

Calabay Parc at Towerlake Homeowners Association

Frequently Asked Questions about an HOA

The following information is for each Homeowner in order to help understand the certain roles, procedures and requirements within an HOA which is provided within the recorded Governing Documents as well as Florida Statutes 720, which is the state laws on governing HOAs.

1. Why do we have HOAs?

- HOAs were created in the state of Florida to help provide adequate infrastructure of new developing communities, which without, would not have been developed due to the strain on the City/County/State governing bodies. HOAs also keep maintain and increase personal property values for all Owners.

2. Why do we have to follow rules and why are they different for each community?

- Each HOA Community is required to create and recorded a Set of Governing Documents which set forth all rules, regulations and procedures for each individual community. These documents are done by the Original Developer/Declarant of the community prior to any building has taken place. These documents set up the standard governing "laws" for the community. The rules and restrictions will vary for each community based off the original plan of the Developer as well as city/county/state ordinances for the area of the Community.

3. Can the Board or their Management Company make up new Rules and how to enforce for Violations?

- The Board cannot fully change any rules/restrictions within the Governing Documents without a vote of the community with an Amendment. The Board does have the fiduciary responsibility to know and enforce ALL rules and restrictions as stated within the Governing Documents, which means if a violation is seen or reported, they are required to enforce this as noted in the Documents or Florida Statutes 720. The same is true for collections of HOA assessments. The management company is a hired vendor by the Board to assist the Board in all day-to-day operations of the community and are there to record and enforce all decisions made for the community by the Board. No vendor, including the management company, have any decision-making capabilities – this is the solely the responsibility of you Board of Directors. Any vendor hired is contracted to follow the direction given to them by your Board.

4. How can we change the Restrictions/Rules of the HOA?

- Once an HOA has a recorded set of governing documents, Owners can make changes only by creating and voting on Amending the Governing Documents. This has a required procedure per state law that must be followed:
 1. The Amendment requested must be written by an attorney in order for correct format and verbiage is followed.
 2. Once the Amendment has been created, the Board must schedule a Special Meeting and send out a Special Meeting Packet at least 30 days in advance of the meeting which must include: Agenda, Proxy, copy of Amendment.
 3. A vote must be taken at the meeting and a quorum must be reached (as stated within the Governing Documents of the Community or Florida Statutes 720) and either a majority or 2/3 majority vote to approve the amendment. If Amendment is approved, it is sent to County Clerk of Courts to be recorded and now becomes enforceable in the HOA.

5. What is a Quorum?

- A quorum is a required number of Members of the Association (Homeowners) that need to attend a meeting in order for the meeting and any voting to take place. If a meeting does not have enough Owners in attendance (per their Governing Documents or Florida Statutes) then the meeting and voting cannot be done. Each HOA's quorum is different depending on their documents. For Calabay, quorums for meetings (except Board Meetings) is 10 % (31 Homes) and you need a majority (51%) of the quorum to vote YES for the vote to be confirmed (18 homes).

6. What does the Board decide on?

- The Board of Directors are an elected group of Homeowners who are given the powers to make decisions for the betterment of the entire community, very similar to a mini government. The Board reviews all HOA items from financial decisions, repairs needed, Owner issues, vendor issues, etc. and will then make a decision based off what is deemed best for the community as a whole. Every decisions must be done by a majority vote of the entire Board – each member has only 1 vote so no Board Member has more authority then the other.

This document is intended to help clarify the responsibility of the HOA and Homeowners. This is intended to be a living document and potentially not all inclusive.

HOA Association Responsibility:

- Provide HOA management to oversee communications and provide assistance to the HOA Board of Directors for their decisions.
- Provide security into the community – vehicular access to community only
 - 24 hours a day, 7 days a week.
- Provide lawn maintenance throughout the community
 - April 1st to Sept 30th weekly lawn mowing
 - Oct 1st to Mar 31st as needed mowing (usually done bi-weekly)
 - Edging both hard and soft will be performed at time of lawn mowing
 - Fertilization
 - Lawn
 - Ornamental shrubs and tree will be done twice a year
 - Palms will be done once a year
 - Pest control
 - Land and landscaping are monitored and spot treated as needed. Landscape damaging pests such as chinch bugs and fire ants.
- Provide landscape maintenance throughout the community
 - Shrubs will be pruned as needed done monthly (each home to be trimmed once per month)
 - Palms will be trimmed bi-annually. Limbs under 2 inches in diameter and until 12 feet from the ground when over street and/or sidewalk.
- Provide irrigation inspections and repair damaged items as needed, however homeowners may be charge for damage they caused or just normal wear and tear to the system.
 - 12 times a year (Monthly)
 - If issues are seen during weekly maintenance of community, then they are noted and addressed with HOA management.
- Maintain the community clubhouse for community usage
- Maintain the community dock for community usage
- Power washing of the HOA common area sidewalks, driveways, walls, and buildings as needed.
- Provides mulch in the HOA common areas ONLY every year.
- Maintain the Community Gates and Walls that are on HOA Common Property
- Review and Approval of all Exterior Alteration Applications to ensure items are within rules of HOA and consistent with overall community standards and appearance

