

The Legends at Grove City Condominium Association

Administration Policy

A-03

Policy on Election of Executive Board Members

Drafted: January 17, 2024

Adopted:

Revised:

Policy and Procedure for the Election of Executive Board Members

Information on the upcoming Election will be emailed to Unit Owners by July 15, which includes an application to become an Executive Board Member.

Unit Owners interested in become an Executive Board member shall submit a completed application with a biographical sketch to the Association by July 30.

The Executive Board shall mail an Official Ballot together with a copy of all candidates applications, that includes signatures of two (2) Unit Owners and biographical sketches, to all Unit Owners not less than twenty (20) days prior to the date set for the election or August 15.

Mail-in Ballots must be by mail by September 15 or returned in person by 5 p.m. on the day of the Annual Meeting.

The Ballots will be mailed to and/or be collected by the Association Accountant. The results of the Election will be announced at the Annual Meeting. Recording the total number of unit owners casting votes and the total votes for each candidate. The candidates with the highest vote total will be elected. If more than one seat on the Executive Board is open, the candidate with the next highest vote total will be elected and so forth.

In the event there is insufficient candidates for positions open, nominations can be made from the floor at the Annual Meeting and a vote of the owners will take place.

In the event an Executive Board member resigns or is removed in midterm, the Executive Board will elect a replacement to serve until the next Annual Meeting.

Legal Document References

Public Offering: No Reference

Declaration of Condominium: No Reference

By-Laws

ELECTION AND TERM OF OFFICE. a. At the annual meetings of the Association, subject to Article X of the Declaration, the election of members of the Executive Board shall be held. Elections may also be held by mail as set forth in Section 2.8 hereinabove. At the first annual meeting after control of the Executive Board is vested in accordance with Article X or the Declaration, two (2) board members shall be elected for two (2) year terms and one for a one (1) year term. Thereafter, the term of office of any Executive Board member to be elected (except as set forth in Sections 2.4 (b), (c) and (d) and 3.5 hereof) shall be two (2) years. If the Board is expanded to five (5) members, one (1) of the two (2) new members shall be elected for a one (1) year term, one (1) for a two (2) year term. The members of the Executive Board shall hold office until the earliest to occur of the election of their respective successors or their death, adjudication of incompetency, removal or resignation. An Executive Board member may serve an unlimited number of terms and may succeed himself. b. Persons qualified to be members of the Executive Board may be nominated for election only as follows: (1) Any Unit Owner may submit to the Secretary at least thirty (30) days before the meeting at which the election is to be held a nominating petition signed by Unit Owners owning at least two (2) Units in the aggregate, together with a statement that the person nominated is willing to serve on the Executive Board and a biographical sketch of the nominee. The Secretary shall mail or hand deliver the submitted items to every Unit Owner along with the Notice of such meeting; and (2) Nominations may be submitted from the floor at the meeting at which the election is held for each vacancy on the Executive Board for which no more than one (1) person has been nominated by petition; and (3) In the event an election is held by mail, nominations shall be submitted by mail not less than forty-five (45) days prior to the date selected for the election and shall be accompanied by a biographical sketch. The Executive Board shall mail an official ballot together with a copy of the biographical information, to all Unit Owners not less than twenty (20) days prior to the date set for the election. Ballots may be returned in person or by mail up to 5:00 p.m. on the date set for the election.

3.4 REMOVAL OR RESIGNATION OF MEMBERS OF THE EXECUTIVE BOARD.

a. Except with respect to members designated by Declarant, at any regular or special meeting of the Association duly called, anyone (1) or more of the members of the Exec-

utive Board may be removed with or without cause by Unit Owners entitled to cast a majority of all votes in the Association and a successor may then and there be elected to fill the vacancy thus created. Any Unit Owner proposing removal of a Board member shall give notice thereof to the Secretary. Any member whose removal has been proposed by a Unit Owner shall be given at least ten (10) days' notice by the Secretary of the time, place and purpose of the meeting and shall be given an opportunity to be heard at the meeting. b. A member of the Executive Board may resign at any time and shall be deemed to have resigned upon transfer of title to his Unit, or upon termination of his relationship with the Unit Owner. Declarant shall have the right to remove and replace any or all members appointed by Declarant at any time and from time to time until the required resignation date 6 specified in Article X of the Declaration.

3.5 VACANCIES. Except as set forth in Section 3.4 above with respect to members appointed by Declarant, vacancies in the Executive Board caused by any reason other than by a vote of a majority of the remaining members at a special meeting of the Executive Board held for such purpose promptly after the occurrence of any such vacancy, even though the members present at such meeting may constitute less than a quorum. Each person so elected shall be a member of the Executive Board for the remainder of the term of the member being replaced and until a successor shall be elected at the next annual meeting of the Association at which such seat is to be filled upon expiration of the term of his predecessor. In the case of multiple vacancies, the member receiving the greatest number of votes shall be elected for the longest term

