

# Board of Directors Resolution

The Townhomes at Marbella on Cypress

## RESOLUTION AUTHORIZING ELECTRONIC VOTING FOR ASSOCIATION MEETINGS AND ELECTIONS

**WHEREAS**, Section 720.317 of the Florida Statutes provides that an association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, in writing, to online voting and if certain requirements are met; and

**WHEREAS**, the Board of Directors of The Townhomes at Marbella on Cypress, Inc. (the “Association”) has determined that it would be beneficial to the Members of the Association to enable the use of electronic voting in Association matters;

**NOW, THEREFORE**, it is resolved as follows:

1. Use of an online voting system is hereby provided for and authorized as permitted by Florida Statute, and any applicable provisions of Florida Code, as both may be amended from time to time.
2. The online voting system authorized by this Resolution may be used for any matter that requires a vote of the Members, but the Board of Directors may determine that utilizing electronic voting is not in the best interests of the Association as to any particular meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic voting for any particular meeting or election.
3. Unit Owners shall receive notice of the opportunity to vote through an online voting system as required by law once the Association has entered into a contract with an online voting vendor.
4. In order to implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services. The Board of Directors shall exercise reasonable business judgment to ensure that such vendor’s services comply with the requirements of law.
5. When the Association utilizes online voting for a vote of the Members, the notice materials required by law shall notify Members of the ability to vote electronically, in a manner the Association reasonably believes to be sufficient to enable the Members to participate in electronic voting.
6. Once a Unit Owner consents to electronic voting, the Unit Owner will no longer receive mailed/paper ballots or proxies until such time as the Unit Owner rescinds the consent to electronic voting. Once a Unit Owner consents to receipt of notice

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electronically, the Unit Owner will no longer receive mailed/paper notice until such time as the Unit Owner rescinds the consent to receiving notice electronically.

7. Electronic voting will be closed at the start of the meeting at which a vote is held.

8. For the election of directors, a vote cast electronically will be final. A Unit Owner who does not cast their vote electronically will have the option of obtaining a ballot to vote in person at the meeting at which the election is held.

9. For membership votes other than the election of directors, a vote cast electronically may be revoked at any time by the Unit Owner up until such time as the vote is closed at the meeting at which the vote is held. For votes other than the election of directors, any Unit Owner also will have the option of casting a vote in person at the meeting at which the vote is held; if the Unit Owner had previously voted electronically, a vote cast in person by that Unit Owner will revoke the prior electronic vote and waives any claim or challenge to such voting, including but not limited to situations where a Member vote was not received or counted by the Association due to no fault of the Board of Directors or management.

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I, the undersigned, do hereby certify:

1. That I am the duly elected and acting Secretary of The Townhomes at Marbella on Cypress; and
2. That the foregoing constitutes a Resolution of the Board of Directors, as duly adopted at a meeting of the Board of Directors thereof, held on the 18<sup>th</sup> day of January, 2021.

IN WITNESS WHEREOF, I have hereunto subscribed by name,  
this 18<sup>th</sup> day of January, 2021.

*Colleen Muffley*

Colleen Muffley (Jan 18, 2021 21:35 EST)

Secretary, Board of Directors  
The Townhomes at Marbella on Cypress, Inc.