

**Sparkling Waters Homeowners Association (SWHA)
Annual Meeting
Sunday, April 11, 2021**

Members Represented via teleconference indicated by a check mark for attending in person, “P” for participating via proxy, and “W” for participating via written vote.:

	Owner Name(s)		Owner Name(s)		Owner Name(s)
<input checked="" type="checkbox"/>	Akins, Ellis & Alicia	P	Gusoff, Gus & Sam – 2		Rotter, Andrew
P	Bonner, Lewis & Barb	W	Harris, Matt		Russo, Troy – 2
	Brockmeier, Aaron – 2		Hodge, Brian & Susan		Saxey, Tom & Cindy
<input checked="" type="checkbox"/>	Broyles, Phillip	<input checked="" type="checkbox"/>	Hollifield, JR & Jill	P	Shaw, Mike & Helen
W	Burroughs, Lloyd & Bea		Le, Frank and <u>Yuni</u>		Smith, Earl & Constance
<input checked="" type="checkbox"/>	Bushelle, Bill & Paula	<input checked="" type="checkbox"/>	Lio, Chris & Joan		Sotomayor, Luis
	Christensen, Lars	<input checked="" type="checkbox"/>	Manion, Mike & Lisa – 2	<input checked="" type="checkbox"/>	Stinson, John & Suzy
	Emery, Teresa – 2	<input checked="" type="checkbox"/>	Manning, Tim & Jamie	P	Stevens, Mike
P	Gildea, Jim & Dee	W	Milliken, Ryan & Leslie	W	Styba, Scott & Maria
	Goodpaster, Christopher	P	Montgomery, Billy & Cindy	<input checked="" type="checkbox"/>	Sunderhaus, Mags & Darren – 2
<input checked="" type="checkbox"/>	Graham, Barry & Alicia	W	Potts, Tony & Jen	<input checked="" type="checkbox"/>	Totty, John & Christine
	Graham, Randy	<input checked="" type="checkbox"/>	Rosenstock, Doug & Erin		<u>Vellanikaran</u> , Alice
<input checked="" type="checkbox"/> – Present P – Proxy W – Written Vote					

Meeting was called to order by President Barry Graham at 2:15 PM.

1. Homeowner Introductions

By-Laws define a quorum as a minimum of 51% or 22 of the 42 lots represented. With 26 lots represented at this meeting, a quorum has been successfully obtained.

2. Update on Association Activities

- A. Hurricane Sally Rebuild. The community dock consisted of four different sections built at different times. Older sections were the ones heavily damaged by Hurricane Sally in September 2020. Contractor for dock reconstruction is Bayou Builders of Walton County. Has taken longer than expected, but quality is good. Electrical contractor is Gulf Coast Electric of Destin. Gazebo, stairs, and boardwalk repairs, Kayak rack rebuild, debris removal, and landscaping, has been self-help over several workdays, which is saving us thousands of dollars. Many thanks to everyone who contributed their labor to get the common dock/beach facility up and operating.
- B. Security Door. Security door was installed in Fall 2020 and keys distributed to all owners or their tenants to prevent unrestricted use of common facilities. Do not duplicate keys; let officers know if you need additional keys, or lose a key. All guests who are not staying in your home, must be accompanied.
- C. Legal Work on Short Term Rentals. Legal challenge to Covenants, Restriction and Reservations (CR&R) prohibition on short-term rentals. Required significant interaction with HOA attorney, but verified that the prohibition language in the CR&R is unambiguous and legally enforceable. Conducted first ever Fine and Suspension Appeals Committee and

levied fine and suspension against non-compliant owner, who subsequently agreed to comply with the CR&R.

- D. Renewed liability insurance through Harris Insurance Services with Auto Owners Insurance for 2021. Annual cost was again \$1,413 via Auto Owners Insurance.
- E. Renewed website domain name www.sparklingwatershoa.com with JustHost.
- F. Re-registered SWHA with State of Florida, www.sunbiz.org.
- G. Renewed annual retainer with Attorney firm, Becker & Poliakoff.
- H. Tax Return: Filed tax return for 2020, IRS Form 1120-H. No taxes owed, as expenses are greater than interest accrued. Earnings were less than last year: \$3860.16 vs \$4,286.50 in 2019. Earnings were: \$4003.37 in 2018; \$3,750.90 in 2017 and \$3,414.80 in interest and dividends in Tax Year 2016. Account balances in both the Main and Dock Raymond James investment accounts had significant drops in March 2020 due to the COVID-19 crisis, but both are steadily climbing. The main account balance was \$146,018.82 and the dock balance was \$20,621.49 as of April 3rd. Goal is to build accounts to \$250K to cover future expected costs to replace private roads (Radiant Circle, Shimmering Lane).

