

# LakeRidge Falls

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07-14-2022

Here are the more important stories we had this past and upcoming weeks:

**Capital Contribution** – During its last meeting, the Board of Directors revisited the issue of capital contribution. Without going into too many details, just kidding as we will go into lots of them in a second, a capital contribution, or capital improvement as it is also known, is a one-time fee charged to new homeowners, when buying into a new community. You see, most homeowner associations have assets, such as air conditioning units, furniture, roofs, gates, clubhouses, pools, roads, etc. To maintain these assets, the Florida legislature requires associations to establish and fund reserve accounts. The logic of reserve accounts is simple: collect and save funds so that when the time comes to replace the roads, for example, you will have the money to do so. If Associations fail to fully fund their reserve accounts, as a side note, then they are left with no other choice but to levy special assessments.

In 2018, the Board of Directors investigated the issue of capital contribution and its merit. After much consideration, the Board at the time concluded it would be only fair to ask new homeowners who buy into a community with well-established and fully funded reserves to contribute their fair share. To make a long story short, the Board then asked the membership, i.e. the homeowners, to vote on amending the LakeRidge Falls' governing documents to allow for the collection of up to \$1,000 in capital contribution fees from new home buyers. Following this, the amendment passed as LakeRidge Falls' homeowners were overwhelmingly supportive of it.

In the past couple of so years, however, the world has changed a little bit, or maybe a lot. COVID led to economical turmoil, which is still being experienced to this day. As we all know, this economical turmoil caused a shortage in goods and services. When supply is low and demand remains the same or goes up, going back to microeconomics 101 and oversimplifying things, then prices go up. Or in other words, inflation of over 9%. Here is how this can impact a homeowner association using a fun and silly example.

Let's assume that there is a homeowner association out there called Boogie Wonderland Community Association (BWCA). Now let's assume this 30-years-old community is composed of 100 homes and during its entire existence fully funded its reserve account titled "Repavement of Community Roads." Let's also assume that the time has come to repave the community roads. However, BWCA has a problem. They saved \$500,000 over the past 30 years but due to a shortage in petroleum prices of bitumen, which is used to repave the roads, went up. Therefore, the company BWCA hired to do the project advised they must increase the price of the project by 10%, or \$550,000. Left with no other choice, BWCA is required to special asset each of its 100 households a \$500. Not a biggie, until we realize this is only one reserve account out of several... see the problem?

LakeRidge Falls' Budget Committee is scheduled to meet in the next month or two to start working on the 2023 budget. One of their tasks will be to look into the increased inflation rates and figure out a way to

adequately fund the Association's operational and reserve needs while attempting to keep to a minimum the financial burden it may have on LakeRidge Falls' homeowners.

One of the ways to keep to a minimum the financial burden increased inflation rates may have on LakeRidge Falls' homeowners is to revisit the capital contribution topic. You see, the 2018 amendment put a \$1,000 cap on the amount that the Association can collect from new home buyers. The problem, however, is that \$1,000 in 2018 is worth much less in 2022. Therefore, the Board of Directors is worried that if not adjusted, the Association may face a situation where capital contribution collections would be pointless, not to say worthless. For these reasons, the Board of Directors started looking during its last meeting into adjusting the cap on the capital contribution fee charged from new buyers.

Because this issue required membership approval, the Board of Directors decided on holding a workshop meeting. The workshop meeting will take place on July 29<sup>th</sup>, 2022, at 2:00 pm in the Clubhouse and on the virtual GoTo Meeting platform, <https://meet.goto.com/461445965> or United States: +1 (224) 501-3412 - Access Code: 461-445-965. Your Board of Directors invites all members to attend this meeting they would love to get your input on the subject at hand. Your participation is important so please plan to attend this important meeting. Thank you in advance for your attention on this matter.

**Palm** – As reported in the past, there is increased concern among professionals and scholars regarding a variety of palm diseases, which may leave Florida palm-less within a couple of decades. Two of the more known diseases are Ganoderma and Lethal Bronzing.

