



# Community Newsletter

The Voice of Condominium, Civic, & Homeowner Associations of Pasco County

Volume 3 - Issue 1

Council of Neighborhood Associations, Inc. since 1985

January 2005



## CONA

### Board of Directors

#### Officers

##### President

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\*Program Chairman

Jim Turtle 938-1878

##### Director Emeritus

Charles Rifkin 376-7525

## "BE PREPARED" for the next "DISASTER"

Wednesday, January 19, our  
CONA Meeting will feature  
Michelle Baker, Director,  
Pasco County Office of  
Emergency Management

See page for more information  
on Emergency Management.

The meeting will be at the  
New Port Richey City Hall in  
chambers at 5919 Main Street  
New Port Richey  
at 9:30 a.m.

CONA member meetings are  
always on the third Wednesday of  
the month.

The November Annual Meeting  
was the best attended in a long  
time. Thanks for your support and  
we hope you all come back, again,  
and again.

*CONA member meetings are open  
to all who wish to attend. Bring a  
friend.*



NEW TO CONA'S BOARD OF  
DIRECTORS ARE HANS  
KAEHLER, PAST PRESIDENT  
OF TIMBER OAKS, AND  
DOMINICK SCANNAVINO OF  
MANAGEMENT AND  
ASSOCIATES  
WELCOME AND THANK YOU  
FOR VOLUNTEERING!

### *President's Message*

#### **"New Code Enforcement Procedures are on the rise."**

As we informed you previously,  
your President, Director Ernie  
Reed, Director Jim Turtle, Dale  
Mapstone of Leisure Beach, and  
Mike Butler of Signal Cove, met  
with John Gallagher and his staff on  
November 15, 2004, about our  
concerns with what we perceived as  
short comings in the effectiveness  
of code enforcement. At that time  
we outlined our concerns and John  
Gallagher instructed his staff to go  
over these recommendations and  
get back to him on or before  
December 6, 2004 with changes for  
improvement within the department

On December 6, 2004, we met  
with John Gallagher and Debra  
Zampetti, Director of Zoning and  
Code Enforcement, to discuss actions  
taken. Listed below the are new  
operating procedures which go into  
effect immediately.

1. All complaints submitted by  
homeowner associations will be  
contacted at least once per week to  
advise them of the status of their  
complaints. I would suggest if an  
association chooses to file a  
complaint through the board of  
directors, that it is done by one  
person on the board and code  
enforcement should have this  
person's name on file for contact.

2. Effective December 6, all  
violators will be served with a  
seven day warning notice (or less if  
appropriate) and absolutely no  
extensions of time will be granted.  
If compliance has not been attained  
in seven days, a citation will be  
served.

see **President** page 2

*President - from page 1*

3. Beginning January 3, 2005, the working hours of code enforcement officers will be from 8:00 a.m. to 5:00 p.m., Monday through Friday. For situations where night or weekend work is necessary, flex time will be granted to the officer to replace time spent.

4. If an officer has one complaint on an address, they need to address all violations that exist on that property, and take appropriate action.

5. When at a location responding to a complaint, the code enforcement officer will look up and down the street, and across the street, for any violations visible from that property. If any are detected, seven day warnings are to be issued on those as well. This is the beginning of pro-active enforcement that CONA has been requesting for years.

6. Research will be done in an attempt to resolve the ability to give a PID number when a complaint is called in.

A follow-up meeting will be held with John and his staff on February 24, 2005, to see how these changes are working.

Please, if you have difficulty with code enforcement, get in contact with one of the committee members listed below so CONA will be aware of the problem.

President Mel Phillips - 372-2610  
Ernie Reed - 869-8991  
Jim Turtle - 938-7525  
Dale Mapstone - 869-9208  
Mike Butler - 868-9516

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### **Correction & Apology**

"Alexander the Great!" was listed for November 7 on the History Channel. I was given the wrong information. It was on the Discovery Channel on November 21. Hope some of you caught it...it was a great documentary. ■

## **ANNOUNCEMENTS**



*We are sorry to report that Ernie Reed's wife died on Thursday, December 30, 2004. There will be a memorial service on Saturday, 2:30 p.m., January 8, at Dobies Funeral Home on Hudson Avenue, in Hudson. Our condolences to Ernie and his family.*

### **Thank You!**

Everyone at the Holiday Breakfast was the happy recipient of a "Candy Cane pen." We wish to thank Herbert and Sally Schlender, of Bear Creek for the nice gift.

