

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

APRIL 2017

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Positive Changes Bring Positive Results



April Parsons, CMCA, 2017 CAI Board of Directors President

In the first quarter of 2017, you have seen or heard of positive changes that are occurring in our Nevada Chapter. The change from breakfast to luncheons has been superlative, and I am happy that everyone is enjoying the luncheons and great speakers. We are having the CAI Southern Nevada Golf Tournament at the Wildhorse Golf Course on April 21 this year, and it is going to be so much fun.

Our CAI Awards Gala venue has changed to the Smith Center and will be held in June. I just can't wait to have an exciting evening with those who make this industry enjoyable.

A couple of reminders: in Southern and Northern Nevada we always have our managers' seminars and homeowners' classes for education purposes. Please see our CAI calendar for any upcoming classes. We also have the CAI National Conference here in Las Vegas in May. Our Chapter party tickets are already on sale; get them this month because after April 28 the price increases. The Denim and Diamonds Chapter party will happen on May 4. The ticket price includes an open bar for the entire party, dinner, live band, bull riding contest, and more. If you have any questions

about any of the upcoming events or would like to know about sponsorship, please contact the CAI office.

As we are in full swing of the legislative session, Grassroots and LAC are hard at work reviewing bills and keeping up-to-date on anything that needs to be addressed. Thank you to all of our volunteers for keeping abreast of bills being introduced that will affect us all.

If you have any questions about CAI, committees, legislation/grassroots, education or just want to chat about CAI, let me know. I am here to listen and I want to be successful as your president.

Thank you for your participation and support of our Chapter. We would not be the organization that we are without your presence.

April Parsons, CMCA

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Spring is Here!



Vicki Niggemeyer
Community
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I suspect all of you up north are even happier than those of us down south to see warmer days!

As a child growing up in Ohio, spring was always a welcome relief to the cold, snowy winters. Nicer weather was an invitation to get outside and enjoy the warmer temperatures. Nicer weather was also the signal that it was time to plant our garden. The seeds we planted in the spring, turned into a successful harvest that sustained our family through the following year.

Planting the seeds of success isn't just about "plants!" Our April issue focuses on planting the seeds of success through sound education. What we learn "today" undergirds our "preparedness" for tomorrow.

In our lead article, Mark Leon emphasizes *The Importance of Education* in the CIC/HOA world. He outlines a number of ways to seek education regarding the intricacies of governing an HOA. Greg Toussaint, co-chair of CAI Nevada Chapter's education committee provides details about CAI classes in his article *Board Members ... Educate yourself ... To Protect Yourself*. Karen Koch, co-chair of the education committee expounds on *The Importance of an Educated Community Manager*.

Read more about the importance of education in Tonya Gale's article:

I Pity the Fool That Does Not Educate Himself/Herself, and Dawn Osterode's: *Empowerment Through Education*. Also check out Andrea Behrens article about *Free CAI Education*.

Two significant national events occur in April: National Volunteer week (April 23-29) and Earth Day (April 22). If you are reading this magazine, you most likely are a volunteer for Community Associations Institute, and probably other places as well within your community. So, give yourself a pat on the back for being a volunteer! And as Robert Rothwell says, *Never Stop Volunteering*. Earth Day is another noteworthy date. On April 22, our nation, along with more than 192 other nations, celebrates the importance of taking care of our environment. Shirl McMayon provides a bit of history and some suggestions for you to consider in *Celebrate Our Earth on Earth Day 2017*.

Yes, it's spring! So, let's all plant some seeds! Maybe it will be in your garden. Maybe it will be in the hearts and minds of your friends and neighbors as you spread the word about caring for our earth, the benefits of volunteering, or the confidence one attains through valuable CAI education.

"Don't judge each day by the harvest you reap, but by the seeds you plant." — Robert Louis Stephenson

Happy Springtime everyone!

Vicki Niggemeyer



Condolences to the family and friends of Glen Proctor. Glen was an active CAI member, served as a DCAL since January 2016. He contributed in many ways to his community, was treasurer of Mountains Edge and president of Rivendell HOA. As a member of CAI, he was active with both LAC and the education committees. Glen was also a regular contributor to the magazine. He will be missed.



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The Importance of Education

By Mark Leon, DCAL

From the time they were young, I impressed upon my two sons that the keys to success in America are education and credit rating. You can live well with one or the other or both; but with neither, you cannot expect to be successful. One listened, and the other, well, not so much. But there's still time, and I'm hopeful. Credit worthiness is not material to serving on a homeowner association board of directors (whew), but education is absolutely essential to successfully and effectively running an association.

In my view, the perfect analogy to board member education in common interest communities is the adage: "If you think education is expensive, try ignorance." Indeed, what could be more costly to a homeowner association than an uneducated board of directors? Even worse is the board who doesn't see the need for education. Abraham Maslow, the famed psychologist who created "Maslow's hierarchy of needs," said about education: "If the only tool you have is a hammer, you tend to see every problem as a nail."

Each of us, upon election to an HOA board, brings a wealth of knowledge to the table from our own life experience. But few of us come prepared to discuss and contrast the finer points of slurry seal versus high-density mineral bond, the life expectancy of gate loop detectors, the cruel nature of accrual accounting, or the dozens of other topics and circumstances unique to homeowner associations.

It is for this reason that the Nevada Chapter of the Community Associations Institute came into existence. Our still young-looking founders knew that board member education is a critical component of successful communities, and indeed, CAI exists to "provide information, education, and resources to the homeowner volunteers who govern communities and the professionals who support them."

CAI Nevada offers classes to volunteer board members on all aspects of homeowner association management. In addition to classes, CAI Nevada has established a

certification program called DCAL (Dedicated Community Association Leader) for the purpose of recognizing those who complete a year-long list of the comprehensive educational requirements adopted by the Chapter.

Both CAI National (www.caionline.org) and the Nevada Real Estate Division (www.red.nv.gov) support CAI Nevada's education classes. Their websites link to CAI Nevada's own fabulous videos, designed specifically to educate board members on their roles and responsibilities, meetings and elections, the do's and don'ts of running a meeting, asset maintenance and reserves, and building community spirit.

Management companies too see the benefit of board member education; and virtually all periodically provide classes for their client associations, frequently accompanied by yummy snacks. While these are generally geared toward instructing novice board members, I've personally found that for every class I attend, beginner, intermediate or advanced, I come away with at least one or two nuggets of information I'd not heard before (or forgot) that I find useful in my own association. The instructors of these classes are especially generous with newly elected board members, readily answering questions throughout their presentations. Every education class builds confidence in your abilities that will serve you well at board meetings. Homeowners are reassured when they see that their board members look and sound like they know what they're doing.




