

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)

CONFLICT OF INTEREST POLICY AND STATEMENT APPLICABLE TO

EPCSA BOARD MEMBERS, OFFICERS AND EMPLOYEES

An amendment to the New Mexico Homeowners Association Act signed into law in 2019 (Senate Bill 150) requires that in the performance of their duties, “officers and members of the Board shall exercise ... ordinary and reasonable care *free from any undisclosed conflict of interest.*” Section 1 H. of the Bill defines a conflict of interest as follows:

“conflict of interest” means that a person accepts or is a beneficiary of a fee, brokerage, gift or other thing of value, other than a fixed salary or compensation, as consideration for an investment, loan, deposit, purchase, sale, exchange, insurance, reinsurance or other transaction made by or for the association, an officer of the Board or the Board; or that a person is financially interested in any capacity in a transaction for the association, except on behalf of the association, an officer of the board or the board”

Although this definition applies mainly to financial considerations, there are other situations in which Board members, officers and employees might have a conflict of interest. Believing it is important that Estancia Primera owners have confidence in the management and administration of EPCSA, the Board establishes the following conflict of interest policy:

1. Each Board member, officer, and employee shall exercise good faith and honesty in all dealings and transactions related to his or her duties to the EPCSA. Such individuals shall not use their positions or knowledge gained from the organization in such a way as to permit a conflict or the appearance of a conflict to arise between the interest of the organization and their own individual interest.
2. If a matter arises in which a Board member, officer, or employee might have a conflict of interest or the appearance of a conflict of interest, that person shall promptly disclose the situation to the Board.
3. Any Board member, officer, or employee having a possible conflict of interest or the appearance of a conflict of interest on any matter before the Board may not use his or her personal influence with the Board to secure a particular outcome or result, he or she favors. A Board member who, as required by Section 2, has acknowledged to the Board a possible conflict of interest or the appearance of a conflict of interest on a matter before the Board shall recuse him- or herself and refrain from voting on associated motions placed before the Board. The minutes of the meeting will reflect that the interested Board member abstained from voting.
4. All Board members, officers, and employees shall complete and submit to the Board secretary the attached disclosure statement for each calendar year during which they are associated with the EPCSA and its administration. The EPCSA Secretary shall provide a copy of this Policy and attached Statement to all Board members, officers, and employees in January of each year, and each Board member, officer, and employee shall sign the statement and return it to the Secretary within 30 days of receiving it. The Secretary shall provide a copy of this Policy and attached Statement to any new Board members elected at the annual Members’ meeting and any newly appointed Board members, officers, and employees as soon as practicable after their election or appointment. Each shall sign the statement and return it to the Secretary within 30 days of receiving it.
5. The EPCSA secretary shall ensure that all signed Statements are retained as part of the EPCSA’s records.

Conflict of Interest Disclosure Statement

I have read and am fully familiar with the EPCSA's conflict of interest policy and agree to comply with the policy. Except for the matters listed below, I know of no situation in which I am involved in which my decision on behalf of the EPCSA may be influenced by my own personal gain or advantage, financial or otherwise. (If you need more room, please attach an additional sheet.)

1. Please describe any existing or potential conflict of interest, or appearance of a conflict of interest you have or may have as a result of your duties to the EPCSA that is associated with any particular contract, financial transaction, or other action that is or may be under consideration by EPCSA or its Board of directors, or that is in effect. If "none," please so state.

2. Briefly summarize your employment history for the past five (5) years.

3. If you serve as a board member, director, trustee, or officer or in any fiduciary capacity for one or more corporations, partnerships, business entities, or organizations (excluding EPCSA or an EPCSA neighborhood subdivision HOA), please list such positions.

4. If there is any other information regarding either actual or potential conflicts of interest or the appearance of conflicts of interest that might affect you in the context of your service to EPCSA, please provide details.

Signature: _____ Date: _____

Print Name: _____

Role with EPCSA: _____