3. Near-Term Activities

- A. Self-help projects remaining to complete dock/beach facility repairs and upgrades: install power pedestals, complete dock plumbing, wetlands, underwater, and Parrish Blvd debris clean-up, gazebo landscaping and beach expansion, add access ramps to Shimmering & Radiant entrances to boardwalk and replace damaged solar lights on boardwalk.
- B. Re-register SWHA with State of Florida prior to May 1st.
- C. Submerged Land Lease Renewal. SLL does not expire until May 2025. There is still a 6% tax on indirect income (slip transfers). The transfer fee is based on DEP's appraised value of the slip, not the actual sales price. See Florida 253.0347 at <http://www.leg.state.fl.us/statutes>

4. Financial Report

See slides 24-33 of the attachment briefed at the April 11th meeting. At time of minutes' publication, half of 42 lots are current on 2021 dues. A number of members reported not receiving the mailed copies of the invoices. Will also send digital copies in the future to ensure receipt.

5. Proposed Budget

See slide 31 of the attached briefing presented at the April 11th meeting. Given other expenses and allotments, the Board of Directors recommended keeping assessments at \$500 per lot per year with \$100 credit for participating in neighborhood workdays/work projects. The Board further recommended an increase to boat slip fees to \$493.59 for slips without lifts, and \$498.59 for slips with lifts, as despite saving for over ten years, there wasn't enough in the Dock sinking fund to cover the slip owners' share of the dock rebuild.

6. New Business.

- A. Sparkling Waters Phonebook. As allowed by FL statute 718.111(12), Published directory for those who have consented to share their contact information with the rest of Sparkling Waters. Will continue to update it as properties sell and new neighbors consent to share their contact info.

- I. Dock reopening Social scheduled for Saturday, May 29th at 4pm at the common beach/gazebo area. Fall BBQ proposed to be Sunday, Oct 24th, 2021.

8. Voting Issues

- A. Barry Graham called for a vote on the proposed budget for Sparkling Waters Homeowners Association for April 2021-April 2022 and also to keep the annual dues for 2021-2022 at \$500 per lot per year (with \$100 credit for workday/project participation) to build the investment accounts. All voted in favor.
- B. Barry Graham called for a vote as there were no new volunteers for officer positions, that the existing slate of officers (Barry Graham, president, John Totty, vice president, John Stinson, Director at Large, Alicia Graham, secretary/treasurer), be retained. All voted in favor.
- C. Barry Graham called for a vote for the date of the next annual meeting be April 3, 2022. Easter Sunday is April 17th, 2021. Okaloosa County Schools Spring Break is March 21-28, 2022. All voted in favor.

10. Next annual meeting is scheduled for Sunday, April 3rd, 2022 at 2:00PM at 552 Shimmering Lane. President Barry Graham adjourned the 2021 annual meeting at 3:27 PM.

Attachment: Briefing slides presented at April 11th, 2021 annual meeting.

Minutes as recorded by:

--SIGNED--

Alicia Graham, SWHA Secretary

Approved by:

--SIGNED--

Barry Graham, SWHA President

ANNUAL MEETING

APRIL 11, 2021

Sparkling Waters Homeowner's Association

ROLL CALL

	Owner Name(s)		Owner Name(s)		Owner Name(s)
<input checked="" type="checkbox"/>	Akins, Ellis & Alicia	P	Gusoff, Gus & Sam – 2		Rotter, Andrew
P	Bonner, Lewis & Barb	W	Harris, Matt		Russo, Troy – 2
	Brockmeier, Aaron – 2		Hodge, Brian & Susan		Saxey, Tom & Cindy
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	Graham, Randy	<input checked="" type="checkbox"/>	Rosenstock, Doug & Erin		Vellanikaran, Alice

– Present

P – Proxy

W – Written Vote

RUNNING THE VIRTUAL MEETING

- Check-in when you first join
- While someone has the floor, please stay quiet and don't interrupt
- To be recognized
 - On-line attendees will “raise their hand” (in Zoom), or type a chat note
 - Dial-in only attendees will wait for a designated break and for the question: “Does anyone have anything?”
- Voting will be done by raising of hands for the yeas and nays
 - If you are not sharing video of yourself, you will have to vote verbally
 - If you are a dial-in attendee, you will have to vote verbally