In a document titled "Ganoderma Butt Rot of Palms," Monica L. Elliott and Timothy K. Broschat of the University of Florida describe Ganoderma as a fungus that "degrades the lignin in the lower 4–5 feet of the [palm's] trunk." As they also describe, a "palm cannot be diagnosed with Ganoderma butt rot until the basidiocarp (conk) forms on the trunk, or the internal discoloration of the trunk is observed after the palm is cut down." They conclude by saying there are "currently no cultural or chemical controls for preventing the disease or for curing the disease once the palm is infected." In sum, using simple terms, Ganoderma is a palm disease that can't be prevented or treated and can only be diagnosed only after it is too late. To read more about Ganoderma, please click [here](#).

The other lethal disease is called Texas Phoenix Palm Decline or as it better come to be known Lethal Bronzing. In a similar document published on the University of Florida's website titled "Lethal Bronzing Disease," Brian W. Bahder and Ericka E. Helmick describe it as a type of bacterium that lives "in the part of the plant where sap is transported." Because the bacterium is "transmitted to plants by piercing-sucking insects that feed on the sap," prevention is a challenging task. They conclude by saying that "current data suggests that once palms start showing symptoms, the label rate for the antibiotic oxytetracycline-hydrochloride is not sufficient for symptom reversal." For this reason, the recommendation is that "once a palm shows symptoms and tests positive for the LBD phytoplasma [Lethal Bronzing], it should be removed immediately." To read more about Lethal Bronzing, please click [here](#).

Why do we bring this matter up? Because, and unfortunately, LakeRidge Falls is no exception. Just in the past 10 days, we identified a dozen or so dead or dying palms that had to be removed. The good news, however, is that the Association is well prepared to deal with this unfortunate reality. Some may not be aware of the fact that the idea behind the creation of the Long-Term Landscape Group sparked back in 2015 after the

Association learned most of its Queen and Chinese Fan palms were infected with Ganoderma. In other words, since 2016 the Association has been continually working to ensure it has an action plan and funds set aside to address this matter.

In a continuous effort to grow the Association's pool of knowledge on this issue, the Landscape Committee decided during its last meeting to invite several professionals/guest speakers to better understand current and new trends that may negatively impact Florida's palms. Of course, once meeting dates and times are established, they will be made known to all as Landscape Committee meetings are opened to the membership. Therefore, stay tuned, we would love many of the members to be aware of this intriguing topic.

**Originally Installed Landscape Beds** – On a related issue, LakeRidge Falls is considered to be a maintenance-free community as far as landscaping goes. What does it mean? Here is an attempt to explain it.

Article VI, Maintenance and Repair, 6.1 Maintenance of Lots, (a), of the governing documents, states that each homeowner "must maintain his or her Lot, including all structures, landscaping, and other improvements comprising the Lot, in a manner consistent with the Governing Documents, the Community-Wide Standard, and any other applicable covenants, except to the extent that such maintenance responsibility is assigned to or assumed by the Association pursuant to this Declaration or any Supplemental Declaration or additional covenants applicable to such Lot." Let's take a closer look at this paragraph.

***The Article states that homeowners must maintain their lot based on a Community-Wide Standard unless such maintenance responsibility is assigned to or assumed by the Association.*** In other words, the homeowner is responsible to maintain the lot, i.e. land and building, based on some standard unless the Association assumes or is being assigned this responsibility. A little bit of dry information, so let's dig a little bit deeper into the governing documents maybe we will find some oil.

Article VI, Maintenance and Repair, 6.1 Maintenance of Lots, (b), (i), explains that the "Association shall perform, or cause to be performed, the following on Lots: maintenance (including, mowing, fertilizing, watering, pruning, and replacing, and controlling disease and insects), of all lawns and landscaping installed on the Lot as part of the initial construction on the Lots, specifically excluding landscaping within any enclosed area not readily accessible from outside the dwelling and landscaping added by the Owner or occupants of a Lot after issuance of a certificate of occupancy for the dwelling on the Lot..."

What it means is simple. ***The Association was given the responsibility, under this article, to perform maintenance of all lawns and initially installed landscaping***, for example, the landscaping on the front of every single property in the community. Notice that the landscaping added by homeowners or residents is specifically excluded, for example, landscaping added at the back of one's property after the turnover from the developer to the members. However, this is beside the point. Now, let's talk about the issue we wish to bring up.

So we now know that the Association is responsible to maintain, among other things, the landscape beds in front of residential homes in the community. Now, what happens if homeowners do not like the look of the landscaping or a specific plant at the front of the house?

