

# The Village Choice

Addressing Issues Regarding Your Home In Wynmoor

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## January...

The following is a list of Board of Directors meetings for the month of January. All residents are encouraged to attend their respective association meetings. Please note, these meetings are subject to change.

### Key:

BOD denotes Board of Directors meeting  
EW denotes East Wing Card Room 4  
GBRA denotes Grand Ballroom A  
GBRB denotes Grand Ballroom B  
GBRC denotes Grand Ballroom C  
LH denotes Lecture Hall  
MPR denotes Multi Purpose Room  
WWI denotes West Wing I

### January:

3rd: Bermuda BOD, MPR, 9:30 a.m.  
3rd: Victoria J BOD, EW, 10:00 a.m.  
8th: Nassau BOD, GBRC, 10:00 a.m.  
9th: Victoria C BOD, EW, 10:30 a.m.  
9th: Bahama Annual, LH, 1:00 p.m.  
10th: Granada BOD, MPR, 10:00 a.m.  
10th: Martinique I BOD, EW, 1:30 p.m.  
11th: Victoria E, BOD, EW, 10:00 a.m.  
15th: Bimini BOD, MPR, 10:00 a.m.  
16th: Portofino II BOD, GBRB, 10:30 a.m.  
16th: Aruba BOD, EW, 1:00 p.m.  
18th: Portofino IB BOD, MPR, 2:00 p.m.  
22nd: Lucaya I BOD, EW, 9:30 a.m.  
24th: Antigua II BOD, EW, 10:30 a.m.  
25th: Martinique IIF BOD, EW, 11:30 a.m.  
26th: Martinique IIB BOD, EW, 10:00 a.m.  
26th: Abaco BOD, EW, 3:00 p.m.

### January Council Meetings:

2nd: Management Committee, MPR, 9 a.m.  
4th: Board of Directors, WWI, 1:30 p.m.  
9th: Management Committee, MPR, 9 a.m.  
15th: Executive Committee, MPR, 1:30 pm  
16th: Management Committee, MPR, 9 a.m.  
23rd: Management Committee, MPR, 9 a.m.  
24th: Budget and Finance, MPR, 9 a.m.  
30th: Management Committee, MPR, 9 a.m.



### By Fred J. Michael, Director of Association Affairs

Each board member within Wynmoor's 44 associations has a fiduciary responsibility to uphold their association's governing documents. The first step is understanding the language within those documents.

Florida law requires all new directors to certify in writing within 90 days after being elected or appointed that they understand the association's governing documents. To assist ALL directors, the Association Affairs office conducts several authorized educational seminars a year. The next one will be held in conjunction with the Council of Association Presidents (CAPS) meeting on Friday, January 19 at 9:30 a.m. in East Wing card Room #4. For new directors, this seminar will be mandatory. If you are unable to attend, please notify the Association Affairs office.

Sometimes the governing documents will conflict with the provisions of the applicable state statutes. In general, the Florida statutes will prevail over conflicting provisions of the declaration or bylaws, except when the statute specifically authorizes the declaration or bylaws to provide otherwise.

Your association's governing documents have a legal and operational hierarchy. That means that each section of the documents has another section which may supercede them in law. The hierarchy of documents is: Declaration of

See CONDO LIFE On Page 2

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# Directors Must Uphold Association's Governing Documents

## CONDO LIFE From Page 1

Condominium, Article of Incorporation, Bylaws and Rules and Regulations. Although at first the concept of following the law and governing documents may appear simple, in practice this can be a difficult and confusing undertaking. As directors, you should always consult with the association's attorney when dealing with difficult matters. Directors can schedule meetings with members of the Bogen Law Group through the Association Affairs office.

Perhaps the main function of most associations is the repair and maintenance of common areas and building exteriors. The maintenance responsibility for an association is established in the declaration or bylaws.

