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Community Interests

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

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

President's Message

COMMUNICATION IN THE COMMON INTEREST COMMUNITY

Have you ever heard the term, "Communication is key?" That's because it's true. Whether you're trying to maintain a healthy relationship with your spouse, your child or your community of home owners—you need effective communication to keep your foundation strong.

When it comes to HOAs, the ultimate goal is to keep everyone informed. When people are informed, they become more involved and feel a greater sense of ownership over outcomes. Since board members deal directly with discussions involving HOAs, they are some of our most informed owners and should facilitate communication with others. Thankfully, most management companies also offer a website and newsletter to keep owners informed. This is in addition to all the mailings and notices required by NRS116. We're lucky to have multiple communication channels in place, but we can still do better.

So how can we improve communication among our owners? Here are a few ideas I recently brainstormed. Our board members could host two-part workshops to review CC&Rs and budgets. Most residents don't read through their entire CC&Rs, and therefore violations are created without their knowledge. For example, I just recently learned that residents can't park on the streets in my community. I was given a warning, so of course I immediately referenced my CC&Rs. Lo and behold, my warning was valid: residents can't park in the streets here. After this wake-up call, I was driving around, noticing how pretty our streets are without a bunch of parked vehicles cluttering the view. My point is: had I been familiar with the CC&Rs to begin with, this wouldn't have been an issue. Communicate these regulations to your owners and we'll all be able to enjoy the beauty of our neighborhoods rather than being strapped with violations.

There are many other vehicles of communication to consider: Facebook, Twitter, LinkedIn, Nextdoor and e-mail campaigns via Constant Contact or MailChimp. Before board of directors' elections, send a letter or e-mail blast explaining the position responsibilities and the time commitment for each job on the board. Just recently, my HOA sent an e-mail – and posted on Nextdoor—that there were two break-ins and vehicle vandalisms in the neighborhood. It was bad news, but great information to share with residents instantly via social media. Bringing everyone together to look for suspicious activity provided a sense of community among us.

When it comes to communication, it's also important to think outside the box. In-person communication may be old-fashioned, but it's still the best way to connect with your homeowners. Our new management company will be hosting an event where we'll mix and mingle with neighbors, the company and security. My HOA is also currently working on putting together a Welcome Kit for new homeowners. It's something tangible that people can interact with, see and touch. Communication is an art, not a science. That means you might have to go through some trial and error to identify what works for your HOA. I promise you - the effort is well worth it.

Mindy Martinez

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Editorial Exclamations

Communication sounds like such a simple thing. We all do it every day! But, how well we communicate is an entirely different matter.

How well do we communicate with our spouses, our significant others? With our friends, children or grandchildren? Do the people we talk with truly understand what we are saying to them? Are they listening? Now, throw in your HOA and community. Do they truly “get” the message? Maybe not so simple after all!

This month’s issue of *Community Interests* focuses on the topic of communication. Tips on how to improve both verbal and written communication have been provided by professionals as well as leaders with years of experience.

Our own Dr. Robert Rothwell lays out some vital suggestions for verbal communication both from the perspective of a board president or the board members themselves in *Creating a Level Playing Field*. Obviously, using concepts that can be adapted to any situation.

Lynda Towers discusses why you should, and how to, set up a *Communications Committee*; Joe Jackson provides tips on *Building Community One Task at a Time*; Don Schaefer articulates his Windex theory in *How Transparent is Your Community?* All of these fine articles lay out practical steps to improving communication.

Jeff Pope and John Ayler, Esq., both address written forms of communication. Pope’s article, *Crafting a Better Newsletter*, provides some basic guidelines to crafting a newsletter with eye appeal. Ayler exposes some startling potential problems for HOAs in *What Do You Mean We Have to Allow Unit Owners to Publish Information on the Association’s Facebook Page and Newsletter?*; lengthy title, but valuable information in today’s oftentimes, bewildering world of technology.

Communication is necessary. Effective communication is vital! As you read through this month’s issue think about how you too can sharpen your communication skills. It’s worth the effort!

Vicki Niggemeyer



VICKI NIGGEMEYER
COMMUNITY
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Crafting a Better Newsletter

By Jeff Pope, CMCA

Someday soon, we may get all our news from digital devices. The idea of news on paper may become as quaint and archaic as, well, newspapers. That includes our beloved HOA newsletters. Those lovingly-crafted periodicals of life in the common interest community may have to give way to the technological advancements that actually emerged 20 years ago.

