



Community Newsletter

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

Volume 5 - Issue 5

Council of Neighborhood Associations, Inc. since 1985 - Incorporated 1987

May 2007



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C.O.N.A. MEETING

Wednesday

May 16 2007

9:30 AM

at

New Port Richey City Hall
5919 Main Street

Speaker for this meeting will be
**Jeannie Hayes from
Pasco County, presenting a
program about
"Florida Yards &
Neighborhoods "**

Jeannie has a great power point
program to present.

Jeannie will bring printed infor-
mation on all the subjects that her
department covers. There are nine
different categories plus!

She is bringing Doris Heitzman
to this meeting who works with
associations in Pasco and Pinellas
Counties on various subjects.

Jeannie would like to have the
members bring paper and some-
thing to write with. She would
like you to write your questions
on paper. She will also answer
questions from the floor.

C.O.N.A. meetings are open to the
public. Bring someone with you.

Since I wasn't at the last meeting, I
will bring the brochures that I
promised.

PASCO SHERIFF'S OFFICE MAY NEWSLETTER

If you have not already done so, I urge
you to check out the new and improved
website of the Pasco Sheriff's Office,
located on the Internet at
www.PascoSheriff.com

The Sheriff's Office Information
Technology section has put together a
user-friendly site that is continually
being improved and updated with infor-
mation that is valuable to Pasco County
citizens. Many citizens are making the
site a regular stop on their travels on the
"information superhighway," as we are
noting approximately 2 million
connections to the site every month.
Some of the highlights of the new site
include:

* *Active calls log:* Details calls-for-ser-
vice that are currently coming into the
Sheriff's Office Communications Unit,
including the time the incident was
reported; the type of call; the response
priority assigned to the call; and the
general location of the call;

* *Dispatch log:* A comprehensive list of
calls for service and offense reports,
updated nightly, and includes the last 30
days activity;

* *Subdivision activity log:* Like the
dispatch log listed above, but narrowed
down to specific subdivisions. This
information is also updated nightly, and
includes the last 30 days activity (Note:
Not all Pasco County subdivisions are
listed, but we are working with the
county government to provide that
information for all subdivisions;)

Inmates in jail: A log of arrest and
booking information, including arrestee
photos;

* *Outstanding warrants:* A link to an
outstanding warrants database;

Sheriff

*Mailing list registration: Citizens can sign up to automatically receive the Sheriff's monthly email newsletter and other important communications. Eventually, citizens will also be able to:

*Use a sexual predator and offender database to map where these individuals live in the county and be notified if one moves into or out of their neighborhood;

The website will continue to feature information that citizens are familiar with, such as unsolved cases, job and volunteer opportunities, crime prevention tips, and current news and events.

Please make our website one of your stops as you "surf" the Internet. I believe the site will give you an inside look at your Sheriff's Office and provide you with valuable information into your community. Any suggestions for the new website should be directed to Public Information Director Kevin Doll, who can be reached at 727-844-7759, or kdoll@pascosheriff.org.

NEW ASSOCIATION OFFICERS

Timber Oaks CSA

President, Robert Myers
Vice-President, Joseph Mazorra
Secretary, George Howard
Treasurer, Patricia Chambers

Estates of Beacon Woods G&CC

President, Marian Jorgensen
Vice-President, Richard Hillman
Secretary, Edward Balkin
Treasurer, William Sullivan

Veterans Vlg II

President, Marcey Rotz
Vice-President, Gail Edwards
Secretary, Julie Kehoe
Treasurer, Carol Mitchell

Shadow Oaks II HOA

President, William Durnell
Vice-President, Christi Skrelunas
Secretary, Dorothy Truscott
Treasurer, Carrie Phillips

Palm Breeze Vlg of Heritage Springs

President, Bill Hellmers
Vice-President, Gus Poules
Secretary, Richard Rosenthal
Treasurer, Randy Sushko

Ponderosa Park Civic Association

President, William Shaffer
Vice-President, Doris Rothi
Secretary, Jeanne Zube
Treasurer, Ruth Wilbur

Briarwoods HOA

President, Keith Larke
Vice-President, Edward Pereira
Secretary, Alan Berkett
Treasurer, Isabella Poyntar

Heritage Lake Comm. Association

President, Robert Rock
Vice-President, Ruth LaFreniere
Secretary, Lois Fricke
Treasurer, Mary Pietrzak

