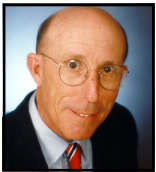


apm NEWS

A Publication of Associated Property Management - Winter 2003

MEETING MINUTES FOR COMMUNITY ASSOCIATIONS



By John R. Math, LCAM

Minutes of Association Meetings are a reflection of the business that has been conducted and a history of the activities that have taken place. Minutes should be kept for at least seven (7) years and should be written in the third person.

The agenda of the meeting should be followed and the Minutes also follow the same format. The Minutes should be written in the abbreviated style and should only include the business affairs of the association. During the Old Business and New Business portions of the meeting only Motions should be recorded in the Minutes and how each member voted. Discussions are not crucial and should not be included. Minutes are not

to be used for political positions, personal views and for the denunciation of members. The Minutes of the meeting are a factual record of events. Nothing more!

Minutes should contain the following:

- Name of Organization
- Date
- Time and place of the meeting.
- What type of meeting, regular, special emergency, budget, etc.
- The Minutes should state who is in attendance at the meeting.
- The Minutes should state whether the Minutes were read, approved or amended.
- All Motions whether adopted or defeated should be recorded.

All reports of committees may be summarized or they can be referred to as "given by", but never include them "word for word" or if written out, they can

be attached to the Minutes.

- Reports do not have to be approved.
- Time of adjournment.
- The Minutes should be signed by the Secretary, and when approved, the Secretary will date and initial the Minutes as well.

If the Minutes are ever corrected, the corrections should go on the right-hand margin where required and then these changes should also be stated in the next Minutes when corrected. Personal opinions of praise and/or criticism should not be recorded.

Overall, the Minutes must be accurate and concisely written. The Minutes should be a reflection of what took place at the meeting. The Minutes are a legal, public document and may be quoted in lawsuits and court cases. In addition, the Minutes should have a

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consistent appearance from meeting to meeting.

The Secretary is an active participant in all Board and Member Meetings. The Secretary must record the Minutes, make corrections, and may have to read back Motions for the members prior to the voting on all Motions. At the same time, the Secretary is to also participate in the meeting itself.

The Secretary should keep the Minute Book up to date and legible. The Minute Book or copies of the Minutes should be made available for the members at all times. Make sure that the Minutes are in a protected area, where they cannot be destroyed by fire or flood.

Should the Minutes be posted for all of the Members to read? Yes, the Minutes should be seen by as many members as possible, as the residents need to be informed of what is going on in their community.

If the Association has a regular newsletter, website or community TV channel, try to post the Minutes or at least a summary of the Minutes. The Minutes are an important document for all of the residents to read and reflect on.

**NOTE APM HAS MOVED TO:
1928 LAKE WORTH ROAD
LAKE WORTH, FL 33461
561-588-7210**

Ask The Attorney

By Edward Dicker, Esq.

Q. *Our Board of Directors of our Association has been levying fines against owners who violate our deed restrictions. Are they allowed to do this?*

A. An Association is allowed to levy fines if the governing documents for the Association provide such authority. However, even with the authority, the Homeowners Association Act and the Condominium Act state that the Board of Directors may not levy a fine. Rather, any fine must be levied by a committee, which is not composed of any Board members.

Q. *At our recent election, everyone was confused with the procedures set forth by Chapter 718, with the notices, ballot, inner and outer envelopes etc. Is there an easy way of handling this or can the procedures be changed?*

A. Yes, according to the Condominium Act 718, a majority of the total voting interests may provide for a different procedure in the Association By-Laws.

Q. *We have a screening and approval process for renters. Yet, they seem to get occupancy anyway, without the approval. What can we do?*

A. When the approval process is violated, the Association may notify the owner and tenant that the required applica-

tion (and any other information and fee) must be furnished and failure to do so may result in levying a fine (assuming the Association has fining authority.) If the necessary information is not timely furnished after such a demand is made and the Association does not have fining authority, the Association may pursue appropriate legal action seeking to require that the necessary information be furnished or that the tenant be removed from the residence.