More durable than papyrus scrolls and easier to hold than billboards, newsletters are a staple of communication within HOAs. Regardless of what form they take, they will remain so for decades to come.

The trick with any medium always has been – how do you make the message meaningful? I spent nearly a decade in the newspaper business and part of that time designing the layout and special features of each edition. So here are a few tips I learned over the years about making your front page pop without taking up too much of your time.

Obviously, consider going digital. Paper and toner are expensive and so is your employees' time standing over copier and postage machines. An e-mail blast still isn't free in every sense of the word, but there are some overhead savings and you don't get back piles of undeliverable mail reminding you what a waste it all was to start with. HOAs still need some legislative help to shutter the paper pathway completely, but at least you can start by sending the community bulletin via the e-mail trail.

Control the flow. There are numerous studies out there (look it up in print or online if you don't believe me) about how the human eye flows over the printed page from one element (photo, story, chart) to the next. A serpentine (or S-Shape) flow is best as it will allow your readers to look over the entire page in a relaxed manner until they see something that catches and holds their gaze. Stacking articles like blocks on the page is boring and doesn't highlight anything as being more important. An announcement that assessments may be increasing is volumes more valuable to your residents than one about the pool deck being resurfaced.




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Headliners. Headlines are like the monument sign on the side of the road. We need to know what stores are in the building before we pass it by. I've seen newsletters that have no headlines and some that are the same font size as the rest of the information. How was I to know that this information is significant? Put your most important information first and in **big bold type**. Subsequent elements will use slightly smaller font size the further down the page you go.

Choose your words carefully. Messengers get shot. It's what we do. But using the wrong words makes people want to torture you before pulling the trigger. Know the difference in meanings amongst their, there and they're. Be positive in your language and don't chastise rule breakers. We all HATE those evil monsters that don't clean up their dogs' poop. But consider how much nicer it is to live in a community that says: "thank you to all the owners who clean up after their pets. The Association provides doggie stations in the park for those owners who need them." Adding a dozen exclamation points after a sentence doesn't make it important. It simply means you

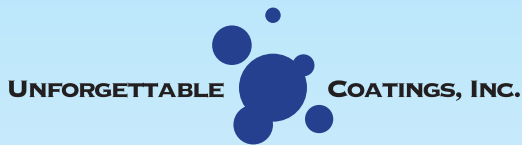


were using up space with pointless punctuation. And most importantly, never, ever trust spell check. Make someone else read your work before sending it out.

Oh My Emoji! There's texting and then there's text. **Text is the most important element of design.** It can be gray and boring, but you can manipulate it to make it pleasing to the eye and easy to read. For example, add paragraph breaks and indentations to help readers recognize the beginnings of paragraphs. Vary the size and align it in several different ways. Finally, add bullets, make certain passages bold or add a large capital letter at the beginning.

You gotta have art. One picture = 1,000 words. Enough said.

Go with the pros. Your local paper may not win many awards for creativity and design, but chances are those folks doing the layout work have graphic design degrees and are using time-honored practices in print design. Look at your newspaper once in a while for ideas. Use the ones you like, because if it appeals to you, it probably appeals to many others too. ☑



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Creating a Level Playing Field

The Art of Communicating

by Robert Rothwell, Ph.D., DCAL

Ever been blamed for something you had no control over?

A few months ago, some board members from another association came to me holding a letter that the president of their board wrote to them. He was accusing them of the shortfall in their reserve caused by unexpected disasters in their community. The three board members, bouncing between resentment, hatred and hopelessness, didn't know how to respond to the long, accusatory letter which blamed them for the failure after failure of the tasks they had been assigned and the expectations that had not been met.



Torn between quitting the board for what they believed to be an unfair, biased assessment ... and staying on the board to show they were very capable ... they asked me, "What should we do? Quit or stay?" My answer was: "Talk it out." "Communicate!"

How could the president have handled the situation differently? There are a number of things he could have done to improve his communication skills.

1 – Consider the situation before taking any action.

Our emotions tempt us to make quick decisions based upon superficial evidence which may not reflect the true nature of the problem. The president assumed that the

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“supposed” poor performance of the other members of the board was due to their lack of effort or attention. He failed to consider that all the board members were responsible for more responsibilities than they were able to handle or had the ability to handle.

2 - Gather and confirm information before making a decision.

Almost everyone has a tendency to confuse “symptoms” with “disease” and consequently treat the symptom rather than the underlying illness. Technology enables us to capture massive amounts of data and slice-and-dice it to make it appear any way we want. But, in this case, the data is a representation of the “symptom” of the problem, not the problem itself. Observing the work of the other members of the board, and talking and listening to them about their responsibilities, might have led to a different conclusion than the one the president reached.