### **Holiday Breakfast Presentation!**

Charlie Rifkin, CONA Director Emeritus, was presented with a commemorative plate. The printed inscription was "Presented with Gratitude and Heartfelt Thanks in Recognition of Your Dedication to Our Association."

### **FREE CLASSES** on Condominium and Cooperative Associations

Community Associations Institute (CAI), the designated condominium and cooperative educational provider for the State of Florida's Department of Business and Professional Regulation will hold **FREE** courses for condo and coop unit owners in Florida over the course of 2004 and 2005.

Boards and unit owners owe it to themselves to become educated on how an association is conducted. Course listings are **Conflict Resolution** - Covers the role of the board of directors in creating and enforcing rules as well as how those rules impact unit owners.

**Florida Condo Association Operations** - This course focuses on the core responsibilities of associations: self-management, the bidding process, maintenance issues, accounting and legal services, and how to plan for and conduct board meetings.

**Florida Coop Association Operations** - Same as above.

**Financial Management of Florida Condo Associations** - This course details the process of preparing financial statements, etc., covers three types of year-end financial statements, federal income tax filing, and reserves.

### **Regulation of Residential Condo & Coop Assoc.'s in Florida**

This course focuses on how federal and state statutes and regulations impact associations. Review of Florida statutes and legislation, and federal laws.

If you have questions - send e-mail to [FLeducation@caionline.org](mailto:FLeducation@caionline.org)  
Classes will be held in Pinellas County. For verbal information call Laura Hagan at 727-525-0962. I believe the first class is on January 13 at the Azalea Adult Recreation Center, St. Petersburg. ■

## IS THIS ALLOWED IN YOUR NEIGHBORHOOD?

A member of CONA sent an e-mail to Peter M. Dunbar, attorney and author of "The Law of Florida Homeowners' Associations" asking, "When architectural committee's are making a final decision on approving (or denying) plans for a swimming pool, fence or whatever, IS IT LEGAL TO DO THE VOTING BY E-MAIL?"

Mr. Dunbar replied: In my opinion, it is not a correct procedure. Actions of a committee or the board must take place at a meeting of the board. The voting procedures for meetings are then governed by the documents of the community (usually the bylaws) and the law. E-mail voting is not permitted in my judgement. It is a question of a "valid" or "proper" vote versus "illegal" or "legal." An improper vote is simply a nullity, which means that the approval was really never given.

### **More on the subject----- Attorney Donald Peyton**

Use of current technology by board members provides the ability to communicate in ways never before available. At the same time, there is greater potential for improper actions by board members.

Current Florida law does not prohibit one board member from communicating with another board member and discussing association business by e-mail. On the other hand, if a quorum of board members participate in

an online chat room and communicated with each other at the same time, this conduct would probably be a meeting in violation of Florida law. The statutory language in Florida is "A meeting of the board of directors occurs whenever a quorum of the board gathers to conduct association business." It is likely that a quorum of board members discussing association business in a chat room on the Internet would be interpreted as "gathers," and would be a violation of our statute.

E-mails between board members individually, and not as a group, would not be in violation of the statutory language, even if association business is discussed. However, e-mail should not be used as a means of communicating votes on a particular issue, tallying the votes, and treating that action as passing an issue by that e-mail vote.

There is a procedure for boards to take action without a meeting under certain circumstances, and the e-mail scenario described above does not meet the statutory requirements for such action. Also, action taken without a meeting must be taken by ALL the board members, and is not effective until the last board member signs the consent, unless the consent specifies a different effective date. The steps for a board to act without a meeting are set forth in detail in Section 617.0821, Florida Statutes.

Association members have a right to be notified of board meetings as well as attend and observe the board meeting, discussing, and voting on issues

affecting the subdivision. Recent amendments to Chapter 720 also give the members the right to speak at board meetings under specific circumstances.

Board members must be diligent to insure that their conduct neither abridges the rights of members, nor conflicts with either Florida Statutes or the subdivision's governing documents.

### **Editor's Note:**

*Please see page 4 for additional information on 720 amendments.*

## Emergency Management

Disaster planning is most often overlooked and boards of directors do not develop a plan to protect life and property in the face of a disaster. This is especially essential if you have a clubhouse. Foremost in the thoughts of directors is the "health, safety, and general welfare" of the membership.

