

THE OFFICIAL PUBLICATION OF THE NEVADA CHAPTER  
OF COMMUNITY ASSOCIATIONS INSTITUTE

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

# community interests

WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

JANUARY 2017



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WHAT HOMEOWNERS NEED TO KNOW

JANUARY 2017

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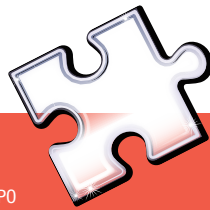
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# Bringing Unity Back into Our Community



April Parsons,  
CMCA, AMS,  
2017 CAI Board  
of Directors  
President

I love New Year's Eve. It's not because of the New Year's Eve celebration; it's not because the business of the holidays is over; it's not even because of the numerous college football games on television. I love New Year's because it signifies the end of a chapter and the beginning of a new one. We can think about the possibilities of what a whole new year will bring to us.

When I first ran to be on the CAI Nevada Board of Directors, my goal was to make a difference. I am looking forward to my new opportunity as president of the Nevada chapter. I am filling big shoes left by Mindy Martinez who I would like to thank for making me her President Elect. I am very fortunate to have the support of a knowledgeable and experienced board of directors.

Each year I try to have some simple goals (ones that can be reached in a day or a week), some mid-range goals (ones that can be obtained in a month to a year) and some long-range goals (ones that may take years or longer to reach). Whether they are spiritual, emotional, financial, physical, or relational goals, they all have some common denominators:

- **They have to be clear** – if you can't understand your goal, you'll never reach it.

- **They have to be reachable** – if you can't obtain the goal, what's the use having them?
- **They have to be communicated** – you have to stay accountable to others and be encouraged by others.
- **They have to be written down** – you need to have your goals constantly in your mind in order to reach them.

I want our chapter to be successful, and I am hopeful that I can continue the success that we have today by bringing my unique approach to the table and setting goals that are achievable.

My theme for the year is bringing the UNITY back into our Community. Let's do this together.

Thanks to all of you who have been so supportive of CAI. I'll keep an eye out for you at our next event!

*April Parsons, CMCA*







# It's a New Year!



Vicki Niggemeyer  
Community Interests Magazine Committee Chair

**H**appy New Year everyone! Have you made your resolutions? Have you kept them so far? Or are they already dumped into the trash along with the empty champagne bottle?

I have never been good at keeping resolutions. I don't even make them anymore. But, I do sit down at the end of each year and set goals for myself for the year ahead. I write them down and look at them from time to time to see how I am doing. It has surprised me over the years how much better I am at working toward my goals than keeping resolutions. Kathe Cameron agrees with me. Read about the positive impact of goal setting for managers and board members in her article *A New Year, New Goals*.

A new year feels fresh! A new year presents a chance to start over! A new year provides an opportunity to make changes.

This year, our CAI magazine is making some changes! You will see the photo galleries in a new format. You will see more color. You will see a lead article at the beginning of every issue that encompasses our theme for the month. Even our front page logo has changed to reflect April Parson's (our new Nevada chapter CAI president) theme of commUNITY. What will not change is the magazine committee's commitment to providing quality articles with pertinent information for homeowners, board members and managers in each issue.

Cary Brackett wrote our very first lead article; and he did an outstanding job of coalescing a variety of thoughts about



unity in *CommUNITY 2017*. Bringing unity to our community is not always easy, but it is a worthy goal and one all of us need to keep aiming for. Other articles that touch on the subject of unity can be found in *Unity in the Common Interest Community* by Marvin Tanner and *Relationships Between Homeowners and the Community Association* by Stanley Monsef.

Another article with relevant information that you don't want to miss is Mark Coolman's *What is Cyber Insurance Coverage?* Start out the new year with the peace of mind that you have proper protection against cyber crime! And speaking of crime, check out Richard Salvatore's article about *Squatters in Nevada - What We All Should Know*.

Yes, it's another new year! What are your goals for 2017?

*Vicki Niggemeyer*



**In addition to setting personal and professional goals, add one or both of the following:**

- Once you have finished reading your *Community Interests* magazine, take it to you club house, doctor's office or hair salon to introduce others to CAI.
- Purchase a one year subscription to *Community Interests* for a friend or neighbor whom you would like to introduce to CAI. Subscriptions are only \$36 per year.

# Happy New Year!



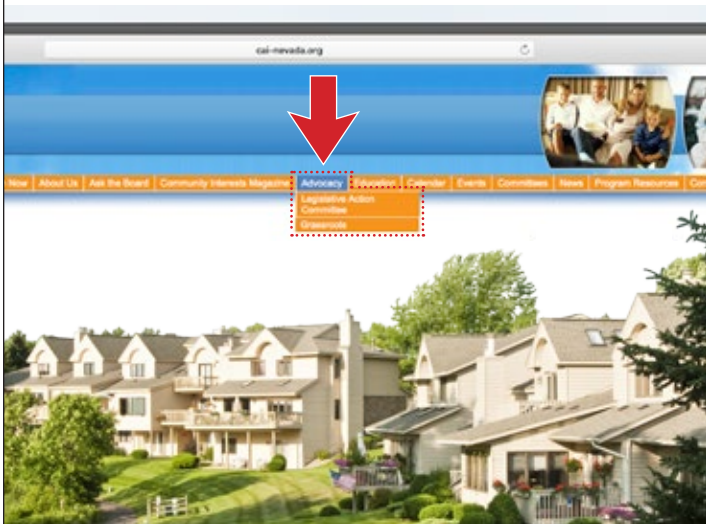
Mary Rendina  
Chapter  
Executive  
Director

The December issue was all about reflecting back on 2016 and all that we accomplished as a chapter. At the end of 2016 we, as a nation, experienced a presidential election that promises to bring change to our country that will be good, bad or indifferent depending on your party affiliation and beliefs.

Thankfully for our chapter, the new year brings the promise of change as well, but one that breeds renewed optimism as our newly elected president, April Parsons, CMCA, has cast her vision of emphasizing "unity" in "community."

In keeping with the theme of change we tried to change a few things in 2016. Some were very successful, others not so much. While I was at CAI National for the ED Retreat, I met with key members of their staff and spoke about our online educational videos for homeowners. I shared with them the challenge we were having with getting the managers to buy into promoting them to their boards. The day after I returned I got an e-mail from Jake Gold with a link saying CAI National set up a page on their website with links to the videos. That was so encouraging for our media

All homeowners have a vested interest in the current Nevada Legislative Session. To find up-to-date legislative information, go to the CAI Nevada chapter website at: [www.cai-nevada.org](http://www.cai-nevada.org) and click on the Advocacy button.