3 - Focus on problems, not personalities.

The president’s memo attacked the character of each member of the board by implying they were lazy and derelict in their responsibilities. The implications intensified the emotional context of the letter, overshadowing its factual content and purpose. The other members of the board of directors, in response, reacted with emotion, without stopping to consider the validity of the facts or attempting to give the president any explanations.

Whenever dealing with any issue that might have emotional content, the “24-Hour Rule” should be in effect: Don’t send any e-mail, message, letter, memo or report to others until you’ve had a day to reflect on its content and are sure it communicates the facts and the tone you wish.

4 - Manage individuals, not groups.

The president’s memo was directed to everyone and no one. The lack of “being specific” enabled each recipient to avoid some personal responsibility, since each felt his own effort had met expectations. As a consequence, the memo failed to get the desired result and aggravated an already touchy situation. Group communications are perfect for providing general information and praise; however, they should not be used for individual direction or criticism. Remember: Praise in public and criticize in private.

5 - Meet the person involved face-to-face.

The meaning and intent of written words without the context of a physical presence is often misunderstood and can lead to confusion and conflict. There is no substitute for looking someone in the eye and seeing the reaction to your conversation to assure understanding and agreement. Successful leaders seek personal commitment, build bridges of trust, pursue mutual respect and shared experience. Be physically available and “walk the walk.” Let your fellow board members know you are with them through the good and the bad.

6 - Assign tasks directly and clearly.

People work best when they know what is expected of them. Good presidents identify the goals in simple, understandable

terms. They assign responsibility unequivocally and confirm that the information is understood by those to whom it is directed. Good presidents follow up and give corrective input to ensure that everyone is on the same page and working toward the same objective.

Up to this point, we have been talking about the actions of the president of the board. Now let’s take a look at it from the point of view of the other board members.

If you are placed in a similar situation, you should:

1 - Never personalize criticism.

Whether you’re giving or receiving criticism, it should be based upon observing the actions and results, not judging the intent. It is impossible to know the motivations behind any action. We can only observe the physical actions and the result of that action. In other words, don’t be too sensitive or defensive when you receive feedback. Consider the information received as intended to get a different result, not a personal attack.

2 - Understand the situation.

In this case, the cause for the criticism was the shortfall in the reserves due to unforeseen disasters. Constructive criticism should be part of a regular board evaluation designed to give everyone feedback. Use the opportunity to build your relationship and get information. Use the evaluation as an opportunity to receive and give insight that might otherwise be missed.

3 - Be understanding.

Whenever you receive what you consider to be an unjustified personal attack or criticism, consider the source and the circumstances before jumping to a conclusion. Unfortunately, people have bad days, and they often respond by “jumping all over” others for little or no reason. When heads are cooler and there is less pressure, contact the person who is “jumping all over” you to learn more about the problem and think about how everyone can be part of the solution.

4 - Learn from mistakes.

No matter who we are, we can and should continue to learn. Throughout our working lives, we will work for and with people of various capabilities and talents. Some we will remember because of their great leadership, while others we will remember because they were followers. EVERYONE can teach us something.

Communication and leadership are learned skills. Effective communicators have experience on both sides of the spectrum, taking directions as well as giving them. By analyzing and being thoughtful in your communications, you can better learn how to lead in whatever position you have. In this way, you’ll create a more productive and better environment for yourself and your colleagues. 📌



JOE JACKSON IS THE ASSOCIATE MARKETING MANAGER, HAMMERSMITH MANAGEMENT, INC.

Building Community One Task at a Time

by Joe Jackson

As a community manager or board member, it can sometimes be easy to focus on the operational functions of managing an association rather than the larger picture: creating a community that homeowners and residents love to live in. Vendors of all sorts must be hired and paid in a timely manner, mailings have to be prepared and sent, rules and regulations have to be enforced, board meetings must be held, and the list of other tasks and situations that arise each day are enough to keep anyone's focus firmly entrenched in the minutiae.

However, being task-oriented isn't a negative trait; in fact, it is oftentimes a strength when it comes to managing communities in an organized fashion. Below are some suggestions to add to your task list in order to increase engagement within your community.

CREATE A NEWSLETTER WITH A REGULAR PUBLICATION SCHEDULE

The number one complaint homeowners living in associations consistently make against their boards of directors and management companies is a lack of communication. Nothing sows a climate of disengagement

and distrust more than when homeowners feel as if decisions impacting their homes and communities are being made behind their backs. That's why it's important to communicate community changes and announcements well in advance of their implementation. A newsletter is a great way to do that.