Board member education is especially valuable in keeping you out of trouble with your fellow homeowners and the Nevada Real Estate Division. It may not be intuitively obvious that you can't disclose to other homeowners the steps the board has taken to resolve violations by a particularly troublesome neighbor, or publicly identify those who are behind in their assessments, or openly discuss pending litigation against the association. Breaches of your fiduciary duty as a board member could cost the association both monetarily and in community strife. And while there are certain individual protections for board members acting in a manner they believe is good for the community, a lack of knowledge in Nevada's homeowner association statutes could get you, personally, into serious hot water.

In recent cases brought before and adjudicated by the Nevada Real Estate Division's Commission for Common Interest Communities and Condominium Hotels, association board members have been found in violation of basic fiduciary duties such as: failing to create and maintain separate reserve accounts, failing to adequately fund reserve accounts, failing to hold annual membership meetings and elections to the board, failing to file a list of officers to the Secretary of State, failing to pay the annual per-door fee to the Division (gasp), failing to cooperate with the Division in an investigation, failing to prepare a budget, failing to include fine amounts in violation notices, and imposing interest charges on fines. In all of these cases, the Division took the harsh action of fining individual board members up to \$1,000 and in some cases ordering additional payments of restitution. Had these board members availed themselves of classes offered by the Division or the CIC industry, they may have avoided these terrible outcomes.

It is rare in life to be presented with an opportunity to independently have real and direct impact on many people's lives. Serving on a board of directors in a common interest community is one such opportunity, both in terms of wealth building and in quality of life. Whether that impact is positive or negative is greatly dependent on one's knowledge of homeowner association operations and law.

It is a serious responsibility to take on. Both the CIC industry and state government recognize that with nearly a million Nevada residents living in 3,100 common interest communities, and these numbers are growing, the importance of HOA board member education is increasingly important, and they are working to provide educational opportunities.

So when you see education classes offered, take advantage. I leave you with this quote from writer and former Nevada resident Vernon Howard: "Always walk through life as if you have something new to learn and you will." 




Mark Leon,
DCAL, Board
President,
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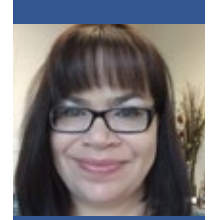
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Empowerment Through Education

By Dawn Osterode, CMCA, AMS, PCAM



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With the change of seasons and spring in the air, not only are flowers soon to be in bloom, but often in homeowner associations it starts the beginning of a new relationship with newly elected board members. Volunteering to serve your community in the capacity of an elected board member, is exciting, but also a bit intimidating. It seems like overnight you acquire significant responsibilities, without any on-the-job training. This can feel like a heavy weight on your shoulders and, often, a feeling of being stranded and alone in your crusade. Feel comforted that you are not alone. You are surrounded by a network of seasoned professionals to support and guide you through your new journey.

A New Start, A New Outlook

After the holidays and the election season, the first half of the year can serve as the best opportunity to work with your community management professionals on new board orientation training. If you are re-elected to the board, attending continuing education seminars will strengthen your knowledge base of this ever-changing industry. Discover what resources are out there to enhance your community.


Empowerment

Transitioning into such a role will expose you to all aspects of corporate governance, and it is not expected that as a volunteer elected director you will know everything on day one of your tenure. The

initial orientation to prepare for such an adventure is learning the governing documents for the community for which you serve. This includes lots of reading, with exposure to the Articles, Bylaws, CC&Rs, Rules, Policies and Resolutions. Preparation continues by reading past meeting minutes to become acclimated with the current business affairs of the association.

Your management professionals can then guide you through the next step in your orientation training. This includes subject matter topics: (a) understanding your financials, (b) conducting meetings, (c) dispute resolution, (d) understanding your reserve study, and (e) building community, just to name a few. Your management team has access to a professional network of CPAs, landscapers, attorneys, engineers, architects, construction vendors, and various specialty service providers. This immense resource saves the board legwork in researching issues and options that communities face every day. Often, management professionals can customize educational seminars on industry hot topics such as legislative changes to keep their clients informed. As your membership elected you to represent their interests, it is important to take advantage of this frequent free training and empower yourself to be the best board member you can be. These tools can also roll over for use in your everyday career, and that's something to be excited about. Serving on the board of directors is an excellent accomplishment to add to anyone's resume.

The Goal

The end goal is to educate board members with the tools to assist them in making decisions for their communities on an informed basis. Those decisions made at the noticed meetings are then carried out by the management professionals in conjunction with the numerous trade partners associated with the community. Educational opportunities are always available, even if it is as simple as contacting your community manager for some one-on-one training. 

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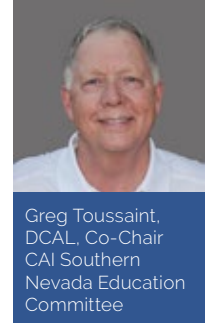
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Board Members ... Educate yourself ... to Protect Yourself

By Greg Toussaint, DCAL



As Co-Chair of the Southern Nevada Education Committee, my focus is on board member education. Most of the of the serious problems we hear about in associations would not have occurred if the board members had just had the necessary training to do their jobs properly. Our purpose is to provide reliable training for board members throughout the state of Nevada in order to accomplish the following goals:

- Reduce the likelihood of Ombudsman complaints against community associations and board members;
- Reduce the likelihood of lawsuits against associations and board members;
- Reduce the likelihood that directors' and officers' insurance claims for legal expenses may be denied due to negligence or wrongful acts by the board;
- Reduce the likelihood of board members getting assessed fines and penalties by the *Commission on Common Interest Communities and Condominium Hotels* (CCICCH);
- Improve association relations with homeowners;
- Improve homeowner pride and satisfaction with their community;
- Improve financial management of associations.

To meet these goals, the Education Committee offers the following innovative and in-depth training programs.

DCAL: The Education Committee has created a national award winning educational program designed especially for board members and those who are thinking about running for their boards. It's called the Dedicated Community Association Leader program (DCAL).

There are seven different DCAL classes designed to inform board members on subjects like finances, ethics, meetings, elections, insurance, rules creation, compliance, building community spirit, and much more.

DCAL classes are held monthly and are **free of charge** to CAI members, non-members are charged a nominal fee. All members receive email notifications of monthly DCAL classes.

Educational Media: Unfortunately, many board members are unable to take the DCAL classes because they lack the time, have schedule conflicts, or don't have transportation to get to the classes. This is why the Education Committee has created a series of educational presentations that can be streamed from the internet, **free of charge**, to PCs,

Macs, tablets, and cell phones. Though they are less detailed than the DCAL classes, these video presentations offer excellent training to board members on a variety of important topics. Each video presentation averages 45 minutes to 1 hour in length.