“ Anything is possible when we are open to change and think outside the box. ”

committee members who worked tirelessly to create and promote the videos.

In 2016, we moved the Las Vegas monthly member luncheon to a breakfast to try something different. When we made the change in Northern Nevada several years ago we saw a marked increase in attendance. In Las Vegas, we had the opposite reaction, and so with that in mind, we are moving the Las Vegas monthly member meetings back to luncheons starting in January.

As you already know, the all new Awards Gala will be in June at the Smith Center, which is very exciting for most of us. A few members aren't happy about having to wear a suit in the heat, but rest assured, the air conditioning will be on.

Our Las Vegas Golf Tournament will be moved from Siena to Wildhorse in Green Valley, and we are exploring the possibility of Northern Nevada Golf being held at Squaw in Tahoe the first weekend in August.

In May, during the National Conference, we will be breaking away from the traditional Cirque du Soleil themed event as we kick the dust off the tradeshow floor and mosey on over to Gilley's at the TI for our *Denim and Diamonds* chapter party. For \$99 a ticket, guests can enjoy a buffet dinner, hosted bar for four hours - yes, I said FOUR hours - live entertainment, DJ, line dancing and the possibility to see Mark Coolman, CIRMS, participate in the bull riding contest!

These are just some of the changes coming in 2017.

If you have a suggestion on something you think would benefit the chapter in the way of programming or event changes, please reach out to me and let me know. I can't guarantee we can make every change, but I can promise to look at it with an open mind. Would you have thought five years ago that the Gala would be at a Performing Arts Center or the chapter party at a country themed venue?

Anything is possible when we are open to change and think outside the box.

Warm Regards,

Mary Rendina





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# CommUNITY – 2017

By Cary Brackett, CMCA, AMS, PCAM

**"I can do things you cannot, you can do things I cannot; together we can do great things."**

—Mother Teresa

**D**id you check out the cover of this issue of *Community Interest*? Nevada chapter Community Association Institute (CAI-Nevada) is creating a new theme for 2017 and putting the emphasis on Unity in Community. So keep an eye or ear out in the upcoming year, as we focus on and help bring our industry together, to imagine *and* do great things for our communities.

What a timely and fortuitous theme for our local chapter to undertake, as "Unity" seems to be such a common phrase used after the 2016 General Election. Immediately after the election, all I kept hearing was how the country or the political parties needed to come together. Here is only one of thousands or millions of Facebook & Twitter posts:

*"In a country so divided, imagine us standing in unity.*

*What could we accomplish then?*

*With half of us feeling defeated and vilified.*

*And the other half feeling some sort of  
opportunistic sense of change.*

*We must remember we share this land together.*

*We are all human, deserve the same rights and  
must love each other equally.*

*United we stand, divided we fall has never rang more true.*

*BE KIND to one another; have hope and trust that we will get  
through all of this together ❤️"*

*#2016election#unity#hope#change#humanrights#together*

I don't think anyone would disagree that unity is a good thing and is so often necessary in our busy lives to accomplish our goals. Unfortunately, I think many of us are guilty of blaming a lack of unity for many of our issues. Who hasn't heard, said, or thought how nice it would be or how something could improve, if only we could come together as a community. So, what do we do with this simple yet elusive concept of "Unity"? I challenge you to read on and be willing to accept and try new ideas.

So, first of all, what does it mean to be unified? Does that mean we all agree, are of one mind, all red or all blue, all right or all wrong?

**Cindy Nelson, Homeowner, DCAL, believes that: "Through diverse opinions we become united in vision."**

I'll add that it's more important to include all points of view than to bring only like-minded people together. We deal with such diversity in this industry and we know the challenges to unite a neighborhood, community, district, city, county or state, let alone a nation; but it becomes just a bit easier when we are inclusive. It's important to remind ourselves that we are not just a community of homeowners or renters, but also board members, committee members, managers, service providers, lawmakers, lobbyists, first responders, volunteers, developers, realtors, public officials and leaders of all types.

**"From my 29 years in law enforcement, I know a sense of unity is something that a community must work to achieve all the time,"** said Las Vegas City Councilman Stavros Anthony, a retired captain with the Las Vegas Metropolitan Police Department. **"Unity comes from constant communication among the various groups within a community, and especially with the police. Las Vegas has seen good success in this area because of law enforcement's willingness to meet and talk with the community long before troubles arise."**

Do you reach out to your community and find out what's working or what needs to improve? Unity starts with its leaders, and the best ones know how to gently pull instead of push. They say communication is key; and the more timely information you can provide will by nature provide inclusiveness which is a building block for unification.

We often think that creating unity is confined to our community and the residents, but, we also need to build lasting relationships with our service providers, elected officials, developers and Ombudsman/CIC Commission staff. We all benefit when we unite into a partnership to achieve goals.

Here are a few more quotes from around our industry on the importance of "Unity":






"Think of the unity our communities would have, the fact of being a united people working together to protect property values through similar values. I know it's a dream, but a really good one to see EVERY homeowner who purchased into a Common Interest Community be one that is educated and understands their rights and responsibilities."  
 —Sara E. Barry, CAM, PCAM - Community Association Solutions

"The sense of community and giving of Northern Nevada is exceptional. It's a healthy balance of small town hospitality and big city, urban living. This balance creates a unique sense of unity amongst our colleagues, homeowners and friends. Ultimately, Northern Nevada is just too small to be mean."  
 —Tonya Bates, CMCA, AMS, PCAM, Supervising Community Manager

"When we look at the definition of unity, it describes what a Community Association is all about. We all want to live in harmony with our neighbors and live in a peaceful neighborhood where we can enjoy our home and common areas. Unity is required for an association to function properly. Will we all ever be in full agreement on every issue? Probably not; however, working together for a common purpose is important to maintain, enhance and protect our investments."  
 —Ann Copeland, CAM, CMCA, Community Relations Manager

"CAI works in partnership with 60 chapters worldwide, arranging a variety of programs, services, education and networking opportunities to meet the needs of our 34,000 members. Our chapters are the backbone of the communities they serve, providing the skills that are essential to building and maintaining successful community associations. Together, CAI and its local chapters are dedicated to inspiring professionalism, effective leadership and responsible citizenship- ideals reflected in associations that are preferred places to call home."  
 CAI Chief Executive Officer Tom M. Skiba, CAE

"Since Unity is defined as a condition of harmony, our association invites guest speakers to the board meetings. City Councilwoman, the Police Chief and the Fire Chief have spoken to the residents about the city and how our community comes into play to create and enhance our unity with the city of Sparks. In addition we invite our successor declarant who is building out some parcels to attend our board meetings to keep owners and the board informed on the progress. In fact, we measure their contributions as part of the scope of the unity we seek to embrace for our owners and residents on all matters which are deemed important to us."  
 —Marilyn Brainard, Homeowner, DCAL

Welcome 2017! Welcome Unity! Challenge yourself to reach out, be part of CAI, the governmental process, create partnerships with your service providers and first responders, be a good leader and make communication a priority; and don't forget to have fun! 




