

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

JUNE 2016

Community Interests

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Community Interests

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JUNE 2016

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MINDY MARTINEZ, CIC,
CISR, CIRMS, DCAL,
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2016 CAI PRESIDENT

President’s Message

’TIS THE TIME OF YEAR FOR SAFETY

Can you believe we’re already halfway through the year? Outside, the flowers are blooming, the sun is bursting from behind the clouds, and more people are walking around in flip-flops. At the CAI, we’re so happy that it’s summer. We’re also thrilled that our vision for 2016, E², is starting to gain momentum.

Here’s a quick recap of everything we’ve accomplished so far this year. We hosted three monthly breakfast meetings, each offering an hour of continuing education credit and advanced Dedicated Community Association Leader credit. We’re also reviewing our Nevada Educated Business Partner class to be re-formatted and submitted to the Nevada Real Estate Division, which would offer continuing education for real estate agents. Our goal is to bridge the gap between community managers and real estate agents by way of education. Our media committee has produced two additional online videos—The Do’s and Don’ts of a Board Meeting and So You Think You Want to Run for the Board. Both videos focus on homeowner-to-homeowner education.

Managers, we need your help to spread the word about this free online education for homeowners. You can view the educational videos by visiting our website at www.cai-nevada.com and clicking on the television icon. Additionally, we’ll be hosting an exciting workshop for business partners to create their own classes in July. The goal is to help them have their classes approved by the Nevada Real Estate Division to offer continuing education credits. Whew! Let me pause and take a breath. As I said before, we’re gaining momentum, and we have only six months left in 2016.

Now that summer is almost here, it’s my belief that in addition to celebrating all our accomplishments so far this year, we should take a moment to focus on safety. Safety is an important issue for all our HOAs, and now is perfect time of year to reflect on it. We’ve heard it time and time again: Watch your kids around water. Yet we turn on the news only to hear that another child has tragically drowned. In fact, I recently read a statistic from the CDC stating that drownings are the leading cause of injury death among children ages 1 to 4—

and three children die every day as a result of drowning. The good news? There are many charitable programs that offer assistance for prevention. It’s a good idea to include some of these resources in the newsletters you send to your HOAs. Follow these links for future reference, www.getthehealthyclarkcounty.org <http://sncdpc.org>.

.....
“Safety is an important issue for all our HOAs, and now is the perfect time of the year to reflect on it”
.....

Another summer essential is learning how to beat the heat. Homeowners should have their air conditioners tuned up to ensure their units will survive the warmest season. Never leave your children or pets in a vehicle, as they are even more sensitive to the heat than we adults are. We can all use a reminder to wear sunscreen and cover ourselves with protective clothing, which prevents harmful UV ray exposure and sunburns. We can also schedule our activities in the early morning and later evening hours, avoiding the hottest part of the day. Cool showers can help the body recover when it’s overheated. Finally, since we live in the desert, it’s important to stay hydrated. This means drinking water constantly in the summer months, even when you don’t feel thirsty.

The summer season is a time to celebrate all our accomplishments so far this year. It’s a time to sneak in rest, relaxation and yes — even vacations. Make your fun in the sun as safe as possible by using common sense and remembering that an ounce of prevention is worth a pound of cure. ●

Mindy Martinez



MARY RENDINA
CHAPTER EXECUTIVE
DIRECTOR

Chapter Commentary

I have just returned from the CAI National Conference and let me say, each year Holly Carson and her team continues to out-do themselves. It is always fun to see old friends and make new friends, share ideas and recognize strengths and weaknesses. This year was especially exciting for me personally as I stood on stage in front of hundreds of people to accept the Executive Director of the Year Award. You might be surprised to hear that public recognition is not something I am entirely comfortable with. Those who know me well will tell you I prefer to fly under the radar. Being in the spotlight makes me uncomfortable to say the least. Standing on stage I felt a little like Sally Field when she said, "You like me, you really like me."

I was very surprised, humbled and honored to receive the call from Tom Skiba, CAE, CEO, informing me of the Board of Trustees' decision. The fact of the matter is, there are a handful of other CEDs I could name who are equally as deserving. I could not have accomplished all that I have over the past eight years if it were not for the support of Christina Snow, who I lovingly refer to as "Radar," as well as my support staff Katie Rendina, Gaby Albertson, my Board of Directors and the chapter members who serve on our committees and donate through sponsorship. It truly does take a village so they share equally in my success.

I was in good company as Robert Rothwell, Ph.D., DCAL, one of mine and the Nevada chapter's greatest supporters, received the prestigious Byron Hanke award for those who support education of and research for homeowners and homeowner-led associations.

Thank you to Craig Huntington of Alliance Association Bank for always extending an invitation to myself and other chapter members to Alliance Association Bank's party at conference.

I would be remiss if I did not mention our chapter members Lisa Roberts, PCAM, and Jennifer Ballew, PCAM, who attended conference to receive their designations. Congratulations to Jennifer, Lisa and all our members who worked so hard to receive their designations.

I was honored to facilitate the "Best Practices" roundtable at the Executive Director training on Friday. The roundtable is my favorite session because I gain so much knowledge from my peers and am able to share what best practices contribute to the success of our chapter.

Believe it or not, we have already begun to plan the 2017 chapter party since Las Vegas has once again been chosen as the city for the next conference. You won't want to miss the "Denim & Diamonds" themed party at Gilley's Dance Club at the TI Hotel. Tickets are only \$99 and include a four-hour premium hosted bar, buffet dinner, live band, D.J., line dancing lessons, mechanical bull rides and so much more! You will definitely not want to miss the opportunity to join us as we "Kick the Dust off the Trade Show Floor!"

