



Community Newsletter

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

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Council of Neighborhood Associations, Inc. since 1985

March 2005



C.O.N.A.

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Changes in Florida Statutes 720

Wednesday, March
16, our CONA
Meeting will feature:

Bush Ross Gardner
& Rudy, P.A.

Attorney Steven Mezer
will be the principle speaker

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 open
to all who wish to attend. Bring a
friend. We need your support.*

*Below are some of the changes to
Florida Statutes 720. Join us on
the 16th for a more complete
explanation of the following.*

- ♦Owners right to attend & speak at a meeting
- ♦Your right to add something to the agenda
- ♦Associations must maintain a copy of their governing documents and records.
- ♦ Provide parcel owners with copies, upon request
- ♦Financial reporting requirements for associations in accordance with generally accepted accounting principles.(GAAP)
- ♦Procedure for certification of the recall vote
- ♦Election dispute between a member and an association must be submitted to mandatory binding arbitration
- ♦Mediation/Arbitration rules
- ♦Amends disclosure requirements

WHAT & WHO WE WE ?

If you are reading this newsletter, you are part of an association in some way. If you attend our meetings you know some of the problems that other associations encounter. You no doubt meet or know other persons that live in community associations.

Membership in CONA offers benefits, such as education, support, and up-to-date information on associations via meetings, speakers, e-mail, and our Newsletter.

The next time you talk to someone who lives in a community association, ask if he or she is a member of CONA...and mention what we are about. If you give their telephone number to our membership chairman, he will send him or her material about CONA and an application for membership.

OUR MISSION!!

CONA is a bi-partisan, non-profit, issue oriented Florida Corporation whose purpose is to promote the welfare and unity of Pasco County homeowner, civic, condominium, mobile home, and special districts.

CONA disseminates information and education to these associations, promotes the common good, and collectively represent the quality of these groups that effect the well being of all community citizens with changes in laws and activities before local and state governmental bodies.

To promote communication and cooperation between organizations.

To foster a sense of community, and to assist each other by providing a forum

To provide a forum for discussion of issues of public concern with emphasis on providing the most accurate information available and addressing all sides of a question equally ■

Editor

SO YOU WANT TO BE ASSOCIATION PRESIDENT!

The chief executive officer of most community associations is the President, who is generally elected by the Board of Directors. And now you have undertaken this responsibility, and you are wondering what exactly does the President actually do.

The function of the President is to be the liaison person between the community and the outside world. To fulfill your role as president, you should guide the Board of Directors in seeing your association as both the community/membership and a business.

For the business, the Board must prepare and adhere to budgets, formulate and enforce rules and policies, and set and achieve goals.

For the community, the Board is responsible for maintenance, repair and replacement of common areas and the general operation of the association and the community on a day to day and a long-term basis.

The Business of the Association

The association is in the business of preserving, protecting, and enhancing the value of the entire property defined as the community. The value of the property includes not only the grounds and buildings, but also the financial strength of the association, the legal standing of the corporation, and the impression the association makes on the members and the general public.

The president of a community association cannot be a dictator who takes action without board input and vote. The governance of the association is the responsibility of the entire board, and not of any particular officer. Unilateral action by an officer

of the association is inappropriate, and a violation of corporate law. The officers of the association are also directors, and in the community association setting, **directors make decisions and govern the community.**

The governance of the association is the responsibility of the entire board, and not of any particular officer.

As the president of the association, you would never operate with a private agenda, but use your position to create a forum for all points of view to be heard and for forging consensus among the directors, for the good and welfare of the community.

President

As president, you will be called upon to conduct meetings, assist in preparing agendas, and work with committees. Even the simplest of tasks, carried out well, can send a very positive message to the membership.

The president must use extra effort in fulfilling his fiduciary duties since he has more extensive and specific responsibilities in many instances than those of the board members. The **board** and the president are responsible for negotiating contracts with vendors or managing agents, and authorizing and signing checks. The president's position **does not include authority** to operate in these areas **without** the consent and direction of the board of directors. The president should have a basic working knowledge and be comfortable with the

law, the governing documents, contracts, and insurance policies of the association.

Secretary

The secretary, the "official recorder" of the association's activities, has the responsibility to ensure that minutes are taken of the board meetings. Other duties include: filing documents, maintaining association records, and attesting to the validity of documents, including contracts, by signing them.

