

Graham, Marlene

From: Lakosky, Julie
Sent: Monday, November 23, 2020 8:40 AM
To: Graham, Marlene
Subject: FW: Emergency Declared by Mayor Ortis

-----Original Message-----

From: Castillo, Angelo
Sent: Friday, November 20, 2020 12:37 PM
To: rgyoung48@gmail.com
Cc: Dodge, Charles <cdodge@ppines.com>; Lakosky, Julie <jlakosky@ppines.com>
Subject: Re: Emergency Declared by Mayor Ortis

I agree and will bring this up.

Julie - Commission item, motion to redouble city efforts to maintain timely and accurate HOA and community association contact lists and to ensure emergency contacts with same when emergencies are declared or imminent. Please include as back up ordinance on same

From: rgyoung48@gmail.com <rgyoung48@gmail.com>
Sent: Friday, November 20, 2020 10:43:21 AM
To: Ortis, Frank
Cc: Dodge, Charles; Castillo, Angelo; Siple, Iris; Good, Tom; Schwartz, Jay
Subject: Emergency Declared by Mayor Ortis

Mr. Mayor, Per City Code. RESIDENTS Homeowner Associations: You are required by the City to maintain current Property Management and Emergency Contact Information for Board Officers. Ple
Caution! This message was sent from outside your organization. Allow sender<<https://mail-cloudstation-us-east-2.prod.hydra.sophos.com/mail/api/xgemail/smart-banner/ed66e1a35f3e346ac469a29a0032c4e4>> | Block sender<<https://mail-cloudstation-us-east-2.prod.hydra.sophos.com/mail/api/xgemail/smart-banner/c0f78fd1ca89ca0eecfcad651fcf362d>>
sophossmartbannerend
Mr. Mayor,

Per City Code.

RESIDENTS Homeowner Associations: You are required by the City to maintain current Property Management and Emergency Contact Information for Board Officers. Please update your HOA contact information on-line, now

I attended the emergency commission meeting by virtual methods. Very difficult to hear and missed the first part due to no sound. When I finally receiver permission to speak for 3 minutes there was a redundant command, while entering the required code. This is a very difficult program to react to in real time.

But the reason for this email is to explain the reason I challenged statement that the emergency declaration was sent out to citizens. I was challenging that statement in a short amount of time. I refer to § 32.170 HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION BOARD MEMBER EMERGENCY CONTACT INFORMATION.

This requires each condo and HOA to register. " Each homeowners' association and condominium association shall provide the City Clerk the name, address and phone number of the association's property manager, emergency contact person, and at least one other board member. The associations, at their discretion, may provide the city with the contact information of additional board members to be used in the event of an emergency or natural disaster".

As you can see, the city has emergency contact information available and each HOA could have been noticed by email. Not Social Programs. You might ask why I question the Social Notifications? According to Florida Statue 720 720.316 Association emergency powers.—a declared emergency gives certain leeway and rights to HOA Boards of directors during a declared emergency. Under normal circumstances HOA Boards are extremely limited in their actions. Under a declared emergency the Board has more liberal policy as to meeting, spending money, involving HOA Management Companies, etc. One "for instance" is we could have arranged for sand bags to be filled and brought into the community to protect the flooded conditions into the ground floor, caused not by the high rise of water, but by the wakes of vehicles travel in the roads. In fact HOA could have closed some roads to protect property. Not so without a regular posted meeting of 48 or more hours, depending on a regular or special meeting.

I wanted to try and call attention to the ordinance but was cut short in my meager 3 minutes when I thought I signed on to make comments in other than the text messages.

(1) To the extent allowed by law, unless specifically prohibited by the declaration or other recorded governing documents, and consistent with s. 617.0830, the board of directors, in response to damage caused by an event for which a state of emergency is declared pursuant to s. 252.36 in the area encompassed by the association, may exercise the following powers:

- (a) Conduct board or membership meetings after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, public service announcements, conspicuous posting on the association property, or any other means the board deems appropriate under the circumstances.
- (b) Cancel and reschedule an association meeting.
- (c) Designate assistant officers who are not directors. If the executive officer is incapacitated or unavailable, the assistant officer has the same authority during the state of emergency as the executive officer he or she assists.
- (d) Relocate the association's principal office or designate an alternative principal office.
- (e) Enter into agreements with counties and municipalities to assist counties and municipalities with debris removal.
- (f) Implement a disaster plan before or immediately following the event for which a state of emergency is declared, which may include, but is not limited to, turning on or shutting off elevators; electricity; water, sewer, or security systems; or air conditioners for association buildings.
- (g) Based upon the advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine any portion of the association property unavailable for entry or occupancy by owners or their family members, tenants, guests, agents, or invitees to protect their health, safety, or welfare.
- (h) Based upon the advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine whether the association property can be safely

inhabited or occupied. However, such determination is not conclusive as to any determination of habitability pursuant to the declaration.

(i) Mitigate further damage, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the association property.

(j) Notwithstanding a provision to the contrary, and regardless of whether such authority does not specifically appear in the declaration or other recorded governing documents, levy special assessments without a vote of the owners.

(k) Without owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association if operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the declaration or other recorded governing documents.

(2) The authority granted under subsection (1) is limited to that time reasonably necessary to protect the health, safety, and welfare of the association and the parcel owners and their family members, tenants, guests, agents, or invitees, and to mitigate further damage and make emergency repairs.

History.—s. 19, ch. 2014-133.

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Thank you for your concern.

Robert Young
Secretary, CTOA
Secretary, CLE