



COMMUNITY PERSPECTIVES

OFFICIAL NEWSLETTER OF THE COLLIER COUNTY PRESIDENTS COUNCIL

Volume 3, Issue 3

July, 2015

THE SECURITY TRAP

To what extent is a Community Association liable for its members security?

Not a subject we spend much time on as a rule but recent events have highlighted criminal armed invasions into people's homes, members held up and tied up at gunpoint while their belongings are ransacked. Some of these happened in gated communities and now there are cases where the affected members are suing their Community Associations for lack of security.

This was a subject discussed at the April Presidents Council meeting by Attorney Rob Samouce and the implications have a myriad of cautions for all of us.

First, how secure is a gated community and what responsibility does the association have for security of its members? Certainly, should you ask law enforcement we learn there is no guaranteed security provided by gating the community, merely a perception created by the gate complex and any "security" personnel it may have.

It is in this perception that the trap lies. In extolling the many features of the community the association may refer to the gated complex as a security feature which in fact does not exist. Recipients of such a description may be persuaded to purchase their next home on the basis that

the association are providing security that may not be found in say non-gated communities and, as in the current cases, create a precedent that in fact the association assumes responsibility and liability for the security, or lack thereof, to its members.

Whether or not this will withstand the scrutiny of the courts remains to be determined but since this thought has provoked legal action is a strong warning to be careful about loose descriptions invoking possible non-existent security understandings. The incontrovertible fact is that community associations do not and cannot provide round the clock security to its members and the responsibility falls upon the individual members for their own personal security preparations.

Mr. Samouce cautioned all to avoid the use of terms in any public recordings or printings of the implication that any type of security is provided by the association. He goes a stage further and states a position where it behooves an association to use its various communications, e-mails, web-sites, newsletters, minutes of meetings etc, etc, to emphasize that the association is not responsible for the personal security of its membership and that members should take care to ensure their own personal security measures.

Just another of those nasty little legal traps we can inadvertently stumble into!

Inside this issue:

Association Underbelly	1
The CCPC Chairman's Column	2
Large Gas Stations	2
Recent Presentations	3
News You Can Use	4

Special points of interest:

- Security Vulnerability
- Large Gas Stations
- Legislative Awareness

THE CCPC CHAIRMAN'S COLUMN



We had a fantastic assortment of guest speakers. You could say they were coming and going. Penny Taylor our new District 4 Commissioner, who had a proven record as an outstanding city council member discussed her vision as well as the challenges that

the county will be facing in the coming years. Fred Coyle the former Commissioner presented a terrific over view of his thoughts as to where we are and where we are headed. In the mean time he's gone fishing.

Dr. Allen Weiss, CEO & President of NCH gave an overview of the Blue Zone initiative. Personally, I enjoy watching the NFL Red Zone. Steve Carnell, Director of Public Services and Barry Williams, Director of Parks & Recreation brought us up to speed on the recent Farmers Market issues. Rob Samouce, a locally respected attorney who specializes in Condo & HOA law gave an update on the latest statutes impacting associations as well as his thoughts regarding the question on security obligations, if any, for Associations. We also were enlightened by Dwight Brock on the role of the Collier County Clerk of the Courts and learned that nothing is a secret anymore. We

learned from Abe Skinner, the Collier County Property Appraiser, how property appraisals are determined, and they sure are going up.

We heard from Norm Feder who literally went from the frying pan into the fire. He was the former County Director of Transportation and presently serves as the Deputy Commissioner of the North Collier Fire Control & Rescue District. He spoke about the merits of consolidating North Naples & the Big Corkscrew Island Fire Control & Rescue District.

We also conducted workshops on a multitude of Association related issues. What makes the CCPC unique is that we have members who truly care about their

communities. We recognize that we don't have the corner on brains. We are willing to learn as well as contribute on how to be more effective and efficient in managing our communities. Since we represent thousands of doors in our county when we speak we are listened to and are in a better position to get the

attention of the decision makers. So why not become part of our team. Simply send us an e-mail and we'll sign you up.

While we will not be holding meetings for the months of July & August, we will be back in business in September better than ever. We intend to bring in more interesting guest speakers and conduct important workshops based upon the interests of our members. Have a great Summer!
Paul Feuer

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

THE IMPACT OF LARGE GAS STATIONS

WITH the recent attempt by the RaceTrak company in seeking to install a very large gas station plus facility within close proximity to a community neighborhood, to the detriment of the health and safety of that community, the Presidents Council has joined the effort to prevent this event occurring and also to support efforts to ensure ongoing Land Development Code carries the necessary legislation to restrict future similar processes. Lobbyists are tricky and this current attempt was thwarted by the current regulations that require a major majority vote by the County Commission to overcome existing regulations that prohibit a second gas facility within close proximity to an existing facility. This was not

forthcoming when two commissioners voted against the proposal.

Word on the street is that there is a currently a covert action in an attempt to have the need for a major majority reduced to that of a simple majority, which, should it succeed will enable this gas facility to be installed along with any future situations of a similar nature, should a commission simple majority vote to approve it.

