

BERMUDA GREENS CONDOMINIUM ASSOCIATION, INC.

NOTICE OF MEETING OF THE BOARD OF DIRECTORS

NOTICE is hereby given of a meeting of the Board of Directors at the date, time, and location shown below:

Call in Instructions Only: (US) 1-312-757-3121, Access Code: 352-259-733

Date: Tuesday, January 25, 2022

Time: 3:00 p.m.

Location: Onsite Meeting at Clubhouse, 13136 Castle Harbour Drive, Naples, FL 34110

Meeting: Please **mute your phone** unless speaking for those calling in!

AGENDA:

1. Call to Order
2. Proof of Notice
3. Establish a Quorum
4. Disposition of Meeting Minutes
 - a. 9/22/21 and 11/23/21
5. Old Business
 - a. Update on Painting and Building Restoration
6. New Business
 - a. Electronic Voting
7. Adjournment
8. Owner's Forum (Onsite & offsite questions) – Unmute phones

**RESOLUTION AUTHORIZING ELECTRONIC VOTING AND PARTICIPATION FOR
ASSOCIATION MEETINGS AND ELECTIONS
BERMUDA GREENS CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, Section 718.128, Florida Statutes (2021) provides that an association may conduct elections and other Member votes through an Internet-based online voting system if an owner consents, in writing, to online voting and if various requirements are met; and

WHEREAS, the Board of Directors has determined it to be in the best interest of the Bermuda Greens Condominium Association, Inc. (the "Association") to enable the use of electronic voting in Association matters and to create the requisite authority required by the above-referenced statute.

NOW THEREFORE, it is resolved as follows:

1. The Association may permit Members who desire to do so the ability to utilize electronic voting in conformance with the above-referenced statute, as amended from time to time, as well as any applicable administrative rules of the Florida Department of Business and Professional Regulation, as may now exist, be hereafter adopted, or as the same may be amended from time to time.

2. The Board or its President may determine that utilizing electronic voting is not in the best interest of the Association as to any particular meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic voting at any particular meeting or election.

3. Notice to Members of the opportunity to vote through an online voting system shall be provided as required by law.

4. The Association hereby adopts the following forms, which are incorporated into this Resolution by reference:

a. Attached as **Exhibit "A"** is the "Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings," which Members may sign and file with the Association, or which may be affirmed by Members, in order for Members to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and

b. Attached as **Exhibit "B"** is the "Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings," which Members may sign and file with the Association, or which may be affirmed by the Members, to revoke their consent to electronic voting and/or their consent to receive electronic notice of meetings.

Unless prohibited by law, an e-mail notification from an Member to the Association may be used in lieu of a signed consent or revocation form, in which case the terms of the attached

consent and revocation forms are incorporated by reference and shall be deemed affirmed by the Member when consent is given or revoked by e-mail. Additionally, any Member may electronically execute the consent or revocation documents, including by online means.

5. In order to implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services. The Board shall use reasonable judgment to ensure that such vendors' services comply with the requirements of law.

6. The Association or its agent shall notify Members in meeting notice materials, as provided by law, of the ability to vote electronically, including but not limited to the provider's e-mail address or website in a manner the Association reasonably believes to be sufficient to enable Members to participate in electronic voting.

7. Members who consent to vote by electronic means may still vote in person, if they choose, by paper means (use of proxies and ballots), or may send proxies to the Association by facsimile transmission or electronic mail, to the extent the Association otherwise receives and accepts proxies through such media. In the event of multiple votes cast by a Unit as to the same matter, the vote cast first in the election of Directors shall prevail, while the last vote cast will prevail with respect to non-election issues.

8. By signing or affirming the consent form attached as Exhibit "A" hereto and otherwise choosing to vote electronically as enabled by this Resolution, each Member recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the Member's e-mail address. As such, and as a condition of the Association's agreement to permit electronic voting, each Member who consents to electronic voting releases and waives any claim against the Association pertaining to such voting, including but not limited to the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like. Each Member who consents to electronic voting also consents to the Association's publication of their e-mail address, as well as other information (including necessary personal identifying information) to electronic voting service providers or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes. Such information shall not be considered an official record, and shall not be available for Member inspection unless required by law.

