

# CONA COMMENTS



SARASOTA'S ONLY COUNTY-WIDE ASSOCIATION OF NEIGHBORHOODS  
SINCE 1961

[WWW.CONASARASOTA.ORG](http://WWW.CONASARASOTA.ORG)  
President: Lourdes Ramirez

Volume 10, Issue 1

January 2012



Happy and peaceful holidays to all.

## Learn about Sarasota County's new rowing center, new Benderson Development projects and completion of Cattleman Road at January 9 CONA meeting

Paul Blackletter of Benderson Development will tell neighborhood leaders about Benderson's plans for University Park, US41/Stickney as well as any projects in South County. We will be able to ask him questions about what they have plans for projects in or near our neighborhoods. The meeting will be held at 7 PM on January 9 at the Sarasota Garden Club, 1131 Boulevard of the Arts, Sarasota.



New CONA President Lourdes Ramirez (left) presents outgoing President Ann Kaplan with a plaque in appreciation of her service to CONA and neighborhoods throughout Sarasota County.

## 2012 CONA election results: Swarmstedt joins board, Ramirez elected President.

At the December membership and annual election meeting, President Ann Kaplan presented the following slate of CONA Directors for election: Cathy Antunes, Kafi Benz, Bill Duerig, Bill Earl, Ann Kaplan, John McBride, Sue Lang, Lourdes Ramirez, Dick Sheldon, Gerry Swarmstedt, and Bill Zoller. The slate was unanimously approved by the CONA member representatives present at the election meeting. Following the membership meeting election in December, the Board of Directors of CONA, as required by the bylaws, convened and unanimously approved the following slate of officers for 2012: President, Lourdes Ramirez; Vice President, Cathy Antunes; Treasurer, Kafi Benz; and Secretary, Ann Kaplan.

Following the elections, members and guests including county commissioners **Nora Patterson**, **Carolyn Mason** and **Christine Robinson**, as well as Sarasota Mayor **Suzanne Atwell** and Commissioner **Shannon Snyder**, enjoyed snacks and refreshments as they discussed issues of importance to neighborhoods throughout Sarasota County. New board member Gerry Swarmstedt brings years of public interest experience to CONA's board, including her service on committee to fund environmentally sensitive land acquisition and service with the Sierra Club and Citizens for Sensible Growth. See story on new CONA President Ramirez on page 3.

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## 2012: The Year of Neighborhood Involvement

Here's the thing: 2012 is going to be a year in which you, your HOA or condo association, your clubs, and your friends and neighbors need to be involved in the County's projects and activities. 2012 is going to be a year of major change in many areas, and making your voice heard is going to be crucially important.

The State has relinquished most oversight of planning at the local levels, so we can no longer rely upon it to review comprehensive planning changes made here. Many times, local governments have updated or amended their comp plans only to have the State reject those changes that it deemed to be out of compliance with state rules and regulations. No more. For better or for worse, we are in charge of our comprehensive plans, and, once adopted, we will have virtually no recourse at the state level to change them.

Our new administrator, Randall (Randy) Reid, will come on board in January, and he has been quoted as saying that he will be bringing with him folks he has worked with in Martin and Alachua Counties. His record in those counties would seem to signal that that is good news for us here. Still, he will be the administrator, not the policy maker, so his job will be to implement the policies set by the five persons we elect as our county commissioners. With elections coming up, and the term limits issue still unresolved, at this moment we do not know who our candidates will be for the two seats in play. Your involvement in campaigning for and electing candidates who represent your values and who will work to achieve your goals for our community will be more important than ever. We have seen that, in the face of this economic slump, elected officials at every level seem willing to jettison so many of the protections that have safeguarded our resources and the environment in favor of "jobs, jobs, jobs". Given the dismal economic projections for the next few years, we can expect that attitude to continue.

So here's the really big thing: our current Sarasota County Comprehensive Plan weighs in at over 1,300 pages. Over the years, it has grown ever more complicated and complex as it is tweaked to close loopholes (or, in some cases, to create new ones), and to address new issues that have arisen. 2012 will be the year in which the Comp Plan will most likely get a major overhaul. The question you need to ask yourself is, "Who will do this major overhaul?" The fact is, planning staff will do the "work" of putting the plan together, but the plan itself will be created by the community.

