



# Big Canoe POA

## Voter Guide: Proposed By-Law Amendments

While Property Owners focus on picking the right candidates in this year's Big Canoe POA Board election, we also call your attention to some other important items on the 2021 ballot.

This year, we are asking you to weigh in on eight (8) key Amendments to our By-Laws to reduce unnecessary POA costs, remove unfair restrictions on who can run and serve on the Board, simplify the voting process, and make it easier to conduct day-to-day matters of the Board.

The Amendments ballot will be presented as a menu of proposed changes. For any Amendment to pass, at least two-thirds of all property owner voters must approve the Amendment.

**Completed ballots must be received by the accounting firm of Mauldin & Jenkins LLC no later than 5 p.m. Wednesday, Dec. 1. The election results will be announced at the POA annual meeting at 10 a.m. Saturday, Dec. 4.**

If you are out of town during the voting period, you can request a ballot and return it via email, FAX or U.S. mail by contacting [asktheBoard@bigcanoepoa.org](mailto:asktheBoard@bigcanoepoa.org).

Property Owners who are more than 30 days past due as of the end of October are not eligible to vote. "Past due" status is defined as having unpaid charges 30 days after the billing date.

Amendments on the upcoming ballot include:

**1. Adoption of electronic procedures:** This would allow eligible Property Owners to opt in to receiving all documents electronically, which is consistent with Georgia law. Voters who prefer the current system of receiving the printed paper ballots by mail can continue to do so. Reducing the amount of postage and printed material will save the POA money. The combined cost of the Creek 9, Capital Contribution Fee and Board elections in 2020 was \$25,000. The option to vote electronically also gives Property Owners a more convenient way to cast their ballots via computer or mobile device.

**2. Rights of a property owner's spouse:** This would allow a property owner's spouse whose name is not on the deed to exercise any powers of the owner, including the right to run and serve on the Board. It is not uncommon for individuals to exclude their name on a deed for estate planning and other legitimate purposes. This would promote fairness and should enlarge the pool of eligible candidates.

**3. Quorum:** Currently, at least 25 percent of the total number of eligible voters must return completed ballots to meet the required quorum. However, it involves a three-step voting process in which at least 35 percent of the total number of eligible voters must cast a vote. If this threshold is not met, it's reduced to 30 percent. That threshold is then reduced to a 25 percent minimum if there are not enough votes cast. This change would simplify the existing method by eliminating the first two steps and require only the 25 percent total.

**4. Who can serve on the Board:** Currently, a candidate must be a property owner to run and be elected to the Board. This change would automatically remove a director from serving on the Board if they (or their spouse) are no longer a property owner.

**5. Vacancies on the Board:** This change would enable the Board to fill a vacancy when a single elected director vacancy occurs. Currently, multiple vacancies are required before any position can be filled. This requirement can hamper the Board's ability to take necessary action when a quorum cannot be met.

**6. Who can serve on the Board:** Starting in 2022, this change would allow part-time POA employees who own property in Big Canoe and have no employee reporting to them to run and serve on the Board. This should enlarge the pool of eligible Board candidates.

**7. Amendments:** This would allow for the passage of future Amendments if either a majority of all possible votes or two-thirds of all votes actually cast are in favor of the change. Those two amounts will usually be different as turnout is driven by community interest in the topic. Currently, two-thirds of all possible votes are required for passage, which is an extremely high bar to meet with the large number of Property Owners in the community. Past referendums on By-Laws, Covenants, and Projects typically have seen much smaller turnouts. This change would provide for two options, both less restrictive than the current requirement, and will enable proposed By-Law changes with significant voter support to pass without an unrealistically high bar.

**8. Restate the By-Laws:** This would allow Amendments successfully passed on this ballot, as well as all prior existing Amendments, to be incorporated into one new, complete document for ease of use in the future.