Timely writing and distribution of minutes remind board members of recent actions taken on authorized projects and their role in these projects. The minutes include the "to do" and "action" items, and can serve as the basis for the next meeting's agenda, as well.

Treasurer

The Treasurer is the chief financial officer of the association, and guardian of the association's operating funds and reserves, includes preparing financial reports and understanding budget operations and replacement reserve funds.

Vice-President

The vice-president substitutes for the president in his or her absence. Typically, the person in this important position conducts meetings and presides over the board meeting when the president chooses to stand down from the chair to take a position on an issue under discussion. Refer to your association's bylaws for additional duties of the vice president.

Agenda

Advance preparation is critical to conducting an organized board meeting.



Agenda - continued

Board meetings reflect the entire workings of the association. At the meetings, the board will conduct the monthly business of the association as outlined in the governing documents and make sound policy decisions and execute contracts, levy assessments, and review the financial condition of the community.

Before each meeting, the president should assist in preparing a working agenda, soliciting input from the directors, and distribute it to the board in advance to permit each member to review it and to ask questions or pursue additional information.

The agenda should contain the following:

- Remember, that it is necessary to allow owners to participate for each agenda item.
- List the name of the person and/or committee chair who will speak to the issue. If needed, that person or committee chair can respond to requests for information prior to the meeting.
- Include a statement of the action or motion sought.
- Draft the motions you expect to be made, if possible, ahead of time. Make clear statements to focus the discussion on the issues and help to document the actual motions for recording the meeting minutes.
- List new business specifically on the agenda.
- No business is old business, but it may be *unfinished business*. Any decision purposely delayed by the board from one meeting to another should be listed as an agenda item to be reported or acted on.
- Communicate background information and additional thoughts or ideas as an attachment to the agenda
- The agenda cannot be changed at the start of the meeting.

You may want to include a committee report, a manager's report, and information provided by another board member as brief background on the agenda items.

- Distribute the agenda and reports prior to board meeting. A few days of advance preparation allows the board members to review, understand and inquire, if needed, about the content of the agenda.

Board Meetings

Board meetings are designed for decision-making and actually conduct the business of the association. A successful board meeting, instills confidence in the unit owners that their elected representatives have everything under control.

Immediately following the election, at the organizational meeting of the board, regular board meetings should be scheduled for a specific date, time, and place for the entire year in advance.

Regular board meetings require an agenda, which should include a treasurer's report, a president's or manager's report, and review and approval of the previous meeting's minutes.

It may be necessary to call special meetings to consider actions that cannot wait until the next regular meeting, or to consider complex information that the board should address prior to the next regular meeting. Some examples are a special meeting for consideration of insurance policy renewal, personnel issues, or to respond to accidents or natural disasters.

Communication: The Key to Effective Board Meetings.

The board functions as a team, and each team member must accept the other's contributions to the discussion of issues.

Phone calls and informal conversations with the

president among the board members will help establish a common level of understanding on an issue. Discussing an issue under board consideration with association members invites homeowners to offer opinions, to express an interest in the activities of the association, and gives them a sense of purpose in the operation of the association. This approach will also help prevent claims of secret meetings and personal agendas by the board.

The board should always discuss the issues at the meetings, to prevent the owners from perceiving of the board as a controlling power rather than a group of volunteers interested in serving the needs of the membership.

Every president has a board from which he or she can draw support. It is important for the community to recognize the contributions of the board, the committees and the other volunteers who make the association work, and the president can set the tone for the entire process, making the role of president very satisfying, because you have made your community association work.

Each association board member should stay educated on new laws and new operating procedures. Occasionally, you may need to seek the knowledge of experts, and the advise of other associations. How you conduct association business is as important as

how you communicate

Good communication among the board is critical for effective board meetings

NOTE:

The information set forth in this bulletin is general and summary in nature and is not intended as specific legal advice applicable to your association. If you have questions regarding the contents of this release as it applies to your situation, please contact the association attorney responsible for your file. In addition, we wish to reaffirm the fact that the principles of law cited herein are subject to change from time to time.

