

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

DECEMBER 2016

Community Interests

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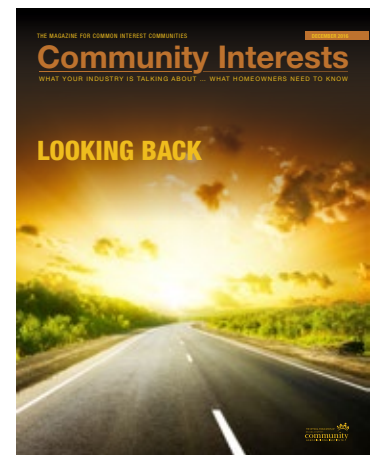
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MINDY MARTINEZ,
CIC, CISR, CIRMS,
DCAL, NVEBP, 2016 CAI
PRESIDENT

President's Message

A YEAR IN THE LIFE: REFLECTIONS FROM THE 2016 CAI PRESIDENT

It's been a pleasure serving as your CAI President for 2016. What a year! At times, it's been challenging, but I've learned so much and grown as a person. Serving as your president has been more fulfilling than I ever imagined. My focus was E²: Education and Engagement. Thank you for learning and engaging with me.

I'll give you a quick recap of the year. First, we started by changing our monthly lunch to a breakfast in southern Nevada. We began offering one-hour continuing education credit hours for managers in attendance, and we also offered advanced DCAL credits for our homeowner member attendees. Our Reno breakfast remained quarterly, but we incorporated the continuing education credits for managers and homeowners. I appreciated your hunger for increased education and awareness.

Second, the CAI distributed zip drives to all manager members loaded with our free educational homeowner-to-homeowner videos. Our purpose was to assist our manager members in educating volunteer board members who are an integral part of our success as an organization. We also hoped to grow our homeowner volunteer membership. Of course, there's still work to be done, but we made significant progress in 2016, thanks to your efforts.

Third, we incorporated new social events this year, including Cinco De Bingo. (Yes, it's as much fun as it sounds!) Plus, we continued our involvement with Candlelighters, Catholic Charities, the Reno Food Bank and the Sierra Nevada Donor Walk. Participating in philanthropic projects is an excellent time to get to know other members.

Fourth, our relationship with the Ombudsman and Real Estate Division was strengthened through various members of our chapter. The CAI Nevada chapter is now the educational resource for the division. This is the first year our CA Day Trade Show was advertised on the Real Estate Division's website. Go CAI!

Please join me in thanking those who created new continuing education classes approved by the Real Estate Division. The CAI hosted a half-day training class to teach our business partners how to write their own continuing education classes to be approved by the division. Our goal was to

flood CAI's Education Committee and Programs Committee with new CE credits for our homeowner and manager members—and we did just that.

No year is perfect. Some proposed ideas didn't come to fruition for various reasons, or they will be showcased in the coming years. We exhausted the idea of implementing our own 60-hour manager licensing class. The Board of Directors decided it was not a feasible investment at this time. We felt like we could have engaged more folks on social media this year. Our goal is to see a social media spike in 2017, and we will be working on specific strategies to do so. We also have a continuing education course for Real Estate Agents in the works. We hope this will help bridge the gap in education on HOAs.

You also might be wondering about this year's Gala. We promise it's going to be bigger, better and loads of fun. The Gala committee has spent countless hours changing the annual awards, criteria and location. Due to the location change to the Smith Center, the 2016 Gala will be held on June 17, 2017. April Parsons, our 2017 president, and I will be sharing the hostess duties at the Gala.

What would I have changed during my year as President? Reflecting back, I wish I'd spent more time recruiting members to run for the Board of Directors. This is our organization, and we need fresh, innovative minds serving our membership. Plus, serving on the BOD is a great learning experience.

That being said, I was truly honored to serve as your president for 2016. During the course of this year, and every year, I ask myself, "What's in the best interest of the association?" Sometimes, it's difficult to satisfy all three groups of membership: homeowners, business partners and managers. Accomplishing this is an ongoing challenge. I have made progress and grown tremendously as a person. As I sat beside my fellow board members, we vetted ideas to achieve harmony among all our membership. I hope to see the CAI continue that spirit of collaboration. A special thank you to Committee Chairs, Co-Chairs and our countless volunteers. Without you, our organization wouldn't exist.

I'm sending you my best wishes for a fruitful and fulfilling 2017. *You've got this!*

Mindy Martinez



Editorial Exclamations

DECEMBER. ALREADY!

Long before mankind learned to read, write and send text messages, our primitive forebears lived off the land as hunters and farmers. Seasons and weather patterns were of paramount concern to their everyday lives.

Two days stood out for them as especially significant: The summer solstice and the winter solstice. The summer solstice produces the longest day of the year and the winter solstice produces the shortest (in the northern hemisphere).

The winter solstice became immensely important. Winter months meant possible starvation if there were not enough stashes of food. Cattle were slaughtered so they wouldn't have to be fed during the winter. Wine and beer had

fermented and were ready to be consumed. The winter solstice was seen as the last opportunity to celebrate before deep winter set in!

Clearly, December has a long history as a month for celebrating! Many celebrations today are faith based. Others celebrate the joy of friends and family. Some just the joy of life itself and the forward progress that seems so clear as one year turns into another.

No matter how you celebrate in December, the entire magazine committee; Mary, Chris and Gaby; and Chuck and Vicki wish all of you a blessed and joyous holiday season

Vicki Niggemeyer



VICKI NIGGEMEYER
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Nevada Legislative Action Committee, a Look Back at 2016

by LAC co-chairs: Norm Rosensteel, CMCA, AMS, PCAM; Donna Zanetti, Esq., PCAM

As a non-legislative session year, one might think that the Nevada LAC had it pretty easy, but that would not be quite accurate. As a committee, we have a long list of accomplishments, in addition to looking into our crystal balls to try to figure out what may be coming up in the 2017 session.

For the last several years, one of our goals has been to become self-funded. Nevada LAC needs to raise between \$60,000 and \$70,000 each year to pay our all-star lobbyist, Garrett Gordon, as well as other expenses. Thanks to our Buck-A-Door program, first spearheaded by LAC member Don Schaefer, and our generous members and contributing associations, we have been able to achieve our financial goal for two years running. As a committee, we all felt that it was important to be funded primarily by the homeowners in this state, and many have stepped up. We can always use more contributions, though, so we can increase our efforts to prevent legislation detrimental to the assessment-paying owners who follow the

rules. LAC members Donna Toussaint and Chuck Niggemeyer also spearheaded several successful fundraisers and set up a donor recognition system.

