

apm NEWS

NEWS, ISSUES & INFORMATION FOR COMMUNITY ASSOCIATIONS - FALL 2000

HOW TO PREPARE FOR BOARD OF DIRECTORS MEETINGS

By John R. Math, LCAM

The preparation for and the actual participation in a Board of Directors Meeting can cause a lot of worry and anxiety for the Directors and people involved. There is a tremendous amount of preparation needed to run a productive and informative meeting. Unfortunately, most Board Members have limited time in which to prepare for the task of preparing for a Board of Directors Meeting. This article will provide an outline and checklist for Boards, Committees and Managers to follow in order to prepare and hold informative and productive Board Meetings.

In most cases, there are at least three (3) key people involved with the preparation of the Board Meeting: the President, the Secretary and the Property Manager, if any. A week prior to the meeting, the participants should confirm the Agenda items with all Directors and Committee persons. The designated person should confirm the location and time of the meeting. The Meeting Notice and Agenda should be printed and distributed to all of

the participants.

Three to four days before the meeting, the designated person should post the Meeting Notice and Agenda at the designated area on site for the Association's Notices. The person in charge should then collect and distribute the Board Member's Meeting packets which will include, but not be limited to, the following;

1. Meeting Agenda
2. Notice of Meeting
3. Minutes of Previous Meeting
4. President's Report
5. Treasurer's Report
6. Manager's Report
7. Committee Reports
8. Information Related to Old Business
Information Related to New Business

On the day of the meeting, the person in charge should print additional Meeting Agendas and Manager's Reports for any Members who may attend. In addition, have extra Board Member packets available in case there are Directors who do not bring

theirs to the Meeting. Check to see if the tape recorder is working. Have extra batteries, pens, paper and miscellaneous supplies on hand. Bring the Official Minutes Book, recorded Governing Documents and copies of all of the prior month's correspondence to the meeting.

Someone should be designated (usually the Chairperson of the Meeting) to give reports for absent Officers and Committees. In addition, it would be wise to have a current financial statement, delinquent owner list and a copy of the current State Statutes, governing your type of association on hand, in case there are any questions of this nature.

The day after the meeting, the person in charge should remove the Meeting Notices and Agendas from the bulletin Boards. Make all changes, additions and deletions to the previous month's approved Minutes. Make a draft of the current meeting Minutes while they are fresh in your mind. Distribute this to key people on the Board for their changes and additions. Then, these changes should be ready for the next

Continued From Page 1.

meeting. At this time, arrange for the next month's meeting location and time.

With this outline and schedule, each Board of Directors Meeting should be easy to prepare and schedule for and the end result should be productive meetings for the Board Members and be an informative meetings for the Owner Members who attend. Depending on the association, this outline can be reduced or expanded for size and complexity of the actual meetings. Always, allow for or make a part of the Agenda which encourages owner participation. Limit the time for any questions or comments. The Board does not have to make any decisions at that time (as that particular question or comment was not specifically on the Agenda) and it can then be made a part of the next scheduled meeting, if important or not.

In all cases, use an outline and schedule from month to month in order to insure well run meetings. After awhile, you should begin to see more owners attending and participating.

Associated Property Management of the Palm Beaches, Inc. is a twelve year old full service association management firm. APM serves more than 90 associations in Palm Beach County. If you have any questions or comments you may contact us at 400 South Dixie Highway, Suite 10, Lake Worth, Florida 33460 or you may call us at 5 6 1 - 5 8 8 - 7 2 1 0 assocpropmgt@bellsouth.net

Ask The Attorney

By Louis Caplan, Esq.

Q. Over the years our House Rules have been changed by various Boards. Should these rules be recorded like the rest of our documents?

A. *Normally Rules and Regulations are not required to be recorded unless your Documents require that they be recorded. On the other hand there is no prohibition to recording Association rules. In fact recording your rules in the public records only helps to provide notice to owners and defend claims from owners that they were not aware of the Association Rules. Please note that owners should be provided copies of new or amended rules and simply recording them does not satisfy such a requirement.*

Q. Our Board has been discussing having an amendment to restrict owners from owning more than one unit. Can they do this? What about the owners who already now own more than one unit?

A. *Arguably an Association can amend its Declaration and create such a limitation. Similar restrictions have been upheld. As far as those owners who already own more than one unit, even with such an amendment, the existing ownership would be grandfathered in and an owner could*

not be forced to sell a unit owned prior to the amendment.

Q. We have a part-time owner who wants his sister (a non-owner to run for our Board of Directors. Can she do this?

A. *Often times your Association Documents will require that members of the Board be members of the Association (owners). If your documents don't have such a limitation than a non-owner may be qualified to run for the Board. Many Associations will seek to amend their documents to prevent non-owners, including tenants, from being on the Board.*

Louis Caplan, is a Partner with the law firm of Sachs, Sax & Klein, P.A., whose practice includes the representation of Community Associations, including Homeowner Associations, Condominium Associations, and Country Clubs. Mr. Caplan often lectures on Community Association matters both for the Palm Beach County Bar Association and The Community Association Institute. Mr. Caplan can be reached at 561-994-4499

REMINDERS !

1. Financial reporting requirements must be waived by Chapter 718 and 719 association members prior to January 2000.

2. Any waiver of reserves for Chapter 718 and 719 association members must be voted on and waived prior to the beginning of the new fiscal year.

