

RVHOA Board Meeting

Agenda

Date: Tuesday, August 6, 2024

Time: 7:00 PM

Location: 540 Rio Pino N

- Call to Order
- Roll Call
- Approval of April Meeting Minutes
- Treasurer's Report
- Committee Reports
 - Architectural
 - Approvals for Home Repairs
 - Maintenance
 - Replacing Walls of Telephone Poles
 - Landscaping Improvements along Front Fence and Islands
 - Environmental
 - Political & Contractor Signs
 - Speed Limits
- Old Business
- New Business
 - 2024 Legislative Updates
 - Approve Estoppel Resolution
 - Approve Records Retention Resolution
 - Sending out CCRs
- Adjournment

RIO VILLA HOMEOWNERS ASSOCIATION, INC.

Records Retention Policy

This Records Retention Policy (“Policy”) has been adopted by the Board of Directors (“Board”) for Rio Villa Homeowners Association, Inc. (“Association”) on this 13th day August, 2024. This Policy is intended to supplement and used in connection with the Declaration of Deed Restrictions for Rio Villa, recorded in Official Records Book 1856, at Page 630, *et seq.*, of the Public Records of Brevard County, Florida (“Declaration”), Bylaws of the Association, Articles of Incorporation of the Association and any other rules, regulations, policies and procedures adopted by the Association’s Board, as they have or may be amended and supplemented from time to time (collectively the “Governing Documents”).

I. Introduction

- 1) This policy is established to ensure that the Association effectively manages the lifecycle of its records, complies with legal regulatory requirements, and optimizes its recordkeeping practices.
- 2) This Policy is designed to comply with applicable federal, state, and local laws and regulations governing records retention, including but not limited to the Sarbanes-Oxley Act, Health Insurance Portability and Accountability Act (HIPAA), and General Data Protection Regulation (GDPR), where applicable.
- 3) The Association is committed to maintaining records in accordance with these legal requirements to avoid penalties, fines, and reputational damage.

II. Application and Responsibility

- 1) This Policy shall apply to all Association Parties, as that term is defined herein, who create, receive, or maintain records on behalf of the Association.
- 2) The responsibility for implementing this Policy shall lie with the Board of Directors and the Association’s management company, if any. The designated record keeper shall ensure that records are properly stored, maintained, and disposed of in accordance with this policy.

III. Interpretation and Definitions for Policy

- 1) The definitions of the capitalized terms in this Policy, unless otherwise defined herein, shall have the same meaning as those set forth in the Governing Documents.
- 2) “Association Parties” shall mean and refer to the Association’s directors, officers, managers, employees, agents, contractors, subcontractors and vendors and the Association’s management company’s employees, personnel and representatives.
- 3) “Records” shall mean and refer to all records deemed Official Records of the Association, pursuant to Florida Statute 720.303(4) and other records related to the operation, function and maintenance of the Association.

- 4) All provisions of the Governing Documents are incorporated into this Policy. In the event any provision of this Policy conflicts with the Governing Documents, the terms and provisions of the Governing Documents shall control.

III. Purpose and Scope of Policy

- 1) This Policy shall cover all Records, regardless of format (physical or electronic), created, received, or maintained by the Association in the course of its business operations. Records include, but are not limited to, correspondence, contracts, financial documents, meeting minutes, personnel files, and emails.

IV. Retention Periods

- 1) Retention periods for specific types of Records are determined based on legal requirements, industry standards, and business needs. The retention schedule attached hereto as Exhibit “A” shall outline the minimum retention periods for various categories of Records.
- 2) Records must be retained for the period specified in the retention schedule unless extended retention is required for ongoing litigation, audits, or other legitimate business reasons.