In 2016, we also established a Nevada Political Action Committee or "PAC." Legislators have been asking CAI for contributions for many years. As a LAC, we are prohibited from making financial contributions to legislators, so we had to establish a PAC to do this. PAC Steering Committee members are: Norm Rosensteel, Tony Ledvina, Adam Clarkson, James Gibson and Melissa Robertson. Thanks to the generosity of all of you in this industry, we were able to raise \$11,000 to contribute to HOA-friendly legislators. Again, we need to keep up this effort so that we can help support those legislators who have supported us in the past.

LAC met with the staffers of all the federal legislators representing Nevada this year to bring to their attention FHFA's ongoing attempts to undermine and repeal our Super Priority Lien rights in Nevada,

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and to gain their support in keeping the federal government out of state issues. We also met with the Nevada Attorney General's office regarding this issue. LAC is participating in meetings with representatives of the banking industry and realtors in preparation for the upcoming legislative session where the Super Priority Lien may again be one of the top issues in the 2017 legislative session.

For the first time ever, LAC presented three state legislators with Legislator of The Year awards for their efforts on our behalf in the 2015 legislative session. Senator Aaron Ford, Senator Becky Harris and Assemblywoman Ellen Speigel were the recipients. Each received a \$500 campaign contribution from Nevada PAC.

As the 2017 legislative session draws closer, LAC is working on a list of proactive changes to NRS 116, reviewing the voting records of legislators, integrating our Grassroots efforts as a part of LAC so that we can work more closely together, assigning topics for magazine articles to LAC members to keep everyone informed each month on "where we're at" and "where we're going," and reviewing CAI National public policies to ensure we are working together for the same goals. Donna Zanetti, LAC Co-Chair, also developed and was approved for CE credit, a one-hour class on legislative advocacy using AB259, the 2015 bill which would have gutted SB 306 preserving the Super Priority Lien, as a case study.

This year we also held LAC elections and implemented a staggered term for everyone so that roughly half of our members are elected each year to ensure continuity from year to year. Welcome to our new members: Greg Kerr, Michael McKelleb, Glen Proctor and Pam Scott. And of course, we can't begin to thank our outgoing members enough for the countless hours of hard work on our behalf. Thank you Robert Rothwell, Michael Schulman, John Stander and David Stone. A special thank you goes out to Kendall Luke and Andy Maiden whose past efforts made our Grassroots team most effective.

Following are the current members of the Nevada LAC committee: Garrett Gordon (lobbyist), Norm Rosensteel and Donna Zanetti (co-chairs), Sharon Bolinger, Marilyn Brainard, Mark Coolman, Michelle Goodell, Gayle Kern, Greg Kerr, Michael McKelleb, Chuck Niggemeyer, Glen Proctor, Sheri Rios, Don Schaefer, Pam Scott, Jeannie Tarantino and Donna Toussaint.

Thanks to all of you for your support of LAC, PAC and Grassroots in 2016 and beyond. We look forward to the upcoming 2017 Legislative session. ☑

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VICKI NIGGEMEYER,
MAGAZINE
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RICHARD SALVATORE,
DCAL, MAGAZINE
CO-CHAIR

Magazine Committee Year-in-Review

by Vicki Niggemeyer and Richard Salvatore, DCAL

It's been a good year for the magazine committee. Even though we lost a few members, we gained new members as well. Mindy Martinez, 2016 president of the CAI Nevada chapter BOD, attended nearly all our monthly meetings and was a valuable part of our success.

Throughout 2016 we continued our Ombudsman's Corner and added a book review option. We pursued news worthy items such as: the super priority lien, squatter issues, water resources in the Las Vegas Valley, news about the solar debate and included a few interviews of local political figures. Our goal from year to year is to always provide relevant articles for our readers.

In addition to writing articles, committee members are also engaged in the copy-editing and proofing of each month's issue.

The committee met in September to develop themes for the entire 2017 year. April Parsons, CAI Board President for 2017, joined us. We welcome

her input and look forward to working with her. April and the committee are committed to making next year's magazine even better.

Vicki and Rich are very grateful for the committee members who give their time to making this a terrific magazine. Thank you: Cary Brackett, Kathe Cameron, Judith Hanson, Tonya Haycock, Lori Martin, Shirl McMayon, Kelly Nichols, Robert Rothwell and Sandy Seddon. A special thank you to Nathan Hess, our magazine design professional, and of course to Chris Snow our devoted CAI Nevada chapter staff member. ☐



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November President's Luncheon



At our traditional President's Breakfast held every November, outgoing CAI Nevada chapter board president, Mindy Martinez, recognized and expressed heartfelt gratitude to many of CAI Nevada's extraordinary sponsors, committee chairs and dedicated leaders.





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Awards Gala Committee, Year in Review

by Jennifer Ballew, CMCA, AMS, PCAM

In January 2016, I stepped into my new role as Chair of the Awards Gala Committee. While I had my own set of expectations that some things would be modified, it would run very much as it had in my prior time on the Awards Gala Committee. At our first meeting I was impressed by how many people wanted to be involved. We had members on the committee that represented board members, community managers and business partners. While everyone had come with very different ideas, there was one significant idea that united us all - we wanted the 2016 Award Gala to be different!

We started with a vision from the 2016 chapter President, Mindy Martinez, of a garden theme that morphed into the theme of Midsummer Nights Dream which has allowed the Smith Center to shine as the backdrop to this annual event. We have changed the format, the time of year and switched up the award categories to add some new ones. Judith Hanson has shared many details and information through her articles in the magazines over the last few months, including one

in this issue. I don't want to say too much more as we do want to save some of the surprises for the event itself.

Throughout the course of this year we have been blessed with so many people wanting to contribute to this event. I want to express my appreciation of the openness and enthusiasm from the Awards Gala Committee as we worked through many of the ideas and suggestions that have led to a great event for all of us to look forward to in 2017.

