

**SWEETWATER CREEK PROPERTY OWNERS' ASSOCIATION INC.
BOARD OF DIRECTOR AND COMMITTEE RESPONSIBILITIES**

President's Responsibilities

The president of the homeowners' association serves as the chief executive officer of the association. The president serves at the will of the board of directors and can be removed with or without cause at any time by a majority vote by the board of directors. The president should not allow personal feelings or outside pressures to influence his/her actions. The duties and responsibilities of the President are:

- 1) Provide the Secretary with a written agenda at least ten (10) days in advance of all Board meetings.
- 2) Provide the Secretary with a written agenda at least twenty (20) days in advance of the annual meeting of the membership.
- 3) Preside at all meetings of the association and follow Roberts Rules of Order for conducting the meetings.
- 4) Appoint chairmen of all committees and task forces.
- 5) Serve as an ex-officio member of all committees, except the nominating committee. Serving as ex-officio does not mean the president has to attend the committee meetings. The president should not serve as a committee chairman.
- 6) Assume general charge of the day-to-day administration of the association.
- 7) Lead orderly discussions by tactfully and politely enforcing rules that offer every member a chance to speak for or against a motion.
- 8) Determine whether or not enough members (a quorum) are present to conduct business.
- 9) Votes to break a tie.
- 10) Serve as spokesman for the board of directors in most matters relating to general association business.
- 11) The president cannot, without specific board approval, borrow funds in the name of the association or otherwise act beyond the scope of the authority established by the homeowners' association documents and board of directors.
- 12) Attend and represent the community at meetings sponsored by local community organizations and public officials.

Vice President's Responsibilities

- 1) Monitor and resolve deed restriction violations not specifically handled by the Architecture or Landscape Committees. These would primarily be brought to the attention of the Board by a neighborhood resident but could also result from a Board member personally observing them. The resolution process should include a progressive escalation of notices to those in violation. For example, the first step should be a friendly personal visit or phone call; this could be followed by a friendly "reminder" letter (citing the deed restriction that has been violated). If no action is taken after these efforts, a stronger written request for compliance should be issued. If there is still no compliance, the Board should determine if legal action is required.
- 2) Review the State Statutes annually for any changes affecting the homeowners association and report them to the Board for action.

Secretary Responsibilities

- 1) Prepare and distribute to each Board member, by United States mail or email, a written notice of each regular and special Board meeting at least five (5) days in advance of the meeting, or by email at least 48 hours in advance of a Board meeting.
- 2) Post a notice of all Board meetings in a conspicuous place in the community at least 48 hours in advance of the meeting, except in an emergency.

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- 3) Prepare and distribute to each association member by United States mail a written notice of each regular and special membership meeting at least fifteen (15) days in advance of the meeting. The notice should include a copy of the proposed budget for the following year.
- 4) Prepare and maintain the minutes of each Board meeting and the annual members' meeting. The minutes shall be maintained for at least seven (7) years.
- 5) Distribute to each Board member a written copy of the minutes of the prior Board meeting at least five (5) days in advance of a Board meeting.
- 6) Maintain the neighborhood "Directory" and prepare and distribute copies to all homeowners annually (sometime between the annual meeting in November and late January).
- 7) Prepare and distribute to each association member, at least quarterly, a newsletter (February, May, August and November) that includes the following:
 - 1) Message from the President;
 - 2) Treasurers report;
 - 3) Committee Reports
 - 4) Social Activity Announcements
- 8) Prepare and distribute special notices and announcements as needed (i.e. social events, security alerts, etc.).
- 9) Prepare and distribute to each new Board member a "Directors' Notebook" containing the Board and Committee Responsibilities, Articles of Incorporation, By-Laws, and Deed Restriction Summary.
- 10) Maintain the official association copies of all important documents (e.g. Articles of Incorporation, By-Laws, Deed Restrictions, etc.).
- 11) Convert community documents (e.g. monthly email updates, board meeting minutes, quarterly newsletters, etc.) to pdf format for website update.

