

Lely Civic Association Newsletter Fall 2023



HOA Update

On November 21, a Special Meeting was held before the monthly board meeting at which all sections voted to amend their Easement articles, meeting the MSTU/County's requirements. This was a great step forward to having the Lely MSTU take over the maintenance and financial responsibility for the HOA's decorative street signs. Meetings are planned with the MTSU for next steps, and it is suggested that residents contact the County Commissioner's office to encourage completion of the process.

The county's storm water treatment project remains in the design phase with several issues still under review. The current plan is to break ground in January of 2025. Notices will be sent out when a start date is received. The work will impact some streets and lot right of ways across the community, so owners are encouraged to bear that in mind when making driveway and street side landscaping changes. The request to reclaim storm water as part of the solution was rejected.

Finally, we are reminding all homeowners that your annual dues are essential for the HOA to operate, especially as we are a low touch organization. To pay online, you can connect via the Anchor Associates portal (easily accessed from the OurLely.com website). Please contact Anchor's Accounting Department at 239-649-6357 if you haven't received your invoice.

Secretary's Report:

Happy holiday season to all who celebrate. The OurLely.com website is garnering a lot of interest. Thanks for your compliments on the work the committee is doing to make information available and easy to find on the web. Please make sure you stay on top of the latest information by accessing the "Important Notices" and "Menu" sections on the main page. Important notices are where the meeting announcements appear. The Menu selection accesses the page where you can read past meeting minutes, rules & guidelines, view the associations' budget and check out our committees. The Publicity Committee is seeking volunteers – come join the team!

2023-2024 Lely Golf Estates Board Officers

President: Lisa McGarity

Vice President: Chuck Schnell

Treasurer: Tillie Mihalovich

Secretary: Ellen Clifford

**Property Manager
(Anchor Associates)**

**Maya Ashley Francois
239-649-6357**

maya@anchormanagers.com

Board Meeting Dates

September 19, 2023

October 17, 2023

November 21, 2023

December 19, 2023

January 16, 2024

February 2024 Annual
Meeting (TBA)

Meeting location is at the

Lely Presbyterian Church
110 St Andrews Blvd
Naples, FL 34113

Meeting notices are on the website, Ourlely.com, a week in advance. Signs are posted at least 48 hours prior to each meeting.

Board Elections

Board nominations are now open for the 2024 board term. Directors are elected to two-year terms at the Annual meeting and terms are staggered so that the board maintains a steady number of directors. Board officers are elected by the board immediately after the annual meeting and serve one-year terms. All members in good standing are eligible to run for the board and all are encouraged to serve on our board. Anyone interested in joining the Board should contact the Chairperson of the Nominating Committee at tmihalovich@ymail.com

Our community website is:

www.OurLely.com

- Contact Information
- Important Notices
- Board Meeting Minutes
- All sections covenants and our By-laws
- Forms
- Information for Realtors/ Buying and Selling
- Newsletters and more

2023 Board of Directors

Forest Hills

Joyce Erickson ~ JoyErickson56@gmail.com
Linda Jorgenson ~ spikekatz1@hotmail.com
Lisa McGarity ~ lisawildrice@gmail.com

Pinehurst Estates

Stephanie Earnhart ~ Searnhart@cmon.org
Laura Mann ~ lmlelyca@gmail.com
Charles Schnell ~ Flaca064@aol.com

St. Andrews East

Tom Connolley ~ tom.connolly@comcast.net
Nancy Wojcik ~ nancywoj@yahoo.com
Open seat

St. Andrews West

Ellen Clifford ~ s.ellen.clifford@gmail.com
Daniel Denis ~ DanielDenis@hmeng.com
Todd Schilling ~ toddshillingservices@yahoo.com

Unit 1

Frank Mazza ~ theguyinunit1@yahoo.com
Tillie Mihalovich ~ tmihalovich@ymail.com
John Clifford ~ lge.johnc@gmail.com

Unit 2

Open Seat
Open Seat
Open Seat

Committees/Committee Chair

Architectural Review Committee – Laura Mann
Nominating Committee – Tillie Mihalovich
Public Relations Committee – Lisa McGarity
Publicity Committee – Ellen Clifford
Violations Committee – Maya-Ashley Francois
Appeals Committee – Maya-Ashley Francois

Meet our newest board member!