Thank you to the Awards Gala Committee whose members are: Marlina Short (Co-Chair), Mindy Martinez, Christine Greengrass, Trina Blackburn, Barbara Starnes, Keith Wisniewski, Frank Fimiano, Cheri Mrowicki, Judith Hanson, Amanda Lower, Charlie Olson, Scott Jaegel, Kimberly Snyder and Shani Fazzi. Also, Mary Rendina and Chris Snow have been a huge help with the planning and changes. I look forward to seeing everyone on June 17, 2017! ☑



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Events Committee Recap: Education & Engagement ... Oh, What A Year!

by Sharon Bolinger, SCM CMCA AMS PCAM



SHARON BOLINGER,
SCM CMCA AMS
PCAM, EVENTS
COMMITTEE CHAIR

The Events Committee embraced CAI President Mindy Martinez's vision of Education and Engagement this year by providing excellent programs dealing with education or community engagement each month.

program in November offered a brand new one-hour CE class on LAC Advocacy that got us geared up for the new year and upcoming 2017 legislative session. Hold on to your hats as it is going to be a doozy!

Events Committee also held special social/outreach events during the year.

- In January, we got a sneak peak at the fabulous Las Vegas Arena (T-Mobile) prior to it opening in April.
 - In February, it was a distinct pleasure to have the Mayor of Las Vegas, Carolyn Goodman, speaking to us.
 - In March, our program was The Green \$\$ in your Trees, an informative presentation on tree inventories.
 - The month of April brought our first of many one hour CE classes offered to managers and homeowners – the fundamentals of a Legal Contract.
 - In May, a panel of experts (Attorneys/ Insurance/Collections) provided useful and updated information on the Impact of Foreclosures.
 - In June, we were back to education with a one hour CE class regarding assessment issues and CC&R amendments.
 - We continued with the education theme in July with a one hour CE class on Outstanding Customer Service Tactics for Community Mangers.
 - August brought our eagerly anticipated LAC program where LAC members and our LAC Lobbyist Garrett Gordon provided informative updates and insight into the upcoming 2017 legislative session.
 - In September, we provided our rewarding OPEM program where we recognized and honored those people and organizations that went above and beyond to help others in our community.
 - We finished up the year strong. In October we focused on education with a one-hour CE class on Short Term Rentals. Our President's
- Our first social event was our Cinco de Bingo held at the end of April – an engaging event where everyone enjoyed lots of food, fun, bingo festivities and prizes.
 - In July, we turned to our outreach event of Bagging Homeless Hunger where we made over 500 bag lunches and delivered the lunches to several groups of homeless people throughout the valley.
 - September brought forth our signature charity event, Candlelighters, where once again CAI HOA Champions were the largest team to participate in this worthy charity event.
 - In November, we held our annual charity bowling event (Hawaiian theme) at the Orleans to support Chet Buchanan's Bike & Gift Card Drive to benefit Help of Southern Nevada.
 - November was also the month we provided Thanksgiving Community Outreach at Catholic Charities. We had over 20 CAI volunteers prep food on November 18, we delivered several frozen turkeys (donated by our wonderful CAI members) to Catholic Charities on November 22 and on Thanksgiving Day we had 10 volunteers serve the Thanksgiving meal at Catholic Charities.

A tremendous **THANK YOU** to the entire Events Committee: Sharon Bolinger, Jeremy McClain, Alicia Syverson, Shani Fazzi, Kathryn Pangus, Julie Nagy, Mark Coolman, Amelia Lockwood, Darren Shephard, Shirl McMayon, Regina Pernyak, John Aylor, Keith Wisniewski, Owen Calvin, Donna Toussaint, Matthew Quispe, Kathi Reiha, Michael Cota, Gita Lowell, Chuck Niggemeyer (Education Liaison) and April Parsons (Board Liaison) – OH, WHAT A YEAR! 🍷



CHUCK NIGGEMEYER,
DCAL, VICE-CHAIR
OF THE NEVADA
LEGISLATIVE ACTION
COMMITTEE AND
THE SAGE HILLS BOD
PRESIDENT

Grassroots Initiative: Simple to Engage in, but Mighty in Its Effect

by Chuck Niggemeyer, DCAL

What is Grassroots? Grassroots is not a committee. Grassroots is an initiative developed to give each-and-every homeowner in the state of Nevada a voice during the upcoming legislative session.

Grassroots was organized in 2012 by the Community Associations Institute (CAI) Nevada chapter. This initiative recruits and informs all homeowners about pending legislation, pro and con. These pro/con positions, developed by the Legislative Action Committee ("LAC"), is provided to Grassroots participants so they can pass comments to their Nevada legislators. Thus, making all HOA residents ADVOCATES for their communities.

In a united effort to protect community associations throughout the State of Nevada, the Grassroots Initiative works alongside the state and national divisions of CAI. The goal of the Grassroots Initiative is to deliver a unified message to legislators and

mobilize them against "bad" legislation that could negatively impact Common Interest Communities and support "good" legislation that would be helpful to homeowners and the homeowner association industry.

The 2017 Nevada legislative session starts February 6. There will probably be many contentious HOA issues/bills presented which could affect everyone who lives in the well over 3100 associations in the state! Everyone needs a voice in government, and the CAI Grassroots Initiative provides that voice. Please join the Grassroots Initiative by going to the CAI Nevada website: www.cai-nevada.org and click on the **Advocacy** tab.

Join the Grassroots Initiative today! All you have to do to get involved is send in your name and e-mail address and you are a member of Grassroots. Be sure to make your voice heard! ☑



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Outreach and Bowling Committees Looking Back Through the Year

by Cameron Starner

Here's a recap of two active and energetic CAI committees. It was a great year for both!

OUTREACH COMMITTEE:

Chair – Cameron Starner

- **Food Bank of Northern Nevada** – The CAI Outreach Committee has long been a supporter of the Food Bank. After taking a brief hiatus, we were back to volunteering at the Food Bank once again. We have gone four times in 2016. We have an average of 15 people that join us every quarter, and we're always looking for more volunteers!
- **Holiday Giving** – In 2015, the CAI Outreach Committee raised money and food items for a Thanksgiving Meal Drive, as well as purchasing tickets for the Angel Tree program. Both of these programs benefitted the Virginia Palmer Elementary School in Sun Valley, NV. The Outreach Committee was actually able

to raise excess funds during the Angel Tree Program, and we used that money to assist in paying down the balances for some families in need. While we plan to assist our community during Thanksgiving and Christmas 2016, we are hoping to "share the wealth" and support two separate programs this year.

