

COMMUNITY NEWS

The Council of Neighborhood Associations

The Voice of Condo, Civic, and Homeowner Associations of Pasco County

CONA UPCOMING PROGRAM

All meetings are held at the Gulf Harbor's Civic Center at 4610 Floramar Terrace, New Port Richey, FL 34652. For questions please contact one of the CONA Directors.

Reserve Studies

April 19, 2017 at 9:30 AM

Matt Kuisle from Reserve Advisors, will be discussing "Determining and funding areas for which reserves must be maintained by the community organization".

Legislative Update

May 17, 2017 at 9:30 AM

A Panel of Experts will be presenting the legislative update based upon the result of the last session.



CONA WEBSITE UPDATE

CONA is continuously adding information to their website. The newest addition to the site is "Earl Million's Program Recap". Earl Million is a long time member of CONA, and Pasco County, the Vice President of his association, and a trained former Analyst. Mr. Million has kindly been providing his articles to us about each monthly program (he hasn't missed one meeting). We decided to share these article recaps with you.

To find these articles please go to www.conapasco.org and hover over the Programs menu tab and go to "Earl Million's Program Recap". A dropdown of recent articles will appear. Click on the one you would like to view.



FLORIDA FRIENDLY LANDSCAPING

The Tri-County Florida-Friendly Landscaping™ team of the University of Florida/IFAS Extension is cordially inviting you to "A Landscape Game Plan for Drought"-workshop.

The Tri-County Florida-Friendly Landscaping™ team of the University of Florida/IFAS Extension is cordially inviting you to our "A Landscape Game Plan for Drought"-workshop. This workshop will be held at the UF/IFAS Hillsborough County Extension Office (5339 County Road 579, Seffner, FL 33584) on Tuesday, April 25, 2017. The workshop will begin at 10:30 a.m. and concludes at 3:00 p.m. Lunch and light refreshments will be served for a minimal charge of \$ 10.

We are excited to offer you another very timely and informative workshop. First we will focus on "Why Groundcovers Can Do Better than Turf During Drought" then we will explore simple landscape maintenance techniques with the program "Practices that Keep Drought at Bay". Next we are pleased to announce our keynote speaker Dr. Michael Dukes, University of Florida/IFAS who will discuss "Pitfalls of Irrigation and Tips on How to Make Your Irrigation System Work" followed by "Getting Landscapes through Drought with Smart Irrigation Upgrades". Finally, we'll present basic landscape design practices and

proper plant selection in "Designing for Drought".

As a "special treat" we have invited a landscape irrigation supplier. You will have the opportunity to see and operate the most common time clocks as well as exploring different brands of Soil Moisture Sensors. The irrigation expert will also have the newest irrigation spray heads and rotors on display.

Please feel free to share this announcement with your fellow Property Managers, Board Members, Architectural Landscape Review and Landscape Committee Members. This event is specifically for decision makers, and not applicable to your residents or the general public.

Seating is limited to 80 persons, so please reserve your seat for "A Landscape Game Plan for Drought" as soon as possible. Go to: <https://goo.gl/HYvsBu> and get your tickets today!

For Hillsborough County Info:

Paula Staples, 813-744-5519 Ext. 54142, staplesp@hillsboroughcounty.org

For Pasco County Info: Jim Moll, 352-518-0470, jmoll@pascocountyfl.net

For Pinellas County Info: Doris Heitzmann, 727-582-2422, dheitzmann@pinellascounty.org.

Sincerely,

Doris Heitzmann

**Community Outreach Coordinator
Florida-Friendly Landscaping™ Program**



March 28, 2017

PASCO COUNTY, FL ---- The Pasco County Board of County Commissioners unanimously approved a 3-year contract with Dan Biles to be Pasco County's next County Administrator.

----Biles, a professional engineer, most recently served as Deputy County Manager of Infrastructure for Jefferson County, Alabama. Biles held several leadership positions in his four years with the City of Corpus Christi before being named the first Deputy County Manager over Infrastructure for Jefferson County in 2014.

Biles will take over from retiring Pasco County Administrator Michele L. Baker who has served as Pasco County Administrator since May 30, 2013. Baker's contract expires on July 9, 2017 and she is in the process of negotiating an exit agreement with the Board. Biles is slated to start his new position on May 1, 2017 with an annual starting salary of \$220,000.

"Pasco County is extremely fortunate to have such a strong County Administrator candidate as Dan Biles," said Pasco County Chairman Mike Moore. "We are a growing County and the leadership abilities Dan has shown in his military, government and private sector experience are impressive. I look forward to working with him as he will undoubtedly take the County to new heights."

Dan Biles has more than 30 years' experience leading a wide spectrum of military, private business and local government teams. At each step along the way in his career, his teams have been consistently recognized as the best in the organization and in the region – even winning national "Best of the Best" awards.

"I am excited about the opportunity to work as Pasco County's next County Administrator, to work closely with the Board and to get to know the people of Pasco County," said Biles. "I was impressed with what I saw when I toured Pasco County. My wife and I look forward to making Pasco County our new home. I also look forward to hearing from County

staff and community leaders about the unlimited potential Pasco County offers."

Dan Biles earned his Bachelor of Science and Master of Science in Civil Engineering at Texas A&M University. The U.S. Air Force commissioned Biles from his time in A&M's Corps of Cadets, sending him to Luke Air Force Base (AFB) in Phoenix, Arizona, then on to Andersen Air Base in Guam and finally to Malmstrom AFB in Great Falls, Montana.

Following his separation from active duty, he spent the next ten years working as a consulting civil engineer and land developer in the south Puget Sound region of Washington State.

