

The POA BULLETIN

The Property Owners' Association of The Villages

Champions of Residents' Rights Since 1975 October 2003

- [Florida Senate Committee Questioning CDD Activities](#)
- [CDD #2 Supervisors Fail To Help Residents](#)
- [Home Town Democracy](#)
- [POA To Hold Elections At The November Membership Meeting](#)
- [The VHA Corner](#)
- [CHEERS AND JEERS](#)
- [Edmund Burke](#)
- [Joe Gottfried](#)
- [NEXT POA GENERAL MEMBERSHIP MEETING](#)
- [April Fools Day Revisited](#)

Florida Senate Committee Questioning CDD Activities

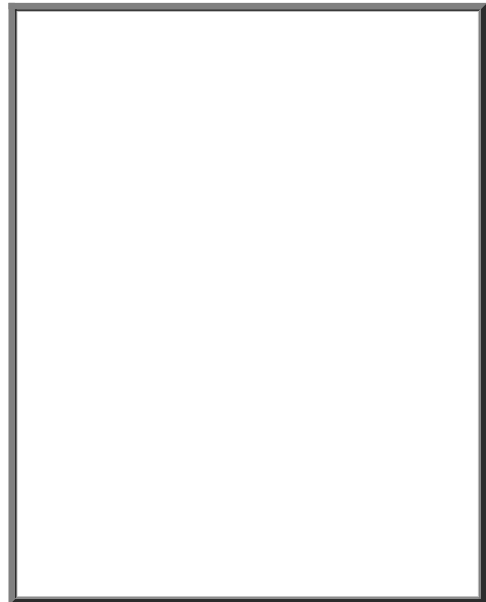
The POA recently answered questions about CDD activities from the Florida Senate Committee on Comprehensive Planning. The committee had asked for answers to a questionnaire that was sent to a variety of interested parties across the state. The POA's alliance partner, the Cyber Citizens For Justice, Inc. (CCFJ), received the questionnaire and asked Joe Gorman, president of the POA, to respond.

Mr. Jan Bergemann, president of CCFJ, also named Gorman as chairman of the CDD committee within the CCFJ organization.

A summary of the six questions and the responses follows below:

1. Should the Chapter 190 law be changed to allow local jurisdictions (i.e., counties) to approve CDD applications from developers for CDDs larger than 1,000 acres?

The POA favors keeping the 1,000 acre limit for local approvals. State approval would be required for larger CDDs. The POA believes that Florida state agencies are better able to evaluate developers' plans and would be more thorough and objective. Counties often do not have the professional staffs or resources for a comprehensive review. Furthermore, local political considerations in smaller counties sometimes dominate the CDD-approval process and favor developers.



2. Should impact fee credits for a given CDD's projects

be given to the CDDs doing the work or to developers of the CDD?

These credits, in the POA's opinion, should be given to the CDDs which performed the work in its CDD rather than to the developer of the CDD as has been done in some cases recently.

3. Is the current required disclosure statement given to prospective home buyers adequate for CDD activities and finances?

No, the current statement is not adequate. This statement, which is given to home buyers as part of the Covenants and Restrictions, needs to be improved. Suggested improvements are:

First, estimated dollar amounts for the first three years for each tax, assessment, monthly fee, and debt obligation repayment should be given. Also, the total debt obligation assumed by residents, the related interest rate, and the repayment options should be given,

Second, the required notice should be given to buyers at least a week prior to closing.

Third, developers should receive a written acceptance statement from buyers when the notice is provided.

Fourth, the disclosure should be on a separate sheet of paper and not cluttered.

Fifth, a penalty of at least \$1,000.00 should be levied against developers for each violation of these disclosure rules.

Sixth, sales representatives should be monitored closely to assure their compliance with these rules and proper disclosure statements.

4. Are elections of CDD supervisors shifting from developer to resident election over six-eight years as required by Chapter 190?

In The Villages, this transfer of the election process to residents is progressing as planned in the residential CDDs #1 thru #4.

However, in the VCCDD, the "super" CDD controlled by the developer of The Villages, developer appointment of supervisors continues even now, eleven years after the

formation of this CDD. And, this will continue until the Chapter 190 law is changed. The “super” CDD makes all of the big money decisions in The Villages. Residents are effectively disenfranchised. This is a form of taxation without representation.

The POA suggests changes in the Chapter 190 law that would allow all residents in a designated “family” of CDDs, as we have here in The Villages, to elect the supervisors of any CDD that exercises administrative control over other CDDs in that family of CDDs.

In The Villages, this would allow all residents of the four residential CDDs to acquire voting privileges to elect the supervisors in the special “super” CDD that makes all of the big and important decisions in The Villages.

5. Should CDDs be given the power to enforce a developer’s Covenants and Restrictions?

This is not favored by the POA.

