
RESOLUTION PROPOSAL

DATE: August 27, 2009

SUBJECT: Request for Waiver of Tenant Fees Larry Babin

SPONSOR: GM Korhonen

BACKGROUND INFORMATION:

The Board of Directors received a request in July of 2009 from Larry Babin, Captain, US Army concerning the Annual Tenant Fee for Rental Property for a residence he owns at 38 Morewood Place. Capt. Babin and his family were required to move because of an overseas assignment. The residence is being rented because he was unable to sell the property. Captain Babin is requesting a waiver of the Annual Tenant Fee for Rental Property because he is on active duty and stationed out of state.

In an email dated August 19, Capt. Babin provided additional information about his assignment for the board's consideration.

'I am assigned as a Special Victim Prosecutor which means that I am part of the same military unit that all military judges and special prosecutors in the Army throughout the world are assigned. My job prevents me from being assigned to a unit where I am actually stationed. My unit, US Army Legal Services Agency (USALSA) is headquartered in Arlington, Virginia, but I do not work or live in Arlington. As indicated in paragraph (k) of the attached orders, I live in Hawaii and will handle cases throughout the Pacific (i.e. Hawaii, Japan, Korea and possibly Afghanistan). My duties are all outside the continental United States.

Thank you for this opportunity to provide more information for the board's consideration as I will not be able to be present at the board's meeting. The additional fee is described in PM 15.01 Leasing of Property V.C.'

Policy Manual 15.01 Special Policies: Leasing of Property states that 'The Board of Directors reserves the authority to make exceptions [to this policy] when it considers such exceptions to be in the best interest of the Association.'

On January 25, 2007 and October 25, 2007, the Board of Directors granted Lt. Marc Carlin, US Navy a waiver of the Annual Tenant Fee for Rental Property because he was is on active military duty and is stationed out of state.

Attached are the letter from Capt. Babin dated July 15, 2009 and Capt. Babin's orders.

STAFF RECOMMENDATION: Concur.

PROPOSED FINANCIAL IMPACT: Loss of Annual Tenant Fee for Rental Property for one property for approximately one and a half years.

PROPOSED SOURCE OF FUNDING: NA

STRATEGIC PLAN REFERENCE: NA

POSSIBLE MOTION: Move that the Board of Directors **grant [or deny]** a waiver of the Annual Tenant Fee for Rental Property to Capt. Babin for the property 38 Morewood Place for the remainder of the year 2009 and for the year 2010 based on the conditions that he is on active military duty and is stationed out of state.

PERSON RESPONSIBLE FOR FOLLOW UP: General Manager