V. Website

- 1) The following official records shall be posted on the Association’s website or through an application that can be downloaded on a mobile device, beginning on or before January 1, 2025, and maintained thereafter:
 - a. All governing documents;
 - b. All current executory contracts or documents to which the Association is a party;
 - c. All bids received within the prior twelve-month period;
 - d. The current annual budget and any proposed budget to be considered at the annual meeting;
 - e. The last annual financial report, and any monthly income or expense statements to be considered at meeting;
 - f. Current insurance policies;
 - g. Director certifications for current directors;
 - h. All contracts between the association and any director, officer, corporation, firm, or association that is not an affiliated homeowners association or any other entity in which a director is also a director or an officer and has a financial interest in;
 - i. All contract or documents regarding a conflict of interest or possible conflict of interests;
 - j. Notices and agendas for member meetings posted at least 14 days before such meeting posted in plain view or under “Notices” tab;
 - k. Any documents to be considered and voted upon by members, or listed in the meeting agenda, at least 7 days before meeting; and
 - l. Notices and agendas for board meetings and any other document required for such meeting, posted in conformity with notice requirements in governing documents or statute.

- 2) The website or application must be accessible through the Internet and have a subpage or portal inaccessible to the general public and that is accessible only to owners and Association employees.
- 3) Upon owner written request from an owner, the Association must provide the owner a username and password to access the restricted subpage or portal which contains the official records of the Association.
- 4) Records not accessible to owners under the law shall not be posted to the Association's website or application. If protected information is included in documents required to be posted, the Association shall redact protected information before posting the documents. The Association or its authorized agent is not liable for disclosing protected or restricted information unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

V. Explanation of Obligations

1) Creation and Classification of Records

- Association Parties must create and classify Records accurately and promptly. Records should be maintained in an organized manner to facilitate records inspections by members.
- Records should be categorized according to the retention schedule.

2) Maintenance and Storage

- Records must be stored securely to prevent unauthorized access, alteration, or destruction.
- Physical/paper Records should be stored in designated storage areas, and electronic Records must be backed up regularly.

3) Access and Retrieval

- Association Parties must have access to Records as necessary to perform their duties.
- Records must be retrievable within a reasonable timeframe to meet business and legal requirements.
- Members of the Association shall have the right to access certain Records as provided by Florida Statutes and Association policies regarding same. Requests for access shall be handled promptly and in accordance with applicable laws and Association policies.

4) Disposal of Records

- Records that have met their required retention period may be disposed of, and if so disposed, shall be disposed of securely to ensure confidentiality and compliance with privacy laws.

- Disposal methods include shredding, deletion, or other approved methods to ensure confidentiality where appropriate.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 13th day of August, 2024.

RIO VILLA HOMEOWNERS ASSOCIATION, INC.

Director's Name: _____

Director's Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Director's Name: _____

Director's Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

EXHIBIT "A"
RETENTION SCHEDULE

FINANCIAL RECORDS:

Document Type	Retention Period
Bank Statements	Minimum of seven (7) years
Accounting Records (Ledgers, Journals, etc.)	Minimum of seven (7) years
Tax Returned and Supporting Documents	Indefinitely
Invoices and Receipts	Minimum of seven (7) years
Any other records that identify, measure, record, or communicate financial information.	Minimum of seven (7) years

MEETING DOCUMENTS:

Document Type	Retention Period
Board and Committee Meeting Minutes	Indefinitely
Members' Meeting Minutes	Indefinitely
Other Documents (ballots, sign-in sheets, proxies, and other papers and electronic records related to voting by members)	Minimum of one (1) year

CORRESPONDENCE:

Document Type	Retention Period
General Correspondence	Minimum of seven (7) years
Legal Correspondence	Indefinitely

CONTRACTS AND AGREEMENTS:

Document Type	Retention Period
Contracts and Agreements	Minimum of seven (7) years after expiration
Bids	Minimum of one (1) year

LEGAL DOCUMENTS:

Document Type	Retention Period
Litigation Files	Indefinitely
Title Documents	Indefinitely

INSURANCE POLICIES AND CLAIMS:

Document Type	Retention Period
Insurance Policies	Minimum of seven (7) years after end of policy period
Claims and Adjustments	Minimum of seven (7) years after settlement

MISCELLANEOUS:

Document Type	Retention Period
Plans, specifications, permits and warranties for improvements on Common Areas	Minimum of seven (7) years
Disclosure Summary per F.S. 720.401(1)	Minimum of seven (7) years
Acknowledgements per F.S. 720.3085(3)(c)(3)	Minimum of seven (7) years

RIO VILLA HOMEOWNERS ASSOCIATION, INC.