The Collier County Presidents Council is opposed to such action and have approached Commissioners stating our strong opposition, along with other actions.

Our communities represent the largess of community populations and voting power within the county and we are representing our communities in strongly opposing this action.

RECENT PRESENTATIONS



Our featured speaker for our April meeting was Mr. Steve Carnell, Collier County Public Services Director. He was accompanied by Mr. Barry Williams, representing Parks and Recreation.

The subject for discussion was the County response to recent Commission activity in first cancelling and then reinstating the Golden Gate Farmers Market in establishing procedures in dealing with Farmers Markets on County properties, usually areas of parks and recreation.

The first task was to determine what exactly constituted a Farmers Market, should it be restricted to farm produce or include outlets for a myriad of other items and what policing and by whom should these areas of public space be controlled.

There is recognition of the community values of these markets and Steve outlined his intent to make the regulations as user friendly as possible without losing the administrative ability to control the general boundaries of policy and procedures.

He proceeded to outline his approach and thinking and referred to Mr. Williams where these new policies would invoke Parks and Recreation administrative responsibilities.

An unusual and skillful presentation which showed us a reasoned approach to establish working rules and policies for the future management of the use of County properties for the overall benefit of the community.



May featured Dr. Alan Weiss, CEO of the Naples community Hospital in an exhilarating presentation of the value of the Blue Zone Initiative. Presented from a fount of knowledge on the reaction of the human body to proper TLC and the financial and longevity benefits inherent in the initiative, along with a wicked sense of humor, a hard hitting visual display of achievements in differing areas in this country and worldwide brought the story of sensible diets and exercise home to our audience.

The statistics of successful implementation of the

elements of the initiative, coupled with the obvious belief displayed by Dr. Weiss and his intensity in promoting this program in Collier County specifically and Florida generally.

The potential in healthy longevity and immense health care costs and savings as compared with our current processes in dealing with health care are truly remarkable.

Dr. Weiss is an able champion of this cause, a respected and able champion of improving health-care with a realistic approach to what can really be done when the effort is applied to the right people.



In June we welcomed Mr. Norm Feder of the North Naples Fire & Rescue Commission. Mr. Feder has had a distinguished career in charge of the County Transportation Division and is extremely knowledgeable on the trials and tribulations involved in combining two fire districts into one.

While critics point to the successful merger of Golden Gate and East Naples Fire Districts where there are many common elements that aid the merger, the North Naples and Big Cypress Fire Districts merger presents a larger mix of discordant elements, not least of which is the differing millage rates and nature of the two districts.

North Naples has had explosive growth which has aided expansion on a low millage but is now slowing down. Big Cypress is the upcoming growth area of the county but is as yet sparsely populated which drives a much higher millage rate. A recent legislative action allows the two districts to maintain their independent existing millage rates while merger discussions and agreements continue. Then there is the fact of two differing unions between districts, and so the discussions go on, resolving the disparate issues before a final full fledged merger can be consummated.

He discussed the financial ramifications of the merger, the potential cost savings and the needs which drive the attendance of fire, EMS, police etc at each and every rescue call, commenting that Fire Department EMS trained employees can execute advanced life saving techniques. Rescue calls are predominant over fire calls.

Collier County Presidents Council
P.O. Box 8853
Naples FL 34101

E-mail: ccpcnaples@gmail.net

Newsletter input: Fred Rogers : 239-353-4458 or
Email to frog@doulaman.org

CCPC EXECUTIVE

Paul Feuer	Chairman
Jeanie Bicanich	1st. Vice Chair
Open	2nd. Vice Chair
Chuck Nuechterlein	Treasurer
Open	County Affairs
David Trecker	State Affairs
Fred Rogers	Strategic Planning
Open	Membership

We're on the web!

www.colliercountypresidentscouncil.com

Membership in the Collier County Presidents Council is open to representatives from any Collier Community Association. A small annual fee assists us in presenting many programs of benefit to communities and fight for collective representation on your behalf.

FUN AND GAMES IN TALLAHASSEE

In an extraordinary maneuver the Florida House ended the sixty day 2015 legislative session three days early, much to the chagrin of their Senate compatriots.

A major disagreement over the essentials of the 2015 Florida Budget appears to be the major cause of these actions, the senate and house locked into their specific positioning on the budget and specifically Health Care Funding. This has since resulted in a special session called by the governor which in turn resulted in a recommended \$78.7 billion budget, a Florida Constitutional requirement. Senate Democrats, following a refusal by the house to reconvene, asked the FL Supreme Court to intervene as the FL House had contravened the FL Constitution in that one house cannot arbitrarily close

without consensus from the other and although the Supreme Court agreed, they refused to recall the house back to satisfy the constitutional requirements. What, you might be asking, does all this have to do with us in the daily task of managing our associations?

On the House and Senate Agenda for approval were the two items Senate Bill SB 736 and House Bill HB 611, a controversial action which it is believed would have passed if the session had continued to its 60 day finale. Lobbyists and vast money had worked its evil charm and they were destined for approval with disastrous economic results to the budgets of many community associations. It never reached a vote! Our thanks to the Community Advisory Network (CAN) and all who worked to prevent this.