Many boards like to watch these videos together so they can discuss them as a group. Therefore, each presentation is also available in multiple segments averaging just 15-minutes each. Boards like knowing that they can put 15-minutes of education on their meeting agenda so they can show proof (in the meeting minutes) that they are educating themselves.

To access the videos on the web, go to cai-nevada.org, click the little yellow television symbol, click on the desired video, and watch.

We don't need no stinkin' education!

Uneducated board members give many reasons why they don't believe they need any education to serve on their boards. Here are some I've personally heard or had experience with.

- **Just common sense!** One board member justified her lack of education with the following statement, "I don't need education to serve on the board, because it's really just common sense."

Well, it's true that common sense is important, but NRS 116 and Community association documents frequently depart from what most folks would consider common sense. Sometimes following your common sense can get you in a lot of trouble.

- **My Manager knows all that stuff.** How many times have we heard a board member say things like, "We don't need any education, we depend on our community manager because she's fully trained? We just ask her and she tells us what we can and can't do."

He wasn't aware that, by law, community managers are prohibited from giving legal advice to their boards. Legal advice can only come from an attorney who does not serve on the board of directors.

- **We'll sue!** Here's one... "We just ask our manager - she's the expert, and if it turns out later she was wrong we can sue her and the management company...so we're off the hook."

He was unaware that most management contracts require the association to indemnify the community manager and the management company for errors they may make. So this board would essentially be suing themselves, and it's possible that insurance coverage for the complaint could be denied because the board failed to obtain advice from an expert.

Community managers are educated on how to manage community associations in accordance with their training, with policies established by the board of directors, and with the explicit direction of the board. They can offer general advice to the board but they are not taught how to be a board member. The board is ultimately responsible.

- **Hey, I know what I'm doing!** Another board member refuses education because he held very responsible positions in the business world for 40 years. He felt he knew business law backward and forward and had seen it all.

It's true that business experience and business law are a good foundation for serving on a community association board of directors, but the often arcane laws and regulations that govern community associations are dramatically different from what we experience in the business world.

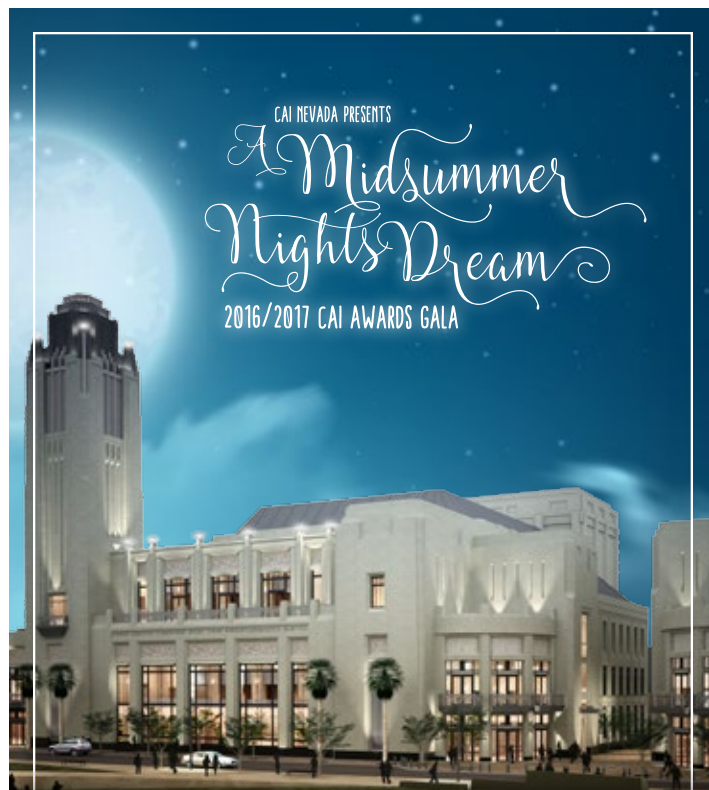
In the business world, the board of directors are in complete control of the corporation; and the organization serves customers with whom they may only deal with once or from time to time. But in a community association, the board must follow rules, laws, and regulations over which they have little or no control. The people they serve are their neighbors, and it's these neighbors to whom they are responsible.

Association board members need education and training that is simply not available in the regular business world.

If you're a board member or thinking of becoming one, I urge you to take DCAL classes or watch the educational videos. Doing so will save you a lot of headaches, and can protect your association and yourself from financial liability and penalties. Contact the CAI-Nevada office for more information.

As a board member, you'll be happier and so will your community.

You can do this! And you'll be glad you did. 



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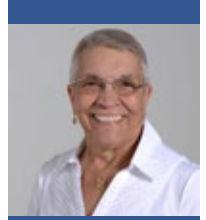
One More Way to Access Excellent Education!

By Judith Hanson, DCAL

So exactly what is a webinar? Taken from Webopedia definition, it is: "Short for web-based seminar, a webinar is a presentation, lecture, workshop or seminar that is transmitted over the web using video conferencing software. A key feature of a webinar is its interactive elements: the ability to give, receive, and discuss information in real-time."

My first webinar class was about a year and a half ago, right after CAI announced its "Board Development Leadership Workshop." The webinar was designed to replace the original ABCs of Board Leadership, and more recently the class entitled "The Essentials." The cost for the webinar was \$39 and it was worth every penny because you not only got to take the class at your leisure, in your home, office, hotel room, or wherever the spirit took you, but you also got recognition on the CAI website as having successfully taken this class. You also received a toolbox full of goodies including Board Member Toolkit, a best-selling book from CAI Press, *The Board Member Toolkit Workbook*, various brochures and publications such as *The Homeowner & the Community Association*, and a copy of CAI's award-winning *Common Ground* magazine.

Not only was the class set up to teach, it was designed to test retention skills as well. Did I pass every retention skill? Well, let's say, I gave it the "old college try," and while I missed one or two of the answers, the answers I chose could just as easily been the right answer for the situation presented. What I liked best about the class was that I was reading the material on my computer and did not have to drive anywhere to get this education. I could sit in my pajamas if I wanted, or a fancy ball gown. The online class was well laid out, had color to help break up the monotony on the screen, and yet was very informative. Having taken the old ABCs class several years ago, this was a refreshing update that I thoroughly enjoyed and would recommend to everyone. The only thing missing in the online class is the camaraderie you get from sitting in a class with fellow



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

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board members, homeowners, managers, and business partners.