Heritage Pines Comm. Association

President, Beth Barnetson
Vice-President, Howard Dornfield
Secretary, Richard Kell
Treasurer, Gilbert Herr

Shadow Ridge HOA

President, Bert Kenner
Vice-President, Don Paeplov
Secretary/Treasurer, Dayne Cote

Fairway Oaks HOA

President, Margaurite Miklolaiczak
Vice-President, Thomas Todd
Secretary, Ed Tuthill
Treasurer, Paul Spidell

Viva Villas Civic Association

President, Frank Borcherding
Vice-President, Lareno Rolfers
Secretary, Judith Domain
Treasurer, Carol Smith

Crestridge Gardens Comm. Club, Inc.

President, Jean Cason
Vice-President, Audrey Horton
Secretary, Lorraine Barter
Treasurer, Evelyn Caron

Dollar Lake Vlg Condo II

President, John Bobowski
Vice-President, Kenneth Roark
Secretary, Geraldine Rheault
Treasurer, Raymond Raiczky

Bellerive @ Fox Hollow HOA

President, John Fernandez
Vice-President, Donald Stocker
Secretary, Harry Henzel
Treasurer, Anthony Salvati

Riverside Village Estates

President, Vince Hesterhagen
Vice-President, Jason Epler
Secretary/Treasurer, Ron Pendergast
Asst. Secretary/Editor, Judi Mehoke

Village Woods Condo Association

President, Norma Greble
Vice-President Dan Brown
Secretary, Lee Webster
Treasurer, Frank Buddy

Trinity Oaks Property Owners Assoc.

President, Bill Zbikowski
Vice-President, Michael McMullan
Secretary, John Ferrailolo
Treasurer, Robert Wheat

New Individual Members

Robert & Ruth Riley
Gulf Harbors Civic Association

WELCOME ALL!

LOTS OF CHANGES FOR HOAS

All associations should have the latest printing of amendments to homeowner association statutes for 718, 719, and 720 passed by the latest Florida Legislative Session.. If you print these out from the Internet (42 pages) you will see the deletions and additions. If you wait for the official printing, you will have a lot of reading and comparing to do. SB902 (Senate Bill 902) These amendments will be official as of July 1, 2007. Expected to be sign by Governor.

There are changes in the Florida Corporate Statutes, 617 since 1999. You can print this out from the Internet or order it from Tallahassee. 1-850-245-6050

If you were incorporated under Corporate Statutes 607 you need to use these statutes.

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Be sure you have the latest printing of 607, 617, 718, 719, 720.

- **Structure.** A committee should consist of three or more members which may include a board member as a board liaison. The board president typically appoints the committee chairman. The chairman is the spokesperson for that committee.
- **Committee Authority.** Each committee should be provided a clear job description by the board that outlines expectations. A committee must obtain specific authority from the board to deal with any matter outside its job description. A committee cannot make policies or rules. Only the board is granted that authority. A committee may recommend a policy or rule to the board. If the board agrees with the recommendation and formally enacts it, the committee may or may not be given authority by the board to enforce the policy or rule. Enforcement authority is also under the discretion of the board.
- **Recommendations.** A committee should provide recommendations to the board at regularly scheduled board meetings so all directors can participate. Recommendations should be in writing and supported by credible research so that the board can make informed decisions.
- **Meetings.** Committees meet monthly or as appropriate to their assignment. The meetings take place at a time, place and discretion of the committee. A designated person on the committee should take minutes so that the committee has a record of what was accomplished to date or planned for the future.
- **Vendor & Contractor Authority.** Unless otherwise directed to by the board, committees should not give direction to or request bids from an HOA vendor or contractor. This process is handled through the board or management.
- **Concerning Property Management.** Unless give specific authority by the board, no committee should give direction to or make requests of the management.
- **Expenditures.** Committees are sometimes given a budget which should carefully be accounted for. All committee expenditures that fall outside the committee budget must be authorized by the board. All reimbursement requests should be accompanied by receipts.
- **Reporting.** Committee reports should be prepared and delivered to the board at least one week prior to the board meeting. Committees should prepare their own reports unless the board has approved the management doing so. Each board meeting agenda should provide time for committee reports.

The board is elected to oversee HOA operations, not to do all the work. Committees offer the opportunity to spread the work around and to involve more members in the homeowner association operations. Cultivate committee opportunities when you can and harvest the rewards.