ANNUAL MEETING AGENDA

- Update on Assoc activities
- Hurricane Sally rebuild efforts
- Near term activities
- Need for enhanced CR&R and Rules and Regulations
- Financial report
- New Business
- Next meeting
- Voting Issues

UPDATE ON ASSOC ACTIVITIES

- Re-registered SWHA with State of Florida
- Renewed website domain name/JustHost
- Federal tax return
- Renewed retainer with Becker & Poliakoff
- Obtained liability insurance with Auto-Owners Ins.
- Recorded CR&R Changes with Okaloosa Clerk of Court
- Legal work associated with short-term rentals
- Installed security door
- Fall/Spring Work Days – Sep 25th, 26th, March 27th, April 7th and 10th.
- Hurricane repairs: dock rebuild, gazebo/boardwalk repairs, kayak racks, etc.

HURRICANE SALLY REBUILD

- Community dock rebuild
 - Dock structure
 - Power pedestals
 - Electrical
 - Water
- Gazebo and boardwalk repairs: railings, spindles, stringers, and decking
- Kayak racks

DOCK STRUCTURAL REPAIR

- Contractor is Bayou Builders of Walton County
 - Work is nearing completion
 - Has taken longer than expected, but quality is good
 - Remaining tasks
 - Fishing platform (ledgers, stringers, decking) and swim platform edge board
 - Several additional pilings
 - Stairs on either side of the platform off of the gazebo
 - Piling wrap on all new pilings
 - Contract for \$36,847; Expecting additional charges due additional pilings

POWER PEDESTALS, ELECTRICAL, AND WATER

- Power pedestals ordered and received from DockBoxes - \$3,569.75
- Electrical contractor is Gulf Coast Electric of Destin
 - Contract is for \$7,988.00
 - Includes replacing everything from Gazebo fuse box to the power pedestals
 - Includes adding an outlet to the end of the dock for the fishing light
 - Scheduled for April 19, 2021
- Water is a self-help task partially completed on Mar 27 work-day
 - To be completed soon

GAZEBO AND BOARDWALK REPAIRS

- All self-help projects
- Gazebo
 - Railing and spindles
 - Decking boards
- Boardwalk repairs
 - Damaged stringers and decking
 - Damaged stairway North of gazebo
- Kayak racks
 - Totally destroyed
 - Rebuild with 3 racks/18 slots vs 2 racks/12 slots

HURRICANE SALLY REBUILD EFFORTS



Boardwalk Repairs



Gazebo and Dock Repairs

BOARDWALK JOIST AND DECKING



Before



After

BOARDWALK STAIR RAILING



Before



After

GAZEBO RAILING AND SPINDLES



DOCK SWIM PLATFORM, FINGER PIERS, AND WATER



KAYAK RACKS



HURRICANE SALLY REBUILD EFFORTS



Before



After

SECURITY DOOR

- Security door installed and keys distributed to all owners or their tenants
- Installed to prevent unrestricted use of common facilities
- Do not duplicate keys; let officers know if:
 - You need additional keys, or
 - Lose a key
- Remember all guests who are not staying in your home, must be accompanied

LEGAL WORK ON SHORT-TERM RENTALS

- Had significant interaction with our attorneys regarding short-term rental
- Fought legal challenge to the CR&R prohibition; verified:
 - Meeting where CR&R change was approved was properly noticed
 - Vote to adopt the change was properly conducted and fair
 - The prohibition language is unambiguous and legally enforceable
 - Fines and suspensions could be levied to ensure compliance
- Conducted Fine and Suspension Appeals Committee and levied fine and suspension against non-compliant owner
- After legal engagement, non-resident owner agreed to comply with CR&R

NEAR TERM ACTIVITIES

- Re-register SWHA with State of Florida
- Completing dock structural and electrical contract work
- Install power pedestals*
- Complete dock plumbing*
- Wetlands, underwater, and Parrish Blvd debris clean-up*
- Gazebo landscaping and beach expansion*
- Add access ramps to Shimmering & Radiant entrances to boardwalk*
- Replace damaged solar lights on boardwalk*

