

# Community Newsletter

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

Volume 2 - Issue 9

Council of Neighborhood Associations, Inc. since 1985

November 2004

## CONA

### Board of Directors

#### Officers

##### President

Mel Phillips 372-2610  
philope@tampabay.rr.com

##### Vice-President

Pat Gorecki 846-0143

##### Secretary

Florence Weber 376-2001  
hogan1@gte.net  
\*Newsletter

##### Treasurer

Reynolds Smith 863-0734  
reynoldssmithsr@msn.com

##### Directors

Ronald Hubbs 863-0392  
\*Membership  
msheahubbs@aol.com  
Ernie Reed 869-8991  
Charles Rifkin 376-7525  
Jim Turtle 938-3878

## PRESIDENT'S MESSAGE

I was appalled to read in the newspaper and see on TV that our members of congress and their staff had received their flu shots at no cost. Yet, we have hundreds of thousands of elderly citizens who are at high risk who will be unable to protect themselves this season. It is to the credit of both Bush and Kerry that both of them have stated they refused to take the shot when offered. Furthermore it is reported that the entire Chicago Bears football team was offered shots.

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## CONA Member Meeting

Wednesday, November 17

9:30 a.m. at

*New Port Richey City Hall.*

### ▷ Agenda ◁

Pledge of Allegiance  
Approval of Minutes  
Treasurer's Report  
Unfinished Business  
New Business  
Open Forum

**Speaker for November  
is**

**Attorney Donald Peyton**

He will speak on the new Florida  
State Statutes for Homeowner  
Associations

He will also touch on MRTA  
"Marketable Record Title Act"  
Are your CC&Rs about to expire?

**There will be copies available at  
the meeting on the above  
subjects**

CONA member meetings are  
always on the third Wednesday,  
9:30 a.m. at the New Port Richey  
City Hall on Main Street.

**Your participation and support  
is always appreciated.**

Guests are invited. Bring a friend.  
*Can't attend CONA meetings? You  
may want to assign a resident to  
represent your community, and  
report to your board all the good  
information forthcoming at these  
meetings*

### **P.S.**

Thank you for such a great turnout at the Oct.  
20th meeting with Mike Wells as speaker.  
CDD's were mentioned by Mr. Wells and  
most in the audience said they didn't know  
anything about CDDs.

There was quite an explanation in the  
September Newsletter about CDDs.  
Editor

### **President's Message - continued**

If we are to believe what is in the papers and reported on TV the flu shortage this year is caused by a large portion of the vaccine being contaminated during the process of manufacture. This in itself brings several questions to mind. Our government has stated numerous times that the reason we cannot import drugs at lower prices is that they cannot assure the public these drugs are safe, yet we contract our entire supply to companies in Europe. The answer lies in profit. Flu vaccine has a very low profit margin and our drug companies do not want to deal in drugs with low profit margins. Why has our government allowed this to happen? Could it possibly be that drug companies make huge contributions to our politicians? I think the answer is self evident.

This is not a Democrat or Republican problem, it is deterioration from top to bottom in our political system. In our state government lobbyists write entire bills that are passed by our state bodies.

This year the state legislature passed a bill that had sections in it that will hurt homeowner associations from collecting dues. This can be disastrous for a homeowner association as the expense of mediation will be great and is something that is not called for in our covenants.

You need to do more than vote, you need to write letters and phone your elected officials and let them know how you feel about their actions. ■

## Cona Holiday Appreciation Breakfast

Heritage Springs Country Club in Trinity  
11345 Robert Trent Jones Parkway  
December 15, at 9:30 a.m.

Tickets are \$10 each and can be purchased from any CONA board member. This is a well attended party. Tickets will be available at the November 17th meeting or reserve your tickets by telephone.

Tom Jackson, of the Tampa Tribune, has graciously accepted our invitation to be our guest speaker for this occasion.

*The Holiday Breakfast is held to thank State and County officials for their great support on CONA projects.*

*Officials will be seated at each table...you will be able to thank them personally.*

## NEW MEMBERS - Welcome

**Hans Kaehler** - individual membership. Hans was president of Timber Oaks until April, 2004.  
**Beacon Pointe** (BWEast 16&17) **Daphne Mullins**, President - Association membership.  
**Charles Avery** of River Bend - individual membership

**Please notify our treasurer or secretary of changes to your board of directors so our Newsletter is sent to the proper person(s)**  
**Thank you!**

## Alexander the Great !

If you have time, check out the History Channel on Sunday, November 7th to see a documentary on "Alexander the Great." I mention this because my grand nephew (my brother's grandson) is playing Alexander.



Florence

*A reasonable person adapts to the world around them.*

*An unreasonable person expects the world to adapt to them.*

## Put Your Independent Contractor Agreements in Writing!

Oral agreements invite costly misunderstandings because there's no clear written statement of what the independent contractor is to do, how much you are to pay, or what the two of you will do if a dispute arises. You may have different memories as to what was agreed upon. It will be your word against the worker's, and there is no telling whom a judge or jury will believe. It's much safer to rely on a written document that clearly sets out the details. A written independent contractor agreement should contain at least the following terms.