Treasurer Responsibilities

- 1) Notify Suntrust Bank of any change in Board membership. Obtain and file new bank resolutions for check signers, investment authority, etc. and make sure they are on file with the bank.
- 2) Retrieve the mail at the community mailbox (4306 Saltwater Blvd.) on a daily basis.
- 3) Maintain an accurate record of each property owner. We currently maintain this in Quickbooks and in two Excel Spreadsheets.
 - a) Quickbooks is used to keep the accounting records.
 - b) The Excel spreadsheets are used to generate invoices (Word doc) and for preparation of the neighborhood directory. We currently maintain two types of spreadsheets – one that is in alpha format showing names, addresses, phone numbers and email addresses, and one that is in lot listing format that shows only lots and names. For each of the two types of spreadsheets, we maintain two years at one time – two that are accurate as of the date the annual directory is printed (e.g. 2005 Alpha Directory Listing and 2005 Directory Lot Listing) and then following years versions that are updated as ownership changes occur throughout the year (e.g. 2006 Alpha Directory Listing and 2006 Directory Lot Listing).
- 4) Prepare quarterly Treasurers Report (financial summary) for the board and an annual report for the membership. Send a PDF copy of the reports to the person in charge of the neighborhood website. We currently use Excel for the Treasurers report.
- 5) Prepare and mail invoices by December 1 to bill association members for the annual membership dues for the following year. Dues payments should be received by January 1 and are delinquent after February 1. Prepare and mail a Second Notice for any resident that has not made payment by February 1. Interest is to be charged at an annual rate of 9% for any dues received after February 1. Liens are to be filed on the homes of any residents not making payment by March 1. The invoice is currently a Word document and is separate

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from the Quickbooks software. Each resident should be billed in Quickbooks using an invoice date of January 1. The Word mailmerge function can be used in conjunction with the Excel spreadsheet containing all the resident information to generate the invoices and the mailing labels.

- 6) Obtain written bids from at least two accounting firms to audit the SCPOA Financial Statements and prepare the tax returns. The audit should be completed by March 1. The bids should be solicited in early December to provide sufficient time for having the audit completed by March 1. Coordinate with the accountants as to what date they want an accountants copy of the Quickbooks file (from Quickbooks File menu – Accountants Review – Create Accountants Copy)
- 7) Prepare the annual “Not-For-Profit Corporation Annual Report” for the State of Florida and pay the required fee. The state will mail a reminder early in the year. The report is due May1.
- 8) Submit vendor invoices to the appropriate officer for written approval (i.e. lawn maintenance bill to Landscape Chairman, etc.).
- 9) Deposit dues payments and pay vendor invoices on a timely basis. Maintain all bank accounts. Obtain a second signature from one of the other approved officers for all checks written.
- 10) Respond to title company requests for dues payment status when ownership changes are pending. Make sure that the officer maintaining the neighborhood directory is aware of the ownership change so he/she can update the directory.
- 11) Maintain the accounting records of SCPOA using the Quickbooks Pro software.
- 12) Maintain a copy of all contracts. Another copy should be maintained by the officer overseeing the contract.
- 13) Maintain a copy of all insurance contracts. SCPOA currently has three policies. One policy is for Director and Officer Liability. The other two are for property coverage and liability (one is umbrella coverage). The Board should be asked at the start of each year to review the insurance coverage to determine if it is still appropriate.
- 14) Prepare a recommended budget in October for approval by the membership at the annual meeting.
- 15) Make sure all loan payments are made on a timely basis. An invoice will be received for the Suntrust loan payment and it will be automatically deducted from our checking account. The Pianta loan payment is setup through internet banking to send a check by the 20th of each month. Both payments have to be manually input to Quickbooks.
 - a) The Pianta loan should be input through the Loan Manager – From the main menu, choose Banking and then Loan Manager and then Set Up Payment. Once setup, the loan payment is made by selecting the Pay Bills icon from the icon list, selecting Vic Pianta and then making the payment date the 20th of the month. Use Bank Draft in the check number field on the next screen.
 - b) The Suntrust loan payment has to be input using the “Bill” icon (once the invoice has been received). Input the proper breakdown between interest and principal (from the invoice) and set the payment date to match the invoice. To record the payment of the invoice (after it has been setup), select the Pay Bills icon and select Suntrust and make sure the date is right and then use Bank Draft when a check number is requested.
- 16) All utility payments are automatically deducted from our checking account, however, the payments must be input to Quickbooks each month. When entering the automatic payments, enter “Bank Draft” in the check number field.
- 17) Invest excess cash in a money market account and/or CD's