Warm Regards

Mary Rendina

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Bag Homeless Hunger - One Sandwich at a Time

by Shirl McMayon

What causes homelessness? According to the 2015 Southern Nevada Homeless Census & Survey: "The answer to this question is a complex social issue with a history of stigma dating back to America's beginnings. The first formal documentation of homelessness began in the 1640s, when homelessness was viewed as a moral deficiency, a character flaw, or the punishment for insufficient religious zeal. For example, in May 1729, Philadelphia passed a law allowing citizens to deport local homeless persons. And in 1873, Civil War Veterans suffered derogatory slurs such as 'bums' and 'tramps' after railroad giant Jay Cooke & Company shut its doors, eliminating the main source of employment for soldiers post-Civil War, thus rendering them "homeless." Unfortunately, social stigmatization still continues to play a major role in the perpetuation of homelessness in America. But in the 1980s, an entirely new array of contributing factors surfaced - funding cuts, policy changes and lack of affordable housing.

The 2015 annual estimate for the number of homeless people in southern Nevada was 34,397 - of which almost 5000 are children. That's 1.8 percent of Nevada's total population! We have all seen the homeless in our daily commute around Las Vegas - in all parts of the valley. And if you are like me, you often wonder how you can help. Most people truly want to help; indeed, it is human nature to feel compelled to help when you see someone hungry, cold/hot and homeless.

Fortunately, there are some people who really take action when it comes to helping the homeless - like our local homeless advocate, Tony Sipich. When I talked to him earlier this month, Tony said his father was his inspiration to help the homeless. Tony grew up in Chicago, as the son of a police officer. He speaks of his father's compassion for the homeless and this in turn nurtured Tony's commitment to be kind to those less fortunate. And, as a result, he has



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been feeding the homeless since he was 17 years old where he began by helping to feed people at homeless shelters. He said once he turned 18, and was able to get a driver's license and thus become more independent, he recognized an opportunity to reach farther than the shelters and go out on the streets, in his own vehicle, and deliver something as simple as a sandwich.

Inevitably, in his tenacity to further his individual efforts, in 2004 Tony and a partner started an organization called Homeless Helpers, a non-profit that served more than 20 local non-profit agencies including churches, shelters, U.S. veterans, sober houses, the Urban League, food banks and food pantries – all working together to feed the homeless. Although he worked full-time at Homeless Helpers each week, he paid himself no salary at all. Tony and his small, yet committed, group of volunteers continued to go out on the streets of Las Vegas four nights a week to feed the hungry.

Why at night? As he explained to me, the various programs that offer support and meals for homeless are so regulated and rigid in their daily operations that, in spite of their good efforts, many opportunities are missed or constrained simply by the hours of operation. Most charities feeding the homeless offer their last meal of the day at around 4-5:00 in the afternoon. For those homeless constituents that are fortunate enough to be holding down a job, they often miss the last meal offered, and thus have no source of food until 7:00 the next morning – that's a 19-hour stretch from a noon meal until breakfast the next morning! That's why Tony feeds at night – it is a very high demand hour of need.

As a result of his commitment to feeding the hungry, in 2009 Tony was a finalist in the CVS/pharmacy "For All the Ways You Care" contest. Ironically, in just 2008 the National Coalition for the Homeless placed Las Vegas among the "top 5 meanest cities to the homeless." And then suddenly, Tony's work turned that national bad reputation around, and in the process, he was nominated for a national award – he was one of the top ten of over 4000 candidates for this award. He commented: "Up to now, there's been one side of the story, that Las Vegas is mean to the homeless... we're trying to get out the other side of the story."

As if that weren't enough, Tony is also very active in a program to catch "taggers" – those who spread graffiti on public property. He actually won an award from Las Vegas City Council for catching the most taggers (41) in one year. His reason for this commitment to the pursuit of capturing taggers – "If I'm going to bitch about it, I'm going to do something about it." And I would think he's so successful at it because he's out at night, when taggers tag...delivering sandwiches!

CAI will once again partner with Tony for our summer social outreach initiative. The date is Tuesday, July 19

(see related article for specifics). Our goal is to make 500 sandwiches, bag them along with chips, water and a pickle and then, yes, go out with "Tony Bologna," at night, and deliver the sandwiches directly to the folks who need them. Please mark your calendar to participate in this charitable event – CAI will keep you posted with details.

Although Homeless Helpers is no longer in existence, Tony continues to make sandwiches and deliver directly to those in need. He's been doing this for so long in the Las Vegas area that his constituents recognize his truck and come running when they see him – much like the ice cream truck, I envision. In fact, he now drives a white Nissan Frontier and coincidentally, so do I (with a big company logo on it, however). He commented if we were to use my vehicle to help deliver sandwiches for the CAI outreach event in July, I could easily be incorrectly recognized as "Tony Bologna" and have people running up to my truck ... cheering and smiling ... and always full of gratitude.

Tony refers to the homeless not as "the homeless" but as "our neighbors – just because they don't live next door to us doesn't mean they are not our neighbors." As he puts it, "We all wake up and go to bed under the same sky so we are all neighbors."

In closing, I'll share with you Tony's simple words: "What you do unto the least of those, you do unto me." ●

Have something to share
with other members?

**Put it in the
CAI Nevada Chapter's
What's Happening Page
Or Members' Brag Page**

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A LAS VEGAS NATIVE, OWEN CALVIN HAS BEEN A BUSINESS DEVELOPMENT MANAGER WITH LANDSCAPE FOR THE PAST THREE YEARS. ACROSS ALL ASPECTS OF OUR INDUSTRY, HE ENJOYS BUILDING NEW RELATIONSHIPS AND HELPING OTHERS.

Common Interest Risk Management

by Owen Calvin

Technically speaking, what is risk management? Risk management is the process of identifying and analyzing risk factors with the goal of producing strategic steps and/or procedures that eliminate or mitigate their negative impact.

