

IMPERIAL GOLF ESTATES E-MAIL NEWSLETTER

January 2022 Our Website → www.Imperialgolfestates.org

DECEMBER 2021 MEETING

BOARD OF DIRECTORS

Co-President

Gale Schwartz

gmschwartz@aol.com

Vice President

Tom Harruff

tomharruff@comcast.net

Co-President/Treasurer

Pat McCabe

patleomccabe@gmail.com

Co-President/Secretary

John Mickelson

Mickthecop@aol.com

Directors

Dan Castaldini

dancast1@comcast.net

Deb Frost

debfroste@outlook.com

Jim Wilson

jwilsonige@yahoo.com

Superintendent

Mark Thieme

imperialmarkthieme@gmail.com

The Board meet in person and via teleconference on Tuesday December 14, 2021 at 10:00 am. Notice of the meeting was posted on all community bulletin boards and on our website. HOA members could participate in person or via conference call. All members who have provided us with a valid email address were also sent an email with details on how to join the teleconference.

ANNUAL MEETING AND ELECTION

Our HOA will have its annual meeting at 7:00 pm on January 24, 2022 at the golf course clubhouse. An email giving meeting details will be forthcoming. At this meeting, you will be able to vote for officers of the Board. The candidates for the Board of Directors have completed biography sheets for your review, and these informational packets will be Mailed shortly. The packet mailed to you includes a ballot for your use in voting. You may vote by:

1. Voting electronically.
2. Voting via paper ballot you received in the mail.
3. Voting at the annual meeting.

All votes will be tabulated at the annual meeting with the results announced that night.

Please click on the link below to take you to the electronic voting registration form, this form can be completed electronically and is required to complete the registration.

Click Here → [**Link To Electronic Voting**](#)

You can still vote via paper ballot if you sign up for electronic voting. You are encouraged to sign up for electronic voting as it gives you two options to participate.

SETTING THE RECORD STRAIGHT

Over the past few months, you may have received misinformation regarding the Board of Directors and past actions. Several of these complaints are about Board actions that happened many years ago; prior to all but two of the current members being on the board. Yet, the entire Board has been included in the current misinformation campaign.

Anonymous letters were mailed to many homes in our community, posters were placed inside the club house at the Golf Course, and petitions were circulated door to door. The Golf Club removed the posters immediately after finding them. These letters and posters accuse members of the IGE Board of being part of a “CABAL” that engages in illegal activity and financial misconduct. Your Board wants to clarify some of the issues raised.

Item 1 – Our storage building and repairs

Prior to 2017, IGE rented space in a “storage building” adjacent to the tennis club by the main gate. In 2017, the storage building was purchased by the Board after renting space inside the building for many years. The cost was \$126,800. While some would have you believe this purchase was not done within our Governing documents, this is not correct. The prior Board in 2017 was allowed to spend that amount without a community vote. Some would have you believe that the Board overspent purchasing the building. The Realtor involved at the time informed the 2017 Board in writing about the asking price for the property. There were two other parties wanting to purchase the building. As this was a commercially zoned property, the land and building could have been purchased by any outside commercial entity. Our HOA was lucky enough to be the successful buyer. The purpose of this purchase was to continue to have an on-site location for our equipment to be stored, and to have a place for our maintenance employee to work. Without this building, the 2017 Board, and all future Boards, would have needed to rent an offsite location for our equipment and maintenance work. This would have added time and rental costs to our HOA from then until today.

The current board voted to improve and repair the storage building. This decision to make repairs was made for several reasons. First, because the building needed some general repairs and maintenance. Second, the Board also contemplated if community meetings could be held inside our building, which would eliminate all future costs associated with finding or renting space for our meetings. Repair work began and the board approved \$5,000 for the conference room addition work. The funds required for building repairs, flooring, new insulation, and framing rose to approximately \$12,000 with just under \$4,400 of that amount spent on supplies for the conference room addition. An issue with electrical permits halted the completion of the project. The Board still has all the framing, insulation, and items required to complete the rehab required for us to be able to use the building for our meetings. However, the board has not decided to obtain the needed permits to complete the conference area at this time. The board may consider this in the future.

In summary, the building was legally purchased within the existing HOA rules in 2017. The building needed some work and the funds used for repairs and for planned upgrades were not wasted. The items purchased for the upgrade are still there and the work can be completed if the Board ever decides to do so.

Item 2 – Roadway replacement

There was extensive road work completed in 2019. Reserve funds were used for this work in the amount of approximately \$700,000. This expense depleted our reserves and our yearly dues were increased for 2 years to replenish the reserves. The additional dues fee for the replenishment of reserve funds has since been eliminated. Maintenance projects using reserve funds do not have to go to the community for a vote. These expenses are allowed by a Board vote. Nothing was done that was not allowed by Florida State law or by the IGE governing documents.

