

PROPOSED RESOLUTION

The following Resolution will be introduced at the general meeting of the Greater Olney Civic Association, Inc. on Tuesday the 11th of May 2021, which will be conducted virtually.

Whereas, an association's board member's fiduciary duties involve three basic components: the duty of care, the duty of loyalty, and the duty to act within the scope of its authority.

Whereas, an association's board members are first and foremost responsible for the personal safety of its members and the protection of its assets. Whereas, when in the performance of their duties, an association's board members must balance the personal safety of its members and the protection of its assets, with the desire of the community.

Whereas, the COVID-19 county guidelines, requirements, and executive orders related to association common use facilities and associated recreational elements are dynamically changing in scope and carry unmanageable timelines which could result in an HOA acting in good faith being accused of gross negligence for not flawlessly executing these county guidelines, requirements, and related executive orders.

Whereas, the CCOC issued an official statement on Common Interest Communities in April 2021 stating that they believe there is no insurance coverage for COVID-19 related claims and that the cost to defend an association, their board of directors and property management company against such claims would be the financial responsibility of every homeowner in an association.

Whereas, the CCOC, management companies, and attorneys have been unable to obtain COVID-19 insurance, hence putting the assets of the association and the board at serious risk.

Whereas, many associations are being advised by the CCOC as well as their management companies, and attorneys to be cautious in regards to opening facilities at this time due to lack of insurance coverage.

Whereas, a signed legal waiver may not be sufficient to protect associations and boards against litigation arising from COVID-19.

Whereas, without the guaranteed protection of associations against litigation, the operation of common use facilities and associated recreational elements cannot be achieved without putting associations and boards at great fiduciary risk.

Resolved, therefore, the Greater Olney Civic Association formally requests the State and County and its responsible officials and agencies, including the DHHS, DHCA and the CCOC, immediately work to protect associations, including their boards and membership from litigation based on COVID-19 or any future pandemics, in connection with the operation of common use facilities and associated recreational elements.