As community managers, we realize that risk management is an on-going exercise. Each of us must be consummate problem solvers, scanning the horizon for the next potential speed bump or obstacle heading our way. As we all know, these looming risk factors come in multiple forms: regulatory constraints, board members, financial hurdles and physical property hazards, just to name a few.

Below I have outlined some common risk factors we frequently encounter as landscapers. These issues are especially important during the summer months when plant growth and outdoor activities are at their peak.

This, in turn, leads to crisis care. Crisis care consists of removing branches and/or trees after they have fallen, typically due to a high wind event. As you can imagine, falling trees and limbs can pose serious structural and human risk. That said, we strongly recommend that each community reach out to their preferred landscaper or arborist to develop a proactive arbor program that identifies and mitigates the arbor risk within a community. Without a proactive arbor plan in place, communities (not the landscaper) will be held liable should an arbor accident occur.



RISK FACTOR ONE: ARBOR CARE

From a landscaping perspective, we find that inconsistent arbor care is one of the leading hazards for communities. Tree trimming is typically not addressed on a regular interval.



RISK FACTOR TWO: CONCRETE SIDEWALK HEAVING

As communities age, sidewalks tend to develop significant trip hazards. During this aging process, sidewalk panels have a tendency to move. Sidewalks typically move and shift due to two main reasons: 1) tree root growth, and 2) heat expansion heaving. This movement typically results in un-even expansion joints and/or cracks that pose a serious tripping hazard



for pedestrians. While it is a time-consuming process, a regularly planned walk or inspection of the community sidewalks will ensure the identification of these perils. Often times these dangers can be resolved through a simple concrete grinding process. This method is an effective and efficient way to avoid the costly concrete removal and replacement. In certain instances, selective root pruning will also be required. Please consult with your preferred arborist as root pruning can put your trees at serious risk of falling or dying.

RISK FACTOR THREE: PHYSICAL AND VISUAL OBSTRUCTIONS

Physical and visual obstructions also play a critical role in keeping your communities safe for both pedestrians and

vehicular travel. Have your preferred landscape provider pay close attention to plant growth in key areas. Key areas such as sidewalks need to be free of any intruding plant growth. Landscapers and arborists should also keep a close eye on low hanging trees that may impede the sightlines of traffic signs, traffic lights or pedestrian crossings. This is especially important at all intersections. Be sure to take active steps necessary to eliminate a potential blind spot or landscape obstruction.

As we all know, accidents are bound to occur. However, the act of identifying these risks and planning accordingly can dramatically help to prevent them. Please, be safe out there! 🍀

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SARAH MCCALLA,
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Reno Welcomes New Virginia Street Bridge

by Sarah McCalla

To welcome the new Virginia Street Bridge, hundreds of people lined the sidewalks to watch special events including the national anthem, parade of historical vehicles, performances by the Reno Wind Ensemble and remarks by Hillary Schieve, Reno Mayor.

The old, crumbling Virginia Street Bridge, constructed in 1905, needed to be demolished because it was in poor condition and was a safety hazard that caused problems during flooding. The new structure eliminates the center pier, improves flood capacity and reduces the potential for debris to hang up on the bridge during high water. The replacement bridge will also improve walk-ability and continue to foster a vibrant downtown for residents and visitors.

Virginia Street Bridge Project Facts:

- The four-corner lamp posts were

preserved from the original bridge.

- New lighting illuminates the water and the arches.
- The structural design was completed by Jacobs Engineering Group from their Las Vegas office.
- Q&D Construction, the contractor selected for the project, is a local firm with more than 50 years of experience in Northern Nevada.
- The \$18,309,000 construction contract came in under budget with the project completion ahead of schedule.

In addition to the bridge itself, the project also includes a new access to City Plaza. Paolo Cividino of Tutto Ferro was selected to create topographic depictions of iconic locations throughout Nevada in both concrete and metal. The artwork includes representations of Pyramid Lake, City of Reno, Wheeler Peak, the Sedan Crater and the Truckee River Gorge. ●

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RECOGNIZING DR. ROBERT

by Judith Hanson, DCAL

With such an impressive list of credentials (Ph.D., DCAL, a member of CAVC National, a member of CAI National Governance and Public Affairs Committee, a member of Nevada Legislative Action Committee, Community Interests Magazine Committee and Membership Committee, President of The Village Green HOA, plus a former member of Nevada CAI Board of Directors) it is hard to add anything new about Dr. Robert Rothwell. But now we can. At the recent CAI National Convention in Orlando, Florida, Dr. Robert was awarded the prestigious Byron Hanke award!

Dr. Robert is a humble man. There is no better group to reinforce this concept than that of the CAI CAVC (Community Association Volunteer Committee). Dr. Robert was one of about 49 candidates nominated for Distinguished Community Association Board Member of the Year. The basis for the award is to "recognize

the commitment and dedication demonstrated by tens of thousands of homeowner volunteer leaders," says CAI Chief Executive Officer Tom Skiba, "We should never overlook the service and value they provide to their communities and neighbors."

The nominations are divided into six different areas of the country and one international area as well. The areas covered were the Mid Atlantic/Southeast, Florida, the Midwest, the Rocky Mountain Region/Southwest, the Northeast, and the West. There were some exceptional nominations in this group, and Dr. Robert stood out as one of those most deserving to be a recipient of the award.

The judging committee felt that Dr. Robert qualified and, with the approval of the CAI National Board of Trustees, should be the recipient of this award.

Just what is the "Byron Hanke Award"? Presented periodically to honor those who support the education of and research for homeowners associations, it is named in honor of one of CAI's original founders. Although historically presented to an individual, last year this award was presented to the entire Community Associations Volunteer Committee. They were recognized for their support of and participation in the complete renovation of CAI's six-hour homeowner education course, now called the Board Leadership Development Workshop.