BOWLING COMMITTEE:

Chair – Cameron Starner

Co-Chair – Valerie Hand

Other Members – Erica Heavrin

- **2016 CAI Bowling** – The theme for bowling this year was Totally 80's, and we had a total blast! A great turnout of over 56 bowlers were able to bowl three games and enjoy the food and cocktails provided by our 10 vendors. After switching up the bowling format for last year, we went back to the traditional bowling format this year with great success. ☑



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A Look Back on Education in 2016

by Greg Toussaint, DCAL, and Kristin Fyler, CMCA, AMS, PCAM

The CAI Southern Nevada Education Committee is a great team that has worked very hard this past year. Here are some things that have kept the committee and the chapter so busy.

Thanks to the hard work of our committee members, and with support from our business partners, we updated all the DCAL classes to bring them current with legislation.

We're really excited about the two new Advanced DCAL classes that the committee added this summer.

- The question of what is and what is not ethical can be hard to nail down. The new Ethical Dilemmas Roundtable Workshop is actually not presented as a class, but instead involves every attendee in roundtable discussions trying to solve different ethical dilemmas. It was thought provoking and very well received by the many attendees.
- We have opened up the Advanced DCAL classes as CE approved classes offered by business partners. Thanks to Adam Clarkson we now have a new Collections in the CIC ADV DCAL class that is up to date with the most recent legislation. Many thanks to The Clarkson Group for their excellent work on such a timely subject.

To all our DCALs, if you haven't yet attended these classes be sure to do so in 2017.

You've probably heard about the Educational Media program that we launched in 2015. It offers free, downloadable videos especially designed to educate those board members who are unable to attend classes. We were so excited with the reception to our first five videos that we've added two new ones. We feel sure you're going to like them equally as well.

- *Board Members We Want You* presents a conversation between an eager new board member and an experienced and, most importantly, educated board member. The video contains a lot of humor, and yet is filled with information that will help any board member understand what the job entails, and maybe more importantly, what it does not.

- *The Do's and Don'ts of Serving on Your Board* demonstrates what can happen when a board is made up of some members who are educated and others who go rogue. It's done in a very humorous way; all acted out by chapter members. Two meetings are portrayed in the video; each followed by a panel reviewing what went wrong and what should have happened. The panel is composed of experienced DCAL board members.

As mentioned, the reception to these videos has been excellent. So if you haven't already done so, why not check them out; you'll learn a lot while also enjoying the fun. They can be streamed free of charge from the CAI NV chapter website.

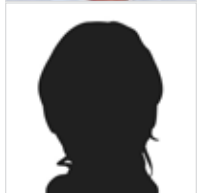
We've made a lot of progress working with the Ombudsman's office to gain support for our education programs. Ombudsman Sharon Jackson agreed to participate in the CA Day education program and even posted links to our CA Day program on the NRED website. She also put a link to CAI's Educational Media video programs which has opened them to access by a much broader audience. Recently NRED streamlined the process of getting CE credit approval for new classes. The Ombudsman can now approve classes directly rather than having to wait for a CICCH Commission meeting to get them approved.

Finally, offering one-hour CE credit classes at our chapter breakfasts has encouraged more managers and homeowners to attend. What a great idea!

We're also pleased that in the past year and a half we have added several new DCALs.

Many thanks to all the speakers and sponsors who made our programs possible.

We're proud of our amazing Education Committee's many accomplishments and look forward to 2017. Thank you to all our committee members: Adam Clarkson, Jerry Barnickle, Andrea Behrens, Ruth Jagodinski, Karen Koch, Mark Leon, Mindy Martinez, Doreen Morgan, Chuck Niggemeyer, Glen Proctor, George Van Oosbree and Kenny Williams. 📺



GREG TOUSSAINT,
DCAL, CO-CHAIR
EDUCATION
COMMITTEE

KRISTIN FYLER, CMCA,
AMS, PCAM, TERRA
WEST MANAGEMENT
SERVICES, CO-
CHAIR EDUCATION
COMMITTEE

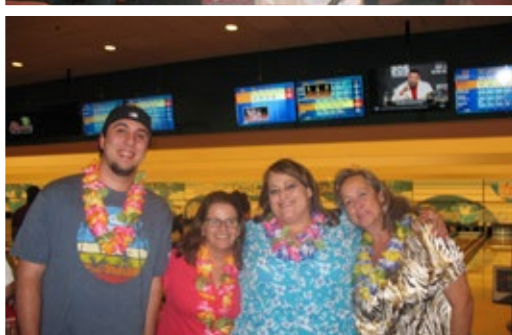
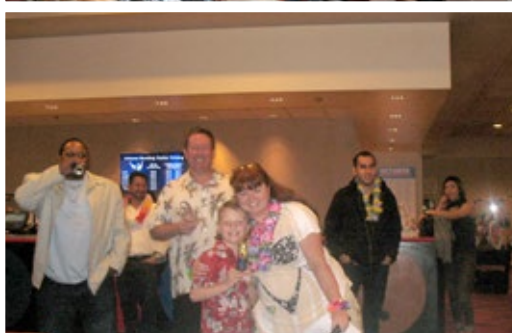
Charity Bowling

It was the next best thing to being in Hawaii (kinda)..... lots of leis, Hawaiian shirts and pretty girls! Several bowlers participated in the Hawaiian Charity Bowling Night with proceeds going to Chet Buchanan's toy drive for HELP of Southern Nevada. Lots of prizes! Lots of fun! You should'a been there!





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





DONNA TOUSSAINT,
CAI NEVADA CHAPTER
TREASURER

Looking Back ...

by Donna Toussaint, DCAL

The future is something that we think we can predict, but we are seldom correct in all of our assumptions.

Sometimes I like to look back and see how well my predictions turned out. Needless to say I was correct in many of my predictions and some not so much. That's the thing with the future, we don't know all that much about it!

