

BELLA VITA POA MINUTES
ANNUAL MEETING 1-28-23 @1PM
AT CEDAR CREEK LIFE CENTER

Board Members Present: Ricky Littleton, President
Randy Koontz, Treasurer
Suzanne Perucci, Secretary
Member Attendees: See Attached Sign-In Sheet

President Ricky Littleton called the meeting to order at 1:05pm

Review.

What is a POA (Property Owners Association) A POA is a Master Association which incorporates various other associations and is responsible to manage common areas of all associations under the Master Association. Under normal circumstance this is a much less complex task than ours has turned out to be given the situation we landed in.

Reading of Previous Minutes.

Since no minutes of the last annual meeting were taken, recorded, or distributed, minutes of the prior meeting, which was an Emergency Meeting held in August 2022, were distributed, and read aloud by Suzanne Perucci. Motion was made by Gail Williams to accept the prior minutes as read. Seconded by John Berry.

POA Current Status.

Considering where we started in August of 2022, our current status is good. We are currently functional, up and running, and in the black. Thanks were given to the community associations for contributing the special assessment funds in a timely manner as it was the lifeblood that kept the POA alive. Although we are extremely frustrated by the actions of the past that have brought us to our current situation, the POA Board is focused on moving forward and continuing business as usual.

BSCO Investigation.

There is an active BSCO Case file to address how, why and by whom the old bank accounts were drained. However, these investigations move incredibly slowly and require the timely cooperation of all the banking entities. 13 subpoenas have been issued in order to procure the information needed to proceed in the investigation. Of those 13, 9 have been received back and BSCO is waiting on the other 4. Agent Harry Bermudez is highly regarded by his peers and his superiors, and we have a high degree of confidence in his ability to bring the guilty party to task. He has urged our patience and we have no reason not to honor that request. President Ricky Littleton hopes to arrange a meeting of all Community Board Members, along with Life Center Reps in order to keep lines of communication open and our owners informed.

Legal as needed.

We have been working with an attorney. Mr. Rob Manning. He has been an incredible source of information and support and has generously given us a pro-bono initial consultation. We will now continue to work with him on a hourly basis.

Current Funding.

The biggest concern of the Board is the current lack of funding in the reserves. Ricky stated he has been researching and reading up on the state law and is of the understanding that State Bill 4B requires us by law to fund the reserves and it also eliminates the ability to vote to stop funding the reserves. We will continue to do all we can possibly do to rebuild our reserves, which are driven by gate and road maintenance/repair/replacement. We are hopeful that the current plan to rebuild the reserves will not require any further emergency funding.

Insurance.

It has come to the attention of the Board that the POA has been grossly under-insured for the past many years. So far under-insured, in fact, that it has been outside the bounds of the State of Florida State Law. Our insurance must account for all tenant dwellings under the master association. In the past, only 44 dwellings were listed. This corresponds only to the number of units only in Osprey Village. We must also account for another 40 in Heron Village, 32 in Bella Vita Condos and the Life Center is considered 1. This is a total of 186, not 44. We are also required by state law to have coverage for Directors & Officers (D&O) and Criminal insurance. However, that insurance was declined in the

past. If all the correct, state-mandated coverage had been in place we would have been able to recover any funds missing due to criminal activity. Diligent research on this topic has been provided to us by our new insurance provider, the Dittmore Insurance Agency. Mr. Dittmore has a background that includes police work and insurance investigation. He is a straight shooter and has proved to be invaluable resource. We are happy to report we are now fully indemnified and covered in accordance with State Laws. Our new policy goes into effect Feb. 14, 2023.

Questions.

Carol Beam, Osprey: Can the person who stole from us do anything else to harm us or steal from us in any way? Response: That person has been removed from all banking documents and the accounts he was using are now closed and under investigation. This name does not appear anywhere on the current new banking accounts. However, we would like to suggest that the Life Center may want to consider looking into the access this person may have had to resident social security checks.

Sandy Chance, Osprey: Doesn't bank have insurance that will cover theft? Response: There was no system of checks and balances at the bank since prior board members removed themselves from the account and only one person had access to the accounts without any supervision. As previously stated, those accounts were closed. And our accounts now require 2 signatures on every check. We have also hired a new bookkeeper/accountant, Jean Diaz of MRS Management in Cocoa Beach.

Frank Kacinko, Osprey: Why do we need to insure all the units? Response: The number of units are relevant to the insurance only in terms how many residential unit are under the POA Master Association.