* Could use help on any of these items

NEED FOR ENHANCED CR&R

- A number of people have asked me “Why do we need all these rules and regulations? Are we becoming an oppressive HOA?”
 - New rules and regulations regarding the dock and gazebo
 - Security door
 - Recent changes to the CR&R (short-term rentals, parking, etc.)
- So, I wanted to spend just a few minutes explaining
 - Why we need these changes, and
 - Why it won’t impact you
- Still trying to be a friendly neighborhood with good, helpful neighbors

REASON WE NEED THE CHANGES

- An incident last summer exposed our lack of control of our common areas
 - Disruptive teen visitor was asked to leave/refused; host refused to ask him to leave
 - OCSD was called but would not remove disruptive teen for trespassing
 - OCSD policy: you allow guests, he says he's a guest, so not trespassing; you need to deal with issue in your covenants and rules and regulations
 - As a result, we installed security door to prevent self-invited guests and new R&Rs to make host family responsible for behavior of 'selves and guests
 - Simply gives us the tools to respond IF someone is creating a problem
 - Security gate allows us to call OCSD for trespassing if the person does not have a host
 - R&Rs allow us to hold the host responsible if the person is hosted

REASON WE NEED THE CHANGES (CONT)

- The continuing short-term rental problems exposed deficiencies in our R&Rs for us to be able to fine or suspend someone
 - We had never fined anyone before except for late dues, which follows a different set of rules
 - Legal review showed that our processes were not compliant with Florida law
 - Rule changes made our processes compliant with Fla Statute 720
 - Notification of proposed fine and/or suspension
 - Fine and Suspension Appeals Committee (three or more independent owners)
 - Imposition of fine or suspension
- Allowed us to use fines and suspensions to successfully end short-term rentals

REASON IT WON'T AFFECT YOU

- The most aggressive of the new dock R&R don't apply to people staying in your house
 - Only apply to outside visitors not staying with you (parties, gatherings, etc.)
 - Houseguests may be alone, may have the key, are not subject to numerical limits
- We are a complaint driven HOA
 - We don't go around searching for violations; we respond to neighbor's complaints
 - Some say, sure it is OK with this set of Officers, but what if we elected a tyrant?
 - Rules and Regs give due process to protect against a tyrannical BoD
 - The Fine and Suspension Appeals Committee can disallow any fine or suspension (except for being financially delinquent)
- So, please don't worry that we're becoming an oppressive HOA, I don't like these confrontational issues any more than you do, and I'm hoping we're past them

FINANCIAL REPORT

Alicia Graham
Secretary/Treasurer

FINANCING THE REBUILDING

Dock Rebuild Costs

Financing plan

- No special assessment required
- Homeowners Association dues will stay at \$500
- Boat slip fees will increase to ~\$500/year

MAIN INVESTMENT ACCT AS OF MAR 31, 2021 (GOAL - \$250K)

February 26 to March 31, 2021

RAYMOND JAMES®

Sparkling Waters Home Owners Assn Account Summary

Brokerage

Account No. [REDACTED]

Closing Value \$148,675.53

SPARKLING WATERS HOME OWNERS ASSN
552 SHIMMERING LN
MARY ESTHER FL 32569-3422527

SCOTT FINKLER
Raymond James & Associates
34851 EMERALD COAST PKWY | STE 200 | DESTIN, FL 32541 | (888) 317-8956 | (850) 269-8026
halprin@finkler.com | scott.finkler@raymondjames.com

Raymond James Capital Access Client Services | 800-759-9797
24 hours a day, 7 days a week, including holidays
Online Account Access | raymondjames.com/clientaccess

Investment Objectives

Primary: Income with a high risk tolerance and a time horizon exceeding 10 years.

Activity

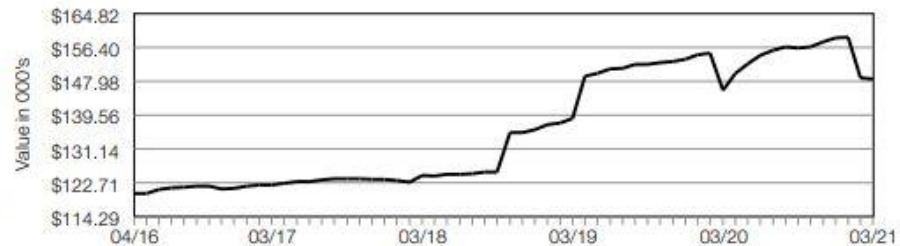
	This Statement		Year to Date	
Beginning Balance	\$	148,960.45	\$	158,803.65
Deposits	\$	0.00	\$	0.00
Income	\$	231.84	\$	747.83
Withdrawals	\$	0.00	\$	(10,043.08)
Expenses	\$	0.00	\$	0.00
Change in Value	\$	(516.76)	\$	(832.87)
Ending Balance	\$	148,675.53	\$	148,675.53

Dollar-Weighted Performance

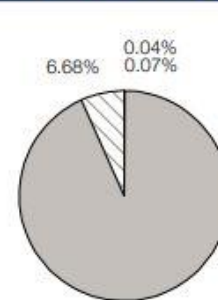
See Understanding Your Statement for important information about these calculations.