His nomination letter from the other members of the board of his own HOA, The Village Green, said it all. "To look at Dr. R, as he is affectionately known, and talk with him, you would never suspect that he is a powerhouse of energy, excellent ideas, fortitude, creativity and innovation."

HIS ACCOMPLISHMENTS ARE MANY AND VERY DIVERSE:

- He was voted onto the board of directors of The Village Green HOA in 2000. He immediately brought cohesiveness to the board.

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- He took it upon himself to visit each family within the community and talked with them about their concerns and comments, emphasizing the positive in everything.
- He encouraged all board members to attend classes through CAI and to work towards their DCAL (Dedicated Community Association Leader) recognition.
- He was responsible for converting 28 acres of grass into desert landscaping and saving the HOA over \$26,000 per month in water costs.
- He was instrumental in establishing an architectural review committee within The Village Green, along with several other active committees as well.
- Other committees which Dr. Robert implemented over the years at The Village Green include: Neighborhood Watch Program, a Welcome Committee, the "Buddy Check System" which encourages phone calls made daily to check on neighbors, "Ride Sharing" for doctors' visits, shopping, etc., and monthly visits to the Veteran's Home in Boulder City to visit those living there and show continual 'thanks' for their service (Dr. Robert is a retired Colonel in the United States Marine Corps).

The list goes on and on!

What I've described above was shared in his nomination letter. It shows he is more than deserving of the "Byron Hanke Award."

But this was not the only nomination Dr. R. received. He received a similar nomination from a business partner in Nevada for whom he has the greatest respect, a respect that is a win-win for both parties. This business partner, also nominating Dr. R for the scholarship award, could not praise him enough for what he has done, not only for his own community, but also for what he has done for Community Association Institute as well.

"Even though retired, he has filled his plate almost 100 percent with common interest community activities and is there to help anyone who needs help. I have never heard him utter one word of negativism about anyone else, even when things are not going the way they were expected." These are strong and commendable words of praise! They are words that I cannot even begin to improve on. I have been around Dr. R. for a number of years now, and both of these quotes identify him to the tee.

Congratulations Dr. R. ●

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ROBERT ROTHWELL, PH.D., DCAL, IS A MEMBER OF CAVC NATIONAL, A MEMBER OF CAI NATIONAL GOVERNANCE AND PUBLIC AFFAIRS COMMITTEE, A MEMBER OF NEVADA LEGISLATIVE ACTION COMMITTEE, COMMUNITY INTERESTS MAGAZINE COMMITTEE AND MEMBERSHIP COMMITTEE, AND PRESIDENT OF THE VILLAGE GREEN HOA

ASSOCIATION MEMBERS NOT VOTING SHOULD NOT BE COUNTED AS 'NO' VOTES

by Robert Rothwell, Ph.D., DCAL

Recently, members of the Membership Committee conducted a survey that included three questions about our chapter magazine Community Interests. A few of those responding mentioned one thing that caught my attention: some more articles that are bordering on the controversial. Well, you asked for it ... so here goes!

We have been deluged in the NEWS about the upcoming Presidential election in September and all that leads up to it. But has anyone been thinking about the 'election' we have when we try to change something in our governing documents? I thought this would be a good time to review voting requirements for amendments to change a homeowners associations' governing documents.

Most original governing documents (CC&Rs, Articles of Incorporation and By-Laws) of community associations were prepared by developer's attorneys for the benefit of the developers ... not for the real benefit of the homeowners who will be living in the communities long after the developer has sold his last unit and is gone.

A problem I find with many of these governing documents is that the voting requirement for future amendments is too high. This can greatly impact the ability of the association to pass future amendments that would benefit the owners and members. A community can get stuck in the "Stone Age" with old developer documents that can have a serious adverse affect on the well being of the community.



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For instance, some developer documents provide no ability for the association to screen prospective tenants and new owners to prevent undesirables from moving in. Others are very vague when trying to describe who maintains what parts of the buildings, the lots, or the common areas; owners or the association? Also, the documents are often wide open when it comes to the amount and types of pets and vehicles that are allowed. This is because the developer wanted to 'sell' the community as quickly as possible to anyone who came forward with a signed contract and money at closing. Many times the developer couldn't care less about the type of folks who would be moving in.

In addition, laws have changed in many areas since the original developer documents were created which could put the board in trouble if it follows the outdated documents. The association and its board can be doing something illegal when they follow their outdated documents because the laws have changed. Unfortunately, some members of different boards of directors do not stay current about NRS 116 and are not aware of the changes so they don't even know they are doing anything wrong. Would that EVERY board member received the DCAL training!

In order to prevent these problems, usually the first thing that needs to be changed in the original governing documents is the amendment requirements so future amendment voting approval won't be so difficult to obtain.

Most developer documents require the approval of three-fourths of all of the mortgage holders or homeowners for an amendment to pass. That means that if you have a 100-unit association you may need 75 "yes" votes for an amendment to pass.

This is a large number of votes to get even if you are mailing out proxies.

As we know, some residents are often out of town in faraway places. If someone does not return their proxy, they will be counted as a "no" vote even if they would have supported the amendment had they known their vote was really important. In fact, usually when you ask those who did not vote if they would have supported the amendment had they voted, the overwhelming answer is "yes."

In our association we found that when proxies are sent out about thirty days in advance of a vote, around 70 percent of the people return their vote. In the example above, even if everyone who returned their vote (100 percent of the proxies returned) voted yes, the amendment would not pass because we would be five votes short. The 30 non-votes (no proxies returned) turned into "no" votes and killed the good amendment.