Edward Dicker is a partner in the law firm of Dicker, Krivok & Stoloff. The firm represents several hundred community associations (including Country Clubs) in South Florida. They are located in West Palm Beach and can be reached at 561-615-0123. Their email address is ed@dkslaw.net

REMINDERS!

1. Be sure to update your files to include a new Question & Answer Sheet as of January 1, 2003.
2. Fees to the Division are coming due and are late if not paid by January 1, 2003. The amount is \$4.00 per unit for all condominiums and cooperatives.
3. Corporate Annual Reports will soon be mailed and must be filled out and received by the Secretary of State by May 1, 2003. The Fee is \$61.25 for Not-For-Profit Corporations.

Are your pool heaters ready for the upcoming season?

By Geoff Pugh

Most associations do not worry about their pool heaters until the "Snow Birds" come back to Florida and they start to hear complaints that the temperature of the pool water is too cold. This happens year after year, as most of us do not think of the Association's pool heater until you go swimming and find out that the water is too cold or you hear those complaints from the residents.

Invariably, when this happens and you try to turn the pool heater on, it doesn't work. After calling your pool maintenance company or your HVAC Company and having someone come out to investigate the matter, a week has gone by and the residents are becoming increasingly frustrated.

My suggestion to avoid all of these problems is: Be proactive, have your maintenance personnel try to turn the heaters on before the weather gets cool. If the heaters do not work or the water cannot be heated adequately, I would then suggest calling the pool service company or HVAC Company. These professionals will ensure that all the valves are in the proper positions to allow water to flow to the heater in order for it to come on.

There may be other reasons for the heaters not to be working properly and your maintenance personnel should check these areas as well to determine why the heaters are not working. Some problems that your association may encounter with

your heaters are:

With Gas heaters:

No gas in the tank.

Animals may have used the heater as a nest.

Some parts are inoperative and are in need of replacement.

The heater is corroded to the point that it needs to be replaced.

As with any gas appliance it is very prudent to only allow someone who is knowledgeable in gas systems to troubleshoot any problems with this type of heater.

Your Pool Company (if they are licensed in gas heater repairs) or the Gas Company would be your best bet to have this work completed.

With Heat pumps:

Check the power supply to make certain it has not been turned off.

The low refrigerant pressure light is on, which indicates a need for freon.

Some parts are inoperative and in need of replacement.

The heater has degraded to the point of having to install a new one.

Mailing Label

C/O ASSOCIATED PROPERTY MANAGEMENT
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Have your Pool Company or an Air Conditioning mechanic troubleshoot this type of heater.

While following these suggestions may not solve all your pool heater problems, it will allow the Association ample opportunity to fix any heater maintenance problems before it is an absolute necessity to use your pool heater.

Pool Doctor has been a Florida Corporation since 1986. The company has been owned and operated by Geoff Pugh since its inception. Pool Doctor is a licensed swimming pool builder and is also licensed to repair any gas appliance. Pool Doctor can service any spa, pool or fountain from Port St. Lucie to Boca Raton. Their address is 1105 6th Avenue South, Lake Worth, Florida 33460 and they can be reached at 561-586-2815.

Associated Property Management of the Palm Beaches, Inc. is a fourteen-year-old full service association management firm. APM serves more than 100 associations in Palm Beach County. If you have any questions or comments you may contact us at 1928 Lake Worth Road, Lake Worth, Florida 33461. Please call us at 561-588-7210 or you may email us at assocpropmgt@bellsouth.net at anytime.

USEFUL WEBSITES FOR YOUR ASSOCIATION

Associated Property Management
561-588-7210 or www.assocpropmgt.com

Florida Department of State
904-487-6000 or www.sunbiz.org

South Florida Water Management District
561-686-8800 or www.sfwmd.gov/index

Palm Beach County Property Appraiser
561-355-3230 or www.co.palm-beach.fl.us/papa/main/default

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