Welcome New Members & Presidents

Association Memberships

Fox Wood at Trinity Community Association, Inc., **Bill Humphrey**, President; Riverside Village Estates, **Doug Bacon**, President; Magnolia Valley H/O Assoc., **Anthony Konieczny**, President; Timber Greens, **Richard Dingus**, Manager - WELCOME BACK; Beacon Pointe, **Daphne Mullins**, President Signal Cove Owners, Inc.; **Michael Butler**, President; Sea Ranch Civic Association, **Jim Craun**, President

Individual Memberships

Loretta Bolender, Estates of Beacon Woods East; **Richard Method**, Ponderosa Park Civic Association; **Paul Bryant**, Sabalwood at River Ridge; **James Scaglione**, Barrington Woods; **Charles Tabone**, Jasmine Trails **George Whitley**, Barrington Woods; **Silvana Perez**, Bear Creek Beautification Association; **Irving Gaines**, Wyndtree 11&12 HOA; **William Tiller**, Heritage Lake Civic Association.

Note: Please check your Newsletter envelope address label for errors and let the editor know of any changes. If the due date above your name is in red...it is a reminder that your dues are due.

Please let our secretary know when you have a change of board members so our Newsletter gets to the correct person(s)

February, 2005 - Pasco County Sheriff, Bob White - Senator Mike Fasano's Legislative Issues -

Insurance Information & Annual Meetings info.

January, 2005 - Attorney Bob Dunbar, and Attorney Don Peyton's articles on voting by e-mail and decisions made by e-mail - Emergency Management - New Legislation for 720 - Code Enforcement Procedures

December, 2004 - Mediation/Arbitration article -

New members - Cona East Quarterly Update - Pumpkin Bread recipe - Code Enforcement Report

November, 2004 - President's message - Contractor Agreement (in writing) - Candidates for Cona - Bylaws article

October, 2004 - President's message "there is strength in numbers" Amendments to animal ordinances, garage sales - HOA's Sunshine meetings - Board Happenings - Available Records "HOA's financial statutes.

Handouts - Attorney Bob Tankel's analysis of 2004 Community Law changes (5 pages) and "Urgent" Preserve Your Covenants, MRTA (3 pages)

September, 2004 - Identity Theft article - President's message on activities that happened over the summer of 2004 - recruiting new members - New Members - Web e-mail addresses for Identity Theft. All about CDD's (Community Development Districts) - Sewage Backup Alert article - Full page article by President Larry McLaughlin about Cona East Chapter activities.

No July or August Newsletter printed (no meetings)- Summer break!

June, 2004 - "Ask An Attorney" article by Attorney Don Peyton on various "did you know?" information - Florida Communications Commission on FCC "Wireless" switching for customers - Neighborhood Crime Watch article HB511 - The essentials of good board/resident communication - High Gas Prices article - Cona board report - new members.

May, 2004 - President's message on Pasco County Committees report - "Ask an Attorney" article on liens (full page) - new members - Full page of Robert's Rules of Order corrections to the Fifth Printing of the 10th Edition

April, 2004 - President's message on the latest happenings in Code Enforcement for Pasco County - "Ask an Attorney" by Bob Tankel on "Losing the Right to Enforce Your Deed Restrictions" - President's article on "Cona at Work" - "On Line Voting is Here"

March, 2004 - President's article on how to "get around in Pasco County's records on the web" - Attorney Peyton's article on "Annual Meetings" - Condominium Update on new statutes - article on MRTA, expiring deed restrictions.

February, 2004 - Request from Pasco County Commissioner's secretary asking for information from associations for the names of their board members - Attorney Peter Dunbar on "who has the authority to make decisions, president of an association or board of directors? - Governor Bush's HOA Task Force (2 pages) - "How Well Does Your Board Communicate?"



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Fox Wood at Trinity

COMMUNITY ASSOCIATION, INC.

BOARD OF DIRECTORS CODE OF ETHICS

GENERAL STANDARDS:

Competence. A board member shall undertake only those responsibilities and assignments that he/she can reasonably expect to perform.

Due diligence. A board member shall exercise due diligence in the performance of his/her duties.

Planning and supervision. A board member shall adequately plan and supervise all functions for the homeowner association.

INTEGRITY AND OBJECTIVITY: A board member may not knowingly misrepresent facts in order to achieve any measure of personal gain for himself or herself, or any affiliated company from which he/she may benefit. All decisions and representations must be made with the best interests of the association in mind. Confidential financial bidding information privy to board members that relates to a contract bidding process must not be disclosed to any of the competing parties. Information provided to such bidders shall not provide an unfair advantage to any one competing party.