To overcome this "no" vote voting problem, we have found that the best thing to do is at the first amendment attempt, the three-fourths of all voting interest requirement needs to be changed to "two-thirds of only those who vote" ... in person, or by proxy, at a special or annual members meeting. Once this amendment is approved, for future amendments you will only need the percentage of those who actually vote. For example, if seventy percent of the members returned proxies, you would only then need two-thirds of seventy percent or forty-seven 'yes' votes of the seventy votes returned for a future amendment to pass. Obtaining this type approval percentage is doable.

It is a shame that good intentions of the board and a vast majority of the homeowners go down the drain because a developer's documents voting requirements require a non-vote to always be counted as a "no" vote.

When you go to the polls in November, remember that non-voters don't count in any government elections. It is those who vote who determine who our next governmental leaders will be. Likewise it should be those who vote in our community associations who determine how our communities will operate. ●





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WHY THE SUPER PRIORITY LIEN IS SO IMPORTANT ...

A true story from the early days! Brookside Condos in Framingham, MS

Shared by Marilyn Brainard

In my specific case, the condo complex is Brookside in Framingham where prices dropped more than 90 percent from 1986 to 1992 (is the best example). We joined the property around 1989.

.....

Prices dropped more than 90 percent from 1986 to 1992.

.....

On the collection side, when we were given the delinquent list it looked upside down ... 161 owners were past due out of 180, with about 50 owners past 90 days. The board did approve basic collection work, but not foreclosures, as only the handful of investors who paid cash had any equity. So spending legal fees to foreclose on the first mortgage, only to wipe out the Condo Lien, made no financial sense with so many owners past due. Services had to be cut, as the restricted payment stream barely covered basic services (i.e. insurance, snow plowing, common area electricity and natural gas to heat the common hot water).

The first drop in pricing occurred when the developer's last 21 condos, out of 180, were auctioned off by the bank. The condos, all studios, just over 400 square feet, had just sold for \$54,000. At the auction, after no one bid for the entire block, the condos, one by one, sold for around \$17,000. This was a drop of more than 67 percent!

Over the next 2-3 years, the prices continued to drop all the way down to a low of \$5,000, as investor owners just walked away from the property. The few resident owners could not walk away, as they had all signed personally and were trapped in a property where service levels were cut.

By late 1992, it was unclear how the condo association was going to exist, as we had to pay bills slower and slower, often getting behind on the common electric and common natural gas hot water bills.

Then, over the strong opposition of the banking lobby, the Super Lien passed at the very end of the year and went into effect in the spring of 1993. By the end of 1993, due mostly from the Super Lien law, a sea change had occurred. The banks were paying, service levels were beginning to return, which helped increase property values. Those rising property values helped the banks, even those that foreclosed, as they lost less at the auctions. The banks also learned that the Condo Associations could do the foreclosure faster and at lower costs than the banks' foreclosure process.

Thus the banks were positive about the outcome of the super-lien ... rising property values, higher common area service levels, plus lower legal fees and faster removal of an owner who had given up / abandoned their condos. Kevin Kiely, from the banking lobby, was in fact shocked on how well the Super Lien law actually worked.

In summary, teamwork between the banks and condo associations, via the Super Lien law, has created a win-win-win-win outcome for the banks, the quasi-governmental agencies, the condo association and the vast majority of home owners who pay their condo fees on time. ●



DONNA TOUSSAINT,
DCAL, IS VICE-
PRESIDENT OF CAI
NEVADA CHAPTER

Simple Summer Safety Tips

by Donna Toussaint, DCAL

Summer is upon us and it is a time when family and friends get together to have outdoor BBQs, go camping and have picnics. There is nothing more fun than eating outside. Sounds pretty simple doesn't it? But wait, it may not be as simple as it sounds. The last thing you need is to spoil a special occasion by having someone get sick because you didn't follow simple food preparations.

Make sure your hands and the food preparation area is clean. Foods that should stay cold should be in coolers and if you are using mayonnaise keep it at the proper temperature. Have enough coolers with ice or frozen gel packs to store perishable foods. Pack all foods right from the refrigerator into the coolers to maintain a constant cool temperature.

Do not cross contaminate food. Raw meats, poultry or seafood should be kept in a separate cooler that should not contain vegetables or other foods. Cook all meats to their proper temperature and eat all cooked foods within an hour or two of cooking them. Meats that are partially cooked should never be placed on the same platter as cooked meats. Never partially grill extra meat or poultry for later use. Once you start cooking, cook all meat completely until the juices run clear. Ground meat like hamburgers should not be pink inside. After grilling your burgers let them

rest for a few minutes and make sure that the internal temperature is 160 degrees During the resting time the temperature remains constant or continues to rise which destroys harmful germs.

Perishables should be eaten within two hours after serving and don't leave food out while you are swimming or hiking. Never leave perishable foods out for afternoon nibbling.

When camping, make sure you have water for cleaning, paper towels or moist towelettes to wash hands. When spending time outside make sure you use sunscreen and reapply often, sunburns can be painful, especially for our children and grandparents. ●

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Managers Earn New Designations

CONGRATULATIONS TO ALL THE MANAGERS WHO EARNED NEW DESIGNATIONS THIS YEAR! PICTURED AT NATIONAL CONFERENCE IN ORLANDO IS JENNIFER BALLEW, PCAM, FIRSTSERVICE RESIDENTIAL, AND LISA ROBERTS, PCAM, REAL PROPERTIES MANAGEMENT GROUP, BOTH EARNING THEIR PCAM. ROBERT ROTHWELL, PH.D., DCAL RECEIVED THE PRESTIGIOUS BYRON HANKE AWARD FOR THE SECOND YEAR IN A ROW.



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ALICIA SYVERSON
IS WITH STEAMATIC
RESTORATION &
CLEANING AND A
MEMBER OF THE
EVENTS COMMITTEE

Let's Help "Tony Bologna" Make Sandwiches for the Homeless in Las Vegas

by Alicia Syverson

If you just read about "Tony Bologna," you are no doubt inspired to help!

