

Voting and Vote Tally Procedures Special Meeting by Mail

The Rivers Edge Property Owners Association (Association) conducts meetings open to all property owners/members of the Association when a formal vote on one or more measures must be taken. The most familiar meeting is the Annual Meeting where members may be present at the meeting, or may participate by proxy. Special Meetings may be called between Annual Meetings. Special Meetings may be in person plus proxy, like the annual meeting, or they may be conducted entirely by mail. For Associations with large numbers of members located some distance from the meeting place, a meeting by mail is the most common.

For a special meeting by mail, all members participate by means of a ballot, often referred to as a proxy ballot, submitted according to the instructions on the ballot to the Management Company employed by the Association. For any Special Meeting by mail, the only business conducted is tallying and reporting on the measure under consideration.

The process for the Special Meeting by mail to vote on a proposed amendment to the Master Declaration to change the voting rights and assessment obligations of the Golf Course, a Class B member of the Associationⁱ follows.

Introduction

A vote on an amendment to change the voting rights and assessment obligation of the Golf Course, a Class B (recreational amenity) member of the Association, has been conducted through a Special Meeting by Mail held in accordance with our Master Declaration and applicable NC statutes. Votes received or postmarked on or before the close of voting specified on the ballot (February 16, 2018) are counted unless unresponsive for failing to complete the ballot. Votes will be tallied, and results announced, on February 22, 2018, allowing time for ballots postmarked on or before February 16 to be received.

Receipt of votes and entry into a tally sheet that includes all members is the responsibility of the Association's management company, consistent with how elections and other votes have been conducted since the early years of the Association. To complete the process, the vote tally will be verified and reported by the Management Company to representatives of the Associationⁱⁱ on February 22. The results then will be reported to the Association.

There are four steps in the tally process.

The Ballot

- The Ballot requires, in addition to the measure being considered, the address, date, and signature of the property owner. Owners of multiple lots receive one ballot for each property owned. Class B members of the Association will receive one ballot that represents all entitled votes. In accord with applicable NC statutes, only one signature of a property owner is required.
- The Ballot contains specific instructions for filling out the ballot and the time, date, place and means of submitting in order for the ballot to be accepted.

- Submitted ballots that make no selection on the measure submitted for approval will be determined to be unresponsive.
- All ballots are confidential. Only the Management Company has access to individual ballots.

Determination of a quorum

- On February 22, the Management Company first will report to the three representatives of the Association on the total number of signed ballots received. The group will verify the satisfaction of the quorum, or the meeting will be adjourned (no vote tally taken) if a quorum has not been achieved. If the quorum requirement is satisfied, the meeting will proceed to the vote tally process.
- The complete roster of owners as of the date of the Notice of the Special Meeting by Mail, maintained by the Management Company, is the basis for the determination of a quorum. The Management Company will provide a copy of the “complete roster” to the Election Committee.
- A quorum is satisfied by the submission of a signed ballot from a minimum of 25% of the total property owners in the Association.
- Only signed ballots are counted in the determination of a quorum. Unsigned ballots do not count for purposes of a quorum and are not included in the vote tally.

Vote tally

- The Management Company will conduct the count of votes cast.
- The Management Company will report:
 - The total number of ballots returned
 - The number of responsive ballots returned
 - The number of votes supporting the measure
 - The number of votes opposing the measure
 - The number of ballots determined to be unresponsive to the ballot question (these are not counted either for or against the motion)
- In the event the difference between the votes cast supporting the measure and votes opposing the measure is less than 5% of the number of responsive ballots, the representatives of the Association will request the Management Company to conduct a separate verification of the election results and report to the representatives of the Association the results.
- A simple majority (1 more vote supporting than disapproving) in support is required for a measure to prevail.

Reporting

- Immediately following the vote tally on February 22, property owners will be notified via a news posting on the website and a Flash e-mail message from the Board. Property owners who have not provided the Association with an e-mail address will be notified in the materials accompanying the Annual Meeting notice.

- Minutes documenting the entire conduct of the Special Meeting will be submitted by the Management Company for approval by the Board. These minutes will be posted on the REPOA website.

ⁱ A Class B member of the Association is a commercial entity like the Golf Course that has membership privileges and obligations defined in the Master Declaration, but does not own property other than the commercial facility itself. The Golf Course is the only Class B member included in the Rivers Edge Master Declaration.

ⁱⁱ Gene Vasile and Bob Moore from the Governance Committee and Ron Johnson from the Board.