Architectural Committee

1. Enforce structural and architectural standards.

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2. Make sure that any homeowner planning any alterations to the physical structures on their property has prepared and had approved a "Project Approval Form" prior to beginning the work. Review plans and specifications for new buildings, remodeling or altering existing structures, including but not limited to, new homes, docks, decks, fences, swimming pools, screen enclosures and any and all additions or alterations that affect the aesthetic standards or Sweetwater Subdivision as specified in the Sweetwater Subdivision Recorded Restrictions.
3. Maintain a log of all Project Approval Forms showing the Owners Name(s), address, a brief description of the project and the date approved or denied. The log should also show a reason why any projects were not approved or for any projects approved which are not in strict compliance with the deed restrictions.
4. Cite violations and enforce aesthetic standards, including sign restrictions, in accordance with the Sweetwater Subdivision Recorded Restrictions, as they relate to the prohibition of keeping of Trailers, Mobile Homes, Boat Trailers, Campers, Vans, Buses, Motor Homes and junk or inoperative vehicles exposed on any property.
5. The committee has the authority to cite violations and request compliance, however, any legal action against any owner who refuses to correct said violation will have to be with the approval of the Board or Directors. The resolution process should include a progressive escalation of notices to those in violation. For example, the first step should be a friendly personal visit or phone call; this could be followed by a friendly "reminder" letter (citing the deed restriction that has been violated). If no action is taken after these efforts, a stronger written request for compliance should be issued. If there is still no compliance, the Board should determine if legal action is required.

Landscape Committee

1. Monitor and enforce the Sweetwater Deed Restrictions as they pertain to landscaping, including the approval of landscape design changes and new lawns. Make sure that each lot has a sprinkler system which provides coverage for ground areas on said lot and adjacent city parkways. Make sure each plot is sodded with an appropriate grass in the front, side and rear yard. Make sure each lot is attractively landscaped with approval of the design by SCPOA. Make sure that hedges, shrubbery, or trees within twenty (20) feet of a waterfront boundary are not of such height or density as to unreasonably obstruct the view of the water from adjacent lots.
2. Monitor and enforce the Sweetwater Deed Restrictions as they relate to signs in the neighborhood.
3. Monitor and enforce the Sweetwater Deed Restrictions as they pertain to lot owners maintaining their property free from refuse, debris and unsightly growth.
4. The committee has the authority to cite violations and request compliance, however, any action against any owner who refuses to correct said violation will have to be with the approval of the Board or Directors. The resolution process should include a progressive escalation of notices to those in violation. For example, the first step should be a friendly personal visit or phone call; this could be followed by a friendly "reminder" letter (citing the deed restriction that has been violated). If no action is taken after these efforts, a stronger written request for compliance should be issued. If there is still no compliance, the Board should determine if legal action is required.
5. Supervise and manage the landscape maintenance of the entrance and the common areas to see that the entrance and the common areas and the Sweetwater Subdivision in general are kept free from trash and refuse.
6. Review items on Landscape Services Inspection Checklist (attached) on a monthly basis.