In most associations, those parts of the property that is in common between the homeowners are maintained by the association. Responsibility for those portions of the property over which an owner has an exclusive right to use or possess will fall upon the individual owner. This means that the board must become familiar with the property and the relationship regarding the maintenance of the property.

At Wynmoor, we are in a unique position where the Building and Grounds Maintenance departments are a phone call away. They can provide you with the necessary information to conduct periodic inspections of the property and schedule various repair and maintenance tasks in an orderly and comprehensive.

The board members have a fiduciary duty to the homeowners to manage and operate the Association using the care that an ordinarily prudent person would use under the same or similar circumstances. This means that the board must exercise business judgment in making decisions while operating or managing the Association. Business judgment involves making rational, informed decisions in good faith. The board must strictly follow the law and its governing documents and apply and enforce them in a fair and uniform manner. The board must obtain and consider all of the relevant facts and circumstances, identify the various options available to the board, and carefully weigh which course of action would be in the best interests of the Association and its membership as a whole.

**BUDGET:** Related to the duty to maintain the property is the duty to adopt budgets and collect assessments from the homeowners.

The budget process is not one whereby an arbitrary figure is created that will be the monthly assessment and then the board tries to figure out how to best spend the money. The correct process is a reversal of that. The board must fund the necessary expenses and costs of operation and administration, plus the statutory reserves, and then the monthly assessment



is determined by dividing the annual budget among and between the unit owners utilizing a document percentage.

The budget process therefore must involve a careful review of past budgets and the actual costs plus a careful examination of anticipated costs and expenses.

**RULES AND REGULATIONS:** The board has a duty to uniformly enforce the governing documents against the owners and other residents of the property. A board does not have the authority to waive or excuse compliance with the requirements of the covenants.

Of course, it is not always clear whether specific actions violate the covenants. It is up to the board to reasonably interpret its governing documents, and to adopt rules and regulations to supplement, explain and administer the enforcement of the basic rules of the Association. It's important for you to become familiar with them.

In deciding how to enforce the governing documents, the board must carefully consider the nature and scope of an infraction and try to address the situation in a manner that is reasonably related to the severity of the violation.

The Association Affairs office is available to assist you in reaching your goal of compliance. You can call 954-978-2600,

**See CONDO LIFE On Page 4**

**NEW DIRECTORS...** Congratulations to Marvin Keith who was elected President of Eleuthera Village during the association's annual membership meeting in December. Those elected or appointed as new directors during December meetings include:

Andors: Angela Papa.  
Eleuthera: James Dowd.

New assistant directors elected or appointed during December meetings include:

Andors: Bonnie Goodman.  
Eleuthera: Susan Vladeck.

**OUTGOING DIRECTORS...** We'd like to thank the following outgoing directors for service to their respective associations.

Antigua IC: Martin Levine.  
Antigua II: Rosetta Siegel.  
Aruba: Idris Brooke, Allen Forcash and Charles Lindquist.  
Bermuda: Marcia Baskin and Bill Penza.  
Eleuthera: Andrea "Andy" Agosta and Elaine Barnwell.  
Lucaya II: Larry Nash and Ronnie Weber.  
Martinique IIA: Larry Lashinsky.  
Martinique IIE: Shirley Birk and William McMahon.  
Nassau: Palma DeRosa.  
Portofino IA: Jack Feinstein.  
Victoria F: Rita Margolin and Joseph Souza.  
Victoria H: Myra Haberman and Phillip Myers.

**MEET, EAT AND GREET EVENTS...** The popular Meet, Eat and Greet pool parties continue this month.

Sponsored by the Wynmoor Community Council, these weekend BBQ events will be held at each village pool, giving the residents an excellent opportunity to meet their neighbors in a casual setting.

January MEG events include Antigua I (Jan. 6), Nassau (Jan. 7), Granada (Jan. 13), Lucaya II (Jan. 20), Eleuthera (Jan. 21) and Lucaya I (Jan. 27).