Your emergency management team should have a program set up to cover the following:

Emergency information | Important information | Personal Preparedness | Business Preparation | Volunteer Corps | Terrorism | Sinkholes | Flooding | Cold weather | Hazardous Materials | Thunderstorms & Lightning | Hurricanes | Tornadoes |

CERT - Community Emergency Response Team - to volunteer call 727-847-8137

Remember to prepare financially for a disaster program. If you have a clubhouse and it is damaged, you need to have enough in reserves to cover the cost of the new codes for rebuilding. *Be informed, it's critical!* ■

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## W Legislation Affecting Mandatory Homeowners' Associations

Florida Statutes 720 that regulate mandatory homeowners associations has changed. Some folks are happy about the changes and some are not.

Governor Jeb Bush created a HOA Task Force in July 2003. The new changes took effect on October 1, 2004. Every board of directors should have a copy of the new statutes. You can print them out on your computer, get copies from the county law library, or send for a copy from Tallahassee. You can't run an association on guess and by golly. You need to know the new rules or you could be in big trouble. The new statutes were created to give residents of HOA's more say due to the fact that some board of directors have run amuck with power.

The DBPR can now be petitioned to mediate or arbitrate the following disputes:

- *Recall of Board of Directors*
- *Election Disputes*
- *Membership Meetings Disputes*
- *Meetings of Boards and Committees*
- *Access to Public Records*
- *Amendments to Governing Documents*
- *Use of or changes to Parcels and Common Areas*

### Other important improvements include:

- *Resident members right to speak at meetings*(720.303(2))
- *Levy Assessments* (720.303(C)(2))
- *Inspection and copying of records* (720.303(5))
- *Financial Reporting - Audits* (720.303(7))
- *Recall of Directors* (720.303(10))
- *Restricted use of funds* (720.303(8))
- *Flags* (720.304(2))

- *Stapp suits prohibited* (720.304(1))
- *Access Ramps* (720.304(5))
- *Security Signs* (720.304(4))
- *Fines may not lead to liens and foreclosures* (720.305(2))
- *Competitive Bidding for Contracts* (720.3055)
- *Mediation Arbitration* (720.311)
- *Disclosure Prior to Sale*(720.401, 402)
- *Covenant Revitalization* (720.403-407)

*Most of the time court battles can be avoided through mediation. Mediation/Arbitration is mandatory.*

*Every board of directors should have Florida Statutes and Corporate Statutes. The Florida Statutes, Corporate Statutes, and your CC&R's should be brought to every meeting by the secretary in case there is confusion with the law...you won't have to wait until the next meeting to clarify the law. ■*



## BOARD ACTIVITIES

This was the 15th year of CONA's "Appreciation Breakfast" party. We sold 124 tickets, and an additional 45 were invited guests. Only 20 guests were able to enjoy the Holiday Breakfast this year. The 20 who could not attend were Senators, Representatives, and Pasco County personnel who were called to a "special session," in Tallahassee, by Governor Bush.

Mark your calendars for December 14 for the next Holiday Breakfast. This will be the second Wednesday. The board agreed that December 21, the third Wednesday was too close to the holidays for the breakfast to be successful.

President Phillips, Director Ernie Reed, and Director Jim Turtle met with Pasco County Administrator, John Gallagher on November 16 to inform Mr. Gallagher of the inadequacies of the code enforcement department. They're next meeting was on December 6, and they plan on meeting again on the 24th of February.

Director Jim Turtle will be working with Senator Mike Fasano's office staff on coordinating code terminology to correspond with other counties.

Director Dominick Scannavino agreed to take the position of program chairman. He will be responsible for enlisting speakers for our meetings.

Director Ron Hubbs, membership chairman, is busy sending brochures to nonmember associations inviting them to join CONA. ■

## BOARD MEMBER'S WORDS OF WISDOM

*I have been elected to the board of Directors. Remind myself not to become talkative and possessed with the idea that I must express myself on every subject. Release me from the craving of getting involved with everyone's affairs. Keep my mind free from the recital of endless detail. Give me wings to get to the point. Seal my lips when I am inclined to tell about my own complaints. My love to talk about them has grown sweeter as they are oft repeated. Teach myself the glorious lesson that (occasionally) I may be wrong. Make me thoughtful, not nosey, helpful, not bossy. With my vast store of wisdom and experience, it does seem a pity not to use it all. But, in my heart I know, I want a few friends when my term expires!!*

*Author unknown*