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7. Periodically inspect SCPOA Subdivision roadways, stormwater drains, curbs and sidewalks for weed growth in cracks, potholes, substantial wear and tear, etc. Solicit estimates from Contractors for necessary repair and/or preventative maintenance work.
8. Replace front entrance landscape lighting system lamps as required with the following lamp types (to match existing installed):
 - a. General landscape floodlights – 15 watt fluorescent floodlights
 - b. Canary palm uplights – 70 watt metal halide
 - c. Column light fixtures – 40 watt lamps (clear, torpedo shape)
9. Adjust front entrance waterfall pump timeclock twice a year for daylight saving time changes and periodically verify that pump is set to operate from 7 am to 12 pm.
10. Verify sprinkler valve battery for sprinkler system serving SCPOA Crosswater property (by lift station) is replaced at least once a year by the Landscape Contractor, or as needed.
11. Periodically check operation of A/C system in front entrance surveillance system ("Ice Cube" enclosure). Remove and clean A/C filter bi-monthly.
12. Check front entrance and Crosswater property sprinkler system water meters monthly for leaks (triangular guage inside of meter should not be spinning if water is not flowing). Report leaks to Landscape Contractor and have leaks repaired if necessary.
13. Take down flag at front entrance before hurricanes or major storms. Replace flag when flag is faded and/or worn-out.
14. The fountain water is maintained by Ultimate Pool Service at no charge to the neighborhood in exchange for a free listing on our website. Jim (469-1500) is the owner.

Security and Safety Committee

1. Recommend to the Board of Directors methods and ideas to improve the safety and security of the community.
2. Cite violations of safety and security rules and unauthorized vehicles parked in violation of the Sweetwater Subdivision Restrictions and By-Laws.
3. The committee has the authority to cite violations and request compliance, however, any action against any owner who refuses to correct said violation will have to be with the approval of the Board or Directors.
4. Responsible for operation of the Entrance Gate System. This includes, but is not limited to the physical operation of the gates, supervision of individuals operating the gate computer and camera system, accounting for residents' transmitters, management of all Codes (e.g. family codes, service provider codes, general community codes, quarterly codes, pedestrian code and Kiosk Phone codes).
5. Maintain a supply of transmitters for sale to residents.
6. Maintain computer information on vehicle activity for a period of 90 days.
7. Interact and cooperate with all board committees to ensure all present and new residents are well informed and have appropriate access to the gate system.
8. Provide Security information as requested to all law enforcement agencies.

Social Committee

1. Promote friendship, harmony, and goodwill in our community.
2. Plan events for all residents to attend and enjoy.
3. Encourage "Get To Know Your Neighbor Events" for all residents in Sweetwater Subdivision (i.e. Progressive dinner at least once a year (usually March or April), Friday Happy Hours at least quarterly, Holiday Party (usually mid January), and two events involving the children, such as Family Block Party, Easter Party or Halloween Party). Plan events for couples, for women, for men and for the children.

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4. Survey the residents of Sweetwater to determine what activities they would be interested in sharing such as dinners, dances, luncheons, golf, tennis, boating, walking, and card games of all kinds.
5. Provide the Secretary with a list of scheduled social events to be included in the quarterly newsletter.

Welcome Wagon Committee

Greet new neighbors when they move into the community and provide them with a "welcome kit" containing the Sweetwater Directory, a copy of the applicable Deed Restrictions, a copy of the Articles of Incorporation and its amendments, a list of all the members of the Committees, a list of current Board of Director members, a copy of the current budget, a copy of the gate operating procedures and updates of all these documents.

Infrastructure Committee

1. Arrange to have the roadways inspected annually to determine what repairs, if any, may be required.
2. Arrange to have the storm sewer system inspected annually to determine what repairs, if any, may be required.
3. Inspect the sidewalks annually to determine what repairs, if any, may be required.

