



Community Newsletter

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

Volume 2 - Issue 8

Council of Neighborhood Associations, Inc. since 1985

October 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
George Thomas 848-8870
Jim Turtle 938-3878

FYI - MANAGERS

Attorney, Robert Tankel sent this info to us by e-mail that he received from Mike Fasano regarding DBPR manager license extension. "We have issued an extension for CAM licences until November 15 as a result of Hurricanes Charley, Frances, and Ivan. An advisory has been posted on our website at the link below. Additionally we have provided our press release to the SCAI and ARDA - they have already posted it on their website" - http://www.myflorida.com/dbpr/pro/cam/cam_index.shtml Call 850.487.2504 for further information. ■

CONA Member Meeting

Wednesday, October 20

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

Mike Wells, Property Appraiser Pasco County

will be demonstrating Pasco County Internet information avenues. He will show us how to get information for Ordinances, Deeds, Marriages, Deaths, Commissioners meetings, Agendas and much much more.


Don't forget, if you don't have a computer you can use any library computer or the county computers.

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

2004 CONA MEETING DATES
October 20 - Mike Wells
November 17 Annual Meeting. (vote)


December 15 - Holiday Breakfast.
All board members have tickets for sale. Tickets are \$10.

President's Message

We have all heard the old saying "there is strength in numbers." CONA has accomplished some of our goals due to this old saying. Lets go back to the time the value of our most prized possession, our home, was being threatened by short term rentals. To refresh your memory, Europeans had been convinced by a sales gimmick that they could buy a home in Pasco County and pay for same by renting it out by the week. One of our member associations had approximately 40% of their homes in this category and it was growing. If this was next door to you it would be like living next to a motel. What happened? We put together a committee and convinced two of the county commissioners the need for an ordinance to control these rentals. In a meeting, the BOCC advised the county attorneys to draw up an ordinance for their consideration. Your committee then met numerous times with the county attorney's office assisting in the final draft of the ordinance.

In a regular meeting, we invited one of the commissioners and the county attorney to attend to discuss this ordinance. If you were in attendance you will recall every seat in the chamber was occupied and people were standing along the wall.

About two years previous, a similar ordinance was proposed and it was defeated on a four to one vote. When this new ordinance came before the BOCC, it was approved by a five to zero vote over strong protest from the real estate industry.

What is my point? I actually had commissioners approach me and
See page 2 President

President
from page 1

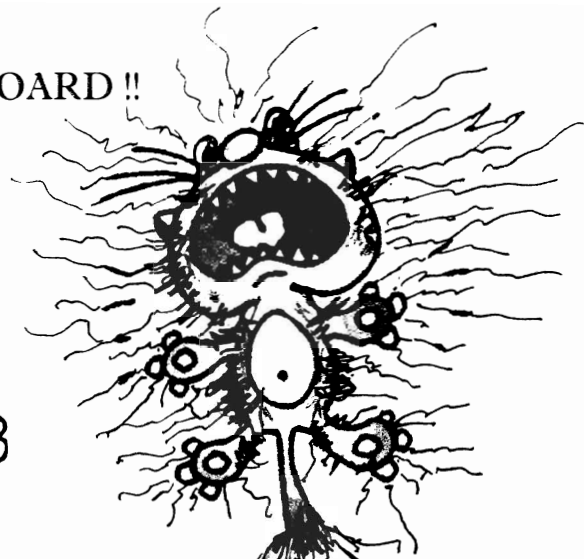
tell me that they were impressed by the huge turn out of our members and it was great that we had concerned citizens among our members. At our last meeting, we had less than 25 people in the audience and I was one of the missing.

We can either be a viable organization or we will fade into the woodwork. We need your support by you attending CONA meetings, and bring a friend. ■

ON THE BOARD !!



BEFORE



AFTER

Pasco County Codes and/or Ordinances - Birds, Dogs, and Yard/garage Sales - Know the Laws!

Ernie Reed and Jim Turtle - CONA Government Committee

The new Pasco County Ordinance on "Noisy Birds" is the same as "Noisy Dogs," but you must get an affidavit signed by three (3) different neighbors listing the date--time--location and length of time they were making noise.

DESCRIPTION & CONDITIONS (animal shelter)

At the request and suggestion of Pasco County Animal Control, this Office has reviewed the definition of "shelter" as it applies to Pasco County's animal ordinances. Amendment to the definition of "shelter" in the chapter of the Pasco County Code of Ordinances regulating animals is 14-27, Definitions.

"Shelter, minimally defined, means a three-sided roofed and floored structure that is a secure weather resistant structure which protects an animal from exposure to the elements including but not limited to, rain, cold, wind and heat, and in size is a minimum of six (6) inches higher than the animal's height at full stand with head erect, one and one-half (1 1/2) the animal's full body length, and sufficient in width to permit the animal to turn around.