The class offers board members the chance to become great leaders and to encourage volunteers to step up and give their service. The online course consists of five distinct modules and each module has a time assigned to it from 30 minutes on the low end to 70 minutes on the high end. The modules are divided as follows: Governing Documents and Roles & Responsibilities (70 mins), Communications, Meetings and Volunteerism (50 mins), Fundamentals of Financial Management (60 mins), Professional Advisors and Service Providers (30 mins), and Association Rules and Conflict Resolution (40 mins). Total classroom time is 4 hours and 15 minutes.



Webinars are becoming extremely popular as they can reach not only the local chapters and other chapters within the United States, but they provide a global service as well. CAI chapters in South Africa and Canada, for example, are able to take classes and keep updated with the latest materials available including real-time discussions. CAI already has over 200 of these teaching tools in place: "Good Governance – the Essentials of Board Performance"; "Leadership Through Exceptionalism"; "Office in the Cloud: The Paperless Office in Community Associations"; "Help

Wanted: Employment-Related Issues Involving Community Associations"; and the list goes on and on.

The "Board Development Leadership Workshop" is also offered at our local CAI office on March 25, and in Reno on May 20. What is different from the webinar class to that offered by the Nevada Chapter of CAI? When you take the class in Nevada it is specifically designed for our chapter and reflects Nevada law and how it affects the way we govern our own homeowners associations. 

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The Importance of an Educated Community Manager

By Karen Koch

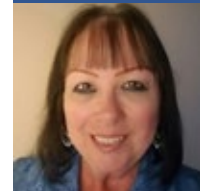
We all know that we have to take the 60-hour class in order to take the state test to become a Provisional Community Manager. But, it doesn't stop there. During our first two years, we must also take continuing education classes that are approved by the Real Estate Division, and have worked 3,120 hours as a Provisional Community Manager in order to become a community manager. Moving forward we must attend continuing education classes, 18 credit hours per year, three of which must be law credits. This profession is ever changing and evolving. There is always something new and different every day of our managing careers. When I renewed my license in January of this year for the next two years, I actually had over 30 hours of continuing education from January 2015 to January 2017.

CAI is a great organization for community managers to be involved in and obtain continuing education from. Everyone is very helpful. I for one am always striving to learn more to become the best community manager I can be. I believe managers at every level should take advantage of the educational opportunities that CAI offers, not to mention the amazing networking with other managers.

The more managers are educated, the better they can be at managing their associations and helping to further educate their board members and homeowners. We can never stop learning. Manager classes and seminars are some of the best tools for educating yourself, but I feel

that simply working with my boards is a huge learning experience that can't be duplicated. If you think about it, the sky's the limit when it comes to learning. Just because you have graduated from college with a degree or received your license in the profession of your choice (if there is a license) doesn't mean we stop learning.

Being a part of the CAI-Nevada Chapter Education Committee has helped bring me out of my "shell" and made me realize the importance of educating myself and other managers. I don't want to stop learning.



Karen Koch, Co-Chair Education Committee, Supervising Community Manager of Terra West Management Services

Board Leadership Development Workshop

LEARN HOW TO BE AN EVEN MORE EFFECTIVE BOARD OF DIRECTORS.

Education for homeowner leaders just got better. The new CAI Board Leadership Development Workshop teaches you how to communicate with association residents, hire qualified managers and service providers, develop enforceable rules, interpret governing documents and more. It provides a comprehensive look at the roles and responsibilities of community association leaders and conveys information to help create and maintain the kind of community people want to call home.

In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.



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“ If you take nothing else away from this article, please take this: educate, educate, educate, whether it is yourself or your boards. Education is the key to life and success in anything and everything you do. ”

Attending the Legislative Sessions is something that all managers should do at least once. We are always asked by our boards and sometimes owners, why this law or that law was put into place? It has nothing to do with our associations. Attending the Legislative Sessions will help us understand how a particular law came to be. Knowing this information from the start will help us better educate our board members.

Grassroots is a huge tool for educating ourselves, so we can better join in the “fight” against some of the Senate and Assembly Bills that are formed during the Legislative Session.

When we are at our board meetings, we have our biggest chance to further educate our board members with the knowledge we have learned. Some of my best “take-away’s” from my meetings are when I hear my board members say, “thank you so much for explaining the actuality of how to fine an owner” or “I didn’t realize we couldn’t conduct a meeting without proper notice.” When I have been able to educate my boards on the proper way to conduct a meeting, inform them that they cannot fine an owner without inviting them to a hearing prior, remind them how they are “non-profit organizations or not-for profit organizations,” and that the request for reversal of fines (for properties in compliance) should really be reversed, or any of the many other aspects of the do’s and don’ts - I leave the meeting feeling pretty good about myself and how the meeting went.

Please, if you are not already a member of CAI, join and get on board the education train as it can and will take you anywhere you want to go. Also, if you’re like me and want to help educate other managers and board members alike, contact CAI and find out how to be on the Education Committee, we need managers.

If you take nothing else away from this article, please take this: educate, educate, educate, whether it is yourself or your boards. Education is the key to life and success in anything and everything you do. You can never have too much knowledge. 🌐

Welcome New Members!

Douglas Bacon, *Criterium-McWilliam Engineers*
 Armondo Mollinedo, *Elite Heating, Air Conditioning and Plumbing*
 Tamra A. Mitchell, *Fencing Specialists, Inc.*
 Byron Scott Goetting, *GeoReserves*
 Russell Lynn Griffin, *Private Greens of Nevada, Inc.*
 Brian Pena, *The Original Roofing Company*
 Riley Beckett, *999 Homeowners' Association*
 Paula Ratto, *999 Homeowners' Association*
 Rick Beasley, *Ardiente Homeowners Association*
 David Bergeson, *Ardiente Homeowners Association*
 Gail Everle, *Ardiente Homeowners Association*
 Nancy Phillips, *Ardiente Homeowners Association*
 Stephen Ryndere, *Ardiente Homeowners Association*
 Robert Duvall, *Northern Terrace*
 Marianne Luzzo, *Northern Terrace*
 Carl Miller, *Northern Terrace*
 Lori Spredeman, *Northern Terrace*
 Randy Stout, *Northern Terrace*
 Pennie Mossett-puhek
 William Lee, *Flagstone Manor Homeowners Association*
 Jimmi McKee, *Las Palmeras*
 Mark Kornheiser, *Marbella Homeowners Association*
 Michael Christensen, *Somerset @ Providence*
 Cynthia Martin, *Southshore Golf Villas Homeowners Association*

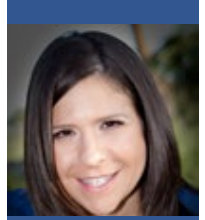
Donna Lee Eads, *Sun City Mesquite*
 Tyler Janes, *Tahoe Property Owners Association*
 Mario Villander, *Eagle Roofing Products*
 Matthew Molen, *Weiser Security Services, Inc.*
 Yvonne Culliver
 Chaut'ez Ducharm, *Associa Nevada South-Las Vegas*
 Heather Johnson, *Associa Sierra North-Reno*
 Betsy Dianne Sipe, *Associa Sierra North-Reno*
 James Mojica, *First Columbia Community Managers, Inc.*
 Lenora Callahan, *FirstService Residential*
 Timothy John Matthiesen, *RS, Reserve Advisors, Inc.*
 Grant Jackson, *Sperlonga Data & Analytics*

New members, January 1 to 28 February, 2017.