Unit 1 Section Area Rep

John Clifford: John and his wife Lisa purchased their home in July of this year, in anticipation of full-time retirement. Long-term residents of Bellevue, Washington, John and Lisa love cycling, fishing, and joining/watching their son (who lives in Chicago) golf in the warmer climate of SW Florida.

QUORUMS - By John Clifford

As a newly appointed member of the Lely Golf Estates Homeowners Association's Board of Directors for Unit 1/Doral Circle, I've noticed there's confusion about the process of how both the Board and the HOA at large establish and change the various bylaws and covenants at the unit (neighborhood) level and across the HOA spanning all six units (neighborhoods). One key concept is that of a quorum, and I want to briefly explain what a quorum is, why a quorum matters in terms of legality, and more important, the purpose of requiring quorums as the essence of representative governance.

What is a quorum?

The dictionary¹ defines quorum as "the minimum number of officers or members of a body that is required to be present at a given meeting (as to transact business)." Florida statutes require that Homeowners Associations, or HOAs, must establish a quorum by determining and then certifying that a specific minimum number of HOA members in good standing are present before any binding actions can occur. A quorum is not the same thing as a majority. A majority means 'more than half.' If 100 or 101 voting members show up a majority would be 51 members (more than half, rounded up to the next whole number).

State law further clarifies a quorum for an HOA meeting as follows: "Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be 30 percent of the total voting interests."² Our bylaws, written decades ago, set the quorum to be at least 50% of the HOA members and a member was defined as a single person representing the property owner(s) of record for a lot in Lely Golf Estates. Because state law takes precedence, we follow the state's guidance and use 30% as the quorum. Further, under the HOA's bylaws a property owner representative is not considered a member in good standing with "voting interests" unless all HOA dues, assessments, and fees are paid

QUORUMS

- 1. Florida Statutes set HOA quorums at 30% of total voting interests.**
- 2. Members must be in good standing to vote and to count in determining a quorum.**
- 3. Both the Annual Meeting and any Special Meetings require a quorum of 30% present (or by proxy) to occur.**
- 4. Monthly board meetings require a quorum consisting of a majority of the board of directors to be held.**

¹ Merriam-Webster Online Dictionary, [Quorum Definition & Meaning - Merriam-Webster](#)

² Florida Statutes, Chapter 720.306.1(c), [Chapter 720 Section 306 - 2023 Florida Statutes - The Florida Senate \(flsenate.gov\)](#)

at the time of the meeting. There are 464 parcels across all the neighborhoods in Lely Golf Estates. If the owners of 100 of those parcels haven't paid their annual HOA dues, a quorum would require 110 HOA members based upon 30% of 364 members in good standing.

A key factor here is that "total voting interests" represents those who are eligible to vote, in person or by proxy (using a form to represent their vote that will be executed by another member physically present at a meeting, or the HOA board president by default) at specific meetings.

Our HOA has three types of meetings: annual meetings, special meetings, and board meetings. Annual meetings are yearly meetings of the entire HOA membership; thus, a quorum is based upon the number of HOA members in good standing. Special meetings are meetings of the entire HOA membership and have the same quorum rules as the annual meeting. Board meetings are meetings of the HOA's board of directors comprised of up to 3 representatives from each unit, thus a quorum is determined as the majority of the number of directors currently serving. *Hint: this is a good reason for all residents to ensure that their unit is fully represented by having all positions filled.*

To summarize, the key difference between the definition of a quorum under Florida state law (720.306) and our current HOA bylaws is that state law has precedence, and a quorum of the membership requires 30% of the voting interests, not 50% as per our bylaws.

Why quorums matter to the community

Meetings where a quorum can't be established are incapable of conducting any business and are thus adjourned immediately. The Florida statutes establish the 30% figure to ensure that HOAs aren't paralyzed from acting unless a significant majority (71% or more) of members are not involved. However, HOA members should recognize that a small percentage of the members can effectively make changes to any rules, bylaws, or covenants and thus it's important to take the time to be involved. How is this possible? Once a quorum is established, a majority of those present, in person or by proxy, can make changes. Again, referring to the example numbers above, if we have a special meeting with 110 HOA members present out of 364 eligible members (and 464 total members), only 56 voters are necessary to constitute a majority that can change bylaws and covenants. Unless you are comfortable with somewhere around 12% of the membership making a change that affects your property and your use of it, it behooves every resident to be HOA members in good standing and to be involved in the HOA.

