

## RENTAL POLICY

**4. Rental Policy:** Helen had provided a lot of information regarding what other communities have done in regard to the handling of rental properties within their communities. A copy of the information we had authorized to be mailed to those renting in Westminster was also included. **Jack McManus moved, Mike Patasky seconded, the adoption of the following leasing policy for Westminster and rules to be followed by those leasing living units.**

## WCA residential leasing policy and rules

1. The prospective lease shall be submitted to the Westminster Community Association (WCA) 10 days in advance of the beginning date of the lease period.
2. The Owner, or his agent, shall submit an information sheet ( Sheet shall be provided by the WCA CAM), seven days in advance of the beginning date of the lease period, showing the following:
  - a. The name and previous address of the lessee
  - b. The name of all adults, 18 years and older, who will reside at the premises
  - c. The names and ages of all children who will reside at the premises
  - d. The names, breed and ages of all animals who will be harbored at the premises
3. The Owner, or his agent, shall submit to the WCA a credit report, not older than three months, of the lessee, from one of the big three credit agencies (TransUnion, Experian and Equifax) before the beginning date of the lease period.
4. The Owner, or his agent, shall submit a background check from the Florida State Police before the beginning date of the lease period. No one listed on the Police Sexual Offender List or on the Police Sexual Predator list will be allowed to lease or to take residence in the Community
5. Failure to comply will result in a compliance action by WCA which could result in a fine, loss of amenities and other legal remedies allowed by law. No use of amenities, keys to the association properties or bar code access, will be provided until the above provisions are met.

**The motion passed 6 to 0.**

02/25/2014

## New Business:

**1. Approval of Amendments:** Helen Leddy presented the three proposed amendments to the documents as prepared by our attorney. Before reviewing the amendments in detail, Bill Stephenson discussed the lack of detail with our rental list, rental applications, and background checks. He recommended that a committee be formed to keep track of these matters and felt that Barbara Hamtil was best suited for this since she was already doing a lot of work on this. **Ron Read moved, Jack McManus seconded, to appoint Barbara Hamptil, as chairperson of the Rental Review Committee. The motion passed 6-0. Barbara agreed and would seek other committee members to assist her on this.**

01/28/2014

**I) New Business:**

**1. Villa and Individual Home Rentals – Number of times per year:** Helen discussed the need for reviewing our docs in this regard. In the last doc update, the number of times a rental could occur was dropped and only the minimum term of one month was left in place. **Helen Leddy moved, seconded by Pat Rich, to revise our documents to prohibit more than 4 rentals per year for homes and villas, i.e. exempting the Somerset Condominiums.** In order to determine the cost associated with this document revision, **Jack McManus moved to table. Mike Patasky seconded and the motion to table lost 4-2 with Jack McManus and Mike Patasky voting to table. The motion passed 6-0.**

**2. Changing the docs to limit number of rentals in Community:** Helen explained this issue which was addressed a few months ago and was dismissed. The Property Manager indicated that there were 88 units rented at the present time. **Bill Stephenson moved to adopt a proposal to amend our documents by adding the following in Section 5.10 “Occupancy in the Absence of the Owner and Leasing of Living Units”, (B) Leasing of Living units, a new subsection, (9) In order to insure the atmosphere (integrity) of the community as a single family community it is hereby decreed that the number of Living Units which can be rented (at any one time) shall be limited to 100 (the “Rental Limit”).** The President opened the floor for discussion by those residents present at the meeting. Opinions varied however, most of the residents who spoke favored a limit on rentals. The discussion also involved the procedure to change docs and the time it would take. Helen would be contacting our attorney to determine the best path. The proposal and amendment will be followed by a more structured procedure in the current “POLICY” approved for rental of living units, if adopted. **The motion passed 6-0.**

**04/29/2014 special meeting**

**F) The new rental package rules:** The proposed updated rental package was provided to the attorney who felt she needed more time to do a complete review. She did indicate that when we send out the 14 day notice of the meeting for the board to consider voting on the package, the newly proposed document could be included in clean fashion, not with the line through words indicating deletion from the existing document. She will provide the legal review as soon as practical, well in advance of the proposed mailing. Attorney Spector felt it was premature for the president to sign an agreement with a new firm to do the background checks until after the new rules are approved by the board of directors.

02/25/2014

**Proposed Declaration Amendment No. 3: Section 5.26 (NEW), Declaration of Covenants, Conditions, Restrictions and Easements.** Helen read the addition to the documents which dealt with Garage and Estate Sales; Individual Items For Sale. The addition to the documents would provide for one community garage sale and detailed conditions regarding estate and personal sales. The complete wording will be sent to all Owners in adequate time for review before voting. Helen Leddy moved, Pat Rich seconded, that in accordance with Article 15.3 of the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements, the Board of Directors hereby approves and ratifies the Proposed Amendment No. 3, Section 5.26(NEW) and authorizes and ratifies the members' consideration of the attached Proposed Amendment at the Annual Meeting on the 25<sup>th</sup> day of March 2014. The Board recommends that the unit owners vote "In Favor" of the Proposed Amendment No. 3. The motion passed 6-0, with Helen Leddy, Bill Stephenson, Pat Rich, Jack McManus, Ron Read and Mike Patasky voting in favor.