The events committee has coordinated an effort to help Tony make sandwiches for the homeless on Tuesday, July 19. Sandwiches will be made at the CAI office, then delivered to the homeless later in the afternoon. Times are still tentative, but look to be at the CAI office around noon, delivery about 3 to 4 that afternoon.

If you cannot help on July 19, consider donating items needed for the bags. Below is a list of things needed. Please pledge donated items as soon as possible and bring them to the CAI office on Monday, July 18.

If you have questions, contact Alicia Syverson at asyverson@steamaticlv.com.

FEED THE HOMELESS SHOPPING LIST:

- Meat for 500 sandwiches- 2 slices per sandwich, either turkey or ham.
- Sliced cheese, 500 slices, if you can get the kind without the individual papers that is better.
- 1000 slices of whole wheat or white bread, approximately 16 loaves.
- 500 ziploc type bags for the sandwiches.
- At least 500 bottles of water.
- Ice for the ice chests of water.
- 500 snacks of your choice: granola bars, fruit, chips, cookies, crackers.



CAI NEVADA CHAPTER educational media

Two New Videos Have Been Added! Now 7 Educational Videos!

CAI Nevada is proud to announce the launch of Free Homeowner Education!

The one-hour education videos are broken into four 15 minute segments and is available for anyone to use at board meetings! Please go to our Nevada chapter website and click on this logo to view the first video, "Moderating Meeting Madness." Other videos include "Building Community Spirit," "Asset Maintenance & Reserves," "Board Role and Responsibilities" and "Meetings & Elections." www.cai-nevada.org



For more photos, visit our Facebook page! Search CAI Nevada.

May Monthly Breakfast



THE MAY MONTHLY BREAKFAST WAS SPONSORED BY TAYLOR ASSOCIATION MANAGEMENT. WE'D LIKE TO THANK THE EVENTS COMMITTEE FOR COORDINATING THE PANEL DISCUSSING FORECLOSURE INFORMATION UPDATES. THANK YOU TO OUR PANEL RON WRIGHT, MARK COOLMAN, CIRMS, NVEBP, CAMERON CLARK, NVEBP, JOEL JUST, RYAN HASTINGS, ESQ. AND MICHAEL SCHULMAN, ESQ., CCAL, NVEBP.



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ROD BEBER-
CPSI, PARKPRO
PLAYGROUNDS

Who's Responsible for Your Playground?

by Rod Beber-CPSI, ParkPro Playgrounds

I always look back and ponder the relentless questions that get asked. When it comes to the playground equipment found in the common areas of an HOA, who is liable if an injury occurs? A very simple answer to the question: The HOA is responsible for the maintenance and upkeep of the equipment located within common areas.

I have compiled some of the important guide lines below to assure you that they do exist and will be used against you if litigation comes to your doorstep. It's never a matter of "if," but "when" you will have to defend an injury on your property; and when it comes to children's injuries, they are never a small ticket item. If you are having anyone work on your playgrounds, make sure you have done your homework to insure you have the right company, because the difference could cost you!

ASTM stands for American Society for Testing



and Materials. The organization develops over 12,500 voluntary consensus standards. They have over 140 technical standards-writing committees and represent many diverse industries. The committees include producers and users and consumers who have general interest in the products. The following standards are the most important and deal with playgrounds.

- F1487 Public Use Playground Equipment
- F2373 Under Two Play Equipment
- F1292 Playground Surfacing
- F2049 Fencing
- F1816 Drawstrings on Children's Upper Outerwear
- F1918 Soft Contained Play Equipment
- F2088 Infant Swings

The CPSC is another excellent source of research on playground-related safety and is what our safety manual is based on when we work on any playground. They also publish the US public playground safety handbook, an invaluable resource in playground safety. ●

Check out these great sites for additional playground information...

- www.safekids.org
- www.playgroundsafety.org
- www.nrpa.org

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MARK LEON, DCAL, IS BOARD PRESIDENT OF MOUNTAIN'S EDGE MASTER ASSOCIATION.

Rooftop Solar – Now What?

by Mark Leon

In case you missed it, there was a tsunami in Nevada late last year. The devastation was immediate and complete. Homeowner rooftop solar was wiped out, along with over a thousand jobs¹, and millions in lost commerce. In December of 2015, the three member panel of the Public Utilities Commission of Nevada (PUCN), all appointed by Governor Brian Sandoval and empowered by the 2015 Nevada Legislature (SB 374) to navigate the future of the homeowner rooftop solar net metering program, adopted a set of regulations that literally caused its destruction². The decision was so one-sided for NV Energy and against individual Nevadans that it made international news – Nevada declares war on solar energy. What was the decision?

NV Energy's monthly connection fee was tripled for homeowners who put solar panels on their roofs, and allowed NV Energy to reimburse each

homeowner for just 25 percent of the power the panels produce that is not immediately used, instead of the previous arrangement that credited 100 percent of the extra generated power toward the homeowner's use later that evening or for a future day. Anyone thinking of going solar takes one look at this deal and says "forget it!", and with good reason. But what made the decision so egregious was that the PUCN made the regulations retroactive to the 17,000 Nevadans who had already gone solar.

The reaction was swift and furious. At least a thousand Nevadans twice protested at the PUCN in the middle of a work week³. Governor Sandoval feigned shock and declared his powerlessness to affect the outcome to anyone who would listen. Even NV Energy, sensing a public relations nightmare, pleaded with the PUCN to reverse their decision to make the

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new regulations retroactive⁴. But the PUCN stood firm, though yielded ever so slightly by phasing in the full and permanent activation of its draconian decree over 12 years instead of four.