Item 3 – Financial Responsibility

The Board's use of HOA funds are generally reviewed by an outside auditor yearly. A copy of these independent outside audits are available for any IGE member to review through our property manager. Audits were not completed in a timely fashion for 2018 and 2019. They have since been completed and certified. The audit for 2020 is also completed. None of these certified audits have ever resulted in the Board being accused of financial malfeasance or mismanagement. There has never been any missing money or financial shortcomings in our audits.

There was a question regarding receipts that was discussed by the present board. Previous to the current board, an allowance was made for missing receipts for small amounts spent on minor routine maintenance and repairs. The current board has since adopted a policy where every receipt is required for every purchase regardless of the amount. Additionally, your Board lowered the amount that can be spent on routine maintenance without prior board approval.

In summary, there is no record of any financial malfeasance or misconduct by this Board or anyone associated with the HOA.

Item 4 - Petition to ban Board members from serving beyond 6 years and Florida Law

A group of residents went door to door with a petition about recalling Board members and barring any Board member from serving beyond 6 years. The petitions were signed by a substantial amount of our residents supporting the ban on any board member serving past 6 years. If enacted, Board members would be permanently barred from serving past 6 years for life. In order for this change in our governing documents, a majority of our membership would have to vote in an election authorizing this change.

Your Board sent the petition for legal review prior to placing it on the ballot. Our legal counsel informed the Board that the petition, “as worded,” is in conflict with Florida State law. Here is the portion of the law in despite.

Florida Statute 720.306 sub 9a reads:

(a) Elections of directors must be conducted in accordance with the procedures set forth in the governing documents of the association. Except as provided in paragraph (b), **all members of the association are eligible to serve on the board of directors.**

Your Board and our legal firm read this law to mean exactly what it says, that “all members are eligible to serve” and therefore cannot be barred from doing so. The law does allow members to be omitted for certain reasons. Paragraph b of the statute states a person can only be ineligible to serve on the Board if:

(b) A person who is delinquent in the payment of any fee, fine, or other monetary obligation to the association on the day that he or she could last nominate himself or herself or be nominated for the board may not seek election to the board, and his or her name shall not be listed on the ballot. A person serving as a board member who becomes more than 90 days delinquent in the payment of any fee, fine, or other monetary obligation to the association shall be deemed to have abandoned his or her seat on the board, creating a vacancy on the board to be filled according to law. For purposes of this paragraph, the term “any fee, fine, or other monetary obligation” means any delinquency to the association with respect to any parcel. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, may not seek election to the board and is not eligible for board membership unless such felon’s civil rights have been restored for at least 5 years as of the date on which such person seeks election to the board. The validity of any action by the board is not affected if it is later determined that a person was ineligible to seek election to the board or that a member of the board is ineligible for board membership.

None of your current Board members fall into category b as outlined. Your Board and our attorney believe Florida Statute 702.306 prohibits this HOA from making the permanent ban from serving on the Board after 6 years as outlined in the petition.

Petition sponsors have asked the Board to still allow members to vote on the issue exactly as worded in the petition, stating people who disagree the wording is illegal could take their own legal action if they disagreed. The majority of this Board disagrees with this logic. The Board has decided to accept the legal opinion of our attorney. This current Board will not be

authorizing a vote to our governing documents that is in conflict with state law and then simply hope we do not end up in litigation afterwards. If you care to review the entire Florida Statute quoted, here is a link.

Click Here To View Video → [**Florida Statute 720.306**](#)

Your board works hard at maintaining Imperial Golf Estates. Our efforts are reflected in the increased value to our homes, the continued desire of people to purchase inside Imperial, and our consistently low dues when compared to similar communities.

It is not an easy task to ensure that all homeowners agree on all actions. However, this Board is confident that we will always endeavor to protect the investment and quality of life we all enjoy within Imperial.

Your Board is not paid. We are your neighbors who have volunteered our time and effort to serve our community. Unfounded accusations of criminal conduct and personal attacks on the Board is not neighborly and is certainly not substantiated in facts or reality.

A Board serves at the will of the community. If the Board is not meeting your needs, they can be voted out of office. We have an election in January. If you are, or are not, satisfied with the current Board, please use your vote at our January meeting to deliver that message.

There will be a new Board in January as some current members have already decided to no longer volunteer and to simply retire from serving our community as a Board member. Even though the petition is not being presented for a vote at this time, you will have a new Board in January and that Board will make any follow up decisions.

Respectfully: Your 2021 Board of Directors.