Zoller, continued on p. 3



## What should an HOA do when an HOA owner dies?

Excerpts from HOAleader.com

Home owner associations sooner or later have to deal with the death of an owner. If an owner dies, leaving his unit empty until its fate is resolved through the legal process, what happens if the former owner's successors or executor fail to pay HOA dues? How can you handle that problem with respect? Here are some answers.

Before you do anything, remember that someone has lost a loved one. "This is an area in which you want to tread lightly and respectfully," says Elizabeth White, a shareholder and head of the community associations practice at the law firm of LeClairRyan in Williamsburg, Va. "It's important that the association get paid. But remember that the people who are in charge of paying you may be going through an enormous grieving process."

The HOA nearly always gets paid after an owner dies because it has the same rights against the former owner's estate that it had when the owner was alive. "The rightful heirs or beneficiaries of the estate will take title through the will or by operation of law, but that doesn't change anything from the HOA's standpoint," says Andrew Lewis of Eisinger, Brown, Lewis, Frankel & Chaiet PA in Hollywood, Fla., who specializes in representing community associations. "The HOA can lien and foreclose pursuant to statutory procedures."

With the law on the HOA's side, how understanding should you be? "You should be compassionate and helpful because it's the right thing to do, and it will get you more than being in an adversarial position," says Robert Galvin, a partner at Davis, Malm & D'Agostine PC in Boston who specializes in representing condos and co-ops. "In the condo in which I live, everybody is asked to provide the name of an emergency contact. I've provided the names of my sons. You should try to get in touch with the emergency contacts that have been provided, offer condolences, and tell them you'll discuss HOA matters at a later time."

Lewis agrees. "Under the circumstances, you may want to give more time than usual for payments," he says. "You might also want to make certain heirs and beneficiaries are aware that assessments exist and how much are due and not just assume they know this. They could be distant relatives. If you can get information on who's taking over, maybe you make a phone call to let them know assessments are due instead of sending a written demand letter to the property address."



## Meet CONA's new President, Lourdes Ramirez

CONA Comments recently sat down with CONA's new President, Lourdes Ramirez, to ask her about her prior neighborhood involvement and her priorities for CONA in the coming year.

**CONA Comments:** Congratulations on your election as CONA President. What neighborhood do you represent?

**Ramirez:** I have been an advocate for Siesta Key residential neighborhoods since 2002 with The Alliance for Siesta Key's Future, then Siesta Key Association through 2010 and now through Siesta Key Community.

**CONA Comments:** What do you see as the biggest priority for neighborhood groups and HOAs in Sarasota County?

**Ramirez:** We need to stay involved on proposed local land use changes especially in regard to the Comprehensive Plan as well as any proposed legislative change from Tallahassee that may impact our neighborhoods

**CONA Comments:** What are your goals for CONA in 2012?

**Ramirez:** Two areas which I believe need special attention are: First, ensuring that the public interest is represented in upcoming County Comprehensive Plan amendments. Over the past year, neighborhoods and residents lost an extra layer of protection when the state dissolved the Growth Management Act. We now depend on our local government to protect our neighborhoods and quality of life. CONA needs to be vigilant. Otherwise, we may wind up with increases in density, extremely tall structures and a loss of green space.

The second goal is improving the information regarding the County Commission's meeting agenda. The agenda is filled with legalese, difficult for the average citizens to understand. Sometimes, the information is not even clear to some planning or county commissioners. CONA has begun discussions with the County on improving the agenda. We also hope the new County Administrator will communicate more and become involved with our neighborhood groups.

**Ramirez,** continued from left column.

**CONA Comments:** CONA is lucky to have such a dedicated neighborhood leader for its new President. Any New Year resolutions you can share with our members?

**Ramirez:** There are so many beautiful places in Sarasota County yet I spend too much time on the computer. I want to spend at least part of one day each week exploring Sarasota. Why should tourists have all the fun in Sarasota County?

