

COMMUNITY PERSPECTIVES

OFFICIAL NEWSLETTER OF THE COLLIER COUNTY PRESIDENTS COUNCIL

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OUR AGING LAKES

When developers were planning many of the developments that grace Collier County they were required to raise the base ground level of the homes they were to produce to a level which satisfied local regulations. Basically, this was accomplished by removing soil and placing it where it was needed. In the planning process these holes became catch-basins which filled with water and could also be designed into many shapes and sizes, and became a tool for beautifying the project and assisting sales. The lakes thus formed are relatively shallow, most within 10-12 feet. The global design formed a master plan for water runoff and these lakes are technically retention ponds to handle the excesses of our rainy season. Life expectancy estimated at 20-30 years.

The designs vary widely. Some make use of existing natural lakes, often much deeper and spring fed, while others were designed in strips between homes to simulate canals, and yet others were much larger in order to meet regulations. With the addition of the homes the scene was set to demand professional maintenance to preserve the ongoing quality of the lake water and prevent them becoming a

blight.

Homeowners spread fertilizers, algacides and all kinds of chemicals onto their landscaping which ultimately runoff into the lakes and chemically create adverse conditions which then requires balancing chemicals to attempt to deal with the impact of these runoffs, further compounding the pollution problem. Smaller lakes are more susceptible than the larger lakes. Treatment as lakes age can be expensive with aeration devices submerged at key locations to offset the harmful chemistry.

Littoral plantings around the edge of lakes can help to mitigate the problem as can the floating island of selected plant life pictured below which sit upon an anchored raft and allow the plant root systems to feed on the excess nutrients in the water and filter the chemicals naturally, as they feed the plants. The rafts require annual pruning maintenance but the system is most eye pleasing and effective.

Other requirements may include dredging to correct erosion, an expensive operation.



Collier County adopted the Florida Friendly use of Fertilizer, ordinance 11-24, on July 26, 2011. Review this at: Colliergov.net, Browse by Topic/ordinances. Type in 11-24 to review the full ordinance

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Special points of interest:

- What does Compliance mean to you?
- Aging Lakes
- Legislative Events
- Upcoming Events—Representative Passidomo and HB 87 presenter at our July meeting

THE CCPC CHAIRMAN'S COLUMN

The President's Council is beginning to see some renewed interest from communities that had not been formal members in the past, so things appear to be looking up. In May, Audubon Country Club and Sterling Oaks joined CCPC; I might add, just in time to take advantage of two programs that are both important and timely.

Dan Summers, Director of the Collier County Emergency Management joined us on June 14 and provided a list of suggestions about storm preparations in our communities as we anticipate another hurricane season. This is always a good reminder of things we can implement right away.

On July 12, Kathleen Passidomo, our district representative, will present the detail behind the new foreclosure legislation which she helped sponsor, and was passed in the recent legislative session. This bill is designed to help speed up the foreclosure process and

provide community associations with a renewed sense of encouragement that foreclosures will not drag on forever. We all hope that the new law will send a message to banks, and their attorneys, that they will no longer be able to indefinitely stall and delay the foreclosure process. We'll see what practical advice Kathleen can provide for all of us struggling with this issue!

Members are encouraged to share their successes and the things that perhaps did not work as planned.

I believe that topics and speakers like those we are experiencing and those we have planned will grow our membership and provide a solid foundation for educating the leaders of

homeowner and condominium associations in Collier County, Property Owner Associations all, Going forward, I challenge more of our members to take an active role in spreading the word, building the membership, and sponsoring meaningful and worthwhile topics that add value and credibility to the individual and collective interest of the Council.

Bob St. Cyr on behalf of Paul Feuer, Chairman.

RECENT PRESENTATIONS

Our May meeting regaled us with a visual presentation and dialogue from Sylee Gibson of the Collier County Sheriff's Office.

A description of the methodology utilized by the so-called "Pillow Bandits" explained their possible use of a child accomplice to poll homes. If there was an answer they were looking for a lost dog but for nobody home they would bounce the Master Suite slider, enter and grab a pillow from the bed, load it with available swag and be off in 4/5 minutes!