FREE CAI Education

By Andrea Behrens, DCAL, NVEBP



Andrea Behrens, DCAL, NVEBP, is with The Clarkson Law Group, P.C.

The State of Nevada has nearly 3000 homeowner associations. With that being said, there are approximately 12,000 board members who govern these associations. CAI is a great organization to help association leaders create and maintain the kinds of communities that people want to call "home."

Every year it has become a challenge for CAI to find ways to engage and educate board members. Time is valuable, board members are volunteers, and the cost to attend educational seminars can add up. Community managers should not be held responsible for board members to receive education.

The CAI education committee realized this and decided to offer some FREE online seminars to board members and homeowners. The free seminars are taught by other homeowners and board members who are very active in CAI and have completed the DCAL program. These seminars are not meant to make anyone an expert, they are to introduce the viewer into the community association environment. The seminars are meant to give a little information and familiarity to the subjects. If they would like more information, the CAI classes would be the next step.

The classes are very user friendly and can be viewed in 15 or 60 minute segments. You can find the videos on the CAI website (cai-nevada.org), State of Nevada Real Estate Division website (red.nv.gov) and the National CAI website (caionline.org). At this time we have six classes.

- CAI Board Member, We Want You*
- CAI Do's and Don'ts of serving on your Board*
- Moderating Meeting Madness*
- Building Community Spirit*
- Asset Maintenance & Reserves*
- Board Role & Responsibilities*
- Meetings & Elections*

Please check out the videos and feel free to share them, like them, and talk about them with your association boards or homeowners. If there are any topics you think could be helpful and informative, please let CAI know by emailing to info@cai-nevada.org.



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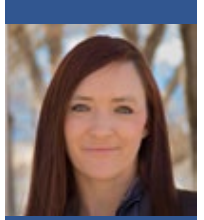


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I Pity the Fools Who Do Not Educate Themselves

By Tonya Gale, SUPR, CMCA, AMS, PCAM, DCAL



Tonya Gale, AMS, SCM, CMCA, PCAM, DCAL, is the owner of EPIC Association Management. She serves on the CAI Nevada chapter BOD and is a member of the Membership Committee.

Yes, some educational classes are boring to have to sit through. You think you know everything once you have been in the industry for decades. But have you ever seen an industry stand still and never change? If they do not change, they usually die out quickly!

The homeowners association industry has been around the state of Nevada for more than 50 years. Boy have times changed since its inception. What has changed the most over that time frame you ask? EDUCATION!

When the industry started anyone could be a community manager. You would contact an association and promote yourself to them as a manager and the relationship would begin. Now, in order to become a manager, you have to educate yourself, take a test regulated by the State of Nevada, have a background check conducted and place your fingerprints on file. This little thing we know as a homeowners association that started off as a test case back in the 70s has grown into a multi-BILLION dollar industry and you cannot just walk in off the street and start managing an association, not anymore anyway.



Along with the education you need to obtain in order to become a manager, there are the continuing education classes you must take in order to maintain and renew your license. More education, more time. Is it worth it? More than you know!

The laws change every two years as the legislature makes adjustments to laws that might have loopholes or controversies that have stood out between the legislative sessions as a potential problem. Educating yourself on these changes, no matter what role you play in the homeowner association industry, is crucial. Being in a classroom with other managers or board members sharing experiences and learning from each other is some of the best education you can obtain. But the education doesn't stop with the managers, it lies with the board members and business partners as well.

I personally offer all of my boards the opportunity to become members of Community Association Institute because they offer the best and most current educational opportunities in the industry. I even offer to pay a portion of the initial membership fee to make it more enticing. Once my board members sign up, they get hooked. One

board member class, a few hours of their month, and they are emailing asking when the next one will be held. The time and dedication involved by those teaching these classes are simply priceless to those who attend. Board members truly come out with knowledge and questions as to how they can relate and emulate what they have learned into their own associations, ultimately making them better communities and more understanding, reasonable board members.

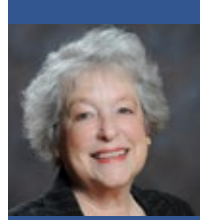
I would rather have an educated board than one that does not participate but once a quarter at a meeting and hopes I am educated enough as a manager to ensure all aspects of the community are handled appropriately. I want to discuss an association, its governing documents, and the laws that help regulate communities with all of my board members; it makes for a better working relationship and an overall understanding of what needs to be accomplished.

The buck doesn't stop with managers and board members though either. Business partners that thrive in the industry are those that take the time to learn and understand how an association functions and the hurdles it has to go through to just bid a project let alone finalize a project. Having that knowledge and understanding the needs/wants of each individual association and manager you work with makes everyone's job easier. Isn't that the ultimate goal? To make jobs and lives easier? It does happen seamlessly without every person involved being educated.

Talk to others in CAI that have taken a few classes, or who have worked with those who have educated themselves in their positions. I can promise you the difference is like night and day between those who simply do the minimum expected in order to get by, and those who go above and beyond. We don't want to have to take pity on you, educate yourself to be a more knowledgeable person in the industry! 📖

Community Interests asked Marilyn Brainard,

“What is it Like to Be in Carson City During a Legislative Session?”



Marilyn Brainard, DCAL, Government & Public Affairs Committee, Federal Legislative Action Committee, NVLAC, and Public Member of Community Managers Association International Certification Board.

Marilyn Brainard is a long time member and dedicated contributor of CAI at both the national and Nevada Chapter levels. Here's how she responded to our questions.

Q – How many legislative sessions have you attended?

A - Seven, starting in 2003. I register as a Non-Paid Lobbyist.

Q – Was there any one session that stood out in your mind as being special?

A - This is a hard one to answer since each session most likely has high points and low points, and as every Legislative Action Committee member knows, surprises pop-up anywhere along the 120-day journey. But, for the importance of securing a “seat at the table” as an equal member, I would say the 2015 session was game-changing and produced SB 306 to help protect NV's Super Priority Lien for unpaid assessments.

Q – What does it feel like to be there with all the action going on? Fun? Exciting? Hectic?