Having finally tired of the long, wet winters, he was hired to lead the civil engineering group for one of the fastest growing engineering firms in the nation located in Corpus Christi, Texas. A couple of years later, he began his local government career with the City of Corpus Christi and most recently in Jefferson County.

Biles also recently retired from the Washington Air National Guard after commanding three different units and reaching the rank of Colonel.

MATERIAL ALTERATIONS, AMENDMENTS, AND PAYING TAXES
Florida Community Association Journal, Condominium and HOA Q&A
by Ryan D. Poliakoff

Q We have carriage lights on our garages that are what I would describe as early American style. Now, our president wants to get new lights that are ultra-modern black cans. Would this be a material alteration? The homeowners association is responsible for maintaining the exterior of the home. Does that mean we have no say in the matter? The lights are old and should be replaced, but shouldn't we do something very similar, or the same?

A The seminal case on material alterations, *Sterling Village Condominium Inc. v. Breitenbach*, held that, as ap-

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plied to buildings, a “material alteration or addition” means to “palpably or perceptively vary or change the form, shape, elements, or specifications of a building from its original design or plan, or existing condition, in such a manner as to appreciably affect or influence its function, use, or appearance.” By that definition, a wholesale change in the appearance of the carriage lighting in the community would likely be a material alteration.

However, material alterations are not, per se, prohibited. The Condominium Act, Chapter 718, Fla. Stat., contains express language requiring material alterations to be approved by the membership, but there is no such language in the HOA Act (Chapter 720). So, in an HOA, the restriction on making a material alteration would be if such restriction is found in your governing documents. I do find material alteration restrictions in HOA covenants from time to time, but if one does not exist, and if there is no other restriction in your covenants regarding the lighting, the change you describe would not be prohibited (even though it is likely material).

Q The board of directors attached a letter to a proposed amendment change, along with the proposed amendment and the proxy voting form. In the letter, the board made a factual statement that was completely false. The board stated that a government agency recommended a change that was in the amendment. When I asked where this statement appears in the government agency documents, the reply was that it was on their website. That answer was total fabrication. I checked the website, and there is no such statement. I then called the agency and was told that the agency has not made the purported recommendation. In my opinion, this was a deliberate attempt by the board president to coerce a yes vote from the association members in order to pass the amendment. The amendment did pass. Was that legal? Did the board's letter affect the legality of the amendment, and is there any legal recourse? If this isn't legal, what recourse do we have?

A There is no provision of law that would invalidate a membership vote because the supporters are of one side of the vote, even of those supporters are the board, misrepresented facts in order to manipulate people into voting in a particular manner. This is very common during elections, for example – candidates have the right to submit an information sheet, and the association has no responsibility for the contents of that sheet or the facts it relays. As a voter and member of the association, you certainly had a right to campaign among your neighbors and to point out the false statement. You could have sent a letter to your neighbors, or even gone door to door.

It is possible that this is just difference in interpretation, rather blatant falsehood. Sometimes government statements are nuanced, and if you ask the agency directly, advice that they have simply worded differently. Or, it could be, as you suggest, that the board felt the amendment was so important that they made a conscious decision to lie. Either way, the vote itself would not be affected. You did your own research regarding the proposed amendment, and other owners had the right to do the same.

Q Can a Florida HOA qualify as exempt from paying federal income tax and Florida sales tax?

A While most HOAs are “not for profit” corporations, they are not tax exempt. Organizations that are tax exempt, while also not for profit, must be organized for specific purposes, such as charity or religion. Homeowners associations can choose to be taxed several different ways, and while those filings may affect the amount of tax paid (and on what categories of income), they would not typically be tax-exempt.

PASCO COUNTY PRESS RELEASE **Pasco County Offices to close** **for Good Friday**

PASCO COUNTY, FL ---- Pasco County Government offices, including the Con-

stitutional Offices and the Courts, will be closed on Friday, April 14, 2017 in observance of Good Friday.

All government offices and the Courts will reopen on Monday, April 17, 2017.

The Pasco County Parks, Recreation, and Natural Resources' Offices and Recreation Complexes will be closed on Friday, April 14, 2017; however, the parks and beaches will remain open to the public from dawn to dusk.

Pasco County Public Transportation (PCPT) is providing service on all fixed routes and paratransit service on Friday, April 14, 2017; however, PCPT administrative offices will be closed.

The Pasco County Animal Services Administration Office, Adoption Center, Intake/Reclaim Shelter and Field Services will be closed on Friday, April 14, 2017. An Animal Control Officer will be available for emergencies only. The Adoption Center & Intake/Reclaim will resume regular business hours on Saturday, April 15, 2017.

The Pasco County Resource Recovery Facility, West Pasco Class III, and the East Pasco Transfer Station will be closed to the public on Friday, April 14, 2017; however, they will be open to Pasco County licensed, commercial haulers.

All Pasco County Libraries will be closed on Friday, April 14, 2017 and will resume regular business hours on Saturday, April 15, 2017.

The Pasco County Tax Collector's Office will be closed on Friday, April 14, 2017 and on Saturday, April 15, 2017.



EARTH DAY

Pasco's popular celebration of Earth Day is back! Earth Day is

celebrated every year on the 4th Saturday in April. This year, it's on April 22nd in Crews Lake Park at 16739 Crews Lake Dr, Spring Hill from 9 a.m. until 3 p.m. All concession proceeds benefit Mary Giella Elementary School. For more event information, contact Lottie at 727-856-2917 Extension 201 or LKelley@covanta.com.

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