Cary Brackett,  
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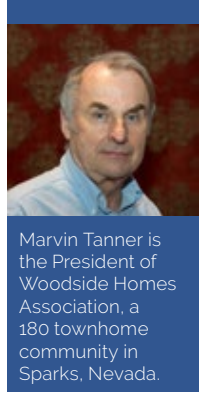
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# Unity in the Common Interest Community

By Marvin Tanner



**T**he homeowners association, through its executive board and committees, provides leadership for the community. These leaders should be dedicated to the task of leading its members.

In building the community, the executive board makes decisions in the best interest of the whole community. Communicating those decisions is critically important in building unity and the community.

One important aspect of building the community and unifying the members is to agree on the association's mission, goals and objectives. The exercise of developing the mission statement for the organization has, in itself, an element of unifying the community. Stated goals and objectives solidifies the mission statement conceptual model.

The executive board needs to be proactive in unifying association members and eliminating the "us and them" (board and owners) mentality. The executive board needs to determine how it can best represent the interests of the homeowners. One key element is to communicate the goals and objectives of a unified executive board to

the homeowners. An example from the mission statement would be: "To increase home values with each decision of the executive board."

The executive board can provide leadership and demonstrate unity by openly discussing each issue before it in a noticed meeting, with minutes available to all homeowners. Unity begins with trust; and trust begins with open communication between the executive board and members. This means that each item to be discussed at a noticed meeting must be on the agenda for that meeting. Further, communication by website, newsletters and social media go a long way toward building unity, as well as providing important follow through for the decisions made by the board at its meetings. It is important for these types of communications to provide content that is important to homeowners and especially potential homeowners.

As in national and global politics, unity requires that each member of the executive board vote with a clear conscience that their vote "is in the best interest of all parties concerned."

In building unity, all view points must be heard, discussed and considered. Cutting off discussions on association matters leads to a sense of 'unilateralism' on the board's part, and defeats the objective of conscious building on the part of the homeowners. Acknowledgement and respect for an individual with an opposing view builds unity and is critical in creating a culture of frankness, honesty, open debate and inclusion.

This can be accomplished when the chair or board member who thinks the proposal is a horrible waste of association money can bring up the subject diplomatically by saying: "Your idea of removing parking spaces from public use and dedicating six parking spaces for motorcycles is interesting. How can this be justified to the homeowners who do not have motorcycles as not being a preference or subsidiary for motorcycle owners?"

In building unity, the executive board needs to be knowledgeable on the association's by-laws and state statutes. The motorcycle example is in direct conflict with the state statute for Nevada on Capital Assets. NRS 116.3115-(9) The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to

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be taken on such an assessment at least 21 calendar days before the date of the meeting.


It is critical for the member addressing the board to express gratitude for all members in building unity. When meeting with members be sure to make eye contact when speaking to association members. The psychological message is "I am listening, and what you say is important to me." Listening to homeowners is a critical part of building unity within the association.

Strategic leaders discuss concepts and plans: next year's budget, remodeling the clubhouse, building a new pool. Leaders with their own agendas, or who ignore the concerns of their constituents, destroy community and unity.

Sharing with the community also builds unity. Using the clubhouse for an association book club allows the sharing of ideas and builds unity. When members travel, ask them to speak to the association about their travels if there are forums in which this can be done. If there is not, consider establishing such through a "community evening" or a "coffer hour" at the community room. Bringing homeowners together informally can breed shared interests and, consequently, 'team building' within the community. Taking a lesson from academia, one of the charters of the Community College System is to provide "Adult Enrichment Classes." This could be activities such as basic water colors, classical guitar or low impact mat exercise. The association could donate the use of a clubhouse for these classes so members can walk to enrichment classes. These are all steps which help build the community and unity from within.

The biggest task for a homeowners association is to ask homeowners to ratify the next year's budget that includes an increase in assessments. The key is positive and substantive communication. In asking homeowners to ratify an increase in assessments, the executive board needs to lay out the rationale for the increase, providing the data necessary to support the increase as well as articulating the consequences if the increase is not ratified. Homeowners need to feel that there will be value received for the increase in their assessment, another important step in building the community.

Lastly, creating a diverse executive board has the obvious advantage of bringing an array of voices and experiences to the decisions that an executive board makes on behalf of its homeowners.

To borrow from the Stanford University Encyclopedia of Philosophy, "Diversity on the Executive Board is enriched providing a more complex unity based on understanding that theoretical differences enrich human interactions." 



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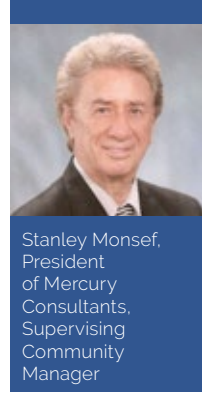
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# Relations Between Homeowners and the Community Association

By Stanley Monsef, Stanley Monsef, PhD., PE



**T**he relationship between a homeowner (unit owner), and its community association (association) has been increasingly involved in litigation in courts and affidavits of complaints filed with the Ombudsman Office of Nevada Real Estate Division against the community association and its board of directors.

The objective is to remind board members and community managers to recognize the common laws developed by court decisions for breach of duties, where the association fails to fulfill assigned responsibilities expressed in the association's governing documents.

The relationship between homeowners and their residential community association is generally viewed as the association being incorporated as an entity under "nonprofit status" NRS 42. In addition, this relationship between the homeowners and the association may be viewed as a *landlord and tenant scenario*, where much like a landlord, the association is held responsible for the maintenance of common elements, over which it exercises power and control.

The association is governed by a board of directors who are elected by the homeowners and are, typically,

indemnified for their actions under the "*business judgment rule*," unless their actions are willful and material failure to comply with provisions of the laws (federal, state and local) or the governing documents of the association.

The association board of directors, including the community manager, are obligated to exercise ordinary care and good faith in the performance of their duties. Directors and the manager have a fiduciary duty to the members of the association to act reasonably in the interest of the community. Directors must exercise reasonable diligence to follow through and carry out the responsibilities assigned to them under the governing documents. To accomplish this, directors must remain informed and knowledgeable of the community association's business, pertinent laws, covenants, bylaws, rules and regulations, along with the operation and maintenance for the association.

