

HOA General Meeting

May 9th - 7pm

Minutes

Approximately 85 residents attending

A registration table for the Board Election vote was provided at the door and ballots issued

Board members present:

Candi Walker

Don Payne

Merit Herman

Eugene Markowitz

Gene Rosenthal

Carol Smith

Amalie Sinclair.

The minutes of HOA March 2019 were approved by show of hands

Eugene provided the Treasurers Report. This detailed a balance of \$1,989.50 as of March 14th. Subsequent activity to May 9th 2019 being deposits of \$260 representing 26 homeowners membership dues and a check of \$158.50 being the shared cost for website. The May 9th balance is \$2,408.00. On March 14th the separate JAMS account for arbitration held \$12,011.75

it was requested that members dues of \$10 for 2019 be paid.

These can be placed in Eugene's mailbox at #94, or left in the De Anza office for collection.

Eugene mentioned that it would take a little while to prepare the receipts for dues collected at the HOA meeting this evening, but that these will be left in the residents' mailbox when available.

- Don Payne discussed the changes to the By Laws and the Articles of Incorporation. These were included in printed sheets attached to the May 9th HOA Agenda and distributed to all attending residents.
- The issue had been raised by Dan Brinkman earlier in 2019, and had been discussed at length by the board with a subsequent motion for presentation to the community and vote on proposed amendment.
- The problem dates from a prior revision in 2015, during which process the Bye Laws were considerably developed. An amendment was included for the Article of Incorporation, which used language, which was inconsistent. There was a discrepancy between the By Laws and the Article of Incorporation. Basically the change required in order to clarify and bring these two documentations into alignment is very simple. It requires that the word "renters" be removed from the Articles and that the By Laws

clearly reflect that the HOA is established for De Anza homeowners. The language for “tenancy” in the By Laws is confusing and should be replaced by “homeowner” which is an accurate definition.

Another issue is that the initial language in the Bye Laws describing a “Proxy vote “ was also be revised to reflect that all dues paying HOA members can obtain a proxy through application to any board member (a single individual) rather than this process requiring approval by majority of board members.

A comment from the floor was provided to clarify that:

Any board member who is not standing for election may approve an application for proxy vote, but not those who are standing for election, who may not participate in proxy vote approval.

A question was asked regarding the process. Clarification was that one proxy vote would be available per household.

The vote for amendment of the described documents was taken and passed unanimously by show of hands. The Articles of Incorporation, By Laws and details regarding Proxy vote are therefore updated accordingly.

A resident brought forwards a request to ask further question of the two candidates for HOA President, prior to vote being taken. This was because some residents might still be undecided.

Eugene stated that an opportunity for question and answer had been provided at the election forum on April 19th and that it would not be appropriate to included further commentary. A resident mentioned that Merit Herman did not attend the prior question and answer session. Eugene said that the voter choice was between Candi Walker as the incumbent HOA President and Merit Herman currently standing for election to the position of HOA President. All other elected positions being unopposed, with single candidate running for office.

- The vote was taken, the voting box was passed to all residents, and all ballot slips were deposited
- Following the collection of the ballot slips, a motion to close the voting was passed at 7:45pm
- The votes were taken to be counted, during the interim, refreshments were provided
- At 8 pm, the vote count was completed and finalized
- Eugene Markowitz declared the results of the election
- A new HOA President Merit Hermann had been elected
- The retiring HOA President Candi Walker was formally thanked by the board and the community for her many years of service

The meeting ended at with considerable applause, congratulation and good wishes extended.