So how does the PUCN justify its action? After all, the PUCN's own analysts studied homeowner rooftop solar and determined that the benefits, such as feeding power into the grid during long summer days when the price to NV Energy for peak supplemental power is at its highest, and no line loss in energy transmission from solar neighbor to non-solar neighbor, outweighed whatever lost profit was associated with solar customers ultimately purchasing less electricity⁵. The state sponsored incentive program, specifically designed to sunset over time, has diminished to the level that homeowners no longer bother to apply for it. The only remaining solar subsidy comes from the federal government, not Nevada utility ratepayers.

But the Commissioners ignored their own study, and instead relied on a filing by NV Energy that speculated on the profits lost from homes with rooftop solar and did not take into consideration any of the benefits⁶. Further, the Commissioners ignored testimony from their own staff, warning they were "sufficiently uncomfortable with the inputs and the analysis underlying (NV Energy's) marginal cost of service study in these dockets that we will not be relying on it to calculate its proposed rates and would

caution the Commission from relying on it to set rates."⁷ Why did the Commissioners disregard the expert advice of their own staff? No answer.

Now you might think that the PUCN Commissioners hate solar power in general, but you would be wrong. Their decision has no effect on large commercial rooftop solar installations, and indeed that market in Nevada continues to be strong and growing. So why is it necessary for NV Energy to charge defenseless homeowners with their small rooftop solar systems more money to connect to the grid and credit them for a fraction of their extra generated power, but not influential commercial entities with big rooftop solar systems? No answer.

NV Energy generates electricity at its natural gas fueled plants for about 4.4 cents per kilowatt hour, and sells that power to Nevada homeowners for about 11.6 cents per kilowatt hour. The difference in price pays for NV Energy's investment in the infrastructure and affords them some profit. But in the case of homeowner rooftop solar, it is the individual citizen that pays the full freight for their power generating infrastructure, either outright with cash or through a long term lease, yet the PUCN has decreed that NV Energy need only credit 2.6 cents per kilowatt hour for power generated by homeowner rooftop solar. Why does NV Energy and its shareholders get to profit 9 cents per kilowatt hour from infrastructure they didn't pay



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for, when the profit margin from their own plants is just 7.2 cents per kilowatt hour? No answer.

In February of 2016, it was announced that the Crescent Dunes Solar Energy Plant in Tonopah, Nevada, is now fully online. NV Energy is Crescent Dunes' sole customer, and has entered into an agreement to buy the plant's entire output for the next 25 years at 13.5 cents per kilowatt hour, which is more than twice the cost of power from their natural gas fueled plants⁸. How does NV Energy get away with crediting so very little to rooftop solar homeowners for their local power, while paying Crescent Dunes above full retail price for power generated in the middle of nowhere, with tremendous line losses from the great distances the power has to travel? No answer.

The new PUCN regulation has NV Energy crediting rooftop solar homeowners for the extra energy their panels generate in dollars, rather than in accumulated power to be withdrawn later as originally set up in the net metering agreement. Do rooftop solar homeowners now have to claim those dollars as income on their tax returns, and pay taxes on those dollars? Uh-oh. Why did the PUCN make that change? No answer.

Seventeen thousand homeowners in Nevada were duped by the PUCN, NV Energy and the Nevada Legislature into

investing in rooftop solar systems based on conditions that have now changed so profoundly, the very definition of "bait and switch" has been replaced in dictionaries worldwide to reflect the action taken by the PUCN.

This new net metering policy perversely incentivizes solar homeowners to use energy during peak sunlight generation periods, which coincides with the very peak power times when NV Energy wants Nevadans to conserve, in order to minimize the amount of extra energy going to the grid for which the homeowner receives greatly reduced credit. There are newly developed lithium battery systems available for temporary home energy storage, a strategy known as "peak shifting," but the present cost is so prohibitive that the return on investment is decades long, and the benefit somewhat limited. This may change significantly in the near future if the expected drop in lithium battery prices is realized and power control software increases in sophistication.

Nevada citizens are contesting the PUCN decision in the form of ballot petitions and legal action to grandfather in the early adopters of rooftop solar and restore conditions that would again allow homeowners to go solar and purchase less electricity. To be sure, the meteoric rise in investor driven leased solar systems, which caused the 3 percent solar cap set by the 2013 Nevada Legislature

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(AB 428) to be reached in months versus the previous trajectory that put it years away, panicked NV Energy and its shareholders, and had to be on the minds of the PUCN Commissioners. But homeowners recognize that rooftop solar energy works, and they want it.

The future of homeowner rooftop solar in Nevada is bleak without serious intervention by the 2017 Nevada Legislature. This being an election year, voters may want to take the opportunity to interrogate candidates for office as to their stance on rooftop solar, and an equitable net metering program. ●

FOOTNOTES:

1 <http://bringbacksolar.org>, RUNNING TALLY OF ANNOUNCED LAYOFFS AS A RESULT OF THE PUC'S DECISION TO ELIMINATE SOLAR: 1053 as of 2/26/16.

2 Las Vegas Review Journal, Dire warnings issued for rooftop-solar industry after new rates OK'd, December 22, 2015.

3 <http://www.pv-magazine.com>, 1,000 Nevadans protest retroactive changes to net metering, January 13, 2016. Las Vegas Review Journal, Rooftop-solar employees make show of support for referendum, February 8, 2016.

4 Las Vegas Review Journal, 20-year grace period proposed if rooftop-solar customers are grandfathered in, February 5, 2016.

5 PUCN publication, Nevada Net Energy Metering Impacts Evaluation, July, 2014, page 7-8: "We estimate a total Net Present Value benefit of 2004-2016 Net Energy Metering systems to non-participating ratepayers of \$36 million during the systems' lifetimes." Page 146: "This study, however, finds that Net Energy Metering will most likely not increase rates in Nevada."