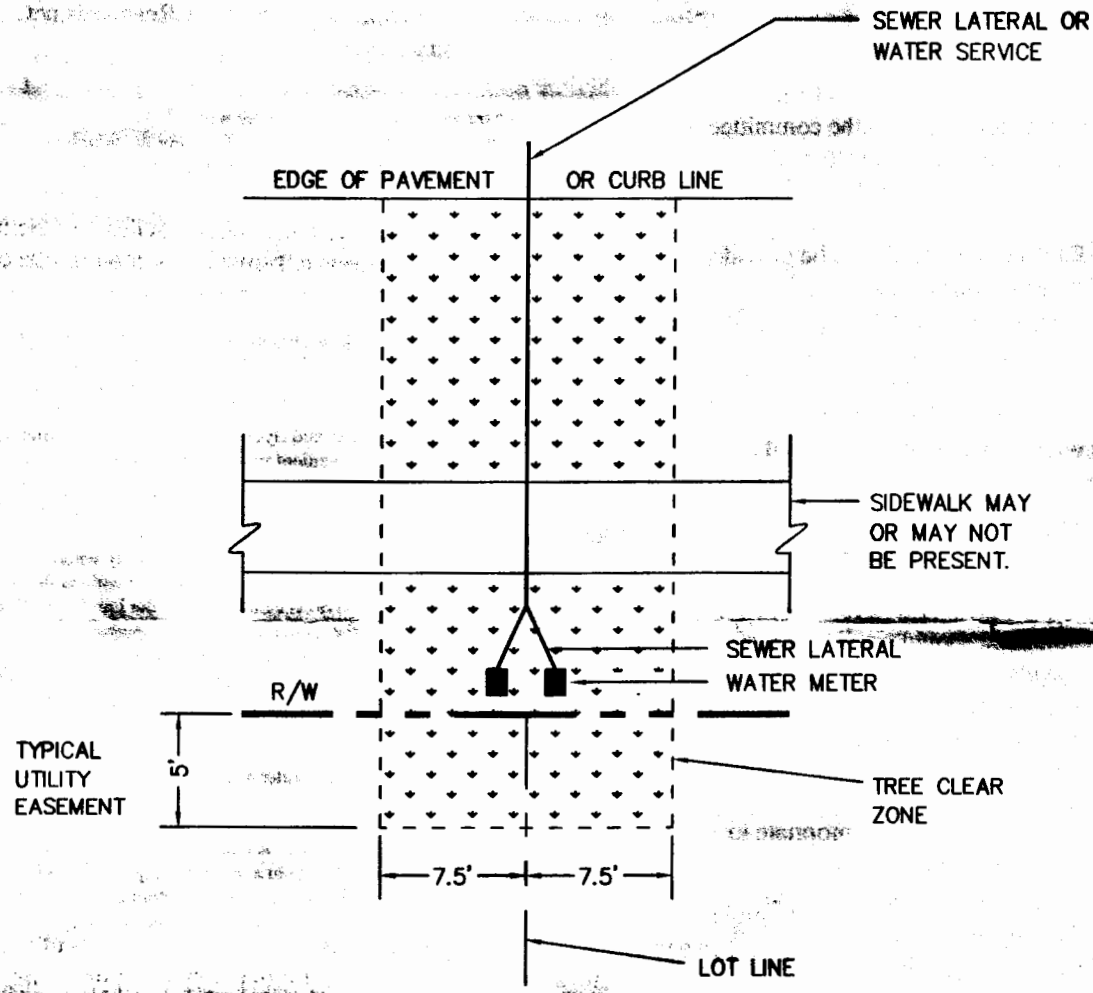
Cultivating HOA Volunteers by Richard Thompson used with permission from www.Regensis.net

A common homeowner association board question is: "How do we get better participation from our members with board and committee work?"

Many HOAs experience a large degree of apathy from the membership when it comes to volunteering. On the one hand, one of the reasons people buy into HOAs is to reduce personal responsibility, like for exterior maintenance. On the other hand, there are many willing and talented members that could and would participate if given the right set of circumstances.