OPERATING STANDARDS: A member shall comply with all operating standards (internal operating procedures) that are in force or may from time to time be promulgated by the board of directors. This includes following and supporting covenants and deed restrictions, and not looks the other way when violations are obvious and evident.

PROFESSIONAL COURTESY: All board members shall exhibit professional courtesy to all community association management professionals. Such professional courtesy shall include and should not interfere with, among other things, contractual relationships between community management professionals and contractors.

CONFLICTS OF INTEREST: No board members, or employees of board members, may use their position to enhance their own financial status through recommendation of vendors, suppliers, or contractors that may pay a gratuity to the members or employees. In addition, all situations in which any appearance of a conflict of interest could exist must be disclosed in writing to the board of directors at the earliest opportunity. Notice should be rendered if it will affect the fair judgment on contract decisions or negotiations.

GRATUITIES: No board member shall accept any gratuity in any form. If a gratuity is insistent upon, the board President is to be notified and then is deemed property of the Fox Wood Community Association.

USE OF HOMEOWNER ASSOCIATION FUNDS: No board member may use any funds being held for homeowner association business for personal use. All funds must be segregated completely, through either bank accounts or accounting records.

RELATED ENTITIES: Any engagement of a company or individual who is related to any member of the homeowner association board of directors in any way must be disclosed to the association. Notice should be rendered in open session if it will affect the fair judgment on contract decisions or negotiations.

LIMITATIONS OF PRACTICE: A board member who is also engaged in the practice of another profession shall not perform such other services for the homeowner association while serving as a board member, if the performance of such services is likely to result in a perceived or real conflict of interest.

Fox Wood at Trinity

COMMUNITY ASSOCIATION, INC.

BOARD OF DIRECTORS CODE OF DECORUM

The Board of Directors of the Fox Wood at Trinity Community Association, Inc. must be above reproach in our dealings with members of the Association, the public and any elected officials. To do otherwise would undermine our effectiveness as a Board and detract from accomplishing our mission.

All of our Board Meetings are public and as such, we must always observe and encourage others to observe proper decorum:

Behavior during these meetings must be the same as if they were held in a courtroom. We must always speak respectfully to each other and to the residents and guests in attendance. We can agree to disagree and not be disagreeable about it.

Avoid private conversations and discussions while others are talking or presenting reports or material. This makes it difficult to hear and follow the primary discussion.

Editor's Note:

This is a document that Jay Demyan of Fox Wood in Trinity has put together for their board. It is in final draft form and after getting board member feedback (and hopefully some comments from CONA members,) they will adopt it for their board of directors.

CONA members...you are encouraged to send your comments to Jay Demyan at birdman525@verizon.net.

If there are any changes to the "Code of Ethics and/or the "Code of Decorum," they will be printed in a future CONA Newsletter.

Department of Business and Professional Regulation

Office of the Secretary

Condominium Ombudsman Appointed

Ombudsman Virgil Rizzo is now available to assist in resolving disputes between unit owners and their boards. The Ombudsman acts as a liaison between all affected parties, including the Division, unit owners, boards of directors, board members and community association managers.

Dr. Rizzo's office is located administratively within the Department of Business and Professional Regulation, Division of Land Sales, Condominiums and Mobile Homes.

Policy and Support

Some of Ombudsman's duties include:

- Helping the private sector to understand their rights and responsibilities under the law and condominium documents;
- Monitoring and reviewing procedures and disputes concerning condominium elections and meetings;
- Encouraging and facilitating voluntary meetings with and between unit owners, boards, board members, community association managers, and other affected parties;
- Acting as a neutral resource regarding the rights and responsibilities of unit owners, associations and board members;
- Assisting in resolving disputes within a community association before a person submits a formal dispute; and
- Reporting to the Governor, DBPR, and the legislature regarding any suggested changes to Florida's condominium laws.

How to Contact the Ombudsman

Phone: 850.922.7671 - **Fax:** 850.921.5446 - **Address:** 1940 N. Monroe Street, Tallahassee, FL 32399

E-mail: Virgil.Rizzo@dbpr.state.fl.us