When designing a newsletter, it's important to work with a graphic designer who knows how to create a visually-appealing product. Visual appeal is important as the content of your newsletter may be valuable and pertinent, but no one will read it if the design isn't inviting. Many management companies may offer newsletter design services in-house and at an additional fee, but there are likely other options both locally and online you can explore as well.

Because technology trends are shifting in favor of digital over print communications, it may also be a good idea to e-mail your newsletter as well. Just remember: consistency in publication is important. Once you establish a pattern, stick to it so homeowners know when to expect the next edition.

BUILD A WEBSITE WITH VALUABLE COMMUNITY INFORMATION

Speaking of technology trends, if your community doesn't have a website, it's time to change that. According to the World Bank, 84.2 percent of the United States population uses the internet, which means that the overwhelming majority of people living within your community likely do as well.

Community websites have multiple functions. On one hand they act as a "sign post" of sorts for potential new homeowners within the community. They are oftentimes a great way to showcase the community's amenities. They can also reflect why the current homeowners love living there, which in turn boosts your community's reputation and

visibility, thus making it a more desirable place to purchase.



The other side of its function is much like the newsletter's: keeping homeowners informed. With a website it's easy to post instantaneous announcements; it's a great way to keep homeowners engaged and informed between editions of the newsletter.

PLAN REGULAR COMMUNITY EVENTS

The last pillar of increasing engagement in your community is a simple one: get people together and talking! A great community event can do wonders for the overall morale of the association, and face to face communication is oftentimes the best way to strengthen relationships within the community.

If you're a board member, it's a good idea to invite your community's manager to community events. This is an opportunity for them to hear directly from homeowners in a situation other than a board meeting, which can sometimes be contentious. It also shows homeowners that their manager is invested in listening to their opinions about the management of their community, and that they're a real person, not just some other "managing agent."

Building community can be as easy as starting one or several simple initiatives, or improving the ones you currently employ to be more effective. Newsletters, websites and events are great ways to increase engagement within your community. Task-oriented managers and boards would do well to add them to their task list. ☑



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LYNDA TOWERS
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COMMUNICATION
COMMITTEE

SCA Communication Committee

by Lynda K. Towers, DCAL

The Communication Committee at Sun City Aliante is composed of a diverse group of individuals. Some have very technical computer skills and others with more traditional skills of communication.

The committee is composed of six members: a liaison representative from the board of directors, and the director and assistant director of Fitness and Events. We maintain and update our Sun City Aliante website. We meet every month offsite between meetings, individually using our personal computers to update and maintain the Sun City Aliante website. We have divided the submenu sections into a list of Web Responsibilities and Duties that are assigned to each committee member. In addition to the demand of the website, we plan and support two functions held twice a year: a new resident mixer and open club event with the help and support of the Fitness and Event Director and Assistant Director; the second function is supporting the Advertiser's Meet and Greet.

FUNCTIONS OF THE COMMUNICATION COMMITTEE:

The function of the Sun City Aliante Communications Committee is to:

1. Assist the editors of the monthly publication known as The Breeze;
2. Develop and maintain a Sun City Aliante (SCA) community website;
3. Review the ways the community association communicates with residents and evaluate their effectiveness;
4. Recommend to the board of directors ways to improve communications within the community, making the best use of available resources;
5. Prepare short and long term comprehensive communications plans for consideration by the board of directors.

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SCA WEBSITE PROJECT:

I am the chairperson of the SCA Communication Committee, and during the last quarter of 2015 and the first quarter of 2016, our committee reformatted and updated our website. We used the current web provider.


We had several special meetings in addition to our monthly meeting to accomplish these tasks which was a three-month process. The web provider provided us with a duplicate copy/test website to do all changes so that our production SCA website could be used during this period.

Our first task was to update the template and design our test website. The new web design was chosen using a process provided by the web provider. The committee chose a new template and design. We changed the look and feel of our website to a modern design since the template had not been changed or updated in six to seven years.

The next step was to reorganize all our menu items under a logical and meaningful **Menu Heading**. This was accomplished by using web provider's **Manage Menu Option** to add our new menu items and then move the correct sub-menu items under the proper **Menu Heading** with the correct data and links. We also had to delete some items and put that data under the appropriate **Sub-Menu Headings**. This process was done by two technical experts to avoid confusion and duplicate efforts if more committee members were involved.