6 Las Vegas Review Journal, Nevada Power proposes trimming credit for net metering, July 31, 2015.

7 PUCN, Prepared Direct Testimony of Anne-Marie Cuneo, Director of the Regulatory Operations Staff, on behalf of the Regulatory Operation Staff, October 27, 2015, page 13.

8 Las Vegas Review Journal, Solar plant capable of generating night power goes online near Tonopah, February 22, 2016.

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Drowning

by Trina Blackburn

In 2015, drowning was the number one killer of children in Nevada!

In Southern Nevada there are over 105,000 private and 5,000 public swimming pools. We in the community management industry can help raise awareness in our communities that have pools as well as educating our homeowners, many of which have pools in their yards. We can stop these completely preventable deaths.

Southern Nevada, with its warm climate, is a perfect match for water related activities and amenities. With this, dangers associated with water are higher than the national average. Over the past ten years we have lost on average eight children per year. Given this unacceptable statistic, local community leaders and stakeholders got together in 2010 and created the Southern Nevada Child Drowning Prevention Coalition. This organization has elected officials,

aquatics, fire and building safety representatives from all four area jurisdictions. Additionally, Southern Nevada Health District, Medic West, UNLV and private businesses complement each other's efforts to eliminate child drowning.

Water is an attraction to children so it is incumbent upon responsible pool owners to have as many layers of protection as possible. In newer cars, we have more than just seat belts to make us safer in the event of an accident, pools are no different.

We have the cure for the leading killer of our children, it is the A, B, C, and D's of drowning prevention. The following gives guidance on multiple layers of protection around pools.

"A" is for Adult Supervision: Children should always be supervised by an "assigned" adult when in or around water. If there is a group in

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the pool do not assume someone else is watching your child, assign a "water watcher" to continually observe children in pools. If you are hosting a pool party, plan ahead and hire a private lifeguard who is trained in observing and lifesaving procedures.

"B" is for Barriers: Barriers are intended to keep children from getting into a pool. These include fences, self-closing gates, and alarms on doors and windows that have direct access to pools. For pools built after 2004, a secondary barrier is required; recommended on all other pools is a fence between the house and pool. Pet doors also enable a child to get access to the pool, they should be alarmed with a pet friendly release.

"C" is for Classes: Classes consist of swimming and CPR. Every child should learn how to swim and free toddler classes are available at all local government pools due to grants from the Southern Nevada Chapter of International Code Council. Each year swimming professionals offer free CPR classes as well.

"D" is for Devices: Devices include life jackets, life rings and shepherd's hooks to pull someone out of the pool. Make sure to use Coast Guard approved life jackets! DO NOT use inflatable devices to protect children! Inflatable rings give children a false sense of security and do not enable them to swim properly.

In closing, drowning does not happen as we see it in movies. A child's instinct is to take a breath as they go under water, accordingly they are not able to scream for help. Several children have drowned within feet of an adult; the adults thought they would hear the children if they were struggling.

Please share this message with your communities, business partners and any others who have pools and/or children.

You may contact the coalition for more information. They have access to handouts, free and discounted pool safety equipment, and information about where to find free swimming lessons. Go to: www.SNCDPC.org



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Nevada Legislative Action Committee Seeks Members

by Donna Zanetti, Esq.

The Nevada Legislative Action Committee (LAC) is a CAI National committee whose purpose is to advocate on behalf of common interest communities in Nevada for common sense legislation and regulation. LAC is comprised of up to 20 members who are homeowner, community manager and business partner members of CAI. The Nevada chapter board appoints six members to LAC. These appointees are known as "Chapter Delegates." Existing LAC members select the remaining members of the committee who are known as "At-Large Delegates." All LAC members, whether LAC appointed or chapter board appointed are subject to approval by the president of the CAI National Board of Trustees.

To be considered for appointment to LAC, an applicant must be a member in good standing with CAI and remain so during the entirety of the member's term. Unless there is a shortage of applicants, no more than one person per company or association, per membership category, may serve on LAC at the same time.

Most importantly, LAC members must have sufficient time to dedicate to LAC obligations. During the legislative session, which begins in February 2017, LAC members can expect to spend a minimum of 20 hours per month attending meetings, testifying at legislative hearings, reviewing bills and drafting talking points. If you are an officer in LAC, the time commitment is greater. During the legislative session it is not unusual for lawmakers to propose 20-30 bills dealing with community association issues. In addition to time spent directly on legislation, LAC members are also expected to raise funds to pay for the LAC lobbyist and to participate in educational events to raise awareness of LAC and common interest community issues. LAC meets by conference call monthly on the second Monday of the month. Currently, meetings are scheduled for 11:00 a.m.

Persons appointed to LAC generally serve a two-year term and no LAC member may serve more than five consecutive terms. However, this year with CAI National permission, LAC intends to stagger the terms of its members so that in the future there will be continuity when term limits require experienced members to leave the committee. Therefore, some persons appointed in 2016 will serve a one-year term instead of a two-year term in order to establish staggered terms for the committee.

If you are interested in applying for a position on LAC, please complete and submit the LAC Nominee Information Form. You are applying for an "At-Large Delegate" position. The Nevada chapter board has its own process for selecting chapter delegates. If you are recommended for appointment, you will also have to complete a Conflict of Interest form. The one-page application may be downloaded from the Nevada chapter CAI website at cai-nevada.org. From the home page, select "Ask the LAC," and then click on the link to the application.

Please scan and e-mail your applications to Sharon Bolinger, LAC Secretary, at sbolinger@ccmcnet.com. All applications must be received by 5:00 p.m. on July 1, 2016. LAC will select its At Large Delegates at its August meeting and will notify CAI National of its selections by September 2016. If you are appointed to LAC, you will be notified in September and your term will commence at the October 10, 2016, meeting.

Thank you for your interest and we look forward to receiving your application. ●

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