The major thrust of this presentation was that the sheriff would rather have a false alarm reported to them than miss a chance to catch a perpetrator. Their approach is user friendly and if you are suspicious of someone you do not know hanging around the neighborhood, call them.

Our June presentation was a timely warning of a possible tough 2013 hurricane season from Dan Summers, Direc-

tor, Collier County Emergency Management. Dan has accumulated over 29 years of experience in emergency management with 17 declared disasters in North Carolina and here in Naples. His major concern was that the past few years have seen little hurricane action in our neck of the woods and the majority population will be somewhat uninformed of the real danger of these storms from wind and flood surge. He pointed out that the land rises one foot for every mile inland and a surge can counter the natural drainage from rainstorms. He described the emergency planning provided by County Government, evacuation planning and was assisted by Bill Van Seggern of the American Red Cross in describing the shelters one may seek in the event of a major storm, most in school gymnasiums, as frugal and certainly not of hotel standards. Special needs persons are directed to locations with back up power capability.

REFERENCES FOR EMERGENCIES AND DISASTER PLANNING: <http://www.colliergov.net/index.aspx?page=3323>

A CORRECTION

In the April issue of the newsletter we reported on comments made by County Administrator Nick Casalanguida during the Property Owners Association Presidents meeting held in February concerning the planned upcoming road works due to start later this year at the junction of SR 951 and US 41E. Nick made reference to this work as being necessary preparation for the construction of a Flyover at that site. We reported erroneously that this was the

commencement of the Flyover construction. Unfortunately this is not the case. The work being undertaken this year is road realignment and a simplification of the existing intersection which needs to be completed and which will also assist the Flyover construction when/if it is commenced. Current expectations are that this will not be before 2033. Apologies to all concerned for our misunderstanding.

WHAT DOES COMPLIANCE MEAN TO YOU?

To the newcomer to the wonderful world of property ownership in Florida the establishment of the Community Association tends to present more problems than they perhaps anticipated. Deed restrictions in their last habitat outside of the Florida Laws and Statutes never achieved a level of importance and were most probably never enforced so stringently as they are here in Paradise. Notwithstanding the fact that during that monumental legal effort we have come to know as "Closing" that one of those pieces of paper that was signed signified that one has not only received the documents of the association which include the restrictions but that they also read and understood them. Furthermore, not a lot of time or effort is wasted worrying about such things until one receives that first friendly letter that your truck is violating the covenants deed restrictions and will you kindly take care of that omission. The "OR ELSE" piece is implied at this stage.

Often this is interpreted by the new owner as just one of those things to be ignored, at least until the second letter arrives which is perhaps not quite so friendly and hints at a possible appearance before a Fines Committee of one's peers or worse, a threat to have the matter sent to the attorney for further unpleasant action and consequences.

At this point the newcomer either realizes that they are committing an infraction and corrects the situation, compliance is achieved, or, a small minority, they rise up on their hind legs in indignation and declare war on the association.

We who are involved with Community Management assume that most people are reasonable and will seek compliance. We are not looking for a financial contribution from fines or court actions and would much rather have early, trouble free compliance. Our policies and rules tend to lean toward providing every opportunity for friendly compliance.

However, there is always that supporter of their home being their castle and "I'll do what I want on my property" syndrome. They challenge the premise of the established deed restrictions in every way possible, despite the fact that these documents are supported by the law of the land. The more stubborn will not listen to reason, hire their own attorney who then seeks to find every chink he can find to chisel away the meaning of our documents, will not settle in arbitration and finally ends

up in court where the association, having spent monumental attorney fees and associated legal costs, find themselves defending every little whim of the defendants in attacking the documents and the manner in which compliance is conducted. So, how the restrictions are worded is of vital importance. Are there differing interpretations possible? For example, how do you differentiate between a truck and a vehicle on a truck chassis that is described as a "Personal Passenger Vehicle?" Or do you? Do you have a compliance committee? How well do they do their job. Can an argument be presented that supports a claim that the defendant was the victim of selective enforcement?