A - Fun is not the first word that comes to mind! First of all, those of us in the north never can be sure if the weather will cooperate. It can be very exciting, especially when an important bill is being heard by the Judiciary Committee. Hectic comes into play when two bills are being considered simultaneously in two different committees. That's why an experienced advocate, like Garrett Gordon, Esq., makes such a difference. Not only is he well respected in the legislative chambers, but he makes contact prior to the hearing with the committee chairs and/or members.

Q – Did you feel welcome? Or kind of in the way?

A - There is a definite camaraderie among most lobbyists because a lot of “wheeling and dealing” goes on informally either in the halls, in the café area, or in the lobbyists' “work” room. There is usually a high parsons table in the area between the Assembly and Senate chambers where a group is always gathered. I have [almost] never been treated discourteously by an elected representative despite my sometimes passionate, always partisan, appeals. Some now recognize my focus is community associations and they “roll their eyes” when they see me approach.

Q – Were you able to meet with your legislator? Was he/she receptive to your input?

A - Yes. Some have responded with eye-rolling, but others realized they needed to know more about the community association housing model. In the last session, my Assemblywoman even voted to benefit our cause on a very important bill in the Ways & Means Committee. She was glad to learn about our issues.

Q – What was the most difficult aspect about the legislative process from your perspective?

A - Having to explain, over and over, that the one lone voice of a constituent does not warrant a bizarre bill draft. That is usually the most difficult to overcome. Here are two gems from 2011:

- Assign the rights guaranteed in the Magna Carta [1215-AD] to a unit's owner in a CIC. Response: What is the relevance to a citizen living in the 21st Century in a non-profit corporation led by neighbors?
- Transfer the Ombudsman's duties to the “control” of the Attorney General's Office, including raising the per door fee to \$8 since more duties would create a financial impact to that executive department. (It was made clear by the AG that wasn't a viable option!)

Q – Was the trip to Carson City worth your time?

A - Yes!

Q – Share one special thought about your experiences.

A - As nerve wracking as it can get, I have a personal feeling of contributing to the welfare of those who make a conscious decision to live in a community association. We like to say: it's not for everyone! 🍷

Grassroots Still Needs You, All Of You!!!

2017


By Chuck Niggemeyer, DCAL



Chuck Niggemeyer, DCAL, CAI Nevada Chapter treasurer, Vice Chair of the Nevada Legislative Action Committee and President of Sage Hills BOD

When this article comes out in print, the 2017 Nevada Legislative Session which kicked off February 6 will only have approximately six weeks to adjournment. Six weeks isn't a long period of time; but, if passed, last minute legislative bills affecting HOAs will last a lot longer than six weeks. Good bills are fine, but what if a bad bill is in line to be passed into law before adjournment? Grassroots needs to be active in both cases. Grassroots still needs you, all of you, to use your voice and be heard in Carson City.

As I write this, LAC is monitoring 19 BDRs and 10 bills which have been identified as having a potential effect on HOAs throughout the state. Remember there are over 3,100 HOAs in Nevada in which almost half of the state's residents reside. Probably all of you reading this

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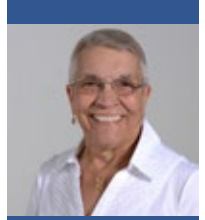
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Governance – the Big Picture

Part Two of the 2017 CAI January Retreat

By Judith Hanson, DCAL



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

- What would happen if the board of directors in your homeowners association suddenly disappeared?
- Who would assume accountability?
- Where would the ownership linkage between the board and its members (homeowners) go?
- Who would represent the voice of the people?
- Where would long-term direction for the community go, and what would happen to monitoring the community?
- Where are the challenges for goal-setting, and where would challenging behavior of residents and financial oversight go?

- What happens when the staff lacks the skills that can only be achieved through education and an educated board?

These were just a few of the questions posed during the CAI National retreat held this past January at the Aria.

Staff can come and go, but the board is the one thing that cannot, and should not, be taken away from the homeowners. They have the fiduciary responsibility to make sure that the community runs smoothly, to delegate authority to management, to make sure the community remains strong, and uses its resources wisely.

The board exists for these four reasons:

1. It represents the interest of a group too large to convene by itself.

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2. It has a vision – the ends – which determine priorities. This is called “The Big Picture.”
3. It can delegate work. This is probably the key to a board's success. The board does not micromanage. Instead they delegate work to committees such as property and grounds, the finance committee, the compliance committee (just to name a few), and to management.
4. It must take care of itself; and each individual on that board must take care of himself or herself. While this may not sound like a reason for the board to exist, it is. If you run the show yourself, chances are you will experience a meltdown, and then what? To take care of yourself is to trust the other members of your board to step up and help as liaisons to the committees that you have in place to help you manage your association and your management team.

So what is missing from the above component? Communication – communicating the board's projects and timelines to the membership. How is this accomplished? Through newsletters, email blasts, letters (yes I said letters – true snail mail), word of mouth (as long as it remains positive), and any other tool you have at your disposal. Encourage your homeowners to attend your board meetings; set up workshops to ask for homeowner feedback on major projects that you, the board, are thinking of undertaking such as kitchen remodeling, adding security to your community, etc.

Why will the board fail? It could fail for many reasons, here are just three:

1. No new blood coming into a board. If no one throws his or her hat into the ring at election time, the board is constantly operating with old ideas. It takes new blood to bring forth ideas, as long as this new blood is not driven by a personal agenda. If you live in a 55 and older community, encourage the new millennials (those that are under 65) to run for your board and represent the new blood of the community.
2. Lack of education. An educated board can communicate clearly and distinctly with management on projects it may want to implement. It allows for better reporting of the financials during the meetings, and it allows for a clearer understanding of agenda items for discussion. Meetings transition much smoother and thus create an atmosphere of a smooth-running corporation (which homeowners boards are) instead of a chaotic mismatch of ideas with constant arguing among the board members. Education can be obtained through a CAI webinar, a class with the Ombudsman's office, classes through your local management company, or through membership in CAI.

3. Policy misuse. Are your policies ever looked at and put into place? Maybe they should be. Perhaps you are misusing a policy because you do not understand it. And this points back to a lack of education. Policy governance is a tool. You can have one topic as a policy, such as ethics, finances, and reserves. But, if you want to expand those topics, then you can add sub-headings. Examples would be: policing policies for uncontrollable residents and removing a board member who is disruptive under the heading of ethics; or, asking uninformed residents to bring their complaints against their neighbor to the board and thus the compliance committee, under the title compliance.