GIB DISPUTE RESOLVED

In the last Newsletter, we reported that the GIB has possession of a data base with personal information about of our residents. They have this data base which is maintained by our past property manager Sandcastle. The GIB obtained this data for their use in controlling access through the main gate off highway 41. Recently, the GIB used this data base to send an unsolicited email to every member of our community. The GIB Board voted on Monday, December 13, 2021 to once again intrude into member communities with direct mailings to every member.

Your Board objected to the GIB using any personal data of our residents for any purpose other than access to the front gate. Your Board is united to ensure that the private data of our

membership is never again used by the GIB for anything other than access through the front gate.

The GIB has governing documents just like every other community group. Article IV B. of the GIB governing documents specifically states **“Except as provided in this agreement, the GIB SHALL NEVER exercise any powers on the territory of any member.”**

Your board has authorized President Gale Schwartz to coordinate with our HOA attorney to take whatever legal action is required to stop the GIB from using our members personal data, (email or address). The GIB has relented and informed us they will not be using the data base to mail our homeowners at this time. Your Board believes that any of your personal data that is in the GIB’s possession should not be used in any fashion without your specific permission to do so. The GIB has not stated if they intend to use this data base in the future for unsolicited contact of our membership. As such, your Board will continue to object to any future use of your personal data by the GIB, and take whatever legal action is required to protect your private data and stop any additional unsolicited contact from the GIB should they attempt to do so in the future.

A LETTER FROM THE GIB & BOARD COMMENTS

In the December 2021 Newsletter, we included a letter the GIB had requested we share with our residents. This letter has generated many comments on the web site Next Door and within the community. We have included the letter again in this issue along with our comments.

Dear Imperial Residents:

In an effort to reduce the line at the guardhouse, homeowners may now purchase gate stickers for Homewatch and home health aides. Vendors such as pool companies and landscapers may also purchase gate stickers directly at the gatehouse at the times below. These stickers will be active for 1 year. Please see the attached form. Feel free to give a copy to your frequent vendors.

Gate access transponders (stickers and remotes) are available to purchase at the Imperial Guardhouse on Tuesdays and Thursdays from 9:30am – 12:30pm. Stickers are \$40, and remotes are \$80, payable by check or credit card. **Gate passes will not be available on the 23rd, 28th or 30 due to holiday schedule.**

If you would like to **add a visitor to your list**, there are 3 simple ways that can be done.

1. Call the Guardhouse at **(239) 597-2005** from the phone number you registered in the gate access system and leave a voice message.
2. You may email imperialgolf@sseii.com with your visitor's name and date/ time they are arriving.
3. You may download the mobile app **Checkpoint Resident** to your iPhone or Android. This requires a mobile activation code. You may acquire your code by emailing imperialdevice@sandcastlecm.com. Your login info and code will be emailed to you shortly after. The email may end up in you spam, so be sure to check after a reasonable amount of time. If you are using the website on a computer, you will need to use Google Chrome.

The upgrade to Premium Messaging to receive a text alert when your visitors arrive is complete.

Residents can now send an **SMS Express Pass** from the website and the mobile app. The notification settings are the same except the Carrier Field is not needed anymore and is no longer present on the interfaces. Any website or mobile app user that report the carrier is still present should close out and log back in to apply the changes.

Any other questions or issues you may be having can be addressed by emailing imperialdevice@sandcastlecm.com, with the exception of adding visitors to your list. That can only be done by one of the ways listed above.

Thank you on behalf of the Greater Imperial Board, Nyree Ryan, CAM

Board comments:

Your Board wants to point out several facts regarding this letter and the gate changes. Your Board has not discussed the policy in our meetings because it is a GIB decision and outside the control of our Board. We are only one community of the GIB and get one vote. The other 13 communities, and the Golf Course, also get one equal vote.

The gate guards already allow vendors to enter the community. For the most part, the comings and goings of these vendors is not tracked. By providing a specific pass to them, we can track when they enter our community. This will assist us in ensuring our vendors comply with our rules about the days and hours they are allowed to operate.

Your Board is not taking a position on the GIB's decision. We merely wanted to point out some aspects we think may have been overlooked.

NEXT DOOR WEBSITE

The web site “Next Door” is a great way to communicate with neighbors. However, your Board does not use Next Door for any official purpose. Recently, people have commented on HOA issues using Next Door as the platform. Your Board does not use Next Door for providing members with information. In fact, a significant percentage of HOA information discussed on Next Door is factually inaccurate or lacking context. Board members are usually reluctant to post on Next Door to ensure no one thinks Next Door contains official HOA policy, rules, actions, or positions. Any Board member posting on Next Door is speaking for themselves and not for the HOA. Please bear this in mind when using Next Door or evaluating HOA information posted there.