There is an art to recruiting volunteers. Posting a notice is not the right approach. You must woo them on many levels and over time. Here are a couple of proven methods:

- **Communicate Regularly.** A frequent complaint of members is not being kept informed. To draw out volunteers, it's critical that they know there is an ongoing need. Also, some members develop a suspicious nature about board motives when kept in the dark and use it as an excuse not to be involved. Let them know what you're up to early and often! Repeated pleas for help will have their effect. A newsletter and flyer distribution box (the kind used by real estate agents) is an inexpensive and convenient way to get the work out.
 - **Give credit where credit is due.** People love recognition. Make sure that directors, committee members and other volunteers are given formal recognition for their efforts by way of meetings, minutes and newsletters. Use every opportunity where there is an audience. Be specific in your praise. For example, point out members that show superior landscaping abilities (They are obvious candidates for the Landscape Committee.) Award Certificates of Achievement at the annual meeting. Remember to recognize faithful volunteers doing more mundane day to day tasks like light bulb replacement or trash pick up. It is a wise board that makes a point of recognizing mere effort for its own merits.
 - **Socialize the Membership.** People tend to want to help those that they know personally. However, many are shy and don't make friends easily. The HOA can promote several socials annually to facilitate the process. Consider a spring clean-up party, pool party or just plain potluck. It will help create a real "community."
 - **Assign real jobs to do.** It's been said, "A committee takes minutes and wastes hours." There is nothing more futile and frustrating than a job with no job description or substance. There is real work to do at each homeowner association. Directors and committee members should have clear "marching orders" detailing exactly what the objectives are, the time frame and the money available to help get the task done.
 - **Be an encourager.** It is incumbent on the board to take the lead in cultivating volunteers. The successful leader motivates by persuasion and not authority. Remember, "A servant does not lower himself but elevates others."
 - **The Ask.** This is a little used technique. Many folks don't think they're needed or talented enough. A personal request can go a long way in getting these folks to step up. Something as simple as, "You know, you would be really good at (fill in the blank)." You will be surprised how many will respond.
 - **Respect their time.** Part of what keeps volunteers away is fear of over commitment. The board should be very sensitive to time demands on volunteers. Board meetings should be few and action packed. With proper scheduling and time agendas, HOA business can get done with a minimum of time and fuss. When wooing volunteers, make sure to explain the time requirements for the job. The properly managed HOA should demand hours, not days or weeks of volunteer time each year. If you've achieved this, let potential volunteers know.
 - **Demystify the job.** While having special training or talent can be a bonus to a board or committee position, it isn't required. Encourage those that simply want to serve because they have the time and interest. These traits are more valuable in the long term than special training.
 - **Aim high.** Look for ways to pique interest of achievers. If you aim too low, folks don't think you need them. Identify several projects that take real thought, planning and work but demonstrate visible results. Assign those special project to members that like to "git'er done."
 - **24/7 recruiting.** The month prior to the annual meeting is not the only time to look for board candidates and volunteers. New members often have an interest in getting plugged in and are ripe for the picking at move in. Whenever a special project or event materializes, look outside the board for someone to do it.
 - **One trick pony.** Provide options for "one project" volunteers. Some folks like the idea of a short term commitment to get one thing done. One project volunteers are the training ground for long term volunteers.
- Getting the ball rolling to increase participation is one of the most rewarding efforts a board can achieve. In a motivated homeowner association, a synergy develops with a result that far exceeds the sum of the parts. Get out your hoe and start cultivating.



TREE CLEAR ZONE EXTENDS 7.5' TO EITHER SIDE OF PROPERTY LINE THAT IS PERPENDICULAR TO THE ROW LINE AND EXTENDS FROM THE EDGE OF ROADWAY PAVEMENT TO A DEPTH OF 5.0' BEYOND THE EDGE OF RIGHT-OF-WAY.

TREES AND SHRUBS MUST NOT BE PLANTED IN THE TREE CLEAR ZONE. TREE CLEAR ZONES ARE ESTABLISHED TO PROTECT WATER SERVICE LINES AND SEWER LATERALS FROM DAMAGE CAUSED BY GROWTH OF ROOT SYSTEMS.



CREATED 02/15/06
 REVISED _____

METER INSTALLATION/SEWER LATERAL
 TREE CLEAR ZONE – RESIDENTIAL DEVELOPMENTS

PROVIDED FOR INFORMATIONAL
 PURPOSES ONLY.
 NO MODIFICATIONS WITHOUT
 WRITTEN PCU APPROVAL

From Your Editor

I would like to take this opportunity to thank each and every one of you for your continued support for the Council of Neighborhood Associations, Inc.