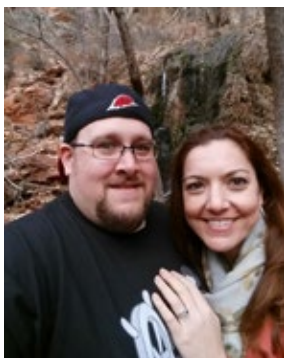
In residential community associations, homeowners have the right to bring actions against the association, the community manager, the association's contractors and employees for breach or negligence of applicable *standard of care* under "*General Agency Principles*," which requires the contracting parties to demonstrate a certain level of skill and quality of products and services in the performance of their duties.

Homeowners rights may also arise out of association's assumed ability of foreseeing crimes (theft, injury or property damage) and whether the association has acted in due care in trying to reduce or prevent the likelihood of such occurrences. The association may also incur an obligation to provide security for residents by controlling ingress to and egress from the complex (gated communities), in which case the failure to secure those areas falling under its control may incur liabilities for the association.

Homeowners have the exclusive rights to possession of their unit, as well as certain limited common elements, except as authorized under NRS116.310312, entry without cause, invitation or permission onto the homeowner's premises or limited common elements. Violations may bring an action against the association for trespassing.

The board of directors of the association is also obligated to observe, among other prescribed duties, the breach of "*Statutory Duty*" where standard of management and

## In Memoriam Ronnie Stevenson



Our condolences to the family, friends and coworkers of Ronnie Stevenson. Ronnie was a community manager with Pinnacle Community Association Management in Las Vegas.




operation binds the association to codified laws and the association fails to comply with those standards.

While the question of whether the association or the homeowner exercises control over certain issues, the rights of unit owners remain a genuine issue of material fact, and the issue would need to be determined by the intent of the laws and surrounding circumstances.



In particular, the following set forth several areas where homeowners' complaints have involved the failure of the association, its board of directors and community management in performance of assigned functions:

- Review, at least quarterly, the current reconciliation of associations' operating and reserve accounts.
- Obtain the signature of two persons, who shall be members of the association and directors and officers of the association, as prescribed by the bylaws of the association, for withdrawal of money from the association's operating and reserve accounts.
- Avoid encouraging another person to take any retaliatory action prohibited by NRS 116.31183.
- Acquire at least three bids when the cost of such construction, repair, maintenance or services is: (a) three percent or more of annual budget for associations with less than 1,000 residents, or (b) as otherwise stated in NRS 31086.2.
- Maintain a copy of Declaration (CC&Rs), the Bylaws and Rules and Regulations, including a copy of all amendments to the governing document and resolutions pertaining to the business affairs of the association. This is a requirement if a homeowner requests updated copies of the association documents, in case of sale of their unit, NRS 116.4109.1.
- Obtain legal counsel before embarking on construction projects, including but not limited to, simple repair projects of more than \$10,000. 

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# The Final Curtain on 2017's Gala

## Part III

By Judith Hanson, DCAL, In cooperation with Gala Chair Jennifer Ballew, CMCA, AMS, PCAM

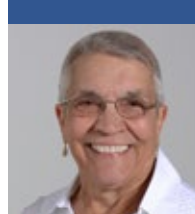
**I**f you have followed us since the August issue of *Community Interests*, you have seen the Gala revealed. It began with the teaser in August announcing the theme for the night, "A Midsummer Nights Dream" and the date, June 17, 2017. The second teaser announced not only the place, The Smith Center for the Performing Arts, but also revealed some of the awards. Now it is time to highlight the rest of our awards; awards that make this truly a night for CAVLs, managers and business partners.

Points in each category total 100. In most categories, this comes from a combination of things: education, participation in CAI events, committees served on, and the all-important two-part essay – how have you enhanced the lifestyle of your residents and homeowners, and what involvement have you had with CAI activities and opportunities?

Now it is time to reveal our last eight awards. The awards for **Onsite Manager of the Year** and that of **Provisional Manager for both Northern and Southern Nevada** are based on a point system. For example, nine points are possible if you hold a CMCA, AMS, PCAM license. In addition, points are given for CAI committees served on (maximum of 12 points), along with attending quarterly or monthly breakfasts (depending on whether you are from the north or south, etc.) and the all-important essay which is divided into two parts and totals 40 points.

The awards for **CMCA, AMS, PCAM** go to one winner, whether they are from Northern Nevada or Southern Nevada. On the CMCA, AMS, PCAM awards, you only qualify for one, the highest designation you hold. In other words, if you hold your CMCA, you do not qualify for the AMS award. This opens up more opportunities for new nominees to have a chance to win.

As is true for on-site and provisional managers, you win points for classes you have taken (M-100 for AMS candidates and M-200 classes for CMCA candidates). In addition: points will be awarded for committee participation, attending classes offered by CAI and the all-important essay which totals 40 out of the 100 scored points. For PCAM, class points are based on the M-300 classes along with the M-400 "Contemporary Issues in Community." Points are also awarded slightly differently if you live and work in Northern Nevada versus Southern Nevada because of the committees and manager breakfasts that you attend. Also considered for PCAM is whether you have facilitated a class for homeowners or managers from July 1, 2015, to December 31, 2016. The first essay question for PCAM is slightly different from those in other categories because it focuses on how you, as a PCAM, demonstrate ethics and professionalism, and the educational opportunities you offer to team members.



Judith Hanson, DCAL, Director CAI Board of Directors, Director Sun City Aliante, Director Aliante Master Association, Treasurer the Fields at Aliante, CAVL, National

The last category to reveal is our final one, and it too is a new category, **Ambassador of the Year**. It begins with how many people you are responsible for joining CAI, listing their names. Up to 30 points can be gained in this category alone. It then moves on to an assessment of you: classes you have attended (possible 20 points), Members' Breakfast/Lunch (possible 10 points), and events such as Trade Show, bowling, golf, etc. you have attended that are CAI sponsored (again maximum of 10 points). Finally, there is the essay for 30 points, an essay that must be less than 250 words and cannot identify you or your organization.

The unveiling of the entire night has been a journey that began with a team of twelve, along with support from staff and your CAI Board of Directors. It is Mindy's party, but that is not all. It is also April's party (your 2017 president) and I think it will be a fantastic party. The goal of this committee was transparency. I think we have accomplished our goal and I hope you agree.

To summarize, we have 23 awards that will be given out on the evening of June 17. Those awards are listed below in order of their number (this may not be the way the awards will be presented on stage the evening of the Gala).

