

Lely Country Club Property Owners Association, Inc.

Board Meeting Minutes

April 8, 2024

1. Call to Order & Establish Quorum:

Mark Bachelor called the meeting to order at 6.00 p.m. at the Royal Palm Country Club.

Due notice was given, and a quorum was met with the following attendees:

- Karen Poufcas
- Will Rudman
- Jason Donahue
- Greg Johnson
- Mark Bachelor
- Paul Labonte
- Jerry Golf

Via Zoom

- Philippe Gabart of Resort Management.
- David Hurst of Resort Management.
- Several unit owners.

2. Approval of Minutes:

The meeting minutes of March 19, 2024, were distributed to the board members in advance of the meeting.

Paul Labonte moved to approve the minutes as distributed of March 19, 2024. The motion was seconded by Will Rudman. The motion passed unanimously.

3. President Report:

- Introduction of Property Manager, Philippe Gabart.
- Update on the repair of the entrance sign at St. Andrew, which was damaged by a past hurricane. Lely CC POA will contribute fifty percent of the cost for the repair or replacement.

4. Treasurers report:

Paul Labonte provided the following financial updates:

In January, the Association reported an operating surplus of \$3,829. They started with \$100,783 in the operating account and ended with \$152,678, typical for the season due to dues collection. The reserve fund began at \$93,952, added \$25,000 for the year's contribution, earned \$23 interest, ending January at \$118,975.

In February, the surplus was \$7,648, starting with \$152,678 and ending with \$155,063 in the operating funds. In reserves, they earned \$24 interest, expended no funds, ending February with \$118,999.

Comparatively, the operating fund on February 29, 2024, is \$18,025 higher than the previous year's. Improved accounts receivable collection contributed, possibly due to earlier bill issuance. Year-end cash balances project to about \$48,000 in the operating account and \$79,000 in the reserve fund if expenses align with the budget.

It has been suggested that we schedule a meeting with Resort Management's accounting team to explore potential investment options in Certificates of Deposit (CDs) for the reserves.

5. Old Business:

a. Lease restriction update:

A comprehensive review of the Amendment to Article 3.25 of the Amended and Restated Declaration and General Protective Covenants.

During the discussion, we deliberated on the most effective approach to notify owners and distribute the newly revised lease application.

There was a suggestion to send the draft lease application to the Association's legal counsel for review, ensuring compliance with Association governing documents and other applicable laws.

Additionally, it was recommended to schedule a meeting at Resort Management for the final discussion and implementation process.

6. New Business:

a. Declaration Amendments 8.02:

General overview of the Vote on Proposed Amendment to Article 8.02 of the Amended and Restated Declaration and General Protective Covenants.

Regrettably, the current requirement and vote indicate that the amendment did not pass.

Will Rudman debated the case, contending that the current results were inaccurate. He cited Florida Statute 720 and the POA's existing documents to support his argument. Will asserted that the vote on Amendment 8.02 should be based on a majority of the voting interest rather than the 2/3 requirement that was utilized for the vote. Additionally, it was noted that the 2/3 requirement stemmed from a legal opinion provided by the Association's legal counsel, Jennifer Biletnikoff. Her recommendation was grounded in the belief that employing a simple majority to enact the amendment could potentially face legal challenges, whereas a 2/3 majority would be a more cautious approach.

Following a comprehensive discussion, consensus was reached to proceed with a motion for the Board to approve the amendment change in 8.02 utilizing a simple majority instead of the previously required 2/3 of the voting interest.

Paul Labonte proposed to accept the change in Amendment 8.02, utilizing a simple majority of the entire voting interest, whether in person or by proxy. The motion was seconded by Greg Johnson. The outcome of the vote was as follows:

- | | |
|-----------------|---------|
| • Karen Poufcas | Yes |
| • Will Rudman | Yes |
| • Jason Donahue | Abstain |
| • Greg Johnson | Yes |
| • Mark Bachelor | Yes |
| • Paul Labonte | Yes |
| • Jerry Golf | No |

The manager is tasked with informing the Association's legal counsel, Jennifer Biletnikoff, of the Board's final decision to approve Amendment 8.02.

7. Adjournment:

At the conclusion of the meeting, a motion to adjourn was proposed by Jerry Golf and seconded by Will Rudman. The motion was met with unanimous approval, and the meeting adjourned promptly at 7:00 p.m.

Respectfully submitted.

Philippe Gabart, CAM