

Welcome to the BCVA Town Hall, February 20, 2019

Condominiums are "creatures of statute".

They are created, operated, regulated, terminated, and exist by operation of the law and under the standards of Chapter 718 of the Florida Statutes, simply known as the "Condominium Act". This Act also addresses the rights of unit owners and responsibilities of those who govern the condominium on their behalf.

Condominium living is unique. It is designed to create a lifestyle where joint ownership of property promotes the common welfare.

Peter Dunbar, Esq., *The Condominium Concept*, 15th edition, 2017

Definitions

The BCVA Condominium Documents or "Governing Documents": as they are often called collectively, refer to the Articles of Incorporation, the Bylaws and the Declarations for Sections One (1971) and Two (1973). These documents have not undergone a complete update since 1995. Several small amendments were made in 1998 and 2014.

Baywood Colony Villas Association (BCVA): refers to the not for profit corporation organized under the laws of the State of Florida for the operation of this Condominium. It is the governing entity for the community and each unit owner is a member of the association. Through the Board, it is the association's responsibility to administer to the shared facilities of the condominium property, to promote harmony and uniformity within the condominium community and to enforce the restrictive covenants contained in the documents that regulate the condominium.

Condominium: means the form of ownership of real estate that is created under the Condominium Act and is comprised of units owned individually by one or more persons together with joint ownership of an undivided share in the common elements.

Common Elements: the portion of the condominium property jointly owned by all of the owners and not located within the defined boundaries of the individual units. No portion of the common elements is subject to exclusive ownership use unless there are common elements set aside for exclusive use by a particular unit to the exclusion of others by the Declaration. These are known as "**limited common elements**" and examples include designated parking space in each carport and the approximate three foot area for planting flowers, shrubs immediately surrounding the owner's unit (amendment 1998)

Articles of Incorporation: this document contains the historical information such as the names and addresses of the original developers and appointed officers. To become effective and operational the Articles must be filed with the State of Florida before being recorded in the public records of the County in which the condominium is located.

Bylaws: are subordinate to the Articles, set up the internal governance for the association and they establish the procedures for carrying out the responsibilities of the Association. They define the powers and the manner for exercising those powers by the Board and by each of the Association's officers. Examples like the restrictions on the use of proxies, the requirement that all board meetings are open to the members of the Association and the requirement that notice be posted for all Board meetings are some of the mandated bylaws directly from the Condominium Act.

Declaration of Condominium: this document establishes the covenants and restrictions which will affect the property and govern the residents. It includes any amendments which may be made to it. The combined parts of the Declaration establish the basic rights and responsibilities for the residents and guests of the condominium property.

Review Process

The Documents Committee membership includes: Jane Gesenhues, co-chair; Nancy Johnson, co-chair; Joanne Tilton and Joyce Piecuch. Jim Knoblich and Len Sullivan have been Board resources to the Committee also.

Approval to proceed with the Amend and Rewrite of the governing documents was given at the Board meeting in April 2018, including a budget of \$7500 for legal assistance.

To obtain owner input an Amend and Rewrite survey launched the review process in July 2018. In September 2018 a summary of the survey results was mailed to owners. Results were also presented to the Board at their September Board meeting immediately followed by a town hall meeting that afternoon.

From September 2018 to the middle of February 2019 revised Articles, Bylaws, and Declarations for Sections One and Two have been drafted and are being reviewed between our BCVA legal resource and the Committee. It is evident that when comparing the 1995 documents with the drafted proposed documents there are extensive changes required to become current with the Florida Statutes. Equally important, common law practices and common sense associated with condominium living will also be reflected in the draft documents and owner input is key to that objective.

Next Steps

Based on feedback from owners and any further legal clarifications the Committee has currently requested, it is anticipated that the Committee will provide its report with recommendations to the Board in late February/early March. The report will be in two parts: the first part will include all the changes required by the current Florida Statutes, the second part will include the proposed changes to the documents that require owner input and require specific amendments approved by the owners.

A second town hall in March with our BCVA attorney present will provide an opportunity for direct communication to owners and their feedback especially in those areas where amendments are being proposed or may be proposed based on owner input.

The overall goal is to have the proposed documents sent to all owners this summer and have the approval of the documents, including any specific amendments take place at the next Annual General Meeting (AGM).

Amendments

Under our current governing documents a resolution for the adoption of any proposed amendments to the Articles, Bylaws or Declarations may be proposed by either the Board, or by not less than 20% of the unit owners. The proposed amendments then require the affirmative vote of two-thirds of the unit owners present, in person or by proxy, at a duly convened meeting or by the affirmative vote of two-thirds of the unit owners expressed in writing without a meeting.