Performance Inception 11/02/15	This Quarter	YTD	2020	2019	Annualized Since 11/02/2015
	(0.06)%	(0.06)%	3.44%	5.29%	2.60%

Value Over Time



Asset Allocation Analysis



		Value	Percentage
US Equities	\$	71.01	0.04%
Non-US Equities	\$	111.42	0.07%
Fixed Income	\$	138,553.58	93.21%
Real Estate & Tangibles	\$	-	-
Alternative Investments	\$	-	-
Non-classified	\$	-	-
Cash & Cash Alternatives*	\$	9,939.52	6.68%

*Not all Cash & Cash Alternatives are liquid; \$9,937.77 is embedded in investment products

DOCK SINKING FUND AS OF MAR 31, 2021 (GOAL - \$60K)

February 26 to March 31, 2021

RAYMOND JAMES®

Sparkling Waters Dock Fund Account Summary

Brokerage

Account No. [REDACTED]

Closing Value **\$1,245.21**

SPARKLING WATERS HOME OWNERS ASSN
552 SHIMMERING LN
MARY ESTHER FL 32569-3422527

SCOTT FINKLER

Raymond James & Associates

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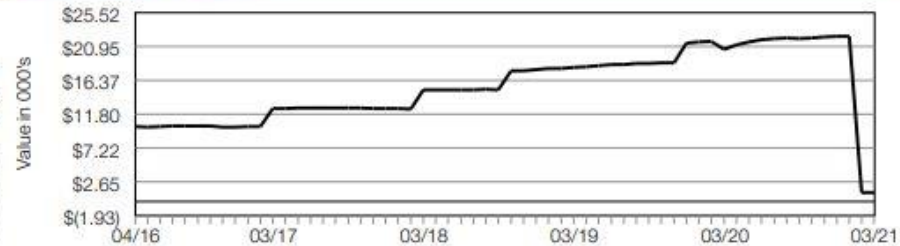
		This Statement		Year to Date	
Beginning Balance	\$	1,239.05	\$	22,353.62	
Deposits	\$	0.00	\$	0.00	
Income	\$	11.75	\$	61.38	
Withdrawals	\$	0.00	\$	(21,133.32)	
Expenses	\$	0.00	\$	0.00	
Change in Value	\$	(5.59)	\$	(36.47)	
Ending Balance	\$	1,245.21	\$	1,245.21	

Dollar-Weighted Performance

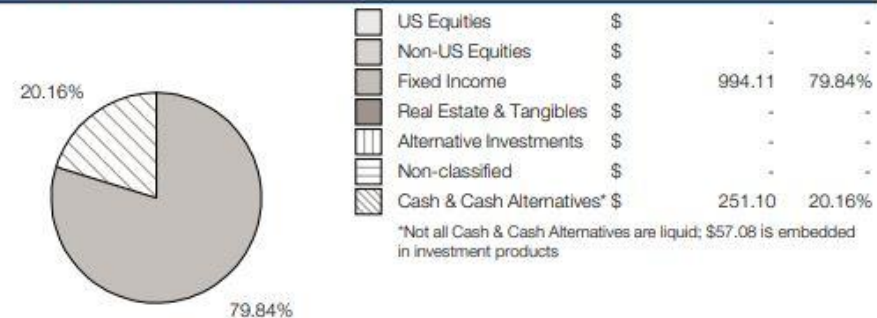
See Understanding Your Statement for important information about these calculations.