Over the past several years, I've had the opportunity to share the limelight with the Board of Directors of CONA and observed their dedication and hard work.

I'll be retiring from the C.O.N.A Board on May 17th. Soooooo, the board of directors will be looking for a director to fill the vacancy.

I've enjoyed hearing from you and hopefully steered some of you to the correct place to solve your problems.

I would like to thank everyone who called me with suggestions for articles for the Newsletter. I've contacted folks all over the U.S. asking for permission to reprint their articles in our Newsletter. No one turned me down.

Also, I would like to thank the association editors that sent me a copy of their Newsletters. Good job everyone! I enjoyed all of them.

I've been with C.O.N.A. since November, 2003. It's time to move on. See you at the meetings.

Thanks again everyone!

The opinions shared herein are general in nature and do not constitute specific legal advice upon which a reader can rely

ASK YOURSELF THIS! reprinted with permission of Common Ground Magazine Editor

If you've been involved with associations for even a little while, you've probably been privy to a situation like this one, in which a well-meaning board that doesn't quite grasp its own authority is led into a bad decision. One way to avoid that is by understanding the **business judgement rule** and recognizing its importance to successful association operations.

To start, your board members must realize that, although they are themselves residents of the association, they must base their decisions on what is good for the entire community. Whenever you're confronted with a decision, it's a good idea to first ask yourself three questions:

1. Would I make this same decision if I were not personally affected?
2. Have I done all the necessary research to make an informed decision for the betterment of the association?
3. Am I able to make an unbiased decision based on the facts of this project, without any conflict of interest?

Your board members should be able to answer "yes" to each question...meaning the board is complying with the business judgement rule. If you treat the rule not as a nuisance but as a valuable tool, you'll help protect your community, your residents, your board, and yourself.

BUSINESS JUDGEMENT RULE - Florida Not-for-Profit - 617.0830

617.0830 General Standards for directors

- 1) A director shall discharge his or her duties as a director, including his or her duties as a member of a committee:
 - (a) In good faith;
 - (b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
 - (c) In a manner he reasonably believes to be in the best interests of the corporation.
- 2) In discharging his or her duties, a director may rely on information, opinions, reports, or statements, including financial data, if prepared or presented by:
 - (a) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;
 - (b) Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the persons' professional or expert competence; or
 - (c) A committee of the board of directors of which he or she is not a member if the director reasonably believes the committee merits confidence.
- 3) director is not acting in good faith if he or she has reliance otherwise permitted by subsection (2) unwarranted.
- 4) director is not liable for any action taken as a director, or any failure to take any action, if he or she performed the duties of his or her office in compliance with this section.

The board of directors should act in a "reasonable" fashion by soliciting the opinions of professionals to enable it to make an informed decision. As long as the Board of Directors uses documentation supporting their decision, the Board of Directors should not be subject to liability. *If a Board of Directors does not obtain input from knowledgeable professionals, it may be in trouble.*

Richard Thompson of Regensis.net says:

The board has the duty to enforce the bylaws and is not expected to be an expert in the law according to the "Business Judgement Rule." The Business Judgement Rule protects the board as long as decisions are made based on **reasonable research, expert advice and no conflicts of interest.**

The decision of the board must be made in good faith.

The decision of the board must be made on an informed basis.

The decision of the board must be in the best interest of the corporation, and

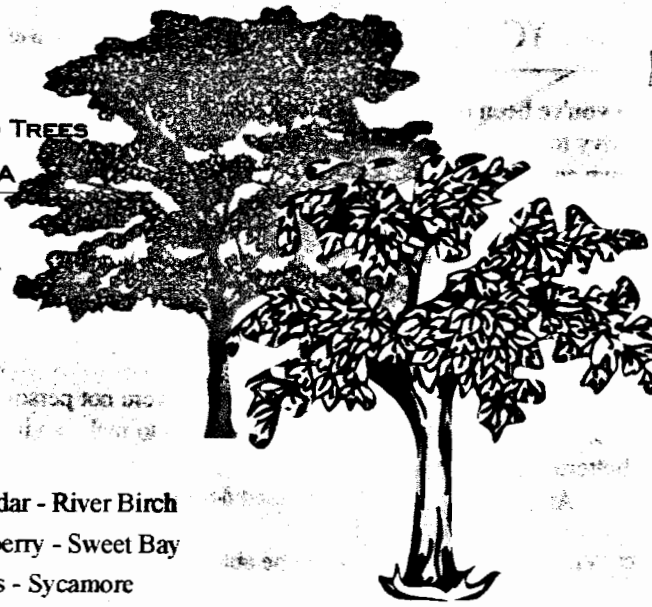
The decision of the board must be made without a conflict of interest.