Yard/garage sales - Pasco County

Pasco County Code, Section 102-101b provides a garage or yard sale for a period of one (1) or two (2) days at a time: one time per year. 102-101b defines a garage or yard sale as follows: A sale of used personal property conducted at a home or residence. This does not include flea markets.

Yard/garage sales - State of Florida Administrative Code - Sales and Use Tax

12A-1.037 Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services

7.(a) A sale or series of sales of tangible personal property consisting of household goods or personal effects is an occasional sale.

(b) Such sales or series of sales must be by an individual (a) at his or her residence or at some other site which is not on the same premises in competition with other persons required to collect tax.

A garage sale of household goods and personal effects is held at a residence for several hours during a weekend, the sale or series of sales made by the owner of the tangible personal property qualifies as a single sale for purposes of the occasional sales tax exemption, provided this is the first or second such sale or series of sales within the immediately preceding 12 month period, and that such items were not purchased for resale.

Any sale of more than the above must pay tax to the State of Florida. ■

DISCLAIMER: UNDER NO CIRCUMSTANCES WILL LIABILITY OCCUR IN THE EVENT OF, INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH, OR ARISING OUT OF, THE PROVIDING OF INFORMATION HEREIN, REFERENCE TO ANY SPECIFIC COMMERCIAL PRODUCTS, PROCESS, OR SERVICE OR TRADE NAME, TRADEMARK, MANUFACTURER, OR OTHERWISE, DOES NOT NECESSARILY CONSTITUTE OR IMPLY ITS ENDORSEMENT, RECOMMENDATION, OR FAVORING BY COUNCIL OF NEIGHBORHOOD ASSOCIATIONS, INC. OR ANY ENTITY THAT SUPPLIES INFORMATION IN THIS AND SUBSEQUENT "NEWSLETTERS." THE INFORMATION SET FORTH IN THIS NEWSLETTER 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 NEWSLETTER AS IT APPLIES TO YOUR SITUATION, PLEASE CONTACT THE ASSOCIATION ATTORNEY RESPONSIBLE FOR YOUR ASSOCIATION. IN ADDITION, WE WISH TO REAFFIRM THE FACT THAT THE PRINCIPLES OF LAW CITED HEREIN ARE SUBJECT TO CHANGE FROM TIME TO TIME. □

HOA Sunshine Meetings

There is a principle that no HOA Board should lose sight of: Members have a right to be kept informed of Board actions. To that end, Board actions should be formalized at meetings open to the members where issues are cussed and discussed.

Afterwards, a vote is taken, majority rules and the issue is dealt with. However, some Boards don't seem comfortable with the principle of open meetings. Objections range from "No one shows up anyway" to "They interrupt the process" to "It's none of their business!" Regardless of the objection, the fact remains that the Board was elected by the members in a democratic process. The Board wasn't given a Emperor's Scepter to wield as it sees fit. So, Board Meetings being open to members is not optional. There are, however, a few meetings which may be closed to members under very special circumstances. These meetings are called "work sessions" and "executive sessions."

Work sessions are intended for information gathering and general discussion but not decision making. Formal decisions concerning information gathered at work sessions should only be made at open Board Meetings and documented in the minutes for all members to see. This is especially true about rules and budget issues. While the outcome may be a foregone conclusion based on work session discussions, the Board should never move forward on the basis of work session discussions alone. Work sessions should address a specific topic, not a broad spectrum of issues and be few in number.

continued

They are never a substitute for Board Meetings.

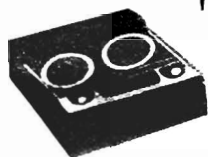
Executive sessions are meetings reserved for highly sensitive issues that should not be aired in public. These include discussion of lawsuits, collections on members, employee disciplinary matters and contract negotiation. Like the work session, an executive session should have a focused agenda and be infrequent.

Decisions can be made in executive sessions but should be referenced in the minutes of a formal Board Meeting, at least in general terms.

These two exceptions notwithstanding, remaining meetings of the Board should all be wide open. Another good reason to keep them open is so potential board members can be coaxed to sit in on meetings to see what it's all about. Taking the mystery out of the job will encourage more volunteers.

If your Board has been operating in the dark, raise the blinds, open the door and let the sun shine in. It's a healthy move to help keep the directors accountable to the folks that elected them. Shine on!

Used with permission from www.Regensis.net



Your Mission...

**if you
choose to
accept
is...**

*to set your clocks back
one hour before you go
to bed on October 30.
Don't forget the car clock
and watches.*

**If you choose not to accept, you
will self destruct by being one
hour early for everything on
Sunday.**

Board Happenings

President Phillips mentioned that he, Ernie Reed, and Jim Turtle met with the school board on impact fees.

President Phillips reported that residents in Pasco County are complaining about the unsightly mess at U.S.19 and 19A. He also indicated that the Code Enforcement Dept. is deteriorating in Pasco County. Directors Reed, Hubbs, and Turtle agreed to meet and discuss code problems in Pasco county.