**Zoller,** continued from page 2.

The answer to your question needs to be, "I will be a part of this major overhaul". The really big fact here is that those with a financial self interest in what the plan says about land use and development will, with their highly paid consultants, be very, very much involved with every detail of the planning. They have every right to be, and it is an important part of their business to see that the plan provides as many opportunities and as few restrictions as they can possibly get included in it.

Our job, as citizens, is to see that the plan includes every possible protection for our neighborhoods, for our recreational areas, for our environmental assets, for the long-term preservation of our natural resources (water, for example), and for the quality of life here that we treasure. The comprehensive plan governs everything from traffic and transportation to storm water runoff to flood control, etc., etc. Our current plan has very detailed requirements and regulations that can be very onerous to a developer. We have seen at the state level that the mood of the moment is to open the floodgates and to loosen regulations in the name of the "jobs" mantra. That mood exists here in Sarasota as well as at the state level, and so it is going to be ever more important for the citizens to be involved.

So, in this, our first newsletter of 2012, I would call each of you to action; I would exhort you and your neighbors and associations to pay very close attention to the planning processes as they begin to unfold. CONA will work to keep you informed. The County is very good about holding workshops and inviting citizen participation, and it is not the County's fault if we citizens are too lazy to participate. Those with financial self interest will participate, I guarantee you that. You have a vital interest as well, and if you want to protect it, you must get involved. Those who participate will be the ones who shape the plan; you need to have your voice heard loud and clear in the process.

Happy New Year



## What restrictions are there on who can be an HOA board member?

Excerpted from [HOAleader.com](http://HOAleader.com)

What do you do if you've got a sneaking suspicion that a candidate for your board isn't what she seems. Or maybe your HOA is considering adopting rules governing who can and can't be on the board.

Here's one example. "Under Florida law for both condos and HOAs, if you're more than 90 days delinquent on any fee, fine, or other monetary obligation, you're deemed to have abandoned your board post," says Ben Solomon, an attorney and founder of the Association Law Group in Miami Beach, Fla., who advises more than 500 associations and represents developers through his second law firm, Solomon & Furshman LLP.

"Also under HOA law in Florida," adds Solomon, "there's one that's interesting in regard to turnover. Let's say there's a developer, and a builder bought 50 parcels to build a subsection of the project. The developer is turning over the association, and that 50-unit builder, who has 50 votes, may run for only one seat. He's excluded under Florida law from taking a majority of the board."

HOAs can create additional rules governing who can serve on their board. "If people in a particular association are concerned," says Steven Daniels, coordinating partner of Arnstein & Lehr's West Palm Beach, Fla., office, who has advised hundreds of HOAs, "so long as they're not discriminating on the basis of race, color, creed, religion, or another protected class, they can create their own restrictions."

Solomon agrees. "As long as your regulations are applied uniformly, aren't a violation of the law, and are expressly authorized—such as barring convicted felons—you can set criteria," says Solomon. "And that does occur."

Examples? "Many associations require that you be a resident for so many months or years," says Daniels. "Some have requirements that you can't have more than one family member on the board. They don't want a husband and wife dominating a community."



Sarasota County's new Administrator, Randy Reid, is expected to attend CONA's February meeting to hear input from neighborhood groups on key issues for neighborhoods in 2012.

## New County Administrator expected to attend CONA's February 13 "neighborhood issues" meeting

Incoming Sarasota County Administrator Randy Reid, as well as Interim County Administrator Terry Lewis are expected to attend CONA's February 13 meeting which will focus on identifying what issues are important to neighborhoods in 2012. Do not miss this great chance to let our newest, most important county official hear what your HOA or neighborhood group believes are the critical issues for neighborhoods in the coming year. The public as well as members of the press are welcome. The meeting will be held at the Sarasota Garden Club, 1131 Boulevard of the Arts, Sarasota, Florida. Check our website for more details. [www.conasarasota.org](http://www.conasarasota.org)

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### CONA's Mission Statement



CONA exists to: (1) further the overall interests and provide a voice for homeowner and condominium associations and neighborhood groups throughout Sarasota County, Florida; (2) provide practical association-related information to and encourage networking between member associations on common concerns and issues; (3) urge local and state government to encourage sensible growth and protect existing neighborhoods from incompatible development, adverse environmental impacts and other actions adverse to Sarasota County's neighborhoods and the overall public interest.