*Category 1* - Northern Nevada Outstanding Small Scale Association of the Year (Less than 250 Doors)

*Category 2* - Northern Nevada Outstanding Large Scale Association of the Year (250 Doors or More)

*Category 3* - Southern Nevada Outstanding Small Scale Association of the Year (Less than 250 Doors)

*Category 4* - Southern Nevada Outstanding Large Scale Association of the Year (250 Doors or More)

*Category 5* - Northern Nevada Portfolio Manager of the Year

*Category 6* - Southern Nevada Portfolio Manager of the Year

*Category 7* - Northern Nevada On-Site Manager of the Year

*Category 8* - Southern Nevada On-Site Manager of the Year



Category 9 - CMCA Manager of the Year

Category 10 - AMS Manager of the Year

Category 11 - PCAM Manager of the Year

Category 12 - Northern Nevada Association Board Member of the Year

Category 13 - Southern Nevada Association Board Member of the Year

Category 14 - Article of the Year

Category 15 - Ambassador of the Year

Category 16 - Rising Star Award

Category 17 - Hall of Fame Award (Only Win 1 Time)

Category 18 - Outstanding Small Scale Management Company of the Year (Less Than 10,000 Doors)

Category 19 - Outstanding Large Scale Management Company of the Year (10,000 Doors or More)

#### 2016 Gala Board Awards

Category 20 - Committee Member of the Year

Category 21 - Gary Lein Award

Category 22 - Business Partner of the Year

Category 23 - DCAL of the Year

The first 15 categories, plus 17 and 18, are open for anyone to nominate, including self-nominations. Rising Star and Hall of Fame (categories 15 and 16) are closed and the nominations come from your peers and are silent in nature. Also revealed in Part I were the following Special



Awards determined by the Board of Directors: Committee Member of the Year; The Gary Lein Award, which is not an annual award, is given when past recipients and/or Gary Lien feel a CAI member warrants this special recognition; DCAL of the year and Business Partner of the Year.

We hope you have enjoyed the transparency provided by this year's Gala committee. It started in August and ends with this issue. Now it is time for you to do your part – nominate.

Feel free to nominate more than one person, and nominate in more than one category. The more nominations we receive, the more transparent this evening becomes and the greater chance of revealing new people to receive awards becomes. The nomination period will first appear in an e-mail blast or on the CAI Nevada website, beginning early January. So be sure and watch for the details.

We will also supply a summary of the total time frame in the February issue of *Community Interests*. If you don't have a previous issue of the magazine, or you don't remember what goes into the nomination for a particular award, go to the CAI Nevada website, click on tab five, and make your selection. Each category and its qualifications are listed. You can also obtain an application from the CAI office by contacting Mary or Chris. Thank you and we look forward to seeing you June 17. 🍷

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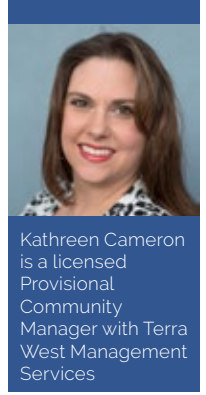
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# A New Year, New Goals: Get Your HOA Off On the Right Foot!

By Kathe Cameron



**A**s board members and managers, we all have one basic vision in mind: to have the association that we are invested in maintained, and, more importantly, thriving. Whatever your role, you need to be proactive in that vision on a daily basis. Much like a reserve study that guides you through the maintenance and longevity of common elements, you need your own “study.” This is your vision. Where is your starting point and where do you want to end? You have to map it out.

Look at the history for starters. Look at the budget for the previous year. Where are your problem areas? Things like unforeseen repairs can take a chunk out of the budget. Landscape irrigation tends to be a big expense as are pools and spas. One of the things I like to do for my associations is to have my vendors provide an annual check-up of the irrigation system and the pool/spa equipment. While this is not an absolute science, having this done gives the vendors and the Board of Directors a better idea of what could happen and what to be prepared for. If those things do not happen that year, great! Less money was spent. If they do happen, then the board was made aware and it is not such a shock to the association’s budget. Think about ways, as a board member, you can plan for these unexpected expenses by looking at the history of the past years and working with your manager when they draft the budget to plan as much as possible for unexpected repairs.

Another great way to keep on top of the health of the association is to set some time each week to look at what has happened the past seven days. A great tool that I use as a manager so my Board of Directors know what is happening at all times is an action list. I know many managers depend on it as well to keep them organized. I suggest that you, as a board member, do the same thing. Everything that happens that week is updated on my action list, even something as small as transferring audio recordings onto a server. If I get a phone call from a homeowner who may have a problem that needs to be solved, I write it down. This information is passed along to board members who may have a different perspective on the particular homeowner’s issue.

Having your own action list will help you stay on top of things. Take your manager’s action list and add your own items that you want to see action taken on or to have your manager follow up on. It takes more than one person to run an association; as problems arise, having more viewpoints to help solve problems makes them easier to solve. And, everyone is on the same page, which is the goal of running the association.

Being on the same page is the most important tool I use. I want to know what I can do to help the board members run the association. Openness and transparency are key to

**“ Map out the goals you want for your association, as well as what you can do to ensure you hit those goals. ”**

staying on the same page. Managers are not mind readers, and neither are board members. Both parties need that open communication. Keep those lines of communication open as much as possible. Make it a goal to check in with your manager from time to time to see if they need anything from you. Foster that working relationship. Your manager will appreciate it.

There have been times when I have just started managing an association and no matter where I look, I simply cannot find the answer to something. When I asked the board if they could provide insight on what I was looking for, they were very unhappy that I asked and provided no help whatsoever. That was very frustrating and created a very temperamental situation. Be willing to help provide those gaps in information if you can. It benefits the manager, the board and the homeowners. If you are willing to help, your association will thrive on all levels. If you are not, your association might suffer because of it. As managers, we see and deal with a lot, but we have not dealt with everything that could happen. Create a working relationship where you both help each other and problems will be solved with much more efficacy.

Map out the goals you want for your association, as well as what you can do to ensure you hit those goals. This is your own personal study; it will guide you every day towards hitting those goals. How can you know where you are going without directions? 📍





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## Catholic Charities

Chapter members once again gave their time to represent CAI Nevada by volunteering at the Catholic Charities Pantry. During this time of giving, chapter volunteers also served the homeless at Catholic Charities on Thanksgiving Day.



## Toy Drive

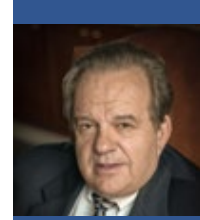
For the third year in a row, CAI Nevada supported Help of Southern Nevada, as well as other local charities, by delivering bikes and gift cards to Chet Buchanan, KLUC DJ, high atop his 14 day scaffolding home during the 18th Annual Toy Drive at Nevada Energy.





