

Loveland Courtyards Condominium Association

Fining and Grievance Committee Charter

<p>Mission / Purpose:</p>	<p>The Fining and Grievance Committee is a standing committee chartered to advise and assist the Board in determining violations to Association rules and regulation and imposing fines in accordance to Florida’s Condominium Act (Chapter 718).</p>
<p>Responsibility / Process:</p>	<ul style="list-style-type: none"> • The committee shall meet with the Property Manager to discuss any violations in the rules and regulations that are observed and make recommendations to the Board of Directors to consider any changes to the current rules and regulations. • If a violation is to be considered for a fine, the committee documents the violation and meets with the Board at a duly noticed meeting, reviews the matter, and “levies” a fine if deemed appropriate. • After the Board levies the fine, the person to be fined is then entitled to a hearing before the committee. A notice must be received at least 14 dates in advance of the hearing. If the bylaws require other information to be contained in the notice, such as a citation to the relevant document being violated or the proposed amount of the fine, that information needs to be included. • If the association does not hear from the party to be fined or the individual does not actually appear at the hearing, it is my belief that the hearing should still be held. • At the hearing, the committee must afford basic due process and allow the accused to be heard, state their case, and challenge the evidence against them. The committee must then either “confirm” or “reject” the fine. If the committee rejects the fine, the matter is over. • If the committee confirms the fine, the board then “imposes” it. After the board has imposed the fine, a letter should be sent advising of the amount of the fine and the date due. • If the person who owes the fine does not pay, the condominium and cooperative statutes prohibit filing liens. The statute for homeowners’ associations states that no fine of less than \$1,000 can be secured by a lien, meaning that fines of \$1,000 or more can be subject to a lien if authorized by the governing documents. The statute for homeowners’ associations provides that in any legal action to collect a fine, the prevailing party is entitled to recovery of their attorneys’ fees from the non-prevailing party. While the statutes for condominiums and cooperatives do not contain the same language, often provisions of those statutes allow for the recovery of attorneys’ fees for legal actions brought under the statute entitle the prevailing party to attorneys’ fees. Fines are “monetary obligations” and can result in the suspension of voting rights and disqualification from board service. • Fines are capped at \$100 per day and capped at \$1,000 for continuing violations. Homeowners’ association fines may not exceed \$100 per violation unless otherwise provided in the governing documents. There is also a \$1,000 aggregate cap, but again, the governing documents may permit a greater (or lesser) aggregate fine.

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Membership:	<p>The Fining and Grievance Committee shall be composed of no less than three Loveland Courtyards residents who shall be in good standing throughout the term of office. One member shall be appointed Chairperson by the Board and will be the liaison to the Board of Directors. The members of this Committee shall be appointed and removed by the Board at any time, with or without cause. Homeowners do not have the right to appoint themselves to committees.</p> <p>Committee members may not be officers, directors, or employees of the association, or the spouse, parent, child, brother or sister of an officer, director or employee.</p> <p>Membership criteria will include, but will not be limited to, relevant experience, willingness and availability to serve, ability to get along with others, fairness, firmness and ability to function within a team.</p>
Compliance:	<p>The Board has the right and authority to take action and/or make decisions with or without involving any committees and to take action and/or make decisions which are consistent with and/or contrary, in whole or in part, to any committee or subcommittee recommendations, should they see the need. The Board also has the right to amend this Charter, should it be required.</p>
Code of Conduct:	<p>The Fining and Grievance Committee is to strive for the common good of the Association while foregoing personal agendas. Conduct itself above reproach and avoid appearance of impropriety. Interact with respect with residents, Board members, and Community Management. Individual members should not participate in discussion of an application or vote upon its approval if there is a personal conflict.</p>
Meetings:	<p>The Chairman will schedule committee meetings at least quarterly, create an agenda, and record minutes. The Chairman or designated member shall attend Board meetings to review the minutes and answer questions.</p>
Reporting:	<p>The Committee will prepare written meeting minutes and a report of its planned, ongoing and completed activities to the Board at least five (5) days prior to a Board meeting.</p>
Newsletter:	<p>The Committee shall provide regular updates to the Association quarterly newsletter as requested by the Board of Directors.</p>
Reports To:	<p>The Board of Directors</p>
Term:	<p>Term will continue if he/she is a member of the committee and will end upon his/her resignation or removal from the committee.</p>
Budget & Expenses:	<p>The Committee's budget will be determined by the Board of Directors on an annual basis.</p>