We could go on but fortunately the law recognizes that most associations are staffed by volunteers and as long as all complaints received by the Board are validated and acted upon, and as most compliance com-

mittee members by design do not include Board Members, they are also volunteers and the results of their efforts at reporting compliance violations cannot be measured as one would perhaps a member of law enforcement. Often complaints will be raised by community members in their efforts to retain the ambience of the community according

*BE SURE TO OBTAIN A LETTER OF
INJUNCTIVE RELIEF FROM THE
COURT TO DETER FUTURE
ACTIONS*

to the restrictions everyone agreed upon in order to live there.

It is of course important that your association is diligent in confirming that a reported compliance failure is properly investigated to ensure it does violate the documented restriction parameters and is then properly actioned by the association administration, with follow up. Then the argument of selective enforcement will usually fail. Usually, courts will favor the association position which will prevail and all the substantial cumulative costs charged to the defendant. At this point the risk is that the defendant declares bankruptcy (did you check their financial situation?) and while the point of compliance is made the costs incurred will most likely never be recovered.

You will only need to go through this one time if you do as follows:

Be sure to obtain a letter of Injunctive Relief from the court as you win the case. In any future case the possession of a court letter of Injunctive Relief can deter many an enterprising attorney from pursuing further cases right from the outset!

And after all, we are really seeking compliance, not revenue, aren't we?

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CCPC EXECUTIVE

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Charles Weyl	Treasurer
Bob Murray	County Affairs
David Trecker	State Affairs
Fred Rogers	Strategic Planning
Larry Baytos	Membership

We're on the web!

www.colliercountypresidentscouncil.com



Larry Baytos has volunteered and been accepted as our new Membership Chairperson. Larry lives and supports the Audubon Country Club. Please welcome him when next you meet him

UPCOMING PROGRAMS

Our July presenter is a figure that has just won a major victory on behalf of all community associations given the current environment of foreclosures, which, while reducing in numbers each year still represents a major problem to our associations. I refer to Representative Kathleen Passidomo whose bill HB 87, known now as the Foreclosure Bill, has just been signed into law and shortens the time period that banks can collect losses from five years to one and allows lien-holder homeowner associations to initiate an earlier foreclosure process.

Representative Passidomo has worked extremely hard over a two year period to push this legislation through the process we call our State Government.

This is a most interesting review you will not want to miss. It will help us all to understand the yin and yang of the governing process, so make a note in your calendar for July 12 at 9:00 and plan to attend.

During the summer we plan not to hold an August meeting. For our September meeting we plan a President's Council Workshop. This is intended to provide a forum for the interchange of the many good ideas and practices from all members and guests.

Among experiences there are sure to be inclusions on lake management, problems to overcome, the options available, the relative costs of such actions and the resultant effect.

This will be another program you will not want to miss, September 13th, at 9:00am. Place it in your calendar now!

LEGISLATIVE ACTION

Following a productive session Governor Scott approved a \$74.1 billion budget. Notable among the Bills signed into Law was **HB-87** presented by Rep. Kathleen Passidomo which streamlines the Foreclosure process. Rep. Passidomo is our planned July presenter. Come and learn how this law helps Homeowner Associations.

Among other Bills passed into law include:

SB1770 shrinks the size of Citizens Insurance by creating new Insurers and transferring customers.

SB 1076 establishes two HS Diploma tracks, one for college aimed candidates and the other for Technical Trades.

HB 4001 repeals a FL state law requiring 10% Ethylene be included in gasoline. However, an overriding Federal law will prevent any change to gasoline sold in Florida.

SB 1808 empowers FDEP to set standards for allowable levels of fertilizer runoff (Nitrogen and Phosphorus) in FL waterways.

HB 7013 allows up to 14 days of early election voting and expands the number of available locations, and shorter ballots.

HB 7065 imposes taxes on Northern Everglades farmers to fund long term water quality improvements in the Everglades.

SB 2 prevents elected officials from getting lobbying jobs for two years after they leave office.

HB 569 boosts campaign contribution limits from \$500 to \$1,000 for legislative & local races, and \$3,000 for statewide races.