Now in my final few months serving on our CAI board, I'm looking back on the last six years and it brings lots of joy and wonderful memories to me. I will miss serving on CAI's Board of Directors. The friendships and relationships I have made will be with me forever. Being involved and having purpose is the key to staying young, and I will continue to serve as a committee member to the various committees that I currently serve on.

During my time on the CAI Board, the thing that has impressed me the most is all the hard-working committees that collectively make our chapter work. Each year, managers, homeowners and business partners working together bring new ideas that make our chapter more effective and responsive to our members' needs. These committees, coupled with our board of directors, the chapter's management and staff along with the support and participation of our members, are what makes our CAI chapter so special.

I have seen our chapter grow in ways I couldn't have imagined. One of the most fun things for me

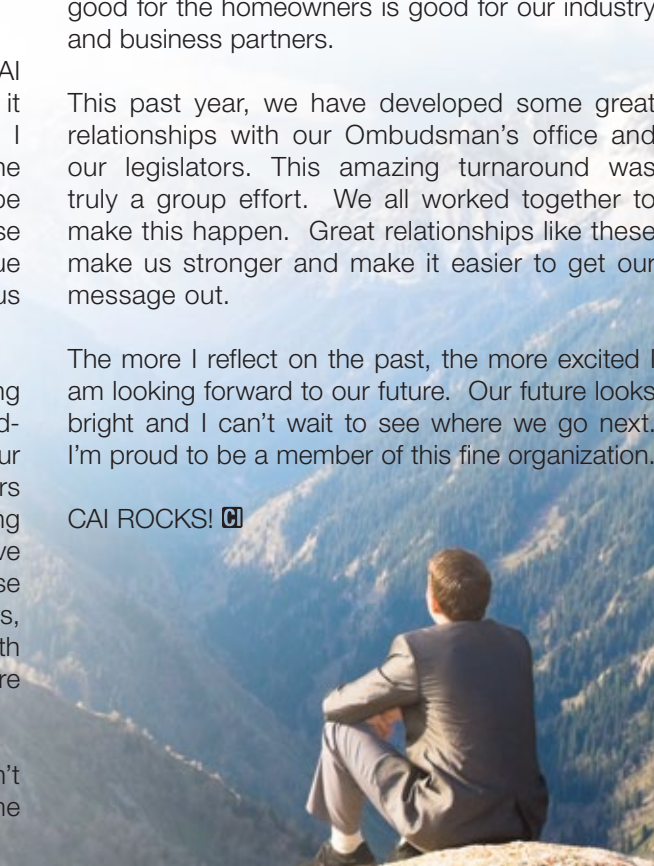
is seeing a new member join a committee for the first time, and then watch how they blossom as time goes on and become a valued member that we all depend on.

As a homeowner and a board member of my HOA, my focus is and always has been on homeowner issues. I believe it is a trickle-up effect. What is good for the homeowners is good for our industry and business partners.

This past year, we have developed some great relationships with our Ombudsman's office and our legislators. This amazing turnaround was truly a group effort. We all worked together to make this happen. Great relationships like these make us stronger and make it easier to get our message out.

The more I reflect on the past, the more excited I am looking forward to our future. Our future looks bright and I can't wait to see where we go next. I'm proud to be a member of this fine organization.

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The True Meaning of Health, Safety and Welfare

by Mark Leon, DCAL

Health, safety and welfare. These three words are commonly found together in state and federal law, and more importantly to us, in NRS 116. How these words are applied to HOA violations is where it gets interesting.

Now, I'm not talking about the obvious stuff: raw sewage pouring out the front door of a unit or a garage full of open drums of gasoline. I'm talking about the other kind, where the board of directors, facing a set of circumstances that simply irritate them to their very core, mistakenly deem something to be a health, safety and welfare violation. Perhaps it is the homeowner who, within the span of a single hour, wears denim cutoffs in the community pool instead of proper swimwear, lets friends in through the exit gate without properly checking them in at the front desk, eats a sandwich while wading in the shallow end, runs back and forth on the pool deck, and then, in a final act of utter defiance of the rules of the association, nay society writ large, drinks soda from a glass bottle. Each is an infraction worthy of its own violation letter, but taken together sets a board's hair on fire. Obviously this situation must be dealt with immediately. Surely this must be treated as a health, safety and welfare violation, right? But we're getting ahead of ourselves.

We all know that Nevada law intentionally limits the power and authority of a board over its unit owners when it comes to violations. The unit owner must be notified of the violation in writing. The unit owner must be given the opportunity to correct the violation in a reasonable period of time. If the violation continues, the unit owner must be notified of being called to a hearing. If the board decides to impose a fine following a hearing, it can't be more than \$100. If the unit owner doesn't pay the fine (or worse, pays the fine as the cost of getting their own way), there is little the board can do to force the issue. Very deliberate steps, coupled with very deliberate limits.

Unless ... it's a health, safety and welfare violation, NRS 116.31031 says that if the violation "poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community," the fine is not limited to \$100. The board sets the amount to what the board decides is commensurate to the severity of the violation. And, unlike standard fines, the association may foreclose on the unit for failure to pay. Additionally, the association has the right to immediately call the

unit's owner to a hearing in front of the board for adjudication. That's real power. So who decides if a violation rises to the level of health, safety and welfare, giving the board these robust punitive powers? The board decides.

Now, before we all start rubbing our hands together in anticipation like Mr. Burns from the Simpsons, remember that the statute says the violation must pose an "imminent threat of causing a substantial adverse effect." Sounds like it has to be something r-e-a-l-l-y bad, but there is no definition in NRS 116. So how do you quantify it? Perhaps NRS 116.3102, which deals with improperly parked vehicles, offers us a clue.

That law says: the association must give 48-hour notice before towing a vehicle; unless, you guessed it, the vehicle "poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common interest community." That's gotta be one dangerous vehicle. So here's the dilemma: It reads as though the threshold for imminent threat is high, yet to this layperson and humble servant of my association, the legislature seems perfectly content with the idea that a parked car can meet that criteria. And if that's true, is the board out of line to determine that dog droppings are an imminent threat? Alcohol at the pool? Dry weeds next to the unit? Where is the limit?