If you are on the city council, you represent your district, but you must remove that district hat and work for the whole group, your city. The same thing applies to being a board member. If you sit on a board of directors and it is time to have the final closing remarks during the homeowner forum, it is time for you to remove your hat, step away from the board table, and address the board as the homeowner you are and stick to the three-minute rule.

A board of directors is only as good as each individual on the board. Trust equals quality management! Education cannot be overlooked! 🎓



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Welcome...

Who is that Man in the Red Cape with the Big 'S'?

By Robert Rothwell, PhD, DCAL

As we know, Sharon Jackson has been promoted to a new state position in Reno. During her tenure as Ombudsman, she worked tirelessly to promote a unity between CAI and the Real Estate Division. She has left 'big shoes to fill.'

Rarely, in public office, do we find a person who has 'all-around' skills, knowledge and experience, while, at the same time, being totally dedicated and selfless.



Enter Charvez Foger! Not only is he intelligent, experienced, and dedicated, he is a selfless worker, dedicated to bridge the gap between those who 'govern' and those who are 'governed.'



Robert Rothwell, Ph.D, DCAL, CAI
National Board of Trustees
Nominating Committee;
National Chapter Liaison Committee,
President, The Village Green HOA

Some may not realize that Charvez was not only a star player for the Reno Wolfpack and inducted into the Nevada Hall of Fame, but also played for the Dallas Cowboys and the Pittsburgh Steelers. The discipline, camaraderie, and determination learned on the football field would play a large part in his success as Director of Homeland Security for Senator Harry Reid.

Charvez has proven himself to be a competent, skilled and focus-driven professional while, at the same time, never losing sight of the human element. His purpose is "to help create a strong partnership with all those who are affected by the work of our office. Communication, openness and fairness" will be the key to success!

"My predecessor, Sharon, has done excellent work. We will build on that success and move to the next level."

Charvez has all the qualities needed for his new role as Ombudsman. We are confident he is ready for the challenge and anticipate a continued great relationship between the Office of Ombudsman and CAI.

All the many members of CAI wish 'our best' for Charvez! 

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Ombudsman Q&A

By Sharon Jackson



Sharon Jackson is the outgoing Ombudsman for common interest communities for the state of Nevada

Q. Can surplus funds (\$175,000) in the operating account be used to pay for capital improvements that should be included in the Reserve account?

A. Funds for capital improvements come from an assessment for the capital improvement. If the board has surplus funds, the associations' governing documents or NRS 116.3114 determines the distribution of those funds. Once the board determines it has surplus funds, NRS 116.3114 must be followed. If the board has the authority to incur an expense for a capital improvement,

surplus funds could be used after the assessment for the capital improvement is approved by the board. A board must comply with the requirements of NRS 116.3115(9) by giving a 21-day notice of the assessment for the capital improvement even if surplus funds are used.

Q. If the homeowners ratify an operating budget that includes a capital expense of (\$175,000), is that the same as saying the homeowners approve the capital expense?

A. As previously discussed in the Division's Advisory Opinion 12-02-116, capital improvement is not a defined term under NRS 116. The Division considers a capital improvement for an association as an expense for the acquisition or construction of new common element components. These components then become part of the common elements and must be included in the reserve study.

The budget of the association, as adopted by the board, must **only** include the expenses the board is authorized to incur, in accordance with NRS 116 and the governing documents. Adding a capital improvement expense to a budget when the governing documents do not allow the board to incur the expense, would exceed the board's authority. For more detailed information on capital improvements you may go to the Division website at www.red.nv.gov and read the Divisions Advisory Opinion 16-01 on Capital Improvements.

Farewell Sharon....

Congratulations to Sharon Jackson, our Ombudsman for the past three years, who is moving onward and upward. Sharon has been a superb ombudsman, a loyal advocate for the homeowner industry, and a true friend to CAI. Sharon, we will miss you, but wish you all the best in your new position as the Deputy Administrator for the Nevada Real Estate Division. 🍷

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CAI Nevada Chapter Members' Brag Page 

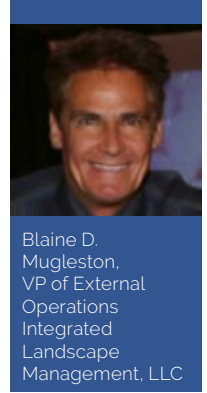
Congratulations to **Jeremy McClain**, co-chair of the events committee, on being named Vice President Client Fulfillment for CCMC.

 Congratulations to our CAI Nevada Chapter past president, **Donna Toussaint, DCAL**, shown here with Greg Toussaint, DCAL, and Councilman Stavros Anthony, after being appointed to the City of Las Vegas Planning Commission on March 1. We know she will represent us well on the Commission. 🍷

If you have anything you want to share, please submit it at least six weeks prior to the magazine publish month. Anything received after the 20th of the month prior to publication may not make it into that issue, but will appear in the following issue. Please submit your items to info@cai-nevada.org or fax to 702-240-9690.

Desert Rain

By Blaine Mugleston



Blaine D. Mugleston, VP of External Operations Integrated Landscape Management, LLC

Doesn't rain much in the desert, but when it does ... Whoa, look out! Monsoon season is right around the corner!

Desert rain for the most part is a soothing, air cleansing event that brings out the smell of sage and hot asphalt roads that are cooling down. We all look forward to them; however, they sometimes bring an isolated constant down pour that can create a lot of damage and erosion in a short period of time (flash floods). The desert rains can leave standing water for an extended period of time in culverts, scuppers, and retention basins due to poor percolation.

So now, you have a landscape that is altered with erosion ruts, exposed irrigation pipes, washed out granite, and a perfect place for mosquitoes to be harvested.



Solutions for the damage can sometimes be simple, sometimes a bit more complex, but the good news is that the water provides the basis for what needs to happen. Erosion that comes from water runoff

shows how wide, how deep, and the intensity of the water after a storm occurs. Using this information, a plan of repair can be designed. The erosion ruts can be repaired with fill dirt, compaction, and then installation of rip rap (larger rock) to break up the speed and damage caused by the water in future storms. Steep or trouble areas should also include grouted (cemented) rip rap to ensure better runoff, give direction to the runoff and help avoid future damage.



Standing water (the basin in the photo to the left) can be fixed in multiple ways by installing dry wells, French drains, catch basins and grates specifically designed for that property. Calculations of the water volume and

size of drywell ditch are critical to the success, but can certainly assist in percolation of the water into the ground much quicker which eliminates the chance for mosquitoes and other hazards.

