

PROPOSED CHANGES TO HAMPTON HOA BYLAWS for 2020 (5/2/2020]

ADDITIONS HAVE BEEN DENOTED BY UNDERLINING

~~DELETIONS HAVE BEEN DENOTED BY STRIKE THROUGH~~

**ARTICLE V**

**MEETING OF MEMBERS**

Section 9. **PROXIES.** .....the member executing it. A proxy may not be used in the election of a board member or to fill vacancies caused by recall, resignation or otherwise. Board members must be elected by written ballot or by voting in person

**ARTICLE V**

**MEETING OF MEMBERS**

Section 13. **MINUTES.** Minutes of all open meetings of members shall be kept.....board members at reasonable times. The minutes shall be posted.....in the clubhouse. The Association shall retain these minutes within this state for a period of not less than 5 7 years.

**ARTICLE VII**

**NOMINATION AND ELECTION OF DIRECTORS**

Section 1. **NOMINATION.** .....legal title to their residency. Each member or other eligible resident who desires to be a candidate for the board of directors shall appear on the ballot in alphabetical order by surname. A ballot may not indicate if any of the candidates are an incumbent on the board. All ballots must be uniform in appearance. Write-in candidates and more than one vote per candidate per ballot are not allowed. A ballot may not provide a space for the signature of, or any other means of identifying, a voter. If a ballot contains more votes than vacancies or fewer votes than vacancies, the ballot is invalid unless otherwise stated in the bylaws.

**ARTICLE VII**

**NOMINATION AND ELECTION OF DIRECTORS**

Section 2. **ELECTION.** .....with the vote total for each candidate. Elections shall be decided by a plurality of the ballots cast. A quorum is not required, however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A member may not allow any other person to cast his or her ballot, and any ballots improperly cast are invalid. An election is not required unless there are more candidates nominated than vacancies that are on the board. Upon election of new board members the association shall notify the park owner in writing by certified mail, return receipt requested, of the names and addresses of the new board members.

**ARTICLE VII**

**NOMINATION AND ELECTION OF DIRECTORS**

**(ADD)**

Section 3. **ELECTION COMMITTEE.** An impartial committee, appointed by the Board, shall be responsible for overseeing the election process and complying with all ballot requirements. For purposes of this section, the term “impartial committee” means a committee whose members do not include any of the following people or their spouses:

- A. Current board member.
- B. Current association officers.
- C. Candidates for the association or board.
- D. Any spouse and/or joint resident who lives in the same residence as those identified in A, B, or C, above.

**ARTICLE VII**

**NOMINATION AND ELECTION OF DIRECTORS**

**(ADD)**

Section 4. PROCEDURES. The association bylaws shall provide a method for determining the winner of an election in which two or more candidates for the same position receive the same number of votes. The association shall adopt procedural rules to govern elections, including, but not limited to, rules for providing notice by electronic transmission and rules for maintaining the secrecy of ballots.

## **ARTICLE VIII**

### **MEETING OF DIRECTORS**

Section 5. **OPEN MEETINGS.** .....all members of the Association except for meetings between the park owner and the board of directors or any of the board's committees.

## **ARTICLE VIII**

### **MEETING OF DIRECTORS**

Section 9. **MINUTES.** Minutes of all meetings of the members of an association and meetings open for members of board of Directors and committees of the board shall be kept.....Board members at reasonable times. The minutes of board or committee meetings that are closed to members are privileged and confidential and are not available for inspection or photocopying. Also the minutes will be posted.....retain these minutes within this state for a period of not less than 5 7 years.

## **ARTICLE IX**

### **OFFICERS**

Section 2. **ELECTION OF OFFICERS.** .....absent from the park. Upon election of new officers the association shall notify the park owner in writing by certified mail, return receipt requested, of the names of the new officers.

## ARTICLE IX

### OFFICERS

Section 5. **COMMITTEES.** The Board may appoint regular and special committees to serve for the purposes designated by the Board and for such terms as designate by the Board.

A.

STATUTORY. A committee, not to exceed 5 in number, designated by the Board of Directors of the association shall meet with park owner no later than 60 days before the effective date of a change to discuss the reasons for lot rental increase, reduction of services or utilities, or change in rules and regulations. The committee shall address all lot rental amount increases that are specified in the notice of lot rental amount increase. The committee shall provide a written request to the park owner of issues to be discussed, with supporting documentation.

## ARTICLE X

**ACCOUNTING RECORDS: FISCAL MANAGEMENT: ASSESSMENTS:  
CONTRACTS: ASSOCIATION RECORDS**

**(REPLACE SECTION 1. WITH THE FOLLOWING:)**

**Section 1. BOOKS AND RECORDS.** All financial and accounting records, insurance policies, contracts or agreements and any other written records of the association must be retained within this state for at least 5 years or at least 5 years after the expiration date , as applicable. The official records shall be made available to a member or their authorized representative for inspection or photocopying within 20 business days of receipt by the board or it's designee of a written request submitted by certified mail, return receipt requested. The failure of an association to provide access to the records within 20 business days

after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association failed to comply with this subsection. A member who is denied access to official records is entitled to damages for the associations willful failure to comply with this subsection in the amount of \$10 per calendar day up to 10 days, not to exceed \$100. The calculation for damages begins on the 21st business day after receipt of the written request, submitted by certified mail, return receipt requested.

## ARTICLE X

### **ACCOUNTING RECORDS: FISCAL MANAGEMENT: ASSESSMENTS: CONTRACTS: ASSOCIATION RECORDS**

#### **Section 9. CONTRACTS: (ADD)**

**A. AUTHORIZATION.** The HOA Board is authorized to award contracts in accordance with FS 723.079 for the benefit of the HOA or the residents of The Hamptons. Awarding the contract cannot financially benefit any individual member of the Board or any individual member of the community.

**B. APPROVAL:** The contract must be approved by a majority vote of the Board of Directors and signed by both the President and the Treasurer.

**c: Record Copy:** The record copy of the contract shall be maintained by the Treasurer for a period of five years beyond the fulfillment of the contract. This will be presented to any audit committee upon request.

## ARTICLE XVI

### DEADLOCK

(ADD)

**K. ALTERNATIVE RESOLUTION OF RECALL, ELECTION AND INSPECTION AND PHOTOCOPYING OF OFFICIAL RECORDS.** A dispute between a member and the HOA regarding the election and recall of officers or directors under FS 723.078 (2)(b))or regarding the inspection or photocopying of official records under FS 723.079(5) must be submitted to mandatory binding arbitration with the division. The arbitration must be conducted pursuant to FS 723.1255 and the procedural rules adopted by the division. Each party shall be responsible for paying it's own attorney fees, expert and investigator fees, and associated costs. The cost of the arbitrator shall be divided equally between the parties, regardless of the outcome. The division shall adopt procedural rules to govern mandatory binding arbitration proceedings.