2.7 VOTING. Voting at all meetings of the Association shall be based upon one vote per Unit. Where the ownership of a Unit is titled in more than one (1) Person, the Person who shall be entitled to cast the vote of such Unit shall be the Person named in a certificate executed by all of the Owners of such Unit and filed with the Secretary or, in the absence of such named Person from the meeting, the Person who shall be entitled to cast the vote of such Unit shall be the Person owning such Unit who is present. If more than one (1) Person owning such Unit is present, then such vote shall be cast only in accordance with their unanimous agreement pursuant to Section 3310(a) of the Act. There shall be deemed to be unanimous agreement if any one of the multiple owners casts the vote allocated to that Unit without protest being made promptly to the Person presiding over the meeting by any of the other Owners of the Unit. Such certificate shall be valid until revoked by a subsequent certificate similarly executed. Subject to the requirements of the Act, wherever the approval or disapproval of a Unit Owner is required by the Act, the Declaration or these By-laws, such approval or disapproval shall be made only by the Person who would be entitled to cast the vote of such Unit at any meeting of the Association. Except with respect to election of members of the Executive Board and except where a greater number is required of mem-

bers of the Executive Board and except where a greater number is required by the Act, the Declaration or these By-laws, the owners of more than fifty (50%) percent of the Unit Owners (based upon one vote per Unit) in the Condominium voting in person or by proxy at one time at a duly convened meeting at which a quorum is present is required to adopt decisions at any meeting of the Association. In all elections for Executive Board members, each Unit Owner shall be entitled to cast for each vacancy to be filled at such election of the vote(s) allocated to the Unit(s) owned by such Unit Owner as provided in the 3 Declaration. Those candidates for election receiving the greatest number of votes cast in such elections shall be elected and, if Executive Board members are being elected to unequal terms, the candidates receiving the highest number of votes shall be elected to the longest terms. Except as set forth in Section 2.4 (b) and (c), if the Declarant owns or holds title to one (1) or more Units, the Declarant shall have the right at any meeting of the Association to cast the votes to which such Unit or Units are entitled. No votes allocated to a Unit owned by the Association may be cast. There shall be no cumulative or class voting.

2.8 ELECTION BY MAIL. All matters which might be voted upon at a meeting of the Unit Owners including, but not limited to, the election of members of the Executive Board, may also be submitted, at the election of the Executive Board, to the Unit Owners by a mail ballot. The Executive Board shall prepare for distribution an unofficial ballot form and shall circulate a ballot to each Unit Owner authorized to vote pursuant to Section 2.7 above as if a meeting were being held on the date of the ballot. All Unit Owners shall be required to execute the ballot unless a certificate has been filed with the Secretary of the Association naming the person from among the Unit Owners who shall be authorized to vote for the Unit. Such certificate shall be valid unless revoked by a subsequent certificate similarly executed. Ballots shall be distributed and counted in accordance with the Rules and Regulations to be adopted by the Executive Board.

2.9 PROXIES. A vote may be cast in person or by proxy. Such proxy may be granted by any Unit Owner in favor of only another Unit Owner, a Permitted Mortgagee or the Declarant. Proxies shall be duly executed in writing, shall be valid only for the particular meeting designated therein and must be filed with the Secretary before the appointed time of the meeting. Such proxy shall be deemed revoked only upon actual receipt by the Person presiding over the meeting of written notice of revocation from the grantor(s) of the proxy. No proxy shall be valid for a period in excess of one (1) year after the execution thereof. A proxy is void if it is not dated or purports to be revocable without notice.

2.10 QUORUM. Except as set forth below, the presence in person or by proxy of Unit Owners of one-fifth (1/5) or more of the aggregate Percentage Interests at the com-

mencement of a meeting shall constitute a quorum at all meetings of the Association. If a meeting is adjourned pursuant to Section 2.6 above, the quorum at such second meeting shall be deemed present throughout any meeting of the Association if persons entitled to cast ten (10%) percent of the votes which may be cast for the election of the Executive Board are present in person or by proxy at the beginning of the meeting.

NUMBER AND QUALIFICATION. The affairs of the Association shall be governed by an Executive Board. The Executive Board shall be composed of not less than three (3) nor more than five (5) natural persons, all of whom shall be designees of the Declarant or Unit Owners, or officers, directors, shareholders, partners or employees of Unit Owners. No more than one (1) member shall be elected from any Unit. The initial Board shall consist of three (3) members. The number of members may be increased to five (5) at any annual meeting of the Unit Owners by a vote of a majority of the Unit Owners.

PA Code

Votes (1) Each unit shall be allocated one or more votes in the association. The declaration shall specify how votes in the association shall be allocated among the units and may provide: (i) for different allocations of votes among units on particular matters specified in the declaration; and (ii) for class voting on specified issues affecting a particular class of units if necessary to protect the valid interests of the owners of such units and not affecting units outside of the class. (2) Cumulative voting shall only be permitted if so provided expressly in the declaration and only for the purpose of electing members of the executive board. A declarant may not utilize cumulative or class voting for the purpose of evading any limitation imposed on declarants by this subpart. The declaration may provide that different allocations of votes shall be made to the units in particular matters specified in the declaration.

Rules & Regulations: No References