- a description of the services the "independent contractor" will perform.
- a description of how much you will pay.
- a description of how and when you will pay the worker
- an explanation of who will be responsible for expenses
- a statement that the independent contractor has all of the permits and licenses that the state requires to legally do the work.
- a statement that the independent contractor will pay state and federal income taxes.

continued ▶

## Contractor

- a statement by the independent contractor that he has his own liability insurance.
  - a description of the term of the agreement; one week, one season, or until the project is completed.
  - a description of the circumstances under which you or the independent contractor can terminate the agreement, and
  - an explanation of how you and the independent contractor will resolve any disputes that arise between you, the independent contractor and that he is not entitled to any of the benefits you provide employees.
- Other terms you could include range from copyright ownership to naming who will be responsible for the independent contractor's employees.

For full text go to <http://www.Nolobriefs.com>

**ANNUAL  
MEMBERSHIP  
MEETING**

**VOTE**

**VOTE**

**WEDNESDAY  
NOVEMBER 17**

**9:30 A.M.**

**NEW PORT RICHEY CITY HALL**

**VOTE FOR**

**BOARD OF DIRECTORS**

**Conflict Resolution class for condo, co-op owners...(new legislation)**

Community Associations Institute (CAI) will hold a "FREE" course for condominium and cooperative unit owners in Florida on "**Conflict Resolution**" on November 9 from 9 a.m. to noon at the Azalea Adult Recreation Center, 1600 72nd St. N.

This course will explore the role of the **board of directors** in creating and enforcing rules as well as how those rules ultimately impact unity owners. It will also review basic principles of group interaction, conflict management and communications and describe constructive steps that unit owners can take to prevent conflict from escalating into costly and damaging disputes. Finally, participants will leave with a basic understanding of alternatives to litigation in resolving disputes. Learn more about this and many more courses online at [www.caionline.org/Florida](http://www.caionline.org/Florida).

Registration is not required, but space is limited. **To reserve a space, call Laura Hagan at 727-525-0962.** ■

**Californians thank Arnold Schwarzenegger for vetoing a measure (AB 2598)**

**CAI Wins Critical Legislative Victory in California**

Acting on appeals from countless homeowners, community associations and others, the governor vetoes this measure that would have had the practical effect of legalizing assessment delinquency up to \$2,500 and, ultimately, adding to the financial burden of responsible, dues-paying homeowners. Schwarzenegger's veto message directed state agencies to work with interested parties to clarify California foreclosure statutes."

CAI Chief Executive Officer Thomas M. Skiba said, "By recognizing the financial havoc this legislation could have created, the governor made the right choice - for homeowners, communities, municipalities, developers and lenders. Speaking for Californians, we're gratified that Gov. Schwarzenegger had the strength and foresight to veto this misdirected legislation," said Mr. Skiba.

Developers expressed concern that they would not be able to sell units if new buyers could willingly avoid paying the dues needed to maintain the property. Banks and lenders said they would have stopped loaning money to developers and homeowners association because their loans could be impaired.

In his veto message, Schwarzenegger said, "While the intent of this legislation is laudable and intended to protect homeowners from being foreclosed upon for small sums of delinquent assessments, this bill is overly broad and could negatively impact all homeowners living in common-interest developments." ■

**Editors Note:**

**Attorney Donald Peyton will be covering this and all the other changes to legislation effective October 1, 2004 for homeowner, condo, and cooperative association at our November 17 meeting on Wednesday 9:30 a.m. at New Port Richey City Hall in Chambers. Please try to attend to learn about all the changes that everyone should know about. Don't forget to pick up two different hand outs.**

**Copied in part from CAI's online news. [www.caionline.org/news](http://www.caionline.org/news) (with their permission)**



## **CANDIDATE PROFILES - FOR CONA BOARD OF DIRECTORS**

### **INCUMBENTS:**

**President - Mel Phillips** - married - 2 children - 80 years old - Resident of Pasco County for 15 years. Currently: President of CONA, Chairman Pasco County Citizen's Ordinance Review Committee, Founding member Scenic Pasco, Supervisor Sheriff's volunteer Parking Enforcement Group, Member Sheriff's Citizen's Service Unit

**Vice-President/CONA - Pat Gorecki** - B.S., M.S. Iowa State University, 50 years of community service - resident of Florida 17 years, two years as President & three years chairman of the board Gulf Harbors Civic Association. Moderated many candidate forums representing The League of Women Voters - Current: Chairman waterfront Community Impact Council. Vice-President of CONA - Vice-Chairman Citizens Advisory Committee for Comprehensive Plan

**Secretary/CONA - Florence Weber** - CONA Secretary/Editor one year. Previously secretary/editor of my homeowner association - three years. Moved to Florida from Illinois 22 years ago. Secretary to Comptroller of Elmhurst Hospital, promoted to Director of Personnel and photographer for the hospital magazine as was my husband John. John, was president of CONA for quite a few years before his death, February, 1996.