FINANCIALS - BY TREASURER PAT MCCABE

To: The President, Board and Members of the IGEHOA
From: Pat McCabe - Treasurer

The link provided below will take you to the financial summary that was derived from Vesta’s monthly report to the HOA. The report indicates a financially stable HOA with funds available to meet our operating needs. Vesta will provide the monthly reports in this format henceforward. Financially yours, Pat McCabe, Treasurer

The Internet link below will take you to the Treasurer’s is report which is posted on our web site.

Click Here → **Treasurer’s Report**

COMMITTEE REPORTS

The Maintenance/Beautification Committee, Lake’s Committee, Infrastructure Committee did not meet.

PRESIDENT’S REPORT - BY GALE SCHWARTZ

Items covered in the report include: Walking Path, Bubbler relocation, GIB, petition, and ARB.

The Internet link below will take you to this report which is posted on our web site.

Click Here → **President's Report**

SUPERINTENDENT'S REPORT **BY MARK E. THIEME**

Items covered in the report include: Zach's Lake Bubbler system, sign repairs, Entrada Gate House, and Holiday decorations.

The Internet link below will take you to this report which is posted on our web site.

Click Here → **Superintendent's Report**

COMMITTEES

Your homeowners association has a number of residents who have volunteered to help the Board by serving on committees. These committees are essential for the Board to get input from our membership. We want to thank those people who have stepped forward to serve others. We have the present following committees and membership:

Lakes Committee:

Board Chair – John Mickelson

Caitlin Fortier – Representing Empress Lake residents

Jerry Lowe – Representing Zach's Lake residents

Mark Thieme – IGE Superintendant

Carolyn Bradtmiller– Representing Countess Lake residents

Karen Vincent – Representing Busamark Lake

Infrastructure Committee:

Board Chair – Tom Harruff

John Mickelson - Member

Jim Wilson – Member

Dan Castaldini - Member

Mark Thieme – IGE Superintendant

Maintenance/Beautification Committee:

Board Chair – Gale Schwartz

Judith Perkins – Member

Stephanie Hardy – Member

Georgia McDowell – Member

Pam Myers – Member

Anne Harruff – Member

Mark Thieme – Advisor

Violations Committee:

Board Chair – Tom Harruff

New School Construction and Veteran’s Road Expansion Committee:

Chair - Charlie Litow

Board member – Tom Harruff

Greg Biada – Member

Dan Castalini – Member

Pam Falcigno – Member

P.J. Marinelli – Member

Gary West – Member

If anyone has an interest in serving on a committee, please contact Vesta and let us know what committee you are interested in serving on.

Other Board Assignments are as follows:

GIB Board Representative	Gale Schwartz
Entrada Gate Chair	John Mickelson
Architectural Review Board Chair	Deb Frost
Comcast Representative	Tom Harruff
Newsletter Production	John Mickelson
Website Maintenance	Gale Schwartz & John Mickelson



IMPORTANT NUMBERS TO KEEP HANDY

Sheriff's Office Non-Emergency Number	239-252-9300
Domestic Animal Control	239-252-7387
Humane Society Animal Shelter	239-643-1555
Garbage/Waste Pick Up	239-252-2508
Solid Waste Management	239-252-2508
Code Enforcement	239-252-2440
Comcast	800-934-6489
Naples Daily News Circulation Dept.	239-263-4839
Vesta Property Services	239-947-4552



HOA COMMITTEES & DUTIES

ARCHITECTURAL REVIEW

Deb Frost - Chair

MAINTENANCE AND BEAUTIFICATION

Gale Schwartz - Chair

ENTRADA BACK GATE

Jim Wilson - Chair

GREATER IMPERIAL BOARD REPRESENTATIVE

Gale Schwartz

INFRASTRUCTURE

Tom Harruff – Chair

LAKES

Gale Schwartz – Chair

John Mickelson –Assistant Chair

VIOLATIONS

Tom Harruff – Chair

NEWSLETTER

John Mickelson

WEB MASTER LIAISON

Gale Schwartz & John Mickelson

HOA SUPERINTENDANT

Mark Thieme

HOA WEB PAGE

Web Master – Mike Shields

www.imperialgolfestates.org

IMPORTANT DATES FOR MEETINGS AND ASSESSMENTS

HOA First Quarter Fees - Due January First Of Every Year.

HOA Second Quarter Fees - Due April First Of Every Year.

HOA Third Quarter Fees - Due on July First Of Every Year.

HOA Fourth Quarter Fees - Due October First of Every Year.

HOA Board Meetings - The Board usually meets once a month. The time, location, and format of the meetings are pre-posted on our bulletin boards.

IMPERIAL GOLF ESTATES HOME SALES

As of January 1, 2022

3	Houses Active For sale
0	Pending With Contingency
0	Pending
50	Closed Sales 2021
\$812,948	Average selling price

Average selling price per square foot - \$296.17

