

Helpful Procedures When Amending Association Documents

Out of necessity, due to the current financial mess, more and more associations are realizing that their documents are inadequate and that they require changes in order to combat successfully the new challenges facing community associations today.

When an association is interested in amending its governing documents (Declaration, Bylaws and Articles of Incorporation), the Board of Directors should contact its attorney to discuss same. Only an experienced attorney who specializes in Community Association law should draft any proposed amendments for your association. The reason you want an experienced attorney to draft your amendments is due to the fact that someday they may have to defend or litigate these amendments. Once the proposed amendments are drafted, approved by the Board of Directors, they should be mailed or delivered to each member of the Association for review and a vote.

Some associations are allowed to take a written vote in lieu of a meeting and others require members to cast their vote in person and/or by proxy at a duly called meeting. Your association attorney will be able to review your association's governing documents to determine your association's specific requirements. Those requirements should be located within the governing document itself, which should be consistent with the provisions of Chapter 718, 719

or 720 Florida Statutes, whichever applies to your association (Condominium, Cooperative or Homeowners).

If the governing documents fail to provide a method of amendment, they may be amended upon approval of the amendment by the owners of not less than two-thirds of the voting interests at a duly called meeting. The full text of the specific provisions to be amended must be included with new words underlined and words to be deleted shown by strikethrough text (strike). If the change is too extensive and would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and strikethroughs as indicators of words added or deleted, but, instead, a notation can be inserted immediately preceding the proposed amendment in essentially the following language: "Substantial rewording of Section... See Section... for present text."

Once the membership has approved an amendment, the Board of Directors signs a Resolution adopting the amendment and has the Resolution, along with the amendment recorded in the Official Records of the county where the property lies.

Next time your community association is contemplating amending your documents, review this procedure to help the process along.

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8 Ways to Spruce Up Your Community on a Shoestring

Today, community associations are watching their expenses due to reduced revenues. In an effort to save money, associations may be skipping simple ways to improve and spruce up their community. Here are some simple suggestions to clean up your association very cheaply:

Pressure clean all sidewalks, street gutters, and any other areas in your community such as decks, walls, entry features and signs.

Replace any old worn out, discolored and bent signs, traffic devices and street ID signs.

Paint all street stripes, all stop areas and any other street directional stripes as well.

Pressure clean all car stops. If they are painted & numbered, this should be done again too. If some are broken, they should be replaced also.

Mulch all common areas. If this is too much, at least mulch and

clean up your front entrance. Remove rust from any walls, signs, posts or any other structures in your community.

Clean all community signs and posts. Paint posts if necessary. Also, replace or straighten any posts within the community. All street lamps and posts should be cleaned or painted.

Plant around any pump, transformers and any other mechanical equipment. Straighten, paint or replace any fences or gates.

Finally, plant the front entrance and any common areas with colorful annuals.

These are easy and cheap ways to help clean up your community association without breaking your association's budget. Some of these items may even be accomplished by community volunteers to further save money. Just check with your insurance agent that resident volunteers are covered under your current insurance policies, in case someone gets hurt.

Mailing Label

10 Ways Your Association Can Lower Expenses!

Due to the poor economy, the foreclosure crisis and a growing amount of owner delinquencies, community associations are considering ways to lower their expenses in ways that would not be considered before. Today, Boards are open to lowering their overhead in creative ways that will lessen the impact of their association receiving lower assessment income. Consider these suggestions before you ratify your 2010 budget:

1. Begin to "Piggy Back" your mailings. For example, combine mailings for 2 meetings in one package; or Notices with newsletters and other announcements; Assessment coupons and meeting notices. The point is to combine and save on paper, postage and labor.

2. Begin to utilize as much as you can by communicating through email to your owners in order to cut down on paper, copies, postage and labor. There are cheap email programs that you can use to coordinate, manage and send mass email messages to your owners.

3. Have your management company cut down on the amount of site visits during the month. This should result in a lowering of the management fees.

4. If you have a manager that is on-site for a certain amount of hours, consider cutting back on

the time/hours and there will be a savings.

5. We now see many companies and several associations going to 4 day work weeks or 6 hour days. No one wants their income reduced, but this is a better alternative to being let go and not having a job at all.

6. Same as #5 for maintenance, janitorial and security personnel.

7. Have your landscaper provide prices for less mowing, bed cleaning and reduced amounts of other services. December, January and February are months that can have reduced landscape services that do not impact the overall appearance of the community.

8. Consider reducing the amount of site visits and pool cleanings from your pool maintenance company. Have your pool company as the Licensee (responsible for the Chemicals & Repairs) and your maintenance people trained to do the cleaning. Your pool maintenance company will reduce their service costs this way.

9. Meet with your insurance agent and see if your insurance deductibles can be raised and what the impact will be on your insurance premiums. Depending on what you decide, there could be a large savings. Also, consider having an insurance

appraisal done, as costs and values are down and your insurance premiums should go down too.

10. Maybe this is the year to waive, partially fund or fund only the important reserve components. If possible, have a Review instead of an Audit. Or Waive this entirely.

I understand that we have all become accustomed to a certain level of service in the association where we live. But at this point in time, this is very hard to maintain or achieve when there is a high level of owners who are late or not paying their assessments at all. We all have to learn to live with a little less nowadays and these are some suggestions to help your association to get through this difficult time.

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