**Proposed Declaration Amendment No. 2: Section 5.10(B)(8) and (9) (NEW), Declaration of Covenants, Conditions, Restrictions and Easements.** Helen read the proposed additions to those present and explained in detail the effect of the provisions being recommended. At this point, a discussion took place regarding how this matter should proceed since there was general dissatisfaction with the provisions. Helen asked if there was consent to removing some of the provisions. Bill Stephenson felt that subsection (c) of (9) was unnecessary and asked for removal of this subsection which discussed the lottery drawing. By consensus, the six board members agreed to the removal of this subsection from further consideration.

Jack McManus felt that the entire amendment should be removed from consideration however no agreement on this could be reached as three board members. Helen Leddy, Bill Stephenson and Pat Rich felt we should proceed while three board members. Jack McManus, Mike Patasky and Ron Read felt we should eliminate this Amendment entirely. After debate, it was evident that no majority could be reached.

Helen consulted her Robert's Rules of Order but there was no clarification with the stalemate. Helen made an "Executive Decision" to proceed with the amendment being put to an Owner's vote, leaving out all but Section (9) without any of the subsections. (a), (b), (c), (d), (e), (f), and (g) as well as without a recommendation from the board. This prompted additional debate. Helen felt the request made at the January meeting was sufficient for sending this to a vote of the members, three members objected and two members agreed. Helen Leddy moved, seconded by Pat Rich, to send out Amendment No. 2, for vote of the Owners but eliminating all but (9) under Section (B). The vote was 3-3 with Helen, Pat and Bill Stephenson voting yes and Jack McManus, Mike Patasky and Ron Read voting no.

04/15/2014

#### **New Business:**

**I. Lease Policy:** Barbara Hamptil reported on a meeting of the committee and provided recommendations to the board of directors. The Committee provided a revised Rental Packet, including a Check List For Rentals, a Notice of Intent to Lease Application, Welcome Information For New Renters and an Authorization for Background Checks by Florida Tenant Reporting Services.

In addition, they recommended that the Residential Leasing Policy and Rules be revised.

There was a great deal of discussion about the new policy and steps for Owners wanting to rent their property. The overall consensus of the board was that the new rules and policy would be an improvement but that it needs to be administered more accurately and consistently. Barbara pointed out some steps, now in effect, were not being carried out completely. She also pointed out the need for security of information, much of which under credit and background checks need to be kept private under the law.

Although the board was in agreement with passing such rules, there was no agreement as to how this rule would be adopted. Jack McManus stressed that, although we have to right to pass such a policy, we have the obligation to do so in the right manner. Since this is a policy which effects to use of a private property, Jack advised that we must provide written information to all Owners and post a notice of a meeting when such would be considered and do so with the prescribed 14 days advance notice.

**A motion was made by Pat Rich, seconded by Betsy Rosser, that the proposed revised policy and proposed lease agreement be sent out with the third quarter mailing (mid June), notifying the Owners of the Board's intent to consider these rules at the July board meeting for final adoption. The motion passed 7-0.**

**A motion was made by Pat Rich, seconded by Al Joseph, to begin the adoption process of the recommendations of the Committee regarding the rental packet. The motion passed 7-0.**

04/29/2014

**D) Minutes, votes recorded and Notice of Meetings:** There was a discussion regarding the type of committees we have and how each one functions. Most of the discussion centered on the Compliance Committee and the Compliance Hearing Committee. Some concerned the ability of the committees to spend money. Attorney Spector advised the members that all board and committee meetings making final decisions or having spending authority, need to provide 48 hour notice of the time, date and place of the meeting and provide and post timely minutes. Certain committees have been given a budget with the authority to spend certain funds without Board approval. In an abundance of caution, she advised, these committees should be held as open and noticed meetings pursuant to the statute.

Attorney Spector noted that, while the Fining Committee is not required by the statute to hold its meetings as the Board holds its meetings, the Bylaws, Section 10.4 of the Documents require this.

Although there is no provision as to where the meetings are to be held, President Ron Read stated that all committee meeting should be held in the Community Center and if there are conflicts with other events, he noted that the meetings take precedent and he would act to inform activity chairpersons when there is a conflict.

Attorney Spector noted that all meeting, with only two exceptions, are to be open to the residents at all times. Only board meetings regarding a personnel matter and a meeting regarding an on going suit with the board's attorney present may be closed to the residents. Notice and minutes are still required in those exception cases.

11/27/2012

**X. New Business:**

a. **Review of Tenant Application Process:** John Hutton, our Manager, handed out a proposed letter to be sent to all rental agencies and landlords in our community to inform them of the rental application process required by the new documents passed in March. Jack McManus made a motion, seconded by Pat Rich, to authorize the letter to be sent out as requested and to include a copy with the January quarterly mailing to inform everyone. The motion passed 6-0.

b. **Lights at the Front Entrance:** Jack Griffith handed out some samples of lighting at the front entrance and discussed some options. He showed one sample costing \$900 each plus installation and another at \$2,600 plus installation. Jack asked the board members to think about additional lighting at the front and if they had any ideas regarding the type of lights, and to bring the information to the next meeting when we can go into more detail on this issue.

05/20/2014

**3. Rental Committee:** Ron Read reported on the meeting of the rental committee on May 9<sup>th</sup> as follows:

The purpose of the meeting was to go over the recommendations of Sarah Spector, Esq. of Becker & Poliakoff with regard to the Lease Agreement Packet prepared by the committee and submitted at the prior Board Meeting on April 15, 2014. Changes were made accordingly to the rental packet. It was agreed that this packet met the requirements of the Governing Documents and took into consideration the rights of the Owners, renters and the association.

**Ron Read made a motion, seconded by Pat Rich to adopt the following resolution as recommended by our attorney:**