**Treasurer/CONA - Reynolds Smith** - Michigan banker for 43 years. Secretary/Treasurer Chamber of Commerce Royal Oak, Mich. for 15 years. "Citizen of the Year" - Royal Oak, Michigan - 1978. President of Ponderosa Park Homeowners Association seven years. Charter member of CONA 1987 - Treasurer of CONA many years.  
Served in the Navy Submarine Service in WWII.

**Director/Membership/CONA - Ron Hubbs** - Ran public libraries in New England for about thirty years before my wife and I moved to Florida five years ago settling in Magnolia Valley. I was Magnolia Valley CONA representative until we moved to Beacon Woods community three and one half years ago. I was Beacon Woods Civic Association Cona representative before joining the board of CONA two years ago.

**Director/Government Affairs/CONA - Ernie Reed** - Retired Kmart manager for 37 years - operated a property maintenance business last three years. Nine years as president of Sea Pines Civic Association of 700 homes, with membership of over 500 homes. Board member of CORC, (Citizens' Ordinance Review Comm.) for six years and Board member of CONA for four years. Lived in Florida 13 years. Moved to Florida from Waterford, Michigan.

**Director/Government Affairs/CONA - Jim Turtle** - Retired thirty-seven years U.S. Air Force. At present, four years as president of T.A.T. Civic Assoc. of 2287 homes. Active proponent of strict code enforcement for eight years and past chairman of Pasco Residents' Code Enforcement Steering Committee and was able to get the Code Officers their uniforms, plus badges, and increased Code Enforcement manpower from ten to thirteen officers. Member of CONA since 1999.

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**New Candidate - Dominick Scannavino**, CMCA, President and founder of Management and Associates. Holds an M.B.A. in Business Management and Industrial Relations and offers over thirty years of experience in all facets of community management.

**New Candidate - Hans Kaehler** - BA degree from Hofstra College, New York, Served for two two year terms on the Timber Oaks Community Association board. Served as president of the board for the last two years, ending in April of 2004. Have worked closely with John Gallagher and his staff on community issues affecting Timber Oaks Community Association, such as road paving, and rezoning. Was a registered Congressional lobbyist.

# What do "your" Bylaws say?

## RE: OCTOBER ISSUE HOA SUNSHINE MEETINGS

As of October 1, 2004 (new statutes) 720.303-2- (b) *Members have the right to attend all meetings of the board* and to speak on any matter placed on the agenda by petition of the voting interests for at least 3 minutes. The association may adopt written reasonable rules expanding the right of members to speak and governing the frequency, duration, and other manner of member statements, which rules must be consistent with this paragraph and may include a sign-up sheet for members wishing to speak. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the members is inapplicable to meetings between the board or a committee and the association's attorney, with respect to meetings of the board held for the purpose of discussing personnel matters.

(c) The *bylaws* shall provide for giving notice to parcel owners and members of all board meetings and, if they do not do so, shall be deemed to provide the following:

1. Notices of all board meetings must be posted in a conspicuous place in the community at least 48 hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least 7 days before the meeting, except in an emergency. Notwithstanding this general notice requirement, for communities with more than 100 members, the *bylaws* may provide for a reasonable alternative to posting or mailing of notice for each board meeting, including publication of notice, provision of a schedule of board meetings, or the conspicuous posting

and repeated broadcasting of the notice on a closed-circuit cable television system serving the homeowners' association. However, if broadcast notice is used in lieu of a notice posted physically in the community, the notice must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. The *bylaws* or amended *bylaws* may provide for giving notice by electronic transmission in a manner authorized by law for meetings of the board of directors, committee meetings requiring notice under this section, and annual and special meetings of the members; however, a member must consent in writing to receiving notice by electronic transmission. **Note: Work sessions must be open to all members.**

October Newsletter indicated otherwise

### **FLORIDA - NOT FOR PROFIT CORPORATION ACT**

#### **617.0820 - Meetings.**

(3) Meetings of the board of directors may be called by the chair of the board or by the

president unless otherwise provided in the articles of incorporation or the *bylaws*.

(4) Unless the articles of incorporation or the *bylaws* provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conducts the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person in the meeting, and

#### **617.0822 Notice of meetings**

(1) Unless the articles of incorporation or the *bylaws* provide otherwise, regular meetings of the board of directors may be held without notice of the date, time, place, or purpose of the meeting.

(2) Unless the articles of incorporation or the *bylaws* provide for a longer or shorter period, a special meeting of the board of directors must be preceded by at least 2 days' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting unless required by the articles of incorporation or the *bylaws*.

## THANKSGIVING AFTER-THOUGHT

**THE TURKEY THAT WAS PLUMP & BROWN  
HAS NOW BEEN CARVED & WHITTLED DOWN  
UNTIL IT'S MOSTLY HOLES & GAPS  
AND MEATLESS BONES & BITS & SCRAPS  
BUT AS IT'S ALTERED, SO ARE WE  
FOR THO NOT OUTWARD PLAIN TO SEE  
WE KNOW, AND IT IS ALWAYS THUS,  
IT'S NOT THE BIRD THAT'S STUFFED**

IT'S US.....

*Happy  
Thanksgiving*