMMITTEE AND ITS RULES OF OPERATION

WHEREAS, Section 11 of the *Declaration of Condominium Property Regime of Moloa'a Valley Condominium* states:

"the President of the Association, is hereby granted a power-of-attorney to execute all building permits, governmental applications or similar matters sought by the Association or any unit owner. Said President shall promptly execute all such documents which do not violate law or any Project documents and have been approved by the Farm Review Committee." , and

WHEREAS, Section 3.4 of the Bylaws states:

"The President is hereby granted power-of-attorney on behalf of all Owners to execute any documents requiring an Owner's signature in relation to the Project with the State of Hawaii or the County in which the Project is located, other than amendments to the Declaration, Bylaws, Protective Covenants and House Rules, if any, or any transfer of an interest in any Unit or the common elements." , and

WHEREAS, no rules currently exist pertaining to the structure and duties of the Farm Review Committee; now therefore,

BE IT RESOLVED:

The Farm Review Committee shall have the following structure and rules:

Membership - The Farm Review Committee shall consist of three members, two of whom must be members of the Board of Directors and all of whom must be current condominium owners.

The President of the Association shall be an ex officio member of the committee and shall appoint the additional members who shall be approved by majority vote of the Board of Directors.

Purpose - The purpose of the committee shall be to review and approve all proposed condominium structures and improvements for compliance with the Co-tenancy Agreement, Declaration of Condominium Property Regime of Moloa'a, Bylaws of Moloa'a Valley and any House Rules (hereafter known as the Association Documents) as to agricultural use, setbacks, view plane restrictions,

prohibited uses and activities and any other requirements specified in the Association Documents.

If the committee finds that the proposed improvement is in compliance, the owner shall be notified and if permits are required, the president shall be directed to make application to the County for the appropriate permits.

If the proposed structure is not in compliance, the owner shall be notified as to the reasons for rejection along with any suggestions for changes or corrections to bring the proposal into compliance.

The Farm Review Committee shall also review any existing structures and improvements at the request of any owner in the project. If the existing structure or improvement is found to be not in compliance, the owner shall be notified and the Board of Directors shall take action as appropriate.

Meetings - Meetings may be held in person, by teleconference or by email.

Submissions to the Committee - The Farm Review Committee shall make its own rules as to the content and format of submission.

Approval of Submissions - Because approval is to be based on factual interpretation of the Association Documents, approval must be by unanimous vote of the members of the committee.

Waivers - When a proposed or existing structure is not in compliance with Association requirements regarding setbacks and view planes, the affected owner or owners may agree to waive a requirement. Such waiver must be in writing and recorded with the Bureau of Conveyances. Upon receipt of such waiver, the Committee shall approve the submission after insuring that all affected owners have agreed.

Appeals - Any owner whose submission is rejected by committee may appeal to the Board of Directors for legal clarification and has recourse to arbitration as defined in the Association Documents.

Ammendment - This resolution may be amended at any time by unanimous vote of the Board of Directors.

Passed by vote of 6 yeas and 0 nays on April 28th, 2015



Matt Goodale, Secretary