



OURROC-SWF

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Our Resident Owned Communities - SouthwestFlorida, Inc.

Minutes: November 2024, Membership Meeting.

Location: Orange Harbor Fort Myers, Florida

- 1. Roll Call:** Director/ President Dennis Kriesen (Orange Harbor) called the meeting to order at 9:30AM with the Pledge of Allegiance. Other Directors present were Vice President Ken DeWalt (Oak Park). Treasurer Gary Mathews (River Forest), Sandi Hogue (Imperial Bonita) and Dave Bisone (Horizon Village). Mona Kadow (Moorhead Manor) was excused.

Communities in attendance were Orange Harbor, Horizon Village, Imperial Bonita, Moorhead Manor, Oak Park, Poinsettia, Port Charlotte Village. Lazy Days and Sun-N-Fun. Total in-person attendance thirty-five plus five Board Members.

Five members attended via ZOOMcast.

- 2. ZOOMcast:** Ken spoke to the operational procedures required for call-in participants.

3. Report of Officers:

President:

1. Dennis spoke to the 01/01/2025 deadline to file BOI (Beneficial Organization Information) act which is law dictated by the CTA Corporate Transparency Act). Failure to file by the deadline can result in fines.
2. Dennis spoke there will be a Board vacancy in upcoming April. All were encouraged to consider joining the Board whose primary task is planning educational program.
3. Carefree Country Cub Estates (Winter Haven, Polk County) has joined OURROC.

Treasurer: Gary Reported current Treasury balance is \$4745.80

At Large: Dave Bisone mentioned upcoming December-April meetings and what programs are being looked at for the 2025/2026 OURROC year.

Business Meeting Adjourned.

PROGRAM: **ROUNDTABLE**

Seven previously submitted topic items were discussed.

NOTE: - All remarks/comments provided by OURROC Board Members and Participants are considered nothing more than a thought-starter. to help solve a specific problem presented by a community and shall not be construed as any sort of legal opinion. If seeking a legal opinion, attorneys always first act what do your Documents say? If they are in conflict with various Florida Statutes, such as 719, your Documents will override the Statute, if the Documents are legal. When in doubt about their legality, it is suggested you contact your attorney.

Discussion summaries of thoughts by attendees follow.

Q1: WHAT OWNER OCCUPANCY REQUIRMENTS DO COMMUNITIES HAVE?

- Requirements amongst various communities present ranged from none at all, to minimum one month-max one year, to minimum thirty days – max six months, to minimum three days - six months.
- General opinion was that potential owners/renters entering into the community should go through an approval process of sorts to avoid having undesirables in the community. However, care must be taken when excluding someone *for cause* that may be in conflict with HUD criteria.
- Subscription-based CoreLogic was mentioned several times as a source for a nationwide criminal background check.
- One community does a minor financial check.
- One community has used the FBI (can be expensive) though its scope does not fall into HUD.

Q2: SHARE OWNERSHIP – Is a second name required?

- FS 719 spells this out on the co-inhabitant / right of survivorship.

Q3: WHAT CAN BE DONE WHEN A BOARD TARGETS A SHAREHOLDER?

- The Florida DBPR (DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION) may be able to help. This also applies to grieving *renters*. Be prepared – the degree of desired resolution may range from a no-response at all, to a binding action. Complaining about a R&R violation or a community

financial issue probably will get a no-response.

- One community has a Good Neighbor Committee whose procedural actions taken in response to any signed resident document (usually on a R&R or bylaws violation), is posted. The GNC, headed by the VP, will investigate the complaint. If the complaining resident is found to be in violation, the resident, through a series of letters, must abide by the committee answer. Failure to comply can eventually cause the violation to be fixed at the resident's expense. Failure to reimburse the Co-Op for its cost could lead to a property lien and ultimate eviction.
- A noted attorney has told OURROC, unfriendly targeting by a BOD would be prohibited under the general legal principle that a Board may not act arbitrarily or capriciously.

Q4: STORM POLICIES: 1. What works best ? 2. Storm or not, are gates effective?

- Before-and-after General guidelines should be posted and efforts made to keep all informed.
- Mentioned was using CERT (Community Emergency Response Team), a program that offers a consistent approach to community volunteers training for a disaster situation. Usually, the fire department gets involved within 30 days of a pending disaster.
- The pros and cons of gates, to no gates at all, was discussed.
- Gates are no guarantee the community will provide the level of protection you want, other than providing a *false sense of security*. Do what is best to make you feel personally secure, before doing anything about the community.
- Some felt gate/ fencing cost may exceed the actual value of any thievery etc. that can occur without gates and/or fencing and are not worth it.
- Some have no gates at all, and minimal crime-mostly domestic or minor internal issues.
- Some felt strategically positioned cameras can be effective identifying perps. After-the-act contact with the Sheriff can be valuable.
- Suggested was establishing a Sheriff's Department Liaison who would meet regularly with residents discuss what is going on locally.
- BLINK/RING cameras are inexpensive and can be an effective detriment to warding off bad actors. Sharing info with the Sheriff can be valuable.
- Gates closed 24X7 can be a detriment to keeping out folks who may simply be interested in joining the community. Keeping gates open during specific times sounds good but such times can be learned by undesirables.
- One community has entrance into all common amenities, such as the swimming pool, locked, allowing access only by code, which should be occasionally changed.

Q5: CAN A SHAREHOLDER SELL HIS/HER SHARE FOR ANY PRICE DESIRED?

- A Share should be sold for whatever seller wants regardless of overall effect on community. Let the market prevail.
- Minimum sell price may be called out in Governing Documents. If so and the community wants to change this one way or another, an attorney must get involved.
- By Right of First Refusal, if the Co-Op does not like the price a Share is selling for, it can buy it back at the price for resale.
- Opinions on what to do if a Shareholder stops paying maintenance fees varied amongst communities attending by whatever the bylaws state and the degree of arrears.
- If all else fails, eventually the Share can revert back to the CoOp for resale.
- The Share eventually will go the auction process with the Co-Op buying back for resale.
- When fees go in arrears, there is a loss of privileges such as use of the pool followed by a property lein leading to an eviction.

Q6: MAINTENANCE FEE ADJUSTMENTS

- The amount allowed, and how to notify should be called out in Bylaws.
- Discussion on budget approval process is spelled out in 719 but appeared to not be clear to some. There were varying answers to the process.
- The general opinion was that after establishing the budget by committee, there be an open meeting for BOD approval with Shareholders present for line-item review. (Certain data such as individual staff salaries are privy and are usually lumped together.) Once approved by the BOD, the budget is presented to the Shareholders for approval, ideally done by limited proxy.
- Total transparency is optimum.
- The budget should spell out what the maintenance fee will be. Statute, and some bylaws, state any maintenance fee increase over a set amount, such as 15%, in the budget must be approved by the Shareholders.
- Suggested was HB 1203 be reviewed. Although specifically for (720)HOA's, it may have relevance to the way (719) Co-Ops operate in this area. 719 and 720 are very similar in operational structure.

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Q7: HOW TO GET APPROVAL FOR COUNTY TO ENTER COMMUNITY TO REMOVE STORM DEBRIS.

- Permission is simply a case of going to county websites and searching out FEMA Declared Debris Collection.

Program adjourned.

Respectively submitted,
Dennis Kriesen, President / Secretary.