Good Trees

PASCO COUNTY APPROVED TREES

SECTION 602. APPENDIX A

Ash - Bay - Cypress
Dogwood - Elm - Fringe Tree
Hawthorn - Hickory - Holly
Hophornbeam - Hornbeam
Loblolly Bay - Long-Leaf Pine
Magnolia - Mangrove - Maple
Oak - Plum - Redbud - Red Cedar - River Birch
Sourwood - Sugarberry (Hackberry) - Sweet Bay
Sweet Gum - Sweet Osmanthus - Sycamore



Bad Trees

PASCO COUNTY "NOT" APPROVED TREES

SECTION 602. APPENDIX B

Australian Pine - Bishopwood - Camphor
Carrotwood - Catelaw Minosa
Cherry Laurel - Chinaberry
Chinese Tallow - Citrus - Earpod Tree
Eucalyptus - Guava - Jacaranda
Jambolan - Laurel Fig - Melaleuca (Punk)
Orchid Tree - Paper Mulberry - Schefflera
Seaside Mahoe - Silk Oak
Silk Tree - Minosa - Woman's Tongue

Check with your association on permits for planting or removing trees. According to the county the list of "bad trees" do not need a county permit to remove them. The county would prefer anyone contemplating planting a tree to plant only the ones from the "good tree" list.

Check out the Cooperative Extension Service at the county. They're in the back building behind the main building and they are anxious to help you with any questions you have on plantings, bugs, etc. 847-8177

See insert on "tree clear zone" for placement of trees.

Ask the HOA Expert by Richard Thompson

Used with permission from www.Regensis.net

Q. While I understand that the board should deal only with a unit owner when a tenant breaks the HOA rules, wouldn't it make sense to provide the tenant a copy of the correspondence with the unit owner?

A. The homeowner association only has direct authority to enforce rules, fines and penalties on unit owners so that is where notices of tenant rule violations should be directed. However, it makes good sense to copy both the tenant and the rental manager (if someone other than the unit owner) on the correspondence. That way, all are informed of the issue simultaneously and quicker resolution is more likely.

Q. Our board gives permission to unit owners from time to time to extend their decks into the common area or to fence in a section behind their unit. Is this kosher?

A. No, the board should not be doing this since it gives a particular owner exclusive use of common area which belongs to all members. Only the members have this kind of authority and it can only be accomplished by amending the governing documents. Approving this kind of amendment may require a significant percentage of the members to pass and should never be done without consulting with an attorney that is knowledgeable about both your applicable state laws and your governing documents.

Q. Our annual meeting is coming up soon. Is it appropriate for the management company to count the ballots in a board election?

A. The management company should steer clear of counting votes since there is a conflict of interest. Instead, the board should appoint an Election Committee of two or more members to tally the votes. The votes and the tally sheet should be kept on file until the next election.

Cultivating HOA Committees by Richard Thompson

used with permission from www.regensis.net

The strength of a homeowner association lies in the effective volunteer efforts of its members. While the heavy lifting often falls on the board of directors, committees can help lighten the load by focusing on specific tasks assigned by the board.

There are two types of committees: standing and ad hoc. Standing committees exist indefinitely or until the board decides their purpose is no longer needed. Examples include Landscape Committee, Social Committee and Pool Committee. Standing committees have ongoing and often repetitive tasks to accomplish. Ad hoc committees are formed for a specific purpose which, once accomplished, terminates the need for the committee. Examples include the Budget Committee and the Christmas Party Committee.

The beauty of committees is that they can draw on specific member expertise, like a CPA that serves on the Budget Committee or an architect that serves on the Architectural Design Committee. Ad hoc committees do the same thing with the added attraction that the commitment time is limited.

Committees are training ground for future board members. Since committees are called on to participate in board meetings to give reports, participation acquaints committee members with the board process. Proven and effective committee members are candidates groomed for board service.

Whether a committee is standing or ad hoc, both should have a similar framework including:

- **Purpose.** The purpose of a committee is to assist and advise the board in a given area of responsibility.

continued

See Insert