9. By signing or affirming the consent form attached as Exhibit "A" hereto, each Member further recognizes that internet/electronic communications may be subject to failure, interruptions, or other problems due to a variety of reasons, including but not limited to Member operator error, provider system or server failures, "spam" blockers, power outages, and the like. As such, and as a condition of the Association's agreement to permit electronic voting, each Member who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where an Member vote was not received or counted by the Association due to no fault of the

Board of Directors or management.

This Resolution was adopted by the Board of Directors on the _____ day of _____, 2022, and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by notice provided to each Member fourteen (14) days in advance of said meeting either by U.S. mail, hand-delivery, or electronic mail (in cases where Members have consented to receive official Association notices by electronic mail) and by posting said notice conspicuously on the Common Property fourteen (14) days in advance of said meeting. An Affidavit attesting to such notice is kept amongst the official records of the Association.

There are 5 total Board members. The number of Board members who voted in favor of this Resolution is _____. The number of Board members who voted against this Resolution is _____.

The vote of each Director is reflected in the minutes of the meeting at which this resolution was adopted.

BERMUDA GREENS CONDOMINIUM ASSOCIATION, INC.

By: _____

Print Name: _____

Its: _____

Dated: _____

THIS IS A SAMPLE ONLY



BERMUDA GREENS
Condominium Association

CONSENT TO ELECTRONIC VOTING AND CONSENT TO RECEIVE ELECTRONIC NOTICE OF MEETINGS

The undersigned, being all the owners, or an eligible voter, for Unit _____ in Bermuda Greens hereby consent in writing to **ELECTRONIC VOTING and ELECTRONIC NOTICE.**

I/we designate the email address set forth below to be used for voting electronically at meetings and elections for Bermuda Greens Condominium Association, Inc. ("Association").

I/we also designate the email address set forth below to be used to receive notice by electronic transmission for meetings of the Board of Directors, Committees, and Annual and Special Meetings of the Members of Bermuda Greens.

Mailed/paper notice may not be provided, and my email address designated for receiving electronic notice will be an Association official record, unless I/we rescind our consent.

For Electronic Voting, this form must be signed and on file with the Association prior to the meeting or election where Electronic Voting will be used by the deadline set by the Board or its third-party vendor as to any specific meeting. If you want to change your email address, the Association needs to be notified prior to any deadline established for a vote. The Board may set a deadline for receiving electronic votes (either in the election of Directors or other meeting) that is for a date in advance of the meeting.

All Owners or Eligible Voter, please enter your email address, print name, date, and sign below.

Sign Name

Print Name

Date

Sign Name

Print Name

Date

EMAIL ADDRESS

Exhibit "A" to Resolution

THIS IS A SAMPLE ONLY



BERMUDA GREENS Condominium Association

REVOCAION OF CONSENT TO ELECTRONIC VOTING AND/OR REVOCAION OF CONSENT TO RECEIVE ELECTRONIC NOTICE OF MEETINGS

The undersigned, being all the owners, or an eligible voter for Unit _____ in Bermuda Greens have previously consented in writing to electronic voting at meetings and elections and/or to receive electronic notice of meetings / elections for ***Bermuda Greens Condominium Association, Inc.*** ("***Association***"), as permitted by law and duly filed with the Association.

I/We hereby **revoke** my/our consent for the following (check all that apply):

- Electronic Voting**
- Electronic Notice**

The undersigned understands and agrees that if revoking consent for electronic voting, this form must be signed and on file with the Association no later than 30 days, or such other deadline established by the Board, prior to the meeting or election in which the Member wishes to revoke consent to vote by electronic means or the revocation will not be effective until the next membership meeting and/or election. However, if the Association receives this revocation after the established deadline, the revocation will be effective for the next subsequent membership meeting.

Furthermore, the undersigned understands and agrees that if revoking consent for electronic notice, this form must be signed and on file with the Association no later than seventy-two (72) hours prior to the Association sending notice of a meeting or election in which the Member wishes to revoke consent to electronic notice or the revocation will not be effective until the next meeting and/or election.

All Members of the property identified above or Eligible Voter, Please Print Name, Affix Date and Sign Below:

Sign

Print Name

Date

EXHIBIT B