Performance Inception 11/02/15	This Quarter	YTD	2020	2019	Annualized Since 11/02/2015
	0.22%	0.22%	4.39%	5.52%	2.64%

Value Over Time



Asset Allocation Analysis



SWHA PREVIOUS BUDGET MAY 2020-APRIL 2021

Administrative/Attorney Costs	2,000.00
Insurance	1,400.00
Utilities	2,100.00
Street Maintenance and Repair Fund	10,000.00
SWHA partial share of Dock costs	300.00
Improvements	2,500.00
Total	18,300.00
Number of Lots	42
Average Per Lot assessment	435.71

FINANCIAL REPORT

ACTUALS MAY 20 –APR 21 LESS REPAIRS

• Actual Expenses (May 20 – Apr 21)	
• Gulf Power (Street Lights)	2,019.07
• State filing fee	61.25
• Administrative (postage, recording fees, meeting signs, website)	752.88
• Attorney Fees	2,603.00
• Construction supplies/fees, landscaping, Kayak Racks, tree removal, locks, etc.	2,674.30
• Liability Insurance	1,413.00
- Common Dock Expenses (SWHA Share) plus utilities	300.00
- Fall BBQ	0.00
TOTAL EXPENSES (Non-Hurricane Sally):	9,884.75
Deposit to Investment Acct	0.00
Bayou Builders of Walton County-- paid to date	26,185.85
4/9/2021 Balance Main Checking Acct (xx-xxx-625-0)	28,065.20
Less committed expenses (dock construction/electrical)	19,649.15
Remaining Balance Main Checking Acct (xx-xxx-625-0)	8,741.24
Balance Main Ray James Investmnt Acct (3/31/21)	148,675.53
Balance Dock Ray James Investmnt Acct (3/31/21)	1,245.21
Balance Dock Checking Acct (xx-xx-240-4)(4/9/21)	\$2,058.99

SWHA PROPOSED BUDGET MAY 2021-APRIL 2022

Administrative/Attorney Costs	2,000.00
Insurance	1,425.00
Utilities	2,100.00
Street Maintenance and Repair Fund	10,000.00
SWHA partial share of Dock costs	128.00
Improvements	2,500.00
Total	18,153.00
Number of Lots	42
Average Per Lot assessment	432.21

FINANCIAL REPORT

- Assessments/Fees collected
 - No delinquencies
 - 19 homeowners billed \$500 (no workday credit)
 - **xx** of 42 lots fully Paid as of April 10th, 2021
- Earned **\$3,860.16** in dividends in Tax Year 2020. Earned \$4,286.50 in dividends in 2019. Earned \$4,003.37 in 2018, \$3,750.90 in 2017 and \$3,414.80 in interest and dividends in Tax Year 2016.

BOAT SLIP FEES DUE 4 JUNE

• Repairs	\$20.00
• SLL Renewal Share	0.00
• Insurance	16.00
• 1/12 th Water Usage	14.00
• Power Base Charge	26.92
• Contribution to Reserve Fund/Repay Main Account	416.67
• _____	
• Total	\$493.59
	+
• Power Fees	By Slip

[Lift power fee remains at \$5.00 per year + usage for equipment/lighting that is a constant drain; HOA share is \$128 for the year] *Will monitor usage for spikes and reassess if needed.

NEW BUSINESS

- Sparkling Waters Phonebook/Email Distro List
 - Require permission in writing to share contact info with other Sparkling Waters members (Florida Title XL, Chapter 718.111)
 - Need forms from new residents
 - Need all members to sign form that they consent to being notified via email
 - Proposed Date for Next Annual Meeting- Sunday, April 3rd, 2022 (Easter is April 17th; Okaloosa Cty Spring Break is March 21-28th)
 - Dock reopening social: Saturday, May 29th-- Weenie/Marshmallow Roast?
 - Fall BBQ—Proposed date: Sunday, October 24th, 2021? Oktoberfest Theme.
-
- New business from the Members

VOTING ISSUES

1. Budget

- On the question of whether to accept the recommended budget and assessment? Retain assessment at \$500 per lot per year with the \$100 workday (or equivalent) credit?
 - Yes or No

2. Officers

Officers: Pres; Vice-Pres; Secy/Treasurer; Director

Incumbents: President Barry Graham, Vice President John Totty, Secretary/Treasurer Alicia Graham, Director at Large John Stinson

3. Next Annual Meeting? Sunday, April 3rd, 2022

- Yes or No

ROLL CALL

	Owner Name(s)		Owner Name(s)		Owner Name(s)
<input checked="" type="checkbox"/>	Akins, Ellis & Alicia	P	Gusoff, Gus & Sam – 2		Rotter, Andrew
P	Bonner, Lewis & Barb	W	Harris, Matt		Russo, Troy – 2
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– Present

P – Proxy

W – Written Vote