

March 22, 2024

John Midgette  
Property Manager, Cityside  
1771 Cityside Drive  
West Palm Beach, FL 33401  
Tel: 561 697-8997  
jmidgette@seacrestservices.com

Dan St. Martin  
Board Director and President, Cityside Condominium Association  
[REDACTED]  
[REDACTED]  
bod@citysideonline.com

Gilles Kennedy  
Board Director, Cityside Condominium Association  
[REDACTED]  
[REDACTED]  
bod@citysideonline.com

Tom Foster  
Board Director, Cityside Condominium Association  
[REDACTED]  
[REDACTED]  
bod@citysideonline.com

Orie McIntosh  
Board Director, Cityside Condominium Association  
[REDACTED]  
[REDACTED]  
[bod@citysideonline.com](mailto:bod@citysideonline.com)

**SENT VIA EMAIL TO: [jmidgette@seacrestservices.com](mailto:jmidgette@seacrestservices.com); [bod@citysideonline.com](mailto:bod@citysideonline.com)**

Dear Cityside Property Manager and Board Members:

**Re: Voting certificates**

**Dear Cityside Property Manager and Board Members:**

An owner has provided us with a copy of the 2023 election ballot that was sent out by this Board. It is enclosed for your reference. The ballot notes that there are three available spots, and then lists three candidates. We are told by owners who attended the 2023 AGM that they were advised by this Board that not enough votes had been cast, so there was no valid election, and thus “the current Board would continue on”. This was incorrect in law. I have already written to you, in my March 1, 2024 letter, about Florida Statute Chapter 718.112(d)(2) which states:

“If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting.”

In other words, had you complied with the law, all three candidates who submitted their names in 2023 would have been on the Board. There were three candidates for three available spots. There was no need for an election and no need for 75 votes.

It seems this may have happened repeatedly over the course of Dan St. Martin, Gilles Kennedy and Thomas Foster’s tenure on the Board.

### ***Voting certificates for the upcoming 2024 director elections***

Cityside’s Bylaw 2.4 provides:

2.4 Unit Ownership other than Husband and Wife. The vote of the Owner(s) of a Unit owned by more than one natural person, as tenants in common, joint tenants (except a husband and wife), or another other association of natural persons, shall be cast or otherwise exercised, at all meetings at which Members of the Association are entitled to vote or otherwise act, by one natural person designated by the Owner(s) of such Unit as the “Voting Representative” thereof. **In each instance where title to a Unit is proposed to be conveyed or is otherwise to become vested in more than one natural person (except a husband and wife), or any association of natural persons, the prospective owner(s) shall, by written instrument acceptable to the Association, designate one natural person as the Voting Representative. The instrument designating the Voting Representative shall be filed with the Association, and the person so designated shall be and remain the Voting Representative of the Unit until such designation has been revoked by written instrument of the Owner(s) of the Unity or by lawful conveyance of the Unit.** The Voting Representative of the Unit shall be the only person entitled to cast or exercise, in person or by proxy as allowed by applicable law, the vote of the Owner(s) of such Unit at any meeting of Members of in connection with any action concerning which Members of the Association shall be required or allowed to vote or otherwise act.

In other words, when a unit is owned by, for instance, two siblings, the two siblings are required to execute a Voting Representative Certificate, which certificate is to be kept on file by Cityside, and which communicates to everyone which sibling is entitled to cast the one vote for, among other

things, the election of Directors of the Board. The Voting Certificates form part of the “official records” of the Association – see Florida Statute s. 718.111(12)(a)(7).

**I hereby request access to all voting certificates in the possession of Cityside Condominium Association, Inc.**

If, as I suspect, Cityside Condominium Association, Inc. has failed in its obligation under Bylaw 2.4 to collect voting representative certificates, then it would be very important to include a Voting Representative Certificate with the ballot and candidate information sheets that will be mailed to all unit owners in advance of the AGM.

It is not clear to me whether Cityside has a draft Voting Representative Certificate or not, so I have taken the liberty of drafting one (enclosed). If Cityside does not include a blank Voting Representative Certificate in its next mailing to owners in advance of the AGM, I will be advising owners of units that are held by more than one natural person who are not husband and wife to complete this Voting Representative Certificate and to submit it along with their completed ballots.

If you have any questions, you may reach us at [jessica@jessicagagne.ca](mailto:jessica@jessicagagne.ca) and [REDACTED] Otherwise, we look forward to hearing from you when the official records will be available for our review.

Sincerely,

Jessica Gagné and Andrew Burgess  
Owners

[REDACTED]

[REDACTED]

[jessica@jessicagagne.ca](mailto:jessica@jessicagagne.ca)

[REDACTED]

**BALLOT OF CITYSIDE CONDOMINIUM ASSOCIATION, INC.**

**ANNUAL MEETING OF THE MEMBERSHIP  
Tuesday, April 11, 2023**

**BALLOT INSTRUCTIONS:**

- All Ballots must be submitted prior to the commencement of the Annual Meeting, please complete this Ballot, seal the Ballot in the provided inner envelope, then place the inner envelope in the provided outer envelope. The Designated Voter Certificate (if applicable) should be placed in the outer envelope together with the sealed inner envelope containing your completed Ballot. The outer envelope must provide the voter's name, the unit number for which the Ballot is being cast, and the voter's signature and may be mailed to the Association at 1771 Cityside Dr., Florida 33401 or hand delivered to the Association at the ballot box located at the Clubhouse. Upon receipt by the Association, no ballot may be rescinded or changed.
- Please clearly mark no more than **three (3)** candidates you wish to vote for to be a member of the Board of Directors. In the event more than three (3) members are marked or in the event any mark does not clearly indicate your intent to vote for a member, your vote will be disregarded. You may vote for less than three (3) candidates.

**CLEARLY MARK YOUR VOTE FOR NO MORE THAN THREE (3) OF THE FOLLOWING CANDIDATES:**

- Renee M. Greene
- Orie McIntosh
- Alexei Kharitonenkov

**CITYSIDE CONDOMINIUMS ASSOCIATION, INC  
VOTING REPRESENTATIVE CERTIFICATE  
FOR MULTIPLE OWNERS**

**To: The Secretary of Cityside Condominiums Association, Inc.**

**THIS IS TO CERTIFY that all of the owners of this unit have designated the following owner of the unit as their voting representative to cast their vote for the election of Director(s) at the Annual General Meeting of members of Cityside Condominiums Association to be held on April 24, 2024.**

**Address:** \_\_\_\_\_

**Unit Number:** \_\_\_\_\_

**Voting representative's name (print):** \_\_\_\_\_

**(Must be one of the owners listed below)**

**DATE:** \_\_\_\_\_

**All owners' names (print):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**All owners' signatures:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS CERTIFICATE IS MADE PURSUANT TO THE DECLARATION AND THE BYLAWS AND SHALL REVOKE ALL PRIOR CERTIFICATES.**