**BICYCLE SAFETY...** In Florida the bicycle is legally defined as a vehicle and the bicyclist is a driver. Bicyclists have the same rights to the roadways, and must obey the same traffic laws as the drivers of other vehicles.

There is only one road and it is up to bicyclists and motorists to treat each other with care and respect. With a growing number of cyclists in the Wynmoor community, extra care should be shared by both the rider and the automobile driver.

**EMERGENCY PHONE NUMBER...** During the cool winter months, hundreds of Wynmoor residents can be found walking on the property throughout the day, riding bicycles



## The Director's Cut

and enjoying time around the swimming pools.

In addition to having your Wynmoor ID cards available at all times, residents should also have their cell phones on hand.

Additionally, you should program the Wynmoor Security emergency phone number 954.978.2663 into your cell phone to make it easy and convenient to report problems. For non-emergency issues call 954.978.2667.

### APARTMENT CARE OFFERED...

For those planning on leaving their units vacant for a period of time, it is recommended you sign-up for the Apartment Care program offered by the Wynmoor Security

Department.

**Apartment Care is encouraged to insure your unit is secure during your absence and helps promote the integrity of your building.**

For \$30 per month, members of the Security Department will inspect your unit weekly assuring all windows are secure and not broke, that there is no water intrusion that can be seen, that the air conditioner is properly set and operating, and that the unit is locked.

Additionally, our insured and bonded security personnel will respond to stabilize the situation when an emergency exists and the unit owner will be informed via telephone. Any leaks detected will be called into your service provider.

To register for the Apartment Care program, or for more information, call 954.968.2543.

### For Unit Owners Only Don't Forget to Update your Wynmoor ID Card



To update your ID, stop into the Resident Registration Office in the Administration Building.

An updated ID allows residents to enjoy Wynmoor amenities, such as The Fitness Center, Theatre, Recreation Trips and more.

## New Directors Required To Take Educational Course

### CONDO LIFE From Page 2

ext. 342, or stop by Room 215 in the Administration Building if you have any questions of concerns.

The purpose of all enforcement activity is not to punish the violator but only to encourage and obtain full and permanent compliance. Where the violation threatens the safety of person or property, or when there is a flagrant violation, the board may have no choice except to take the violator to court and seek a court order requiring compliance.



## Test Your Knowledge

See Answers Below.

1. Which of the following statements is true with regard to security guards?

- Security guards have the same powers as sworn police officers.
- Security guards have no police powers.
- Security guards have police powers as allowed by their contracts.
- Security guards have limited police powers.

2. What notice is required for a board meeting of an association at which a non-emergency special assessment will be considered?

- 48 hours.
- 14 days.
- 30 days.
- 60 days.

3. Vacancies on the board may be filled by:

- only a majority of the association membership voting at the annual meeting.
- only a majority of the board at a valid board meeting.
- the remaining board even if less than a majority.
- any volunteering owner or designee of an unwilling owner.

4. Which of the following records are not accessible to unit owners?

- Personnel records of association employees, including, but not limited to, disciplinary, payroll, health and insurance records.
- Any electronic security measure that is used by the asso-

ciation to safeguard data, including passwords.

- The software and operating system used by the association which allows manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.
- All of the above.

5. A director or officer more than 90 days delinquent in the payment of:

- any monetary obligation due the association shall have 30 days to bring his account up to date.
- any monetary obligation due the association shall be deemed to have abandoned the office when such fees or costs are due.
- regular assessments shall be deemed to have abandoned the office.
- All of the above.

6. If the unit is occupied by a tenant and the unit owner is delinquent in paying any monetary obligation due to the association, the association may make a written demand that the tenant pay the future monetary obligations related to the condominium unit to the association,

- and the tenant is not responsible for such payment.
- the tenant must pay 50% of the payment.
- and the tenant must make the payment.
- only the owner may make the payment.

Answers: 1: B; 2: B; 3: C; 4: D; 5: B; 6: C