

WORLD GOLF VILLAGE TURNBERRY COMMUNITY

COMPLIANCE POLICY



FEBRUARY 1, 2021

CONTENTS

Turnberry Compliance Policy and Implementation Procedures

Resolution By The Board Of Directors For CAM To Serve As Agent For
The Board

Compliance Flowchart

Guidelines for Turnberry Daily Fines for Common Violations

Charter of the Enforcement Appeals Committee (EAC) and Responsibilities of the
EAC in the Compliance Process

Turnberry Compliance Policy and Implementation Procedures

Purpose: To establish a comprehensive, community-wide policy and implementation procedure for the Board of Directors (BODs), Enforcement Appeals Committee (EAC) and Architectural Review Board (ARB) in partnership with the Association's property manager, May Management (MM) to remediate non-conformance of the Association's Covenants and Restrictions (C&R's) and other governing documents.

Scope: The Turnberry Compliance Policy and Implementation Procedures outlines several categories of non-conformance in order to communicate to the Association membership what would be considered enforceable actions in response to identification of non-conformance. Additionally, this document describes procedures to be followed when violations occur; fines or suspensions that may be imposed; and the basic responsibilities of the BODs, EAC, ARB and MM in this process.

I. Categories of Non-Conformance

- A. **C&R's Non-Conformance:** C&R's Non-conformance refers to violations of the Turnberry Covenants and Restrictions and Rules and Regulations. The BODs is responsible for insuring that the provisions of the Association's legal documents are followed. Violations may result in fines levied by the BODs, including a lien (if initiated by the BODs) that may be placed on a lot if the fine is \$1,000 or more.
- B. **ARB Non-Conformance:** ARB Non-conformance refers to violations of the ARB Standards and Guidelines. The authority of the ARB covers the period beginning on the date a project application is approved and ends six months after the approval date when the project must be completed. The ARB is responsible for violations that may occur only within this time period and is the body that will monitor that work is completed according to the specifications in the approved plan. The BODs will become involved in violations that occur when work that requires ARB approval is done without an approved ARB request; is done despite being denied ARB approval; or if a homeowner refuses to correct work performed not in accordance with an approved ARB request.
- C. **Significant instances of non-conformance:** On rare occasions, if a homeowner fails to correct a significant deficiency despite appropriate notification, it may be necessary for the BODs to authorize MM to make the correction and add the cost to the lot owner's assessment. If the assessment is not paid, a lien may be placed on the property.
- D. **Single Event Non-Conformance:** The BODs has established several categories of single event non-conformance that in its judgment are of sufficient severity as to require immediate action. These categories of non-conformance are violations that cause serious disruption within the community and require immediate resolution. Such categories include (but are not necessarily limited to) the following:
 - 1. Persistently barking dogs that disrupt the harmony of the community as defined by two or more adjacent neighbors citing such disruption.
 - 2. Vicious dogs that have attacked people or other animals
 - 3. Loud parties
 - 4. Using Common Property after authorized hours
 - 5. Parking Violations including boats or RVs in driveways overnight, parking on lawns, etc or other violations as documented in the Rules & Regulations, Section VIII. Turnberry towing policy will be used as documented in the Rules & Regulations, Section VIII.
 - 6. Speeding violations or unsafe driving (note: Fl. Statute 493 does not allow Security Officers to pursue or restrain an individual).
 - 7. Behavior that threatens the safety of other residents or their guests, for example unsafe driving of golf carts, go-carts, or motorized scooters, use of firecrackers within Turnberry.
 - 8. Trash, recyclables and/or lawn waste on curb before allotted time
 - 9. ARB Applications not submitted and approved prior to project start date.

II. Compliance Implementation Procedure:

This section describes the timeline and order of correspondence made between the property manager, MM, which serves as the Association's agent in matters of non-conformance notification, and the Association's member in violation of the C&R's, Rules, or ARB Guidelines.

