

10/20/2015

Islesworth Board of Directors

Re: Fine Committee Recommendations

Dear Board,

The fine committee met on 10/5/15 for our initial review of the fine structure/process. At this meeting we determined changes were needed not only in the financial aspect of the fines, but also with the procedures from the initial documentation to resident notification and levying. The outcome of the first meeting was that each committee member would provide their respective input as to the allowable time for resolving finable offenses, the cost of the fines, and the party responsible for identifying such violations.

A subsequent meeting took place on 10/19/2015 to review and discuss the input from each of the committee members and come to a consensus on the recommendations to be made to the Board of Directors. A summary of our recommendations are listed below and on the attached finable condition worksheet.

1. Procedural Changes

1.1. Documenting of violations

- 1.1.1. The fineable condition sheet attached hereto identifies if a finable condition should be documented by MDPOA security or property management.
- 1.1.2. It is suggested that multiple board members take turns reviewing the community with the property manager to observe violations. This will minimize the problem of the board being unaware of what types of violations are occurring or disagreeing with what is considered a fineable condition. (example, does a house need painted, level of staining on roof, etc.)
- 1.1.3. The committee was informed that the grievance committee previously received copies of all property violations and warning letters. We suggest the grievance committee be copied on these going forward.
- 1.1.4. All board members should be copied on warnings & violations. This will serve multiple purposes. First, this will allow the board to keep up to speed with problems so they are not surprised by them at the monthly meetings when voting on fines. Second, this will allow the board to give residents a friendly reminder if they so choose to.

1.2. Notification of violation

- 1.2.1. Violations initiated by MDPOA must be reviewed for validity, accuracy, and completeness of documentation prior to management sending out to homeowner.
- 1.2.2. Revamp the violation and fine letter issued to residents.
  - 1.2.2.1. The letter should be modified to be less offensive and be a polite, firm, request to resolve the problem. There will likely need to be two letters, one for automatic

finer that do not require a warning such as yard debris in road, and a second for courtesy notices of potential fineable offenses.

1.2.2.2. Homeowners regularly complain that they cannot find someone to complete the necessary work. Is it possible to keep a list of vendors "assembled by the community" on the website? If so, it may be helpful to add language to the letter stating "if you are unable to perform the work or cannot find a vendor, a list of providers assembled the community is available on the Islesworth website".

1.2.2.3. The fine letters should specify the type of offense, location, and potential cost of fine if not completed on time.

## 2. Timeframe to resolve violations

2.1.1.1. A process needs to be put into place to allow achievable timeframes to resolve most fineable offenses. The attached fineable condition sheet includes timeframes for resolving each of the offenses. It is understood that we must adhere to the time provided in our documents, however a workaround needs to happen. One possible way for this to happen would be to modify the violation notice to state "arrangements must be made to rectify the violation within 7 days". Furthermore, would it be possible to simply provide a compliance/correspondence date in the letter rather than a start date? If this workaround is acceptable, property management can have a fixed extension timetable to work off of. With this fixed allowable extension a standard agreement letter could be signed by the homeowner clearly stating when the work needs to be completed or fining will occur.

In closing, we feel the fine system needs to be modified to reasonably work within the budgets and schedules of the residents while keeping the community beautiful. If fines are unenforceable due to poor procedures we will have continual violations. If fines are too high the residents will lose incentive to resolve the problem in a timely manner. We hope our recommendations, once implemented and enforced, will provide an effective system to allow Islesworth to look its best while keeping homeowners happy.