# What is Cyber Insurance Coverage?

By Mark S. Coolman, CIRMS, NVEPB



Mark S. Coolman, CIRMS, NVEPB, is Executive Vice President of Western Risk Insurance Agency

**C**yper insurance is one of the fastest growing lines of insurance. There are over sixty insurance companies now offering standalone policies. Many more insurance companies will add some form of cyber coverage to a package or E & O policy. Yet it is one of the most misunderstood coverage. Cyber risks are more difficult to understand because those risks are both liability and property, and involve both first and third party issues. Plus, like all professional disciplines, the insurance industry has its own jargon.

Most cyber policies are written on the claims made basis like Directors & Officers or Errors & Omissions. I have found that most of us, including insurance agents, do not fully understand claims made coverage. The most important point is that you must keep coverage in force without any lapse in coverage to preserve your retroactive date from the inception of the policy or before. Once a policy is in force, claims made policies should not be changed just for lower pricing. They should be changed if the terms are modified in such a way as they are no longer acceptable.

The most common cyber type coverage an association maintains is the computer fraud part of the crime policy. That is a property coverage to replace money taken from bank accounts by an unknown third party. The coverage is very specific and, in my opinion, not the most important coverage an association should write. The bank actually has the responsibility to safeguard your funds from such cyber-attacks.

There is another property lines' cyber coverage called Social Engineering Fraud. Social Engineering is when someone intentionally misleads you to send them money. The most common way is you receive an e-mail that looks like a legitimate request from a vendor or company official with instructions to pay something. If you look at the e-mail very closely you will find it is a fraud. A good fake, but a fake. They have tricked you into sending money, but it is not a computer fraud claims, as you did so willingly. I have seen a couple of these claims. One in 2016 with a loss of \$200,000 in several transfers. According to the adjusters handling the claims, they are the fastest growing claims-by-numbers and uninsured losses. Social Engineering coverage has only been available for a few years and there are only a few insurance companies that issue endorsements or policies. The number will grow as the risk continues to develop.

Cyber coverage includes both first party coverage and third party coverage. First party coverage is the cost incurred by the named insured to repair or replace data, computer equipment, software, and notification of affected individuals as required by law. Third party losses are to cover the cost of defense, payments to affected individuals and penalties imposed by government agencies. Policies vary, and some only insure first or third

party losses. Many have extensive exclusions based on what the named insured did or did not do before the loss. When purchasing this line of insurance, it is very important to use the services of an agent who truly understands the risk.

The following is a quick check list. Not every business needs each of these coverages. I placed (\*s) after each for exposure to common-interest communities and management firms. One asterisk (\*) signifies that you have employees. Two (\*\*) can be included with your crime/fidelity policy. Three (\*\*\*) are the most common that will cause claims. No (\*), in my opinion, indicates CICs generally do not need that line of coverage. Does the cyber policy include:

- Your computer equipment, software, data (1st Property) \*\*\*?
- Cyber Extortion/E Commerce Extortion (1st Property & Liability)?
- Security/Crisis Management Expense (1st Liability) \*\*\*?
- Computer Fraud (1st Property) \*\*?
- Social Engineering Fraud (1st Property) \*\*\*?
- Funds Transfer (1st Property) \*\*?
- Liability for Data/Security Breach (3rd Liability) \*\*\*?
- Employee Privacy Liability (3rd Liability) \*?
- Electronic Media Liability Liable and Slander (3rd Liability) \*\*\*?
- Security Breach Exposure (3rd and 1st Liability) \*\*\*?
- Regulatory Proceedings (1st Liability)?
- Publisher Liability (1st Liability)?
- H E P A (1st and 3rd Liability)?

Every association is different. What data is stored and who owns the server and IP address that is breached all help determine what coverage is necessary. The size of the HOA/CIC or the management firm is important in setting limits. The equipment and software owned, and again, most important, is the actual data stored. Do you have employees and what security measures are in place? Purchasing this coverage would be a business decision of each CIC. Coverage is available; so, if you do make the business decision not to purchase insurance you are, in fact, self-insured.

Why should you maintain this type of coverage? You are responsible for any website you have, and for any

information you have. Most CIC and management firms have bank account numbers stored for the automatic payments of assessments. Stored are names and addresses with e-mails and phone numbers to contact members plus employee information and records. There are over fifty federal and state laws that make you liable for losses of affected individuals when protected data is taken from you or your agent. Other than those direct losses, you are responsible for continued credit monitoring of affected individuals. Banks and other service providers that incurred expense by changing accounts and EFT cards can also recover their cost(s) from you. It is good business practice to safeguard your assets and money from loss.



Cyber-attacks and social engineering are increasing in frequency while traditional property loss risk is less frequent. Large businesses are putting into place more safeguards to stop these cyber thieves. They have more resources in tracking down hackers; so the hackers are now moving to small businesses. Most of us have first-hand experience receiving a fake e-mail or computer virus. Data is sold on the internet just to be used for

identity theft. The main goal of these computer hackers is not to disrupt or upset you. It is to obtain money or steal data that can be sold for money. My opinion is that most associations and every community management firm needs to include cyber coverage as part of the insurance program they maintain. 🌐



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# Grassroots Initiative: Picking Up Steam!



By Chuck Niggemeyer, DCAL



Chuck Niggemeyer, DCAL, Vice-Chair of Nevada Legislative Action Committee and Sage Hills BOD President

**W**hat 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.

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; to 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.

Presently, there are approximately 10 BDRs (Bill Draft Requests) that have been identified which could potentially affect HOAs. Subject of the BDRs include foreclose mediation, community managers and community based facilities. As the

legislative process unfolds, the Nevada chapter Legislative Action Committee (LAC) will be sending informed, pro/con positions about pending legislation to all Grassroots participants. They, in turn, can pass comments to their Nevada legislators. Thus, making all HOA residents ADVOCATES for their communities.

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](http://www.cai-nevada.org) and click on the Advocacy tab.



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Intertex LV, LLC	Pamela Scott
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La Jolla Classic HOA	Sharon Bolinger
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All LAC Galaxy of Stars contributions support our all-star CAI lobbyist, Garrett Gordon. The LAC galaxy of Stars is a new universe which has come into being through the hard work and dedication of committed CAI business partners, managers and HOA members. We welcome and need new Stars. It's extremely important to support LAC through any of our Star categories. Bad legislation needs to be stopped and your support is needed. The LAC galaxy of Stars is open for membership, please join it and add your name to the Star list. It's easy, visit [www.cai-nevada.org](http://www.cai-nevada.org) and click on the LAC tab.



# Squatters in Nevada

## What We All Should Know

By Richard Salvatore, DCAL

**S**quatters have been a long part of U.S. history going back as far as the Pilgrims when they came to America, to the early settlers during the Gold Rush era, heading west to find fortunes. Having nothing but the supplies they could carry, they come across an area with water and decent soil, and set up their homesteads. Others followed, and after some time towns began springing up throughout the land. Some may have found that the land they were on was owned by someone, and were usually run off by the landowner and/or local law authorities. Others may have met no resistance.