A. Notification Process of Non-Conformance

1. Courtesy Notice: Through the authority of the President of the BODs, a Courtesy Notice shall be sent by U.S. Mail from the Property Manager to the resident on record as an informal alert to the resident of the non-conformance concern. This Courtesy Notice is meant as an informal first step towards resolution of the matter in question. A record of the mailing will be maintained by the Property Manager.
2. Notice of Violation: From the time the Courtesy Notice is mailed, the homeowner is given 14 days (which includes weekends) to address the violation. If after this time period the violation in question is not brought back into conformance, a Notice of Violation is mailed, notifying the homeowner that they now have 14 days (which includes weekends) to conform, or the violation matter will be subject to a fine or suspension which may be imposed by the BODs . A record of the mailing will be maintained by the Property Manager.
3. Notice of Fine: If after 14 days from the Notice of Violation, the violation in question is not brought back into conformance, the homeowner will be notified of the fine or suspension imposed by the BODs. They will also be notified of their right to ask in writing for a hearing in front of the EAC and present reasons for the fine or suspension not to be imposed. The request for a EAC hearing must be made by the homeowner within 7 days of receiving the Notice of Fine. The EAC hearing date is set a minimum of 14 days after the date that the homeowner requests a hearing before the EAC. A record of the mailing will be maintained by the Property Manager.
4. If no request for a EAC hearing is received, the fine or suspension is retroactive to the date that the BODs imposed same. If a request for a EAC hearing is received, the fine or suspension is delayed until after the EAC hearing.

B. Fine for Non-conformance

1. Current Florida statutes allow for "reasonable fines up to \$100.00 per day per violation" up to a maximum of \$1,000.00 per violation. Fines shall be levied only by the BODs, shall be within the range of \$100.00 one-time and \$100.00/day per violation up to \$1,000 per violation in compliance with the provisions of the C&R's and current Florida Statutes.
2. Fines of \$1,000 may be liened.
3. The EAC, if requested by the homeowner, will schedule a hearing on not less than 14 days prior notice to consider any fine or suspension imposed by the BODs and either approve or disapprove same. The EAC decision is final. The homeowner must be present for the EAC meeting or forwarded a written document supporting their appeal of the decision of the BODs. .

C. Parties Responsible for Making Non-conformance Determinations

1. Employees of the property manager, MM, make weekly drive-through observations of the community to ensure that it is maintained in accordance with the C &R's, Rules and Regulations, and ARB Guidelines. This includes overseeing maintenance of the common property (landscaping, irrigation, lighting, signage, and pool and building maintenance) as well as lots owned by individual homeowners. When violations are observed, the notification process of non-conformance is initiated.
2. Individual members of the BODs may forward observations of violations, through the President of the BODs, to the MM property manager, which also initiates the notification process of non-conformance.
3. The Chairperson of the ARB may forward observations of violation to the MM property manager, which also initiates the notification process of non-conformance.
4. Any resident may make the property manager (MM), and/or any member of the BODs, or the Chairperson of the ARB aware of a violation, but this resident observation may not necessarily initiate the notification process of non-conformance. Rather, the observation made by the community resident shall allow the property manager and/or Director and/or ARB Chairperson to make such determination in his/her judgment.

D. Responsibilities of the Board of Directors in the Compliance Process

1. To create a comprehensive program for Compliance in accordance with Association C&R's, R&R's, ARB Guidelines and Florida Statutes incorporating such elements as:
 - a). Establishing fines within limits established by Florida Statutes and the C&Rs.
 - b). Delineating notification of violations including number, content, sequence and frequency;
 - c). Identifying matters of non-conformance that will be enforced and inspection standards and transmitting this information to the property manager to follow during property inspections;
 - d). Developing a procedure for owners and others to report matters of non-conformance.
 - e). Creating procedures for managing single event- types of violations in instances when a series of letters is not appropriate since the violation ceases within hours of occurring.
 - f). Periodically informing the community of the importance of all owners complying with the C&R's and the Board's process to remedy instances of non-compliance.
2. To establish an Enforcement Appeals Committee (EAC) of at least 3 members following Florida Statute 720.305(2)(a) so that the members of the AC shall not be officers, directors, nor employees of the Association nor the spouse, parent, child, brother, nor sister of an officer, director, or employee. The members of the EAC are to be independent and have the ability to review cases in an impartial light.
3. To appoint the EAC Chairperson
4. To create a charter for the EAC