Respectfully,

David Castle  
Committee Chair

CC; Bob Shulz; Kelly Tullidge; Sal Detruit; John Essenwine

ISLESWORTH at MARTIN DOWNS HOA								
Category Legend: A - resolve immediately; B - typically homeowner DIY; C - may be DIY or contractor; D - usually contracted, may need ARC approval								
Category	MDPOA to Record Condition (Y/N)	Topic	Finable Action or Condition	Warning to be Sent (Y/N)	Days to Resolve	Initial Fine if Unresolved After Warning (\$0)	Daily Fine if Unresolved by Specified Date (\$/day)	Condition Correctable by HOA (Y/N)
A	Y	Dogs/Pets	not picking up waste anywhere and any time	N	0	\$20	n/a	N
A	Y	Parking	any vehicle in street from 1am to 6:30am	Y	0	TOW	n/a	Y
A	Y	Parking	any vehicle on grass at any time	Y	0	\$20	TOW	Y
A	Y	Parking	any vehicle parking too close to corners & stop signs or parked in wrong direction	Y	0	\$20	TOW	Y
A	Y	Parking	homeowner parking in street except during periods for driveway maintenance or recreational use	Y	0	\$25	\$15	N
A	Y	Parking	less than 30 foot mobile home, camper, boat or other RV in driveway for more than 6 hours to load/unload or clean. Over 30' not allow	N	0	\$50	n/a	N
A	Y	Parking	boat, trailer, container or other objects in driveway over night	N	0	\$50	\$25	N
A	Y	Parking	commercial vehicle in driveway over night	N	0	\$50	\$25	N
A	Y	Trash	house trash placed curbside before 5pm the day before pickup, garbage not bagged in covered cans	Y	0	\$15	n/a	N
A	Y	Trash	yard trash placed curbside before 5pm the day before pickup	Y	0	\$25	n/a	N
A	Y	Trash	empty receptacles left out past midnight after the pickup	Y	0	\$15	n/a	N
A	N	Lawn	excessive growth, not edged, clippings in street	Y	7	\$25	n/a	N
B	N	Common Area	improper use of Association common areas, playground, roads, walls, lights, landscape, etc.	Y	7	\$50	\$25	Y + costs
B	N	Common Area	damage to Association common grounds, playground, roads, walls, lights, landscape, etc.	Y	7	\$50	\$25	Y + costs
B	N	Driveway	stained or dirty	Y	10	\$20	\$20	N
B	N	Front Yard	objects present other than accepted landscaping (& street side for corner lots)	Y	10	\$20	\$20	N
B	N	House Address	missing or obscured street numbers	Y	10	\$15	\$15	N
B	N	Irrigation	excessive runoff water mineral staining surrounding street gutters or sidewalks	Y	10	\$20	\$20	N
B	N	Mailbox	rusty, moldy, wood rot or needs painting, unapproved mailbox/post style	Y	10	n/a	n/a	Y + costs
B	N	Mailbox	missing or unreadable address numbers	Y	10	n/a	n/a	Y + costs
B	N	Mulch	missing in front yard or street side for corner lots	Y	10	\$20	\$20	N
C	N	Driveway	improper paint color or peeling paint	Y	60	\$25	\$25	N
C	N	Fence	leaning, stained, missing planks or improper color	Y	30	\$25	\$25	N
C	N	Gutters & Downspouts	broken, hanging downward or away from house	Y	30	\$25	\$25	N
C	N	Landscape Beds	empty or weed filled beds visible from street	Y	10	\$20	\$20	N
C	N	Landscape Maintenance	dead landscape visible from street to remove and replace	Y	10	\$20	\$20	N
C	N	Landscape Trimming	overgrown plants, bushes, hedges or trees visible from street	Y	10	\$20	\$20	N
C	N	Trees/Palms	remove & replace dead trees or palms	Y	60	\$25	\$25	N
C	N	Lawn	noticeable dead sections needing replacement	Y	30	\$25	\$25	N
C	N	Pool Equipment	not obscured from street view	Y	30	\$25	\$25	N
C	N	Trash Receptacles	not obscured from street and neighbor's ground-level side view	Y	7	\$15	\$15	N
C	N	Window	hurricane or covering shutters in place outside of permitted periods	Y	7	\$25	\$25	N
C	N	Window/Screen	broken glass or frames or covered by wood or other material	Y	10	\$25	\$25	N
D	N	A/C Units	not obscured from street view	Y	30	\$25	\$25	N
D	N	Architectural Change	any architectural modification requiring building permit or paint color change made without ARB approval	N	0	\$100	n/a	N
D	N	House	general repairs needed to home- garage doors, screen rooms, etc.	Y	60	\$25	\$25	N
D	N	House Paint	faded, stained, missing or mismatched trim or door colors	Y	60	\$25	\$25	N
D	N	House Paint	faded, stained, missing or mismatched wall color	Y	60	\$25	\$25	N
D	N	Roof	shingles color mismatched, missing, curling or spalling	Y	60	\$25	\$25	N
D	N	Roof	mold or dirt stains & streaks	Y	30	\$25	\$25	N
Actions/Conditions requiring further investigation								
A	Y	Driving	speeding, not stopping at posted signs or other reckless driving	Comment: how is this handled in other MDPOA communities?				
Actions/Conditions discussed but not recommended for fines								
A	Y	Dogs	off handheld leash and while off property at any time	Comment: follow county leash law and enforceable by animal control				
A	N	Dogs/Pets	barking or other sound disturbance	Comment: enforceable by animal control				

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