Ad-Hoc Committees (Temporary)

1. The President should appoint ad-hoc committees as needed to organize and manage temporary projects (e.g. Gate Committee).
2. The committee should be provided clear written direction as to expectations, cost and schedule.

Note: All Board members and Committee Chairpersons should make arrangements for another Board member to carry out their assigned responsibilities if they will be away for three (3) or more days.

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LANDSCAPE COMMITTEE CHECKLIST

DATE OF INSPECTION _____

SERVICES

_____ Turf to be mowed March through September, weekly; October through February, bi-weekly. All sidewalks and flower beds to be edged at same time. Paved areas to be clean of any grass or debris.

_____ Shrubs and ground cover shall be trimmed weekly or as horticultural conditions warrant when optimum results are to be achieved. Plants and ground cover around landscape floodlights shall be trimmed so that light distribution is not blocked by landscape overgrowth.

_____ Shrub and flower beds are to be weeded on a weekly basis, or as needed. Hand removal where necessary and chemical weed killer are both to be utilized. Special care is to be exercised to remove weeds through pavement, sidewalks and curb areas. Weed eaters shall be used on the same schedule as mowing around light poles, trees, fences, etc.

_____ All trees shall be trimmed at least twice annually to maintain a neat appearance.

_____ Curbs, sidewalks and driveways shall swept and blown during each visit. No heavy grass deposits are to be left on lawn. Grounds are to be "policed" of paper, bottles, cans and other debris during each visit.

_____ Turf, shrubs, trees and ground cover to be fertilized bimonthly.

_____ Mulch: maintain a three inch layer of mulch in beds. Mulching will be done semi-annually.

_____ Irrigation: as specified, inspect, adjust, clean and/or repair components of the irrigation system to ensure adequate supplemental water application to landscape and turf areas.

_____ Replace front entrance landscape lighting system lamps as required with the following lamp types (to match existing installed):

1. General landscape floodlights – 15 watt fluorescent floodlights
2. Canary palm uplights – 70 watt metal halide
3. Column light fixtures – 40 watt lamps (clear, torpedo shape)

_____ Annuals: four-inch annuals are to be installed in the two elevated beds and the three islands during the first week of each quarter. Soil is to be tilled to 6" depth. Root systems to be separated and installed with Osmocote (14-14-14) for optimum plant growth.

_____ Inspect sidewalks, curbs and roadways throughout the subdivision to make sure no grass or weeds is growing between the cracks.

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FLORIDA STATE STATUTES

There are two statutes that apply to our homeowners' association as follows:

Title XXXVI- Business Organizations; Chapter 617 Corporations Not For Profit

Title XL – Real and Personal Property; Chapter 720 – Homeowners' Associations

Chapter 617 - Corporations Not For Profit

Chapter 617 is very lengthy and difficult to read. Many of the statutes have to do with issues that are not part of the routine operating of the organization. Some of the statutes that have more day-to-day applicability are as follows:

- 1) The corporation must never have fewer than three directors.
- 2) Any vacancy occurring on the board of directors may be filled by the affirmative vote of the majority of the remaining directors, even though the remaining directors constitute less than a quorum.
- 3) Action required or permitted by this act to be taken at a board of directors' meeting or committee meeting may be taken without a meeting if the action is taken by all members of the board or of the committee. The action must be evidenced by one or more written consents describing the action taken and signed by each director or committee member.
- 4) Unless the articles of incorporation or the bylaws otherwise provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation, shall have and may exercise all the authority of the board of directors, except that no such committee shall have the authority to:
 - a. Approve or recommend to members actions or proposals required by this act to be approved by members.
 - b. Fill vacancies on the board of directors or any committee thereof.
 - c. Adopt, amend, or repeal the bylaws.

