

Harbor Crest 400
Member Meeting Minutes
March 6, 2019

Election of chairman of the annual meeting and Call to Order- Jessica elected and call to order made at 6:45pm

Roll Call and Certifying of proxies -46 limited proxies received (some of the proxy voters were present) – 36 owners signed the attendance sheet. Needed 81 to vote Yes for the 75% to change the covenants and did not have 81 total voters between the proxies and the owners present to vote.

Proof of Notice - Notice was posted in accordance with Florida Law

Disposal of Previous Minutes- Celia Leaird read the minutes of the 2019 Annual meeting, Harold Motion to approve with amendment so wording is “Get people needed for repairs & negotiate contract when the board doesn’t choose to” – Jesse 2nd motion carried.

Community fund disbursement 447– Motion to get a solar light for Flag pole for Approx \$200 Wendell 2nd motion carried.

Rules and regulations change- To have the Pool gate automatically unlock at 7a.m. Jackie moved and Pat L. 2nd the motion carried

Limited Vs. General Proxies- From now on Proxies will be used for all meetings that will require a vote. Some votes will require to be done via Limited proxies according to Florida Statutes.

Please always return the proxy whether its Limited or General before the meeting, in order to establish a quorum, even if you plan on attending, this gives someone else the ability to vote for you, in the case you are unable to attend. If you are present at the meeting and want to revoke your proxy you may do so at that time.

Your limited proxy is your vote on a specific item and your proxy holder may not vote for you on any other issues unless you give them general proxy powers.

Covenant change- Need 75% vote of the members to make amendments to covenants. There were a required 81 voters to vote YES, to the change of the covenants. We did not have a total of 81 voters present between Limited proxy and present owners.

Discussion on what a limited proxy is- Much confusion on why the owners couldn’t vote in person and what a limited proxy entail. Since The owner’s signatures were required to make the change to the covenants and because of the Florida Statutes 718 requirements, the limited proxy was used. We needed 81 owners to return the limited proxy voting Yes with there signature on the form. Owners were given the option to return a limited proxy that night or within 90 days of the meeting.

Jessica our community association manager has provided Florida Statutes [718.112](#) to help identify why a limited Proxy was used,

Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. [718.111](#)(13); for votes taken to amend the declaration pursuant to s. [718.110](#); for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

13. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

Financials & Interest on Reserve— 3 accounts in the arrears but have been notified_ Interest went from .5 in December to 1.5% effective February 2019.

Reserve analysis -was performed by APMS to find that the Reserve is fulling funded.

Electronic consent and Auto pay- APMS Encourages everyone to sign up as it saves the association money

Clarification on if Officers can vote – Officers can't vote unless they carry the title of "owner of Harbor Crest 400" and/or are a "director." Being an officer in itself does not entitle one to be able to vote. An officer must be a board member to be able to vote as a board of directors.

Questions about whether we need a formal election to have 7 board members – All Board members must be elected by the members at the annual meeting and must submit an Intent to run for candidacy form prior to the election.

Jessica has Provided the Florida Statutes and what it has to say about the election of the Board of Directors

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are

no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, coowners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any monetary obligation due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

New Business

If you want to sell you must NOTIFY APMS – An estoppel must be written up for each unit along with a sales application (whether you are an owner already or not) This is specifically to avoid a lien being placed on the unit due to the unit having a delinquent account. There is a \$50 application fee. If this happens after the sale, then the new owner is responsible for any back **owed dues**.

Open Forum

Jan Majewski spoke about how restrictions on property hurts future seller not the owner, urged owners to reevaluate the need to change the covenants.

Adjournment- Frank Young moved to adjourn at 8:10

Respectfully submitted Celia Leaird, Secretary and Jessica Cummings, LCAM