Results bring great appeal to the property and safety of the community. Careful planning for a drainage system that will do the trick, and experienced execution of the installation will direct the water away and relieve the headaches too. 🍷

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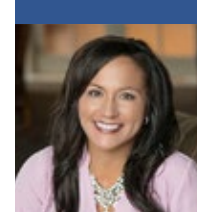
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Insurance Coverage 101

By Mindy Martinez, DCAL, NVEBP



Mindy Martinez,
DCAL, NVEBP,
Western Risk
Insurance

When shopping for insurance, price should not be the deciding factor. It's important to meticulously weigh your options. If shopping for insurance stresses you out, don't worry; I'm here to educate you on important coverage to look for on your Director & Officer policy.

Did you know you can purchase a Director & Officer policy for \$200 in the insurance marketplace, with coverage limits of \$1 million and a \$1,000 deductible? Board members and managers ask, "Why would I buy a stand-alone policy for \$1,500 when I can add an endorsement to our Property & General Liability policy—adding Director & Officer coverage for approximately \$200?"

That's a great question. What is the difference? Both policies offer up to \$1 million in coverage with a \$1,000 deductible.

As a board member, it is your fiduciary duty to secure insurance coverage; however, it can be difficult to make a decision when you don't understand coverages. That's why I've decided to compile a quick study guide. Here are a few important coverages to look for when comparing a Director & Officer Policy for \$200 to a \$1,500 policy in the Director & Officer marketplace.

Study Guide: Insurance 101

Claims Made v. Occurrence Form: Claims Made policies provide coverage only for claims made during the policy period, subject to the insured carrying continuous coverage. For example, let's say its 2015 and you are served a lawsuit for a wrongful act that took place in 2008. You would file a claim on the current policy, because this is when the claim was made—not in 2008, when you knew nothing about an issue.

An Occurrence policy offers coverage during the policy period. An example of a coverage period would be Jan. 1, 2017, to Jan. 1, 2018. If a claim occurred on June 5, 2017, you would file the claim on this specific policy term. Unfortunately, Director & Officer claims can arise up to several years after the alleged wrongful act. In fact, some occurrence D & O policies specifically state that you can only file a claim up to one year after the policy expires. Your Director & Officer policy should be written on a Claims Made Form.

Retroactive Date: Claims Made policies can include Retroactive Dates that may further limit the range of claims covered. If a Retroactive Date is shown on the policy—and there's a claim made on a loss or wrongful act that took place before the Retroactive Date—it would not be covered. Some policies offer Full Past Acts with no Retroactive Date. If a Retroactive Date exists, make sure it's listed at least 10 years prior, or the date your association was taken over by the first Board of Directors.

Defense Costs – Inside or Outside the Limits of Liability:

Defense Costs refer to the money your insurance company pays an attorney to defend the claim on your behalf. If Defense Costs are inside the limit of liability (\$1 million), you could potentially exhaust the limit in attorney's fees before the insurance company pays the claim. In other words, it's in your best interest to have Defense Costs outside the limits of liability.

Common Exclusions:

- Failure to Maintain Insurance;
- Breach of Contract;
- Discrimination;
- Employment Practices Liability;
- Willful Violation of Any Statute or Regulation.

If your head is spinning by now, don't worry. Insurance can be notoriously tricky, and that's why I'm always here to help if you have questions. In closing, I'd like to leave you with some final tips as you're contemplating your next insurance moves.

- Review your policy and then ask yourself, are the exclusions worth the savings?
- Remember: Package D & O Liability is the type of insurance added by endorsement to the property and liability. It has many exclusions and provides bare minimum coverage.
- Stand-Alone D & O Liability should be a policy designed specifically for Community Associations. Many D & O policies cover non-profit corporations or for-profit corporations but are not written specifically for Community Associations. A Stand-Alone D & O should extend coverage to the board members, volunteers, committee members, Community Association managers, employees, and the association.

Now that you've taken this Insurance Coverage 101 crash course, I'm confident that you're ready to navigate the exciting world of insurance. 🍷

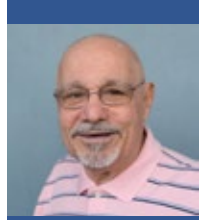
Never Stop Volunteering

By Robert Rothwell, PhD, DCAL

There is no reason why we should ever stop volunteering! We should do something, every day, to expand our minds and to help others. Many stop learning because they let their imaginations go dormant, just as many become selfish because they turn 'into' themselves and let negativity creep in. If we want to stay vital, vibrant, and alive, then we have to develop a purpose and passion for what we do.

Just because we have reached a certain level in life doesn't mean we have all the skills, knowledge, and ability we need to survive and thrive in this world. Ask yourself: "What have I done lately?" Use your imagination. There is no finish line. We are never as far as we can go. No matter what our circumstances or what our age, we can continue to create better conditions for ourselves and for others. Even if it is just one percent better than yesterday, it is a step forward. If we keep this in mind and practice this, we will soon realize that every day, every month, every year we will be better than before. Set your sights on the most important goal in your life and hold it in your mind. Whether

it is gaining experience in a particular thing, pursuing an advanced degree or certification, or winning a prize - just keep 'plugging.' Strive to become the best at what you are doing.



Robert Rothwell, Ph.D., DCAL, CAI National Board of Trustees Nominating Committee; National Chapter Liaison Committee, President, The Village Green HOA

National Volunteer Week is April 23 to 29

What does all this have to do with volunteering? A lot!

We cannot expect to be a model for and influence to others if we don't have a passion for what we do. We have to experience that passion before we can spread it to others. Did you ever really 'listen' to the reasons people give for NOT volunteering: not enough time; don't really feel needed; won't really make a difference; don't feel welcomed; afraid they might fail; no one asked them to volunteer; things they are asked to do are too routine; no training is offered; their efforts aren't recognized; and, MOST often, the people who they see volunteering don't have a passion for what they do.

National Volunteer Week is April 23 to 29. If you are a volunteer already, give yourself a pat on the back! If not, plan now to join the millions of Americans who already volunteer and make a decided difference in their communities. 🇺🇸



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Wine & Canvas Gallery



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Our annual CAI Wine And Canvas event was a great success all around for networking, team building and a good time. Thank you to all our attendees who donated requested items.

Las Vegas Luncheon Gallery



At our February luncheon we bid farewell to Dawn South of Hilburn and Lein CPA's, our bookkeeper for the last 12 years; farewell also to Sharon Jackson, previous Ombudsman. Following the farewells, luncheon, attendees enjoyed a presentation on "First Impressions" by guest speaker Barbara Loupe.

Habitational Risk & Manager Seminar Gallery



Thank you to Pat, Betsi & Kyle from Farmers Insurance, Pat Ward Agency & Betsi Williams Agency. Our combined Advanced DCAL homeowner seminar, Habitational Risk & Manager seminar *Understanding Habitational Insurance* for HOAs was well attended.

Thank You!

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