*Can homeowners simply rearrange the design of a landscape bed, which falls under the maintenance reasonability of the Association, to express their unique individuality or meet their wants and needs?*

The answer is... not really.

You see, Article V, Architecture and Landscaping, 5.1, General, of LakeRidge Falls governing documents state that “...no structure or thing shall be placed, erected, or installed upon any Lot, and improvements or other work (including, without limitation, staking, clearing, excavation, grading, and other site work, exterior alterations or additions, or planting or removal of landscaping) shall take place within the Community, except in compliance with this Article and the Architectural Guidelines.”

In other words, **homeowners are required to submit a request and obtain approval from the Architectural Review Board (ARB)**. What do the Architectural Guidelines have to say about this you may wonder? Good question. Article 12, Landscaping, in General, of LakeRidge Falls’ Architectural Guidelines, revision 10, states that the “objective of the landscaping guideline is the maintenance of an orderly and harmonious community. Therefore, absent ARB approval, changes by owners to the design of front yard landscaping as originally installed or as previously approved by the ARB are not permitted.”

**A straightforward directive that states homeowners cannot remove, rearrange, add, alter, etc anything on their lot without the approval of the ARB.** Harsh, annoying, and unacceptable are the more pleasant adjectives we received through the years when members learn this fact. We will discuss the rationale behind the governing documents in a second, but first, let’s talk about a follow-up question some ask:

*Can homeowners request the Association to replace a plant that they perceived to be unsightly or dead?*

Here the answer is a little bit more complex.

To execute its responsibility under Article V and to ensure a consistent Community-Wide Standard for landscape care, the Board of Directors established years ago a policy regarding landscape maintenance and plant material replacement. This policy ensures that “owners’ concerns about landscape maintenance are heard and responded to in a timely and appropriate manner.” But does it mean that every landscape request submitted will be addressed based on the resident’s expectations? Unfortunately, no.

You see, **landscape requests are handled based on their nature considering three factors: overall design, aka, community-wide-standard, nature of the plant, and budgetary limitations.** In super simple terms, an action would be taken if an action is deemed necessary based on these three factors. It is important to remember that the landscape contractor, i.e. BrightView Landscape, will only act upon direction from the Association as we provide oversight and coordination of all landscape matters.

Now, let’s take a look into these factors:

1. **Overall Design** – As mentioned above, the governing documents speak about the concept of community-wide-standard. The term is defined as: “the standard of conduct maintenance or other activity generally prevailing throughout the community...” The entity that decides what are the standards in the community, as one may guess, is the Board of Directors, of course, based on the recommendations of the Architectural Review Board (ARB) and Landscape Committee. Therefore, residents who wish to have their front yards composed entirely of flowers, as an extreme example,

would be denied because it does not fit into the overall design of the front yards in the community as set forward years ago.

2. **Nature of the Plant** - It is not uncommon for residents to submit a request that involves a highly invasive plant, such as Mexican Petunia, or a request to install plant material from residents' home states. Past experiences have taught us, however, that it is very costly to control the spread of invasive species not to speak about the money invested and lost on plant material that can't handle Florida's draught. Therefore, the Association is using plants it knows are Florida Friendly. In other words, plant material it knows will mature to the desired size, consume less water, and require less maintenance, i.e., mainly pruning and pesticide treatment. This all leads to the next factor which is...
3. **Budgetary Limitations** – The Association has specific line items for landscape maintenance. As one may guess, these funds are not endless, and as such, the Association must ensure only matters that meet certain criteria are addressed. Therefore, residents who desire a larger-sized replacement plant or wish to replace a healthy plant with another may be required to pay for their wish. After all, why should the funds of 398 homeowners, which are designated for the community landscape maintenance as a whole, be used for the personal wants and needs of a single homeowner?!

To sum this long, but hopefully not too boring, article up, LakeRidge Falls is responsible under the governing documents to maintain initially installed landscaping. Changes by homeowners to the design of front yard landscaping as originally installed or as previously approved by the ARB are not permitted. Homeowners who wish to change something in the front yards are required to apply to the ARB first. Landscape requests are addressed based on the overall design, best practices, and within the financial boundaries, the Association established. Of course, we understand that this is a lot to "digest." However, we hope that this information is helpful and more importantly informative. First, thank you for taking the time to read it, and secondly for your understanding and assistance on this matter.

As always, have a healthy and safe weekend.

Sincerely,

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