

Changing Voter Threshold

Some of the most important HOA decisions must be made by membership vote, but many associations cannot make those decisions because they fail to get the required number of votes.

Two things have to happen at any meeting where a vote is going to be taken to change governing documents (bylaws and covenants) or elect board members.

First, quorum must be attained. "Quorum" is the minimum number of members participating in person, electronic voting or by proxy so that a membership vote can be taken. Florida regulations call for a minimum of 30% of the closed homes to be considered a quorum. For our community, quorum is 230.

The second thing that has to happen is the vote. This is where the difficulty comes in for Winding Cypress. Our Bylaws substantially exceed the required minimum membership to conduct this vote. The developer established the current approval threshold, per our existing documents, at **2/3 or 66% of all the**

Voting Interests. At full build-out of 766 homes this equates to 511 homes actively participating. This is a very high threshold to attain in order to conduct important Association business, particularly since a number of households inevitably choose not to vote on some or all issues. The failure to attain quorum

or to attain the 2/3 voting threshold can prevent the HOA from taking actions such as election of directors, major assessment changes or amending our Governing documents or bylaws

Meetings that don't have a quorum must be adjourned and rescheduled at a later date. Meetings that can't achieve the 2/3 voter interest threshold cannot change governing documents or elect new directors. This can be a huge problem.

Achieving the needed threshold of voters at a second meeting—if we couldn't get one the first time—is even harder.

The Board, on advice of our attorney, is recommending amending the threshold from 2/3 of all owners to 2/3 of all owners voting, whether in person, electronically or by proxy, at an Association meeting where a quorum has been obtained. For example, if only a quorum of owners (30% of 766 homes or 230) attended the meeting, then 2/3 of those owners who are voting must approve of the proposed amendment. However, if there are more than 230 homes attending the meeting, then 2/3 of those who are attending the meeting, in person or by proxy, must be achieved to approve the proposed amendment. This is a reasonable change as it puts the approval power in the hands of the owners who care to vote.

It makes practical sense that those who participate are those who influence the outcome. Owners have a responsibility to vote on community issues.

Understanding the significance of a quorum helps all homeowners be better neighbors.

Good news: You can be “at” a meeting and across the country at the same time by utilizing our [HOAst voting system](#), that’s the most convenient method to participate when you are out of town. Please encourage your neighbors and friends to enroll.

This proposed document is only the first of the proposed amendments that will require a vote of the Association. Our attorney is currently working on rewriting & modernization of all of our Governing documents, and we will be planning a future town hall and meetings that will necessitate Community involvement.

Many of the provisions in our current documents are written to primarily benefit the Developer. The Board’s goal is to suggest changes that benefit the homeowners. The rest is up to the homeowners that decide to vote!