Budget.

Thanks given for all the recent Special Assessment payments that were used to carry us thru the end of 2022. However, we remain grossly underfunded. Therefore, in an effort to rebuild our reserves, which we are required by law to do, we have increased the annual contribution from \$75 to \$125 per unit. It is worth noting in the budget that the line item for insurance has gone from \$1500 in past years (where we were grossly under-insured) to \$5000 this year. In fact, we have just paid the bill for our new insurance, and it is closer to \$6000. In addition, we are predicting, like the other associations, that vendor costs will likely increase and continue to increase as inflation continues to rise.

Questions.

Marnie Sinclair, Heron: Please clarify the \$125/unit per year. Response: This payment is usually built into the budgets of the individual associations and, in the past, it has not impacted the individual homeowners. It is up to each association to handle this according to its own needs.

Joan Sinatra, Osprey: Is there a cap on how high the reserves can go? In the event they far exceed our needs, who does that money belong to? Response: Under the regulations of the new B4 provision, there does not seem to be a cap. Mr. Dittmore, our Insurance Agent, also runs his HOA and has stated that we care

allowed to have some growth in the reserve. The law states that we must have enough in reserves to carry us thru the loss of a capital asset. Considering the age of the property and the need for capital improvements such as streetlight, entrance signage and landscaping, road repair and possible gate replacement, it would seem unlikely that we would ever get to a point where there was too much money in the reserves.

Joe Perucci, Osprey and Bella Vita: Can't we put in a claim for the lightening strike to the gate? Response: We were so grossly under-insured, and the documents were so grossly incorrect, that we would have been charged with insurance fraud if we had initiated that claim.

Judy Wheatly, Heron: The Viera PUD is the biggest in the state. Each community and each individual dwelling within it fund the Viera Corporation which maintains the city of Viera.

Elisa Malonado, Bella Vita: Why do we have to wait until Feb 14 for the new insurance to go into effect? Response: The old policy cannot overlap the new policy. So, we have to wait for the old policy to expire at midnight on Feb 13, 2023.

Motion was made by John Berry to accept the 2023 Budget as proposed. Seconded by Gail Williams. 2023 Proposed Budget has been accepted.

Board of Directors.

State Law requires a minimum of 3 officers and states that no officers can double up on their responsibilities. (For example, the President cannot be the treasurer, etc. – and yes, this is what happened in the past.) We do currently have 3 board members

and are eager to increase to 5. New candidate, Bobby Risbourg of Heron Village, was introduced as someone who has volunteered to run for the Board this year and is now on the ballot for 2023. Gail Williams also volunteered from the floor and offered to be a write-in candidate as well. Ballots were distributed, collected, and counted. It was a unanimous vote (31 in favor) and every ballot contained votes for all the current board members and Bobby. Gail was also voted in 26 in favor/4 no vote. Congratulations to all the new board members. We are happy to see more people involved. A motion was made by Kate Littleton to install new officers. It was seconded by Larry Zweig. Motion carried. New board members accepted.

Susie Lavoie: How can we request information on this and stay informed? Response: The board of directors would like a motion to proceed in scheduling quarterly meetings with the boards of the other POA communities. This will allow for more accurate information to put into the individual boards to be disseminated to the residents. We are eager to keep the communities accurately informed. Motion was made by Kate Littleton, seconded by John Berry. Motion carried. April will be targeted as the first of these meetings.

Gail Williams: suggested the board consider joining SCCA (Space Coast Condo Association). This organization meets once a month and guides associations on state rules and regs and is a great resource for information. The annual member is believed to be about \$150. We agreed to investigate this and possibly join. Osprey Village is already a member.

In Conclusion.

The By-Laws state that Board of Directors operates at the pleasure of the voting interest. In the past with only 1 person on the board there was no oversight. It is the responsibility of the voting members to see that the board is held accountable and always does the right thing. This serves as a reminder that any one person can request the removal of a board member at any time.

As president, Ricky promised to continue his due diligence in digging into the by-laws and state requirements to see if we need to make any amendments or changes to our current by-laws. If deemed necessary, this would be put up to a vote and would need to be carried by 75%. It is our goal to ensure that the by-laws are constructed in such a way that what happened in 2022 can never happen again.

Motion to adjourn made by Joe Perucci. Seconded by John Berry. Motion carried. Meeting adjourned at 2:15pm.