The last and final step was to freeze the production SCA website over a slow time of the month. With proper notice of all residents, we made the test website our production SCA website. We tested every **Menu and Sub-Menu** on the SCA Website. Broken links were fixed. All documents were the most current and all personal information for staff, board members and web staff were reviewed for completeness.

Most members of the committee are volunteers and retired. The director and assistant director of Fitness and Events are employees of the homeowners association's (HOA) management company. We had support from the web provider, the liaison from the board to the Communication Committee, the SCA Board of Directors, the HOA Association Management Company at Aliante, especially the Manager for Sun City Aliante. We had help and patience from all residents during this period. They gave us feedback for improvements to the SCA website.

In conclusion, it was a rewarding experience for the committee and has provided the Aliante community with a modern, easily navigated and understood website. It will be used and understood by the residents of Sun City Aliante. A quote by L. B. Beiker "Leaders who make it a practice to draw out the thoughts and ideas of their subordinates and who are receptive even to bad news will be properly informed. Communicate downward to subordinates with at least the same care and attention as you communicate upward to superiors." 

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Photos will be taken at the CAI office November 9, 14 & 15 in Las Vegas and November 16 and 17 in Reno.





MARION ETTINGER
ARM, RPLU,
INSURANCE ADVISOR
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Independent Contractor or Employee?

by Marion Ettinger

So you think you can “save money” by utilizing an independent contractor vs. hiring an employee? Well, not entirely. Knowing the distinction between the two will be beneficial in determining which

option will be most cost effective for your business.

What's the difference? Below are some key characteristics of each classification.

EMPLOYEE
Usually works for only one employer.
Works the hours set by the employer.
Usually works at the employer's place of business.
May receive employment benefits, such as health and disability insurance.
Works under the control and direction of the employer.
Accomplishes tasks in the manner the employer has requested.
Tends not to incur costs in the work.
Has a general education and experience background; may receive special training from the employer in order to do the job better.
Receives net salary after employer has withheld income tax, Social Security and Medicare tax.
Will likely be eligible to receive unemployment compensation after lay off or termination.
Will receive workers' compensation benefits for any workplace injury.
Generally, (unless employment is “at will”) can be terminated by the employer only for good cause and with notice.
Is covered by federal and state wage and hour laws such as minimum wage and overtime rules.

INDEPENDENT CONTRACTOR
May work for more than one employer.
Sets his or her own hours.
Works out of his or her own office, home or employer's place of business.
Does not receive employment benefits from the employer.
Works relatively independently.
Has the authority to decide how to go about accomplishing tasks, and does so without the employers input.
Incurs the costs associated with performing the job.
Has acquired specialized skills and education, along with an experienced background.
Not subject to tax or FICA withholding, but pays his or her own self-employment tax.
Not eligible for unemployment compensation benefits.
Not eligible for workers' compensation benefits.
Generally, (unless the contract is for a specified term) can be terminated by the employer for any reason, at any time.
Paid according to the terms of the contract; receives no additional compensation for overtime hours.

Remember, misclassification of an individual as an independent contractor may have a number of costly legal ramifications if the independent contractor is discovered to meet the legal definition of an employee, such as:

- Reimbursement of wages, including overtime and minimum wage.
- Payment of back taxes and penalties for federal and state income taxes, Social Security, Medicare and unemployment.

- Payment of any misclassified injured employees' workers' compensation benefits.
- Offer of employee benefits, including health insurance, retirement, etc.

While the choice is uniquely yours as a business owner, it is certainly beneficial to examine when reviewing your overall costs. ☑



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

Northern Nevada Events Gallery

“Northern Nevada Happenings”

It was a busy month in Northern Nevada. Thank you to our members who participated in the Sierra Nevada Donor Walk on September 17, 2016, and to Norm Rosensteel, PCAM, for hosting the after-walk breakfast for our members at his home.

Our Northern Nevada quarterly breakfast, “Surfing the Title Wave of Foreclosures,” was held on September 21, 2016. Thank you to our panelists: Adam Clarkson, Esq., Mark Coolman, CIRMS, Joel Just, Ron Wright and Donna Zanetti, Esq., and to our Sponsor Ken Carteron of Seacoast Commerce Bank.

Thank you to Gayle Kern, Esq. and Ron Wright who presented “Professional Liability” to our managers, and to Donna Zanetti, Esq. who taught the “Neighbor to Neighbor Disputes” continuing education classes to our managers and CAVLs.