One point of interest is unit/neighborhood-specific changes to covenants. While such changes can only be voted on at special meetings called for the specific purpose and with a quorum of the entire HOA membership, unit-specific changes can happen based upon a majority of the voting interests in that specific unit. For example, in Unit 1/Doral Circle, if the total voting interests are 80 residents and 41 vote for a proposal, in person or by proxy, that proposal will be approved.

Get involved to get your voice heard

The purpose of a quorum is to ensure representative governance so that a small minority of the membership cannot take control without regard to the memberships' views and concerns. The reason the Florida legislature has defined a quorum for HOAs to be 30% of the voting interests instead of requiring a majority is to allow for effective governance in the face of significant non-involvement and is a reasonable

compromise... but there doesn't have to be a compromise. The solution is in our hands: get involved with the HOA through your board representatives, come to the meetings (annual, special, and board) in person or virtually (through the online meetings), and be part of the effort to maintain and improve Lely Golf Estates. Help the board help you!

Community Corner

ANTS! This season, folks are seeing a lot of ants in their homes, the most common are sugar(ghost) ants. These are small, persistent insects that don't seem to be affected by common ant sprays. Sealing baseboard cracks or windows is a must, as is keeping food prep areas clean. Most experts recommend using something that the ants will take back to their nests. Small ant bait traps work this way. A more natural solution is to sprinkle diatomaceous earth and borax along baseboards. Be persistent! These pests will take a while to get rid of and several treatments are usually required.

POINSETTAS! Tis the season for this perennial favorite and Southwest Florida provides a great environment to enjoy these colorful plants. Our environment supports them in pots inside the home, on pool decks and even as permanent additions to outdoor landscaping. The foliage or floral bracts transition to a variety of colors that you can keep healthy and vigorous throughout the year with the right care. Provide enough filtered sun, warmth, and water, and your poinsettia will thrive. Quick note - they are mildly toxic to cats and dogs if they ingest the plant material.

Support our local businesses -place your ad here!

If you would like to place ad to promote your business to over 400 households, please contact Ellen Clifford at s.ellen.clifford@gmail.com

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Board of Directors 2024 Election Information

The Nominating Committee under the By-laws (*Article VI section 5*), is looking for candidates to represent their section on the Board of Directors. Any member of the Association in good standing may run for an open seat in their section. The results of the election will be announced at our 2024 Annual Meeting. Directors will be needed for the following sections due to expiration of terms or vacancies.

| | |
|--|--|
| Forest Hills: Lisa McGarity ~ 2023-2025 Joyce Erickson ~ 2023-2025 Open Seat ~ 2024-2026 | Pinehurst Estate: Chuck Schnell ~ 2023-2025 Stephanie Earnhart ~ 2023-2025 Open Seat ~ 2024-2026 |
| Saint Andrews East: Nancy Wojcik ~ 2023-2025 Open Seat ~ 2023-2025 Open Seat ~ 2024-2026 | Saint Andrews West: Ellen Clifford ~ 2023-2025 Daniel Denis ~ 2023-2025 Open Seat ~ 2024-2026 |
| Unit 1: Frank Mazza ~ 2023-2025 John Clifford ~ 2023-2025 Open Seat ~ 2024-2026 | Unit 2: Open Seat ~ 2023-2025 Open Seat ~ 2024-2026~ Open Seat ~ 2024-2026 |

If you are interested in running for an open Director's seat in your section, please fill out the Candidate form found on the Ourlely.com website and mail or e-mail it to Maya-Ashley Francois before January 1, 2024.

Maya-Ashley Francois – Anchor Associates, Inc.
2340 Stanford Ct
Naples, Florida 34112
maya@anchormanagers.com

If you can't serve as a director, please consider joining one of our many committees. All our committees are a combination of Board and non-Board members.