Director Hubbs reported on his activities for building our membership base.

It was suggested that Secretary Weber mention to our members via the Newsletter that everyone check their house deed. If it has your social security number on it, and some do, it is recommended that you go to the county records department at the county complex, and have your social security number removed immediately from your deed. Identity theft persons get your number from these papers. Don't be a victim.

The board approved the purchase of a corporate stamp.

Director Ernie Reed reported on the Commissioners' approval to reinstate "noisy bird nuisance" in the Pasco County animal ordinance,

Director Jim Turtle and Secretary Weber, and others attended a meeting with school board administrators and a consultant from Maryland, to discuss "school impact fees" on new construction of homes.

Robert Sumner, County Attorney expressed his desire to be a speaker at one of our meetings. Probably after the first of the new year.

Vice-President, Pat Gorecki, announced that a drop off bin would be available to deposit old telephone books, beginning in October.

Florida Statutes

Condo 718 and HOA 720 Florida Statutes have been amended. They take effect October 1, 2004. Lots of changes.

End of Year Financial Considerations

SB1184, signed into law by Governor Bush, effective **October 1, 2004 for Condo & Homeowner Assoc.**
New text available on the Internet, middle of Oct.

The old & the new combined on the Internet now.
Every association has financial considerations that need to be addressed on an annual basis. Below are some of those issues that most associations will choose to deal with during the last few months of each year.

BUDGET APPROVAL

The association shall prepare an annual budget. The budget must reflect the estimated revenues and expenses for that year and the estimated surplus or deficit as of the end of the current year. The budget must set out separately all fees or charges for recreational amenities, whether owned by the association, the developer, or another person. The association shall provide each member with a copy of the annual budget or a written notice that a copy of the budget is available upon request at no charge to the member. The copy must be provided to the member within the time limits set forth in subsection (5) (Inspection and copying of records).

FINANCIAL STATEMENTS

The association shall prepare an annual financial report within 60 days after the close of the fiscal year. The association shall, within the time limits set forth in subsection (5), provide each member with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member.

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$400,000, or more shall prepare audited financial statements.
 1. An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.
 2. An association in a community of fewer than 50 parcels, regardless of the association's annual revenues, may prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a) (above) unless the governing documents provide otherwise.
 3. A report of cash receipts and disbursement must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expenses classifications, including, but not limited to, the following, as applicable: costs for security, professional, and management fees and expenses; taxes; costs for recreation facilities; expenses for refuse collection and utility services; expenses for lawn care; costs for building maintenance and repair; insurance costs; administration and salary expenses; and reserves if maintained by the association. ■

ARE YOUR RECORDS AVAILABLE TO YOUR MEMBERS?

A member of a condominium asked to see certain records of the association. Record review requests must be in writing and must be provided to the member within ten(10) working days after receipt of the letter. On the eleventh day the association must begin paying the member \$50 per day up to ten (10) days if the records were not available.

A court case indicated that the treasurer was the only person who knew how to access the computer records. The treasurer was ill and died before any action could take place.

The association claims that the records were in a format that no association employee knew how to access and that only the association's accountant, who was apparently not readily available, knew how to access. To allow such a circumstance as a defense would allow associations to avoid compliance with the statutory access requirements simply by maintaining the records in a cryptic, ill-considered format.

The final decision...The association shall pay the petitioners, damages for its willful failure to make available the requested records pursuant to S. 718.111(12), Florida Statutes. The association was required to pay the member \$500 and possibly costs and attorney fees.

Records must be kept at least for seven (7) years. ■

THANK YOU! THANK YOU!

The Board of Directors wishes to thank the members who attend our meetings. Without you there wouldn't be a Council of Neighborhood Associations, Inc. for Pasco County.

Hurricane "Ivan" probably had something to do with the low attendance at our September meeting. We had a very nice informal meeting and several excellent topics were brought up for discussion.

We need at least 40 people at the October 20 meeting when Mike Wells, Property Appraiser, will be demonstrating how to see Pasco County records via the Internet. It's going to be a very interesting and informative meeting. Mr. Wells is bringing a screen so all will be able to see what he is doing on the Internet. Bring your note pad. You won't remember everything that he presents. He will hand out an information packet.

Please tell your friends and neighbors and ask them to attend this meeting. We need a large turnout. We're afraid if we don't get better attendance our speakers won't be willing to come to CONA in the future.

Don't forget, November 17...it's time to vote for candidates for the board of directors. Our speaker on Identity Theft is in the process of moving from this area and has canceled his engagement with us.

Tickets for the Holiday Breakfast will be available at the October 20 meeting. We managed to get Tom Jackson, from the Tampa Tribune for our entertainment at the Holiday Breakfast. The tickets go fast for this event, get yours early. ■