CA Day Gallery



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

It was another successful CA Day thanks to many folks who participated: all of our gracious and creative vendors, CAI lobbyist, NRED Ombudsman, our panel experts, and especially the many homeowners who turned out for the annual event.







JOHN W. AYLOR,
ESQ. IS WITH THE
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What Do You Mean We Have to Allow Unit Owners to Publish Information on the Association’s Facebook Page and Newsletter?

by John W. Aylor, Esq.

Associations commonly fail to consider the breadth of the “official publication” requirements of common-interest communities in Nevada, which include the rights of unit owners to publish information on association maintained websites and newsletters. Nevada Revised Statutes (“NRS”) 116.31035(5)(b) defines “official publication” as: “(1) [a]n official website; (2) [a]n official newsletter or other similar publication that is circulated to each unit’s owner; or (3) [a]n official bulletin board that is available to each unit’s owner.” When associations do not have policies and procedures in place to govern what may be placed on an association’s Facebook page or website for example, issues may likely arise when a unit owner requests to publish information on the page that may be offensive, or worse, libelous.

An apparent growing trend among unit owners within common-interest communities appears to

be occurring as unit owners have taken to social media to voice their concerns and/or criticize or even defame an association. In line with this apparent trend, interested unit owners may soon wish to start exercising their rights to publish information to their associations’ membership via the rights provided in NRS 116.31035.

In addition to publications concerning candidacy and ballot questions, the official publication requirements of NRS 116.31035 apply to publications that contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning “issues of official interest.”

The official publication requirements of NRS 116.31035 apply to any “issue of official interest.” NRS 116.31035(5)(a) defines “issues of official

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If an association maintains a Facebook page/account and/or other social media accounts, it is recommended that the association adopt a social media policy or include rules regarding social media in its official publication policy to avoid disputes over what may or may not be posted on the account.

interest” as: “(1) **Any issue on which the executive board** or the units’ owners **will be voting**, including, without limitation, elections; and (2) The enactment or adoption of rules or regulations that will affect the common-interest community.” NRS 116.31035(5)(a) (emphasis added). NRS 116.31035(2) provides the following addressing official publications and issues of official interest:

If an official publication contains the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and under the same terms and conditions, provide equal space to opposing views and opinions of a unit’s owner of the common-interest community.

NRS 116.31035(2). Generally, the executive board of an association votes on any and all substantive issues faced by an association, e.g. entering into contracts and constructing improvements, and as such, those are “issues of official interest.” Furthermore, the statute does not provide any express time constraints concerning when an issue is considered to be one that is subject to the vote of the executive board or units’ owners. Therefore, the discussion of any association issue within an official publication arguably concerns an “issue of official interest.”

When an official publication includes any language additional to the objective identification of an issue of official interest, that language may be considered the “views” or “opinions” of the association, the executive board, a community manager or an officer, employee or agent of an association. Accordingly, the requirements of NRS 116.31035 may easily apply to an association’s official publication.

The requirements of NRS 116.31035 likely apply to an executive board or association management controlled or maintained association Facebook page/account.

If an executive board or association management controls or maintains a Facebook page/account on behalf of an association, that Facebook page/account likely constitutes an “official website” under NRS 116.31035(5). Therefore, the requirements of NRS 116.31035 would apply to any “posts” made on the association’s Facebook page/account by the following: 1) the association itself via the same Facebook account; 2) an executive board member via their personal Facebook account; 3) the association’s community manager via their personal or company Facebook account; or 4) any



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employee or agent of the association via their personal or company Facebook account. NRS 116.31035 would of course apply to any traditional website maintained by an association and would also likely apply to other various social media applications maintained by an association.

If an association maintains a Facebook page/account and/or other social media accounts, it is recommended that the association adopt a social media policy or include rules regarding social media in its official publication policy to avoid disputes over what may or may not be posted on the account.

For instance, the association should have rules in place regarding what “posts” may be made by unit owners and what may be deleted by the association. If the association simply removed or deleted unit owner “posts” at will without any objective grounds in support of its actions, the association may, at a minimum, subject itself to unwanted criticism and attention.

Associations, especially associations that regularly publish official publications, should adopt an official publication policy or rules and regulations governing official publications to prevent disputes over what may be included in a publication and to protect the association from becoming unnecessarily involved in disputes and potential litigation.