Chapter 720 – Homeowners' Associations

The purposes of this statute is to give statutory recognition to corporations not for profit that operate residential communities in Florida, to provide procedures for operating homeowners' associations, and to protect the rights of association members without unduly impairing the ability of such associations to perform their functions. Some of the more pertinent statutes are as follows:

- 1) Unless expressly stated to the contrary, corporations not for profit that operate residential homeowners' associations in this state shall be governed by and subject to chapter 617 and this chapter. This subsection is intended to clarify existing law.
- 2) The officers and directors of an association have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents.
- 3) All meetings of the board must be open to all members except for meetings between the board and its attorney.
- 4) Notices of all board meetings must be posted in a conspicuous place in the community at least 48 hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least 7 days before the meeting, except in an emergency. (There are also guidelines for electronic and mass notification.)
- 5) Directors may not vote by proxy or by secret ballot at board meetings, except that secret ballots may be used in the election of officers.
- 6) The minutes of all meetings of the board of directors and of the members must be retained for at least 7 years.
- 7) All of the association's insurance policies or a copy thereof must be retained for at least 7 years.
- 8) The association must maintain a copy of all contracts to which the association is a party. Bids received by the association for work to be performed must also be considered official records and must be kept for a period of 1 year.

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- 9) All financial and accounting records must be maintained for a period of at least 7 years.
- 10) The association shall prepare an annual financial report within 60 days after the close of the fiscal year. The association shall provide each member with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member.
- 11) Special meetings must be held when called by the board of directors or, unless a different percentage is stated in the governing documents, by at least 10 percent of the total voting interests of the association. Business conducted at a special meeting is limited to the purposes described in the notice of the meeting.
- 12) Notice of an annual meeting need not include a description of the purpose or purposes for which the meeting is called.
- 13) Notice of a special meeting must include a description of the purpose or purposes for which the meeting is called.
- 14) The members have the right to vote in person or by proxy. To be valid, a proxy must be dated, must state the date, time, and place of the meeting for which it was given, and must be signed by the authorized person who executed the proxy.

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**Sweetwater Creek Property Owners Association, Inc.
Project Approval Form**

Submitted by:

Home Owner Name: _____

Address: _____

Phone: Day: _____ Evening: _____

Fax: _____ Email: _____

Project:

Brief description: _____

Roofing: Submit material specifications.
(Tile encouraged, 360 lb. Shingle allowed.)

Docks: Submit plans and neighbors' sign-off.
Contact Port Authority (813 905-5031)

Structure: Submit plans and neighbors' sign-off.

Fences: Submit plans and neighbor's sign-off.
No chain-link.

Landscape: Submit plans to Landscape Chairman.

Neighbors' Sign-Off:

I (we) have been notified by the above listed homeowner of their intention to make the property improvements specified above. By my signature below, I (we) approve the specified improvements.

Name _____ Address _____ Date _____

Name _____ Address _____ Date _____

The Architecture Committee and the Board of Directors of the Sweetwater Creek Property Owners Association hereby approve of the proposed plans as outlined above:

Date: _____ Approved by: _____

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Project Approval Form Log

Date	Requestors Name	Requestors Address	Summary of Request	Complies with Deed Restrictions?	Summary of Action Taken	Action Taken By
01-05-02	Conner, Roy	4151 Saltwater	Paint outside of house (light pastel color).	✓	Approved.	Jack Kennedy 01-08-02
01-05-02	Conner, Roy	4151 Saltwater	Re-tile the roof.	✓	Approved.	Jack Kennedy 01-08-02
01-05-02	Conner, Roy	4151 Saltwater	Remove wood from front of house and stucco similar to what was recently done at 4117 Saltwater.	✓	Approved.	Jack Kennedy 01-08-02
01-05-02	Conner, Roy	4151 Saltwater	Replace front windows with white vinyl, energy efficient, colonial style windows.	✓	Approved.	Jack Kennedy 01-08-02
03-17-02	Conner, Roy	4151 Saltwater	Fence staining to match neighbors' fence.	✓	Approved	Jack Kennedy 3-19-02