E. Responsibilities of the Property Manager in the Compliance Process

1. To make weekly, routine drive-through observations of the community;
2. To send notification letters to residents in a timely manner (within the prescribed time periods as outlined in this document);
3. To provide copies to the BODs of all Notices sent to residents;
4. To schedule times for EAC Hearings that follows notification guidelines and assure availability of a quorum of the EAC;
5. To provide EAC members all relevant information on each case to be heard so that they may accomplish their work in an effective manner. Included in this information shall be a status report on each property in violation immediately preceding the scheduled hearing for that case;
6. To prepare an Enforcement Appeals Committee Action Form summary of each EAC Hearing and to forward to the BODs in an effort to maintain communication between these Association bodies. Furthermore, it is the responsibility of the Property Manager to maintain records of all Hearing meetings.

January 2017

Note:

Compliance Guide prior to 2017 referenced the Enforcement Appeals Committee (EAC) as the Rules Enforcement Committee (REC). Name of the Committee was changed effective 1/2017.

TURNBERRY ASSOCIATION, INC.

RESOLUTION BY THE BOARD OF DIRECTORS

WHEREAS, The Turnberry Association, Inc is a corporation not for profit organized pursuant to Chapter 617, Florida Statutes for the purpose of managing, operating and administrating the homeowners association known as Turnberry HOA; and

WHEREAS, the governing documents requires the Board of Directors to exercise their powers and duties of the association; and

WHEREAS, a principal responsibility of the Board of Directors is to insure that the Declaration of Covenants and Restrictions, Rules and Regulations and other provisions of the governing documents are not violated; and

WHEREAS, the Board of Directors has developed a comprehensive policy to remedy violations including detailed procedures, a list of violations and a fining schedule,

NOW, THEREFORE , BE IT RESOLVED THAT the attachments to this resolution including the Turnberry Compliance Policy and Implementation Procedures, List of Violations, Fining Schedule and the Charter of the Enforcement Committee are hereby adopted by the Board of Directors of the Turnberry Association, Inc and the implementation of this policy is delegated to MAY Management Services, Inc.; specifically, to the Community Association Manager assigned to Turnberry as an Agent of the Board of Directors to act on their behalf and at their direction.