Without any objective “terms and conditions” in place, an association’s authority to limit what unit owners may publish

pursuant to their rights under NRS 116.31035 is limited and subject to dispute. In the context of NRS 116.31035, associations that do not maintain official publication policies and regulations arguably do not have any “terms and conditions” to limit what may be published by unit owners. The association could of course argue that the unit owners’ rights under NRS 116.31035 are subject to the same number of words and pages in which the association’s “views or opinions” were addressed. However, without the adoption of a policy identifying such rules, the association’s position would be ripe for dispute and challenge.

NRS 116.31035(4) provides the association, its officers, employees and agents immunity from criminal and civil liability regarding publications made pursuant to their duties under subsections (1-3), i.e. views and opinions of unit owners that they are required to publish. However, the immunity provided under NRS 116.31035(4) does not prevent the association and those protected individuals from being named in frivolous lawsuits or from being required to respond to claims and disputes they may unnecessarily become involved in, e.g. claims that the association published libelous information. In order to prevent the association from becoming subject to disputes over what it may be required to publish in accordance with unit owners’ rights under NRS 116.31035, it is recommended that associations adopt policies setting forth the “terms and conditions” that govern publications made pursuant to NRS 116.31035. ☐

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A Midsummer's Night Dream

Part I of III - "Gala Awards Presentations and Dinner."

by Judith Hanson, DCAL



JUDITH HANSON, DCAL
DIRECTOR CAI BOARD
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DIRECTOR SUN CITY
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DIRECTOR ALIANTE
MASTER ASSOCIATION
TREASURER, THE
FIELDS AT ALIANTE
CAVL, NATIONAL

This year's Gala Committee wanted to build on the successes of the past. Therefore, the Gala Committee, with the approval of our Chapter Board of Directors, has decided to add a few 'new dimensions' to our 2017 Gala.

The time of year is different - June rather than January! The location is different - Smith Center For The Performing Arts rather than the Treasure Island! The format is different - presentation of awards precedes the dinner! Several categories have been eliminated and replaced with new ones - like "Article of the Year!" The nomination process has been enhanced - self-nominations accepted! Criteria and judging has been enhanced!

Here is an example of how the requirements for one award ... ASSOCIATION OF THE YEAR ... have been expanded.

Previously there were three categories for ASSOCIATION OF THE YEAR award: large scale, medium scale and small scale. The committee has decided to change the required number of 'doors' in the association categories, so more associations could be nominated. Under the new requirement, the small scale association would be less than 250 doors ... the large scale association would include 250 doors or more ... awards would be given to both north and south in each category.

Northern Nevada Outstanding Small Scale Association of the year = Less than 250 doors

Southern Nevada Outstanding Small Scale Association of the year = Less than 250 doors

Northern Nevada Outstanding Large Scale Association of the year = 250 doors or more

Southern Nevada Outstanding Large Scale Association of the year = 250 doors or more

These awards will be based on two essays: one describing how your association has enhanced the life of your residents (examples are a community picnic, welcome packet, etc.) worth 60 points; and how your association has been involved with CAI (such as community outreach, submitting magazine articles or teaching CAI classes, etc.), worth 40 points. There is a 25-point deduction if your association won last year. Also note, the essay must be less than 500 words between both sections of the essay and not include any reference that would identify you or your organization.

An explanation of the remaining awards and the qualifications for nominees will be provided in future issues of this magazine, as well as through e-mails sent by our chapter office.

As always, we look forward to an annual event that recognizes the "Best of The Best." ☑

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RICHARD SALVATORE,
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PROVIDENCE HOA

NRED has a New Administrator

by Richard Salvatore, DCAL

In August 2016, the Nevada Department of Business and Industry Director Bruce Breslow announced Sharath Chandra as the newly appointed Administrator of the Nevada Real Estate Division (NRED). Chandra brings more than 16 years of managerial and leadership experience in both public and private sectors, also serving as Vice President and Treasurer of Home Means Nevada, a nonprofit organization created to assist individuals and families at risk of losing their homes.

Chandra attended UNLV receiving his Master's degree in finance, after which he worked at UNLV with educational grants helping students pursue higher education. Prior to joining the State of Nevada, Chandra worked at the Clark County Community Resources Management Division where he administered federal and state grants for affordable housing development. Joining the State of Nevada, Chandra served as the Deputy Administrator of the Nevada Housing Division, responsible for oversight of the daily operations of the agency's Las Vegas office, including administration of all federal and state housing programs, development of single family, multi-family and senior affordable housing.

I recently had the chance to meet with Chandra in his Las Vegas office, where we discussed the mission of the NRED and what the future may bring. "We are providing a service. Administrators come and go. Having a staff that is so dedicated and knowledgeable, who understand our mission, is the key to any successful operation. You give them some priorities and direction then allow them to do what they do best," Chandra said.