It turns out there is a limit, and here it is: Can you, acting in your capacity as a board member and fiduciary of your association, stand before a judge, and without equivocation affirm that this violation is so egregious you are willing to take away this person's home? Even if that's not your ultimate intention, that is the standard to which you will be held. Regardless of what other boards do, regardless of the advice of your community manager, it is you and your fellow board members that will face the responsibility for taking such an action. Thus, the moral of this story is that a **health, safety and welfare** violation is serious business, and should be invoked only after careful, thoughtful consideration. If there is any doubt in your mind, get legal advice. ☐



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



MARGI GREIN IS THE EXECUTIVE OFFICER, NEVADA STATE CONTRACTORS BOARD

Prior Planning Key to Disaster Recovery

by Margi Grein

Nevada is vulnerable to a variety of natural and man-made disasters. From wildfires, flash floods, winter storms, high winds and earthquakes to vandalism, human error and terrorism. Disaster can strike at any time and with no warning. Even if no one is injured, these events damage common areas and homes and leave community members and boards disoriented, feeling helpless and fearful. While many emergency situations cannot be prevented, proper planning can lessen the danger, stress and recovery time when weather, fire or accidents disrupt our lives.

The Nevada State Contractors Board advises association managers to create action plans to implement in case their communities suffer significant damage. Prepare now, when your mind is clear, your emotions are under control and your judgment is sound. Management companies should also encourage residents to create similar plans to deal with damage to their individual units or homes. No one wants to frantically choose a repair company from the Internet when the clubhouse air conditioner

stops working in the middle of an August heat wave or flip through the Yellow Pages by candlelight after an electrical fire knocks out their power.

Start by helping your board research licensed contractors and determining whom you will call when repairs are needed. The Contractors Board recommends compiling a list of licensed electricians, plumbers, heating and air conditioning technicians, glaziers, roofers, carpenters, masons and any other tradespeople you can call upon. To begin, ask other association managers, friends and family to recommend contractors they have had good experiences with. Call the Contractors Board or consult our website (www.nscb.nv.gov) to make sure each contractor possess a valid and active Nevada contractor's license. These are 5-digit numbers, possibly preceded by two zeroes – 12345 or 0012345, for example – and are NOT the same thing as business licenses.

Conducting business only with licensed contractors is your best defense against scams and poor

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workmanship, while affording you the greatest protections of the Board. Contractors must hold a license in order to work on any project that requires a building permit, any project totaling \$1,000 or more (labor and materials combined) and any heating, air conditioning, plumbing, refrigeration, or electrical service – regardless of the cost.

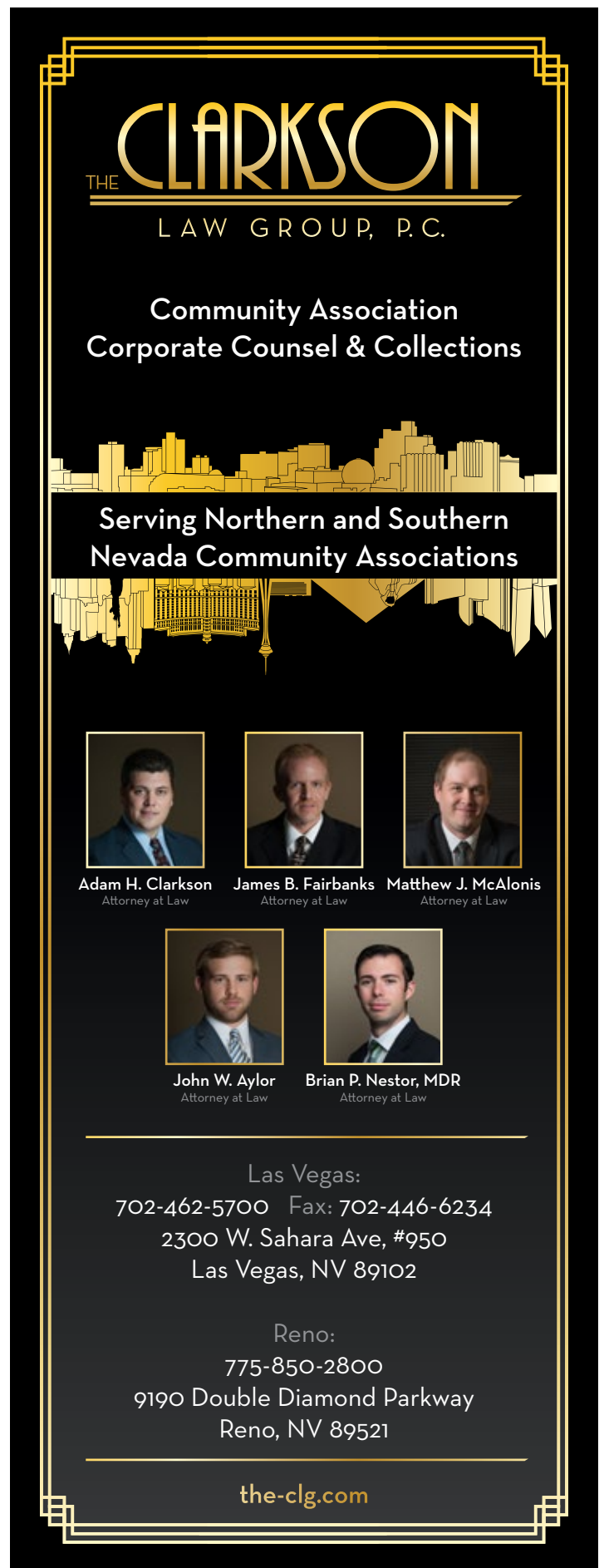
Licensed contractors have passed both trade and law exams demonstrating their understanding and awareness of their responsibilities. They have shown they have the financial wherewithal to see projects through to completion. Licensees have undergone criminal background checks and are required to maintain proper insurance.

Unlicensed individuals may offer to perform work at a cheaper rate, but they bring additional risks. If an unlicensed worker becomes injured while doing a job on a common area or individual property, the association or the homeowner could be held liable. The safety of your residents is also at risk, as unlicensed contractors are more likely to provide substandard work, use inferior materials and take money without completing the job. Additionally, without the opportunity to run a background check for criminal history, homeowners' safety could be further jeopardized by letting unlicensed individuals into their home.