Currently, covenants and restrictions can be enforced at the county level by existing code enforcement boards. Also, counties now have judicial, police, and legislative powers in place to facilitate enforcement. It would be a burden for CDDs to develop this enforcement capability.

Furthermore, granting these powers to CDDs would be similar to the situation in which Homeowners Associations (HOAs) currently have these powers. Unfortunately, there are numerous examples in which HOAs abuse these powers and create horror stories for residents. If these HOA horror stories are any warning, the same situation with CDDs should be avoided.

6. Any additional issues to be addressed?

First, just as residents should be granted the privilege of voting for supervisors of controlling CDDs, like the VCCDD, residents should also have the vote for top administrative positions in these controlling CDDs, like District Administrators, etc. At the very least, residents should have the right of recall for these top administrators.

Second, whenever property is purchased from the developer, a “comparable properties” appraisal technique should be used rather than the “income approach” appraisal technique which greatly favors developers.

Third, the conflict-of-interests exemption for CDDs should be eliminated in favor of state conflict-of-interests regulations.

Fourth, monthly fees charged residents should be clearly identified as to use and application.

Fifth, any bond indebtedness assumed by residents, or paid by fees collected from residents, should receive prior approval from residents. This would be comparable to bond referendums commonplace in other communities.

Sixth, developers should retain full financial responsibility and liability through the final build-out phase of a CDD.

Summary: the full response to the Senate Committee’s questions is available for review at:

CCFJ, Inc. RESPONSE to CDD
Survey

CDD #2 Supervisors Fail To Help Residents

The supervisors of CDD #2 were recently asked to take a stand on the issue of the unjustified VCCDD amenity fee increase scheduled for October 1st. The request was made in the CDD #2 meeting in early August.

In that meeting, the point was made that the VCCDD earlier tried to justify the amenity fee increase based on the need to offset increased costs for maintenance and administration. However, the VCCDD's own financial information showed that maintenance and administration expenses were actually declining from this year to next, from \$13.7 million to \$13.6 million. Over those same two years, the VCCDD expense for debt service increases to \$13.3 million from \$11.8 million, a jump of \$1.5 million, or 13%.

Thus, it appears that the increase is due to the jump in debt service, not any increase in maintenance and administration as claimed by the VCCDD. Debt service is increasing so fast because the developer's VCCDD supervisors are paying the developer too much for the purchase of common properties. Residents are required to pay the tab for these inflated-price purchases.

Based on this analysis, CDD #2 supervisors were asked to write to the District Supervisor, Mr. Pete Wahl, protesting the unjustified increase. Part of the rationale here was that the full amount of the increase would cost CDD #2 residents approximately \$150,000 a year.

The chairman of the CDD #2 board of supervisors, Mr. Nick Jones, said that he wanted to review the information rather than make a decision at that time. He promised a response by the early September meeting.

Mr. Jones was absent from the September meeting, but did provide a letter with his response to be read. In summarizing his "no action" recommendation, Mr. Jones said: "...it is not the responsibility of this board to complain to the VCCDD about increases that fall within the rules that have been established...."

In other words, Mr. Jones did not comment on the merits of the judgment that the increase was unjustified. Nor did he comment on the \$150,000 additional burden of this increase for CDD #2 residents. Nor did he take the opportunity to speak up for and defend CDD #2 residents, his constituents.

All he did was blindly support the developer and the VCCDD with a legalistic argument that missed the point.

The point was that the increase was unjustified and a huge burden for residents to assume.

Mr. Jones should have thought a little more about the Rights of Residents rather than the excessively legalistic arguments of the VCCDD and the developer. And, he should have thought more about his job of representing the interests of CDD #2 residents.

The other four CDD #2 supervisors sat mute and said nothing. They did, however, finalize their decision to vote themselves \$100 per meeting as pay for their services in the next fiscal year. The total budgeted amount here is \$8,000 in the 2004 fiscal year. It looks like these supervisors think \$8,000 is peanuts compared to \$150,000. It also looks like these supervisors like to take care of themselves first rather than speak up for the residents of their district.

Home Town Democracy

A Constitutional Amendment Petition Form is being circulated for the Florida Hometown Democracy initiative. The POA has these forms.

The initiative seeks to establish that before a local government adopts a new or revised comprehensive land use plan, the proposed plan shall be subject to a referendum of local electors.

Supporters of this petition say that local approval boards approve too much development, adversely affecting the quality of life. Growth can be a mindless objective all by itself and often brings problems. Many county approval boards never met a developer plan they did not like.

Opponents of this petition initiative say that well-planned growth does bring many benefits to a community in terms of jobs, community facilities, recreation opportunities, schools, etc. Quality of life issues can often be enhanced in a local community. Growth is a fact of life in this day and age, and people should not fear the natural evolution of their communities.

Villages residents should make up their own minds about this initiative. Each resident should come to some conclusions about how they want their community to proceed into the future.