NRED is like a tree, and that tree has several branches dealing with regulation, licensing, education and project development. "We are here to help. I believe that partnerships are important. By partnering with developers, community organizations and other government agencies we can then develop the best plan possible. Each brings something to the table, making for a more productive result," said Chandra. We discussed how some people feel frustrated when dealing with government agencies, with the runaround and having to jump through hoops. "I understand how frustrating it can be, with delays and red tape, but by having a proactive approach to finding solutions versus being reactive to situations makes it easier for everyone. The staff and I sit and discuss ways at finding solutions to different scenarios, which avoid delays, allowing the process to progress smoothly.



One branch of NRED created by the State Legislature in 1997 is the office of the Ombudsman, specifically to assist owners in Common Interest Communities (Homeowners Associations) and Condominium Hotels.

"The Ombudsman is a critical piece of the process for homeowners and their associations, getting parties to communicate with each other in an attempt at resolving a dispute. The Ombudsman determines whether a dispute can be settled or should move to the Alternative Dispute Resolution Program (ADR), consisting of the Referee Program, Mediation, or Non-Binding or Binding Arbitration. Before any civil action can be taken regarding a dispute relating to governing documents of a common interest community (homeowners association), the disputing parties must complete the Alternative Dispute Resolution (ADR) process.

When asked about NRED's role down the road, "My plan is to continue the good work of the previous Administrator, making adjustments here and there, continue our partnerships, and ensure a good understanding of homeowners' and board members' issues, and providing accurate information and guidance which may help prevent an issue before it starts. All this while we continue to move forward," explained Chandra.

We wish Sharath Chandra much success with his new position as NRED Administrator. 🇺🇸

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How Transparent is Your Community?

by Don Schaefer, DCAL

Are you tired of attending endless board meetings? Do you find that more homeowners are taking what seems like hours of moaning and groaning to discuss issues that do nothing but add to the frustration in your community? If this is how your board meetings go, then maybe you need to use some WINDEX to get your community and the board totally transparent.

W: This is nothing more than creating a WIN/WIN situation so that homeowners feel they have input to the issues and projects that the board has to take action on. Suggest that your board hold a workshop, which, like a board meeting, is noticed and an agenda is prepared. But unlike a board meeting, no minutes are taken and no action is taken by the board. This forum gives both the board and homeowners the opportunity to listen and ask questions. Homeowners can feel they are now part of the solution and not outsiders. It is an opportunity for the board to listen and openly discuss (not argue) and for the board to better understand what is happening in the community.

I: As a homeowner, you need to stay INFORMED. Communication is vital. If you have a community newsletter, or an online system that owners can log on to, or a place to post notices, take the time to read about what is happening in the community. The more you are aware of things in the community, the more you will feel a part of the process.

N: What are the real NEEDS of the community? This is critical for not only the board to understand, but it will greatly improve how you feel about living in your HOA. Owners are a sounding board for the elected board. Yes, the decisions are made by the board, but they need to be in the best interests of the community. No hidden agenda, just understanding the real needs. If you are informed, you will understand the needs and have an opportunity to work to see how they can be solved.



D: One of the critical steps a board can take is to DELEGATE some of the process to homeowners. Every community, big or small, should have committees. These committees are appointed by the board and each committee has one board member who is a voting member of the committee.

Committees may include: finance, property and grounds, lifestyle, covenants, communications and architectural review. As a homeowner, take the opportunity to volunteer to serve on one of these committees. Even if you don't join initially, you can attend the meeting to see what they do. It keeps the lines of communication open, and while the committee has no decision making power they give feedback to the board.

E: Many homeowners should hear from board members that they are taking various courses offered by CAI. An interesting point is that there is no reason a homeowner cannot take these same courses. EDUCATION is not just for the board, it is for everyone! Educated homeowners can make your community top notch.

Education is generally obtained by taking formal classes, but if you don't have time (a lame excuse) then suggest that the community manager take 10 to 15 minutes at each board meeting to present a topic for the purpose of educating both the board and homeowners. He/she can tell you about changes in the law, discuss how to run a meeting, or provide information on various aspects of your governing documents. This is education for both the board and homeowners.

X: X-FACTOR is nothing more than your community being TRANSPARENT. There is no one thing that will solve every issue, but being transparent in every aspect of what is done will go a long way to making board meetings what they should be. ☐



DON SCHAEFER, DCAL,
LAC MEMBER

Thanksgiving Turkey Drive



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