

HURRICANE PREPAREDNESS FOR ASSOCIATIONS (Don't make promises you can't keep)

The best advice we can give directors and board members of an Association is to have residents rely on and follow the advice of local and state officials when it comes to evacuating. Although it may be noble to try to assist residents during an evacuation, this should not be a formal policy of an association. Keep in mind that emergency vehicles will be garaged in Sarasota County when winds reach 45 miles per hour during a tropical storm watch, roads may be impassible and telephones may not be operational. Residents should not be given a false sense of security that the Association will assist them during the evacuation process. This may be impossible!!!

The following are excerpts from an article written by Jim Faix, CMCA, AMS, PCAM and Property Manager for Argus Property Management, Inc., and instructor for the West Florida Chapter of Community Association Institute (CAI).

Be Prepared

Knowing what to do to protect lives and property may not come easy to some people. A guide is needed to help those on the scene and Directors who are away during the hurricane season, to bring organization back to the community amid the chaos of destruction. People who you have come to rely on may be as hard hit as your own Association following a hurricane. Power and phone lines can be out of service for many weeks. Buildings may be flattened and records may be destroyed. A disaster plan is not only an instruction manual on what to do next, but is also a collection of vital information about the Association that can help the community function following a hurricane.

Creating an Effective Hurricane Plan

The board of directors should assemble vital information and insert it into a book for convenient reference. Once assembled, a copy of the completed book should be given to key individuals in your organization who are the most likely to need it such as the Board Members who live in the community during hurricane season.

Suggested Records for Storage

The Association should store *copies* of any of the records such as insurance policies, contracts, association documents, board of directors and unit owners names, addresses, phone numbers, financial information, banking information and other special documents like blueprint drawings. A pre-hurricane video of the property is a helpful inventory tool and if available should also be stored off site with the information listed above.

Preparation to Make Before the Hurricane Season Begins

- Make sure your finances, accounting records, contracts, insurance policies, and physical plant are in order.
- Inventory the Association's property (a video tape is excellent)
- Review insurance policies for adequate coverage (flood, wind and rain, building ordinance, etc.)
- Purchase materials to secure the common area buildings before a storm threatens, (i.e. plywood, shutters and or protective film, plastic sheeting, nails, etc.)

Clearance Time

Clearance Time: Refers to the amount of time it takes from the time evacuation orders are given to the time the total population evacuating an area could reach the safety of a mainland destination point.

The evacuation must take place during the “Usable Time” that is, the time BEFORE tropical storm conditions reach the area. This generally refers to the time the center, or “eye” of the hurricane will reach land.

If an evacuation order is issued by the local governmental authority for your area, everyone must leave. Clearance times will vary depending upon the storm strength, speed, and where your community is located. Barrier islands, mobile homes, and those in low lying areas will be ordered to evacuate even in category 1 storms.

What You Can Expect About Rescue Efforts

1. Access to affected areas will be controlled. Hazards, such as downed trees and power lines must be cleared. It may take up to several days for emergency crews to reach your area and it may take several weeks before utilities are restored.
2. Tune into local radio stations for advice and instruction about emergency medical aid, food, and other forms of assistance.
3. Have valid I.D available for proof of address for crossing bridges.
4. Avoid driving and sight seeing.

Appoint a Spokesperson

Designate one person to act as a spokesperson to give information to the unit owners regarding the status of the buildings, the extent of damage, and other pertinent information. By having one source of information, the unit owners will have one official version as to what happened.

Emergency Powers of the Board of Directors

Attorneys refer to section 617.0303 of the Florida Statutes where Associations, as not-for-profit corporations are given certain emergency powers. Under this law, an emergency exists if a quorum of the Association’s Directors cannot readily be assembled because of some “catastrophic event.”

In anticipation of, or in any event as defined above, The board of directors of the Association may name as assistant officers, persons who are not board members. These assistant officers shall have the same authority as the executive officers to whom they are assistant, during the period of the emergency, to accommodate the incapacity of any officer of the Association. The board of directors of the Association may also relocate the principle office or designate an alternative principle office or authorize the officers to do so.

During an emergency, notice of a meeting of the board of directors need be given only to those Directors whom it is practical to reach and may be given in any manner, including by a publication and radio. The director or directors in attendance at a meeting shall constitute a quorum.

Association action taken in good faith during an emergency to further the ordinary affairs of the Association binds the Association and shall have the legal presumption of being reasonable and necessary. Finally, an officer, director, or employee of the Association acting in accordance with these emergency Bylaws is only liable for willful misconduct.

Please remember that when the order to evacuate is given, the order should apply to residents, board members and employees of the Association. On Siesta Key essential maintenance staff crucial to the clean-up process for Associations will be issued passes to cross the bridges by the Siesta Key Chamber of Commerce. Please get your staff registered early by contacting Carmen at 349-3800.

For a complete course manual on Hurricane preparedness please contact Jim Faix at the Argus office 927-6464.

∇ Walt Hammerling is a CAM and not an attorney. Please contact your Association attorney for information dealing with your Association. Walt Hammerling is the President of Argus Property Management, Inc. and the Broker of record for Argus Realty Group, Inc. He may be reached at either (941) 927-6464 or at Argusmgmt.com.