3. If the documents so require, the amount of Directors for the coming year must be determined according to the by-laws prior to the first notice of meeting.

4. Any proposed amendments must be drafted, reviewed and proposed by the Board of Directors, prior to the members meeting or annual meeting.

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Communities Face Prospect of Removal of Non-Native Vegetation

By Louis Caplan, Esq.

Many Community Associations are not only aware of, but are concerned with, a Palm Beach County Ordinance which currently requires land owners including Community Associations in the unincorporated portions of Palm Beach County, to remove certain non-native vegetation. Specifically, the Ordinance, as currently written, requires that certain non-native species be removed by 2006, and includes such commonly known species as Australian Pines, Brazilian Pepper, Earleaf Acacia, Melaleucas, Air Potato, Carrotwood, Schefflera, and Small-leaved Climbing Fern. Many of these non-native species are invasive, and can choke out native vegetation in its vicinity. Additionally, these non-native species, have been known to accelerate the spread of wildfires. These concerns, resulted in an Ordinance, which originally dates back to 1986. At that time only a few of the non-native species were identified, with the Ordinance being revised in 1996 to include the balance of these prohibited plants.

The effect on your community may be minimal or extensive, given the cost of removal and replacement. This means that new communities when constructed, are cleared of these non-native species, and said non-native species, are prohibited from being installed. As it relates to older communities, adhering to the Ordinance, can not only be problematic, but can be extremely expensive. There are some communities, which have identified that the cost for removal and replacement in order to adhere to the requirements of the Ordinance could be in excess of two to three million dollars. Determining the cost to your Association, will require an inventory of the non-native species which currently exists. The location of the non-native species is also important. Often times these plants can be located within or along canals, where access is difficult and expensive.

The County Commission has been advised by many communities that adherence to the Ordinance will create an extensive hardship because of this potentially non-budgeted expense. In response to these concerns, the County is reconsidering the Ordinance, and has recently held a workshop in order to discuss

possible revisions to the Ordinance to minimize the detrimental effect on Community Associations throughout Palm Beach County.

This article will touch upon some of the ideas which are being considered for presentation to the County Commission later this year. Please note that while the Ordinance affects unincorporated Palm Beach County, similar city Ordinances are in place, even though they are not affected by the County Ordinance. Due to the invasive nature of these non-native species, requiring the removal from unincorporated Palm Beach County, would appear to be an effort in futility if surrounding cities are not required to also remove these species. In this regard, the County Commission has asked County staff, to meet with the league of cities, to try to reach some consensus on how this matter should be addressed throughout all of Palm Beach County.

The discussion at the recent Commission workshop, included several ideas, which staff has been asked to review and consider as possible amendments to the Ordinance. These may include but not be limited to exceptions for property which obtained building permits or site plan approval after 1986, the date of the first Ordinance. Extension of the 2006 deadline to provide additional time in order for landowners including Community Associations to come into compliance. Creating a priority list identifying the non-native vegetation which would need to be removed first. More specifically, removal of vegetation such as Melaleucas, which is not only invasive, but creates certain health concerns including respiratory ailments. Another possible consideration to lessen the burden on Associations, may be programs providing for growing of native vegetation in the Ag Reserve to allow for either free or reduced prices on replacement vegetation.

At the County Commission workshop, there were some thoughts to repealing the Ordinance in its entirety, or again, grandfathering in communities which at the time that they were constructed were not in violation of the Ordinance. While these discussions were fruitful and did meet with some support, there was also support, based on the concerns of County staff,

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APM NEWS

Page 4.

APM NEWS

Fall 2000

that an Ordinance in some form needs to be maintained.

At this point, for Associations which have a large number of these non-native plants within their communities, and would suffer a hardship if they were in fact required to remove same, it may be worth waiting until the Commission further considers revisions to the Ordinance. Obviously, those Associations which have minimal concerns, may feel it is in their best interest to remove these non-native plants immediately and we would not discourage that action. What we would suggest, is that your Association makes its concerns known to your County Commissioners and/or city officials and to keep abreast of the progress of the County Commission's reconsideration of the existing Palm Beach County Ordinance currently requiring the removal of non-native vegetation in the unincorporated portions of Palm Beach County, by the year 2006.

USEFUL WEBSITES FOR YOUR ASSOCIATION

Florida Division of Emergency Management
850-413-9900 or www.floridadisaster.org

Palm Beach County Div. Of Emergency Mgt.
561-712-6400 or www.co.palm-beach.fl.us/eoc

LANDSCAPING & WEATHER NOTES

Over the next few weeks you will begin to see a tapering off of our seasonal rains. It is suggested that you fertilize shrubs, lawns and palms for the winter. Low nitrogen fertilizer is suggested for shrubs and trees. Grasses can use nutritional help too, as you may begin to see yellow & green streaks in the lawn. Slow release nitrogen & potassium fertilizer is recommended for palms and a 4-6-8 fertilizer for citrus.

New mulch is recommended too. It is a good time to begin planting annuals for colors. Stay alert to early freezes.

Though our drought conditions have eased, still follow the SFWMD restrictions for twice a week watering. Early morning watering is recommended. Otherwise, water plants and lawns at least two times a week in the dry season. 1/2 to 1 inch of water is required to penetrate at least 12 inches below the surface. Roots at this point are in the 12 to 18 inch deep range. Light watering only encourages roots to stay near the surface and will cause more problems during the dry season.