RESOLUTION ACTION RECORD

Resolution Number: 2018 – 2

Pertaining To: Federica Zanti CAM Assignment

Motion By: J. Ritz

Second By: M. Huggins

YES or NO

President: K. Dvornick

YES

Vice President: M. Huggins

YES

Treasurer: J. Ritz

YES

Director: M. Petrarca

YES

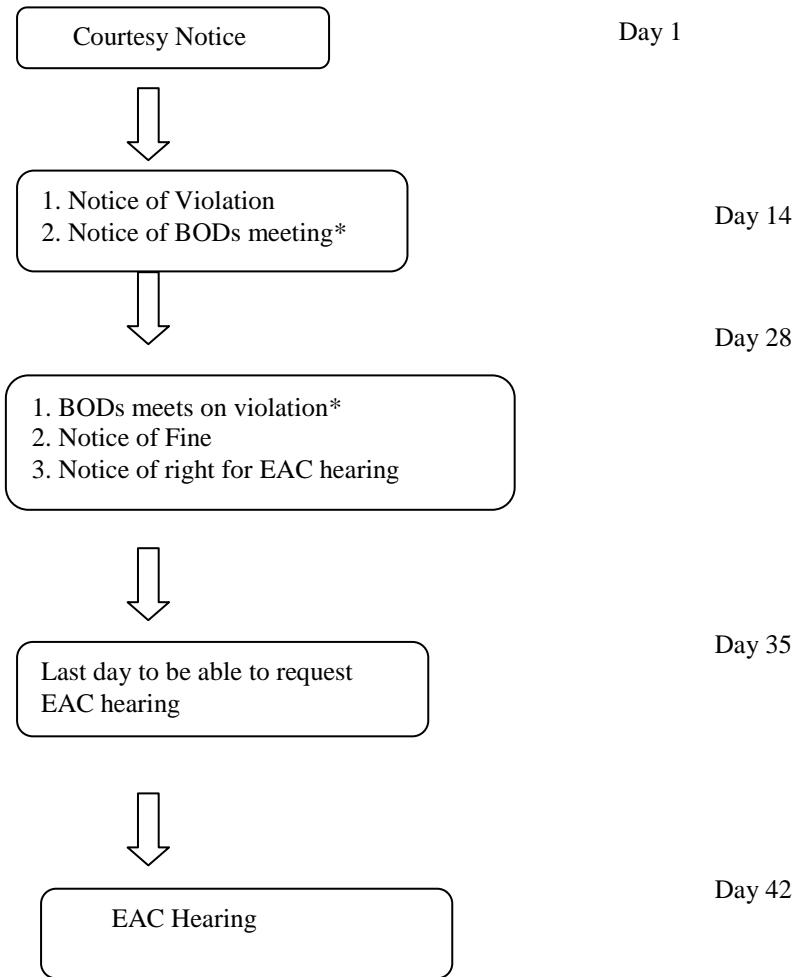
Director: S. Cashet

YES

ATTEST: _____ John Ritz Treasurer

Resolution Effective Date: September 19, 2018

Schedule Outline



Example #1 – on 28th day BODs decides on a fine of \$100 per day for 10 days. No action on a correction is done by the owner so the fine is 28th thru 38th day. Owner meets with EAC and the EAC upholds the fine -- the amount is put on the owner’s next billing.

Example #2 – on 28th day BODs decides on a fine of \$100 per day for 10 days. No action on a correction is done by the owner so the fine is 28th thru 38th day. Owner meets with EAC and the EAC overrules the fine -- the amount is wipe out and nothing is put on the owner’s next billing.

Note:
***With the Board’s Resolution on March 22, 2016 authorizing the CAM as an agent for the BOD and the establishment of a Schedule of Fines, there is no longer a Board meeting on the individual fine. The timing of Events and the right of the Homeowner to an EAC meeting stays the same.**

Guidelines for Turnberry Daily Fines for Common Violations

1. Brown Patches / Dead Grass in Lawn \$100
2. Lawn needing mowing, edging and/or trimming \$100
3. Shrubs not Trimmed \$100
4. Trees and/or shrubs needing replacement (ARB approval required) .. \$100
5. Trees and/or Palms needing trimming\$100
6. Vines Overgrown & Needing Trimming\$100
7. Weeds in Gardens and/or Lawn\$100
8. Removing Trees not approved by ARB\$100
9. Driveway needing Pressure Washing\$100
10. Home exterior needing cleaning (includes roof, trim & chimney)\$100
11. Home needing Painting\$100
12. Mailbox and/or column needs Replacement, Repair or Painting \$100 (after 1/2016)
13. Vehicle parked unauthorized times on the street\$100 (2x in 6mo period). Vehicle will be towed on a third violation within 6 months.
14. Vehicle parked unauthorized at the pool overnight\$100 (2x in 6mo period).
15. Parked vehicles blocking the sidewalk \$100 (2x in 6mo period)
16. Unauthorized Vehicle, Boat, POD, RV, Uhaul, etc on site\$100
17. Expired or no Tags on vehicle parked on Driveway \$100