BOARD RESOLUTION ADOPTING AND AUTHORIZING ESTOPPEL FEE

WHEREAS, TCB Property Management, Inc. ("Management Company") is the corporation charged with the operation, maintenance, management of Rio Villa Homeowners Association, Inc (the "Community"); and

WHEREAS, the Board of Directors (the "Board") is the entity responsible for the operation of the Association; and

WHEREAS, Section 720.3085 I, Florida Statutes addresses the Association's rights and responsibilities as it relates to the preparation and delivery of estoppel certificates; and

WHEREAS, Section 720.30851(I), Florida Statutes provides that an estoppel certificate may be completed by any Board member, authorized agent, or authorized representative of the Association, including any authorized agent, authorized representative, or employee of a management company authorized to complete the certificate on behalf of the Association; and

WHEREAS, Section 720.30851 (I), Florida Statutes further sets forth the information that must be included in the estoppel certificate; and

WHEREAS, Section 720.30851 (8), Florida Statutes provides that the authority to charge a fee for the preparation and delivery of an estoppel certificate must be established by a written resolution adopted by the Board or provided by a written management, bookkeeping, or maintenance contract; and

WHEREAS, the Board is desirous of adopting a resolution to adopt a form estoppel certificate, identify the authorized agents and authorized representatives that may complete the estoppel certificate on behalf of the Association and authorize the Association to charge. a fee for the preparation and delivery of the estoppel certificate; and

NOW THEREFORE, it is resolved that the undersigned, being all of the members of the Board of Directors, unanimously approve the following by written consent.

1. The above recitations are true and correct and are hereby incorporated into this Resolution.

2. The capitalized terms in this Resolution shall have the same meaning as provided in the Charter unless a different definition is provided herein, in which case the definition provided herein shall apply.

3. Any Association Officer or Board member shall be authorized to complete the Estoppel Certificate on behalf of the Association. Additionally, the Association's Manager, together with the Association's legal counsel, certified public accountants, and auditors, shall be considered authorized representatives for purposes of being authorized to complete an estoppel certificate on behalf of the Association.

4. The Management Company shall be authorized to charge a fee for the preparation and delivery of an estoppel certificate. If on the date of delivery of the estoppel certificate for a particular Unit, no delinquent amounts are owed to the Association for said Unit, the estoppel fee shall be \$299.00. An additional fee of \$119.00 shall be charged for the expedited preparation and delivery of an estoppel certificate within 3 days. An additional fee of \$150.00 shall be charged for the preparation and delivery of an estoppel certificate for a particular Unit if a delinquent amount is owed to the Association for said Unit. Unless otherwise authorized by law, a fee may not be charged for an amended estoppel certificate prepared to add additional information to or correct a mistake in the original estoppel certificate.

5. The fee schedule set forth in this Resolution shall be the fee schedule utilized by the Association until amended by further resolution of the Board, provided that such fees may not exceed the amount the Association is authorized to charge pursuant to Section 720.30851 (6), Florida Statutes, as amended from time to time, and adjusted by the Department of Business and Professional Regulation as set forth in Section 720.30851 (9), Florida Statutes, as amended from time to time.

Approved and adopted by the Board of Directors this 6th day of August, 2024.

	Cecil Snipes	President	08-06-2024
Signature	Printed Name	Title	Date

	<u>James Morris</u>	<u>Vice-President</u>	<u>08-06-2024</u>
Signature	Printed Name	Title	Date

	<u>John Stefanelli</u>	<u>Director</u>	<u>08-06-2024</u>
Signature	Printed Name	Title	Date

	<u>Ty Minnix</u>	<u>Director</u>	<u>08-06-2024</u>
Signature	Printed Name	Title	Date

	<u>Al Hagopian</u>	<u>Director</u>	<u>08-06-2024</u>
Signature	Printed Name	Title	Date

	<u>Charles Zahm</u>	<u>Director</u>	<u>08-06-2024</u>
Signature	Printed Name	Title	Date