Hiring licensed contractors also puts the full authority of the Contractors Board to work for homeowners and their associations who can file a complaint up to four years after the work is performed. Every complaint received by the Board is investigated. If a claim is found valid against a licensed contractor, the Board will issue a Notice to Correct, compelling the contractor to fix the problem or risk his or her license being disciplined.

In addition, homeowners who use licensed contractors may be eligible for the Board's Residential Recovery Fund, which can provide up to \$35,000 in financial recourse if the damages are validated by Board staff and approved by the committee members. However, it is important to note this recourse is not available when the problem is caused by an unlicensed contractor.

While it may require a little extra effort on the front-end, preparing your list of licensed contractors in advance and checking the status of each license every 2-3 months to ensure it is still in active, good standing, can go a long way toward ensuring peace of mind and a quick return to normal after a home-repair emergency. Record the names and telephone numbers of at least three contractors in each trade that you are confident will perform quality services at fair prices. Keep the list in a safe, convenient location. And never hesitate to contact the Board with any questions or assistance in your research. Call us at 702-486-1100 or 775-688-1141. 




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The Curtain's Going Up

A Midsummer's Night Dream, Part II of III

by Judith Hanson, DCAL, in cooperation with Gala Chair Jennifer Ballew, CMCA, AMS, PCAM

In case, you have not heard: This year's Gala is going to be at the Smith Center for the Performing Arts on June 17, 2016! The committee is super excited about this and we hope you will be too. What a change from the TI, and with plenty of free parking at your fingertips.

The evening begins with an open cocktail hour from 6 p.m. to 7:00 p.m. in the main lobby of the theater with "theater" snacks. At 6:45, the doors to the theater will open for the awards ceremony. The awards ceremony will take place on stage of the Smith Center from 7 to 8:15, after which dinner will be served.

This year, and this year only, so no one is eliminated from being nominated during this year of transition, the Gala awards will include nominations from July 1, 2015, to December 31, 2016. We are moving the awards to a calendar year event rather than mid-year to mid-year. In addition, **so there is no misunderstanding, nominations can be made by anyone, including self-nominations. As in the past, all nominees must be members of CAI.** Beginning in 2017, the awards will be judged on a calendar year January 1 through December 31.

Transparency is a huge part of this transition. The creation of an Awards Subcommittee allows for the review of all existing awards and consider new ones. The Subcommittee is composed of six members: two managers, two business partners, and two DCALs. The manager members are Jennifer Ballew, Chair of the Committee, and Christine Greengrass. The two business partner members are Mindy Martinez, this year's 2016 President, and Cheri Mrowicki from Clarkson Law Group. The final duos to make up this committee were the DCALs, Frank Fimiano and Judith Hanson. We focused on establishing new criteria that will allow more members a chance to win.

While a good share of the content of each award is provided in a summary format, the CAI website provides a complete description of the award along with the location for submitting your nomination. Nominations will take place from January 15 to February 15, 2017, with blind scoring by the committee from April through May.

There are 23 awards for this Gala. The Board of Directors gives award Numbers 20 through



23. They are Committee Member of the Year, the Business Partner of the year, and DCAL of the year (this is a statewide award as is that of all the board awards). There is also the Gary Lein Award (an award that is not given every year) and this is given by Gary himself.

In part I, we announced categories one thru four, the **Association of the Year**, large scale and small scale for southern and northern Nevada. Now it is time to reveal some more awards.

Portfolio, On-Site, CMCA, AMS and PCAM definitions describing manager categories for north and south will appear in part three of our articles. That way we can give you a chance to see what is new for 2016.

ARTICLE OF THE YEAR

This is one of our four new categories for 2016, and I think it will prove to be one of the more popular ones as well. Nominations for the Article of the Year will be submitted by the eight members of the magazine committee and will come from July 1, 2015 through December 31, 2016 issues of *Community Interests*. Committee members will each submit between four and six articles, which will be pared down to a total of 8 or 10 for the finalist submissions. These 8-10 articles will be judged by the Gala Committee to determine a winner. Names of the writers are going to be redacted before any review takes place.

OUTSTANDING LARGE AND SMALL MANAGEMENT COMPANY OF THE YEAR

The Large Scale Management Company is based on 10,000 doors plus and the small on 9,999 doors and under. Judging is based on two essays totaling 500 words or less. Together these essays will describe why your organization should receive the award. The submission period for this

award is July 1, 2015 to December 31, 2016. Judging for the management company will be based on its participation in CAI activities such as chapter events and monthly breakfast meetings. In addition, educational opportunities provided by the management company to its managers and associations, and professional designations by managers who have been employed more than two years and have earned their PCAM, AMS, CMCA or DCAL, and any local or national CAI awards will also be considered. There will be a 25-point deduction if you won the award last year. No attachments will be accepted and nominations identifying your company will be disqualified.

NORTHERN AND SOUTHERN ASSOCIATION BOARD MEMBER OF THE YEAR (CATEGORIES 12 AND 13)

Much like the other awards already described, an essay will play a big part in determining the winner of this award, and again it is a two-part essay. In addition, other criteria will also be considered; such as, do you hold a DCAL (worth 20 points), or which DCAL classes have you taken (2 points for each DCAL class and or article/or CICCH Commission Meeting attended), along with what CAI Committees do you serve on (2 points for each committee)? In addition, there will be a 25-point deduction if you have won this award the past year Gala.

Two other new awards for 2016 are the **Rising Star Award** and the **Hall of Fame Award**. The nominees for both of these awards will be announced at the Gala as the nominator will be drafting the essay and completing the nomination process. The Rising Star Awards can go to a new member of CAI who has contributed a significant amount of time and energy to the organization or it can go to an established member who has increased their participation to CAI. The winner of the Hall of Fame Award can only win it one time. The nominee for this award must be a CAI member (individual, association or company) who has had one single act that has had a huge impact on their community association. Examples could be a charity drive, a new owner welcome packet or something that has resulted in huge savings to the association and its members, like turf removal.

We hope you like the transparency revealed up to now. Be sure to read up-coming issues of *Common Interests* magazine for the remaining awards and how they will be judged, as well as the final wrap-up from the committee. ☑

Thank you to all LAC supporters. To see the LAC Galaxy of Stars go to cai-nevada.org.