Guidelines for Turnberry Daily Fines for Common Violations

- 18. Unapproved Play Structures\$100
- 19. Unauthorized material Front and/or Side Yard of the house\$100
- 20. Trash/Recyclables and/or Lawn Waste on curb unauthorized times... \$100 (per occurrence)
- 21. Illegal Parking (on grass, easement, etc.)\$100 (3x in 6mo period)
- 22. Storage outside of home and/garage.....\$100
- 23. Decorations (after timeframes) and/or signs\$100
- 24. Unapproved business in the residence\$100
- 25. Unapproved Garage Sale\$100 (first time)
- 26. Not cleaning up Animal Waste\$100 (first time)
Incident must be reported by Homeowner to Security who needs to prepare an incident report listing offender's name (if available) and address (if available)
- 27. ARB project not completed by stated "Completion Date" and or May Mgt not notified of completion \$100*
- 28. ARB project "not approved" in accordance with ARB approved criteria \$100*
- 29. Project started without ARB submission or approval.....\$100 (each occurrence)

**\$100 per day fine each day up to compliance or \$1,000 maximum fine is reached*

February 2021

Charter of the Enforcement Appeals Committee (EAC) and Responsibilities of the EAC in the Compliance Process

WHEREAS, the Board of Directors has determined that the best interests of the Association and its members would be served if certain of the Association's activities in achieving compliance with the Association's Covenants and Restrictions (C&R's) and Rules and Regulations were supervised by a committee of members; and,

WHEREAS, the Board of Directors within their authority has the responsibility to establish such committees and charge those committees with duties and responsibilities; and,

NOW THEREFORE LET IT BE RESOLVED, that there shall be a standing committee chartered as the Enforcement Appeals Committee.

The primary responsibility of the Turnberry Enforcement Appeals Committee (EAC) is to facilitate compliance with the C&Rs, Rules and Regulations, and ARB Guidelines that have been established to enhance the beauty, safety and value of property within the Turnberry neighborhood. The goal of the EAC is to serve as an owner's hearing/appeal committee where an owner may present facts to ask for relief from a BOD imposed fine or suspension for violations of the C&Rs, Rules and Regulations and ARB Guidelines.

The Committee Chairman will be appointed by the Board of Directors (BODs). A minimum of two additional members will be recommended by the Chairman and approved by the BODs. No Committee member can be an officer, director, or employee of the Association, or a relative of a member of the BODs. Neither the Committee Chairman nor any Committee members shall be held legally responsible as a result of their legal actions in enforcing the approved C&R's, Rules and Regulations and ARB Guidelines of the Turnberry community.

RESPONSIBILITIES

1. Be knowledgeable of the C&Rs, Rules and Regulations and ARB Guidelines of the community. Article X, Section 8 of the C&Rs details responsibilities.
2. Be knowledgeable of the Compliance Policy and Implementation Procedures and the responsibilities of the EAC, BODs and Property Manager, MAY Management Services (MM), in each phase of the process.
3. When notified by MAY Management Services, conduct a Compliance Violation Hearing and either vote to approve or disapprove any fine or suspension imposed by the BODs as the result of any violation of the C&Rs or the Rules and Regulations.
4. Make all decisions by majority vote.
5. Review all decisions regarding fines and suspensions with the goal that the same are fairly applied to all residents and are in compliance with the provisions of the C&R's and applicable Florida Statutes.
6. Complete an Enforcement Appeals Committee Action Form for each case heard at each Compliance Violation Hearing and submit to MAY Management Services which will be responsible for maintaining records of all hearings.
7. As appropriate, recommend modifications to the Compliance Policy and Implementation Procedures to enhance the effectiveness of the program.

Note:

Compliance Guide prior to 2017 referenced the Enforcement Appeals Committee (EAC) as the Rules Enforcement Committee (REC). Name of the Committee was changed effective 1/2017.