

## Notice of Special Meeting of the Voting Members of Evergreen Homeowners Association

To: The Voting Members of Evergreen Homeowners Association

From: Board of Directors

Date: May 29, 2017

Re: **Vote on Amendments to By-Laws**

Meeting Date: **Saturday July 15, 5:00PM**, to coincide with the Annual Membership meeting

Location: **South Shore Lake Tamarack**

The purpose of the Special Meeting will be to vote on the proposed amendment to (1) Article IV, Section 4.03 of the By-Laws of Evergreen of Hoffman Estates Homeowners Association to eliminate cumulative voting in elections; (2) Article IV, Section 4.08 of the By-Laws of Evergreen of Hoffman Estates Homeowners Association to address what portion of a board meeting is open to owners, and to address what matters can be addressed in an executive session of the Board or outside of a Board meeting; (3) Article V, Section 5.01 of the By-Laws of Evergreen of Hoffman Estates Homeowners Association to permit the Board to levy fines for violations of the Declarations, By-Laws, or Rules; (4) Article VI, Section 6.05 of the By-Laws of Evergreen of Hoffman Estates Homeowners Association to permit the Board to charge a reasonable fee to cover the cost of retrieving books and records as may properly be requested by owners; and (5) to add a new Article XIII of the By-Laws of Evergreen of Hoffman Estates Homeowners Association to address the use of technology to conduct Association business, all as more fully described in the proposed Amended By-Laws of Evergreen of Hoffman Estates Homeowners Association, and to act on any other business as may properly come before said meeting.

The proposed By-Laws will be posted approximately June 10, 2017 on the Evergreen website under General Information for your review [www.evergreenassociation.com](http://www.evergreenassociation.com)

**WE NEED YOUR PARTICIPATION:** All voting members are encouraged to attend the meeting in person. However, if you are unable to attend the meeting in person (or unsure if you can make the meeting in person), you may vote by the attached proxy. The proxy needs to be completed in full, dated, signed, and returned to the Evergreen Secretary (address below) by July 13, 2017.

In order for these proposals to pass, we need a majority homeowner affirmative vote which is 96 of 191 homes.

### PROXY BALLOT INSTRUCTIONS:

- Top of the page: If you don't know who to list as the proxy at the top of the proxy ballot, you can leave it blank and the Secretary will automatically serve as your proxy by default. If your household sends a completed proxy, and then also submits a ballot in person at the member meeting, the ballot submitted at the member meeting will be the prevailing vote. Also write-in the date of the meeting, July 15, 2017
- Ballot section: Use your initials -- You must vote for each individual item / number with IN FAVOR or AGAINST (i.e., vote for 1a or 1b, then 2a or 2b, and so on.)
- Bottom of page: Complete all blanks – date, Evergreen street address, printed name, and signature.

### Return the completed proxy to:

Evergreen Homeowners Association

ATTN: Secretary - Proxy Ballot

PO Box 3172

Barrington, IL 60011

The front of this page is your official meeting notice. The remainder of this message is a basic explanation of the proposed changes to our By-Laws. You can download and review a copy of both the current and proposed By-Laws from our website [www.evergreenassociation.com](http://www.evergreenassociation.com) (look under "General Information"). Note that the Proposed By-Laws will be posted approximately June 10, 2017.

- 1) Article IV, Section 4.03 – eliminate cumulative voting. Cumulative voting allows a person to pool or combine all their votes for a single candidate. Example: Let's say we had 3 board of directors positions up for election. In simple voting, each household would place one vote for each of the three vacancies. In cumulative voting, a household could combine and cast all three of their votes for a single candidate. The cumulative method of voting was generally intended for use in corporations where larger shareholders had more votes, and this was a way to give smaller shareholders a bigger voice. In Evergreen, all households have the same voting power.
- 2) Article IV, Section 4.08 – board meetings. It is proposed that the board may close any portion of a noticed meeting or meet separately from a noticed meeting: (i) to discuss probable or pending litigation; (ii) to discuss third party contracts or information regarding appointment, employment, engagement, or dismissal of an employee, independent contractor, agent, or other provider of goods and services; (iii) to interview a potential employee, independent contractor, agent, or other provider of goods and services; (iv) to discuss violations of the rules and regulations of the association; (v) to discuss member's or unit owner's unpaid share of common expenses; or (vi) to consult with the association's legal counsel. This permits limited use of workshops, held without notice and without owners in attendance, to discuss issues that can be discussed in "executive session". The By-Laws currently permit some but not all of these points; this proposal will bring us in alignment with current Illinois legislation.
- 3) Article V, Section 5.01 – levy fines. Our current By-Laws allow us to levy penalties against homeowners for violations on their private property, but is unclear regarding penalties for violations on common areas. This proposal will expand and clarify to allow fines to be levied against homeowners for violations on the common areas (as an example, if someone damages the common areas).
- 4) Article VI, Section 6.05 – charging reasonable fees: Clarifying the existing verbiage to more clearly state that the board can charge to reasonable fees to cover the costs of paperwork requests from homeowners
- 5) New Article XIII – a new article that broadly allows "currently acceptable technological means" for official homeowners and board communications; there is no provision for this in our current By-Laws.

The Board recommends a vote of **IN FAVOR** for all five of the proposals above. **WE NEED YOUR PARTICIPATION** so please mail your proxy by July 5<sup>th</sup>, or attend and vote.

If you have any questions, please contact any Board member. Please note that I am traveling out of the country for two weeks so responses will be very delayed during that time.

Regards,

Chris Vessell  
Evergreen Homeowners Association, Secretary  
[cmvessel@gmail.com](mailto:cmvessel@gmail.com)