POA To Hold Elections At The November Membership Meeting

The annual POA elections are scheduled for the November 19th general membership meeting. Any paid-up member of the POA is eligible to run for any officer or director position. In order to run or vote, members will need to bring their membership cards to the elections meeting.

Nominations will be announced at the October 15th general membership meeting. A slate of current officers and directors will be nominated. Any others interested in serving should talk to any officer or director of the POA to get an idea of what is involved. Basically, the involvement would be for the general and board meetings each month, as well as any regular or special projects involved with the position.

Members are urged to consider serving the POA in any of these positions. We urgently need actively involved members to help advance the ideas and programs of the POA. The time commitment is not excessive – and, the opportunity to serve is rewarding. Please join with us to make the POA an even better organization.

THE VHA CORNER

The Reporter newspaper recently carried a “Your View” article written by Robert Balfour, a Villages resident. The point of the article was that “we live in the perfect retirement community.” Mr. Balfour has it right in that respect.

Toward the end of the article, Mr. Balfour made a significant request. He asked that the VHA and the POA get together “in an effort to patch conflicting opinions between the two associations on a few issues.”

We think this suggestion has merit.

We believe it would be worthwhile for the VHA and the POA to get together to talk about their differences to see if any common ground can be identified so as to possibly resolve any of those differences.

This would have to be within the context of what's best for residents. After all, both the POA and the VHA are homeowners' associations. The best interests of residents should be foremost in the minds of both organizations.

Cheers and Jeers

Remember that we need material for this column of comments and opinions. Please write up your submission and either mail it to our P. O. Box number, give it to us at a membership meeting, or e-mail it to poa4us@aol.com. Be sure to sign your name to the submission.

JEERS – To the writer of this column for the article last month commenting on right-hand signals for right-hand turns by bicyclists. Several readers commented that these right-hand signals are legal in Florida. Apologies to bicyclists everywhere, as well as to the Commonwealth.

JEERS – To Sumter County Commissioners for delaying a vote on the golf-cart-at-night question. A public hearing is now set for October 21. But, it is obvious from the Lady Lake debate that nighttime driving is something whose time has come. We don't need more hearings — we need action on a favorable vote.

CHEERS – To the business planning a putt-putt golf range close to The Villages. That is needed and will be nice. However, The Villages developer should have done this a long ago in a place like, for example, the Chatham recreational facility in place of some of the Boccie and shuffleboard courts. The new facility will be nice, but it may be costly for a few hours play.

JEERS – To The Villages Entertainment division for its scheme to charge a \$50.00 “Charter High School Patron Fee” for special access and discounts on entertainment tickets and college courses. This rip-off is an illegal tie-in sale. Who comes up with these elitist ideas that only serve to irritate residents?

JEERS – To the recreation division for deciding to charge fees for previously free activities. Were we not told when we bought here about the wonderful activities paid for by our amenity fees? This is another example of The Villages administration renegeing on its promises regarding activities, amenities, or facilities here in The Villages.

JEERS – To the supervisors of CDD #2 for voting themselves a pay of \$100 for each meeting they attend. Guess they consider the \$8,000 annual cost as peanuts compared to the \$150,000 total cost of the amenity fee increase for CDD #2 residents, which they think is ok.

Edmund Burke

Edmund Burke, 18th century English politician, said: “All that is necessary for the triumph of evil is that good men do nothing.” Does this ring a bell about anything (or nothing) going on here in The Villages?

Joe Gottfried

Joe Gottfried, former president of the POA, has passed away. Joe was president for several years in the late 1990s. He guided the POA through a significant growth period as the CDD-induced development of The Villages started to accelerate. Joe was a tireless supporter of the POA. He will be missed. His widow, Joyce, has asked that, in lieu of flowers, a donation be made to either the American Cancer Society or the Hospice organization.

THE NEXT POA GENERAL MEMBERSHIP MEETING

Third Wednesday of the Month – 7:00 p.m.
Main Auditorium – Paradise Recreation Center

Tony Powell, columnist and observer of the local political scene, will speak about The Villages, Lady Lake, and Lake County issues

**COFFEE AND DONUTS FOR ALL AFTER THE MEETING
ALL RESIDENTS WELCOME – COME AND JOIN US**

April Fools Day Revisited (Don't Believe Any Of This)

The Golf Division has finally decided to outfit all the greens on the executive courses with another flag and hole to be known as the “Senior Cup.” This alternate cup can be used in conjunction with the red and white tees and will be two inches bigger in diameter. Golfers have to let the starter know in advance if they plan to use these alternate holes and then pay an additional \$2.00 “El Holo Grande” fee per 9 holes. Holes-in-one made in these bigger holes will only carry bragging rights for Priority members.

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[BACK TO THE MAIN ARCHIVES PAGE](#)