Nevada has been no stranger to this, to the point when around 1910 the state enacted laws defining squatter's rights: the Adverse Possession law (NRS Section 11.070, 110, 150, 180). The Nevada adverse possession laws require an individual to occupy an otherwise neglected property publicly for at least five years with "color of title" and/or payment of property taxes. ("color of title" generally means he or she has reason to believe they have the right to possess the property). There are four general elements to a valid adverse possession claim. You must have: A "hostile" claim; actual possession; open and notorious possession; exclusive and continuous possession.

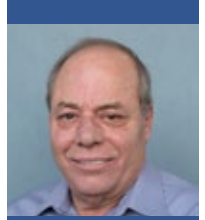
There have been isolated incidents of squatters until the recession of 2008 when suddenly thousands of people in Nevada found themselves in dire financial stress, including losing their jobs. The housing market tanked, which caused an even greater financial stress on homeowners of whom many lost their homes to bank foreclosure or just walked away. Banks would hold on to the properties waiting for an upswing in the market, making these empty homes prime targets for squatters.

The increased number of squatters in various areas caused other home values in those areas to decline too. Neighboring homeowners becoming concerned, turned to local law enforcement to help them rid their communities of the squatters. Most squatters will look at the Clark County Assessor's website, find out who the homeowner is and create a fake lease with a fake signature. When police would respond to a squatter situation, the people squatting in the property would show a lease agreement, thus making it a civil matter for the court system to decide. It quickly became obvious that the hands of police were tied.

This practice went on until 2015 when the Nevada Legislature approved Assembly Bill 386, which provided new statutes addressing "Housebreaking and Unlawful Occupancy" (NRS 40.412). NRS Section 40 further defines the legal practice for property owners to retake their property and restitution for any damage caused to the property, which in the majority of the cases has occurred prior to the removal of the unlawful occupants.

I had the opportunity to meet and discuss the squatter situation with Steve Candelas who has had 25 years' experience in law enforcement over the last 20 years, and is a retired veteran of the Las Vegas Metro Police Department. Upon retirement he felt the need for assisting property owners in dealing with squatters. Candelas started "Tactical Real Estate Solutions" ([www.tresnv.com](http://www.tresnv.com)) as a liaison between property owners and the police department.

Metro Police received 4,458 squatter-related service calls last year, up 24 percent from 2014, 69 percent from 2013 and 169 percent from 2012. "This new law would let authorities crack down on squatters. It established such



Richard Salvatore, DCAL, is Co-Chair Community Interests magazine, president of Kensington at Providence HOA.





criminal offenses as Housebreaking, or forcibly entering a vacant home to live there or let someone else move in without the owner's consent; Unlawful Occupancy, or moving into an empty home knowing you don't have permission to be there; Unlawful Re-entry, or going back into a house without permission after the owner reclaimed the property. Violators can face gross misdemeanor or felony charges which will bring them up to one year or more in jail. Tactical Real Estate Solutions offer assistance to homeowners (snowbirds, owners of a part-time residence), homeowner associations and real estate brokers. "We become their agent or representative, which allows us to speak to authorities on their behalf to get any squatter issue resolved," said Candelas.

Squatters often leave a trail of destruction, including broken windows, damaged walls and water pipes. Many also set up illegal businesses, such as prostitution rings, narcotics labs and other illegal activities. When asked about the "Cash for Keys" program, Candelas added, "When lenders are notified of squatters in one of their foreclosed properties, some are willing to allow the squatter to remain in the home and pay them to vacate a home when the property goes to auction. The money exchanged, which can vary from \$750 to \$30,000, is intended to pay for relocation costs. Squatters who have caught on to this program have been moving from place to place, collecting money from banks. Unsuspecting people look at Craig's List looking to rent a home, they find a nice home in a nice area with a lower than average rent payment. Often they meet the 'so called

owner' at a convenience store or some other location to pay the money, get the keys and the unknowingly bogus lease. The next thing they know, they're squatters."

It really comes down to this: homeowners need to be on the look out for any odd or suspicious activity in their community. Foreclosures bring squatters. Squatters, many of which, bring problems to the community. Home values could decline. Your home is your largest investment. Protect it. Some tips on what to do if squatters may be in your community:

- If you believe squatters moved into a vacant house in your neighborhood, call the police.
- Don't confront the new residents over whether they have the right to be there.
- Notify the vacant home's rightful owners (if you can locate them), the listing agent (if there is one), and your Community Manager that people moved in.
- Be on the lookout for any signs of activity at a house you know is vacant, for instance, windows are now broken, different cars come and go, people walk in and out at random hours of the day.

"If You See Something-Say Something." 

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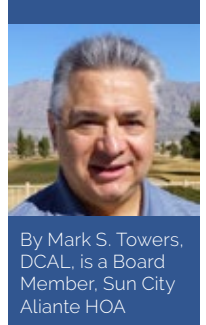
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# Persistence Pays Off!

## Becoming a Board Member

By Mark S. Towers, DCAL



**M**y road to HOA board membership began six years ago when we decided after four years of enjoying our Southern Nevada HOA, that we would contribute to our community as volunteers. Our participation in activities started with coordinating events in clubs and participating with committees. When committee vacancies occurred, we applied and eventually were selected. We learned that persistency and patience are rewarded.


After a number of friendly requests to consider serving on our HOA board, we decided I would submit and run in an election. My decision was not made lightly. With the horror stories from many HOA homeowners broadcasted daily, corporate management responsibilities, concerns of involved homeowners, leadership role and fiduciary duties, I knew a firm commitment, active community network and continuous professional development was essential to succeed.

Twice defeated, my third HOA board candidacy was the charm! I was elected to our 100 percent DCAL certified HOA board with the highest vote count. Two incumbents and a second new member were also elected. I am humbled. My involvement in community projects and committee work created and built nourishing relationships based on trust, confidence and respect. My passion is to

continuously improve our community experience and increase property value. It is a great pleasure to serve friends, neighbors and community.

The Community Association Institute's Dedicated Community Association Leader (DCAL) program in Nevada prepared me for successful community leadership and HOA board membership. It is dedicated to the education of homeowners, HOA residents, board members and community leaders. The DCAL program provides education, tools and knowledge to run a successful association, solve daily operations issues, and implement federal, state and local legislation.