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VICKI NIGGEMEYER,
MAGAZINE
COMMITTEE CHAIR

HOA Board Member Conflict, Is It a Problem?

by Vicki Niggemeyer

Board member conflict may not be a problem for you, but it is definitely a big problem if you happen to sit on one of the many boards experiencing discord. This issue is not confined to Nevada HOAs. The CAI Open Forum that comes to members via e-mail has had a running commentary recently on inter-personal conflict within boards reaching from coast to coast.

One comment from the Open Forum thread was very revealing: "It's a problem we don't like to talk about. It's a topic that stays behind closed doors. Nevertheless, it is a major HOA issue."

How big of a problem is inter-board conflict?

A survey of several managers throughout Nevada responded that from 5 to 30 percent of their boards struggle with internal conflict. The conflicts range from mild to severe.

Managers have seen it all: from behind the scenes conflict which is relatively innocuous to full blown shouting matches to lawsuits. Conflict can divide

the board. Cripple it. And can make the board so dysfunctional it cannot operate.

What causes inter-board conflict? As you would suspect, there seems to be a pretty wide assortment of reasons for conflict according to the managers polled.

The two reasons most cited for inter-board conflict are: #1, board members coming in with personal agendas, and #2, educated versus uneducated board members (untrained in NRS/NAC/CC&Rs). Other reasons cited range from generational differences (older members vs. younger), personality conflicts, egos, power control, poor communication and difficulty for a board member to think about the entire community rather than as an individual homeowner.

All of these reasons present a myriad of obstacles to overcome in order to have a well-functioning board of directors. As one manager pointed out, "Little things add up and managers might not see it until it blows up!"

What can be done? There are no easy answers, and each situation is unique requiring skills and solutions distinctive to that particular board. But there are a few common recommendations that managers have shared.

What managers **SHOULD NOT** do: Never choose sides. Do not engage in the argumentative discussions. Don't be passive about the conflict and let it rage, if possible turn the discussion back to the business at hand. Don't let one board member monopolize, let everyone have equal time to speak. Never talk negatively about one board member to another. Never threaten, just remind the board of the law, the board's function, role and fiduciary duty.

What managers **SHOULD** do: Promote educational training. Refocus the board when it gets off topic and trends toward the argumentative. Stress the fact that boards must think about the good of the entire community, not their own agendas. If communication seems to be the culprit, encourage board members to really listen to one another without interruptions.

Still no resolution? Now what?

CAI LUNCHEONS ARE BACK!

*January kicks off with a program
you won't want to miss.*

YES! Southern Nevada is going back to luncheons!

The 2017 year will begin on the regularly scheduled second Tuesday of the month (January 10) and run from 11:15 to 1:00 at the Gold Coast Casino. Guest speaker, Steve Candelas, a 25-year law enforcement veteran, will share some insights about squatter problems. He will touch on the criminal aspect, how law enforcement is handling the problem, and how home values are affected. Candelas will also provide some solutions!

**Put it on your calendar now as a reminder -
Lunch with Your CAI friends!**

January 10 • 11:15 to 1:00 • Gold Coast Casino
Guest speaker, Steve Candelas

Sometimes the approaches above just don't work. If your inter-board conflict has escalated to the point of total disruption and dysfunction, if your board can no longer conduct business, then it is most likely time to call the Ombudsman's Office.


Sharon Jackson, our Nevada Ombudsman, says, "We see about 20 cases per year of board dysfunction directly caused by inter-board conflict, and there are undoubtedly many more cases that do not reach our office." Jackson also believes that cases are increasing. She feels there are many reasons: "Intense personal agendas, intolerance of other viewpoints, individual homeowners or former board members who interrupt the process for personal reasons, and sometimes even due to general hostility against authority."

It's a simple process to request help from the Ombudsman's office, but the process takes time; so don't expect an overnight solution.

The first step is to file an Intervention Affidavit. Once that has been filed, the Ombudsman's office will evaluate the complaint, then direct it to one of two departments: directly to the investigative services or to the informal intervention unit. If the board, or any board member, has engaged in activity that is clearly in violation of NRS 116, the complaint will automatically be sent to the investigative arm of the Ombudsman's office. If, on the other hand, the complaint is about personality conflicts, disputes regarding CC&Rs, power struggles or other non NRS violations, those complaints go to the informal conference level. Mediation experts are trained to resolve these debilitating issues.

What about the anti-bullying law that was adopted into NRS in 2013? Jackson points out that it "is not enforceable by the Ombudsman's office, it would necessitate a call to the police." If a manager, board member or any homeowner feels threatened or harassed during a meeting or any other time while in the community, that is the time to use the anti-bullying law. Call the police and report it; it is a misdemeanor (NRS 116.31184).

According to Jackson, 48 percent of all homeowners currently living in Nevada are in an HOA. That's nearly half of the entire population of the state. Which also means there are roughly 3,100 HOAs, a majority of those with a board of directors.

Fortunately it appears that board member conflict is not a wide-spread problem. As established above, managers guess that anywhere between 5 and 30 percent of their boards experience difficulty. If you are a board member, think long and hard about whether you are part of the solution or part of the problem. Even a few dysfunctional boards are way too many. 



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Universal Protection Services
Van Duyne Law Group
Western Risk Insurance Agency

SILVER SPONSOR:

Alternative Office Services
Association Reserves - Nevada
Belfor Property Restoration
BrightView Landscaping
Browning Reserve Group
CAMCO
CertaPro Painters of Southern Nevada
Chen Accounting Group, Inc.
City National Bank
Community Association Underwriters of America, Inc.
Complex Solutions, Ltd.
EmpireWorks Reconstruction and Painting
Eugene Burger Management Corporation
GB Group, Inc.
Gothic Grounds Management
Groundskeeper
KRT Fitness & Patio Concepts
Landcraft Inc.
MBAF LLC (Kane Condo & Association Division)
Menath Insurance
MK House Consulting, Inc.
Mutual of Omaha Bank
Opus 1 Community Management
Park Pro Playgrounds

Prime Community Management
ProTec Building Services
RPMG
The Sherwin-Williams Company
Steamatic Restoration & Cleaning
Sunland Asphalt
Titan Roofing
TSI Security, LLC
US Bank
U.S. Landscape
Vet-Sec Protection Agency