Homeowner Responsibility:

- To inform all guests, tenants and vendors of the Rules and Restrictions of the Community and make sure they are followed accordingly.
- Painting of the exterior of the house as required
- Maintenance and repair of house roof as required
- Replacement landscaping as required
- Replacement of mulch at home in all mulch beds. This can be done by either the Homeowner or by the HOA landscaper with an approved Individual Assessment letter signed and sent back to HOA. Mulch is to be completed per the Design Criteria and during the 1st Quarter of each year annually at a minimum.
- Repair/replace grass as required
- Ensure the irrigation system water is operable (water meter is unlocked and power is running to controller).
- Irrigation system placement of sprinkler heads to ensure total grass coverage. Over time the landscaping may cover the sprinkler coverage of the lawn. Upgrades and changes to irrigation system
- Power washing of the house, driveway and sidewalks associated with the address.
- Trash and Recycling cans which need to be stored inside the garage or alongside of the home behind either hedges or a small fence.
- Maintenance of all Hardwood Trees (examples: Oak Trees and Magnolia Trees)
- Completion of Alteration Applications for any changes to be made to the exterior of the home and are approved prior to work being started.
- Complete Maintenance of pools and pool enclosures, including screens
- Pest Control of the interior of the home and outside the home for nuisance pests (example: hornets, pyramid ants)
- In Compliance with Polk County Animal Ordinance: Please keep all pets on a leash and all waste must be picked up and disposed of

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Board Member Code of Ethics

Board members should:

1. Strive at all times to serve the best interests of the association as a whole regardless of their personal interests.
2. Use sound judgment to make the best possible business decisions for the association, taking into consideration all available information, circumstances and resources.
3. Act within the boundaries of their authority as defined by law and the governing documents of the association.
4. Provide opportunities for residents to comment on decisions facing the association.
5. Perform their duties without bias for or against any individual or group of owners or non-owner residents.
6. Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association.
7. Conduct open, fair and well-publicized elections.
8. Always speak with one voice, supporting all duly adopted board decisions—even if the board member was in the minority regarding actions that may not have obtained unanimous consent.

Board members should not:

1. Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the board.
2. Make unauthorized promises to a contractor or bidder.
3. Advocate or support any action or activity that violates a law or regulatory requirement.
4. Use their positions or decision-making authority for personal gain or to seek advantage over another owner or non-owner resident.
5. Spend unauthorized association funds for their own personal use or benefit.
6. Accept any gifts—directly or indirectly—from owners, residents, contractors or suppliers.
7. Misrepresent known facts in any issue involving association business.
8. Divulge personal information about any association owner, resident or employee that was obtained in the performance of board duties.
9. Make personal attacks on colleagues, staff or residents.
10. Harass, threaten or attempt through any means to control or instill fear in any board member, owner, resident, employee or contractor.
11. Reveal to any owner, resident or other third party the discussions, decisions and comments made at any meeting of the board properly closed or held in executive session.

Calabay Parc at Towerlake
Homeowners Association, Inc.

Social Media Rules

2/10/2021

Pursuant to Florida Statute 720 an approved protocol for official correspondence related to HOA business and issues are stated. The Association may adopt written rules governing the proper procedures in respect to social media use so long as it follows Florida Statutes.

Accordingly, the Board of Directors for the Homeowners Association adopts the following rules:

1. Homeowners are to utilize the official HOA website to review all official Board news and official documents for the HOA.
2. Homeowners are to ONLY address all HOA concerns either by mail or email to the official address/email addresses of the HOA if the homeowner requires a response and resolution to their concerns.
3. The board and management company do not monitor social media for addressing problems and complaints and any posted to social media.
4. Board members do not respond to any complains or problems on social media, Owners should direct such issues to contact the management company and the board via email.
5. Board members cannot discuss or share any internal related situations via social media or direct email with any homeowners.
6. Board members cannot identify themselves "as a board member" on social media that will easily lead to the impression they are there to represent the board.