The CAI DCAL program provides classes on HOA Essentials, Finances in the Common-Interest Community, Building the Community, Ethics in the Common-Interest Community, Meetings and Elections, Risk Management and Insurance, Rules Creation and Enforcement, and attending a Common-Interest Community and Condominium Hotels Commission meeting or researching and submitting an article for the chapter magazine. With the exception of the HOA Essentials Course, which lasts eight hours, all other classes are three hours, held at the Nevada CAI chapter offices training room in Las Vegas in the south. These same classes are also held in Northern Nevada. The monthly classes, facilitated by dedicated subject matter experts, provide a great opportunity to network with CAI members and HOA experts!

In addition to CAI resources, the State of Nevada Real Estate Division Office of the Ombudsman provides a neutral and fair venue that assists homeowners in handling matters that may arise while living in a common-interest community. These are helpful sources for anyone needing information regarding the Common-Interest Community Nevada Revised Statute and Common-Interest Community Nevada Administrative Code. Resources include Nevada Revised Statute 116, 116A, Nevada Administrative Code 116, and 116A publications, training, presentations, videos, handouts, forms, Common-Interest Community Manual, Attorney General's Opinions and Alternative Dispute Resolution. 



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# Book Review

## *The Nazi Officer's Wife*

By Jeanne Fris

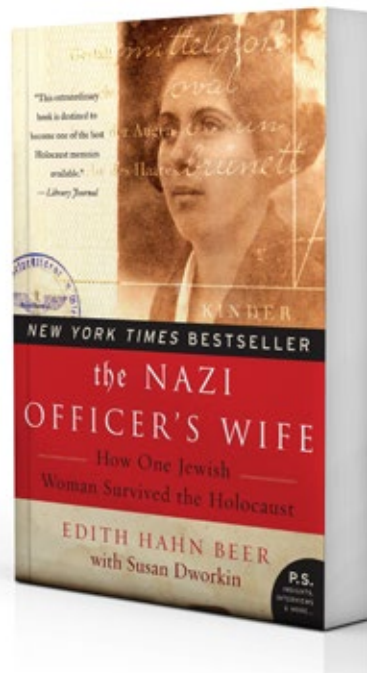


Jeanne Fris

**F**rom her own holocaust memoirs, Edith Hahn Beer tells her personal story of survival in Nazi-occupied Vienna. Soon after the occupation, while studying for her law degree, she was prevented from taking her final exams for her doctorate. Because she was a Jew she was forced to leave the university and placed in a Vienna ghetto where she did mending and sewing to make ends meet. After losing everything, including her mother in a concentration camp, she was taken along with many others to a forced labor camp in Germany where she worked eighty hours a week while surviving on a starvation diet. For thirteen months, she survived the labor camp only to be transported back to Vienna. If she had not escaped the transport train, she too would have been liquidated in a concentration camp like her mother.


Edith went into hiding, and with the help of a brave friend was provided false papers. She relocated to Munich living right under the German Wehrmacht, SS and Gestapo. Again, she obtained work as a seamstress and a nurse's aide assisting the wounded soldiers in the hospital.

She tells of her chance meeting with a German officer, how they fell in love and of her confession to him that she was a Jew. Risking it all, they still married and had a daughter. The couple settled in Brandenburg. She went from being the most despised to a highly respectable Nazi officer's wife.



Edith survived the war, but after further political tribulation divorced her husband. Her law degree was finally recognized and she worked as a judge. As fate would have it, post WWII Germany which was controlled by the Russians wanted her to spy for the KGB. She fled to Great Britain, remarried, but after her second husband's death yearned to be with her ancestors and spent many years in Israel.

Finally, she returned to England to spend her final years with her daughter.

Her collection of 800 documents depicting her life during the war was donated to the Washington Holocaust Museum. In addition, extracts from her autobiography were made into a British television documentary that aired on British TV in 2003. Her young friend who risked her life to provide Edith with false papers was honored with a tree that was planted in Jerusalem in 1985. 

*"Outside of a dog, a book is man's best friend. Inside of a dog it's too dark to read."*

— Groucho Marx

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# SNWA Offers Tips to Winterize Your Landscape

By the Southern Nevada Water Authority

**W**ell, whether we like it or not, it's official: Old Man Winter has arrived in Southern Nevada. And while the severity of his icy grip pales here in comparison to other parts of the country, he still can make life miserable for your landscaping and your pipes—unless you follow some simple tips from the Southern Nevada Water Authority (SNWA).

For starters, mandatory winter watering restrictions, which limit landscape irrigation to one assigned day per week, are in effect through February 28. Make sure you water only on your assigned watering day; the restrictions also apply to drip irrigation, and Sunday is not an optional watering day. To determine your watering group, visit [snwa.com](http://snwa.com).

Meanwhile, the SNWA recommends you water your landscape in the midmorning hours to avoid afternoon winds which could blow water onto sidewalks and streets instead of your lawn. This also will reduce the risk of icing that can occur if you water during the colder early morning or evening hours.


You'll also want to make sure your sprinkler system is ready for the chilly season. The SNWA recommends you turn on your sprinklers after you mow your lawn, and scan for broken or misaligned heads, as well as broken pipes. A twisted head could water your sidewalk instead of your grass.

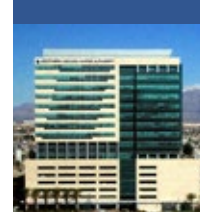
Protecting your pipes and hoses from cold weather also is vital in the winter months. Disconnect and drain garden hoses when not in use, and insulate your irrigation backflow device by draping a towel over it and cover with a bucket or other protective cover that touches the ground. Wrapping exposed irrigation pipes with pipe insulation, insulated "faucet socks," an old towel or duct tape also will help protect your plumbing from the elements.

There's plenty you can do in the garden to maintain your landscaping's vitality and promote growth when winter's chill yields to the thaw of spring. Adding protective mulch on the soil around your plants will conserve water so you don't have to water as often. Also, be sure to stake new plants and water them deeply to prevent damage from winds and burning young leaves.

If you notice frost or a freeze has damaged a plant, leave it alone until warmer weather arrives and new growth appears. Pruning or transplanting a damaged plant during winter months can hurt or even kill it. The ideal time to prune trees and shrubs is in late winter, when plants are mostly dormant. Finish heavy pruning by mid-February, before buds show evidence of swelling. Don't prune more than one-quarter of the living tissue during the year.

Pool and spa owners also should take steps to protect their investment during the season. Running the filtration pump continuously during freezing weather can help avoid broken pipes and other weather-related damage. Be sure to maintain proper pool water level at all times, repair all air and water leaks, and remove and store all pool accessories in a clean, dry area. Also, consult your pool maintenance company for guidance and tips on winterizing your pool.

For more water-saving tips and information on the SNWA's many conservation and rebate programs, visit [snwa.com](http://snwa.com). 



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